



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 26, 2012

Fr. Patrick Holroyd
St. Mark Catholic Church
9970 Vale Road
Vienna, VA 22181-4005

Re: Interpretation for SE 00-H-028, Tax Map 37-4-01-0042, St. Mark Catholic Church:
Hours of Operation

Dear Fr. Holroyd:

This is in response to your letter of March 20, 2012 (attached), requesting an interpretation of the Special Exception (SE) development conditions approved by the Board of Supervisors in conjunction with the SE 00-H-028. As I understand it, the question is whether the proposed change in the hours of operation for the private school of general education would be in substantial conformance with the development conditions. This determination is based on your letter of March 20, 2012, and the approved development conditions which are attached.

On February 26, 2001, the Board of Supervisors approved SE 00-H-028, subject to development conditions, in the name of Catholic Diocese of Arlington to allow a place of worship with a nursery school, child care center, and private school of general education. Development Condition 7 states in part the following:

... The hours of operation for the private school of general education shall be from 9:00 am to 3:30 pm Monday through Friday for regular school hours, and extracurricular activities shall be permitted after regular school hours...

According to your letter, the Bishop of the Catholic Dioceses of Arlington, Virginia, is asking to increase the hours of instructional time of the school by 30 minutes. Therefore, the overall school day would be from 8:30 am to 3:30 pm, instead of the current hours of 9:00 am to 3:30 pm.

Par. 2 of Sect. 9-004 of the Zoning Ordinance states the following:

“Once established, the use shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this

Fr. Holroyd
April 26, 2012
Page 2

Ordinance.... No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception shall be modified unless an application is made and approved for an amendment to the special exception in accordance with Sect. 014 below or a new special exception is approved.”

Given that Development Condition 7 is explicit, it is my determination that the proposed change in the hours of operation for the private school of general education is not in substantial conformance with SE 00-H-028. In order to increase the hours of operation, the submission of a special exception amendment application and its approval by the Board of Supervisors would be required. 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 Lisa Feibelman at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

O:\feibe\Interpretations\Special Exception\SE 00-H-028 St. Marks - Hours of Operation.doc

Attachments: A/S

cc: Catherine M. Hudgins, Supervisor, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SE 2000-H-028, SEI 12 03 009, Imaging, Reading File



ST. MARK Catholic Church

9970 Vale Road
Telephone (703) 281-9100

Vienna, Virginia 22181-4005
Fax (703) 281-0675

March 20, 2012

RECEIVED
Department of Planning & Zoning

MAR 23 2012

Zoning Evaluation Division

Ms. Barbara C. Berlin
Director, Zoning Evaluation Division
Department of Planning and Zoning
Fairfax County Government
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035

Re: Minor Modification to Special Exception Application Number SE 00-H-028

Dear Ms. Berlin:

In conformance with Articles 9 and 18 of the Fairfax County Zoning Ordinances, I am writing to seek your interpretation on a desired modification to condition #7 of the Special Exception Application Number SE 00-H-028, which was adopted by the Fairfax County Board of Supervisors on February 26, 2001.

As the Pastor of *ST. MARK* Catholic Church located at 9970 Vale Road (Tax Map 37-4 ((1)) 42), I have been asked by Sister Bernadette McManigal, BVM Superintendent of Schools on behalf of Rev. Paul Loverde, Bishop of the Catholic Dioceses of Arlington, Virginia, to explore the possibility of increasing the instructional time of the school day at the *ST. MARK* Catholic School by 30 minutes, thereby increasing the overall school day from 9:00 A.M. to 3:30 P.M., to 8:30 A.M. to 3:30 P.M. This is a policy change that will go into effect throughout the Dioceses in the 2012/2013 school year.

Condition #7, as approved by the Fairfax County Board of Supervisors states:

"The hours of operation for the church and its associated activities occurring on-site; which may include worship services, religious education, community service and social events, shall be limited to the hours of 6:00 am to 10:00 pm on weekdays, and 8:00 am to 11:00 pm on weekends. However, services may be permitted beyond those hours up to two (2) times per year to permit special events such as midnight services on Christmas Eve.

"The maximum hours of operation of the nursery school shall be from 9:00 am to 1:00 pm, Monday through Friday. The maximum hours of operation

for the private school of general education shall be from 9:00 am to 3:30 pm Monday through Friday for regular school hours, and extracurricular activities shall be permitted after regular school hours, with evening activities permitted until 10:00 pm weekdays. Student activities sponsored by the school shall be permitted on a maximum of two (2) Saturdays per month between the hours of 9:00 am and 11.00 pm. A maximum of 30 students enrolled in the private school shall be permitted to arrive for child care beginning no earlier than 7:00 am. A maximum of 50 students enrolled in the private school, if not involved in other extracurricular activities shall be permitted to remain no later than 6:00 pm for child care.

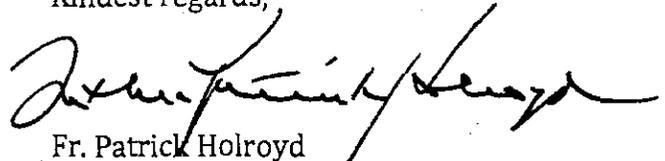
"The school building, including the gymnasium, shall not be rented out for general use by the public. However. Community organizations such as boy scouts, local civic associations, and other community activity groups may be permitted to use the facilities on a pro-bono basis."

Given that the desired modification is being proposed in light of the Bishop of Arlington's request, and is therefore accessory, as the term is used in Article 9-004 of the Fairfax County Zoning Ordinance, and that the desired modification does not affect the over all hours of operation of the entire *ST. MARK* facility, nor the allowable hours of availability of the facility for school-related activities, nor does the desired modification entail any changes in the physical characteristics of the *ST. MARK* facility, I therefore ask that you deem this desire modification a minor modification and grant, without further administrative proceedings that *ST. MARK* Parish be allowed to increase its school day by 30 minutes to 8:30 A.M.

I am available to answer any additional questions you or your staff may have regarding this request.

Thank you in advance for your very thoughtful consideration.

Kindest regards,



Fr. Patrick Holroyd
Pastor

Enclosure