

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE (ST. AMBROSE CATHOLIC CHURCH AND SCHOOL), SPA 76-M-086-05 Appl. under Sect(s). 8-308 of the Zoning Ordinance to amend SP 76-M-086 previously approved for a place of worship and private school of general education to permit the addition of a nursery school and site modifications. Located at 3825 Woodburn Rd., Annandale, 22003, on approx. 13.68 ac. of land zoned R-1 and R-2. Mason District. Tax Map 59-3 ((1)) 11A. (Admin. moved from 5/8/13 at appl. req.)(Decision deferred from 6/12/13.) Mr. Smith 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 June 19, 2013;

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

1. The owner of the property is the applicant.
2. The present zoning is R-1 and R-2.
3. The total area of the lot is 13.68 acres.
4. There has been a great deal of discussion and analysis on this application and rightly so.
5. A number of the Board of Zoning Appeals members, subsequent to last hearing, went out and visited the property. It does require extensive walking on the property. Mr. Smith was out there on Saturday and had an opportunity to speak to the pastor and the school principal and walked through towards the end of the Stations of the Cross and all through the perimeter of the property.
6. There are a significant number of trees that are down, and it is hard to tell why. Some of that is just the natural progression of things. When you see a heavily wooded area like this which provides substantial screening, it does provide a very nice benefit to the surrounding property owners.
7. A key concern of all is the safety issue, and that was the large reason the Board deferred this for a week, to make sure to have the I's dotted and the T's crossed on that issue.
8. Mr. Smith saw a lot of trees that were down and two standing trees that caused concern that were dead.
9. The Board got the December 3, 2012, letter from the Urban Forest Management Division that referenced the number of trees that will be removed. There has been a fair amount of homework that has been done, and the Board is able to cover this issue in a development condition because the Church wants to make sure that those trees are removed and done in compliance with all County requirements and make sure they have the proper approvals to do that.
10. The Board has a development condition that will address that issue because everybody's concerns are aligned on making sure that public health, safety, and welfare are protected and removing any trees that pose any type of a danger.
11. There are a number of fallen trees that just seems to be the natural progression of things and provides some level of wildlife habitat. The issue is things that are going to pose a safety hazard, and that is why the development condition is so important.

12. In the scheme of things, this application itself has very little impact on the surrounding community. There is no change in floor area ratio, no change in the parking lot, no increase in impervious area, and no change in number of employees, so it is a relatively modest impact.
13. The Department of Transportation did not have any concerns.
14. There is a small increase in the number of students up to 10, for a maximum of 260.
15. There is a reference in the staff report that 300 children were approved back when this thing was originally approved.
16. Be that as it may, it is a relatively minor impact from this new development, so the focus has been on making sure that there is compliance with the existing development conditions.
17. With the changes that have been proposed by the applicant in the conditions dated June 15, 2013, the issues have been addressed that were raised last week regarding the carpool program and the additional measures that would be taken by the church to ensure and encourage carpooling of students. That was well covered in the proposed development conditions from the applicant.
18. The concern regarding the transitional screening and vegetation was addressed in proposed Development Condition 20 that was modified by the applicant. There is significantly more screening here in many areas than you would normally require, which is a benefit to the community.
19. The proposed Development Condition 23, which is largely addressing the concerns about the health and safety issues, making sure that any trees that are dead are removed, covers it.
20. The applicant proposed a condition and the County staff revised the condition, and both were distributed at the meeting. The condition as modified by the County is appropriate.

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 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, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (St. Ambrose Catholic Church and School) and is not transferable without further action of this Board, and is for the location indicated on the application, 3825 Woodburn Road (13.68 acres), and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat titled "Special Permit Amendment Plat, Saint Ambrose Parish," prepared by John C. Manganello, P.E., Land Development Consultants, Inc. dated January 9, 2013 and as revised through May 31, 2013 and approved with this application, as qualified by these development conditions.
3. A copy of this special permit amendment 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 amendment 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 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 maximum number of seats in the church shall be six hundred (600).
6. All parking shall be on site as depicted on the special permit amendment plat. A parking reduction shall be obtained through DPWES as required for Sect. 11-106.3 of the Zoning Ordinance prior to issuance of a Non-RUP for the nursery school to permit the shared use of the church, parking lot for both the church use and school uses. If approval of a parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the school of general education or nursery school shall be reduced to meet the parking requirements as determined by DPWES.
7. The applicant shall manage a formal carpool program with a goal of 40% of the students in the school and nursery school participating in the program. The applicant shall take the following measures to encourage the carpooling of students:
  - (i) The school shall maintain zip code records and provide a matching service for parents;
  - (ii) A table shall be provided at the welcome back social event to provide information regarding carpooling and to introduce parents with the goal of establishing carpools;
  - (iii) A priority lane shall be established for carpool vehicles; and
  - (iv) Information shall be included on the school's website regarding the benefits of carpooling.
8. The private school of general education and nursery school shall be limited to a total maximum daily enrollment of 260 students between the two uses.
9. The maximum total number of employees between the private school of general education and nursery school shall be limited to 32.
10. The hours of operation for the private school of general education shall be limited to a maximum time period of between 8:15 a.m. and 3:30 p.m. with reasonable accommodation for drop-off and pick-up of students before and after school. Evening hours until 11:00 p.m. shall be permitted for related school activities.
11. The hours of operation for the nursery school shall be limited to a maximum of two sessions of three hours each starting no earlier than 8:15 a.m. and ending by 3:30 p.m.
12. Prior to construction of the playground area and issuance of a Non-RUP for the nursery school, the services of a Certified Arborist or Registered Consulting Arborist shall be retained, and the limits of disturbance marked shall be marked with stakes and a continuous line of

flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of disturbance with a Urban Forestry Management Division (UFMD) representative to determine where adjustments can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of disturbance, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed by hand as part of the clearing operation. All trees that are designated to be removed that are within the limits of disturbance shall be removed by hand through the use of a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. Any stump removal shall be done through the use of a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

13. The limits of disturbance shall be limited to the area as shown on the special permit amendment plat, subject to allowances specified in these conditions.
14. All trees outside the limits of disturbance are to be preserved and shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart shall be erected at the limits of disturbance as shown on the SPA.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any tree removals. The installation of all tree protection fencing shall be performed by hand under the supervision of a Certified Arborist or Registered Consulting Arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved.

15. All site work including but not limited to tree and shrub removal, tree pruning, play equipment installation, both tree preservation and playground fencing installation, and wood fiber installation shall be performed by hand, under the supervision of a Certified Arborist or Registered Consulting Arborist, in order to ensure that activities are conducted in a manner that does not negatively impact trees or their critical root zones within and surrounding the playground as approved by the UFMD. No wheeled or tracked equipment shall be used for any work onsite, unless specifically approved in writing by the UFMD.
16. Elevational pruning or pruning to raise, according to the most recent version of the ANSI A300 Pruning Standards, shall be done by an ISA Certified Arborist or Registered Consulting Arborist to provide the minimum clearance necessary for the play equipment.
17. Prior to issuance of the new non-residential use permit (Non-RUP), a field inspection shall be requested and be conducted by UFMD to verify all tree preservation activities have been completed and no additional tree preservation work is necessary.
18. All foundation plantings shall be maintained along the northern and eastern sides of the proposed structure. The species, size and location of the vegetation shall be as determined by the UFMD.

19. Interior parking lot landscaping shall be maintained in accordance with Article 13 of the Zoning Ordinance.
20. The existing vegetation may be utilized to fulfill the requirements for transitional screening on the northern, western and eastern lot lines, including the boundaries of adjacent Lot 18, as determined by the UFMD. Prior to the issuance of a new non-residential use permit (Non-RUP), the applicant shall coordinate an inspection of transitional screening by the UFMD. Replacement plantings as recommended by the UFMD for any vegetation which is dead, dying or less than six (6) feet in height shall be installed in a timely manner, but dependent upon the season in an effort to maximize survival.
21. The barrier requirement shall be waived along the northern, eastern and western lot lines.
22. Stormwater Management Best Management Practices (BMPs) shall be maintained as determined by DPWES.
23. The applicant shall monitor the health of the trees within the existing conservation easement. If it is determined by a Certified Arborist that trees within the conservation easement pose an unacceptable level of risk to the adjacent residential properties, the applicant shall clearly identify these trees in the field and shall contact the Urban Forest Management Division to seek approval for their removal. Subject to concurrence by the UFMD, trees identified as hazardous shall be removed and replacement plantings installed, if required by the UFMD. Said plantings shall be installed in a timely manner, but dependent upon the season in an effort to maximize survival. The applicant shall provide the name and telephone number of a contact person, at both the Parish and the Diocese of Arlington, to the president of the Winterset Varsity Park Civic Association for the purpose of reporting a potentially hazardous tree by an adjacent neighbor. Those trees identified in a letter dated December 3, 2012 to Mr. Paul Moeller from Nick Drunasky of the Urban Forest Management Division shall be removed no later than the issuance of a new non-residential use permit. (See Attachment 1)

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 use has been established. 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.

Mr. Beard seconded the motion, which carried by a vote of 5-0-1. Mr. Hammack abstained from the vote. Mr. Byers was absent from the meeting.

A Copy Teste:

A handwritten signature in black ink, appearing to read "Tameca N. Brown", is written over a horizontal line. The signature is somewhat stylized and includes a circular flourish.

Tameca N. Brown, Deputy Clerk  
Board of Zoning Appeals



# County of Fairfax, Virginia

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

December 3, 2012

Mr. Paul Moeller  
3901 Woodburn Road  
Annandale, VA 22003

RE: Request to remove trees in transitional screening yard at Saint Ambrose Catholic Church and School

Dear Mr. Moeller:

The Urban Forest Management Division (UFMD) staff received your phone request on November 15, 2012 to remove several trees located within the transitional screening yard and replace with new trees to maintain the intent of required transitional screening. On November 27, 2012, Nick Drunasky, Urban Forester II and Paul Moeller, Plant and Facilities Manager for Saint Ambrose met onsite to review trees identified in the field with orange flagging by Mr. Dane Kielsgard, Certified Arborist contracted by Saint Ambrose Catholic Church and School. The site inspection revealed that transitional screening consisted of the forest type known as Upland Forest (oak, hickory, yellow poplar, and Virginia pine, some of which had been impacted (uprooted) by Hurricane Sandy. The majority of the uprooted trees appeared to be in areas of lower elevation that likely experienced an increased level of drainage, combined with high winds during the storm. None of the site appears to be located within any Fairfax County Resource Protection Area or floodplain and the soils did not appear to be excessively moist anywhere within the transitional screening.

A visual evaluation of the trees of concern within the transitional screening area, conducted from the ground by UFMD, revealed evidence that would warrant removal of the following trees identified with red and white stripped flagging:

- Approximately 18 inch diameter scarlet oak with a hollow base and basal decay located on the side of 3801 Woodburn Road. To replace the lost canopy of this tree, one (1) Category IV tree such as swamp white oak, northern red oak, white oak, scarlet oak, chestnut oak, tulip poplar, American beech, pignut hickory, mockernut hickory, and bitternut hickory shall be planted during the spring planting season (March 1 – May 1). All deciduous trees being planted shall have a minimum caliper of two (2) inches.
- Approximately 12 inch diameter white oak with significant dieback and basal decay located behind 8517 Frost Way. No replacements are required due to existing vegetation present.

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Department of Public Works and Environmental 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](http://www.fairfaxcounty.gov/dpwes)



- Approximately 25 inch diameter sweeping, one-sided scarlet oak with some evidence of soil heaving located directly behind the shed at 8511 Frost Way. No replacements are required due to existing vegetation.
- Approximately 17 inch diameter scarlet oak in decline, with sweep, and some trunk decay located behind 8507 Frost Way. No replacements are required due to existing vegetation.
- Approximately 19 inch diameter dead scarlet oak located behind 8505 Frost Way. No replacements are necessary due to existing vegetation.
- Approximately 26 inch diameter scarlet oak with sweep and basal decay located behind 3810 Shelley Lane. To replace the lost canopy of this tree, four (4) Category IV tree such as swamp white oak, northern red oak, white oak, scarlet oak, chestnut oak, tulip poplar, American beech, pignut hickory, mockernut hickory, and bitternut hickory shall be planted during the spring planting season (March 1 – May 1). All deciduous trees being planted shall have a minimum caliper of two (2) inches.
- Approximately 18 inch diameter scarlet oak with soil heaving that is hung up on another tree located behind 3810 Shelley Lane. No replacements are required due to existing vegetation.
- Approximately 14 inch diameter dead scarlet oak located behind 3818 Shelley Lane. No replacements are required due to existing vegetation.

The Urban Forest Management Division does not believe there is sufficient reason identified or evidence regarding structural deficiencies to allow for the removal of the 14 other trees. All trees from the list that are approved for removal shall be removed by hand through the use of a chain saw and the stumps cut flush to the ground. Absolutely no heavy equipment shall be allowed within the transitional screening area. All branches shall be removed from the transitional screening area, while the trunks shall be cut into moveable pieces (18 inches long) and either removed from the site or left in place. Care shall be taken to minimize damage to nearby trees and vegetation during the tree removal. If further assistance is desired, please contact me at 703-324-1770.

Sincerely,

Nick Drunasky, Urban Forester II  
Urban Forest Management Division

/NJD  
ID#: 176500