The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, June 10, 2026. The following Board Members were present; Chairman Karen L. Day; Vice Chairman Rebeccah Ballo; Daniel Aminoff; Akida Rouzi; and Sean Peiffer. Thomas Smith II and Triston O'Savio were absent from the meeting. There is 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.

~ ~ ~ June 10, 2026, Consent Agenda:

Approval of Minutes; April 29, May 6, & May 13, 2026.

Chairman Day stated that the minutes were approved without objection.

Auma RE Holdings LLC, SP-2025-SP-00059 Reduction in setback requirements to permit a two-story addition 13.4 feet from the rear lot line and a one-story screened porched addition with an open deck above 13.4 away from the rear lot line. Located at 7806 Virginia Dr., on approx. 10,724 sq. ft. of land zoned R-3. Springfield District. Tax Map 98-2 ((21)) 4. (Deferred from 2/4/2026) (Continued from 5/6/2026)

The participants in the hearing were as follows:

- Brent Krasner, Branch Chief Department of Planning & Development

Mr. Krasner stated that there were issues with the original proffers and the subdivision, and that the applicant had hired an arborist do to an assessment of the trees and impacts from their proposed addition, therefore the applicants requested a continuance of this case. Vice-Chairman Ballo moved to continue **SP-2025-SP-00059** to July 16, 2026. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Triston O'Savio and Thomas Smith II were absent from the meeting.

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~ ~ ~ June 10, 2026, Scheduled Public Hearing:

The Ngoc Nguyen, ZAPL-2026-BR-00003 An appeal of a Notice of Violation for accessory structures located in the front yard of a lot of 36,000 square feet or less, in violation of Zoning Ordinance provisions. Located at 9506 Old Creek Drive, Fairfax, VA 22032. Approx. 10,530 sq. ft. of land, zoned R-2, Braddock District, Tax Map 69-1 ((3)) 168.

The participants in the hearing were as follows:

- Sara Penyak, Branch Chief Zoning Administration Division
- Christopher Evans, Staff Coordinator'
- The Ngoc Nguyen, Appellant
- Phulong Yuu, Interpreter
- Peter Basanti, Assistant County Attorney, Office of the County Attorney
- Speaker:
    - Manny Aguilar, 9504 Oakwood Drive

Mr. Evans presented the case to the board and explained that the appellant had placed pergolas in the front yard, which are not permitted in the Zoning Ordinance. Department of Code Compliance originally documented the structures as trellises, however upon further investigation it was determined that the structures were in fact pergolas, and therefore issued the Notice of Violation. Ms. Nguyen explained, through a Vietnamese interpretation provided by Ms. Yuu, that she had a spinal injury from a car accident which caused intense back pain when trying to maintain her garden green space that she enjoys. She further explained that the pergola

allows her to weed to prevent overgrowth and invasive insects, which she would otherwise not be able to tend to due to her injury pain. The hearing was opened to the public and there was one public speaker in support of the appellant. The hearing was closed and Ms. Rouzi moved to uphold the determination of the Zoning Administrator and cited the following justifications:

- The written laws do not allow the board to take into consideration the medical documents provided by the appellant with regard to land use cases.
- The appellant has not provided any evidence to demonstrate that the Zoning Administrator was incorrect in the determination.
- The evidence demonstrates that the structures are pergolas, which are prohibited in the front yard of lots less than 3600 square feet.
- The Zoning Administrator was correct in her determination.

. Vice-Chairman Ballo. seconded the motion, which carried by a vote of 5-0. Triston O'Savio and Thomas Smith II were absent from the meeting.

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~ ~ ~ June 10, 2026, Scheduled Public Hearing:

> **Vincent and Brandy Russell, SP-2025-SP-00145** to permit a reduction in setback requirements to permit an addition 19.7 ft. from the rear lot line. Located at 11322 Edenderry Dr. on approx. 25,435 sq. ft. of land zoned R-C and WS. Springfield District. Tax Map 67-2 ((3)) 42.

The participants in the hearing were as follows:

- Brent Krasner, Branch Chief Department of Planning & Development
- Megan Rile, Staff Coordinator
- Vincent Russel, Applicant

After the hearing where testimony was presented by Ms. Riley, Mr. Krasner, and Mr. Russel, and there being no public speakers for this case, Vice-Chairman Ballo. moved to approve **SP-2025-SP-00145** for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Triston O'Savio and Thomas Smith II were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA
SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Vincent and Brandy Russell, SP-2025-SP-00145 to permit a reduction in setback requirements to permit an addition 19.7 ft. from the rear lot line. Located at 11322 Edenderry Dr. on approx. 25,435 sq. ft. of land zoned R-C and WS. Springfield District. Tax Map 67-2 ((3)) 42. 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 Jun 10, 2026; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-C and WS.
3. The area of the lot is 25,435 square feet.
4. The Board adopts the facts findings and rationale of the staff report.
5. The location of the dwelling is not centered and is situated approximately 100 feet from the front lot line due to the drainage field.
6. Due to the location at the far rear corner of the lot, there is no room for any additions to this house that can be placed at the back that would not require a special permit

7. The proposed modification is well designed and will have no negative impact on the existing properties in the surrounding area.
8. 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 must be provided to the Zoning Permits Section, Department of Planning and Development.

2. This special permit is granted only for the location of the proposed screened porch addition as indicated on the plat titled “Special Permit Plat, Lot 42, R.J.L.’s Addition to Brecon Ridge, Springfield Magisterial District”, prepared by Scartz Surveys, dated December 29, 2025, consisting of one sheet, and 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 (2,405 square feet existing + 3,607.5 square feet (150%) = 6,012.5 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 setback requirements will be permitted without an amendment to this special permit.

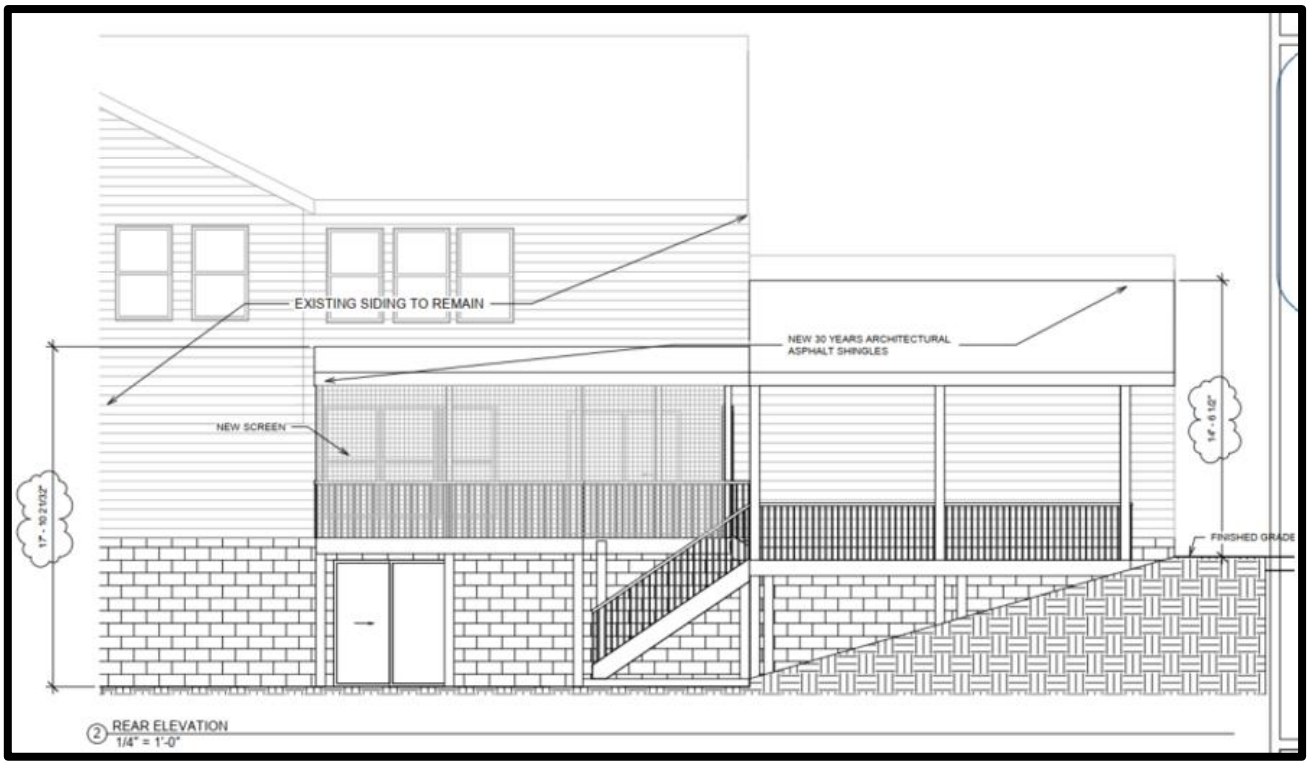
4. The screened porch addition must be generally consistent with the design as depicted in the architectural elevations shown on Attachment 1 to these conditions.

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/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.

6. Pursuant to Article 8100.4.D (6) of the Zoning Ordinance, this special permit automatically expires, without notice, 36 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.

ATTACHMENT 1:



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~ ~ ~ June 10, 2026, Scheduled Public Hearing:

> **Trustees of McLean Baptist Church, SPA-85-D-084** to amend SP-85-D-084 previously approved for a religious assembly to permit a child care center. Located at 1367 Chain Bridge Rd., 1318 Calder Road, 1320 Calder Road, and 1322 Calder Road on approx. 3.24 ac. of land zoned R-2, HC, SC and CRD. Dranesville District. Tax Map 30-2 ((13)) 10, 11, 12, 13.

The participants in the hearing were as follows:

- Brent Krasner, Branch Chief Department of Planning & Development
- Sunny Yang, Staff Coordinator
- Sonya Meyer, Applicant

After the hearing where testimony was presented by Ms. Yang, Mr. Krasner, and Ms. Meyer, and there being no public speaker for this case. Vice-Chairman Ballo. moved to approve SPA-85-D-084 the reasons stated in the Resolution. Mr. Peiffer seconded the motion, which carried by a vote of 5-0. Thomas Smith II and Triston O'Savio were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA
SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Trustees of McLean Baptist Church, SPA-85-D-084 to amend SP-85-D-084 previously approved for a religious assembly to permit a childcare center. Located at 1367 Chain Bridge Rd., 1318 Calder Road, 1320 Calder Road, and 1322 Calder Road on approx. 3.24 ac. of land zoned R-2, HC, SC and CRD. Dranesville District. Tax Map 30-2 ((13)) 10, 11, 12, 13. 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 June 10, 2026; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-2, HC, SC and CRD.
3. The area of the lot is 3.24 acres.
4. The Board adopts the facts, findings, and rationale of the staff report.
5. The Fairfax County Department of Transportation) determined that a transportation study was not necessary due to the minimal trips the proposed use would generate.
6. There were no other issues raised regarding this special permit application.
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. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the locations indicated on the application, 1367 Chain Bridge Road, 1318, 1320, 1322 Calder Road, McLean 22101, and is not transferable to other land.

2. This approval is granted for a religious assembly with child care center use and the associated improvements as indicated on the special permit amendment plat entitled “Special Permit Drawing, McLean Baptist Church”, prepared by KC Price, dated February 23, 2026, and approved with this application, as qualified by these development conditions.

3. A copy of this Special Permit and the Non-Residential Use Permit must be posted in a conspicuous place on the property.

4. This use is subject to the provisions set forth in Article 17, Site Plans.

5. All parking for this use must be on site.

6. Transitional screening requirements are modified along the northern property line where adjacent to residential uses in favor of the existing vegetation. The existing vegetation between Lot 10 and the northern church parking lot must be maintained.

7. A maximum of301 seats are permitted in the sanctuary. A corresponding minimum of 88 parking

spaces and a maximum of 112 parking spaces must be provided on site.

8. The barrier requirements are waived along the northern property line where adjacent to residential uses except the existing fences between Lots 9 and 10 and between Lot 10 and the northern church parking lot must be maintained or replaced with another barrier of similar design and quality.

9. Signs, including temporary signs, must conform to the requirements in Article 7 of the Zoning Ordinance.

10. The regular hours of operation for the child care center are limited to 7:30 A.M. to 6:00 P.M., Monday through Friday.

11. The total maximum daily enrollment for the child care center is limited to 75 children.

12. The maximum number of children using the play areas must adhere to the limitations in Sect. 4102.4.C of the Fairfax County Zoning Ordinance.

13. All pick-up/drop-off associated with the child care center must be on site.

14. At the time of enrollment, and then at the beginning of each school year, the applicant must distribute the drop-off and pick-up plan to parents/guardians informing them of the circulation patterns, procedures, and preferred parking areas.

15. The applicant must remove the 10 parking spaces adjacent to the outdoor play area and install at least 4 bicycle parking spaces at the location shown on the special plat prior to the issuance of Non-RUP for the child care center.

16. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/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.

17. Pursuant to Sect. 8100.4.D(6)(a)3 of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

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~ ~ ~ June 10, 2026, Scheduled Public Hearing:

> **Washington Baptist Church, SP-2026-BR-00001** to amend S-43-79 previously approved for a religious assembly to permit a change in permittee and modifications to site and development conditions. Located at 5610 Inverchapel Rd. on approx. 2.55 ac. of land zoned R-3. Braddock District. Tax Map 79-2 ((3)) (3) C.

The participants in the hearing were as follows:

- Brent Krasner, Branch Chief Department of Planning & Development
- Brandon Lesko, Staff Coordinator
- Dae Kim, Applicant

After the hearing where testimony was presented by Mr. Lesko , Mr. Krasner, and , and there being no public speaker for this case. Mr. Peiffer moved to approve SP-2026-BR-00001 the reasons stated in the Resolution. Vice-Chairman Ballo seconded the motion, which carried by a vote of 5-0. Thomas Smith II and Triston O'Savio were absent from the meeting. There is one (1) vacancy on the Board.

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COUNTY OF FAIRFAX, VIRGINIA
SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Washington Baptist Church, SP-2026-BR-00001 to amend S-43-79 previously approved for a religious assembly to permit a change in permittee and modifications to site and development conditions. Located at 5610 Inverchapel Rd. on approx. 2.55 ac. of land zoned R-3. Braddock District. Tax Map 79-2 ((3)) (3) C. Mr. Peiffer 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 10, 2026, and

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

1. The applicants are the owners of the land.
2. The present zoning is R-3.
3. The area of the lot is 2.55 acres.
4. The Board has extended the timeline to 120 days to enable the applicant come into compliance with condition #6 related to the RPA.
5. The applicant has read, understands, and concurs with the proposed development conditions.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

1. This special permit amendment approval is granted to the applicant only, Washington Baptist Church, and is not transferable without further action of this Board and is for the location indicated on the application 5610 Inverchapel Road, Springfield, (2.55 acres) and is not transferable to other land.

2. This special permit amendment is granted only for a religious assembly as indicated on the special permit plat titled “ALTA/NSPS Land Title Survey” prepared Chad E. Jernigan of CAP Land Surveying, PLLC prepared on February 20, 2025, and approved as qualified by these development conditions.

3. A copy of this Special Permit Amendment must be posted in a conspicuous place on the property.

4. The seating capacity in the main area of worship is limited to 160 people.

5. Parking must be provided as depicted on the special permit amendment plat and must consist of a minimum of 54 parking spaces. All parking must be on site.

6. The applicant must within 120 days of approval of this special permit, file a Water Quality Impact Assessment (WQIA) and RPA waiver request as determined by Land Development Services for the outdoor play area.

7. The transitional screening requirement along western side lot line is modified in favor of the existing evergreen plantings.

8. The transitional screening requirement along the eastern side lot line is modified in favor of the proposed plantings shown on the special permit plat and specified herein. Accordingly, the applicant must, within 180 days of approval of this special permit amendment install a straight or staggered row of native evergreen trees and/or shrubs that are at least 4 feet in height at the time of planting and are of a species that will attain a height of at least 6 feet at maturity.

9. The barrier requirement is waived along all lot lines.

10. All signs on the property must conform to the provisions of Article 7 of the Zoning Ordinance including the limitation on number of freestanding signs permitted and obtaining approval of a sign permit prior to installation or modification.

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 Article 8100.4.D(6) of the Zoning Ordinance, this special permit automatically expires, 36 months after the date of approval unless the religious assembly use has been established and new non-RUP obtained. The Board of Zoning Appeals may grant additional time to establish the use 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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~ ~ ~ June 10, 2026, Scheduled Public Hearing:

> **Hoang Yen Luu, ZAPL-2026-PR-00002** An appeal of a determination that a second dwelling unit cannot be re-established or rebuilt on the subject property. Located at 9100 and 9104 (second structure) Little River Turnpike, Fairfax, VA 22031. Approx. 1.67 acres of land, zoned R-1, Providence District, Tax Map 58-4 ((9)) 5.

The participants in the hearing were as follows:

- Sara Penyak, Branch Chief, Zoning Administration Division
- Pamela Pineros, Staff Coordinator
- Peter Basanti, Assistant County Attorney, Office of the County Attorney
- Hoang Yen Luu, Appellant

Ms. Pineros presented the appeal application to the board and stated that the subject property had an unpermitted second structure since 1953. In December of 2024 a fire occurred in the basement of the second structure, and the appellant inquired to rebuild an existing single family dwelling unit on the property due to the fire. Staff determined that the second structure could not be re-built or established due to the Zoning Ordinance allowing one dwelling unit per lot. Ms. Luu argued that staff's report contained errors, the structure is legally non-conforming and vested under Virginia Law, and she has the lawful right to rebuild after the fires. The hearing was opened to the public and there were no public speakers. The hearing was closed and Mr. Aminoff moved to uphold the determination of the Zoning Administrator and cited the following justifications:

- The Zoning Administrator has determined that the second structure was never legally established as a dwelling, and the board also finds no record of this being the case.
- The structure can be rebuilt, but it cannot be established as a residence due to the Zoning Ordinance prohibitions for a detached accessory dwelling unit on a property of less than 2 acres.
- The appellant had the burden to prove that this was established as a residential use and has not done so.
- The structure being taxed and having its own address does not prove that the structure was a dwelling unit.
- The Zoning Administrator was correct in her determination.

Vice Chairman Ballo seconded the motion, which carried by a vote of 5-0. Triston O'Savio and Thomas Smith II were absent from the meeting.

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As there was no other business to come before the Board, the meeting was adjourned at 11:45 AM.

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Minutes by: Michelle F. Holland

Approved on: July 22, 2026