



County of Fairfax, Virginia

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

RECEIVED
Department of Planning & Zoning

DEC 18 2014
Zoning Evaluation Division

December 3, 2014

Patrick M. Via
Rees Broome PC
1900 Gallows Road, 7th Floor
Tysons Corner, VA 22182

Re: Special Exception Application SE 2014-HM-024

Dear Mr. Via:

At a regular meeting of the Board of Supervisors held on December 2, 2014, the Board approved Special Exception Application SE 2014-HM-024 in the name Mary Beth Swicord d/b/a First Marks Art Studio. The subject property is located at 1398 Concord Point Lane, on approximately 17,234 square feet of land, zoned PRC in the Hunter Mill District [Tax Map 11-4 ((6)) 12]. The Board's action permits a private school of special education with a maximum enrollment of 12 students per day, pursuant to Section 6-304, and a residence pursuant to Section 10-102 (20) of the Fairfax County Zoning, 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.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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.

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.

The Board also:

- Waived the transitional screening and barrier requirements and a reduction in the parking requirement to permit 8 spaces instead of 10

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

NOTICE OF VIOLATION



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2014-HM-024
 (Staff will assign)
 RECEIVED
 Department of Planning & Zoning
 FEB 12 2014
 Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Mary Beth Swicord d/b/a First Marks Art Studio
	MAILING ADDRESS 1398 Concord Point Lane, Reston, Virginia 20194
	PHONE HOME (703) 471-7785 WORK (703) 471-7785
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 1398 Concord Point Lane, Reston, Virginia 20194
	TAX MAP NO. 011-4-((6))-0012 SIZE (ACRES/SQ FT) 17,234 sq. ft.
	ZONING DISTRICT PRC MAGISTERIAL DISTRICT Hunter Mill
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 9-301.12, 6-304.1 and 6-302.A.10
	PROPOSED USE School of Special Education consisting of group and private art classes for children, teens and adults.
AGENT/CONTACT INFORMATION	NAME Patrick M. Via, Esq. of Rees Broome PC
	MAILING ADDRESS 1900 Gallows Road, 7th Floor, Tysons Corner, Virginia 22182
	PHONE HOME () WORK (703) 790-1911
	PHONE MOBILE (703) 851-8988
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Patrick M. Via, Esq., Agent</p>	
TYPE/PRINT NAME OF APPLICANT/AGENT	SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Debrah Leskinen

SE 2014-0072

Date Application accepted: June 6, 2014

Application Fee Paid: \$ 16,375.00

MPC
6/6/14

SE 2014-HM-024

Zoning Application Closeout Summary Report

Printed: 12/5/2014

General Information

APPLICANT: MARY BETH SWICORD D/B/A FIRST MARKS ART STUDIO
DECISION DATE: 12/02/2014
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: CARMEN BISHOP
SUPERVISOR DISTRICT: HUNTER MILL (PREV C)

DECISION SUMMARY:

ON DECEMBER 2, 2014, THE BOARD UNANIMOUSLY APPROVED SE2014-HM-024 ON A MOTION BY SUPERVISOR HUDGINS, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 23, 2014. THE BOARD ALSO WAIVED TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS AND REDUCED THE PARKING REQUIREMENT TO PERMIT 8 SPACES INSTEAD OF 10.

APPLICATION DESCRIPTION:

PRIVATE SCHOOL OF SPECIAL EDUCATION

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				PRC- R	17,234.00 SQ FEET

Tax Map Numbers

0114 (06) 0012

Approved Land Uses

Zoning District: PRC- R

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
SCHSED<100							
TOTALS							

Approved Waivers/Modifications

WAIVE TRANSITIONAL SCREENING REQUIREMENT
 WAIVE BARRIER REQUIREMENT

12/5/2014

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 09-23-2014

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001
OTHER - LAND USE	01-01-0001	0	N/A	0	01-01-0001
GARAGES - CONVERSION RESTRICTIONS	01-01-0001	0	N/A	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
NUMBER OF EMPLOYEES	01-01-0001	0	N/A	0	01-01-0001
OPEN FOR COUNTY INSPECTION	01-01-0001	0	N/A	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	0	01-01-0001
PARKING	01-01-0001	0	N/A	0	01-01-0001
ENROLLMENT LIMITATIONS	01-01-0001	0	N/A	0	01-01-0001
NON-RUP	01-01-0001	0	N/A	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001

12/5/2014