

CORRESPONDENCE SUMMARY

DATE: June 22, 2009

DETERMINATION NUMBER: ZCOR-2009-0097

SUBJECT: Zoning verification, church use, pump and haul for property located at 23219 Evergreen Mills Drive

1972 ORDINANCE REFERENCE NUMBERS:

1993 ORDINANCE REFERENCE NUMBERS: 2-403*

OTHER APPLICABLE REFERENCE NUMBERS: SPEX 2007-0053*

TAX MAP/PARCEL NUMBER: /91/////////8A

MCPI: 243-49-8730

Correspondence Summary: The property is zoned A-3 under the Revised 1993 Zoning Ordinance and a church, with uses deemed accessory, are allowed by special exception. A SPEX application is active. Questions about the type of pump and haul permit should be directed to the Health Department.

Author: Theresa M. Stein

*Indicates where to file

Is this a determination? Check one: Yes ___ No X



Loudoun County, Virginia

www.co.loudoun.va.us

Department of Building and Development
Zoning Administration / MSC# 60
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Administration: 703-777-0397 • Fax: 703-771-5215

June 22, 2009

Mr. Paul Arnone
Metro Assets Group, LLC
45690 Elmwood Court, Suite 160
Sterling, VA 20166

RE: Zoning of 23219 Evergreen Mills Road and permissibility of a church
TAX MAP/PARCEL NUMBER: /91////////8A **MCPI:** 243-49-8730 (the "Property")

Dear Mr. Arnone:

This letter is in response to your May 25, 2009 correspondence to Dan Schardein, Loudoun County Zoning Administrator, wherein you requested confirmation of the zoning district and the permissibility of a church at the above Property. It is zoned Agricultural Residential – 3 (A-3) under the Revised 1993 Loudoun County Zoning Ordinance (the "Ordinance"). A church and its associated accessory uses are allowed with the approval of a special exception (SPEX) application by the County Board of Supervisors. The SPEX process is provided in Section 6-1300 of the Ordinance. Attached is the Ordinance definition of a "church" that provides some clarification of what is considered accessory uses. A special exception application for Washington Immanuel Presbyterian Church (SPEX 2007-0053) is currently active, with second submission comments having been submitted to the applicant's representative on April 14, 2009. Stephen Gardner with the Department of Planning is the project manager for this SPEX application, and if you have any questions about the process, you may contact him at (703) 777-0246.

Regarding your request for a determination about the "final decision as to the pump and haul type", you may contact Joseph Lock, the referral agent for the special exception from the Health Department, for assistance. If the Board of Supervisors approves the church SPEX, a site plan will

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need to be submitted and approved by the County, followed by the issuance of a zoning permit and building permit prior to the issuance of an occupancy permit for the church use. Questions regarding an occupancy permit can be directed to the Permits Section by calling 703-777-0220 or the Fire Marshal at 703-737-8600.

If you have any questions regarding this matter, you may contact me at (703) 777-0397.

Sincerely,



Theresa M. Stein, Planner, CZO
Zoning Administration

cc: Stevens Miller, Supervisor, Dulles Election District
Dan Schardein, Zoning Administrator
Mark O. Stultz, Deputy Zoning Administrator
Property Owner: Washington Immanuel Presbyterian Church
10511 Judicial Drive
Fairfax, VA 22030-5114

Co-op"). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Channel Scarline: The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Child Care Center: A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child Care Home: A single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than four (4), but not more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.

Church, synagogue, temple or mosque: A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Civic, Social, or Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

Civic Uses: Such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be