The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, February 11, 2026. The following Board Members were present Chairman Karen L. Day; Sean Peiffer; Daniel Aminoff; Akida Rouzi (Arrived at 9:03AM); and Thomas W. Smith III. Vice Chairman Rebeccah Ballo; Clair McDade, and Triston O'Savio were absent.

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.

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~ ~ ~ February 11, 2026, Consent Items

APPROVAL OF January 14, 2026, MINUTES.

Chairman Day moved to approve the Consent Agenda, Mr. Peiffer seconded the motion, which carried by a vote of 5-0. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ February 11, 2026, Scheduled case of:

Gina S. Healy and Joseph P. Healy, SP-2025-SP-00049 to permit a reduction of setback requirements to permit an addition 5.0 ft. and an open deck 6.3 ft. from the southeast side lot line. Located at 4894 Annamohr Dr., on approx. 13,696 sq. ft. of land zoned R-2 (Cluster) and WS. Springfield District. Tax Map 55-2 ((8)) 36.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Gina S. Healy, Applicant
- Mike Rendon, Agent for the Applicants
- Nimisha Thesia, Fairfax County LDS

After the hearing where testimony was presented by Mr. Krasner, Mr. Lesko, and Mr. Rendon , and there being no public speakers for this case, Mr. Aminoff moved to approve special permit SP-2025-SP-00049 for the reasons discussed during the hearing and stated in the resolution. Mr. Peiffer seconded the motion, which carried by a vote of 5-0. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Gina S. Healy and Joseph P. Healy, SP-2025-SP-00049 to permit a reduction of setback requirements to permit an addition 5.0 ft. and an open deck 6.3 ft. from the southeast side lot line. Located at 4894 Annamohr Dr., on approx. 13,696 sq. ft. of land zoned R-2 (Cluster) and WS. Springfield District. Tax Map 55-2 ((8)) 36. 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 February 11, 2026; and

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

1. The owner of the land is the applicant.
2. The present zoning is R-2 (Cluster) and WS.
3. The area of the lot is 13,696 square feet.
4. Separate from this approval, the applicant will need approval of an administrative exception under the provisions of Chesapeake Bay Preservation Ordinance.
5. The applicant has read, understands, and concurs with the modifications to the 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 applicants among the land records of Fairfax County for this lot prior to the issuance of a building permit for the proposed improvements. 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 screen porch addition and open deck as shown on the plat “Special Permit Plat, Lot 36, Berkshire Woods” prepared by Larry N. Scartz of Scartz Surveys revised through November 10, 2025 consisting of one sheet, and approved with this application, as qualified by these development conditions.

3. The subject screen porch and open deck must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.

4. Pursuant to 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 (4,112 square feet existing +

6,168 square feet (150%) 10,280 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 must be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum setback requirements are permitted without an amendment to this special permit.

5. The applicants must within 90 days of approval of this special permit, file a Floodplain User Determination (FPUD), Water Quality Impact Assessment (WQIA), and a Chesapeake Bay Preservation Ordinance Exception request for the proposed addition, removal of the existing concrete pad, and alterations to the concrete walkway, as determined by Land Development Services.

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 proper 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 automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the screen porch and/or open deck and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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~ ~ ~ February 11, 2026, Scheduled case of:

Michel Gonzalo Vasquez Lopez, Katherine Cintya Maldonado Tapia, and Tiny Tots Kingdom inc., SP-2025-PR-00095 to permit a home day care facility and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 2.0 ft. from the north side lot line and 2.7 ft. from the rear lot line. Located at 3002 Lawrence Dr., on approx. 10,262 sq. ft. of land zoned R-4. Providence District. Tax Map 50-3 ((15)) 156.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Michel Vasquez, Applicant

After the hearing where testimony was presented by Mr. Krasner, Mr. McCadden, and the applicant, and there being no public speakers for this case, Mr. Peiffer moved to approve special permit SP-2025-PR-00095 for the reasons stated in the resolution**.** Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Michel Gonzalo Vasquez Lopez, Katherine Cintya Maldonado Tapia, and Tiny Tots Kingdom Inc., SP-2025-PR-00095 to permit a home day care facility and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 2.0 ft. from the north side lot line and 2.7 ft. from the rear lot line. Located at 3002 Lawrence Dr., on approx. 10,262 sq. ft. of land zoned R-4. Providence District. Tax Map 50-3 ((15)) 156. 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 February 11, 2026; and

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

1. The owner of the land is the applicant.
2. The present zoning is R-4.
3. The area of the lot is 10,262 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 a home day care as contained in Sect. 4102.7.I of the Zoning Ordinance, the Board has determined that:

1. A home day care facility must be operated by the provider within the provider's primary residence. Except during emergency situations, the provider must be on the premises while the home day care facility is in operation, subject to the following exceptions:

   a. A day care provider may operate in a dwelling other than the provider's own if the dwelling is the primary residence of at least one of the people being cared for by the provider. This day care provider will comprise the one nonresident person allowed by subsection (3) below.

   b. A substitute care provider may operate a home day care facility in the absence of the provider for a maximum of 240 hours per calendar year.

2. There must be no exterior evidence that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by subsection 4102.7.A are allowed. No sign is allowed, other than yard signs as permitted under subsection 7100.4.E.

3. A maximum of 12 children may be cared for in a home day care facility at any one time, excluding the provider's own children.

4. The BZA will review access to the site and all existing and proposed parking, including the availability of on-street parking and any alternative drop off and pick up areas located in proximity to the use, to determine if the proposed parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on-site at any one time.

5. The BZA may require the provision of landscaping and screening based on the specifics of each application.

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.

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

1. This approval for a home day care facility is granted to the applicants, Michel Gonzalo Vasquez Lopez, Katherine Cintya Maldonado Tapia, and Tiny Tots Kingdom, Inc., and is not transferable without further action of the Board, is for the location indicated on the application, described as Tax Map #50-3 ((15)) 156, and addressed at 3002 Lawrence Drive, Falls Church 22042, and is not transferable to other land.

2. This special permit is granted only for the home day care use and the location of the existing shed as indicated on the plat titled “Special Permit Plat, Lot 156, Fenwick Park”, prepared by Larry N. Scartz of Scartz Surveys, dated July 9, 2025 as revised through July 22, 2025, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit must be posted in a conspicuous place on the property.

4. The hours of operation of the home day care facility are limited to 6:00 a.m. to 10:00 p.m., Monday to Friday .

5. The dwelling that contains the home day care facility must be the primary residence of the applicants.

6. Excluding the applicants’ own children, the maximum number of children permitted at the home day care facility at any one time must not exceed twelve (12) children.

7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home day care facility. The home day care facility must be operated in accordance with 22 VAC 40-111-570 staffing requirements.

8. The home day care must operate only in the basement of the dwelling including the activities and dining area, baby play area, storage room, and bathroom as shown on the floor plan submitted with this application and included as Attachment 1.

9. There must be no signage associated with the home day care facility.

10. All pick up and drop off of children must take place within the driveway of the subject property. The driveway must be kept open during the hours of operation of the home day care facility for this purpose.

11. Any portions of the dwelling associated with the home day care facility that are used as a children's sleeping area or rest area must be located in a room with an operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings must be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home day care facility.

13. The home day care facility must be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards.

14. The shed must remain locked during the hours of operation of the home day care facility.

15. The shed must be maintained in good condition at all times or otherwise brought into compliance with the ordinance.

16. 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 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) 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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~ ~ ~ February 11, 2026 After Agenda Items:

Informational Items

- Administrative Items Report for February 11, 2026.
- Acceptance letter regarding Hoa Pham and Minh Nguyen, ZAPL-2026-SP-00001, which is scheduled for public hearing on April 29, 2026.

Chairman Day instructed the Board to review the administrative and informational items for February 11, 2026

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As there was no other business to come before the Board, the meeting was adjourned at 9:30 A.M.

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Minutes by: Stephanie Martinez Lopez
Approved on: March 11, 2026