The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, May 20, 2026. The following Board Members were present; Chairman Karen L. Day; Vice Chairman Rebeccah Ballo (arrived at 9:18 AM); Akida Rouzi (arrived at 9:03 AM); and Sean Peiffer Daniel Aminoff; and Triston O'Savio. Thomas Smith III was absent from the meeting. There is currently one vacancy on the Board.

Chairman Day called the meeting to order at 9:00 a.m. Chairman Day asked if there were any Board Matters to bring before the Board. Chairman Day reviewed the opening policies and procedures, as well as the administrative items. Chairman Day then discussed the policies and procedures of the Board of Zoning Appeals. Chairman Day called the first scheduled case.

~ ~ ~May 20, 2026, Consent Items:

Andrew K. Bohaty, SP-2025-MV-00120 to permit modifications to the provisions for the keeping of animals (ducks). Located at 7699 Northdown Rd. on approx. 18,120 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 102-2 ((1)) 13C.

Chairman Day motioned to approve the consent agenda items. Mr. Aminoff seconded the motion, which was carried out by a vote of 4-0. Ms. Rouzi was not present from the vote. Thomas Smith III was absent from the meeting.

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~ ~ ~May 20, 2026, Scheduled Public Hearing:

Kaveh Sari, SP-2023-MV-00057 to permit a reduction in setback requirements based on errors in building location to permit an accessory structure (two-story detached garage) to remain 28.8 ft from the front lot line and 17.8 ft. from the east side lot line. Located at 8926 Khalsa Ct., Lorton, 22079 on approx. 36,420 sq. ft. of land zoned R-1. Mount Vernon District. Tax Map 106-2 ((15))1.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Peter Basanti, Assistant County Attorney
- Kaveh Sari, Applicant

Mr. McMahan gave a briefing to the Board since the pervious hearing on the case and an update on the development conditions. Testimony was presented by Mr. McMahan, Mr. Krasner and Mr. Basanti.
Mr. Basanti, Assistant County Attorney, and Mr. McMahan further explained the location of the garage on the property, location of the county trail, and the rationale for the new development conditions proposed. Mr. Sari presented a short video presentation along with his own testimony as to how the error occurred. There were no public speakers for this case, Ms. Rouzi moved to approve **SP-2023-MV-00057**, for the reasons stated in the resolution. Chairman Day seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Kaveh Sari, SP-2023-MV-00057 to permit a reduction in setback requirements based on errors in building location to permit an accessory structure (two-story detached garage) to remain 28.8 ft from the front lot line and 17.8 ft. from the east side lot line. Located at 8926 Khalsa Ct., Lorton, 22079 on approx. 36,420 sq. ft. of land zoned R-1. Mount Vernon District. Tax Map 106-2 ((15)) 1. Ms. Rouzi 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 May 20, 2026; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-1.
3. The area of the lot is 36,420 square feet.
4. The Board finds the structure is located far from neighboring homes and well screened, so the setback encroachments do not create any material impact on adjacent properties.
5. There is no significant impact on enjoyment of the cross county trail as a direct result of the setback relief.
6. The Board finds the applicant demonstrated the noncompliance was from primarily due to the contractor mistakenly locating the foundation, as well as the irregular shape of the lot and the angle of the side and front property lines.
7. 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.

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 accessory structure (two-story detached garage), as shown on the plat, entitled “Special Permit Plat, Lot 1, Callaway Greens,” prepared by Larry N. Scartz, Land Surveyor, dated April 7, 2023, and revised on March 12, 2026, as submitted with this application, and is not transferable to other land.

2. The applicant must comply with the terms and conditions of the March 5, 2026 Agreement by and between the Board of Supervisors of Fairfax County and the Fairfax County Park Authority, on one part, and the applicant, Kaveh Sari, on the other part, as may be amended with agreement of all parties.

3. The applicant must file any necessary construction and/or trade permits and pass final inspections for the two-story detached garage within 180 days of approval of this special permit. The applicant must finish the exterior of the two-story detached garage with siding and stone generally consistent with the dwelling and maintain the structure in good condition at all times.

4. Pursuant to the minimum lot size requirements for detached Accessory Living Units in Section 4102.7.B(15)(a) of the Zoning Ordinance, the subject two-story detached garage must not include a "dwelling" as that term is defined in the Zoning Ordinance, unless future amendments or changes to zoning regulations allow for the by-right use of this structure as an accessory livingunit as defined by the same, and subject to all applicable laws.

5. The applicant is responsible for complying with the terms of all legally binding easements, covenants, conditions, restrictions, judgments, or other encumbrances of record affecting the subject property. Approval of this application does not abrogate, vacate, interfere with, or invalidate such terms.

6. 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.

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.

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~ ~ ~May 20, 2026, Scheduled Public Hearing:

> **Christopher M. Hassett and Theresa A. Hassett, SP-2025-SU-00125** to permit a reduction in setback requirements to permit an open deck 5.3 ft. from the northeast side lot line. Located at 14414 Round Lick Ln. on approx. 8,500 sq. ft. of land zoned R-3 (Cluster) and WS. Sully District. Tax Map 54-1 ((10)) (1B) 29.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Savannah Murray, Staff Coordinator
- Gerardo Perez, Agent for the Applicants

After the hearing where testimony was presented by Mr. Krasner, Ms. Murray, and Mr. Perez, and there were no public speakers for this case, Mr. O'Savio moved to approve **SP-2025-SU-00125**, for the reasons stated in the resolution. Mr. Aminoff seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Christopher M. Hassett and Theresa A. Hassett, SP-2025-SU-00125 to permit a reduction in setback requirements to permit an open deck 5.3 ft. from the northeast side lot line. Located at 14414 Round Lick Ln. on approx. 8,500 sq. ft. of land zoned R-3 (Cluster) and WS. Sully District. Tax Map 54-1 ((10)) (1B) 29. Mr. O'Savio 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 May 20, 2026; 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-3 (Cluster).
3. The area of the lot is 8,500 square feet.
4. The Board agrees with staff's recommendation and the rationale in the staff report.
5. The Board finds the setback for the open deck will not affect the use or enjoyment of surrounding properties.
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. This special permit is approved only for the location of the open deck as shown on the special permit plat, entitled *"Special Permit Plat,"* prepared by MGI Land Surveying, LLC., dated October 10, 2025 and revised on February 18, 2026, as submitted with this application and is not transferable to other land.

2. The deck must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.

3. 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.

4. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 36 months after the date of approval unless construction has commenced on the 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.

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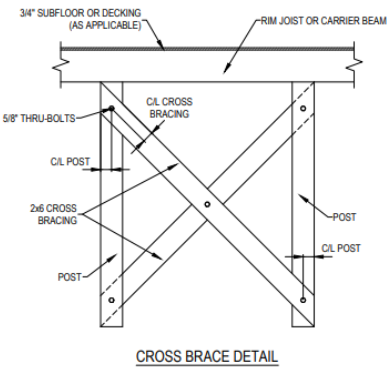

CROSS BRACE DETAIL

N DECK

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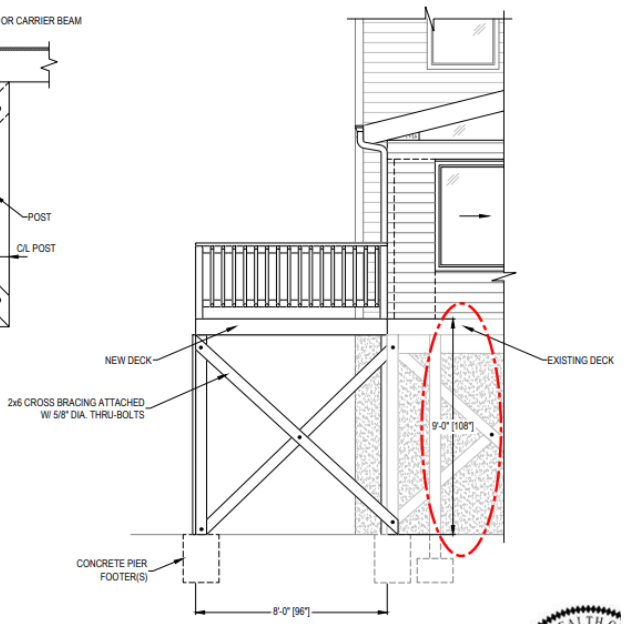
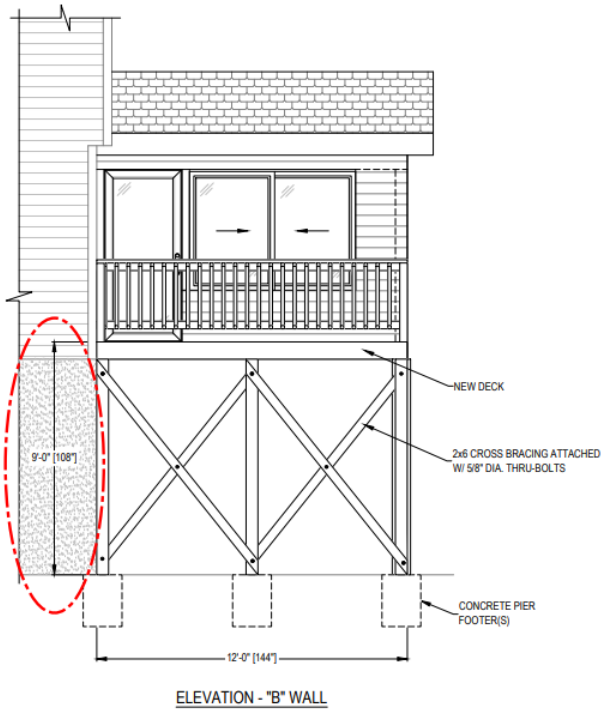


ELEVATION - "C" WALL



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~ ~ ~May 20, 2026, Scheduled Public Hearing:

> **Rachel Ann White, SPA-2023-DR-00066** to amend SP-2023-DR-00066 previously approved for a reduction in setback requirements for an addition 22.3 ft. from the rear lot line to allow a modification to the addition footprint. Located at 12713 Garberry Ct. on approx. 9,431 sq. ft. of land zoned R-3 (Cluster). Dranesville District. Tax Map 10-2 ((3)) 258.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Zachary Shulman, Agent for the Applicant

After the hearing where testimony was presented by Mr. Krasner, Mr. Lesko, and Mr. Sulman, and there being no public speakers for this case, Vice Chairman Ballo moved to approve **SPA-2023-DR-00066**, for the reasons stated in the Resolution. Mr. O'Savio seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Rachel Ann White, SPA-2023-DR-00066 to amend SP-2023-DR-00066 previously approved for a reduction in setback requirements for an addition 22.3 ft. from the rear lot line to allow a modification to the addition footprint. Located at 12713 Garberry Ct. on approx. 9,431 sq. ft. of land zoned R-3 (Cluster). Dranesville District. Tax Map 10-2 ((3)) 258. Vice Chairman 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 May 20, 2026; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-3.
3. The area of the lot is 9,431 square feet.
4. The Board agrees with staff's recommendation and adopts the rationale in the staff report.
5. Despite the fact that the applicant already built the expanded porch without permission, this is a de minimis change and will not have any adverse effects on any adjacent neighbors. Staff would have supported it if it was originally proposed with these dimensions.
6. The Board finds the application meets the Zoning Ordinance requirements.
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 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. 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 sunroom addition as indicated on the plat titled "A copy of the special permit plat titled "Special Permit Plat, Lot 258, Section Two Hiddenbrook" prepared by Harold A. Logan of Harold A. Logan Associates P.C. revised through May , 2025 and is included in Appendix 1 and approved with this application, as qualified by these development conditions.

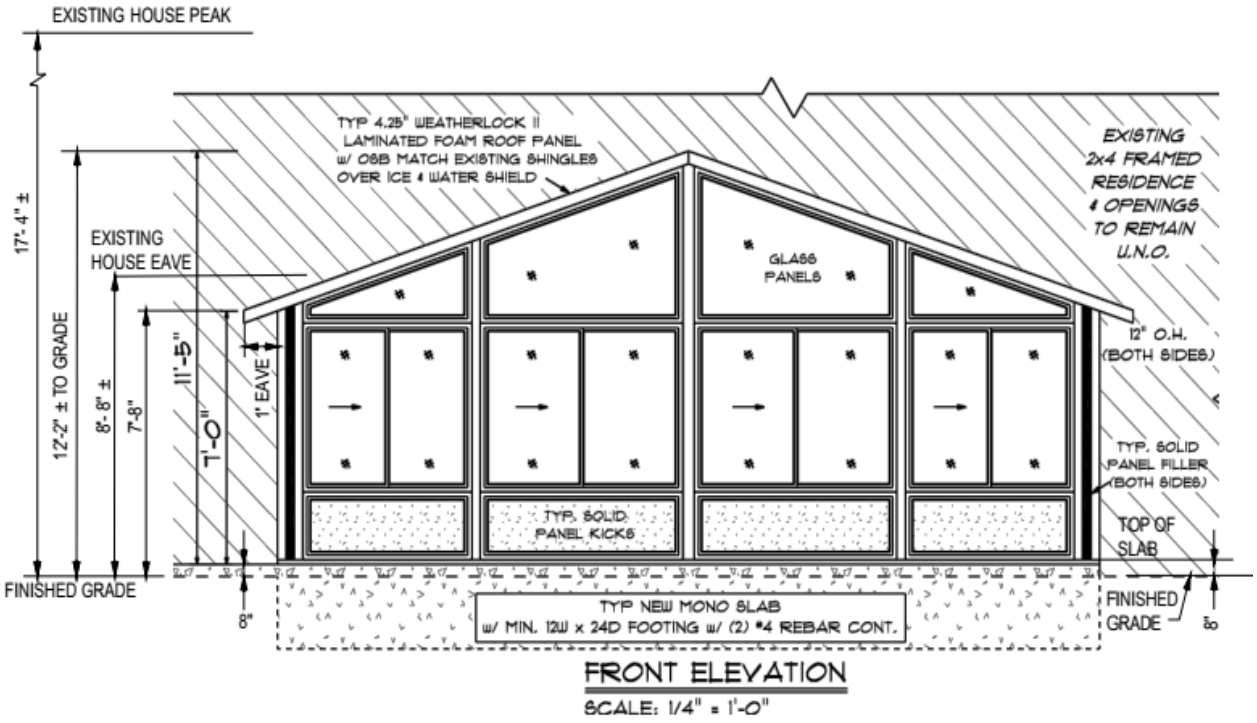
3. Pursuant to Article 5100.2.D(11)(e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,616 square feet existing + 2,242 square feet (150%) = 4,040 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. The subject expansion to the sunroom addition must be generally consistent with the architectural elevations and renderings as shown on Attachment 1 to these conditions.

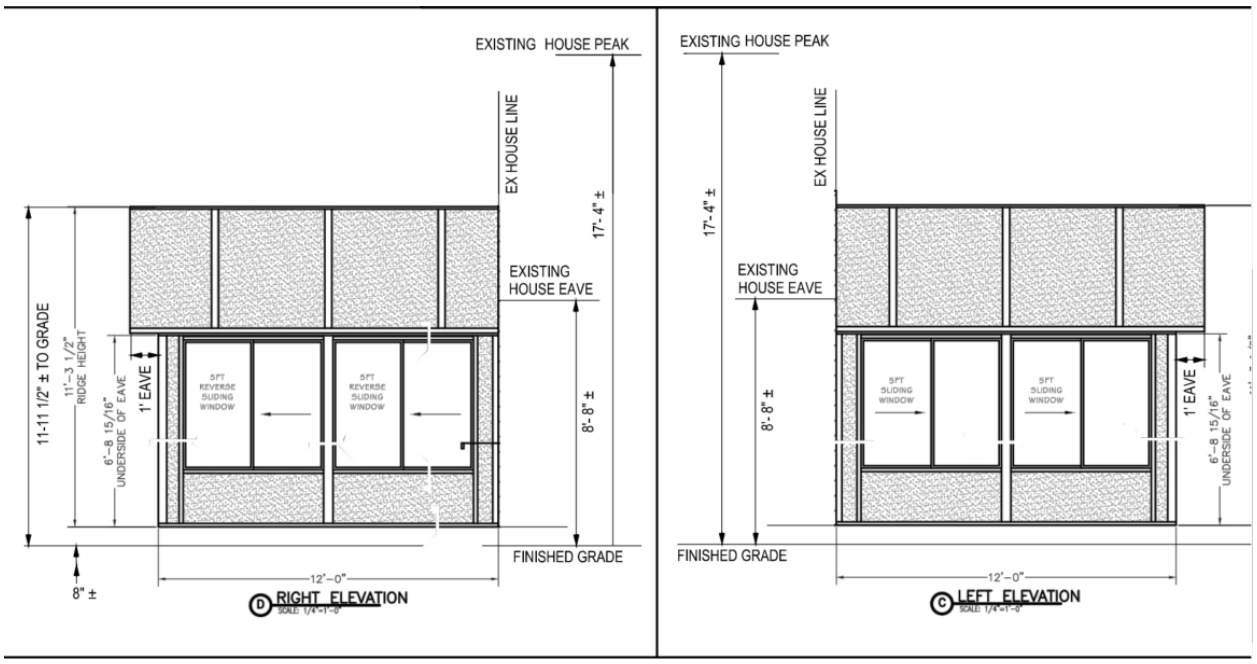
4. The subject expansion to the sunroom addition must be generally consistent with the architectural elevations and renderings as shown on Attachment 1 to these conditions.

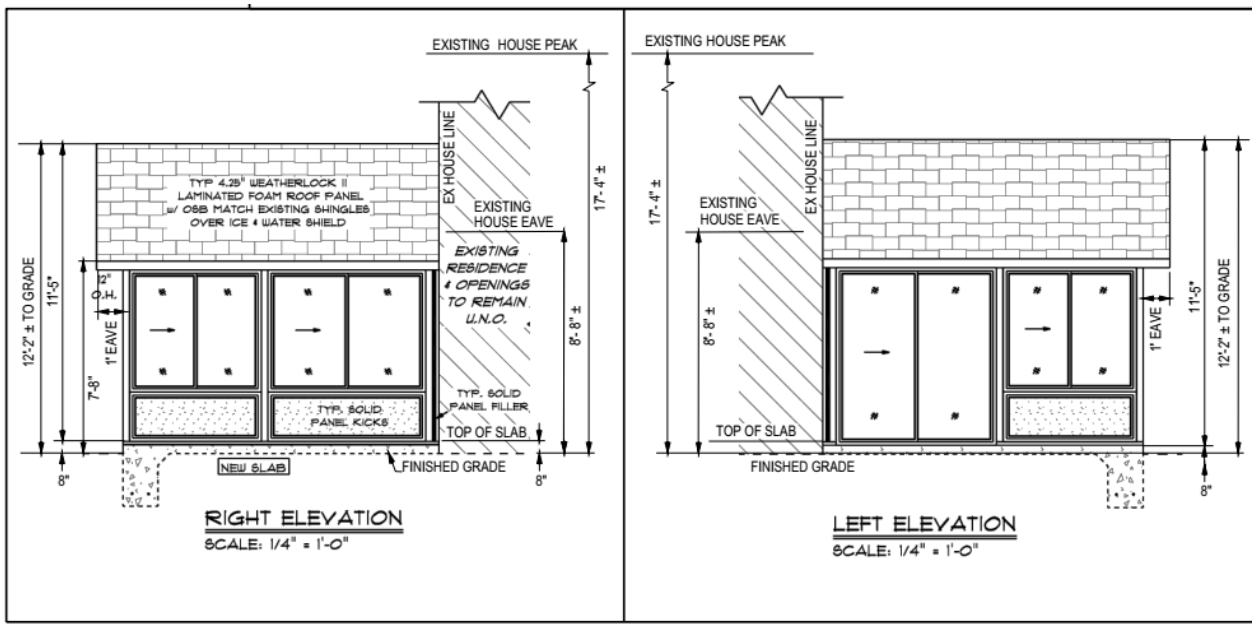
5. The applicant must immediately cease mowing, maintaining, and avoid any future encroachment onto adjacent Parcel F, owned by Fairfax County Public Schools.

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 amendment automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the expansion to the sunroom 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.







HOUSE/ SUNROOM HEIGHT DETAIL
SCALE: 1 / 4" = 1'-0"

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Recess

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~ ~ ~May 20, 2026, Scheduled Public Hearing:

> **Richard F. Hayes and Janice C. Hayes, SP-2025-BR-00045** to permit a reduction of setback requirements to permit an addition 7.2 ft. from the north side lot line such that side setbacks total 14.7 ft. Located at 8322 Queen Elizabeth Blvd., on approx. 13,213 sq. ft. of land zoned R-2 (Cluster). Braddock District. Tax Map 70-3 ((7)) 78.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Richard F. Hayes, Applicant

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, and Mr. Hayes, and there being no public speakers for this case, Mr. Pieffer moved to approve **SP-2025-BR-00045**, for the reasons stated in the Resolution. Ms. Rouzi seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Richard F. Hayes and Janice C. Hayes, SP-2025-BR-00045 to permit a reduction of setback requirements to permit an addition 7.2 ft. from the north side lot line such that side setbacks total 14.7 ft. Located at 8322 Queen Elizabeth Blvd., on approx. 13,213 sq. ft. of land zoned R-2 (Cluster). Mr. Pieffer 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 May 20, 2026; 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-2C.
3. The area of the lot is 13,213 square feet.
4. The Board agrees with staff's recommendation and adopts the rationale in the staff report.
5. The Board finds this will not adversely impact neighboring properties or the Resource Protection Area (RPA).
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 poposal 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 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 Section, Department of Planning and Development.

2. This special permit is granted only for the location of the proposed garage addition as indicated on the plat titled "Plat Showing The Improvements On Lot 78, Section 4, Chapel Hill", prepared by George M. O'Quinn of Dominion Surveyors Inc., dated August 2, 2024, 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 (2,110 square feet existing + 3,165 square feet (150%) = 5,275 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 addition must be generally consistent with the design as depicted in the architectural elevations as shown on Attachment 1 to these conditions; however, the provision of windows on the north elevation must be included in the final design.

5. Prior to the commencement of construction for the subject garage addition, the applicants must obtain approval of an RPA Minor Additions Waiver from Land Development Services (LDS) for the proposed land disturbance in the Resource Protection Area (RPA).

6. Prior to the commencement of construction for the subject garage addition, the applicants must be in receipt of an executed quitclaim deed from Dominion Energy for the portion of the easement to be occupied by the addition as shown on the quitclaim plat in Attachment 2 to these conditions.

7. 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.

8. Pursuant to Article 8100.4.D(6) of the Zoning Ordinance, this special permit for the reduction in setback requirements automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the 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.

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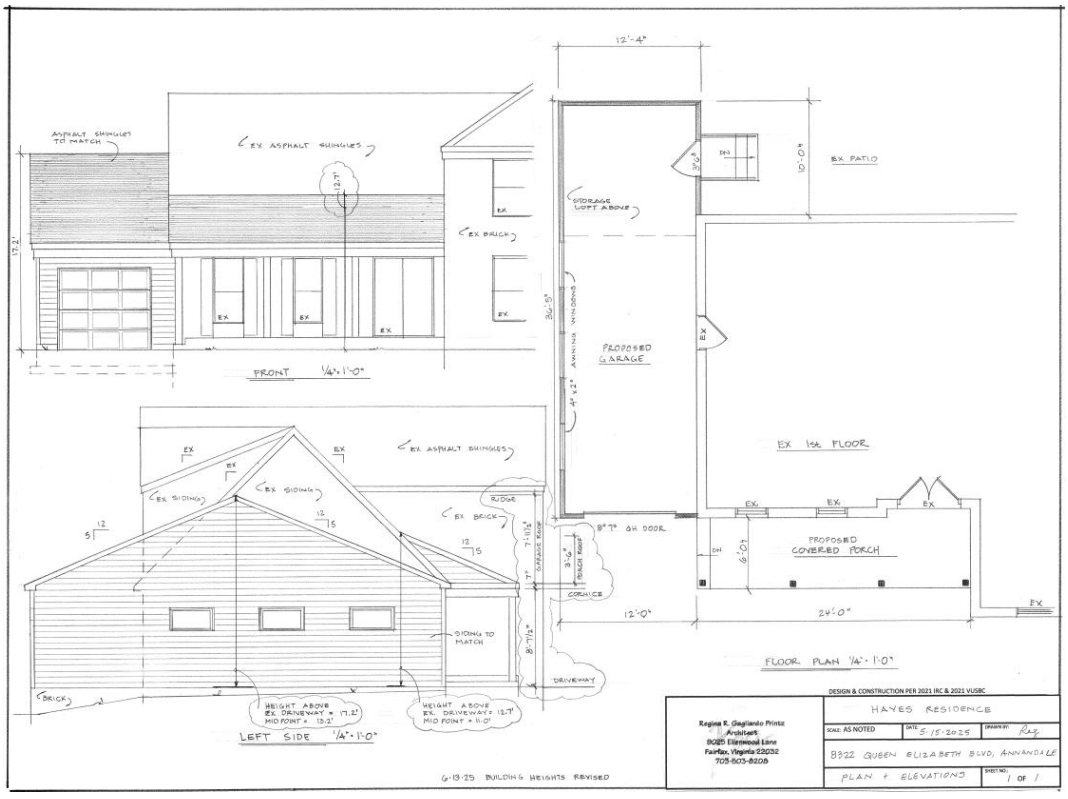

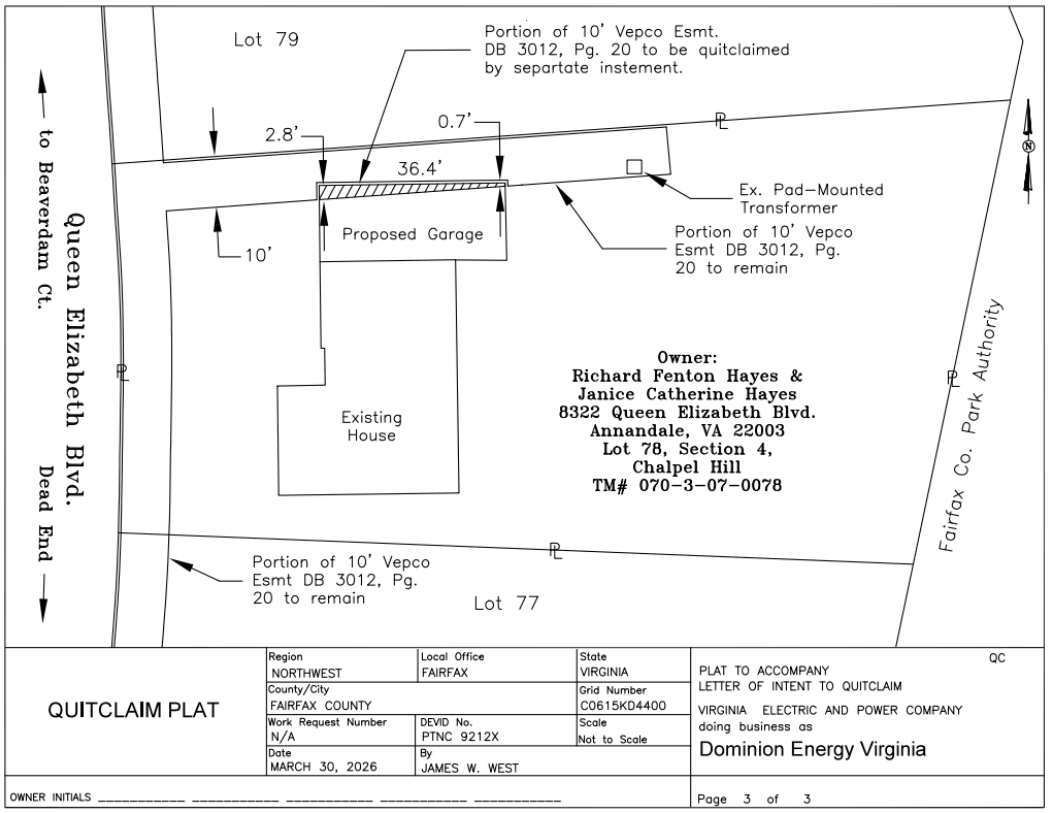

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~ ~ ~May 20, 2026, Scheduled Public Hearing:

> **Robert A. Shortley and Jennifer C. Stern, SP-2025-MV-00123** to permit a reduction in setback requirements to permit a two-story addition 7.5 ft. from the northwest side lot line and 9.7 ft. from the southeast side lot line and a reduction in setback requirements based on an error in building location to permit an accessory structure (play structure) 5.7 ft. from the northwest side lot line. Located at 1113 Gladstone Pl. on approx. 10,001 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 102-2 ((14)) (D) 21.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Cody Stadler, Agent for the Applicants

After the hearing where testimony was presented by Mr. Krasner, and Mr. McCadden, and there being no public speakers for this case, Mr. Aminoff moved to approve **SP-2025-MV-00123**, for the reasons stated in the Resolution. Mr. Pieffer seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Robert A. Shortley and Jennifer C. Stern, SP-2025-MV-00123 to permit a reduction in setback requirements to permit a two-story addition 7.5 ft. from the northwest side lot line and 9.7 ft. from the southeast side lot line and a reduction in setback requirements based on an error in building location to permit an accessory

structure (play structure) 5.7 ft. from the northwest side lot line. Located at 1113 Gladstone Pl. on approx. 10,001 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 102-2 ((14)) (D) 21. 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 May 20, 2026; 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.
3. The area of the lot is 10,001square feet.
4. The Board agrees with staff's recommendation, adopts the rationale in the staff report, and the testimony given by the applicant's agent at today's hearing.
5. 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 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.

AND THAT the applicant has presented testimony indicating compliance with Sects. 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.

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 Section, Department of Planning and Development.

2. This special permit is granted only for the location of the proposed addition and the location of the existing play structure as indicated on the plat "Plat Showing The Improvements On Lot 21 and Westerly 16.67 Feet of Lot 22, Block D, Collingwood Manor", prepared by George M. O'Quinn of Dominion Surveyors Inc., dated December 8, 2025 , 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 (2,867 square feet existing + 4,300 square feet (150%) = 7,167 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 addition must be generally consistent with the design as depicted in the architectural elevations as shown on Attachment 1 to these conditions.

5. The subject play structure must be maintained in good condition at all times or otherwise brought into compliance with the ordinance.

6. 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.

7. Pursuant to Article 8100.4.D(6) of the Zoning Ordinance, this special permit for the reduction in setback requirements automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the rear 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.

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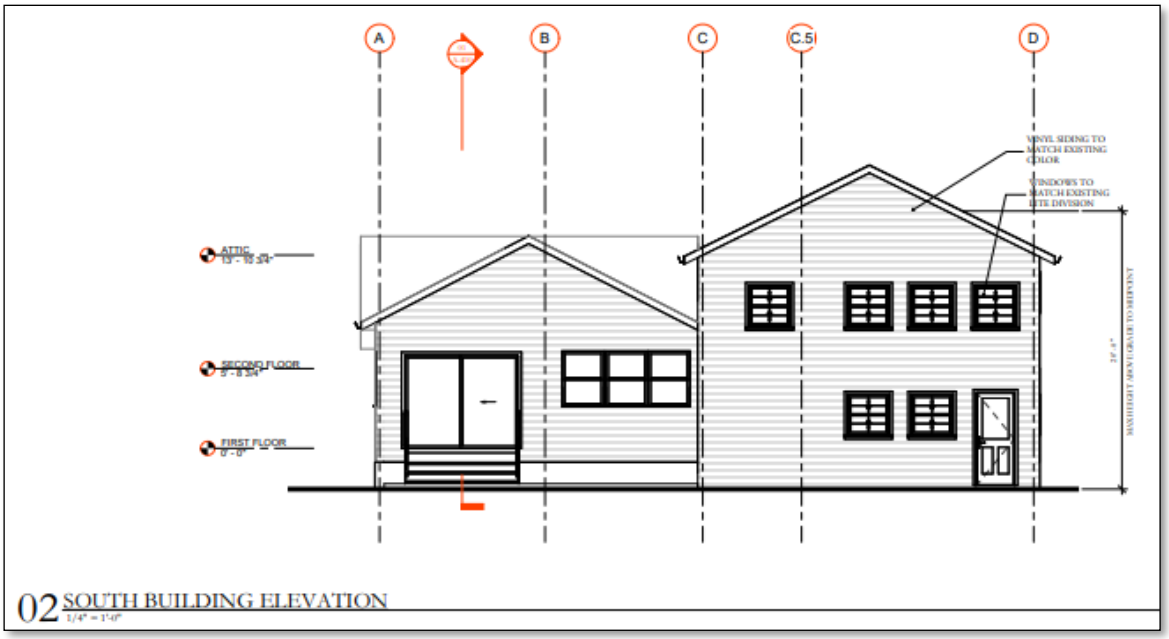
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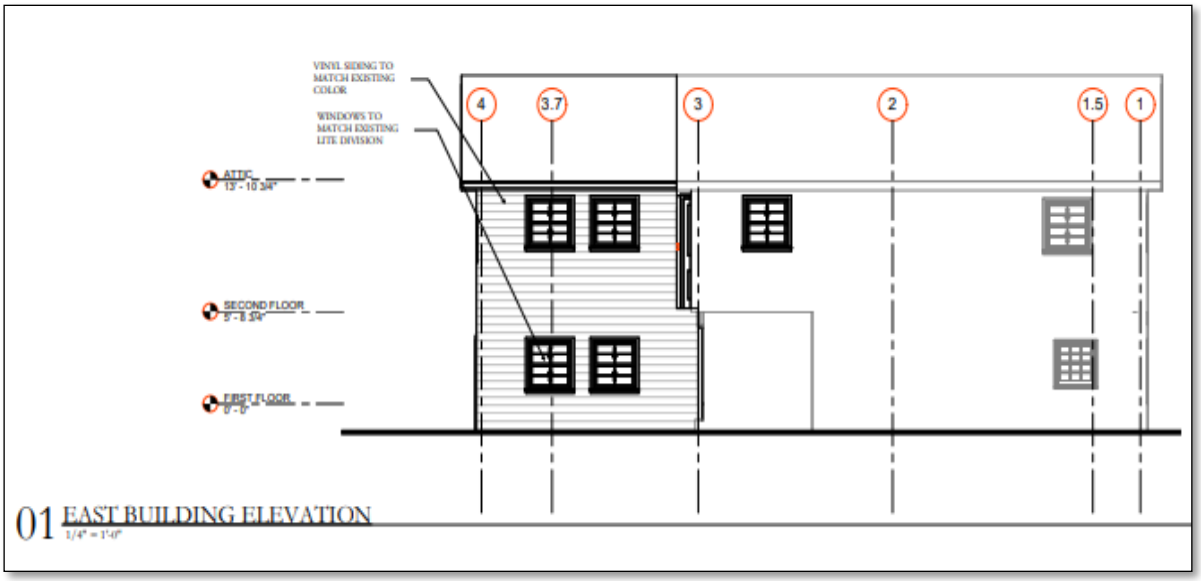
02 SOUTH BUILDING ELEVATION
1/4" = 1'-0"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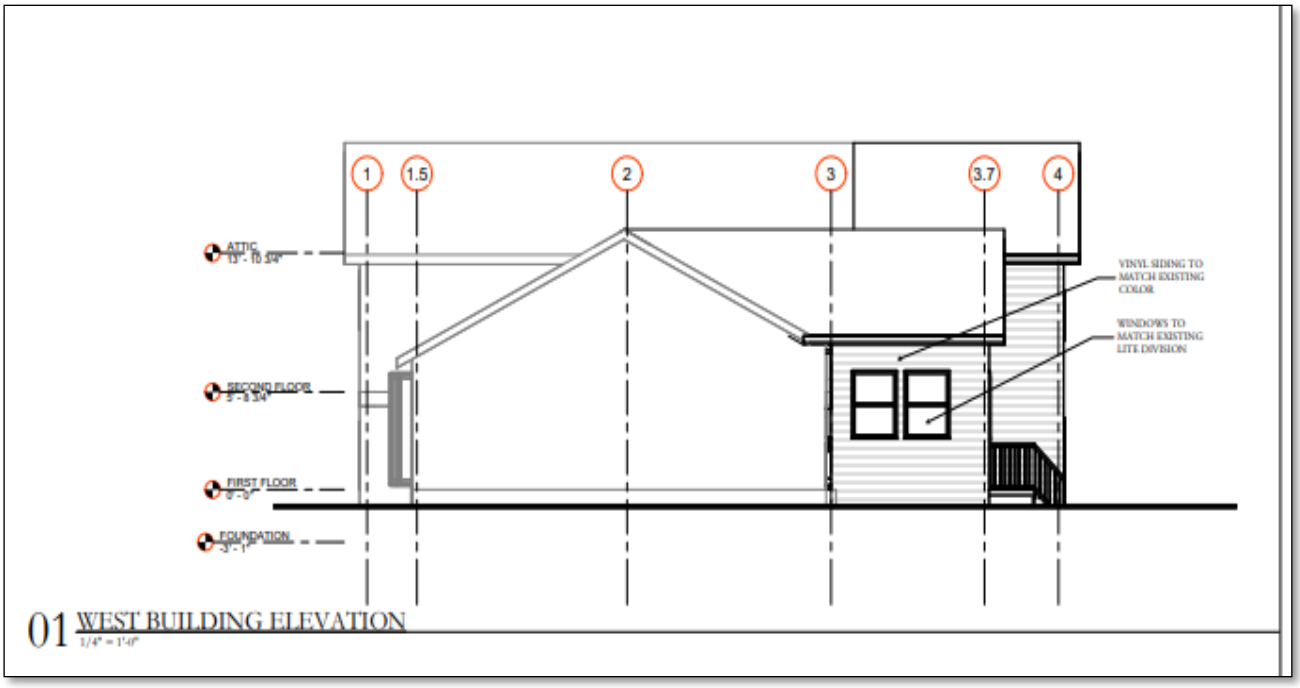

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~ ~ ~May 20, 2026, Scheduled Public Hearing:

> **James B. Floyd, Jr and Rosemarie Ann Floyd, SP-2025-SP-00119** To permit a detached accessory living unit. Located at 6417 Colchester Rd. on approx. 5.02 ac. of land zoned R-C and WS. Springfield District. Tax Map 76-1 ((5)) 34.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Melissa Zeller, Agent for the Applicants
- Rosemarie Ann Floyd, Applicant
- Speakers In Opposition:
  - Dave Hudock, The Patterns Homes Association,11911 Fairfax Station Road
  - Richard Thompson, 12040 Fairfax Station Road

After hearing where testimony was presented by Ms. Santiago, Krasner, Ms. Zeller, and Ms. Floyd, and the above referenced public speakers for this case, Ms. Rouzi moved to approve **SP-2025-SP-00119**, for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

James B. Floyd, Jr and Rosemarie Ann Floyd, SP-2025-SP-00119 To permit a detached accessory living unit (ALU). Located at 6417 Colchester Rd. on approx. 5.02 ac. of land zoned R-C and WS. Springfield District. Tax Map 76-1 ((5)) 34. Ms. Rouzi 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 bylaws 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 May 20, 2026; 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-C and WS.
3. The area of the lot is 5.02 acres.
4. The Board does not adjudicate disputes between property owners and their HOA regarding any bylaw or covenant violations. Any disputes between the property owner and the HOA are private civil matters between the two parties and are not considered as part of the Board's evaluation of a special permit under the Zoning Ordinance. This issue is addressed in development condition 10.
5. This application meets the standards for approval for an ALU.
6. 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 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. 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 must be provided to the Zoning Permits Section, Department of Planning and Development.

2. The approval for the detached accessory living unit (ALU) is granted to the applicants, James B. Floyd, Jr. and Rosemarie Ann Floyd only, for the location indicated on the application, 6417 Colchester Road, Fairfax Station 22039, and is not transferable to other land or other owners.

3. This special permit is granted only for the proposed detached ALU as depicted on the plat, entitled *"Special Permit Plat, 6417 Colchester Road, The Patterns, Lot 34, Section 2,"* prepared by TriTek Engineering and dated November 21, 2025, as submitted with this application, and is not transferable to other land.

4. The design of the ALU must be generally consistent with the architectural elevations depicted in Attachment 1 of these conditions.

5. The areas dedicated to the ALU are limited to a maximum of 1,181 square feet and must be in substantial conformance with the floor plans attached to these development conditions as Attachment 1. The approved ALU areas include the first-floor foyer with staircase and the entire second floor.

6. Occupancy of the accessory living unit is limited to no more than two (2) persons.

7. The ALU must contain a working multi-purpose fire extinguisher and smoke and carbon monoxide detectors that are interconnected with the principal dwelling.

8. The accessory living unit is approved for an initial period of two years from the approval date of the special permit and may be extended by the Zoning Administrator for succeeding periods of up to five years.

9. Within 180 days of approval of this special permit or prior to the approval of the grading plan for the detached ALU, whichever occurs first, the applicant must file a building permit and pass inspection for the existing rear open deck on the principal dwelling.

10. All heating and mechanical systems associated with the ALU must be contained entirely within the approved ALU areas as defined herein, but may be accessed from the exterior or from an area not included in the ALU.

11. 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.

12. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 36 months after the date of approval unless construction has commenced on the detached accessory living unit and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time if 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.

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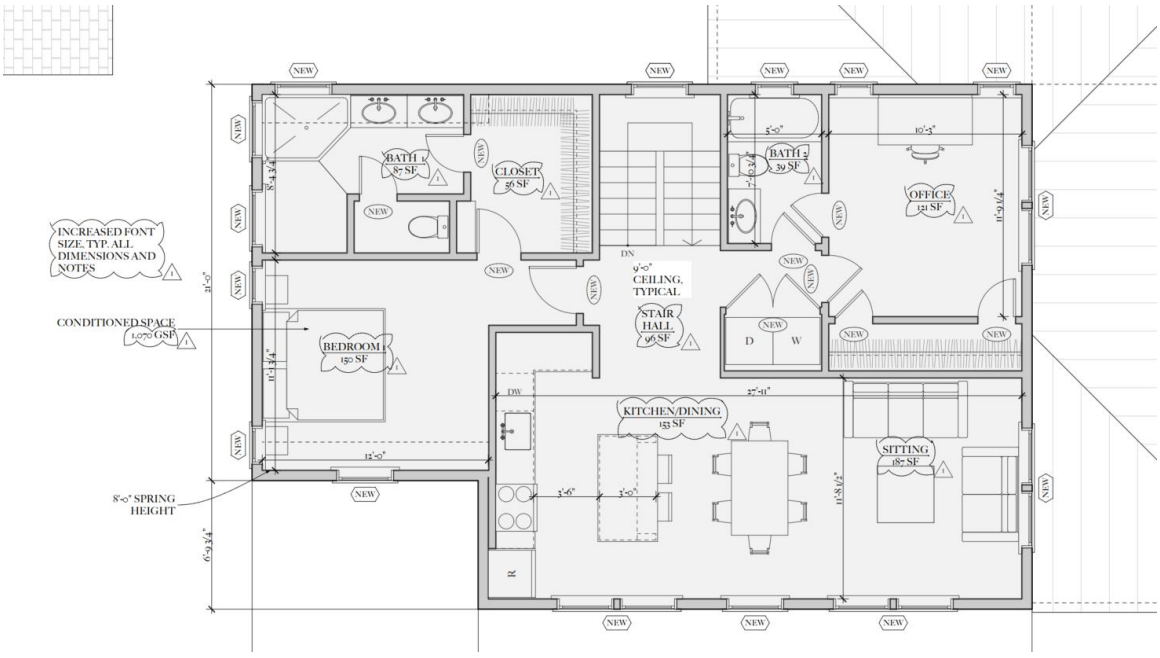

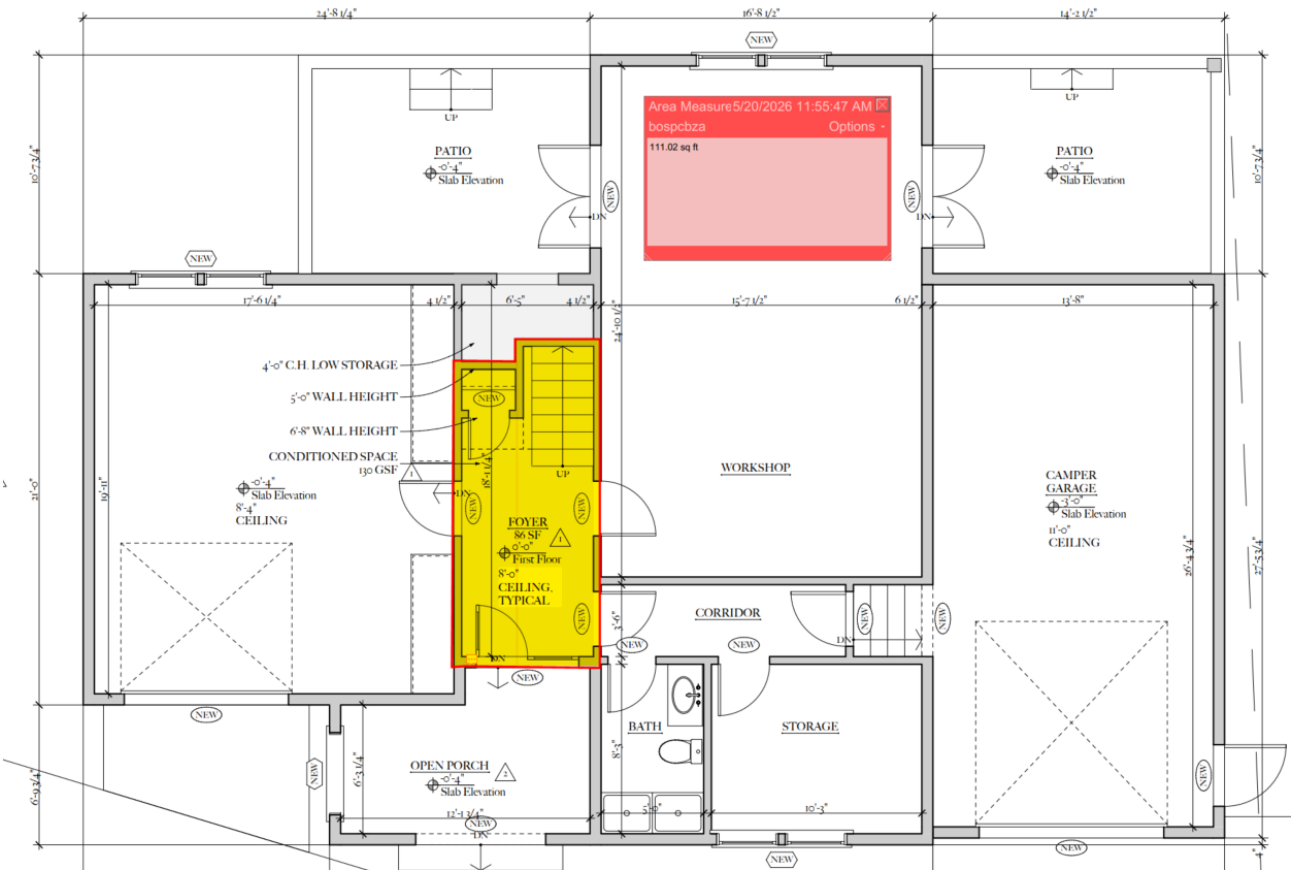

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~ ~ ~ May 20, 2026 After Agenda Items:

Action Items

- Additional Time Request, The Korean Evangelical Association of America, Inc. T/A Good Shepherd Evangelical Church of Washington - SPA-2007-SP-006, Staff recommends additional time to expire on October 18, 2028.

Mr. O'Savio moved to approve the Additional Time Request. Mr. Aminoff seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

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- Additional Time Request, Trustees of Reston Presbyterian Church - SPA-82-D-047-02, Staff recommends additional time to expire on July 1, 2027.

Vice Chairman Ballo moved to approve the Additional Time Request. Mr. Aminoff seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting. Th

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~ ~ ~ May 20, 2026 After Agenda Items:

Informational Items

- Administrative Items Report for May 20, 2026.
- Newly accepted Appeal Hinrich J. Kahrs and Lolita Kahrs - ZAPL-2026-SP-00005, which is scheduled for public hearing on July 29, 2026.
- Withdrawal letter for Master Roofing & Siding, Inc, ZAPL-2025-MV-00026, previously scheduled for public hearing on May 20, 2026.

Chairman Day instructed the Board to review the informational items for May 20, 2026

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As there was no other business to come before the Board, the meeting was adjourned at 12:18 p.m.

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Minutes by: Melissa R. Taylor

Approved on: July 8, 2026