



APPLICATION ACCEPTED: September 2, 2011
DATE OF PUBLIC HEARING: November 16, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 9, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SPA 98-D-049

DRANESVILLE DISTRICT

APPLICANT: Washington Elim Presbyterian Church

LOCATION: 6901 Haycock Road

TAX MAP: 40-4 ((1)) 8C

LOT SIZE: 1.21 acres

ZONING: R-4

ZONING ORDINANCE PROVISION: 3-403

F.A.R.: 0.06

PLAN MAP: Residential, 3-4 du/ac

SPECIAL PERMIT PROPOSAL: Group 3 - To amend SP 98-D-049 previously approved for a church and related facilities to permit change in permittee and development conditions.

STAFF RECOMMENDATION: Staff recommends approval of SPA 98-D-049, however only with the imposition of the proposed development 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.

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Matthew Mertz

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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.**

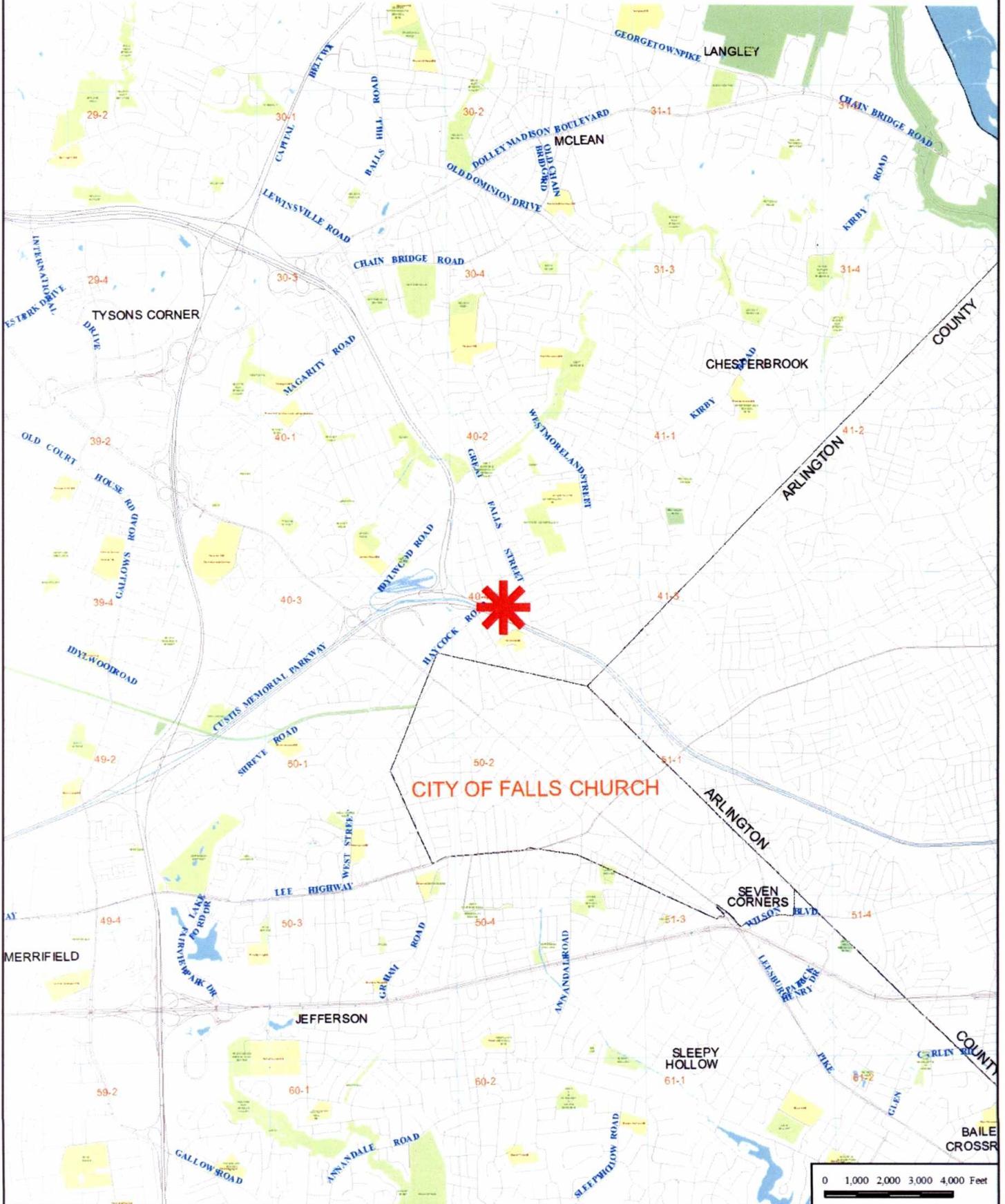


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 98-D-049

WASHINGTON ELIM PRESBYTERIAN CHURCH



Special Permit Amendment

SPA 98-D-049

WASHINGTON ELIM PRESBYTERIAN CHURCH

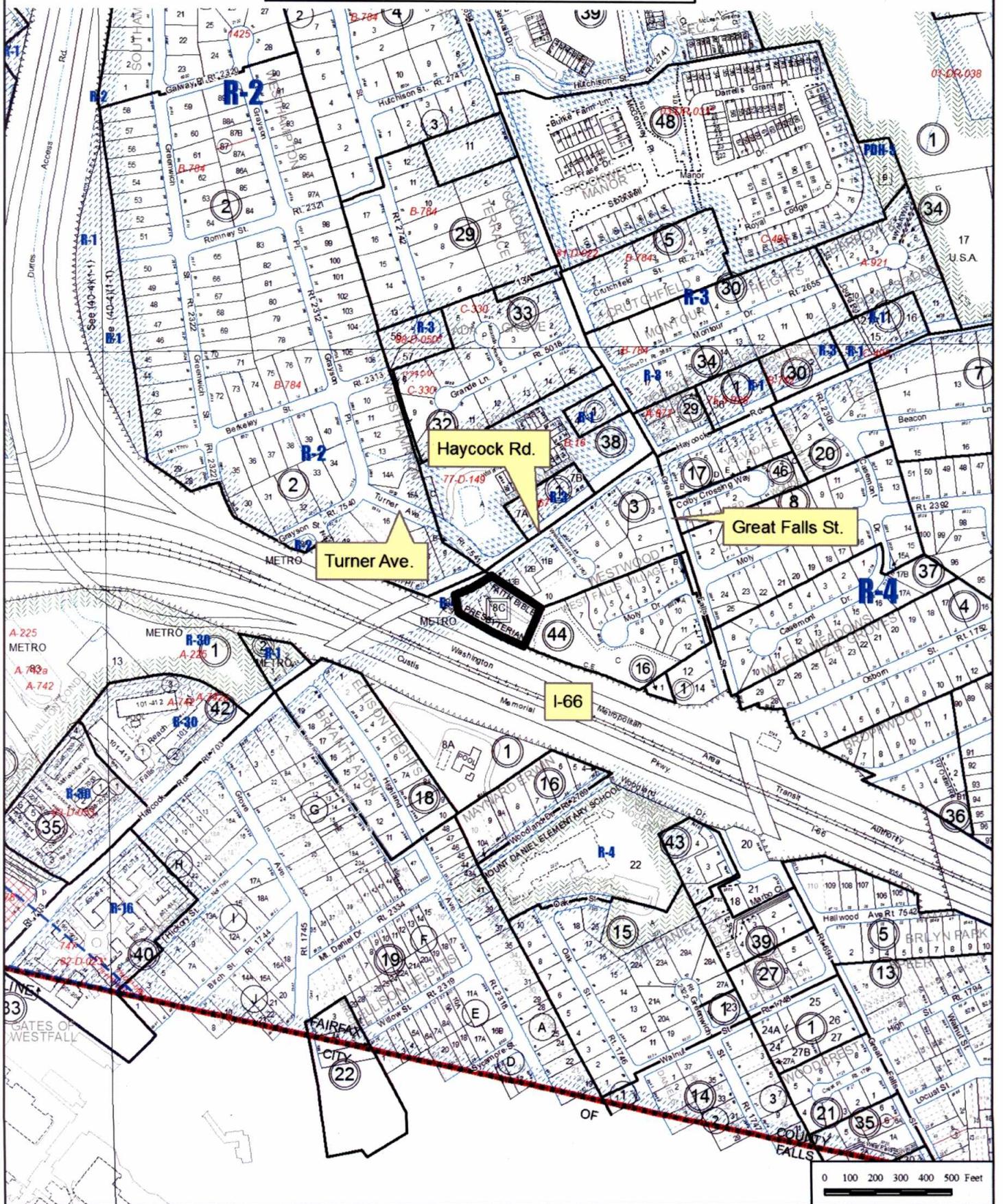




Photo locations in Blue

Elim Presbyterian Church
6901 Haycock Rd, Falls Church, VA

Washington Elim Presbyterian Church - Photograph Locations

Google Map & REA overlay



1 Looking NE up Haycock Rd. taken 03-29-11



1 Looking SW Entrance, Haycock Rd, I-66 beyond 03-29-11



2 Looking South at Site taken 03-29-11
Gated Parking Lot on Left, Haycock Rd in Front



3 Looking SW, Front Yard 03-29-11
Metro Utility Shed on Adjacent Lot



4 Looking NW across Haycock Rd. taken 03-29-11



5 Looking NW across Haycock Rd. 06-19-11



5 Looking West, Adjacent Lot taken 06-19-11
Metro Utility Shed on Adjacent Lot



6 Looking East, side of Church taken 06-19-11



7 Looking SW at I-66 taken 06-19-11



8 Looking West at Site taken 03-29-11



8 Looking East away from Site taken 03-29-11



9 Looking SE, Side Main Entrance taken 06-19-11
Parking Lot and Woods beyond



10 Pan, looking NE away from Site, Parking Lot & NE Lot Line taken 03-29-11

RECEIVED
Department of Planning & Zoning
AUG 29 2011
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

Special Permit Amendment Request: To amend SP 98-D-049 previously approved for a church to permit a change in permittee and development conditions.

This application proposes to change the permittee from Faith Bible Presbyterian Church to the new title owner, Elim Washington Presbyterian Church. There are also changes to the development conditions brought about by issues that have arisen on the property since the approval of SP 98-D-049.

Size of Property: 1.21 acres

Number of Seats: 288

Hours of Operation: 9:30 am to 12:00 pm, Sunday
8:00 am to 9:00 pm, Tuesday through Saturday

Waivers and Modifications Requested:

Waiver of the barrier requirements along the east and west property lines in favor of that shown on the Special Permit Plat per Par. 3 of Sect. 13-304. The previous applicant had requested the inclusion of the north property line with SP 98-D-049, but that was not approved.

Modification of the transitional screening requirements along the north, east and west property lines in favor of that shown on the SP plat per Par. 3 of Sect. 13-304. This modification was previously approved with SP 98-D-049, but only along the north and west property lines. Staff is now recommending that the east property line be included in this modification, as Urban Forestry staff does not believe that this portion of the site can support additional trees beyond what is already planted.

LOCATION AND CHARACTER

Existing Site Description:

The subject property is 1.21 acres in size and is developed with a 3,096 square foot church with brick exterior. The property has frontage on Haycock Road and its southern boundary is adjacent to Interstate 66. Access to the site is via a 25-foot wide entrance drive, which leads to an existing 72-space, asphalt parking lot, located to the side and the rear of the church structure. The site slopes down from the northwest corner of the site to the southeast corner of the site. Mature trees and vegetation exist along the perimeter of the site.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Attached Dwellings (Williamsburg Pond Townhouses)	PDH-3	Residential, 2-3 du/acre
	Single Family Detached Dwellings	R-2	
South	Public Interstate (Interstate 66)	--	Right-of-way
East	Single Family Detached Dwellings	R-4	Residential, 3-4 du/acre
West	Single Family Detached Dwellings;	R-2	Residential, 2-3 du/acre

BACKGROUND**Site History:**

On May 6, 1968, Building Permit Number P-48737 was approved for the construction of a sanctuary located at 6901 Haycock Road in Falls Church. Construction was completed on October 24, 1969 and the building has not been expanded since that time. On November 24, 1998, the Board of Zoning Appeals approved SP 98-D-049, in the name of Faith Bible Presbyterian Church, to allow reduction of land area, as well as parking lot paving and plant landscaping. Washington Elim Presbyterian acquired the property in November 5, 2010 and is now seeking approval of Special Permit Amendment SPA 98-D-049 to allow change in permittee. Staff is also recommending amending two development conditions and adding two other conditions.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: McLean Planning District; Area II
Planning Sector: Kirby Community Planning Sector
Plan Map: Residential, 3-4 dwelling units per acre

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

Title of SP Plat: Special Permit Plat, Faith Presbyterian Bible Church

Prepared By: BC Consultants

Dated: June 1998, revised through October 23, 1998

Proposed Use

The applicant requests only a change in permittee from Faith Bible Presbyterian Church to Elim Washington Presbyterian Church. The Special Permit Plat is the same as the one approved in conjunction with SP 98-D-049, as the applicant proposes no new construction or landscaping on site. There is now a 96 square foot shed and an 825 square foot playground on the property that does not show on the Special Permit Plat. Rather than producing a new plat, the applicant has sketched those features on a copy of the plat (included as Attachment 1 to the development conditions).

Transportation Analysis

A previously approved development condition required the applicant to move back an existing chain across the entrance from Haycock Road and install reflective markers. Today, a yellow gate exists at the entrance to the parking lot. Staff from Fairfax County Department of Transportation does not object to the location of this entrance gate. However, staff recommends that reflective markers be permanently installed on the gate. Development Condition 11 has been modified to address this issue.

Urban Forestry Analysis

Urban Forestry staff has noticed that the evergreen trees planted along the east property line are not planted eight (8) feet on center. However, Urban Forestry staff believes that the planting of additional trees would be impossible, as the new trees will have to compete with the existing trees for nutrients. Also, staff believes that the applicant's existing trees and the vegetation planted in the common area for the neighboring subdivision appear to have effectively shielded the adjacent property owners' view of the parking lot. Lastly, Urban Forestry does not believe that the installation of the playground damaged the tree preservation area. Development Condition 6 has been amended to allow the applicant to gain compliance without having to plant more trees.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Special Permit Uses (Sect. 3-303)

Summary of Zoning Ordinance Provisions

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

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 98-D-049, however only with the imposition of the proposed development 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. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Approved Resolution with SP 98-D-049
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 98-D-049****November 9, 2011**

If it is the intent of the Board of Zoning Appeals to approve SPA 98-D-049 located at Tax Map 40-4 ((1)) 8C to amend SP 98-D-049 previously approved for a church and related facilities to permit change in permittee and development conditions pursuant to Section 3-403 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. 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. These edits are bolded.

1. This approval is granted to the applicant only, **Washington Elim Presbyterian Church** and is not transferable without further action of this Board, and is for the location indicated on the application, 6901 Haycock Road (1.21 acres), and is not transferable to other land.*
2. This special permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by B.C. Consultants dated, June 1998, as revised through October 23, 1998, 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 these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.*
5. The seating capacity of the sanctuary shall not exceed 288. There shall be a minimum of 72 parking spaces. All parking shall be on-site as shown on the special permit plat.*
6. The existing vegetation, landscaping, and tree save area shall be maintained and preserved and shall be deemed to satisfy the transitional screening along the north, west and east property lines. The playground to the west of the building may remain, but may not encroach any further into the tree save area. Any dead, dying or damaged vegetation in the transitional screening areas shall be

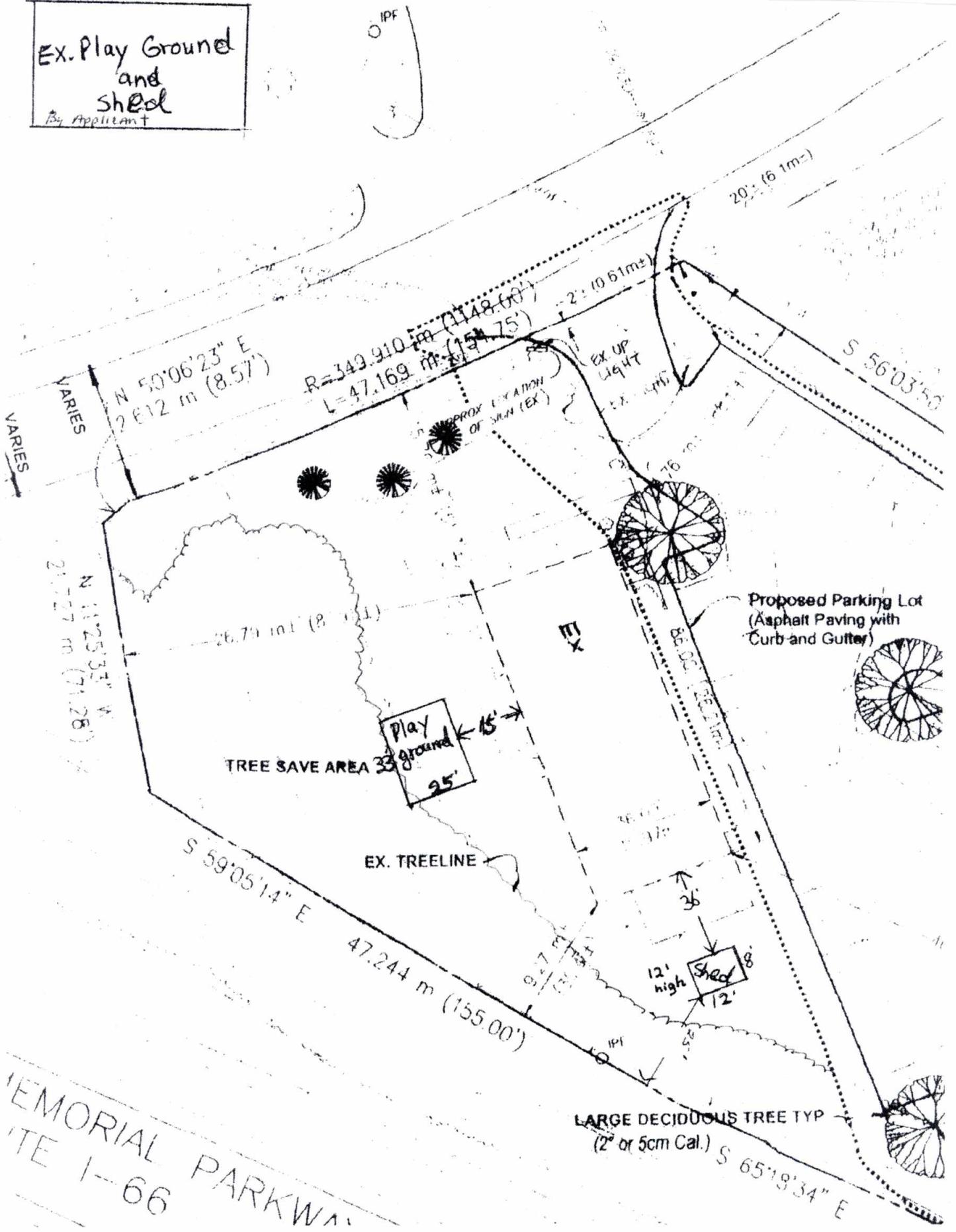
replaced with like kind as needed to maintain the screening as determined by the Urban Forestry Branch.

7. The barrier requirements shall be waived along the east and west property lines. A six-foot high solid wood fence shall be provided **and maintained** along the northern property line between the limits of clearing and grading and the edge of the parking lot.*
8. Interior parking lot landscaping shall be provided in accordance with the provisions of Sect. 13-106 of the Zoning Ordinance.*
9. Any existing lighting of the parking lot shall not be increased in height and the lights shall be of a design which focuses the light directly on the subject property and shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.*
10. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.*
11. Reflective markers shall be permanently installed on the entrance gate.
12. The dumpster shall be removed from the site, unless the applicant demonstrates that sufficient parking exists on site to accommodate the dumpster. If retained, the dumpster must be screened to meet Zoning Ordinance requirements.
13. Uneven areas of the parking lot shall be smoothed/repaved to prevent tripping hazards and maintain a well-kept appearance.
14. The locations of the shed and play area shall be generally as shown on Attachment 1 of the development conditions.

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. The applicant may not obtain the Non-Residential Use Permit before achieving compliance with the conditions listed above.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless a new Non-Residential Use Permit has been obtained. The Board of Zoning Appeals may grant additional time to obtain a new Non-Residential Use Permit 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.

Ex. Play Ground
and
Shed
By Applicant



Application No.(s): SPA 98-D-049
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 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 112823

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)
Washington Elim Presbyterian Church, Robert A. Strom, Agent	6901 Haycock Road, Falls Church, VA 22043 "	Applicant/Title Owner Agent for Title Owner
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): SPA 98-D-049
 (county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2011
 (enter date affidavit is notarized)

112823

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)

Washington Elim Presbyterian Church (a non-profit organization)
 6901 Haycock Road
 Falls Church, VA 22043

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.

(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 98-D-049
 (county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

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

DATE: August 31, 2011
 (enter date affidavit is notarized)

112823

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

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): SPA 98-D-049
 (county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2011
 (enter date affidavit is notarized)

112823

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**)

N/A

(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 98-D-049
 (county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2011
 (enter date affidavit is notarized)

112823

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 98-D-048
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2011
(enter date affidavit is notarized)

112823

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

Jane Kelsey
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 31st day of August, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Amy L. Bain
Notary Public

My commission expires: 4/30/12



Jane Kelsey & Associates, Inc.**Land Use Consultants****4041 Autumn Court****Fairfax, VA 22030-5168**

703-385-4687 (Phone)

703-385-8760 (FAX)

jckelse@aol.com

July 21, 2011

REVISED August 26, 2011

President

Jane Kelsey

Vice-President

Donald E. Lucas

RECEIVED
Department of Planning & Zoning

AUG 29 2011

Zoning Evaluation Division

Ms. Barbara C. Berlin, Director
 Zoning Evaluation Division, Dept. of Planning & Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035

Re: **Special Permit Amendment for Change in Permittee, SP 98-D-049, 6901 Haycock Road, Falls Church, VA 22043, Washington Elim Presbyterian Church, TM Ref. 40-4 ((1)) 8C.**

Dear Ms. Berlin:

The attached Special Permit application requests a Change in Permittee, SP 98-D-049, for a place of worship in an existing building at 6901 Haycock Road, Falls Church, VA 22043. The property was previously owned by the Faith Presbyterian Bible Church and used as a place of worship.

The following items are submitted with the Special Permit Amendment application in accordance with **Para. 7 of Section 9-011, Submission Requirements.**

- **Filing Fee attached to the front of this letter.**
 - **Four (4) copies of the Special Permit Amendment application form.**
 - **Zoning Section Sheet.**
 - **Photographs** of both application and abutting properties labeled as required as to direction and view as well as CD.
 - **Notarized affidavit and statement signed by applicant giving Jane Kelsey & Associates, Inc. authority to act as Agent for the Applicant.**
 - **Written Statement of proposed use:**
- A. **Type of Operation:** The applicant proposes to continue use a Place of Worship as previously approved for Faith Presbyterian Bible Church, SP 98-D-049. (Attachment 6)

A modification/waiver of the plat is requested under separate cover to permit the previously approved Special Permit plat to satisfy the submission requirements for the Special Permit Amendment plat.

- B. Hours of operation:** The hours of operation will be typical for a Church with worship on Sundays. See 'E. Estimate of traffic impact' below.
- C. Estimated number of patrons/clients etc.** 288 seats per prior Special Permit.
- D. Proposed number of employees.** There will probably be three, the Minister, Secretary and Janitor/Grounds Keeper.
- E. Estimate of traffic impact of the proposed use.**

The traffic impact will not increase from the number of trips which occurred with the previous place of Worship.

The previous Special Permit states, "The seating capacity of the sanctuary shall not exceed 288." There are three (3) religious services held on Sundays at 8:30 AM, 11:00 AM, and 2:00 PM. About 50% of the capacity is filled during the 11:00 AM service. Thirty percent (30%) is filled during the early service and less than 10% in the late service. Worshippers arrive during the half hour prior to the service. The departure time would depend upon whether or not they stay for fellowship or attend one of the religious related classes. Several members arrive early and stay for multiple services and/or fellowship. Therefore, we estimate that approximately one-half the 50% 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. The same is true for the early and late services; one-half of them would leave immediately over the half hour after the service.

Typically there is also a Wednesday evening service at 10% capacity. During the day on Saturday there are youth activities that are attended by 10 to 15% of the congregation's youth. Similar events and activities were held by the previous Faith Presbyterian Church.

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

The area served is central to Falls Church, Dunn Loring, Tysons Corner, and McLean. Adjacent are Pimmit Hills, Falls Church City Park, and West Falls Church Metro. Additionally other areas of Northern Virginia will be served.

- G. Description of building façade.**

The existing building is brick. There will be no changes.

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth**

in VA Dept. of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

None.

- 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:

There are no physical changes proposed to the property. We request that a modification of the Transitional Screening and Barrier requirements be modified and/or waived, whichever is appropriate, to permit the existing conditions to exist within the transitional screening yard. The Special Permit plat approved for the property reflects a place of worship. The only changes that might be made in the future would be in an effort to accommodate and meet the handicapped accessible provisions of the Code to the extent feasible, given the existing site and building conditions.

- **A statement which confirms the ownership of the subject property and nature of applicant's interest in same.**

The owner is Washington Elim Presbyterian Church of which Robert A. Strom, who has signed the Consent Form, is a Trustee.

After your Staff has had an opportunity to review this application, we would appreciate an opportunity to meet with you and your staff to go over the application. We previously had a Preapplication meeting.

Sincerely,



Jane Kelsey

RECEIVED
 Department of Planning & Zoning
 AUG 29 2011
 Zoning Evaluation Division

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FAITH BIBLE PRESBYTERIAN CHURCH, SP 98-D-049 Appl. under Sect(s). 3-403 of the Zoning Ordinance to permit church and related facilities. Located at 6901 Haycock Rd. on approx. 1.21 ac. of land zoned R-4. Dranesville District. Tax Map 40-4 ((1)) 8 pt. (MOVED FROM 1/26/99). Mr. Hammack 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 November 24, 1998; and

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

1. The applicant is the owner of the land.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-403 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, 6901 Haycock Road (1.21 acres), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by B.C. Consultants dated, June 1998, as revised through October 23, 1998, 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 (DPW&ES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The seating capacity of the sanctuary shall not exceed 288. There shall be a minimum of 72 parking spaces. All parking shall be on-site as shown on the special permit plat.

6. The existing vegetation, proposed landscaping and tree save area shall be maintained and preserved and shall be deemed to satisfy the transitional screening along the north and west property lines. A single row of evergreen trees planted eight (8) foot on center shall be planted along the east property line. The species of these evergreens shall be determined between the applicants and the Urban Forestry Branch of the Department of Public Works and Environmental Services (DPW&ES) at the time of site plan review. In the event that any of the existing vegetation must be cleared as a result of final engineering, equivalent landscaped areas shall be substituted on the site as determined by the Urban Forestry Branch.
7. The barrier requirements shall be waived along the east and west property lines. A six-foot high solid wood fence shall be provided along the northern property line between the proposed limits of clearing and grading and the edge of the parking lot.
8. Interior parking lot landscaping shall be provided in accordance with the provisions of Sect. 13-106 of the Zoning Ordinance.
9. Any existing lighting of the parking lot shall not be increased in height and the lights shall be of a design which focuses the light directly on the subject property and shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
10. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
11. The existing chain across the site entrance shall be moved back from Haycock Road to the opening of the parking lot in order to provide adequate space for vehicles to pull off from Haycock Road. Reflective markers shall be permanently added to the chain.

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 subdivision of Lot 8 [Tax Map Number 40-4 ((1)) 8] has been recorded among the land records of Fairfax County and construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Ribble seconded the motion which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on December 2, 1998. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

A handwritten signature in cursive script, appearing to read "Deborah Hedrick", is written over a horizontal line.

Deborah Hedrick, Deputy 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.