

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, March 29, 2023. The following Board Members were present: Chairman John F. Ribble III; Eric Maribojoc; Thomas W. Smith III; Rebeccah Ballo; Daniel Aminoff; Donte Tanner; and Karen L. Day.

Chairman Ribble called the meeting to order at 9:00 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 for the conduct of public hearings at the Board of Zoning Appeals. Chairman Ribble called for the first scheduled case.

Note: As a result of the Virginia Supreme Court decision in the case *Berry et. al. V. Board of Supervisors of Fairfax County*, all public hearings scheduled for the day were deferred.

~ ~ ~ March 29, 2023, Scheduled case of:

Ying Liu and Jian Zhou, VC-2022-DR-00018 to permit front yard area paved for parking exceeding 30 percent. Located at 6817 Churchill Rd., McLean, 22101 on approx. 11,250 sq. ft. of land zoned R-3. Dranesville District. Tax Map 30-2 ((4)) (B) 8. (Admin moved from 1/11/2023)

Chairman Ribble noted that application VC-2022-DR-00018 had been withdrawn.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Abdul S. Ahmady and Amina Ahmady, VC-2022-MA-00020

Chairman Ribble noted that application VC-2022-MA-00020 had been administratively moved to May 17, 2023.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Andrew T Ross, A 2022-PR-006 (Admin move from 9/14/2022, 11/30/2022, and 1/25/2023)

Chairman Ribble noted that application A 2022-PR-006 had been administratively moved to May 17, 2023.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Mision Evangelica Jerusalem LA Celestial, Inc., SP-2022-SU-00144 to permit construction of a religious assembly. Located at 6321 Old Centreville Rd., Centreville, 20121 on approx. 1.12 ac. of land zoned R-1 and WS. Sully District. Tax Map 65-1 ((1)) 8C.

Chairman Ribble noted that application SP-2022-SU-00144 had been administratively moved to June 28, 2023.

//

~ ~ ~ March 29, 2023, Scheduled case of:

North American Islamic Foundation, A 2021-DR-011, Appeal of a determination that the appellant is operating a place of worship without a valid Non-Residential Use Permit (Non-RUP), in violation of Zoning Ordinance provisions. Located at 13515 Dulles Technology Drive, Suite 1, Herndon, Virginia 20170, on approx. 0 ac. of land, in a condominium consisting of 12,801 square feet of gross floor area zoned I-4, Dranesville District, Tax Map 16-3((19)) (C2)1. (*Admin. move from 10/06/2021, 3/23/2022, 6/8/2022, and 9/28/2022*)

The participants in the hearing were as follows:

- Cathy Belgin, Deputy Zoning Administrator, Zoning Administration Division

Chairman Ribble noted that there was a deferral request to May 24, 2023.

- Cathy Belgin, Deputy Zoning Administrator, Zoning Administration Division, explained the reason for the deferral request.

Mr. Aminoff moved to defer A 2021-DR-011 to May 24, 2023. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Hart was absent from the meeting.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Giles Industrial LLC, A 2019-MV-007 Appl. under Sect. 18-301 of the Zoning Ordinance. This is an Appeal of a determination that appellant is allowing an excavating business to be operated on the property, which includes an accessory storage structure, accessory vehicle repair, and an accessory storage yard; without site plan approval, building permit approval, or a Non-Residential Use Permit, in the I-6 District, in violation of Zoning Ordinance provisions. Located at 10125 Giles Run Rd Lorton 22079, approx. 3.36 acres. of land zoned I-6. Mount Vernon District. Tax Map 113-2 ((3)) D2. (*Admin. moved from 10/2/19, 12/4/19, 2/5/20, 6/24/20, 7/8/2020, and 9/16/2020 at appl. req.*) (**Continued from 10/28/2020, 6/23/2021, 10/27/21, 6/8/2022, and 11/2/2022**)

The participants in the hearing were as follows:

- Cathy Belgin, Deputy Zoning Administrator, Zoning Administration Division

Chairman Ribble noted that there was a continuance request to May 24, 2023.

- Cathy Belgin, Deputy Zoning Administrator, Zoning Administration Division, explained the reason for the deferral request.

Mr. Aminoff moved to defer A 2019-MV-007 to May 24, 2023. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Hart was absent from the meeting.

//

~ ~ ~ March 29, 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.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Chairman Ribble noted that there was a deferral request to June 7, 2023.

Brent Krasner, Chief, Special Permit and Variance Branch, explained the reason for the deferral request.

Mr. Tanner moved to defer SP-2022-MV-00156 to June 7, 2023. Mr. Hart seconded the motion, which carried by a vote of 7-0. Mr. Hart was absent from the meeting.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Nandor Szuprics and Erika B. Szuprics, SP-2022-BR-00184 to permit a reduction in setback requirements based on an error in building location to permit an open deck to remain 4.8 ft. from the rear lot line. Located at 4800 Treasure Ct., Fairfax, 22032 on approx. 2,325 sq. ft. of land zoned R-20. Braddock District. Tax Map 68-2 ((5)) 2136.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Chairman Ribble noted that there was a deferral request to June 14, 2023.

Brent Krasner, Chief, Special Permit and Variance Branch, explained the reason for the deferral request.

Ms. Day moved to defer SP-2022-BR-00184 to June 14, 2023. Ms. Ballo seconded the motion, which carried by a vote of 7-0. Mr. Hart was absent from the meeting.

//

~ ~ ~ March 29, 2023, Scheduled case of:

Trustees Of Saint Matthews United Methodist Church, SPA-80-A-087-05 amend SP 80-A-087 previously approved for a religious assembly with child care center to permit modifications to site and development conditions. Located at 8617 Little River Tpke., Annandale, 22003 on approx. 4.01 ac. of land zoned R-1. Braddock District. Tax Map 59-3 ((10)) 13. *(Admin moved from 11/2/2022, and 2/1/2023)*

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Chairman Ribble noted that there was a deferral request to May 17, 2023.

Brent Krasner, Chief, Special Permit and Variance Branch, explained the reason for the deferral request.

Ms. Ballo moved to defer SPA-80-A-087-05 to May 17, 2023. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Hart was absent from the meeting.

//

~ ~ ~ March 29, 2023, Scheduled case of:

GBA Associates Limited Partnership, VC-2022-PR-00015 to permit a fence 8.0 ft. in height in the front yard adjacent to Arlington Blvd, the eastern and western side yards,

and the rear yard. Located at 7700 Arlington Blvd., Falls Church, 22042 on approx. 43.6 ac. of land zoned I-3. Providence District. Tax Map 49-4 ((1)) 59A, B, and C. (*Deferred from 2/15/2023, and 3/1/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Chairman Ribble noted that there was a deferral request to March 1, 2023.

Brent Krasner, Chief, Special Permit and Variance Branch, explained the reason for the deferral request.

//

Mr. 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 Berry vs. Board of Supervisors of Fairfax, record number 21143 in the Supreme Court of Virginia, the BZA bylaws, BZA electronic meeting policy, BZA Virginia Code 2.23708.3, BZA cancelation policy, BZA taking oaths and witness testimony by phone, BZA alternates under Virginia Code Sec. 15.23208, BZA minutes and February 2, 2022 decision of Board of Zoning Appeals and Washington Gaslight Company vs. Christine Jenziteral CL 2022-2942 and CL 2022-3061 in Circuit Court of Fairfax Virginia, 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 8-0.

The meeting recessed at 9:20 a.m. and reconvened at 12:05 p.m.

Mr. 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. Ms. Day seconded the motion, which carried by a vote of 8-0.

//

As there was no other business to come before the Board, the meeting was adjourned at 12:08 p.m.

Minutes by: Melissa R. Taylor

Approved on: September 20, 2023