



APPLICATION ACCEPTED: February 28, 2011
BOARD OF ZONING APPEALS: June 8, 2011
MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 1, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-HM-007

HUNTER MILL DISTRICT

APPLICANT: Buddhist Tzu Chi Foundation & Buddhist Tzu Chi Education Foundation d/b/a Tzu Chi Great Love Preschool and Kindergarten

STREET ADDRESS: 1516 Moorings Drive

TAX MAP REFERENCE: 17-2 ((23) 1

LOT SIZE: 2.1804 acres

FAR: .18

ZONING DISTRICT: PRC

ZONING ORDINANCE PROVISIONS: 6-303

PLAN MAP: High Density Residential

SPECIAL PERMIT PROPOSAL: To permit the addition of a child care center/nursery school to an existing place of worship

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-HM-007 for the child care center/nursery school in an existing place of worship, subject to the proposed development conditions contained 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 applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\bcho00\SP\SP 2011-HM-007 (Buddhist)\staff_report.doc

Brenda J Cho

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.**

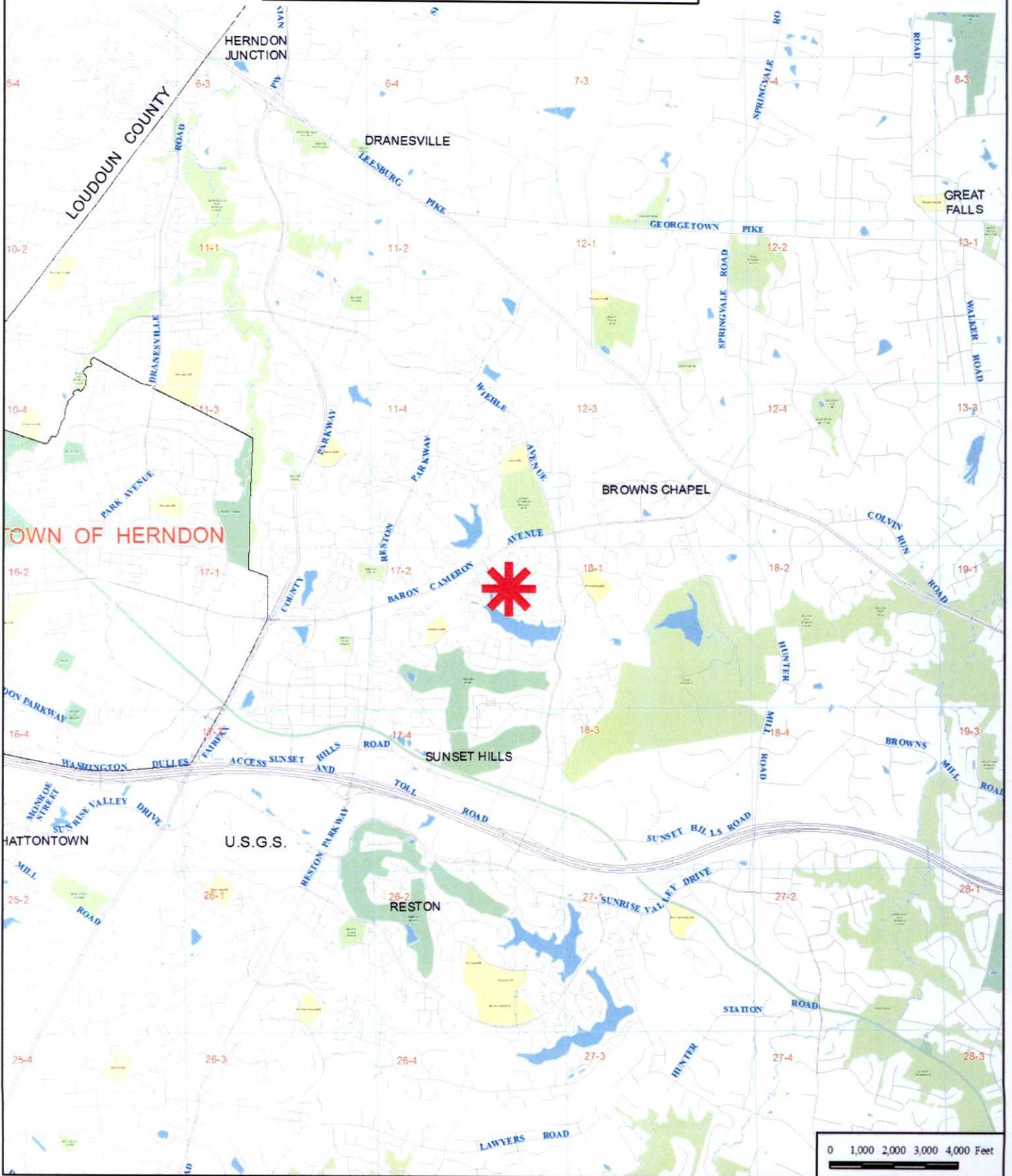


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-HM-007

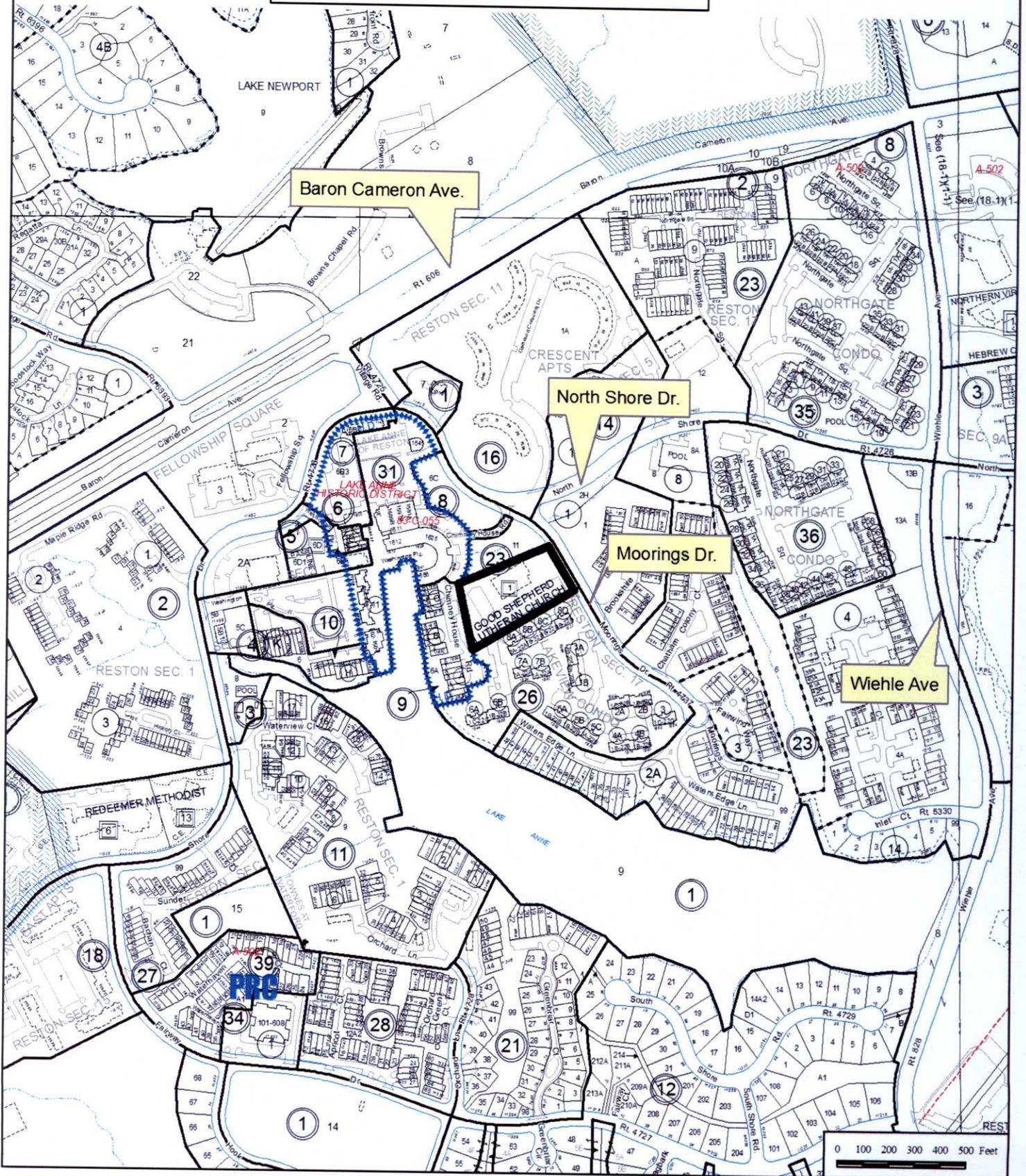
BUDDHIST TZU CHI FOUNDATION & BUDDHIST
TZU CHI EDUCATION FOUNDATION DBA TZU
CHI GREAT LOVE PRESCHOOL AND KINDERGARTEN



Special Permit

SP 2011-HM-007

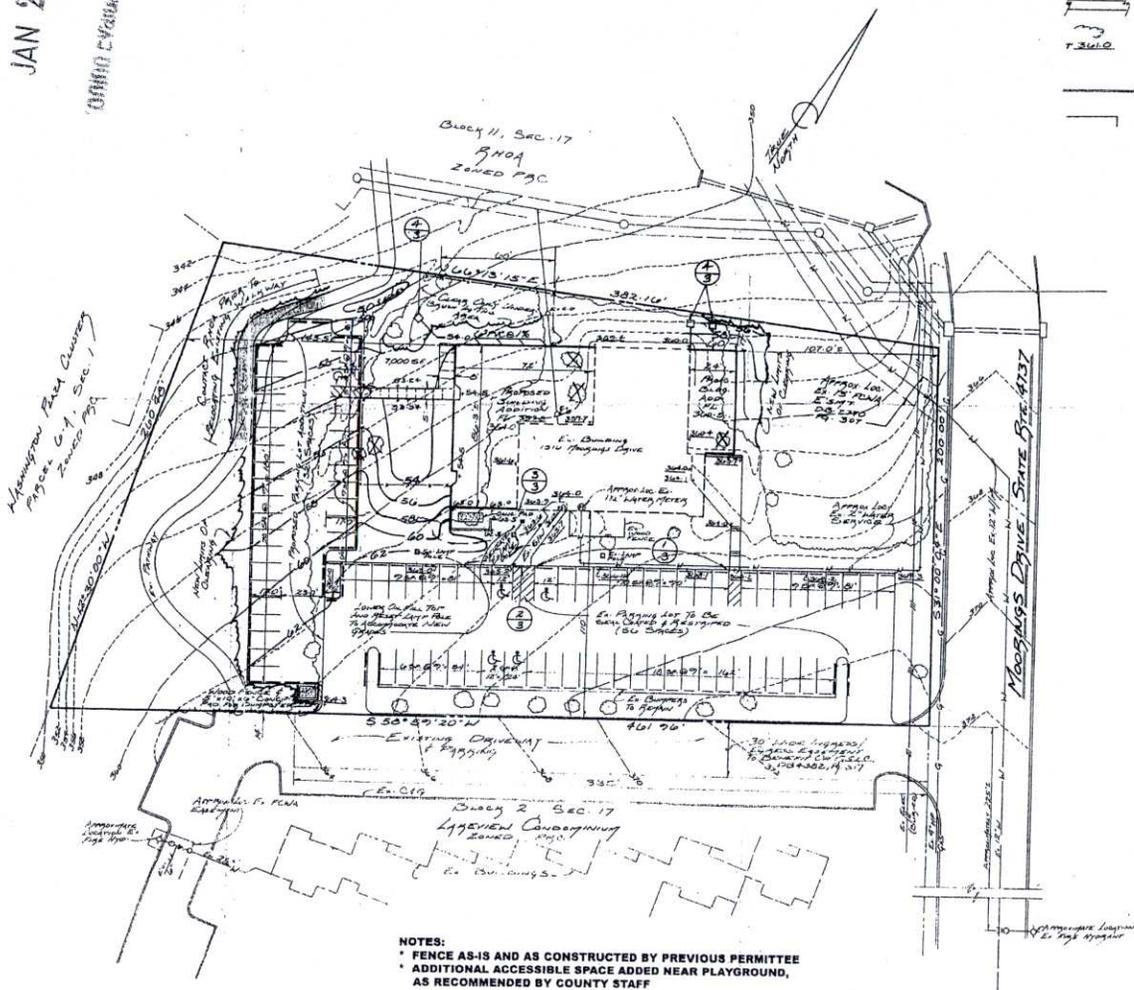
BUDDHIST TZU CHI FOUNDATION & BUDDHIST
TZU CHI EDUCATION FOUNDATION DBA TZU
CHI GREAT LOVE PRESCHOOL AND KINDERGARTEN



RECEIVED
Department of Planning & Zoning

JAN 20 2011

ORLANDO CHAVARRIN, ARCHITECT



LEGEND

EXISTING	DESCRIPTION	NEW
	CONTOUR	
	MAN HOLE	
	BUILDING LINE	
	WATER LINE	
	EDGE OF PAVEMENT	
	SANITARY SEWER	
	STORM SEWER	
	PARKING BUMPERS	
	SIDEWALK	
	PATHWAY	
	LIMIT OF CLEARING	
	SPOT ELEVATIONS	
	TREE TO BE REMOVED	
	CURB	
	WOOD FENCE	
	CHAIN LINK FENCE	

NOTES:
 * FENCE AS-IS AND AS CONSTRUCTED BY PREVIOUS PERMITTEE
 * ADDITIONAL ACCESSIBLE SPACE ADDED NEAR PLAYGROUND, AS RECOMMENDED BY COUNTY STAFF



SITE PLAN	
SECTION 17, BLOCK 1	
RESTON	
CENTREVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA	
REVISIONS	DATE
1/1/30	S.W.N
KURT N. PRONSKÉ, P.E. 11484 WASHINGTON PLAZA, W. RESTON, VIRGINIA 20190	
DATE	OF
3/3/05	5

BUDDHIST TZU CHI FOUNDATION (SPECIAL PERMIT) RESTON, VA SHEET 1 OF 3
 BUDDHIST TZU CHI EDUCATION FOUNDATION

**GOOD SHEPHERD
LUTHERAN CHURCH**

0030-SP-01

PERMITS AND APPROVALS

City of Reston, VA
 Building Electrical Mechanical Fire Department
 Public Works Police Department Health Department
 Planning Commission Zoning Board of Appeals

APPROVED FOR THE CITY OF RESTON, VA
 Date: _____
 Signature: _____

PERMITS AND APPROVALS

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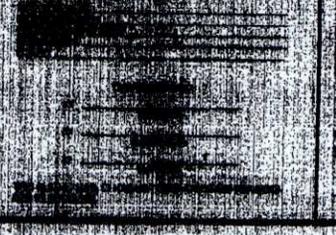
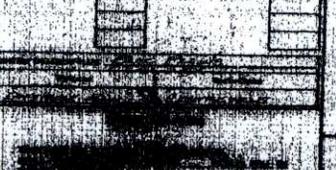
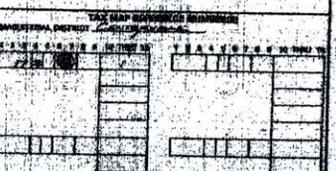
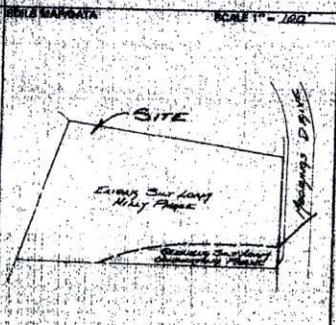
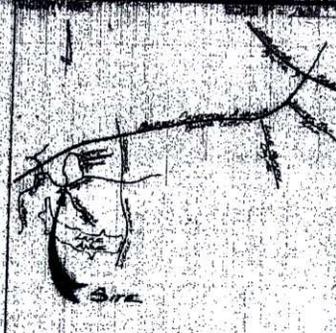
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NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE				
2	STEEL				
3	BRICK				
4	CEMENT				
5	AGGREGATE				
6	PAINT				
7	GLASS				
8	DOORS				
9	WINDOWS				
10	ROOFING				
11	MECHANICAL				
12	ELECTRICAL				
13	PLUMBING				
14	LANDSCAPE				
15	UTILITIES				
16	FOUNDATION				
17	FOUNDATION				
18	FOUNDATION				
19	FOUNDATION				
20	FOUNDATION				

PERMITS AND APPROVALS

City of Reston, VA
 Building Electrical Mechanical Fire Department
 Public Works Police Department Health Department
 Planning Commission Zoning Board of Appeals

APPROVED FOR THE CITY OF RESTON, VA
 Date: _____
 Signature: _____

ENGINEER'S CERTIFICATE

I, **Robert M. Pugh**, a duly Registered Professional Engineer, do hereby certify that the plans and specifications for the building shown on this drawing were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Virginia.

Witness my hand and seal this 15th day of May, 1988.

Robert M. Pugh
 Registered Professional Engineer
 No. 12345
 State of Virginia

THE SEAL OF THE ENGINEER

MAJ - 8888

BY **ROBERT M. PUGH**
 REGISTERED PROFESSIONAL ENGINEER
 NO. 12345
 STATE OF VIRGINIA

THIS DRAWING IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF RESTON, VA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF RESTON, VA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF RESTON, VA.

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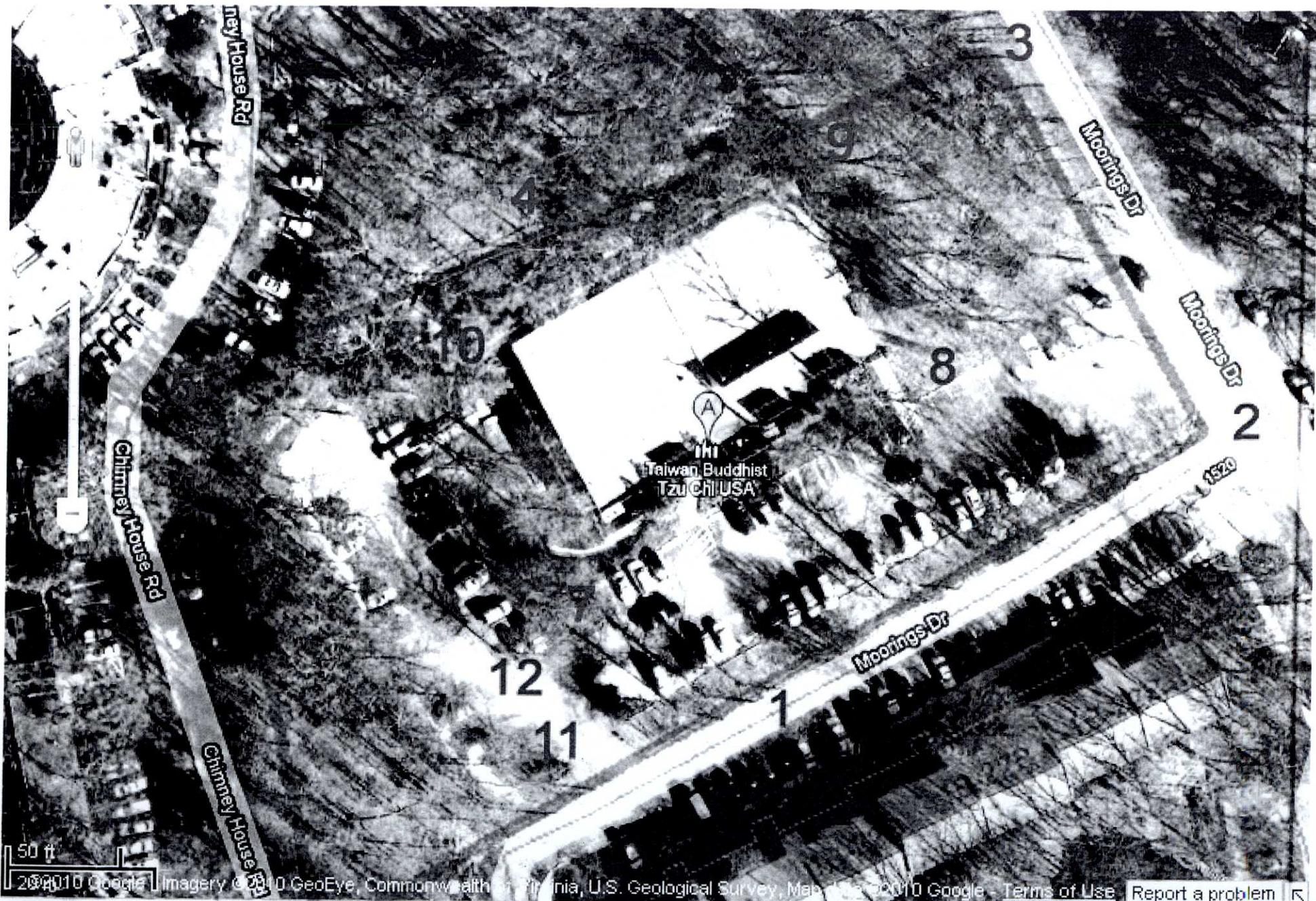
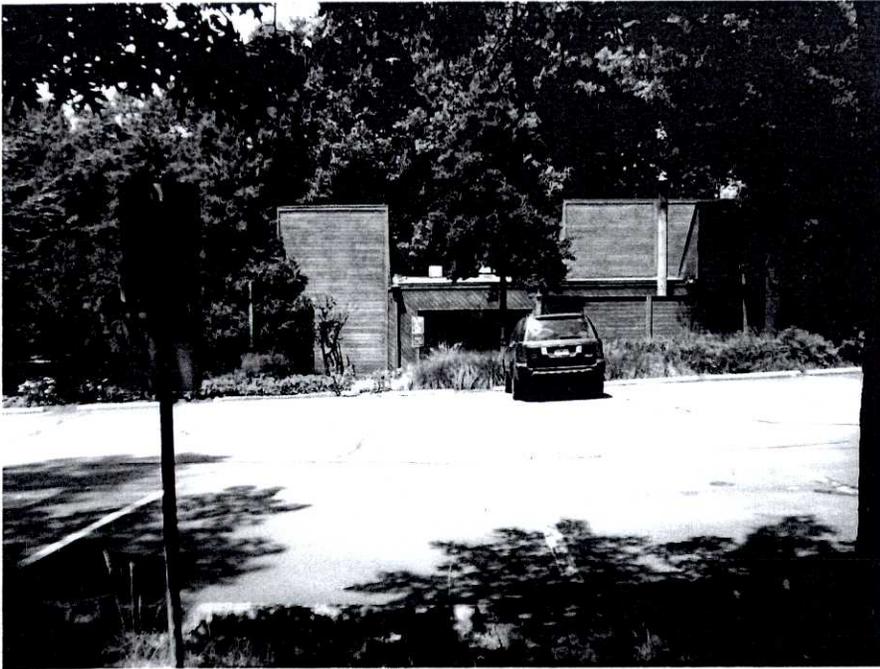


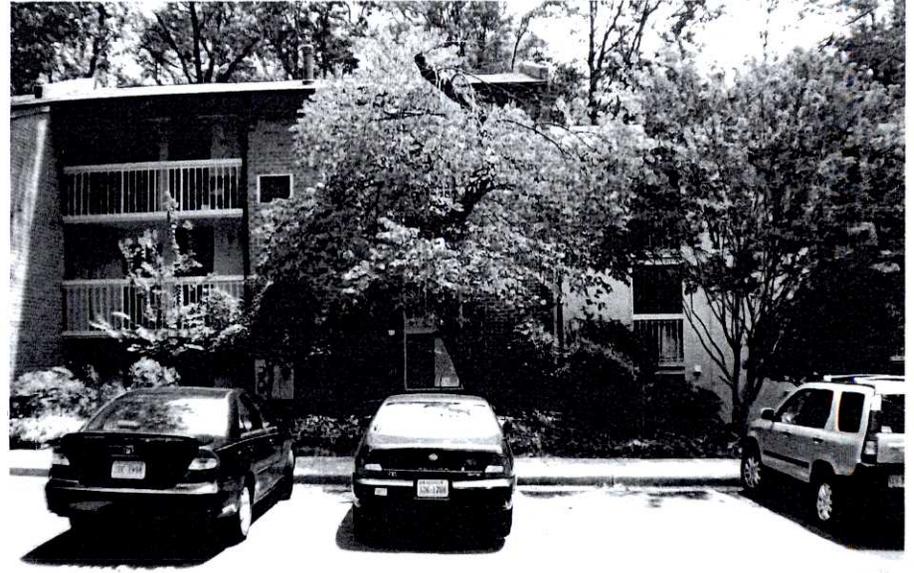
Photo Locations

6

Buddhist Tzu Chi Foundation - 1516 Moorings Dr.
Google Map & REA overlay
All Photos Taken: July 28, 2010



1 Looking NW at Entrance towards Site



1 Looking SE, Adjacent Condos



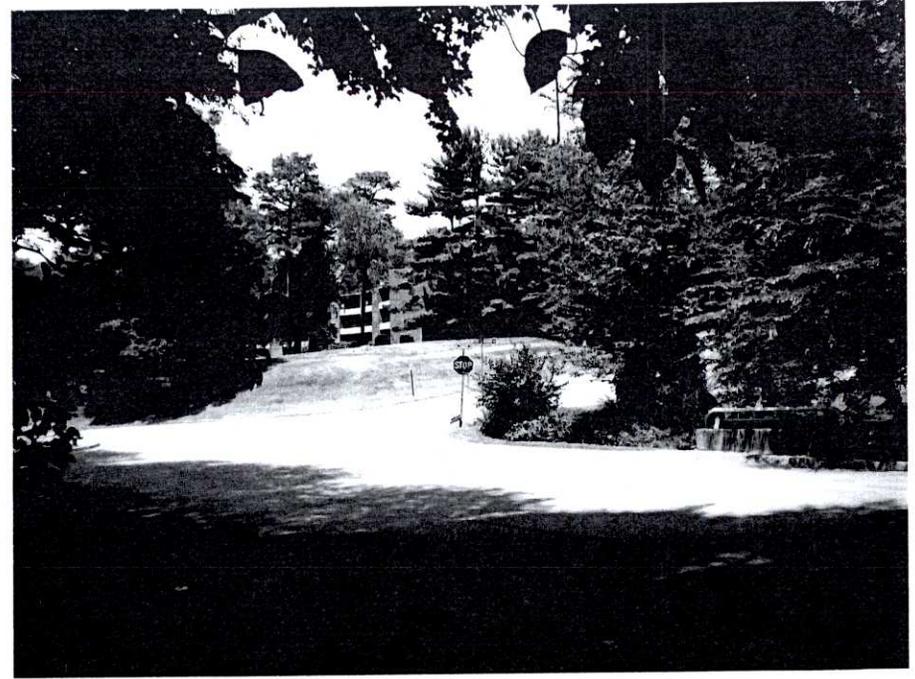
2 On Corner looking West at Site



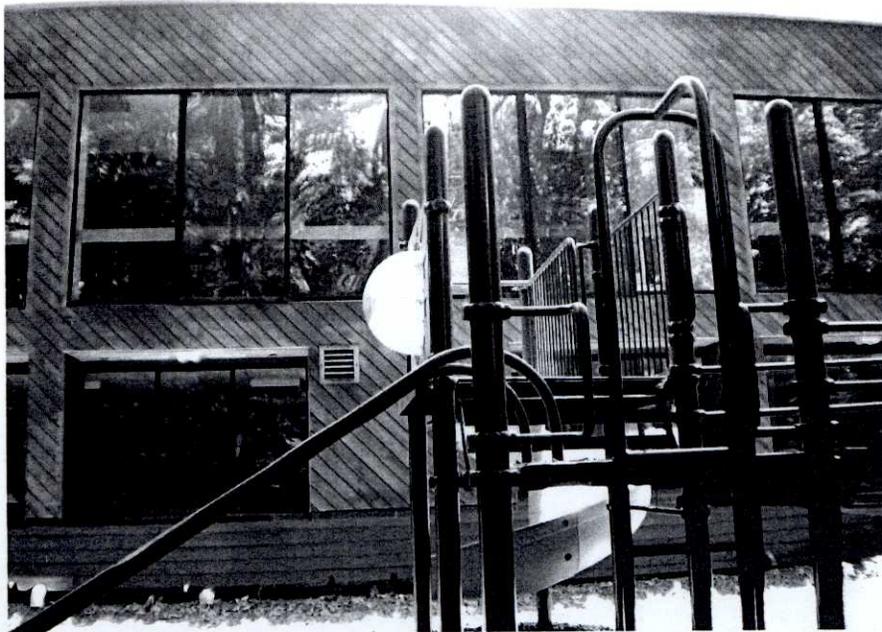
2. At Corner looking East
(Moorings Dr, Brookshire Ct, beyond)



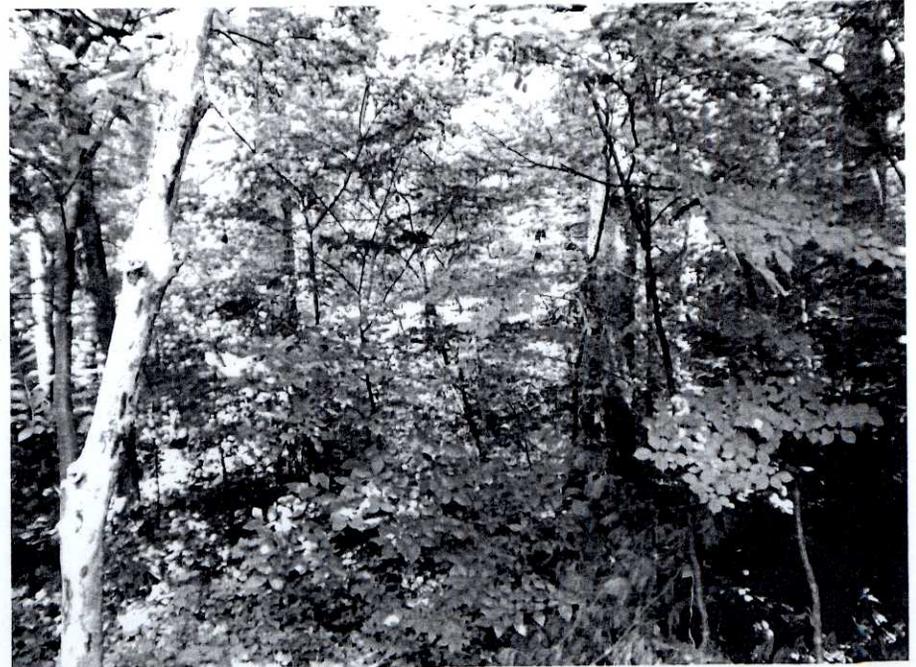
3 Looking South-SE at Site



3 Looking North(Moorings Dr & North Shore Dr, beyond)



4 Midline looking SE at Site



4 Looking NW away from Site



5 Looking East at Site



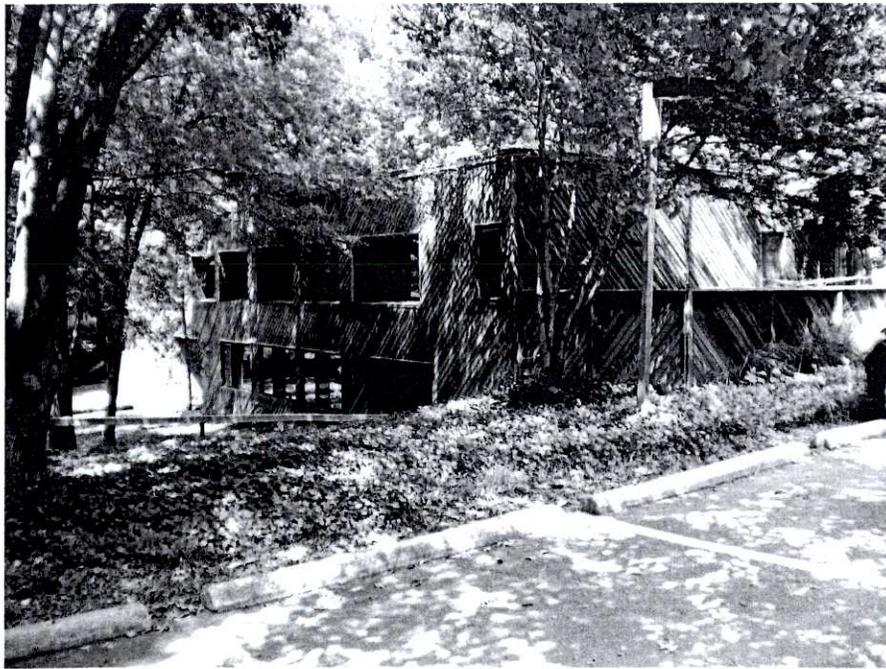
5 Looking West (Chimney House Rd)



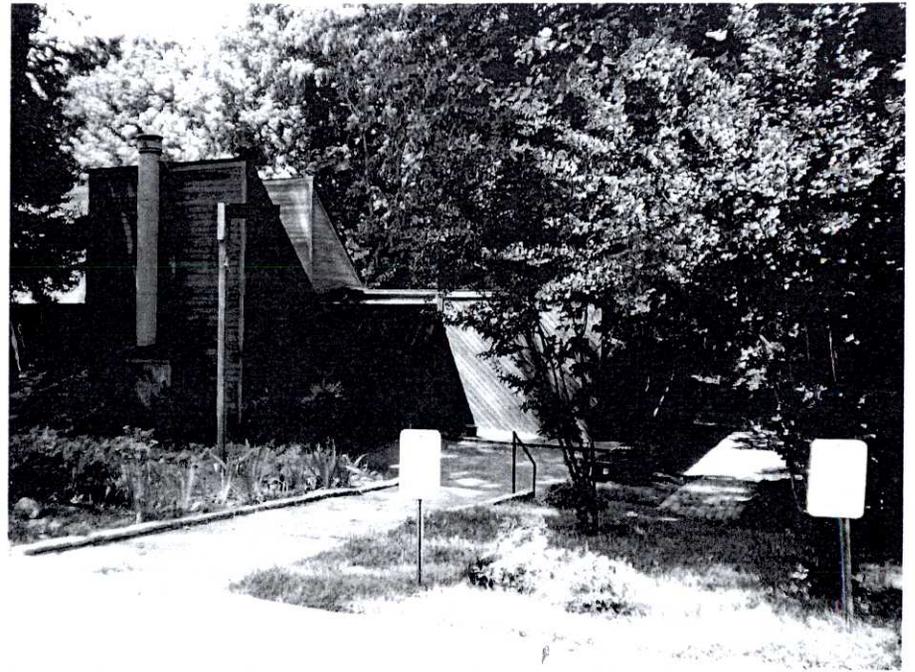
6 Looking North-NE at Site



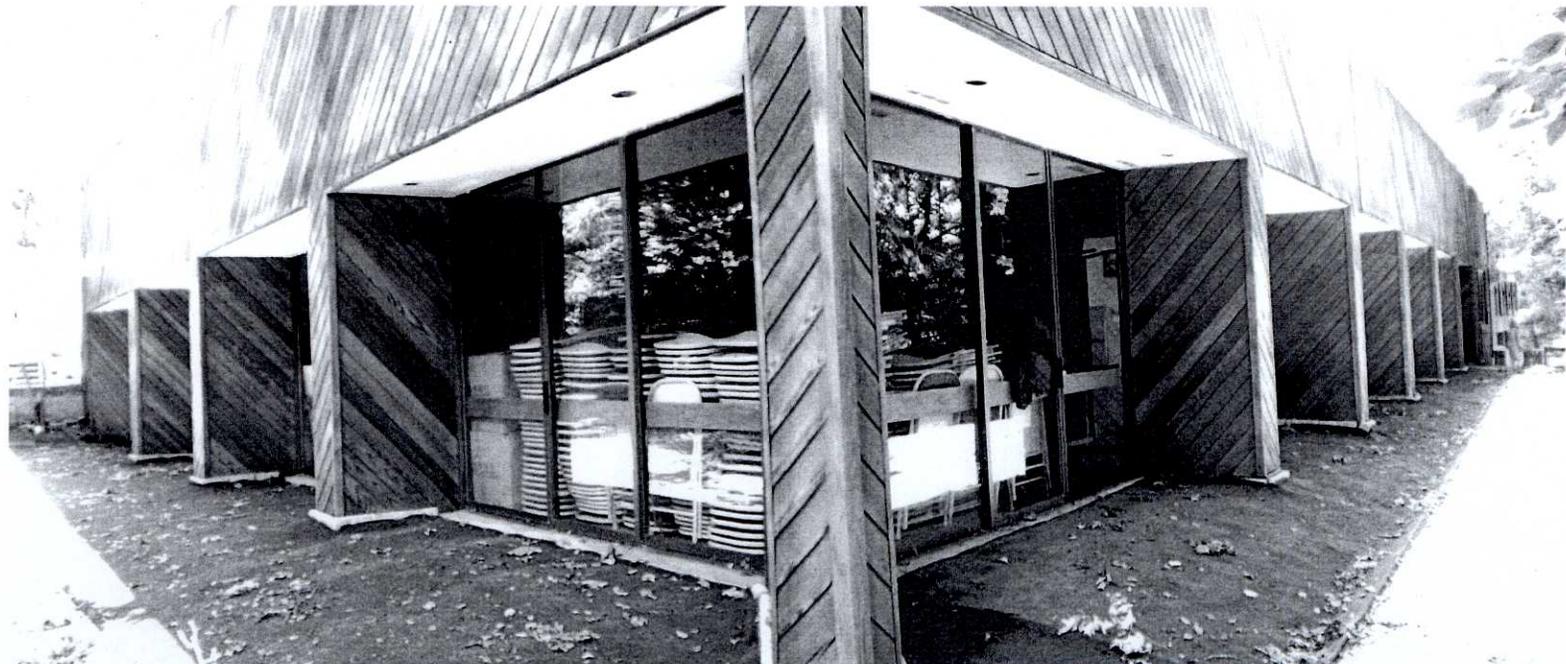
6 Looking South-SW away from Site
(Chimney House Rd)



7 South Corner of Building



8 East Corner of Building



9 North Corner of Building

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit the addition of a child care center/nursery school to an existing place of worship

LOCATION AND CHARACTER

Existing Site Description

The subject site is located at 1516 Moorings Drive in the Lake Anne Village Center. The existing single story place of worship, which measures 16,988 square feet in area, was built in 1977 and is constructed of wood and glass. The building was previously used for another church, Good Shepherd Lutheran School, which also operated a nursery school on site (see Background). There are 88 surface parking spaces on site, and the site is accessed via a driveway off Moorings Drive. The driveway is on the adjacent property [Tax Map 17-2 ((26)) 1A – 8D], but there is an easement on the driveway which permits the application site to utilize the driveway for access. There are two (2) entrances to the site from the common driveway. The site is surrounded by mature trees, and there is a 7,000 square foot play area with a fence in the rear of the site.

Surrounding Area Description

Direction	Use	Zoning
North	Lake Anne of Reston	PRC
South	Lakeview Condos	PRC
East	Lake Anne of Reston	PRC
West	Single family attached dwellings	PRC

BACKGROUND

Good Shepherd Lutheran Church was built on this property in 1977 as a permitted use on the approved development plan for this PRC District. Special Permit S 81-C-046 was approved on August 4, 1981 and Special Permit SP 85-C-040 was approved on November 26, 1985 to permit a nursery school on the property. Neither school currently exists on the site. A maximum number of 80 children was approved for S 81-C-046 and a maximum number of 90 children was approved for SP 85-C-040. The applicant bought the property in 2007, and at the time of sale, the previously approved nursery school under SP 85-C-040 was not in operation.

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

Title of SP Plat: Site Plan, Section 17, Block 1, Reston

Prepared By: Kurt N. Pronske, P.E.

Dated: September 3, 1985

Proposed Use:

The applicant proposes to add a child care center/nursery school to an existing place of worship, which is a permitted use in the approved development plan for the PRC District. No site modifications are proposed with this application. The proposed uses will utilize space inside the existing place of worship. There is an existing play area, which measures 7,000 square feet, at the rear of the site, which will be resurfaced for the use by the child care center/nursery school. The applicant proposes a maximum capacity of 86 children for the child care center/nursery school, which will operate from 6:30 a.m. to 6:30 p.m., Monday through Friday. The children will be between the ages of 2 years 9 months and 5 years 11 months, and the child care center/nursery school will not have separate sessions. Twelve employees will work on site at any time.

The existing place of worship will continue to function on the site. The temple has a seating capacity of 344, and services and other religious activities are held during the weekend between 9:00 a.m. to 9:00 p.m. Two (2) employees and occasional volunteers affiliated with the place of worship will be on site during the week, but no religious services or formal functions are held during this time.

Urban Forest Management Analysis (Appendix 4)

Urban Forest Management (UFM) recommends that the applicant request a modification of the transitional screening requirement and a waiver of the barrier requirement. UFM staff notes that the existing vegetation meets the intent and satisfies the transitional screening requirement, and based on Par. 1 of Sect. 13-305, transitional screening and barriers may be waived or modified within a PRC District where compatibility between uses has been addressed through architectural or landscaping treatments. The immediate area around the application site is surrounded by deciduous trees, and the frontage of the building is set back from a landscape island with trees and a parking lot and driveway.

ZONING ORDINANCE PROVISIONS

Special Permit Requirements (See Appendix 6)

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

General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition generally meets all of the eight (8) General Special Permit Standards, particularly Standard 3. General Standard 3 requires that 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 applicant is proposing a child care center/nursery school in an existing place of worship, and the proposed uses will be accommodated within the existing footprint of the building. No additions or other major site modifications are proposed with this application. The proposed uses will not adversely impact the use or development of adjoining properties, and staff recommends specific conditions to address possible circulation impacts of the new uses. Staff believes this standard has been met.*

Group 3 Standards (Sect. 8-303)

The Group 3 Standards require that the proposed use comply with the lot size and bulk regulations for the PRC District, comply with the performance standards and satisfy site plan review. *The site met these requirements at the time of site plan approval previously, and no site modifications are proposed.*

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

The special permit standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School are subject to the additional standards specified in Sect. 9-309 and 9-310. The standards recommend 100 square feet of usable outdoor recreation area for each child at any one time, which must meet specific standards. Additionally, the uses must be located with direct access to an existing or programmed public street to accommodate pedestrian and vehicular traffic generated by the uses. Pick-up and delivery of all persons on site should be handled on site, and the uses are also subject to Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia. *There is an existing play*

area that measures 7,000 square feet in area, and in order to accommodate an enrollment of 86 children, two (2) play sessions will be held each day. The site is located via a private driveway off Moorings Drive, and pick-up and drop-off circulation and parking can be accommodated on the application site. There are two (2) access points to the site from the driveway, and traffic control devices will be utilized to help direct traffic for the child care center/nursery school.

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-303 and 8-308 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the child care center/nursery school as outlined in Sects. 8-006, 8-303 and 8-308 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-HM-007 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report. Conditions 11 – 15 were requested by the applicant to address concerns of the adjacent Lakeview Condos. Staff does not object to these 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.

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. Urban Forest Management Analysis
5. Fairfax County Department of Transportation Analysis
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-HM-007****June 1, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-007 located at Tax Map 17-2 ((23)) 1 to permit a child care center/nursery school under Section 6-303 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Buddhist Tzu Chi Foundation and Buddhist Tzu Chi Education Foundation d/b/a Tzu Chi Great Love Preschool and Kindergarten, and is not transferable without further action of this Board, and is for the location indicated on the application, 1516 Moorings Drive, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Kurt N. Pronske, P.E., dated September 3, 1985, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this Special Permit shall be in substantial conformance with these conditions. Minor modifications to the approved Special Permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The seating capacity in the main area of worship shall not exceed 344.
6. The total maximum daily enrollment of children in the child care center/nursery school shall not exceed 86.
7. The maximum number of employees on site at any one time for the child care center/nursery school shall be limited to 12.
8. The maximum hours of operation for the child care center/nursery school shall be limited to 6:30 a.m. – 6:30 p.m., Monday through Friday. Enrolled students shall not arrive prior to 7:00 a.m., and arrivals prior to 8:00 a.m. shall be limited

to ten (10) percent of the enrollment. Pick-ups shall be scheduled between 3:30 p.m. and 6:30 p.m.

9. The ages of the children shall be limited between two years nine months to five years eleven months.
10. Parking shall be provided as depicted on the special permit plat. All parking shall be on site.
11. A minimum of two play sessions shall be held each day for the use of the play area. Play sessions shall not be scheduled before 9:30 a.m.
12. The applicant shall provide contact information to the Lakeview Condominium Association within 15 days from the date the director of the child care center/nursery school or any future director is hired. The contact information for the applicant shall also be provided.
13. The arrival and departure times of the enrolled children shall be arranged to accommodate a staggered schedule set by the applicant at the time the child is registered.
14. Traffic control devices and directional signage shall be arranged on site to direct any traffic for the child care center/nursery school. Maps of the recommended circulation shall be provided.
15. All lighting shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance and shall be operational.
16. The barrier requirement shall be waived along all lot lines.
17. The transitional screening requirement shall be modified to permit the preservation and maintenance of the existing vegetation on site to meet transitional screening requirements.

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.

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): SP 2011-HM-007
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 20, 2011
 (enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., 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 109043a

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Buddhist Compassion Relief Tzu-Chi Foundation of Republic of China, Clara Cheng aka Shioh-Jen Cheng, Agent	1133 Reston Avenue Herndon, VA 20170	Title Owner /Lessor Agent for Title Owner
Buddhist Tzu Chi Foundation, Clara Cheng aka Shioh-Jen Cheng, Agent	1516 Moorings Drive Reston, VA 20130	Co-Applicant/Lessee/Sub-Lessor Agent/Attorney-in-Fact for Buddhist Tzu Chi Foundation
Buddhist Tzu Chi Education Foundation d/b/a Tzu Chi Great Love Preschool & Kindergarten, Clara Cheng aka Shioh-Jen Cheng, Agent, Paulina Luan, Agent Debra T. Boudreaux, Agent	1516 Moorings Drive Reston, VA 20130	Applicant, Sub-Lessee Agent for Applicant Agent for Applicant Agent for Applicant
Jane Kelsey & Associates, Inc. Jane Kelsey, Agent Don Lucas, Agent Bruce Kelsey, Agent	4041 Autumn Court Fairfax, VA 22030-5168 " "	Agent for Applicant Agent for Applicant Agent for Applicant Agent for Applicant

(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): SP 2011-HM-007
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

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)
Buddhist Compassion Relief Tzu-Chi Foundation of Republic of China (a non-profit organization)
1133 Reston Avenue
Herndon, VA 20170

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)

There are no shareholders. It is a non profit corporation formed in Taiwan.

(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): SP 2011- HM-007
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 2

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

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

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

Buddhist Tzu Chi Education Foundation, a non-profit organization,
d/b/a Tzu Chi Great Love Preschool & Kindergarten
1516 Moorings Drive
Reston, Va 20190

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)

This is a non-profit organization and there are no stockholders

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

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030-5168

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)

Jane Kelsey

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

Application No.(s): SP 2011 - HM - 007
(county-assigned application number(s), to be entered by County Staff)

Page 2 of 2

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

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Buddhist Tzu Chi Foundation, , a non-profit organization,
1516 Moorings Drive
Reston, Va 20190

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)
This is a non-profit organization and there are no stockholders

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

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

Application No.(s): SP 2011-HM-007
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

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

PARTNERSHIP INFORMATION

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

None

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

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

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

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

Application No.(s): SP 2011-HM-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

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): SP 2011-HM-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 20, 2011
(enter date affidavit is notarized)

109043a

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 Jane Kelsey Applicant's Authorized Agent

Jane Kelsey, President, Jane Kelsey & Associates, Inc.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of March 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Amy L. Bain
Notary Public

My commission expires: 4-30-12



Revised Written Statement of Proposed Use Type of Operation: Nursery School and Child Care for 86 Children and Existing Place of Worship

The applicant proposes to use a portion of an existing Place of Worship for a nursery school for the same number of children and in the same interior location that was previously approved for the Good Shepherd Lutheran Church in Special Permit SP- SP 85-C-040. A modification/waiver of the plat has been requested under separate cover to permit the previously approved SP plat to satisfy the submission requirements for the SPA. We understand the previously approved plat is not acceptable. Therefore, we are submitting a copy of the As-Built Site Plan. No exterior changes to the physical development are proposed. A new Parking Tabulation is on Sheet 3.

Place of Worship: This nursery school and child care operation will be located within the existing place of worship. Per direction of County Staff, the place of worship is included in this request. It is our position that the Place of Worship was constructed as a "by-right" use because it was on an approved development plan at the time of rezoning. No changes are proposed in the physical structure or in the place of worship. The parking lot for the Place of Worship will be used during the week by the Nursery School and Child Care facility.

B. Hours of Operation: Nursery School and Child Care: The hours of operation will be 6:30 AM until 6:30 PM, Monday through Friday. Children will begin to arrive about 7:00 AM. The nursery school is an all day operation; however, it is anticipated that some of the children might leave around 3:30 PM or 4:00 PM. There are children who remain until 6:00 PM or 6:30 PM. There will continue to be educational activities throughout the day. The operation does not serve as a Child Care Center and parents can only enroll their children in the Nursery School or Preschool/Kindergarten. It is only because of the definition in the Zoning Ordinance that we must include child care as a "use". Please see the brochure which I previously submitted.

Place of Worship: The place of worship is a use by right since it was on the approved development plan for the Reston Planned Community. There is a worship area for 344 worshipers. The hours of operation for the Buddhist Temple are on Saturdays and Sundays from 9:00 AM to 9:00 PM for worship and other religious activities such as inviting the neighbors to join in some of their projects, training sessions for volunteers. The Saturday worship time is from 10:00 AM until 12:00 PM and Buddhist Religious Study Groups meet Saturday and Sunday afternoon from approximately 1:30 PM until 5:30 PM. The number of parishioners in attendance varies between 100 and 130. There are also Saturday and Sunday evening religious activities from approximately 7:00 PM until 9:00 PM. Fewer people attend the evening services. We request that since the place of worship is a "by-right" use on the property, that the hours and specific religious related worship and related religious learning classes and functions not be limited.

C. Estimated number of patrons/clients etc. Nursery School and Child Care.
The maximum daily enrollment will be 86 children.

Place of Worship: 344 seats were noted on the Site Plan for the previous church. No increase is proposed with this application.

D. Proposed number of employees.

Nursery School and Child Care: The number of employees/teachers will meet and exceed the State and County Code requirements. Based upon 1 teacher for every 10 children per Code regulations there will be 9 teachers. Additionally there will be 1 Director, and 2 persons preparing lunch for a total of 12 employees.

Place of Worship: Two (2) employees and occasionally volunteers are present during the week. There are no formal religious functions during the weekdays; no weddings and no funerals are held in this facility. Saturday and Sunday will have the typical employees such as the Buddhist leader, assistants, ushers, and other volunteers. They will assist in conducting the service, community fellowship, and religious learning classes before and after the service.

E. Estimate of traffic impact of the proposed use.

Nursery School and Child Care: The traffic impact will not increase from the number of trips which occurred with the previous nursery school operated by the Good Shepherd Lutheran Church. The hours will vary from that facility in that children will begin to arrive between 7:00 AM and 9:00 AM. (a 2 hour period) and depart between 3:30 PM and 6:30 PM (a 3 hour period). At maximum enrollment that would equate to 180 vehicles in the morning and 180 vehicles in the evening, or divided by the two hours arrival time in the morning, approximately 90 vehicles per hour; for the three hours departure time, 60 vehicles per hour, or less since some of the children may depart around 3:00 PM or 4:00 PM. The teachers will arrive between 6:30 AM and 7:00 AM for a total of 12 trips and will begin departing as the children leave for a total of 12 trips. No formal carpooling arrangement is proposed, although it is anticipated that might be done informally between parents.

Place of Worship: Since there are several religious services on Saturdays and Sundays, the number of attendees vary. The majority attend the 11:00 AM Sunday service. If the entire 344 worshipers attended that service, they would arrive between 10:30 AM and 11:00 AM. The departure time would depend upon whether or not they stay for fellowship or attend one of the religious related classes. Therefore, we estimate that approximately one-half the 344 would leave between 12:00 PM and 12:30 PM with the remainder staying for other religious activities and departing at varying time throughout the afternoon.

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

The area served will be primarily the Reston/Herndon area with some of the children from other areas of Northern Virginia.

G. Description of building façade.

The existing building is wood with large glass windows. There will be no changes in the exterior façade or the interior configuration. The Applicant will resurface the play areas with material suitable for small children. Fencing exists around the play area.

H. There are no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355 kept on the facilities except for possibly fuel for lawnmowers. That fuel, if used, is stored and disposed of in accordance with all hazardous waste as set forth in VA Department of Environmental Quality Hazardous Waste Management Regulations.

I. The proposed use conforms to the provisions of all applicable ordinances, regulations, and adopted standards except as stated below. The use will be in harmony with the Comprehensive Plan.

Justification for Waivers and Modifications: Special Permit Plat

There are no physical exterior changes proposed to the property. The kitchen has been renovated with new commercial kitchen appliances with separate appliances for the Temple kitchen and the Nursery School kitchens. The development plan approved for the property reflects a place of worship. At the direction of Staff, one of the parking spaces nearest the Nursery School/Child Care portion of the building has been changed from a regular space to a handicapped accessible space.



County of Fairfax, Virginia

MEMORANDUM

March 23, 2011

TO: Ms. Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Hugh C. Whitehead, Urban Forester II *HCW*
Forest Conservation Branch, DPWES

SUBJECT: Tzu Chi Great Love Preschool & Kindergarten, SP 2011-HM-007

I have reviewed the above referenced Special Permit Plat and application, stamped as received by the Zoning Evaluation Division on January 31, 2011. The following comments and recommendations are based on this review and a site visit conducted on March 22, 2011.

- Comment:** As stated in the application, Justifications for Waivers and Modifications; there are no physical exterior changes proposed to the property. Transitional screening 1, a 25-foot wide screening yard, is required by Section 13-302.2 of the Zoning Ordinance along all property boundaries of the site. It should be noted that existing vegetation meets the intent and satisfies the requirement for transitional screening for the site.

Recommendation: Require the boundaries of transitional screening yards to be shown on the SP Plat. Also require the Applicant to request in the application that transitional screening requirements be modified to the preservation and maintenance of existing vegetation.

- Comment:** Barrier requirements have not been addressed in this application. Existing conditions, including vegetation and the orientation of the building, are such that the barrier requirement could be waived as provided by Section 13-305.1 of the Zoning Ordinance.

Recommendation: Require the Applicant to address the barrier requirement in the application by requesting a waiver.

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 159700

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



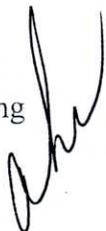


County of Fairfax, Virginia

MEMORANDUM

DATE: May 10, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

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

FILE: 3-6 (SP 2011-HM-007)

SUBJECT: Transportation Impact

REFERENCE: SP 2011-HM-007; Buddhist Tzu Foundation & Buddhist Tzu Chi
Education Foundation d/b/a Tzu Chi Great Love Preschool &
Kindergarten
Traffic Zone: 1713
Land Identification: 17-2 ((23)) 1

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated May 3, 1985. This site was previously approved for a nursery school within the Good Shepherd Lutheran Church. This applicant proposes a nursery school, child care center and place of worship (existing). The Buddhist Temple has approximately 344 worshipers who attend religious services and other activities on Saturdays from 10:00 a.m. until 5:30 p.m. and on Sundays from 9:00 a.m. to 9:00 p.m., with attendance varying. The nursery school and kindergarten will have a maximum enrollment of 86 children with a total of 12 employees. Hours will be from 6:30 a.m. to 6:30 p.m., Monday through Friday. There will be a shared parking agreement between the Temple and the nursery school and kindergarten.

This department has no significant transportation issues with this application.

AKR/LAH/lah

ZONING ORDINANCE PROVISIONS

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.