



APPLICATION ACCEPTED: June 11, 2009
APPLICATION AMENDED: December 11, 2009
PLANNING COMMISSION: April 22, 2010
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

April 8, 2010

STAFF REPORT

SE 2009-LE-028

LEE DISTRICT

APPLICANT: Knowledge Learning Corporation d/b/a Kinder Care Learning Centers

ZONING: R-3

PARCEL(S): 82-3 ((1)) 38; 82-3 ((11)) 45 & 46

ACREAGE: 4.36 acres

FLOOR AREA RATIO: 0.12

PLAN MAP: Private Recreation & Residential; 2-3 du/ac

SE CATEGORY: Category 3: Private school of general education and child care center.

PROPOSAL: To permit a change in permittee for an existing child care center and private school of general education.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2009-LE-028 subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of the modification of the transitional screening and barrier requirements on the site, in favor of existing conditions.

Suzanne Lin

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



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

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

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

N:\ASE\SE 2009-LE-028 Kindercare\Report, Conditions and Cover\Staff report Cover.doc

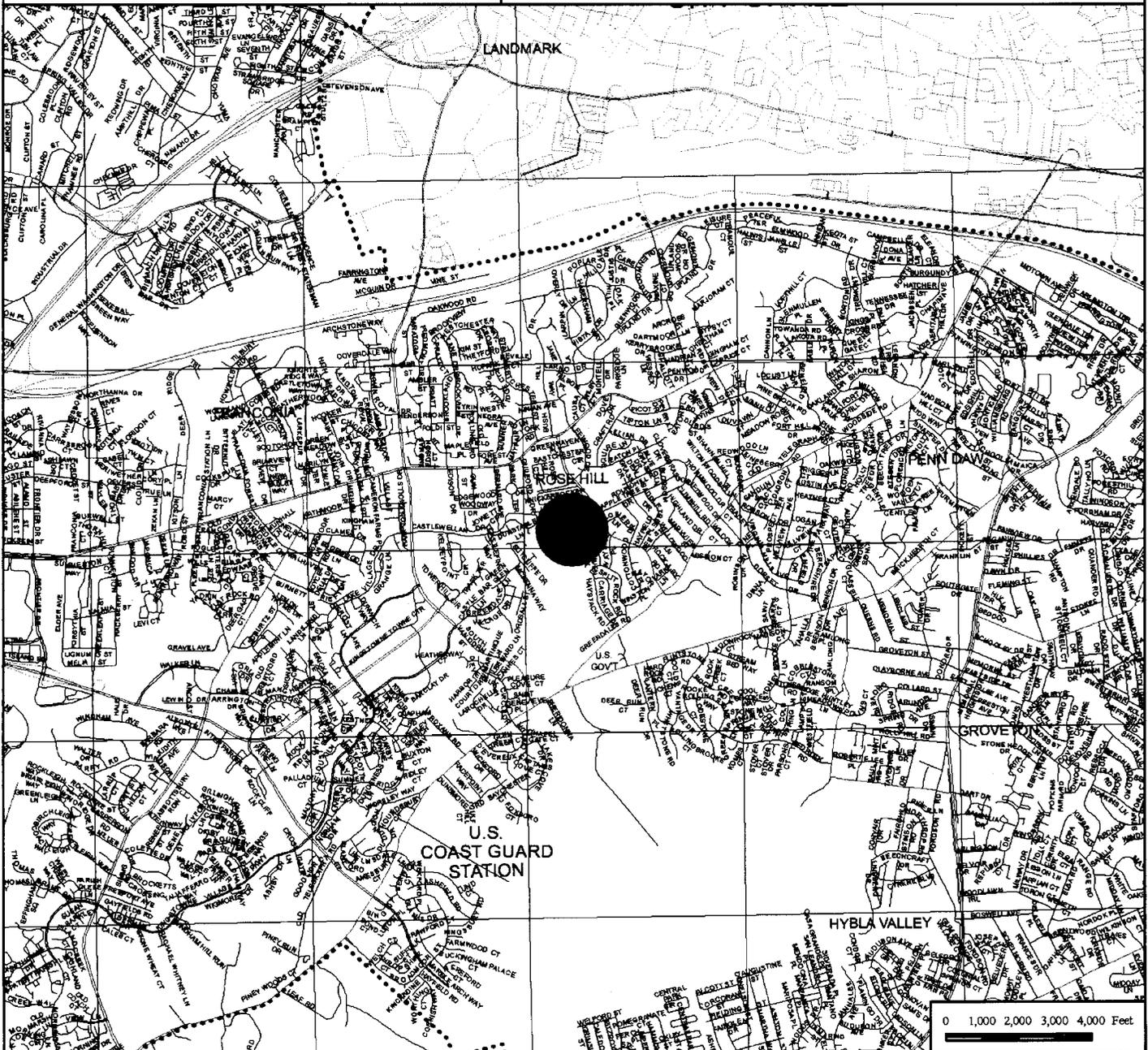


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2009-LE-028

Applicant: KNOWLEDGE LEARNING CORPORATION D/B/A KINDERCARE LEARNING CENTERS, F/K/A
Accepted: 12/11/2009
Proposed: PRIVATE SCHOOL OF GENERAL EDUCATION AND CHILD CARE CENTER
Area: 4.36 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect: 03-0304
Art 9 Group and Use: 3-10
Located: 6318 MAY BOULEVARD
Zoning: R- 3
Plan Area: 4,
Overlay Dist:
Map Ref Num: 082-3- /01/ /0038 /11/ /0045 /11/ /0046



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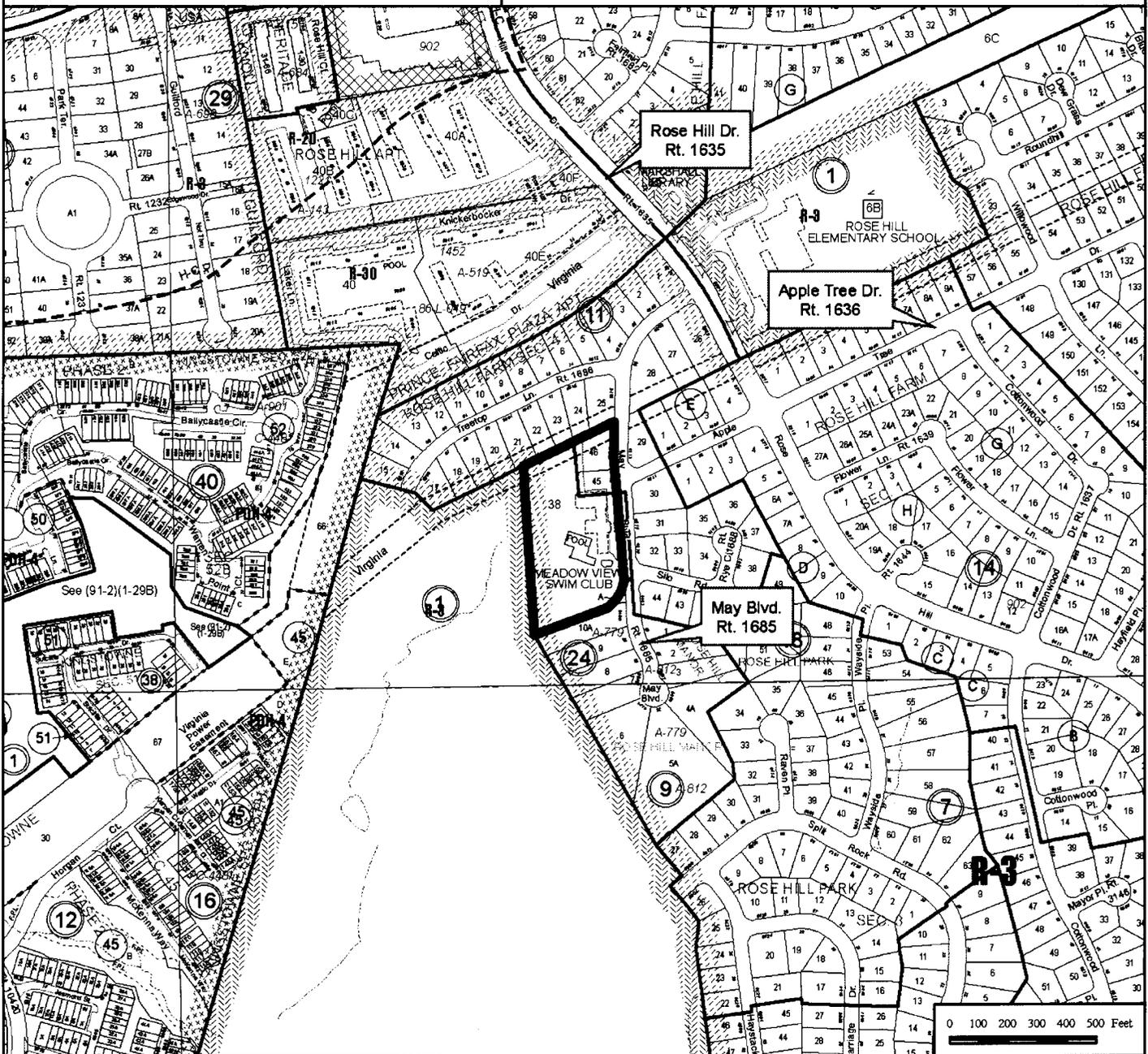
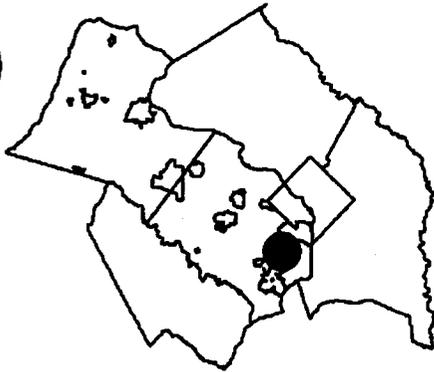
Located: 6318 MAY BOULEVARD

Zoning: R- 3

Plan Area: 4,

Overlay Dist:

Map Ref Num: 082-3- /01/ /0038 /11/ /0045 /11/ /0046



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

This application is a request to change the permittee to KinderCare Learning Center from the Knowledge Learning Corporation for an existing facility at 6318 May Boulevard. This child care center and private school of general education was previously granted as a Special Permit, with the center established on this site as early as 1980. The Special Permit was granted to the applicant only and several change in permittee applications have since been approved. However, since schools of general education and child care centers are governed now by the Special Exception provisions of the Zoning Ordinance, this application has been filed.

The Knowledge Learning Corporation will continue to operate and license the existing centers, but will do business as KinderCare Learning Center once the application is approved. The previously approved hours of operation were 24 hours a day/seven days a week and the maximum number of students was 200. The applicant has indicated that the proposal would reduce the hours to Monday through Friday, 6:00 AM to 8:00 PM, exclusive of special events.

The applicant requests no other changes either to site design or functioning of the facility from what was previously approved. The transitional screening and barrier requirements were modified previously in favor of the existing vegetation and landscaping shown on the plans (pursuant to previous approvals). The applicant, who proposes no physical changes to this site, requests that previously approved waivers and/or modifications of the Zoning Ordinance be continued.

The applicant's Statement of Justification can be found in Appendix 3.



Figure 1 Aerial Photography of Site

LOCATION AND CHARACTER

The subject property is located on the west side of May Boulevard and is surrounded by properties zoned R-3 on all sides. To the north, south and east, the property is bounded by portions of the Rose Hill Farm subdivision. To the west, the property abuts the Greendale Golf Course. The 4.36 acre site contains several structures, including a guest house, several sheds, a snack bar, a 1-story brick and stucco educational building, and a two-story brick and block gymnasium and educational building, a parking lot and two pools.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single Family Detached (Rose Hill Farm Section 4)	R-3	Residential; 2-3 du/ac
South	Single Family Detached (Rose Hill Manor)	R-3	Residential; 2-3 du/ac
East	Single Family Detached (Rose Hill Farm Section 4)	R-3	Residential; 2-3 du/ac
West	Greendale Golf Course	R-3	Public Park

BACKGROUND

The history of this site is mostly governed by a series of approved Special Permits which established the school and child care use. In October 1980, the Board of Zoning Appeals (BZA) granted **Special Permit (S) 80-L-076** to the Proctor Hatsell Private School, Inc. to permit a school of general education and child care center with overnight care on this property. In November 1980, the BZA granted Special Permit **S-80-L-095** on the same property to permit use of an existing shed and tennis courts. The BZA also granted application **Variance V-80-L-197** at that time to allow a shed to remain on the side lot line and to allow a 10 ft. high fence to remain in a side yard and a 6-foot high fence to remain in a front yard.

In March 1981, the BZA granted **S 81-L-004** to permit a change in corporate name for a school and child care center from Proctor Hatsell Private School to Greendale Academy, Inc. On January 15, 1985, the BZA again granted a change in permittee from Greendale Academy, Inc. to Heritage Academy and Child Care Center at Greendale Academy, Inc. On August 2, 1994, the BZA granted another request for a change of permittee to Children’s Discovery Center of Virginia, Inc.

Staff notes that there appears to be a discrepancy in the acreage of the final SP approved on this site. While the previous special permits and variances all listed the same tax map parcels (Tax Map 82-3 ((1)) 38; 82-3 ((11)) 45 & 46)) as **S 81-L-004**, the

acreage on the previous applications was 4.36 acres while **S 81-L-004** lists the acreage as 4.0 acres. Staff notes that the applicant has submitted the SP Plat that was used with S 81-L-004 for use in the present application and that Plat also lists the acreage as 4.36 acres. It does not appear that the acreage actually was ever decreased as the entire three parcels have been a part of this use since the original approval. In addition, the acreage under consideration with this application has again noted the 4.36 acres. As a new Special Exception, this application could not be an *amendment* to increase the land area; however, staff simply notes that the correct acreage is (and has been) 4.36 acres.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area IV

Planning District: Rose Hill Planning District

Planning Sector: Lehigh Community Planning Sector

Plan Map: Private Recreation

There is no site specific text for the subject property.

ANALYSIS

Special Exception (SE) Plat (See Appendix 4 in the Case History)

This application is for a change in permittee; no new construction or land disturbance is proposed. Therefore, the plat submission requirements were waived. Several full sized plats have been provided to depict the conditions on the site. The full sized plats are located in the case file at the Department of Planning and Zoning/Zoning Evaluation Division (DPZ-ZED). The case history includes a reduction of the Special Permit Plat approved in 1980 which is contained in Appendix 4. It appears that one previously approved building depicted to the west of the parking lot was not constructed.

Land Use/Environmental Analysis (Department of Planning and Zoning)

Transportation Analysis (Fairfax County Department of Transportation)

Urban Forestry and Stormwater Analysis (Department of Public Works and Environmental Services)

Due to the nature of this application, a review of this application by the agencies listed above raised no issues. Therefore, the aforementioned departments do not object to the approval of this application.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-3 Zoning)		
Standard	Required	Provided
Lot Size	10,500 SF	4.36 acres
Lot Width	80 feet	At least 254 ft
Front Yard	Controlled by a 40° angle of bulk plane, but not less than 30 feet	32.0 ft
Side Yard	Controlled by a 35° angle of bulk plane, but not less than 10 feet	0 for shed on property line (See V 80-L-197)
Rear Yard	Controlled by a 35° angle of bulk plane, but not less than 25 feet	36.6 feet
Building Height	60 feet	27 feet
FAR	.25	.12
Open Space	N/A	N/A
Parking Spaces	32	33

Special Exception Requirements (Appendix 6)

General Special Exception Standards (Sect. 9-006)
Standards for All Category 3 Uses (Sect. 9-304)

This application was originally approved as a Special Permit, and staff notes that the General Standards and Standards for All Category 3 Uses are substantially the same for Special Permits and Special Exceptions. This child care center and private school of general education has already been reviewed for conformance with those standards. Staff believes these standards continue to be met. Staff notes that there are more additional standards under the Special Exception process and it is unclear from the case history whether these specific standards were previously reviewed. Therefore, staff makes note of these additional standards below.

Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)

Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)

The additional standards under Sect. 9-309 relate to issues concerning usable play areas and appropriate pedestrian and vehicular access. Staff notes that the applicant has indicated, on the previously approved SP Plat, that there is over 44,600 SF of play area provided. The area is not expressly delineated on the

submitted plats. However, given the large amount of open space area and the fact that there is currently play area in use, staff has proposed a development condition requiring that the facility remain in conformance with the play area standards as described in the Zoning Ordinance. Similarly, while there are no sidewalks associated with this property, several onsite trails provide pedestrian amenities and the vehicular access is currently provided via two access points from May Boulevard and no changes are proposed. Staff believes these standards continue to be met.

The additional standards under Sect. 9-310 also relate to issues surrounding usable play area and sufficient transportation access. As noted above, staff finds that there is sufficient play area on this site and the proposed development condition which requires the facility to remain in conformance with the play area standards described in the Zoning Ordinance appropriately addresses any play area concerns. Also, as above, pedestrian and vehicular access is currently provided and no changes are proposed. Staff believes these standards continue to be met.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

In staff's opinion, with the adoption of the proposed development conditions, this Special Exception is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends that the Board of Supervisors approve SE 2009-LE-028, subject to the proposed development conditions in Appendix 1.

Staff recommends approval of the modification of the transitional screening and barrier requirements on the site, in favor of existing conditions.

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 special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this 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 Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Case History for Subject Site
5. Applicable Zoning Ordinance Provisions
6. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SE 2009-LE-028****April 7, 2010**

If it is the intent of the Board of Supervisors to approve SE 2009-LE-028 located at 6318 May Blvd (82-3 ((1)) 38; 82-3 ((11)) 45 & 46) for a child care center and private school of general education pursuant to Sect. 3-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved development conditions are marked with an asterisk (*).

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception 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.*
3. This Special Exception 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 exception shall be in substantial conformance with the approved Plans associated with this application.
4. Maximum daily enrollment shall be limited to 200 children.*
5. The hours of operation shall be 6:00 am to 8:00 pm, Monday through Friday, exclusive of special events.
6. The maximum number of children in the outdoor play area at any one time shall be limited by the provisions of Paragraph 1 of Section 9-309 and 9-310 of the Zoning Ordinance.
7. The use of the swimming pool and other facilities on the site shall be used only in conjunction with the school use.*
8. The applicant will monitor the parking associated with the use such that there will be no parking on any adjacent streets or properties.*
9. All new signage for the child care center shall comply with provisions of Article 12 of the Zoning Ordinance

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

APPENDIX 1

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 himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 21, 2009
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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

1054612

in Application No.(s): SE 2009-LE-028
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 are to 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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for Knowledge Learning Corporation and Claude A. and Betty J. Wheeler.

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

Special Exception Attachment to Par. 1(a)

DATE: December 21, 2009
(enter date affidavit is notarized)

1054616

for Application No. (s): SE 2009-LE-028
(enter County-assigned application number (s))

(NOTE: All relationships to the application are to 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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby		

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 21, 2009
(enter date affidavit is notarized)

1054614

for Application No. (s): SE 2009-LE-028
(enter County-assigned application number(s))

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 and number, street, city, state, and zip code) Knowledge Learning Corporation d/b/a KinderCare Learning Centers
Center: 6318 May Boulevard, Alexandria, VA 28310
Corporate: 650 NE Holladay Street, Suite 1400, Portland, OR 97232

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)
Knowledge Schools, Inc.

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: December 21, 2009
(enter date affidavit is notarized)

1054614

for Application No. (s): SE 2009-LE-028
(enter County-assigned application number (s))

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

Knowledge Schools, Inc.
650 NE Holladay Street, Suite 1400
Portland, OR 97232

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Knowledge Universe Education, L.P.

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr.,	M. Catharine Puskar, John E. Rinaldi,
Jay du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 21, 2009
 (enter date affidavit is notarized)

1054616

for Application No. (s): SE 2009-LE-028
 (enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

Knowledge Universe Education, L.P.
 650 NE Holladay Street, Suite 1400
 Portland, OR 97232

(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)

- | | | |
|---|---|--|
| Knowledge Universe Education, L.P. (no partner listed below owns 10% or more of Knowledge Learning Corporation, the Applicant/Lessee) | GGC Partners, LLC, Golden Arc Capital LP | Orpheus Holdings Limited |
| AIG PEP IV Co-Investment, L.P. | Goldman, Sachs & Co. | Orpheus Holdings LLC |
| AIG PEP V Co-Investment, L.P. | Greenspun Legacy Limited Partnership | Oval Investments Limited |
| AIG Private Equity (Bermuda) Ltd. | Hyperion (PE) Limited | Post Aggressive Credit Master Fund, LP |
| AIG Vantage Capital, L.P. | K Group Investors, LLC | Post Distressed Master Fund, LP |
| Al Rayyan Investment Company | Knowledge Universe Learning Group LLC | Post Strategic Master Fund, LP |
| Arcola Investment Holdings Limited | KUE Management Inc. | Post Total Return Master Fund, LP |
| Blazon LLC | KULG-1 LLC | S.L. Nominees Pty Ltd ATF Haskin Settlement |
| Caspian Capital Partners, L.P. | LBF Holdings, LLC | Sandycrest Pty Ltd ATF Mainridge Superannuation Fund |
| Caspian Select Credit Master Fund LTD | Les and Sheri Biller Revocable Trust Dated 9/22/2000 f/b/o Les & Sheri Biller | Stephen Goldsmith |
| Central Valley Administrators, Inc. | Mariner LDC | The Silverstein Family Trust |
| DB Distressed Opportunities Master Portfolio, Ltd. | Mariner Opportunities Fund, L.P. | Wakra Investment Company |
| G.C. Investments, LLC | Midland National Life Insurance Company | Western Regional Insurance Company, Inc. |
| | National Union Fire Insurance Company of Pittsburgh, PA | Windsor Media Inc. |
| | North American Co. for Life & Health Insur | Zenith Insurance Company |

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 21, 2009
(enter date affidavit is notarized)

1054616

for Application No. (s): SE 2009-LE-0298
(enter County-assigned application number(s))

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 Supervisors, 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 Exception Attachment to Par. 2" form.

Application No.(s): SE 2009-LE-028
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 21, 2009
(enter date affidavit is notarized)

10546/w

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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:

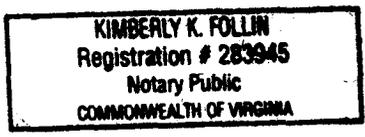
(check one) [] Applicant Lynne J. Strobel [x] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 30 day of November 2009, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



**Knowledge
Learning
Corporation®**

Where Lifetime Learning Begins®

Wayne K. Pipes
Direct: (503) 872-1555
E-mail: wpipes@klcorp.com

June 12, 2009

Via hand delivery by Michael E. Scott, Regional Facilities Manager

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

RECEIVED
Department of Planning & Zoning
JUN 11 2009
Zoning Evaluation Division

**Re: Knowledge Learning Corporation Renaming Project
Center No. 075121 – 6318 May Boulevard, Alexandria, VA 22310**

Dear Sir or Madam:

Knowledge Learning Corporation operates child care centers under various brands nationwide. In order to streamline our operations we are in the process of renaming many centers to “KinderCare Learning Centers”. We have already notified our families and staff of the change, and we are working to update all of our parent materials and signage.

In Fairfax County, the centers are currently licensed to Knowledge Learning Corporation, doing business under various trade names. The renamed centers will continue to be operated by and licensed to Knowledge Learning Corporation, but will be doing business as “KinderCare Learning Centers” once the change is complete.

The day-to-day operations of these renamed centers will not be affected by the renaming process. The physical condition, capacity, address, and telephone numbers for the centers will remain the same. Additionally, this change will not affect center staff outside the ordinary course of business. No corporate information for the Knowledge Learning Corporation will change; the only change will be the trade name used for this center.

We are working to notify all licensing and subsidy agencies related to each center. In order to ensure a smooth transition, we are filing this Special Exception Application (“Application”) required by the Fairfax County Board of Zoning to support this change

Justification Letter to the County of Fairfax, VA

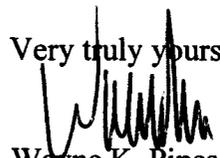
June 12, 2009

Page 2 of 3

and, in connection with the Application, we are attaching our responses to the information required for the Special Exception Statement of Justification.

Do not hesitate to contact our Tinalyn Denkers in our legal department at (503) 872-4336 with any questions or concerns. Please let her know if you require any additional information.

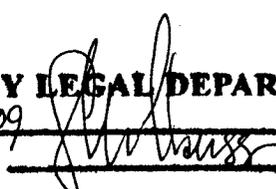
Very truly yours,



Wayne K. Pipes,
Vice President, Facilities and Development

APPROVED BY LEGAL DEPARTMENT

DATE: 6/16/09

SIGNATURE: 

Enclosure: Questionnaire Answers

cc: D. Jean Shaw, Assistant General Counsel, Real Estate
Christina Stewart, Director Facilities Services
Michael E. Scott, Regional Facilities Manager

Special Exception Statement of Justification Answers

KinderCare Learning Centers #075121 – 6318 May Boulevard, Alexandria, VA 22310

- A. Child Care Facility
- B. 6:30am-6:30pm (Monday-Friday)
- C. 100 children
- D. 13 staff members
- E. Minimal traffic impact. The maximum expected trip generation is 90 trips by car when parents are dropping off and picking up children mainly between 6:30am-9:00am and 3:00pm-6:30pm. There will also be 4- 20 passenger bus trips per day for taking children to local public schools in the morning between 8:15am-9:15am and returning between 1:30pm-4:25pm. This has been the standard since August 3, 1994, the date of lease commencement for this child care center; there is no change anticipated.
- F. Surrounding neighborhood families within a 10 miles radius
- G. There are no proposed new buildings or additions.
- H. There are pool chemicals that are stored and used on site to maintain the swimming pools. There are no known hazardous waste and or petroleum products to be stored, treated and/or disposed of on site.
- I. The continued use of the existing child care center being renamed to KinderCare Learning Center conforms to the applicable ordinances, regulations, adopted standards and applicable conditions by helping to facilitate and maintain the convenient, attractive and harmonious community asset by providing childcare service for children and families in the Alexandria, Virginia area.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-81-L-004 by Greendale Academy, Inc., amended by Board of Zoning Appeals on January 15, 1985 for a change of name to HERITAGE ACADEMY AND CHILD CARE CENTER AT GREENDALE ACADEMY, INC., under Section 3-303 of the Fairfax County Zoning Ordinance to permit change in corporate name for a school and child care center formerly Proctor Hatsell Private School, Inc., on property located at 6318 May Boulevard, tax map reference 82-3((11))38, 45 & 46, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on March 17, 1981; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-3.
3. That the area of the lot is 4.0 acres.
4. That compliance with the Site Plan Ordinance is required.

AND WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen months from this date unless operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. 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.
6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental management.
7. All conditions of the previously granted Special Permit S-80-L-093 shall remain in effect.
8. The variance granted by BZA shall remain in effect.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 4 to 1 (Mr. Smith).

A COPY TESTE:

Sandra L. Hicks
SANDRA L. HICKS, CLERK TO THE
BOARD OF ZONING APPEALS

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

5-80-L-076
6312, 6314, 6318
May Blvd

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-80-L-076 by PROCTOR HATSELL PRIVATE SCHOOL, INC. under Section 3-303 of the Fairfax County Zoning Ordinance to permit school of general education and child care center with overnight care on property located at 6312, 6314 & 6318 May Boulevard, tax map reference 82-3((1))38 & 82-3((1))45 & 46, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on October 7, 1980; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-3.
3. That the area of the lot is 4.36194 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen months from this date unless operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. 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.
6. The applicant shall provide landscaping and screening at the discretion of the Director of Environmental Management, taking into particular concern the frontage on May Boulevard in recognition of existing vegetation that should not be disturbed and site development limitations.
7. The number of students shall be 200.
8. The hours of operation shall be 24 hours a day, 7 days a week.
9. The number of parking spaces shall be 25 and at such time as any expansion or construction occurs, the applicant shall provide an additional 14 parking spaces at a location to be approved by the Director of DEM.
10. The use of the swimming pool and other facilities on the site shall be used only in conjunction with the school use.
11. The applicant will monitor the parking associated with the use such that there will be no parking on any adjacent streets or properties.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 5 to 0.

A COPY TESTE:

Sandra R. Hecks

neighbors do not object to the fence. The pool was surrounded by a fence and complied with the 4 ft. height requirement, the pool would be in violation of the requirements that had been in existence for some time.

Chairman Smith inquired if the next door neighbor also used the shed. Mr. Odin stated the neighbor had the right to use the shed. The shed existed prior to the subdividing the property. There was an easement of record regarding the shed. Chairman Smith stated it created a problem as part of the shed was in a different ownership. He stated that another property owner should be a part of the variance application. Mr. Odin stated technically the shed constituted a violation of Mr. Wheeler's property but if the variance were approved, then it would bring the shed into compliance. Mr. Covington stated the applicant had already satisfied the requirement in that they had obtained an occupancy permit for many years. However, this was a change of use. Chairman Smith inquired if part of the shed was going to be used for storage of the school equipment and Mr. Odin stated that it would not be. Chairman Smith stated that it was an unusual situation and inquired as to how the shed got that way. Mr. Covington stated that this had been a farm and the owner decided to divide it up. He stated that most of the complex was there. Mr. Odin stated that they were going to renovate the barn into a guesthouse. Chairman Smith inquired if the shed could be dismantled. Mr. Odin replied that they could not have the legal right to do so. In addition, he stated that they would hate to do so because the shed provided storage space for lawn equipment. He stated that they were seeking a waiver of the violation. The shed was open and was three-sided. It was not enclosed. He stated that it could not ever be used as a classroom.

Mr. Hyland inquired as to the rationale for granting the variance. Mr. Odin responded that this was an existing facility and had not harmed anyone and had been used over the years in this manner. He stated that if the fence were lowered, they would create a problem for the neighbors. Mr. Odin stated that they were required to have a 6 ft. fence for the wading pool. If the variance were not granted, it would be difficult to comply with the health department's requirements. Mr. Odin stated that they did not have the right to tear down the shed. He stated that they had to obtain the variance in order to obtain an occupancy permit.

Mr. Covington stated that the existing facility had been in existence since 1956. Chairman Smith stated that everything was non-conforming as far as the setbacks. However, he stated that the Board would handle it through the variance procedure since the applicants were here and the pool required a 6 ft. fence. Mr. Covington stated that the variance was primarily for the tennis courts and the 10 ft. high fence.

There was no one else to speak in support of the applications and no one else to speak in opposition.

Page 120, November 11, 1980

Board of Zoning

PROCTOR HATSELL PRIVATE SCHOOL, INC.

R E S O L U T I O N

In Application No. V-80-L-197 by PROCTOR HATSELL PRIVATE SCHOOL, INC. under Section 10-105 of the Zoning Ordinance to allow existing shed to remain on the side lot line & to allow 10 ft. high fence to remain in a side yard & 6 ft. high fence to remain in a front yard (12 ft. minimum side yard for shed required by Sects. 10-105 & 3-307; 7 ft. maximum height for fence in side yard & 4 ft. maximum height for fence in front yard provided by Sects. 10-105), tax map reference 82-3((1))38 & 82-3((11))45 & 46, County of Fairfax, Virginia. Mr. Hyland moved that the Board of Zoning Appeals adopt the following resolution:

R E S O L U T I O N

~~2. This variance shall expire eighteen months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the variance shall remain valid until the extension is acted upon by the BZA.~~

~~Mr. Yaremchuk seconded the motion.~~

~~The motion passed by a vote of 4 to 1 (Mr. Smith).~~

Page 295, March 17, 1981, Scheduled case of

11:40 A.M. GREENDALE ACADEMY, INC., appl. under Sect. 3-303 of the Ord. to permit change in corporate name for a school and child care center formerly Proctor Hatsell Private School, Inc., located 6318 May Blvd., 82-3((11))38, 45 & 46, Lee Dist., R-3, 4 ac., S-81-L-004. (DEFERRED FROM FEBRUARY 24, 1981 FOR LACK OF A QUORUM.)

Mr. Claude Wheeler of 6300 Wayles Street in Springfield informed the Board that he was requesting a name change to Greendale Academy, Inc. under S-81-L-004. Chairman Smith inquired if Greendale Academy, Inc. had the same stockholders as Proctor Hatsell Private School, Inc. and Mr. Wheeler stated that it did. He stated that he and his wife were the stockholders. Mr. Wheeler stated that this request was only for a name change and no other changes were being requested.

There was no one else to speak in support of the application and no one to speak in opposition.

Page 295, March 17, 1981
GREENDALE ACADEMY, INC.

Board of Zoning Appeals

R E S O L U T I O N

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-81-L-004 by GREENDALE ACADEMY, INC. under Section 3-303 of the Fairfax County Zoning Ordinance to permit change in corporate name for a school and child care center formerly Proctor Hatsell Private School, Inc. on property located at 6318 May Boulevard, tax map reference 82-3((11))38, 45 & 46, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on March 17, 1981; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-3.
3. That the area of the lot is 4.0 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen months from this date unless operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.

R E S O L U T I O N

5. 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.

6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.

7. All conditions of the previously granted special permit S-80-L-093 shall remain in effect.

8. The variance granted by BZA shall remain in effect.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 4 to 1 (Mr. Smith).

Page 296, March 17, 1981, Scheduled case of

11:30 A.M. EDWARD BRAWAND, JR., appl. under Sect. 18-401 of the Ord. to allow an addition to a dwelling within 5.5 ft. of the side property line (15 ft. min. side yard req. by Sect. 3-207), located 3325 Beechtree Lane, Stafforddale Subd., 60-2((10))7, Mason Dist., R-2, 13,325 sq. ft., V-81-M-016. (DEFERRED FROM MARCH 10, 1981 FOR ADDITIONAL INFORMATION REGARDING BUILDING PERMIT ISSUED JULY 1980.)

Mr. Brawand of 3325 Beechtree Lane in Falls Church informed the Board that he was requesting a variance for a two-car garage that would be attached to family room which was currently under construction. He gave the Board a summary of the testimony presented by his wife at the previous meeting regarding his dispute with the builder and his reliance on the issuance of the building permit applied for by the contractor. Mr. Brawand informed the Board that his contractor had dug the footings as they now existed. Mr. Hyland inquired if the footings were dug within 5 ft. of the property line. Chairman Smith stated that the original building permit called for a family room and a garage. Mr. DiGiulian stated that the building permit was only approved for the roof and walls and that the builder had to come back later for the interior. Chairman Smith stated that a carport would be allowed to extend to the 5 ft. distance.

There was no one else to speak in support of the application and no one to speak in opposition.

Page 296, March 17, 1981
 EDWARD BRAWAND, JR.

Board of Zoning Appeals

R E S O L U T I O N

In Application No. V-81-M-016 by EDWARD BRAWAND, JR. under Section 18-401 of the Zoning Ordinance to allow an addition to a dwelling within 5.5 ft. of the side property line (15 ft. minimum side yard required by Sect. 3-207) on property located at 3325 Beechtree Lane, tax map reference 60-2((10))7, County of Fairfax, Virginia, Mr. Hyland 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 March 17, 1981; and

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

1. That the owner of the property is the applicant.
2. The present zoning is R-2.
3. The area of the lot is 13,325 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

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

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

11:45 PROCTOR HATSELL PRIVATE SCHOOL, INC., appl. under Sect. 18-401 of the Ord. to
A.M. allow existing shed to remain on the side lot line, and to allow a 10 ft. high
fence to remain in a side yard and 6 ft. high fence to remain in a front yard
(12 ft. min. side yard for shed req. by Sects. 10-105 & 3-307; 7 ft. max. height
for fence in side yard, and 4 ft. max. height for fence in front yard provided
by Sect. 10-105), located 6318-14-12 May Boulevard, Rose Hill Farm Subd., 82-3
& ((1))38 and 82-3((11))45 & 46, Lee Dist., R-3, 4.36194 ac., V-80-L-197.

11:45 PROCTOR HATSELL PRIVATE SCHOOL, INC., appl. under Sect. 3-303 of the Ord. to
A.M. amend S-80-L-076 for school & child care center to permit use of existing shed
and tennis courts, located 6318-14-12 May Boulevard, Rose Hill Farm Subd., 82-3
((1))38 and 82-3((11))45 & 46, Lee Dist., R-3, 4.36194 ac., S-80-L-095.

Mr. Dexter Odin, an attorney located at 10505 Jones Street in Fairfax, represented Mr. Claude Wheeler, the applicant and owner of Proctor Hattsell Private School, Inc. Chairman Smith inquired as to why the applicant wanted to use the shed. Mr. Odin stated that part of the shed was on the property line and part on the adjacent property owner's land. He stated that they did not have the right to go in and tear down the shed. Mr. Odin stated that the shed would only be used for storage of lawn equipment. Mr. Odin stated that the purpose in making an application with respect to the shed was not to its use but to insure that it was legal when they obtained the special permit. Mr. Odin stated that the shed straddled the line.

Mr. Odin stated that the fence made the question of the tennis courts questionable. The neighbors do not object to the fence. The pool was surrounded by a fence and if they complied with the 4 ft. height requirement, the pool would be in violation of the requirements that had been in existence for some time.

Chairman Smith inquired if the next door neighbor also used the shed. Mr. Odin stated that the neighbor had the right to use the shed. The shed existed prior to the subdivision of the property. There was an easement of record regarding the shed. Chairman Smith stated it created a problem as part of the shed was in a different ownership. He stated that the other property owner should be a part of the variance application. Mr. Odin stated that technically the shed constituted a violation of Mr. Wheeler's property but if the variance were approved, then it would bring the shed into compliance. Mr. Covington stated that the applicant had already satisfied the requirement in that they had obtained an occupancy permit for many years. However, this was a change of use. Chairman Smith inquired if any part of the shed was going to be used for storage of the school equipment and Mr. Odin stated that it would not be. Chairman Smith stated that it was an unusual situation and inquired as to how the shed got that way. Mr. Covington stated that this had been an old farm and the owner decided to divide it up. He stated that most of the complex was still there. Mr. Odin stated that they were going to renovate the barn into a guesthouse. Chairman Smith inquired if the shed could be dismantled. Mr. Odin replied that they did not have the legal right to do so. In addition, he stated that they would hate to do so because the shed provided storage space for lawn equipment. He stated that they were only seeking a waiver of the violation. The shed was open and was three-sided. It was not enclosed. He stated that it could not ever be used as a classroom.

Mr. Hyland inquired as to the rationale for granting the variance. Mr. Odin responded that this was an existing facility and had not harmed anyone and had been used over the years in this manner. He stated that if the fence were lowered, they would create a problem for the neighbors. Mr. Odin stated that they were required to have a 6 ft. fence for the wading pool. If the variance were not granted, it would be difficult to comply with the health department's requirements. Mr. Odin stated that they did not have the right to tear down the shed. He stated that they had to obtain the variance in order to obtain an occupancy permit.

Mr. Covington stated that the existing facility had been in existence since 1956. Chairman Smith stated that everything was non-conforming as far as the setbacks. However, he stated that the Board would handle it through the variance procedure since the applicants were here and the pool required a 6 ft. fence. Mr. Covington stated that the variance was primarily for the tennis courts and the 10 ft. high fence.

There was no one else to speak in support of the applications and no one else to speak in opposition.

Page 120, November 11, 1980
PROCTOR HATSELL PRIVATE SCHOOL, INC.

Board of Zoning Appeals

R E S O L U T I O N

In Application No. V-80-L-197 by PROCTOR HATSELL PRIVATE SCHOOL, INC. under Section 18-401 of the Zoning Ordinance to allow existing shed to remain on the side lot line & to allow a 10 ft. high fence to remain in a side yard & 6 ft. high fence to remain in a front yard (12 ft. minimum isde yard for shed required by Sects. 10-105 & 3-307; 7 ft. maximum height for fence in side yard & 4 ft. maximum height for fence in front yard provided by Sect. 10-105), tax map reference 82-3((1))38 & 82-3((11))45 & 46, County of Fairfax, Virginia, Mr. Hyland moved that the Board of Zoning Appeals adopt the following resolution:

R E S O L U T I O N

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 November 11, 1980; and

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

1. That the owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 4.36194 acres.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property and there has been a change in the Ordinance and a change in the use of the property that affects the fence on the property around the pool and in view of the fact that the tennis courts and pool have enjoyed a continued use for some period of time and that this use will be continued;

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

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

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire eighteen months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the variance shall remain valid until the extension is acted upon by the BZA.

Mr. Yaremchuk seconded the motion.

The motion passed by a vote of 4 to 0 (Mr. SiGiulian being absent).

R E S O L U T I O N

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-80-L-095 by PROCTOR HATSELL PRIVATE SCHOOL, INC. under Section 18-401 of the Fairfax County Zoning Ordinance to amend S-80-L-076 for school and child care center to permit use of existing shed & tennis courts on property located at 6318, 6314 & 6312 May Boulevard, tax map reference, 82-3((11))45 & 82-3((1))38, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on November 11, 1980; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-3.
3. That the area of the lot is 4.36194 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board. and is for the location indicated on the application and is not trans-

R E S O L U T I O N

2. This special permit shall expire eighteen months from this date unless operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.

5. 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.

6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.

7. All other limitations set forth in S-80-L-076 shall remain in effect.

Mr. Hyland seconded the motion.

The motion passed by a vote of 4 to 0 (Mr. DiGiulian being absent).

Page 122, November 11, 1980, Scheduled case of

12:00 CENTREVILLE ASSEMBLY OF GOD, appl. under Sect. 3-103 of the Ord. to allow
NOON construction of additional facilities of church, located 14821 Lee Highway,
64-2((1))3, Springfield Dist., R-1, 1/721 ac., S-80-S-088. (DEFERRED FROM
OCTOBER 21, 1980 FOR NOTICES.)

Mr. Fred Wilburn, a land surveyor with an office located at 3990 University Drive in Fairfax, represented the church. He stated that Reverend Kisner intended to be present but was called out of town. Mr. Wilburn stated that he had two members of the church present to answer any questions. They were Mrs. Faircloth and Mr. Gravel. Mr. Wilburn stated that the original special permit was granted to the church for the construction of a much larger and more expensive facility on the same site. Mr. Wilburn stated that the original special permit had expired since nothing was built during the timeframe of the permit. Mr. Wilburn stated that during the time of the permit, the church had received prices for the addition of the site plan and the off-site work. They had determined that it was greater than their resources for the facility. The church went back to the planning stages and had decided on a smaller facility. At present, the church will continue to retain the existing sanctuary and would only add an additional facility for classrooms, bathroom and a fellowship hall. Mr. Wilburn stated that the church was using the site that has been used for years but are upgrading it for classroom use. The addition would be 66'x30' addition to an existing building.

Mr. Wilburn stated that there was an existing gravel area which had been used for years. The church originally was a school and was sold to the church for church purposes. There was not any pavement. Chairman Smith inquired if the parking would accommodate everyone who came for service. Mr. Hyland stated that the old special permit required 66 parking spaces and he inquired if that was still the same. Mr. Wilbur stated that the first special permit was for a much larger facility with a new sanctuary and a new parking lot. It was a whole different arrangement. Mr. Wilburn stated that only 18 parking spaces would be provided. The sanctuary would serve 60 persons. With respect to the addition, Mr. Wilburn stated that the materials would be prefab frame with aluminum siding. The existing structure was frame. Mr. Wilburn stated that it was the intention of the church to make the addition blend in to look like the building was constructed all at one time.

There was no one else to speak in support of the application and no one to speak in opposition.

R E S O L U T I O N

Mr. Hyland made the following motion:

WHEREAS, Application No. S-80-S-088 by CENTREVILLE ASSEMBLY OF GOD under Section 3-103 of the Fairfax County Zoning Ordinance to allow construction of additional facilities of church on property located at 14821 Lee Highway, tax map reference 64-2((1))3, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

11:45 PROCTOR HATSELL PRIVATE SCHOOL, INC., appl. under Sect. 3-303 of the Ord. to
A.M. permit school of general education and child care center with overnight care on
property located 6312, 6314 & 6318 May Blvd., Rose Hill Farms, 82-3((1))38 &
82-3((11))45 & 46, Lee Dist., R-3, 4.36194 ac., S-80-L-076.

Mr. Dexter Odin, an attorney located at 10505 Jones street in Fairfax, represented the applicant. He stated that the proposed site had been operated as a swim club and had twice failed. Mr. Odin stated that the site was most adequate for the proposed use as a school of general education. He indicated that it would be a welcome addition to the community. He stated that they had met with the people in the community and there were no objections to the proposed use.

Mr. Odin stated that the staff had made two comments which he wanted to address. One had to do with the parking situation. Chairman Smith asked Mr. Odin to go through the other items and then proceed with the parking statement. Mr. Odin reported that the proposed school would have 200 students maximum at any one time. It would be a day care center as well as a night care center. Mr. Odin stated that they anticipated approximately 25 employees when the facility was complete. Mr. Odin stated that two structures were proposed for construction at a later date. He indicated that they could not adequately predict just when the structures would be built. Mr. Odin stated that one proposed structure might begin construction within the next three or four months with the last proposed addition beginning in about one or two years. He stated that once the builings were fully completed, there would be 25 employees.

With regard to the parking, the staff had recommended 50 parking spaces. Ms. Kelsey informed the Board that her general recommendation was to allow the school to have 100 students and at such time as the school expanded, to permit them to have 200 students and require them to put in the additional parking spaces. She stated that at such time as the school had 200 students, they would have to add an additional 14 parking spaces.

Chairman Smith questioned the construction of the additional buildings. He inquired if the two story proposed building was the one to be built two years from now. Mr. Odin stated that the two story building was the one to be constructed very soon. The first phase would be rehabilitation of the site. The second phase was the construction of the two story building and the third phase was the construction of the staff quarters. Mr. Odin stated that whenever they constructed either building, they would then provide an additional 14 parking spaces. He further stated that whenever it was determined that the existing spaces were inadequate, they would construct the additional 14 parking spaces. Chairman Smith questioned why they would not construct the additional parking spaces in any number they would be needed and Mr. Odin replied that it was the suggestion of the staff that 14 spaces would be adeuate. He stated that they would like to construct the 14 parking spaces with the caveat that if it was inadequate, that they would provide more parking. Mr. Hyland stated that seemed to be a reasonable approach.

Mr. Odin asked the Board to amend the suggestion of the staff regarding the use of the present pool. The staff had recommended that the pool only be used by the students and the staff of the school. Mr. Odin stated that if the school had a competitive event, only the students would be permitted to use the pool. He asked that the wording be amended to state that the pool could only be used in conjunction with the permitted use. Ms. Kelsy stated that she concurred with the suggested wording of Mr. Odin. Mr. Hyland inquired if there would be any memberships sold with respect to the pool and Mr. Odin replied that there would not. Mr. Odin stated that would require another special permit as it was not permitted under the current application.

There was no one else to speak in support of the application and no one to speak in opposition.

Page 55, October 7, 1980

Board of Zoning Appeals

PROCTOR HATSELL PRIVATE SCHOOL, INC.

R E S O L U T I O N

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-80-L-076 by PROCTOR HATSELL PRIVATE SCHOOL, Inc. under Section 3-303 of the Fairfax County Zoning Ordinance to permit school of general education and child care center with overnight care on property located at 6312, 6314 & 6318 May Boulevard, tax map reference 82-3((1))38 & 82-3((11))45 & 46, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on October 7, 1980; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-3.
3. That the area of the lot is 4.36194 acres.
4. That compliance with the Site Plan Ordinance is required.

R E S O L U T I O N

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance; and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen months from this date unless operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. 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.
6. The applicant shall provide landscaping and screening at the discretion of the Director of Environmental Management, taking into particular concern the frontage on May Boulevard in recognition of existing vegetation that should not be disturbed and site development limitations.
7. The number of students shall be 200.
8. The hours of operation shall be 24 hours a day, 7 days a week.
9. The number of parking spaces shall be 25 and at such time as any expansion or construction occurs, the applicant shall provide an additional 14 parking at a location to be approved by the Director of DEM.
10. The use of the swimming pool and other facilities on the site shall be used only in conjunction with the school use.
11. The applicant will monitor the parking associated with the use such that there will be no parking on any adjacent streets or properties.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 5 to 0.

 Page 56, October 7, 1980, Scheduled case of

12:00 TDK, INCORPORATED, appl. under Sect. 3-103 of the Ord. to permit child care
 NOON center located 9625 Braddock Rd., 69-1((1))26, Annandale Dist., R-1, 1.25 ac.,
 S-80-A-073.

Mr. Richard T. Hibbert of 10409 Dominion Valley Drive in Fairfax Station, Va. represented the applicant. He stated that he was an architect and represented TDK, Inc. who had submitted an application for a child care center to be located on Braddock Road. The plat had been prepared by Long, Brown and Associates. The hours of operation for the child care center were: 6:30 A.M. to 6:30 P.M., five days a week. The number of children to be present at any one time were 150, which was to be made up of 16 infants, 90 preschoolers and 34 school age children. There would be a staff of 15 employees.

Mr. Hibbert stated that the most significant impact would be the impact of traffic flow from the facility on Braddock Road. He stated that the nursery would be operated in a manner whereby the parents would drop off the children rather than stop and go in the building. He stated that the parking area would accommodate a stacking of 7 to 8 cars which would allow them to be off of Braddock Road waiting in line to drop off children. Mr. Hibbert stated that at the worst period, approximately 19 cars could be accommodated without affecting the traffic flow on Braddock Road. Mr. Hibbert stated that the parents would not go into the facility with the child but rather a staff member would meet the child and make sure the child got into the building safely. He stated that they proposed to construct a covered shelter.

Mr. Hibbert stated that the facility was proposed in a growing area of the County and was located on a major thoroughfare. The corridor was already quite transitional. The child care center would be developed by using the existing two story brick building. At the rear was a new building which Mr. Hibbert showed photographs of to the Board. Mr. Hibbert stated

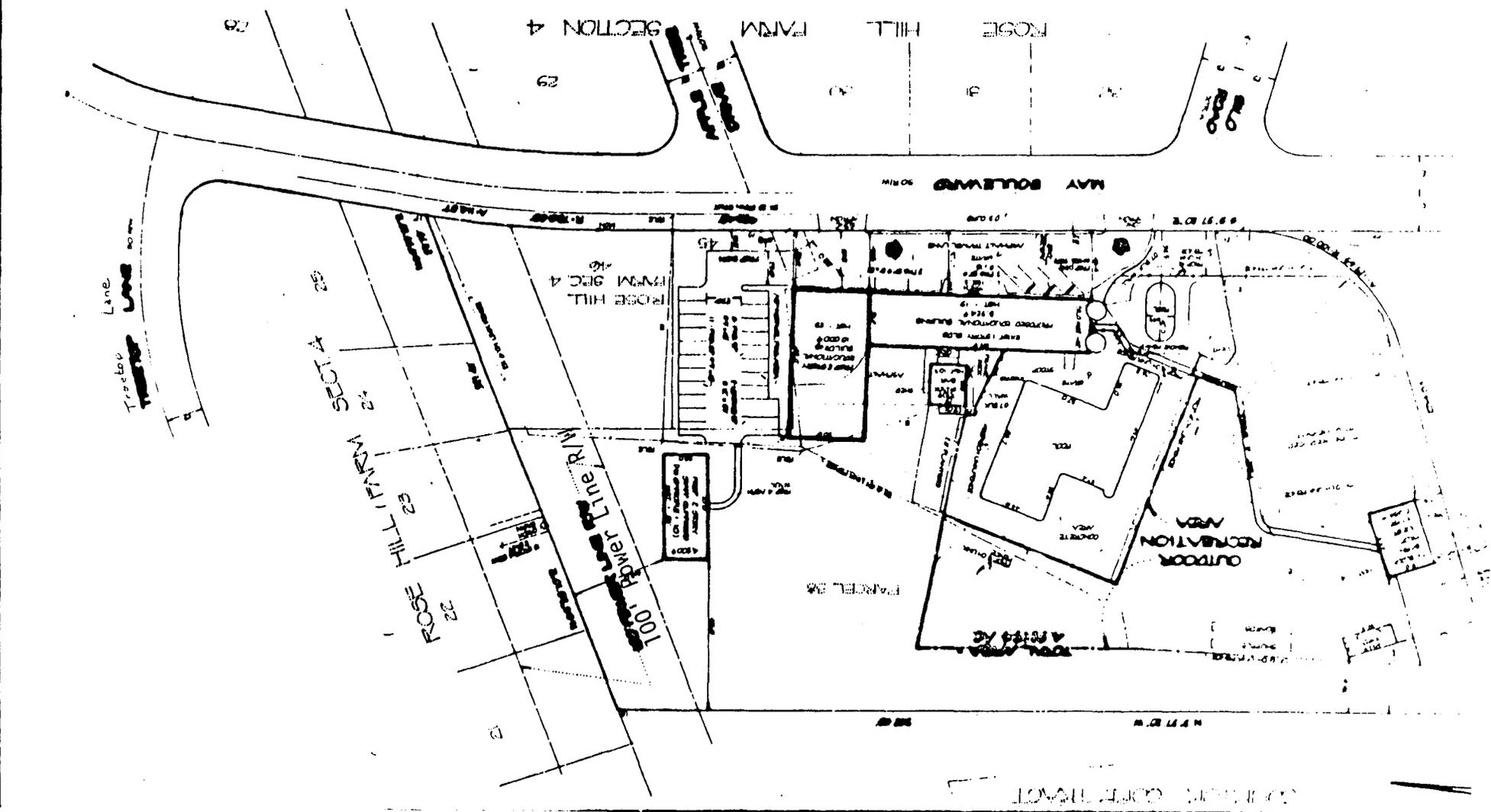
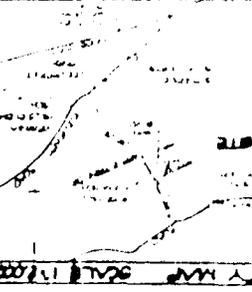
SPECIAL PERMIT APPLICATION
 PROCTOR HAYBEL SCHOOL
 USE DISTRICT
 FARMY COUNTY, VIRGINIA



KENNETH W. HARRIS
 ENGINEER

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE BOARD OF SUPERVISORS OF FARMY COUNTY, VIRGINIA, ON THIS 15th DAY OF APRIL, 1968.

NOTES:
 1. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
 2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 3. ALL UTILITIES SHALL BE PROTECTED OR DEEPLY REPAIRED.
 4. ALL STRUCTURES SHALL BE CONSTRUCTED ACCORDING TO THE SPECIFICATIONS AND PERMITS OF THE BOARD OF SUPERVISORS.



ATTACHMENT 3

FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
- (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
 - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
 - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

9-005 Establishment of Categories

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

SPECIAL EXCEPTIONS

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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-007

Conditions and Restrictions

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008

Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

FAIRFAX COUNTY ZONING ORDINANCE

alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.

- B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.
 - C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.
- 3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
 - 4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
 - 5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.
 - 6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.
 - 7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

9-309

Additional Standards for Child Care Centers and Nursery Schools

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.
 - For the purpose of this provision, usable outdoor recreation area shall be limited to:
 - A. That area not covered by buildings or required off-street parking spaces.
 - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.

SPECIAL EXCEPTIONS

- C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

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

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

9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
 - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
 - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

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

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.
- C. Only that area which is developable for active outdoor recreation purposes.

FAIRFAX COUNTY ZONING ORDINANCE

- D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.
3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

9-311

Additional Standards for Alternate Use of Public Facilities

The Board may approve a special exception to allow alternate uses of County public facilities which have space temporarily in excess of current needs, but only in accordance with the following conditions:

1. Proposed uses shall be limited to those uses allowed by special permit or special exception in the zoning district in which the public facility is located except as may be precluded by the additional standards for a particular use.
2. Uses located within existing structures shall not have to comply with the minimum lot size requirements or bulk regulations set forth for the zoning district in which located.
3. All uses shall comply with the off-street parking requirements of Article 11.
4. Signs as may be permitted in accordance with the provisions of Par. 2M of Sect. 12-208 shall be limited to one building-mounted and one freestanding sign for all alternate uses in a given public facility.
5. The Board shall determine that the proposed uses, if located in a residential district, shall not adversely impact the adjoining residential community in terms of traffic, vehicular access, parking, lighting, signs, and outside storage, length and intensity of outside activity, or general visual or noise impact. To this end, the additional standards set forth for particular proposed uses shall be used as a guide in considering all proposed uses.

9-312

Additional Standards for Dormitories, Fraternity/Sorority Houses, Rooming/Boarding Houses or Other Residence Halls

1. In addition to the submission requirements set forth in Sect. 011 above, the applicant shall provide a written statement addressing the plans and policies regulating the following uses and activities on the site:
 - A. Parking and loading
 - B. Trash removal and clean-up
 - C. Exterior lighting and sound

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		