



APPLICATION ACCEPTED: February 5, 2009
BOARD OF ZONING APPEALS: May 5, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 28, 2009

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 85-S-083-03

SPRINGFIELD DISTRICT

APPLICANT/OWNER: Accotink Unitarian Universalist Church

STREET ADDRESS: 10125 Lakehaven Court

TAX MAP REFERENCE: 87-2 ((1)) 26

LOT SIZE: 10.78 acres

F.A.R.: 0.02

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 3-103

PLAN MAP: Residential, .2-.5 du/ac

SPECIAL PERMIT PROPOSAL: Amend previously approved Special Permit for church with nursery school to permit an increase in enrollment and staff.

STAFF RECOMMENDATION: Staff recommends approval of SPA 85-S-083-03, subject to approval of the development conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Shelby Johnson

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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**



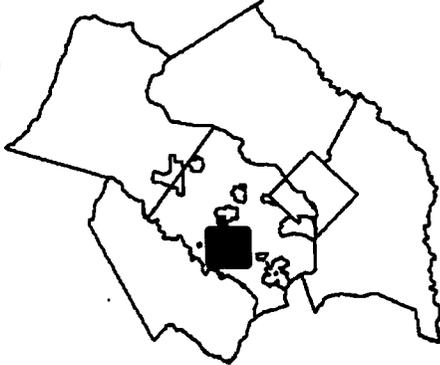
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 85-S-083-03

Applicant:
Accepted:
Proposed:

ACCOTINK UNITARIAN UNIVERSALIST CHURCH
02/05/2009
AMEND SP 85-S-083 PREVIOUSLY APPROVED
FOR CHURCH WITH NURSERY SCHOOL TO
PERMIT AN INCREASE IN ENROLLMENT AND STAFF



Area:

10.78 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 03-0103

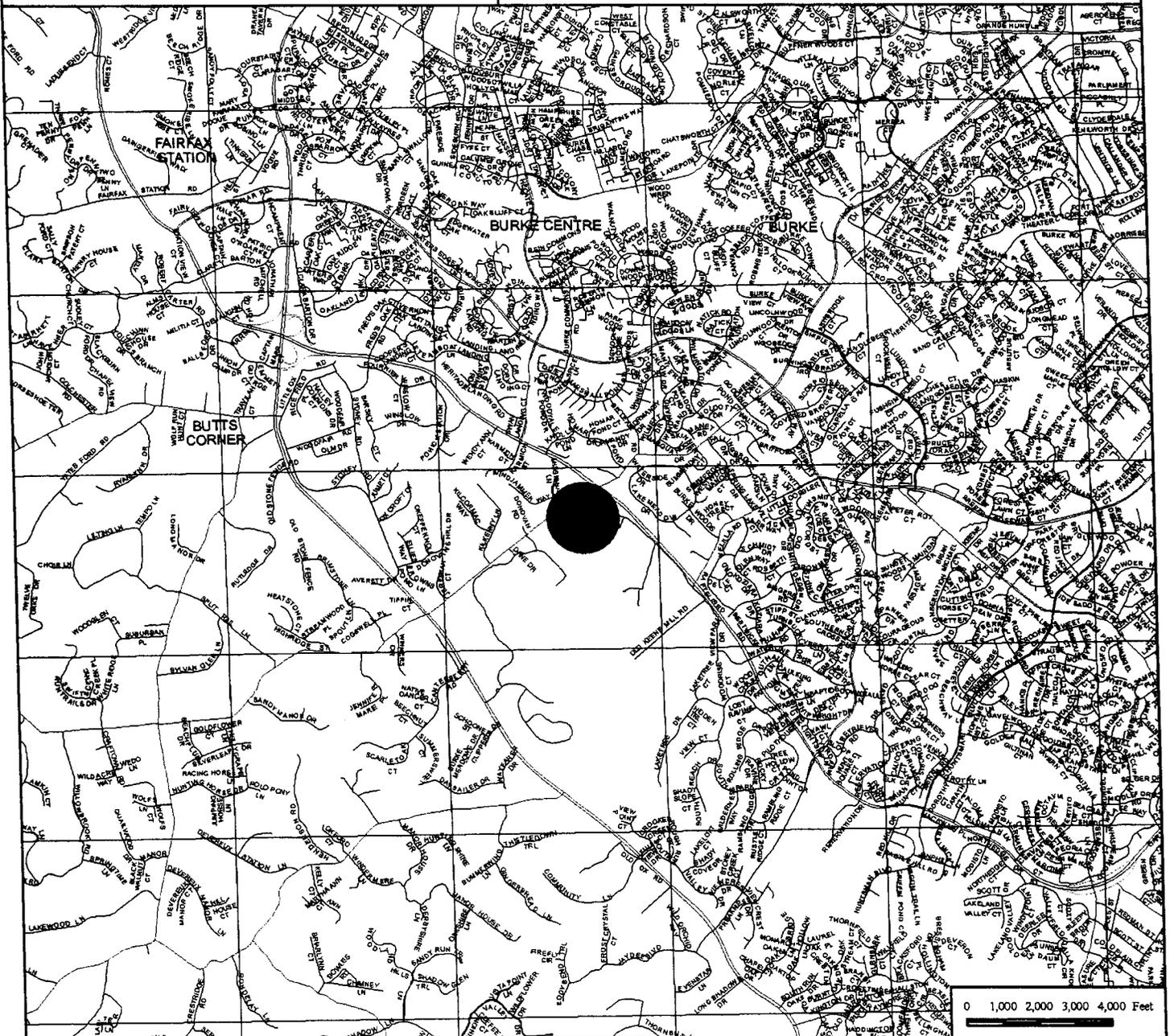
Art 8 Group and Use: 3-10

Located: 10125 LAKEHAVEN COURT

Zoning: R-1

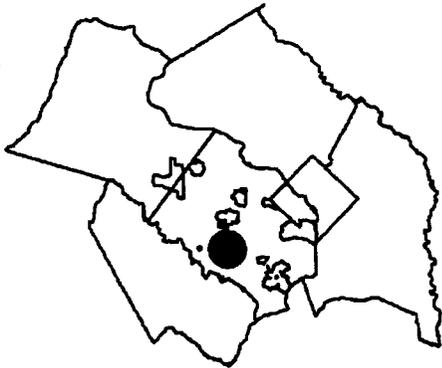
Overlay Dist:

Map Ref Num: 087-2- /01/ /0026



Special Permit Amendment

SPA 85-S-083-03



Applicant: ACCOTINK UNITARIAN UNIVERSALIST CHURCH
Accepted: 02/05/2009
Proposed: AMEND SP 85-S-083 PREVIOUSLY APPROVED FOR CHURCH WITH NURSERY SCHOOL TO PERMIT AN INCREASE IN ENROLLMENT AND STAFF

Area: 10.78 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 03-0103

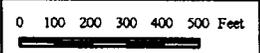
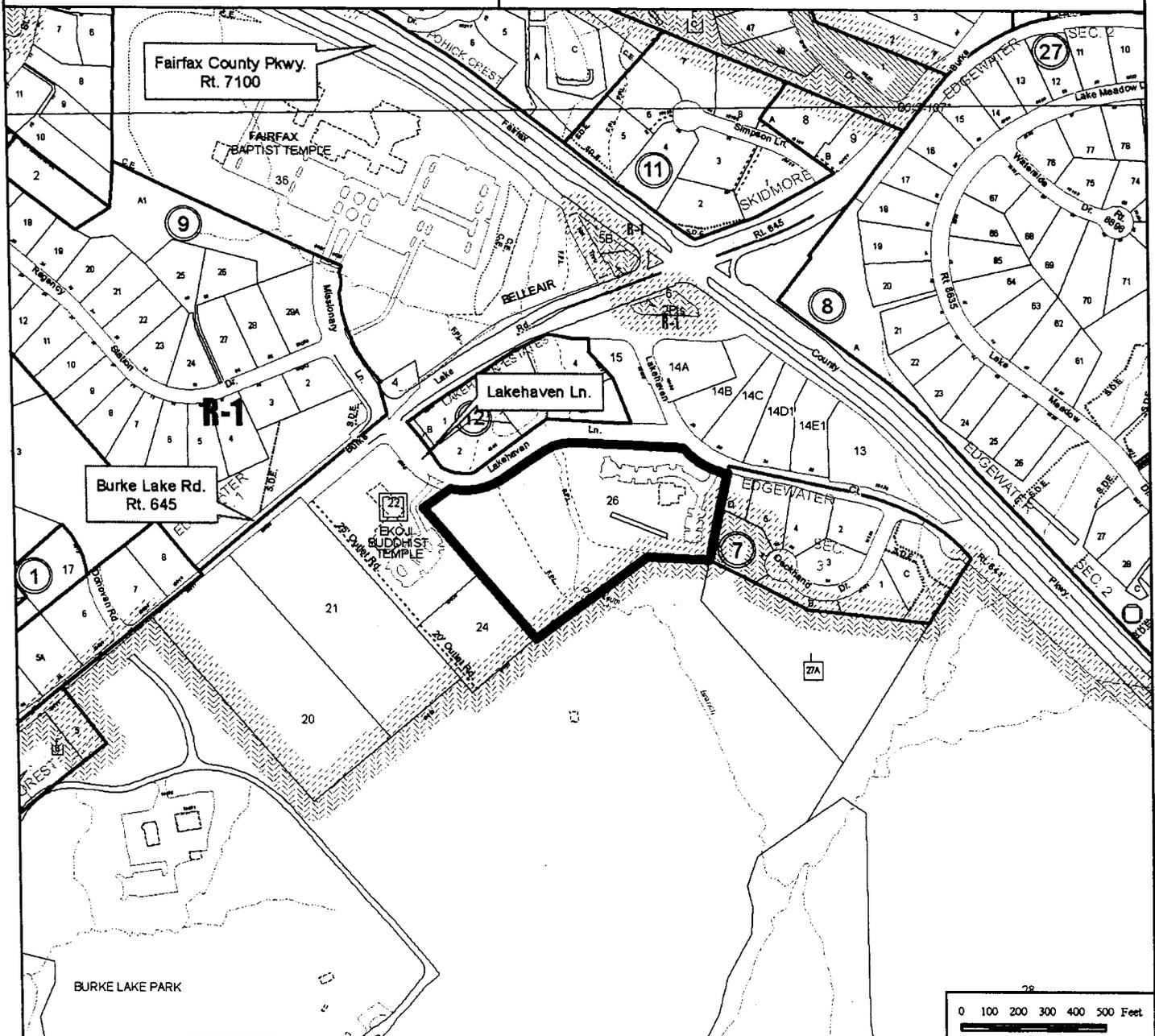
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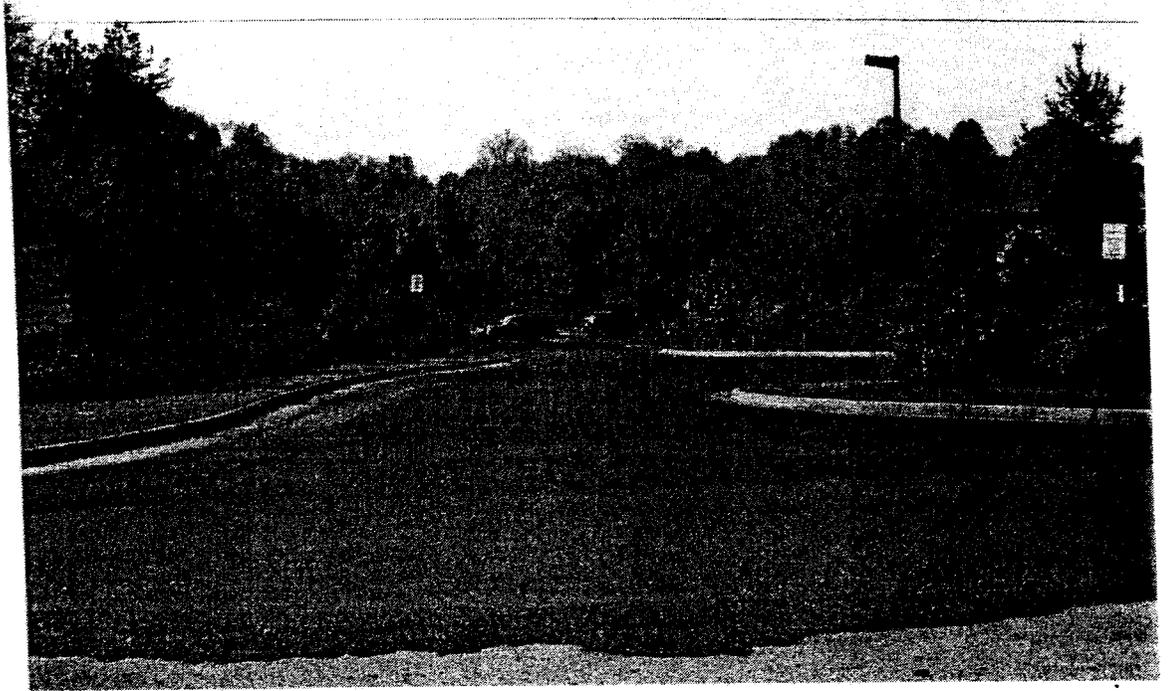
Located: 10125 LAKEHAVEN COURT

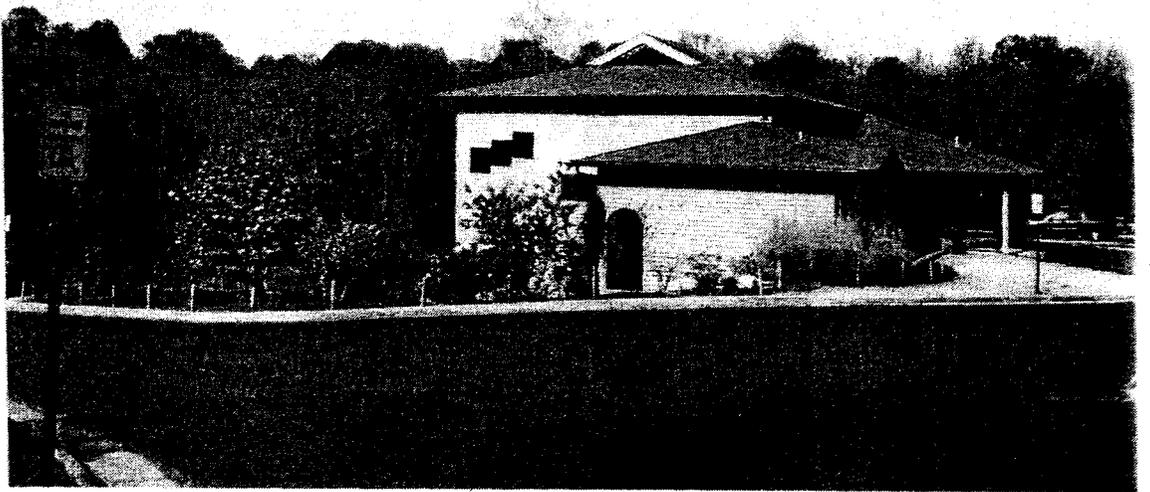
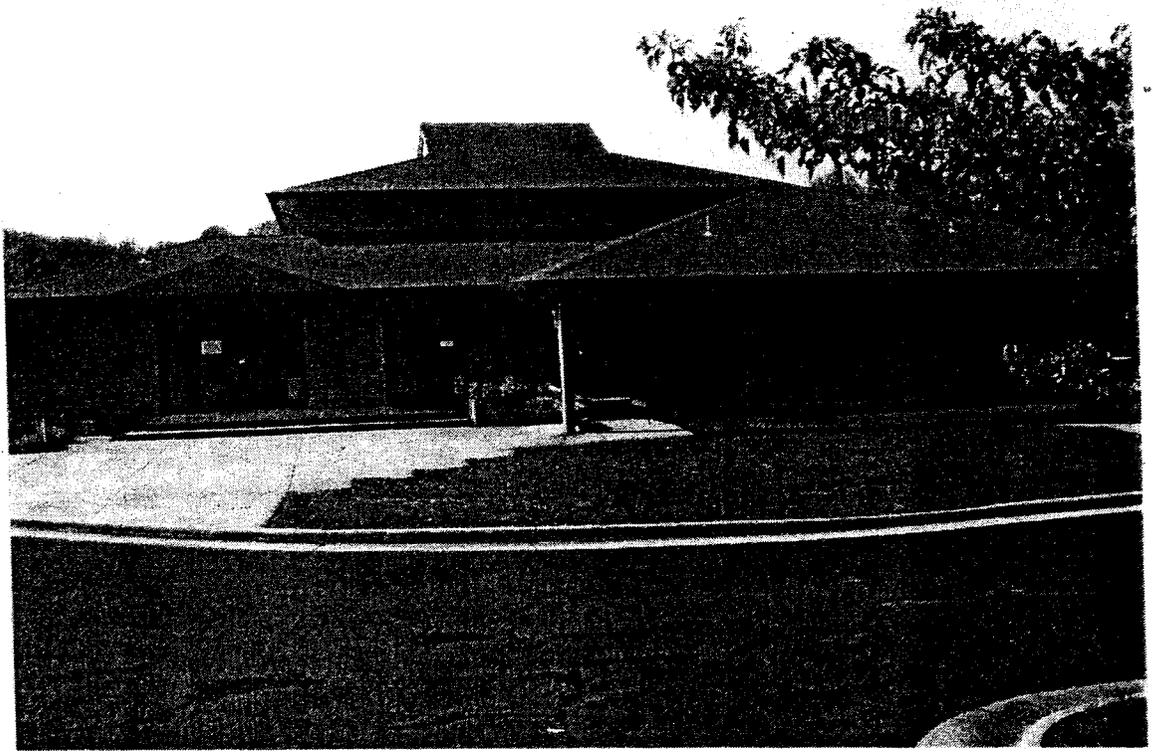
Zoning: R-1

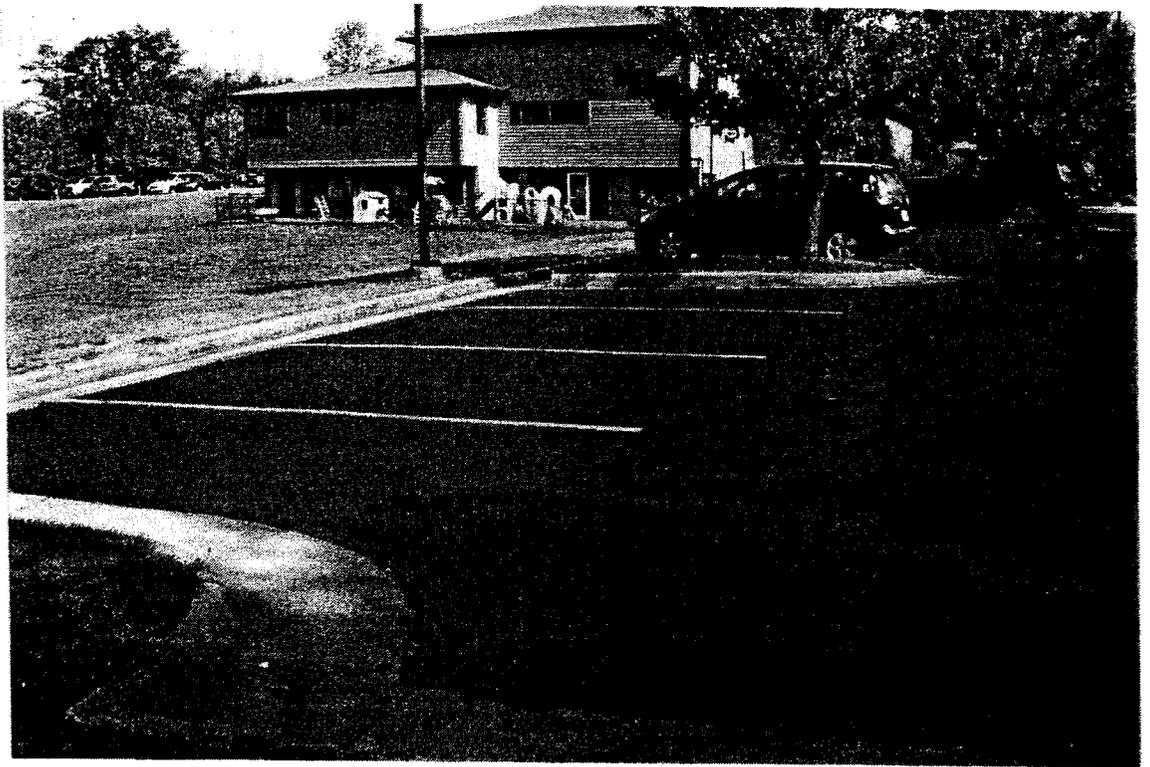
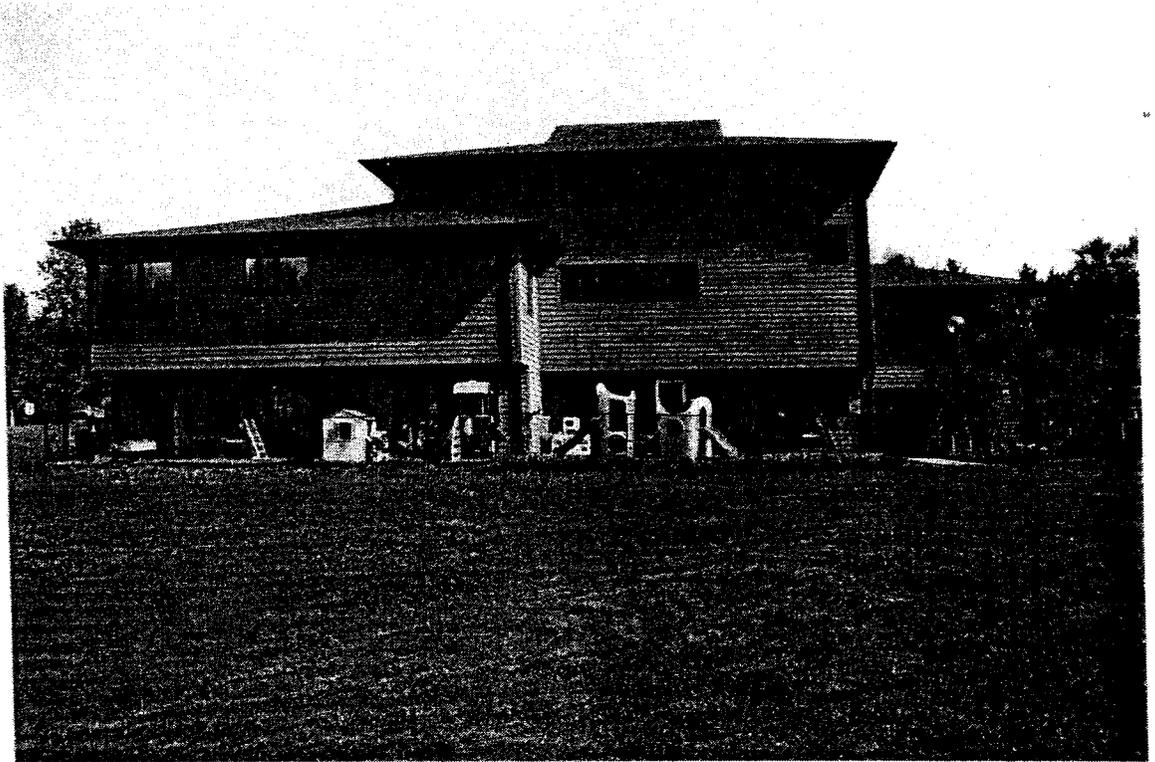
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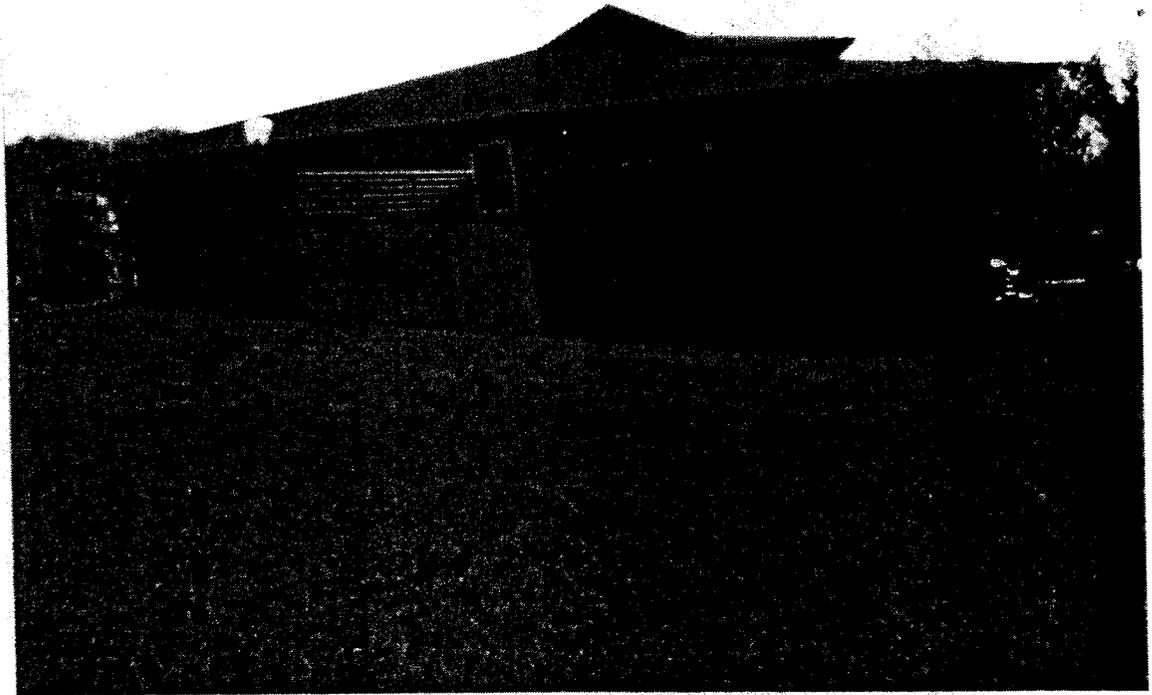
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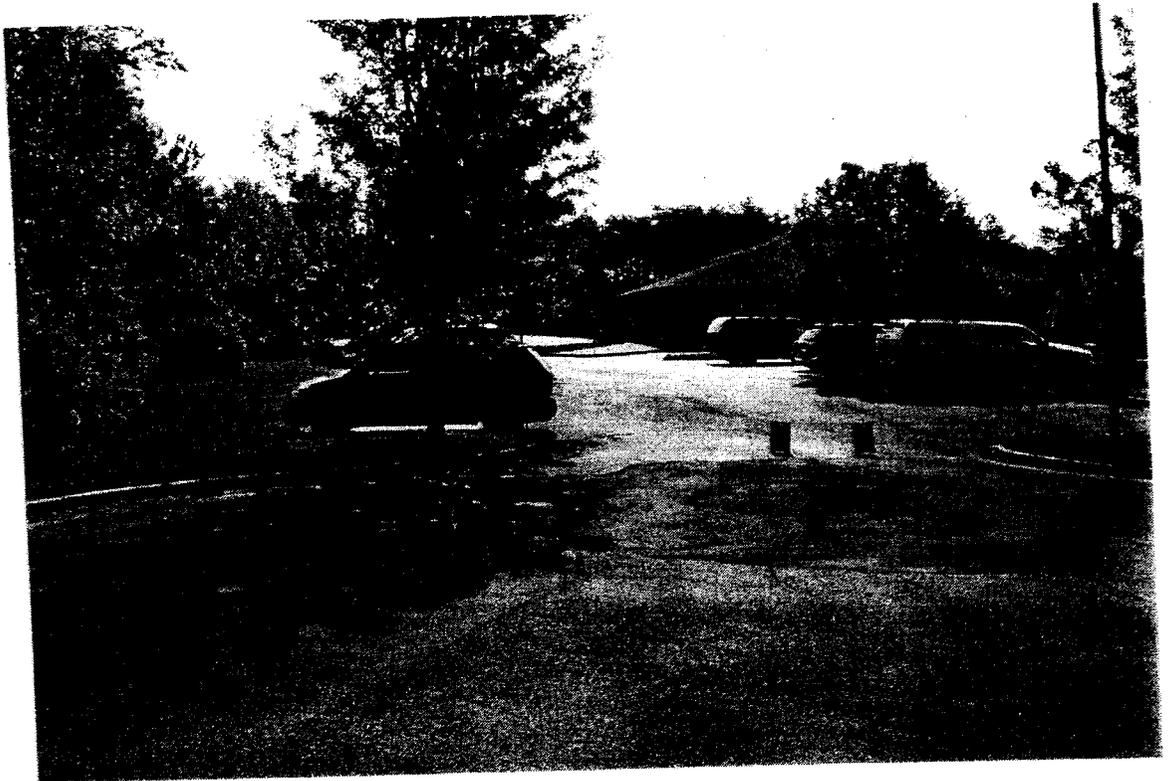


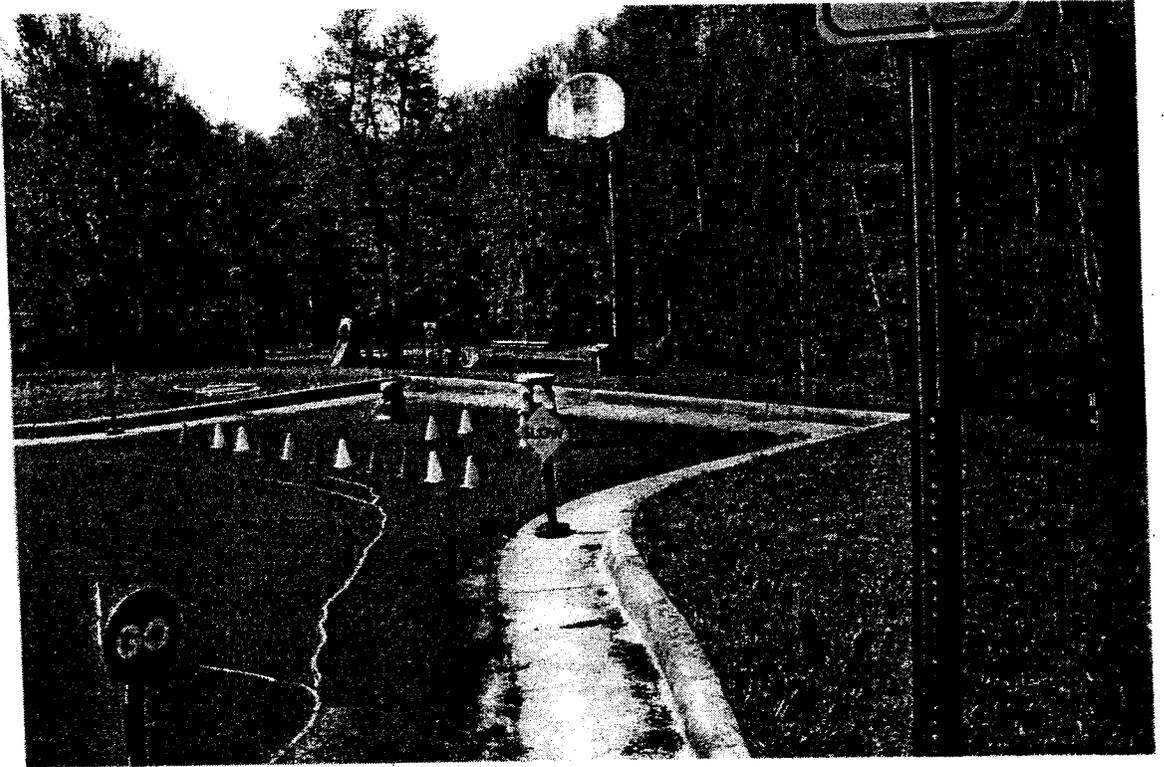












DESCRIPTION OF THE APPLICATION

Special Permit Request:

The applicant seeks to amend SP 85-S-083 previously approved for a church with a seating capacity of 200 and a nursery school. The applicant seeks special permit approval to increase the maximum daily enrollment from 40 to 45 children and increase the maximum number of employees from 10 to 15 employees for the nursery school. There are no proposed changes for the church and no site modifications are proposed.

Size: 10.78 acres

Parking: 51 spaces*

*The Zoning Ordinance requires 59 parking spaces for the combined church and nursery school uses (50 parking spaces and 9 parking spaces, respectively). The applicant will be required to obtain approval of a parking reduction for the proposed uses.

FAR: 0.02

Number of Seats: 200 seats
(No changes)

Hours of Operation: Worship Services:
8:30 a.m. – 1:00 p.m., Sunday
(No changes)

Other Church/Religious Activities:
8:00 am – 12:00 am, Monday through Friday
(No changes)

Nursery School:
9:00 am – 1:30 pm, Monday through Friday
(No changes)

Number of Children: Existing: 40 children
Proposed: 45 children

Number of Employees: Church: 5 full-time (No changes)
Nursery School:
Existing: 10 part-time, 4 volunteers
Proposed: 15 part-time, 4 volunteers

LOCATION AND CHARACTER

Existing Site Description:

The application property is located on the south side on Lakehaven Court, southwest of the intersection at Burke Lake Road and Fairfax County Parkway. The 10.78-acre parcel is developed with an existing place of worship and a nursery school that operates in the basement of the church. The site is accessed via an existing driveway extending from Lakehaven Court to two asphalt surface parking areas; one located on the northern portion and one on the eastern portion of the site. The parking areas contain a combined total of 51 parking spaces and several interior parking lot landscape islands. The lushly vegetated site contains an open space easement that includes a strip of land measuring 150 feet wide that is located along the western portion of the site and extends across the north/south width of the property. A 100-Year Flood Plain and a portion of the Opossum Branch Stream are located within this easement. Several utility, sanitary sewer and drainage easements are located along the perimeter of the site. An extended dry Stormwater Management (SWM) pond is located northwest of the church building. Two outdoor play areas with playground equipment are located on the site; one adjacent to the south side of the building and the other is located under the tree line west of the building. A bike riding area is located in an existing cul-de-sac of the northern parking lot.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single Family Detached Dwellings (Lakehaven Estates Subdivision)	R-1	Residential; .2-.5 du/ac
South	Burke Lake Park	R-1	Public Park
East	Single Family Detached Dwellings (Edgewater Subdivision)	R-1	Residential; .2-.5 du/ac
West	Vacant; Ekoji Buddhist Temple	R-1	Residential; .2-.5 du/ac

BACKGROUND

Site History:

On June 3, 1986, the Board of Zoning Appeals (BZA) approved SP 85-S-083 to permit a 200 seat church and related facilities.

On August 4, 1992, the Board approved SPA 85-S-083-1 to permit the church to change the building footprint, building location and parking on the site.

On August 25, 1998, the BZA approved SPA 85-S-083-2 to amend SP 85-S-083 for the church to permit a nursery school with a maximum daily enrollment of 40 children and a maximum of 10 employees for the nursery. The Board modified the transitional screening requirements along the northern and southern property lines in favor of existing vegetation and supplemental planting as determined by Urban Forest Management Division (UFMD), Department of Public Works and Environmental Services (DPWES), and waived the barrier requirements. The lot size was reduced from 10.87 acres to 10.78 acres due to 0.09 acres of right-of-way dedication along Pohick Road. A copy of the Resolution and approved plat in conjunction with SPA 85-S-083-2 are included as Appendix (4).

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III

Planning Sector: Pohick Planning District
P7 – Burke Lake Community Planning Sector

Plan Map: Residential, .2-.5 du/ac

ANALYSIS

As-Built Site Plan (Copy at front of staff report)

Title of Site Plan: Accotink Unitarian Universalist Church
Site Plan

Prepared By: H. Aubrey Hawkins Associates, Ltd.

Dated: May 29, 1992, as revised through March 23, 1994

Proposed Use:

The applicant seeks to increase the maximum daily enrollment of the nursery school from 40 students to 45 students, and to increase the number of nursery school employees from a maximum of ten (10) employees to a maximum of fifteen (15) employees. There are no proposed exterior changes to the site. The existing 51 parking spaces are to remain on site; 59 parking spaces are required to meet the Zoning Ordinance requirements for the proposed uses on this site. The applicant is seeking a parking reduction; a modification of the transitional screening requirements in favor of existing vegetation; and a waiver of all barrier requirements. Currently, mature vegetation provides sufficient screening from adjacent properties. A modification of the transitional screening and waiver of the barrier requirements were granted in conjunction with the previously approved SP application, SPA 87-D-047-2, in favor of existing vegetation and supplemental planting. There are no proposed changes to the existing building and facilities and no new construction is proposed.

Land Use Analysis

The Comprehensive Plan recommends residential development at .2-.5 dwelling units per acre for this area consisting largely of stable residential neighborhoods. Staff believes the proposed uses and intensity are in harmony with the Comprehensive Plan recommendations for the site and there is no design or compatibility issues, as no additional site modifications are proposed.

Transportation Analysis (Appendix 5)

No transportation issues are associated with this request. However, it should be noted that any future development on this site may require the construction of a sidewalk along the property's frontage.

ZONING ORDINANCE PROVISIONS

Standard	Required	Proposed
Lot Size	36,000 sq ft (minimum)	10.78 acres
Building Height	60 feet (maximum)	34.67 feet
Front Yard	50° ABP but not less than 40 ft.	103 feet
Side Yard	45° ABP but not less than 20 ft.	126 feet
Rear Yard	45° ABP but not less than 25 ft.	190 feet
FAR	0.15 (maximum)	0.02

Standard	Required	Proposed
Parking Spaces	59 spaces Church: 50 Nursery School ≤ 99: 9	51 spaces*
Transitional Screening		
North and East	TS 1, minimum width of 25 feet	Existing vegetation**
Barrier		
North, East, South and West	Barrier D, E or F,	Waiver Requested**

*** Parking**

The applicant will be required to obtain a parking reduction for the church and nursery school uses from the Department of Public Works and Environmental Services (DPWES). The required parking for a place of worship with 200 seats is at one space per four seats (or 50 spaces) and a nursery school with less than 100 children is at 0.19 spaces per child (or 9 spaces).

**** Transitional Screening and Barriers**

Transitional screening and barriers were previously modified and waived in conjunction with SPA 85-S-083-2.

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification:

Basis: Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques. The applicant is seeking a modification of the transitional screening requirements and a waiver of the respective barrier requirements to permit the existing vegetation to satisfy these requirements. Since the proposal to increase enrollment and staff for the nursery school does not involve any physical alterations to the site, staff supports the continuation of all modifications and waivers previously approved by the BZA under the preceding special permit amendment, SPA 85-S-083-2.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sects. 8-303)
- Additional Standards for Churches with a Nursery School (Sects. 8-308; 9-309)

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS

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

RECOMMENDATIONS

Staff recommends approval subject to the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions and Plat, SPA 85-S-083-2
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**April 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SPA 85-S-083-03 located on property described as Tax Map 87-2 ((1)) 26 to amend SP 85-S-083 previously approved for a church and nursery school, to permit an increase in enrollment and staff, pursuant to 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. Those conditions carried forward from the previous special permit are marked with an asterisk (*). Minor edits have been made to these conditions to conform to current terminology.

1. This approval is granted to the applicant only, Accotink Unitarian Universalist Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 10125 Lakehaven Court, and is not transferable to other land.*
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the As-Built site plan prepared by H. Aubrey Hawkins Associates, Ltd., dated May 29, 1992, as revised through March 23, 1994.*
3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with 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. The seating capacity in the main area of worship shall not exceed 200.*
6. The total maximum daily enrollment of children in the nursery school shall not exceed 40 45.*
7. The maximum number of employees for the nursery school shall be limited to 40 15.*
8. The maximum hours of operation for the nursery school shall be limited to 9:00 am to 1:30 pm, Monday through Friday.*
9. Parking shall be provided as depicted on the special permit amendment plat, and shall consist of a minimum of 51 parking spaces. All parking shall be on site as depicted on the special permit amendment plat.

10. The applicant shall obtain approval of a parking reduction through the Department of Public Works and Environmental Services (DPWES) as required by Sect. 11-106.3 of the Zoning Ordinance, prior to the issuance of a new Non-RUP for the church and nursery school uses. If approval of a parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the nursery school shall be reduced to meet parking requirements as determined by DPWES.*
11. Transitional screening shall be modified along the northern and eastern lot lines to permit existing vegetation to satisfy the requirements. The existing vegetation shall be maintained and preserved as depicted on the special permit amendment plat to satisfy the transitional screening requirements. Dead or dying plant material shall be replaced to maintain the transitional screening as outlined above, as approved by the Urban Forest Management Division (UFMD), DPWES.
12. The barrier requirement shall be waived along all lot lines.
13. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance.*
14. The 150 foot-wide Open Space Easement to the Board of Supervisors that was recorded among the land records of Fairfax County shall run with the life of this special permit.

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 use has been established as outlined above. 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: 9/23/08
 (enter date affidavit is notarized)

I, Peter Todd Akers, 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

102050

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 Accotink Unitarian Universalist Church	10125 Lakehaven Court, Burke, VA 22015	Applicant/Title Owner
Douglas E. McCusker	7124 Bridgeport Court, Springfield, VA 22153	Trustee
Peter Todd Akers	6227 Wilmington Drive, Burke, VA 22015	Trustee/Agent - Accotink Unitarian Universalist Church
Bobbie B. Williams	6505 Raftelis Road, Burke, VA 22015	Trustee
Teresa M. McKay	13708 Glassford Place, Centreville, VA 20120	Agent - Spring-Mar Preschool Association, Inc. - Lessee
Spring-Mar Preschool Association, Inc.	P.O. Box 2395, Springfield, VA 22152 10125 Lakehaven Court, Burke, VA 22015	Lessee

(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: 9/23/08
(enter date affidavit is notarized)

102050

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)

Spring-Mar Preschool Association, Inc.
P.O. Box 2395
Springfield, VA 22152

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)

Spring-Mar is a non-stock, non-profit corporation having no stockholders.

(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 Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/08
(enter date affidavit is notarized)

102050

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/08
(enter date affidavit is notarized)

102050

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/08
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

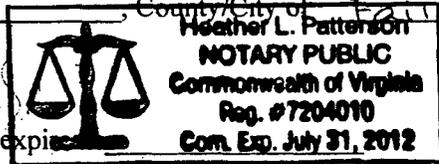
Applicant

Applicant's Authorized Agent

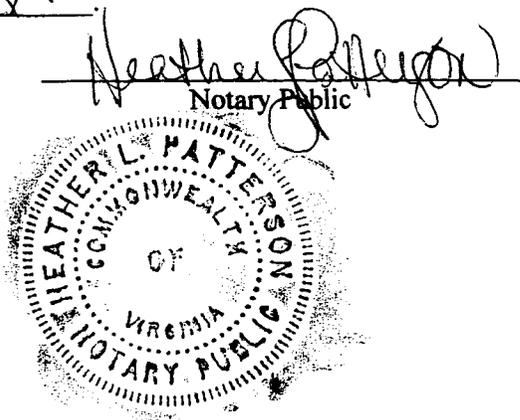
Peter Todd Akers

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

Subscribed and sworn to before me this 23rd day of September 2008, in the State/Comm. of VA, County/City of Fairfax



My commission expires



Special Permit Statement of Justification

Special Permit Request: Amend Special Permit Amendment SPA 85-S-083-2 (approved 8/25/1998) for an approved nursery school (Spring-Mar) operating on weekdays in the basement of Accotink Unitarian Universalist Church to expand its maximum daily enrollment from 40 students to 45, and its staffing of 10 part-time employees to a total of 15 part-time employees. No new development is proposed at this time.

- A. Type of Operation:** Church and Nursery School
- B. Hours of Operation:** Church: 8:30am to 1:00pm Sundays
Other Church Activities: Mon-Fri 8am-12am
Nursery School: 9:00am to 1:30pm, Mon thru Fri
- C. Estimated Number of Patrons / Students:**
Church: 200 seats
Nursery School: Total maximum daily enrollment of 45 students.
(current maximum is 40 students)
- D. Proposed Number of Employees:**
Church: 5 Full Time
Nursery School: *Total maximum of 15 part-time, 4 volunteers.*
(current maximum is 10 part-time staff)
***Maximum of 9 staff on-site per day* (current maximum is 6)
- E. Traffic Impact:** For the original special permit, a parking impact study was conducted. It is included in the appendix. There remains no proposed time when church services and preschool would operate simultaneously. It is estimated that 41 personal vehicles (increased from 36) would enter the site between 0910 and 0930 for preschool drop-off, and return for pick-up between 12:30 and 13:30. The estimated staff parking required will increase by three from 6 to 9. Four parent volunteers will continue to remain at the school while classes are ongoing.
- F. Vicinity served by use:** The addition of five students to the current census will expand the preschool's ability to offer unique cooperative early education experiences for local families. The church functions in the community will remain identical to those identified in previously approved special permits.
- G. Description of building façade, new additions:** No new additions / construction. See enclosed special permit application (approved 8/25/98) for detailed building descriptions.
- H. Hazardous / Toxic Substances:** None. No change from previously approved permit.
- I. Conformity to Applicable Ordinance Provisions:** The proposed amendment does not substantially change previously approved use of the property. There remains a request to reduce parking requirements (50 for the church, 8.55 (up from 8) for the preschool). The percent reduction in required parking has increased from 12.1 to 12.9 percent.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ACCOTINK UNITARIAN UNIVERSALIST CHURCH, SPA 85-S-083-2 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 85-S-083 for church and related facilities to permit nursery school. Located at 10125 Lakehaven Ct. on approx. 10.78 ac. of land zoned R-1. Springfield District. Tax Map 87-2 ((1)) 26. Mr. Dively 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 August 25, 1998; and

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

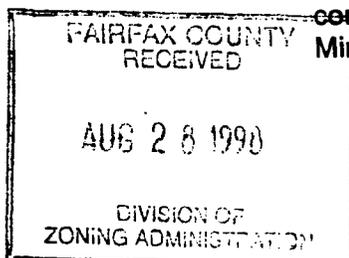
1. The applicant is the owner of the land.
2. The applicant presented testimony indicating compliance with the prescribed criteria for the granting of a special permit.
3. The trip generation and traffic is modest and does not pose any problems to the application.

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-C03 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, Accotink Unitarian Universalist Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 10125 Lakehaven Court (10.78 acres) lot 26, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by James T. Barnes, Professional Engineer, dated May 29, 1992, as revised through June 8, 1998, 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. The seating capacity of the main worship area shall not exceed 200.
6. There shall be a minimum of 51 parking spaces, including four (4) handicapped spaces. All parking shall be on site as depicted on the special permit plat.
7. The existing vegetation shall be maintained and shall be deemed to satisfy the transitional screening requirements along the rear and northern property lines. In the area adjacent to Lot 27 on the southern boundary, existing vegetation shall be supplemented, if necessary, to provide screening equivalent to Transitional Screening 1. On the front property line, a twenty-five (25) foot planting strip shall be required to adequately screen the church parking area from residential properties across Pohick Road. The degree and nature of required plantings shall be determined by the County Urban Forester. Dead or dying plant material shall be replaced to maintain the Transitional Screening as outlined above.
8. The applicant shall work with the County Urban Forester to determine the boundaries for tree clearance before approval of a building permit or undertaking any site clearance or construction activity. Existing trees shall be preserved except where removal is necessary to accommodate construction.
9. Interior parking lot landscaping shall be provided in accordance with Article 13.
10. The entrance to the site shall be designed to provide adequate site distance as required by VDOT.
11. Pursuant to the Virginia Code Section of 10. 1-700 et seq., at the time of the site plan review, an Open Space Easement to the Board of Supervisors shall be recorded among the land records of Fairfax County. The easement shall run with the life of this Special Permit. The easement shall include a strip of land 150 feet wide, centered on Oppossum Branch Stream, and extending across the width of the property. The exact location of the boundary shall be determined at the time of the site plan review by the DPW & ES in coordination with DPZ. There shall be no clearing of any vegetation within this area, except for dead and dying trees and a pedestrian bridge and trail to and from it which shall be located within this easement.
12. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
13. Erosion and sediment controls conforming to the policies, guidelines and specifications contained in Article 11 of the Public Facilities Manual, Chapter 104 of the County Code, and the Virginia Erosion and Sediment Control Handbook shall be required.
14. Best Management Practices (BMP) designed to protect the Burke Lake watersheds as determined by the Director of DPW & ES shall be provided.

15. Should future access from Pohick Road to new Burke Lake Road be constructed as currently proposed along the property's northern boundary, transitional screening yards shall be provided outside the dedicated area and the grading and construction easements, as previously outlined in the above Development Condition # 7. Existing vegetation shall be deemed to satisfy the transitional screening requirement.
16. The total maximum daily enrollment for the nursery school shall be 40 children.
17. The maximum number of employees for the nursery school shall be 10.
18. The maximum hours of operation for the nursery school shall be limited to 9:15 a.m. to 1:30 p.m. Monday through Friday.
19. Prior to approval of a Non-Residential Use Permit for the Nursery school for 40 children, a reduction in parking shall be approved, as determined by the Zoning Permit Review Branch, DPZ, and the Department of Public Works and Environmental Services, for shared use of the parking lot by the church and nursery school based on respective hourly parking accumulation characteristics. If a parking reduction is not approved, the number of seats in the church and/or the number of children in the nursery school shall be reduced to a number that can be supported by the parking spaces provided on the site as determined by DPW & ES.

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 use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

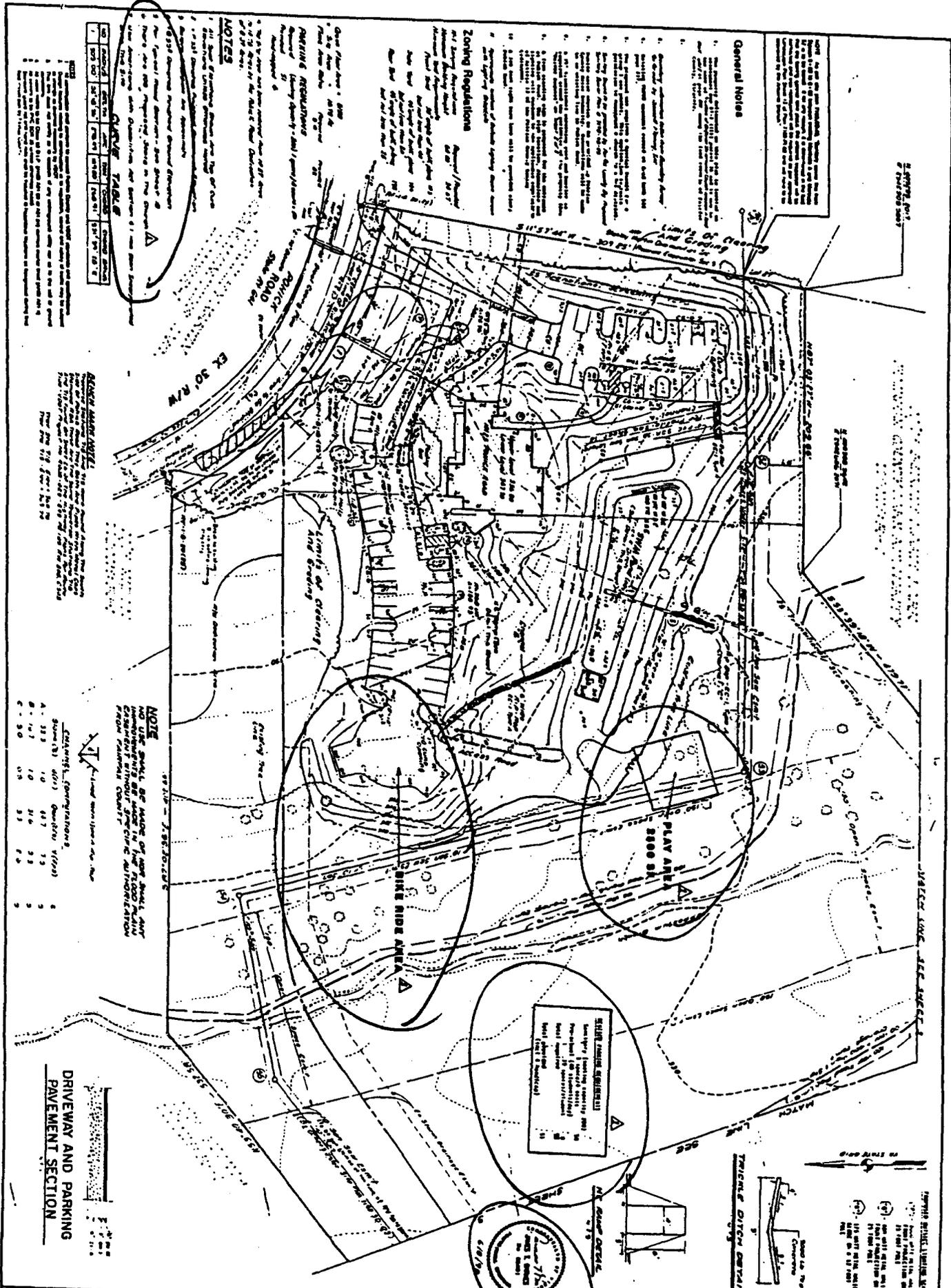
Mr. Pammel seconded the motion which carried by a vote of 5-0. Mr. DiGiulian and Mr. Hammack were absent from the meeting. The Board waived the eight day waiting period.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on August 25, 1998. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Deborah Hedrick
Board of Zoning Appeals



ACCOTINK UNITARIAN UNIVERSALIST CHURCH

SPECIAL PERMIT PLAT

GANNETT-FLEMING, INC.

4201 SULLYFIELD CIRCLE CHANTILLY, VIRGINIA 22021

(703) 378 2700

REVISIONS

NO.	DATE	BY	REVISION
1	01/15/20	JAN	ISSUE FOR PERMIT
2	01/15/20	JAN	ISSUE FOR PERMIT
3	01/15/20	JAN	ISSUE FOR PERMIT
4	01/15/20	JAN	ISSUE FOR PERMIT
5	01/15/20	JAN	ISSUE FOR PERMIT

REVISIONS

REVISIONS TO BE MADE TO THIS PLAN SHALL BE MADE BY THE ARCHITECT AND SHALL BE SHOWN ON A SEPARATE SHEET. ANY DIMENSIONS NOT SHOWN SHALL BE AS SHOWN ON THE SURVEY. ANY DIMENSIONS NOT SHOWN SHALL BE AS SHOWN ON THE SURVEY.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 26, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-6 (SP 85-S-083)

SUBJECT: SPA 85-S-083-3; Accotink Unitarian Universalist Church
Land Identification Map: 87-2-((1))-26

This department has reviewed the special permit amendment plat revised through May 5, 1992. We have the following comments.

- Any future development on site may require the construction of a sidewalk along the property's frontage.

AKR/MEC

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 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.

9-309 Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
 - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
 - C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

Number of Persons	Street Type
1-75	Local
76-660	Collector
660 or more	Arterial

- 3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
- 4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.