

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, January 29, 2025. The following Board Members were present; Chairman Karen Day; Daniel Aminoff; Triston O'Savio; Clair McDade; Akida Rouzi and Rebecca Ballo. Vice Chairman Dontè Tanner and Thomas Smith were absent from the meeting

Chairman Day called the meeting to order at 9:00 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. Chairman Day called for the first scheduled case.

~ ~ ~ January 29, 2025, Scheduled case of:

Lorton GSA, LLC, VC-2024-MV-00016.

Chairman Day noted that application VC-2024-MV-00016 has been administratively moved to February 12, 2025.

//

~ ~ ~ January 29, 2025, Scheduled case of:

Debre Qusquam Kidist Mariam Ethiopian Orthodox Tewahido Church Corp., SP-2024-MA-00068 to permit construction of a religious assembly. Located at 5406 Carolina Pl., on approx. 1.01 ac. of land zoned R-2. Mason District. Tax Map 80-2 ((1)) 45

Chairman Day noted that application SP-2024-MA-00068 had been administratively moved to April 02, 2025.

//

~ ~ ~ January 29, 2025, Scheduled case of:

Mahtab Sarvari and My Little Stars LLC, SP-2024-SU-00064 to permit a home day care facility. Located at 12100 Vale Rd., on approx. 1.0 ac. of land zoned R-1. Sully District. Tax Map 46-1 ((1)) 10.

Chairman Day noted that there was a request to defer application SP-2024-SU-00064 until April 2, 2025.

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

Ms. Rouzi moved to defer SP-2024-SU-00064 to April 2, 2025, at 9:00 a.m. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. McDade was absent from the vote. Vice Chairman Tanner and Mr. Smith were absent from the meeting.

//

~ ~ ~ January 29, 2025, Scheduled case of:

Thomas Lowell Murphy and Anna Kate Patton Murphy, SPA-2021-BR-043, to amend SP-2021-BR-043, previously approved for a reduction in setback requirements to permit an addition 6.2 ft. from the side lot line, to allow for a reduction in setback requirements to permit an addition 18.5 ft. from the rear lot line. Located at 8505 Parliament Dr., on approx. 12,675 sq. ft. of land zoned R-3. Braddock District. Tax Map 70-3 ((4)) 298. .

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Staff Coordinator
- Schuyler Ahrens, Applicant agent

After the hearing where testimony was presented by Ms. Yang, Mr. Krasner, and Mr. Ahrens, and there being no public speakers for this case, Mr. Aminoff moved to approve SPA-2021-BR-043 for reasons stated

in the Resolution. Ms. Ballo seconded the motion, which carried by a vote of 6-0. Vice Chairman Tanner and Mr. Smith were absent from the meeting.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Thomas Lowell Murphy and Anna Kate Patton Murphy, SPA-2021-BR-043, to amend SP-2021-BR-043, previously approved for a reduction in setback requirements to permit an addition 6.2 ft. from the side lot line, to allow for a reduction in setback requirements to permit an addition 18.5 ft. from the rear lot line. Located at 8505 Parliament Dr., on approx. 12,675 sq. ft. of land zoned R-3. Braddock District. Tax Map 70-3 ((4)) 298. 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 January 29, 2025; 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 12,675 square feet.
4. 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 for the location of the garage addition as shown on the special permit plat, entitled "Special Permit Plat Lot 298, Section 22, Kings Park", prepared by Patrick A. Eckert dated March 8, 2024 and revised through December 4, 2024, as submitted with this application and is not transferable to other land.
3. Pursuant to 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 (2,010 square feet existing + 3,015 square feet (150%) = 5,025 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 must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
5. The applicant must remove the existing shed and gravel patio within the RPA within 120 days of the special permit amendment approval.
6. The applicant must bring the garage addition into compliance with SP 2021-BR-043 within 120 days of the special permit amendment approval.
7. 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 plat. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
8. 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 new 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.

ATTACHMENT 1: Architectural Drawings for the Proposed Addition

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Sariam Kudapa, Applicant

After the hearing where public testimony was presented by Mr. Lesko, Mr. Krasner, and Ms. Kudapa, and there being no public speakers for this case, Ms. Ballo moved to approve SP-2024-DR-00049 according to the reasons stated in the resolution and to add a new #6 to the development conditions the fence will be lowered within 180 days. Ms. Rouzi seconded the motion, which carried by a vote of 5-1. Chairman Day voted against the motion. Vice Chairman Tanner and Mr. Smith were absent from the meeting.

//

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Sariam Kudapa and Sowmya Thota, SP-2024-DR-00049 to permit a reduction of setback requirements based on errors in building location to permit an open deck to remain 6.4 ft. from the side lot line. Located at 10410 Cavalcade St., on approx. 36,226 sq. ft. of land zoned R-1. Dranesville District. Tax Map 12-2 ((17)) 32. Ms. 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 January 29, 2025; 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-1.
3. The area of the lot is 36,226 square feet.
4. The noncompliance was due to no fault of the owner.
5. This will not have an adverse impact on the adjacent neighbor.
6. There are no RPAs or large trees of concern that were affected by the deck.
7. The board understands the applicant hired a contractor who created the issue
8. The applicant has read, understands, and concurs with the proposed modifications to the 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. This special permit is approved for the location of the existing attached open deck to remain as shown on the plat titled, "Special Permit Plat, Forestville Meadows, Lot 32, prepared by Ram L. Pradhan of Inova Engineering Consultants on August 14, 2024 and revised September 16, 2024, as submitted with this application and is for the location indicated on this application, 10410 Cavalcade Street, Great Falls, 22066 not transferable to other land. Notwithstanding the note on the plat indicating their removal, the stairs attached to the deck may remain.
2. The applicants must obtain all required building and trade permits and pass final building inspections for the open deck which is the subject of this special permit and for the attached pergola, within 120 days of approval of this special permit.
3. The open deck must be maintained in good condition at all times.
4. Within 120 days of approval of this application, the section of fence in the front yard a must be lowered to no greater than 4.0 feet in height as indicated on the plat.
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.

//

~ ~ ~ January 29, 2029, Scheduled case of:

Kyu H. Chong – ZAPL-2024-HM-00013 An appeal of a Notice of Violation that the appellant has a child's play structure/tree house located in the front yard on property less than 36,000 sq. ft.; an accessory structure (shed), which is greater than 8.5 feet to 12 feet in height, does not meet the location regulations for the minimum required distance to the to the side and rear lot lines; and a fence exceeding four feet in height in the front yard, on a corner lot in the R-1 District, in violation of Zoning Ordinance provisions. Located at 1645 Irvin Street, Vienna, VA 22182. Approx. 26,116 sq. ft. of land, zoned R-1, Hunter Mill District, Tax Map 28-4 ((10)) 49.

The participants in the hearing were as follows:

- Christopher Evans, Staff Coordinator
- Sara Morgan, Senior Planner
- Chris Sigler, Office of the County Attorney
- Rebecca Parsons, DCC Inspector
- Bill Mayland, Assistant Zoning Administrator
- Aristotelis Chronis, Attorney for applicant
- Kyu H. Chong, Applicant

After the hearing where public testimony was presented by Mr. Evans, Sara Morgan, Mr. Sigler, Ms. Parsons, Mr. Mayland, Mr. Chong, and Mr. Chronis, and there being no public speakers for this case, Ms. Rouzi moved to deny appeal application ZAPL-2024-HM-00013 because the board did not find any errors in the notice of violation. Ms. Ballo seconded the motion, which carried by a vote of 5-1. Ms. McDade voted against the motion. Vice Chairman Tanner and Mr. Smith were absent from the meeting.

//

~ ~ ~ January 29, 2025, After Agenda Items

Item 1: Informational on filing

Sara Morgan explained that the reason for the administrative move for ZAPL-2024-MA-00020, Philip Le and Noelle Nguye was because of the possibility that the Notice of Violation may need to be re-issued and staff is working with the Appellants.

Approval of Minutes: May 15, 2024, May 22, 2024, June 5, 2024, June 12, 2024 & June 26, 2024.

Mr. O'Savio moved to approve the Minutes. Ms. Rouzi seconded the motion, which carried by a vote of 6-0. Vice Chairman Tanner and Mr. Smith were absent from the meeting.

//

As there was no other business to come before the Board, the meeting was adjourned at 11:27 A.M.

//

Minutes by: Stephanie Martinez Lopez

Approved on: March 19, 2025