



# County of Fairfax, Virginia

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

May 2, 2012

Lori Greenlief  
McGuire Woods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102-4215

Re: Interpretation for SEA 84-D-086-5, Langley School, Tax Map 30-1 ((1)) 42A, 43, and 30-1 ((22)) 2A: Limited Child Care for School Faculty/Staff

Dear Ms. Greenlief:

This is in response to your revised letter of April 10, 2012, which supersedes your previous letter of January 25, 2012, requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with SEA 84-D-086-5. As I understand it, the question is whether the provision of limited child care services for children of faculty and staff at the Langley School would be in substantial conformance with the SEA Plat and development conditions. This determination is based on your letter and the development conditions. Copies of your letter and the development conditions are attached.

The Langley School is governed by SEA 84-D-086-5, which was approved by the Board of Supervisors on October 20, 2003, to permit a private school of general education, subject to development conditions. Development Condition 4 states that "*The maximum number of students enrolled shall be limited to 564. Enrollment shall be limited to preschool through 8<sup>th</sup> grade.*" Development Condition 21 states that "*The maximum daily enrollment in the Pre-Kindergarten program shall be 83, subject to Health Department approval.*"

As I understand it, the Langley School operates as a private school of general education that includes preschool through 8<sup>th</sup> grade. You state that the current preschool program for children ages 3-5 has been a part of the Langley School since its inception in 1942. You also note that the school operates an after school extended care program until 6 pm.

You are now proposing to provide limited child care services for the children of faculty members and other staff at the school. According to your letter, the maximum number of children in the program would be twelve. You have advised staff that the children would range in age from infants to three years of age and that many of them would eventually be enrolled in the pre-kindergarten program of the private school of general education. The child care services would be provided during the approved hours of operation for the classroom activities, Monday through Friday. You state that the proposed program would utilize two rooms in the Athletic Center



Lori Greenlief

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building and that no new construction would be required. The program would not be open to the public. You point out that the providers working in the child care center would be employees of the school who would also serve in other capacities, such as the after school program. The program would be regulated by the Virginia Department of Social Services. An existing grassed area adjacent to the Athletic Center would be used as a dedicated outdoor play area, subject to State regulations regarding the size and physical requirements for play areas.

You assert that the proposed limited child care is accessory to the approved private school of general education. In addition, you indicate that no additional traffic would be generated as the children would arrive and depart with a parent and the care providers would be current school employees. No physical changes to the site would be required.

Based on the above, it is my determination that the proposed faculty/staff limited child care services, discussed above and described in your letter, would be in substantial conformance with SEA 84-D-086-5, provided that the maximum number of children in the program does not exceed 12; that the children are infants to three years in age and do not qualify for the regular preschool program; that the services are limited to children of faculty/staff only; that services are provided during regular school hours only; and, that staffing for the program is provided by staff of the preschool, after school program and other existing school programs. In the event that these conditions are not met, the proposed activity would not be accessory to the approved school of general education and a special exception amendment would be required to permit the additional use.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and addresses only the issues described herein. If you have any questions regarding this interpretation, please contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



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

H:\SE Interpretations\Langley School (SEA 84-D-086-5) 2008 Faculty, Staff Child Care.doc

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District  
Jay P. Donahue, Planning Commissioner, Dranesville District  
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ  
Angela Rodeheaver, Chief, Site Analysis Section, DOT  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: SEA 84-D-086-5, SEI 1201 005; Imaging, Reading File

McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
Tysons Corner, VA 22102-4215  
Phone: 703.712.5000  
Fax: 703.712.5050  
www.mcguirewoods.com

Lori Greenlief  
Direct: 703.712.5433

McGUIREWOODS

lgreenlief@mcguirewoods.com  
Direct Fax: 703.712.5050

April 10, 2012

Ms. Barbara Berlin, Director  
Zoning Evaluation Division  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

RE: (Revised) Interpretation for SEA 84-D-086-5, The Langley School, Tax Map 30-1((1))42A, 43, and 30-1((22))2A

Dear Ms. Berlin:

This letter is a revision to the above request and should supersede my previous letter of January 25, 2012 on this topic. The purpose of this letter is to request an interpretation as to whether a child care service program, as described below, to be operated on the site of the Langley School is in substantial conformance with the approved special exception.

#### Current Operation

Langley School is currently operating pursuant to SE 84-D-086-5 as a private school of general education with a maximum daily enrollment of 564 students, grades preschool through 8<sup>th</sup> grade. The current preschool has been a part of the Langley School since its inception in 1942 and thus, is part of the school of general education and is covered under that definition. The school also operates an after school extended care for existing students until 6pm which is also allowed under the definition of private school of general education.

#### Request

The School desires to include child care services for the children of faculty members at the school. The maximum number of children in the child care program would be very small, only 12. It is also anticipated, although would not be required, that

these children would eventually be enrolled in the private school of general education. The proposed program would utilize two rooms within the Athletic Center building, an existing building on the property. No changes to the special exception plat would be necessary. The child care program would not be open to the public; it would only serve current faculty members. The providers working in the child care center will be current employees of the School who are serving in other capacities. The program would be regulated by the Virginia Department of Social Services. There will be a dedicated outdoor play area, an existing grassed area adjacent to the Athletic Center, as required by the State commensurate with the numbers and ages of children in the child care service program

The child care service, as described, is clearly subordinate/accessory to the private school in terms of enrollment size, square footage and general intensity. There would be no additional traffic generated, as the children would arrive with faculty members and the teachers are on site serving in other capacities.

The proposed child care service program for the faculty meets the Zoning Ordinance definition of "accessory" as provided in Article 20 of the Zoning Ordinance as outlined below:

1. The child care program is clearly subordinate to the principal use on the property. Additionally, it is customary to find employee child care centers associated with various kinds of principal uses in the County.
2. The child care program is subordinate in purpose, area or extent to the principal use served as described above. It represents less than 1% of the total maximum square footage per the approved special exception.
3. The child care program contributes to the comfort and convenience of the occupants, in this case the faculty of the private school; and
4. The child care program will be located on the same lot as the principal use.

Further, the standards of Par. 4A of Sect. 9-004 are met in that there will be no increase in land area nor will a more intensive use be added, there will be no increase in the parking requirement, there will be no addition of a use that is not accessory to the principal use, the use will be contained in an existing building (with play area on an existing grassed area) so the effective of screening and buffering will not be affected and no buildings are added so there will be no changes to building size or orientation.

For the reasons stated in this letter, we respectfully request your determination that the proposed child care program for the faculty members at Langley School as outlined in this letter is accessory to the private school of general education use and is

April 10, 2012

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therefore in substantial conformance with the approved special exception governing the property.

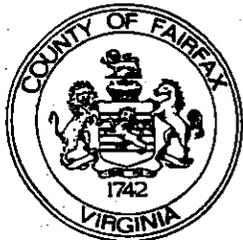
If you have any questions or need additional information, please do not hesitate to call me.

Best Regards,

A handwritten signature in black ink, appearing to read "Lori Greenlief". The signature is written in a cursive style with a large initial "L" and "G".

Lori Greenlief

cc: Robert Kuklewicz, Langley School



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

November 12, 2003

Jonathan P. Rak, Esquire  
McGuire, Woods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, Virginia 22102-3915

RE: Special Exception Amendment Application  
Number SEA 84-D-086-5

Dear Mr. Rak:

At a regular meeting of the Board of Supervisors held on October 20, 2003, the Board approved Special Exception Amendment Application Number SEA 84-D-086-5 in the name of The Langley School, at 1411 Balls Hill Road, Tax Map 30-1 ((1)) 42A, 43 and 30-1 ((22)) 2A, to amend SE 84-D-086 previously approved for a private school of general education to permit increase in enrollment, building additions, change in development conditions and site modification, pursuant to Sections 3-304 and 9-301 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions; previous conditions are designated by an asterisk (\*).

- \*1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- \*2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions. Minor modifications to the approved Special Exception Amendment may be permitted, pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- \*3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled **The Langley School and prepared by Christopher Consultants** which is dated October 2, 2003, and these conditions.

4. The maximum number of students enrolled shall be limited to 564. Enrollment shall be limited to preschool through 8<sup>th</sup> grade.
- \*5. The maximum FAR shall be 0.25, including any temporary classroom trailers that may be located on the site.
- \*6. Hours of operation for classroom activities shall be limited to the hours between 8:00 A.M. and 6:00 P.M., Monday through Friday. Meetings with parents and other meetings held on-site shall end by 10:00 P.M. Special school events, which shall not include community events and which shall not exceed more than two (2) per year, shall end by 12:00 A.M.
7. The number of parking spaces provided shall be 152; 119 on site including 104 car spaces, 10 bus parking spaces, and 5 handicapped accessible spaces. Thirty-three (33) off-site parking spaces on the adjacent American Legion property, permitted by a shared parking agreement between the two parties, shall also remain available for school use.
- \*8. The transitional screening requirement along the northern and eastern boundaries shall be modified in favor of existing vegetation. The transitional screening requirement along the west, adjacent to Balls Hill Road, shall be modified in favor of a landscape plan which, in addition to the trees shown on the plat, provides evergreen plantings to screen the parking lot from the residences to the west. Such landscape plan shall be approved by the Urban Forestry Division and returned to the Planning Commission for approval. All existing and proposed vegetation shall be subject to a determination by the Urban Forestry Division, DPWES, as to the size, number and adequacy of landscaping to provide continuous and viable screen or buffer area.
- \*9. No construction vehicles shall access this site via Evans Mill Road.
- \*10. Stormwater Management shall be provided on-site in accordance with the Public Facilities manual, as determined by the Director, DPWES. Appropriate Stormwater Management and BMP practices shall be provided with phases of construction, as deemed appropriate by DPWES.
- \*11. Limits of clearing and grading shall be defined on the site plan to prevent disturbance within the area depicted on Sheet 2 of 4 of the Special Exception Amendment Plat on the north, south, east, and southwest which are labeled "Existing Trees to be Preserved". Limits of clearing and grading along the south shall be shifted northward to avoid disturbance in the vegetated area which contains hydric soil to the extent feasible, subject to Urban Forestry approval. Limits of clearing and grading shall be strictly adhered to during all phases of construction. Due to the presence of sensitive

soils in the area, additional silt and erosion controls shall be provided during all construction phases, if determined to be necessary by DPWES. These controls shall be in excess of the minimum standards, as determined by DPWES.

12. There shall be a maximum of five (5) trailers on site at any one time. Skirting or other architectural treatment shall be provided on each of the temporary trailers to enhance their visual appearance. The temporary trailers shall be permitted to be located as shown on the Special Exception Amendment Plat and shall be removed when the Non-Residential Use Permit is issued for the classroom buildings identified within each of the phases identified on Sheet 4.
- \*13. The materials and design of the proposed new buildings shall be compatible with the surrounding neighborhood and consistent with a high-quality academic campus. No new buildings shall be "Butler style buildings" (constructed of pre-fabricated metal siding), although metal classroom trailers may be used on a temporary basis during construction of the classroom buildings. Elevation drawings and a description of the materials for the exterior skin of the building shall be submitted to the Department of Planning and Zoning (DPZ) to confirm compliance with this condition. DPZ shall review the submission within forty-five (45) days. A copy of such drawings and description of materials will be made available at the McLean Governmental Center and the presidents of homeowners associations in McLean Knolls, McLean Station, Evans Mill Pond and Springside Way will be notified by the applicant at the time of submission of the availability of the drawings.
- \*14. A program to encourage and assist organization of student and employee carpools shall be instituted and maintained indefinitely. School bus service shall be made available where routing is practically feasible, as determined by the Langley School.
- \*15. All signs, existing and installed in the future, shall conform with the regulations of Article 12 of the Fairfax County Zoning Ordinance.
- \*16. Peripheral parking lot landscaping shall be installed to meet Zoning Ordinance requirements, to the satisfaction of the Urban Forestry Division of DPWES.
- \*17. Langley School shall provide regular notice to faculty and parents requesting that they not park on neighborhood streets. Such notice shall include a sign posted near the parking lot exit which states "Please do not park on local streets." Notice shall also be included in the Parent's Handbook along with a summary of parking regulations on public streets.
- \*18. Use of the auditoriums and other facilities of the school shall be limited to school and community events and activities. The facilities shall not be rented for commercial purposes; however, the school may charge a fee to cover expenses to the community and civic organizations which use the facilities.

- \*19. If the number of special events (including community events) requiring parking for more than 160 vehicles exceeds eight (8) such events during a school year, the Langley School will arrange for alternative off-street parking to accommodate each event in excess of 8 per year.
20. Prior to the issuance of a Non-RUP for any new building, parking and vehicular circulation improvements shall be completed. Landscaping along Balls Hills Road and within the parking lot shall be installed within 60 days following completion of the parking lot and entrance, subject to Urban Forestry approval.
21. The maximum daily enrollment in the Pre-Kindergarten program shall be 83, subject to Health Department approval.
22. If the site is determined to contain any wetland area(s) which are impacted by proposed construction, compliance with § 404 of the Clean Water Act shall be demonstrated to the satisfaction of DPWES.

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 himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, three years (36) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The use shall be deemed established with the commencement of the Phase I of construction. The Board of Supervisors 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 Exception Amendment. 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.

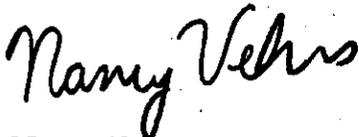
**The Board also:**

- **Modified the transitional screening requirements along the northern and eastern boundaries in favor of the existing vegetation, subject to the proposed development conditions dated October 8, 2003.**
- **Modified the transitional screening requirements along the western boundary in favor of the existing and proposed vegetation, subject to the proposed development conditions dated October 8, 2003.**

- **Modified the barrier requirement, subject to the proposed development conditions dated October 8, 2003.**
- **Waived the service drive requirement along Dolly Madison Boulevard.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor Mendelsohn, Dranesville District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB  
Audrey Clark, Director, BPRD, DPWES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPWES  
DPWES - Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools