The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, April 08, 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 and Triston O'Savio were absent. There is currently one vacancy on the board.

Chairman Day called the meeting to order at 9:03 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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~ ~ ~ April 08, 2026, Scheduled case of:

Claudia C. Tramontana and First Years Learning Center LLC, SP-2025-MV-00072 to permit a Home Day Care Facility and reduction in setback requirements based on an error in building location to permit a roof eave 36.5 ft. from the front lot line. Located at 7729 Pohick River Dr. on approx. 23,500 sq. ft. of land zoned R-1. Mount Vernon District. Tax Map 107-4 ((4)) 25.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Claudia C. Tramontana, Applicant

After the hearing where testimony was presented by Mr. Krasner, Ms. Santiago, and Ms. Tramontana, and there being no public speakers for this case, Mr. Peiffer moved to approve special permit SP-2025-MV-00072 for the reasons discussed during the hearing and stated in the resolution. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. Rouzi and Mr. Smith were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Claudia C. Tramontana and First Years Learning Center LLC, SP 2025-MV-00072 to permit a Home Day Care Facility and reduction in setback requirements based on an error in building location to permit a roof eave 36.5 ft. from the front lot line. Located at 7729 Pohick River Dr. on approx. 23,500 sq. ft. of land zoned R-1. Mount Vernon District. Tax Map 107-4 ((4)) 25. 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 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 April 08, 2026; and

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

1. The applicant is the property owner.
2. The present zoning is R-1.
3. The area of the lot is 23,500 square feet.
4. It is possible that the eave could already be vested. However, the Board can approve the eave as an error in building under this application.

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 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.

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

1. The approval for the home day care use is granted to the applicants, Claudia C. Tramontana and First Years Learning Center LLC, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 7729 Pohick River Drive, Lorton 22079, 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 decorative roof eave above the garage as indicated on the plat entitled, “Special Permit Plat, Lt 25, Pohick River Pines,” prepared by Scartz Surveys, dated September 12, 2025, and revised on January 8, 2026, as submitted with this application and qualified by these development conditions.

3. The hours of operation of the home day care facility are limited to 7:30 a.m. to 5:00 p.m., Monday through Friday.

4. Excluding the applicant’s own children, the maximum number of children on site at any one time is limited to twelve (12).

5. A maximum of two (2) non-resident employees, whether paid or not for their services, may be involved in the home child (day) care facility, limited to the hours of 7:30 a.m. to 5:00 p.m. The child day facility must be operated in accordance with 22 VAC 40-111-570.

6. No signage is permitted associated with the home day care facility.

7. All drop-off and pick-up activities must occur in the applicant’s driveway.

8. The applicant must cease operations at her current Winstead Manor facility, approved under SEA 2015-MV-003 prior to beginning operations at the subject location.

9. Any portions of the dwelling associated with the home day care facility that are used as a children’s sleeping 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.

10. The approval of the use is contingent upon the initial issuance and continued 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.

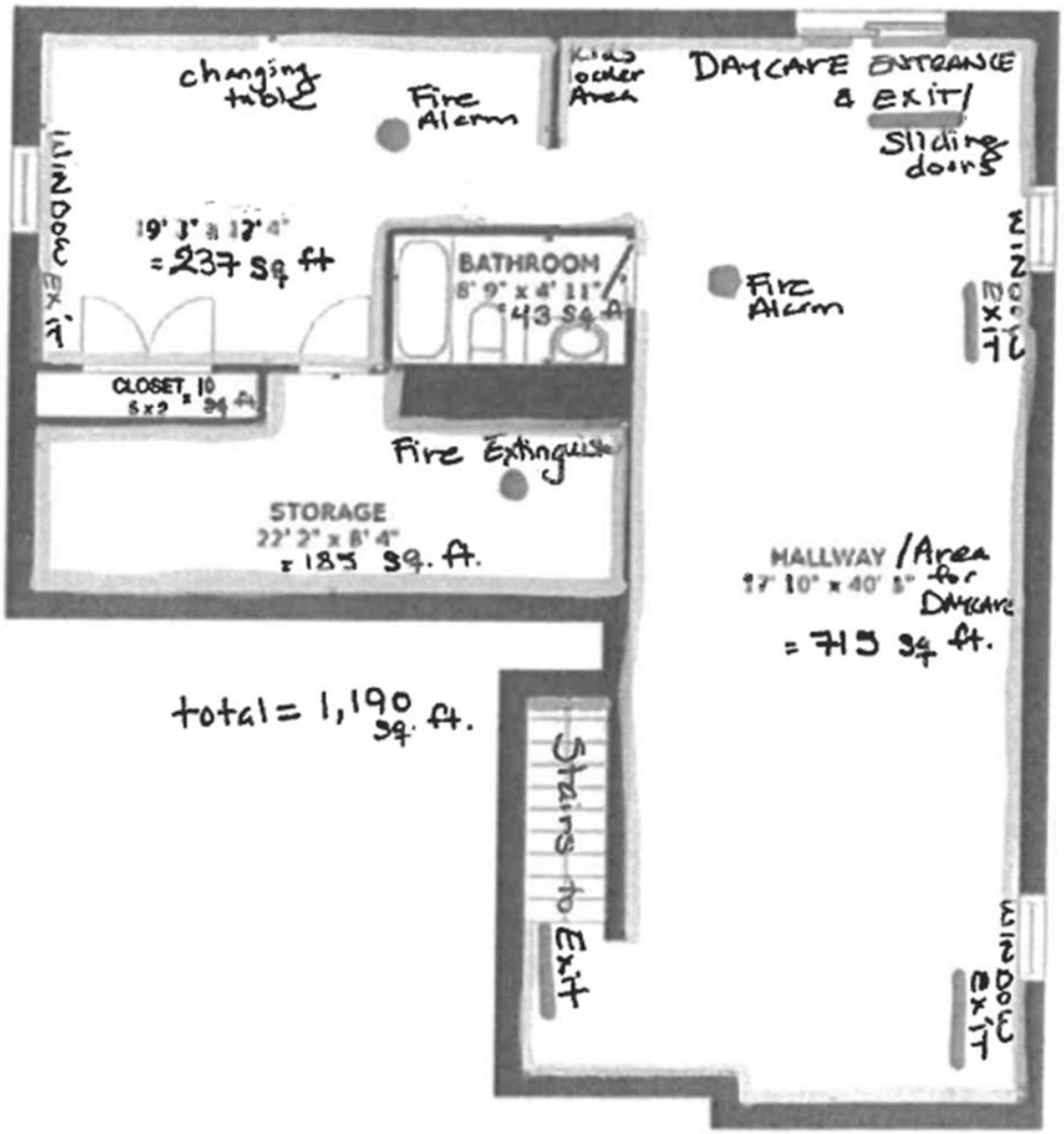
11. The day care facility must be operated in accordance with Chapter 30 of the County Code, entitled “Minimum Private School and Child Care Facility Standards”.

12. The home day care facility must operate only in the rooms identified in the applicant’s statement of justification and provided on the floor plan submitted with this application. These rooms include those labeled as “Storage,” and “Area for Daycare” on the basement level and is included as Attachment 1 to these conditions.

13. 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.

14. Pursuant to Sect. 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.

ATTACHMENT 1



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~ ~ ~ April 08, 2026, Scheduled case of:

Michael J. Smith and Margaret E. Durant - VC-2025-MA-00015 to permit an accessory structure (detached carport) in the front yard adjacent to Lakeview Dr. and Quaint Acre Cir. Located at 6413 Lakeview Dr. on approx. 14,036 of land zoned R-2. Mason District. Tax Map 61-3 ((14)) 210.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Margaret E. Durant, Applicant

After the hearing where testimony was presented by Mr. Krasner, Mr. McCadden, and Ms. Durant, and there being no public speakers for this case, Mr. O' Savio moved to approve special permit VC-2025-MA-00015 for the reasons stated in the resolution**.** Vice Chairman Ballo seconded the motion, which carried by a vote of 5-0. Ms. Rouzi and Mr. Smith were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

Michael J. Smith and Margaret E. Durant - VC-2025-MA-00015 to permit an accessory structure (detached carport) in the front yard adjacent to Lakeview Dr. and Quaint Acre Cir. Located at 6413 Lakeview Dr. on approx. 14,036 of land zoned R-2. Mason District. Tax Map 61-3 ((14)) 210. 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 April 08, 2026; and

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

1. The owners of the land are the applicants.
2. The present zoning is R-2.
3. The area of the lot is 14,036 square feet.
4. The Board agrees with the factual findings and analyses in the staff report.
5. The proposal will have minimal impact and the concerns from the county have been addressed in the development conditions which require the structure to be kept open on all sides.
6. The applicant has read, understands, and concurs with the proposed development conditions.

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

1) That the strict application of the terms of the Ordinance would unreasonably restrict the utilization of the property, 2) the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance, OR 3) the granting of the variance would alleviate a hardship by granting a reasonable modification to property or improvements requested by a person with a disability,

AND

1. That the property interest in the subject property for which the variance is being requested was acquired in good faith, and the applicant did not create any hardship for which relief is sought.

2. That the variance would not result in a substantial detriment to adjacent property or nearby properties in the proximity of that geographical area.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

4. That the granting of the variance would not result in an unpermitted use or a change in the zoning classification.

5. That the relief or remedy sought by the variance application is not available through a special exception or special permit.

6. That the variance would conform with the purposes of the Zoning Ordinance and not be contrary to the public interest.

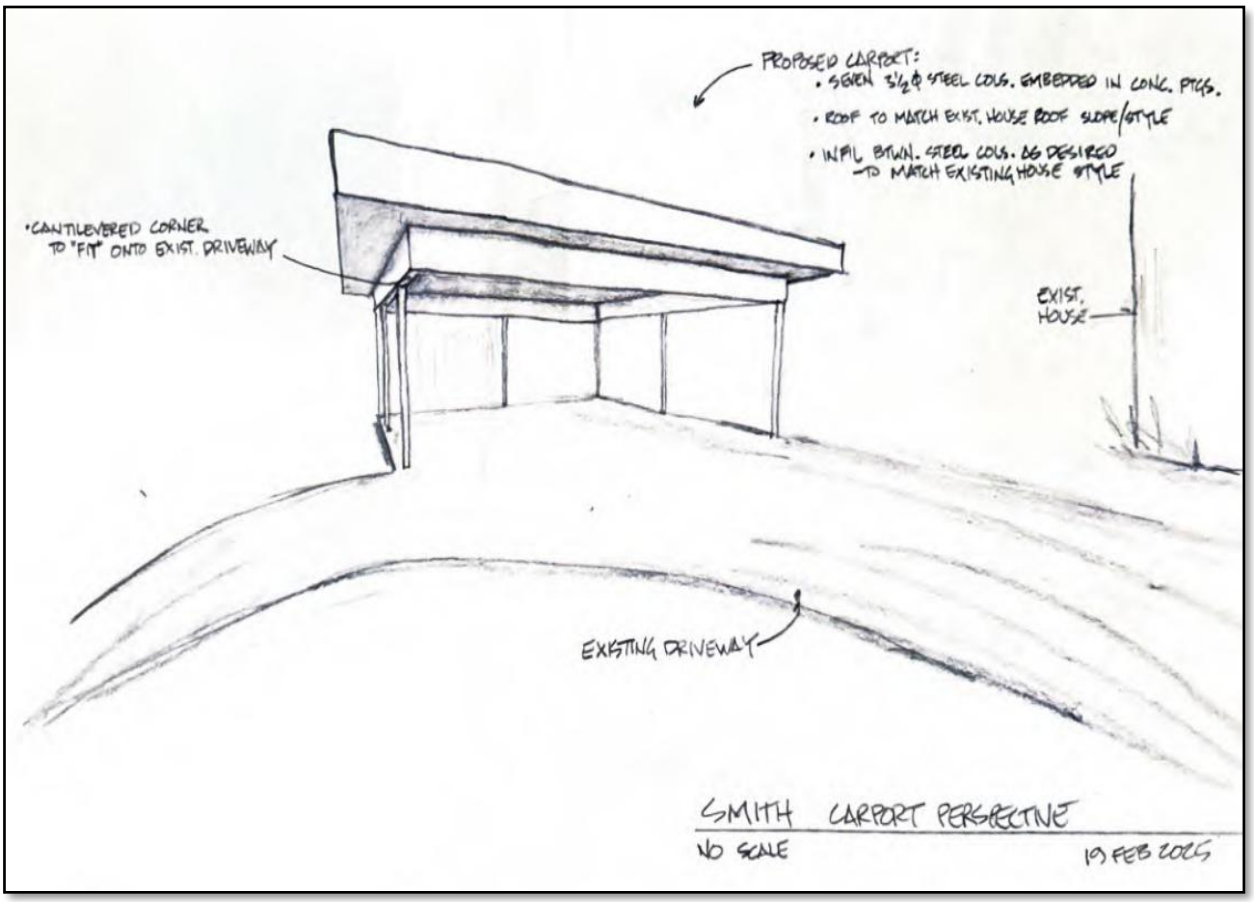
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

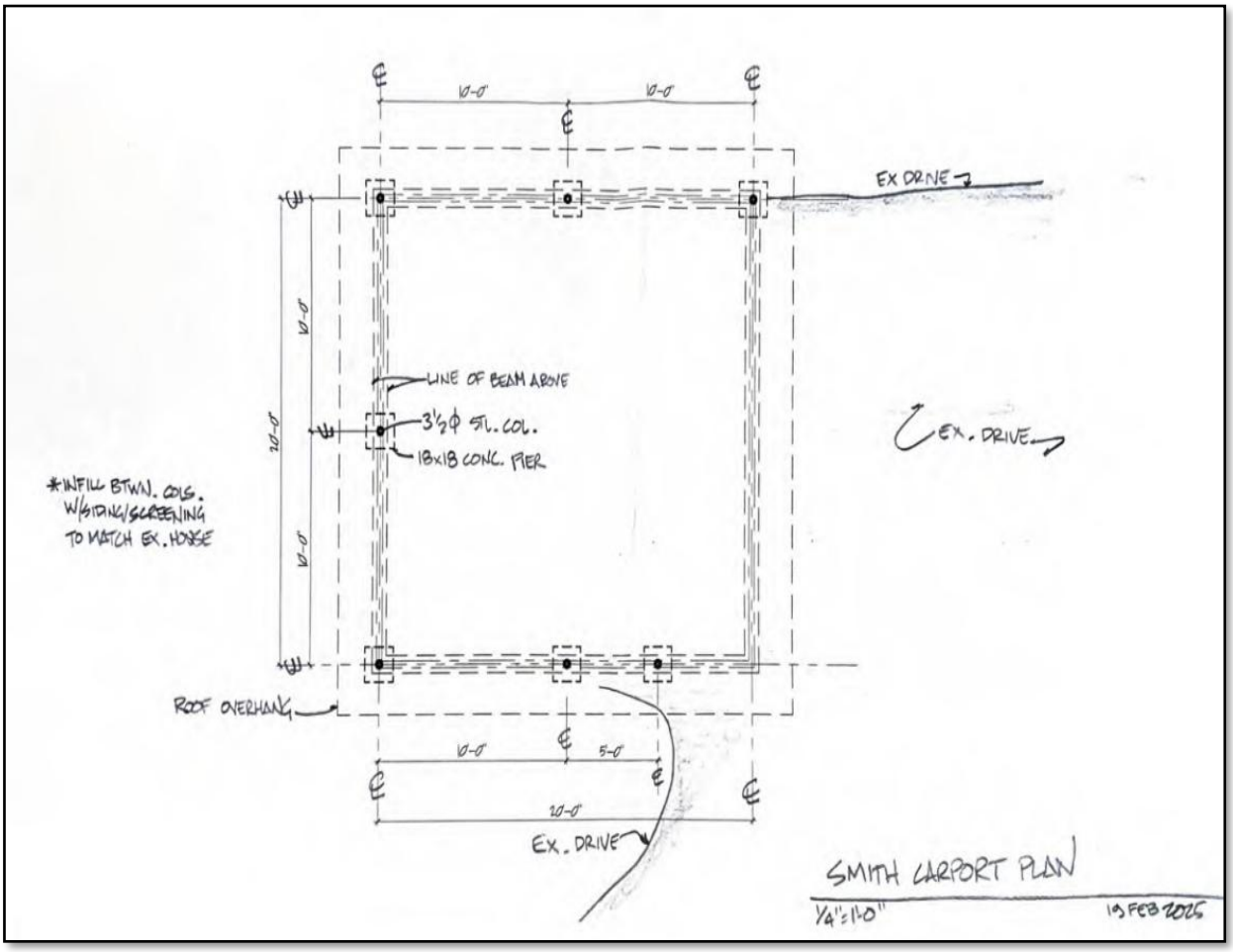
1. This variance is granted only for the location of the proposed freestanding accessory carport as shown on the variance plat titled, “Special Permit Plat On Lot 210, Section Two, Lake Barcroft”, prepared by Guy H. Briggs of Apex Surveys, LLP, dated August 25, 2025 and as revised through December 26, 2025, as submitted with this application, and is not transferable to other land.

2. The design of the carport must be generally consistent with the architectural rendering depicted in Attachment 1 to these development conditions; however, notwithstanding what is shown on the rendering, no enclosure of any side of the carport is permitted except for the columns necessary to support the structure or to provide safety railings if required by the building code.

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 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.

4. Pursuant to subsection 8100.6.B(5) of the Zoning Ordinance, the variance for the proposed detached carport automatically expires, without notice, 36 months after the date of approval unless construction of the detached carport has commenced 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 variance. 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.


PROPOSED CARPORT:
• SEVEN 3½ϕ STEEL COLS. EMBEDDED IN CONC. PTGS.
• ROOF TO MATCH EXIST. HOUSE ROOF SLOPE/STYLE
• INFIL BTWN. STEEL COLS. AS DESIRED TO MATCH EXISTING HOUSE STYLE
•CANTILEVERED CORNER TO "FIT" ONTO EXIST. DRIVEWAY
EXIST. HOUSE
EXISTING DRIVEWAY
SMITH CARPORT PERSPECTIVE
NO SCALE
19 FEB 2025


10'-0"
10'-0"
EX DRIVE
10'-0"
LINE OF BEAM ABOVE
3½ϕ STL. COL.
18x18 CONC. PIER
EX. DRIVE
20'-0"
*INFILL BTWN. COLS. W/SIDING/SCREENING TO MATCH EX. HOUSE
10'-0"
ROOF OVERHANG
10'-0"
5'-0"
20'-0"
EX. DRIVE
SMITH CARPORT PLAN
1/4"=1'-0"
15 FEB 2025

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~ ~ ~ April 08, 2026 After Agenda Items:

Informational Items

1. Administrative Items Report for April 8, 2026.

2. Withdrawal letter for 74B, L.L.C, ZAPL-2025-PR-00030, which was scheduled for public hearing on April 8, 2026.

3. Memorandum regarding accepted application The Ngoc Nguyen, ZAPL-2026-BR-00003, which has been scheduled for public hearing on June 10, 2026.

Chairman Day instructed the Board to review the administrative and informational items for April 08, 2026

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As there was no other business to come before the Board, the meeting was adjourned at 9:41 AM.

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Minutes by: Stephanie Matinez Lopez
Approved: May 6, 2026