



# County of Fairfax, Virginia

November 10, 2010

## STAFF REPORT

**SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 00-S-063**

### SPRINGFIELD DISTRICT

**APPLICANT/OWNER:** The Board of Trustees of Shalom Presbyterian Church of Washington

**STREET ADDRESS:** 10505 New Road

**TAX MAP REFERENCE:** 77-4 ((1)) 18

**LOT SIZE:** 3.98 acres

**F.A.R.:** 0.052

**ZONING DISTRICT:** R-1

**ZONING ORDINANCE PROVISIONS:** 3-103

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

**SPECIAL PERMIT PROPOSAL:** Amend previously approved special permit for a church to permit addition of a child care center.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 00-S-063, subject to approval of the development conditions listed in Appendix 1.

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

O:\SMCKN\SPA\SHALOM PRESBYTERIAN SPA 00S-063\Staff Report Shalom Presbyterian.doc

Shelby Johnson

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

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

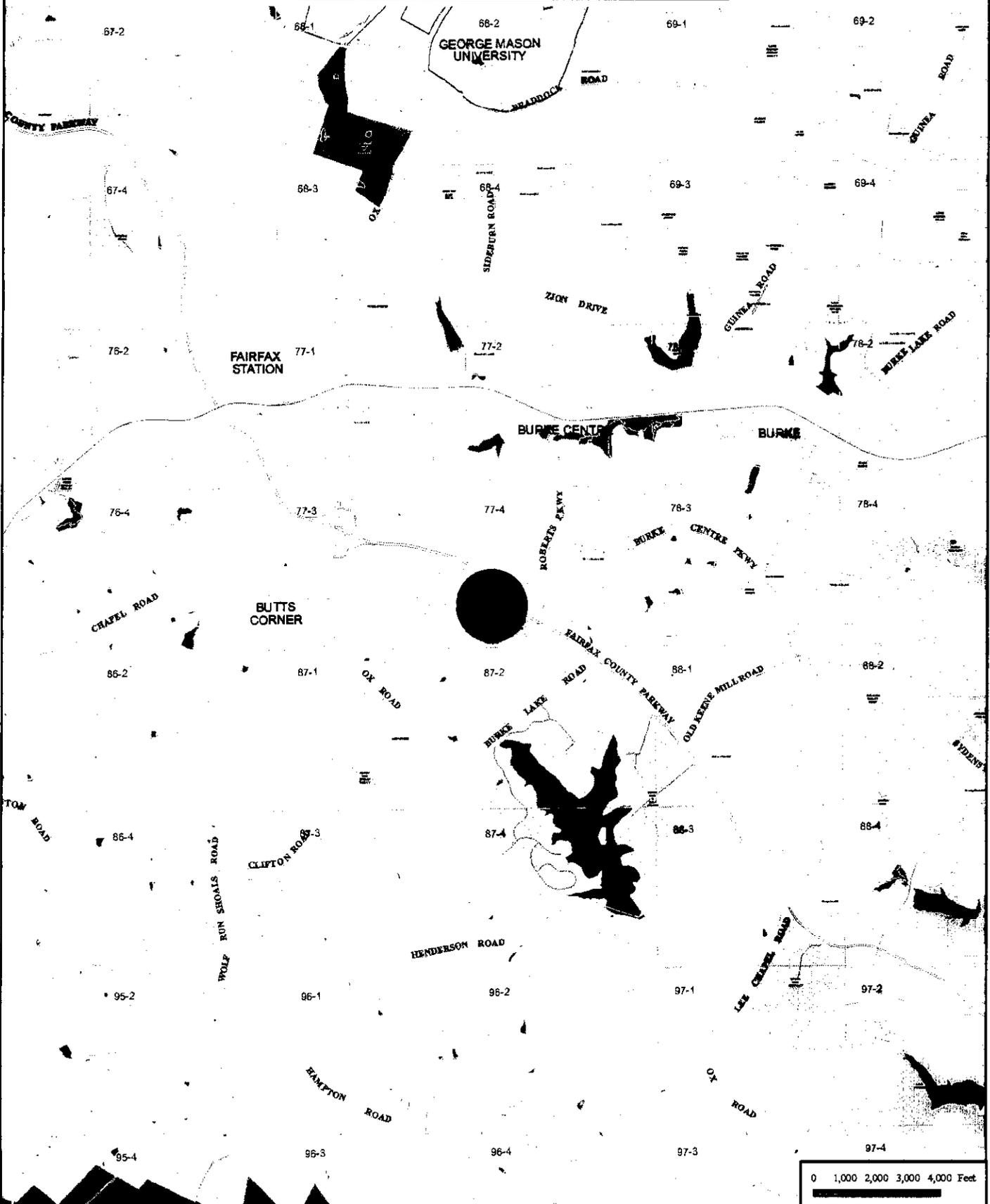
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**



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

# Special Permit Amendment SPA 00-S-063

BOARD OF TRUSTEE OF SHALOM  
PRESBYTERIAN CHURCH OF WASHINGTON



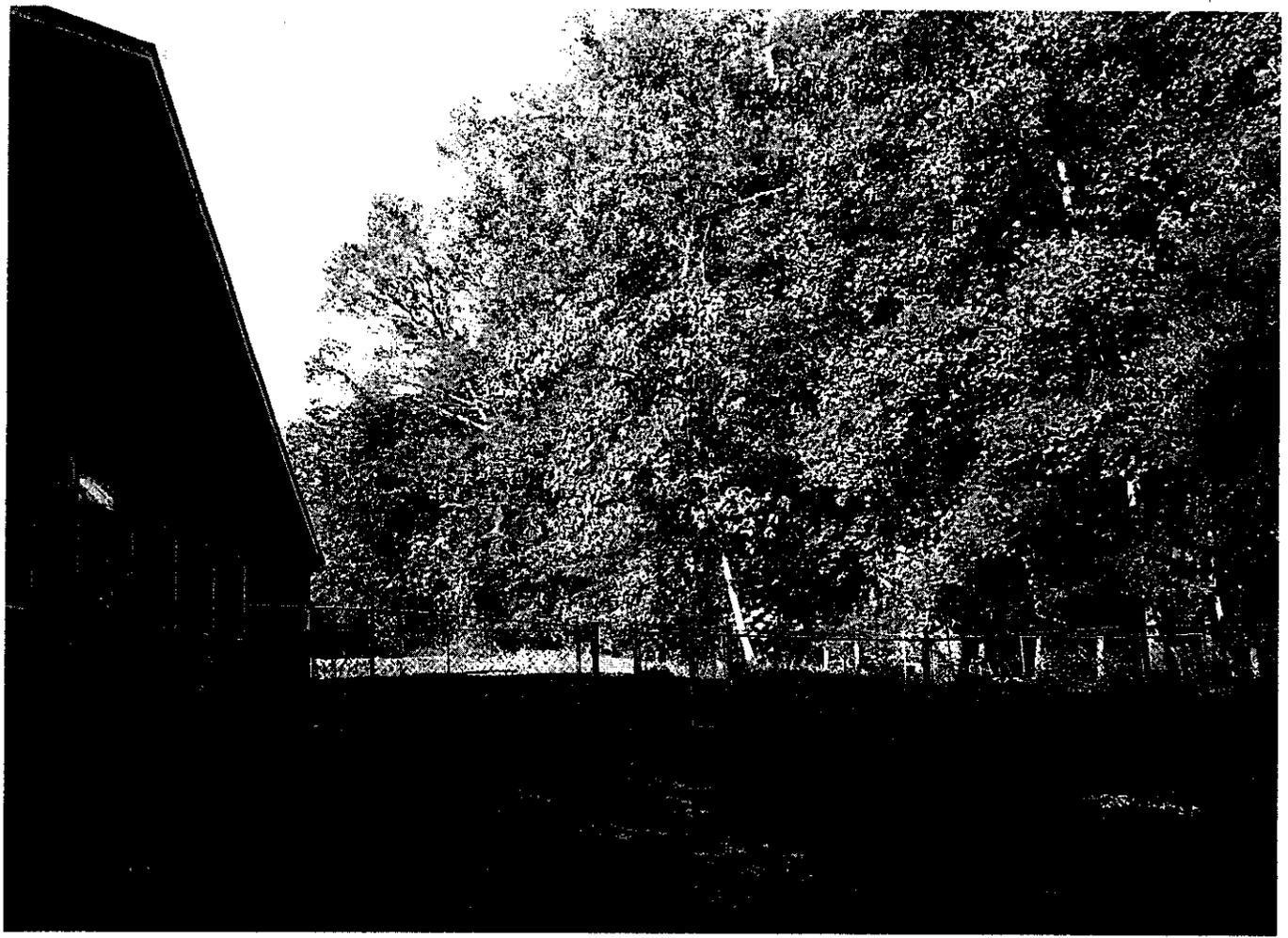






Drop off area

RECEIVED  
Department of Planning & Zoning  
SEP 22 2010  
Zoning Evaluation Division



Outdoor Play Area

RECEIVED  
Department of Planning & Zoning  
SEP 22 2010  
Zoning Evaluation Division

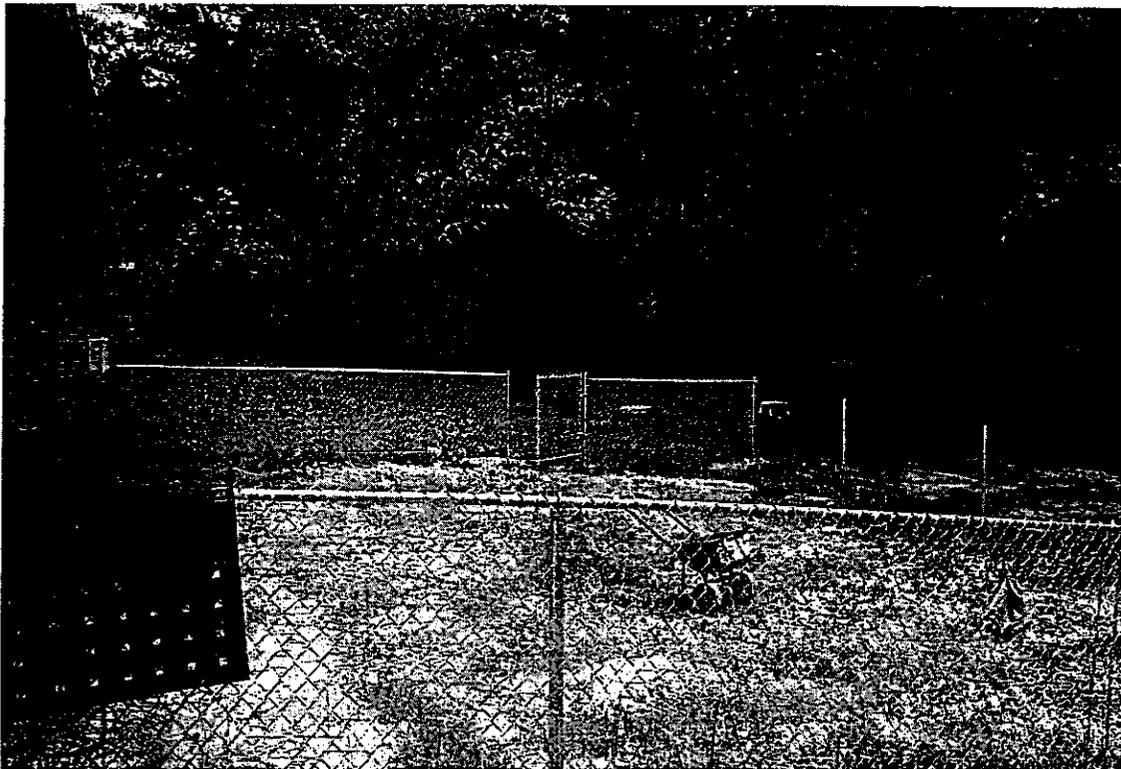
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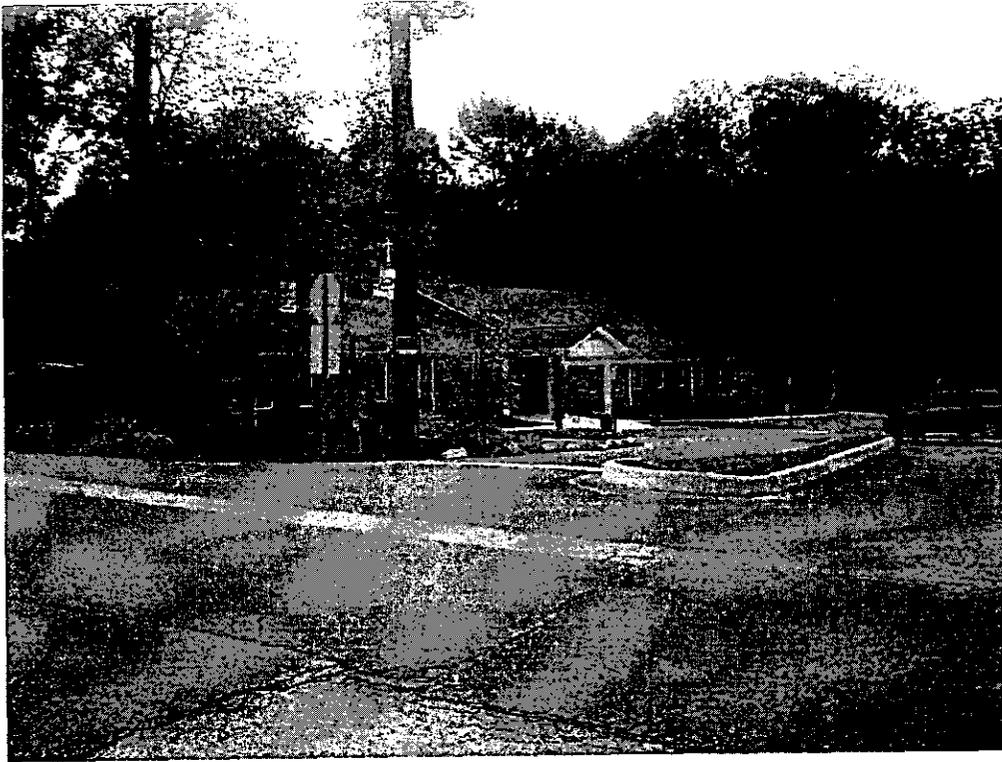
Planning Division



Looking East from back of Church toward existing house. 6/28/10



Looking East toward playground from side of church 6/28/10



5/12/10 Looking South toward existing church



5/12/10 Looking East along New Road



5/12/00 Looking West toward existing church



Looking North from the intersection of New Road & Fairfax Parkway

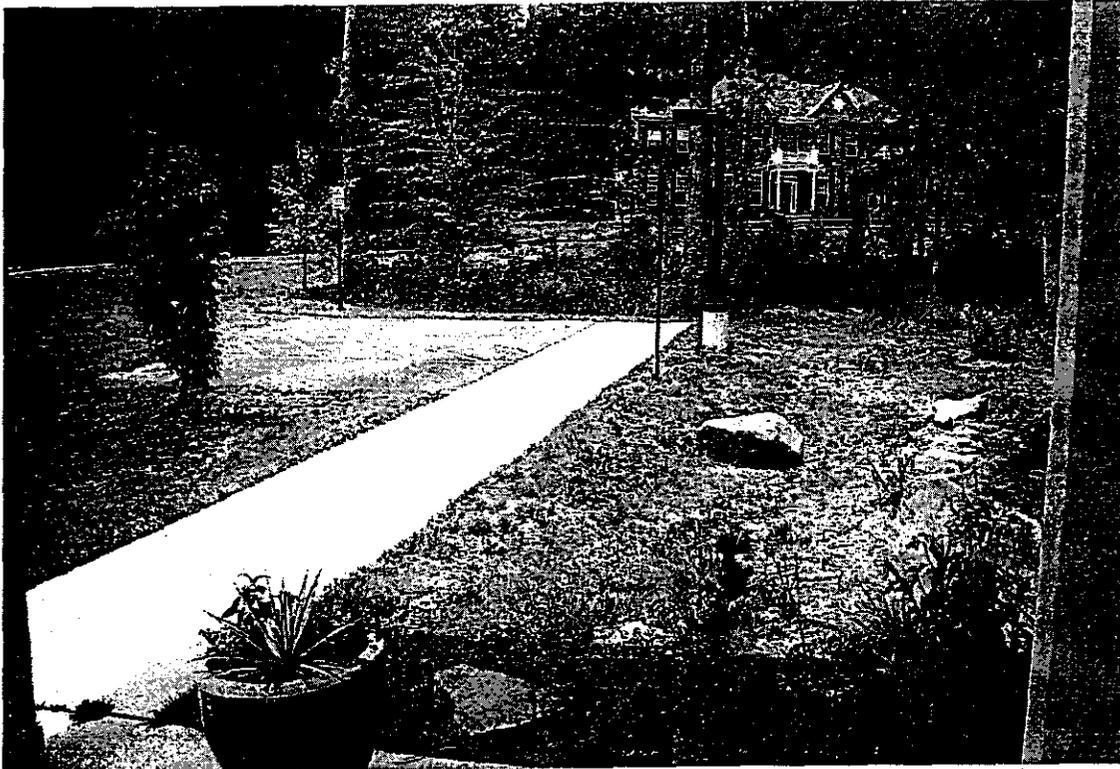
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Looking South from the intersection of New Road & Fairfax Parkway  
5/12/10

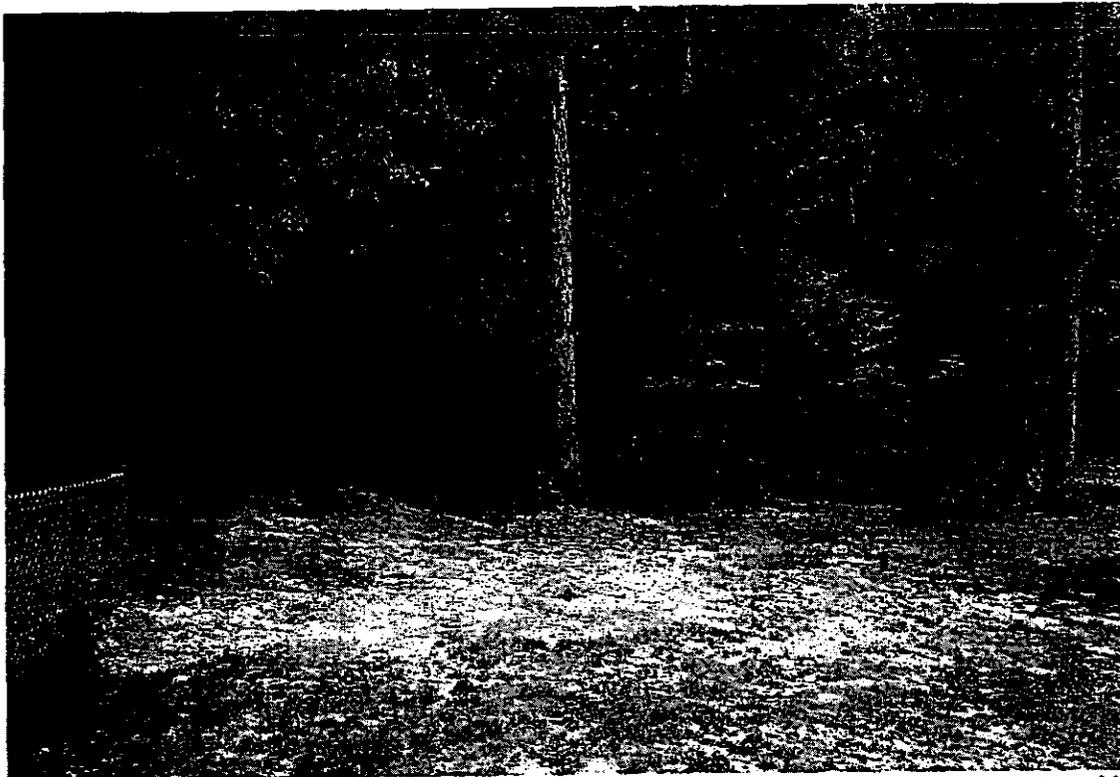


5/12/10 Looking West along New Road



Looking North from front of Church

6/28/10

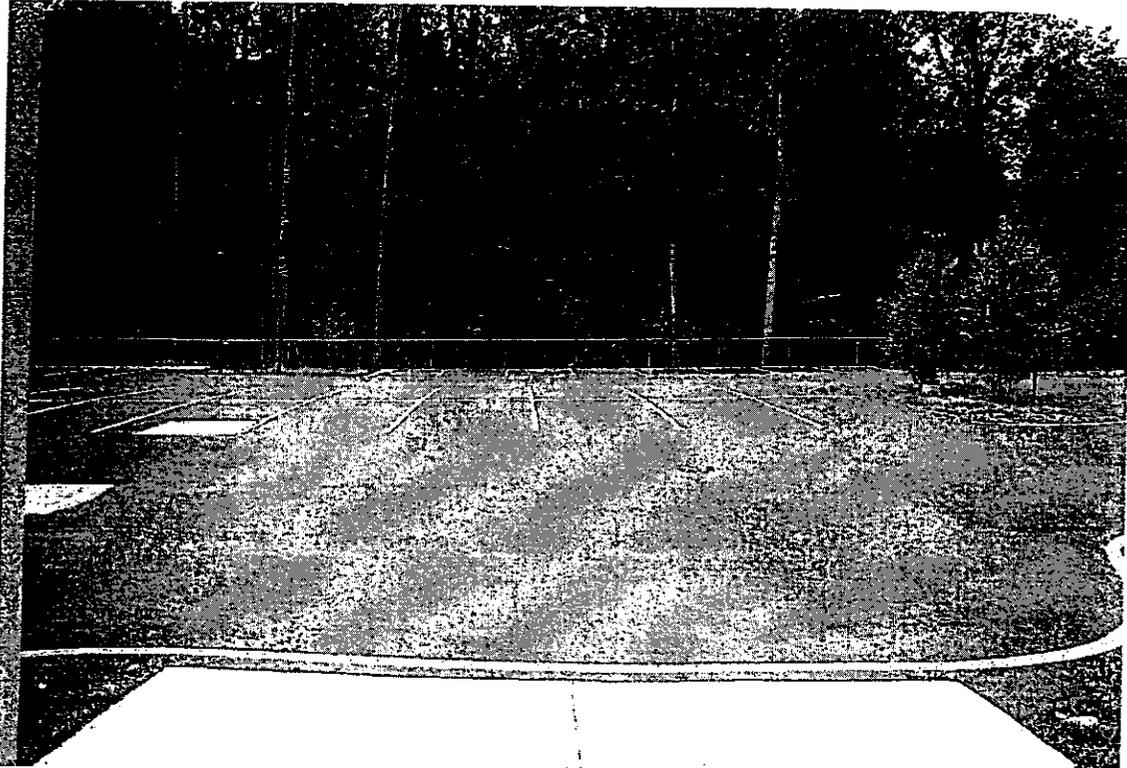


Looking South from Side of Church

6/28/10

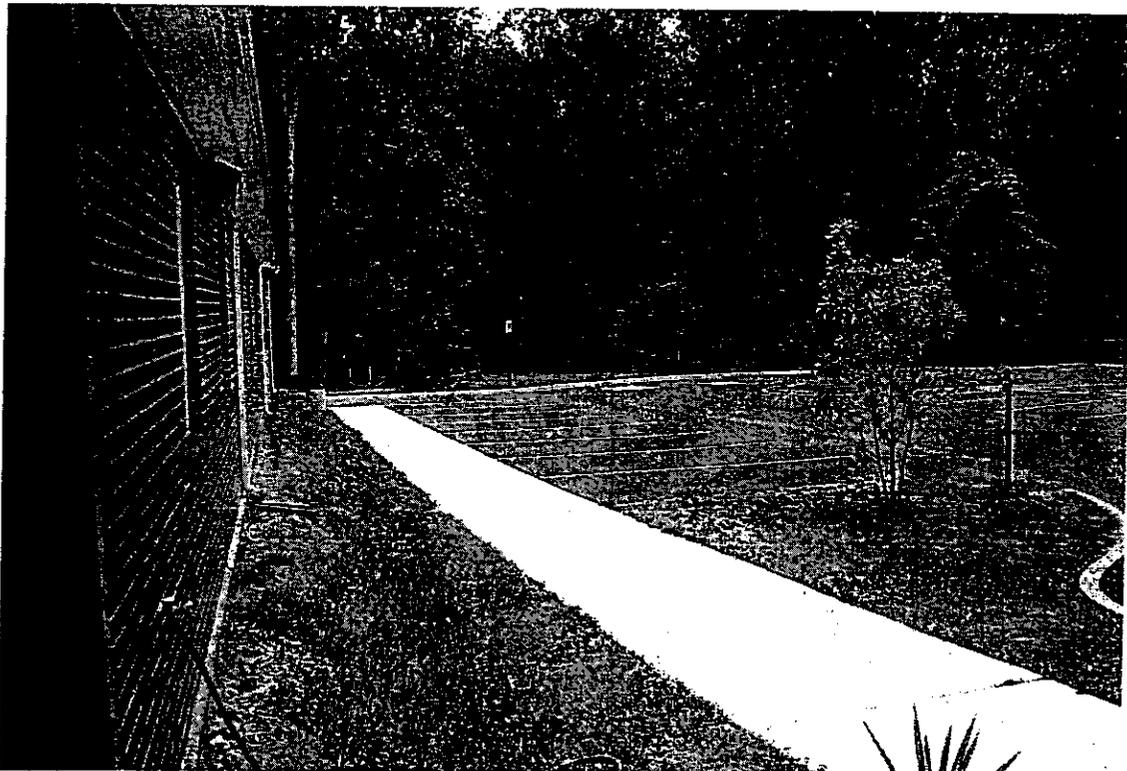
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Zoning Evaluation



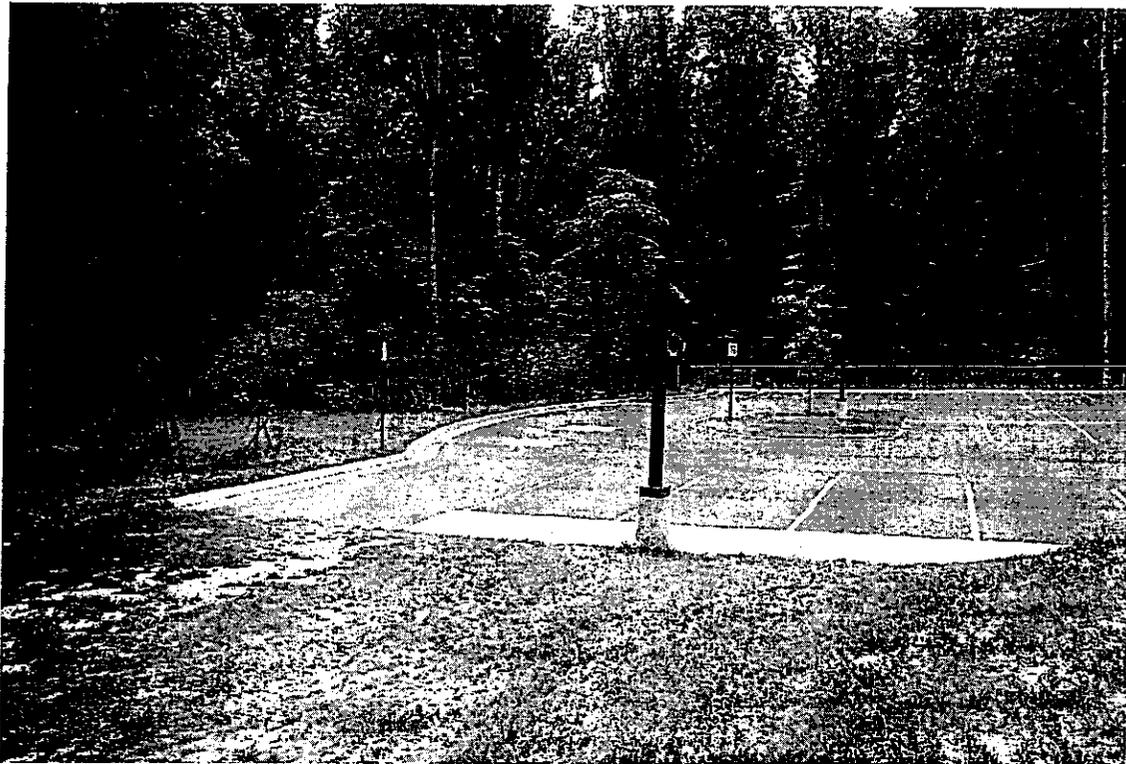
Looking West from front of Church

6/28/10



Looking South from front of Church

6/28/10



Looking West from side of Church

6/28/10



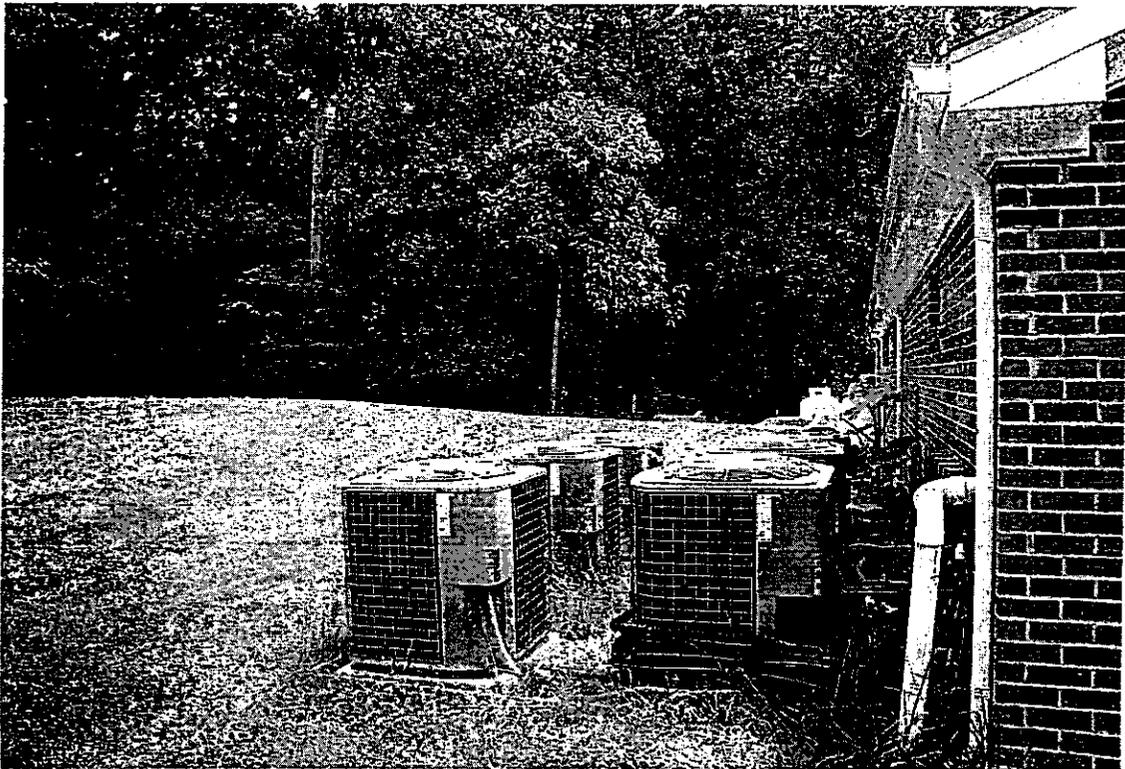
Looking West along New Road from side of Church

6/28/10



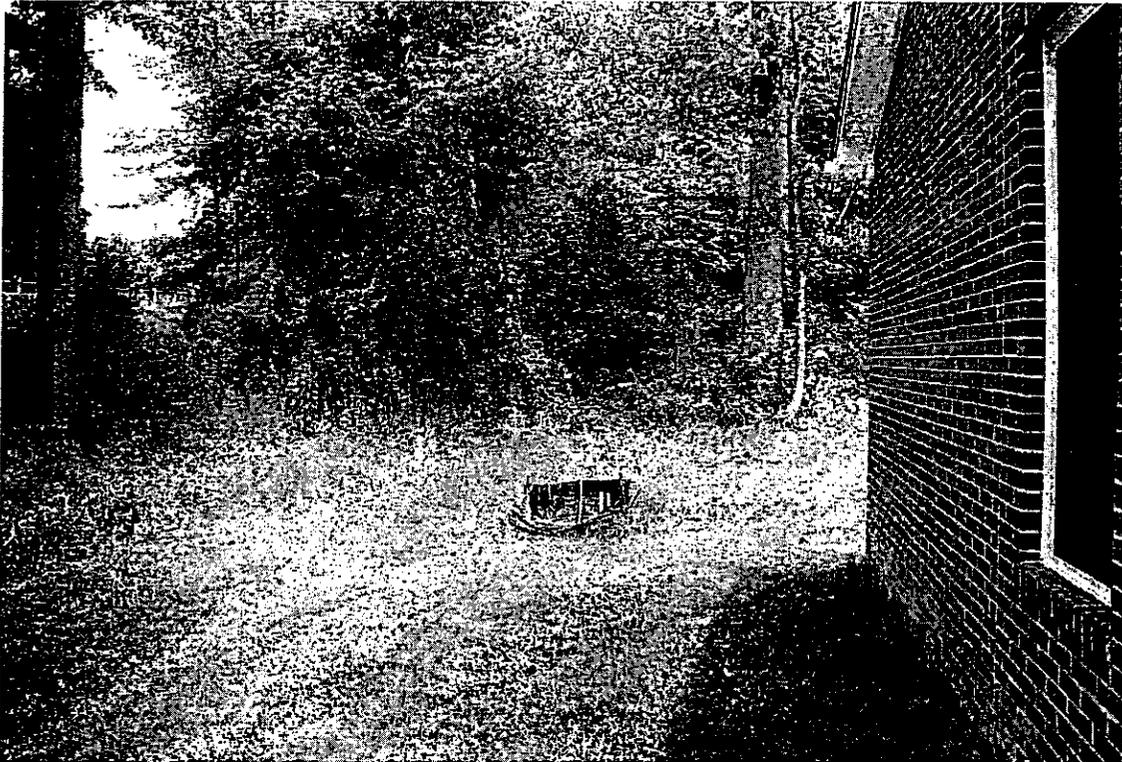
Looking North from behind Church

6/28/10



Looking South from behind Church

6/28/10



Looking East along New Road from Side of Church

6/28/10



Looking North toward New Road from Side of Church

6/28/10

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

The applicant seeks to amend SP 00-S-063 previously approved for a church with a seating capacity of 100 seats to permit the addition of a child care center with a maximum daily enrollment of 49 children and a maximum number of 10 employees at any one time. The applicant proposes an outdoor play area with play equipment measuring 1,850 square feet in area located east of the existing church building. With the exception of adding play equipment to the outdoor play area, no additional site modifications are proposed. The church operations remain unchanged.

Existing and/or Approved Under SP 00-S-063

**Size:** 3.98 acres (Site)  
 Building – 9,000 sq. ft. (No changes)

**FAR:** 0.05

**Number of Seats:** 100 seats (No changes)

**Parking:** 54 spaces (No changes)

**Hours of Operation:** Worship Services:  
 11:00 a.m., Sunday (No changes)

Church Functions:  
 9:00 a.m. – 4:00 p.m., Saturday and Sunday

Wednesday Prayer Meeting:  
 8:00 p.m. – 9:30 p.m.

**Number of Employees/Staff:**

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

Proposed Under SPA 00-S-063

**Parking:** 54 spaces (No changes)

**Hours of Operation:** Worship Services:  
 11:00 a.m., Sunday (No changes)

Church Functions:  
 9:00 a.m. – 4:00 p.m., Saturday and Sunday

Wednesday Prayer Meeting:  
8:00 p.m. – 10:00 p.m.

Child Care Center:  
7:30 a.m. – 5:30 p.m., Monday through Friday

**Number of Children:** Child Care Center:  
49 children, maximum daily enrollment

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

**LOCATION AND CHARACTER**

**Existing Site Description:**

The 3.98-acre application site is located on the south side of the Fairfax County Parkway (Route 7100) and southeast of the intersection of New Road and the Fairfax County Parkway. The site is currently developed with a one-story, single family detached dwelling, measuring 1,322 sq ft in area that is utilized as a rectory for the pastor and a 9,000 square-foot church facility consisting of a one-story sanctuary measuring 35 feet in height, connected to a one-story social hall and meeting room at an FAR of 0.05. The church building is constructed of brick veneer and previously approved for a maximum of 100 seats with 54 surface parking spaces. An Environmental Quality Corridor (EQC) runs parallel to the stream located along the eastern edge of the property. An underground stormwater management system is located in the southeastern section of the parking lot. The church building is accessed at the southwest corner of the lot off of New Road. A gravel drive at the northwest corner of the lot provides access to the dwelling.

**Surrounding Area Description:**

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Fairfax County Parkway; Homeowners Open Space	R-1	Residential; .2 - .5 du/ac
<b>South</b>	Homeowners Open Space	R-1	Residential; .2 - .5 du/ac

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>East</b>	Pobourn Woods Park	R-1	Residential; .2 - .5 du/ac
<b>West</b>	Single Family Dwelling	R-1	Residential; .2 - .5 du/ac

## **BACKGROUND**

On March 14, 2001, the Board of Zoning Appeals (BZA) approved SP-00-S-063 for a church and related facilities. Copies of the resolution and approved plat are included as Appendix 4 of the staff report.

On November 22, 2002, an interpretation was approved under the minor modification provisions of the Zoning Ordinance to reconfigure the proposed church building and increase the floor area from 8,800 sq ft to 9,000 sq ft; increase the overall FAR from 0.050 to 0.052 and add two parking spaces for a total of 54 spaces.

The BZA approved additional time requests on September 9, 2003, October 26, 2004 and September 12, 2006. The building was constructed in 2007.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area III

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

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

## **ANALYSIS**

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

**Title of SPA Plat:** Site As-Built, Shalom Presbyterian Church of Washington

**Prepared By:** Professional Design Group, Inc., as revised by Hamid Matin,  
Professional Engineer

**Dated:** September 2009, as revised through June 1, 2010

**Proposed Use:**

The applicant seeks special permit approval to add a child care center with a maximum daily enrollment of 49 children and a maximum number of 10 employees at any one time to the previously approved church use. The child care center is proposed to operate Monday through Friday, 7:30 a.m. to 5:30 p.m., and will be located within the existing church building. The applicant proposes to install play equipment within a 1,850 square-foot area of an existing 5,000 square-foot outdoor play area. The play equipment will be located east of the church building and be surrounded by a 4-foot high chain link fence. No new exterior construction or site modifications are proposed. On-site parking is provided via 54 surface parking spaces; 35 parking spaces are required to meet the Zoning Ordinance requirements for both uses on this site. The applicant is seeking a modification of the transitional screening requirements in favor of existing vegetation; and a waiver of all barrier requirements. A modification of the transitional screening and a waiver of the barrier requirements were granted in conjunction with the previously approved special permit application in favor of existing vegetation and supplemental evergreen planting along the northern portion of the lot, the existing wood fence along the western lot line and a 4-foot high split-rail fence along the southwestern lot line.

**Land Use and Transportation Analyses**

The Comprehensive Plan recommends residential development for this area which consists largely of stable residential neighborhoods. The majority of the planning sector is planned for residential use at .2 - .5 dwelling units per acre. Staff believes the proposed uses and intensity are in harmony with the Comprehensive Plan recommendations for the area and there are no design or compatibility issues, as no additional on-site construction is proposed. There were no transportation issues identified with this application.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (R-1: Residential District, One Dwelling Unit/Acre)</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Lot Size	36,000 sq. ft. (minimum)	3.98 acres
Lot Width	175 feet (corner minimum)	439 feet (Twin Lakes Rd)
Building Height	60 feet (maximum)	35 feet
Front Yard	50° ABP but not less than 40 feet	67 feet (New Rd) 240 feet (Fairfax County Parkway)

<b>Bulk Standards (R-1: Residential District, One Dwelling Unit/Acre)</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Side Yard	45° ABP but not less than 20 feet	165 feet (east)
Rear Yard	45° ABP but not less than 25 feet	155 feet (west)
Outdoor Recreation Area Child Care Center	100 square feet / child (4,900 square feet)	1,850 sq ft (maximum 18 children at any one time in the area of the play equipment)
FAR	0.15 (maximum)	0.052
Parking Spaces	25 spaces – Church 10 spaces – Child Care Center  35 Total spaces	54 spaces
Interior Parking Lot Landscaping	5% (953 square feet)	8.4% (1,600 square feet)
Transitional Screening (All sides )	TS 1: Min. 25 feet in width planted with evergreen trees or a mixture of evergreen and deciduous trees	Modification requested of in favor of existing vegetation*
Barrier (North, East and West) 	D, E or F	Waiver and modification to permit 4-foot tall wood fence and split rail fence along the western and southwestern lot lines.*

\* Transitional screening and barriers were previously modified and waived in conjunction with SP 00-S-063.

## **WAIVERS/MODIFICATIONS REQUESTED**

### **Waiver/Modification:**

The applicant requests a modification along all lot lines of the transitional screening requirements in favor of existing vegetation and a waiver of barrier requirements to permit an existing wood fence along the western lot line and a 4-foot high split-rail fence along the southwestern lot line.

**Basis:** Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques. The applicant is seeking a modification of the transitional screening requirements and a waiver of the respective barrier requirements to permit the existing vegetation and barriers to satisfy these requirements. Since the proposal to add a child care center does not include any additional construction to the site, staff supports the continuation of all modifications and waivers previously approved by the BZA under the preceding special permit approval, SP 00-S-063.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (Appendix 5)**

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

### **Summary of Zoning Ordinance Provisions**

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

## **CONCLUSIONS**

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

## **RECOMMENDATIONS**

Staff recommends approval of SPA 00-S-063 subject to the Proposed Development Conditions in Appendix 1.

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

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

**APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Resolution and Approved Plat for SP 00-S-063
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 00-S-063****November 10, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 00-S-063 located on property described as Tax Map 77-4 ((1))18 to amend SP 00-S-063 previously approved for a church to permit the addition of a child care center, pursuant to Section 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (\*). Minor edits have been made to these conditions to conform to current terminology.

1. This approval is granted to the applicant only, The Board of Trustees of the Shalom Presbyterian Church of Washington, and is not transferable without further action of this Board, and is for the location indicated on the application, 10505 New Road, and is not transferable to other land.\*
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Professional Design Group, Inc., dated September 2009, as revised by Hamid Matin, Professional Engineer through June 1, 2010 and approved with this application as qualified by these development conditions.\*
3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.\*
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved special permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.\*
5. The maximum number of seats in the church shall be 100.\*
6. The total maximum daily enrollment of children in the child care center shall not exceed 49.
7. The maximum number of employees on site at any one time for the child care center shall be limited to 10.
8. The maximum hours of operation for the child care center shall be limited to 7:30 a.m. – 5:30 p.m., Monday through Friday.

9. Parking shall be provided as depicted on the special permit amendment plat.  
All parking shall be on site.\*
10. The outdoor play area shall be a maximum of 5,000 square feet and may be enclosed with a 4-foot high fence. The play area shall be located completely outside the Environmental Quality Corridor (EQC). The play area shall be located east and north of the proposed social hall in the general area shown on the plat. No additional vegetation that is shown on the plat shall be cleared for the installation of the play area. \*
11. Existing vegetation along the eastern, southern and western lot lines shall be preserved and maintained and shall satisfy Transitional Screening 1. Supplemental evergreen plantings shall be provided along the northern portion of the lot in order to soften the impact of the proposed use and screen the dwelling and proposed church structure. The number, size and species of plantings shall be determined by the Urban Forester. All vegetation shall be maintained in good condition and any dead or dying vegetation shall be replaced with like kind as determined by the Urban Forest Management Division (UFMD), DPWES. \*

The barrier requirements shall be waived along the northern and eastern lot lines. The existing wood fence shall be used to satisfy the barrier requirement along the western lot line. A split rail fence shall be constructed along the southwestern lot line. \*

12. The EQC as shown on the special permit plat shall remain as perpetually undisturbed open space. There shall be no clearing or grading of any vegetation within the EQC except for dead or dying trees and shrubs. There shall be no structures or fences located within the EQC.\*
13. The privately owned, operated and maintained underground stormwater management system shall serve the subject property as shown on the special permit plat. The underground system shall be subject to conditions imposed by DPWES in coordination with the applicant. Should this system need to be expanded or changed in any way, no additional vegetation shall be cleared for installation of this facility. \*
14. Any proposed lighting of the parking areas shall be in accordance with the following:\*

  - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
  - The lights shall be of a design which focuses the light directly onto the subject property. Full cut-off lights shall be used.
  - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.

- The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
  - There shall be no up-lighting of any of the proposed building additions.
15. The “no left turn” sign installed at the entrance to the site shall prohibit left turns from the site onto New Road and shall be remain and be maintained by the applicant. The right turn only channelization at the entrance to the site shall be constructed of concrete. \*
  16. The dwelling shall only be occupied by the proprietor, owner and/or an employee and his/her family that is directly related to the church use.\*
  17. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance. \*
  18. The façade of the building shall remain brick veneer. The type and color of brick shall be compatible with the existing residential character of the neighborhood.\*

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SPA 00-S-063  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 3, 2010  
 (enter date affidavit is notarized)

I, Bochang Seo, 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      108589a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
The Board of Trustees of Shalom Presbyterian Church of Washington	10505 New Road, Fairfax Station, Va. 22039	<b>APPLICANT/TITLE OWNER RS</b>
Bochang Seo	10501 New Road, Fairfax Station, Va. 22039	Trustee/Agent
Myung Rouse	7503 Mcwhorter Pl. Annandale, Va. 22003	Trustee
Manjong Choe	9505 Yawl Ct. Burke, Va. 22015	Trustee
Chris Choe	7240 Lyndam Hill Cir. Lorton, Va. 22079	Trustee

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

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

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

Application No.(s): SPA 00-5-063  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 3, 2010  
(enter date affidavit is notarized)

108 589 a

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

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

**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)

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

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

Application No.(s): SPA 00-S-063  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 3, 2010  
(enter date affidavit is notarized)

108589a

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

Application No.(s): SPA 00-5-063  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 3, 2010  
(enter date affidavit is notarized)

108589a

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

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

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

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

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

None

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

Application No.(s): SPA 00-5-063  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 3, 2010  
(enter date affidavit is notarized)

108589a

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

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

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

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

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

WITNESS the following signature:

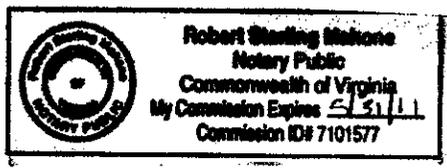
(check one) [ ] Applicant [x] Applicant's Authorized Agent

Bochang Seo, Trustee/Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of June 2010, in the State/Comm. of VERMONT, County/City of FAIRFAX.

Robert Stanton Malone  
Notary Public

My commission expires: MAY 31, 2011



May 17, 2010

Special Permit Statement Of Justification

Shalom Presbyterian Church of Washington  
10505 New Road  
Fairfax Station, VA 22039

Page 1 of 2  
RECEIVED  
Department of Planning & Zoning  
JUN 30 2010  
Zoning Evaluation Division

A. Type of Operation:

Child care center with less than 50 children.  
Church services and religious activities.

B. Hours of Operation:

Child Care: On Monday through Friday between 7:30 a.m. and 5:30 p.m.  
excluding any holidays.  
Church: On Wednesday between 8:00 p.m. and 10:00 p.m.  
On Sunday between 9:00 a.m. and 4:00 p.m.

C. Estimated number of Patrons/pulpits:

The child care center will have less than 50 children.  
Church: We have around 15 members on Wednesday Night Service  
and less than 50 members on Sunday Service.

D. Proposed number of employees/teachers:

Day Care: Maximum of 10 adults.  
Church: 2 adults.

E. Estimate of traffic impact of the proposed use:

There is good access to the subject site from existing roadways via the Fairfax County Parkway. A left turn lane is existing from the northbound lane onto New Road. There is a right turn deceleration lane from southbound land onto New Road. We built a right turn lane from New Road onto the Parkway as a part of the building project in 2008. Access onto the site and parking lot is from New Road and has very good sight distance in either direction up and down New Road. Traffic entering the facility will not travel at all into the surrounding neighborhood roads.

The center will open around 7:30 a.m. but the classes will start around 9:30 a.m. There will be two different programs, one finishing at 1:30 p.m. and 5:30.

The maximum expected trip generation of 30 vehicle trips is expected between the hours of 7:30 a.m. to 9:30 a.m. and 25 vehicles trip between 12:00 p.m. to 1:30 p.m., and maximum 25 vehicles trips between the hours of 4:00 p.m and 5:30 p.m.

We will pick up the number of children above 30 in the morning, thereby limiting the number of vehicle trips in and out of the building during the morning hours.

For the Church Service, we have 7-8 cars in and out for Wednesday Night Service between 8:00 p.m. and 10:00 p.m. and 4-6 cars for first Sunday Service between 9:00 a.m. and 10:00 a.m. and 25-30 cars for second Sunday Service between 10:30 a.m. and 1:00 p.m.

F. Vicinity or general area to be served by the use:

The daycare center serves the Fairfax County Area.

G. Description of the Building Architecture:

The building we will use for the daycare center is existing church building built in 2008. One story structure with a wood frame and brick siding and front. Traditional church architectural style is used in the design.

H. Hazardous and Toxic Substances:

There is no hazardous or toxic substances used on the site.

I. Code Conformance:

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

J. Statement of Ownership:

The applicant is the owner of the subject property as recorded in the Fairfax County land records.

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

SHALOM PRESBYTERIAN CHURCH OF WASHINGTON, SP 00-S-063 Appl. under Sect(s). 3-103 of the Zoning Ordinance to permit a church and related facilities. Located at 10501 New Rd. on approx. 3.98 ac. of land zoned R-1. Springfield District. Tax Map 77-4 ((1)) 18. (Def. from 1/23/01). Mr. Ribble 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 6, 2001; and

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

1. The applicant is the owner of the land.
2. The applicant presented testimony indicating compliance with the required standards.
3. This application is a good example of how the applicant and the citizens have worked together to reach an end.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-103 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only, and is not transferable without further action of this Board, and is for the location indicated on the application, 10510 New Road (3.98 acres) and is not transferable to other land.
2. This Special Permit is granted only to permit a church and related facilities as indicated on the special permit plat prepared by Mark D. Mittereder, dated September 18, 2000, as revised through February 11, 2001, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services

(DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved Special Permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The maximum number of seats in the church shall be 100.
6. A maximum of seven (7) employees shall be permitted on-site.
7. Fifty (50) parking spaces shall be provided. All parking shall be on site as shown on the special permit plat.
8. The outdoor play area shall be a maximum of 5,000 square feet and may be enclosed with a four (4) foot high fence. Notwithstanding what is shown on the special permit plat, the play area shall be moved completely outside the Environmental Quality Corridor (EQC). The play area shall be located east and north of the proposed social hall in the general area shown on the plat. No additional vegetation that is shown on the plat shall be cleared for the installation of the play area.
9. Existing vegetation along the eastern, southern and western lot lines shall be preserved and maintained and shall satisfy the requirement of Transitional Screening 1. Supplemental evergreen plantings shall be provided along the northern portion of the lot in order to soften the impact of the proposed use and screen the dwelling and proposed church structure. The number, size and species of plantings shall be determined by the Urban Forester.

The barrier requirements shall be waived along the northern and eastern lot lines. The existing wood fence shall be used to satisfy the barrier requirement along the western lot line. A split rail fence shall be constructed along the southwestern lot line.

10. A tree preservation plan shall be submitted to the Urban Forestry Branch, DPWES, for review and approval at the time of site plan review. This plan shall depict limits of clearing and grading as shown on the special permit plat and any additional vegetation that may be feasible to preserve as determined by the Urban Forester and tree protection measures to be used during construction of the facility.
11. The EQC shall be denoted on the site plan as that area shown on the special permit plat and shall remain as perpetually undisturbed open space. There shall be no clearing or grading of any vegetation within the EQC except for dead or dying trees and shrubs. There shall be no structures or fences located within the EQC.
12. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided as required to the satisfaction of DPWES. Subject to the approval by DPWES, a privately owned, operated and maintained underground stormwater management system

shall serve the subject property as shown on the special permit plat. The underground system shall be subject to conditions imposed the Department of Public Works and Environmental Services (DPWES) in coordination with the applicant. Should approval of the underground stormwater management system not be obtained, the applicant shall seek alternative methods for achieving adequate stormwater management and may be required to amend the special permit to reflect the alternate stormwater management facility. No additional vegetation shall be cleared for installation of a SWM facility.

13. Any proposed lighting of the parking areas shall be in accordance with the following:
  - The combined height of the light standards and fixture shall not exceed 12 feet.
  - The lights shall be of a design which focuses the light directly onto the subject property. Full cut-off lights shall be used.
  - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
  - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
  - There shall be no up-lighting of any of the proposed building additions.
14. A right turn lane shall be provided along New Road onto the Fairfax County Parkway as shown on the Special Permit Plat. A no left turn sign shall be installed at the entrance to the site to prohibit left turns from the site onto New Road. The right turn only channelization at the entrance to the site shall be constructed of concrete.
15. The dwelling shall only be occupied by the proprietor, owner and/or an employee and his /her family that is directly related to the church use.
16. Notwithstanding that shown on the special permit plat, notes 32, 33 and 35 shall be null and void.
17. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
18. The facade of the building shall be brick veneer. The type and color of brick shall be compatible with the existing residential character of the neighborhood.

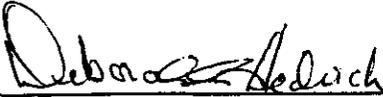
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures,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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval\* unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Kelley seconded the motion which carried by a vote of 7-0.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on March 14, 2001. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Deborah A. Hedrick  
Deborah A. Hedrick, Substitute Clerk  
Board of Zoning Appeals



**8-006 General Standards**

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship with a Child Care Center, Nursery School or Private School**

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

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

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

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

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

<b>Number of Persons</b>	<b>Street Type</b>
1-75	Local
76-660	Collector
660 or more	Arterial

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