

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday June 7, 2023. The following Board Members were present: Chairman John F. Ribble III (Arrived 9:17 a.m.); Vice Chairman James R. Hart; Thomas W. Smith III; Rebecca Ballo; Donte Tanner; Daniel Aminoff and Karen L. Day (Arrived 9:17 a.m.) Roderick Maribojoc was absent from the meeting.

Vice Chairman Hart called the meeting to order at 9:01 a.m. He asked if there were any Board Matters to bring before the Board. As there were no Board Matters, he then discussed the policies and procedures of the Board of Zoning Appeals. Vice Chairman Hart called the first scheduled case.

~ ~ ~ June 7, 2023 Scheduled case of:

Andreas Brandt, A 2022-PR-014, Appeal of a determination that there are two complete and separate dwelling units contained within the principal structure, and that there is surfaced parking area in the front yard in excess of the maximum 30% permitted, in violation of Zoning Ordinance provisions. Located at 7306 Lee Highway, Falls Church, Virginia 22046, on approx. 10,244 sq. ft. of land zoned R 4, Providence District, Tax Map 50-1 ((9)) 85. (Admin moved from 1/25/2023, and 3/22/2023, 5/2/2023)

Vice Chairman Hart noted that appeal application A 2022-PR-014 had been administratively moved to July 12, 2023.

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~ ~ ~ June 7, 2023 Scheduled case of:

Masood M. Rahimi, ZAPL-2022-SP-00011 Appeal of a notice of violation (NOV) that the surfaced area for driveway, vehicle, or trailer parking in the front yard exceeds 25% of the front yard, in the R-1 District, in violation of the Zoning Ordinance. Located at 5513 Clifton Road, Clifton, Virginia 20124, on approx. 31,297 sq. ft. of land zoned R 1, Springfield District, Tax Map 55-3 ((4)) 23. (Admin moved from 4/19/2023)

Vice Chairman Hart noted that appeal application ZAPL-2022-SP-00011 had been administratively moved to July 26, 2023.

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Cathy Belgin introduced Sara Morgan, the new Deputy Zoning Administrator for Appeals,

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~ ~ ~ June 7, 2023, Scheduled case of:

David B. Pascoe and Kathleen A. Pascoe, SP-2022-MV-00213 To permit a reduction of setback requirements to permit an addition 19.7 ft. from the rear lot line and an open deck 11.5 ft. from the rear lot line. Located at 9403 Ludgate Dr., Alexandria, 22309 on approx. 15,984 sq. ft. of land zoned R-2 (Cluster). Mount Vernon District. Tax Map 110-4 ((11)) 32.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner explained the reason for the short deferral. Mr. Aminoff moved to defer SP-2022-MV-00213 to June 28, 2023, at 9:00 a.m. Mr. Tanner seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Ms. Day were not present for the vote. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

~ ~ ~ June 7, 2023, Scheduled case of:

Nabaraj Parajuli and Gayatra Parajuli, SP-2022-MA-00097 to permit a reduction in minimum yard (setback) requirements based on errors in building location to allow an addition 20.1 ft. from the rear lot line, accessory structure (playhouse) 4.6 ft. from the rear lot line, and an accessory storage structure (shed) 5.2 ft. from the northeast side lot line to remain. Located at 3116 Cofer Rd., Falls Church, 22042 on approx. 10,097 sq. ft. of land zoned R-3. Mason District. Tax Map 50-4 ((20)) 243. **(Continued for information from 5/10/2023)**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner gave a status update on the case and the reason for the request for a continuance, which included the applicant exploring the possibility of applying for a reduction in setback.

Mr. Tanner moved to continue SP-2022-MA-00097 to September 20, 2023, at 9:00 a.m. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Ms. Day were not present for the vote. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

~ ~ ~ June 7, 2023, Scheduled case of:

Dildora Rakhmatullaeva, Ibrokhim Rakhmatullaeva, and Ismoil Rakhmatullaeva, VC-2022-MA-00011 to permit surfaced area for a driveway or vehicle or trailer parking exceeding 25 percent of the front yard. Located at 7821 Ridgewood Dr., Annandale, 22003 on approx. 21,881 sq. ft. of land zoned R-2. Mason District. Tax Map 59-4 ((9)) 89. **(Continued from 3/8/2023, and 4/26/2023)**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner gave a status update on the case and the reason for the request for a continuance. Staff was waiting for additional information from the applicant.

Mr. Smith moved to continue VC-2022-MA-00011 to June 28, 2023, at 9:00 a.m. Ms. Ballo seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Ms. Day were not present for the vote. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

~ ~ ~ June 7, 2023, Scheduled case of:

SCI Virginia Funeral Services, LLC, SPA-83-L-100-05 to amend SP-83-L-100 previously approved for a cemetery and crematory to permit modifications to site and development conditions. Located at 6600 South Kings Hwy., Alexandria, 22306, on approx. 51.2 ac. of land zoned R-4. Lee District. Tax Map 92-2 ((1)) 23. **(Decision Deferred from 4/26/2023)**

Mr. Krasner noted that the applicant's agent had not arrived. The case was moved to later in the meeting.

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~ ~ ~ June 7, 2023, Scheduled case of:

William Navarro, SP-2022-MV-00156 to permit modifications to the provisions for the keeping of animals (chickens). Located at 3113 Woodland Ln., Alexandria, 22309 on approx. 17,908 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-4 ((12)) 4. *(Deferred from 3/29/2023)*

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator

- William Navarro, Applicant

After the hearing where public testimony was presented by Mr. McMahan, and Mr. Navarro, and with no testimony from the public, Ms. Ballo moved to approve SP-2022-MV-00156 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

William Navarro, SP-2022-MV-00156 to permit modifications to the provisions for the keeping of animals (chickens). Located at 3113 Woodland Ln., Alexandria, 22309 on approx. 17,908 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-4 ((12)) 4. Ms. Ballo 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 June 7, 2023; and

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

1. The applicant and Veronica Navarro are the owners of the land.
2. The present zoning is R-2.
3. The area of the lot is 17,908 square feet.
4. There is a staff recommendation of approval.
5. The applicants have removed the roosters that were the subject of the initial complaint from the neighbor.
6. There are four letters from the neighbors supporting this application.
7. This is a very modest request. The lot is able to accommodate these animals. The building in which they will be kept is attractive. It conforms with the neighborhood, and it is on a location on the property that should not adversely affect any of the other neighbors or the streetscape.
8. The applicant has read, understands, and concurs with the proposed development conditions as modified.

WHEREAS, the Board has made 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. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant, William Navarro, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3113 Woodland Lane, Alexandria 22309 and is not transferable to other land.
2. This special permit is granted only for the keeping of chickens at the property identified on the plat, specifically to be housed within the chicken coop as identified on the subject plat, entitled "House Location Survey on Lot 4, Woodland Park," prepared by Guy H. Briggs, Land Surveyor, dated August 2, 2022 and revised on February 9, 2023, as approved with this application, and qualified by these development conditions.

3. This approval is for a maximum of six (6) hen chickens only. No roosters are permitted.
4. The chickens must remain in a fenced area at all times. The existing fence or a compliant replacement must be maintained around the perimeter of the rear yard.
5. Waste must be removed from the chicken coop, run, and rear yard on at least a weekly basis and disposed of with household trash.
6. In order to minimize odor, the existing coop must be maintained as a substantially enclosed structure in good condition at all times.
7. Any on-site burial must be at least 2 feet above the high ground water table and 2 feet below the soil surface, or removal of dead chickens must be through a licensed animal removal company or must be cremated by a licensed company.
8. The applicants are responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
9. Pursuant to Section 4102.7.J of the Zoning Ordinance, this special permit will take effect upon approval by the Board of Zoning Appeals.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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Chairman Ribble assumed the chair.

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~ ~ ~ June 7, 2023, Scheduled case of:

SCI Virginia Funeral Services, LLC, SPA-83-L-100-05 to amend SP-83-L-100 previously approved for a cemetery and crematory to permit modifications to site and development conditions. Located at 6600 South Kings Hwy., Alexandria, 22306, on approx. 51.2 ac. of land zoned R-4. Lee District. Tax Map 92-2 ((1)) 23. **(Decision Deferred from 4/26/2023)**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Adam Deutch, KCI Technologies, Inc., Applicant's Agent
- Atm Islam, KCI Technologies, Inc., Applicant's Agent
- Reginald Melvin, General Manager, Mount Comfort Cemetery

Mr. Krasner noted the case was decision deferred from April 26, 2023. After Mr. McMahan updated the Board on the status of the case, with testimony by Mr. Krasner, and Mr. Deutch and with no testimony from the public, Mr. Aminoff moved to approve SPA-83-L-100-05 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SCI Virginia Funeral Services, LLC, SPA-83-L-100-05 to amend SP-83-L-100 previously approved for a cemetery and crematory to permit modifications to site and development conditions. Located at 6600 South Kings Hwy., Alexandria, 22306, on approx. 51.2 ac. of land zoned R-4. Lee District. Tax Map 92-2 ((1)) 23. Mr. Aminoff 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 April 26, 2023 and deferred for decision to June 7, 2023; 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-4.
3. The area of the lot is 51.2 acres.
4. At the hearing in April, the Board asked for additional information which was provided in a memorandum from staff on May 31, 2023. The concerns with the stormwater and other issues have been satisfactorily resolved.
5. The applicant has read, understands, and concurs with the proposed development conditions as modified.

WHEREAS, the Board has made 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. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant, SCI Virginia Funeral Services, Inc., only and is not transferable without further action of this Board, and is for the location indicated on the application, 6600 South Kings Highway (51.21 acres), and is not transferable to other land.
2. This special permit is granted only for the cemetery and crematory use at the property shown on the special permit amendment plat, consisting of eleven sheets, entitled "Mount Comfort Cemetery, Special Permit Amendment," as prepared by Nicholas A. Barrick, Professional Engineer with KCI Technologies, dated May 5, 2023.
3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) must be posted in a conspicuous place on the property.
4. This special permit is subject to the provisions of Section 8101.4, 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 must be in conformance with the approved Special Permit Amendment Plat and these development conditions.
5. No additional barriers are required to be installed around the perimeter of the site.
6. Transitional screening requirements around the perimeter of the site are to be satisfied by existing and proposed supplemental vegetation. Concurrently with the first submission, and all subsequent submissions, the Applicant must submit a landscape plan that shows, at a minimum, plantings as depicted on the special permit amendment plat, on the site plan for review and approval by the Forest Conservation Branch (FCON). Proposed landscape plantings on site must be maintained in

good condition. Any dead, diseased, or dying plantings must be replaced within six months with the same species unless an alternative species is approved by FCON.

7. Prior to installation of any plants to meet the requirements of the approved landscape plan, the contractor/developer must coordinate a pre-installation meeting on site with the landscape contractor, FCON staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan must be reviewed and must be approved by FCON staff prior to planting. The installation of plants not approved by FCON may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.
8. Forested areas containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present must be the subject of an invasive plant species management plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission, the applicant must provide a management plan for review and approval by Forest Conservation specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.
9. Any signs on the property must be located in accordance with Article 7, Signs.
10. At the time of site plan review and prior to any ground disturbing activity on the site, the limits of clearing and grading must be shown on the site which ensures that existing vegetation which provides screening of the cemetery use from the adjacent single family neighborhoods is not disturbed, except as shown on the site plan and landscaping plan. Such limits of clearing and grading must be approved by LDS. Any healthy vegetation deemed important for screening benefits that is damaged or destroyed during the expansion of the area to be used for underground crypts must be replaced with an equivalent plant, subject to the review and approval of the Forest Conservation Branch. LDS must ensure that all steep slopes in the area of the proposed underground crypt expansion are stabilized.
11. All parking for employees must be provided within designated parking areas. All parking must be on site.
12. Hours of operation for the cemetery and crematorium including but not limited to burials, cremations, and office and maintenance activities are limited to dawn through dusk Monday through Sunday. The limitations in this condition do not apply to visits to the property by members of the public outside of these hours.
13. The height of the mausoleums must not exceed 22.3 feet.
14. The applicant must analyze the downstream drainage system to satisfy the requirements of the Public Facilities Manual including PFM Sections 6-0202.7 and PFM 6-0203.5 at the time of site plan review.
15. Permanent stockpiling of dirt is not permitted. All excess dirt must be removed from each individual grave site within 14 days of interment.
16. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit amendment plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
17. Pursuant to Sect. 8100.4.D(6)(a) of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 7, 2023, Scheduled case of:

Abdollah Bahadorie, SP-2021-DR-00146 to permit a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 1.9 ft. from the rear lot line. Located at 8009 Falstaff Rd., McLean, 22102 on approx. 13,631 sq. ft. of land zoned R-2 (Cluster). Dranesville District. Tax Map 29-2 ((3)) 348.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Abdollah Bahadorie, Applicant

After the hearing where testimony was presented by Mr. McMahan and Mr. Bahadorie, with no testimony from the public, Mr. Tanner moved to approve SP-2021-DR-00146 for the reasons stated in the resolution. Mr. Smith seconded the motion, which carried by a vote of 6-1. Ms. Day voted against the motion. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Abdollah Bahadorie, SP-2021-DR-00146 to permit a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 1.9 ft. from the rear lot line. Located at 8009 Falstaff Rd., McLean, 22102 on approx. 13,631 sq. ft. of land zoned R-2 (Cluster). Dranesville District. Tax Map 29-2 ((3)) 348. Mr. Tanner 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 June 7, 2023; 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-2 (Cluster).
3. The area of the lot is 13,631 square feet.
4. The applicant has read, understands, and concurs with the proposed development conditions.

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

That the applicant has presented testimony indicating compliance with Sect. 5100.2.D(11)(d), Provisions for BZA Authorized Reductions in Setback Requirements Based on an Error in Building Location, the Board has determined:

- A. The error exceeds ten percent of the applicable measurement, or
- B. The error is up to ten percent of the applicable measurement and the reduction or modification is requested in conjunction with the approval of another special permit or application for a variance on the property, and

- C. The noncompliance was done through no fault of the property owner, or was the result of an error in the relocation of the building after the issuance of a building permit, if one was required, and
- D. It will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition regarding other properties or public streets, and
- G. Compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship, and
- H. It will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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

- 1. That the granting of this special permit will not impair the purpose and intent of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition regarding other properties or public streets and that to force compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship.

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

- 1. This special permit is approved for the location of the existing shed as shown on the plat, entitled "Plat Showing House Location on Lot 348, Section Two, McLean Hamlet," as prepared by George M. O'Quinn, Land Surveyor of Dominion Surveyors, Inc., dated December 22, 2022, as submitted with this application and is not transferable to other land.
- 2. If the applicant chooses to reinstall electric in the shed, the applicant must obtain a valid electrical permit and pass final inspection for the electrical service provided to the shed.
- 3. The subject shed must be maintained in good condition at all times or otherwise brought into compliance with the Ordinance.
- 4. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
- 5. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 6-1. Ms. Day voted against the motion. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 7, 2023, Scheduled case of:

Gjon A. Kadeli and Mary H. Kadeli, SP-2023-MA-00005 to permit a reduction in setback requirements to permit: 1.) an addition 19.1 ft. and a roofed deck (covered porch) 16.7 ft. from the front lot line adjacent to Holmes Run Drive, 2.) an addition (carport) 27.0 ft. from the front lot line adjacent to Executive Avenue, and 3.) an addition 8.7 ft. from the side lot line. Located at 3311 Executive Ave., Falls Church, 22042 on approx. 13,775 sq. ft. of land zoned R-3. Mason District. Tax Map 59-2 ((8)) (9) 13.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Gjon A. Kadeli and Mary H. Kadeli, Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, Mr. Kadeli, and Ms. Kadeli, with no testimony from the public, Mr. Hart moved to approve SP-2023-MA-00005 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Gjon A. Kadeli and Mary H. Kadeli, SP-2023-MA-00005 to permit a reduction in setback requirements to permit: 1.) an addition 19.1 ft. and a roofed deck (covered porch) 16.7 ft. from the front lot line adjacent to Holmes Run Drive, 2.) an addition (carport) 27.0 ft. from the front lot line adjacent to Executive Avenue, and 3.) an addition 8.7 ft. from the side lot line. Located at 3311 Executive Ave., Falls Church, 22042 on approx. 13,775 sq. ft. of land zoned R-3. Mason District. Tax Map 59-2 ((8)) (9) 13. Mr. Hart 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 June 7, 2023; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-3.
3. The area of the lot is 13,775 square feet.
4. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
5. The lot is relatively small with a very small house in the middle of it. The house is at a 45-degree angle, which causes any change to intrude into the minimum yard. What has been proposed is very respectful of the style of the house and the other homes in the neighborhood. It will blend right in, and no one will be able to tell the house has been increased in size.
6. It will not have a negative impact on the neighbors. In fact, it is a positive.
7. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the standards for the Reduction of Setback Requirements as contained in Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the Board has determined that:

1. The application meets all the submission requirements set forth in Sect. 8101.3

- A. The resulting gross floor area of the addition to the existing principal structure is not greater than 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. If a portion of the single-family detached dwelling is to be removed, no more than 50 percent of the gross floor area of the existing dwelling at the time of the first yard reduction will be removed;
- B. The resulting gross floor area of the existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
2. The proposed scale of the development is harmonious with the existing on-site and surrounding off-site development, and the development preserves existing vegetation and significant trees, as determined by the Director, in a manner that is characteristic of surrounding off-site development.
 3. The proposal does not adversely impact the use or enjoyment of any adjacent property through the creation of issues related to noise, light, air, safety, erosion, and stormwater runoff.
 4. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

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

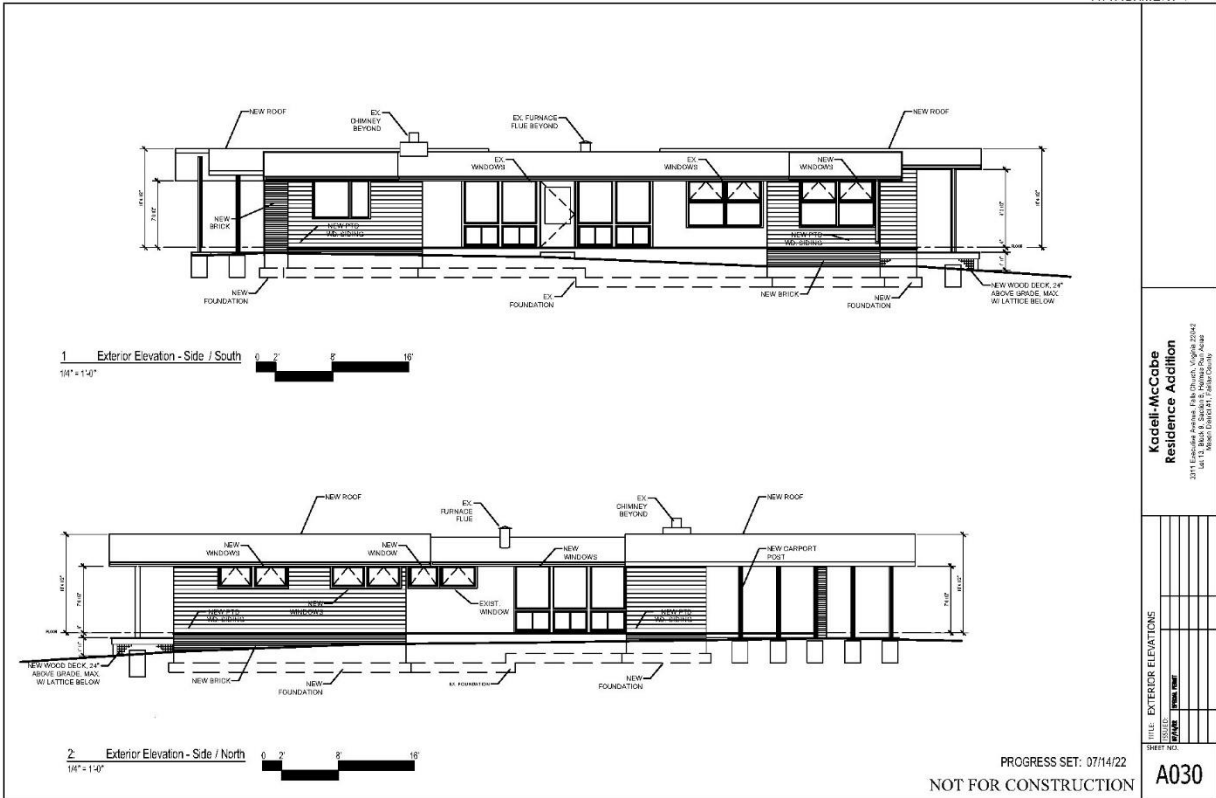
1. These conditions must be recorded by the applicants among the land records of Fairfax County for this lot prior to the issuance of a building permit for the addition. A copy of the recorded conditions must be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is granted only for the location of the proposed additions, covered porch, and carport as indicated on the plat titled "Special Permit Plat, #3311 Executive Avenue", prepared by Michael L. Flynn of Merestone Land Surveying, dated January 3, 2023, consisting of one sheet, and approved with this application, as qualified by these development conditions.
3. Pursuant to Article 5100.2.D(11)(e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (829 square feet existing + 1,243 square feet (150%) = 2,072 square feet permitted) regardless of whether such addition complies with the minimum setback requirement or is the subject of a subsequent setback reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single-family dwelling for the purpose of this paragraph will be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum setbacks requirements are permitted without an amendment to this special permit.
4. The subject additions, covered porch, and carport must be generally consistent with the designs as depicted in the architectural elevations and renderings as shown on Attachment 1 to these conditions.
5. Prior to the issuance of any building or demolition permits for the application property, the applicants must complete and submit the County Heritage Resources Recordation Form (HRRF) to the Heritage Resources Branch of the Planning Division, Department of Planning and Development.
6. The applicants are responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat, as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
7. Pursuant to Article 8100.4.D(6) of the Zoning Ordinance, this special permit automatically expires, without notice, 30 months after the date of approval unless construction has commenced on the additions, covered porch, and/or carport and has 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.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

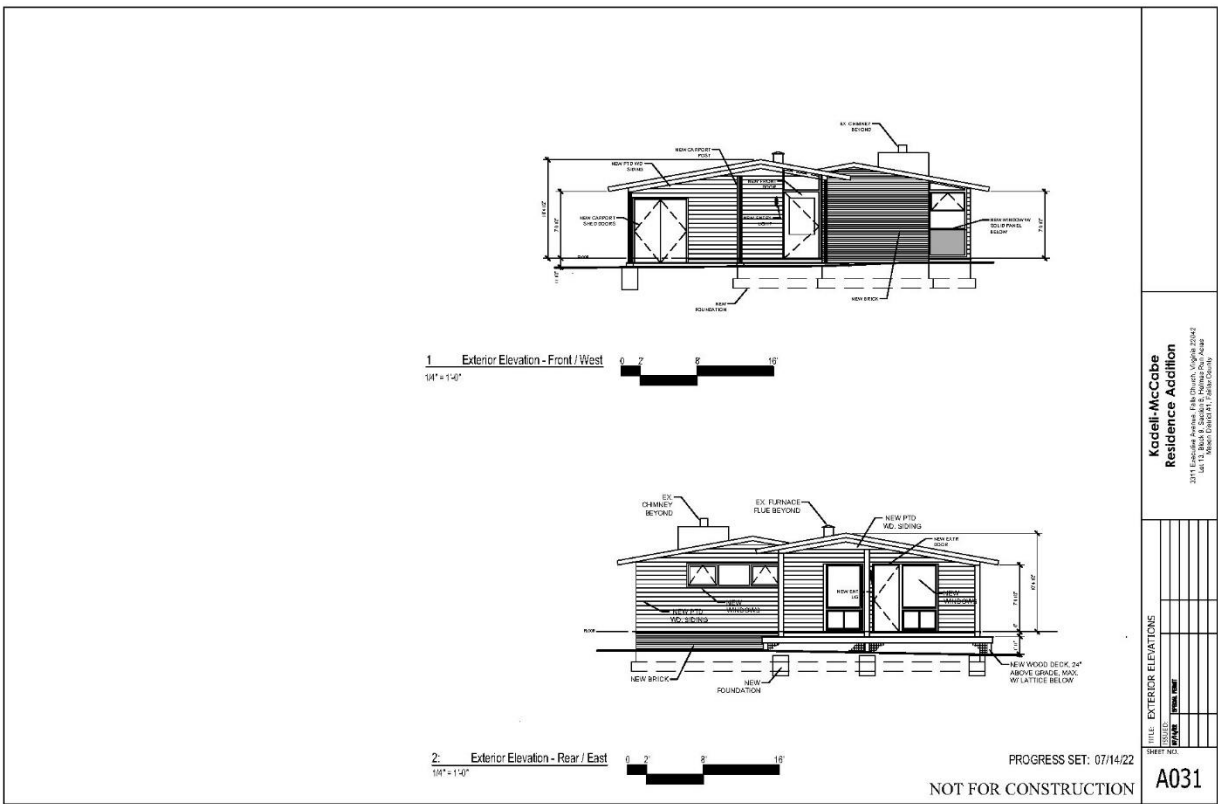
ATTACHMENT 1



**Kadell-McCabe
Residence Addition**

3711 Lakeside Avenue, 4th Floor, Virginia, 22547
Tel: 703.441.1111 | Fax: 703.441.1112 | Email: info@kadmccabedesign.com

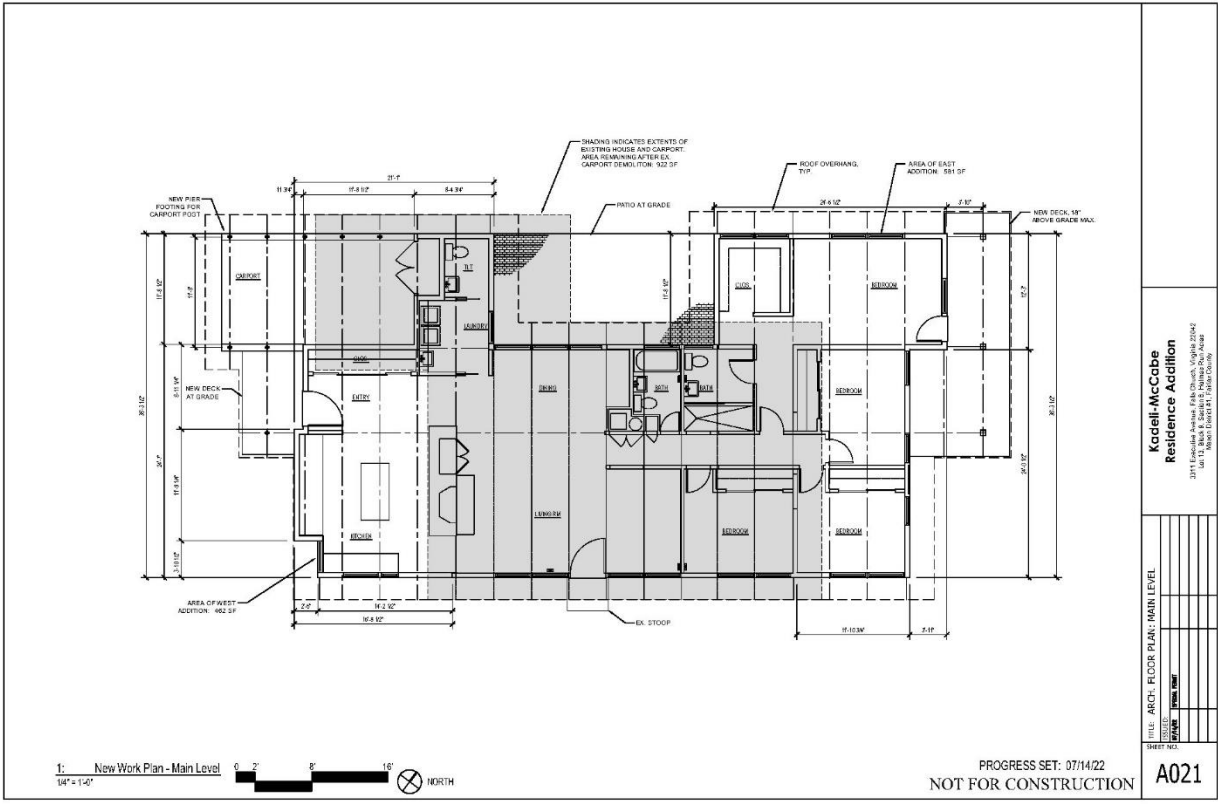
DATE: 07/14/22
SCALE: 1/4" = 1'-0"
SHEET NO. **A030**



Kaceli-McCabe
Residence Addition
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442

ALL EXTERIOR ELEVATIONS
DATE: 07/14/22
SCALE: 1/4" = 1'-0"

A031



Kaceli-McCabe
Residence Addition
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442
3111 E. Oakdale Avenue, Park Church, Virginia, 22442

ALL ARCH. FLOOR PLAN: MAIN LEVEL
DATE: 07/14/22
SCALE: 1/4" = 1'-0"

A021

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~~~ June 7, 2023, Scheduled case of:

**Protection of the Holy Mother of God Orthodox Church (St. Mary Orthodox Church), SP 2021-PR-00091** to permit building/site modifications to an existing place of worship (religious assembly) use. Located at 7219 and 7223 Roosevelt Ave., Falls Church, 22042 on approx. 1.16 ac. of land zoned R-4. Providence District. Tax Map 50-3 ((9)) 56 and 50-3 ((1)) 9. (Admin Moved from 5/25/2022, 7/13/2022, 9/28/2022, 11/16/2022, 2/15/2023, and 4/26/2023)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Senior Staff Coordinator
- Sri Appana, Agent for the Applicants
- Father David Subu, Director of St. Mary Orthodox Church

After the hearing where testimony was presented by Ms. Yang, Mr. Appana, and Fr. Subu, and with no testimony from the public, Ms. Day moved to approve SP 2021-PR-00091 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

**Protection of the Holy Mother of God Orthodox Church (St. Mary Orthodox Church), SP 2021-PR-00091** to permit building/site modifications to an existing religious assembly use. Located at 7219 and 7223 Roosevelt Ave., Falls Church, 22042 on approx. 1.16 ac. of land zoned R-4. Providence District. Tax Map 50-3 ((9)) 56 and 50-3 ((1)) 9. Ms. Day 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 June 7, 2023; 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-4.
3. The area of the lot is 1.16 acres.
4. The property has been used for a religious facility for many years.
5. There is a favorable staff report. The development conditions address the concerns and items raised by the environmental review branch staff.
6. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made 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. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant only, Protection of the Holy Mother of God Orthodox Church (Saint Mary Orthodox Church) and is not transferable without further action of this Board, and is for the location indicated on the application, 7219 and 7223 Roosevelt Avenue, Falls Church, VA 22042,

and is not transferable to other land.

2. This Special Permit is granted only for the existing religious assembly use and the proposed building addition and associated site improvements as indicated on the special permit plat entitled "Saint Mary Orthodox Church", prepared by Srinivas Appanaboyana, dated February 28, 2023, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit must be posted in a conspicuous place on the property.
4. This Special Permit is subject to the provisions of Sect. 8100.7. Any plan submitted to the Department of Land Development Services (LDS) pursuant to this special permit must be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Sect. 8100.5 of the Zoning Ordinance.
5. Pursuant to the definition of Floor Area Ratio (FAR) in the Ordinance, the maximum FAR permitted by this special permit approval is 0.15.
6. The maximum number of seats permitted within the sanctuary is 180.
7. Parking must be provided as generally depicted on the special permit plat. All parking associated with this use must be on-site on paved surfaces, including pervious surfaces. A minimum of 45 parking spaces are permitted on site.
8. For any event where the capacity of the parking area is reasonably expected to be exceeded, the applicant must arrange for off-site parking and shuttle service from a satellite location. Notification of the availability of off-site parking and shuttle services must be posted on the applicant's website.
9. No outdoor sound amplification/loudspeakers/live music is permitted.
10. The site is limited to one freestanding sign no taller than 6.0 feet in height, with a maximum area of 36 square feet, and setback at least 10 feet from the property line. In addition, no internally illuminated, changeable copy or electronic display signs are permitted.
11. Transitional Screening requirements are modified along the northern, eastern, western, and a portion of southern lot line in favor of that shown on the Special Permit plat. The barrier requirement along the western and northern lot lines is waived and is modified along the southern and eastern lot lines in favor of the fencing shown on the special permit plat.
12. Landscaping: As part of the first and all subsequent plan submissions, the applicant must include a landscape planting plan and specifications for review and approval by FCPA-NRB and FCON. Landscaping must be generally consistent with the quality, quantity and the locations shown on the special permit plat and must be non-invasive, predominantly native species. At the time of planting, the minimum caliper for deciduous trees must be two (2) inches and the minimum height for evergreen trees must be seven (7) to eight (8) feet as depicted on the special permit plat. Actual types, locations and species of vegetation must be determined pursuant to more detailed landscape plans submitted at the time of submission of the site plan for review and approval by the Forest Conservation (FCON), provided that, to the extent possible, all species are locally common native species. Such landscape plans must provide tree coverage and species diversity consistent with the PFM criteria, as determined by the Urban Forester. The landscape planting plan and specifications must incorporate sustainable landscape planting techniques designed to reduce maintenance requirements and contribute to a cleaner and healthier environment with improved air quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation. A diverse selection of native or adapted species that are non-invasive plants must be incorporated to encourage native pollinators to reduce the need for supplemental watering and the use of chemical fertilizers, herbicides and pesticides. The applicant reserves the right to make minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, as approved by FCON, provided such relocated landscaping must retain a generally equivalent number of plantings as shown on the approved special permit plat.

13. The applicant must reduce turf areas to minimize mowing operations and the resulting air pollution. Turf must be no more than (75) percent of the pervious area of each of lot (site). Mulched planting beds incorporating groups of trees and other vegetation must be used to provide a root zone environment favorable to trees and other vegetation. The applicant must also do the following:
  - Plant trees in areas to contribute to energy conservation for buildings, as depicted in Plate 4-12 of the Public Facilities Manual.
  - Provide a diverse selection of native and non-invasive plants to encourage native pollinators and reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides and chemical control of harmful insects and disease.
  - Sustainable landscape planting implemented with the subdivision/site plan should be made up of groups of trees including larger overstory trees (Category III and IV as listed in PFM Table 12.17) together smaller understory trees, (Category II) shrubs and groundcovers. In this application, it is acceptable for the 10-year projected canopies of overstory trees to overlap the canopies of understory trees as well as shrubs and groundcovers, as may occur in a multi-layer, wooded environment.
  - All temporary and permanent stabilization for erosion and sediment control should exclude any non-native invasive species. All seed mixes provided with the site plan, including seed mixes used for temporary and permanent stabilization will be native to this region of Virginia to the maximum extent possible to provide the greatest benefit for wildlife on adjacent Park Authority property.
14. Off-Site Tree Preservation Measures: Tree preservation measures must be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan, including measures that may need to occur on Park Authority Property and other adjoining properties to mitigate for impacts to off-site trees. These measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications must be provided on the plan detailing how preservation measures must be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.
15. Off-Site Tree Replacement: As part of the first and all subsequent plan submissions, the applicant must include replacement trees per the following. Any trees 6 inches or greater on Park Authority property that may be impacted will be identified and included on the tree preservation plan. All trees on Park Authority property and other adjoining properties that are removed or trees that are negatively impacted by construction activities that would critically impact their long-term survivability, as determined by FCPA-NRB and FCON, will be replaced on a two for one tree basis (two trees planted for every one tree removed). Any additional trees on FCPA property identified for removal during the preconstruction meeting with FCPA-NRB and FCON will also be replaced on a two for one basis.
16. Soil Remediation: Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by FCON.
17. Invasive Plant Species Management: Forested areas identified within twenty-five feet of the proposed limits of clearing containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present will be the subject of invasive plant species management in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission the applicant will provide a management narrative for review and approval by FCON specifying the common and scientific name of invasive species proposed for

management, the target area along the limits of clearing and within any tree preservation areas located inside of the clearing limits for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring , duration of the management program, and potential replanting along the limits of clearing as may be needed.

18. Stormwater Management and Best Management Practices: The property must be developed as depicted on Sheets C-4 of the special permit plat and in accordance with the current Fairfax County Storm Water Ordinances and Fairfax County Public Facilities Manual, as reviewed and approved by LDS. The applicant must implement storm water management techniques to control the quantity and quality of storm water runoff from the Property. The storm water management techniques may include but not limited to the following: rain gardens, dry ponds, filtera systems, infiltration ditches, pervious pavement, rain harvesting barrels, bay filters, storm tech chambers underground systems, stone reservoir, and drainage swales. The applicant reserves the right to pursue additional or alternative storm water management measures, provided those measures are in substantial conformance with the special permit plat.
19. Lighting: Concurrent with the first site plan submission, the applicant must submit a photometric plan for review and approval. Any outdoor lighting proposed on the property must be full cutoff and use energy-saving technology, such as LED and be in conformance with the Zoning Ordinance.
20. Electrical Vehicle Charging: Concurrent with the first site plan submission, the applicant will designate at least one (1) of the parking spaces to be equipped with a universal, Level 2 electric vehicle charging station, fully wired and functional.
21. The building addition must be generally consistent with the architectural elevations as shown in Attachment 1 to these conditions.
22. The applicant must provide bicycle parking in accordance with *Fairfax County Bicycle Parking Guidelines*. The final location, quantity, and type of bicycle racks will be determined in consultation with the Fairfax County Department of Transportation Bicycle Coordinator or his/her designee prior to site plan approval.
23. The applicant is responsible for identifying and complying with the terms of all legally enforceable easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
24. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, thirty (30) months after the date of approval unless construction of the building addition has commenced and has 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.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.





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Vice Chairman Hart moved that the Board recess and enter into Closed Session for consultation with legal counsel and/or briefings by staff members and consultants regarding litigation in Re: February 2, 2022 decision of the Board of Zoning Appeals of Fairfax County, Virginia and Washington Gas Light Company versus Christine Chen Zinner Consolidated Cases numbers CL 2022-2942 and CL 2022-3061 in the Circuit Court of Fairfax County pursuant to Virginia Code Ann. Sec. 2.2-3711 (A) (7) (LNMB Supp. 2002), and for consultation with legal counsel and/or briefings by staff members and consultants regarding BZA legal representation and by-laws pursuant to Virginia Code Ann. Sec. 2.2-3711 (A) (7) (LNMB Supp. 2002). Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

The meeting recessed at 11:05 a.m. and reconvened at 11:25 a.m.

Vice Chairman Hart then moved that the Board of Zoning Appeals certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed, or considered by the Board during the Closed Session. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

Vice Chairman Hart moved that the Board authorize Ms. Day to sign the letter discussed in the closed session and transmit whatever correspondence is necessary to accomplish the transfer of the files we discussed. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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As there was no other business to come before the Board, the meeting was adjourned at 11:26 a.m.

Minutes by: Mary Padrutt

Approved on: March 13, 2024