



APPLICATION ACCEPTED: July 30, 2009  
AMENDED APPLICATION: September 8, 2009  
BOARD OF ZONING APPEALS: January 27, 2010  
MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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January 20, 2010

### STAFF REPORT

#### SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 95-S-050

#### SPRINGFIELD DISTRICT

**APPLICANT/OWNER:** Trustees of Lord of Life Lutheran Church

**STREET ADDRESS:** 13421 Twin Lakes Drive

**TAX MAP REFERENCE:** 66-1 ((1)) 17; 66-3 ((1)) 39A

**LOT SIZE:** 3.76 acres

**F.A.R.:** 0.08  
(Prior to dedication)

**ZONING DISTRICT:** R-C, WS

**ZONING ORDINANCE PROVISIONS:** 3-C03

**PLAN MAP:** Residential, .1 - .2 du/ac

**SPECIAL PERMIT PROPOSAL:** Amend previously approved special permit for a church to permit addition of a nursery school.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 95-S-050, 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.

O:\SMCKNISPALORD OF LIFE LUTHERAN CHURCH\Staff Report\Staff Report Lord of Life.doc

Shelby Johnson

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.

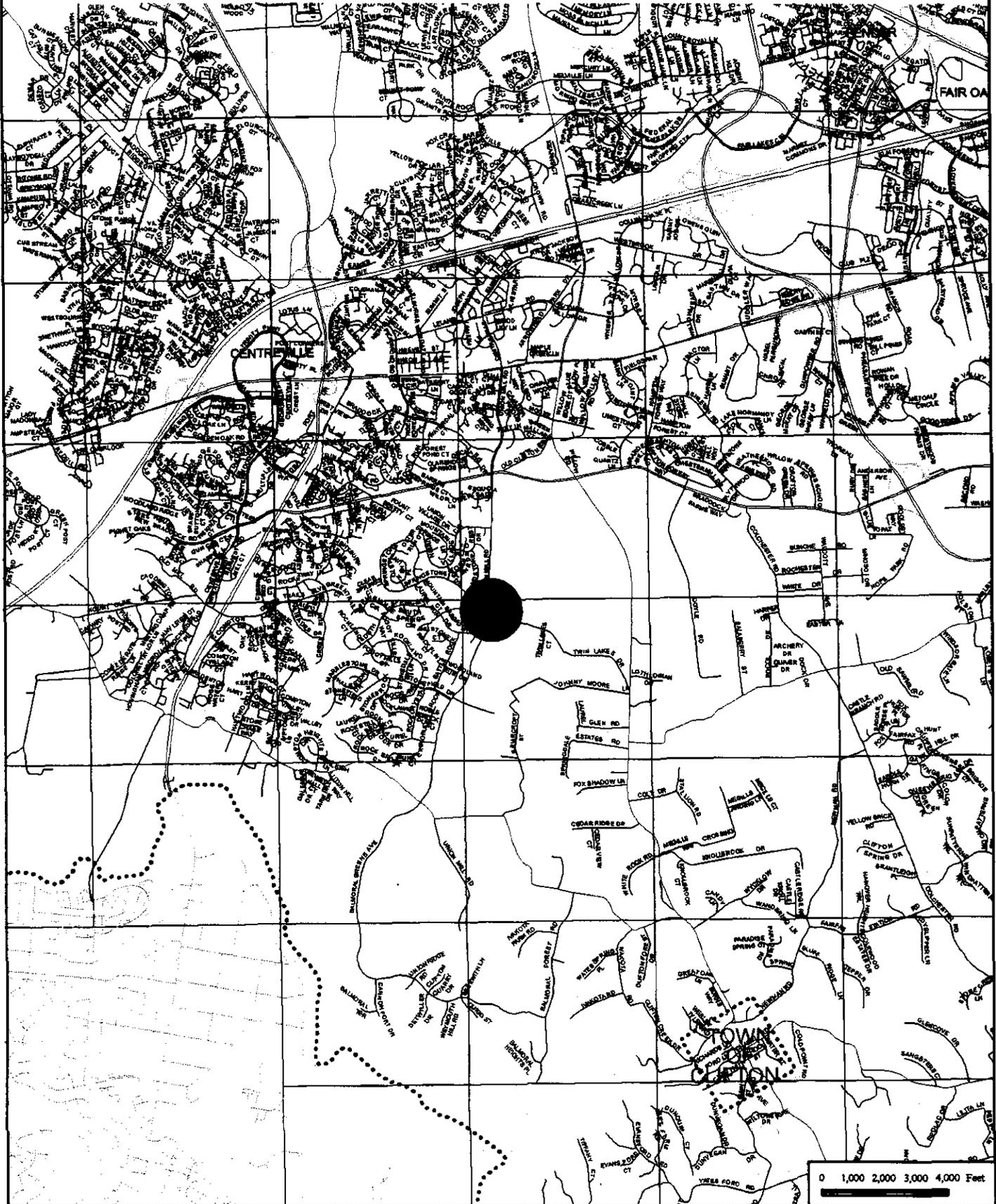
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 95-S-050

TRUSTEES OF LORD OF LIFE LUTHERAN CHURCH





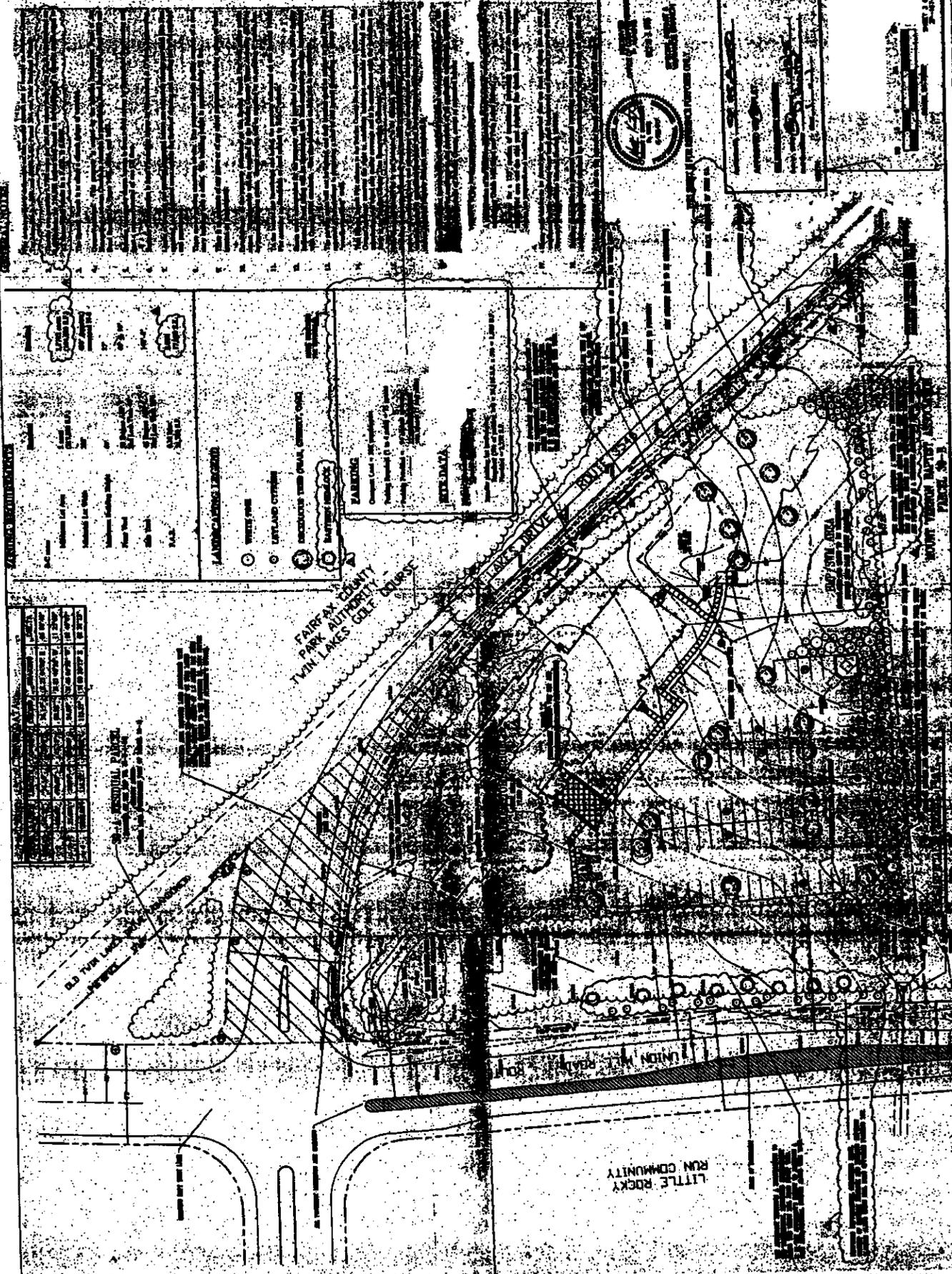




Robert  
Group  
Architects



HOLY SPIRIT LUTHERAN CHURCH  
Project No. V-1 (Fairfax County, Virginia)



LEGEND

Symbol	Description
Circle with dot	Existing Structure
Circle with cross	Proposed Structure
Circle with horizontal lines	Proposed Parking
Circle with vertical lines	Proposed Driveway
Circle with diagonal lines	Proposed Walkway
Circle with wavy lines	Proposed Landscaping
Circle with dots	Proposed Plantings
Circle with stars	Proposed Lighting
Circle with triangles	Proposed Fencing
Circle with squares	Proposed Utilities
Circle with diamonds	Proposed Retention
Circle with circles	Proposed Stormwater
Circle with hexagons	Proposed Access
Circle with octagons	Proposed Easements
Circle with stars	Proposed Setbacks
Circle with dots	Proposed Buffers
Circle with lines	Proposed Boundaries
Circle with shading	Proposed Materials
Circle with patterns	Proposed Finishes
Circle with textures	Proposed Details
Circle with colors	Proposed Schedules
Circle with fonts	Proposed Textures
Circle with sizes	Proposed Dimensions
Circle with weights	Proposed Strengths
Circle with types	Proposed Species
Circle with varieties	Proposed Cultivars
Circle with hybrids	Proposed Varieties
Circle with crosses	Proposed Breeds
Circle with dots	Proposed Strains
Circle with lines	Proposed Genotypes
Circle with shading	Proposed Phenotypes
Circle with patterns	Proposed Genomes
Circle with textures	Proposed Proteomes
Circle with colors	Proposed Metabolomes
Circle with fonts	Proposed Transcriptomes
Circle with sizes	Proposed Proteomes
Circle with weights	Proposed Strengths
Circle with types	Proposed Species
Circle with varieties	Proposed Cultivars
Circle with hybrids	Proposed Varieties
Circle with crosses	Proposed Breeds
Circle with dots	Proposed Strains
Circle with lines	Proposed Genotypes
Circle with shading	Proposed Phenotypes
Circle with patterns	Proposed Genomes
Circle with textures	Proposed Proteomes
Circle with colors	Proposed Metabolomes
Circle with fonts	Proposed Transcriptomes

PROPERTY LIST

Lot No.	Area (sq. ft.)	Owner
1	10,000	John Doe
2	15,000	Jane Smith
3	20,000	Bob Johnson
4	25,000	Alice Brown
5	30,000	Charlie White
6	35,000	Diana Green
7	40,000	Frank Black
8	45,000	Grace Grey
9	50,000	Henry Blue
10	55,000	Ivy Red
11	60,000	Jack Purple
12	65,000	Karen Yellow
13	70,000	Leo Orange
14	75,000	Mia Silver
15	80,000	Noah Gold
16	85,000	Olivia Bronze
17	90,000	Peter Platinum
18	95,000	Quinn Diamond
19	100,000	Rachel Ruby
20	105,000	Sam Sapphire
21	110,000	Tina Emerald
22	115,000	Ugo Garnet
23	120,000	Victoria Amethyst
24	125,000	Walter Topaz
25	130,000	Xavier Citrine
26	135,000	Yara Peridot
27	140,000	Zoe Malachite
28	145,000	Adam Jade
29	150,000	Bella Opal
30	155,000	Carl Quartz
31	160,000	Dora Amethyst
32	165,000	Ethan Topaz
33	170,000	Fiona Citrine
34	175,000	George Peridot
35	180,000	Hannah Malachite
36	185,000	Ivan Jade
37	190,000	Jessica Opal
38	195,000	Kyle Quartz
39	200,000	Laura Amethyst
40	205,000	Max Topaz
41	210,000	Nora Citrine
42	215,000	Oliver Peridot
43	220,000	Peter Malachite
44	225,000	Quinn Jade
45	230,000	Rachel Opal
46	235,000	Sam Quartz
47	240,000	Tina Amethyst
48	245,000	Ugo Topaz
49	250,000	Victoria Citrine
50	255,000	Walter Peridot
51	260,000	Xavier Malachite
52	265,000	Yara Jade
53	270,000	Zoe Opal
54	275,000	Adam Quartz
55	280,000	Bella Amethyst
56	285,000	Carl Topaz
57	290,000	Dora Citrine
58	295,000	Ethan Peridot
59	300,000	Fiona Malachite
60	305,000	George Jade
61	310,000	Hannah Opal
62	315,000	Ivan Quartz
63	320,000	Jessica Amethyst
64	325,000	Kyle Topaz
65	330,000	Laura Citrine
66	335,000	Max Peridot
67	340,000	Nora Malachite
68	345,000	Oliver Jade
69	350,000	Peter Opal
70	355,000	Quinn Quartz
71	360,000	Rachel Amethyst
72	365,000	Sam Topaz
73	370,000	Tina Citrine
74	375,000	Ugo Peridot
75	380,000	Victoria Malachite
76	385,000	Walter Jade
77	390,000	Xavier Opal
78	395,000	Yara Quartz
79	400,000	Zoe Amethyst
80	405,000	Adam Topaz
81	410,000	Bella Citrine
82	415,000	Carl Peridot
83	420,000	Dora Malachite
84	425,000	Ethan Jade
85	430,000	Fiona Opal
86	435,000	George Quartz
87	440,000	Hannah Amethyst
88	445,000	Ivan Topaz
89	450,000	Jessica Citrine
90	455,000	Kyle Peridot
91	460,000	Laura Malachite
92	465,000	Max Jade
93	470,000	Nora Opal
94	475,000	Oliver Quartz
95	480,000	Peter Amethyst
96	485,000	Quinn Topaz
97	490,000	Rachel Citrine
98	495,000	Sam Peridot
99	500,000	Tina Malachite
100	505,000	Ugo Jade
101	510,000	Victoria Opal
102	515,000	Walter Quartz
103	520,000	Xavier Amethyst
104	525,000	Yara Topaz
105	530,000	Zoe Citrine
106	535,000	Adam Peridot
107	540,000	Bella Malachite
108	545,000	Carl Jade
109	550,000	Dora Opal
110	555,000	Ethan Quartz
111	560,000	Fiona Amethyst
112	565,000	George Topaz
113	570,000	Hannah Citrine
114	575,000	Ivan Peridot
115	580,000	Jessica Malachite
116	585,000	Kyle Jade
117	590,000	Laura Opal
118	595,000	Max Quartz
119	600,000	Nora Amethyst
120	605,000	Oliver Topaz
121	610,000	Peter Citrine
122	615,000	Quinn Peridot
123	620,000	Rachel Malachite
124	625,000	Sam Jade
125	630,000	Tina Opal
126	635,000	Ugo Quartz
127	640,000	Victoria Amethyst
128	645,000	Walter Topaz
129	650,000	Xavier Citrine
130	655,000	Yara Peridot
131	660,000	Zoe Malachite
132	665,000	Adam Jade
133	670,000	Bella Opal
134	675,000	Carl Quartz
135	680,000	Dora Amethyst
136	685,000	Ethan Topaz
137	690,000	Fiona Citrine
138	695,000	George Peridot
139	700,000	Hannah Malachite
140	705,000	Ivan Jade
141	710,000	Jessica Opal
142	715,000	Kyle Quartz
143	720,000	Laura Amethyst
144	725,000	Max Topaz
145	730,000	Nora Citrine
146	735,000	Oliver Peridot
147	740,000	Peter Malachite
148	745,000	Quinn Jade
149	750,000	Rachel Opal
150	755,000	Sam Quartz
151	760,000	Tina Amethyst
152	765,000	Ugo Topaz
153	770,000	Victoria Citrine
154	775,000	Walter Peridot
155	780,000	Xavier Malachite
156	785,000	Yara Jade
157	790,000	Zoe Opal
158	795,000	Adam Quartz
159	800,000	Bella Amethyst
160	805,000	Carl Topaz
161	810,000	Dora Citrine
162	815,000	Ethan Peridot
163	820,000	Fiona Malachite
164	825,000	George Jade
165	830,000	Hannah Opal
166	835,000	Ivan Quartz
167	840,000	Jessica Amethyst
168	845,000	Kyle Topaz
169	850,000	Laura Citrine
170	855,000	Max Peridot
171	860,000	Nora Malachite
172	865,000	Oliver Jade
173	870,000	Peter Opal
174	875,000	Quinn Quartz
175	880,000	Rachel Amethyst
176	885,000	Sam Topaz
177	890,000	Tina Citrine
178	895,000	Ugo Peridot
179	900,000	Victoria Malachite
180	905,000	Walter Jade
181	910,000	Xavier Opal
182	915,000	Yara Quartz
183	920,000	Zoe Amethyst
184	925,000	Adam Topaz
185	930,000	Bella Citrine
186	935,000	Carl Peridot
187	940,000	Dora Malachite
188	945,000	Ethan Jade
189	950,000	Fiona Opal
190	955,000	George Quartz
191	960,000	Hannah Amethyst
192	965,000	Ivan Topaz
193	970,000	Jessica Citrine
194	975,000	Kyle Peridot
195	980,000	Laura Malachite
196	985,000	Max Jade
197	990,000	Nora Opal
198	995,000	Oliver Quartz
199	1,000,000	Peter Amethyst
200	1,005,000	Quinn Topaz

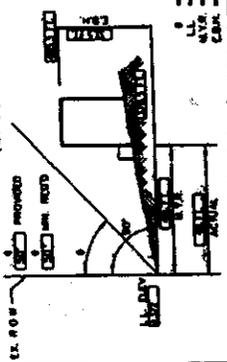
FAIRFAX COUNTY  
PARK AUTHORITY  
TWIN LAKES GOLF COURSE

LITTLE ROCKY  
RUN COMMUNITY

UNION ROAD

FAIRFAX COUNTY

ALL ADJACENT PROPERTIES AT THESE POINTS  
 (NOT TO SCALE)



NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL SITE AREA
1	LOT AREA	11,111.11	100.00%
2	IMPROVED PAVED	1,111.11	10.00%
3	UNIMPROVED PAVED	1,111.11	10.00%
4	GRAVEL	1,111.11	10.00%
5	ASPHALT	1,111.11	10.00%
6	CONCRETE	1,111.11	10.00%
7	PAVED DRIVEWAY	1,111.11	10.00%
8	UNPAVED DRIVEWAY	1,111.11	10.00%
9	UNPAVED DRIVEWAY	1,111.11	10.00%
10	UNPAVED DRIVEWAY	1,111.11	10.00%
11	UNPAVED DRIVEWAY	1,111.11	10.00%
12	UNPAVED DRIVEWAY	1,111.11	10.00%
13	UNPAVED DRIVEWAY	1,111.11	10.00%
14	UNPAVED DRIVEWAY	1,111.11	10.00%
15	UNPAVED DRIVEWAY	1,111.11	10.00%
16	UNPAVED DRIVEWAY	1,111.11	10.00%
17	UNPAVED DRIVEWAY	1,111.11	10.00%
18	UNPAVED DRIVEWAY	1,111.11	10.00%
19	UNPAVED DRIVEWAY	1,111.11	10.00%
20	UNPAVED DRIVEWAY	1,111.11	10.00%

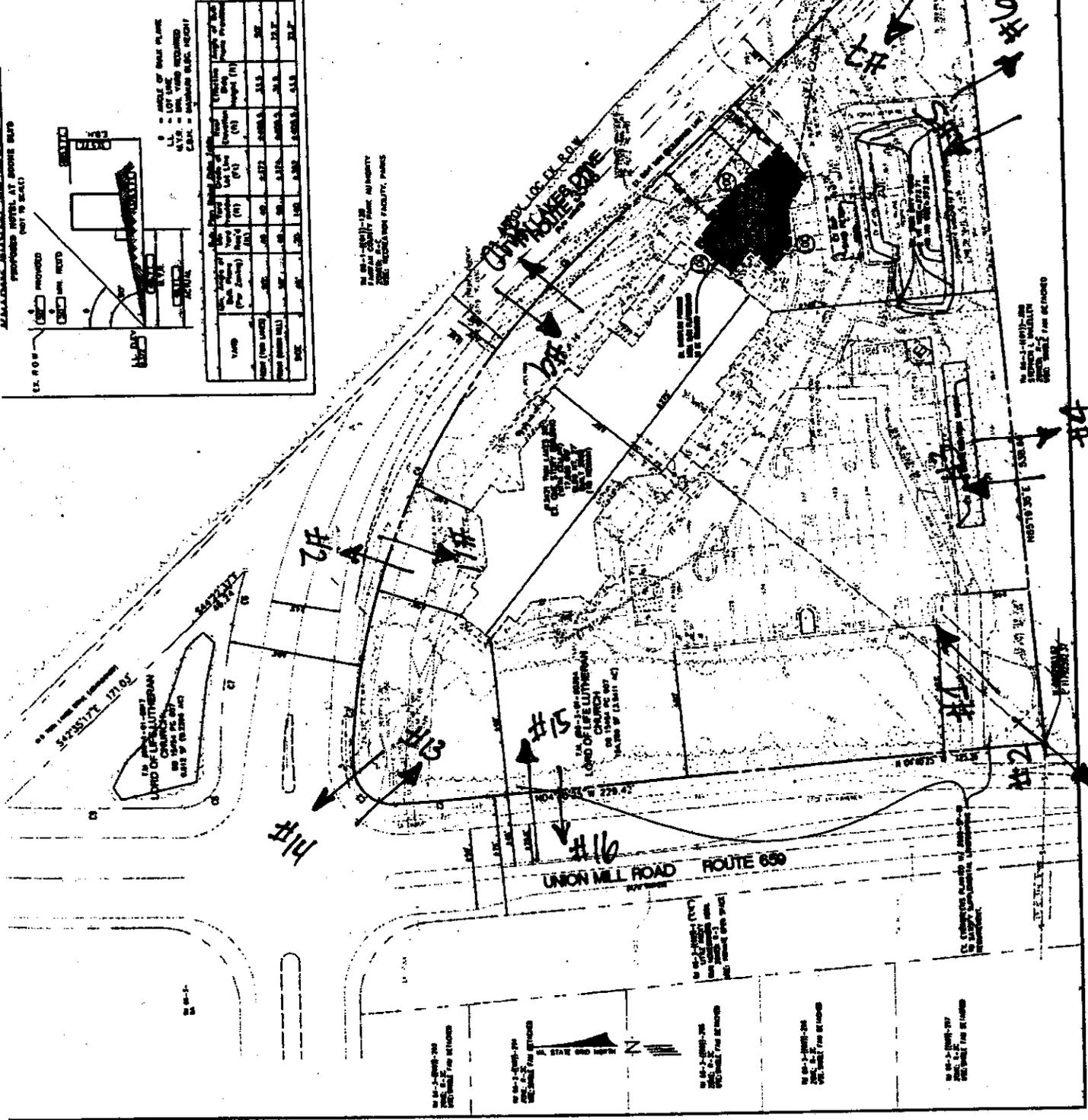
- 1. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
- 2. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
- 3. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
- 4. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
- 5. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
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- 19. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.
- 20. The owner hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.

**CURVE DATA**

STATION	PC	PT	PI	PT	PC	CHORD BEARING	CHORD DIST.	CHORD AREA	CHORD PERIMETER
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00
1+00	1+00	1+00	1+00	1+00	1+00	0°00'00"	0.00	0.00	0.00

**LEGEND**

- 1. PROPOSED DRIVEWAY
- 2. EXISTING DRIVEWAY
- 3. PROPOSED DRIVEWAY
- 4. EXISTING DRIVEWAY
- 5. PROPOSED DRIVEWAY
- 6. EXISTING DRIVEWAY
- 7. PROPOSED DRIVEWAY
- 8. EXISTING DRIVEWAY
- 9. PROPOSED DRIVEWAY
- 10. EXISTING DRIVEWAY
- 11. PROPOSED DRIVEWAY
- 12. EXISTING DRIVEWAY
- 13. PROPOSED DRIVEWAY
- 14. EXISTING DRIVEWAY
- 15. PROPOSED DRIVEWAY
- 16. EXISTING DRIVEWAY
- 17. PROPOSED DRIVEWAY
- 18. EXISTING DRIVEWAY
- 19. PROPOSED DRIVEWAY
- 20. EXISTING DRIVEWAY



9.28.09  
 LORD OF LIFE LUTHERAN - CLIFTON



NE



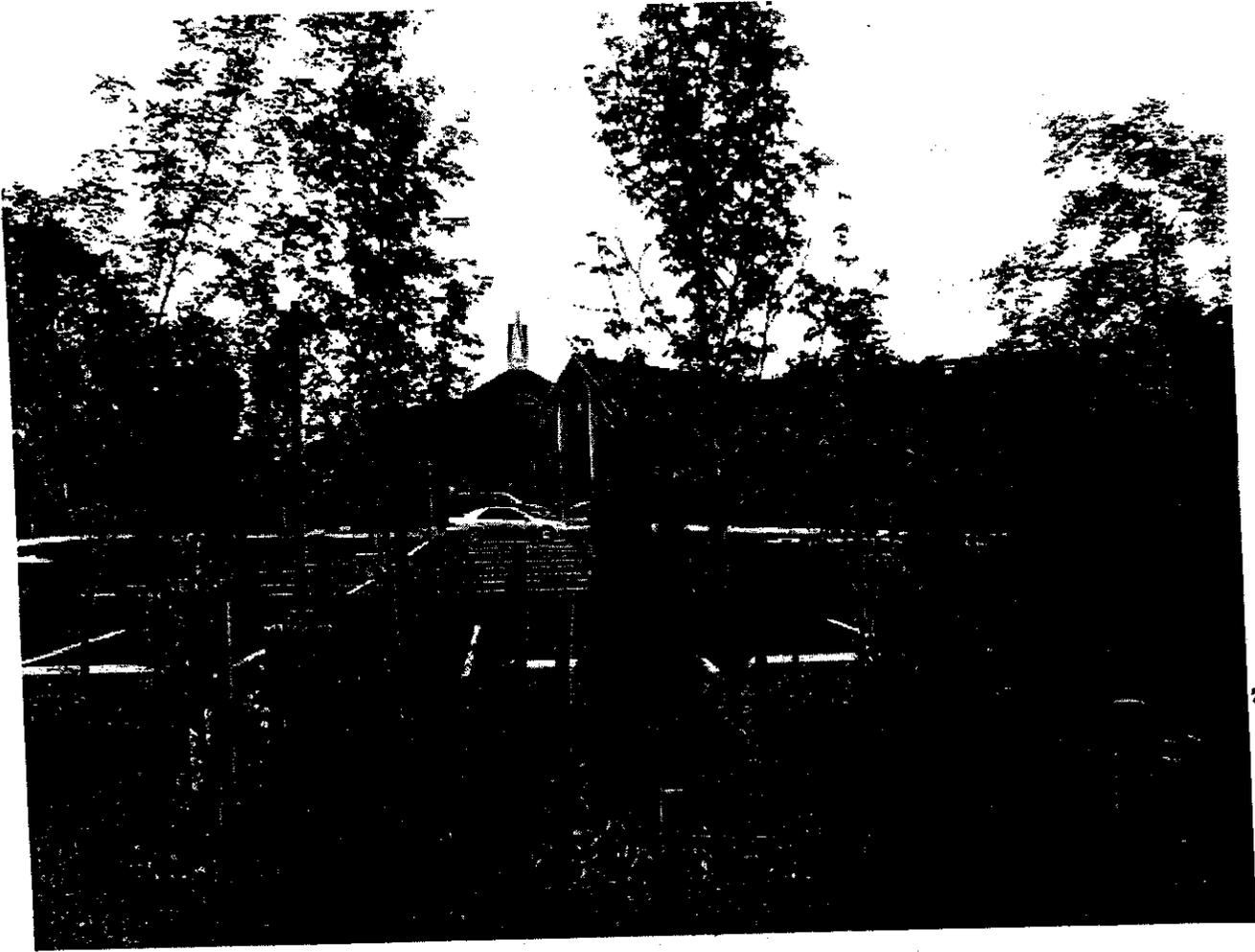
IN



SW



OUT



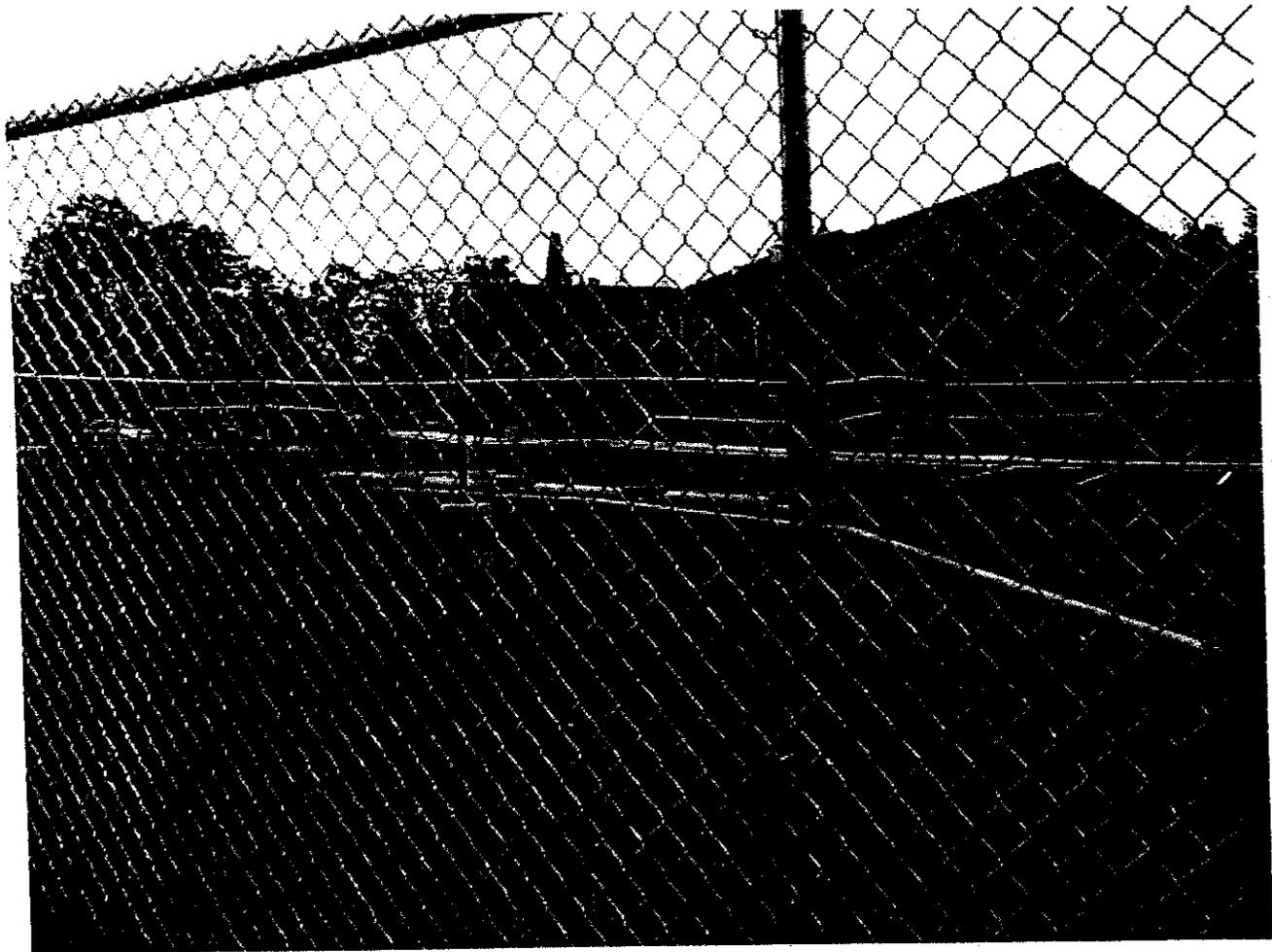
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N  
↑  
IN



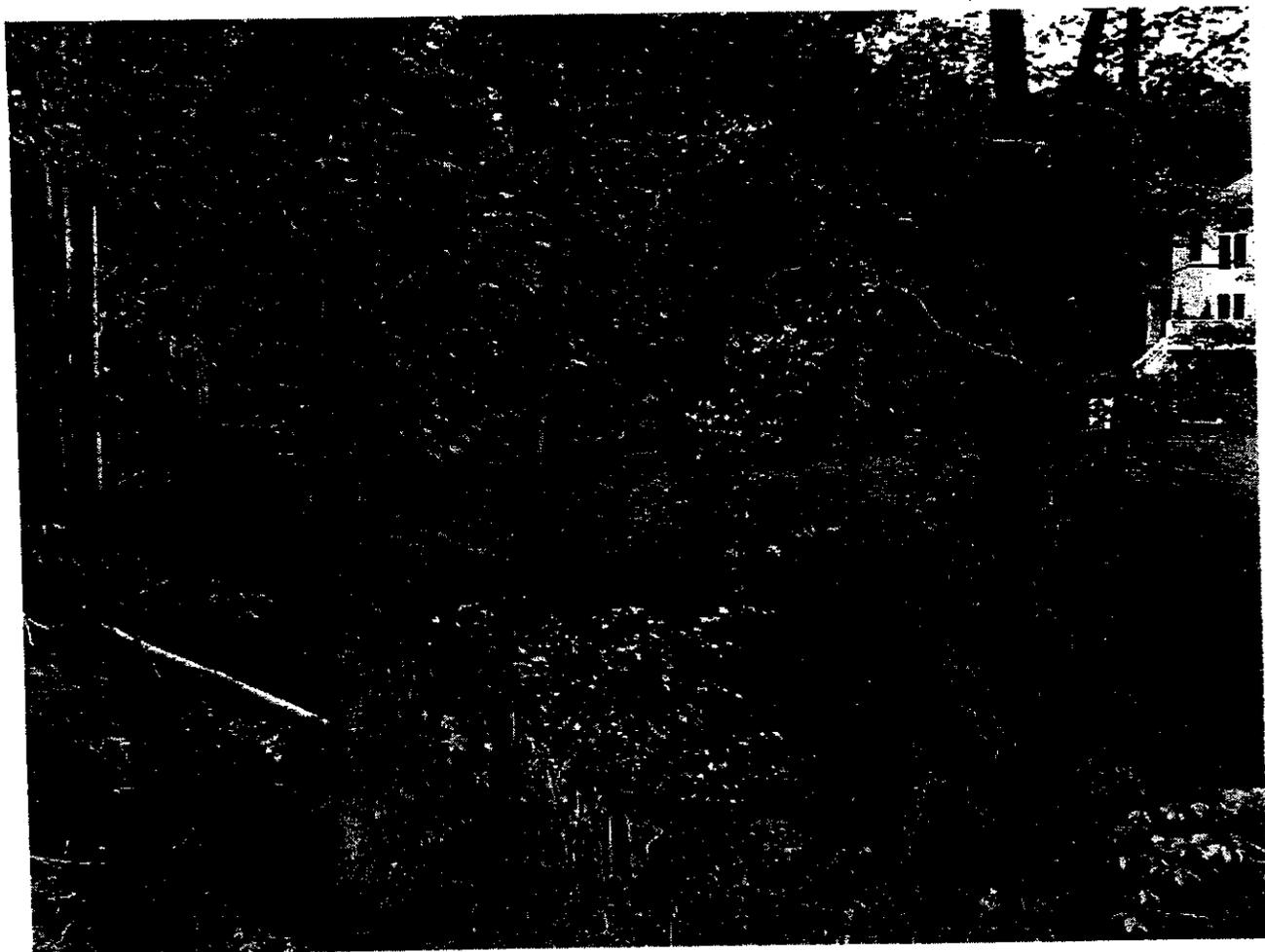
#4

S  
↑  
OUT



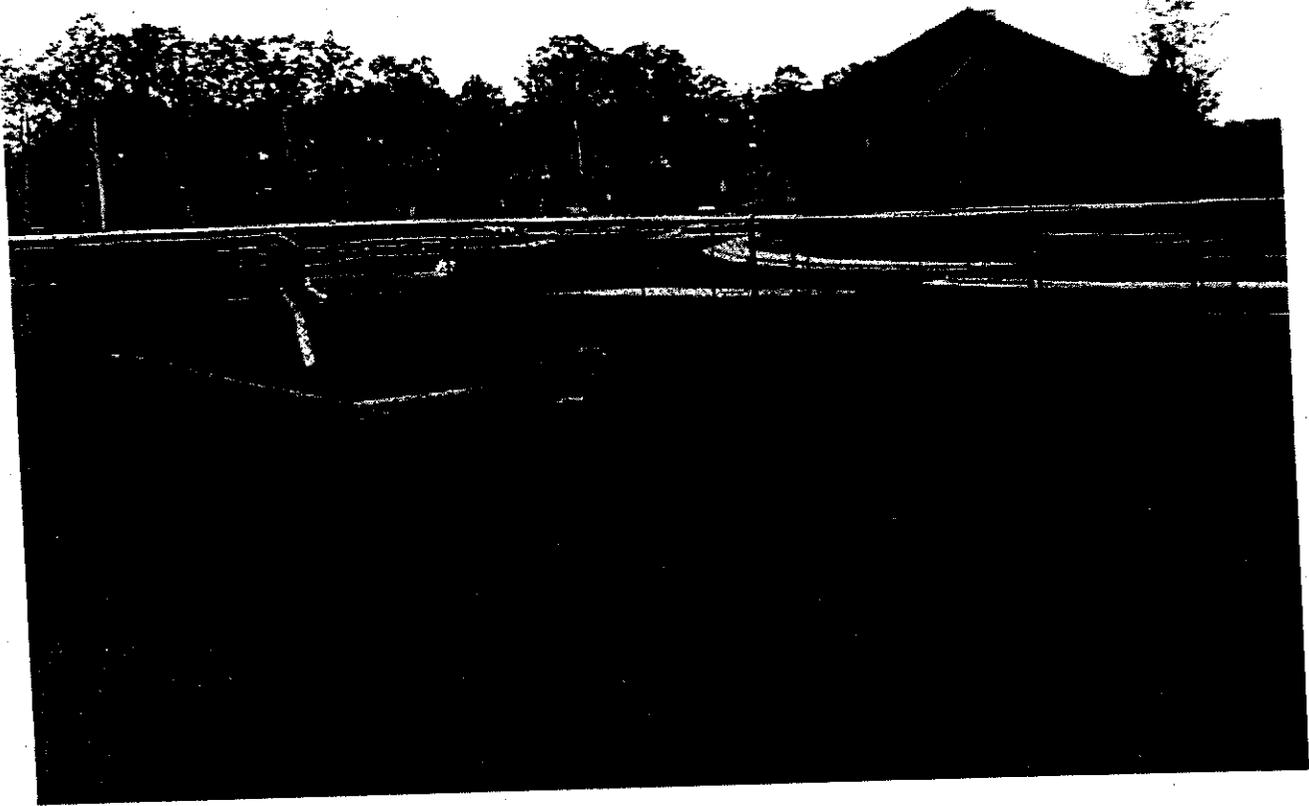
#5

NN  
↑  
IN



#6

SE  
↑  
OUT



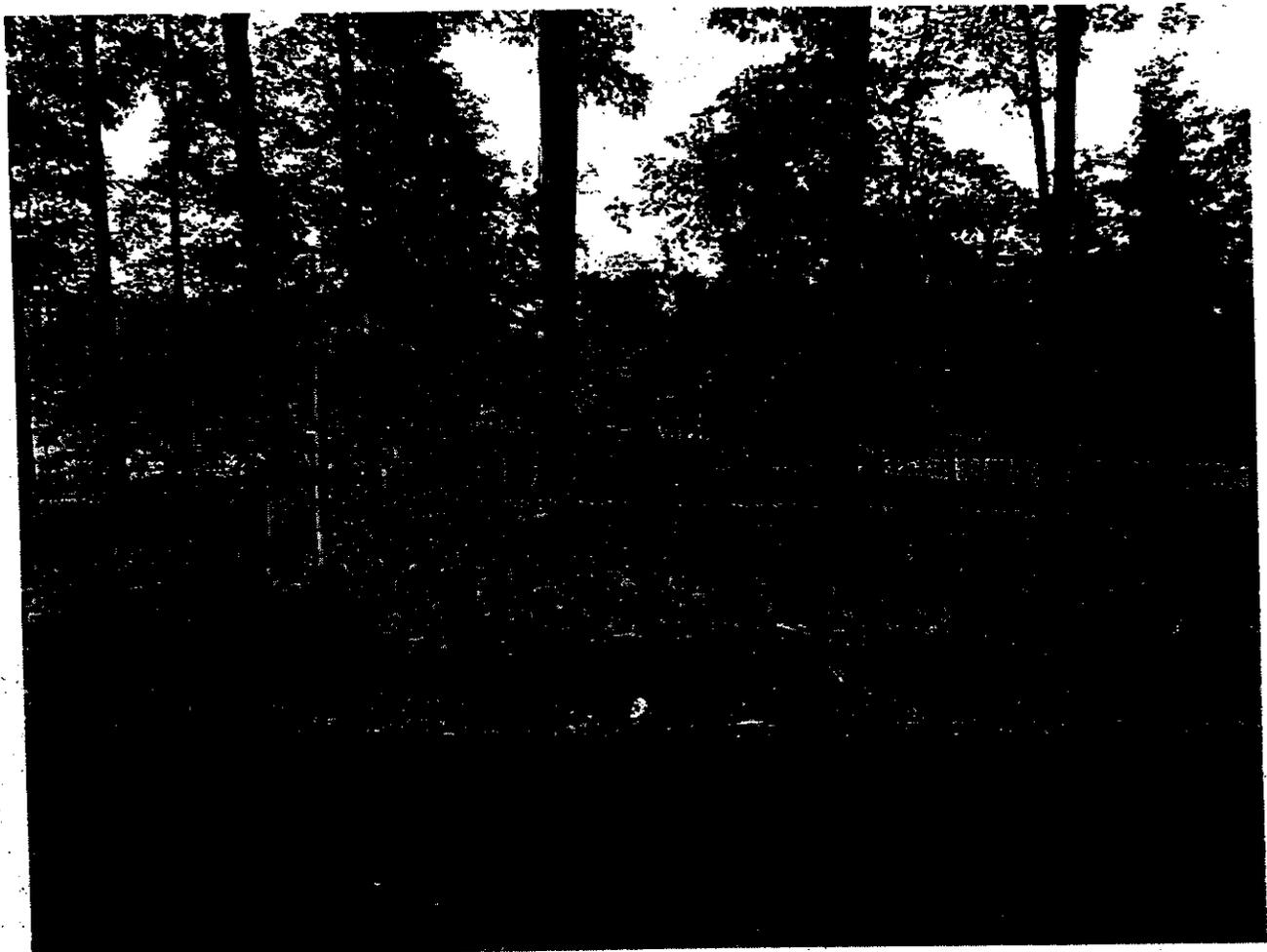
#7  
W  
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IN



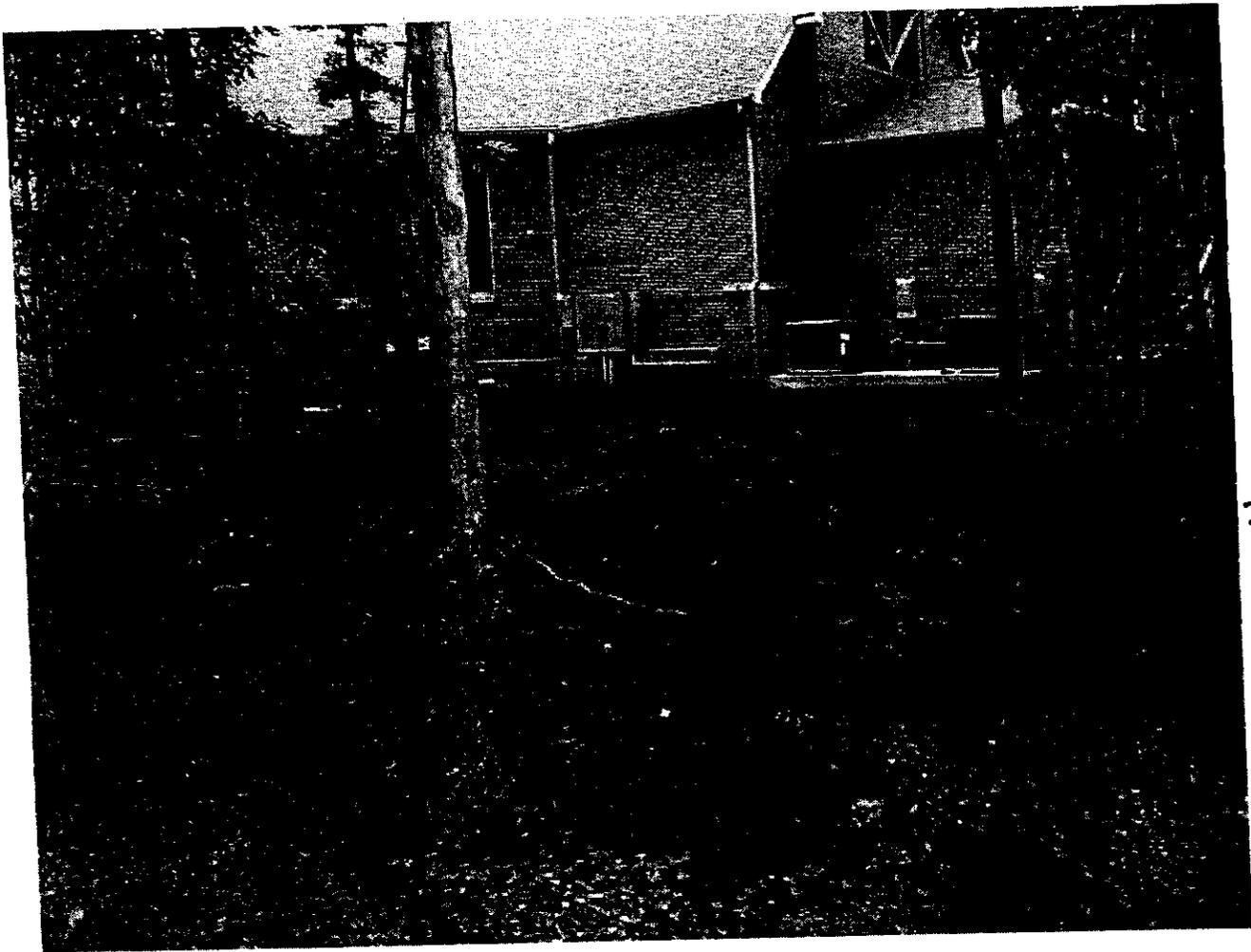
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E  
↑  
OUT



#9  
S  
↑  
IN

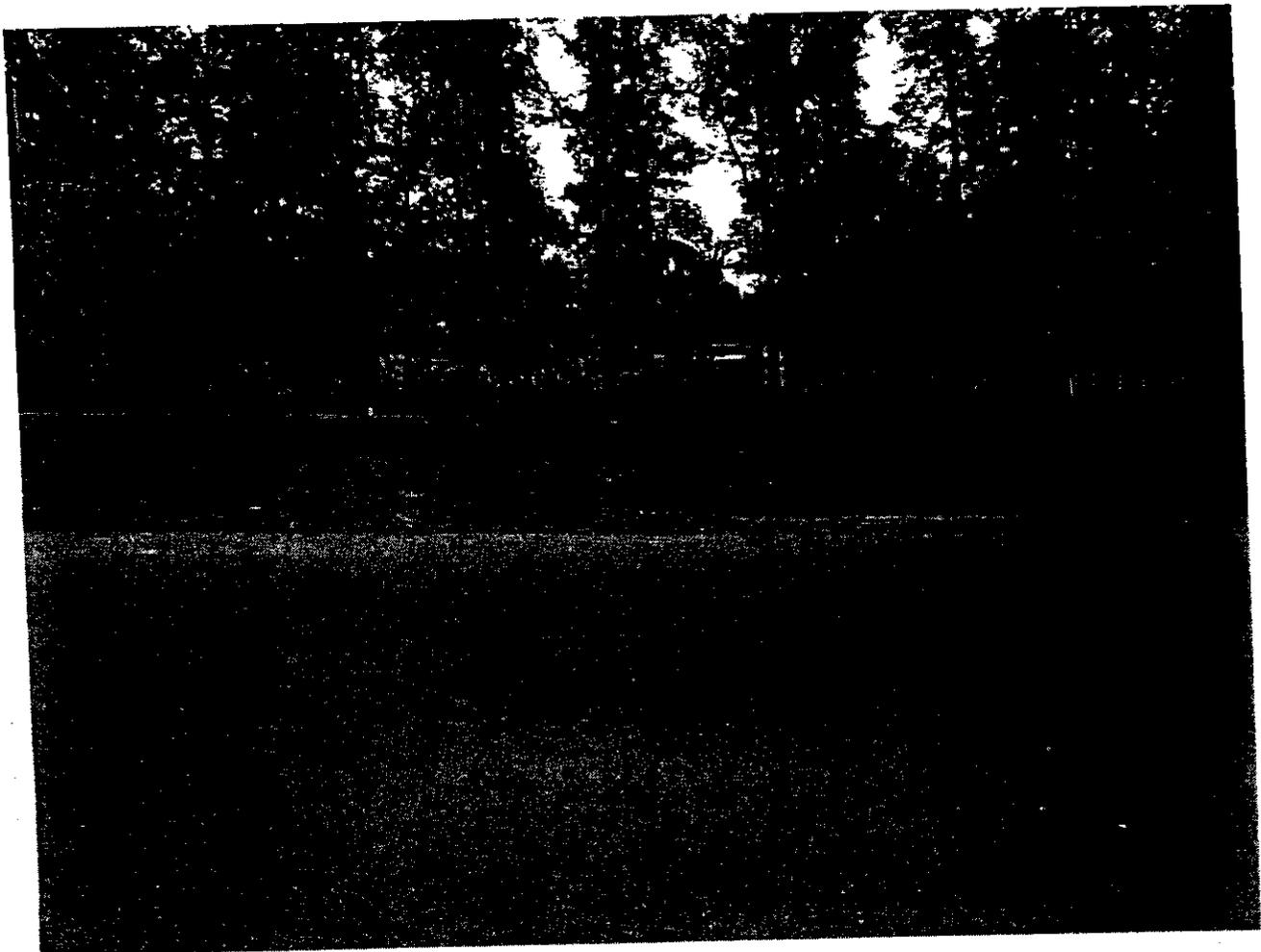


#10  
N  
↑  
OUT



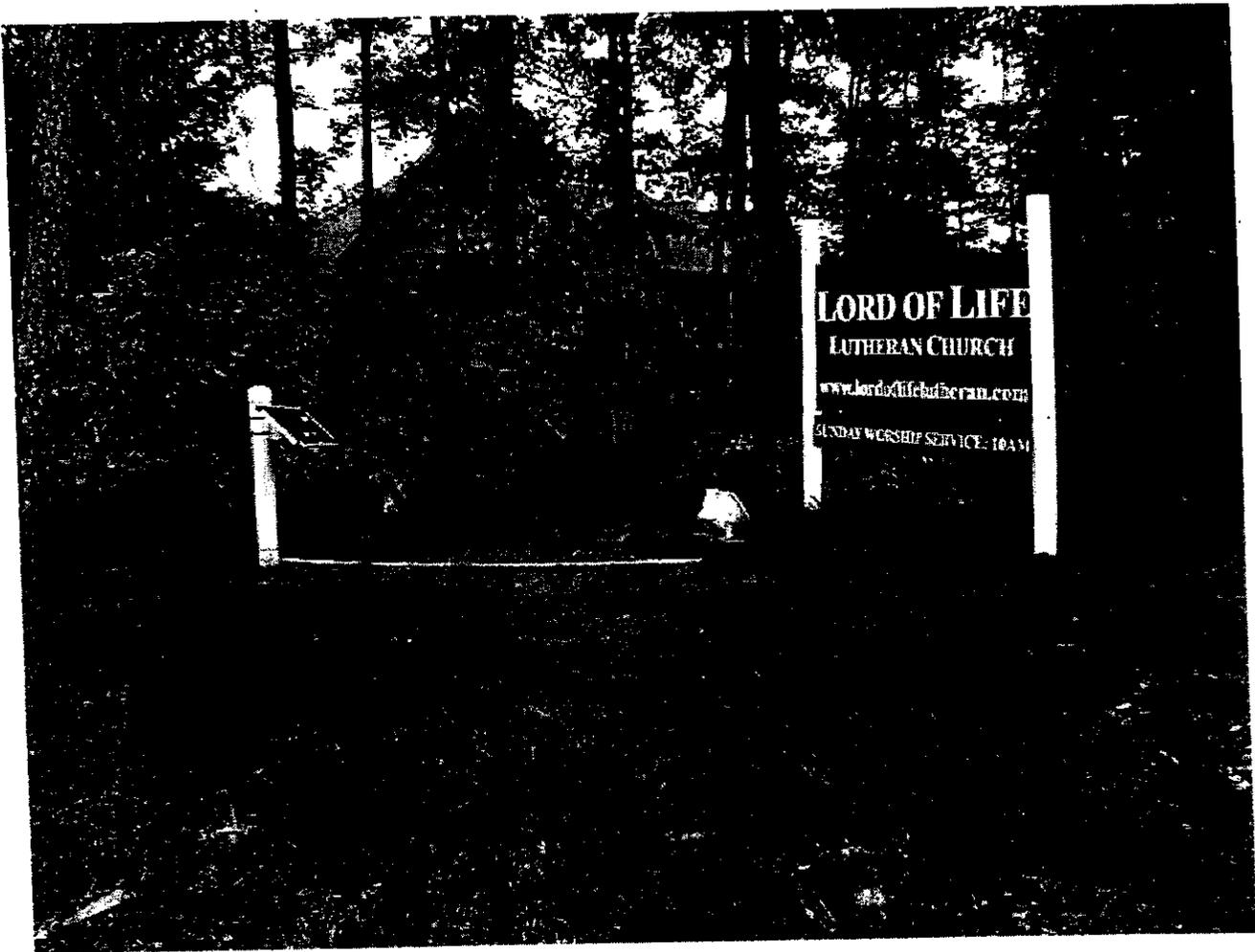
#11

SE  
↑  
IN



#12

NW  
↑  
OUT



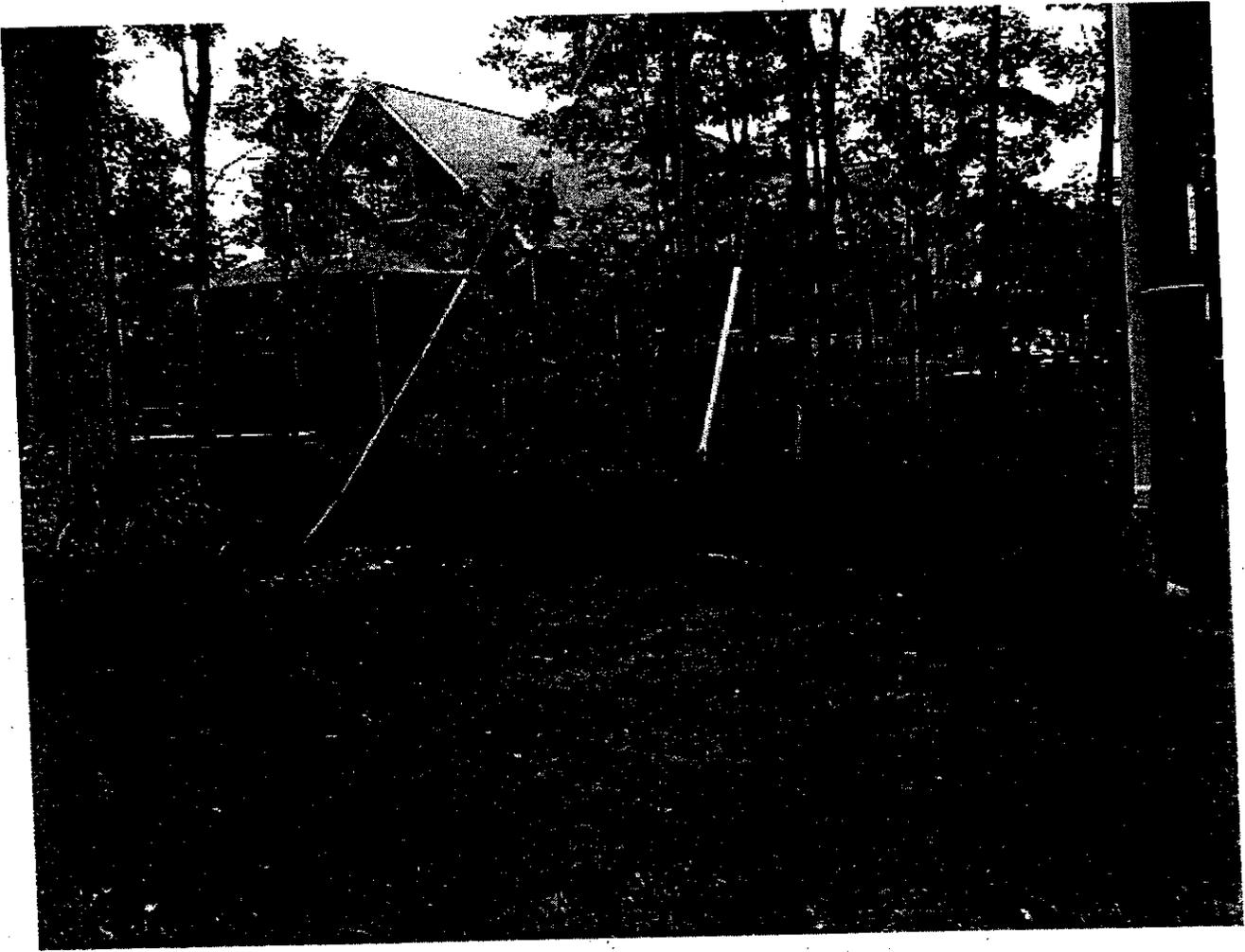
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SE  
↑  
IN

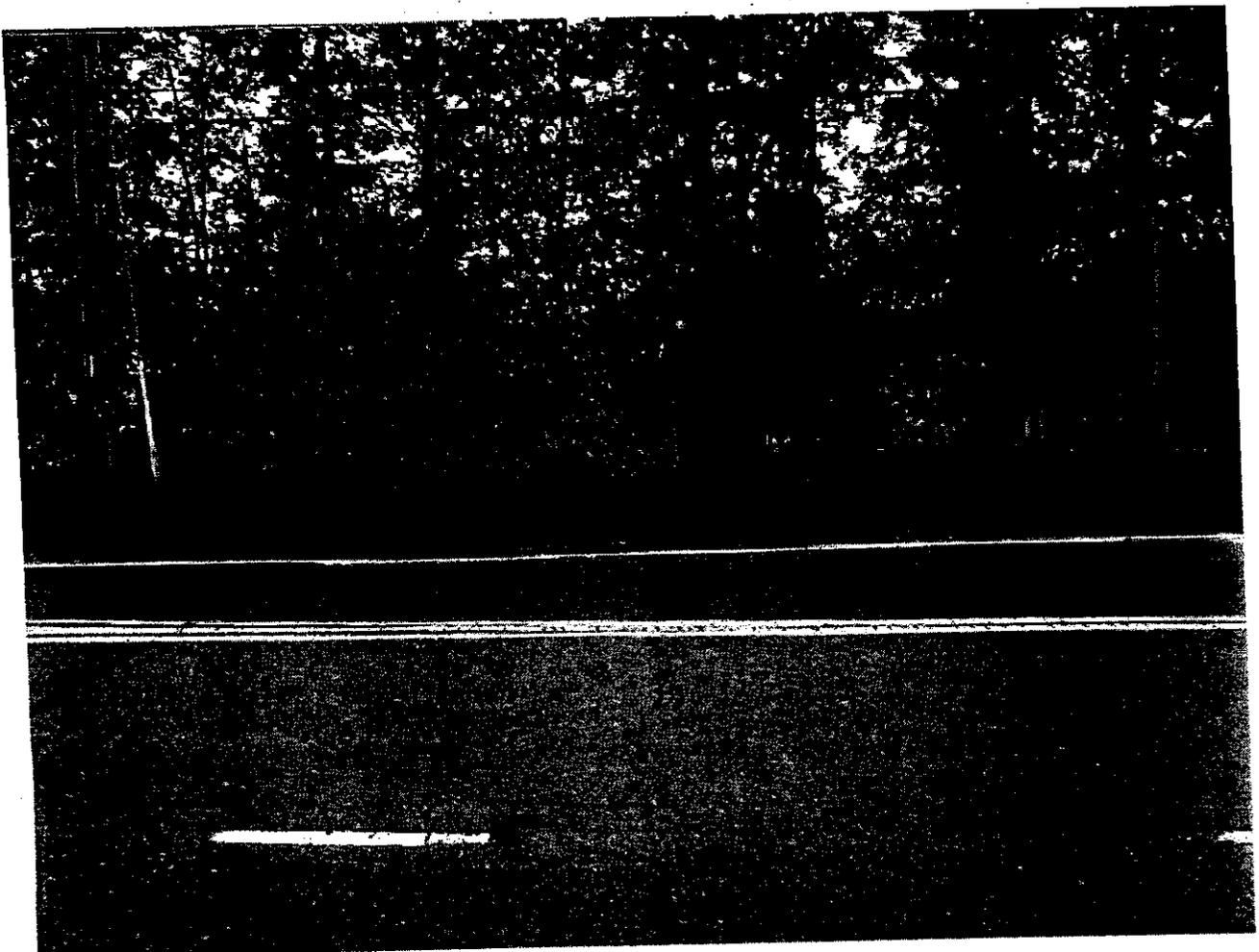


#14

NW  
↑  
OUT



#15  
NE  
↑  
IN



#16  
SW  
↑  
OUT

**DESCRIPTION OF THE APPLICATION****Special Permit Request:**

The applicant seeks to amend SP 95-S-050 previously approved for a church with a seating capacity of 300 seats to permit the addition of a nursery school with a maximum daily enrollment of 118 children and a maximum number of 15 employees at any one time. The applicant proposes an outdoor play area measuring 2,499 square feet in area to replace an existing overflow parking area that accommodates approximately 12 parking spaces, east of the existing church building. With the exception of the outdoor play area and interior modifications to the building's basement area for nursery school classrooms, no additional site modifications are proposed. The church operations remain unchanged.

Existing and/or Approved Under SP 95-S-050

**Size:** 3.76 acres (Site)  
 Building – 17,600 sq. ft. (No changes)

**FAR:** 0.08

**Number of Seats:** 300 seats (No changes)

**Parking:** 112 spaces

**Hours of Operation:** Worship Services:  
 Sunday, Two Morning Services

Church Office Hours: 8:00 a.m. – 5:00 p.m., Monday through Friday

**Number of Employees/Staff:**

Church:  
 10 employees/staff, maximum at any one time

Proposed Under SPA 95-S-050

**Parking:** 94 spaces

**Hours of Operation:** Worship Services:  
 8:00 a.m. – 12:00 p.m., Sunday, Two Morning Services

Church Office Hours: 8:00 a.m. – 5:00 p.m., Monday through Friday

Nursery School:  
 9:00 a.m. – 2:00 p.m., Monday through Friday, children  
 under 5 years dismissed at 1:00 p.m.

**Number of Children:** Nursery School:  
 118 children, maximum daily enrollment

**Number of Employees/Staff:**  
 Church:  
 6 employees/staff, maximum at any one time  
  
 Nursery School:  
 15 employees/staff, maximum at any one time

**LOCATION AND CHARACTER**

**Existing Site Description:**

The application site consists of two lots in a triangular configuration, with Twin Lakes Drive dividing the lots. Both properties abut the east side of Union Mill Road. The 3.76-acre site is currently developed with a single-story, 17,600 square-foot church building previously approved for a maximum of 300 seats with 112 surface parking spaces. All improvements are located on Lot 39A. Lot 39A is accessed via an existing driveway extending from Twin Lakes Drive to an asphalt surface parking area on the western portion of the site at the rear of the church building. Stormwater Management (SWM) is provided via an existing SWM dry pond and Best Management Practices are provided via a BMP bioretention filter and BMP sand filter located on the southern perimeter of the lot. Several utility, sanitary sewer and drainage easements are located along the southern perimeter of the site. The site is developed at an FAR of 0.08 which is calculated on 4.97 acres, the site size prior to land previously dedicated for widening of public streets.

**Surrounding Area Description:**

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Centreville High School	R-C	Residential; .5 -1 du/ac; Public Parks; Public Facilities
<b>South</b>	Single Family Dwellings	R-C	Residential .1 - .2 du/ac Public Park
<b>East</b>	Twin Lakes Golf Course	R-C	Public Parks; Private Open Space
<b>West</b>	Little Rocky Run	R-3	Residential; 2 - 3 du/ac

## BACKGROUND

On October 31, 1995, the Board of Zoning Appeals (BZA) approved SP 95-S-050 to permit a 300 seat church. A copy of the Resolution and approved plat in conjunction with SP 95-S-050 are included as Appendix (4).

On June 19, 1998, the BZA approved an additional time request to commence construction of SP 95-S-050. The new expiration date was November 10, 2000.

On January 2, 2001, the BZA approved an additional time request to commence construction of SP 95-S-050. The new expiration date was April 10, 2003.

On April 22, 2003, the BZA approved an additional time request to commence construction of SP 95-S-050. The new expiration date was October 10, 2005. Building construction was completed in 2008.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Area III

**Planning Sector:** Bull Run Planning District  
BR6 – Centreville Community Planning Sector

**Plan Map:** Residential, .1 - .2 du/ac

## ANALYSIS

**Special Permit Amendment Plat** (Copy at front of staff report)

**Title of SPA Plat:** Lord of Life Lutheran Church

**Prepared By:** Matthew K. Koirtzmann, P.E., Urban, Ltd.

**Dated:** May 29, 2009

### Proposed Use:

The applicant seeks special permit approval to add a nursery school use with a maximum daily enrollment of 118 children and a maximum number of 15 employees to the previously approved church use. The nursery school is proposed to operate in the cellar of the existing church building. No new exterior construction is proposed. The applicant proposes to reduce on-site parking from 112 spaces to 94 parking spaces in order to accommodate an outdoor play area measuring 2,499 square feet in area. The outdoor play area is proposed to replace an existing overflow parking area consisting of 12 parking spaces located east of the existing building, along Twin Lakes Drive.

With the exception of the outdoor play area and interior modifications to the building's cellar for nursery school classrooms, no additional site modifications are proposed. The applicant proposes to retain 94 on-site parking spaces; 94 parking spaces are required to meet the Zoning Ordinance requirements for both uses on this site. This is a ratio of 1:3.19 parking spaces to seats in the church. The applicant is seeking a modification of the transitional screening requirements in favor of existing vegetation; and a waiver of all barrier requirements. A modification of the transitional screening and waiver of the barrier requirements were granted in conjunction with the previously approved SP application, SP 95-S-050, in favor of existing vegetation and supplemental planting.

**Land Use Analysis**

The Comprehensive Plan recommends residential development for this area which serves as a transition in density away from the higher density uses in the Centreville Area. Staff believes the proposed uses and intensity are in harmony with the Comprehensive Plan recommendations for the area and there are no design or compatibility issues, as no additional on-site construction is proposed.

**Transportation Analysis (Appendix 5)**

With its initial review, the Virginia Department of Transportation (VDOT) identified a number of road improvements associated with adding the nursery school use to this site including extending the southbound left turn lane along Union Mill Road by re-striping the existing hatched median to accommodate turning vehicles. Staff has proposed a development condition that ensures that this improvement is made. In addition, staff has carried forward previous conditions related to provision of ancillary easements for future improvements to Union Mill Road. With the adoption of these conditions, there are no additional transportation issues 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 Twin Lake's Drive and Union Mill Road frontages.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (R-C: Residential Conservation District)</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Lot Size	5.0 acres (minimum)	3.76 acres*
Lot Width	200 feet (minimum)	439 feet (Twin Lakes Rd)
Building Height	60 feet (maximum)	27 feet
Front Yard	50° ABP but not less than 40 feet	40 feet (Twin Lakes Rd) 98 feet (Union Mill Rd)

<b>Bulk Standards (R-C: Residential Conservation District)</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Side Yard	45° ABP but not less than 20 feet	140 feet
Rear Yard	45° ABP but not less than 25 feet	N/A
Outdoor Recreation Area Nursery School	100 sq ft / child	2,499 sq ft (maximum 24 children at any one time)
FAR	0.10 (maximum)	0.08
Parking Spaces	75 spaces – Church 19 spaces – Nursery School  94 Total spaces	94 spaces
Interior Parking Lot Landscaping	5% (1,806 sq ft)	6.2% (2,230 sq ft)
Transitional Screening (North, South and West )	TS 1: Min. 25 feet in width planted with evergreen trees or a mixture of evergreen and deciduous trees	Modification requested of the northern, southern and western boundary, in favor of existing vegetation*
Barrier (North, South and West)	D, E or F	Waiver all requirements requested*

\* In Appeal A 89-S-009, the BZA found that the subject property was a developable lot and could receive density credit for land previously dedicated for widening of public streets.

\*\* Transitional screening and barriers were previously modified and waived in conjunction with SP 95-S-050.

### **WAIVERS/MODIFICATIONS REQUESTED**

#### **Waiver/Modification:**

The applicant requests a modification of the northern, southern and western boundary transitional screening requirements in favor of existing vegetation and a waiver of all barrier requirements.

**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 include any additional construction to the site, staff supports the continuation of all modifications and waivers previously approved by the BZA under the preceding special permit approval, SP 95-S-050.

## **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 of SPA 95-S-050 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, SP 95-S-050
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 95-S-050****January 20, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 95-S-050 located on property described as Tax Map 66-1 ((1)) 17; 66-3 ((1)) 39A to amend SP 95-S-050 previously approved for a church, to permit the addition of a nursery school, pursuant to Section 3-C03 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, Trustees of Lord of Life Lutheran Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 13421 Twin Lakes Drive, 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 special permit plat prepared by Matthew K. Koirtzohann, P.E., Urban, Ltd., dated May 29, 2009 and approved with this application as qualified by these development conditions.\*
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 300.\*
6. The total maximum daily enrollment of children in the nursery school shall not exceed 118.
7. The maximum number of employees on site at any one time for the nursery school shall be limited to 15.
8. Prior to the issuance of a Non-RUP for the nursery school, a play area as depicted on the SPA Plat shall be constructed.

9. The maximum hours of operation for the nursery school shall be limited to 9:00 a.m. – 2:00 p.m., Monday through Friday.
10. Parking shall be provided as depicted on the special permit amendment plat, and shall consist of a minimum of 94 parking spaces. All parking shall be on site.
11. To the maximum extent possible, twenty-five feet of existing vegetation shall be maintained and supplemented along the Twin Lakes Drive frontage of the site and shall satisfy Transitional Screening 1. To the maximum extent possible, existing vegetation shall be used in order to satisfy the transitional screening requirement (Transitional Screening 1) along the southern property line.

A landscape plan shall be submitted for approval to the Urban Forest Management Division (UFMD) at the time of site plan review detailing the size and type of plantings to be provided.

Interior parking lot landscaping shall be provided as shown on the special permit plat. Tree species with large canopy coverage should be provided in the parking lot in order to increase shade. UFMD may require substitutions of suitable plant materials instead of those shown on the plant list.

All vegetation shall be maintained in good condition and any dead or dying vegetation shall be replaced as determined by UFMD.\*

12. The barrier requirement shall be waived along all lot lines.\*
13. Erosion and sediment control measures shall be provided during all grading and construction activities. Design of the erosion and sediment control measures shall be substantially in accordance with the methods recommended by the Virginia Soil and Water Conservation Commission in the Virginia Erosion and Sediment Control Handbook and shall be coordinated with DPWES. These methods may include, but shall not be limited to, the provision of either sediment detention facilities or redundant and/or oversized siltation fencing. If determined by DPWES, at the time of site plan review, that additional erosion and sedimentation control measures beyond Public Facilities Manual (PFM) standards are desirable, additional measures shall be provided to the satisfaction of DPWES.\*
14. Limits of clearing and grading shall be as shown on the special permit plat and shall be subject to review and approval by UFMD. Best efforts shall be used to design the SWM/BMP facility so as to minimize its size and to preserve to the maximum extent possible tree save area along in addition to that shown by the limits of clearing and grading on the plat.\*

15. A tree preservation/tree replacement plan shall be reviewed and approved by UFMD prior to site plan approval which shows definitive limits of clearing and grading and emphasizes the preservation of existing mature trees. If it is determined by UFMD to be necessary to remove any trees previously designated to be preserved in order to relocate utility lines, trails, etc, that cannot be located elsewhere, then an area of additional tree save of equivalent value as determined by UFMD may be substituted at an alternate location on the site. If a suitable alternate location cannot be identified on the site by UFMD, then the applicant may elect to replace such trees according to the directions of UFMD, pursuant to the PFM.\*
16. A geotechnical engineering study shall be provided, if deemed necessary by DPWES and the recommendations of DPWES shall be implemented.\*
17. Stormwater Best Management Practices (BMPs) shall be provided as determined by DPWES at time of site plan approval in accordance with the provisions of the Water Supply Overlay District (WSPOD) of the Zoning Ordinance.\*

The applicant shall construct the proposed stormwater management pond during the initial land-disturbing phase to provide for runoff and sediment discharge.\*

18. Right-of-way to 26 feet from the centerline of Twin Lakes Drive shall be dedicated for public street purposes. The applicant shall provide all ancillary easements, including a sidewalk easement, which may be necessary to facilitate the future (re)construction of Twin Lakes Drive at the time of such (re)construction.\*
19. A right turn deceleration lane shall be provided on Twin Lakes Drive and shall be designed and constructed to a standard as required by DPWES and the Virginia Department of Transportation (VDOT).\*
20. Ancillary easements along Union Mill Road shall be provided in order to facilitate future road improvements at the time such improvements are undertaken.\*
21. Adequate sight distance shall be provided as determined by DPWES and VDOT.\*
22. Prior to issuance of a Non-RUP for the nursery school, the applicant shall restripe Union Mill Road for the extension of the existing southbound left turn lane to a length as determined by VDOT.
23. The small triangular portion of the subject property located on the north side of Twin Lakes Road shall be used for open space only; however, it may be transferred to the Fairfax County Park Authority without amendment to this Special Permit.\*

24. Any proposed lighting of the parking areas shall be in accordance with the following:\*
- The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
  - The lights shall focus directly onto the subject property.
  - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
25. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance. Signs shall be located as to be integrated into the landscape and shall conform in size to Article 12 of the Zoning Ordinance.\*
26. The applicant shall implement any drainage control measures to prevent exacerbation of the existing drainage and siltation problems as required by DPWES.\*

These development conditions incorporate and supersede all previous development conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the 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.

SPA 95-S-050

Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s); to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 3, 2009  
 (enter date affidavit is notarized)

I, Sarah E. Hall, 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      104867-5

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 <b>BOLD</b> above)
Trustees of Lord of Life Lutheran Church Nadine R. Christensen, Trustee Robert B. Baumgartner, Trustee Howard K. Schue, Trustee	5114 Twinbrook Road Fairfax, Virginia 22032	Applicant/Title Owner
Urban Engineering & Associates, Inc. (t/a Urban, Ltd.)  Peter F. Crawford	7700 Little River Turnpike Annandale, Virginia 22003	Engineers/Agents  Agent
Blankingship & Keith, P.C.  Sarah E. Hall Jeremy B. Root	4020 University Drive, Suite 300 Fairfax, Virginia 22030	Attorneys/Agents  Attorney/Agent Attorney/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPA 95-S-050

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1048670

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)

Lord of Life Lutheran Church  
5114 Twinbrook Road  
Fairfax, Virginia 22032

**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)

Lord of Life Lutheran Church is an  
unincorporated association

(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): SPA 95-S-050  
(county-assigned application number(s), to be entered by County Staff) Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1048676

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Urban Engineering & Associates, Inc. (v/s Urban, Ltd.)  
7700 Little River Turnpike  
Annandale, Virginia 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Berry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

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

Blankingship & Keith, P.C.  
4020 University Drive, Suite 300  
Fairfax, Virginia 22030

**DESCRIPTION OF CORPORATION:** (check one statement) All Shareholders are listed.

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

A. Hugo Blankingship, Jr.	Paul B. Terpak	Elizabeth C. Morrogh	William B. Porter
John A. C. Keith	Peter S. Everett	Robert J. Stoney	Gifford R. Hampshire
William H. Casterline, Jr.	David Rust Clarke	Wm. Quinton Robinson	William L. Carey
Sarah E. Hall	David J. Gogal	John F. Cafferky	Mary McGowan

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

SPA 95-S-050

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1048670

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): SPA 95-S-050  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1048267

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1048676

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

Sarah E. Hall  
Sarah E. Hall, Attorney/Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of September 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Susanna Price  
Notary Public

My commission expires: 4/30/2010

R.N. 134347



### Statement of Justification

In 1995 the Board of Zoning Appeals approved Special Permit Application SP 95-S-050, which permitted Holy Spirit Lutheran Church to construct a mission church facility at the intersection of Union Mill Road and Twin Lakes Drive. Holy Spirit encountered a number of significant and unexpected problems, and eventually Holy Spirit joined forces with and merged with Lord of Life Lutheran Church, a church long ago established on Twinbrook Road in the Lake Braddock area. (The property which is the subject of SP 95-S-050 is now titled in the name of the Trustees of Lord of Life Lutheran Church.) The property at Union Mill Road and Twin Lakes Drive has been developed as the western campus of the merged church.

By this application, Lord of Life Lutheran Church, as successor by merger to Holy Spirit Lutheran Church, seeks an amendment to SP 95-S-050 to permit a nursery school use in the existing building. There would be no expansion of the building. The only change to the property would be the replacement of the overflow parking area with a fenced playground. The nursery school would have a maximum daily enrollment of 118 children and would operate Monday through Friday from 9:00 a.m. to 2:00 p.m. Children younger than five (5) would be dismissed at 1:00, and those five and older would be dismissed at 2:00 p.m. The maximum number of teachers and staff at the facility at any one time would be 15. Lord of Life Lutheran Church has operated a nursery school at its Twinbrook Road eastern campus for many years, and it has become a valued asset in that community. Lord of Life Lutheran Church seeks to make available to the neighbors of its western campus a nursery school of similar quality.

No change is being proposed regarding the church use. The number of seats will remain 300 and the number of employees at any one time will remain six (6). Worship services will continue to be held on Sunday mornings, and the church office will continue to be open from 9:00 a.m. to 5:00 p.m., Monday through Friday.

As a result of its small size, the nursery school will have little if any effect on traffic in the area. The number of trips generated by the church and the nursery school together during the a.m. peak hour will be only approximately 101. Since the dismissal times will be staggered and will be in the early afternoon, afternoon traffic generated by the nursery school will not be noticeable.

This application conforms to the general standards for special permits in Section 8-006 of the Zoning Ordinance and with the special standards for a nursery school set out in Section 9-309. The proposed nursery school use, like the church use, will be in harmony with the Comprehensive Plan and with the general purpose and the intent of the R-C district's regulations. It will also be harmonious with and will not adversely affect the use and development of neighboring properties. The proposed use will have a positive effect on neighboring properties and the community as a whole. The proposed use will not be hazardous or conflict with pedestrian or vehicular traffic. The property is already beautifully landscaped, and more tree cover than required is provided. Adequate

utilities and parking are already in place, and any new sign, like the existing signage, will be in conformance with Article 12 of the Zoning Ordinance.

To the best of Applicant's knowledge, there are no hazardous substances or hazardous wastes or petroleum products on the property.

The application conforms to all applicable ordinances, regulations, adopted standards, and applicable conditions, except the transitional screening and barrier requirements. Applicant is seeking a modification of the transitional screening requirement for the southern property line. The landscaping in that area is more than adequate and conforms to the requirements of SP 95-S-050. Applicant is seeking a waiver of the barrier requirement along the southern and western boundaries.

HOLY SPIRIT LUTHERAN CHURCH. SP 95-S-050

would support it. Mr. Hammack noted that transferring the parcel meant that the Board effectively would grant an FAR that exceeds what is allowable in the area, from a 0.8 to a .010, which he normally would not support. He said that, given the nature of the abandonment of old Twin Lakes Drive, the realignment and the small residual, .22066 acres (they are receiving credit for it in the development but allowing it to be transferred), he was somewhat troubled. He said, however, that he could not remember seeing a situation quite like this in the number of years he had been on the Board and would support the application anyway.

Mr. Pammel said that, historically, the County had treated institutional uses as transitional, as reflected in references by staff and the Comprehensive Plan. He said that he could think of nothing more appropriate than a church/institutional use being a transition that meets the purposes of the Comprehensive Plan. Mr. Pammel referred to the applicant having provided an 80-foot transitional area to the west, between their development parking lot and the Little Rocky Run development, comprised of a vegetated area far in excess of what is required by the Ordinance. He referred to staff's suggestion that an FAR of 0.8 is a little too high and said that, even if they take out the residual portion, the fact remains that 0.8 is the allowable FAR, which is 20% below what is permitted by right in the district.

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## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SP 95-S-050 by HOLY SPIRIT LUTHERAN CHURCH, under Section 3-C03 of the Zoning Ordinance to permit a church and related facilities, on property located south and north of the intersection of Union Mill Road and Twin Lakes Drive, Tax Map Reference 66-1((1))17 and 66-3((1))39A, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 31, 1995; and

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

1. The applicant(s) is/are the owner(s) of the land.
2. The present zoning is R-C and WS.
3. The area of the lot is approximately 3.77 acres.

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 Sections 8-303 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

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 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 special permit plat prepared by Robson Group Architects dated June 28, 1995, revised through October 2, 1995 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. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat, all applicable provisions of the Zoning Ordinance and the Public Facilities Manual, and these development conditions.
5. The maximum seating capacity in the main area of worship shall be 300.
6. All parking for this use shall be on site.
7. To the maximum extent possible, twenty-five feet of existing vegetation shall be maintained and supplemented along the Twin Lakes Drive frontage of the site and shall satisfy Transitional Screening 1. To the maximum extent possible, existing vegetation shall be used in order to satisfy the transitional screening requirement (Transitional Screening 1) along the entire southern property line.

A landscape plan shall be submitted for approval to the County Urban Forester at the time of site plan review detailing the size and type of plantings to be provided.

Interior parking lot landscaping shall be provided as shown on the special permit plat. Tree species with large canopy coverage should be provided in the parking lot in order to increase shade. The Urban Forestry Branch may require substitutions of suitable plant materials instead of those shown on the plant list.

The barrier requirement shall be waived.

8. Erosion and sediment control measures shall be provided during all grading and construction activities. Design of the erosion and sediment control measures shall be substantially in accordance with the methods recommended by the Virginia Soil and Water Conservation Commission in the Virginia Erosion and Sediment Control Handbook and shall be coordinated with the Department of Environmental Management (DEM). These methods may include, but shall not be limited to, the provision of either sediment detention facilities or redundant and/or oversized siltation fencing. If determined by DEM, at the time of site plan review, that additional erosion and sedimentation control measures beyond Public Facilities Manual (PFM) standards are desirable, additional measures shall be provided to the satisfaction of DEM.
9. Notwithstanding notes No. 7 and 17 on the special permit plat, limits of clearing and grading shall be as shown on the special permit plat and shall be subject to review and approval by the Urban Forestry Branch. Best efforts shall be used to design the SWM/BMP facility so as to minimize its size and to preserve to the maximum extent possible tree save area along in addition to that shown by the limits of clearing and grading on the plat.
10. A tree preservation/tree replacement plan shall be reviewed and approved by the Urban Forestry Branch prior to site plan approval which shows definitive limits of clearing and grading and emphasizes the preservation of existing mature trees. If it is determined by the Urban Forestry Branch to be necessary to remove any trees previously designated to be preserved in order to locate utility lines, trails, etc. that can not be located elsewhere, then an area of additional tree save of equivalent value as determined by the Urban Forestry Branch may be substituted at an alternate location on the site. If a suitable alternate location cannot be identified on site by the Urban Forestry Branch, then the applicant may elect to replace such trees according to the directions of the Urban Forestry Branch pursuant to (Part 4 of Section 12-0403.7) of the Public Facilities Manual (PFM).
11. A geotechnical engineering study shall be provided, if deemed necessary by the Department of Environmental Management (DEM) and the recommendations of DEM shall be implemented.
12. Stormwater Best Management Practices (BMPs) shall be provided as determined by the Department of Environmental Management (DEM) at time of site plan approval in accordance with the provisions of the Water Supply Protection Overlay District (WSPOD) of the Zoning Ordinance.

The applicant shall construct the proposed stormwater management pond during the initial land-disturbing phase to provide control for runoff and sediment discharge.

13. Right-of-way to 26 feet from the centerline of Twin Lakes Drive shall be dedicated for public street purposes. The applicant shall provide all ancillary easements which may be necessary to facilitate the future (re)construction of Twin Lakes Drive at the time of such (re)construction.
14. A right turn deceleration lane shall be provided on Twin Lakes Drive and shall be designed and constructed to a standard as required by the Department of Environmental Management (DEM) and VDOT.
15. Ancillary easements along Union Mill Road shall be provided in order to facilitate future road improvements at the time such improvements are undertaken.
16. Adequate sight distance shall be provided as determined by the Department of Environmental Management (DEM) and the Virginia Department of Transportation (VDOT).
17. The small triangular portion of the subject property located on the north side of Twin Lakes Road shall be used for open space only; however, it may be transferred to Fairfax County Park Authority without amendment to this Special Permit.
18. Any proposed lighting of the parking areas shall be in accordance with the following:
  - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
  - The lights shall focus directly onto the subject property.
  - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
19. Signs shall be permitted provided they are erected in accordance with the provisions of Article 12. Signs shall be located so as to be integrated into the landscape and shall conform in size to Article 12 of the Zoning Ordinance.
20. The applicant shall implement any drainage control measures to prevent exacerbation of the existing drainage and siltation problems as required by DEM.

This approval, contingent upon 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 any notice, thirty (30) months after the date\* of approval unless the use has been established or construction has commenced and been diligently prosecuted. Establishment of Phase I shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals may grant additional time to establish the use or 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. Ribble seconded the motion which carried by a vote of 6-1. Mr. Dively abstained.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 10, 1995. This date shall be deemed to be the final approval date of this special permit.

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APPENDIX 5

DEC 21 2009

Zoning Evaluation Division

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

December 17, 2009

AVID S. EKERN, P.E.  
COMMISSIONER

Ms. Regina Coyle  
Director of Planning and Zoning  
Office of Comprehensive Planning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: SPA 1995-S-050 Lord of Life Lutheran Church  
Tax Map # 66-1((01)) 0017 & 66-3((01)) 0039A  
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on December 14, 2009, and received on December 15, 2009. Previous comments have been addressed. It is recommended the condition for the restriping of the Union Mill Road left turn lane not list any specific lengths. This will need to meet the requirements in place at the time this work is performed. Additionally, the County needs to evaluate the right of way along Union Mill Road to be sure there is sufficient right of way to construct a northbound right turn lane in the future along the site frontage. We will evaluate the need for any additional improvements to the site entrance based on future uses if any further development occurs on the site.

If you have any questions, please call me at (703)383-2424.

Sincerely,

  
Kevin Nelson  
Transportation Engineer

cc: Ms. Angela Rodeheaver  
fairfaxzoning1995-S-050poe2LordOfLifeLuthCh12-17-09RC



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

September 11, 2009

DAVID S. EKERN, P.E.  
COMMISSIONER

Ms. Regina Coyle  
Director of Planning and Zoning  
Office of Comprehensive Planning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: SPA 1995-S-050 Lord of Life Lutheran Church  
Tax Map # 66-1((01)) 0017 & 66-3((01)) 0039A  
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on June 3, 2009, and received on August 18, 2009. The following comments are offered:

1. The southbound left turn lane along Union Mill Road should be extended in length to accommodate the turning vehicles. This will be a matter of restriping the existing hatched median area.
2. The right turn lane into the site should be extended back to the intersection with Union Mill Road.
3. A westbound left turn lane into the site should be provided.
4. The need for a right turn lane northbound on Union Mill Road at Twin Lakes Drive should be evaluated.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson  
Transportation Engineer

cc: Ms. Angela Rodeheaver  
fairfaxzoning1995-S-050pca1LordOfLifeLuthCh9-11-09RC

Zoning Evaluation Division

SEP 17 2009

Office of Planning & Zoning

RECEIVED



# County of Fairfax, Virginia

## MEMORANDUM

DATE: October 22, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Comprehensive Planning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

NOV 6 2009

**FILE:** 3-6 (SP 95-S-050)

SPECIAL PERMIT &  
VARIANCE BRANCH

**SUBJECT:** Transportation Impact

**REFERENCE:** SPA 95-S-050; Lord of Life Lutheran Church  
Traffic Zone: 1653  
Land Identification Map: 66-3 ((01)) 39A; 66-1 ((01)) 17

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat dated June 29, 2009.

The special permit amendment request is to permit a nursery school with an enrollment of 118 children.

The applicant should resolve all issues regarding VDOT's memo of September 11, 2009 by a time prior to the scheduled public hearing.

In summary, the following are the VDOT issues that need to be resolved.

- The southbound left turn lane along Union Mill Road should be extended by restriping.
- The existing right turn lane on Twin Lakes Drive should be extended.
- A westbound left turn lane on Twin Lakes Drive should be provided at the site entrance.
- A northbound right turn lane on Union Mill Road at Twin Lakes Drive should be evaluated.

AKR/AK CC: Michelle Brickner, Director, Design Review, DPW & ES

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-28980  
Phone: (703) 877-5600 TTY: (703) 877-5602  
Fax: (703) 877-5723  
www.fairfaxcounty.gov/fcdot



**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:

<b>Number of Persons</b>	<b>Street Type</b>
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.