The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, June 03, 2026. The following Board Members were present Chairman Karen L. Day; Vice Chairman Rebeccah Ballo; Sean Peiffer; Daniel Aminoff; Akida Rouzi, and Triston O'Savio (Arrived at 9:09AM). Thomas W. Smith III was absent. There is currently one vacancy on the Board

Chairman Day called the meeting to order at 9:02 a.m. She asked if there were any Board Matters to bring before the Board. As there were no Board Matters, she then discussed the policies and procedures of the Board of Zoning Appeals.

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~ ~ ~ June 03, 2026, Consent Items:

Request for Indefinite Deferral

Ryan Jacob Huaman and Ryan's Rising Scholars, LLC, SP-2025-MA-00070 to permit a home day care facility and a reduction in setback requirements based on errors in building location to permit: 1.) an accessory structure (shed) 2.0 ft. from the rear lot line and, 2.) an accessory structure (pergola) 0.5 ft. from the southwest side lot line. Located at 6702 Jefferson Ave., on approx. 8,705 sq. ft. of land zoned R-4 and HC. Mason District. Tax Map 50-4 ((13)) (5) 60.

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Request for Indefinite Deferral

Rosa Isabel Garay, SP-2025-FR-00020 to permit a home day care facility and a reduction in setback requirements based on errors in building location to allow an accessory structure (shed) to remain 2.3 ft. from the rear lot line and 1.9 ft. from the northwest side lot line. Located at 7415 Bath St., on approx. 10,400 sq. ft. of land zoned R-3. Mason District. Tax Map 80-3 ((2)) (32) 19.

Chairman Day moved to approve both items on the consent agenda.

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~ ~ ~ June 03, 2026, Scheduled case of:

Jesse R. Habourn and Mary Laurel Habourn, SP-2025-SP-00149 to permit a detached accessory living unit. Located at 11501 Chapel Rd. on approx. 2.23 ac. of land zoned R-C and WS. Springfield District. Tax Map 76-4 ((4)) 13

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Megan Riley, Staff Coordinator
- Jesse R. Habourn and Mary Laurel Habourn, Applicants

After the hearing where testimony was presented by Mr. Krasner, Ms. Riley, and Mrs. Habourn, and there being no public speakers for this case, Mr. Aminoff moved to approve special permit **SP-2025-SP-00149** for the reasons discussed during the hearing and stated in the resolution. Mr. Peiffer 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

Jesse R. Habourn and Mary Laurel Habourn, SP-2025-SP-00149 to permit a detached accessory living unit. Located at 11501 Chapel Rd. on approx. 2.23 ac. of land zoned R-C and WS. Springfield District. Tax Map 76-4 ((4)) 13. 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 3, 2026; 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-C and WS.
3. The area of the lot is 2.23 acres.
4. The Board agrees with the rationale presented in the staff report.
5. The unit will be subordinate to the main house.
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. 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, Jesse R. Habourn and Mary Laurel Habourn, only, for the location indicated on the application, 11501 Chapel Road, Clifton 20124, 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 & Notes, 11501 Chapel Road, Chapel Knolls Sec. 2 Lot 13,"* prepared by Walter L. Phillips, Inc. and dated April 16, 2026, 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 ALU is limited to a maximum of 1,121 square feet and must be in substantial conformance with the floor plan attached to these development conditions as Attachment 2.

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. Prior the occupancy of the proposed ALU the applicant must install the proposed new screening plantings between the ALU and Chapel Road as depicted on the special permit plat, subject to review and modification by the Urban Forester during grading plan approval.

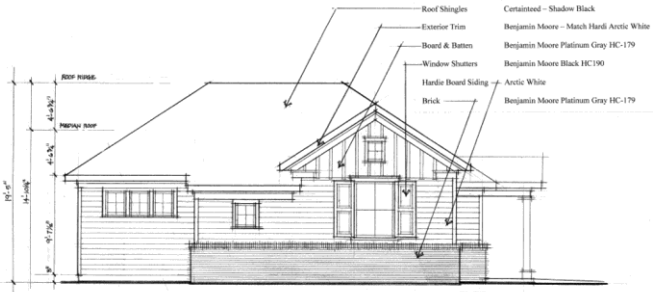
10. Within 90 days of approval of this special permit, the applicant must trim the shrubs on the west side of the driveway at Chapel Road to provide adequate sight distance for vehicles entering or existing the property.

11. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgements, 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.

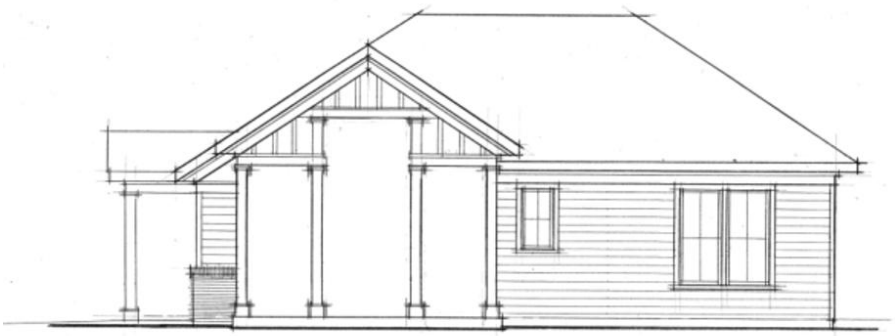
    Pursuant to Sect. 8100.4D.(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 36 months after the date of approval unless construction has commenced on the detached accessory living unit and has been diligently prosecuted. The Board of Zoning Appeals may grant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

ATTACHMENT 1:

Right Side Elevation (Entry)



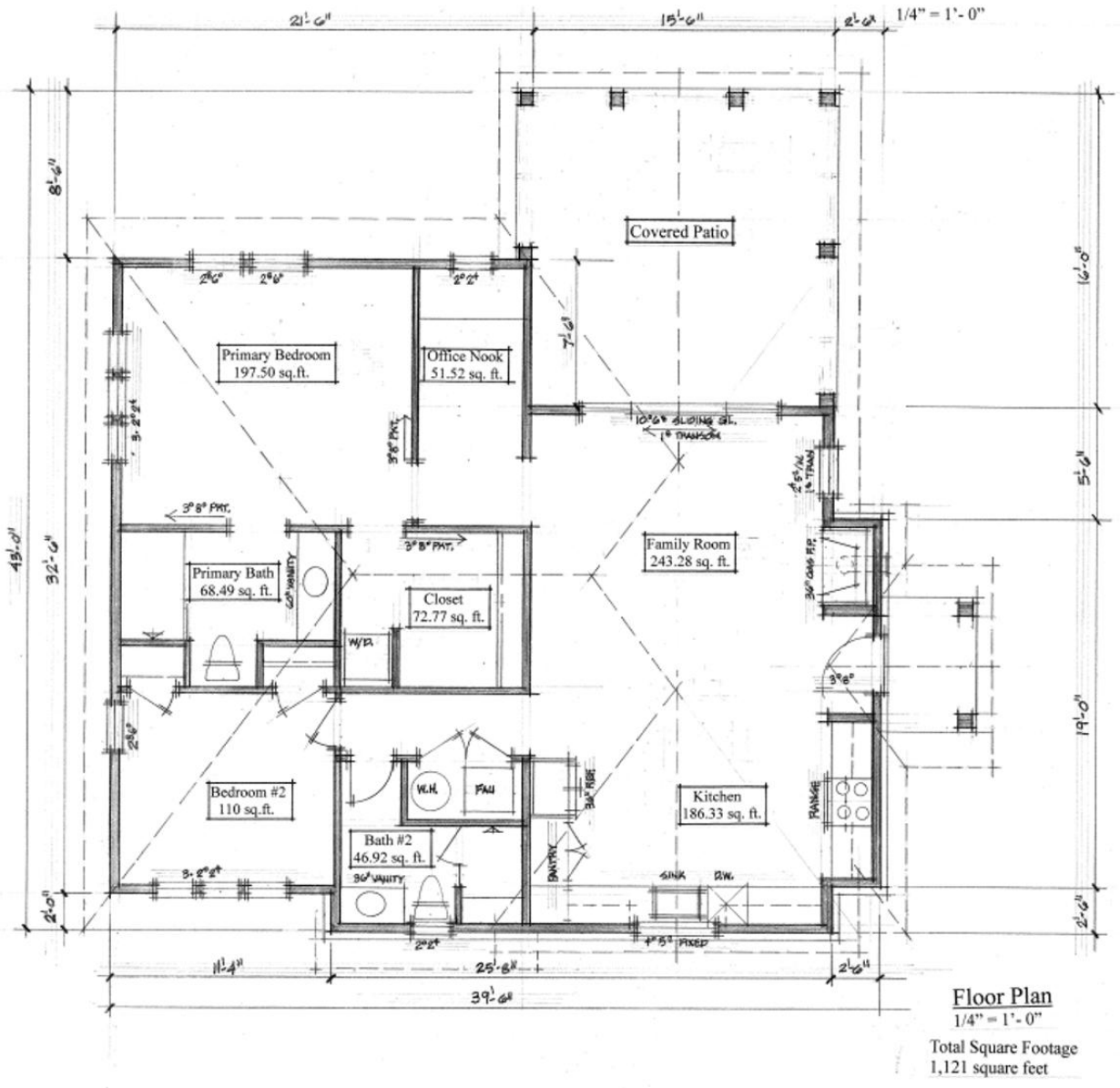
Front Elevation (Street View)



Rear Elevation
1/4" = 1'- 0"

Left Side Elevation
1/4" = 1'- 0"

ATTACHMENT 2:



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~ ~ ~ June 03, 2026, Chairman Day moved to listen to After Agenda Action items:

Action Items

- Additional Time Request, Trustees of Shining Star Community Church - SP-2022-PR-00149, Staff recommends additional time to expire on May 24, 2027. (RJ).

Vice Chairman Ballo moved to approve Additional Time Request to May 24, 2027, Chairman Day seconded the motion, which carried by a vote of 6-0.

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- Additional Time Request, Trustees of Garfield Memorial Christian Church - SP-2022-DR-00143, Staff recommends additional time to expire on November 24, 2027. (RJ)

Vice Chairman Ballo moved to approve Additional Time Request to November 24, 2027, Ms. Rouzi seconded the motion which carried by a vote of 6-0.

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~ ~ ~ June 03, 2026, Chairman Day mentioned admin items:

Informational Items

- Administrative Items Report for June 3, 2026

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The meeting recessed at 9:21 a.m. and reconvened at 9:33 a.m.

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~ ~ ~ June 03, 2026, Scheduled case of:

> **AYR Properties Sep LLC, SP-2025-MV-00115** to permit a reduction in setback requirements based on errors in building location to permit an addition 6.1 ft. from the southeast side lot line and a roofed deck (covered porch) 22.3 ft. from the front lot line. Located at 6020 Park Pl. on approx. 7,018 sq. ft. of land zoned R-4 and HC. Mount Vernon District. Tax Map 83-3 ((9)) (8) 25.

The participants in the hearing were as follows:
- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Avi Ron, Applicant

After the hearing where testimony was presented by Mr. Krasner, Mr. Lesko, and the applicant, and there being no public speakers for this case, Mr. Peiffer moved to approve in part special permit SP-2025-MV-00115 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

AYR Properties Sep LLC, SP-2025-MV-00115 to permit a reduction in setback requirements based on errors in building location to permit an addition 6.1 ft. from the southeast side lot line and a roofed deck (covered porch) 22.3 ft. from the front lot line. Located at 6020 Park Pl. on approx. 7,018 sq. ft. of land zoned R-4 and HC. Mount Vernon District. Tax Map 83-3 ((9)) (8) 25. 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 June 3, 2026; 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 and HC.
3. The area of the lot is 7,018 square feet.
4. The Board supports the application in-part.
5. The front porch can be approved, however the addition on the side must be returned to its condition upon purchase, specifically the new wall and door must be removed.
6. 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 IN PART**, with the following development conditions:

1. This special permit is approved for the location of the existing covered front porch and the screen porch addition to remain as shown on the plat titled “Plat Showing the Improvements on Lot 25, Block 8, Section Three of a Plat of Correction of Fairhaven” prepared by George M O’Quinn of Dominion Surveyors, Inc. on December 24, 2025, as submitted with this application and is not transferable to other land.

2. The applicant must obtain all applicable building permits, pass final inspection for the subject covered porch and side screen porch and restore the enclosed lower level addition to the condition it was at the time of purchase by specifically removing the new block wall and door on the side elevation which enclosed the structure within 120 days of this special permit approval.

3. The applicant must obtain all applicable building and trade permits and pass final inspection for the finished basement, kitchen, bathroom and bedroom within 120 days of special permit approval.

4. The covered porch and side screened porch must be maintained in good condition at all times or otherwise brought into compliance with the ordinance.

5. The applicant is responsible for identifying and complying with the terms of all 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.

6. Pursuant to subsection 8100.4.D(6) this special permit takes effect upon a vote of approval by the Board of Zoning Appeals.

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As there was no other business to come before the Board, the meeting was adjourned at 11:04 A.M.

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Minutes by: Stephanie Martinez Lopez

Approved on: July 8, 2026