The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, April 29, 2026. The following Board Members were present: Chairman Karen L. Day; Vice Chairman Rebeccah Ballo; Daniel Aminoff; Akida Rouzi; Tristan O'Savio; and Sean Pieffer. Thomas W. Smith III was absent from the meeting. There was one vacancy on the board.

Chairman Day called the meeting to order at 9:01 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 29, 2026, Matters presented by the board:

Consent Agenda

Chairman Day stated the consent agenda was adopted by unanimous consent.

APPROVAL OF MARCH 4, 2026, MARCH 11, 2026, and MARCH 25, 2026 MINUTES.

William K. Baker, TR, SP-2025-PR-00118 to permit a reduction in setback requirements to permit an accessory structure (detached garage with workshop) 10.0 ft. from the southwest side lot line. Located at 3235 Highland Ln. on approx. 39,019 sq. ft. of land zoned R-1. Providence District. Tax Map 59-1 ((3)) 3A. (Deferred from 2/25/2026)

Deferred to 6/24/2026

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~ ~ ~ April 29, 2026, Scheduled case of:

Reyna I. Alvarenga Rivera, Queen Bee Family Child Care LLC, Julio R. Corado and Maria J. Corado Alvarenga, SP-2025-FR-00136 to permit a home day care facility and a reduction in setback requirements based on an error in building location to allow an accessory structure (shed) to remain 1.4 ft. from the southwest side lot line and 4.7 ft. from the rear lot line. Located at 7413 Fairchild Dr. on approx. 8,800 sq. ft. of land zoned R-4. Franconia District. Tax Map 92-4 ((3)) (4) 3

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Reyna Alvarenga Rivera, Applicant

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, and Ms. Alvarenga Rivera, and there being no public speakers for this case, Mr. Aminoff moved to approve **SP-2025-FR-00136** for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 5-1. Chairman Day voted against the motion.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Reyna I. Alvarenga Rivera, Queen Bee Family Child Care LLC, Julio R. Corado and Maria J. Corado Alvarenga, SP-2025-FR-00136 to permit a home day care facility and a reduction in setback requirements based on an error in building location to allow an accessory structure (shed) to remain 1.4 ft. from the southwest side lot line and 4.7 ft. from the rear lot line. Located at 7413 Fairchild Dr. on approx. 8,800 sq. ft. of land zoned R-4. Franconia District. Tax Map 92-4 ((3)) (4) 3. 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 April 29, 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-4.
3. The area of the lot is 8,800 square feet.
4. The board adopts the rationale in the staff report.
5. The home is big enough to support 12 children.
6. The sleeping arrangements for the children on the top floor is acceptable.
7. The side setback reduction for the shed is large, however, there are no complaints.
8. The shed is located in a space that is not very visible by the neighbors.
9. 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 the standards for the Reduction of Setback Requirements 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. This approval for a home day care facility is granted to the applicants, Julio R. Corado, Maria J. Corado Alvarenga, Reyna I. Alvarenga Rivera, and Queen Bee Family Child Care LLC, and is not transferable without further action of the Board, is for the location indicated on the application, described as Tax Map #92-4 ((3)) (4) 3, and addressed at 7413 Fairchild Drive,

Alexandria 22306, 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 “Plat Showing The Improvements On Lot 3, Block 4, Section One, Hybla Valley”, prepared by George M. O’Quinn of Dominion Surveyors Inc., dated October 31, 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 5:00 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 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 day care facility must be operated in accordance with the Virginia Department of Education staffing requirements of 8 VAC 20-800-570.

8. The home day care must operate only in the basement of the dwelling including the activity room, dining area, bedroom, and bathroom and on the main level of the dwelling including the sleeping area as shown on the floor plan submitted with this application and included as Attachment 1.

9. 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.

10. Children are prohibited from sleeping in the basement until the applicants install an exterior door or enlarge or install a window which meets the minimum dimension and size requirements for emergency egress as specified by the Virginia Uniform Statewide Building Code.

11. There must be no signage associated with the home day care facility.
12. 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.

13. 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.

14. 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.

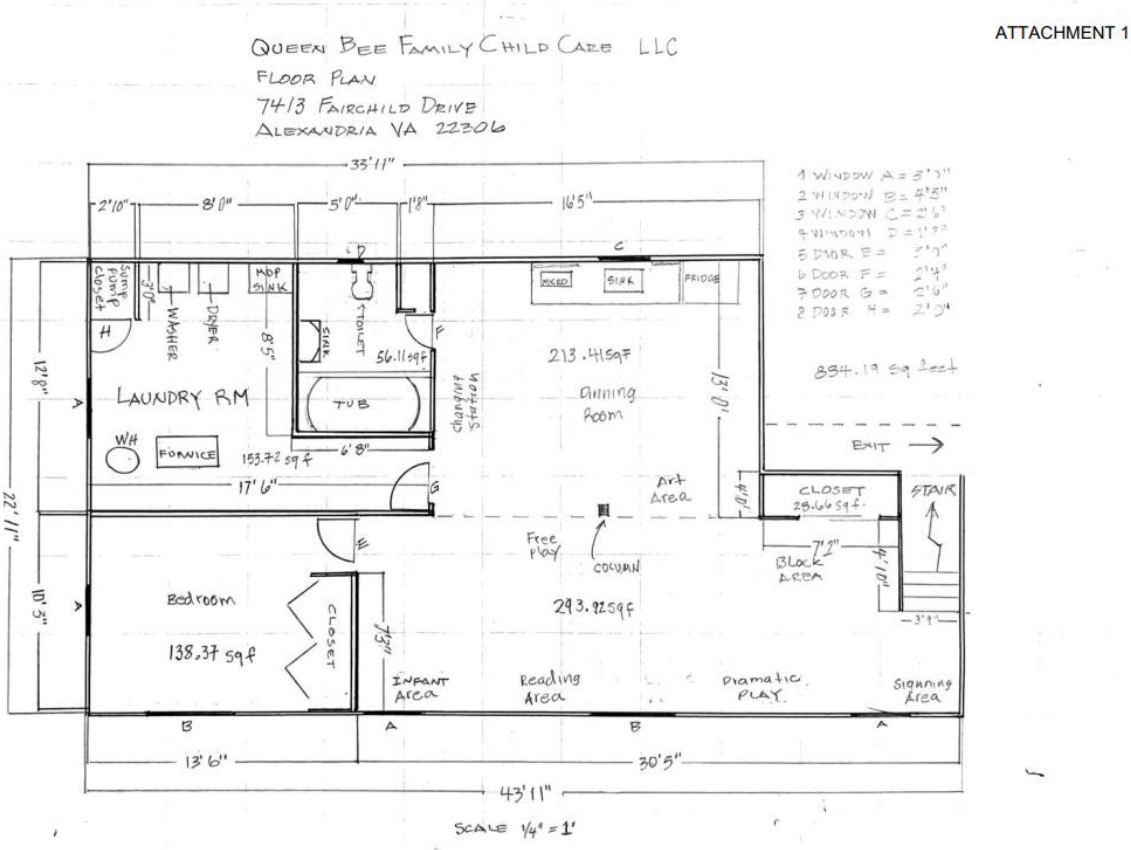
15. The shed must be maintained in good condition at all times or otherwise brought into compliance with the ordinance.

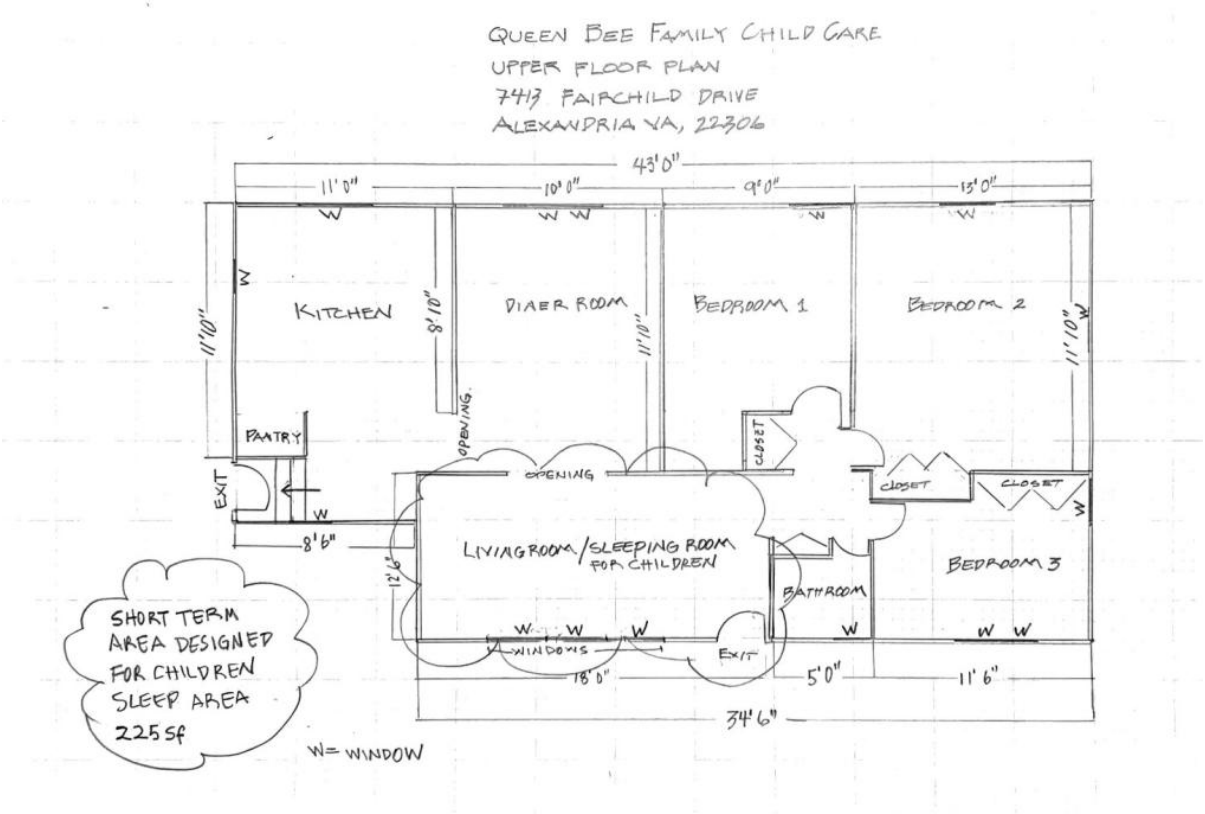
16. The shed must remain locked during the hours of operation of the home day care facility.

17. 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.

18. 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.

ATTACHMENT 1





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~ ~ ~ April 29, 2026, Scheduled case of:

> **Lawrence Schalit and Jacquelyn Schalit, SP-2025-MA-00098** to permit a reduction in setback requirements to permit an addition 11.2 ft. from the southwest side lot line. Located at 6334 Lakeview Dr. on approx. 18,650 sq. ft. of land zoned R-2 and HC. Mason District. Tax Map 61-3 ((14)) 106

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Annie Duong, Agent for the Applicants
- Lawrence Schalit and Jacquelyn Schalit, Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, Mr. Schalit and Ms. Duong, and there being no public speakers for this case, Mr. Pieffer moved to approve **SP-2025-MA-00098** for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 6-0.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Lawrence Schalit and Jacquelyn Schalit, SP-2025-MA-00098 to permit a reduction in setback requirements to permit an addition 11.2 ft. from the southwest side lot line. Located at 6334 Lakeview Dr. on approx. 18,650 sq. ft. of land zoned R-2 and HC. Mason District. Tax Map 61-3 ((14)) 106. 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 April 29, 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 and HC.
3. The area of the lot is 18,650 square feet.
4. The board has no objection to the application, which is converting the screened porch into the living space.
5. The redevelopment is simple although it will still require an administrative RPA exception from Land Development Services. n.
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 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 addition. A copy of the recorded conditions must be provided to the Zoning Permit Section, Department of Planning and Development.

2. This special permit is granted only for the location of the proposed addition as indicated on the plat titled "Plat Showing House Location On Lot 106, Section 1, Lake Barcroft, prepared by Patrick A. Eckart of Alterra Surveys, Inc., dated May 5, 2025 as revised through December 8, 2025, consisting of one sheet, and approved with this application, as qualified by these development conditions.

3. Pursuant to Article 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 (2,150 square feet existing + 3,225 square feet (150%) = 5,375 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 setbacks requirements are permitted without an amendment to this special permit.

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

5. Prior to the commencement of construction for the subject addition, the applicants must obtain approval of a Water Quality Impact Assessment (WQIA) from Land Development Services (LDS) for the proposed construction in the Resource Protection Area (RPA).

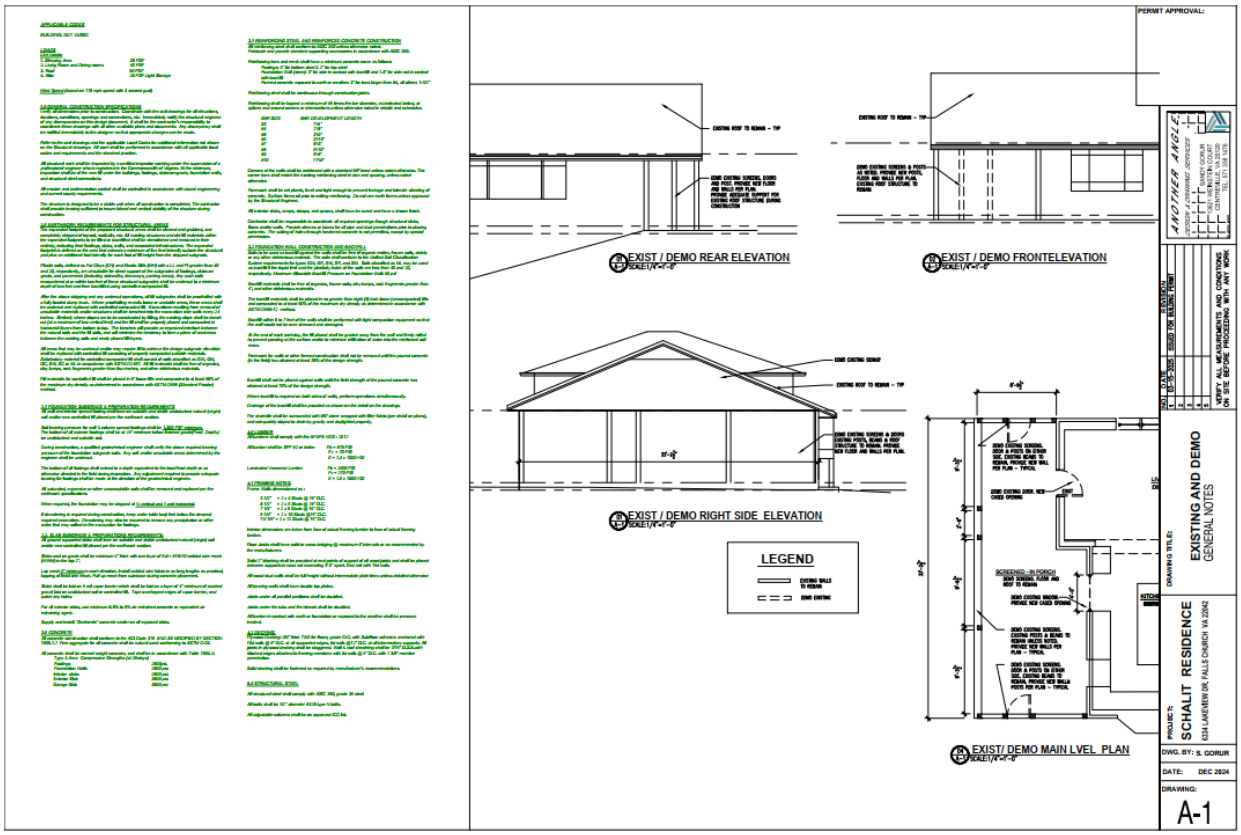
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent

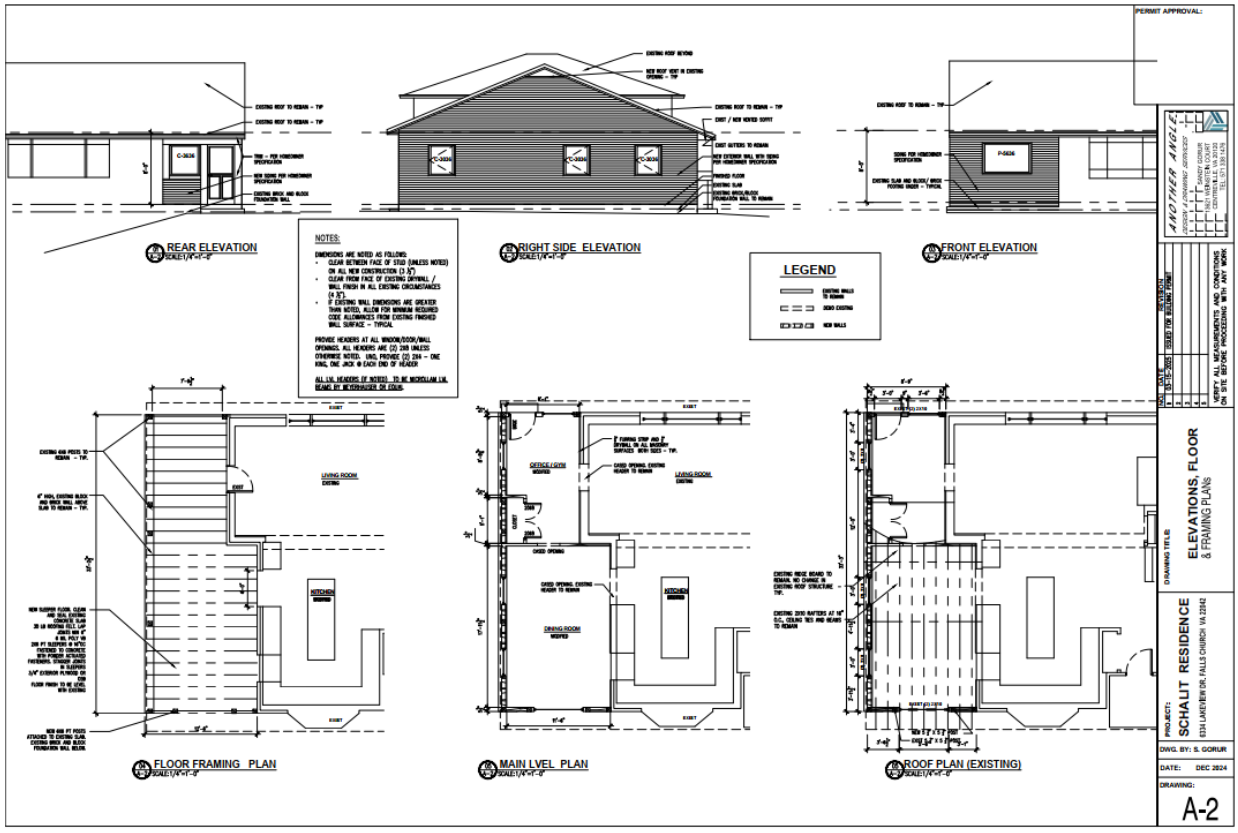
7. jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or

invalidate such claims.

8. Pursuant to Article 8100.4.D(6) of the Zoning Ordinance, this special permit for the reduction in setback requirements automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the 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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SCALE:1/4"=1'-0"
RIGHT SIDE ELEVATION
SCALE:1/4"=1'-0"
FRONT ELEVATION
SCALE:1/4"=1'-0"
NOTES:
LEGEND
EXISTING WALLS TO REMAIN
DEMO EXISTING
NEW WALLS
FLOOR FRAMING PLAN
SCALE:1/4"=1'-0"
MAIN LVEL PLAN
SCALE:1/4"=1'-0"
ROOF PLAN (EXISTING)
SCALE:1/4"=1'-0"
PERMIT APPROVAL:
ANOTHER ANGLE
ISSUED FOR BIDING PRINT
VERIFY ALL MEASUREMENTS AND CONDITIONS ON SITE BEFORE PROCEEDING WITH ANY WORK.
ELEVATIONS, FLOOR & FRAMING PLANS
SCHALIT RESIDENCE
6334 LAKEVIEW DR, FALLS CHURCH VA 22042
DWG. BY: S. GORUR
DATE: DEC 2024
A-2

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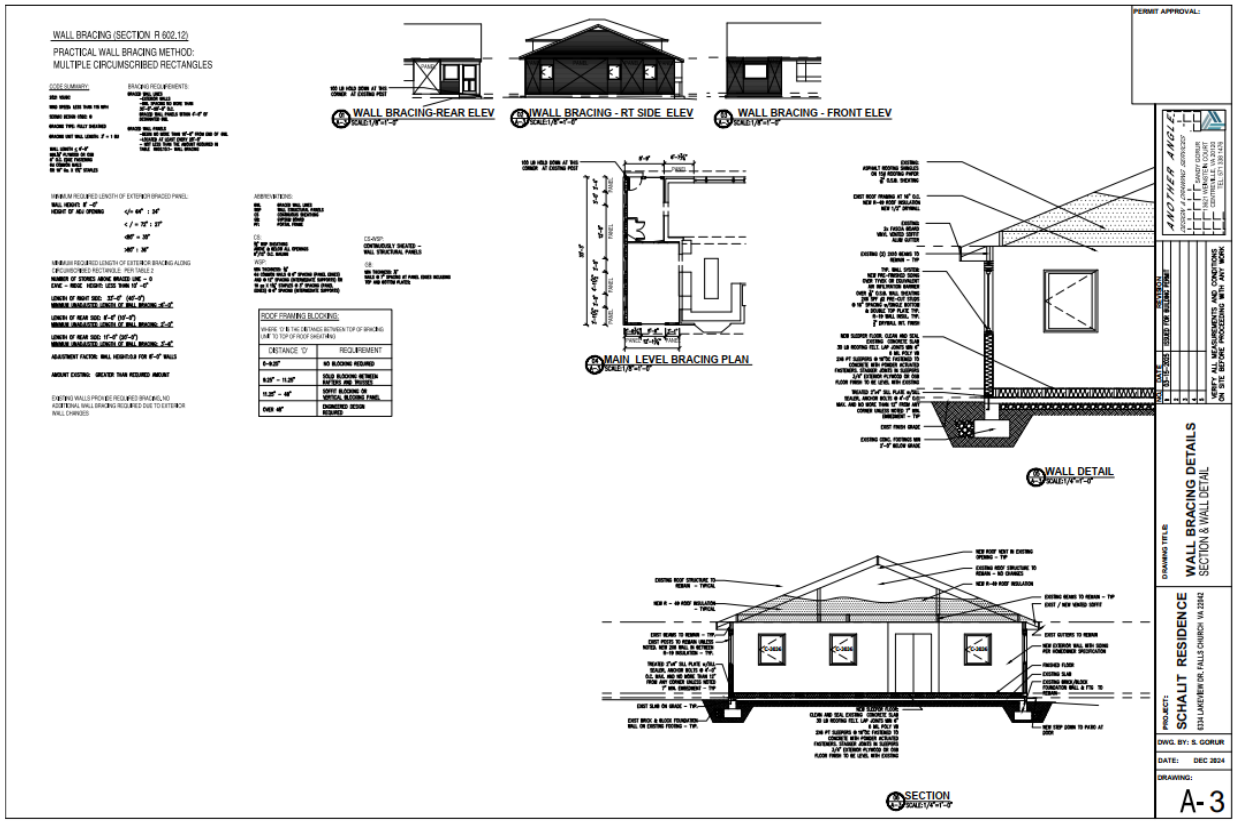

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Vice Chairman Ballo moved that the Board recess and enter into Closed Session for consultation with legal counsel regarding general matters to be discussed pursuant to Virginia Code Ann. Sec. 2.2-3711 (A) (8) (LNMB Supp. 2002). Mr. Aminoff seconded the motion, which carried by a vote of 6-0.

The meeting recessed at 9:32 a.m. and reconvened at 10:11 a.m.

Vice Chairman Ballo moved that the Board of Zoning Appeals certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed, or considered by the Board during the Closed Session. Mr. Aminoff seconded the motion, which carried by a vote of 6-0.

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~ ~ ~ April 29, 2026, Scheduled case of:

Hoa Pham and Minh Nguyen, ZAPL-2026-SP-00001 An appeal of a denial of a request for an administrative reduction associated with BLDR-2025-00331. Located at 4210 Marble Lane, Fairfax, VA 22033. Approx 8,400 sf of land, zoned R-3C, Springfield District, Tax Map 45-4 ((3)) (24) 43.

The participants in the hearing were as follows:

- Sara Morgan, Deputy Zoning Administrator for Appeals, Zoning Administration Division
- Austin Gastrell, Staff Coordinator, Zoning Administration Division
- Leslie Johnson, Zoning Administrator, Zoning Administration Division
- Andrew Husour, Deputy Zoning Administrator, Zoning Permit Review Branch
- Jay Riyat, Division Director, Land Development Services
- Christopher Sigler, Assistant County Attorney
- Gin Nugyen, Agent for the Appellants
- Hoa Pham and Minh Nguyen, Appellants
- Public Speakers
    - Courtney Leonard, 4208 Marble Lane, Fairfax VA 22033
    - Dave Frizell, 4341 Majestic lane Fairfax VA 22033
    - Jenay Fricke, 13020 Maple View Lane Fairfax, 22033
    - Jennifer Call, 4213 Marble Lane Fairfax VA 22033, Video Testimony
    - Karen Schofid, 12828 Mount Royal Ln Fairfax, VA 22033, Video Testimony
    - Shannon Dallas, 4130 Meadow Hill Ln, Fairfax, VA, 22033, Video Testimony
    - Gloria Nalls, 4204 Marble Lane, Fairfax VA 22033, Video Testimony
    - William Nalls, 4204 Marble Lane, Fairfax VA 22033, Video Testimony
    - Tara Kawasaki, 4211 Marble Ln, Fairfax, VA 22033, Video Testimony
    - Jeffrey Dolezal, 4370 Majestic Lane, Fairfax, VA 22033
    - Kristal Le, 2789 Knollside Lane, Vienna, VA 22180
    - John Pittz, 12818 Mount Royal Ln, Fairfax, VA 22033
    - Tim Owen, 4211 Marble Ln, Fairfax, VA 22033
    - Tony Kambic, 12912 Mount Royal Lane, Fairfax, VA 22033

After the staff presentation, Mr. Gastrell, Ms. Johnson, Mr. Hushour, Mr. Riyat, and Mr. Sigler responded to questions from the board, where staff explained that the appellant provided incorrect information in his application that resulted in approval of the building permit. Upon investigation and site review, after receiving complaints, buildings and zoning staff noted that the measurements we not in compliance with the Zoning Ordinance setback requirements, among several other issues at the property. Mr. Nugyen then addressed the board and stated that he built exactly to the specifications stated in the application approval. He explained that staff approved his plans, therefore he was not at fault or in any sort of code violation and his appeal should be approved.

The board then recessed at 12:24 p.m. and reconvened at 12:34 p.m.

Following the recess, the board heard testimony from the above referenced public speakers, Vice Chairman Ballo then moved to uphold the determination of the Zoning Administrator and cited the following justifications:

- The applicant did not provide sufficient information that the Zoning Administrator would have to determine with surety that the error does not exceed ten percent of the applicable measurement.
- The information that the Zoning Administrator had at the time, and at the meeting, was conflicting as to whether the noncompliance was done through no fault of the property owner. The applicant presented faulty information from a contractor to the county for permit approval,
- The applicant had accepted responsibility of the accuracy of the information through the signed affidavit as “homeowner as contractor”.
- The project would impact the purpose and intent of the Zoning Ordinance, and no evidence was presented to suggest otherwise.

- This would be detrimental to the enjoyment of other property in the immediate vicinity, as demonstrated by the public testimony heard today.
- The owner has not been able to prove that this would cause unreasonable or undue hardship to bring the addition into compliance.
- The Zoning Administrator was correct in her determination.

Chairman Day seconded the motion, which carried by a vote of 6-0.

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~ ~ ~ April 29, 2026, After Agenda Item:

Informational Items

- Administrative Items report for April 29, 2026.
- Letter regarding administrative move of Master Roofing & Siding, Inc, ZAPL-2025-MV-00026.

Chairman Day instructed the Board to review the informational items for April 29, 2026.

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As there was no other business to come before the Board, the meeting was adjourned at 1:55 P.M.

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Minutes by: Keisha Strand

Approved on: June 10, 2026