



APPLICATION ACCEPTED: January 12, 2010
BOARD OF ZONING APPEALS: March 31, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 24, 2010

STAFF REPORT
SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 85-C-003-5
HUNTER MILL DISTRICT

APPLICANT/OWNER: Trustees of the Church of the Good Shepherd
(United Methodist Church)

STREET ADDRESS: 2351 Hunter Mill Road

TAX MAP REFERENCE: 37-2 ((1)) 26A

LOT SIZE: 7.16 acres

F.A.R.: 0.09

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-308

PLAN MAP: Residential, .5 – 1.0 du/ac

SPECIAL PERMIT PROPOSAL: Amend previously approved special permit for a church and private school of general education to permit the addition of a nursery school.

STAFF RECOMMENDATION: Staff recommends approval of SPA 85-C-003-5 but only with adoption of the development conditions attached as 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.

H:\SP Reports\SPA 85-C-003-5 (Good Shepherd UM Church).doc

Mary Ann Godfrey

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

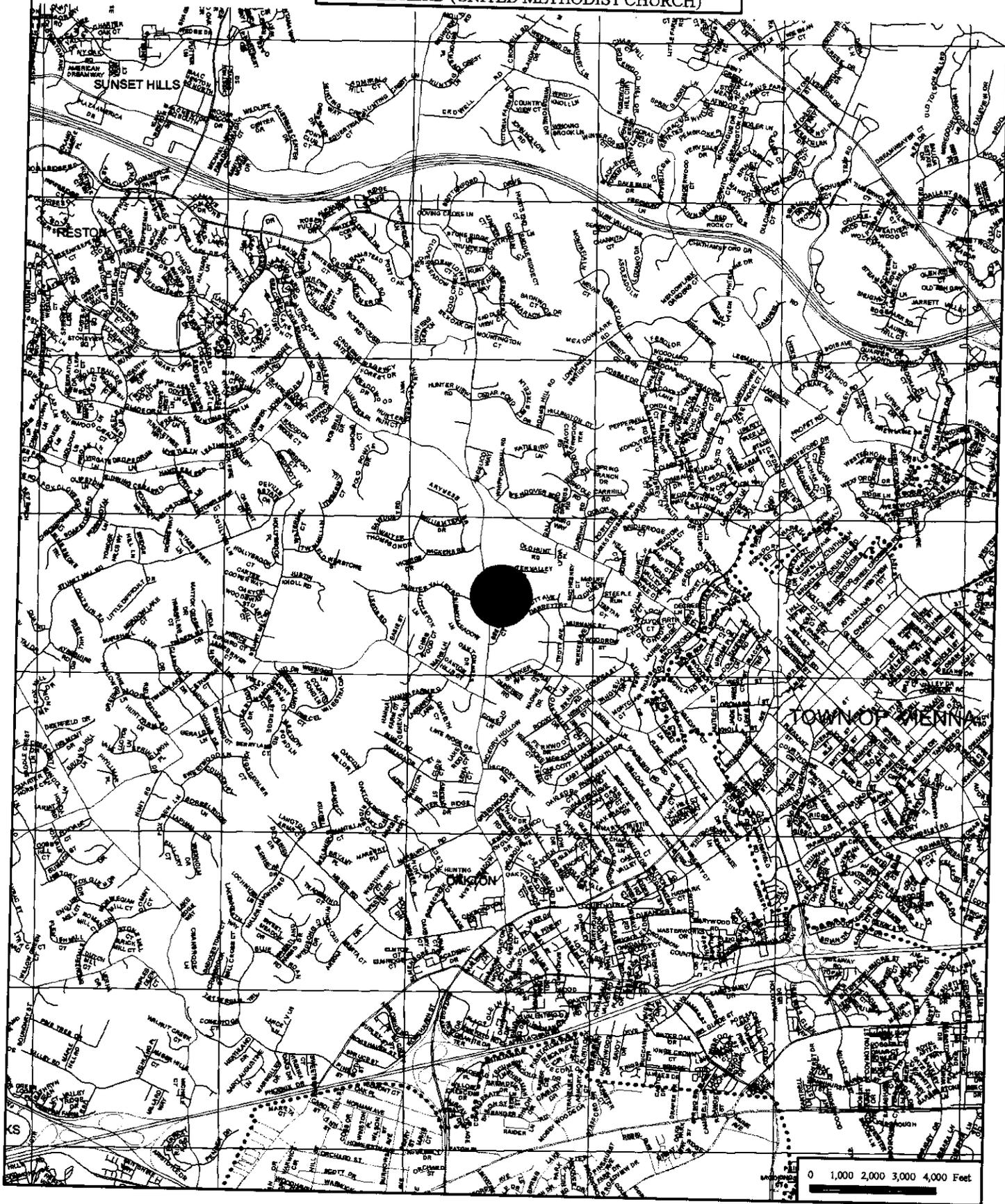


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 85-C-003-05

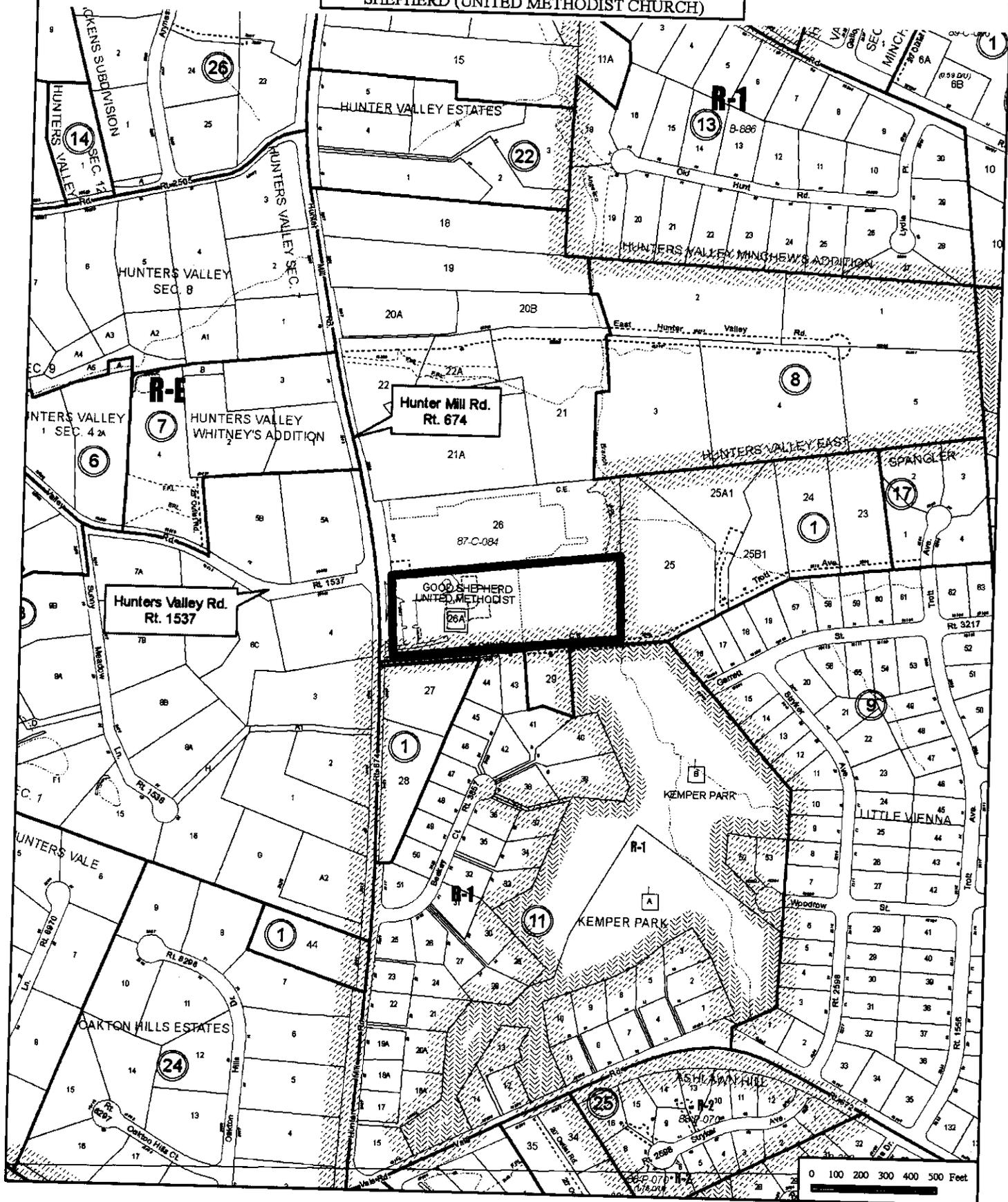
TRUSTEES OF THE CHURCH OF THE GOOD SHEPHERD (UNITED METHODIST CHURCH)



Special Permit Amendment

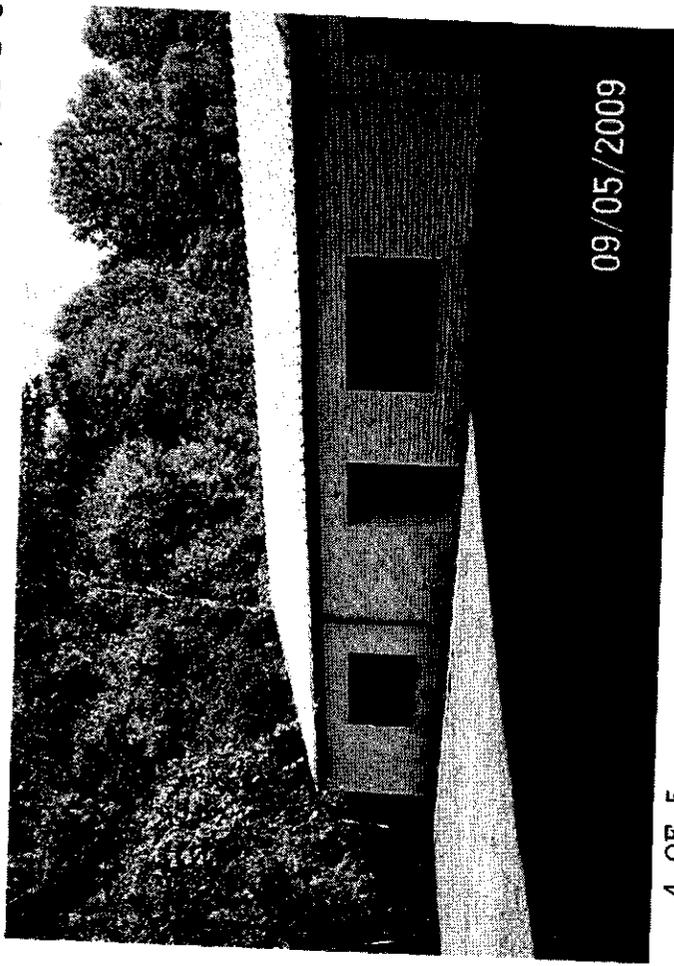
SPA 85-C-003-05

TRUSTEES OF THE CHURCH OF THE GOOD SHEPHERD (UNITED METHODIST CHURCH)





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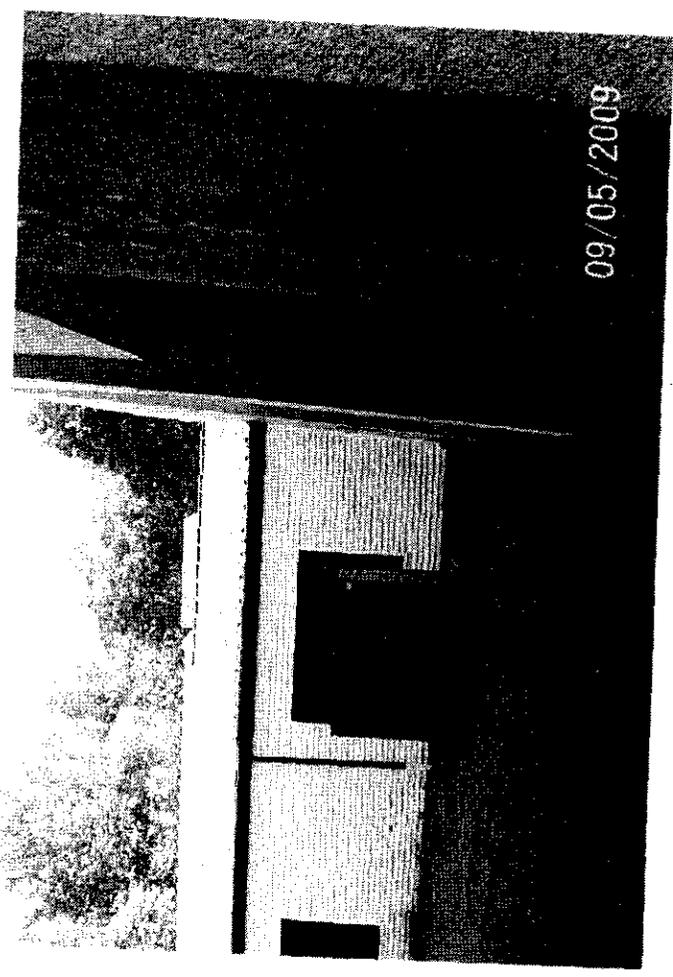
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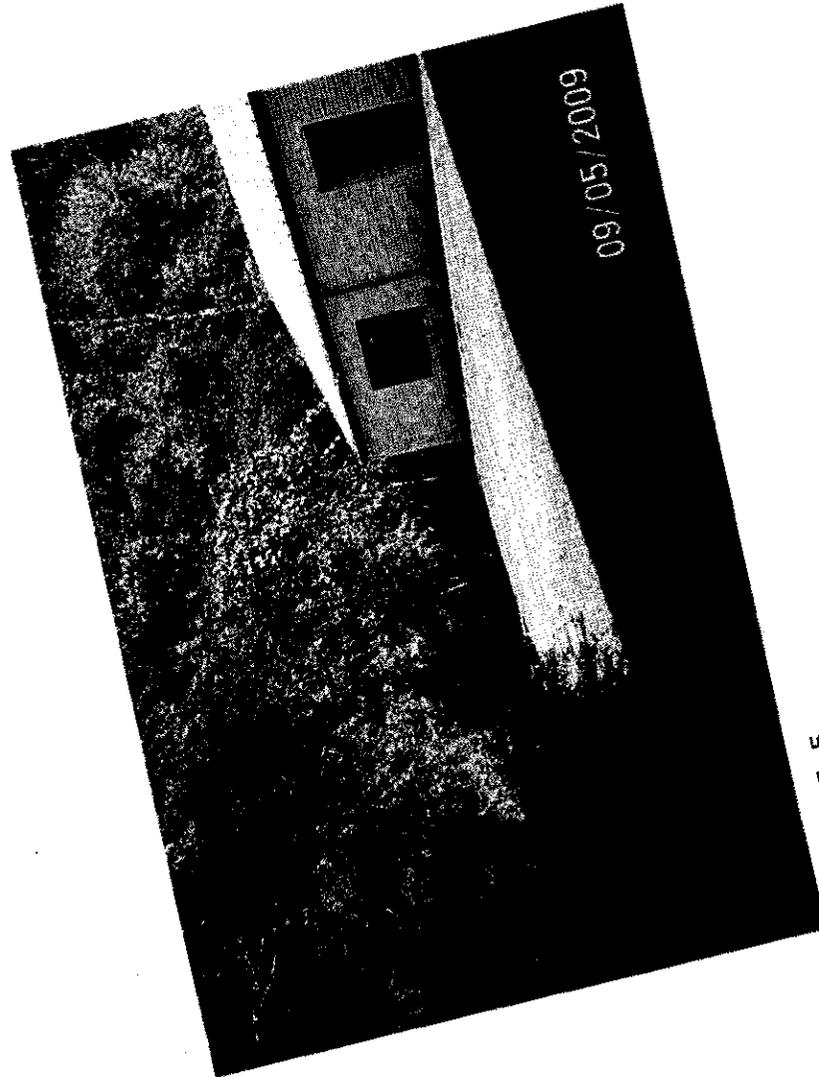
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Zoning Evaluation

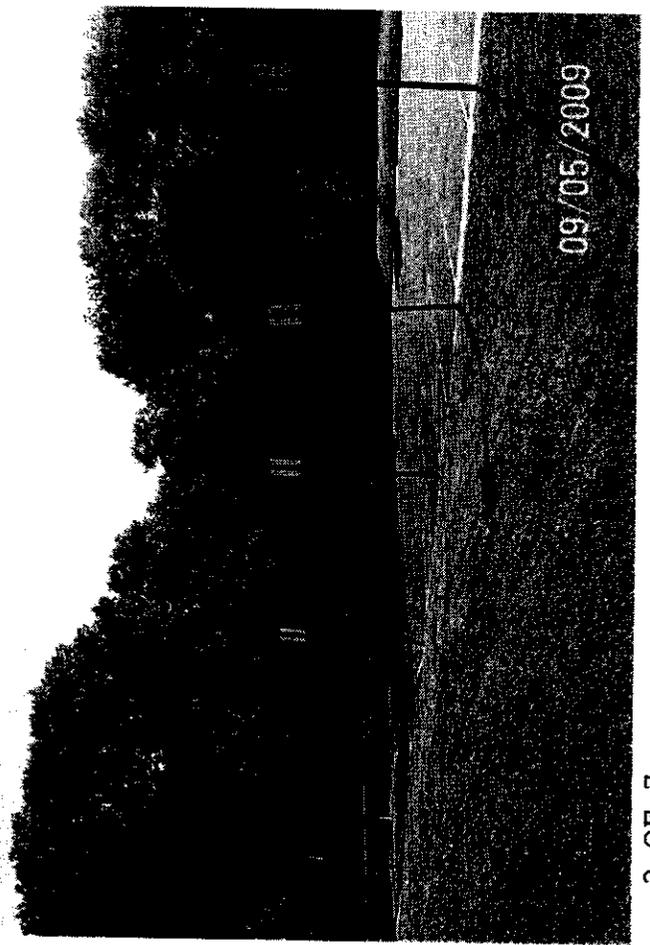
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Department of Planning & Development

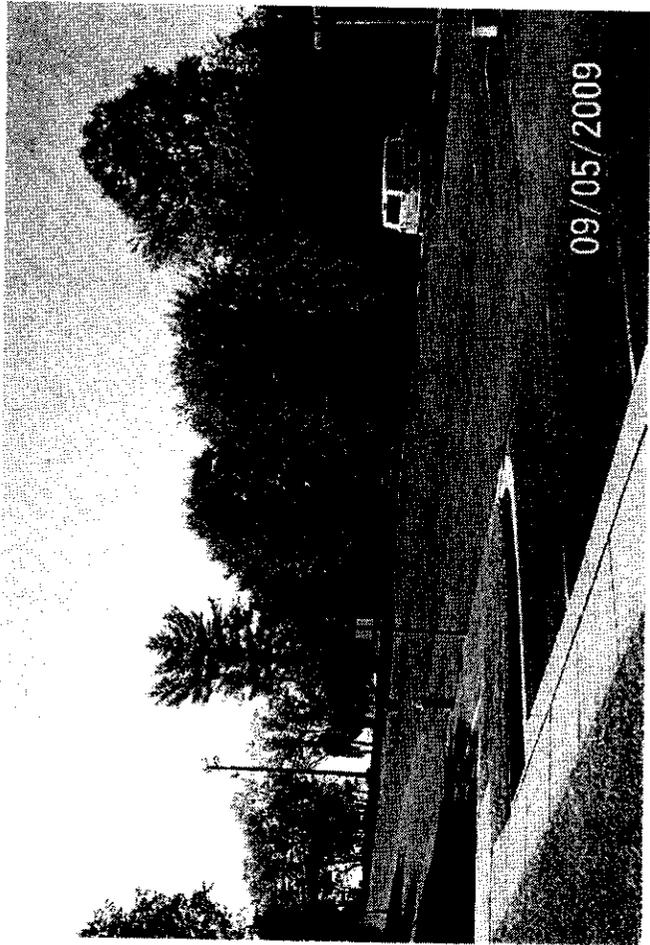
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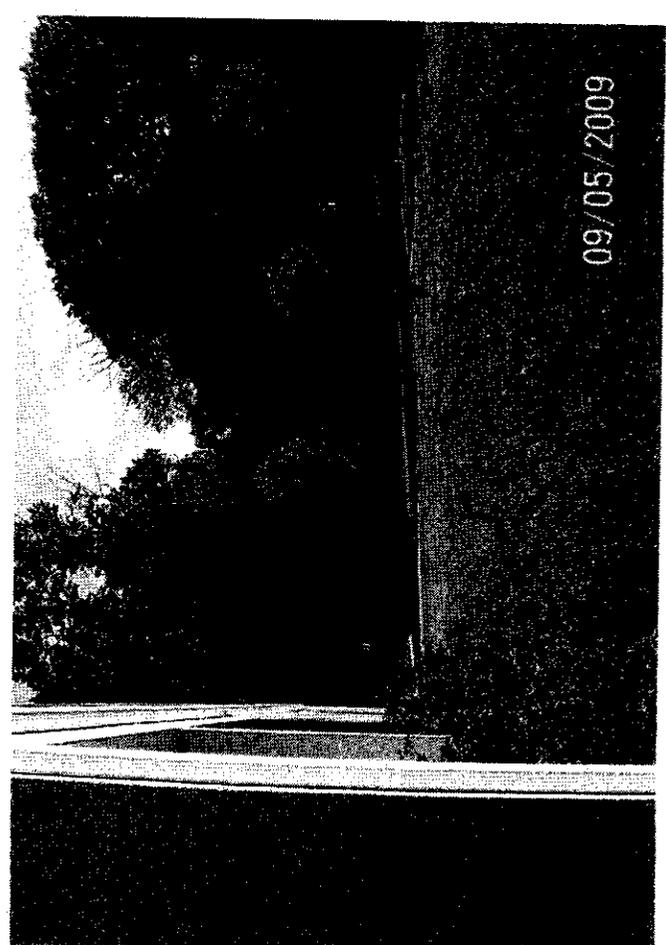
The Church of the Good Shepherd



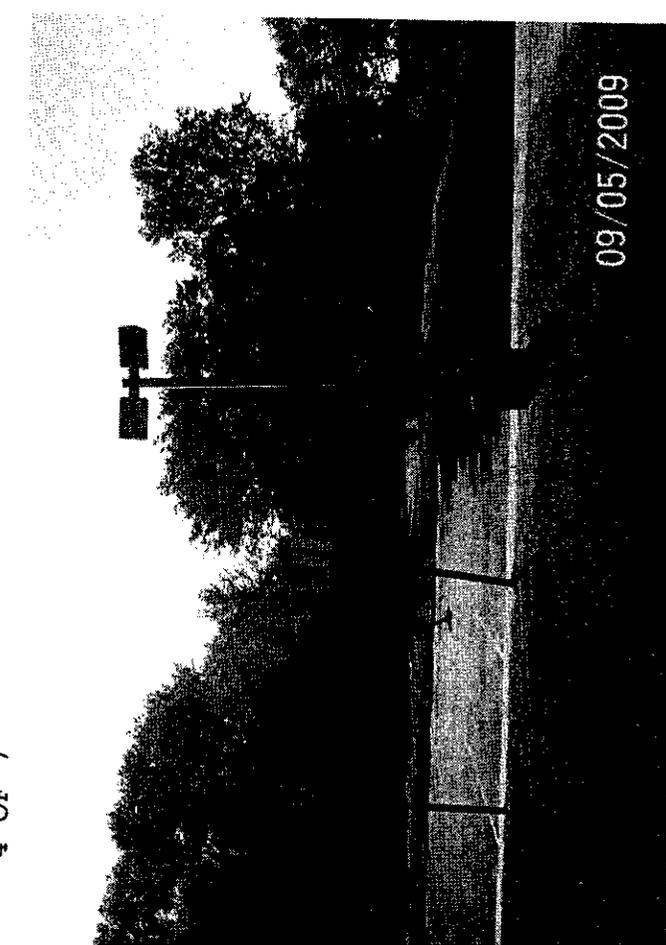
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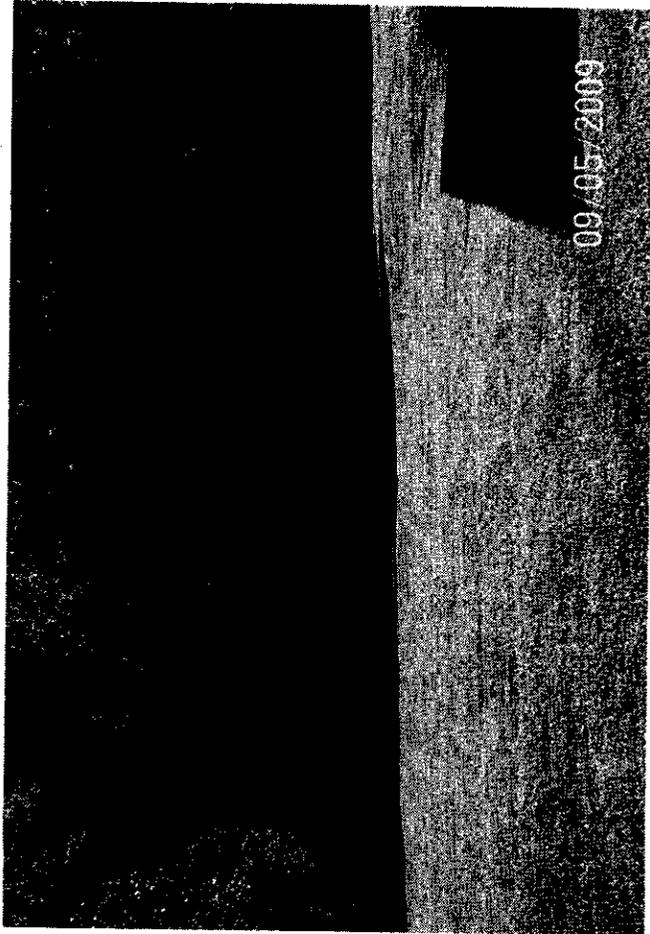
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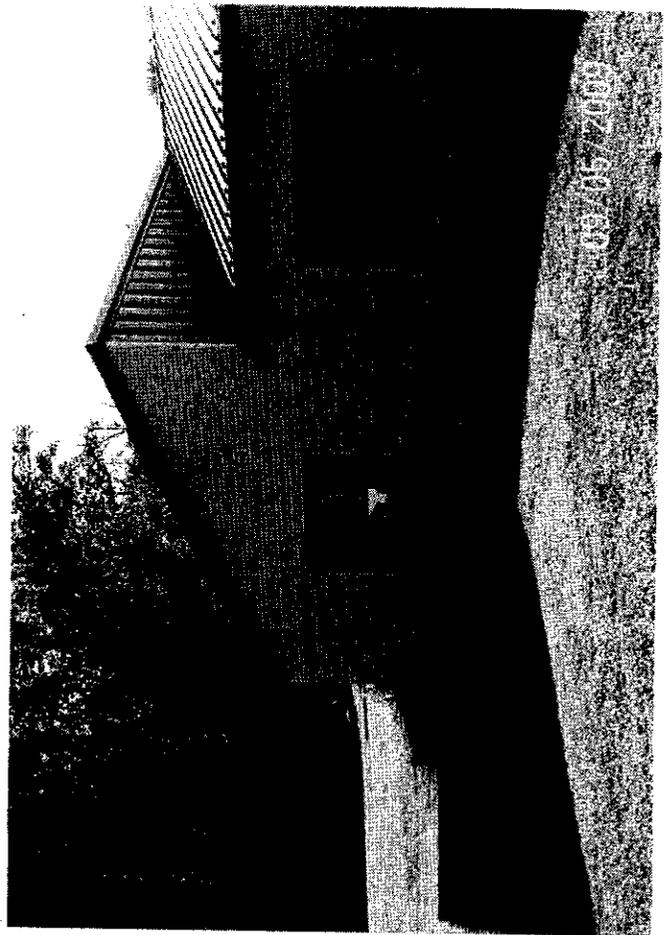


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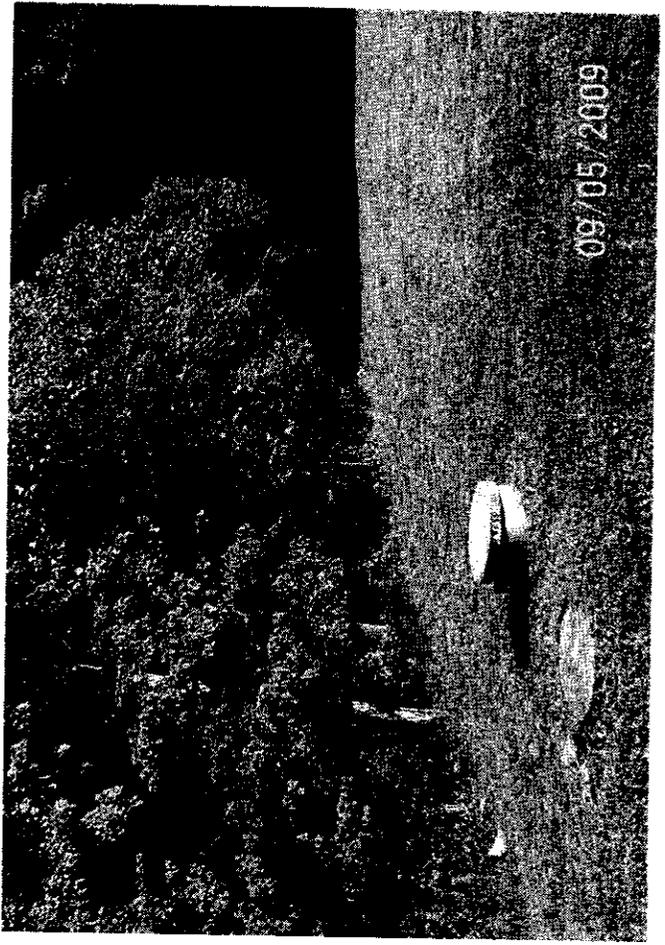


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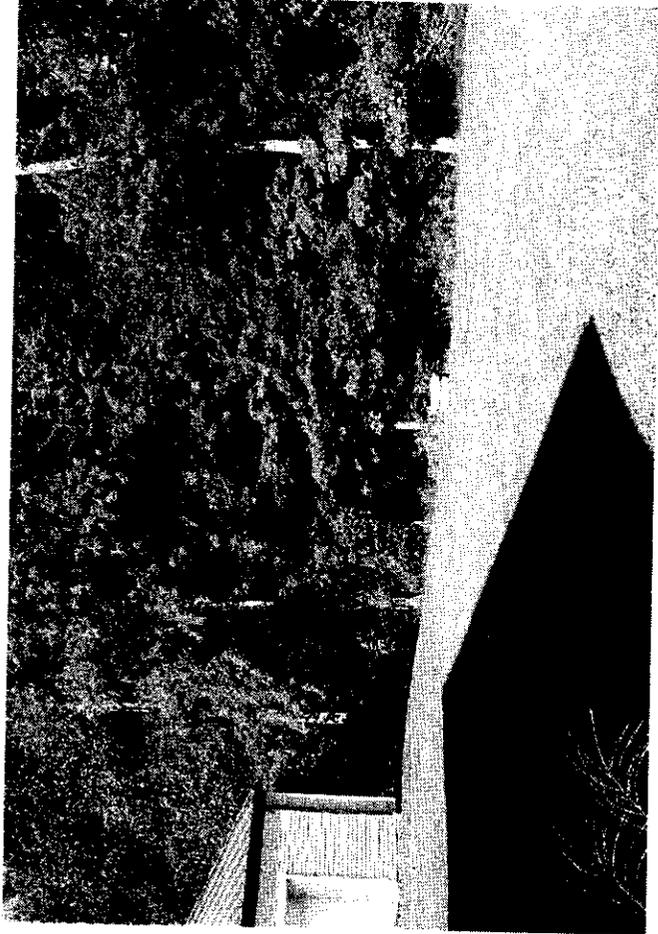
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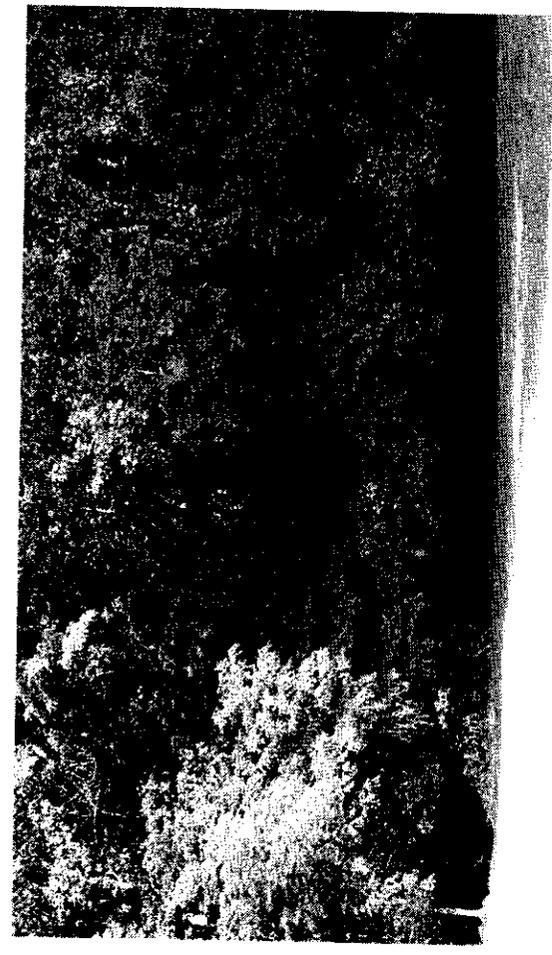
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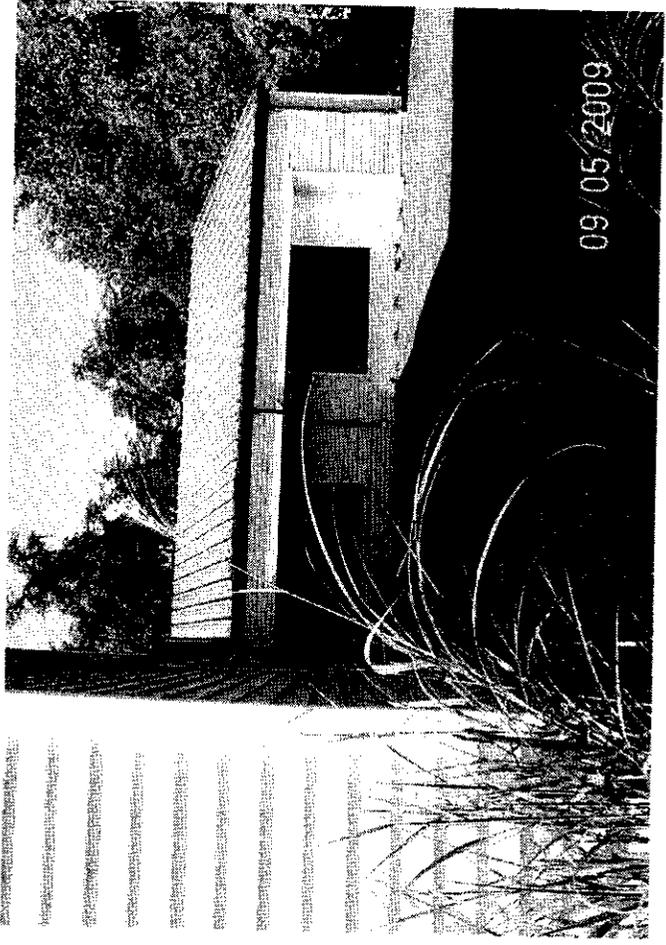
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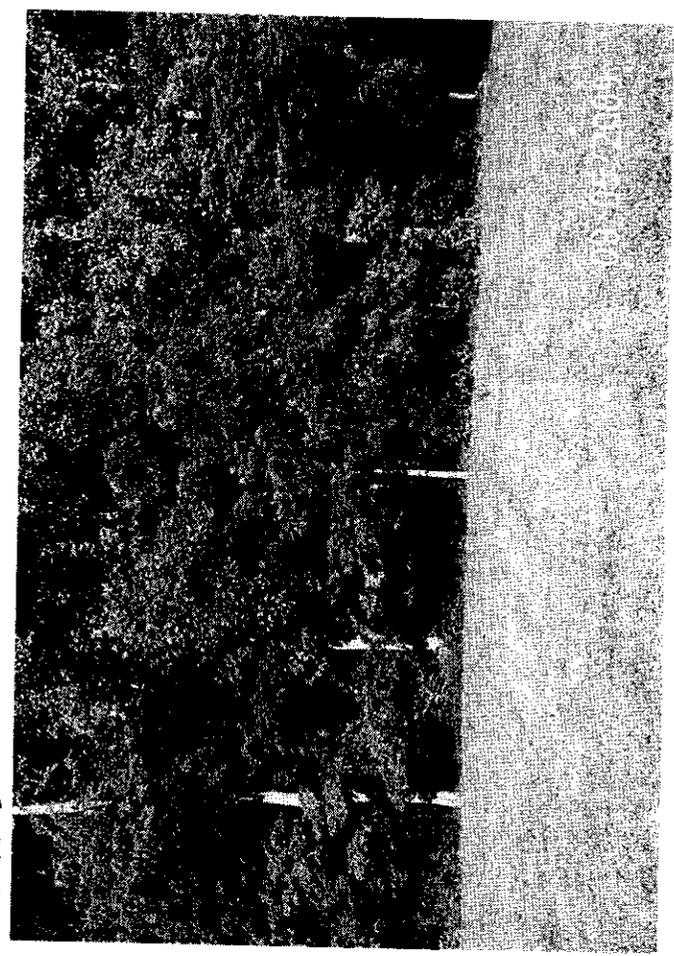
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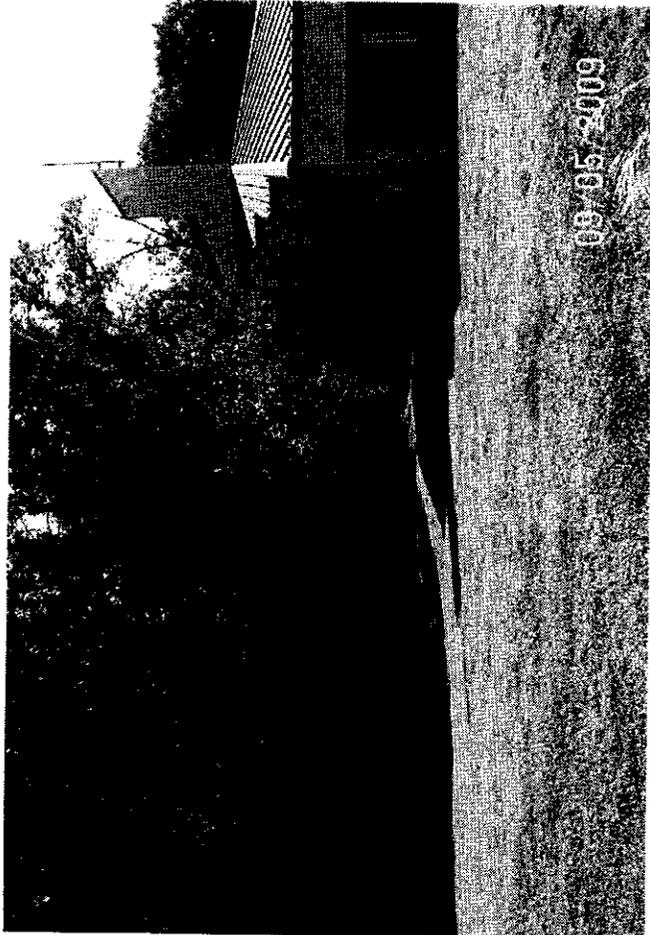
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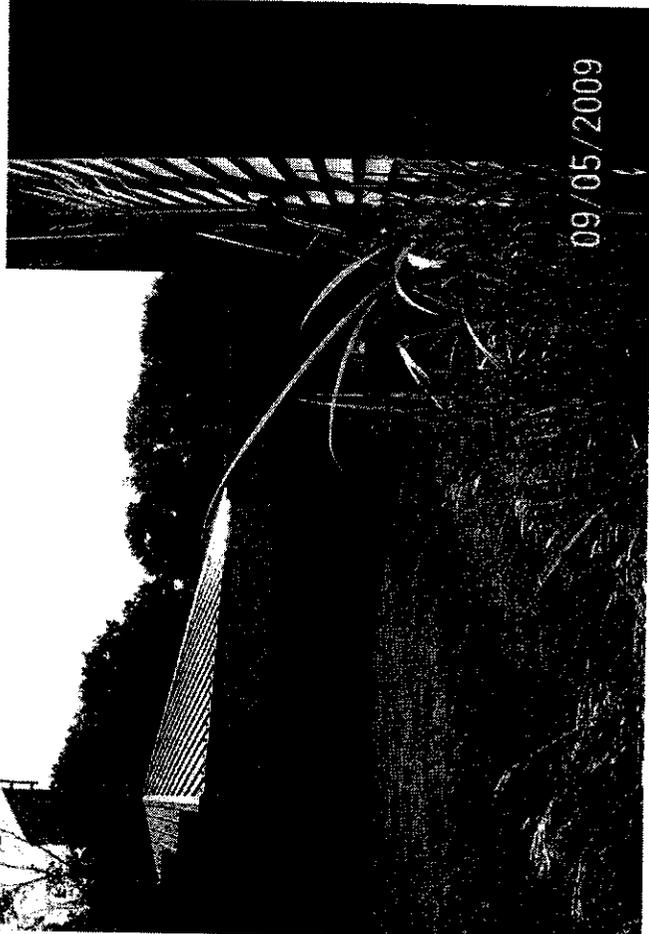
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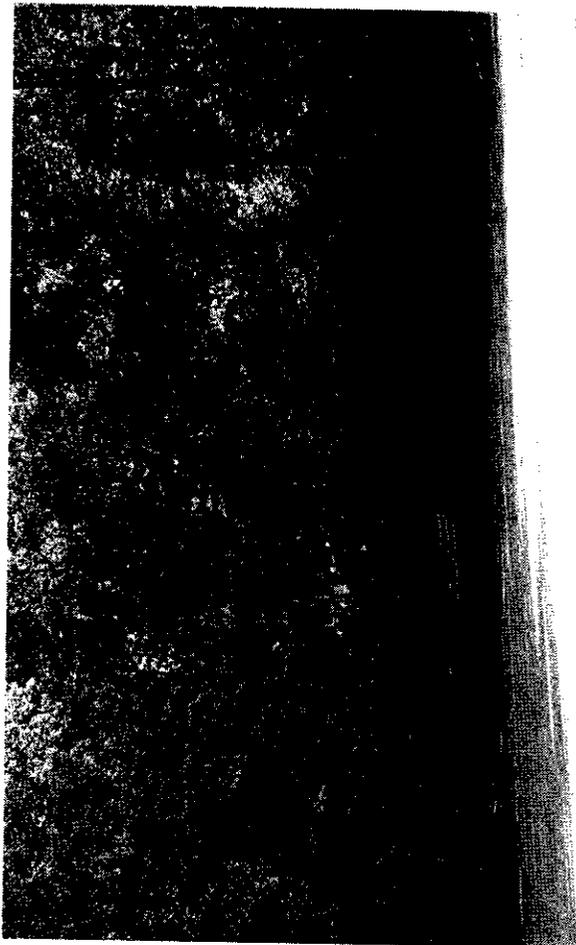
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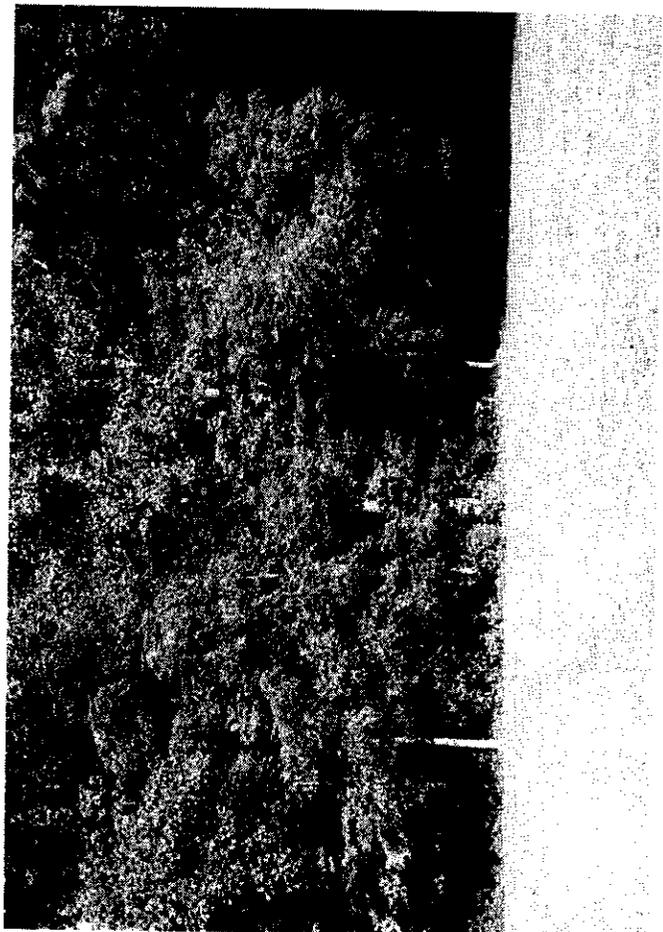


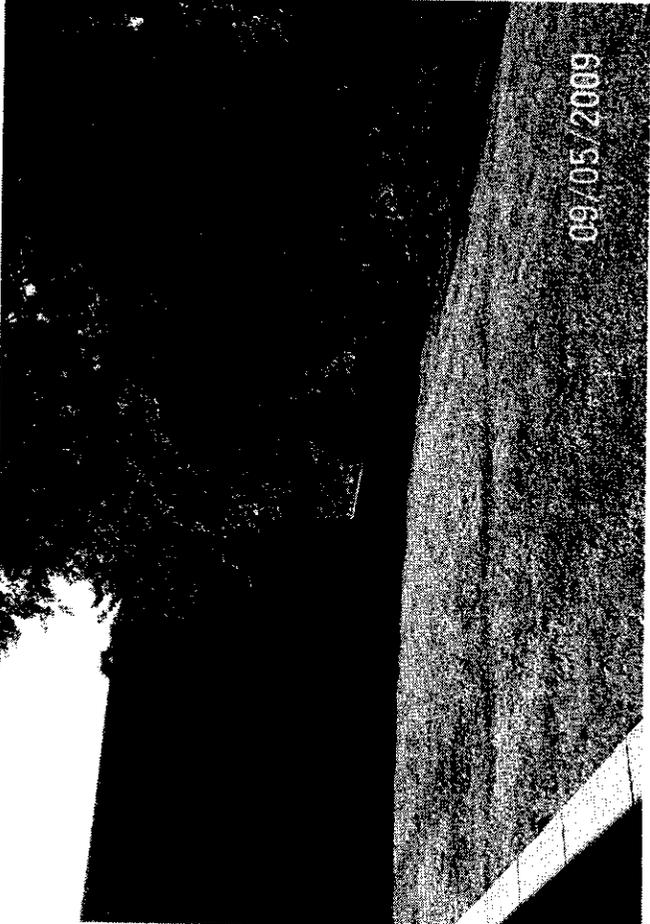
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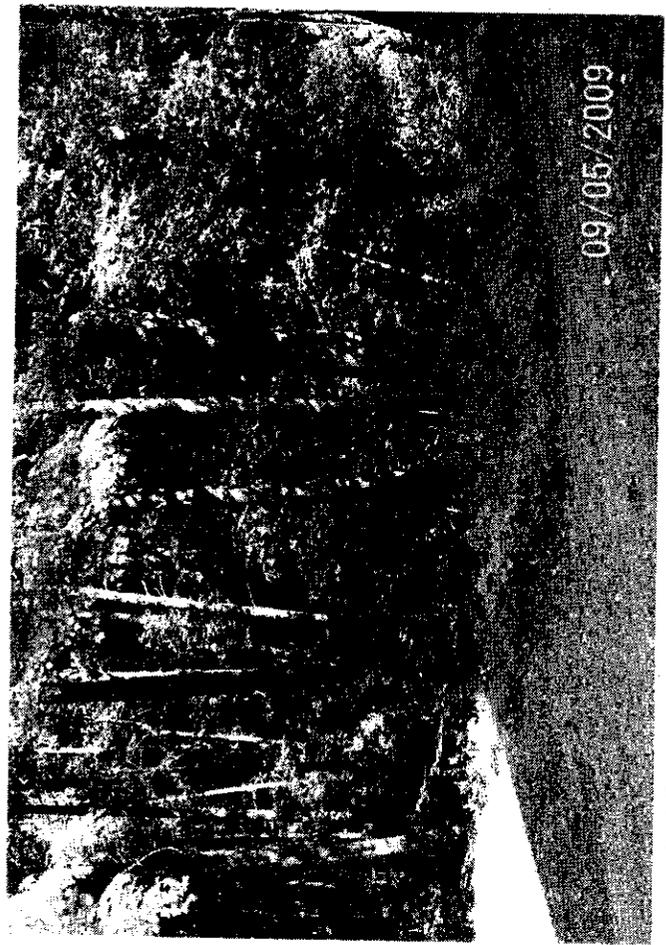
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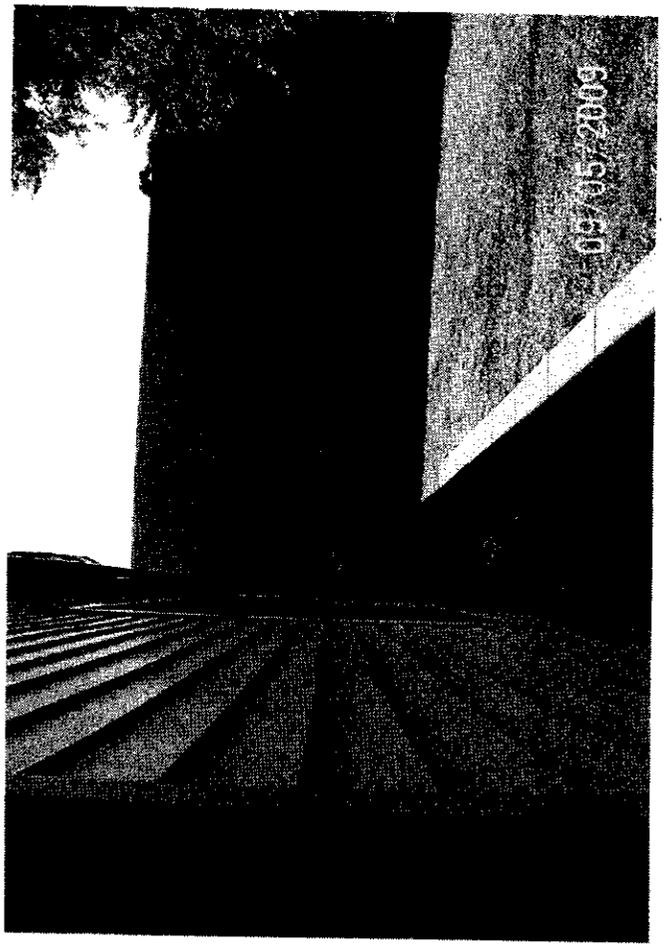




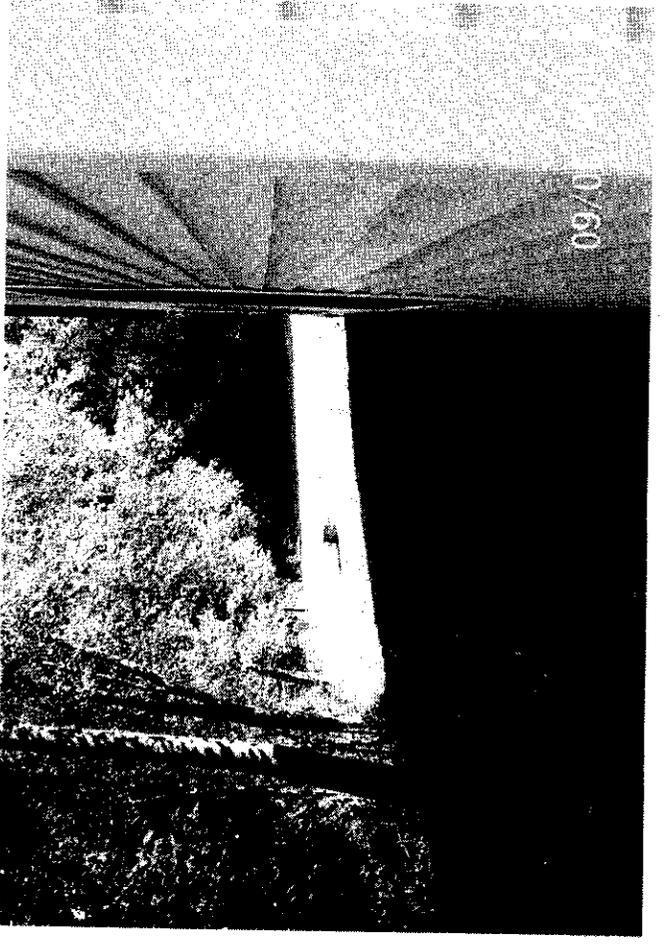
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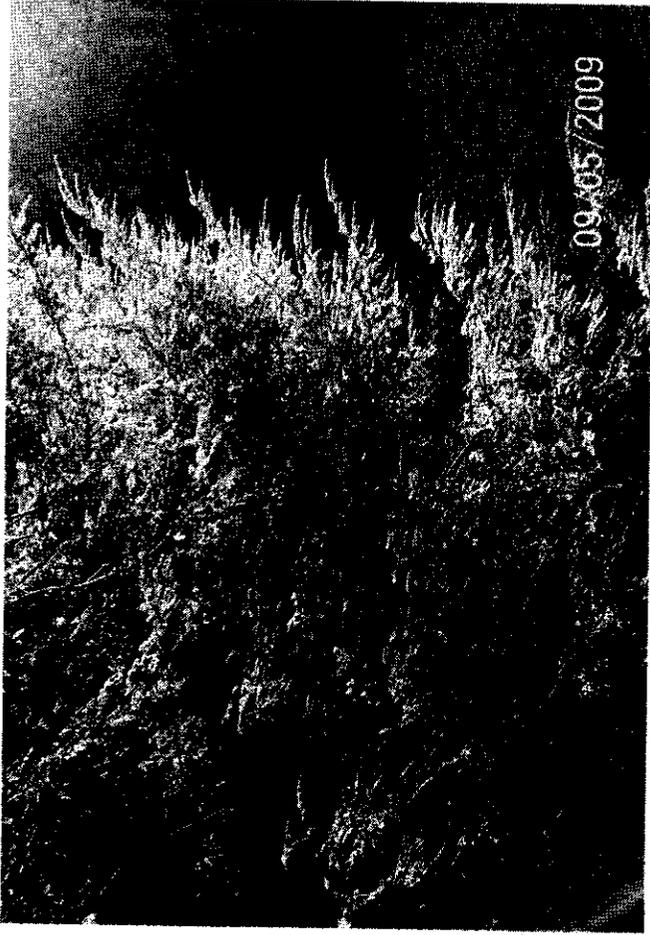
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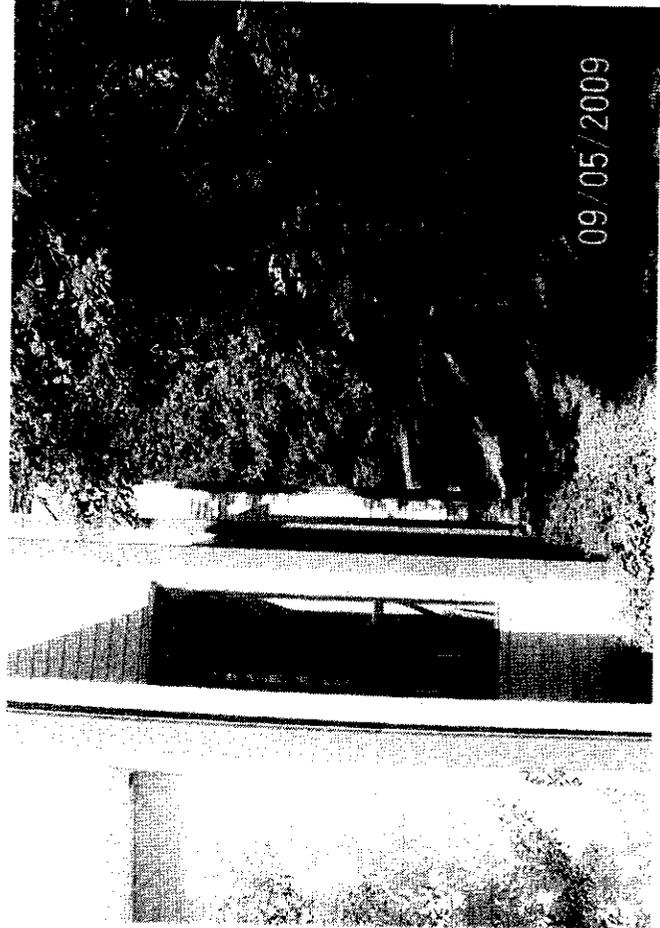
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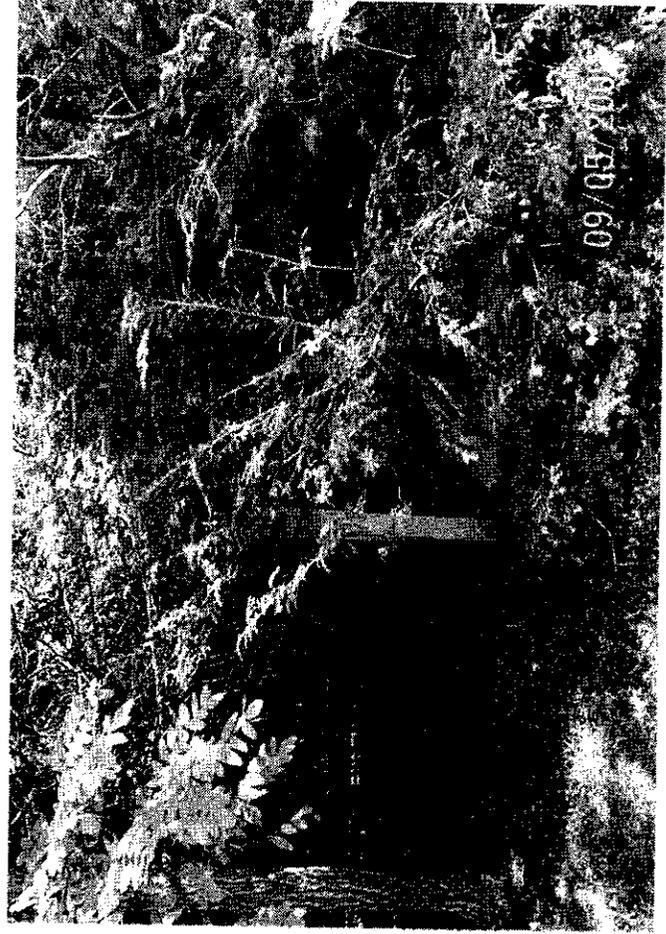
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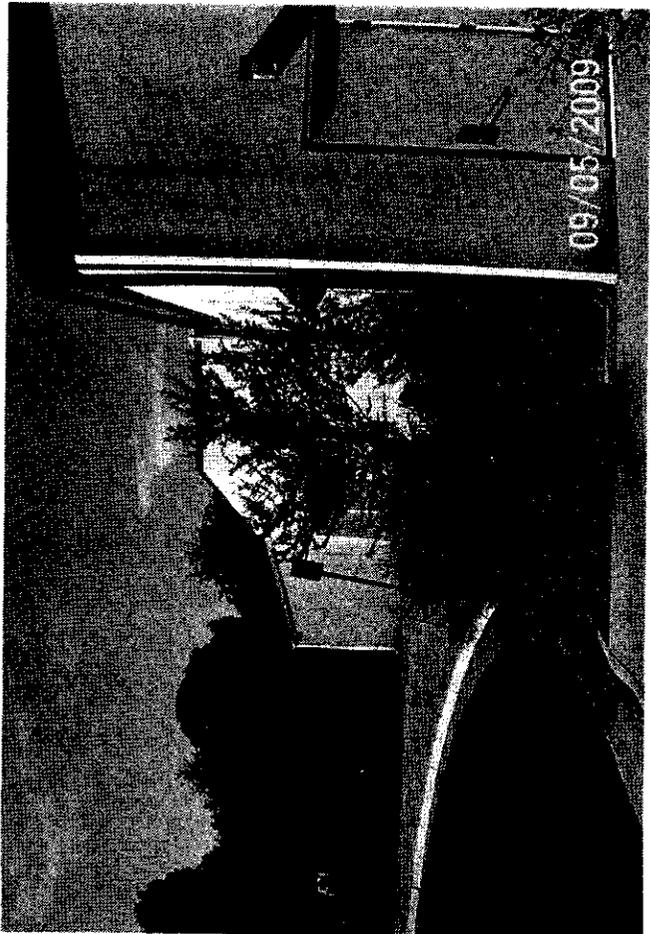
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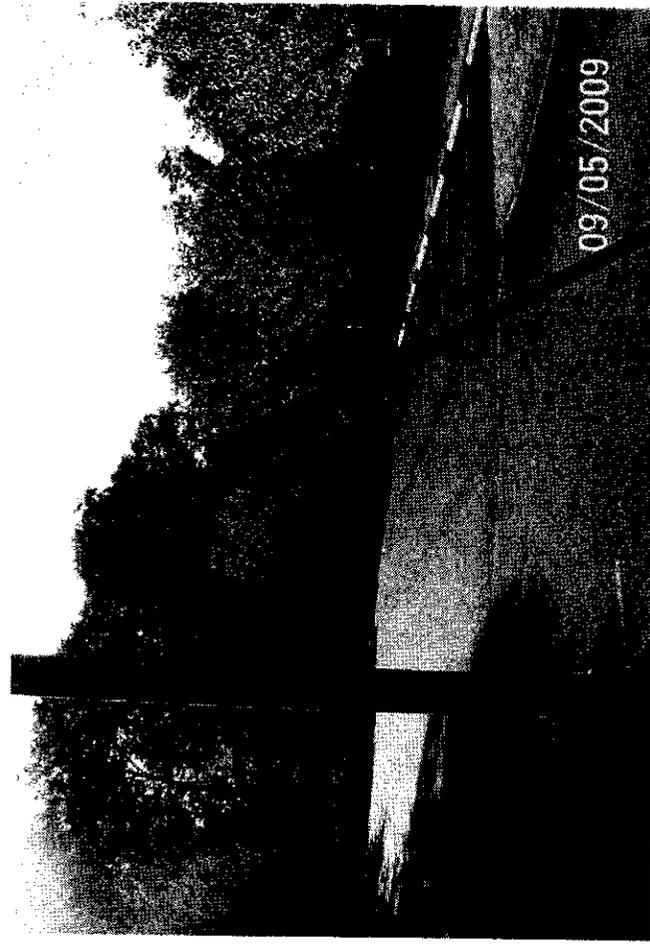
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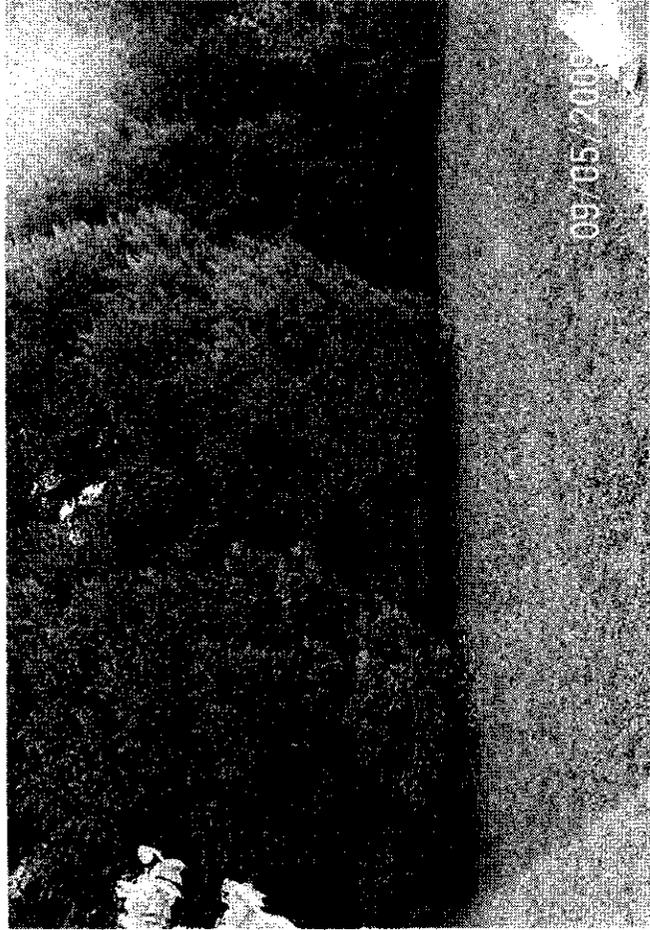
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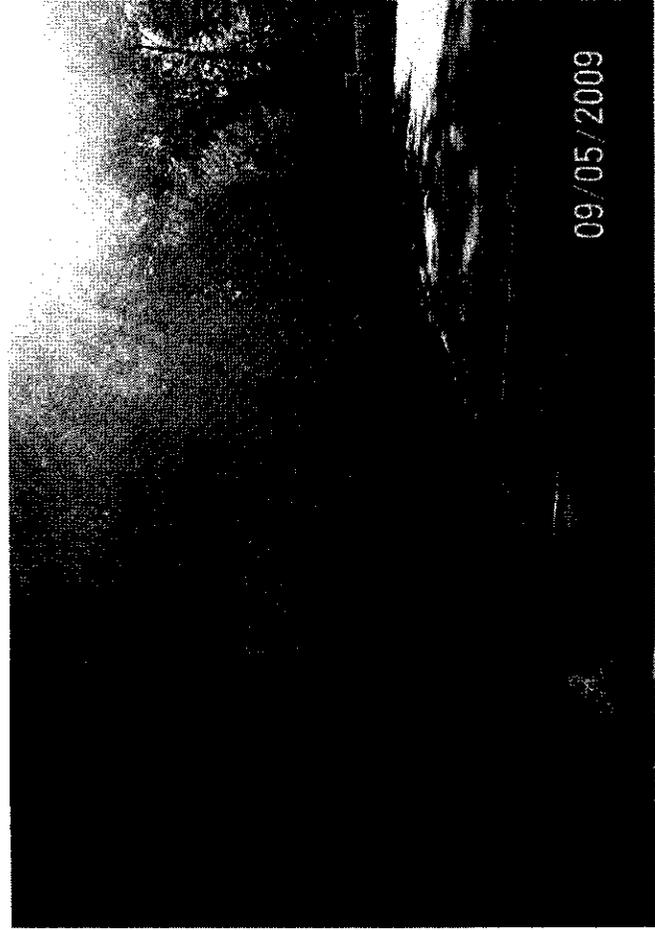


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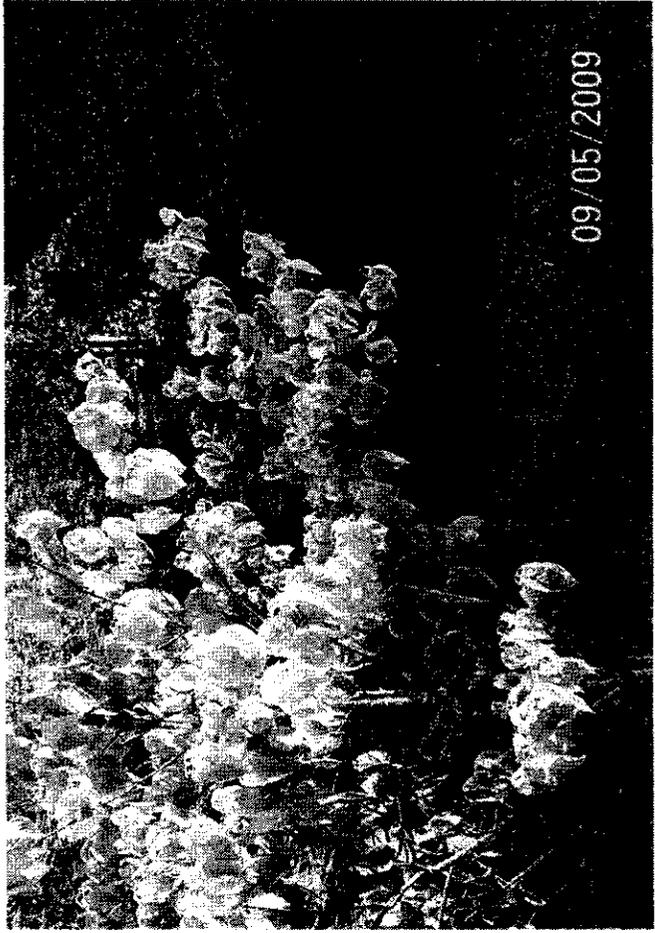


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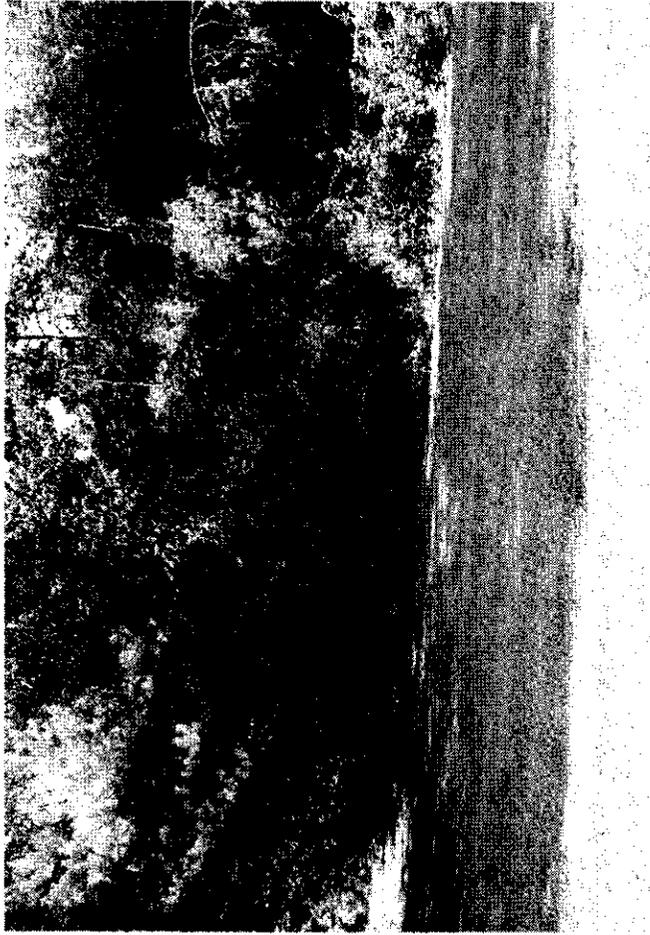
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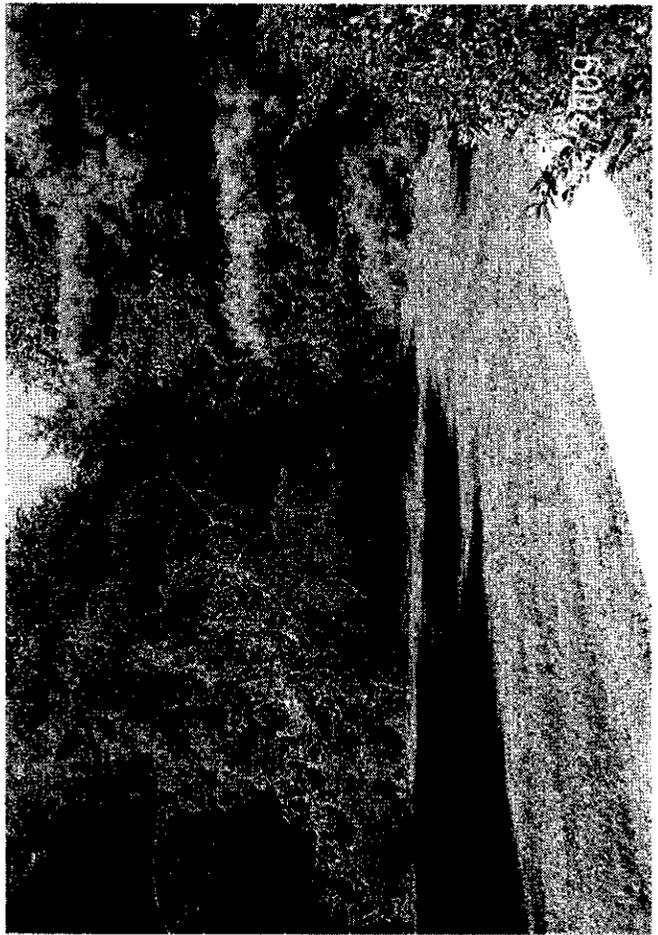
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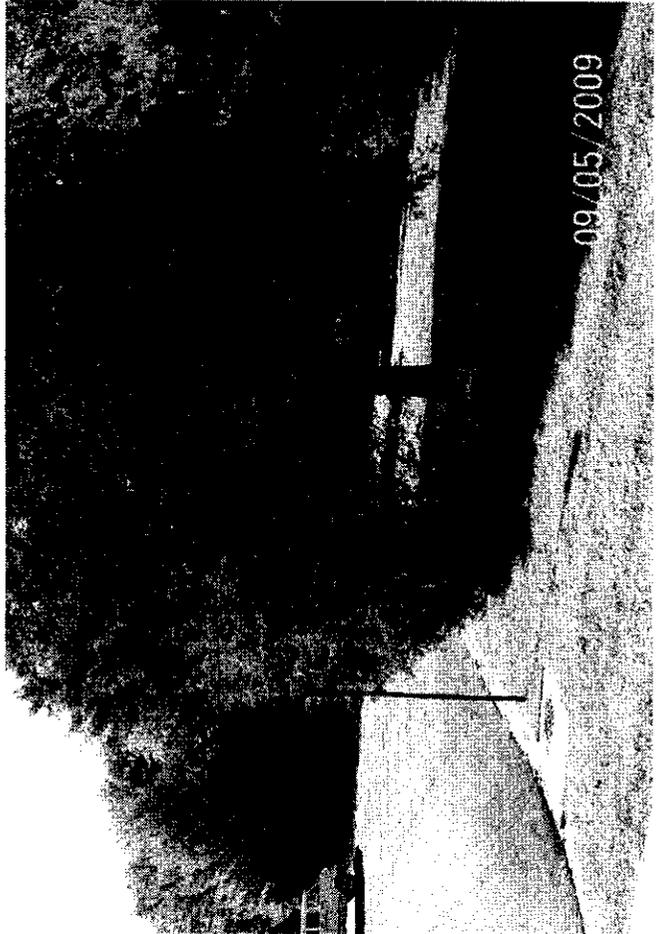
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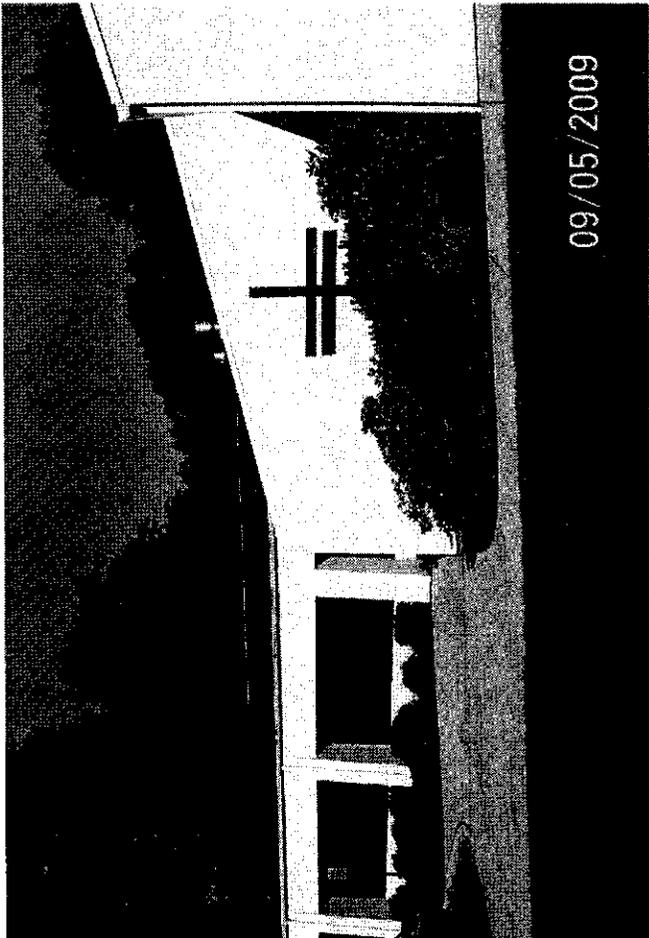
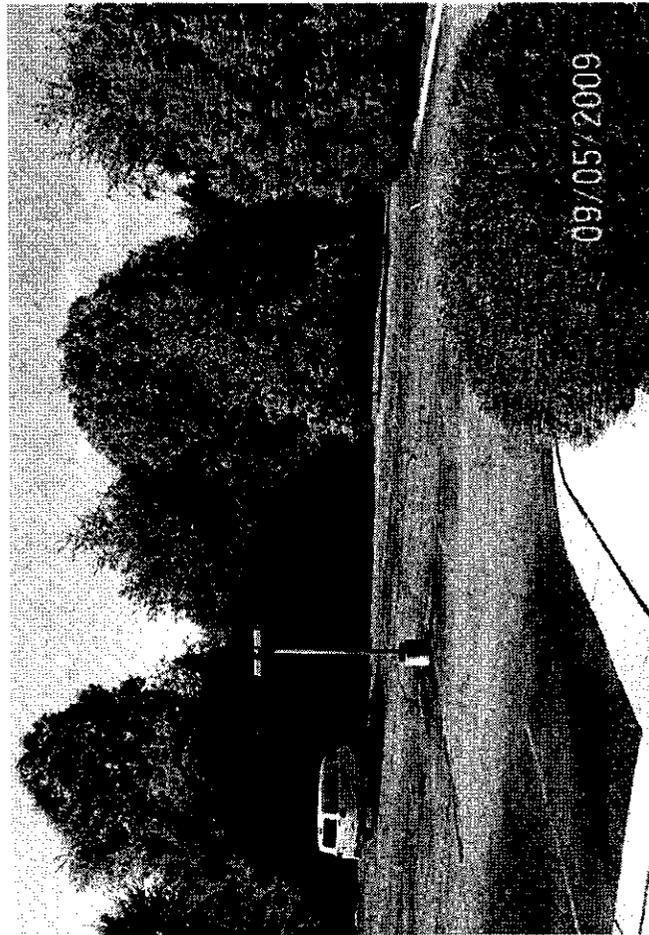
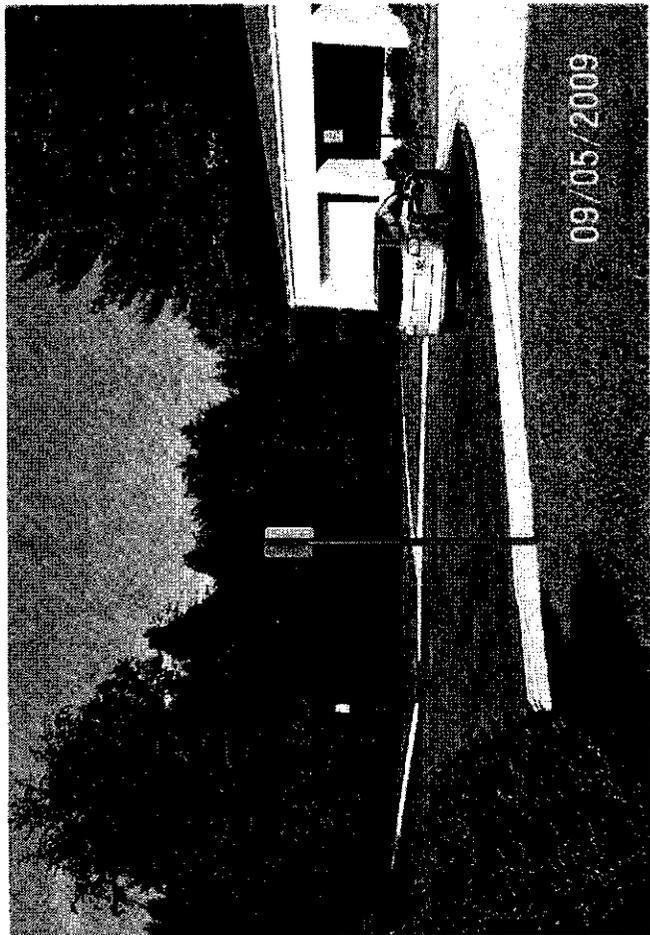


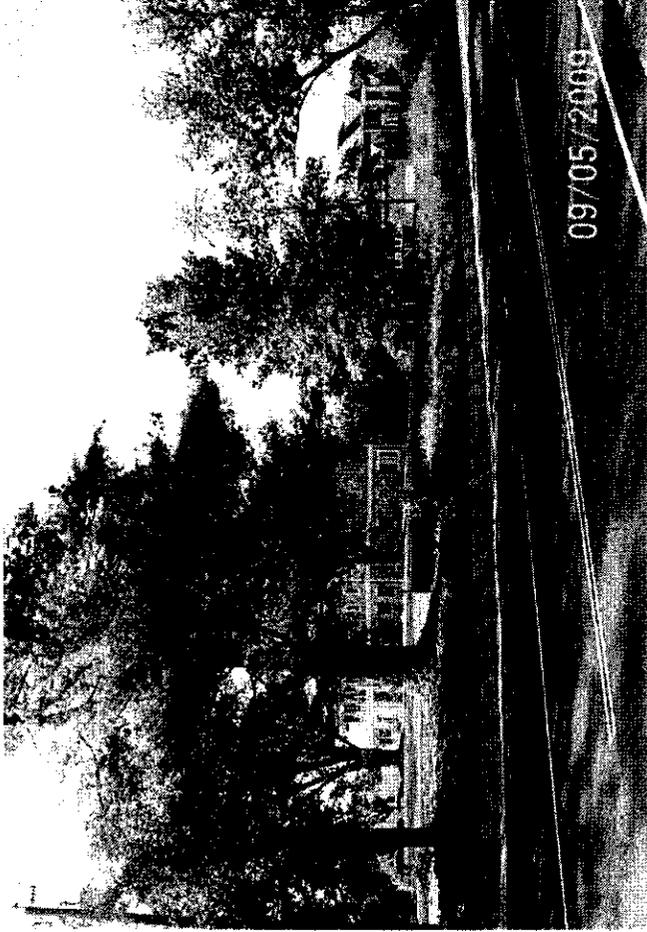
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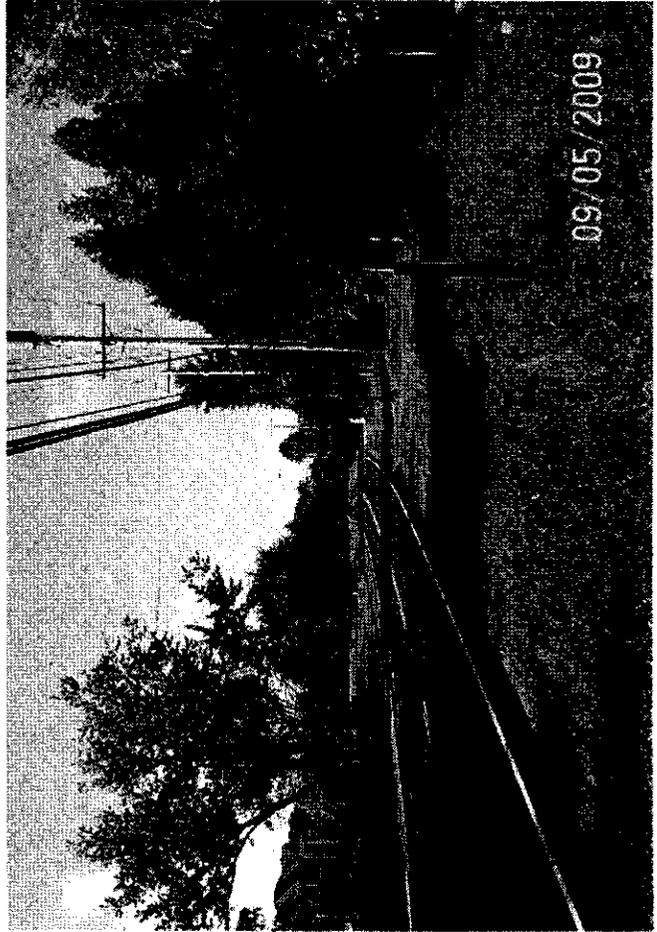




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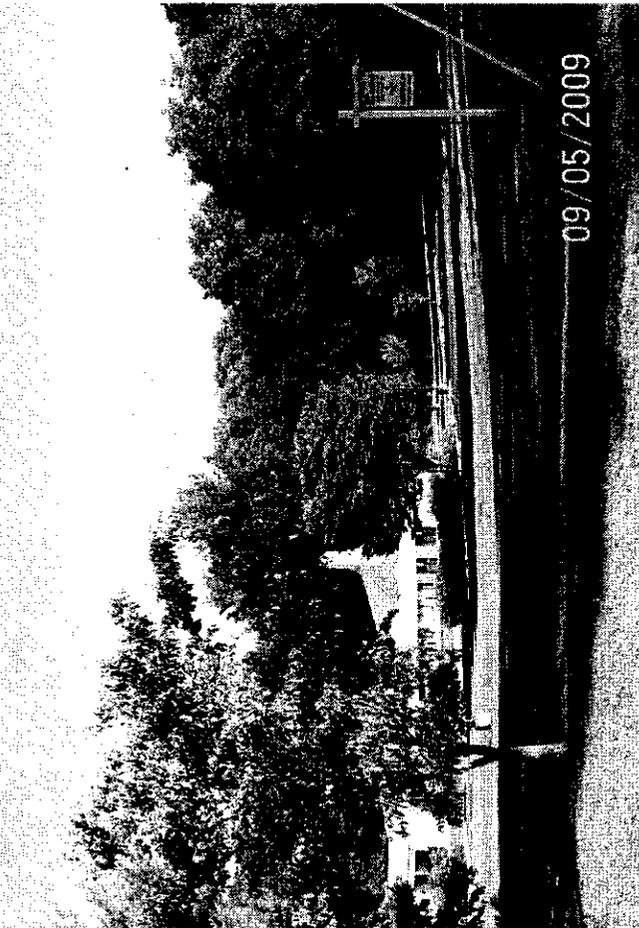


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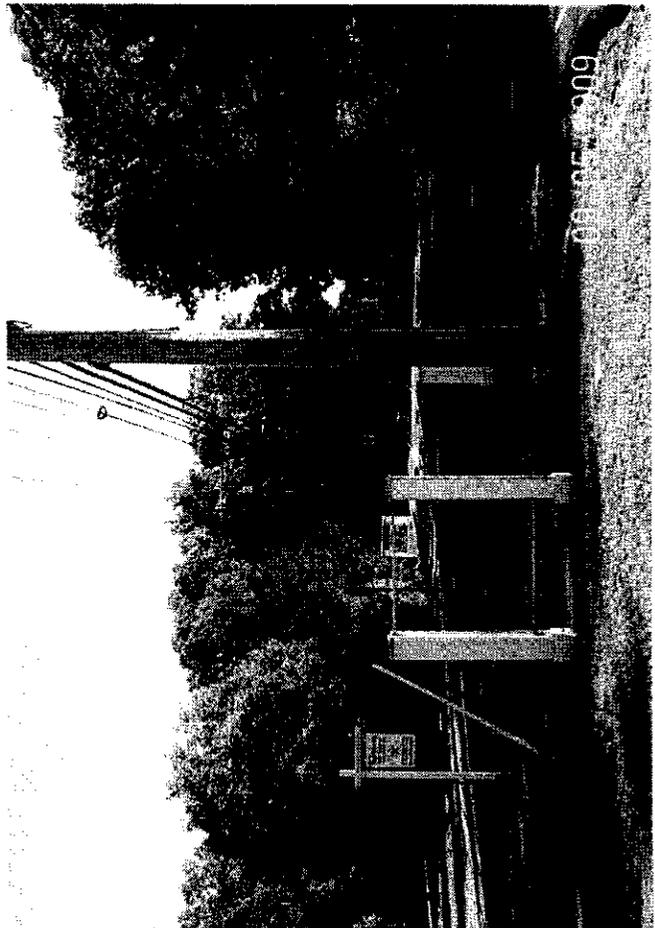


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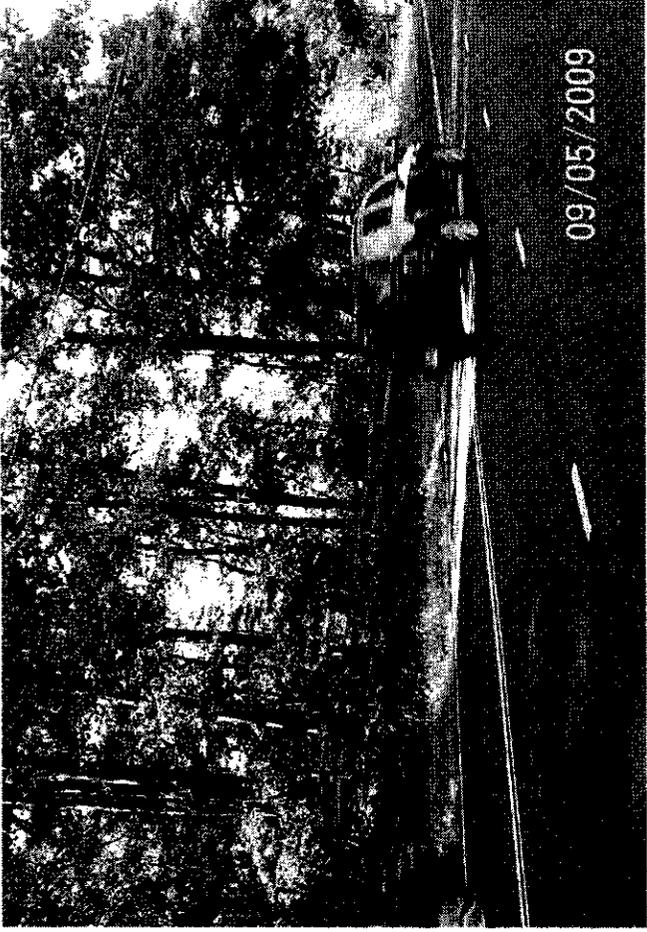
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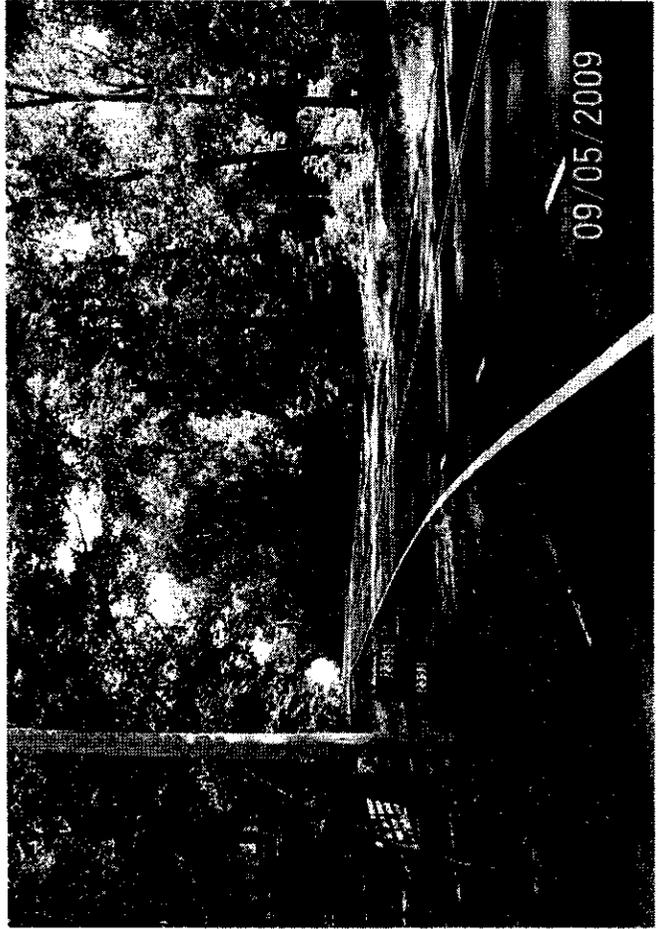
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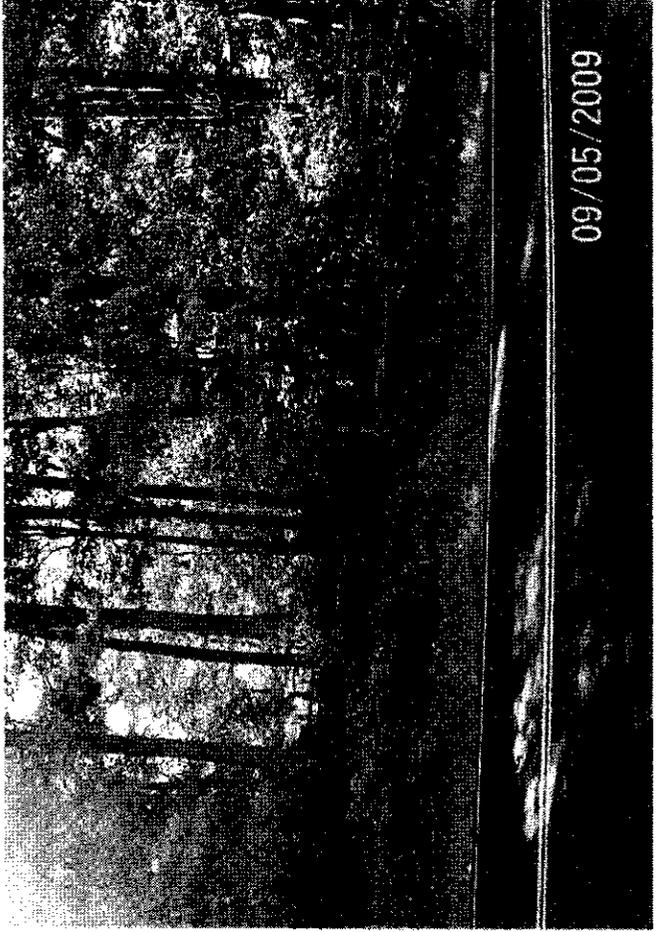
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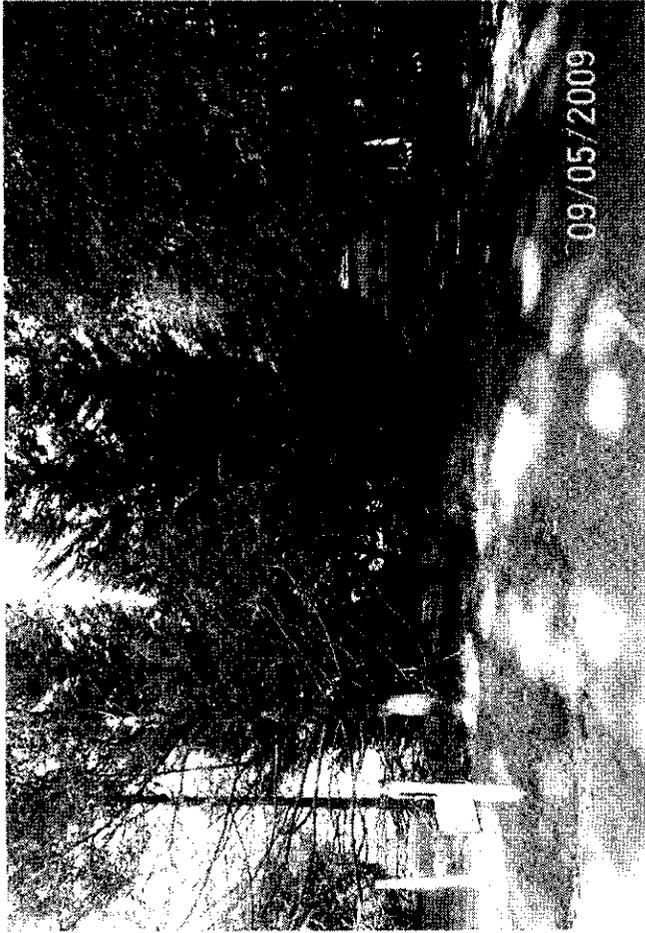
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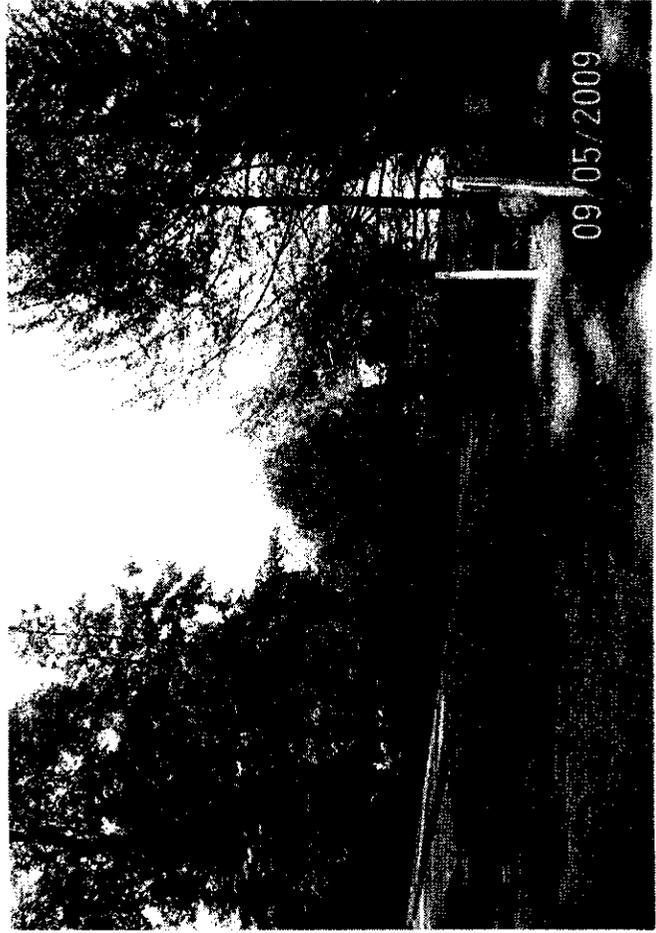
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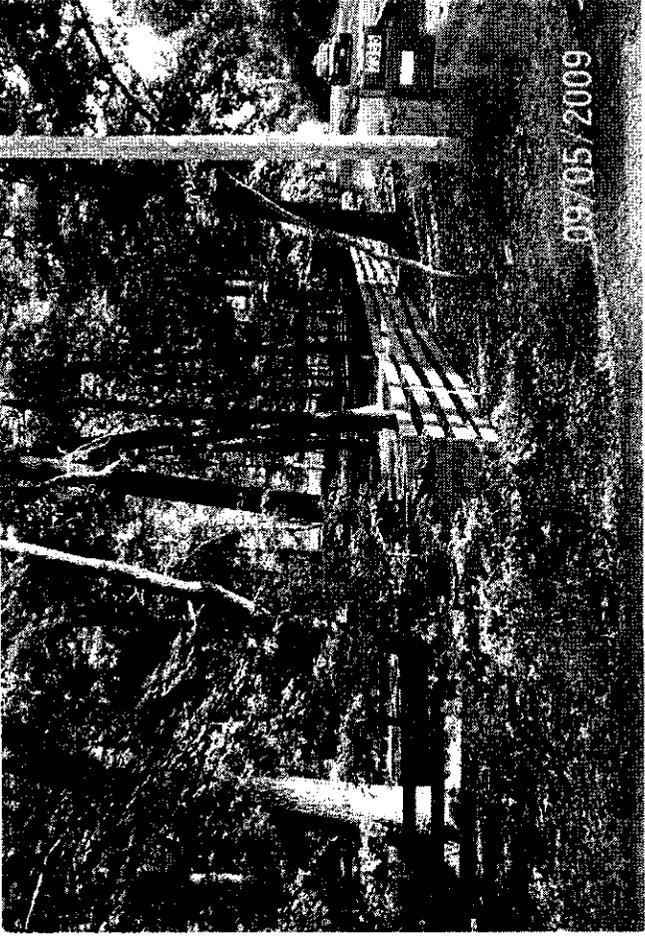
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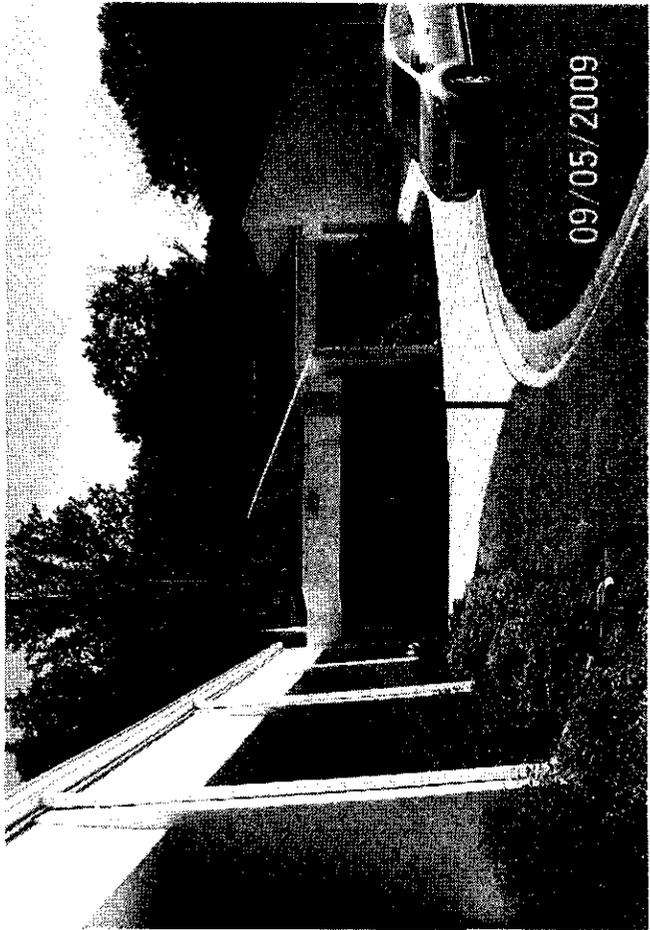
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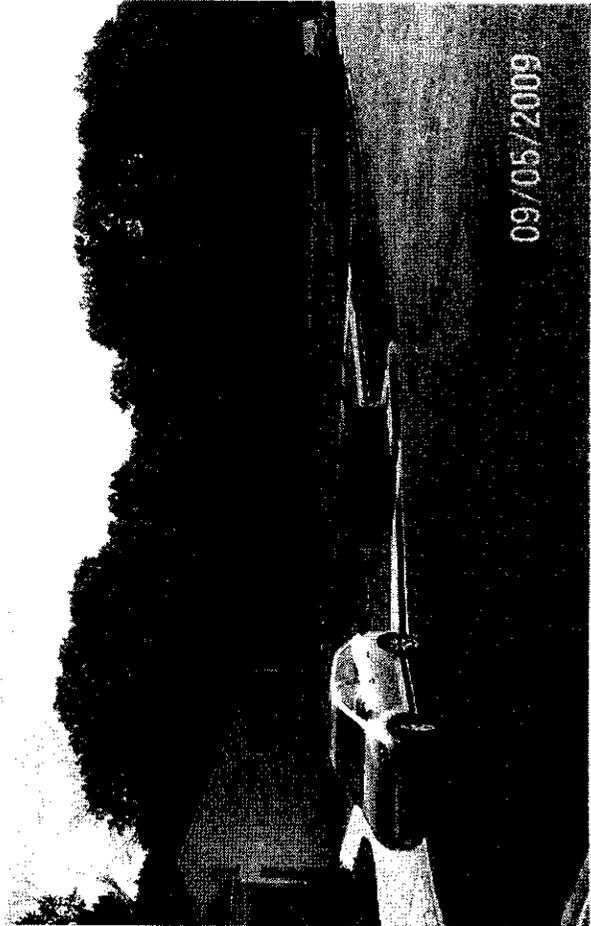


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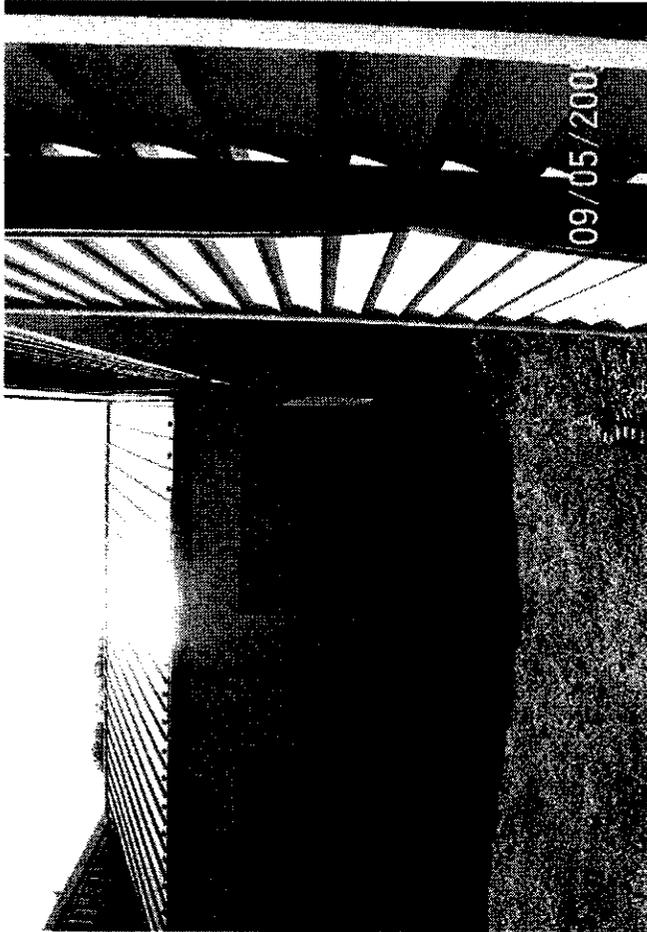
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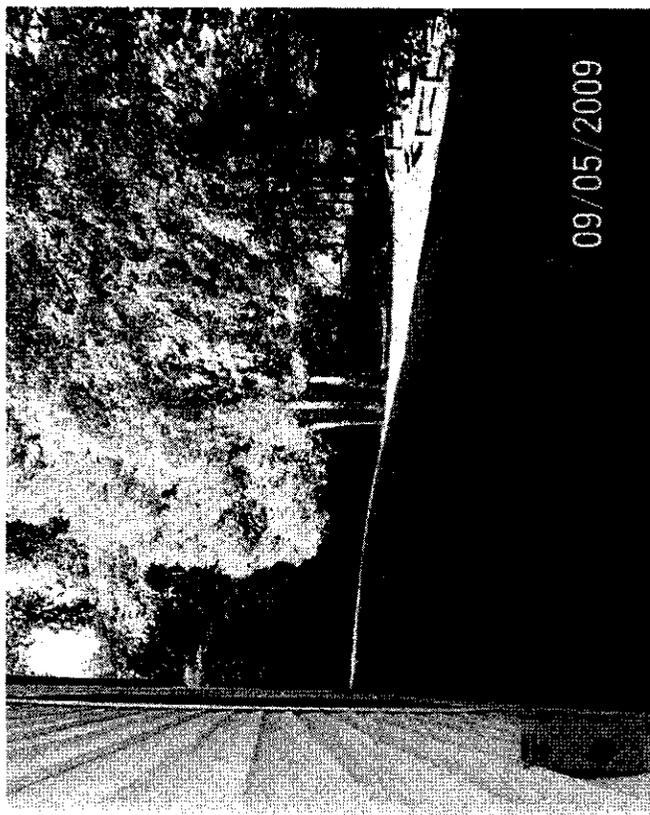
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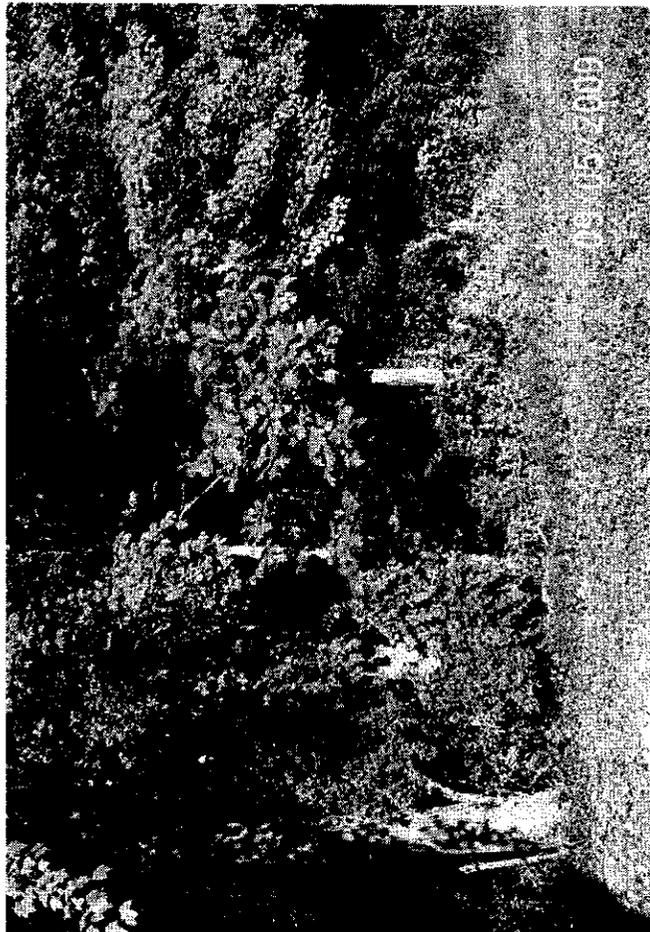
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DESCRIPTION OF THE APPLICATION

The applicant seeks to amend SP 85-C-003 previously approved for a church with 400 seats and a private school of general education with a maximum daily enrollment of 96 students to permit the addition of a nursery school with no increase in the total maximum daily enrollment on the site. No other changes, additions, or site modifications are proposed in this application. The church operations remain unchanged.

Existing and/or Approved Under SPA 85-C-003-4

Size:	7.16 acres (Site) Building – 28,079 sq. ft. (No changes)
FAR:	0.09
Number of Seats:	400 seats (No changes)
Parking:	136 spaces (current) 118 (after entrance re-alignment)
Hours of Operation:	Private School of General Education: 8:45 a.m. to 3:30 p.m., Monday-Friday (No change) Church: 7:30 a.m. to 1:30 p.m. (Sunday) (No change) Weekday Evenings: 5:00 p.m. to 9:00 p.m. for church and community groups Saturday: 8:00 a.m. to 5:00 p.m. Church Office Hours: Monday – Friday: 9:00 a.m. to 4:00 p.m. (No change)
Number of Employees/Staff:	Church: 6-8 employees/staff, maximum at any one time Private School of General Education: 10 maximum at any one time
Number of Children:	Private School of General Education: 96

Proposed Changes with this Application

Nursery School:	Hours of operation: 9 a.m. to 1 p.m., Monday through Friday Enrollment: 24 children, maximum daily enrollment proposed for first year
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36 children maximum daily enrollment proposed for second year

Total Number of Children: 96 children, maximum, including both the nursery school and the private school of general education.

LOCATION AND CHARACTER OF AREA

The subject property is located on the east side of Hunter Mill Road, between Vale Road to the south and Lawyers Road to the north. Trott Avenue abuts the property to the south. The topography of the site is rolling and a thick stand of mature hardwood trees is located on the eastern half of the site.

The site is developed with a 28,079 square foot church that is separated from Hunter Mill Road by the 136-space parking lot. A twenty-five (25) foot wide planted transitional screening yard is located along the developed portion of the site to the south, adjacent to Trott Avenue. Transitional screening has also been planted along the site's Hunter Mill Road frontage.

Two septic drainfields are depicted on the south side of the existing buildings. A recreation area is indicated in the vicinity of one of the drainfields. An outdoor worship area for thirty (30) persons is shown on the east side of the church building. The remainder of the eastern half of the site has been preserved as undisturbed open space.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Vacant (Approved with SP for a Place of Worship)	R-E	.5-1 du/ac
South	Single Family Detached Dwellings	R-E	1-2 du/ac
East	Single Family Detached Dwellings	R-E	.5-1 du/ac
West	Single Family Detached Dwellings	R-3	.2-.5 du/ac

BACKGROUND

The church was constructed in 1971, prior to the Zoning Ordinance requirement for churches in residential areas to have special permit approval. On August 31, 1976, special permit S-175-76 was approved for the subject property to permit a Montessori preschool for 30 children. The special permit was approved with a term limitation and subsequently expired approximately three years later.

On April 16, 1985, the BZA approved special permit SP 85-C-003 to permit a 4,132 square foot building expansion for the church. This resulted in a total building area of 11,907 square feet and the addition of 46 parking spaces to the site.

On July 11, 1995, the BZA approved special permit amendment SPA 85-C-003 to

permit a 16,032 square foot addition to the church, an increase in parking spaces, an increase in sanctuary seating from 300 to 400 and outdoor seating for 30. A right turn deceleration lane was also required as part of this approval. Additionally, the BZA approved Variance VC 95-H-052 to permit part of the addition to be constructed 43.0 feet from the southern front lot line. On March 11, 1997, the applicant submitted a request for an amendment, which was assigned the number SPA 85-C-003-2, to permit deletion of the requirement for a right turn deceleration lane into the site. The application was subsequently withdrawn.

On July 13, 2004, the BZA approved special permit amendment SPA 85-C-003-3 for the church to permit the addition of a private school of general education with a total maximum daily enrollment of 80 students.

On April 15, 2008, the BZA approved special permit amendment SPA 85-C-003-4 for the church to permit an increase the maximum daily enrollment of the private school of general education from 80 to 96 students, subject to development conditions. A copy of the resolution for SPA 85-C-003-4 is included as Appendix 4.

On May 12, 2009, a determination was made by Regina C. Coyle, Director, Zoning Evaluation Division, DPZ, in her capacity as the duly authorized agent of the Zoning Administrator, that the proposed enrollment of children between 2 ½ and 5 years of age in the private school of general education would not be in substantial conformance with the approved SPA Plat and development conditions. A copy of the letter is attached as Appendix 5.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Vienna Planning District, Area II
Planning Sector: Piney Branch Community Planning Sector
Plan Map: Residential .5 to 1 dwelling units per acre

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, the Church of the Good Shepherd (United Methodist), Hunter Mill District, Fairfax County, Virginia
Prepared By: Land Design Consultants
Dated: February, 1994

Proposed Use:

No physical changes are proposed with the current application. The applicant requests approval to amend special permit application SP 85-C-003, previously approved for a church with private school of general education with a maximum daily enrollment of 96 students to add a nursery school for children 2 ½ to 5 years of age, without increasing the total maximum daily enrollment. A portion of the 96 students would be enrolled in the nursery school and a portion in the school of general

education. The school would operate between the hours of 8:45 a.m. to 3:30 p.m., Monday through Friday, during the normal school year only. The nursery school would operate from 8:45 a.m. to 1 p.m., Monday through Friday. The kindergarten portion of the school would operate on Tuesdays, Wednesdays and Fridays. The nursery school would utilize existing space within the church including classrooms, office space, kitchen and fellowship hall and playground and other outdoor open space. Currently the school of general education is not operating, but the applicant plans to re-instate the school use.

Transportation Analysis (Appendix 6)

Issue: Entrance

The Fairfax County Department of Transportation (DOT) did not support the previous application (SPA 85-C-003-4), which requested an increase in enrollment from 80 students to 96 for the private school of general education because of conflicts at the site entrance on Hunter Mill Road. The site entrance is located approximately 65 feet south of Hunters Valley Road. Southbound vehicles turning left into the site interlock with northbound vehicles turning left into Hunters Valley Road. Interlocking left turn movements create unnecessary delays and hazards, and exacerbate traffic flow problems on both Hunter Mill Road and Hunters Valley Road. In addition, in 2004, peak hour Hunter Mill Road traffic volumes approximated 800 vehicles in each direction. Left turn lanes are warranted based on the disruption of flow to the existing through movements. The property immediately north of this site, which is owned by the Zoroastrian Center and is approved for a place of worship under a special permit, has already recorded an easement which would permit this applicant to realign their entrance opposite Hunters Valley Road. Development conditions associated with Parcel 26 also include the construction of a southbound left turn lane at that location. DOT does not support approval of the application without a commitment by the Trustees of Good Shepherd Church to construct the inter-parcel connection and a new entrance opposite Hunters Valley Road. The conditions associated with parcel 26 then would address the left turn need with development on that parcel. A copy of the conditions and plat approved in conjunction with SP 00-H-026 for the Zoroastrian Center is included as Appendix 7.

Because the Board of Zoning Appeals approved SPA 85-C-003-4, staff from DOT will not object to the current application because no increase in overall enrollment is proposed. However, the DOT memo notes that the Zoroastrian Center to the north has a site plan under review by the Department of Public Works and Environmental Management (DPWES) and, therefore, this applicant should begin the process of complying with Condition 12 of SPA 85-C-003-4 which has been carried forward in the proposed development conditions for this amendment.

Land Use Analysis

There are no Land Use issues associated with this application.

Environmental Analysis

There are no Environmental issues associated with this application.

ZONING ORDINANCE PROVISIONS

R-E DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-E		
Lot Size	2.0 acres	7.16 acres
Lot Width	225 feet	340 ft. (Hunter Mill Rd.) 917.56 ft. (Trott Avenue)
Building Height	60 feet	60 feet
Front Yard	55° ABP but not less than 50 feet	43 feet (Trott Avenue)* 214 feet (Hunter Mill Rd.)
Side Yard	45° ABP but not less than 20 feet	25 feet
Rear Yard	45° ABP but not less than 25 feet	484 feet
FAR	0.15	0.09
Parking	Church – 100 spaces Private School of General Education – 10 spaces Total: 110 spaces	136 spaces currently 118 spaces following entrance re-alignment

*Approved by the BZA pursuant to VC 95-H-052

Standard	Required	Provided
Transitional Screening		
North (single family attached dwellings)	T/S 1 -25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Approx. 0.0 to 25.0 ft. transitional screening*
East (single family attached dwellings)	T/S 1 -25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	400 ft. + existing vegetation
South (single family detached dwellings)	T/S 1 -25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	T/S 1
West (Riverside Rd. - single family detached dwellings)	T/S 1 -25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	T/S 1, approx. 15.0 to 25.0 feet wide
Barrier		
North (single-family detached dwellings)	Barrier D, E or F	None*
South (Single family detached dwellings)	Barrier D, E or F	None*

Standard	Required	Provided
East (single family detached dwellings)	Barrier D, E or F	None*
West (Riverside Rd. - single family detached dwellings)	Barrier D, E or F	None*

*Approved in conjunction with SPA 85-C-003-4

WAIVERS/MODIFICATIONS REQUESTED

A modification of the transitional screening requirements and waiver of barrier requirements is requested along all lot lines to permit existing vegetation and supplemental landscaping, as shown on the special permit plat, to satisfy the requirements. These waivers were previously approved in conjunction with SPA 85-C-003-4.

Basis: Par. 3 of Sec.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.

With the approval of SPA 85-C-003-4, transitional screening was modified on all lot lines as depicted on the special permit plat and the barrier requirement was waived along all lot lines. As no additional construction is proposed with this application staff supports the previously approved modification to transitional screening and waiver of barrier requirements.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 8)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)
- Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School (Sect. 8-308)

Summary of Zoning Ordinance Provisions

General Standard 4 for all special permits requires that the proposed use be such that pedestrian and vehicular traffic in the neighborhood associated with the use not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. In 2008, when the previous special permit amendment was filed there were approximately 800 vehicle trips per hour in each

direction along Hunter Mill Road at the application property. Vehicle traffic has only increased since that time. Southbound vehicles turning left into the site interlock with northbound vehicles turning left into Hunters Valley Road. Interlocking left turn movements create unnecessary delays and hazards, and exacerbate poor traffic flow on both Hunter Mill Road and Hunters Valley Road. Left turn lanes are already warranted based on the disruption of flow to the existing through movements. These issues cannot be addressed unless the applicant commits to construct the inter-parcel connection and access a proposed entrance opposite Hunters Valley Road to be constructed in conjunction with the Zoroastrian Center. Development Condition 12 has been carried forward from the previous special permit amendment to address this issue.

CONCLUSION

Staff concludes that, with the proposed development conditions, the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of the subject special permit amendment application but only with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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.

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.

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. Development Conditions and Plat Approved for SPA 85-C-003-04
5. May 12, 2009, Substantial Conformance Letter from Regina C. Coyle
6. Transportation Analysis
7. Development Conditions and Plat Approved for SP 00-H-026
8. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**March 24, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 85-C-003-5 located at Tax Map 37-2 ((1)) 26A, for an amendment to amend SP 85-C-003 previously approved for a church and private school of general education to permit the addition of a nursery Section 3-E03 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. Edits have been underlined.

1. This approval is granted to the applicant only, the Church of the Good Shepherd (United Methodist), and is not transferable without further action of this Board, and is for the location indicated on the application, 2351 Hunter Mill Road, and is not transferable to other land.*
2. This special permit amendment is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Land Design Consultants, dated February, 1994, as revised through December 14, 1994, and approved with this application, as qualified by these development conditions.*
3. A copy of this special permit amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.*
5. The maximum number of church seats in the main area of worship shall be limited to 400. The maximum number of seats in the outdoor worship area shall be 30. *
6. There shall be no amplification used in the outdoor seating area.*
7. Parking shall be provided as depicted on the special permit plat. All parking shall be on site, notwithstanding however, that approximately five (5) spaces may be removed in conjunction with the construction of an inter-parcel connection to the north, via Lot 26.*
8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but supplemental plantings shall be maintained along the southern and western lot lines, as depicted on the plat. The barrier requirement shall be waived.*

9. The limits of clearing and grading shall be maintained as shown on the special permit plat and shall be subject to review and approval by the Urban Forestry Division. There shall be no structures except the existing outdoor seating, and no removal of vegetation except for dead or dying trees or shrubs in the area outside the existing limits of clearing and grading.*
10. Any new proposed or replacement lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Any new outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property.*
11. The width of the existing entrance shall be provided as determined by the Virginia Department of Transportation (VDOT).*
12. At such time as the entrance on Tax Map 37-2 ((1)) 26 to the north is constructed, the applicant shall utilize the existing easement to the north for a combined entrance to Hunter Mill Road that aligns with Hunter Valley Road. If provision of the consolidated entrance necessitates the removal of parking spaces, existing asphalt on the site may be re-striped to make up for the lost spaces without the approval of an amendment to this special permit. The existing site entrance onto Hunter Mill Road must then be closed and landscape plantings shall be provided in that area similar to that provided between the existing parking lot and the lot line abutting Hunter Mill Road.*
13. Upon issuance of a Non-Residential Use Permit, the hours of operation for the private school of education shall be limited to 8:45 a.m. to 3:30 p.m., Monday through Friday. The private school of general education will operate during the school year and will not operate during the summer.*
14. Upon issuance of a Non-Residential Use Permit, the hours of operation for the nursery school shall be limited to 9 a.m. to 1 p.m., Monday through Friday.
15. Upon issuance of a new Non-Residential Use Permit, the number of students enrolled in the private school of general education and the nursery school shall be limited to a total maximum daily enrollment of ninety-six (96) children. Upon issuance of a new Non-Residential Use Permit, the number of employees associated with the private school of general education and the nursery school shall be limited to a maximum of ten (10) at anyone time.*
16. The outdoor play equipment shall be located in the existing cleared area north of the church building. The play equipment shall not be located on a septic field.*
17. The applicant shall obtain a sign permit for the proposed sign for the private school of general education in accordance with the provisions of Article 12 of the Zoning Ordinance. *

These conditions incorporate and supersede all previous 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 outline 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: December 14, 2009
 (enter date affidavit is notarized)

I, RICHARD L. FLATHER, 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 *106809a*

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 the Church of the Good Shepherd (United Methodist Church)	2351 Hunter Mill Road, Vienna, VA 22181	Applicants/Title Owners
Myron F. Hanke	2624 Litchfield Drive, Herndon, VA 20171	Applicant/Title Owner
Sherry A. Spinelli	11311 Stoneledge Court, Reston, VA 20191	Applicant/Title Owner
Paul Speck	10904 Quimby Pt. Lane, Reston, VA 20191	Applicant/Title Owner
Robert C. Whaley	11623 Sourwood Lane, Reston, VA 20191	Applicant/Title Owner
Developing Solutions, Inc.	2925 Elmesmeade Court, Oakton, VA 22124	Agent
Richard L. Flather	2925 Elmesmeade Court, Oakton, VA 22124	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).

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 14, 2009
(enter date affidavit is notarized)

106909a

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)
Developing Solutions, Inc., 2925 Elmesmeade Court, Oakton, VA 22124

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)

Richard L. Flather

(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: December 14, 2009
(enter date affidavit is notarized)

106809a

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)
None

(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: December 14, 2009
(enter date affidavit is notarized)

106809a

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: December 14, 2009
(enter date affidavit is notarized)

106809a

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)

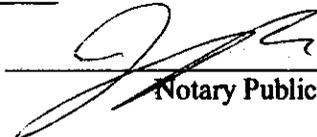
Applicant

Applicant's Authorized Agent

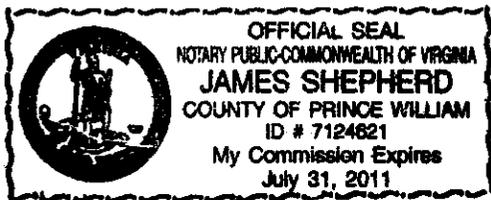
Richard L. Flather, Agent

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

Subscribed and sworn to before me this 14th day of December, 2009, in the State/Comm. of Virginia County City of Fairfax.


Notary Public

My commission expires: JULY 31, 2011



November 25, 2009

Zoning Evaluation Division
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
NOV 25 2009
Zoning Evaluation Division

Re: Special Permit Application – SPA 85-C-003-04, SPI 0903 007
Richard L. Flather, Agent
The Church of the Good Shepherd, United Methodist
2351 Hunter Mill Road
Vienna, VA 22181

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

We hereby wish to submit for review and approval of a Special Permit Application to amend SPA 85-C-003-04 previously approved for the Church of the Good Shepherd Private School of General Education to permit a Nursery School. We wish to submit this application through a revision of our previously submitted Special Permit Interpretation SPI 0903 007 dated March 13, 2009 and denied on May 12, 2009.

It is proposed to retain enrollment and administration at the current approved total enrollment of 96 children and 10 employees and to do so, we will decrease enrollment of the private school of education to allow an increase to the nursery school. The nursery school will include children aged 2 ½ - 5 years of age. The children will attend the nursery school under an abbreviated schedule from 9:00 am – 1:00 pm, Monday through Friday.

The addition of the Nursery School does not propose any modifications to the exterior church building. Modifications to the interior will be generated only by code conditions required by building and fire safety for the age group of children attending the Nursery School.

The traffic pattern at the entrance at the Church of the Good Shepherd will decrease during the 8:45 am drop-off and the 3:30 pm pick-up hours due to the enrollment increase of the younger students. Adversely, the traffic pattern will increase during the 9:00 am drop-off and 1:00 pm pick-up of students.

There is no change with regard to the Church's use of the property as a place of worship. The Church parking lot has 140 painted parking spaces. The sanctuary has 400 seats, while an outdoor worship area (with no sound amplification) seats 30. The proposed use modification will not impact the Church's current membership roll of 570 people. The Church has six (6) employees, and is open from 7:30 a.m. to 1:30 p.m. on

Sundays, 9:00 a.m. to 4:00 p.m. on weekdays, 5:00 p.m. to 9:00 p.m. during weekday evenings for various church and community groups, and 8:00 a.m. to 5:00 p.m. on Saturdays, for various Church activities. The proposed use modification will not increase the existing traffic to and from the Church for Church activities, which are mainly on Sunday mornings. The Church of the Good Shepherd continues to draw from the immediate Oakton area.

The proposed use conforms to all applicable ordinances, regulations, adopted standards and applicable conditions

The finished square footage of the building is 21,491 square feet as defined in Zoning Ordinance Section 8-922 paragraph numeral 4. The proposed shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site as described in Zoning Ordinance Section 8-922 numeral 5.

The proposed Nursery School has no proposed development on site and will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot as described in Zoning Ordinance Section 8-922 numeral 6.

The proposed Nursery School has no proposed development on site and is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. There is no proposed removal of existing vegetation for the proposed Nursery School as described in Zoning Ordinance Section 8-922 numeral 7.

The proposed Nursery School shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff as described in Zoning Ordinance Section 8-922 numeral 8.

The proposed Nursery School is accommodated by the existing structure on the lot. Specific factors considered include, but were not limited to, the layout of the existing structure; availability of alternate locations; orientation of the structure; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determine by the Director; location of easements; and/or preservation of historic resources as described in Zoning Ordinance Section 8-922 numeral 9.

There are no known hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous Waste Management Regulations; and/or Petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized,

stored, treated, and/or disposed of onsite and the size and contents of any existing or proposed storage tanks or containers.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except those which were waived or modified in connection with the granting of Special Permit SPA 85-C-003-04.

15 copies of the supporting plat accompanying the application is drawn to scale on a 24" x 36" sheet. An additional 8 1/2" x 11" reduction of the plat is also attached. The plat contains but is not limited to the following information:

- a. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each Zoning District;
- b. Total area of the property and of each Zoning District in square feet or acres;
- c. Scale and North Arrow, with North, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
- d. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level;
- e. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines;
- f. Means of ingress and egress to the property from a public street;
- g. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line;
- h. If applicable, the location of a well and/or septic field;
- i. Existing and proposed gross floor area and floor area ratio;
- j. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major utility easements regardless of width;
- k. The location, type and size of any existing and proposed landscaping and screening;
- l. Approximate delineation of any Floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any Environmental Quality Corridor as defined applicable, the distance of any existing and proposed structures from the Floodplain, Resource Protection Area and Resource Management Area, or Environmental Quality Corridor;
- m. Seal and signature of professional person certifying the plat;
- n. Site designation letters corresponding to photographs.



RECEIVED
Department of Planning & Zoning
MAR 15 2010
Zoning Evaluation Division

DEVELOPING SOLUTIONS INC.
2925 Elmesmeade Court, Oakton, VA 22124 ○ (703) 843-5996 Fax: (703) 997-5996

March 11, 2010

Attn: Mary Anne Godfrey
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: SPA 85-C-003-05

Dear Mary Anne,

Please find below additional information you requested during our phone conversation on 3/9/10. I hope this additional information assists your completion of the staff report.

1. The Church has currently suspended its school enrollment until approval/disapproval of proposed Nursery School. At this time there is no enrollment;
2. 1st Year Nursery School Enrollment Projects 24 Students, 2 Teachers, 1 Director
3. 2nd Year Nursery School Enrollment Projects 36 Students; 3 Teachers, 1 Director
4. The Nursery School Hours of Operation will be 9:00 am – 1:00 pm
5. We do not foresee any changes to the entrance. The Nursery School will not increase occupancy already approved.

Please contact me directly at rflather@vzw.blackberry.net or on my cell at 703-843-5996 with any questions.

Sincerely,

Richard L. Flather, President
Developing Solutions, Inc.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF THE CHURCH OF THE GOOD SHEPHERD (UNITED METHODIST)/LORIEN WOOD, SPA 85-C-003-04 Appl. under Sect(s). 3-E03 of the Zoning Ordinance to amend SP 85-C-003 previously approved for church and private school of general education to permit increase in enrollment. Located at 2351 Hunter Mill Rd. on approx. 7.16 ac. of land zoned R-E. Hunter Mill District. Tax Map 37-2 ((1)) 26A. (Admin. moved from 2/26/08 at appl. req.) Mr. Hart 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 April 15, 2008; and

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

1. The applicant is the owner of the land.
2. The applicant has presented testimony showing compliance with the required standards for a special permit.
3. In evaluating the application, the magnitude of this application compared to the previous one several years ago is not great.
4. On the record before the Board, the Board cannot attribute the need for the consolidated entrance to the change that the applicant is requesting.
5. If the interlocking left turn, standing alone, was the reason to require this applicant to bear the cost of consolidated entrance, it would have done four years ago.
6. The situation will work itself out because the property to the north will redevelop at some point and if the applicant comes back again for an increase in enrollment over the 96, maybe the Board will reevaluate that, if there has been some further delay with the Zoroastrians.
7. The package of development conditions that was constructed the last time contemplated that these people could continue to operate with the entrance that they had, with the Hunter Mill Road situation the way it is even before the Zoroastrians had built their entrance, and with some tweaking of the conditions, we can get to that point.
8. Otherwise, staff felt that the criteria had been satisfied, and the Board thinks this is an appropriate use in this location.

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 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, the Church of the Good Shepherd (United Methodist)/Lorien Wood School, and is not transferable without further action of this Board,

and is for the location indicated on the application, 2351 Hunter Mill Road, and is not transferable to other land.

2. This special permit amendment is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Land Design Consultants, dated February, 1994, as revised through December 14, 1994, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of church seats in the main area of worship shall be limited to 400. The maximum number of seats in the outdoor worship area shall be 30.
6. There shall be no amplification used in the outdoor seating area.
7. Parking shall be provided as depicted on the special permit plat. All parking shall be on site, notwithstanding however, that approximately five (5) spaces may be removed in conjunction with the construction of an interparcel connection to the north, via Lot 26.
8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but supplemental plantings shall be maintained along the southern and western lot lines, as depicted on the plat. The barrier requirement shall be waived.
9. The limits of clearing and grading shall be maintained as shown on the special permit plat and shall be subject to review and approval by the Urban Forestry Division. There shall be no structures except the existing outdoor seating, and no removal of vegetation except for dead or dying trees or shrubs in the area outside the existing limits of clearing and grading.
10. Any new proposed or replacement lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Any new outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property.
11. The width of the existing entrance shall be provided as determined by the Virginia Department of Transportation (VDOT).
12. At such time as the entrance on Tax Map 37-2 ((1)) 26 to the north is constructed, the applicant shall utilize the existing easement to the north for a combined entrance to Hunter Mill Road that aligns with Hunter Valley Road. If provision of the consolidated entrance necessitates the removal of parking spaces, existing asphalt on the site may be re-stripped to make up for the lost spaces without the approval of an amendment to this special permit. The

existing site entrance onto Hunter Mill Road must then be closed and landscape plantings shall be provided in that area similar to that provided between the existing parking lot and the lot line abutting Hunter Mill Road.

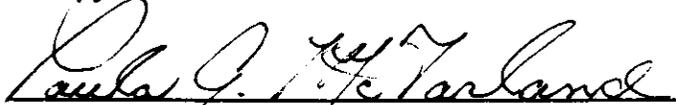
13. Upon issuance of a Non-Residential Use Permit, the hours of operation for the private school of education shall be limited to 8:45 a.m. to 3:30 p.m., Monday through Friday. The private school of general education will operate during the school year and will not operate during the summer.
14. Upon issuance of a new Non-Residential Use Permit, the number of students enrolled in the private school of general education shall be limited to a total maximum daily enrollment of ninety-six (96) children. Upon issuance of a new Non-Residential Use Permit, the number of employees associated with the private school of general education shall be limited to a maximum of ten (10) at anyone time.
15. The outdoor play equipment shall be located in the existing cleared area north of the church building. The play equipment shall not be located on a septic field.
16. The applicant shall obtain a sign permit for the proposed sign for the private school of general education in accordance with the provisions of Article 12 of the Zoning Ordinance.

These conditions incorporate and supersede all previous 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 construction has commenced and been diligently prosecuted or the use has been established as noted 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.

Ms. Gibb seconded the motion, which carried by a vote of 6-1. Mr. Hammack voted against the motion.

A Copy Teste:



Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals



County of Fairfax, Virginia

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



May 12, 2009

Mr. Mark Burgess, Pastor
The Church of the Good Shepherd
2351 Hunter Mill Road
Vienna, Virginia 22181

Re: Interpretation for SPA 85-C-003-4, Church of the Good Shepherd, 2351 Hunter Mill Road,
Tax Map 37-2 ((1)) 0026 A: Enrollment

Dear Mr. Burgess:

This is in response to your letter of March 13, 2008 requesting an interpretation of the Special Permit Amendment (SPA) Plat and development conditions approved by the Board of Zoning Appeals (BZA) in conjunction with the approval of SPA 85-C-003-04. As I understand it, the question is whether the enrollment of 2 ½ to 5 year olds would be in substantial conformance with the SPA Plat and development conditions. This determination is based on your letter which is attached.

SPA 85-C-003-4 was approved on April 15, 2008, by the Board of Zoning Appeals (BZA) to allow, to a previously approved church and private school of general education, an increase in enrollment.

Development Condition 14 states in part the following:

"Upon issuance of a new Non-Residential Use Permit, the number of students enrolled in the private school of general education shall be limited to a total maximum daily enrollment of ninety-six (96) children..."

The Zoning Ordinance definition for school of general education is as follows:

"A parochial, private school...at least five (5) days a week, except holidays, for a normal school year of not less than seven months..."

The Zoning Ordinance definition for nursery school is as follows:

"Any place operated primarily for the educational instruction for six (6) or more children from two (2) to five (5) years of age at which children two (2) to four (4) years of age do not attend in excess of four (4) hours per day and children five (5) years of age do not attend in excess of six and one-half (6 ½) hours per day."

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



Mr. Mark Burgess
Page 2

As I understand it, you are requesting to provide within the 96 children permitted to be enrolled in the private school children that are between 2 1/2 years to 5 years of age. You propose that the young children would attend the school for a shorter day from 9:00 am – 1:00 pm, Monday through Friday. You do not propose to increase the daily enrollment of a total of 96 children or increase the number of employees of 10 at any one time.

Given that the use you propose would be defined in the Zoning Ordinance as a nursery school, it is my determination that the proposed enrollment of 2 ½ year old to 5 year olds would not be in substantial conformance with the approved SPA Plat and development conditions. In order to allow the proposed use, the submission of and approval of a special permit amendment application will be required. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these requirements, please feel free to contact Lisa Feibelman at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

N:\Interpretations\Special Permits - SP\SPA 85-C-003-03 Church of Good Shepherd - enrollment.doc

Attachments: A/S

Members, Board of Zoning Appeals

Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ

Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES

Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ

File: SPA 85-C-003-04, SPI 0903 007, Imaging, Reading File

March 13, 2009

Attn: Regina Coyle
Director, Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
MAR 13 2009
Zoning Evaluation Division

**Re: Interpretation of Private School of General Education
Special Permit Amendment Application SPA 85-C-003-03**

Dear Ms. Coyle,

The purpose of this letter is to obtain approval to expand our private school of education to include children aged 2 ½ - 5 years of age at the Church of the Good Shepherd, 2351 Hunter Mill Road, Vienna, VA 22181, Tax Map Reference: 37-2 ((1)) 26A, Special Permit SPA 85-C-003-03. The younger students will attend school under an abbreviated schedule from 9:00 am – 1:00 pm, Monday through Friday.

Attached is a copy of the (approved and issued) Special Permit Resolution of the Board of Zoning Appeals. The addition of the younger aged students will not increase our approved daily enrollment and administration. Classrooms for the younger students will meet code requirements and applicable permits will be obtained as required.

The traffic pattern at the entrance at the Church of the Good Shepherd will decrease during the 8:45 am drop-off and the 3:30 pm pick-up hours due to the enrollment increase of the younger students. Adversely, the traffic pattern will increase during the 9:00 am drop-off and 1:00 pm pick-up of students.

We would really appreciate your timely review and approval of our request. If you have any questions, please call myself at 703-281-3987 or Rick Flather at 703-843-5996.

Grace and Peace,



Mark Burgess, Pastor
Church of the Good Shepherd



County of Fairfax, Virginia

MEMORANDUM

DATE: March 8, 2010

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

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

FILE: 3-6 (SP 85-C-003)

SUBJECT: Transportation Impact

REFERENCE: SPA 85-C-003-5 Church of the Good Shepherd
Land Identification Map: 37-2 ((1)) 26A

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated February 1994 and received in this department on February 12, 2010. The subject application is a request to amend a previously approved application for a private school of general education to permit a nursery school. The total number of students would remain at 96 but be divided between the nursery school and school of general education use.

This department has received the subject request and although would not object to a portion of the 96 students being in nursery school, we would note the following:

- This department did NOT support the requested increase in students from 80 to 96 in the previous amendment (SPA 85-C-003-4) unless the existing entrance was closed and aligned with Hunter Valley Road through the EXISTING access easement on parcel 26 to the north. (There is an existing recorded access easement on parcel 26 in which the aligned entrance could be constructed.)
- The Zoroastrian Center (located on parcel 26 to the north) is currently in site plan review. Therefore, this applicant should begin the process of complying with Condition 12 of SPA 85-C-003-04 of which we are requesting to be carried over with this amendment.

AKR/mdd

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 220335-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ZOROASTRIAN CENTER AND DARB-E-MEHR OF METROPOLITAN WASHINGTON D.C., SP 00-H-026 Appl. under Sect(s). 3-E03 of the Zoning Ordinance to permit a place of worship, child care center and nursery school. (THE APPLICANT WITHDREW THE REQUEST FOR THE CHILD CARE CENTER AND NURSERY SCHOOL). Located at 2347 Hunter Mill Rd. on approx. 6.81 ac. of land zoned R-E. Hunter Mill District. Tax Map 37-2 ((1)) 26. (MOVED FROM 7/25/00, 8/1/00, and 9/12/00). (Deferred for decision only from 10/17/00 and 12/12/00) Mr. Hart 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 January 16, 2001; and

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

1. The applicants are the owners of the land.

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-E03 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, and is not transferable without further action of this Board, and is for the location indicated on the application, 2347 Hunter Mill Road (6.8 acres) and is not transferable to other land.
2. This Special Permit is granted only for a place of worship as indicated on the special permit plat prepared by Walter L. Phillips, dated March 20, 2000, as revised through January 8, 2001, 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 (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 maximum number of seats in the church shall be 120.
6. Sixty-seven (67) parking spaces shall be provided. All parking shall be on site within the designated parking area as shown on the special permit plat. No parking shall be permitted off-site.
7. Existing vegetation shall be used to satisfy the Transitional Screening I requirement along the eastern lot line. Vegetation along the western lot line shall be supplemented as shown on the special permit to meet the transitional screening requirements as determined by the Urban Forestry Branch. The entire northern lot line shall be supplemented as needed with evergreen plantings to obtain the effectiveness of Transitional Screening I as determined by the Urban Forestry Branch. Berms shall also be provided along Hunter Mill Road to enhance the effectiveness of Transitional Screening I. The size, type and location of all berms and vegetation shall be as approved by the Urban Forestry Branch of DPWES. All existing vegetation around the periphery of the site shall be maintained and supplemented as deemed necessary by the Urban Forestry Branch.

The Barrier requirements shall be waived for all lot lines.

8. The limits of clearing and grading shall be as shown on the special permit plat. A grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including the Urban Forestry Branch, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES. Prior to any land disturbing activities for construction, a pre-construction conference shall be held between DPWES and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days. All of the site outside the limits of clearing and grading shall remain as perpetually undisturbed open space and if any feature such as the SWM pond is eliminated or reduced in size, the area of that feature shall become part of the perpetually undisturbed open space.
9. A conservation easement shall be recorded over the western portion of Angelich Branch as shown on the special permit plat to match that provided by the Good Shepherd United Methodist Church. The applicant shall record a conservation easement to the benefit of Fairfax County, in the form approved by the Department of Public Works and Environmental Services (DPWES), over the areas located within Environmental Quality Corridors (EQCs), as shown on the submitted special permit plat. The conservation easement shall ensure that areas within the EQC remain in undisturbed open space, and shall prohibit the construction of any structures. The easement shall be approved by the Office of the County Attorney and further specify that undisturbed open space shall be maintained by hand, as needed only to remove dead and dying vegetation, and there shall be no fertilizing or mowing of weeds or grass.

10. At the time of either site plan submission or grading plan submission, whichever occurs first, a tree preservation plan shall be provided for review and approval by the Urban Forestry Branch. The tree preservation plan shall include a tree survey which describes the location, species, size, accurate dripline, and condition of all trees 12 inches in diameter and greater 25 feet on either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist using the eighth edition of "The Guide for Plant Appraisal." Specific tree preservation activities shall be reflected in the tree preservation plans, including methods to be implemented to ensure preservation. The plan shall be developed with the intention of maintaining the existing vegetation within the tree save area depicted outside the limits of clearing and grading as shown on the special permit in undisturbed open space. The undisturbed open space shall be maintained by hand as needed to remove only undesirable vegetation such as brambles and vines, and there shall be no fertilizing or mowing of weeds or grass within the open space areas. Tree preservation shall be implemented pursuant to the study as approved by the Urban Forestry Branch.
11. Parking lot landscaping shall be provided in accordance with the Public Facilities Manual as determined by the DPWES. Foundation plantings around the church building shall be provided for the purpose of softening the visual impact of the buildings and blend the development in with the adjacent residential subdivision. The type, size and location of these plantings shall be approved by the Urban Forestry Branch and shall depict a combination of flowering and evergreen shrubs and ornamental tree plantings along the perimeters of the parking areas and building foundation landscaping plantings with particular emphasis along the northern lot line.
12. Stormwater Management/ Best Management Practices shall be provided in accordance with the Public Facilities Manual standards for developments in the Water Supply Protection Overlay District as approved by DPWES.
13. Right of way of 45 feet from centerline of Hunter Mill Road shall be dedicated in fee simple to the Board of Supervisors at the time of site plan approval, or upon demand, whichever occurs first. Frontage improvements, including turn lanes as depicted on the plat, shall be constructed consisting of 35 feet of pavement from centerline to face of curb subject to review and approval of VDOT and DPWES. Frontage improvements shall be constructed to VDOT and PFM standards. The additional pavement shall be striped to provide an interim left turn lane into the site.
14. A fifty (50) foot wide Public Access and ingress and egress easement over the portion of the entrance as shown on the revised plat that serves both churches shall be recorded.
15. Evening outdoor activities on the site shall not extend beyond 9:30 p.m. during the weekdays and 10:00 p.m. on the weekends.
16. Church facilities shall only be made available for use by groups or activities, which are sponsored by the church and consistent with its ministry objectives. Large events or festivals, which generate more vehicles than the parking lot can accommodate, shall not be held on the site.

17. Any proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixture shall not exceed 12 feet and shall be full cut-off lights.
 - The lights shall be of a design, which focuses the light directly onto the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
 - There shall be no up-lighting of any of the proposed buildings. Except for necessary low level security lighting, site and building lighting shall be turned off by 10:30 p.m.
18. The existing dwelling may be used to house a member of the clergy or a caretaker and the garage shall be used for storage only.
19. Irrespective of that shown on the special permit plat, the height of the main portion of the building shall not exceed 26.6 feet and shall be in substantial conformance with the submitted architectural elevations included in Attachment 1 of the development conditions.
20. The use of loudspeakers, music amplification systems, or bull horns shall not be permitted outside the building.
21. A geo-technical engineering study shall be submitted to DPWES for review and approval in accordance with Chapter 107 of the Fairfax County Code as determined necessary by DPWES and shall be implemented as determined by DPWES. If DPWES determines that a potential health risk exists due to naturally occurring asbestos, all construction personnel shall be alerted to the potential health risk and appropriate construction techniques, as determined by DPWES, shall be implemented.
22. Irrespective of that shown and noted (#17) on the special permit plat regarding the proposed location of the septic field, the applicant shall obtain approval from the Fairfax County Health Department for the location of the septic field. Should approval not be obtained for the proposed location of the septic field(s) in substantial conformance with that shown on the special permit plat, this special permit shall become null and void.
23. The architectural design elements shall be in substantial conformance to the submitted conceptual elevations by AFA Architecture PC, dated June 14, 2000, included as Attachment 1 of the development conditions and shall be of neutral colors.
24. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance. If lighting is permitted for the sign, it shall only be as backlighting.

25. There shall be no outdoor open/bon fires on site.

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.

Ms. Gibb seconded the motion which carried by a vote of 4-2-1. Mr. Pammel and Mr. Ribble voted against the motion. Mr. Hammack abstained from the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on January 24, 2001. This date shall be deemed to be the final approval date of this special permit.

A Copy Tests:



Regina Thorn Corbett, Clerk
Board of Zoning Appeals

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.