



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
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V I R G I N I A

February 14, 2002

Molly E. Harbin
Land Use Planner
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

Re: Interpretation for RZ 1999-MV-007 and SP 99-V-013: Reconfiguration of
Parking Lot, Canopy and Stormwater Management Facility

Dear Ms. Harbin:

This is in response to your letter of January 14, 2002, requesting an interpretation of the proffers and development conditions for the Trustees of Mount Vernon Congregation of Jehovah's Witnesses. The proffers were accepted by the Board of Supervisors on June 28, 1999, in conjunction with the approval of Rezoning Application RZ 1999-MV-007. Special Permit SP 99-V-013 was approved by the Board of Zoning Appeals on June 29, 1999, for a church and related facilities, subject to development conditions, dated June 28, 1999. As I understand it, the question is whether a reconfiguration of the proposed parking lot, a canopy for the building entrance and a change to the stormwater management facility would be in substantial conformance with the proffers, Generalized Development Plan (GDP), Special Permit (SP) Plat and development conditions. This determination is based on the Zoning Exhibit, dated February 6, 2002, prepared by Toan T.V. Nguyen and Associates, and your letter of January 14, 2002. A copy of the above referenced letter and the exhibit are attached.

In your letter, you state that under the proposed layout, the primary building entrance would be relocated from the east side of the building to the north side of the building in order to better serve the congregation members and to improve on-site circulation. A canopy is proposed to cover the driveway in the area of the proposed primary entrance. In addition, you note that the new parking configuration would provide an increase in parking spaces from 55 to 66. Finally, you propose to construct an above-ground stormwater management facility, rather than the underground facility depicted on the proffered GDP and approved SP Plat. This facility would be in the same location (between the proposed building and Holland Road) as the underground facility depicted on the proffered GDP and approved SP Plat.

Ms. Molly E. Harbin

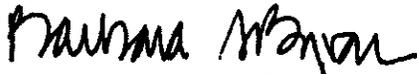
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According to your letter and the attached exhibit, the proposed parking lot and reconfigured stormwater management facility would not reduce the 25-feet of approved transitional screening nor the amount of landscaped open space.

It is my determination that the proposed parking lot layout, canopy and change in stormwater management facility would be in substantial conformance with the proffers, the GDP, the SE Plat, and development conditions, so long as the amount of open space, landscaping and tree cover provided under the original GDP/SP Plat is not changed. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Cathy Lewis at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Gerry Hyland, Supervisor, Mount Vernon District
John Byers, Planning Commissioner, Mount Vernon District
Jane W. Gwinn, Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
File: RZ 1999-MV-007, SP 99-V-013

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January 14, 2002

VIA HAND DELIVERY

Barbara A. Byron
Director, Zoning Evaluation Division
12055 Government Center Parkway
Suite 800
Fairfax, Virginia 22035

Re: RZ 1999-MV-007 and SP 99-V-014
102-1 ((1)) 38A
Interpretation for Trustees of Mount Vernon Congregation of Jehovah's
Witnesses

Dear Ms. Byron:

This letter respectfully requests your determination on the matter described below.

I. Background

On June 29, 1999 the Fairfax County Board of Supervisors approved the above-referenced Rezoning (the "Rezoning") and on June 29, 1999 the Fairfax County Board of Zoning Appeals approved the above referenced Special Use Permit (the "Special Use Permit") (collectively the "Approvals"). The Rezoning changed the zoning classification of the above-referenced property (the "Property") from PDH-8 to R-5. This change in zoning was necessary, as a place of worship is not allowed in "P" Districts, but are in "R" Districts by Special Permit. Under the existing and valid Special Permit the Property is approved for a 5,500 square foot, 220 seat church and related facilities with a minimum of 55 parking spaces.

II. Issue

This interpretation respectfully requests your determination that the attached zoning exhibit (the "Zoning Exhibit") is in substantial conformance with the approved site development plan (the "Plan") for the Property, dated May 1999 and revised to June 25, 1999. For your convenience the Plan is attached as the last three sheets of the Zoning Exhibit. Subsequent to approval of the Rezoning and Special Permit the Trustees of the Mount Vernon Congregation of Jehovah's Witnesses have made minor modifications to their plan for development that we believe are minor and are an improvement over what was approved for the Property. Minor modifications to approved Special Permits are allowed under §8-004 (4) (b) of the Fairfax County Zoning Ordinance.

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ZONING EVALUATION DIVISION

III. Justification

Per §8-004 (4) (b) of the Zoning Ordinance the minor modifications depicted on the Zoning Exhibit are intended to improve site layout, design, vehicular circulation, and in no way:

1. Propose an expansion in the approved hours of operation;
2. Propose an increase in the approved number of seats;
3. Propose additional uses on the Property; and
4. Propose building additions or an increase in Floor Area Ratio ("FAR") on the Property.

Primary Building Entrance

To better meet the needs of congregants the primary building entrance has been relocated to the north side of the building. The entrance on the Plan would require congregants to walk around the entire building from the rear parking lot to access the primary entrance. The Zoning Exhibit depicts a canopy covering the driveway in the area of the proposed primary entrance. We believe the proposed entrance shall improve on-site circulation and improve the appearance of the Property along Holland Road.

Increase in Parking Provided

The Zoning Exhibit depicts an increase in parking spaces from 55 to 72. The approved Development Conditions require a minimum of 55 parking spaces on the Property. An increase in the number of parking spaces does not violate the approved Development Conditions. The proposed increase in parking spaces is in response to anticipated demand for spaces by congregants.

Stormwater Management

The Zoning Exhibit depicts a stormwater management pond in the general location of the underground stormwater facility on the Plan. A stormwater management pond is more financially feasible for the congregation to construct than an underground facility. The stormwater management pond shall be planted to the extent feasible and to the extent allowed by the Department of Public Works and Environmental Services ("DPWES"). A planted stormwater management pond shall enhance the buffering along Holland Road. In addition, the stormwater management pond provides a more pleasant visual amenity than the paved drop-off area depicted on the Plan.

Site Entrance Location

The Zoning Exhibit depicts the site entrance shifted slightly south and widened to provide two lanes for ingress and two lanes for egress. The proposed entrance is also better aligned with the Mount Vernon Governmental Center located across Holland Road.

Set-backs

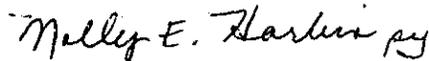
The buffer area along the western lot line remains the same on the Zoning Exhibit. The buffer area along the drive aisle adjacent to the northern lot line is increased by 31 feet. The

buffer area along the southern lot line is decreased by up to 30 feet. This decrease is to allow for the increase in parking provided and to provide enhanced vehicular circulation over that provided on the Plan. Additionally, the footprint of the proposed building is reduced from the approved 5,500 square feet to 5,000 square feet. We believe that this reduction in building footprint and overall change in set-back do not compromise the buffering provided to adjacent properties.

IV. Summary and Conclusion

In short, there are differences between the approved Plan and the Zoning Exhibit, which we believe are minor and that the Zoning Exhibit is in substantial conformance with the approved Plan. Furthermore, we believe that the changes to the primary building entrance, parking provision, stormwater management, and site entrance location are an improvement over the approved Plan. In conclusion, we respectfully request your determination that the Zoning Exhibit is in substantial conformance with the approved Plan. Thank you very much for your early consideration of this request. If questions arise, please do not hesitate to contact me directly at 703-712-5349.

Very truly yours,



Molly E. Harbin
Land Use Planner

cc: Cathy Lewis, Staff Coordinator for RZ 99-MV-007 and SP 99-V-013
Kenneth W. Getsinger
Lloyd A. Kaufman
Kenneth Williams
Gregory A. Riegler, Esquire, McGuireWoods