

June 20, 2023

## **Oak Park LLC**

**800 West Broad Street, Suite 333**

**Falls Church, Virginia 22046**

**703-356-8800**

City Of Falls Church  
Department of Development Services  
Zoning Division  
Board of Zoning Appeals  
300 Park Avenue  
Falls Church, Virginia 22046

RE: Application for Variance,

*711 Park Avenue together with 104 North Oak Street*, two adjoining parcels zoned T-1 on the corner of Oak Street and Park Avenue surrounded on two sides by Hilton Garden Inn's parking structure.

Members of the Board of Zoning Appeals,

Please find our application and materials in support of the variances requested for the above-named parcels. We are requesting variances to the code to allow for a modification to lot coverage. These variances are requested to enable construction and delivery of a new daycare facility on the site.

For reference and illustration, we are attaching:

-a conceptual layout and utility plan sheet prepared by Walter L. Phillips, undated and marked, "Advance Copy". This will provide reference to the proposed placement of the improvement.

-a massing diagram illustrating the difference between current code allowance of 40% coverage and our proposed use showing 55%

As a description of the request for a variance we offer the following:

### **DIVISION 6. - HEIGHT, LOT AND YARD REGULATIONS**

**Zoning Sec. 48-1101. - General requirements. Table of requirements.**

#### **Regarding Lot Coverage:**

T-1 all other uses: (i.e. Not residential) = 40% lot coverage

There are two key burdens that make exact compliance with this regulation for this use and this site almost impossible and as such constitute an imposed hardship.

1 - We believe that the current lot coverage requirement is not in keeping with existing coverage on immediately adjacent parcels which greatly exceed this 40% and is not in keeping with currently proposed T1 zoning updates in the City which is 60-70%.

2 - Daycare facilities are subject to stringent State requirements including the current version of The Virginia Uniform Statewide Building Code (USBC). This code requires that all spaces serving young children under 2.5 years old must exit directly at grade. Other codes mandate a minimum area of outdoor play space. We are almost impossibly constrained by these codes, while providing adequate

parking (even after the proposed parking waiver) and also meeting the height regulations of the zoning code.

Under the zoning ordinance we cannot provide enough daycare space on the ground floor for young children under 2.5 years old in proportion to the City and operator needs, while also providing adequate outdoor play space without going to a 3 story building plus an active roof deck which would create a taller than 45' building which is not allowed under either the current nor proposed T1 zoning code text or its intent.

We are, instead, proposing a 2 story building that is well within the code height restrictions and, more importantly, is in keeping with the current built environment, especially the residential properties directly across the street. This results in the proposed 55% lot coverage while allowing us to otherwise meet all of the conflicting code requirements for this critically needed community serving use.

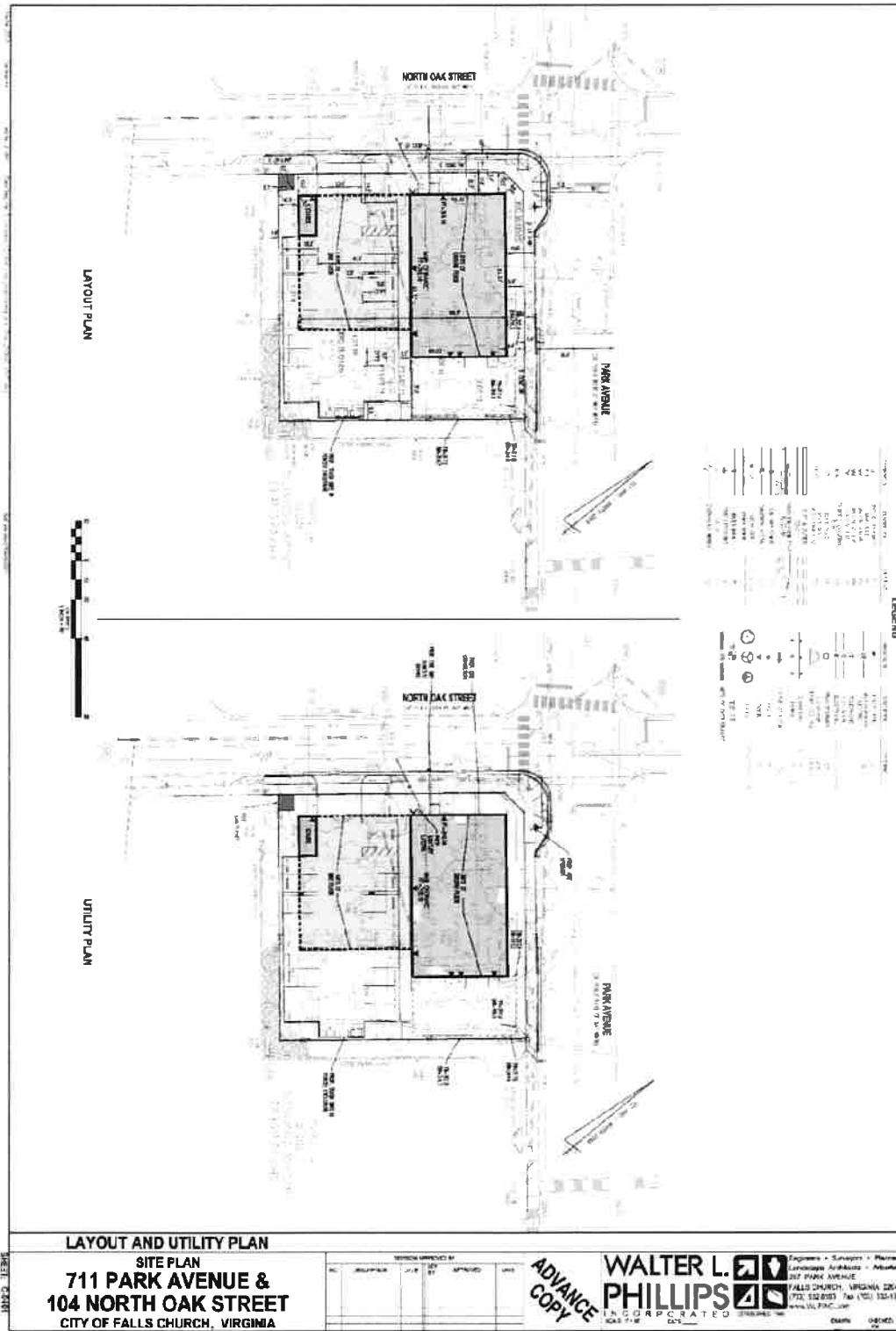
Other criteria for granting a variance are met: the hardship is not self-created; the situation of the property is not recurring; the granting would not result in an otherwise non-permitted use; and the remedy is not available through another process.

We ask that the lot coverage for this facility be allowed at 55%.

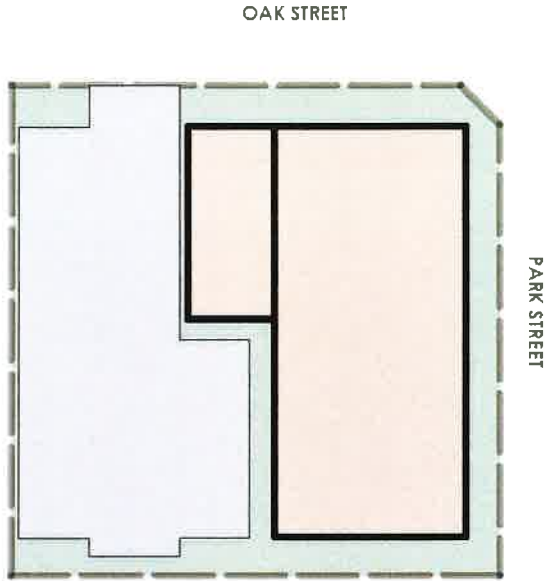
We thank you in advance for your support and consideration of our request.

OakPark LLC  
  
Robert A Young  
Managing Member

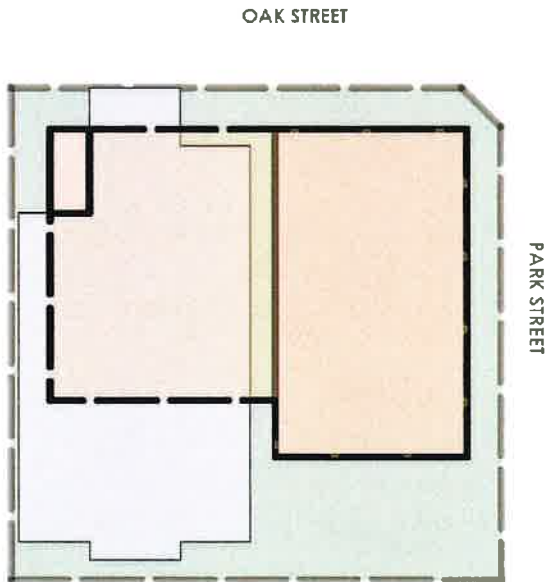
Encl:  
conceptual layout and utility plan sheet  
massing diagram



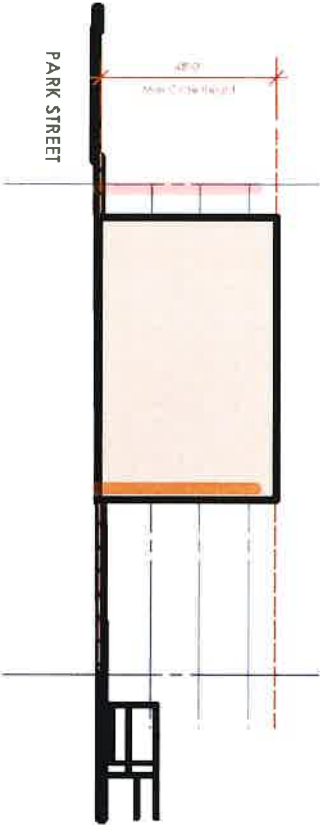
# OakPark Daycare BZA Diagrams



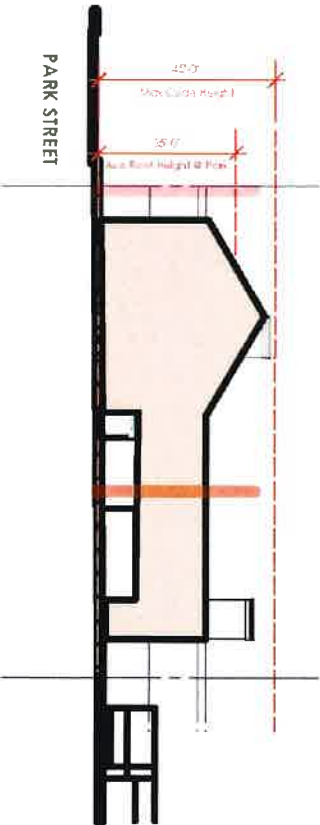
40% LOT COVERAGE



PROPOSED 52% LOT COVERAGE



ALLOWED HEIGHT @ 40%



PROPOSED SECTION/ELEVATION @ 52%