APPLICATION ACCEPTED: May 26, 2016
BOARD OF ZONING APPEALS: September 21, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

September 14, 2016

STAFF REPORT

SPECIAL PERMIT SPA 91-V-071-04

MOUNT VERNON DISTRICT

APPLICANT/OWNER:	Plymouth Haven Baptist Church, a non-stock Virginia Corporation
STREET ADDRESS:	8600 Plymouth Road, Alexandria 22308
TAX MAP REFERENCE:	102-4 ((2)) 601B and 102-4 ((3)) A2
LOT SIZE:	6.06 acres (combined)
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISION:	8-004, Paragraph 4
SPECIAL PERMIT PROPOSAL:	To amend Special Permit SP 91-V-081 previously approved for a church and child care center to modify conditions.

STAFF RECOMMENDATION: Staff recommends approval of SPA 91-V-071-04, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

Heath Eddy, AICP

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
www.fairfaxcounty.gov/dpz/

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.

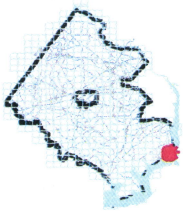
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

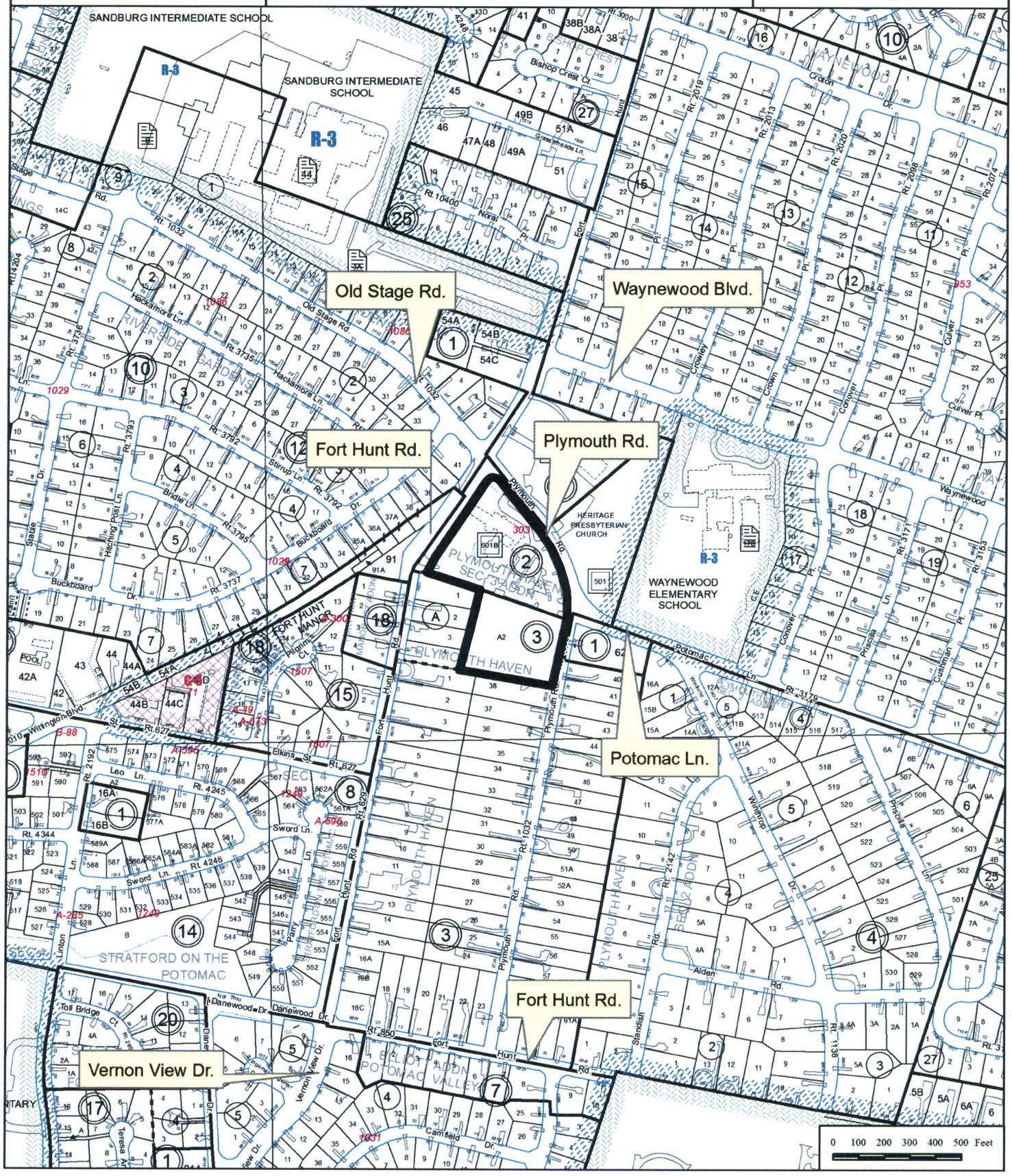
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

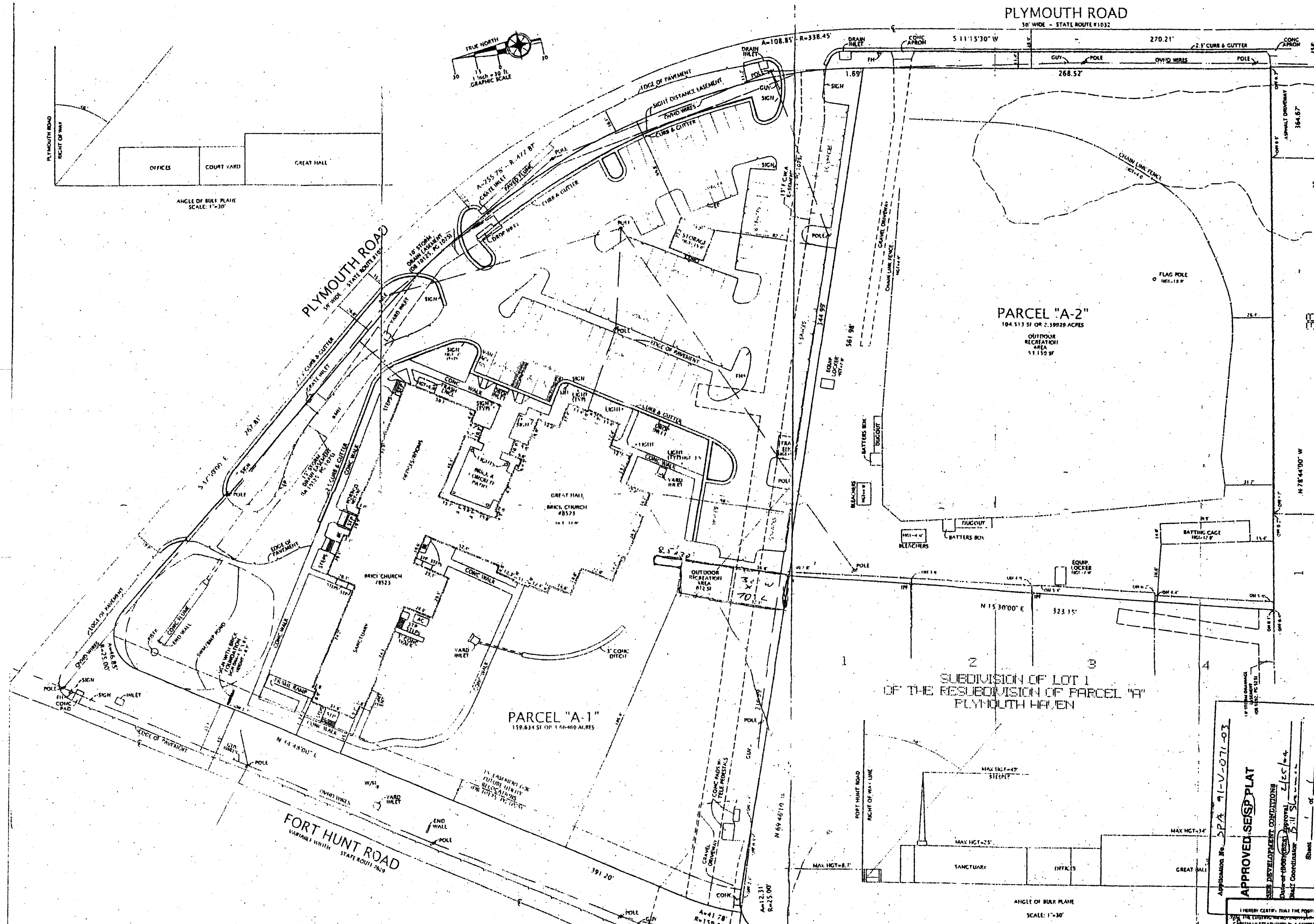
Special Permit Amendment

SPA 91-V -071-04

PLYMOUTH HAVEN BAPTIST CHURCH, A NON-STOCK, VIRGINIA CORPORATION







NOTES:

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 102-4-002-001-B & 102-4-003-A2, AND IS ZONED R-3.
2. ALL IMPROVEMENT SHOWN ON THIS PLAT ARE EXISTING THERE ARE NO PROPOSED IMPROVEMENTS
3. AREA TABULATION

   TOTAL SITE AREA = 264,147 S.F. OR 6.0640 AC
4. HEIGHTS OF ALL EXISTING IMPROVEMENTS ARE SHOWN ON THE PLAT. EXISTING CHURCH IS TO REMAIN CONSTRUCTION DATES OF THESE STRUCTURES ARE UNKHOWN. AN ADDITION TO THE CHURCH WAS CONSTRUCTED IN 1997
5. REQUIRED MINIMUM YARDS

   FRONT: CONTROLLED BY A 40° ANGLE OF BULK PLANE, BUT NOT LESS THAN 30 FEET

   SIDE: CONTROLLED BY A 35° ANGLE OF BULK PLANE, BUT NOT LESS THAN 10 FEET

   REAR: CONTROLLED BY A 35° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET

6 A. PARKING REQUIRED FOR CHURCH USE:

   ONE SPACE PER FOUR SEATS IN THE PRINCIPAL PLACE OF WORSHIP

   NUMBER OF SEATS = 307
   CALCULATION = 307/4 = 76.75 = 77 SPACES

6 B. PARKING REQUIRED FOR CHILD CARE CENTER

   0.19 SPACE PER CHILD

   NUMBER OF CHILDREN=89
   CALCULATION 0.19 X 89 = 17 SPACES

7. PARKING PROVIDED

   REGULAR SPACES = 113
   HANDICAP SPACES = 5
   TOTAL SPACES = 118
8. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER
9. APPROXIMATE LOCATION OF EXISTING STORM WATER MANAGEMENT/BMP FACILITY IS SHOWN ON THE PLAT
10. GROSS FLOOR AREA

    EXISTING CHURCH = 27,887 S.F.
11. FLOOR AREA RATIO

    EXISTING = 0.11

    ALLOWED = 0.25
12. [illegible] TOPOGRAPHY [illegible] WAS TAKEN FROM AVAILABLE RECORDS AND IS BASED ON AN AIR SURVEY. THE TOPOGRAPHY OF THIS SITE IS VERY FLAT
13. THERE ARE NO LIMITS OF CLEARING AND G[illegible]ING PROPOSED. THERE IS NO NEW CONSTRUCTION PROPOSED
14. A MODIFICATION IS REQUESTED OF ARTICLE 13-301 TO ALLOW EXISTING VEGETATION AND FENCES TO SERVE AS TRANSITIONAL SCREENING AND BARRIERS FOR ABUTTING USES.
15. THERE ARE NO FLOOD PLAINS, ENVIRONMENTAL QUALITY CORRIDORS OR RESOURCE PROTECTION AREAS LOCATED ON THIS SITE
16. THE FAIRFAX COUNTY COMPREHENSIVE PLAN SHOWS A PROPOSED TRAIL FOR THE FULL FRONTAGE OF FORT HUNT ROAD.
17. THERE ARE NO GRAVE SITES OR BURIAL GROUNDS VISIBLE ON THIS PROPERTY
18. ALL PARKING GEOMETRICS AND TRAVEL LANES SHOWN ON THIS PLAT ARE EXISTING
19. LEGAL DESCRIPTION OF PROPERTY

    PARCEL "A-1" AND PARCEL "A-2" PLYMOUTH HAVEN BAPTIST CHURCH AS RECOR[DED] IN DEED BOOK 10125 AT PAGE 1075 AMONG THE FAIRFAX COUNTY LAND RECOR[DS]
20. A WAIVER OF THE REQUIREMENT FOR AN EXISTING VEGETATION MAP IS HEREBY REQUESTED.
21. A MODIFICATION OF THE NORTH ORIENTATION IS HEREBY REQUESTED TO ALLOW THE NORTH ORIENTATION AS SHOWN.
22. THERE SHALL BE NO NIGHT TIME RECREATIONAL ACTIVITY. THERE IS NO LIGHTING FOR THE RECREATION AREA
23. ALL SIGNS ARE DIRECTIONAL OR PARKING SIGNS UNLESS NOTED OTHERWISE.
24. DEDICATION FOR FORT HUNT ROAD WAS REQUIRED AND DEDICATED UNDER THE PREVIOUS SPECIAL PERMIT

PLAT
SHOWING EXISTING IMPROVEMENTS ON
PARCEL "A-1" & PARCEL "A-2"

PLYMOUTH HAVEN BAPTIST CHURCH

(DEED BOOK 10125, PAGE 1075)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 30'

JANUARY 7, 2003
MARCH 24, 2003 (REVISED)
JULY 9, 2003 (ADDED ANGLE OF BULK PLANE)
AUGUST 12, 2003 (ADDED NOTES 22 THRU 2[4])

RECEIVED
Department of Planning & Zoning
MAY 2 6 2016
Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
SEP 0 5 2003
Zoning Evaluation Division

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET

COMMONWEALTH OF VIRGINIA
01/07/2003
GEORGE M. O'QUINN
LICENSE NO. 2089
LAND SURVEYOR
George M. O'Quinn
#21227003

CASE NAME:
PLYMOUTH HAVEN BAPTIST CHURCH

DOMINION SURVEYORS, INC
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX 703-799-6412

#9-C

SPECIAL PERMIT REQUEST

The applicant requests an amendment to their special permit approval to modify the condition limiting the number of children permitted in the pre-school and nursery school to a total of 49 children in order to increase enrollment to 75 children. The applicant proposes no other changes to the operations as permitted by the previous special permit approval and approved amendments.

Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled “Plat Showing Existing Improvements on Parcel “A-1” & Parcel “A-2” Plymouth Haven Baptist Church,” prepared by George M. O’Quinn, LS, of Dominion Surveyors, Inc., dated January 7, 2003, last revised August 12, 2003 consisting of one sheet is provided at the front of this staff report. A copy of the applicant’s statement of justification and relevant photographs, architectural renderings and proposed floor plans, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 6.06 acre property is located on the southeast corner of the intersection of Fort Hunt Road and Plymouth Road. The subject property is actually 2 lots, one of which is a baseball diamond and accessory structures. The main lot is the location of the primary structure, which includes the church, church and school offices, the nursery/pre-school, and the fellowship hall. An accessory storage building is located to the east of the main building, along with 118 parking spaces. The parking lot is intermixed with ornamental

trees, and the rest of the property is well maintained including transitional screening along the property boundaries. Finally, a small, fenced playground is located south of the building along the south property line, which is used by the children in the school for outdoor play.

The property is generally flat with swales located along the roadways to provide positive stormwater drainage. There have been no complaints with regard to the operation of the school on the property according to County records.

The subject property is zoned R-3, as is the surrounding area. Most of the surrounding development is comprised of single family detached dwellings. There are a few exceptions, including the Heritage Presbyterian Church to the north across Plymouth Road from the subject property, and the Waynewood Elementary School located to the east.

BACKGROUND AND HISTORY

County Records indicate that the original church building was constructed in 1952. An educational/office facility with two stories was constructed as an addition sometime after that but prior to the requirement for any special permit/special exception approval. The original church facility had access to Fort Hunt Road, with parking located right at the intersection and along the Plymouth Road frontage north of the church building.

A total of four previous special permit and amendment approvals have been given for this organization on the subject property. Here is a summary of that history.

1. **Special Permit Application SP 91-V-071 concurrent with Variance Application VC 91-V-142** (approved March 3, 1992) – the initial special permit approval was requested to construct a 1,100 square foot portico addition on the north side of the existing church, plus a 392 square foot storage shed. The variance approval was to permit the continuance of a 2-foot setback for parking from Fort Hunt Road and a 5-foot setback for parking from Plymouth Road. The operational conditions were:
    - An existing church with 307 seats and the educational/office facility for church classes, Sunday school, and other classes and rehearsal space;
    - Service times on Sundays at 8:30 a.m., 11 a.m. and 7 p.m., with office and other hours on Monday-Friday from 9-5 and Saturdays from 9-12, and evening uses from 7-9 p.m; and
    - Included the approval of the baseball diamond in use for little league, including a batting cage, a few storage lockers and bleachers already in existence.
    - The original design of the site included about half the parking located very close to the street intersection, essentially in the corner of the property.

2. **Special Permit Amendment SPA 91-V-071** (approved November 10, 1995) – this special permit amendment was approved for the construction of the 14,067 square foot, 1-story Great Hall addition and connecting corridor to the original church; the

addition of parking lot lighting; the expansion of the storage shed; and moving 45 of the 50 parking spaces from the intersection area to their current location. The redesigned parking closed off access to Fort Hunt Road and established access from Plymouth Road at 3 points. Other elements of the approval were

- An increase in parking from 105 parking spaces to 124 parking spaces;
- A waiver of barrier requirements on the south, east, and west, and modification of transitional screening requirements along the same property lines;
- The creation of a courtyard in between the education building and the Great Hall, foundational landscaping around the addition, and establishing a new FAR at 0.14, still well below the 0.25 permitted in the R-3 District; and
- Altered the service times to 8:30 a.m. and 11 a.m., with office and other uses on Monday-Friday 8:30-4:30 and 5-9 p.m. and Saturday from 9-12.
- Moving the parking area east of the building removed the parking approved by the variance approval in 1992.

3. **Special Permit Amendment SPA 91-V-071-02** (approved July 24, 1996) – this application was approved prior to the construction of any of the improvements authorized under the previous special permit amendment. The reason was so that the applicant could reconfigure the previously approved parking by replacing the 5 parking spaces with a stormwater facility at the southeast corner of the intersection. This approval established a revised parking total of 118 parking spaces (1 per 2.6 seats) and otherwise maintained the conditions approved under the previous special permit amendment.

4. **Special Permit Amendment SPA 91-V-071-03** (approved February 25, 2004) this special permit amendment was approval to permit a child care center and nursery school with a maximum daily enrollment of 49 children. The original request was for 99 children, but concern over traffic on the part of staff and the neighbors led to a reduction in the request to 75 children, which was again reduced to 49 children upon approval. This approval:
    - Established the hours of operation as Monday-Friday from 8:45 a.m. to 2:30 p.m., with the ages of children from 12 months – 5 years.
    - Parents would be required to park and walk their children into the facility to check in with the nursery or program staff, as well as to park and walk into the facility for pick-up.

DESCRIPTION OF THE APPLICATION

The applicants request a modification to the condition limiting the number of daily enrollment in the child care/nursery school to increase the number permitted to 75. The applicants state that all other operational conditions will remain in place, as approved by the Board. This includes the existing use of the church and facilities for the activities previously approved and all conditions approved as well.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
Planning District: Mt. Vernon
Planning Sector: Fort Hunt (MV6)
Plan Map: Residential

This planning sector is characterized by stable residential neighborhoods. Any infill development should be of a compatible use, type and intensity in accordance with the Policy Plan under Land Use Objectives 8 and 14.

ZONING ORDINANCE REQUIREMENTS (Appendix 5)

The subject property is zoned R-3. The chart below provides the minimum bulk requirements in the R-3 District compared to the subject property.

BULK REQUIREMENTS (R-3)		
STANDARD	**REQUIRED (NONRESIDENTIAL USES)**	**PROVIDED (no changes proposed)**
Minimum Lot Area	10,500 sq. ft.	6.06 acres
Minimum Lot Width	80 feet	902.63 feet (Plymouth Rd) 432.98 feet (Fort Hunt Rd)
Maximum Building Height	60 feet (not including steeples)	45 feet (spire exempt)
Front Yard	40° angle of bulk plane but not less than 30 ft	42.5 feet (Plymouth Rd) 24.7 feet (Fort Hunt Rd)*
Side Yard	35° angle of bulk plane but not less than 10 ft	n/a (principal structure)
Rear Yard	35° angle of bulk plane but not less than 25 ft	98.6± feet
Maximum Floor Area Ratio	0.25	0.11
Parking Spaces	Place of Worship: 77 spaces plus 5 ADA-compliant spaces for the church, plus 14 spaces for child care center	113 spaces plus 5 ADA-compliant spaces

* It should be noted that the original church facility complied with this ABP requirement, as shown on the special permit plat for Special Permit Application SP 91-V-071, approved March 3, 1992.

Special Permit Requirements

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 9. Subject to the development conditions, the

special permit must meet these standards.

- *Sect. 8-004* Status of Special Permit Uses, Paragraph 4, Minor Modifications
- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-303* Group 3 Standards

The following is staff's analysis of the Zoning Ordinance provisions and the proposal to permit a place of worship on the subject property.

General Standards for Special Permit Uses (Sect. 8-006)

General Standard 1 states *that the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan*. The Land Use Policy Plan of the Comprehensive Plan states that *"Fairfax County should seek to establish areas of community focus which contain a mixture of compatible land uses providing for housing…institutional/public services…"* The Plan also *"encourages a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods."* Further the Plan *"should seek to achieve a harmonious and attractive development pattern, which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses."* (Fairfax County Comprehensive Plan Land Use Objectives 2, 8 and 14).

The Comprehensive Plan recommends residential uses in the vicinity of the subject property and the property has been an institutional use dating back to 1952. The immediate vicinity is primarily single family detached residential in character with a couple of institutional uses, including a church to the north and a public school to the east.

The subject property has been a church for over 60 years, and has operated a child care/nursery school since 2004. The proposed increase in children from 49 to 75 should not have a significant impact on the traffic patterns in the surrounding area, and the site has more than enough parking to accommodate an increase in children.

Overall, staff believes that the proposed increase in children at the child care/nursery school is in conformance with the land use recommendations of the Comprehensive Plan and therefore Standard 1 is met.

General Standard 2 states that *the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations*. The R-3 District was established to provide for single-family detached dwellings and to allow other selected uses that were deemed to be compatible with the residential character of the district. A church with a nursery school is a special permit use within the R-3 District. The applicant is proposing an increase in children at the nursery school from the currently permitted 49 children per day up to 75 children per day. This should not create a negative impact on the surrounding transportation network. Additionally, this use occurs primarily between the hours of 8:45 and 2:30, which is generally off peak as compared to the schools operating in the vicinity as well as the peak period for other traffic. Staff believes that the

proposed increase will be in harmony with the purpose and intend of the R-3 District. Therefore, in staff's opinion, the application meets this standard.

General Standard 3 requires that 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 neighboring properties to the south and west are single family detached dwellings located on lots typically found in the R-3 District. A church of similar size is located to the north, and to the east are more residential and a public school. Staff believes that the proposed increase in children at the nursery school from 49 to 75 will not adversely affect the use or development of neighboring properties. The property is well maintained and there will be no changes in the property from what was approved most recently in 2004. Therefore, staff finds that this standard has been met.

General Standard 4 states that *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 proposed increase in the number of children should generate no hazards or conflicts in the neighborhood. The nursery school has been operating in this location for 12 years without complaint. The only comment from staff review was a concern by VDOT that congregants are parking on Plymouth Road near the church entrance (close to Fort Hunt Road) rather than utilizing on-site parking, which remains less than half full. Staff has provided a revised development condition to address this site issue, though it is not related to the request but to general operation. Otherwise, staff believes that the proposal meets this standard.

General Standard 5 states that *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.* The request also includes continuation of the existing waiver of the transition barrier and the modification of the transition screening requirement, which currently is in compliance as modified by the Board. Staff believes that the application meets this standard.

General Standard 6 requires that *open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.* There is no specific open space requirement for the proposed use and the applicant is maintaining the already abundant level of open space, including a baseball field used by the little league. Therefore, this standard has been met.

General Standard 7 requires that *adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking requirements are proposed to be in accordance with the provisions of Article 11*. The subject property already has 118 parking spaces, which exceeds the Zoning Ordinance requirement of 92 parking spaces including 77 parking spaces for the church and 15 parking spaces for the

nursery school with a maximum capacity of 75 children. The existing facility is served by public sewer and public water. No changes are proposed for the existing stormwater management facility and no complaints are on file. Overall, staff believes that Standard 7 has been met.

General Standard 8 requires that *signs be regulated by the provisions of Article 12; however, the BZA may impose more strict requirements for a given use than those set forth in this Ordinance.* The applicant has Zoning Ordinance compliant signage on site, and does not propose additional signage with this request. This standard has been met.

With the approval and adoption of the Proposed Development Conditions, the general standards for all General Standards have been met.

Standards for all Group 9 Uses (Sect. 8-303)

Standard 1 states that *all uses shall comply with the lot size and bulk regulations of the zoning district in which located.* As previously summarized in the bulk requirements chart above, the application meets this standard.

Standard 2 states that *all uses shall comply with the performance standards for the applicable zoning district.* This use does not have any increased effect on performance standards applicable to a church or other placed of worship, or to a nursery school provided on site. Noise will be regulated under the Noise Ordinance, but the applicant's proposal complies with the noise standards. Existing lighting on site complies with the requirements for outdoor lighting. The use complies with the performance standards in Article 14 of the Zoning Ordinance. This standard has been met.

Standard 3 states that *all uses shall be subject to the provisions of Article 17, Site Plans.* The applicant will not be required to submit a site plan for the proposed improvements. All that would be required is a new Non-Residential Use Permit (Non-RUP) to reflect a change in the number of children permitted, if this request is approved by the Board.

CONCLUSION

Staff finds that the proposed modification to the nursery school is consistent with the recommendations of the Comprehensive Plan and meets the General Standards for Special Permits and Group 3 Special Permit uses. Furthermore, the applicant has demonstrated that the proposed use and development for the subject property will comply with the requirements of the Zoning Ordinance.

RECOMMENDATION

Given the successful track record with 49 children established by the applicant over the last 12 years, staff recommends approval of SPA 91-V-071-04 to expand the nursery to 75 children, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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 and Photographs
3. Affidavit
4. Previous Approval History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SPA 91-V-071-04

September 14, 2016

If it is the intent of the Board of Zoning Appeals to approve SPA 91-V-071-04 located at Tax Map 102-4 ((2)) 601B and 102-4 ((3)) A2, previously approved for a church, child care center and nursery school, to permit modifications to previous development conditions pursuant to Par. 4 of Sect. 8-004 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (*). Edits made to these conditions to conform with current terminology or as a revision in response to the current conditions and the proposed appear as ~~strikeouts~~ with new terminology in **bold**.

*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, 8600 Plymouth Road (6.06 acres) and is not transferable to other land.

*2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Dominion Surveyors, Inc., dated January 7, 2003, revised through August 12, 2003, and approved with this application, as qualified by these development conditions.

*3. 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.

*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 these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

*5. The maximum seating capacity shall be three hundred seven (307)

*6. The combined total maximum daily enrollment for the child care center and nursery school shall be ~~49~~**75.**

*7. The maximum hours of operation for the child care center and nursery school shall be from 8:45 am to 2:30 pm, Monday through Friday.

*8. Parking shall be provided as shown on the Special Permit Plat. All parking **for the church and nursery school** shall be on site **and shall be prohibited on Plymouth Road and Fort Hunt Road**.

*9. Notwithstanding what is shown on the special permit plat, the existing vegetation along the western portion of the southern lot line shall remain. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. All other transitional screening shall be ~~modified~~ as shown on the Special Permit Plat.

*10. The barrier requirement shall be waived along all lot lines.

*11. Stormwater management shall be provided on the site subject to the approval of the Department of Public Works and Environmental Services (DPWES) in the general location shown on the special permit plat. An opening shall be provided to allow access to and maintenance of the storm water management pond.

*12. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties. If any lights are replaced, the replacements lighting shall be in conformance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance.

*13. All signs on the property shall conform to the provisions of Chapter 12.

*14. The trash enclosure shall be a six-foot high board-on-board fence.

*15. Drop-off/pick-up of children for the child care center shall be done by parking vehicles in the parking lot at the rear of the church and accompanying them inside/outside. Children shall not be dropped off/picked up in the parking area.

This approval, contingent upon 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.

Statement of Justification

RECEIVED
Department of Planning & Zo
APR 26 2016
Zoning Evaluation Div

Plymouth Haven Baptist Church, a non-stock Virginia corporation
Amendment of Special Permit SP 91-V-071
Statement of Justification

1. Plymouth Haven Baptist Church, a non-stock Virginia corporation. Plymouth Haven Baptist Church (hereinafter "the Applicant") is a Christian church that has operated at its present location for over 50 years. It serves the Mount Vernon area of Fairfax County. The church owns the land and improvements in the name of Plymouth Haven Baptist Church, a non-stock Virginia corporation. It has Bible Study, Sunday school, meetings for the community, child care and a pre-school. It has an operational pre-school (child care and pre-school) program operating at the building located in 8600 Plymouth Road Alexandria, VA 22308 that has been in operation for several years. The Applicant generally has activities seven days a week. There is an existing Special Permit for operation of the church, child care and nursery school. The term "pre-school and nursery school" are used interchangeably for the purposes of this justification statement. The current Special Permit application limits the church to 49 children for the child care and pre-school programs. The Applicant is applying to amend the Special Permit to raise the limit to 75 children. All other church operations will continue in the same manner as previously permitted. The Applicant has approximately 300 members in its congregation and those members fully support this amendment. The pre-school and child care offered by the Applicant is a benefit to the community and is integral part of the church. All of the children in the pre-school and child care programs at the church are local to the area and it benefits the public at large.

2. Parking Spaces: The Applicant has more than sufficient parking spaces to accommodate the increase to 75 students. The Applicant will continue to follow the terms previously established for pick up and drop of children.

3. Hours of Operation: The Applicant will keep the same hours of operation for the pre-school and nursery school as is currently approved (8:45 am to 2:30 pm, Monday through Friday). The Applicant has church services at 10:30 a.m. on Sundays and other activities throughout the entire day on Sunday. There is some form of church activity daily at the church.

4. Estimated number of students/children for the pre-school and nursery school: There are currently 49 students/children and the Applicant is seeking to raise this number to 75 students/children.

5. Estimated number of teachers/employees with the child care and pre-school: There are typically, 9 teachers present on a given day. This is an estimate as the number of teachers varies from day to day.

6. Traffic Impact: The Applicant believes any traffic increase that would be linked to the student increase would be minor and that the increase would have no measurable impact on traffic flow on either Fort Hunt Road or Plymouth Road. The church has three separate entrances and exits from the area where children are dropped off and picked up. Cars remain on church property during the drop off/ pick up process.

7. Area We Serve: The Applicant serves the Mount Vernon area of Fairfax County. Most members live within a radius of 10 miles from where the church is located.

8. Child Care and Pre-School location- Child care and pre-school classes and activities are normally held in the building which also houses the sanctuary. At times, children will also have activities outside in the playground area and in the Fellowship Hall. Photos of the Applicant's facilities are attached hereto as "Attachment A."

9. Known Hazardous and Toxic Substances (as defined by Federal and State law)- To the best of Applicant's knowledge, there are and have been no known hazardous or toxic wastes on the Applicant's property.

10. Property Condition: The property is in the same condition (building, parking areas, playground and other grounds) as shown on the Plat by Dominion Surveyors, dated January 7, 2003, revised through August 12, 2003).

11. Functioning in Compliance with the Special Permit Requirements: There have been no formal complaints issued against the Applicant, nor has Applicant violated any Fairfax County zoning laws or Special Permit limitations during the years of the Applicant's operation. The Applicant's use is in harmony with the community and with Fairfax County's zoning laws.

12. Proposed Use In Conformance with All Applicable Ordinances, Regulations of County and State. The Church believes it is operating in a legal and compliant manner with County and State regulations and laws.

13. State Transportation Impact Analysis- Waived. See communication for Michelle Guthrie, Fairfax County Department of Transportation.

Based on the above premises, the Applicant respectfully asks that the request for amendment to the Special Permit to allow the Applicant up to a maximum of 75 students in their child care and pre-school programs be Approved.

Respectfully Submitted,

April 25, 2016

PLYMOUTH HAVEN BAPTIST CHURCH
JAMES D. TURNER, DIRECTOR
AUTHORIZED AGENT
124 South Royal Street
Alexandria, VA 22314
(p)—(703) 836-3400
(f)—(703) 519-8757
jturner@vtwlaw.com

Date

Select Photographs

Image 1: View from intersection of Fort Hunt Road and Plymouth Road

Image 2: View of church from north of intersection

Image 3: Intersection of Fort Hunt Road with Plymouth Road/Old Stage Road (west)

Image 4: View of central access for preschool/nursery school on Plymouth Road

Image 5: View of church (on right) and education building.

Image 6: Entrance to Fellowship Hall (left) and preschool/nursery school (right)

Image 7: View of school from parking area. Entrance on right is elevator for sanctuary.

Image 8: Another view of entrance to preschool/nursery school

Image 9: Parking area available for preschool/nursery school onsite. Driveway in back.

Image 10: Preschool/nursery school playground located south of main building

Image 11: View of the main entrance for the preschool/nursery school looking west toward the intersection. Note there are 3 entrances to the parking area for the church on Plymouth Road.

County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

RECEIVED
Department of Planning & Zoning
AUG 09 2016
Zoning Evaluation Division

DATE: August 4, 2016

TO: Heath Eddy, Staff Coordinator
Applications Acceptance Section
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sepideh Aflaki-Khosrowshahi, Paralegal
Office of the County Attorney

SUBJECT: BZA Affidavit
Temporary Application No. SPA 2016-0096

REF.: 134506

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant	Affidavit Date of Oath
James D. Turner	7/28/16

Attachment

\\s17PROLAWPGC01\Documents\134506\SAK\Affidavits\822767.doc

Plymouth Haven Baptist Church
8600 Plymouth Road
Alexandria, Virginia 22308

RESOLUTION
PLYMOUTH HAVEN BAPTIST CHURCH

WHEREAS, Plymouth Haven Baptist Church, a Virginia non-stock corporation, had a properly convened business meeting on January 27, 2016 and a resolution was passed to amend the special permit with Fairfax County for child care and nursery school from 49 students to 75 students; and

WHEREAS, James D. Turner, a corporate director, is authorized to process the application on behalf of the church and sign all applications and documentation to process such change; now, therefore, be it

RESOLVED BY PLYMOUTH HAVEN BAPTIST CHURCH MEMBERSHIP, That James D. Turner, corporate director, is authorized to process the application to amend the special use permit with Fairfax County for child care and nursery school from 49 students to 75 students.

Dated the 10th day of April 2016

Mary E. Schramm

Mary Schramm
Church Clerk

Tel. (703) 360-4370 Fax (703) 360-4132
www.plymouthhaven.org

Affidavit and Statement Confirming Ownership of Property/SP
Plymouth Haven Baptist Church, a non-stock Virginia corporation

I, James D. Turner, Director for **Plymouth Haven Baptist Church, a non-stock corporation** hereby certify that the church is the owner of the property located at 8600 Plymouth Road Alexandria, VA 222308 in Fairfax County (Tax Map 102 02 601B and 1024 03 A2).

A true copy of the recorded Deed conveying the property into Plymouth Haven Baptist Church, a non-stock corporation, is attached. See public records Deed Book 24516, Page 1360 Fairfax County Land Records.

James D. Turner, Director
Authorized Agent for Applicant

Date April 12, 2016

134506

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

APPLICATION No: SPA 91-V-071-04
(Staff will assign)

RECEIVED
Department of Planning & Zoning
APR 14 2016
Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	**NAME** Plymouth Haven Baptist Church, a non-stock, virginia Corporation
	MAILING ADDRESS 8600 Plymouth Road, Alexandria, VA 22308
	PHONE HOME (703) 360-4370 WORK ( )
	PHONE MOBILE ( )
PROPERTY INFORMATION	**PROPERTY ADDRESS** 8600 Plymouth Road, Alexandria, VA 22308
	TAX MAP NO. 102403AZ & 102402601B **SIZE (ACRES/SQ FT)** 2.399 AC & 3.66 AC
	ZONING DISTRICT **MAGISTERIAL DISTRICT** Mount Vernon
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL PERMIT REQUEST INFORMATION	**ZONING ORDINANCE SECTION** Paragraph 4 Sect. 8-004 SPA 91-V-071-3
	PROPOSED USE Child care center and nursery school
AGENT/CONTACT INFORMATION	**NAME** James D. Turner, Authorized Agent
	MAILING ADDRESS 124 S. Royal Street, Alexandria, VA 22314
	PHONE HOME (703) 989-7882 WORK ( )
	PHONE MOBILE (703) 989-7882
MAILING	**Send all correspondence to (check one):** ☐ **Applicant** –or– ☑ **Agent/Contact**

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

James D. Turner, Authorized Agent
TYPE/PRINT NAME OF APPLICANT/AGENT

Authorized Agent
SIGNATURE OF APPLICANT/AGENT

SPA 2016-0096

DO NOT WRITE IN THIS SPACE

Date Application accepted: _____ Application Fee Paid: $_____

Application No.(s): SPA 91-V-071-04

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 28, 2016 134506

(enter date affidavit is notarized)

I, James D. Turner, 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.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
– Plymouth Haven Baptist church, a Virginia non-stock corporation	8600 Plymouth Rd. Alexandria, VA 22308	Title owner/ Applicant
– James D. Turner	4756 Neptune Dr. Alexandria, VA 22309	Applicant's Agent

(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).

N

Application No.(s): SPA 91-V-071-04

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 28, 2016 134506

(enter date affidavit is notarized)

==========

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)

Plymouth Haven Baptist Church, a Virginia non-stock corporation - 8600 Plymouth Rd., Alexandria, VA 22308

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

(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): SPA 91-V-071-04

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 28, 2016

(enter date affidavit is notarized)

134506

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)

(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): SP#91-V-071-04

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 28, 2016

(enter date affidavit is notarized)

13450e

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): SIA 91-V-021-04

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 28, 2016 134506

(enter date affidavit is notarized)

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:

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

James D. Turner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28TH day of July 2016, in the (State)/Comm. of Virginia, County/(City) of Alexandria

Leticia Palacios

Notary Public

My commission expires: 12/31/2018

LETICIA PALACIOS NOTARY PUBLIC REG # 7608350 MY COMMISSION EXPIRES 12/31/2018 COMMONWEALTH OF VIRGINIA

8e

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 91-V-142 by PLYMOUTH HAVEN BAPTIST CHURCH, under Section 18-401 of the Zoning Ordinance to allow parking to remain 5.0 feet and 2.0 feet from front lot line, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))A,600,601,601A; 102-4((3))A2, 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 with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 3, 1992; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 6.25 acres.
4. The applications meets the necessary standards for the granting of a variance.
5. There will be a reconfiguration and striping of the parking lot.
6. The parking lot has been in existence for many years and will not present a hazardous situation.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
   - A. Exceptional narrowness at the time of the effective date of the Ordinance;
   - B. Exceptional shallowness at the time of the effective date of the Ordinance;
   - C. Exceptional size at the time of the effective date of the Ordinance;
   - D. Exceptional shape at the time of the effective date of the Ordinance;
   - E. Exceptional topographic conditions;
   - F. An extraordinary situation or condition of the subject property, or
   - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

4. That the strict application of this Ordinance would produce undue hardship.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

6. That:

A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

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

1. This variance is approved for the location of the parking spaces a distance of 2.0, and 5.0 feet along Fort Hunt Road and a distance of 3.0, 5.0 8.0 feet along Plymouth Road, as shown on the plat revised February 5, 1992 and prepared by Alexandria Surveys and included with this application, and is not transferable to other land.

Mr. Ribble seconded the motion which carried by a vote of 6-0-1 with Mr. Hammack abstaining from the vote.

Mr. Kelley made a motion to waive the eight-day waiting period. Mrs. Thonen seconded the motion which carried by vote of 6-0-1 with Mr. Hammack abstaining from the vote.

This decision was officially filed in the office of the Board of Zoning Appeals and became final on March 3, 1992. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:

Helen C. Darby

Helen C. Darby, Associate Clerk
Board of Zoning Appeals

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SP 91-V-071 by PLYMOUTH HAVEN BAPTIST CHURCH, under Sections 3-303 and 8-915 of the Zoning Ordinance to allow existing church and related facilities, addition (portico), accessory structure (shed), and waiver of dustless surface requirements, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))A,600,601,601A; 102-4((3))A2, 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 with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 3, 1992; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 6.25 acres.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sections 8-303, 8-903 and 8-915 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 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 plat (prepared by Alexandria Surveys, revised February 5, 1992) and approved with this application, as qualified by these development conditions.

3. 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.

4. This Special Permit is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit Plat by Alexandria Surveys, revised February 5, 1992.

5. The maximum number of seats in the main area of worship shall remain at three hundred seven (307). A corresponding minimum of seventy seven (77) parking spaces shall be provided. All parking for the church shall be on site. The twenty three (23) parking spaces near the corner of Fort Hunt and Plymouth Road shall be redesigned so as to reduce interference with the existing traffic flow along Plymouth Road. This may be accomplished by restriping or elimination of the parking areas and signage, or with the use of additional landscaping which would prevent cars from backing out onto the public street. If the variance is not approved, two of the handicapped parking spaces adjacent to Fort Hunt Road shall be relocated in accordance with the Public Facilities Manual (PFM).

6. Transitional Screening 1 and the barrier requirement along the western, southwestern, southern and eastern lot lines shall be modified to allow the existing vegetation and fences to fulfill such requirements.

7. The existing bus stop sign located on Fort Hunt Road shall be retained or replaced if disturbed by future construction traffic or any improvements of the road.

8. All signs on the property shall conform to the provisions of Chapter 12.

9. The gravel surfaces shall be maintained in accordance with Public Facilities Manual standards and the following guidelines. The term of the waiver of the dustless surface shall be in accordance with the provisions of the Zoning Ordinance.

   - Speed limits shall be kept low, generally 10 mph or less.
   - The areas shall be constructed with clean stone with as little fines material as possible.
   - The stone shall be spread evenly and to a depth adequate enough to prevent wear-through or bare subsoil exposure. Routine maintenance shall prevent this from occurring with use.
   - Resurfacing shall be conducted when stone becomes thin and the underlying soil is exposed.
   - Runoff shall be channeled away from and around driveway and parking areas.
   - Periodic inspections shall be performed to monitor dust conditions, drainage functions and compaction-migration of the stone surface.

- There shall be pavement to a point twenty-five (25) feet into the entrance drive from the existing edge of pavement of Fort Hunt Road to inhibit the transfer of gravel off-site.

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, forty-eight (48) months after the date of approval* unless construction of the addition (portico) has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Ribble seconded the motion which carried by a vote of 6-0-1 with Mr. Hammack abstaining from the vote.

Mr. Kelley made a motion to waive the eight-day waiting period. Mrs. Thonen seconded the motion which carried by vote of 6-0-1 with Mr. Hammack abstaining from the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on March 3, 1992. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

Helen C. Darby

Helen C. Darby, Associate Clerk
Board of Zoning Appeals

FAIRFAX COUNTY
VIRGINIA

OFFICE OF COMPREHENSIVE PLANNING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

(703) 324-1280 Fax (703) 324-3924

November 10, 1995

James D. Turner, Esquire
124 South Royal Street
Alexandria, Virginia 22314

Re: Special Permit Application SP SPA 91-V-071
PLYMOUTH HAVEN BAPTIST CHURCH

Dear Mr. Turner:

At its October 31, 1995 meeting, the Board of Zoning Appeals took action to **GRANT** the above-referenced application. The final approval date is November 10, 1995. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 324-1550.

Sincerely,

Geri B. Bepko

Geri B. Bepko, Substitute Clerk
Board of Zoning Appeals

Enclosure: As stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Amendment Application SPA 91-V-071 by PLYMOUTH HAVEN BAPTIST CHURCH, under Section R-3 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit building addition and other site improvements, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))600, 601, 601A and A; 102-4((3))A2, Mr. Ribble moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 31, 1995; and

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

1. The applicant(s) is/are the owner(s) of the land.
2. The present zoning is R-3.
3. The area of the lot is approximately 6.25 acres.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 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 on the application and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat **prepared by Alexandria Surveys, Inc. dated June 27, 1995 and revised October 2, 1995** and approved with this application, as qualified by these development conditions.

3. 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.

4. This Special Permit is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.

5. The maximum seating capacity shall be three hundred seven (307). There shall be 124 parking spaces provided as shown on the special permit plat. All parking for the use shall be on site.

6. Stormwater management shall be provided on site subject to the approval of the Department of Environmental Management (DEM) in the general location shown on the special permit plat. Additional safety measures may be required at the time of site plan approval.

7. The transitional screening and barrier requirement shall be modified along the western portion of the southern property line. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. Along the northern and eastern lot lines on Plymouth Road, a mixture of deciduous trees and evergreen shrubs shall be provided, and along the western lot line on Fort Hunt Road, a mixture of deciduous and evergreen plantings shall be provided, which will soften the visual impact of the non-residential use on the residential properties. The size, type, and location of the plantings shall be as approved by the Urban Forestry Branch of DEM. These plantings shall be deemed to satisfy the transitional screening and barrier requirements along these lot lines. The transitional screening and barrier requirements shall be waived around the perimeter of the church ballfield.

8. Adequate sight distance shall be provided at the intersection of Fort Hunt Road and Plymouth Road as determined by DEM and the Virginia Department of Transportation (VDOT).

9. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties.

10. All signs on the property shall conform to the provisions of Chapter 12.

These conditions incorporate and supersede all previous 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 or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Kelley seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 10, 1995. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

Geri B. Bepko, Substitute Clerk
Board of Zoning Appeals

9:00 A.M. PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit building addition and other site improvements. Located at 8523 Fort Hunt Rd. on approx. 6.25 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) 600, 601, 601A and A; 102-4 ((3)) A2.

Chairman DiGiulian called the applicant to the podium to reaffirm the affidavit and James Turner, Trustee, complied.

Jane C. Kelsey, Chief, Special Permit and Variance Branch, introduced Elaine Z. Jensen, Staff Coordinator with the Applications Acceptance Branch. Ms. Jensen presented the staff report dated October 24, 1995, outlining staff's position.

Mr. Turner presented the applicant's request and statement of justification, previously submitted in writing and incorporated into the record.

Mr. Ribble moved to grant SPA 91-V-071 for the reasons set forth in the Resolution, subject to the Proposed Development Conditions contained in the staff report, as modified: Original Proposed Development Conditions 1 through 7 remained the same; 8, 9, 11, 13, and 14 were deleted and the remaining conditions were renumbered accordingly.

Mr. Hammack questioned why the maker of the motion had deleted many of the conditions. Mr. Ribble said he was familiar with the property and that most of the traffic came in through Plymouth Haven Road, making some of the conditions unnecessary in his opinion.

Mr. Pammel said he believed the geotechnical study should be conducted. He said they knew there was a problem in the area and the soils were such that there may be a slippage problem. Chairman DiGiulian said that, when the applicant submitted the site plan, the requirement could be enforced even though the Board did not include it in the special permit conditions.

Mr. Hammack asked staff about the parking lot lighting. He said he gathered that the relocated parking area would require lighting. Ms. Jensen said that the original approved permit did not show any lighting and, as a housekeeping measure, the plat shows that there is some lighting on the site; no additional lighting would be provided for the additional parking.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Amendment Application SPA 91-V-071 by PLYMOUTH HAVEN BAPTIST CHURCH, under Section R-3 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit building addition and other site improvements, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))600, 601, 601A and A; 102-4((3))A2, Mr. Ribble moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 31, 1995; and

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

1. The applicant(s) is/are the owner(s) of the land.
2. The present zoning is R-3.
3. The area of the lot is approximately 6.25 acres.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 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 on the application and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat **prepared by Alexandria Surveys, Inc. dated June 27, 1995 and revised October 2, 1995** and approved with this application, as qualified by these development conditions.

3. 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.

4. This Special Permit is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.

5. The maximum seating capacity shall be three hundred seven (307). There shall be 124 parking spaces provided as shown on the special permit plat. All parking for the use shall be on site.

6. Stormwater management shall be provided on site subject to the approval of the Department of Environmental Management (DEM) in the general location shown on the special permit plat. Additional safety measures may be required at the time of site plan approval.

7. The transitional screening and barrier requirement shall be modified along the western portion of the southern property line. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. Along the northern and eastern lot lines on Plymouth Road, a mixture of deciduous trees and evergreen shrubs shall be provided, and along the western lot line on Fort Hunt Road, a mixture of deciduous and evergreen plantings shall be provided, which will soften the visual impact of the non-residential use on the residential properties. The size, type, and location of the plantings shall be as approved by the Urban Forestry Branch of DEM. These plantings shall be deemed to satisfy the transitional screening and barrier requirements along these lot lines. The transitional screening and barrier requirements shall be waived around the perimeter of the church ballfield.

8. Adequate sight distance shall be provided at the intersection of Fort Hunt Road and Plymouth Road as determined by DEM and the Virginia Department of Transportation (VDOT).

9. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties.

10. All signs on the property shall conform to the provisions of Chapter 12.

These conditions incorporate and supersede all previous 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 or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Kelley seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 10, 1995. This date shall be deemed to be the final approval date of this special permit.

FAIRFAX COUNTY
VIRGINIA

OFFICE OF COMPREHENSIVE PLANNING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510
(703) 324-1280 Fax (703) 324-3924

July 24, 1996

Herbert R. Longhelt, Agent
James D. Turner, Agent/Trustee
8573 Fort Hunt Road
Alexandria, Virginia 22308

Re: Special Permit Application SPA 91-V-071-2
Plymouth Haven Baptist Church

Dear Applicants:

At its July 16, 1996 meeting, the Board of Zoning Appeals took action to **GRANT** the above-referenced application. The final approval date is July 24, 1996. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 324-1550.

Sincerely,

Regina Thorn, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SPA 91-V-071-2 by PLYMOUTH HAVEN BAPTIST CHURCH, under Section 3-303 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit reduction in parking spaces and site modifications, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))A, 600,601,601A; 102-4((3))A2, Mr. McPherson moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 16, 1996; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 6.25 acres.
4. The applicant clearly complied with the general standards necessary for the issuance of a special permit application.
5. The existence of the church over time as well as the prior applications and approvals indicated that the church had done a good job in making sure that it fits in with the neighborhood and has existed in harmony with the neighborhood for some time.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 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 on the application, 8523 Fort Hunt Road, 6.25 acres, and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Alexandria Surveys, Inc., dated June 27, 1995, and revised through April 15, 1996, and approved with this application, as qualified by these development conditions.

3. 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.

4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Environmental Management. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions. The Board of Zoning Appeals has no objection to the submission and approval of a minor site plan.

5. The maximum seating capacity shall be three hundred seven (307). There shall be 118 parking spaces provided as shown on the special permit plat. All parking for the use shall be on site.

6. Storm water management shall be provided on site subject to the approval of the Department of Environmental Management (DEM) in the general location shown on the special permit plat. An opening shall be provided to allow access to and maintenance of the storm water management pond. Additional safety measures may be required at the time of site plan approval.

7. The transitional screening and barrier requirements shall be modified along the western portion of the southern property line. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. The plantings shall not preclude the provision of adequate sight distance. The size, type and location of the plantings shall be as approved by DEM. These plantings shall be deemed to satisfy the transitional screening and barrier requirements along these lot lines. The transitional screening and barrier requirements shall be waived around the perimeter of the church ballfield.

8. Where entrances are closed, asphalt shall be removed and landscaping installed.

9. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties.

10. All signs on the property shall conform to the provisions of Chapter 12.

11. Notwithstanding the area on the plat shown for future expansion, the existing vegetation shall remain to serve transitional screening and barrier requirements in that area.

12. The trash enclosure shall be a six-foot high board-on-board fence.

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 or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may

grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Ribble seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on July 24, 1996. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

Regina Thorn, Deputy Clerk
Board of Zoning Appeals

8:00 P.M. PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071-2 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit reduction in parking spaces and site modifications. Located at 8523 Fort Hunt Rd. on approx. 6.25 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) A, 600, 601, 601A; 102-4 ((3)) A2. (OUT OF TURN HEARING GRANTED)

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. Herbert Longhelt, 1006 Priscilla Lane, Alexandria, Virginia, replied that it was.

Heidi Powell, Staff Coordinator, made staff's presentation as contained in the staff report. The applicant requested a reduction in parking spaces, to close both Fort Hunt Road entrances, add an entrance on Plymouth Road, and to reconfigure the Storm Water Management pond. The application was in harmony with the Comprehensive Plan and staff recommended approval.

The Board members questioned staff about the necessity of some of the development conditions. They found that the development conditions in question were required by the Department of Environmental Management or the Office of Transportation.

Mr. Longhelt presented the special permit request as outlined in the statement of justification submitted with the application and said he objected to the condition requiring transitional screening and road easements. Ms. Kelsey, Chief, Special Permit and Variance Branch, stated that most of the conditions were imposed previously and were so indicated by an asterisk. Ms. Powell explained why the condition related to a geotechnical study was recommended. That justification was in the staff report for the previous application and explained that it was to put the applicant on notice that this issue would need to be addressed at the time of site plan review.

Mr. McPherson moved to grant SPA 91-V-071-2 for the reasons set forth in the Resolution, subject to the Proposed Development Conditions contained in the staff report dated July 11, 1996 deleting 2 sentences in Condition #7 and conditions relating to the geotechnical study and ancillary easements.

Mr. Pammel made a motion that the Department of Environmental Management and/or the Office of Transportation have a staff member present at hearings when issues relating to their field of expertise arise at a public hearing. Mr. Ribble seconded the motion which carried by a vote of 7-0.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SPA 91-V-071-2 by PLYMOUTH HAVEN BAPTIST CHURCH, under Section 3-303 of the Zoning Ordinance to amend SP 91-V-071 for church and related facilities to permit reduction in parking spaces and site modifications, on property located at 8523 Fort Hunt Road, Tax Map Reference 102-4((2))A, 600,601,601A; 102-4((3))A2, Mr. McPherson moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 16, 1996; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 6.25 acres.
4. The applicant clearly complied with the general standards necessary for the issuance of a special permit

application.

5. The existence of the church over time as well as the prior applications and approvals indicated that the church had done a good job in making sure that it fits in with the neighborhood and has existed in harmony with the neighborhood for some time.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 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 on the application, 8523 Fort Hunt Road, 6.25 acres, and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Alexandria Surveys, Inc., dated June 27, 1995, and revised through April 15, 1996, and approved with this application, as qualified by these development conditions.

3. 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.

4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Environmental Management. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions. The Board of Zoning Appeals has no objection to the submission and approval of a minor site plan.

5. The maximum seating capacity shall be three hundred seven (307). There shall be 118 parking spaces provided as shown on the special permit plat. All parking for the use shall be on site.

6. Storm water management shall be provided on site subject to the approval of the Department of Environmental Management (DEM) in the general location shown on the special permit plat. An opening shall be provided to allow access to and maintenance of the storm water management pond. Additional safety measures may be required at the time of site plan approval.

7. The transitional screening and barrier requirements shall be modified along the western portion of the southern property line. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. The plantings shall not preclude the provision of adequate sight distance. The size, type and location of the plantings shall be as approved by DEM. These plantings shall be deemed to satisfy the transitional screening and barrier requirements along these lot lines. The transitional screening and barrier requirements shall be waived around the perimeter of the church ballfield.

8. Where entrances are closed, asphalt shall be removed and landscaping installed.

9. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties.

10. All signs on the property shall conform to the provisions of Chapter 12.

11. Notwithstanding the area on the plat shown for future expansion, the existing vegetation shall remain to serve transitional screening and barrier requirements in that area.

12. The trash enclosure shall be a six-foot high board-on-board fence.

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 or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Ribble seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on July 24, 1996. This date shall be deemed to be the final approval date of this special permit.

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FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510

(703) 324-1280 Fax (703) 324-3924

V I R G I N I A

February 25, 2004

John R. Crumplar
1057 Dalebrook Drive
Alexandria, Virginia 22308

Re: Special Permit Amendment Application SPA 91-V-071-03
Plymouth Haven Baptist Church

Dear Mr. Crumplar:

At its February 17, 2004 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. The final approval date is February 25, 2004. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

K. A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

Enclosure: As stated

American with Disabilities Act (ADA): This information will be provided in alternative format upon request with seven days advance notice. Please call 703-324-1334 (TTY 711 Virginia Relay Center).

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071-3 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 91-V-071 previously approved for a church to permit child care center and nursery school. Located at 8600 Plymouth Rd. on approx. 6.06 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) 601B and 102-4 ((3)) A2. (Continued from 12/9/04) (Moved from 1/27/04 due to inclement weather.) Mr. Ribble moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 17, 2004; and

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

1. The applicant is the owner of the land.
2. The applicant presented testimony indicating compliance with the general standards for special permit uses as set forth in Section 8-006 and the additional standards for this use as contained in the other appropriate sections of the Zoning Ordinance.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-C03 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 8600 Plymouth Road (6.06 acres) and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Dominion Surveyors, Inc., dated January 7, 2003, revised through August 12, 2003, and approved with this application, as qualified by these development conditions.

3. 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.

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 these conditions. Minor modifications to the approved special permit may be permitted pursuant to

Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The maximum seating capacity shall be three hundred seven (307).

6. The combined total maximum daily enrollment for the child care center and nursery school shall be 49.

7. The maximum hours of operation for the child care center and nursery school shall be from 8:45 am to 2:30 pm, Monday through Friday.

8. Parking shall be provided as shown on the Special Permit Plat. All parking shall be on site.

9. Notwithstanding what is shown on the special permit plat, the existing vegetation along the western portion of the southern lot line shall remain. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. All other transitional screening shall be modified as shown on the Special Permit Plat.

10. The barrier requirement shall be waived along all lot lines.

11. Stormwater management shall be provided on the site subject to the approval of the Department of Public Works and Environmental Services (DPWES) in the general location shown on the special permit plat. An opening shall be provided to allow access to and maintenance of the storm water management pond.

12. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties. If any lights are replaced, the replacements lighting shall be in conformance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance.

13. All signs on the property shall conform to the provisions of Chapter 12.

14. The trash enclosure shall be a six-foot high board-on-board fence.

15. Drop-off/pick-up of children for the child care center shall be done by parking vehicles in the parking lot at the rear of the church and accompanying them inside/outside. Children shall not be dropped off/picked up in the parking area.

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

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

requested and an explanation of why additional time is required.

Mr. Beard seconded the motion which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on February 25, 2004. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

K.A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

9:00 A.M. PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071-3 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 91-V-071 previously approved for a church to permit child care center and nursery school. Located at 8600 Plymouth Rd. on approx. 6.06 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) 601B and 102-4 ((3)) A2.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. John Crumplar, the applicant's agent, replied that it was.

Bill Sherman, Staff Coordinator, made staff's presentation as contained in the staff report. The applicant requested a special permit amendment to amend SP 91-V-071, previously approved for a church, to permit the addition of a child care center and nursery school with a combined total maximum daily enrollment of 99 children, with hours of operation from 7:00 a.m. to 6:30 p.m., Monday through Friday. Staff recommended approval of SPA 91-V-071-3 subject to the proposed development conditions contained in Appendix 1 of the staff report.

Mr. Ribble stated that the prior evening he had received a letter authored by Susan Fannan Burroughs with a note written on it from Mr. Shockey (phonetic), President, Riverside Gardens Citizens Association, requesting a deferral of the application.

Mr. Crumplar presented the special permit amendment request as outlined in the statement of justification submitted with the application. He stated that the church was aware of the need for quality daycare facilities in the Mount Vernon area and would like to be able to provide that to those that needed it. He said the church property consisted of a recently built fellowship hall that had a commercial-type kitchen, a large meeting room, classrooms, and restrooms. He said there was also a two-level educational building that housed classrooms, a nursery, offices, and restrooms. Mr. Crumplar stated that there were 20 classrooms on the site. Describing the church's grounds, he said there was a small fenced playground, a baseball field, and ample playground facilities on the side and front of the fellowship hall. He also said there were 118 parking spaces with three ingress/egress sites leading to the parking area. He noted that the applicant anticipated an initial enrollment of 25 children, ages two to four, with operating hours from 9:00 a.m. to 12:00 p.m., Monday through Friday. Mr. Crumplar said the staff ratio would be consistent with that of county and state regulations, and they planned to employ four people; a supervisor and three staff members. He stated that he had mailed letters to ten families living within the vicinity of the church, had visited with nine of the families, and had described the church's plans to them. Mr. Crumplar stated that he had not heard of any objections to the church's plans until today. He said that two of the families he visited had expressed great interest in enrolling their children in the program.

Tom Johnson, Pastor, Plymouth Haven Baptist Church, said the church had been in operation for 52 years and had an enrollment of over 300 with approximately 200 active members. Reverend Johnson stated that there was something going on at the church every day of the week and described the various activities and organizations that made use of the facilities. He said that with the constantly changing demographics of the area, there was a tremendous need to support the families in the Mount Vernon area and within the church fellowship.

Chairman DiGiulian called for speakers.

John Coho (phonetic), a member of Heritage Presbyterian Church, came forward to speak. He said his church members strongly supported the application. He said Plymouth Haven's estimate of the need for child care in the neighborhood was accurate, and the demographics of that part of the Mount Vernon District showed that more nursery and child care facilities were needed.

In response to Mr. Ribble's question, Mr. Coho said Heritage Presbyterian Church did not have a child care facility, but they had been studying it.

James Turner, a Plymouth Haven Baptist Church trustee, came forward to speak. He discussed the church's ingress/egress and traffic flow. He said an extensive site plan had been done for the property when a large addition had been built in 1996 or 1997 and stated that entrances off Fort Hunt Road had been closed. He noted that all the entrances to the church were from Plymouth Haven Road. As traffic backup was concerned, he said County staff had studied the impact issue and had found virtually none. Mr. Turner stated that the entrance was across the street from the Presbyterian Church, and they anticipated traffic would approach their site from three different roads. Responding to the letter submitted by Mr. Shockey

concerning traffic impact, Mr. Turner said the Virginia Department of Transportation (VDOT) was planning to widen the road, but that would not take place for several years, and the church had no control over that. He said ingress/egress would not have an impact on traffic flow.

Mr. Pammel stated that the last traffic impact statement had been done six years prior and he wanted to see an updated, professional transportation analysis of the site with an impact statement because an enrollment of 99 children would generate a considerable volume of traffic. He said he wanted to know when the children would be arriving and departing.

In answer to questions from Ms. Gibb, Mr. Ribble, and Mr. Beard, Mr. Turner said the applicant had been working with County staff for approximately one and a half years. Mr. Turner stated that the applicant would be willing to reduce the number of students from 99 to 50 if the Board would approve the application today, with the expectation that they would apply for an amendment to expand the number to 99 if it was necessary. Mr. Turner said there would be 16 employees on site.

Ms. Gibb referred to a letter from the Fairfax County Department of Transportation (DOT) stating that they had no objection to an approval of the application. She said she knew how hard it was to find quality child care, was strongly in support of child care in the Mount Vernon area, and would be upset if the Board voted against it.

Susan Langdon, Chief, Special Permit and Variance Branch, said DOT's information was based on the most recent information they had. She said DOT would have reviewed the trip generation on the roads surrounding it as well as how many additional trips they felt this use would add, and DOT did not think the increase was significant enough to raise a red flag.

Mr. Ribble acknowledged that traffic exiting from the subdivision referred to in the letter authored by Ms. Burroughs was difficult; however, he said there were other ways to exit the subdivision. He said he thought Mr. Shockey probably had not seen the posted sign or knew about the application because he had used other exits. He agreed that there was a problem at the intersection Ms. Burroughs was concerned about, but other exits could be utilized.

Mr. Beard said he was inclined to support the application, but was concerned about the proposed number of students and employees and their impact on traffic. He said he would like to see a more current traffic study.

In answer to Mr. Beard's question regarding whether the last official survey was done six years prior, Ms. Langdon said she was unsure what survey Mr. Beard was referring to, but that DOT would have used the most recent information they had.

Mr. Beard said he would be in favor of a deferral until the Board had better information regarding the traffic.

In response to Ms. Gibb's question, Mr. Turner said a new traffic study would cost thousands of dollars and would take approximately one and a half years to complete. He said it was his opinion that there had been no significant increase in traffic since the applicant's original site plan had been completed. He stated that at that time they had given up two entrances off Fort Hunt Road with the anticipation that they were accommodating the public and the public's concern about relocating to Plymouth Road. He said he did not want the church to be penalized or impeded by paying for another traffic study.

Chairman DiGiulian said he did not understand that anyone was talking about the church paying for a traffic study. He said Mr. Shockey's email indicated that Mr. Shockey understood that a study had been done and that he wanted to review it.

Mr. Pammel agreed with Mr. Beard's comments and said the child care facility was something that was needed; however, he noted that in reviewing applications for churches throughout the County, that type of information was consistently requested by the Board. He said that in all fairness the Board had to impose the same type of request on the applicant because their proposal was going to further impact the community, and the neighbors had requested the information. He said he had no objections to the applicant providing information obtained from a professional analysis or from current data and statistics provided by their membership. Mr. Pammel indicated that he wanted information on what the carrying capacity and traffic volumes were on Plymouth and Fort Hunt Roads.

Chairman DiGiulian said that DOT could provide the information required since they had submitted a memorandum indicating that they had no problem with the applicant's request. He said he did not think the church should be required to do a traffic study.

In response to Ms. Gibb's request for clarification that the Board was looking for the backup numbers that DOT had and their accuracy, Mr. Pammel said he was looking for the volumes on the roads. He cited as an example the volume of traffic on Hunter Mill Road and the road being over capacity where several churches had been permitted. He said he wanted information provided to ensure the use would not be exacerbating an already bad situation.

Ms. Gibb said she had difficulty with the Board receiving a letter requesting information on the day of the hearing since the signs had been posted and the application had been advertised.

Mr. Turner said it was his experience that if the trip count went over a certain percentage of increase, it would automatically stimulate DOT to ask for a traffic study. He said he knew that the County guidelines specifically state that DOT review the trip count, and they would implement a requirement for a study if they determined that there was a significant increase. He said that it was his understanding that DOT saw no significant increase.

Mr. Pammel reiterated his request to see the analysis that DOT undertook concerning what was taking place at the intersection.

In response to Ms. Gibb's question whether the additional traffic information would be required if the Board had not received the e-mail, Mr. Pammel responded that when considering impact uses, the Board needed the information. Ms. Gibb commented that in every case traffic was an issue. She cited a past case where the request was to add six children to a mother's day out program, and there were complaints because it would add six cars on Georgetown Pike. She said she did not want the request to get lost in the statistics because an e-mail was received from a neighbor. She said it was to be expected because no one wanted one more car on any road in Fairfax County. Ms. Gibb said child care was needed.

Mr. Hart stated that he had some questions for the applicant's agent, but he thought there were additional speakers waiting to speak.

Beth Pierra (phonetic), a member of Plymouth Haven Baptist Church, came forward to speak. She said she was a professional daycare provider who had taken care of 12 children on a daily basis and had a very long waiting list. She stated that the need for additional daycare in the Mount Vernon area was critical. With respect to additional traffic generation, she said parents would be on the road regardless of whether the application was approved or not. She noted that other churches in the vicinity had daycare facilities, and she discussed how the programs she was familiar with had successfully handled the traffic issues to minimize impacts. Ms. Pierra said that with the influx of citizens in the area and increased traffic in and out of shopping centers and other facilities on Fort Hunt and Plymouth Roads, traffic would always be a problem, and she did not think that should be an issue in this case.

In answer to Mr. Beard's questions regarding how operating hours from 9:00 a.m. to 12:00 p.m. would help parents who worked full time and whether their was a possibility of adding an afternoon session in the future, Ms. Pierra stated that some parents worked part time and some were in job share positions. She said some parents had nannies or friends who provided transportation for their children to preschool. She said the church had applied in the manner it did was because limiting the facility to the hours of 9:00 a.m. to 12:00 p.m. would cause the applicant to have to revisit the issue if the need arose, but she was not the best person to answer questions about future plans.

In response to Mr. Hammack and Mr. Beard's questions concerning the applicant's request of operating hours from 7:00 a.m. to 6:30 p.m. and whether there would be an afternoon session, Mr. Turner said they intended to start out the program slowly with the initial hours of 9:00 a.m. to 12:00 p.m., but they were anticipating that they would want to increase their operating hours at some point in the future. He said the church would be appreciative if it could move forward even in some sort of conditional fashion.

Mr. Hart and Mr. Turner discussed the drop-off areas, stacking of cars waiting to drop off or pick up children, and whether it would impede traffic in an already problem area.

Mr. Hammack said he agreed with the concerns expressed by his colleagues concerning stacking and the impact on road traffic and said he thought that should be studied more before making any decision on the application.

Ms. Langdon explained that when staff was reviewing the application, they had looked at three entrances which were all off Plymouth Road, and they had determined that the site distance was good; therefore, they did not look at limiting access to one place because the applicant could provide access at all three entrances.

Mr. Beard moved to continue SPA 91-V-071-3 to January 27, 2004, at 9:00 a.m. Mr. Pammel seconded the motion, which carried by a vote of 6-1. Ms. Gibb voted against the motion.

Mr. Hammack, referring to Ms. Burrough's request, asked staff to contact DOT and determine the status of any anticipated road widening and/or stop light installation.

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9:00 A.M. PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071-3 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to end SP 91-V-071 previously approved for a church to permit child care center and nursery school. Located at 8600 Plymouth Rd. on approx. 6.06 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) 601B and 102-4 ((3)) A2. (Continued from 12/9/04) (Moved from 1/27/04 due to inclement weather.)

Chairman DiGiulian called the applicant to the podium. John Crumplar, the applicant's agent, requested that James Turner, a deacon at Plymouth Haven Baptist Church, speak.

Mr. Turner noted that at the December 9, 2003 hearing, staff had concerns about traffic on Plymouth Road and Fort Hunt Road. He said a traffic study had been done by the Fairfax County Department of Transportation since then that indicated there would be no impact. Referring to problems also raised by staff at the previous hearing regarding the number of children in attendance, hours of operation, and drop-offs, Mr. Turner submitted a letter to the Board dated February 16, 2004, and called attention to paragraph 3, which listed proposed revisions. He said there would be a limit of 75 children allowed to attend their programs; hours of operation would be from 8:00 a.m. to 2:30 p.m., Monday through Friday; and, no drop-offs would be allowed.

Mr. Ribble stated that at the previous hearing, the applicant had said that there would be 49 children in attendance, and the hours of operation would be from 9:00 a.m. to 2:30 p.m. Mr. Turner replied that it would be more prudent to have the children arrive at 8:00 a.m.; however, their programs would not begin until 9:00 a.m. He said they did not anticipate that any more than 49 children would be enrolled in their programs and stated that the applicant changed the number to 75 to avoid having to return to the Board in the future.

Mr. Hammack asked whether staff thought a development condition should be added that stated that there would be no drop-offs.

Susan Langdon, Chief, Special Permit and Variance Branch, said that was not a condition that staff normally suggested, but if the Board wanted to adopt it, they could. She said staff had determined that there was a sufficient drop-off area, and it was not an issue.

Mr. Turner said the applicant would be agreeable to stipulating to no drop-offs as a requirement.

Mr. Beard asked what the applicant was stipulating to. Mr. Turner replied that the stipulation would be no drop-offs. He said that parents would have to park their cars, bring their children into the facility, and check them in. Also in response to another question from Mr. Beard, Mr. Turner said the persons in charge of the daycare programs considered it to be more pragmatic to have the children brought into the facility. He advised that vehicles would enter and leave the property through the parking lot at the Plymouth Road entrance.

Mr. Ribble noted that when the original application had been heard, the anticipated number of children to be enrolled was in the 20s. Mr. Turner indicated that 25 children had been referenced in the initial request; however, staff had proposed that they request a higher number to avoid having to submit a future amendment. He said they would modify paragraph 2 in the aforementioned letter to reduce the number to 49 if the Board requested it.

Chairman DiGiulian called for speakers.

Mr. Turner said there were three persons from the church in attendance who were in support of the application, but waived their right to speak.

Chairman DiGiulian closed the public hearing.

Mr. Ribble moved to approve SPA 91-V-071-3 for the reasons stated in the Resolution. Mr. Beard seconded the motion.

Mr. Pammel stated that at the original hearing issues had been raised with respect to transportation. He noted that the County Transportation Department sent a memorandum to the Board addressing all of the issues. He said he was satisfied that the application, as presented with modifications, was a good application.

In response to Mr. Hart's question, Mr. Ribble agreed to amend the motion to stipulate a change in drop-off time to 8:45 a.m. Mr. Beard seconded the amendment.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PLYMOUTH HAVEN BAPTIST CHURCH, SPA 91-V-071-3 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 91-V-071 previously approved for a church to permit child care center and nursery school. Located at 8600 Plymouth Rd. on approx. 6.06 ac. of land zoned R-3. Mt. Vernon District. Tax Map 102-4 ((2)) 601B and 102-4 ((3)) A2. (Continued from 12/9/04) (Moved from 1/27/04 due to inclement weather.) Mr. Ribble moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 17, 2004; and

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

1. The applicant is the owner of the land.
2. The applicant presented testimony indicating compliance with the general standards for special permit uses as set forth in Section 8-006 and the additional standards for this use as contained in the other appropriate sections of the Zoning Ordinance.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-C03 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 8600 Plymouth Road (6.06 acres) and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Dominion Surveyors, Inc., dated January 7, 2003, revised through August 12, 2003, and approved with this application, as qualified by these development conditions.

3. 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.

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 these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The maximum seating capacity shall be three hundred seven (307).

6. The combined total maximum daily enrollment for the child care center and nursery school shall be 49.

7. The maximum hours of operation for the child care center and nursery school shall be from 8:45 am to 2:30 pm, Monday through Friday.

8. Parking shall be provided as shown on the Special Permit Plat. All parking shall be on site.

9. Notwithstanding what is shown on the special permit plat, the existing vegetation along the western portion of the southern lot line shall remain. The purpose of this screening modification shall be to permit the approximately 80 feet of existing vegetation to serve as the required buffer. All other transitional screening shall be modified as shown on the Special Permit Plat.

10. The barrier requirement shall be waived along all lot lines.

11. Stormwater management shall be provided on the site subject to the approval of the Department of Public Works and Environmental Services (DPWES) in the general location shown on the special permit plat. An opening shall be provided to allow access to and maintenance of the storm water management pond.

12. No additional parking lot lighting shall be provided. The existing lights shall be shielded, if necessary, to prevent glare or nuisance light onto residentially developed properties. If any lights are replaced, the replacements lighting shall be in conformance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance.

13. All signs on the property shall conform to the provisions of Chapter 12.

14. The trash enclosure shall be a six-foot high board-on-board fence.

15. Drop-off/pick-up of children for the child care center shall be done by parking vehicles in the parking lot at the rear of the church and accompanying them inside/outside. Children shall not be dropped off/picked up in the parking area.

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

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

Mr. Beard seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on February 25, 2004. This date shall be deemed to be the final approval date of this special permit.

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8-004 Status of Special Permit Uses

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4. Minor modifications to an approved special permit may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special permit and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par 4A(7) or 4B(7) below.

   B. For approved special permits for places of worship and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:

      (1) Permit an expansion of the hours of operation from that approved pursuant to the special permit; or

      (2) Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the special permit; or

      (3) Permit uses other than those approved pursuant to the special permit, except that accessory uses in accordance with this paragraph may be permitted; or

      (4) Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or

      (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or

      (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or

      (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the

use, and minor additions to buildings may be permitted, provided that:

(a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and

(b) the maximum permitted FAR for the zoning district shall not be exceeded.

C. For all approved special permit uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:

(1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and

(2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special permit, such modification shall require the approval of an amendment to the special permit in accordance with Sect. 014 below or a new special permit.

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.