



**APPLICATION ACCEPTED:** December 22, 2014  
**BOARD OF ZONING APPEALS:** March 25, 2014 @ 9:00 a.m.

# County of Fairfax, Virginia

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**March 18, 2015**

## **STAFF REPORT**

### **SPECIAL PERMIT AMENDMENT SPA 80-P-095**

#### **PROVIDENCE DISTRICT**

**APPLICANT/OWNER:** Way of Faith Christian Training Center, Inc.

**STREET ADDRESS:** 8800 Arlington Boulevard, Fairfax, 22031

**TAX MAP REFERENCE:** 48-4 ((1)) 39

**LOT SIZE:** 7.92 acres

**F.A.R.:** 0.11

**ZONING DISTRICT:** R-1

**PLAN MAP:** Residential, 2-3 du/ac

**ZONING ORDINANCE PROVISION:** 8-301

**SPECIAL PERMIT PROPOSAL:** Amend previously approved special permit for a place of worship and school of general education to permit modifications to development conditions.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SPA 80-P-095 subject to the proposed development conditions contained in Appendix 1.

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

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**Erin M. Haley**

**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
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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 Zoning Appeals (BZA). A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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 the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

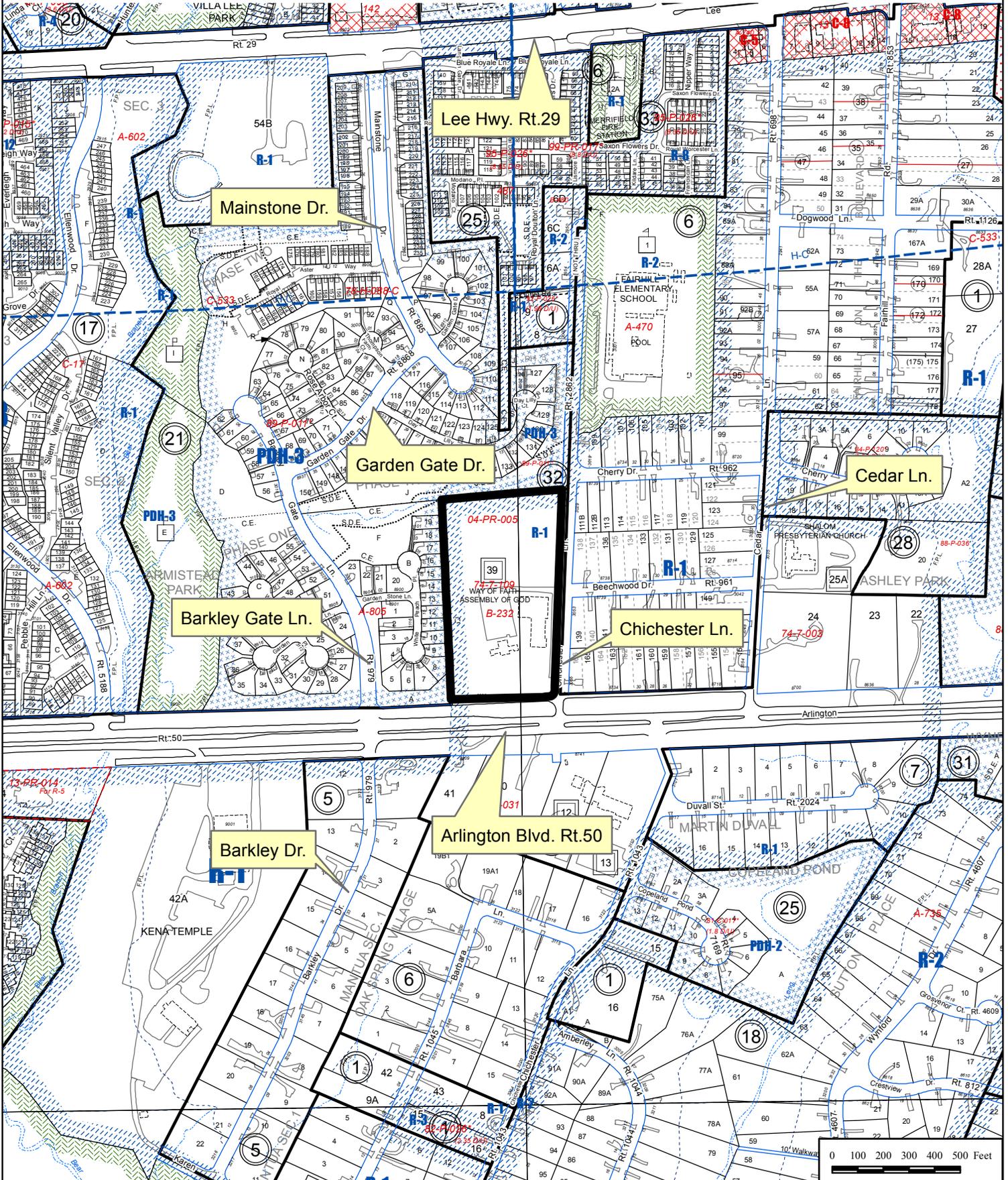


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

SPA 80-P-095

WAY OF FAITH CHRISTIAN TRAINING CENTER, INC.





## DESCRIPTION OF THE APPLICATION

The applicant seeks to amend special permit SP 80-P-095 in order to modify the condition that limits the age of the children who may attend the school to allow children ages two through four in addition to the permitted children in grades K-12. The application would also amend the permitted use of the property from a place of worship with a private school of general education to a place of worship with a child care center, nursery school, or private school of general or special education. Lastly, the application will decrease the permitted maximum enrollment from 295 students to 99 students. No new construction is proposed.

A copy of the special permit plat titled "Way of Faith Christian Training Center, Special Use Permit," prepared by Harold A. Logan, Certified Land Surveyor, dated October 20, 2014, is included at the front of the staff report. A detailed description of the request begins on Page 3.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is currently developed with improvements which consist of:



Building "A" (as depicted on the SP Plat), a 8,493 square foot two story building with basement; Building "B" (as depicted on the SP Plat), a 29,362 square foot one story building with basement; a 4,287 square foot playground area; a 4,482 square foot asphalt basketball court; and an accessory storage structure measuring 11.5 feet in height.

The site contains 77 parking spaces located in an asphalt lot to the rear of the two buildings. There are two driveways providing access to Chichester Lane. The parking lot is accessed via the northern driveway. The northern driveway also provides access to a circular driveway that provides egress

to Chichester Lane via the southern driveway. A service drive is located between the subject property and Arlington Boulevard. The northern end of the property is wooded and slopes down from the southeast to the northwest.

The subject property is accessed from Chichester Lane and is located at the northwest corner of the intersection of Chichester Lane and Arlington Boulevard. The surrounding land uses are listed in the following table:

<b>SURROUNDING AREA DESCRIPTION</b>		
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
<b>North</b>	Private open space	PDH-3
<b>South</b>	Residential, Single Family Detached (Arlington Blvd.)	R-1
<b>East</b>	Residential, Single Family Detached	R-1
<b>West</b>	Residential, Single Family Detached	PDH-3

**Hours of Operation, Estimated Number of Attendees/Employees/Students:**

Sundays: 8:30 a.m. to 7:30 p.m., 135 attendees

Monday through Friday School: 7:00 a.m. to 5:30 p.m., K-12 school, approved for 295 students. Current enrollment is nine students with three teachers.

Monday through Friday Other: Two other employees are also on site. Other Bible study groups, ministry, prayer meetings and family nights ranging from 10 to 80 people in attendance.

Saturdays: Early morning Bible groups, prayer meetings ranging from five to 50 people, afternoon worship with approximately 30 people.

Misc. Events: Holiday events, educational programs, food distribution, banquets.

## Background

History*		
Case Number	Date	Application Description
S-181-75	BZA, 9/16/1975	To permit a school of general education, K-12, for 120 students. Development conditions limited the age of students to, "5 through High School age." Hours of operation to be 8:00 a.m. to 9:00 p.m., Monday through Friday, during the normal school year.
S-62-76	BZA, 5/11/1976	To amend S-181-75 to allow nightly religious classes and a summer program. Approved hours of operation to be 8:00 a.m. to 9:30 p.m., seven days per week, 12 months per year, for 120 students.
S-232-78	BZA, 10/14/1978	To allow use of a temporary classroom trailer. Approved though the end of the 1979-1980 school year for a maximum of 20 students.
S-80-P-095	BZA, 12/9/1980	To allow construction of Building "B" and increase in students from 120 to 295. Development conditions require 69 parking spaces and to otherwise comply with S-232-78.
	3/27/1998	A letter to the applicant from the Zoning Administrator that operation of a pre-kindergarten class for four year old children was not in conformance with previously approved development conditions.
	6/12/2013	The applicant requested to rent a room to a homeschooling group of four-year-old children. A letter from the Zoning Administrator determined that this request would require a special permit amendment.

\* Copies of the Resolutions and letters are included in Appendix 2.

## DESCRIPTION OF THE REQUEST

The applicant is requesting approval of a special permit amendment to permit the re-classification of the use as a "place of worship with a child care center, nursery school, or private school of general or special education" as defined in Sect. 8-301(10) of the Zoning Ordinance. The currently permitted use was established in the 1975 special permit approval as a, "private school of general education," with other uses, including worship services, approved by way of subsequent special permit amendments. The current Zoning Ordinance now provides a specific single use category that encompasses the combined uses. The applicant also proposes a modification to the previously approved development conditions to decrease the maximum enrollment of students from 295 to 99 and to add the enrollment of preschool students ages two to four. No new construction is proposed with the current application.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (R-1 Zoning)</b>		
<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Min. Lot Area	36,000 sq. ft.	7.92 acres
Lot Width	175 ft.	383.6 ft.
Building Height	60 ft.	27 ft.
Front Yard	Controlled by a 50° angle of bulk plane, but not less than 40 feet.	Complies
Side Yard	Controlled by a 45° angle of bulk plane, but not less than 20 feet	Complies
Rear Yard	Controlled by a 45° angle of bulk plane, but not less than 25 feet	n/a – corner lot
FAR	0.15 for uses other than residential or public	0.11
Open Space	n/a	
Parking Spaces	62	77

**Comprehensive Plan Provisions**

<b>Plan Area:</b>	II
<b>Planning District:</b>	Vienna Planning District
<b>Planning Sector:</b>	V-1, Lee Community Planning Sector
<b>Plan Map:</b>	Residential, 2-3 du/ac

**ANALYSIS****Land Use Analysis**

The property is surrounded on three sides by detached residential dwellings and to the north by private open space abutting detached residential dwellings. With the exception of those areas around the Vienna Metro station and the Merrifield CRA, the Comprehensive Plan recommends that the Lee planning sector remain as a suburban neighborhood. As community uses, places of worship and schools, are generally compatible with residential areas, and are permitted in residential zoning districts by special permit or special exception. It is staff's opinion that the proposed uses are in conformance with the Comprehensive Plan recommendations for the area.

### **Transportation Analysis**

A reduction in proposed student enrollment would decrease potential traffic impacts to the surrounding area associated with the subject property. The circular driveway to the east of the buildings on the subject property is narrow and possibly an unsafe area in which to conduct pick up and drop off activity. The applicant states that all pick up and drop off of students is conducted in the main parking lot to the rear of the subject property and not in the circular driveway. A development condition has been proposed to require all pick-up and drop-off activities occur in the main parking lot.

### **Waivers and Modifications**

As the applicant proposes no new construction with this proposal, staff supports a reaffirmation of the previously approved waivers and modifications.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (Appendix 6)**

- General Special Permit Standards (Sect. 8-006)
- Standards for All Group 3 Uses (Sect. 8-303)
- Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)

### **General Standards (Sect. 8-006)**

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

The Comprehensive Plan recommends low density single family, detached residential use in the vicinity of the site. The proposed pre-school and K-12 school would be located on a 7.92 acre lot with adequate parking and traffic mitigation measures that ease the impacts of traffic entering and exiting the site. The site is located adjacent to a service drive and Arlington Boulevard, at the edge of a residential neighborhood. Staff believes that the scale of the proposed use is 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.*

The purpose and intent of the R-1 Zoning District is to promote residential uses and to allow other selected uses that are compatible with the character of the district. Staff believes that the proposed pre-school and K-12 school within a place of worship is compatible with the residential character of the district and is therefore in harmony with the general purpose and intent of the applicable zoning districts.

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.*

The proposed use will be located within an existing structure on a corner lot. No exterior changes are proposed to the structures. Therefore, staff believes that General Standard 3 will be met.

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.*

The reduction of the number of children would reduce potential traffic impacts in the surrounding neighborhood.

5. *In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.*

No trees are proposed removal as part of the proposed use. Adequate existing landscaping is present on site. The application will also be in accordance with the provisions of Article 13 of the Zoning Ordinance.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The R-1 Zoning District does not specify a required amount of open space. General Standard 6 is not applicable; however, it should be noted that the proposal will make no physical changes to the site.

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.*

No additional drainage mitigation is required for this proposed use. No changes to the existing utilities are proposed. Parking and loading are adequate for the proposed use as shown on the special permit amendment plat and as described above.

8. *Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.*

The BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance. Staff has proposed a development condition restating that the site is governed by the sign provisions of Article 12 and notes that the applicant has not requested an increase or modification to those requirements. As such, staff finds this standard has been satisfied.

With the approval and adoption of the proposed development conditions, the general standards for all have been met.

### **Standards for all Group 3 Uses (Sect. 8-303)**

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

- 1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.*

No changes are proposed to the existing structures, all of which comply with the bulk regulations for the R-1 District.

- 2. All uses shall comply with the performance standards specified for the zoning district in which located.*

The use complies with the performance standards for the R-1 District, as demonstrated above.

- 3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.*

With the adoption of the proposed development conditions, it is staff's opinion that the standards for Group 3 uses have been met.

### **Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)**

Sect. 8-308 of the Zoning Ordinance specifies that places of worship with a child care center, nursery school, or private school of general or special education, may be approved as a special permit or special exception subject to the additional standards set forth in Sect. 9-309 and 9-310, as applicable:

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such 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 minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.*
- 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.*

The special permit plat shows that the applicant is proposing a playground area 4,287 square feet in size. This would accommodate up to 42 children per the ordinance requirement of 100 sf./child. Accordingly, a development condition has been proposed that limits the number of children using the outdoor play area to 42 at any one time. The playground meets all of the other requirements listed above.

- 2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:*

***Number of Persons/Street Type***

*1-75/Local*

*76-660/Collector*

*660+/Arterial*

The application proposes school a reduction of number of students from the previously approved 295 to a maximum of 99. This will lessen any potential traffic impacts on Chichester Lane. Though access to the property is off Chichester Lane, a local street, the site is located at the intersection with Arlington Boulevard, which is a major arterial. In this instance, staff believes that the current configuration, with access off of Chichester Lane, is a safer alternative than access off of Arlington Boulevard. Overall, staff considers the current orientation to Chichester Lane to be acceptable and recommends that the Board modify this standard.

3. *All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.*

Staff has determined that the proposed pick-up and drop-off location is appropriate. All pick-ups and drop-offs will be located out of the right-of-way and to the rear of the school building.

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.*

With the approval and adoption of the proposed development conditions, the additional standards for child care centers and nursery schools have been met.

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

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.*

*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 minimum 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.*

As discussed above, the special permit plat shows that the applicant is proposing a playground area 4,287 square feet in area. A development condition has been proposed to require the applicant to comply with the above limitations on the number of children allowed in the outdoor recreation area at any one time in addition the standards for child care uses.

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.*

The standards in Sect. 9-304 are identical to the the general standards for all group 3 special permit uses in Sect. 8-303, which is discussed 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.

With the approval and adoption of the proposed development conditions, the additional standards for private schools of general education and private schools of special education have been met.

### **CONCLUSION AND RECOMMENDATION**

Staff concludes that the application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions. For these reasons, staff recommends approval of SPA 80-P-095, subject to the proposed development conditions contained in Appendix 1.

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

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 the application.

### **Appendices**

1. Proposed Development Conditions
2. Statement of Justification with copies of historical Resolutions and Letters
3. Affidavit
4. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 80-P-095****March 18, 2015**

If it is the intent of the Board of Zoning Appeals to approve SPA 80-P-095 located on property described as Tax Map 48-4 ((1)) 39 to amend SP 80-P-095 previously approved for a school of general or special education, to permit the addition of a pre-school and a reduction of maximum enrollment, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Way of Faith Christian Training Center, Inc., and is not transferable without further action of this Board, and is for the location (8800 Arlington Boulevard) indicated on the application and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat titled, "Way of Faith Christian Training Center, Special Use Permit," prepared by Harold A. Logan, Certified Land Surveyor, dated October 20, 2014, and approved with this application as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved special permit amendment (SPA) plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the main area of worship shall not exceed 135.
6. 77 parking spaces shall be provided as shown on the special permit plat.
7. All interior and peripheral landscaping for the parking lot(s) shall be provided in accordance with Article 13.\* The landscaping shall be maintained in a healthy condition and dead and/or dying plant materials replaced. Prior to the issuance of the new Non-RUP, Urban Forest Management shall inspect the site and

- shall require replacement and/or new vegetation to meet the intent of the parking lot landscaping requirements.
8. Transitional Screening shall be modified along all lot lines, as shown on the SPA Plat.\* The landscaping shall be maintained in a healthy condition and dead and/or dying materials replaced. Prior to the issuance of the new Non-RUP, Urban Forest Management shall inspect the site and shall require replacement and/or new vegetation to meet the intent of Transitional Screening requirements.
  9. The barrier requirement shall be waived on all lot lines.
  10. The number of nursery school children using the playground shall not exceed 42 at any one time.
  11. 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.
  12. 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.
  13. There shall be a minimum of 45 minutes between the end of one worship service and the start of the next worship service.
  14. With the exception of a “crying room” for parents and infants, worship services held in the main sanctuary shall not be simultaneously broadcast to other rooms or buildings.
  15. Any new parking lot lighting installed shall be in accordance with the outdoor lighting standards as set forth in Section 14-900 of the Zoning Ordinance. The proposed parking lot light fixtures shall be fully shielded and International Dark Sky (IDA) approved. Exclusive of security lighting, all outdoor lighting shall be turned off within half hour of the end of any night time meetings and/or services. Motion detectors may be installed on parking lot and security lighting as a security measure.
  16. The maximum number of students for the school shall be 99.
  17. Operating hours shall be from 8:00 a.m. to 9:30 p.m.
  18. The applicant shall install signs, as necessary, to designate parking for the school is to be in the main parking lot to the rear of the buildings.

These development conditions incorporate and supersede all previous development conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.





VANDERPOOL, FROSTICK & NISHANIAN, P.C.

*Solutions from lawyers you trust*

October 24, 2014

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

Re: Special Permit Amendment Application to Amend S-80-P-095  
Fairfax County Tax Map Reference: 48-4 ((1)) 39 (the "Subject Property")  
Applicant: Way of Faith Christian Training Center, Inc.

Dear Ms. Berlin:

Please accept this letter, the attached statement, and the accompanying exhibits as the statement of justification for an application to amend special permit S-80-P-095, pursuant to which the Subject Property is permitted as a private school of general education for grades K-12 with other permitted uses by adults and children on evenings, weekends and summers, as set forth in greater detail herein.

This application seeks to amend the current permit in order to (1) to allow children ages two through four in addition to the permitted K-12 grades; (2) amend the permitted use of the Subject Property to permit a "[c]hurch[] . . . with a child care center, nursery school, or private school of general or special education" as provided in Fairfax County Zoning Ordinance § 8-301(10); and (3) decrease the permitted maximum school enrollment from 295 students to 99 students. No new construction is proposed.

Applicant has a valid non-residential use permit subject to the conditions of special permit S-80-P-095, which among other things, allows students in kindergarten through twelfth grade. The Zoning Administration Division has previously determined that this condition – grades K-12 – requires children schooled at the facility to be at least five years old, and that an amendment to the special permit is required for the introduction of younger children at the facility. Applicant would like to be able to enroll children younger than five years of age (specifically, ages two through four), and therefore, is seeking to amend the permit to allow such use.

With regard to other approved uses of the Subject Property, including worship services and adult education on evenings and weekends and summer programs, Applicant expects to

continue these permitted uses, as set forth in greater detail in the attached statement. The Zoning Ordinance provides a classification that is appropriate for this type of combined use: "Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education." Zoning Ordinance, § 8-301(10). Under the earlier version of the applicable ordinances when the initial special permit and subsequent amendments were approved, this dual classification did not exist; however, now there is a particular use listed in the Ordinance that corresponds to Applicant's permitted uses.

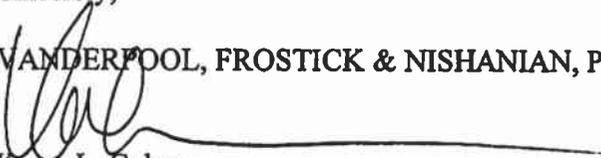
Further, although Applicant is permitted to have up to 295 students, actual current enrollment is nine (9) students in K-12. There are approximately five (5) three and four-year-old students waiting to enroll upon approval of this application. The County's fee schedule for a special permit application for a church with a school establishes one fee for churches with schools having "an enrollment of 100 or more students daily" and another fee for 99 or less. Applicant hopes to grow as a church with a school; however, at this time, Applicant believes that 99 students is a reasonable maximum daily enrollment number for the school given actual enrollment today.

Given that Applicant seeks a *reduction* in overall intensity compared to what is currently permitted on the Subject Property, Applicant requests – to the extent it is possible – expedited processing of its application. Applicant has told the parents of the pre-school age children that they may not enroll until a special permit amendment is obtained, and Applicant is concerned about serving these potential students. As such, Applicant is especially grateful for any assistance that may appropriately be given to expedite approval or otherwise conditionally approve this application so that parents of two through four-year-olds who would like to enroll their children may do so as soon as possible.

Thank you very much for your cooperation and assistance. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

VANDERPOOL, FROSTICK & NISHANIAN, P.C.



Karen L. Cohen,  
Attorney for Applicant

Enclosures

**STATEMENT TO ACCOMPANY  
APPLICATION TO AMEND S-80-P-095**

**I. Description of the Subject Property and Proposed Amendment**

The Subject Property is zoned R-1 and is located at 8800 Arlington Boulevard. It is identified among the Fairfax County tax assessment records as Parcel 48-4-001-39. The Subject Property is approximately 7.9171 acres, and is subject to special permit S-80-P-095, which as set forth in more detail below, is the third in a series of amendments to the original permit issued in 1975 for use of the Subject Property as a private school of general education, serving grades K-12.

This application seeks to amend the current permit in order to (A) change the limit on the age of the children who may attend to allow children ages two through four in addition to the permitted K-12 grades; (B) amend the permitted use of the Subject Property to “[c]hurches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education” as provided in Fairfax County Zoning Ordinance § 8-301(10); and (C) decrease the permitted maximum enrollment from 295 students to 99 students. No new construction is proposed.

**A. Allow Children Ages Two through Four**

Applicant has a valid non-residential use permit subject to the conditions of special permit S-80-P-095, which among other things, allows up to 295 students in kindergarten through twelfth grade. The Zoning Administration Division has previously determined that this condition – grades K-12 – requires children schooled at the facility to be at least five years old, and that an amendment to the special permit is required for the introduction of younger children at the facility. Applicant would like to be able to enroll children younger than five years of age, and therefore, is seeking to amend the permit to allow children ages two through four.

**B. Reclassify the Permitted Use**

With regard to other approved uses of the Subject Property, including worship services and adult education on evenings and weekends and summer programs, Applicant expects to continue these permitted uses, as set forth in greater detail in the attached statement. The Zoning Ordinance provides a classification that is appropriate for this type of combined use: “Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education.” Zoning Ordinance, § 8-301(10). Under the earlier version of the applicable ordinances when the initial special permit and subsequent amendments were approved, this dual classification did not exist; however, now there is a particular use listed in the Ordinance that corresponds to Applicant’s permitted uses.

**C. Decrease Maximum Enrollment**

Further, although Applicant is permitted to have up to 295 students, actual current enrollment is nine (9) students in K-12. There are approximately five (5) three and four-year-old

students waiting to enroll upon approval of this application. The County's fee schedule for a special permit application for a church with a school establishes one fee for churches with schools having "an enrollment of 100 or more students daily" and another fee for 99 or less. Applicant hopes to grow as a church with a school; however, at this time, Applicant believes that 99 students is a reasonable maximum daily enrollment number for the school given actual enrollment today.

## **II. History of the Special Permits and Amendments**

In order to clearly set forth the permitted uses of the Subject Property, it is necessary to provide in some detail the history of the prior permit and amendments thereto, starting with Applicant's first special permit to operate as a private school of general education, which was issued in 1975, and was subsequently amended three times (1976, 1978 and 1980) to allow – in addition to the school – various evening, weekend and summer activities.

### **A. 1975: S-181-75**

On July 30, 1968, a special use permit was granted to Computer Age Industries, Inc., the prior owner of the Subject Property, for operation of a business school. In 1975, the property was sold to Applicant's predecessor, Lahairoi, Inc. t/a Lahairoi Christian Academy, which later changed its name to Way of Faith Christian Training Center, Inc. (Lahairoi and Way of Faith are both referred to hereafter as "Applicant"). At that time, the Subject Property was – as it is currently – zoned residential. Upon the change in ownership from Computer Age Industries to Applicant, Applicant applied for a special permit for a school of general education, kindergarten through twelfth grade, with a maximum of 120 students.

Following a public hearing on September 16, 1975, the Board of Zoning Appeals granted the application (S-181-75) with the limitations set forth in the resolution, including standard general conditions, such as that the permit expires within one year unless renewed by action of the Board and that any change in use or additional uses requires approval of the Board. The resolution also set forth the following relevant specific conditions:

6. The maximum number of students shall be 120, ages 5 through High School age.
7. The hours of operation shall be from 8 A.M. to 9 P.M., 5 days per week, Monday through Friday, during the normal school year.

*See Resolution of Board of Zoning Appeals granting S-181-75 (September 16, 1975), attached as Exhibit A.*

### **B. 1976: S-62-76**

On March 9, 1976, Applicant applied to amend S-181-75 to request the following use: "In addition to use already granted, include nightly religious classes for adults and a summer program of Christian education for youth, similar to the operations of the normal school year." Application for Special Permit S-62-76, attached as Exhibit B.

Following a public hearing on May 11, 1976, the Board of Zoning Appeals granted the application (S-62-76) with the limitations set forth in the resolution, including standard general conditions, and the specific condition that “[a]ll other conditions of the existing special use permit shall remain in effect with the following changes[:]”

- a. The hours of operation shall be from 8 a.m. to 9:30 p.m.
- b. This shall be for 120 students, seven days per week, 12 months per year.

See Resolution of Board of Zoning Appeals granting S-62-76 (May 11, 1976), attached as Exhibit C. Thus, the hours of operation were expanded beyond the normal weekdays and school hours to include evenings, weekends and summers to accommodate use of the facility for adult religious education and the above-referenced summer program.

**C. 1978: S-232-78**

In 1978, Applicant applied to allow its use of a temporary classroom trailer. Following a public hearing on October 14, 1978, the Board of Zoning Appeals granted the application (S-232-78) with the limitations set forth in the resolution, including standard general conditions, and the specific condition that:

7. The use of the temporary trailer is limited through the end of the 1979 to 1980 school year.
8. The maximum number of students at any one time in the trailer shall be twenty (20).
9. All conditions of the original use permit shall remain in effect.

See Resolution of Board of Zoning Appeals granting S-232-78 (October 14, 1978), attached as Exhibit D.<sup>1</sup>

**D. 1980: S-80-P-095**

Finally, in late 1980, a special permit amendment was applied for and granted, and this is the permit that is currently applicable to the Subject Property. In this application, Applicant sought to expand its facility by constructing a new building for classrooms and an auditorium. The Applicant also sought to increase the permitted enrollment by an additional 175 students (from 120 to 295 students). As set forth in the application, the new building to be constructed was to “provide expansion of [the] present operation” consisting of “a day school, conducting classes in elementary and secondary levels, with additional adult classes and services.” See Application, attached as Exhibit G. The application stated that “[e]vening and weekend usage includes college-

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<sup>1</sup> Further approvals regarding classroom trailers were granted in 1980 without the need for a new permit amendment. On August 5, 1980, the BZA granted an extension for the temporary classroom trailer to be utilized through the June 1981 school term. See Letter from BZA Clerk to Applicant, dated August 8, 1980, attached as Exhibit E. On September 11, 1980, the BZA approved the replacement of the then existing 10’x40’ classroom trailer with a 10’x60’ trailer in the same location as a minor engineering change. See Letter from BZA Clerk to Applicant, dated September 17, 1980, attached as Exhibit F.

accredited Bible classes and worship services, about three hours each.” The application estimates that about 175 students will be attending the school and “[w]eekend meetings will vary in number.” Other details were provided in the application, including information regarding the school’s administration, teacher certification, and that worship services would be conducted under the supervision of the facility’s then Director.

Following a public hearing on December 9, 1980, the Board of Zoning Appeals granted the application (S-80-P-095) with the limitations set forth in the resolution, including standard general conditions, and the following relevant specific conditions:

7. The number of students shall be 295.
8. The hours of operation shall be 8 A.M. to 9:30 P.M.
9. The number of parking spaces shall be 69.
10. All other requirements of S-232-78 not altered by this resolution shall remain in effect.

See Resolution of Board of Zoning Appeals granting S-80-P-095 (December 9, 1980), attached as Exhibit H.

**E. 1981 to Present**

On April 28, 1981, the Board approved as a minor engineering change a revised site plan changing the ingress/egress to Chichester Lane rather than Arlington Boulevard because VDH&T would not approve a driveway on Arlington Boulevard. On May 5, 1981, permission was granted to extend use of the trailer for three years (from December 9, 1980 to December 9, 1983). *See* BZA After Agenda Items at Exhibit I and Exhibit J, respectively.

A certificate of completion was issued in February of 1988. *See* Certificate of Completion and release of deposit letter, attached as Exhibit K. On February 11, 1988, a new Non-Residential Use Permit was issued, which states that the use is required to comply with the 1980 special permit amendment, S-80-P-095. *See* Non-Residential Use Permit No. A-0377-88, attached as Exhibit L.

In 1998, in connection with its annual Fairfax County Health Department review, the Health Department requested zoning confirmation that Way of Faith had zoning approval to allow operation of a pre-kindergarten program for four-year-olds. In a March 27, 1998 letter to the Applicant from the Zoning Administration Division, it was determined that operation of a pre-kindergarten program for four year old children is not in conformance with the conditions of the approved special permits and violates the zoning ordinance. The letter stated that in order to clear this violation, Way of Faith could cease operation of the pre-kindergarten program or, to continue the program, obtain approval of an amendment to the special permit to change the limit on the age of the children who may attend the school. *See* Letter, attached as Exhibit M. Way of Faith ended up ceasing operation of its pre-kindergarten and has never had such a program or sought to establish one (until the present application).

In 2004, Applicant submitted plans for further expansion of its facility involving new construction, but it never pursued the application, and the application was eventually dismissed

for failure to prosecute on December 7, 2011. See Dismissal Letter, attached as Exhibit N. On May 1, 2013, Applicant requested a determination as to whether the existing permit, S-80-P-095, would allow it to rent a room to an independent homeschooling group of eight (8) four-year-old children attended by their mothers for one day per week for approximately 34 meetings over a nine-month period. See Letter, attached as Exhibit O. On June 12, 2013, the Division of Zoning Administration responded to that request, stating that “the introduction of four year old children at the facility would require an amendment to the special permit.” See Letter of June 12, 2013 from Department of Planning and Zoning, Exhibit P. The Applicant’s current Board of Directors has resolved that, in addition to continuing its presently approved operation of its K-12 school and other evening, weekend and summer uses of the facility, it would like to have a pre-kindergarten program and, therefore, the instant application is necessary to amend the special permit to, among other things, allow children younger than five years of age.

### **III. Proposed Use**

The section subheadings below correspond to the list of items in § 8-011(6)(A-I) of the Zoning Ordinance.

#### **A. Type of Operations**

The proposed special permit use classification for the Subject Property is “[c]hurches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education.” See Fairfax County Zoning Ordinance §§ 3-103 and 8-301(10). No new construction is proposed. Consistent with the current permit, Applicant proposes to continue to use the facility for a private school of general education, evening and weekend worship services and adult religious education, and a summer youth program, all as set forth in greater detail below. The currently permitted use classification from 1975 is “private school of general education” with other uses, including worship services, approved by way of subsequent special permit amendments as set forth in detail in Section II, above. Because the current Zoning Ordinance provides a specific classification that corresponds to this type of combined use – that is, a church with a school – it is appropriate to amend the use classification to conform to the current classification set forth in § 8-301(10) of the Ordinance.

With regard to the intensity of the proposed use, Applicant proposes to *decrease* the currently permitted intensity. While the school’s K-12 enrollment in the 1970s was approximately 120 students, enrollment never reached the currently permitted 295 students and, today, enrollment is only nine students, with five preschoolers waiting to enroll upon approval of this application. Applicant hopes to grow as a church with a school; however, at this time, Applicant believes that 99 students is a reasonable maximum daily enrollment number for the school given actual enrollment today.

**B-D. Hours, Estimated Number of Attendees/Employees/Students**

Applicant expects evening and weekend usage for adult religious education/Bible study and worship services to continue with substantially the same types of activities as it has for the past thirty-four years. The following regular activities are currently held on the Subject Property:

- On Sundays, there are various activities, classes and worship services from 8:30 a.m. to 7:30 p.m. with combined attendance up to 135 people.
- From Monday through Friday, 7:00 a.m. to 5:30 p.m., there is K-12 school, which currently has nine students and three teachers; weekday use also includes the following staff: a secretary and a property manager.
- On weekdays and weekday evenings, there are Bible study groups, ministry, and prayer meetings, ranging in attendance from 10 to 50 people, and a family night on Friday nights at which about 80 people may attend.
- On Saturdays, there are early morning Bible groups and prayer meetings ranging from 5 to 50 people, and afternoon worship currently attended by about 30 people.

In addition to the list above, Applicant serves the community with monthly food distribution every third Tuesday from 6:30 p.m. to around 8:00 p.m. The number varies, but recently, there were approximately 50 people in attendance. Other special events are held from time to time such as mission banquets to host visiting missionaries, as well as a special outreach to the poor at Christmas. The banquets may have around 30 or 40 and the Christmas outreach draws a larger attendance of approximately 150. The missionary banquets will most likely be on Wednesday evenings and the Christmas outreach typically is scheduled for a Saturday a week or two before Christmas.

While Applicant cannot feasibly list every holiday dinner or religious education program that could possibly arise in connection with its proposed church and school activities, Applicant proposes to continue the same types of activities as those set forth above with the same approximate hours of operation for each. Upon approval of the instant application, Applicant also anticipates admitting children ages two through four years old to the school, growing the school, and growing as a church. As such, it anticipates – in addition to the specific activities listed above – conducting any other activities that are reasonably associated with use by “[c]hurches . . . and other such places of worship with a child care center, nursery school, or private school of general or special education.”

**E. Estimated Traffic Impact**

The vehicle trips for the school occur only on weekdays. The vehicle trips for worship services occur primarily for the Sunday morning service from 10:30 to 12:15, attended by approximately 115 people. The Subject Property has 77 (70 regular and 7 handicap) parking spaces, which is more than adequate as the Ordinance provides that one (1) parking space shall be

provided for every four (4) seats in the principal place of worship; thus, the current parking could accommodate 308 worship service attendees.

Adult evening classes and other group activities are as set forth above. All trips to the Subject Property are by private vehicle, although it is possible that a private school bus could one day serve the school if enrollment increases to a level to support the provision of such transportation. For now, however, the nine students are dropped off between approximately 7:00 a.m. and 8:00 a.m. and picked up between 3:15 p.m. and 5:30 p.m. With the current enrollment at 9 (14 when the younger children are permitted), there is no significant traffic impact. Of course, the school has prior experience with managing the flow of drop-off and pick-up and there was a designated carpool line where students were dropped off and picked up. Two teachers and staff managed the carpool line, which was accessed from Chichester Lane, not from Arlington Boulevard.

**F. Area Served**

The church with school will serve the local area. Students, worshippers, Bible study groups/other adult religious education class attendees, and summer youth program attendees are primarily Fairfax County residents living within a radius of approximately less than one to ten miles.

**G. Description of Building(s)**

The existing structures on the Subject Property will be retained. No new construction or expansion is being proposed. There are two (2) buildings on the Subject Property, one built in 1954 (according to County tax records) having two floors above grade and a basement, with a total gross floor area of approximately 8,439 square feet, and one built in 1984 having one story with a basement, with a total gross floor area of approximately 29,362 square feet, as depicted on the plat submitted herewith. Photographs of the Subject Property and the buildings thereon also are submitted herewith.

**H. Known Hazardous Substance Disclosure**

The Applicant is not aware of any hazardous or toxic substance located on the Subject Property.

**I. Conformance with Applicable Ordinances**

The proposed special permit amendment and the proposed uses of the Subject Property conform to the provisions of all applicable ordinances, regulations and adopted standards, except as set forth below with respect to requested waivers.

**1. General Standards**

The proposed use is in harmony with the general purpose and intent of the applicable zoning district regulations and the adopted Comprehensive Plan. The Subject Property is located

in a residential (R-1) district, which is established to provide for single family detached dwellings and to allow other selected uses which are compatible with the low density residential character of the district. Group 3 Institutional Uses (which include churches with schools) are specially permitted within this district. The Subject Property is located within the Comprehensive Plan's Vienna Planning District, V1-Lee Community Planning Sector. The Comprehensive Plan does not include any site specific recommendations for the Subject Property. The Subject Property is generally planned for residential "suburban neighborhoods" at 2-3 dwelling units per acre. As "[c]hurches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education" are a specifically permitted use classification for allowed Group 3 Special Permit Uses in the R-1 district, the Applicant's proposal is in harmony with the Plan's recommendation.

No new construction is proposed and the current application seeks a reduction in the previously permitted intensity. Therefore, the proposed use will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. No changes are proposed to the structures or other physical characteristics of the Subject Property. Thus, the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping are 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. Further, pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the neighborhood, particularly since the maximum number of students at the school will be less than half of what is currently permitted.

## **2. Additional Standards**

The proposed use complies with the additional standards for churches, chapels, temples, synagogues or other such places of worship with a child care center, nursery school or private school set forth in the Ordinance at § 9-314 (requiring compliance with the specific additional standards set forth in § 9-309 and § 9-310). In addition to complying with the minimum lot size requirements of the applicable zoning district, the minimum lot area is of such size that the required usable outdoor recreation area is provided in accordance with the standards set forth in §§ 9-309 and -310 and is delineated on the plat submitted with this application. Further, the use is located such that it has direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. The use is located so as to permit pick-up and delivery of all persons on the site.

## **IV. Request for Waiver**

Because there is no new construction, physical alteration of any structure, or disturbance proposed, and further because there will be a decrease in overall permitted intensity, Applicant seeks a waiver of the minimum stormwater information requirements; any additional landscaping and screening requirements; any trails and open space requirements; utility, drainage, parking, loading and other facility requirements; and sign requirements, to the extent such requirements may otherwise be imposed.

**V. Statement Confirming Ownership**

Applicant, Way of Faith Christian Training Center, Inc., hereby confirms that it is the fee simple owner of the Subject Property.

Mr. Allen stated that this school would be operated five days per week. They would like to have some adult classes at night if possible.

There was none to speak in favor or in opposition to this application.

RESOLUTION

In application S-181-75 by Lahairoi, Inc., T/A Lahairoi Christian Academy under Section 30-7.2.6.1.3.2 of the Zoning Ord. to permit school of general education, Kindergarten through 12th Grade, 120 students, 6800 Arlington Blvd., Providence District, 48-4(1)39, County Of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board on September 16, 1975.

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

1. That the owner of the property is Resource Evaluation & Development, Inc. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 7.9 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 120, ages 5 through High School age.
7. The hours of operation shall be from 8 A.M. to 9 P.M., 5 days per week, Monday through Friday, during the normal school year.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Health Department, the State Dept. of Welfare and Institutions and obtaining a Non-Residential Use Permit.
9. All buses and vehicles used for transporting students to and from school shall comply with the standards of the Fairfax County School Board and the State Code for color and light requirements.
10. Landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.



May 11, 1976

10:30 - LAHAIROI, INC. appl. under Section 30-7.2.6.1.3.2 of the Zoning Ord. a.m. ~~to permit additional uses of existing facility -- adult classes, five nights a week from 7 to 9 p.m. for 50 to 100 students, and to permit summer program of general education, weekdays 8 a.m. to 5 p.m. for 50 to 100 students, 8800 Arlington Blvd., 48-4((1))39, (7 acres), Providence District, (RE-1), S-62-76.~~

Ellen K. Blackwell, 9426 State Street, Vienna, Virginia, represented the applicant. She submitted notices to property owners which were in order. She explained to the Board what Lahairoi wishes to do as is stated in the caption.

There was no one to speak in favor or in opposition.

RESOLUTION

In application S-62-76 by Lahairoi, Inc. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit additional uses of existing facility, 8800 Arlington Blvd., 48-4((1))39, County of Fairfax, Mr. Durrer moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board held on May 11, 1976.

WHEREAS, the Board of Zoning Appeals had made the following findings of fact:

1. That the owner of the property is the applicant.
2. That the zoning is RE-1.
3. That the area of the lot is 7.9 acres:
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the building and uses indicated on the plans submitted with this application.
4. All other conditions of the existing special use permit shall remain in effect with the following changes.
  - a. The hours of operation shall be from 8 a.m. to 9:30 p.m.
  - b. This shall be for 120 students seven days per week, 12 months per year.

Mr. Swetnam seconded the motion.

The motion passed unanimously (5 to 0).

3:40 P.M. - WAY OF FAITH CHRISTIAN TRAINING CENTER, INC., appl. under Sect. 3-103 of the Ord. to amend existing special permit for school of general education to permit temporary classroom trailer and basketball court, located 8800 Arlington Blvd., 48-4((1))39, 7.9 acres, Providence Dist., R-1, S-232-78.

S-232-78cc  
Arlington Blvd

Mrs. Lois Burke of 2040 Cedar Lane, Vienna, represented the applicant. She stated that the school proposed to use the trailer for the remainder of the school year and could possibly still require it after that. In response to questions from the Board, she stated that the trailer could house 20 students. She stated that they needed the trailer not because of overcrowding of the existing building but because of an increase of classes in order to offer a variety of subjects to the upper classes. With regard to the basketball court she stated that this was a permanent structure presently in existence and consisting of blacktop with goal posts.

There was no one to speak in support of the application. Mr. Paul Hammack of the Mantua Civic Association spoke in opposition to the application. He stated that the civic association was opposed to having a temporary trailer as an improvement to the center. It was felt that it would detract from the surrounding area. Mr. Hammack stated that they would like to see a limit on the use of the trailer as far as the length of time because it was not compatible with the area. Mr. Hammack stated that the basketball court was in front of the building facing Arlington Boulevard and was not compatible with the residential neighborhood. He stated that the basketball court would detract from the overall appearance of the surrounding structures. Chairman Smith stated that the basketball court was existing at the side of the structure and sits back 105 ft. from the service drive and was even with the rear of the building. Mr. Hammack stated that the temporary trailer should not be allowed on principle as it might allow for further temporary trailers later on. He stated that this would also act as a springboard for other temporary uses in the area. Mr. Smith accepted the letter from the Mantua Civic Association for the record.

There was no one else to speak in opposition to the application.

Page 449, October 24, 1978, Board of Zoning Appeals  
WAY OF FAITH CHRISTIAN TRAINING CENTER

R E S O L U T I O N

Ms. Ardis made the following motion:

WHEREAS, Application No. S-232-78 by WAY OF FAITH CHRISTIAN TRAINING CENTER, INC., under Section 3-103 of the Fairfax County Zoning Ordinance to permit amendment of existing permit to allow temporary classroom trailer and basketball court on property located at 8800 Arlington Boulevard, tax map reference 48-4((1))39, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and,

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on October 24, 1978; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-1.
3. That the area of the lot is 7.9 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 3-306 of the Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

450

Page 450, October 24, 1978  
WAY FAITH CHRISTIAN TRAINING CENTER  
(continued)

Board of Zoning Appeals

R E S O L U T I O N

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

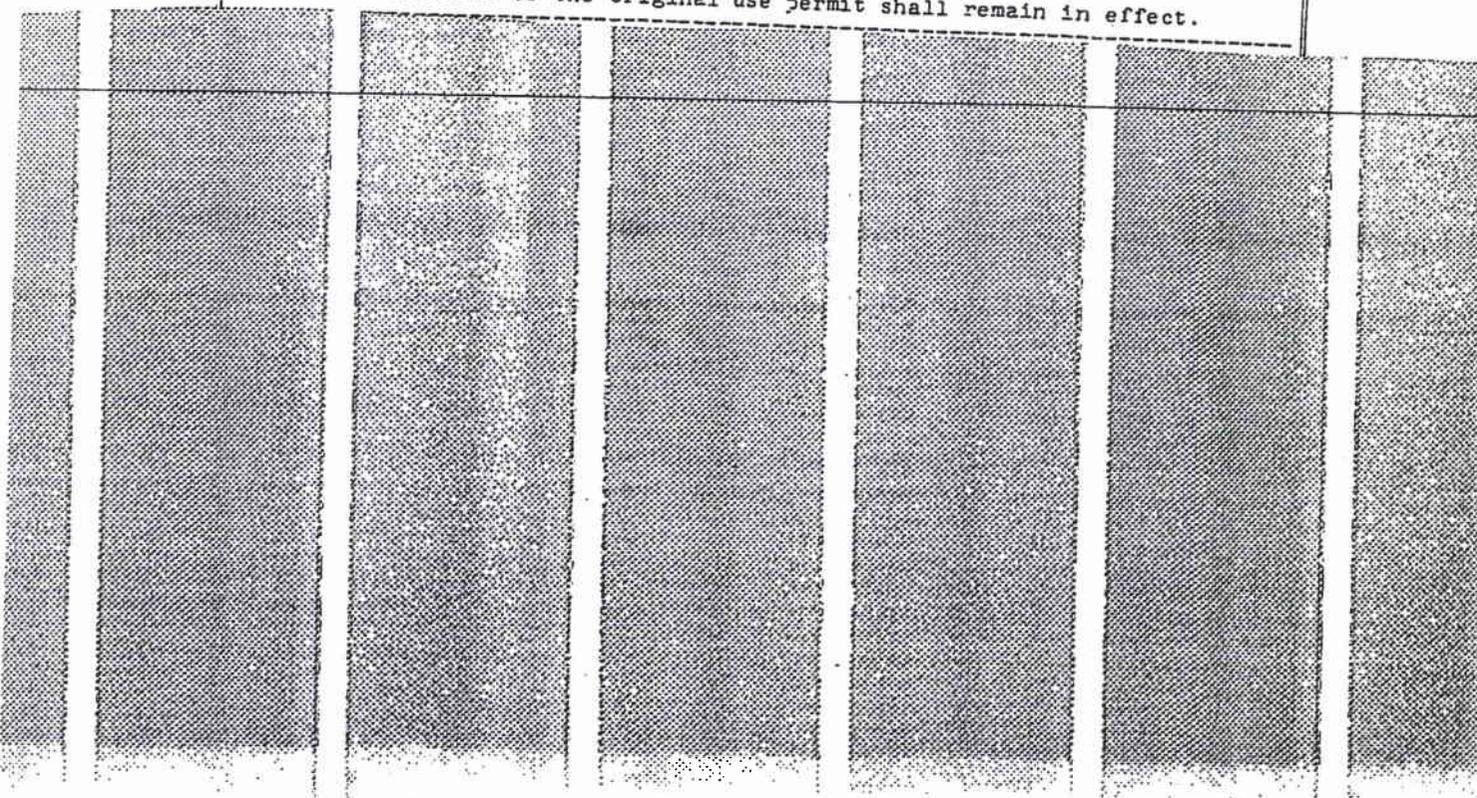
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

7. The use of the temporary trailer is limited through the end of the 1979 to 1980 school year.

8. The maximum number of students at any one time in the trailer shall be twenty (20).

9. All conditions of the original use permit shall remain in effect.

(\*)





691-4261

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

Office of Comprehensive Planning  
Board of Zoning Appeals  
10555 Main Street  
Fairfax, Virginia 22030



*Mastx file*

August 8, 1980

Ms. Ellen K. Blackwell  
President, Way of Faith  
Christian Training Center  
8800 Arlington Boulevard  
Fairfax, Virginia 22031

RE: Way of Faith Christian Training Center, Inc.  
S-232-78

Dear Ms. Blackwell:

In accordance with your recent request, the Board of Zoning Appeals at its meeting of August 5, 1980 granted an extension for the temporary classroom trailers to be utilized through the June 1981 school term.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Sandra L. Hicks  
Clerk to the  
Board of Zoning Appeals

cc: Philip G. Yates  
Zoning Administrator



691-4261

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

Office of Comprehensive Planning  
Board of Zoning Appeals  
10555 Main Street  
Fairfax, Virginia 22030



*Mason file*

September 17, 1980

Ms. Ellen K. Blackwell  
President, Way of Faith  
Christian Training Center  
8800 Arlington Boulevard  
Fairfax, Virginia 22031

RE: S-232-78

Dear Ms. Blackwell:

---

At its meeting of September 11, 1980, the Board of Zoning Appeals approved the replacement of the existing 10'x40' classroom trailer with a 10'x60' trailer as a minor engineering change. The only stipulation the Board made was that the replacement trailer be located in the exact location as was approved for the original trailer.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Sandra L. Hicks  
Clerk to the  
Board of Zoning Appeals

cc: Philip G. Yates  
Zoning Administrator

- Way of Faith Christian Academy
- Community Christian Education
- Way of Faith Radio-TV Ministries
- Almond Tree Club Youth Outreach
- Christian Training by Correspondence

way of faith  
 CHRISTIAN TRAINING CENTER  
 8800 Arlington Boulevard, Fairfax, Virginia 22031 (703) 573-7221



BOARD OF DIRECTORS

Ellen K. Blackwell  
 Leonard A. Abrams  
 David B. Zimmerman  
 Lois L. Burt  
 Arthur D. Stamler  
 Robert S. Burt  
 Sue H. Kovacic

Fairfax County Board of Zoning Appeals  
 10555 Main Street  
 Fairfax, Virginia 22030

This is written to make application for special use permit for a new building at location: 8800 Arlington Boulevard, Fairfax, Virginia.

- This facility will provide expansion of present operation: a day school, conducting classes in elementary and secondary levels, with additional adult classes and services.
- The time factor of operation will involve about eight hours daily. Evening and weekend usage includes college-accredited Bible classes and worship services, about three hours each.
- An estimate of 175 will be attending day school. Weekend meetings will vary in number.
- There will be approximately 20 on the staff.
- The day school is operated with a Director, an Administrator and a Principal in charge. Teachers are certified with the State of Virginia or are seeking certification. The college-accredited classes are conducted by qualified professors under the extension program of Valley Forge Christian College, Phoenixville, Pa. Worship services are to be conducted under supervision of the Director of the Center, Ellen K. Blackwell.
- The traffic impact will be felt at 8 to 9 in the morning, and 3 to 3:30 in the afternoon.

- G. This operation serves the immediate area plus a radius of adjacent municipalities.
- H. The campus-type building will be of concrete and steel, one story, containing classrooms and auditorium with one floor partly underground.

*Ellen K. Blackwell*

Ellen K. Blackwell  
Director

WAY OF FAITH CHRISTIAN TRAINING CENTER, INC.  
R E S O L U T I O N

Ms. Day made the following motion:

WHEREAS, Application No. S-90-P-095 by WAY OF FAITH CHRISTIAN TRAINING CENTER, INC. under Section 3-103 of the Fairfax County Zoning Ordinance to amend S-232-78 for school of general education to permit construction of classrooms and auditorium building additions, removal of classroom trailer and increase in maximum number of students from 175 to 295, on property located at 8800 Arlington Boulevard, tax map reference 48-4((1))39, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on December 9, 1980; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-1.
3. That the area of the lot is 7.9171 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.
3. This approach is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.
7. The number of students shall be 295.
8. The hours of operation shall be 8 A.M. to 9:30 P.M.
9. The number of parking spaces shall be 69.
10. All other requirements of S-232-78 not altered by this resolution shall remain in effect.

Mr. Hyland seconded the motion.

The motion passed by a vote of 4 to 0 (Mr. DiGiulian being absent).

Page 358, April 28, 1981  
KEVIN & HEIDI DELLAFERA EASLETON  
(continued)

Mr. Hyland moved that the Board adopt the standard variance resolution as the property was irregular in shape being an odd-shaped undeveloped lot. He stated that the pipestem on Old Dominion Drive would create an additional traffic hazard and would have an impact on adjoining property owners. Therefore, Mr. Hyland moved that the variance be granted in part with the two standard limitations on the form; and (3) that the applicant provide ingress & egress to the proposed lot 2 from Bellview Road either with an easement or a pipestem across the Easleton property; and (4) that the applicant provide plats for resubdivision for general review and approval.

358

The motion failed for lack of a second. Mr. Yaremchuk moved that the Board defer decision to allow viewing of the property and it was unanimously passed. The Board deferred the hearing until May 19th.

//

Page 358, April 28, 1981, After Agenda Items

May of Faith, S-80-P-095: The Board was in receipt of a revised site plan for the May of Faith Christian Training Center. The VDNST would not allow access from Arlington Boulevard so the school had to change its entrance to Chichester Lane. It was the consensus of the Board to approve the change as a minor engineering change.

//

Page 358, April 28, 1981, After Agenda Items

Vinson E. Allen & John F. McMahon, V-81-79: The Board was in receipt of a memorandum from Phil Garman regarding the Allen Building seeking approval from the BZA with respect to the transitional screening. Mr. DiGiulian informed the other Board members that he had discussed the matter with Oscar Hendrickson. He indicated that Site Review was satisfied with the transitional screening and so was the Planning Commissioner and the adjacent property owner. Accordingly, Mr. DiGiulian moved that the Board approve the revised site plan as a minor engineering change. Mr. Hyland seconded the motion and it passed unanimously.

// There being no further business, the Board adjourned at 2:40 P.M.

By Sandra L. Hicks Sandra L. Hicks, Clerk to the Board of Zoning Appeals  
Daniel Smith Daniel Smith, Chairman

Submitted to the BZA on December 14, 1982 APPROVED: December 21, 1982

Page 369, May 5, 1981, After Agenda Items

Way of Faith Christian Training Center: The Board was in receipt of a request from Ellen Blackwell of the Way of Faith Christian Training Center requesting clarification as to when the temporary classroom trailer had to be removed from the premises. It was the consensus of the Board to extend the use of the trailer for a period of three years effective the date of the granting of the last special permit which was December 9, 1980.

//

Page 369, May 5, 1981, After Agenda Items

Luck Quarries: The Board was in receipt of a letter from Rayce Spence concerning an extension of hours for Luck Quarries. It was the consensus of the Board to defer the matter for a period of one week.

//

Page 369, May 5, 1981, After Agenda Items

Sunrise Valley School: The Board was in receipt of a request for an out-of-turn hearing for the Sunrise Valley School. It was the consensus of the Board to grant the request and the hearing was scheduled for June 9, 1981.

//

Page 369, May 5, 1981, After Agenda Items

Elwood Pollis: The Clerk asked the Board for clarification in its resolution regarding the granting-in-part of the variance to Elwood Pollis in which the Board had directed that the two story shed not exceed a maximum height of ten feet. The Clerk asked for direction on the amount of time intended by the Board for the removal of the shed to the ten foot height. It was the consensus of the Board that it had been their intent to allow a period of ninety (90) days for Mr. Pollis to comply with the resolution effective from the date of the hearing of March 17, 1981. The Clerk was directed to so notify Mr. Pollis and Zoning Enforcement.

//

Page 369, May 5, 1981, After Agenda Items

Aline Blake Imler: The Board was in receipt of a letter from Mrs. Aline Blake Imler requesting an extension of the variance, V-80-C-084. It was the consensus of the Board to grant a six month extension which extended the variance until December 10, 1981.

//

Page 369, May 5, 1981, After Agenda Items

F. W. McGrail III & Martha A. McGrail, V-80-S-061: The Board was in receipt of a request from Mr. and Mrs. McGrail for an extension of their variance. It was the consensus of the Board to grant a six month extension which extended the variance until November 6, 1981.

//

There being no further business, the Board adjourned at 2:50 P.M.

By Sandra L. Hicks  
Sandra L. Hicks, Clerk to the  
Board of Zoning Appeals

Daniel Smith  
DANIEL SMITH, CHAIRMAN

Submitted to the Board on Jan. 7, 1983

APPROVED: January 11, 1983



COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

FEB 1 1988



Telephone: (703) 246-2881

Way of Faith Christian Training Center  
8800 Arlington Blvd.  
Fairfax, Virginia 22031

Re: Way of Faith Christian Training Center; 4562-SP-01; Map Reference: 48-4

Dear Sir:

All required improvements as covered by your agreement dated August 27, 1981 have been completed. Therefore, you are hereby released from your obligations to the County to construct this project.

This letter will serve as a release of the \$1,000.00 deposit posted with the County of Fairfax to guarantee conservation measures.

A request to release your funds is being sent concurrently to the Office of Finance, where it will be processed. The deposit will be returned to you as soon as the process is complete, in approximately ten days.

Thank you for participating in the development of Fairfax County. Please call 246-2791 if we may be of further service to you.

Sincerely,

*Irving Birmingham*  
Irving Birmingham, Director  
for Division of Design Review  
Department of Environmental Management  
The Fairfax Building - 6th Floor  
10555 Main Street  
Fairfax, Virginia 22030

IB/bc  
0185/1612

cc: Katherine K. Hanley, Supervisor, Providence District  
J.O. Johnson Home Improvements  
Elizabeth A. Snyder, Assistant County Attorney  
Permit Section, DEM  
Zoning Administrator  
Public Utilities Branch, DEM  
Complaint Section, DEM  
Arborist Branch, DEM  
Plan Control Section, DEM  
DE00422A

CERTIFICATE OF COMPLETION

This is to certify that the County of Fairfax, Virginia, has inspected and reviewed the development, use and plans related to the below identified property, and has approved same as meeting all applicable codes and ordinances of the County.

Name (if any) \_\_\_\_\_

Address \_\_\_\_\_ Tax Map \_\_\_\_\_

Zoning \_\_\_\_\_ Proposed Use \_\_\_\_\_

Bldg. Permit No. \_\_\_\_\_ Site Plan No. \_\_\_\_\_

4562-SP-01

Final Approvals:

Signature:

Date:

Division of Inspection Services:

M. Aylor

12-31-

Division of Design Review:

I. Birmingham

2-1-

Department of Health

Other \_\_\_\_\_

Residential or Non-Residential Use Permit No. See File

This certificate is issued upon completion of all required performance for the use and by the user indicated above.

It is not a permit for the violation of any ordinances or codes, and must be reapproved whenever the occupant named above is changed or when the use of the property is changed.

Issued this 11th Day of Feb, 19 88

by order of:

*[Handwritten Signature]*

Zoning Administrator

cl

Copies to:-

- 1 - Builder
- 1 - Inspection Services
- 1 - Design Review
- 1 - Zoning Administration
- 1 -

COMMONWEALTH OF VIRGINIA  
 COUNTY OF FAIRFAX  
 Office of Comprehensive Planning  
 Zoning Administration Division  
**NON-RESIDENTIAL USE PERMIT**

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES IN THE ESTABLISHMENT

No. A-0377-88

Permission is hereby granted to Way of Faith Christian Training Center to use 7+ acres square feet of floor area on the entire floor of the building located at 3040 Chichester Lane also known as Tax Map 4B-4, Section 0014, Block na, Lot 39 Subdivision Way of Faith Training Center which property is located in the R-1 Zoning District, for the following purpose: School of General Education

This Non-Residential Use Permit is issued subject to the following limitations and conditions:  
The use shall comply with the conditions specified with the approval of S-80-P-095 granted December 9, 1980.



Use Group of Building A-3

Issued this 11th day of February, 1988

Type of Construction 2B

By: C. Lewis Zoning Administrator

Telephone Number \_\_\_\_\_

This permit does not take the place of any license or other permit required by law. Any change in the use, occupancy or proprietorship, or any enlargement or expansion of the premises for which this permit is issued shall require the application and approval of a new Non-Residential Use Permit.



# FAIRFAX COUNTY

"SPECIAL PERMIT"

Mike

OFFICE OF COMPREHENSIVE PLANNING  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 800  
Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1314

Fax (703) 324-3924

March 27, 1998



Ellen K. Blackwell, Pastor  
Way of Faith Christian Academy  
8800 Arlington Boulevard  
Fairfax, Virginia 22031

RE: Way of Faith Christian Academy  
3040 Chichester Lane (a.k.a. 8800 Arlington Boulevard)  
Tax Map Ref: 48-4 ((1)) 39  
Zoning District: R-1

Dear Pastor Blackwell:

The Fairfax County Health Department has requested zoning confirmation that the Way of Faith Christian Academy has zoning approval to allow the operation of a pre-kindergarten education program for 32 four year old children. Our records indicate that Way of Faith is subject to a number of special permit approvals. Special Permit S-181-75 limits the operation to a private school of general education for children of ages five through high school age. As such, Way of Faith does not have zoning approval which allows four year old children to attend a pre-kindergarten program. Copies of the relevant conditions of the approved special permits are enclosed for your use.

The operation of a pre-kindergarten program for four year old children is not in conformance with the conditions of the approved special permits, which is a violation of Par. 2 of Sect. 8-004 of the Zoning Ordinance. Par. 2 provides, in part, that the special permit use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the Board of Zoning Appeals and all other requirements of the Zoning Ordinance. In order to clear this violation, Way of Faith could cease operation of the pre-kindergarten program serving four year old children or, to continue the program, approval of an amendment to the special permit is required to change the limit on the age of the children who may attend the school. I am enclosing an information package about special permits for your use and information. Additional information about the special permit process may be obtained by calling the Zoning Evaluation Division at (703) 324-1290.

Ellen K. Blackwell, Pastor  
March 27, 1998  
Page Two

You may have the right to appeal this determination within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision and the grounds for the appeal, and any other information you may wish to submit and a \$210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Should you have any questions regarding this information, please do not hesitate to contact me at (703) 324-1314.

Sincerely,



Donna Pesto Roberson  
Senior Assistant to the Zoning Administrator

---

Enclosures: A/S

cc: Gerald E. Connolly, Supervisor  
Providence District  
Jane W. Gwinn  
Zoning Administrator  
Eileen M. McLane, Deputy Zoning Administrator  
for Ordinance Administration Branch  
Michael R. Congleton, Deputy Zoning Administrator  
for Zoning Permit Review Branch  
Michael Treppel, Environmental Health Specialist  
Fairfax County Health Department

48-4-01-0039 8800 Arlington Blvd ✓



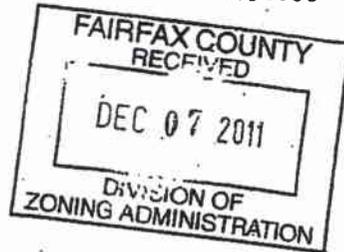
## County of Fairfax, Virginia

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

December 07, 2011

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7008130000090738086

James W. Barton  
3412 Janet Road  
Silver Spring, MD 20906-4048



Re: RZ 2004-PR-005 and SE 2004-PR-005

Dear Mr. Barton:

Reference is made to my letter dated October 14, 2011 notifying you of the intent of this office to dismiss the referenced application due to failure to prosecute the application.

The purpose of this letter is to notify you that, in my capacity as the duly authorized agent of the Zoning Administrator, the referenced application is hereby dismissed under the provisions of Section 18-209 of the Fairfax County Zoning Ordinance.

If you have any questions regarding this matter, please contact Regina Coyle at (703) 324-1290.

Sincerely,

*Barbara C. Berlin*

Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division

cc: Linda Q. Smyth, Supervisor, Providence District  
Kenneth A. Lawrence, Planning Commissioner, Providence District  
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ  
Barbara Lippa, Executive Director, Planning Commission  
Shahana Khan, Spatial Analyst, DIT-GIS  
Robert Harrison, Administrative Assistant, ZED, DPZ  
File: RZ 2004-PR-005 / SE 2004-PR-005

Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

- Way of Faith Christian Academy
- Community Christian Education
- Christian Training Institute
- Radio Ministries

way of faith

CHRISTIAN TRAINING CENTER

8800 Arlington Boulevard, Fairfax, Virginia 22031 (703) 573-7221



BOARD OF DIRECTORS

Ellen K. Blackwell, Chairman  
Robert Burt, Secretary  
Eugene Pearson, Treasurer



May 1, 2013

8013-0741

Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505

Dear Sirs:

We have been approached by a home schooling (independent) group to rent a room in our facility. The room will be used for 4 year old children one day a week from 8:00 am to 3:00 pm approximately 34 meetings over a period of nine months. The number of children will be eight (8) who will be attended by their mothers for the entire session. The families that home school their children study independently at their homes and then come together once a week to exchange ideas and give the children an opportunity to co-learn with other children.

We would like to provide our space to this home schooling group under our current zoning classification. We would ask that you please provide for us a use determination in favor of our plan. We appreciate your consideration in this matter.

Sincerely,

Ellen Blackwell  
Director



# County of Fairfax, Virginia

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

Via U.S. Mail

June 12, 2013

Ellen Blackwell, Director  
Way of Faith Christian Academy  
8800 Arlington Boulevard  
Fairfax, VA 22031

RE: Way of Faith Christian Academy  
8800 Arlington Boulevard  
Tax Map: 48-4 ((1)) 39  
Zoning District: R-1



Dear Ms. Blackwell:

~~This letter is in response to your letter dated May 1, 2013 regarding a proposal for a home schooling (independent) group to rent a room in your facility located at the referenced property. You state in your letter that the room will be used for four year old children one day a week from 8:00 am to 3:00 pm for approximately 34 meetings over a period of nine months.~~

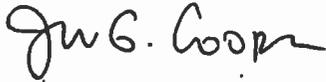
The property is subject to several special permit approvals. Special Permit S-181-75, approved by the Board of Zoning Appeals on September 16, 1975, limits the operation of a private school of general education on the subject property to children ages five through high school age. As discussed with your office, due to this limitation, the introduction of four year old children at the facility would require an amendment to the special permit. A special permit amendment requires the submission of an application, plat and fee. For more information on the special permit amendment process, please contact the Zoning Evaluation Division at 703-324-1280. I would note that as there would be no new construction involved, the special permit amendment fee would be half of the prevailing application fee for a Group 3 special permit.

This determination has been coordinated with the Zoning Evaluation Division and is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

Should you have any additional questions, please feel free to contact me at 703-324-1314.

Ellen Blackwell, Director  
June 12, 2013  
Page 2

Sincerely,

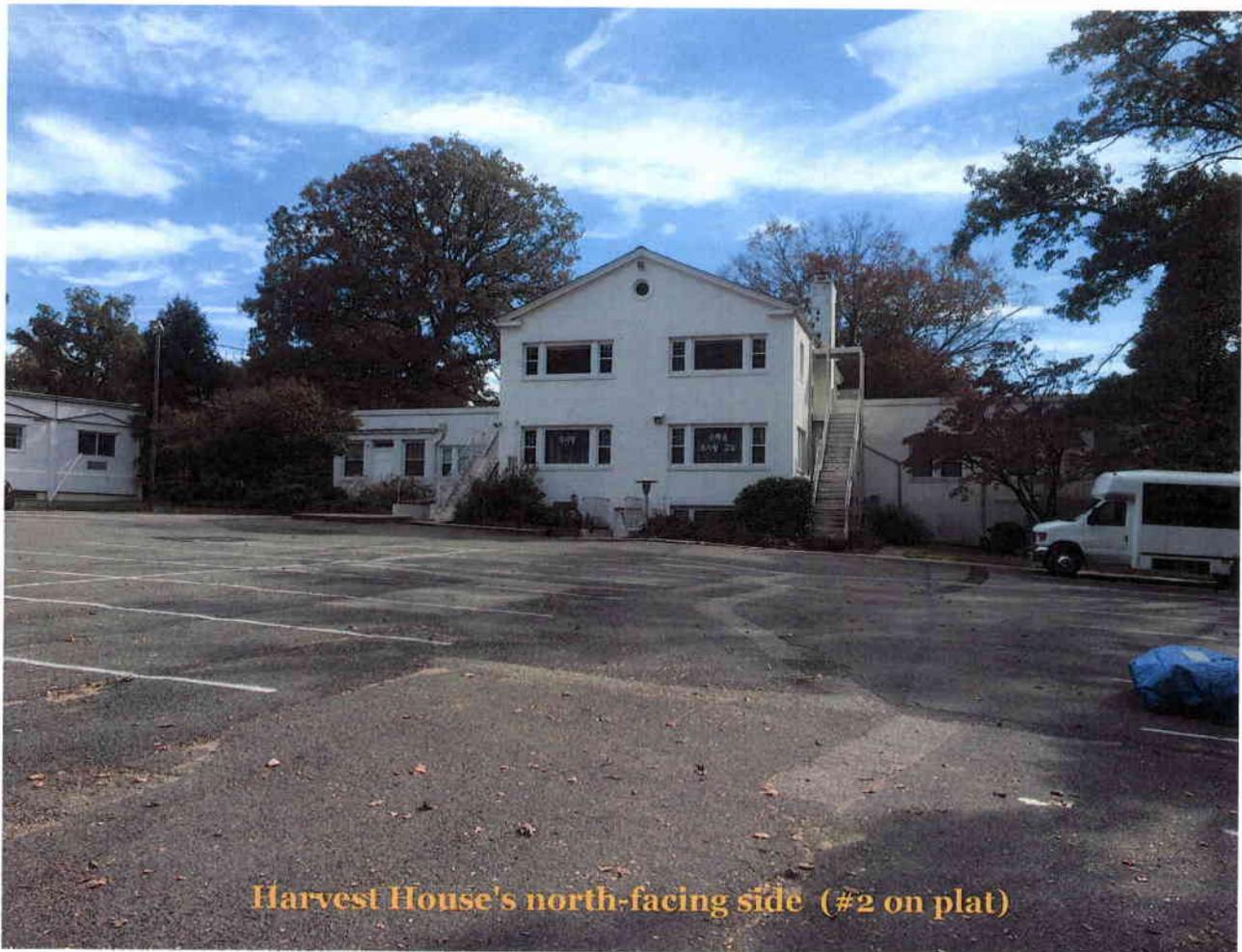


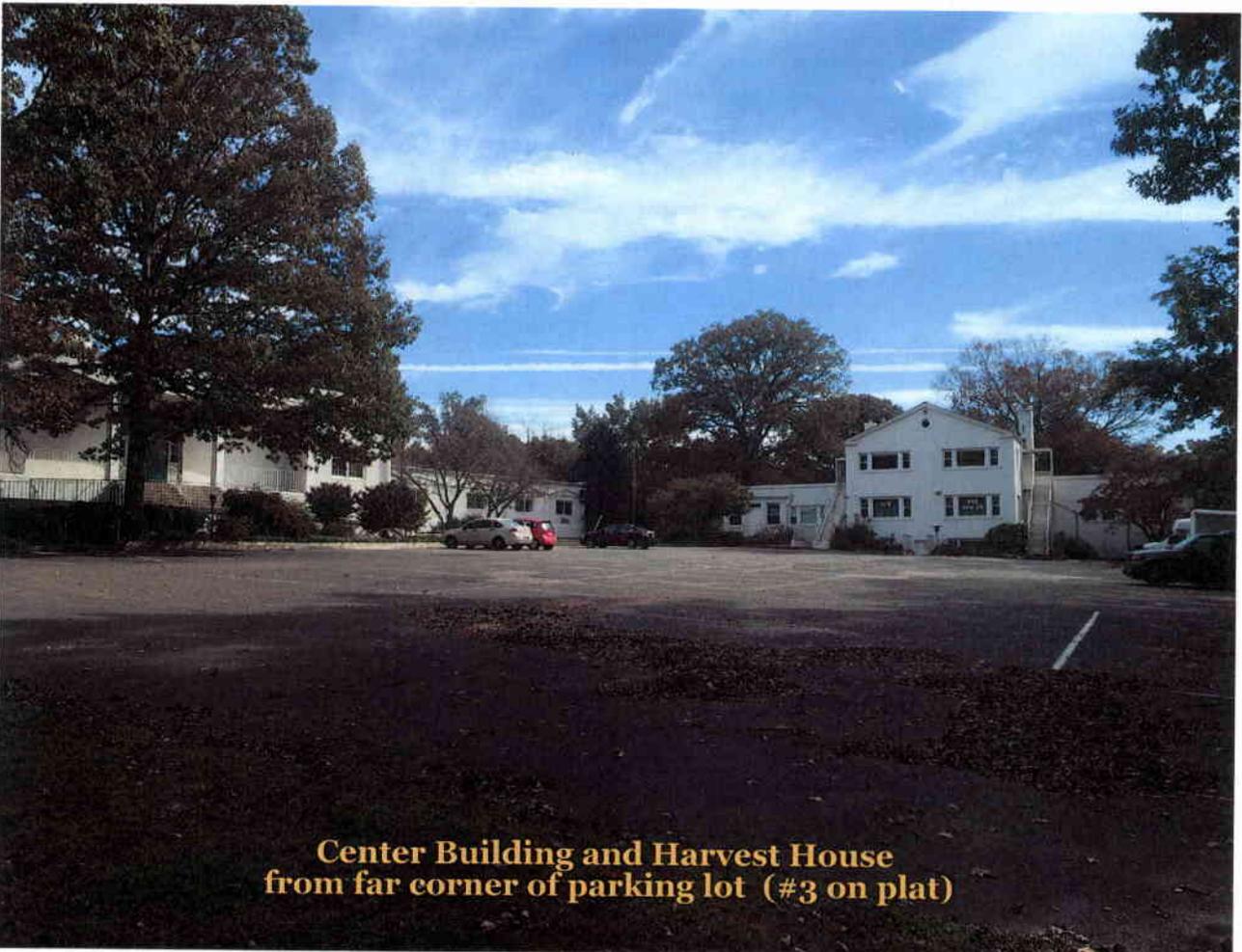
Jill G. Cooper, AICP  
Senior Assistant to the Zoning Administrator

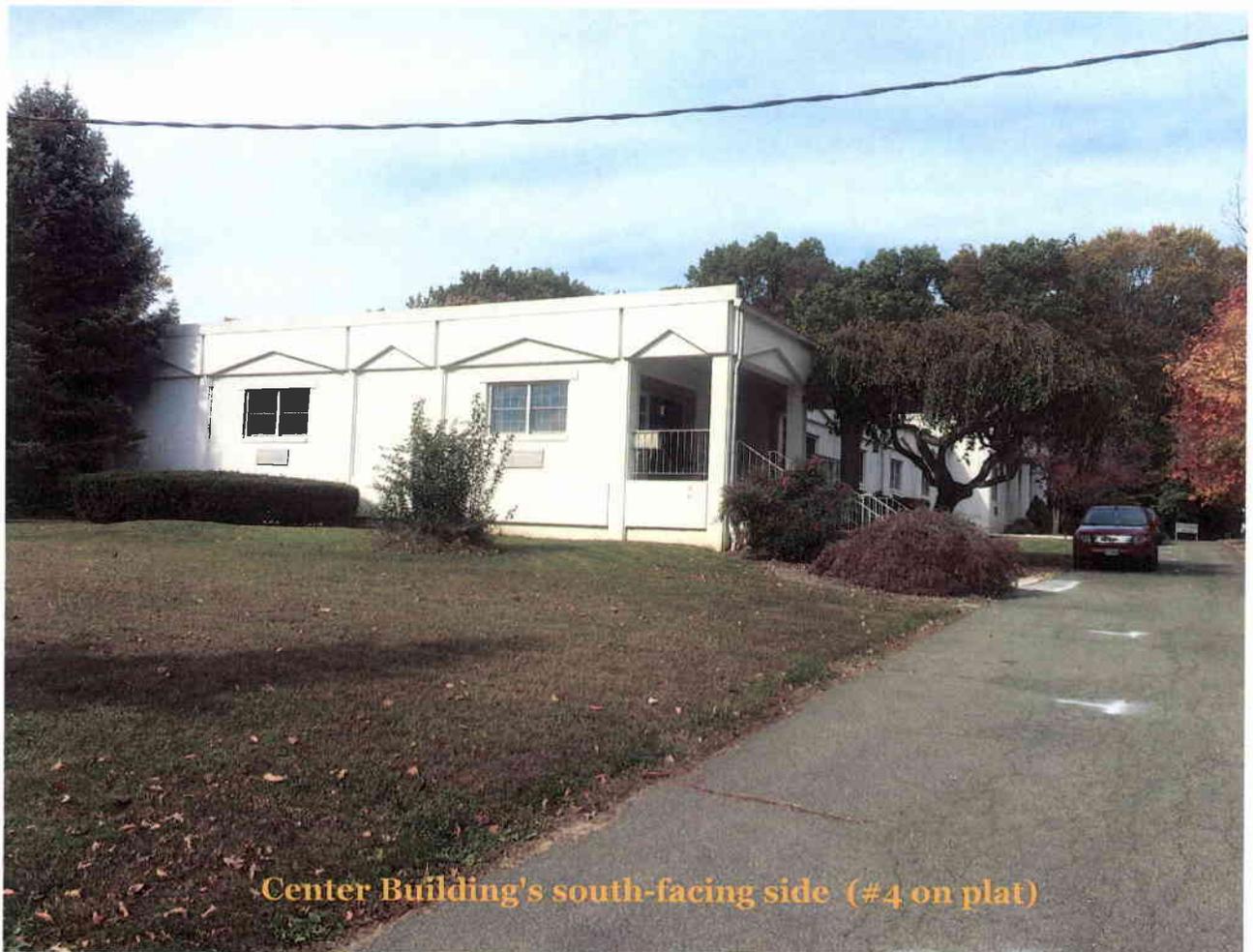
cc: Linda Q. Smyth, Supervisor, Providence District  
Leslie B. Johnson, Zoning Administrator  
Barbara C. Berlin, Director, Zoning Evaluation Division (S-181-75)  
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

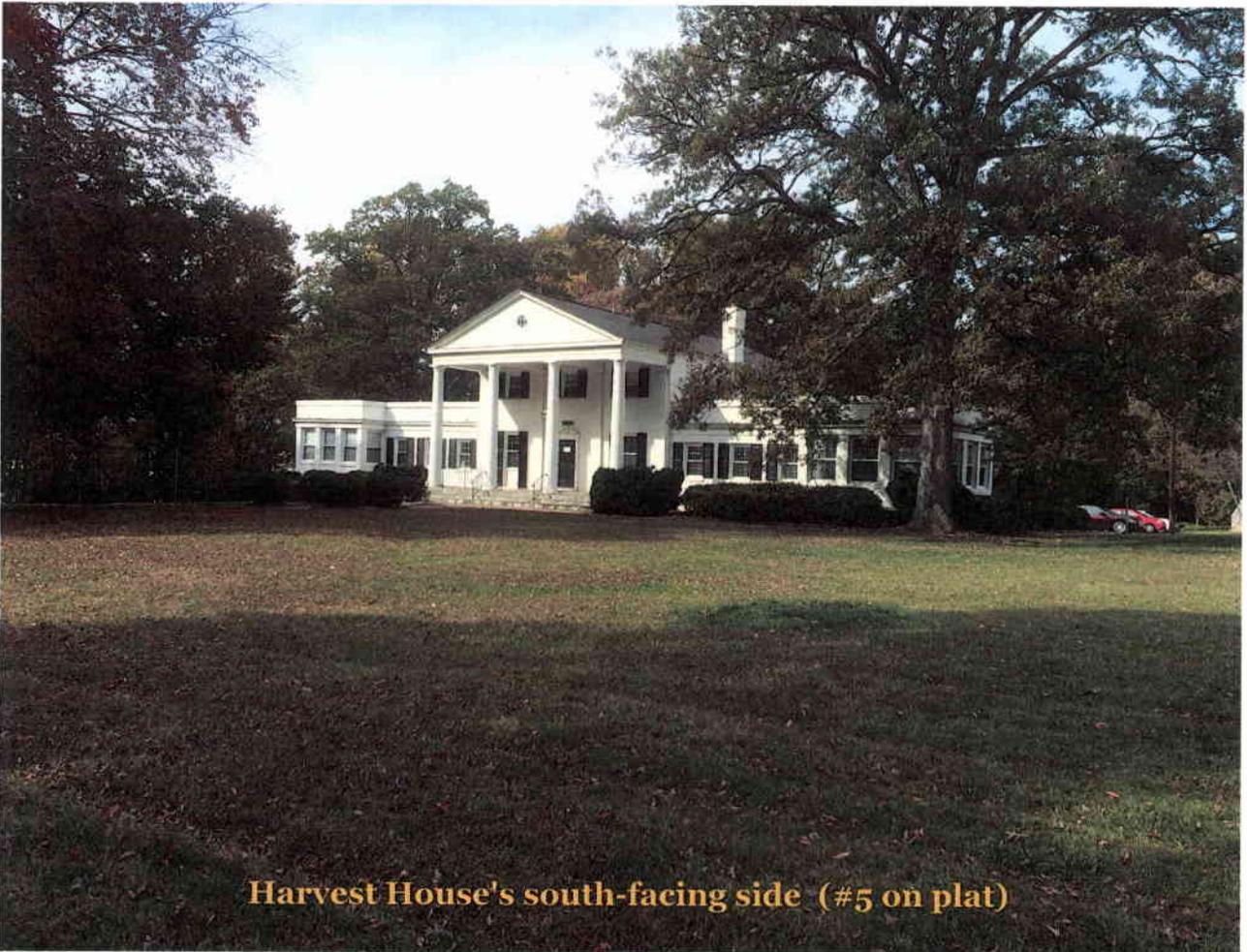


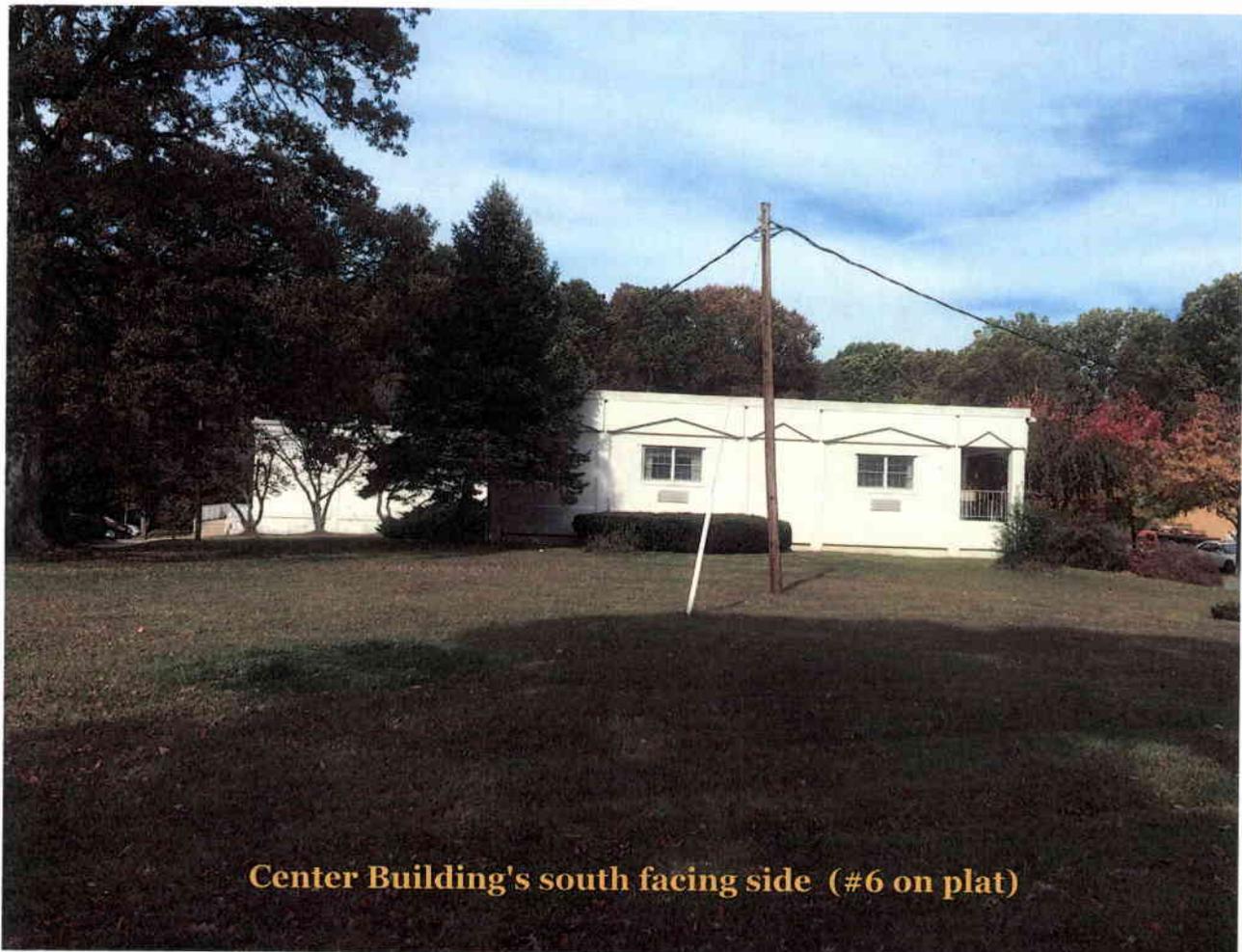
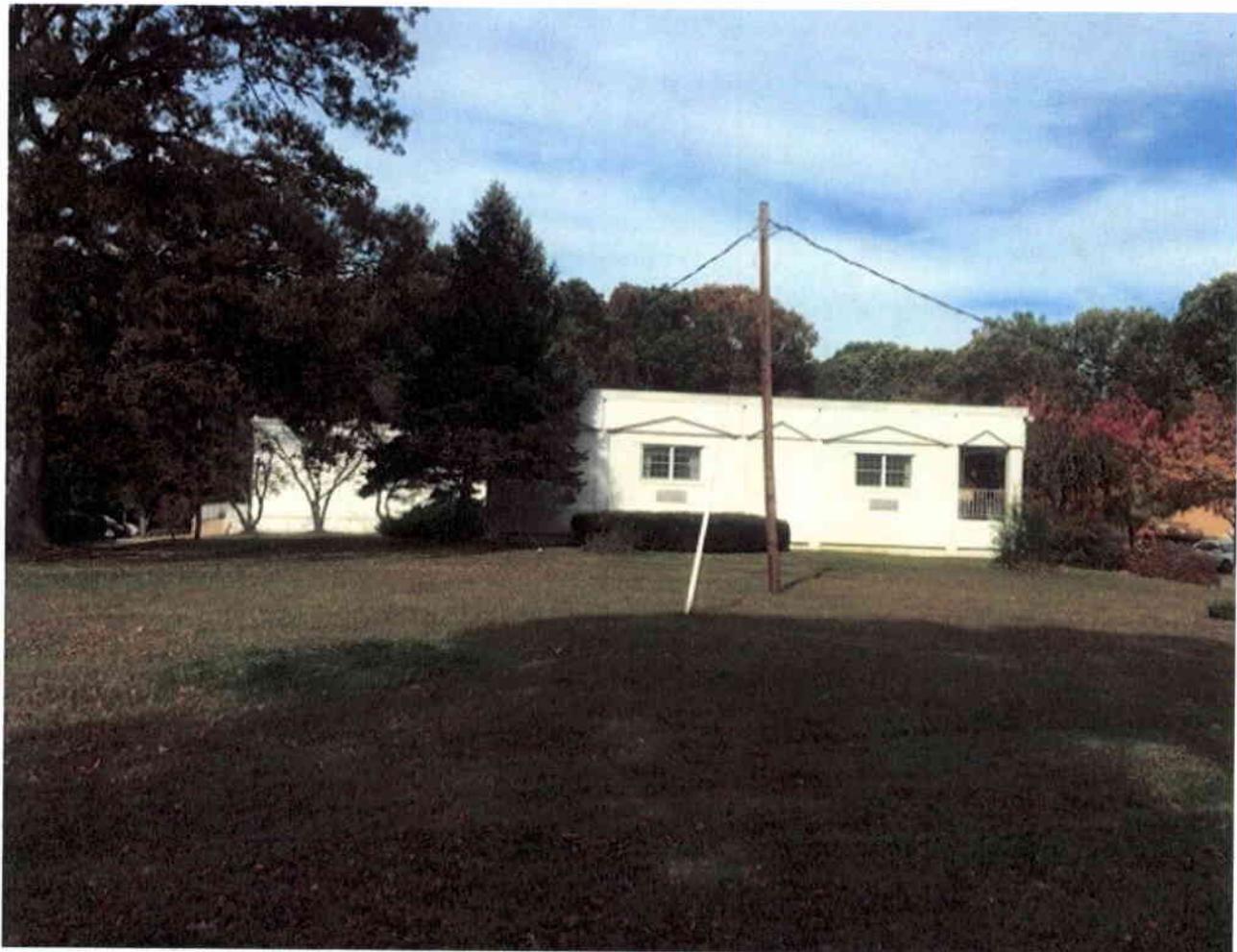




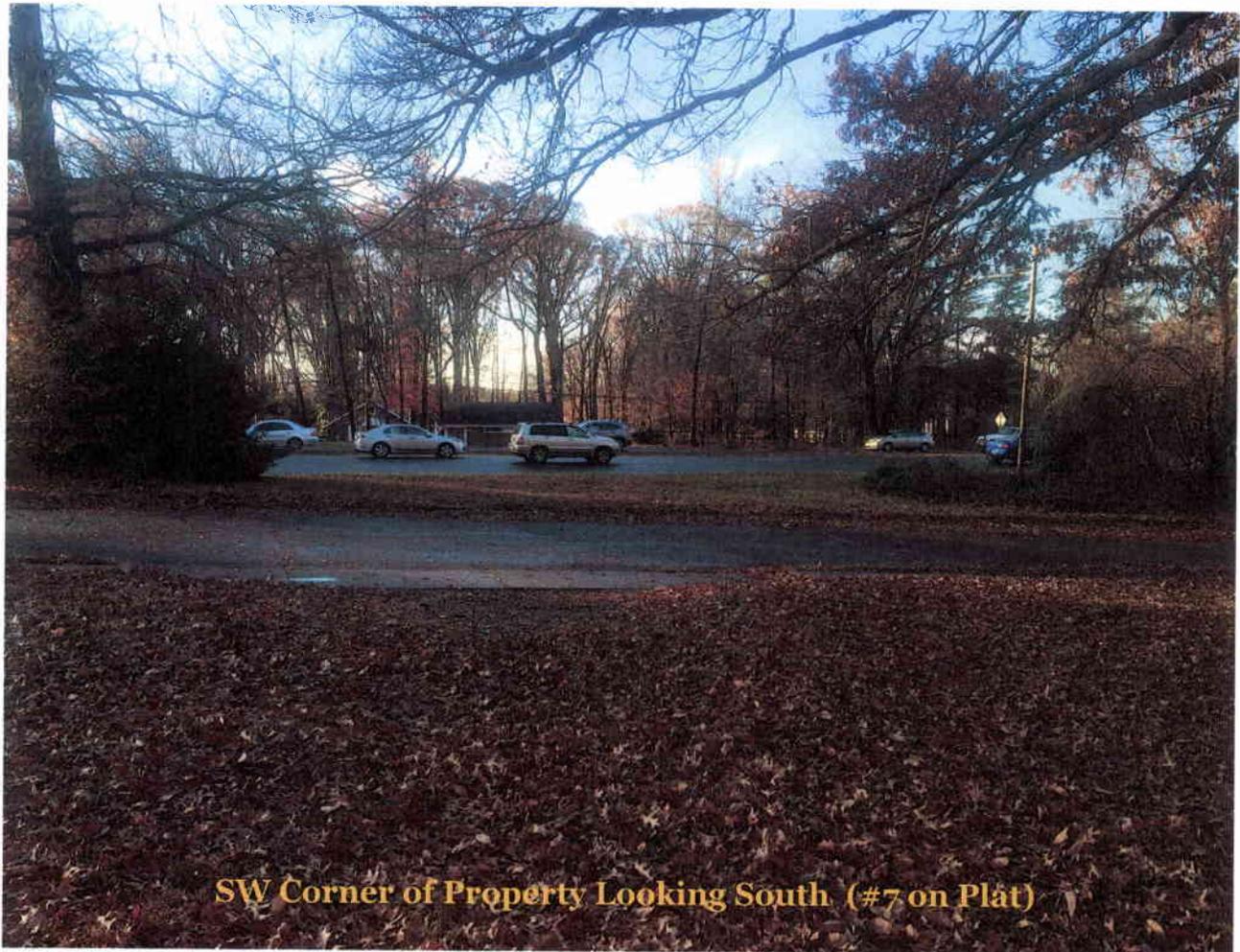




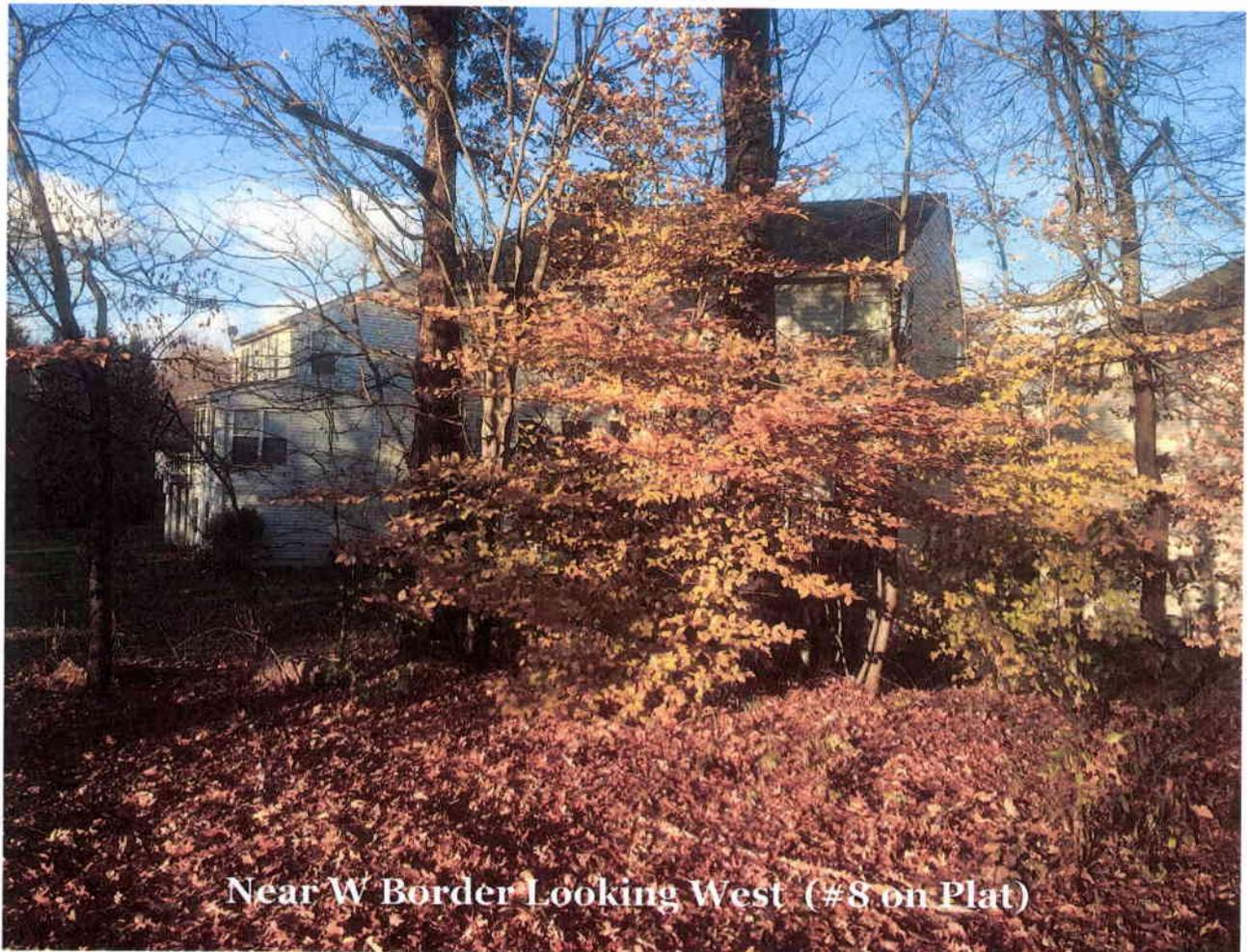




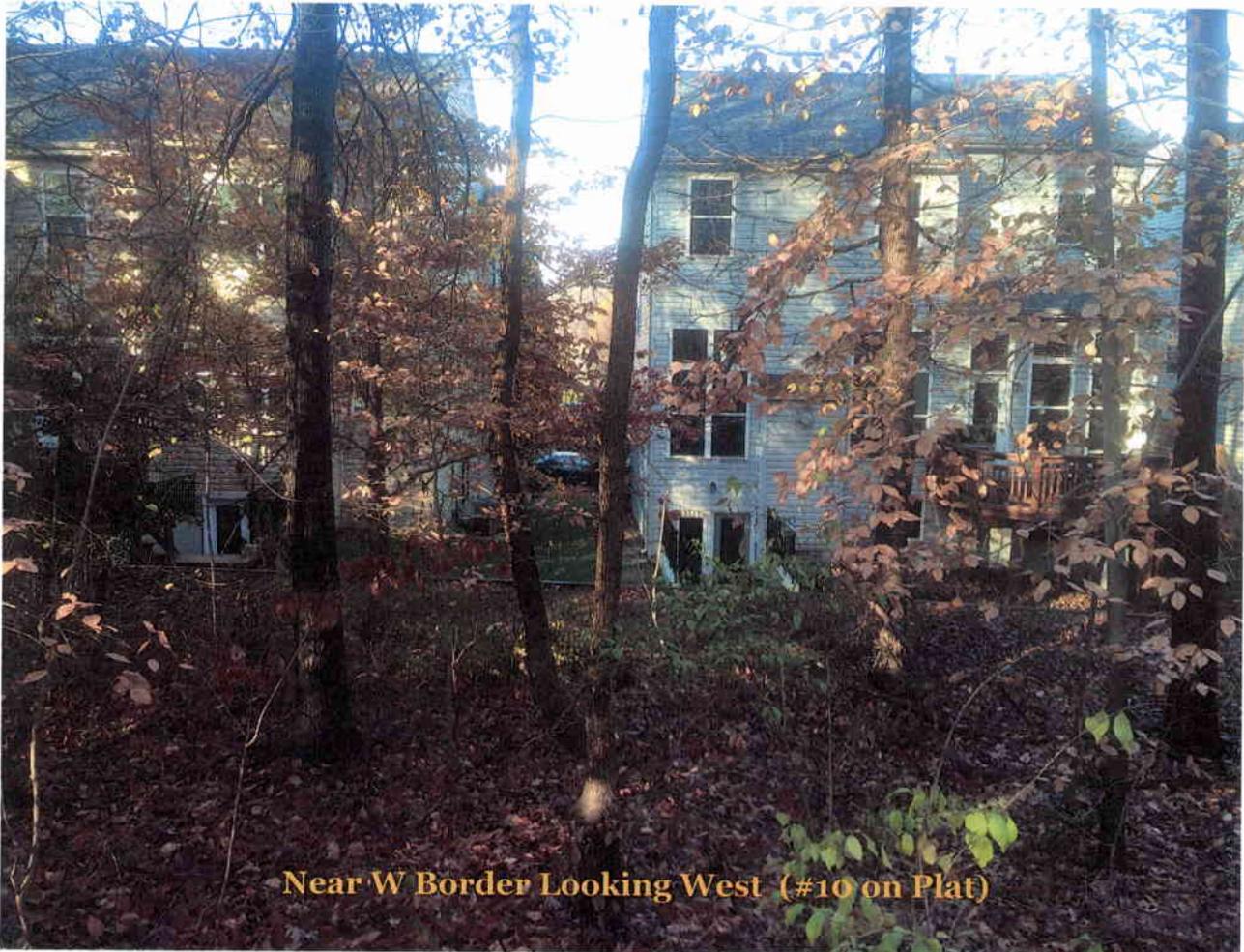
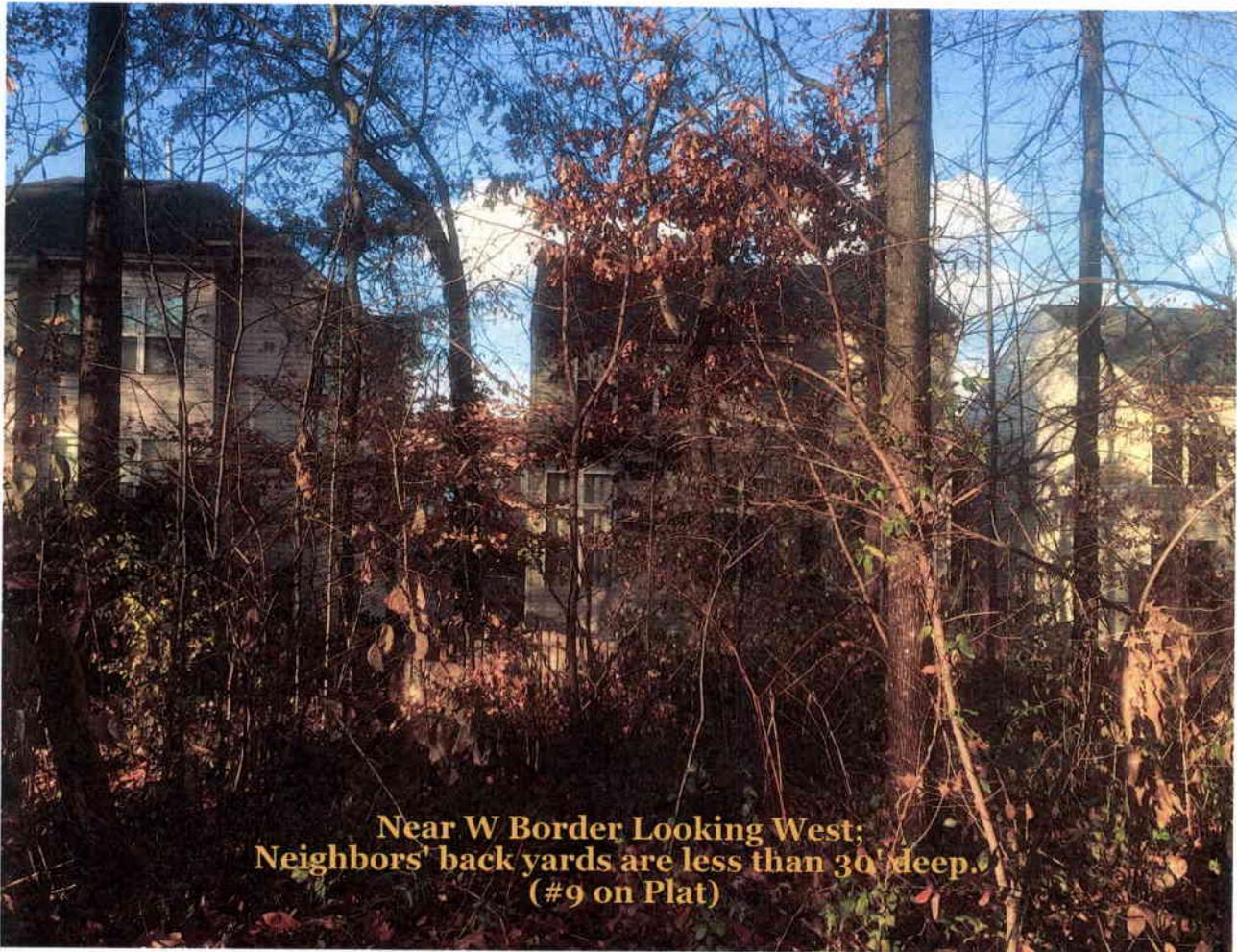
**Center Building's south facing side (#6 on plat)**

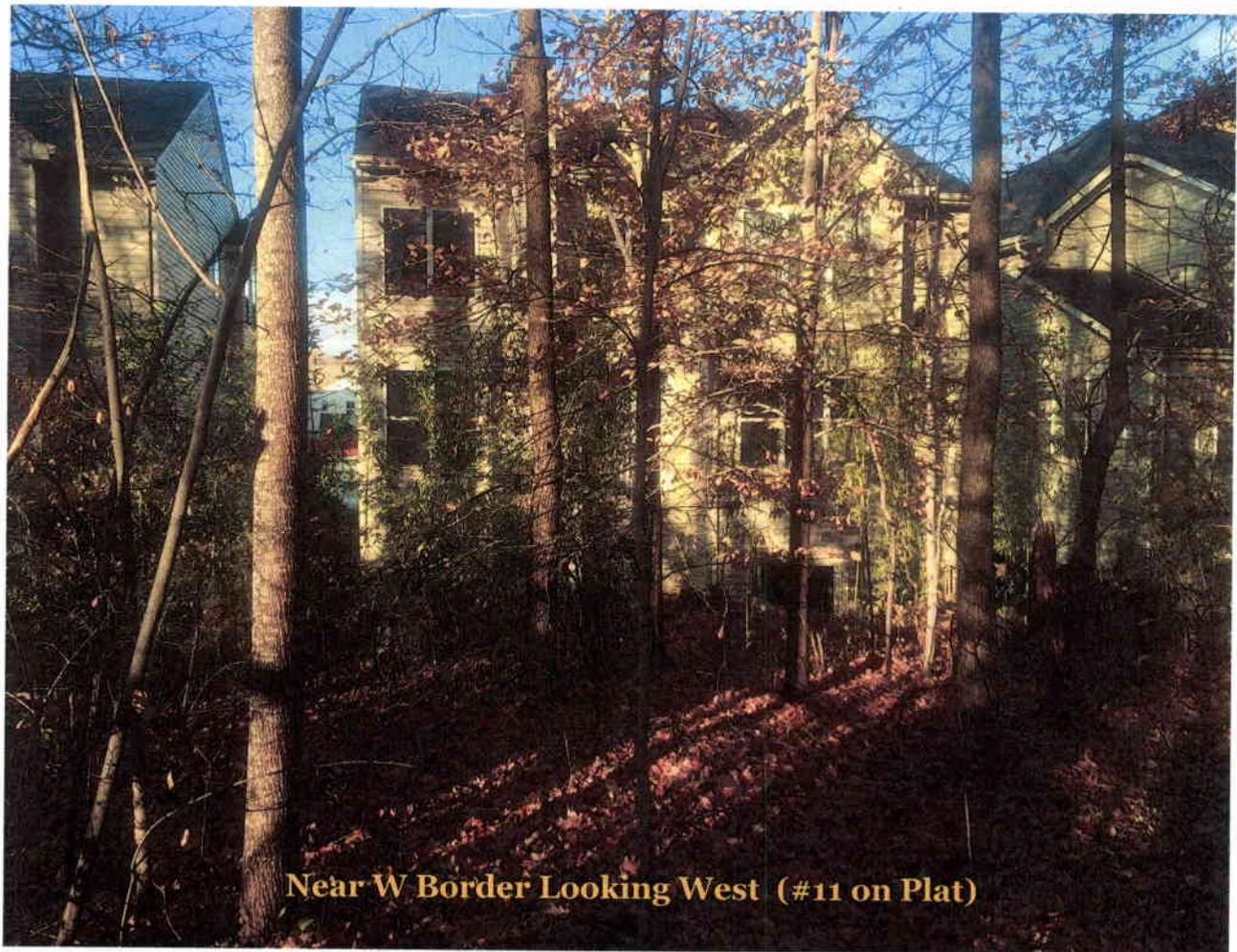


**SW Corner of Property Looking South (#7 on Plat)**

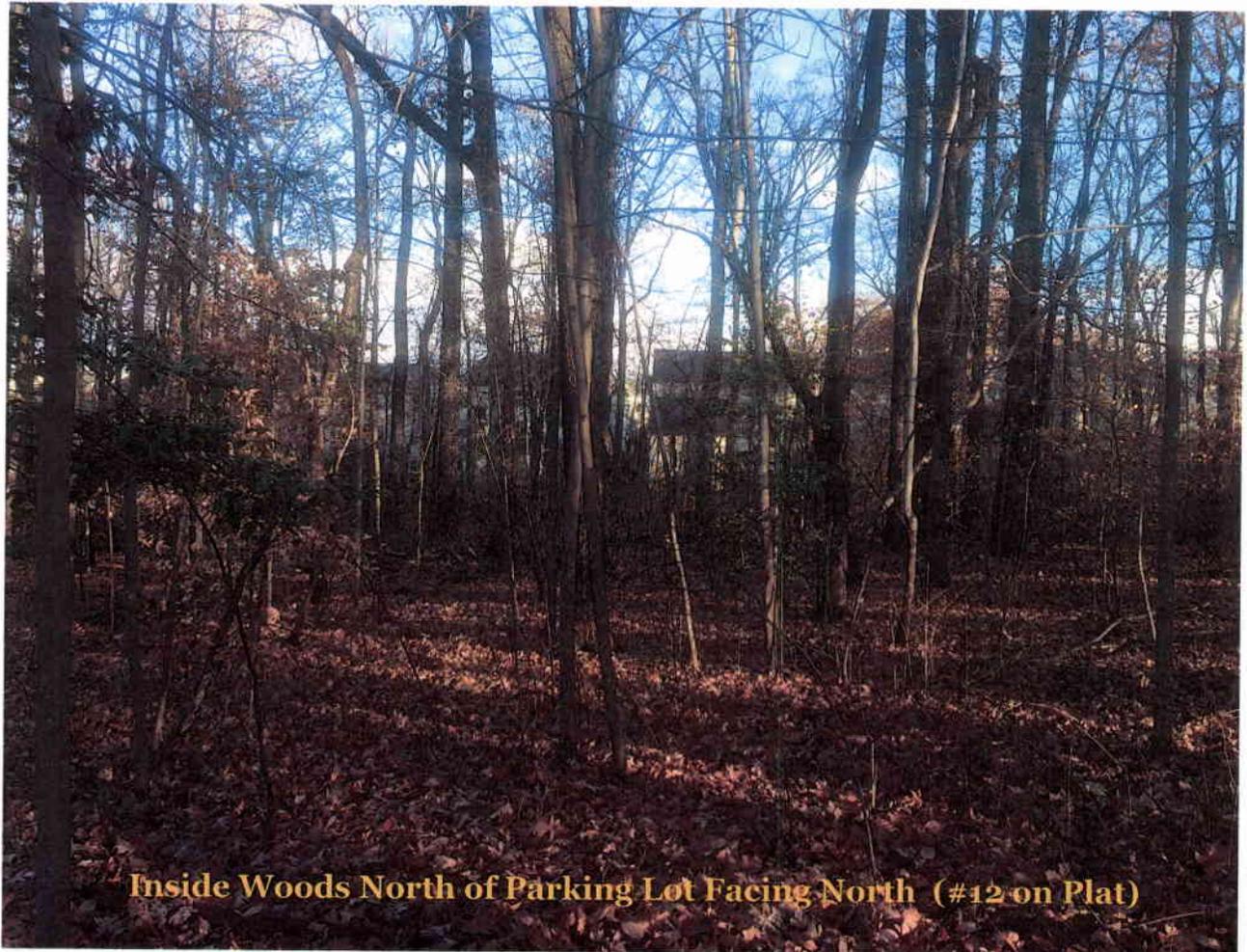


**Near W Border Looking West (#8 on Plat)**

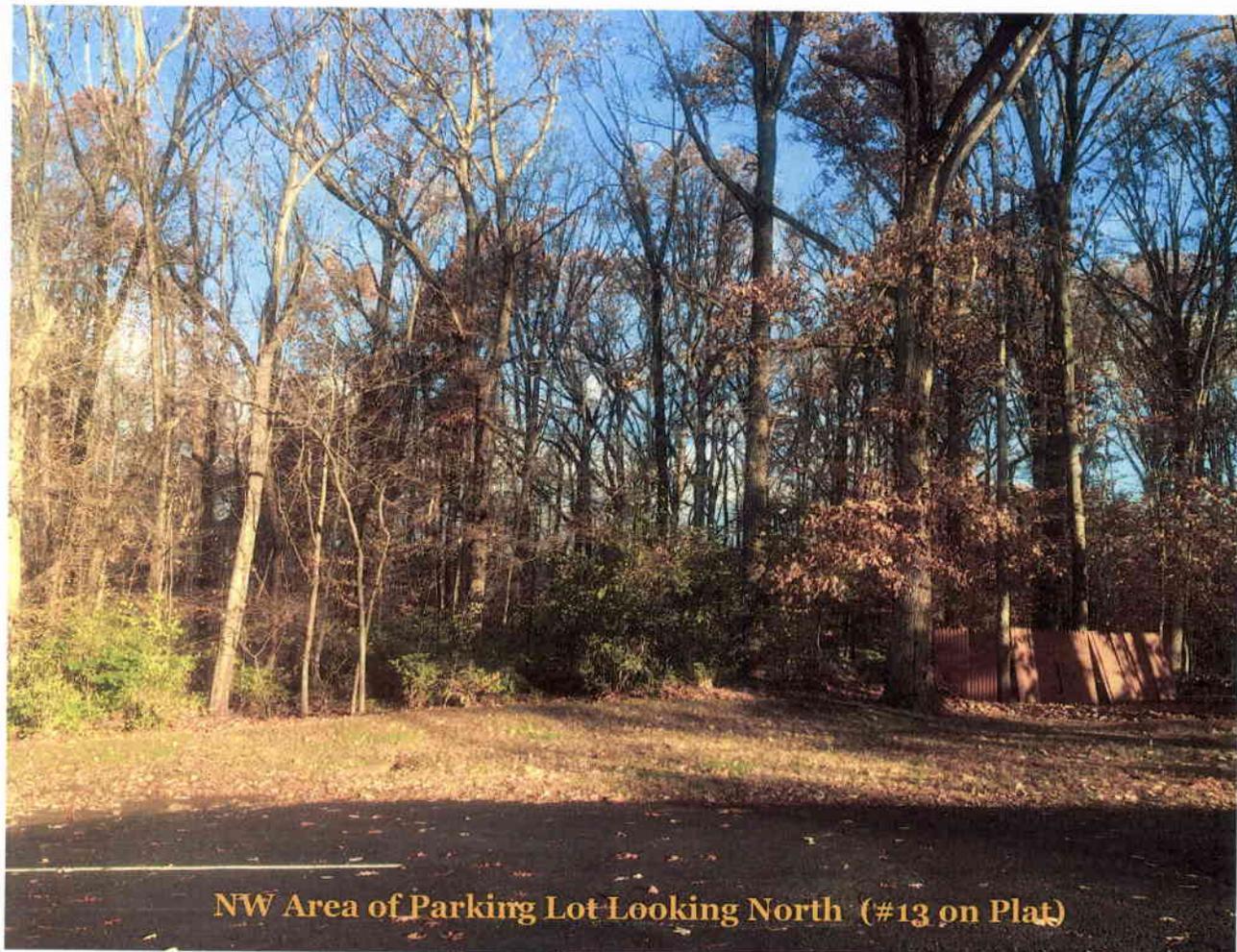




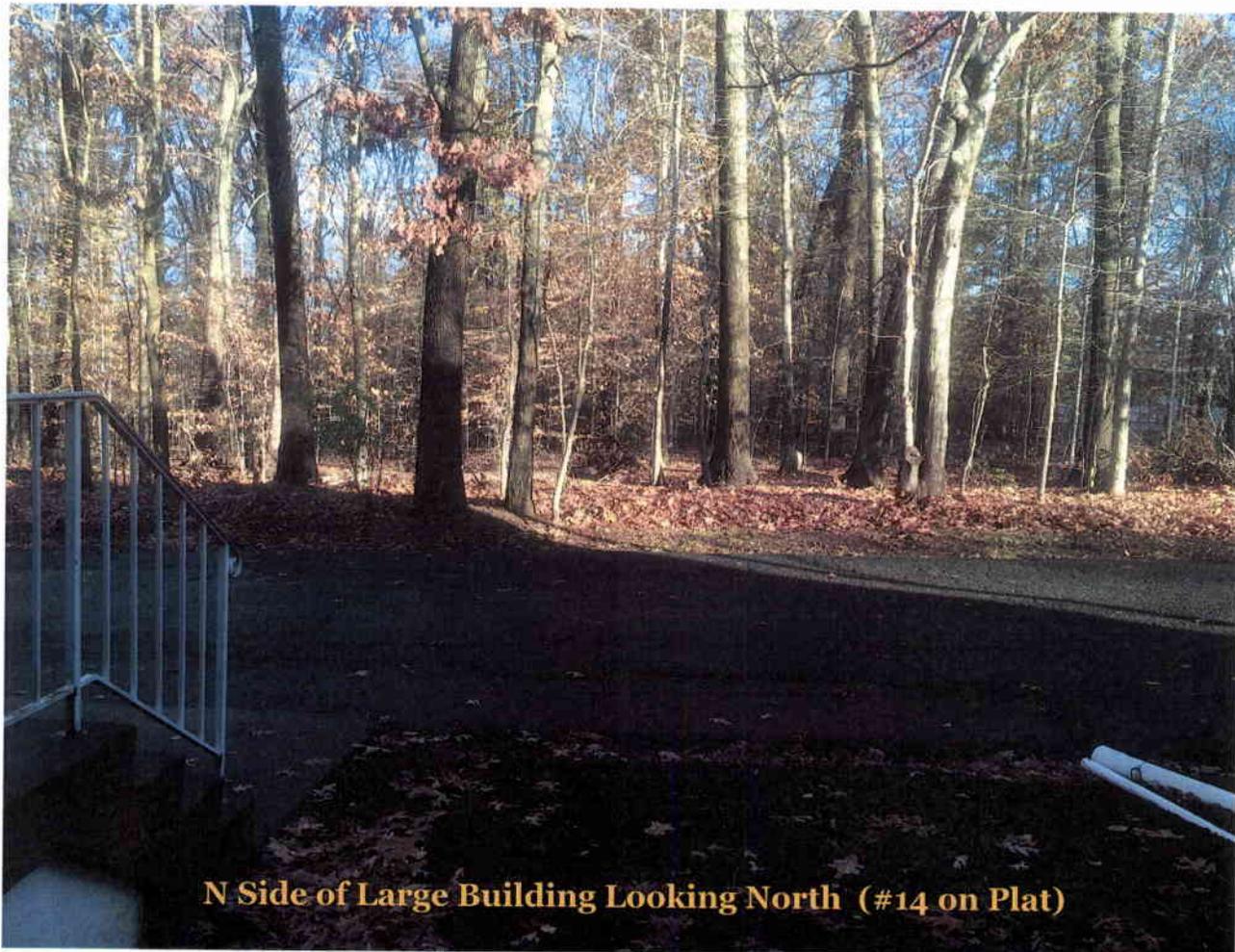
**Near W Border Looking West (#11 on Plat)**



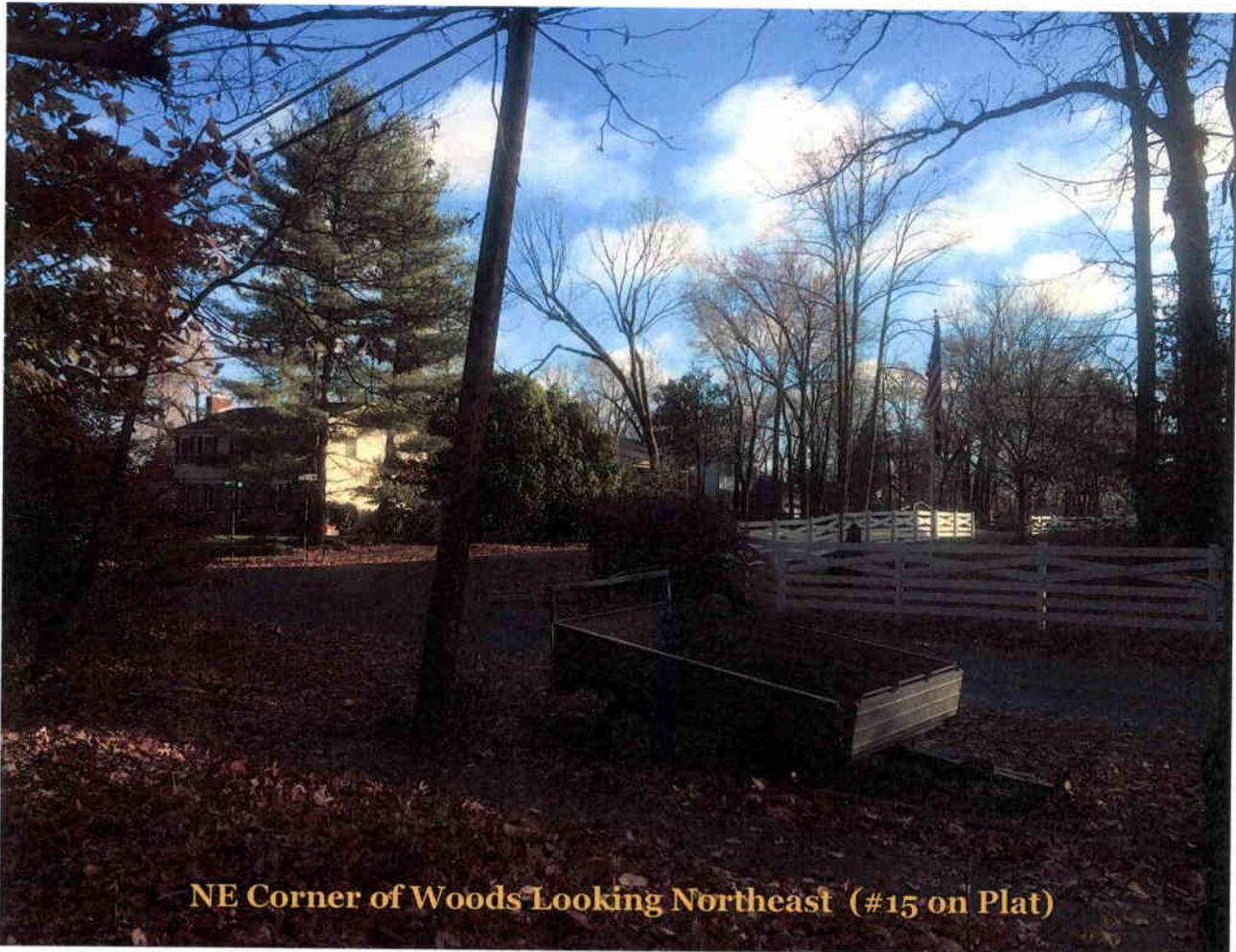
**Inside Woods North of Parking Lot Facing North (#12 on Plat)**



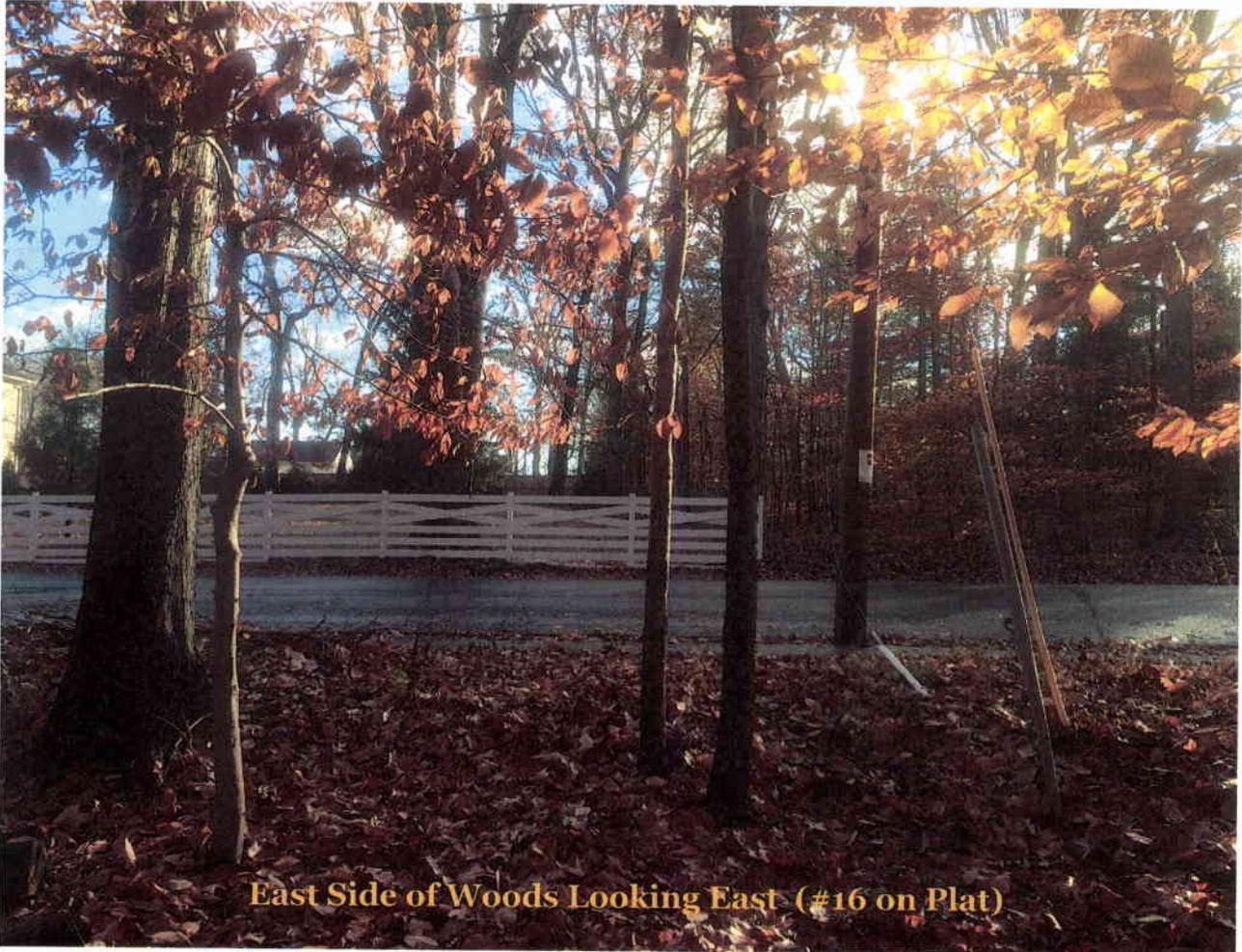
**NW Area of Parking Lot Looking North (#13 on Plat)**



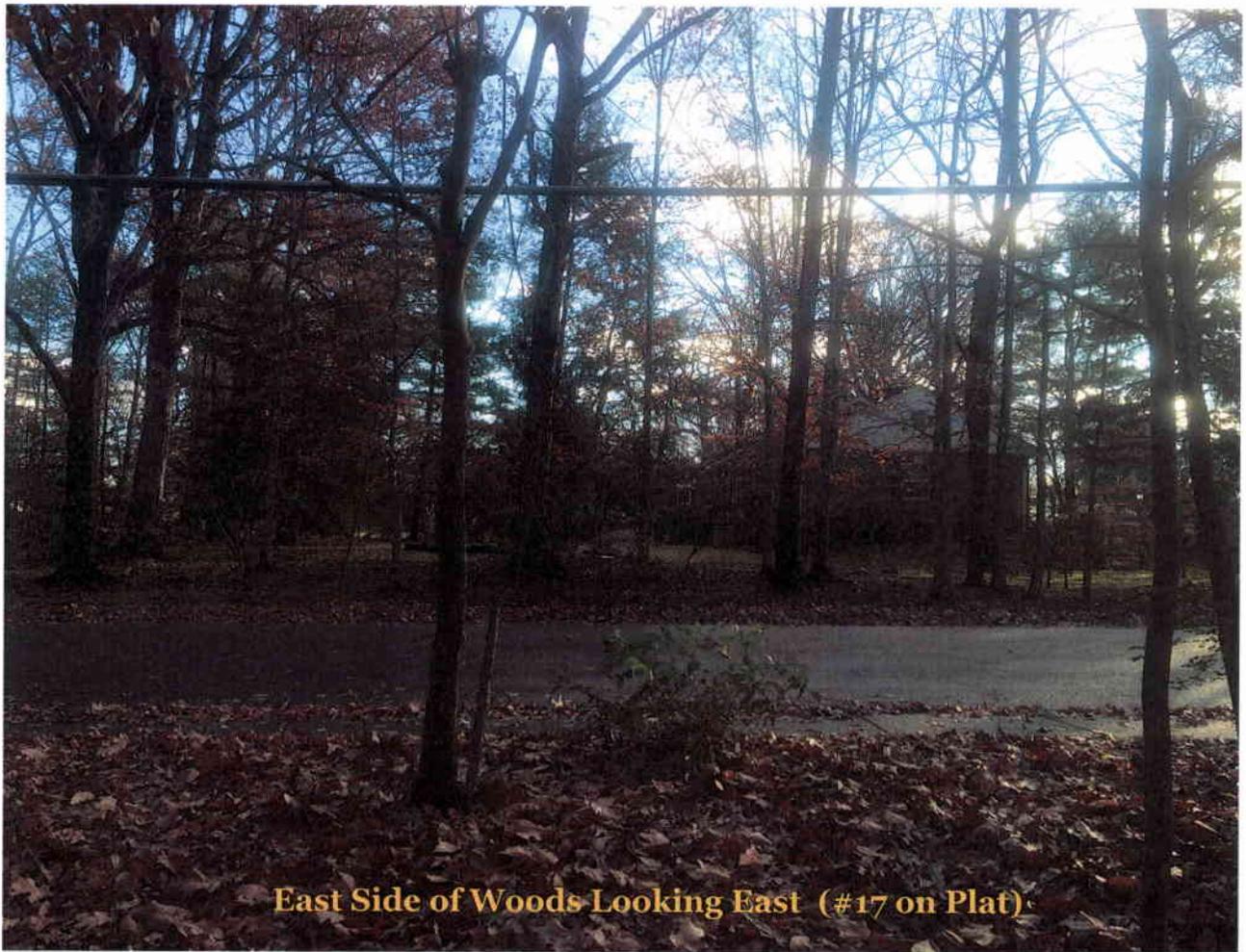
**N Side of Large Building Looking North (#14 on Plat)**



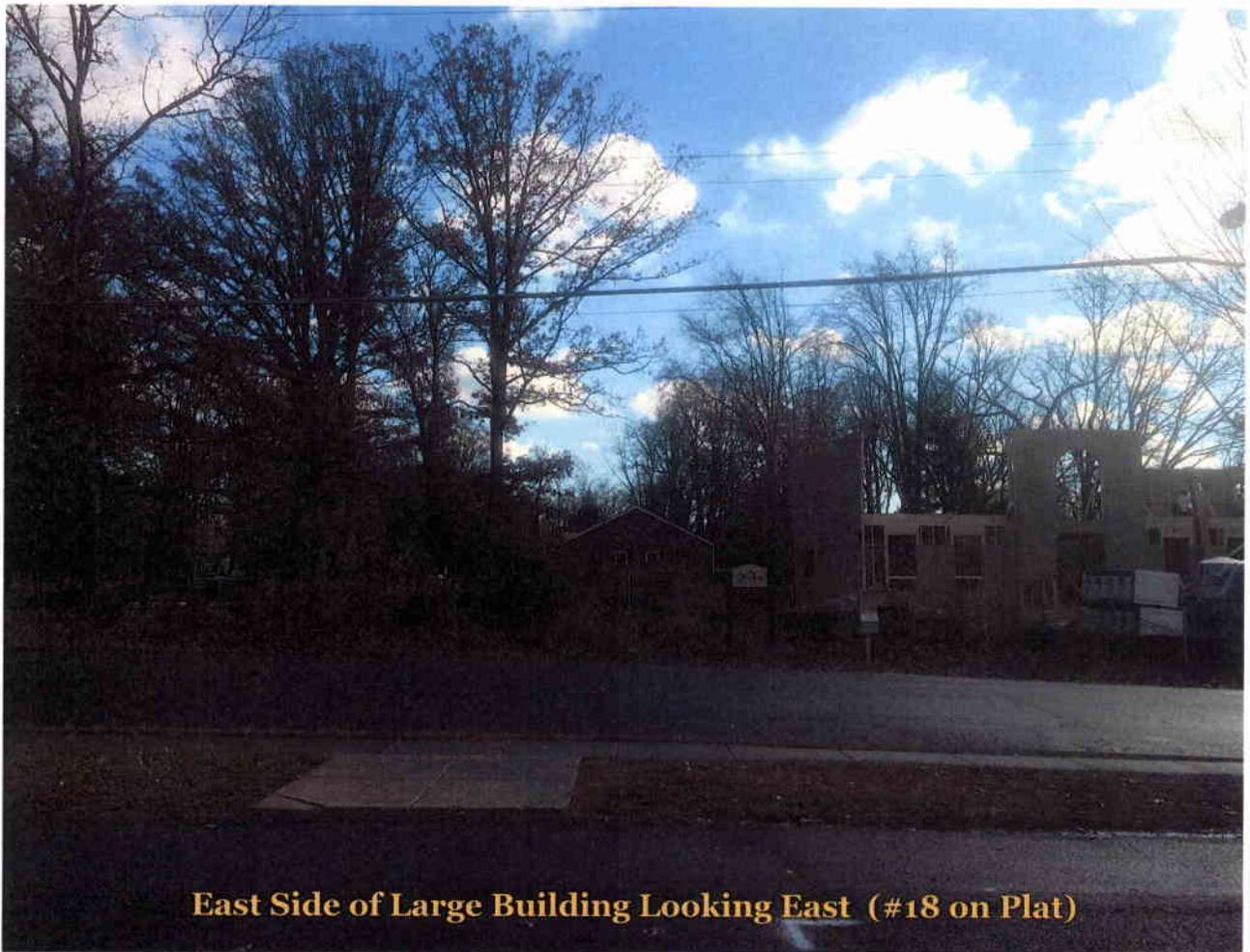
**NE Corner of Woods Looking Northeast (#15 on Plat)**



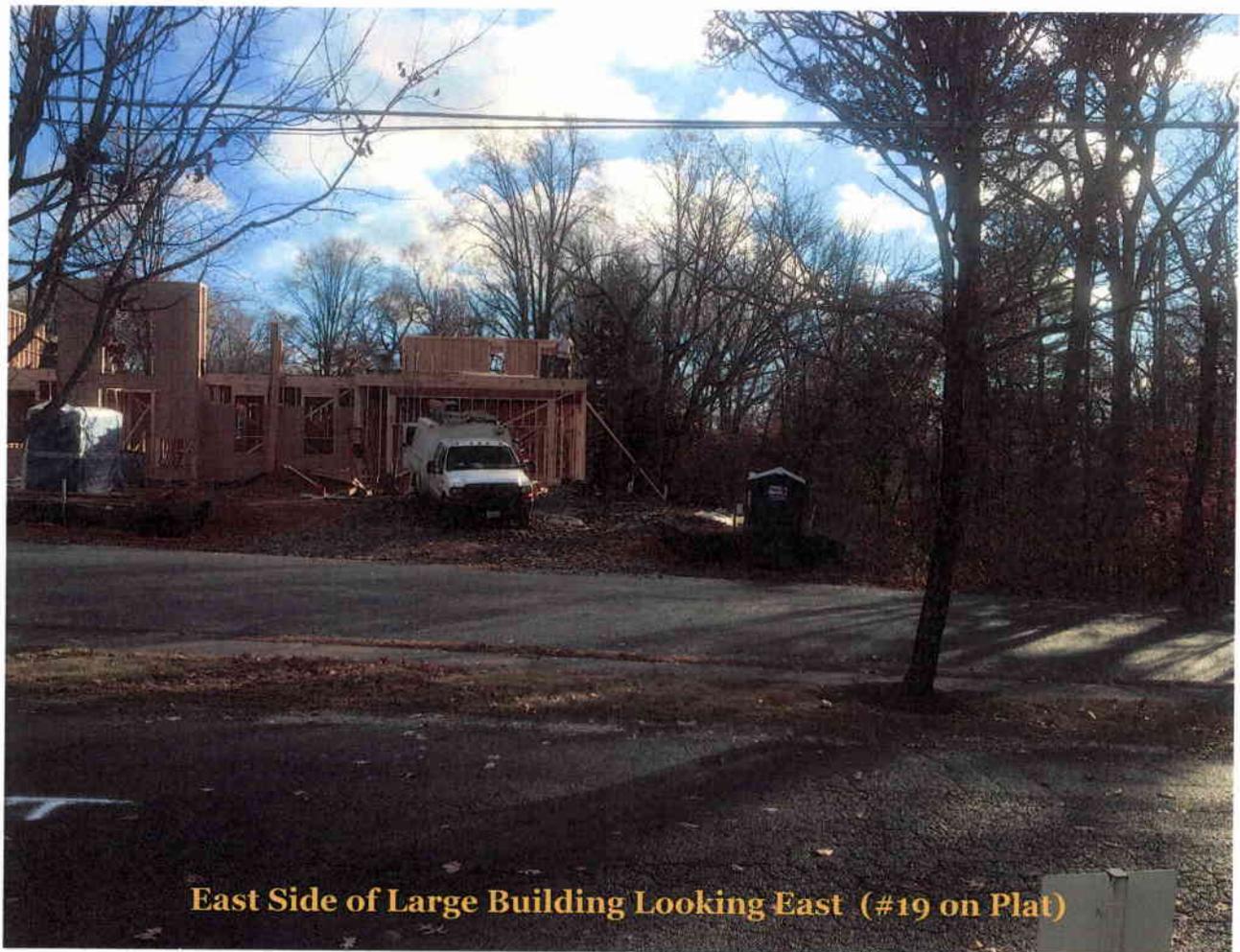
**East Side of Woods Looking East (#16 on Plat)**



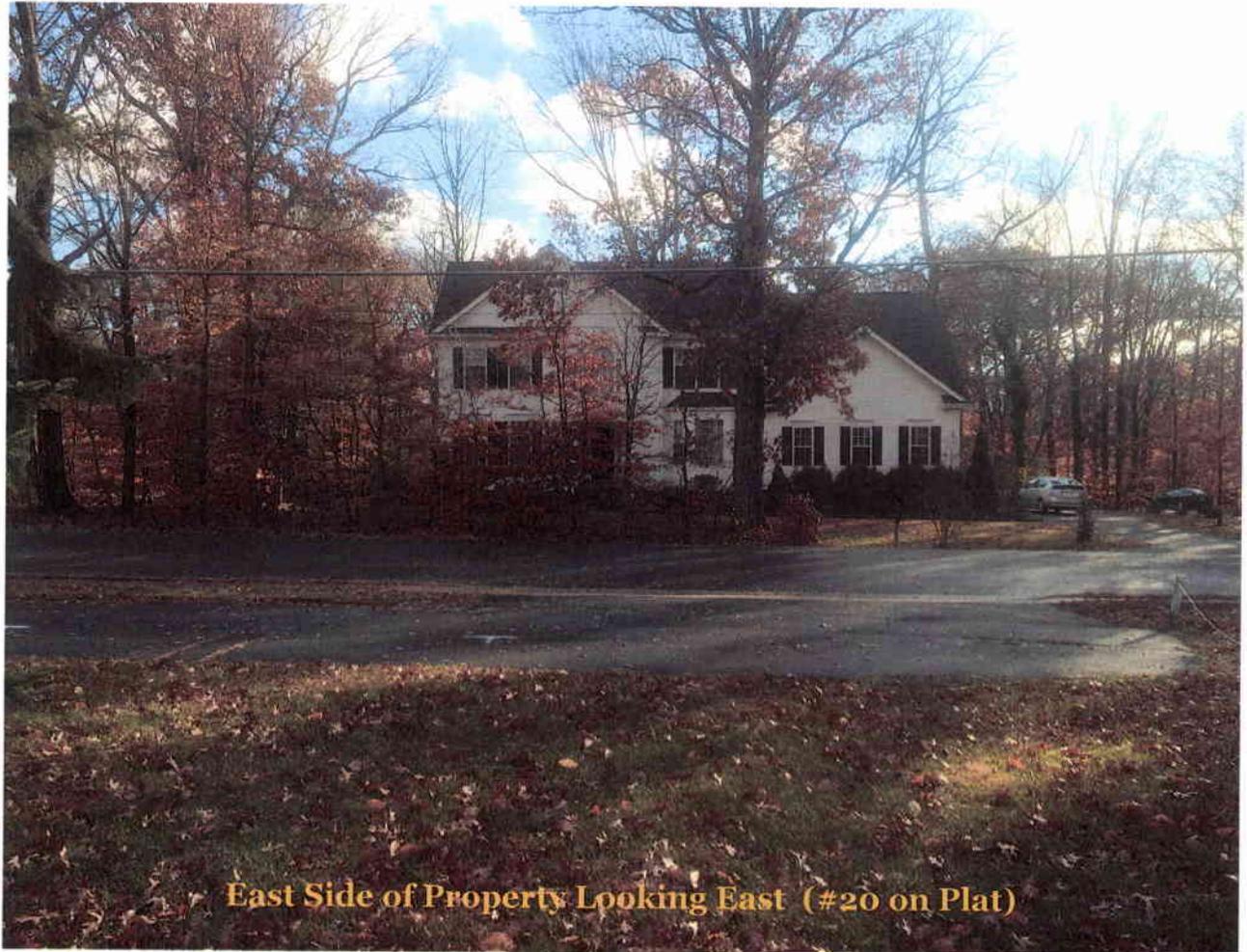
**East Side of Woods Looking East (#17 on Plat)**



**East Side of Large Building Looking East (#18 on Plat)**



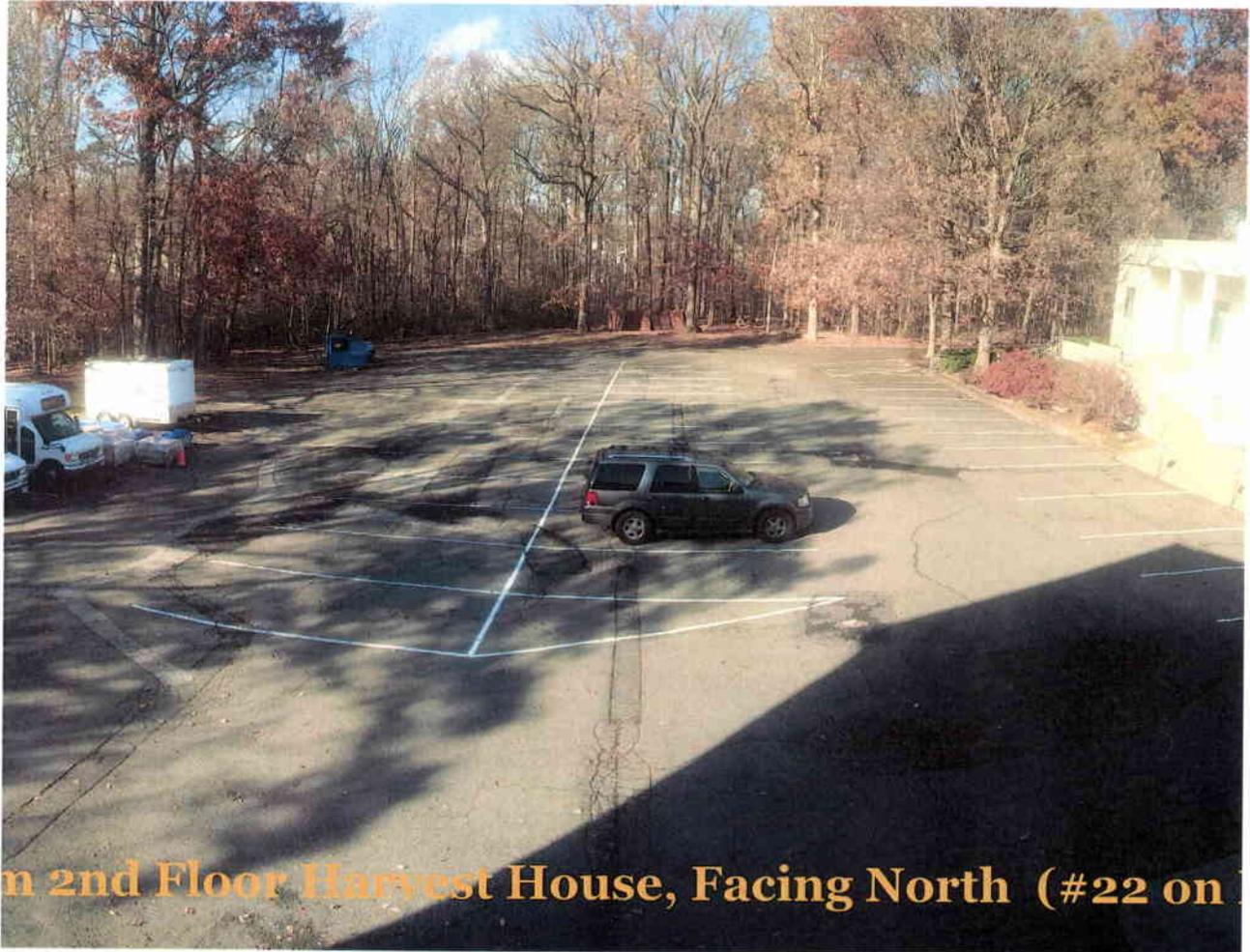
**East Side of Large Building Looking East (#19 on Plat)**



**East Side of Property Looking East (#20 on Plat)**



**SE Corner of Property Looking South (#21 on Plat)**



**2nd Floor Harvest House, Facing North (#22 on Plat)**



**From 2nd Floor Harvest House, Facing NE (#22L on Plat)**



**From 2nd Floor Harvest House, Facing NE (#22R on Plat)**



**From 2nd Floor Harvest House, Facing North (#22 on Plat)**

Application No.(s): SPA 80-P-095  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

I, Karen L. Cohen, Attorney/Agent, do hereby state that I am an  
(enter name of applicant or authorized agent)

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

and that, to the best of my knowledge and belief, the following 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 must 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Way of Faith Christian Training Center, Inc.	8800 Arlington Boulevard Fairfax, VA 22031	Applicant/Title Owner/Lessor

Agents:  
William O. Parkinson, Pres. & Director  
Frederick Merana, VP & Director  
Eugene D. Pearson, Sec. & Director  
Wayne Staub, Treasurer & Director  
Kimberly Bacon, Director  
April Christensen, Director  
Manuel Del Mundo, Director  
Allen Thuring, Director  
Denis Van De Ven, Director  
Robert Young, Director

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

*slc*

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 2

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

**(NOTE:** All relationships to the application 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Way of Faith Assembly of God Agents: William O. Parkinson, Pres. & Director Frederick Merana, VP & Director Eugene D. Pearson, Sec. & Director Wayne Staub, Treasurer & Director Kimberly Bacon, Director April Christensen, Director Manuel Del Mundo, Director Allen Thuring, Director Denis Van De Ven, Director Robert Young, Director	8800 Arlington Boulevard Fairfax, VA 22031	Lessee
Vanderpool, Frostick & Nishanian, PC Agents: Michael R. Vanderpool Karen L. Cohen Paul J. Gauthier	9200 Church Street, Suite 400 Manassas, VA 20110	Attorneys/Agent  Attorney/Agent Attorney/Agent Attorney/Agent
Harold A. Logan Associates, PC Agent: Harold A. Logan	9114 Industry Drive Manassas Park, VA 20111	Land Surveyor/Agent

(check if applicable)            There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

**(NOTE):** All relationships to the application 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
***Congregacion Mesianica Yeshua Ben-David Agents: Alvin Montero, Pastor & Director Rosario Gamboa, Pastor	2007 Chestnut Drive Culpeper, VA 22701	Lessee
***Washington Love of Lord Church Agents: Sunghyun Kim, Pastor Gee Jea Kim, Deacon Kyung Gee Kam, Deacon	9403 Cherwek Drive Lorton, VA 22079	Lessee
***Instituto Biblico Hispano Agents: Fernando Alvarado, Pastor & Co-Director Santa Argentina Alvarado, Pastor & Co-Director	17491 Jefferson Davis Highway Dumfries, VA 22026	Lessee
***Instituto Teologico Latino Americano Agents: Reginald Stone, Director Felix Gonzales, Site Leader Jonas Pintos, Site Leader Samuel Vargas, Site Leader	P.O. Box 1602 Dunn, NC 28335	Lessee
***Classical Conversations Agents: Leilani Ross, Foundations/Essentials Director Kathy Maige, Area Manager	3030 Burchlawn Street Herndon, VA 20171	Lessee

\*\*\*These Lessees do not occupy the facility on a continuous basis; these groups use the facility to meet at various times for worship, Bible study, prayer meetings, etc.

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-15-14  
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127505

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

Way of Faith Christian Training Center, Inc.  
8800 Arlington Boulevard  
Fairfax, VA 22031

**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.
- 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)

None (nonstock corporation)

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance 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.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Vanderpool, Frostick & Nishanian, PC  
9200 Church Street, Suite 400  
Manassas, VA 20110

**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.
- 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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Michael	R.	Vanderpool
Randolph	D.	Frostick
V.	Rick	Nishanian
Kristina	K.	Spitler
Martin	R.	Crim

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Vanderpool, Frostick & Nishanian, P.C.  
9200 Church Street, Suite 400  
Manassas, VA 20110

**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.
- 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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David	B.	Wilks
Robert	F.	Beard

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Congregacion Mesianica Yeshua Ben-David  
2007 Chestnut Drive  
Culpeper, VA 22701

**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.
- 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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

None (nonstock corporation)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**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.
- 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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-15-14  
(enter date affidavit is notarized)

127505

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

None

(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 Permit/Variance 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.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-15-14  
(enter date affidavit is notarized)

127585

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 Zoning Appeals, 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 Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-15-14  
(enter date affidavit is notarized)

127565

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, 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 Permit/Variance 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:

[Signature]  
[ ] Applicant [x] Applicant's Authorized Agent

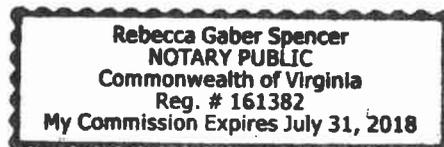
(check one)

Karen L. Cohen, Attorney/Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of December 2014, in the State/Comm. of Virginia, County/City of Manassas.

[Signature]  
Notary Public

My commission expires: 7/31/18



12

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit 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 group or use, the BZA 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 BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

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

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-308 Additional Standards for Churches, Chapels, Temples,  
Synagogues or Other Such Places of Worship with a Child Care  
Center, Nursery School or Private School**

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

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

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such 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 minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.

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. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

**Number of Persons Street Type**

1-75 Local

76-660 Collector

660 or more Arterial

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