

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, June 28, 2023. The following Board Members were present: Vice Chairman James R. Hart; Thomas W. Smith III (video conference call); Daniel Aminoff; Donte Tanner and Chairman John F. Ribble III (Arrived at 11:47AM). Karen L. Day; Rebeccah Ballo; and Eric Maribojoc; were absent from the meeting.

Vice Chairman Hart called administrative items.

~ ~ ~ June 28, 2023, Scheduled case of:

Newer LLC, A 2020-MV-028 An appeal of a determination that the appellant is operating a kennel that includes outdoor play/exercise areas in the C-6 District, in violation of Zoning Ordinance provisions. Located at 8101 Alban Road, Springfield, VA 22150, 22074 on approx. 72,710 sq. ft. of land zoned C-6, Mount Vernon District. Tax. Map 99-1 ((17)) 6. (Admin. moved from 3/31/2021, 5/26/21, 7/14/2021, 10/27/21, and 4/13/22) (Admin. moved to 4/13/22 but meeting canceled for BOS Budget Hearings) (Admin. Moved from 11/2/2022, and 2/1/2023)

Vice Chairman Hart noted that appeal application A 2020-MV-028 had been administratively moved to September 13, 2023.

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~ ~ ~ June 28, 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. (Admin moved from 3/29/2023)

Vice Chairman Hart noted that special permit application SP-2022-SU-00144 had been administratively moved to October 10, 2023.

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~ ~ ~ June 28, 2023, Scheduled case of:

Abdul S. Ahmady and Amina Ahmady, VC-2022-MA-00020 to permit construction of a single family detached dwelling 9.4 ft. from the front lot line. Located at 6624 Tunlaw Ct., Alexandria, 22312 on approx. 1.18 ac. of land zoned R-2. Mason District. Tax Map 71-4 ((1)) 69 and 71-4 ((14)) A. (Admin moved from 3/29/2023, and 5/17/2023)

Vice Chairman Hart noted that variance application SP-2022-SU-00144 had been administratively moved to September 27, 2023.

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~ ~ ~ June 28, 2023, Scheduled case of:

AAR Investment, LLC, A 2022-LE-012 (Admin moved from 2/15/2023)

Vice Chairman Hart noted that appeal application SP-2022-SU-00144 had been administratively moved to October 25, 2023.

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~ ~ ~ June 28, 2023, Scheduled case of:

Vine United Methodist Church, A 2022-PR-016 (Admin moved from 3/8/2023, and 5/10/2023)

Vice Chairman Hart noted that appeal application SP-2022-SU-00144 had been withdrawn.

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The meeting recessed at 9:19 a.m. due to lack of a quorum and reconvened at 11:47 a.m.

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Chairman Ribble assumed the Chair.

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~ ~ ~ June 28, 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, 4/26/2023, and 6/7/2023)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Keith Martian, Agent for the Applicant

After the hearing where testimony was presented by Mr. McCadden and Mr. Martin, and there being no public speakers for this case, Mr. Aminoff moved to continue VC-2022-MA-00011 to July 12, 2023. Mr. Tanner seconded the motion, which carried by a vote of 5-0. Ms. Day, Ms. Ballo, and Mr. Maribojoc were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 28, 2023, Scheduled case of:

Traysana Soudachanh and Grace Z. Liu, SP-2022-SP-00136 to permit a reduction in setback requirements to permit an addition 12.7 ft. from the rear lot line. Located at 5100 Myrtle Leaf Dr., Fairfax, 22030 on approx. 8,928 sq. ft. of land zoned PDH-2 and WS. Springfield District. Tax Map 55-3 ((10)) 82.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Traysana Soudachanh, Applicant

After the hearing where testimony was presented by Mr. Lesko and Mr. Soudachanh, and there being no public speakers for this case, Mr. Aminoff moved to approve SP-2022-SP-00136 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 5-0. Ms. Day, Ms. Ballo, and Mr. Maribojoc were 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

Traysana Soudachanh and Grace Z. Liu, SP-2022-SP-00136 to permit a reduction in setback requirements to permit an addition 12.7 ft. from the rear lot line. Located at 5100 Myrtle Leaf Dr., Fairfax, 22030 on approx. 8,928 sq. ft. of land zoned PDH-2 and WS. Springfield District. Tax Map 55-3 ((10)) 82. 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 June 28, 2023; and

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

1. The applicants are the owners of the property.
2. The present zoning is PDH-2 and WS.
3. The area of the lot is 8,928 square feet.
4. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
5. The proposed footprint is smaller than the existing deck.
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 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
2. 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.
3. 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.
4. 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.
5. 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 applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is approved only for the location of the screened porch addition as shown on the special permit plat, entitled *Special Permit Plat, Showing Improvements on Lot 82, Section III, Willow Ponds, prepared by Richard C. Pelle of Alpha Surveys on January 31, 2023, and revised*

through March 13, 2023, consisting of one sheet, as submitted with this application and is not transferable to other land.

3. Pursuant to Par. 6 of Sect. 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 (5,795 square feet existing + 8,692 square feet (150%) = 14,487 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard 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 yard requirements will be permitted without an amendment to this special permit.
4. The addition and open deck must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
5. 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 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.
6. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the screened porch addition 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 5-0. Mr. Maribojoc, Ms. Ballo, and Ms. Day were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 28, 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. (Deferred from 6/7/2023)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- David B. Pascoe, Applicant

After the hearing where testimony was presented by Mr. Isaiah and Mr. Pascoe, and there being no public speakers for this case, Mr. Tanner moved to approve SP-2022-MV-00213 for the reasons stated in the Resolution. Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Day, Ms. Ballo, and Mr. Maribojoc were 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

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. 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 28, 2022; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-2 (Cluster).
3. The area of the lot is 15,984 square feet.
4. There is a favorable recommendation from staff and the Board adopts the rationale in the staff report.
5. The Board believes that the proposal is in harmony with the neighborhood.
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 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
2. 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.
3. 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.
4. 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.
5. 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 applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is approved only for the location of the screened porch addition and open deck on Lot 32 as shown on the special permit plat, entitled "*Plat Showing Improvements on Lot 32, Phase II, Section Two, Washington Woods on the Potomac*" prepared by, Dominion Surveys, Inc.

dated, October 26, 2022 and revised January 12, 2023, as submitted with this application and is not transferable to other land. No express or implied approval is being granted for any structures, improvements, or plantings on Parcel D.

3. Pursuant to Par. 6 of Sect. 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 (8,602 square feet existing + 12,903 square feet (150%) = 21,505 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard 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 yard requirements will be permitted without an amendment to this special permit.
4. The addition and open deck must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions. 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 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 automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the screened porch addition and/or open deck 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. Hart seconded the motion, which carried by a vote of 5-0. Mr. Maribojoc, Ms. Ballo, and Ms. Day were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 28, 2023, Scheduled case of:

Loic F. Hamon and Rebekka E. Laird, TR, SP-2022-PR-00176 to permit a reduction in setback requirements to permit a covered front porch (roofed deck) 20.2 ft. from the front lot line. Located at 2761 W George Mason Rd., Falls Church, 22042 on approx. 6,250 sq. ft. of land zoned R-4 and HC. Providence District. Tax Map 50-2 ((5)) 152. (*Admin moved from 6/14/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Brian Rosenheim, Agent for the Applicant

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, and Ms. Rosenheim, and there being no public speakers for this case, Mr. Hart moved to approve SP-2022-PR-00176 to for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 5-0. Ms. Day, Ms. Ballo, and Mr. Maribojoc were 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

Loic F. Hamon and Rebekka E. Laird, TR, SP-2022-PR-00176 to permit a reduction in setback requirements to permit a covered front porch (roofed deck) 20.2 ft. from the front lot line. Located at 2761 W. George Mason Rd., Falls Church, 22042 on approx. 6,250 sq. ft. of land zoned R-4 and HC. Providence District. Tax Map 50-2 ((5)) 152. 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 28, 2022; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-4 and HC.
3. The area of the lot is 6,250 square feet.
4. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
5. The Board finds that is a relatively modest request and has approved many similar requests in this subdivision. The subdivision was platted in the 1920's before the first Zoning Ordinance went into effect. The house was built in the 1940's in a location that is currently beyond the setback lines, but is consistent with the houses in the neighborhood and on that street.
6. It is an open structure that is not massive and will not have any significant impact and is not any different from what is there already. The Board finds that it would be an improvement and with the imposition of the development conditions any potential impacts have been satisfactorily mitigated.
7. The applicant has read, understands, and concurs with the modified 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. This special permit is approved for the location of the proposed covered front porch (roofed deck) as shown on the plat, entitled "Special Permit Plat on Lot 152, Section 1, Greenway Downs," prepared

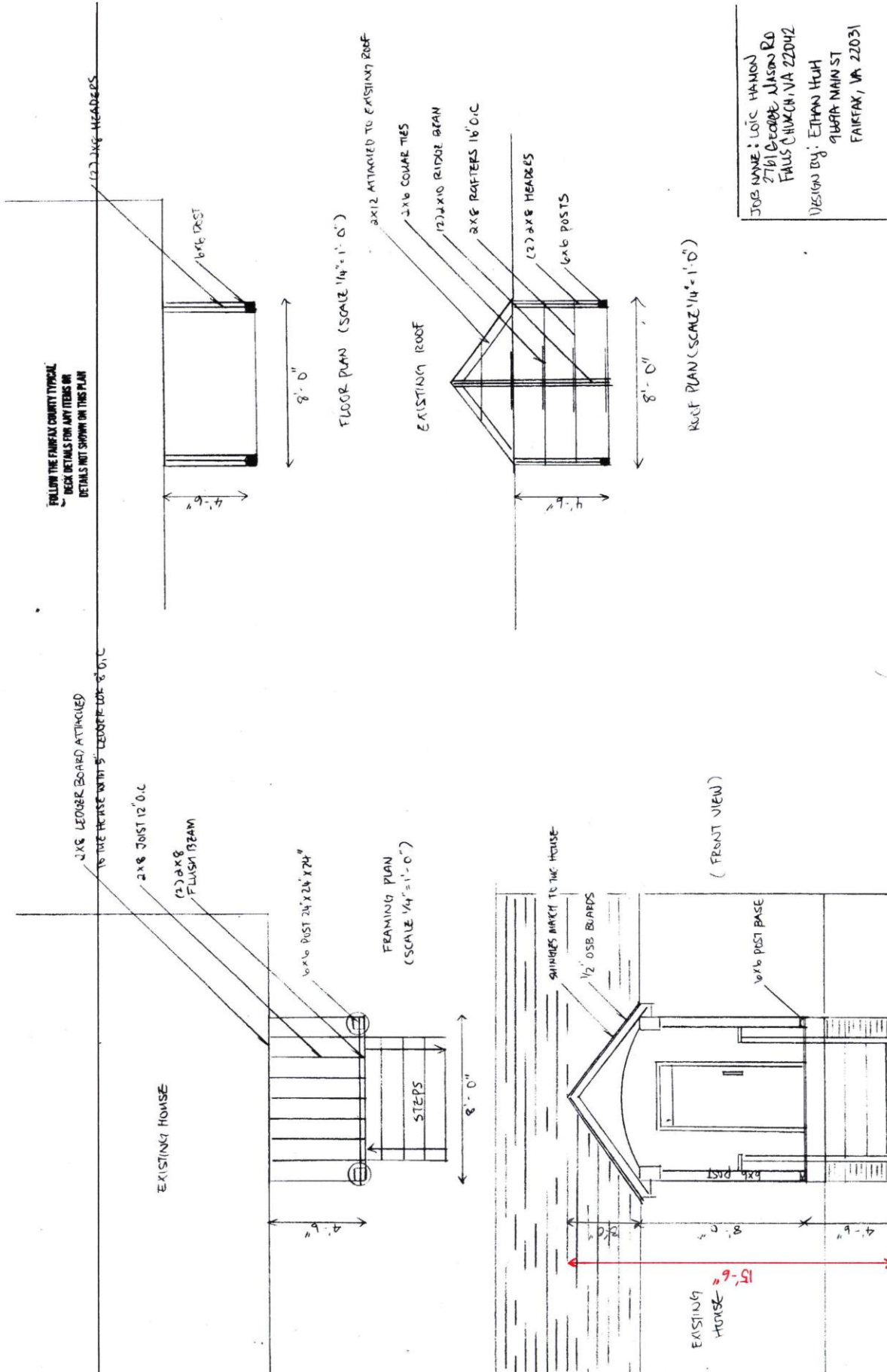
by Guy H. Briggs, Land Surveyor, dated January 5, 2022, as submitted with this application and is not transferable to other land.

2. The covered front porch (roofed deck) must be generally consistent with the design as depicted in the architectural renderings as shown in Attachment 1 to these conditions.
3. Construction materials must be stored outside of the dripline of the Star Magnolia tree in the front yard. All material delivery and laydown must be on the south side of the front walkway.
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. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
5. Pursuant to Article 8100.4.D (6) of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction of the covered front porch 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, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Tanner and Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Mr. Maribojoc, Ms. Ballo, and Ms. Day were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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JOB NAME: LOIC HANON
 2761 DECORIE WILSON RD
 FALLS CHURCH, VA 22042
 DESIGN BY: ETHAN HUI
 9188A MAIN ST
 FAIRFAX, VA 22031

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~ ~ ~ June 28, 2023, After Agenda Item:

Deferral of February 1, 2023, February 8, 2023, February 15, 2023 Minutes to July 12, 2023

Mr. Aminoff moved to move action on the February 1, 2023, February 8, 2023, February 15, 2023 Minutes to July 12, 2023. Mr. Tanner seconded the motion, which carried by a vote of 5-0. Mr. Maribojoc, Ms. Ballo, and Ms. Day were 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 12:30 p.m.

Minutes by: Melissa R. Taylor

Approved on: Approved on March 13, 2024