



APPLICATION ACCEPTED: June 6, 2014
PLANNING COMMISSION: October 9, 2014
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

September 23, 2014



STAFF REPORT
APPLICATION SE 2014-HM-024
HUNTER MILL DISTRICT

APPLICANT: Mary Beth Swicord, d/b/a First Marks Art Studio
ZONING: PRC
PARCEL: 11-4 ((6)) 12
SITE AREA: 17,234 sq. ft.
PLAN MAP: Residential Planned Community
SE CATEGORY: Category 3, Quasi-public uses
PROPOSAL: To permit a private school of special education

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-HM-024, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of waivers of Sect. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements.

Staff recommends approval of a reduction of the parking requirement pursuant to Sect. 11-102 (4B) of the Zoning Ordinance to permit eight parking spaces instead of ten.

Carmen Bishop

It should be noted that it is not the intent of the 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

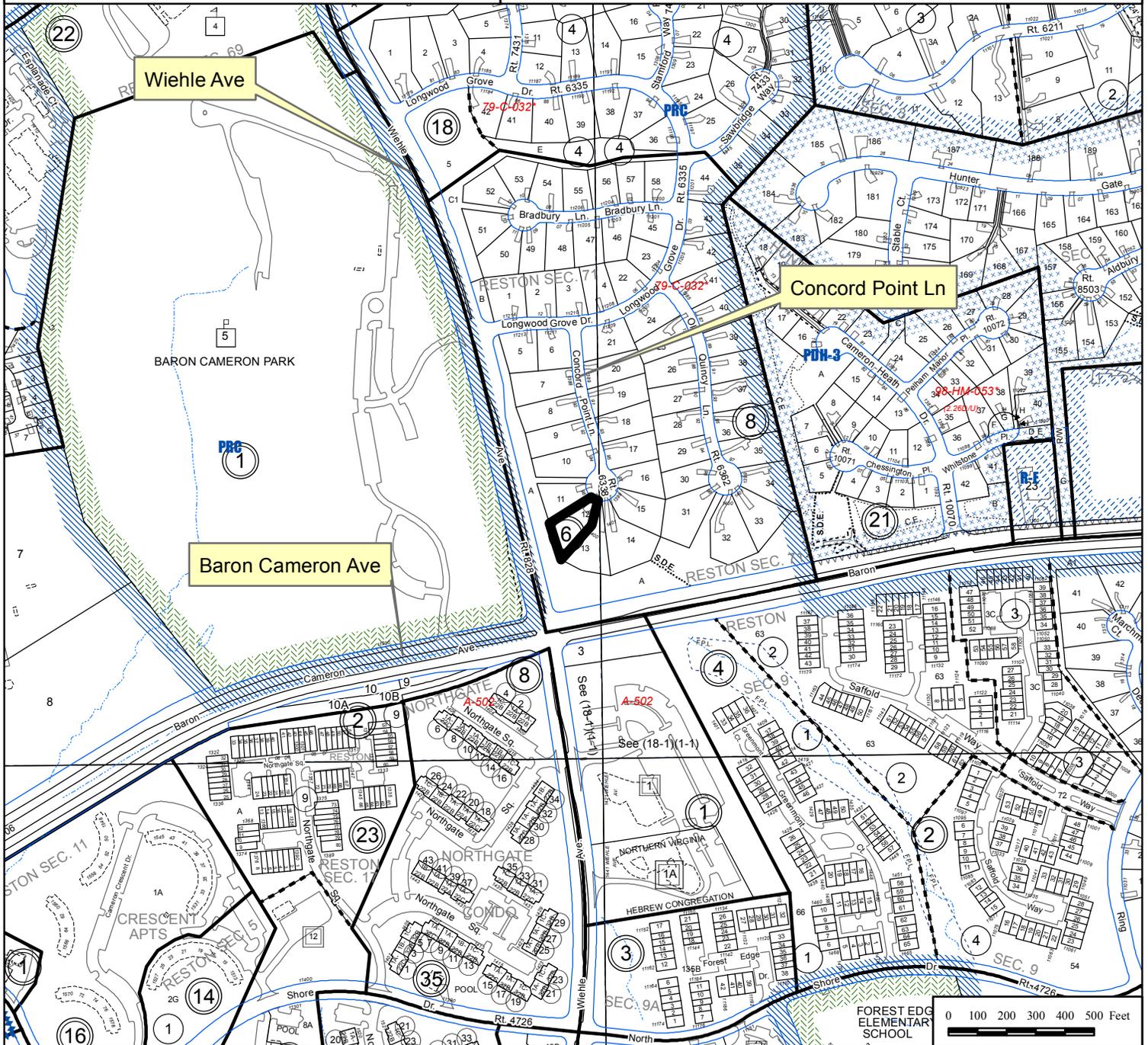
SE 2014-HM-024



Applicant: MARY BETH SWICORD D/B/A FIRST MARKS ART STUDIO
Accepted: 06/06/2014
Proposed: PRIVATE SCHOOL OF SPECIAL EDUCATION
Area: 17234 SF OF LAND; DISTRICT - HUNTER MILL

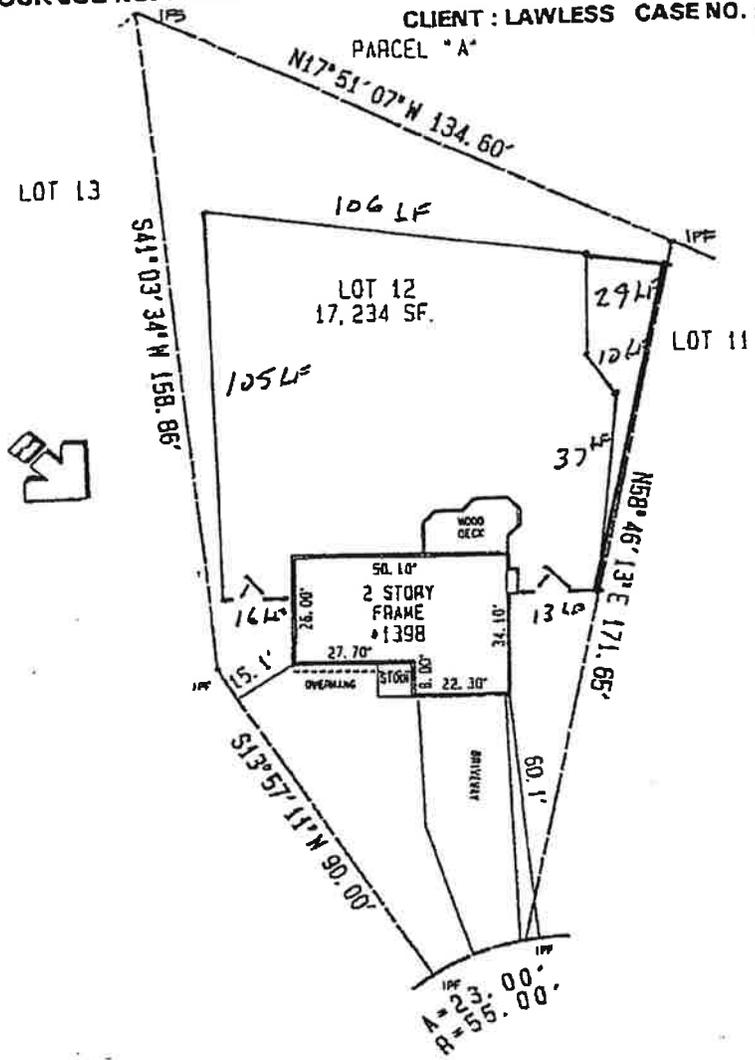
Zoning Dist Sect: 06-0304
Located: 1398 CONCORD POINT LANE, RESTON, VA 20194

Zoning: PRC
Plan Area: 3
Overlay Dist:
Map Ref Num: 011-4- /06/ /0012



OUR JOB NO. 980252

SETTLEMENT AGENT: KEY TITLE
 CLIENT : LAWLESS CASE NO. : WRS 5312 98



CONCORD POINT LANE
40' R/W

PHYSICAL IMPROVEMENTS LOCATION PLAT
LOT 12 SECTION 71 BLOCK 1
RESTON
FAIRFAX COUNTY, VIRGINIA SCALE: 1"=30'

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CERTIFIED REAL ESTATE SERVICES
 P.O. BOX 1908
 RESTON, VIRGINIA 20195
 703.758.5055 FAX 703.758.5054
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DESCRIPTION OF THE APPLICATION

The applicant, Mary Beth Swicord, d/b/a First Marks Art Studio, is requesting Special Exception approval for a private school of special education within the residence for the applicant and her family on her 17,234-square foot property located at 1398 Concord Point Lane. The property is developed with a single family house and the applicant is presently operating an art school under a Home Occupation permit, which limits enrollment to a maximum of four students at a time and eight in a day. No construction is proposed.

The school is proposed to operate as follows:

Regular School Year

| | | | | |
|-----------|----------------|------------------|-----------------|-----------|
| Mon – Fri | 2:00 – 8:00 pm | 6 students/class | 12 students/day | 2 classes |
|-----------|----------------|------------------|-----------------|-----------|

June – August

| | | | | |
|-----------|----------------|--|------------------|------|
| Mon – Fri | 8:30 – 5:00 pm | | 10 students/day* | camp |
|-----------|----------------|--|------------------|------|

* During the summer, arrivals and departures will be staggered to ensure that no more than **5 students** are scheduled to arrive or depart at one time.

The applicant would be the only instructor during the school year, but she would have one assistant during the summer. There would be a minimum of 30 minutes between classes.

A reduced copy of the Special Exception (SE) Plat is included in the front of this report. The proposed development conditions, the applicant's statement of justification and affidavit and are included in Appendices 1-3, respectively.

Waivers and Modifications

The applicant requests waivers of Sect. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements.

The applicant requests a reduction of the parking requirement pursuant to Sect. 11-102 (4B) of the Zoning Ordinance to permit eight parking spaces instead of ten.

LOCATION AND CHARACTER

The subject property, located on the cul-de-sac of Concord Point Lane in Reston, is surrounded to the north, east and south by single family detached dwellings. To the west along Wiehle Avenue is open space owned by the Reston Association. Across Wiehle Avenue is Baron Cameron Park. The subject property and immediate vicinity are zoned to the Planned Residential Community (PRC) District.



Source for both images: Fairfax County GIS, 2103 imagery

BACKGROUND

On March 3, 1980, the property was rezoned to Planned Residential Community (PRC) and approved for low density residential as part of RZ 79-C-032. The proffers and development plan do not address the possibility of additional uses within residential neighborhoods. The dwelling was built in 1984, and the applicant purchased the property in 1998. A Home Occupation permit for a tutoring service was issued to the applicant on October 6, 1998. The Zoning Administrator has interpreted teaching art classes as a tutoring service.

Based on a complaint, investigations found that the applicant was conducting art classes with students in excess of the number allowed with a Home Occupation permit. Sect. 10-302 of the Zoning Ordinance permits a school of special education as a Home Occupation provided the class size does not exceed more than four pupils at any given time and not more than eight pupils in any one day. In addition, no more than one nonresident person may be involved in a Home Occupation and the hours of the employee shall not exceed 8:00 a.m. to 5:00 p.m., Monday through Friday. The applicant acknowledged having up to ten students in group art classes. Notices of Violation were issued on October 31, 2013, and February 12, 2014. The applicant has since reduced the number of students to comply with the Home Occupation permit, while this application is pending.

COMPREHENSIVE PLAN PROVISIONS

The Fairfax County Comprehensive Plan, 2013 Edition, as amended through April 29, 2014, Upper Potomac Planning District, Reston Community Planning Sector, Land Use Plan, page 203, identifies the subject property for Low Density Residential. The property is designated on the Plan Map for Residential Planned Community.

ANALYSIS

Special Exception Plat

Because no land disturbing activities are proposed, a modification of the submission requirements was approved to allow the submission of a house location survey and a drawing of the interior of the art school. The SE Plat, titled "Physical Improvements Location Plat," prepared by Certified Real Estate Services, containing one sheet dated May 1, 1998, is included at the front of the report, and the floor plan is included in Appendix 2.

The SE Plat depicts the subject property, located at the end of Concord Point Lane, and the dwelling, its driveway, rear deck and fence. The floor plan depicts the studio space and adjoining restroom. File photographs are included in Appendix 2.

Special Exception Standards (Appendix 4)

A private school of special education must satisfy the General Special Exception Standards contained in Sect. 9-006 of the Zoning Ordinance. In addition, the application must satisfy Sect. 9-304 Standards for All Category 3 Uses, and Sect. 9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education.

General Standards (Sect. 9-006)

General Standards 1 and 2 require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties, and furthermore, that the location, size, height, and screening will not hinder or discourage the appropriate development and use of adjacent properties.

A private school of special education may be permitted by special exception in areas approved for residential uses in the Planned Residential Community (PRC) District pursuant to Sect. 6-304 of the Zoning Ordinance. During the regular school year, the applicant proposes to have six students per class and 12 per day, which represents a modest increase of two more per class and four more per day than allowed with a Home Occupation permit. The proposed school, subject to the proposed conditions, is not inconsistent with the intent to permit flexibility and an orderly and creative arrangement of land uses in the PRC District. In addition, the proposed school with the proposed conditions will not interfere with maintaining the stability of established residential neighborhoods or introduce a potentially incompatible use, as recommended in the Comprehensive Plan.

No construction is proposed and the single family dwelling displays no outward signs of the school. In staff's opinion, with the proposed development conditions, the school will not adversely affect neighboring properties.

General Standard 4 requires that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or anticipated traffic.

Pedestrian access is provided via the sidewalk along Concord Point Lane. Presently, students enter either through the front door or walk around the left side of the dwelling to the rear entrance. As shown on the plat, the distance from the dwelling to the side

property line is 15 feet. In order to ensure that students stay on the subject property as they walk around to the rear entrance, and do not stray onto the adjacent property, the applicant has agreed, and a condition is included, to provide a walkway of stepping stones. The proposed use will result in a modest increase in vehicular traffic above the level that is permitted with a Home Occupation permit. The applicant has indicated that she will wait for students and parents in front of the house and escort students to and from the art studio. This procedure should facilitate efficiency and safety in the drop-off and pick-up of students. In accordance with Sect. 9-309 (3) and 9-310 (3), a condition is included requiring all pick-up and drop-off to take place on-site, in the applicant's driveway.

General Standards 5, 6, 7 and 8 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and signage to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

As discussed below, the applicant requests a reduction of the parking requirements, and requests waivers of the transitional screening and barrier requirements in keeping with the primary use of the property as a dwelling. Utility and drainage facilities are in place to serve the existing dwelling. No signage is proposed and a condition is included addressing this issue.

General Standards for All Category 3 Uses (Sect. 9-304)

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the Standards in Section 9-304 which in summary states that all uses shall comply with the lot size requirements of the zoning district in which located; all uses shall comply with the bulk regulations of the zoning district in which located; all uses shall comply with the performance standards specified for the zoning district in which located; before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

The property was subject to review and approval as part of Reston Section 71, Block 1, and meets the lot size requirement and bulk regulations established with that approval and the PRC District. A Non-Residential Use Permit will be required for the school of special education and may require submission of architectural plans and interior modifications. However, no exterior construction is proposed, other than the walkway of stepping stones. As a result, the use continues to comply with the requirements of the zoning district as previously approved.

Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)

The additional standards for private schools require complying with the minimum lot size requirements of the zoning district in which located, with the provision of usable outdoor recreation area for schools of general education; the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided all private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 which require access to a sufficient public street and on-site pick up and drop off areas.

The property meets the minimum lot size requirement established with its approval in accordance with the PRC District. While outdoor play areas are not required for private schools of special education, the applicant's rear yard provides usable outdoor recreation space for during summer camp. The applicant has indicated that the outdoor breaks are brief, and most of the time is spent indoors. Concord Point Lane is a public street, and pick-up and drop-off will be accommodated on-site in the driveway as discussed below.

Waivers/Modifications

Waiver of Transitional Screening and Barrier Requirements

The applicant requests waivers of Sects. 13-303¹ and 13-304² of the Zoning Ordinance for the transitional screening and barrier requirements. In staff's opinion, the property is suitably landscaped and blends in with the residential neighborhood. The rear yard is enclosed with a 4-foot tall split rail fence. The proposed use is primarily conducted indoors. The only outdoor aspects of the use are during arrival, departure and brief outdoor play periods during summer camp. Given the existing landscaping, and that no construction is proposed, and the use is primarily conducted indoors, staff does not object to the proposed waivers.

Parking Reduction

The applicant requests a reduction in the total number of parking spaces required for the residential and school uses pursuant to Sect. 11-103 (4B) because the primary employee of the school is a resident of the dwelling. Parking for both the residence and the school are required to be provided on-site. Furthermore, the cul-de-sac does not easily accommodate parking or stacking as it provides access to six driveways for residences and a pedestrian path. Sect. 11-103 (3) of the Zoning Ordinance requires a minimum of two off-street parking spaces for a single family detached unit with frontage

¹ Type 1 Transitional Screening consists of an unbroken strip of open space a minimum of 25 feet wide.

² Barrier D consists of a 42-48 inch chain link fence, Barrier E consists of a 6 foot wall, Barrier F consists of a 6 foot high solid fence.

on a public street. Sect. 11-106 (7) requires a minimum of two spaces per each three employees, plus a sufficient number of spaces to accommodate all persons who may be at the establishment at any one time under normal operating conditions for a school of special education. This results in a requirement of eight parking spaces for the school, providing two for employees and six for students. However, with shared parking pursuant to Sect. 11-102 (4B) of the Zoning Ordinance for the residence and employees of the school, the total parking requirement for the residence and school would be eight. During the school year, the applicant will be the only employee. During the summer, the applicant proposes to have one non-resident employee; however, the maximum number of students that would be dropped-off or picked-up at one time is reduced five. The applicant has provided photographs included in Appendix 2 demonstrating that the driveway can accommodate six vehicles at one time. The garage provides two additional parking spaces, for a total of eight spaces provided on-site to meet the requirement for eight spaces. Conditions are proposed requiring all parking, drop-off and pick-up associated with the school to take place in the driveway, and prohibiting any conversion or use of the garage that precludes the parking of vehicles within the garage.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application for a private school of special education within a residence for the applicant and her family is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions in Appendix 1.

Recommendations

Staff recommends approval of SE 2014-HM-024 subject to the proposed development conditions set forth in Appendix 1.

Staff recommends approval of waivers of Sect. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements.

Staff recommends approval of a reduction of the parking requirement pursuant to Sect. 11-102 (4B) of the Zoning Ordinance to permit eight parking spaces instead of ten.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that,

should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 Supervisors.

APPENDICES

1. Proposed Special Exception Conditions
2. Statement of Justification and File Photographs
3. Affidavit
4. Zoning Ordinance Special Exception Standards
5. Fairfax County Department of Transportation Review
6. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SE 2014-HM-024****September 23, 2014**

If it is the intent of the Board of Supervisors to approve Special Exception SE 2014-HM-024, located at 1398 Concord Point Lane, Tax Map 11-4 ((6)) 12, to permit a private school of special education pursuant to Sect. 6-304, and a residence for the applicant and her family pursuant to Sect. 10-102 (20) of the Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in the application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception (SE) Plat approved with this application, as qualified by these development conditions.
3. This Special Exception is subject to the issuance of a Non-Residential Use Permit. Any plans or permits submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat titled Physical Improvements Location Plat, prepared by Certified Real Estate Services, containing one sheet dated May 1, 1998, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the Special Exception conditions shall be posted in a conspicuous place along with the Non-Residential Use Permit, and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
5. There shall be a maximum of six students per class, two classes, and twelve students per day, Monday through Friday, during the regular school year as defined by Fairfax County Public Schools. There shall be a maximum of one class of ten students per day, Monday through Friday, for summer camp from June through August.
6. During the regular school year, the hours of operation shall be limited to 2:00 p.m. to 8:00 p.m., Monday through Friday. Summer camp shall be limited to 8:30 a.m. to 5:00 p.m.
7. There shall be a minimum of 30 minutes between the pick-up of one class and the drop-off of the next class.

8. Arrival and departure times for summer camp shall be staggered to ensure that no more than five students are scheduled to arrive or depart at one time, with a minimum of 30 minutes between the first and second groups.
9. No classes will commence or end between 5:15 p.m. and 6:00 p.m.
10. No nonresident employees, whether paid or not for their services, may be involved with the school during the school year. Only one nonresident employee may be involved with the school during the summer camp.
11. All parking, drop-off and pick-up associated with the school shall take place in the driveway.
12. Prior to their first class, the students and parents of minors, shall receive written notice and provide written agreement to the parking, drop-off and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements while the students are attending the class and make them available at the request of Fairfax County.
13. Any conversion or use of the garage that precludes the parking of vehicles within the garage is prohibited.
14. If access to the school is provided through the rear, the applicant shall install a walkway of paving stones or another similar product on the side yard of the applicant's property.
15. There shall be no signage on the property.
16. There shall be no outdoor storage of materials, equipment, or vehicles associated with the private school of special education.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, 30 months after the date of approval unless the use(s) have been established by obtaining the required Non-Residential Use Permit(s) noted above.

FEB 12 2014

MARY BETH SWICORD d/b/a FIRST MARKS ART STUDIO
Special Exception Application to allow a School of Special Education (Art School)
Zoning Evaluation Division
Statement of Use

Established in 1988, First Marks Art Studio focuses on nurturing and broadening students' knowledge and techniques in art so they are able to pursue their artistic talents. Owner and instructor Mary Beth Swicord, a former certified art teacher with Fairfax County Public Schools, is well-trained in working with people of all ages, inspiring new ideas and stimulating students' creative energies. A copy of Ms. Swicord's CV is attached to this statement. First Marks provides an imaginative and enriching learning environment where students can express themselves and excel in the arts. Many students, after studying at First Marks, have pursued careers in the arts and/or the teaching of the arts.

After operating her school in Loudoun County for ten years, Ms. Swicord moved both the school and her residence to 1398 Concord Point Lane in Reston. Recognizing the community's need for art education, Ms. Swicord has devoted considerable resources, time and money into establishing First Marks as a licensed and insured first-class art school. Because the art curriculum in public schools had been severely curtailed (due to both budget constraints and a wide-spread movement emphasizing the 4R's over music and art instruction) and because there was a lack of after-school schools that taught art, First Marks has filled a void in the community for many years. It is widely recognized that art education and expression is closely linked to academic achievement, social and emotional development, and civic engagement. For these reasons and more, First Marks's art classes have provided an invaluable service to Fairfax County residents. Year after year, students come to classes held at First Marks and, highly satisfied with the quality of instruction received, tell friends and family of the one-of-a-kind school.

First Marks Art Studio has a dedicated space in the lower level of Ms. Swicord's family's house. With its separate entrance/exit from the studio to the outside and a restroom designated only for the school, it is a private oasis for the students it serves. Conveniently located in a cul-de-sac, students can be dropped off and picked up safely without disrupting any flow of traffic and with minimal impact on the neighborhood roads. First Marks has always tried to be a good neighbor, informing its students and families, through direct interactions and on its website, of strict drop off and pickup procedures designed to minimize any disruption to the surrounding area. Neighborhood support for First Marks has been overwhelmingly positive and encouraging. A copy of several recommendations is attached to this Statement. Finding the school's location convenient and walkable, many children from neighborhood families attend classes. In addition, students from outside the neighborhood frequently carpool with other students who are siblings or friends, reducing the actual number of cars on any given day.

First Mark serves residents of Fairfax County and predominately those who reside in the vicinity of Reston.

There are no know hazardous or toxic substances as described by Section 9-011.7.H of the Zoning Ordinance.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and applicable conditions.

Proposed Schedule as of September 2014

| | | | |
|--------------------------|-------------------------------|---|-----------------------|
| Monday: | 2:00pm – 8:00pm 2 Classes* | Max of 6 students per class Max of 12 students per day | 1 Tutor (Ms. Swicord) |
| Tuesday – Friday: | 2:00pm – 8:00pm 2 Classes* | Max of 6 students per class Max of 12 students per day | 1 Tutor (Ms. Swicord) |

June – August

| | | | |
|------------------------|---|----------------------------|----------|
| Monday – Friday | Summer Camp 8:30am – 5:00pm** 1 class daily | Max of 10 students per day | 2 Tutors |
|------------------------|---|----------------------------|----------|

The hours proposed by the Applicant provide for greater flexibility in scheduling home schooled students as well as the students from various schools which have a wide disparity in classroom hours.

*There will always be at least a 30 minute period between the end of one class and the commencement of the next class, although it is also contemplated that the flexible hours will result in significantly more time between classes. Also, no classes will commence or end between the hours of 5:15 PM and 6:00 PM.

**Arrival times and pick-times will be staggered to ensure that no more than 5 students are scheduled to arrive or depart at one time.

Traffic Impact

All classes require two trips per student; one drop-off and one pick-up. Under the proposed schedule there would be a maximum of 12 trips per class (except in the summer which would be a maximum of 20 trips per day). This would be an increase of a maximum of 4 trips per class and 8 trips per day over what is currently allowed as a Home Occupation (in the summer it would be an increase of a maximum of 8 trips per class/day). These numbers do not account for those students who walk, those who car pool or drivers of multiple students from the same family. The Applicant requires all of her students to abide by a detailed parking plan, a copy of which is attached hereto as Exhibit C.

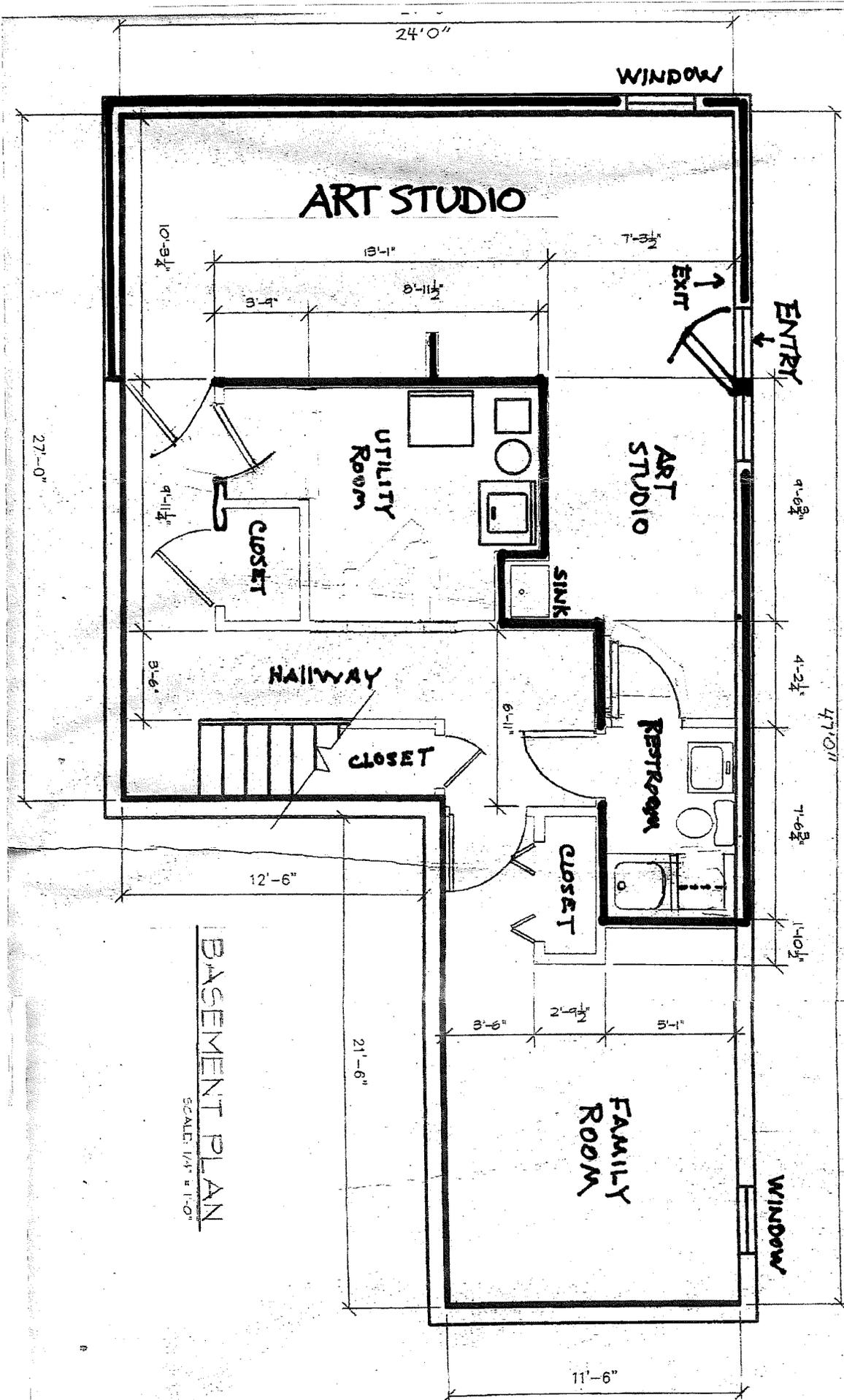
2014 Drop-off and Pick-Up Policy

****All Drivers MUST be aware of this policy****

Here are the procedures that all drivers must follow:

- Always maintain a safe speed of 15mph. This is the maximum, even if you are late!
- Drop-off and pick-up:
 - *Please park in my driveway. It can accommodate 6 cars.*
 - Never park or stop your vehicle in front of any neighbor's driveway. Do not stop in the middle of the circle.
- I will escort your child to and from First Marks.
 - I will be standing outside while students are being dropped off or picked-up.
 - There will be a sign on my front door directing students to the correct studio entrance depending on the weather. If your child is late, look at the sign on the front door to see which entrance to use.
 - Please do not **drop off your child early, or pick them up late. In case of an emergency, please call both my cell phone (703) 862-1877 and home phone (703)-471-7785 to inform me.**
- Please obey my neighbors **no trespassing sign** and **do not allow your child to walk on their lawn.**
- Please wait in your car for pick-up at the end of the class.
- First Marks follows Fairfax County class calendar and is closed in inclement weather per Fairfax County decisions.

I need to emphasize how important it is **to follow the rules** for the future success of my business and the safety of your child. I sincerely value great neighbors that help create an enjoyable community and also appreciate wonderful parents that help support and nurture my business.



Mary Beth Swicord

1398 Concord Point Lane
Reston, VA 20194

swicordlawless@comcast.net
(703) 471-7785

Professional Experience:

Art Teacher, Fairfax County Public Schools, Herndon Middle School (August 2010).
Have been chosen to teach rising 7th grade students for the "Jumpstart academy".

Visiting Artist, VSA Arts of Virginia - Reston community center event, (May 2010).

Substitute Teacher, Fairfax County Public Schools, and (February 2008 – present).

Art Director and Owner, First Marks Art Studio, (1997 – present).

Offer private and small group classes to students with a wide variety of abilities ranging in age from pre-school to high school.

Pre-School Art Teacher, Dulles Montessori School, (September 2007 – present).

Good Beginnings School, (2001 – 2007).

Classroom of Discovery, (2004 – 2007).

Was the art teacher for the above pre-schools.

~~**Art Focus Teacher, Fine Arts Program**, Fairfax County Public Schools, (1995 – 1997).~~

~~Worked at the Lake Anne Elementary Arts Focus Program.~~

Art Resource Teacher, Fairfax County Public Schools, (1984 – 1997).

As an itinerant teacher working out of the Area Office, was involved in the early development of the scope and sequence of the elementary art curriculum.

Children's Workshop Teacher and Faculty, Corcoran School of Art, (1987 – 1989).

Taught art workshops for elementary age students.

Industrial Arts Teacher, Fairfax County Public Schools, (1984 – 1985).

Taught industrial arts at Lake Braddock Secondary School.

Graphic Artist, Balmar Printing and Graphics, (1980 – 1983).

Education:

Bachelor of Science in Industrial Arts, George Mason University, 1985

Associate of Fine Arts, Northern Virginia Community College, Cum Laude Graduate, 1979

Related Professional Activities:

Co-curator for art shows.

Co-curator, Youth Art Month, Greater Reston Art Center

Managed multiple School art displays

Fairfax County Area Grant awardee

Member, Virginia Art Education Association

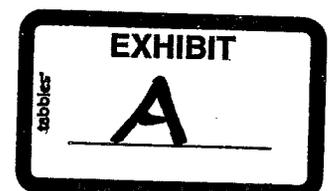
Member, National Art Education Association

Member, Northern Virginia Art League

Group Exhibitor, JoAnne Rose Gallery

Creator of murals, paintings, and clothing designs

References: Provided upon request.



1075 Cedar Chase Court
Herndon, VA 20170
May 20, 2013

Reference: Mary Beth Swicord

To Whom It May Concern:

Lake Anne Elementary in Reston, VA is an arts focus school. In addition, it is a member of CETA (Changing Education through the Arts) a program established with the Kennedy Center. The integration of arts was a passion of mine, and I was committed to the success of this goal. As assistant principal, I was involved with the training, implementation, and evaluation of the arts program since its founding.

Mary Beth Swicord was an art teacher at Lake Anne Elementary for two early years of the program, 1995-1997. She was selected by the Arts Focus Team because they felt she closely mirrored their philosophy about the arts and because of her obvious talents. As a member of the team, she was instrumental in using her art background and her experience as an art resource teacher in the central office to help develop this program. She contributed to the team with her creativity, her knowledge of the elementary art program, and her ability to see relationships between classroom instruction and the objectives of the program.

Ms. Swicord was an excellent planner, both in terms of the integration of the arts with the grade level curricula and the preparation for each individual lesson. She had a way knowing where the students might have difficulty and ensured that she either gave extra directions or was available with supplemental support when necessary. Her lessons integrated content, art, and real-life emphases. She especially looked for ways to support the Spanish immersion program. Ms. Swicord was always prepared. In addition to her planning, she ensured that all necessary materials were ready. She also displayed the objective(s) of the lesson, a set of directions, and, if appropriate, a final model.

Ms. Swicord worked well with the members of the team and with the classroom teachers. She had a good rapport with the students. She encouraged evaluation by the students and teachers as a way of ensuring that her objectives were being met. She also was a learner, constantly taking classes or working with new media to expand her repertoire of skills.

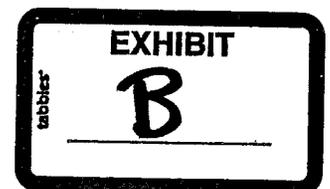
Ms. Swicord left Lake Anne to work with various pre-school art programs that her children attended and also taught privately in her home. It was a loss for the school. It is my understanding that she is interested into returning to the public schools, and I heartily recommend Ms. Swicord for any such position.

Should you need additional information, I can be reached at cathyalifrangis@comcast.net or at 703-444-2966.

Sincerely yours,

Catherine Alifrangis, Ph.D

Retired Principal, Fairfax County Public School System



October 17,2010

Art is Good for the Heart and Soul!

Mary Beth Swicord has a wonderful art studio for children of all ages. My daughter has been taking art lessons from Mary Beth for several years. I see how happy she is when she is in the process of creation! It is a wonderful way to express who she is and I know it makes her life richer and she is a happier child because of it. There have also been studies that reveal that art gives children, teens and adults the opportunity to express powerful emotions. Children can often say more in pictures than they are able to articulate. In creating art, conflict, fear, or trauma is re-experienced, resolved and integrated.

Creating art also offers the opportunity to connect with others. The creating and making of art in itself is a healing and therapeutic process. Many physical and psychological skills are learned through making and processing art images. A byproduct of working in art is that children have a stronger sense of who they are and what they are capable of achieving in the world as they learn to be creative and expressive. People of all ages can benefit from art lesson. Art can heighten creativity and enrich life.

If your child has never had an art lesson, you should have them experience it. They will be better children for it!

Teri Cochrane, CN

Nutrition and Wellness Counselor

Teri Cochrane, CN

Healing Paths

11191 Longwood Grove Drive

Reston, VA 20194

703-437-5272

August 2, 2014

To Whom It May Concern:

RE: Application # SE-2014HM-024

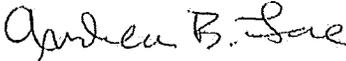
We have been residents of the Longwood Grove neighborhood for over 20 years and were in residence when Ms. Mary Beth Swicord started her home business, First Marks Art Studio. Our residence is across Concord Point Lane and in close proximity to Ms. Swicord's; her property is visible from ours and First Marks clients have to pass our residence to drop off/pick up at her home.

We are strong supporters of entrepreneurship and small home based businesses, especially ones that expand art opportunities in the community.

In our experience, in operating her business within our neighborhood, Ms. Swicord (and the First Marks website) has clearly defined the rules and guidelines for clients who patronize the business so that the neighborhood is not impacted. This includes addressing drop off/pick up, supervision, parking, speed and noise guidelines. We have NOT found the clients and their vehicles to be any imposition or hazard in our neighborhood. To our knowledge, Ms. Swicord has been extremely responsive to any and all concerns raised by neighbors.

Therefore, we support Ms. Swicord's application to increase her after school and summer class sizes.

Andrea and Gregory Foley



1395 Concord Point Lane
Reston, VA 20194

County of Fairfax
Department of Planning and Zoning
ATT: Frank De le Fe
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

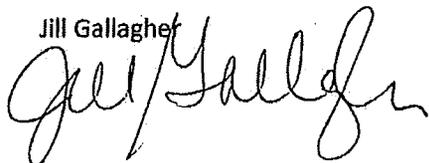
To Whom it May Concern:

I am writing in regards to the special exception request by Mary Beth Swicord for the First Marks Art Studio on 1398 Concord Point Lane, Reston. We live on the same street, Concord Point Lane, just a few houses up from her home and studio. We have lived here for almost 13 years – the entire time the art studio was operating. Our children have attended her art camp over the summer, and Mary Beth has employed my older children to help with mailings and publicity. We have had nothing but a positive experience with Mary Beth and First Marks during all our time here. She has been a responsible business owner, managing traffic and noise to accommodate the neighborhood first. I was a stay-at-home mom for about 10 years, and to be honest, there was little impact of her school on our street or in our neighborhood. I never heard the kids or the cars. To be honest, when I did see the “traffic,”- there is only about 3-4 cars driving slowly up the block. We have had more traffic from soccer tournaments, birthday parties, bridal showers, and Bible studies parked on our street. This traffic doesn’t stay on the block – parents come and drop kids off (some walk), and the “traffic” is literally over in five minutes. While I notice the cars coming and going at certain times of day, there is no disturbance or speeding, or illegal parking. All of the parents have been told to be considerate of the families and children in the neighborhood (it’s part of her agreement that parents sign when they attend her camp). We know a lot of the kids that go to her school and camp, and the parents are respectful that this is a neighborhood – many of them live in this neighborhood!

You should know that she has helped to cultivate an interest in art in young people in the neighborhood and across Reston. With all the time and money and resources put into sports, her studio provides a good spot for children to grow art skills. I know several children who have started their art interests with Mary Beth, continued their art throughout High School, and into college. It’s nice to see these “home-grown” kids take their talents into the world. I support Mary Beth’s efforts to expand her school – I know she will be considerate of the neighborhood, and I think it’s great to have a local teacher providing a safe community place for kids to nurture their interest in art.

I hope you will consider her request. She does a good job managing her business. She is great with kids. She is generous (giving us – a family with five kids – a scholarship to attend her camp), she has employed local kids to help with her art studio, and she super considerate to the neighborhood.

Jill Gallagher



AUGUST 14, 2014

Reference: County of Fairfax, Department of Planning and Zoning
Case Number SE 2014-HM-024

To Whom It May Concern:

We are writing in support of First Marks Art Studio, 1398 Concord Point Lane, Reston, Virginia and the Special Exception Permit that Mary Beth Swicord is requesting.

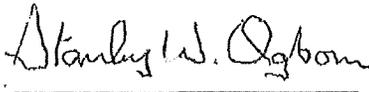
We have been Longwood Grove residents since May 1995 and have known Mary Beth as a good friend and considerate neighbor for that entire time. She participates in all neighborhood activities and always reaches out to welcome and help new residents.

Mary Beth has an obvious passion for teaching art and for providing a creative, popular, and safe learning environment in our community. There is a minimal increase of noise and traffic as parents drop off and pick up the younger students for First Marks Art Studio classes. We have noticed no speeding cars or parking that blocks a neighbor's driveway.

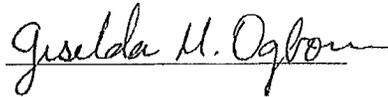
We strongly support small business in our neighborhood and the outstanding educational opportunities for our children provided by Mary Beth Swicord at her First Marks Art Studio.

Thank you in advance for your consideration and support.

Sincerely,



Stanley W. Ogborn



Giselda M. Ogborn

1398 Concord Point Lane, Reston, Virginia 20194-1307
Telephone: (571) 313-1837
stanley.w.ogborn@gmail.com

William K. Spencer
Stephen C. Templeman
1399 Concord Point Ln.
Reston VA 20194

August 28, 2014

County of Fairfax
Department of Planning and Zoning

Re: Case # SE 2014-HM-024

To whom it may concern:

We are writing to express our support for First Marks Art Studio (First Marks) in applying for a special exception to operate its business with an increased number of students. We are neighbors in one of the six homes in the cul-de-sac where First Marks operates. Since moving in approximately 15 months ago, we have observed that First Marks operates in a safe and orderly manner that is not disruptive to the neighborhood.

Specifically:

We have never had any trouble entering or leaving our property due to the occasional vehicle traffic generated by First Marks.

When students arrive by vehicle, such vehicles are present only briefly for drop-off and pick-up of students. Some students live in our neighborhood and therefore can walk to First Marks.

In our experience, the business operates quietly. We have never been disturbed by any noise from the business.

When we first moved in, the owner notified us that she ran a business, that the business had rules for parents and students to follow in order to ensure student safety and to minimize the impact of vehicle traffic, and made it clear that we could come to her at any time should we have concerns (which we have not needed to do).

We believe First Marks enriches the community and are confident that it can operate on a somewhat larger scale in the safe and orderly manner that we have experienced since moving in to the neighborhood.

Should you wish to contact us to discuss First Mark's application, please email us at templemansc@gmail.com.

Sincerely,


William K. Spencer


Stephen C. Templeman

James & Maura Cardellicchio

**11210 Longwood Grove Drive, Reston, VA 20194
Telephone: (703) 481-2282 Email: mcardellicchio@verizon.net**

To the Fairfax County Zoning Board,

We currently live, and have lived for the past 9 years, in the neighborhood that is home to First Marks Studio, a home-based art studio owned and operated by Ms. Mary Beth Swicord at 1398 Concord Point Lane. Specifically, we live at 11210 Longwood Grove Drive, and are situated at the intersection of Longwood Grove Drive and Concord Point Lane. In short, all traffic must pass by our home in order to gain access to Ms. Swicord's art studio.

In the 9 years that we have resided on Longwood Grove Drive, not once have we encountered any issues with traffic. We have never experienced large numbers of cars turning onto Concord Point Lane, nor have we ever experienced or witnessed any speeding or traffic violations. In fact, you would not know that the art studio exists if it were not for word of mouth.

As the parents of three young children, we are always vigilant and concerned about the well-being of our children and our neighborhood. The First Marks Studio does not impact our neighborhood; it actually contributes to the neighborhood. Ms. Swicord has always been open about the studio's existence and has maintained an open-door policy for neighbors to communicate any concerns we may have. We have never had any reason to challenge the existence of the studio, its clientele or its impact on the neighborhood from a safety or aesthetics perspective.

The First Marks Studio is not advertised on Ms. Swicord's home's exterior and is clearly a destination location for young families. Ms. Swicord's clientele consists of young children; there are no adults that park cars in the street for lengthy classes, no teenagers loitering, just elementary school-age children that are dropped off in a "Kiss-and-Ride" fashion.

We hope that this letter has been informative and convey's our support for Ms. Swicord's business that contributes to the County's tax base. Please do not hesitate to call either my husband or I with any questions or further testimony in regard to this matter.

Sincerely,



Maura and Jim Cardellicchio

June 16, 2014

County of Fairfax
Department of Planning and Zoning
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Commissioner de la Fe,

We have lived in the Longwood Grove neighborhood for 20 years and been neighbors of Mary Beth Swicord, and her family, for at least 15 of those years.

Upon establishing her home business, First Marks Studio, Ms. Swicord provided business flyers to all residents on the block (and beyond), which included a request to contact her with any questions or concerns we may have.

We live in a corner house at the beginning of the block, and due to the fact that all driven students must past our house to get to her studio, she followed up with us (on many occasions) to make sure we were comfortable with the speed and volume of traffic. She has always reassured us that she regularly reminds parents as to safety rules, and on being considerate of her neighbors.

Our youngest daughter, Lauren, attended class there. As paying parents, we too were apprised of the rules for coming and going, safety, and consideration of neighbors and their properties.

Ms. Swicord has always kept an open dialog with neighbors so that we would feel comfortable bringing any issues or concerns to her attention. Her website does an excellent job of informing parents and participants of the need to follow proper procedures, showing great respect for her neighbors.

We have always felt that Ms. Swicord has gone out of her way to be an excellent neighbor, and home based business owner. We feel First Marks provides a wonderful opportunity for children and that the Longwood Grove neighborhood is fortunate to have such a studio, and neighbor. Many have enjoyed, and continue to enjoy, its benefits.

We are in full support of Ms. Swicord's request to increase after school class size from 4 students to 6, and summer sessions from 4 students to 10.

Rob & Carrie Sawicki



Carrie Sawicki

11211 Longwood Grove Drive
Reston, VA 20194
703-478-6322

Jeff and Meg Novak
1400 Concord Point Lane
Reston, VA 20194

To the Fairfax County Zoning Board,

We live next door to the First Marks Studio, owned by Ms. Mary Beth Swicord, on Concord Point Lane. We have enjoyed living next door to the studio and Ms. Swicord's family for more than 8 years. First Marks studio is a family-friendly, wonderfully creative and fun business that enriches the neighborhood and the community.

Our yard lies adjacent to the entrance to the studio. For the 8 years we've lived here, Ms. Swicord's art students have walked past our yard, through Ms. Swicord's fence and into the studio. We have never had any issues with children (or parents) wandering onto our lawn or playing with our child's swings/toys. Ms. Swicord has done a great job instructing her clients on how to enter/exit the studio with no disruption to her next door neighbors. In addition, she often greets clients at the top of her driveway and walks with them (or directs older students) into the studio.

Likewise, Ms. Swicord has instructed her clients on where they may and may not park in the Concord Point Lane cul-de-sac. To reinforce and clarify her drop off/pick up instructions, she places orange cones on the prohibited areas of the cul-de-sac on each and every class day. We have never had a problem with cars blocking our driveway or in any way hindering traffic up and down the road.

When we first moved into our home on Concord Point Lane, within 3 days of our arrival, Ms. Swicord came to our house to introduce herself. She informed us that First Marks Studio operated next door and instructed us to tell her if any clients were blocking our driveway or walking across our lawn, or in any way disturbing us. As mentioned previously, we have never had to approach Ms. Swicord with any issue resulting from the operation First Marks Studio.

In the last year, our daughter has begun taking art lessons at First Marks. Though there are many art classes we could have chosen in Reston or greater Fairfax County, we selected First Marks because we respect and admire Ms. Swicord's artistic talent, her gift for teaching children, and her responsible neighborhood citizenship.

Sincerely,



Meg and Jeff Novak

Kathryn Schmid
1392 Concord Point Lane
Reston, Virginia 20194

June 12, 2014

Reston Association
Attn: Director of Covenants Administration
12001 Sunrise Valley Drive
Reston, VA 20194
Refer to Amended Reston Deed, Section VI.2.

Fairfax County Board of Supervisors
Attn.: Kathy Hudgins, Supervisor
12000 Bowman Towne Dr.
Reston, VA 20190

County of Fairfax
Department of Planning and Zoning
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Dear Concerned Parties:

I am writing to express my support for Ms. Marybeth Swicord's First Marks Art Studio, which has applied for a zoning code exception to increase class sizes. I support her effort. For two decades, Ms. Swicord's art classes have been a beloved fixture in our neighborhood. Many neighborhood children and their friends from the surrounding area enjoy taking art classes there. My own young daughter is currently enrolled, and we are highly satisfied.

Recently one neighbor complained, citing obscure zoning regulations, forcing her to drastically reduce class sizes. No good has been accomplished: the neighbor still complains, while neighborhood children are not able to find an available slot in the smaller art classes.

I live on the same street as Ms. Swicord and her neighbor. I have not observed the alleged traffic dilemmas. In fact, I was not aware of the purported problem until I started receiving Ms. Swicord's robust policy notifications concerning safe driving, reduced speed limits, and never blocking a driveway. I suppose the reason I have never noticed an augmentation in traffic is that the parents who drive are surely not in the neighborhood for more than a few minutes. My own daughter walks to class (using the sidewalk, per Ms. Swicord's policy).

This all takes place in our cul de sac; as in any other cul de sac in America, the main traffic is kids on their bicycles.

Sincerely,



Kathryn C. M. Schmid

11208 Longwood Grove

July 22, 2014

First Marks Art Studio
Attn: Mary Beth Swicord / Owner
1398 Concord Point Lane
Reston, VA 20194

To Whom It May Concern,

We are writing to you today to ask for your support in ensuring First Marks Studio can increase their classes so they can positively impact more children who have a passion and talent for art in our community. For the past 15 years Mary Beth, a certified and experienced art teacher for Fairfax County, has taught children various art forms and enhanced their love of art in a creative, warm, safe, and educational environment. Her home studio is very inviting and offers a different type of atmosphere not found in other art settings.

As her neighbor for the past 12 years, we can attest she has operated her business with not only ensuring the safety and care of the children, but has also been a stellar professional who consistently communicates with the community regarding business operations, parking, walking/biking, etc. We have had absolutely no issues with First Marks Studio as a community business or with Mary Beth we consider as a trusted teacher and neighbor.

For the past two years, we have tried to get our daughter, who is a young, talented and passionate artist, into one of her classes but they were always full. We were fortunate this past winter when we were able to have her attend a Monday class for eight weeks. We and our daughter could not have been happier. She not only learned various art forms, techniques, and art history, but she came home every time looking forward to the next class and wanting to continue working on her art during the week. Before, during and after the class, Mary Beth communicated the drop off and pick up policies, change in schedules, etc. with us. We are looking forward to participating in her classes in the upcoming school year.

It has been hard to have our schedule work with First Marks Art Studio due to limited class size. We think adding two more openings in both classes per day would create an opportunity for other families to enjoy this unique experience. We live at the top of Concord Point Lane where it intersects with Longwood Grove Drive. We have never been affected by First Marks traffic and we do not believe that additional students would have an impact on our community. We also enjoy the fact that we are able to walk our child down to Mary Beth's classes which does not add any additional traffic to the Longwood Grove community. This is an economical and environmentally better choice for our family than driving.

We truly hope you and your team vote yes in providing First Marks Studio with the permit to increase class size so more children will have the opportunity to learn and create with a proven and trusted art teacher in a safe, fun and educational environment.

Sincerely,

Annamarie and Guy Swope

11213 Longwood Grove Drive
Reston, VA 20194
August 1, 2014

To Whom It May Concern:

RE: Special Exception Reference Number SE 2014-HM-024

I would like to ask that you vote in favor of a special exception for Mary Beth Swicord's First Marks Art Studio located in Reston, Virginia.

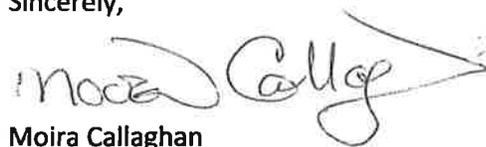
Being a teacher myself and having run a very small home preschool, I believe it is ideal to have a class size of at least six children. A class that is too small can be affected during periods of illness. A somewhat larger group allows for more student participation, greater idea sharing, and a positive group dynamic and community of learners.

Mary Beth's studio has provided many in Reston with the ability to expand their knowledge of art while allowing them the opportunity to work creatively. My daughter, now 13, took a class with Mary Beth many years ago. It provided an opportunity for my daughter to learn about art, gain skills and confidence. The fact that we were able to walk to class was an added bonus. We are very appreciative of the convenience and opportunity.

As many of Mary Beth's clients live within our neighborhood and some students walk to class I do not think two additional students per class would cause a significant increase in neighborhood traffic.

I ask that you please vote in favor of this special exception and support my neighbor's small business.

Sincerely,

A handwritten signature in cursive script that reads "Moira Callaghan". The signature is written in dark ink and is positioned above the printed name.

Moira Callaghan

Reston Association
Attn: Director of Covenants Administration
12001 Sunrise Valley Drive
Reston, VA 20191

Refer to Amended Reston Deed Section VI.2

To whom it may concern:

I am writing this letter in support of First Marks Art Studio for the Special Exception zoning application it is requesting.

First Marks Art Studio provides a creative and safe learning environment for the community whose students are able to excel in art. It seems many of the clients are highly satisfied with the instruction and continue to return.

First Marks Art Studio has a strict drop-off and pick-up policy. The parents and vehicles are not staying in the neighborhood for a prolonged period of time, therefore there is no significant augmentation to traffic in the neighborhood.

The location is conveniently located in this community. Walking and biking to classes has proven to be an environmentally friendly and safe option.

First Marks Art Studio supervises students while walking to and from their cars ensuring student safety. If walking to and from their cars, the students are encouraged to use the sidewalks.

First Marks Art Studio has a driving policy which asks clients to reduce their speed limit and to utilize Mary Beth's driveway as much as possible, always making parents aware to not block any of the neighbor's driveways. Mary Beth has an open door and friendly policy regarding complaints and concerns which has always been in place.

Your favorable consideration of Mary Beth Swicord's request would be greatly appreciated.

Sincerely,



Kelda L Morris
Concerned Neighbor
1401 Concord Point Lane
Reston, VA 20194

June 24, 1014

County of Fairfax
Department of Planning and Zoning
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RE: First Marks Art Studio – Amended Reston Deed, Section, V1.2

Dear Mr. de la Fe:

We are writing in support of First Marks Art Studio and ask that you approved the Special Exception zoning application that Mary Beth Swicord is requesting. This will allow her to increase her regular school year class size from four to six children per class, with a maximum of two classes per day. It will also allow her to increase her summer camps from four to ten students.

Both of my children have attended art classes and camps at First Marks Studio and they provide a creative and safe learning environment. We were very satisfied with the instruction and location of the studio. We like the fact that many of the kids can walk to and from the classes and for those who cannot, Ms. Swicord has always emphasized & enforced a driving policy that is safe and considerate towards the neighbors.

Thank you for your consideration.

Two handwritten signatures in black ink. The first signature is cursive and appears to read 'Joanne Taylor'. The second signature is also cursive and appears to read 'Steve Taylor'.

Joanne & Steve Taylor
11189 Longwood Grove Drive
Reston, VA 20194
(703) 282-0488

cc: Mary Beth Swicord, First Marks Art Studio

June 24, 2014

County of Fairfax
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Ste. 801
Fairfax, VA 22035

Re: Amended Reston Deed, Section VI.2

I am writing this letter in support of First Marks Art Studio. Mary Beth Swicord has a small business in our Longwood Grove neighborhood. She offers a safe setting where children can develop their creative side. She shares her love of art and encourages children to try new ways to express themselves.

I work with children with ADHD. These children need to find islands of competence where they feel capable and accepted. Because Mary Beth is a trained educator, she knows how to bring out the best in children. They can feel good about themselves as Mary Beth is compassionate and appreciates the strengths in each child.

My children attended Mary Beth's classes and camps. We still proudly display their artwork in our home. Seeing their eyes shine as we admired their work was priceless. We were able to walk to Mary Beth's studio and it was a pleasure to get some exercise without getting in the car.

Please grant First Marks Studio a special exception in the zoning code to increase the number of children that attend her art classes. She provides a service to the community with no negative impact on the neighborhood.

Sincerely,

Jo Ann Skinner
1268 New Bedford Lane
Reston, VA 20194

Georgiann Howell
12931 Oak Lawn Place
Oak Hill, VA 20171

June 2, 2014

County of Fairfax
Department of Planning and Zoning
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Refer to Amended Reston Deed, Section VI.2.

First Marks Art Studio is a small business that cares for its students and neighbors alike. The instructor takes great care in supervising students to and from the studio to their cars safely. Students and their drivers respect the neighborhood and its neighbors and are careful to use the sidewalk or park away from neighbor's front yards and driveways. We understand the importance of good neighborly behavior and abide by the rules and guidelines laid out to us by First Marks.

As one of the weekly drivers, I am extremely careful not to block any of the neighbor's driveways as I am respectful of the area as a neighborhood. Typically, each parent who drops off and picks up their student is only in the surrounding area for a very short time. In all of my time taking my daughter to and from First Marks, I have never witnessed any sort of problems as parents and students are courteous and polite of the neighborhood. Therefore, there is no significant augmentation of traffic in the neighborhood and the neighborhood is not interrupted with the influx of cars.

My daughter has attended First Marks Art Studio for six years. We chose First Marks – and have stuck with it all these years – because of its creative and safe learning environment within the Reston community. **First Marks's home atmosphere has given my daughter a level of comfort** (especially in her earlier years) that is not always to be found in a public after-school environment. **Because of this home environment that First Marks promotes, these classes have given my daughter the ability to explore and create beautiful works of art which has also helped her in her other areas of class study.**

However, it has come to my attention that this level of comfort and safety for our children is being compromised. One of First Marks' neighbors has (apparently) established a camera on their property to videotape First Marks students and their drivers coming and going. **I am extremely concerned by this behavior and their ability to videotape my child is very disturbing and unlawful.** If warranted, this type of behavior should be reprimanded and the camera should be seized and removed from their premises.

First Marks Studio is a great after school learning resource that fosters our children's minds and creative development. It is also a small business that depends on its students and families for its success. It is a shame that such a wonderful opportunity for our children is being compromised by the unjust actions of others.

My child has thoroughly enjoyed her studies with First Marks and has developed a keen sense of imagination and design through First Mark's teachings. They have given her the ability to become confident in who she is through these self- expressions of art.

We are proud to be associated with First Marks and look forward to many more years of art classes with them. **Please continue to give First Marks Studio the ability to teach our children.**

Respectfully,

Georgiann Howell

Patricia S. Kovacs
1305 Aldbury Way
Reston, VA 20194
(703) 585-6338

May 29, 2014

Re: Support for First Marks Art Studio special exception application

To whom it may concern:

I am writing in support of the special exception application for First Marks Art Studio. My daughter has been a student at First Marks, which I consider to be a valuable Reston institution because it has been providing the highest quality art instruction to the community for many years. There is none other like it in the area, and it is such a shame that Mary Beth has to limit her talent for teaching art to such a small group of students. Mary Beth is very considerate of her neighbors and enforces a very strict drop off and pick up policy, to which we adhere. She places great emphasis on making sure the pick up/drop off vehicles are orderly and minimally invasive, and I have never seen any disruptive traffic activity on her street. As we live within walking distance, we've also walked to and from her house sometimes, as I'm sure others have done as well. We love First Marks Art Studio and truly hope that the special exception application gets approved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Kovacs', written in a cursive style.

Patricia Kovacs

12802 Sunnyvale Court
Oak Hill, Virginia 20171
June 6, 2014

Reston Association
Fairfax County Board of Supervisors
County of Fairfax Department of Planning and Zoning

To whom it may concern:

This letter is in support of First Marks Art Studio, a local small business providing superior art classes to children in our community. First Marks, in Reston, is applying for a special exception to the zoning code from Fairfax County to be able to increase class size in the business' in-home art studio.

My 10 year old daughter has attended classes at First Marks for two years and a summer. Mary Beth Swicord runs an excellent program of art enrichment that is hard to find elsewhere. When I searched for a class for my child, once I found First Marks and based on rave reviews, I knew it was the right place to foster the talents of my daughter. She has learned a ton, grown as an artist, and truly loves the guidance that Ms. Swicord provides. It is unparalleled creative and safe learning environment. First Marks enjoys an excellent reputation among its current and former students.

Ms. Swicord ensures that all children are walked to their cars at pick up time and that the cars respectfully wait for the children in her driveway or the street without impeding on the driveways of neighbors. She is very conscious of her neighbors and ensuring minimal disruption. It's nice that her studio home is on a quiet cul de sac with little traffic to begin with. She reminds parents to be respectful of the traffic rules and neighbors and be on time per her policies. Her goal is to ensure that the students have a wonderful experience, while respecting her neighbors and surroundings. She has a nice and calm way about her which is how she runs her wonderful program.

I enroll my daughter in First Marks session after session because it's the right place to nurture her talents. I've seen the growth and would like her to continue to have this experience, have my younger daughter begin, and allow others in the community to experience this excellent program. In order to serve more students and make the business worthwhile and profitable, First Marks needs to be allowed to increase the class size. There is plenty of space in her home to do so. Please allow a small business in our community to thrive and grow, while serving an important development need of our children. After all, small business growth is the fabric of our country.

I would be happy to answer any questions or provide further references.

Sincerely,



Audrey Longfellow
Parent of First Marks Student

06 June 2014

To Whom It May Concern,

It is my understanding that First Marks Art Studio is requesting an exception in the zoning code from the County of Fairfax, Department of Planning and Zoning to increase art class size. I am in full support of this request. Mary Beth Swicord has created a program that is not only enriching to our children but has a profound effect on our community.

My daughter (8) has had the opportunity to attend weekly art classes after school at First Marks and looks forward to the summer art camps (sadly limited in availability). As a result of my second-grader's growing passion for art, she has started a website (<http://pileofsmile.org>) using kid's art for cultural awareness and fundraising for children with terminal cancer. I know of at least two other similar projects that have been associated with First Marks.

In today's fiscal environment for our public schools, a home studio such as First Marks is a gift to our children and our community. As public funding for the arts continues to diminish, opportunities to grow and enrich our children's lives become rare. First Marks is one such rare opportunity for our children and should be allowed to flourish.

In regards to the logistics and safety of our children participating in a home studio, I can give high praise for the care before, during, and after class. The art studio is well laid out and meticulously maintained with appropriate facilities for cleaning up. First Marks has a very stringent pick-up/drop-off policy and Mrs. Swicord has gone out of her way to safely escort children to and from our vehicles.

Parking has been monitored diligently, with many parents using her driveway rather than waiting on the street to prevent congestion. It is important to point out that her property is at the end of a cul-de-sac with no through traffic and a sizeable turn-about for traffic flow. Any complaints to the contrary are not only untrue, but emotionally unbalanced.

As a parent, I feel perfectly comfortable leaving my daughter in the care of First Marks, with the assurance that she is well cared for and receiving an education not available anywhere else in our community. It would be an injustice not to let such a positive local resource blossom and grow.

Very Sincerely,

Andrew J. Adams

Andrew J. Adams
Lieutenant Colonel, USAF
Reston, VA

County of Fairfax
Department of Planning and Zoning
Attn: Frank de la Fe, Planning Commissioner
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

My son Dylan began First Marks Art Studio about a year ago. I was so happy to find a fine art studio locally with a small personal feel. Historically, piano teachers operating from their homes are everywhere, but other arts are hard to come by. What a gift Mary Beth Swicord has given children of Reston who yearn to develop their artistic skills. It is such a creative, fun, safe learning environment engaging students in our community.

I enrolled my son in First Marks because Mary Swicord is a consummate professional. She is highly skilled, cares deeply for the craft, offers classes nearby and quite frankly, my son loves to be in her studio with her creating! We hope to continue a long tenure with her as he grows as an artist.

Mary has been very attentive to her neighbors needs, always explaining in detail the importance of safe drop off and pick up procedures. She gives detailed maps, spaces class times to accommodate children and monitor volume of cars even escorting children to her home with clear signage and expectations.

As a small business owner myself, it deeply saddens me that this business is running up against so many local jurisdiction challenges. Ms. Swicord provides a service that is deeply lacking in our community; supporting youth locally in the arts! To limit her would be a detriment to all that she has accomplished in the Reston area. She, and her business, are the embodiment of the mission in Reston which supports the arts.

Robert Simon himself set forth Reston to be a new town whose concept emphasized quality of life for the individual and provided a community where people could live, work, and play without driving long distances. "This means that the New Town should provide a wide range of cultural and recreational facilities."

First Marks Studio brings culture to our future citizens who are being shaped by the choices their parents make. Are we able to find local cultural means to expand and grow? Do we support our neighbors in our endeavors? Do we stay locally to learn, play and grow?

I hope the boards reviewing First Marks Studio understand her support and impact she has on our community.

Regards,

A handwritten signature in black ink, appearing to read "Christine Paul". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Christine Paul



Front of subject property



Concord Point Lane cul-de-sac



Left side - access to rear entrance of art studio



Rear yard



Art studio – main room



Art studio – main room



Art studio – chalk wall, hallway



Restroom



Photographs provided by the applicant showing 6 cars in the driveway



Photograph provided by the applicant illustrating the applicant's understanding of the side property line where the walkway will be provided.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 02/11/2014
 (enter date affidavit is notarized)

I, Patrick M. Via, Esq., do hereby state that I am an
 (enter name of applicant or authorized agent)

125754

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2014- HM-024
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 are to 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) |
|--|---|--|
| Mary Beth Swicord d/b/a First Marks Art Studio | 1398 Concord Point Lane, Reston, VA 20194 | Owner/Applicant |
| Mary Beth Swicord and John Lawless | 1398 Concord Point Lane, Reston, VA 20194 | Property Owner |
| Patrick M. Via, Esq. of Rees Broome PC | 1900 Gallows Road, 7th Fl., Tysons Corner, VA 22182 | Agent/Attorney |

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 02/11/2014
(enter date affidavit is notarized)

125754

for Application No. (s): SE 2014-HM-024
(enter County-assigned application number(s))

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 and number, street, city, state, and zip code) Rees Broome PC
1900 Gallows Road, 7th Floor
Tysons Corner, VA 22182

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.
[X] 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)

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 02/11/2014
(enter date affidavit is notarized)

125754

for Application No. (s): SE 2014-HM-024
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

(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)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 02/11/2014
(enter date affidavit is notarized)

125754

for Application No. (s): SE 2014-HM-024
(enter County-assigned application number(s))

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 Supervisors, 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 Exception Attachment to Par. 2" form.

Application No.(s): SE 2014 HM -024
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: 02/11/2014
(enter date affidavit is notarized)

125754

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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.

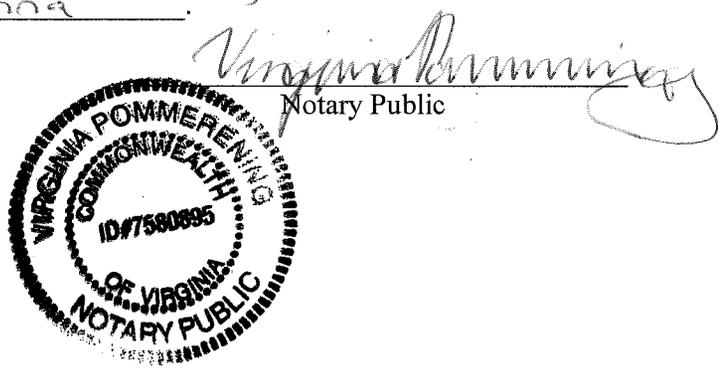
WITNESS the following signature:

(check one) [x] Applicant [] Applicant's Authorized Agent

Patrick M. Via, Esq. of Rees Broome PC
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 11 day of February 2014, in the State/Comm. of Virginia, County/City of Vienna.

My commission expires: 9/30/2017



9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-309 Additional Standards for Child Care Centers and Nursery Schools

...

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
 - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
 - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
 - B. That area outside the limits of the required front yard.
 - C. Only that area which is developable for active outdoor recreation purposes.
 - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.
 3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.



County of Fairfax, Virginia

MEMORANDUM

DATE: August 27, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division,
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2014-HM-024)

SUBJECT: Transportation Impact

REFERENCE: SE 2014-HM-024: Swicord- First Marks Art Studio
Land Identification Map: 11-4 ((06)) 12

The proposed application is to permit the operation of an Art Studio including class instruction. The daily hours in general range between 2 pm and 7:30 pm.

This department suggests the following:

- To lessen the traffic impacts at the site driveway and on the cul-de-sac, the applicant should commit to schedule a ½ hour difference between the dismissal time of the first class and the start time of the second class.

MAD/AK;SE2014HM024SwicordFirstMark

Fairfax County Department of Transportation
4050 Legato Road, Suite 400 Fairfax, Virginia,
22033-2895
phone: (703) 877-5600 TTY: (703) 877-5602
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot



GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

| | | | |
|---------|---|---------|--|
| A&F | Agricultural & Forestal District | PDH | Planned Development Housing |
| ADU | Affordable Dwelling Unit | PFM | Public Facilities Manual |
| ARB | Architectural Review Board | PRC | Planned Residential Community |
| BMP | Best Management Practices | RC | Residential-Conservation |
| BOS | Board of Supervisors | RE | Residential Estate |
| BZA | Board of Zoning Appeals | RMA | Resource Management Area |
| COG | Council of Governments | RPA | Resource Protection Area |
| CBC | Community Business Center | RUP | Residential Use Permit |
| CDP | Conceptual Development Plan | RZ | Rezoning |
| CRD | Commercial Revitalization District | SE | Special Exception |
| DOT | Department of Transportation | SEA | Special Exception Amendment |
| DP | Development Plan | SP | Special Permit |
| DPWES | Department of Public Works and Environmental Services | TDM | Transportation Demand Management |
| DPZ | Department of Planning and Zoning | TMA | Transportation Management Association |
| DU/AC | Dwelling Units Per Acre | TSA | Transit Station Area |
| EQC | Environmental Quality Corridor | TSM | Transportation System Management |
| FAR | Floor Area Ratio | UP & DD | Utilities Planning and Design Division, DPWES |
| FDP | Final Development Plan | VC | Variance |
| GDP | Generalized Development Plan | VDOT | Virginia Dept. of Transportation |
| GFA | Gross Floor Area | VPD | Vehicles Per Day |
| HC | Highway Corridor Overlay District | VPH | Vehicles per Hour |
| HCD | Housing and Community Development | WMATA | Washington Metropolitan Area Transit Authority |
| LOS | Level of Service | WS | Water Supply Protection Overlay District |
| Non-RUP | Non-Residential Use Permit | ZAD | Zoning Administration Division, DPZ |
| OSDS | Office of Site Development Services, DPWES | ZED | Zoning Evaluation Division, DPZ |
| PCA | Proffered Condition Amendment | ZPRB | Zoning Permit Review Branch |
| PD | Planning Division | | |
| PDC | Planned Development Commercial | | |