The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, July 22, 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 is 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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~ ~ ~ July 22, 2026, Matters presented by the board:

Consent Agenda

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

APPROVAL OF June 10, 2026, and June 25, 2026 MINUTES.

Jonathan E. Haynie, SP-2023-SP-00037 to permit modifications to the provisions for the keeping of animals (chickens). Located at 12630 Plow Ct. on approx. 14,325 sq. ft. of land zoned R-2 (Cluster) and WS. Springfield District. Tax Map 55-4 ((7)) 391. (Admin moved from 10/08/2025, 11/19/2025, and 12/3/2025) (Deferred from 2/25/2026, and 5/13/2026)

Deferred to 10/07/2026

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~ ~ ~ July 22, 2026, Scheduled case of:

Brice A. Hadden and Christina L. Hadden, SP-2026-FR-00033 to permit a reduction of setback requirements to permit an addition 6.0 ft. from the west side lot line and a reduction in setback requirements based on errors in building location to permit an accessory structure (shed) 3.5 ft. from the rear lot line and 4.1 ft. from the west side lot line Located at 3117 Hatcher St. on approx. 12,858 sq. ft. of land zoned R-3. Franconia District. Tax Map 82-2 ((10)) 27.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sharon Williams, Senior Staff Coordinator
- Brice A. Hadden and Christina L. Hadden, Applicants

After the hearing where testimony was presented by Ms. Williams, Mr. Krasner, and Mr. Hadden, and there being no public speakers for this case, Mr. Aminoff moved to approve **SP-2026-FR-00033** for the reasons stated in the Resolution. Ms. Rouzi 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

Brice A. Hadden and Christina L. Hadden, SP-2026-FR-00033 to permit a reduction of setback requirements to permit an addition 6.0 ft. from the west side lot line and a reduction in setback requirements based on errors in building location to permit an accessory structure (shed) 3.5 ft. from the rear lot line and 4.1 ft. from the west side lot line Located at 3117 Hatcher St. on approx. 12,858 sq. ft. of land zoned R-3. Franconia District. Tax Map 82-2 ((10)) 27. 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 July 22, 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 12,858 square feet.
4. The board adopts the rationale in the staff report for the addition and shed.
5. The shed appears prominently on top of a hill, but the applicant relied on the contractor. Given the grade, it was a logical location to place it.
6. The shed is in a wooded area with no structures around it.
7. 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. 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. 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 two-story addition and the location of the existing shed as indicated on the plat “Plat Showing The Improvements On Lot 27, Somerville Hill”, prepared by George M. O’Quinn of Dominion Surveyors Inc., dated December 9, 2025 as revised on June 5, 2026, 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 (2,901 square feet existing + 4,351.5 square feet (150%) = 7,252.5 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 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. The subject shed must be maintained in good condition at all times or otherwise brought into compliance with the ordinance. All applicable trade permits will be filed for the shed prior to final inspection of the addition.

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 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 for the reduction in setback requirements automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the side 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.

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~ ~ ~ July 22, 2026, Scheduled case of:

> **Kylen M. Mahaney, SP-2026-SP-00004** to permit modifications to the provisions for the keeping of animals (chickens). Located at 5947 Hall St. on approx. 11,483 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 79-3 ((16)) 19

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Megan Riley, Staff Coordinator
- Kylen Mahaney, Applicant

After the hearing where testimony was presented by Ms. Riley, Mr. Krasner, and Ms. Mahaney, and there being no public speakers for this case, Mr. Pieffer moved to approve **SP-2026-SP-00004** 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

Kylen M. Mahaney, SP-2026-SP-00004 to permit modifications to the provisions for the keeping of animals (chickens). Located at 5947 Hall St. on approx. 11,483 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 79-3 ((16)) 19. 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 July 22, 2026; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3 (Cluster)
3. The area of the lot is 11,483 square feet.
4. The board finds that the proposed development conditions will protect the surrounding properties.
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 approval is granted to the applicants Kylen M. Mahaney, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5947 Hall St, West Springfield, 22152, and is not transferable to other land.

2. This special permit is granted only for the keeping of chickens at the property identified on the plat titled “Plat Showing House Location on Lot 19, Section One Southern Grove” prepared by Dominion Surveyors, Inc on October 15, 2020 and revised by the applicant on May 17, 2026 as approved with this application and qualified by these development conditions.

3. This approval is for a maximum of six (6) hen chickens only. No roosters are permitted.

4. The chickens must remain in a fenced area in the rear yard at all times.

5. All chicken waste must be thoroughly composted before use or distribution on the property. Any composted waste on-site must be spread in an environmentally responsible manner, to prevent runoff onto adjacent properties. The compost bin must be installed in the location identified on the plat and be fully enclosed. Alternately, waste may be removed from the coop on at least a weekly basis, bagged, and disposed of with household trash.

6. Any on-site burial must be at least 2 feet above the high ground water table and
2 feet below the soil surface, or removal of dead chickens must be through a licensed animal removal company or must be cremated by a licensed company.

7. The applicant is responsible for identifying and complying with the terms of all legally enforceable 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.

8. Pursuant to Section 8100.4.D of the Zoning Ordinance, this special permit will take effect upon approval by the Board of Zoning Appeals.

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~ ~ ~ July 22, 2026, Scheduled case of:

> **Kateryna Gill and Bradley Gill, SP-2026-FR-00036** to permit an increase in fence height in the front yard adjacent to Green Meadow Ct. Located at 6064 Tammy Dr. on approx. 14,473 sq. ft. of land zoned R-3. Franconia District. Tax Map 81-4 ((23)) 52.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Kateryna Gill and Bradley Gill, Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, Mr. Gill, and Mrs. Gill, and there being no public speakers for this case, Vice Chairman Ballo moved to approve **SP-2026-FR-00036** for the reasons stated in the Resolution. Ms. Rouzi and Mr. Peiffer 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

Kateryna Gill and Bradley Gill, SP-2026-FR-00036 to permit an increase in fence height in the front yard adjacent to Green Meadow Ct. Located at 6064 Tammy Dr. on approx. 14,473 sq. ft. of land zoned R-3. Franconia District. Tax Map 81-4 ((23)) 52. 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 July 22, 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 14,473 square feet.
4. The board adopts the findings, facts, and rationale in the staff report.
5. The lot is atypical in the subdivision as well as the placement of the house on the lot.
6. There is little usable rear yard area where a taller fence is normally allowed.
7. The neighbors who are most impacted have submitted letters of support.
8. There will be no adverse impacts to any of the neighbors.
9. The fence is congruent and harmonious with the neighborhood with the plantings proposed.
10. 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. 4102.7.A(7)(c)(3) and the standards for this use as contained in the Zoning Ordinance.

A. The fence or wall height may not exceed six feet;

B. The fence or wall must meet the sight distance requirements contained in subsection 5100.2.D(4)(c);

C. The proposed fence or wall height increase is warranted based on the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, concerns related to safety or noise, or other similar factors;

D. The proposed fence or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale, and any historic designations;

E. The proposed fence or wall height increase will not adversely impact the use or enjoyment of other properties in the immediate vicinity; and

F. The Board or BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping, fence, or wall design requirements.

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

1. This special permit is granted only for the location of the proposed fence greater than four feet in height in the front yard along Green Meadow Court as indicated on the plat titled “Special Permit Plat, Lot 52, Section 3, Green Meadow”, prepared by H. Christopher Hughes of BL Survey Arborist, dated March 23, 2026 and as revised through June 30, 2026, consisting of one sheet, and approved with this application, as qualified by these development conditions.

2. The fence must be maintained in good condition at all times.

3. The subject fence must be consistent with the layout depicted in the approved special permit plat and the fence sample shown on Attachment 1 to these conditions.

4. Within 90 days after installation of the subject fence, the applicants must plant a straight or staggered row of evergreen trees and/or shrubs, no greater than 6 feet on center, along the outside of the segment of fence running parallel to Green Meadow Court. The plantings must be at least 3 feet in height at the time of planting and maintained in good condition.

5. The 6.0-foot-tall fence is prohibited from encroaching into the front yard along Tammy Drive.

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 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 for an increase in fence height in a front yard automatically expires, without notice, 36 months after the date of approval unless construction has commenced on the fence 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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~ ~ ~ July 22, 2026, Scheduled case of:

Sean M. Jellish and Jessica A. Jellish, SP-2025-FR-00106 to permit a reduction of setback requirements to permit an addition (carport with enclosed storage) 6.6 ft. from the northeast side lot line such that side setbacks total 15 ft. Located at 6828 Lamp Post Ln., on approx. 8,410 sq. ft. of land zoned R-3 (Cluster). Franconia District. Tax Map 92-2 ((22) 451. (Continued from 6/24/2026)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Rebecca King, Agent for the Applicant
- Jessica Jellish Applicant

The hearing was re-opened from June 24, 2026. All present were previously sworn except Mr. Krasner so Mr. Krasner was administered the oath. Ms. Santiago updated the Board that the plat and architectural drawings had been corrected and are now in sync with one another. Ms. Day called for any public speakers, and hearing none, closed the public hearing. Mr. O'Savio moved to approve **SP-2025-FR-00106** for the reasons stated in the Resolution. Ms. Rouzi 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

Sean M. Jellish and Jessica A. Jellish, SP 2025-FR-00106 to permit a reduction of setback requirements to permit an addition (carport with enclosed storage) 6.6 ft. from the northeast side lot line such that side setbacks total 15.0 ft. Located at 6828 Lamp Post Ln., on approx. 8,410 sq. ft. of land zoned R-3 (Cluster). Franconia District. Tax Map 92-2 ((22) 451. 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 July 22, 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 (Cluster).
3. The area of the lot is 8,410 square feet.
4. The Board adopts the facts and findings in the staff report.
5. The Board finds this application to be a modest request and is harmonious with the community.
6. The carport is similar to those installed in the community on other properties.
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 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 approved only for the location of the proposed carport with storage addition as shown on the special permit plat, entitled *"Special Permit Plat, #6828 Lamp Post Lane, Map # 0922-22-0451, Lot 451, Section 4, Stoneybrook",* prepared by Merestone Land Surveying, PLLC, dated July 8, 2025, as 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 (2,080 square feet existing + 3,120 square feet (150%) = 5,200 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 carport addition with enclosed storage room must be generally consistent with the architectural renderings as shown in Attachment 1 to these conditions.

5. 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.

6. 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 carport addition with enclosed storage 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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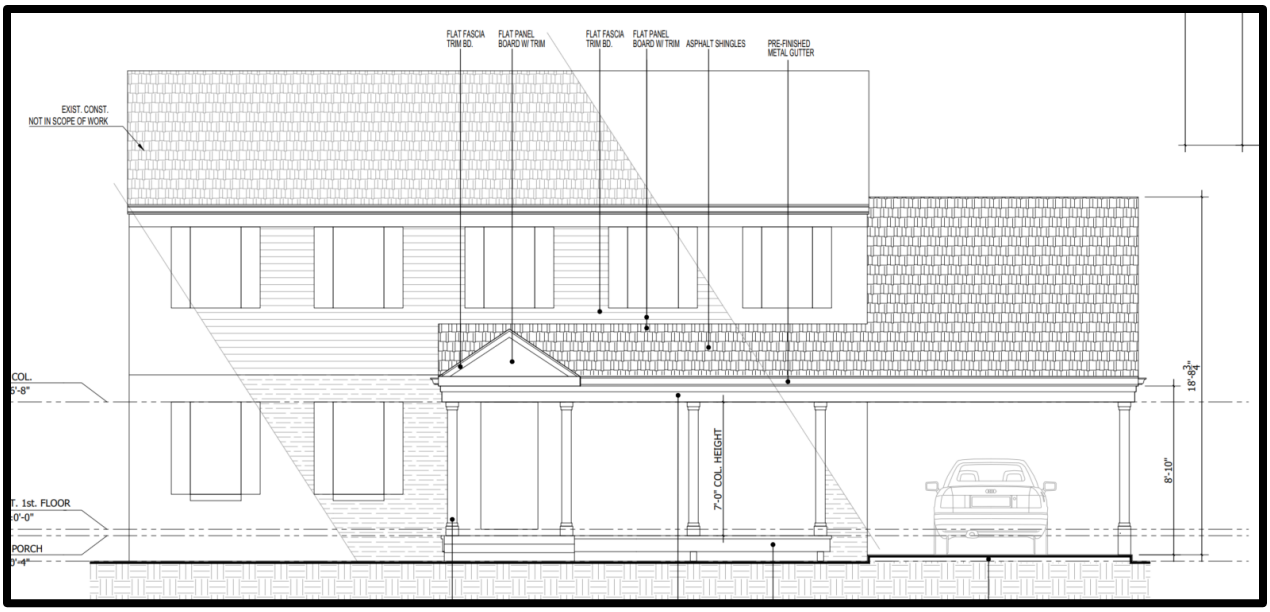
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FLAT PANEL BOARD W/ TRIM
FLAT FASCIA TRIM BD.
FLAT PANEL BOARD W/ TRIM
ASPHALT SHINGLES
PRE-FINISHED METAL GUTTER
EXIST. CONST. NOT IN SCOPE OF WORK
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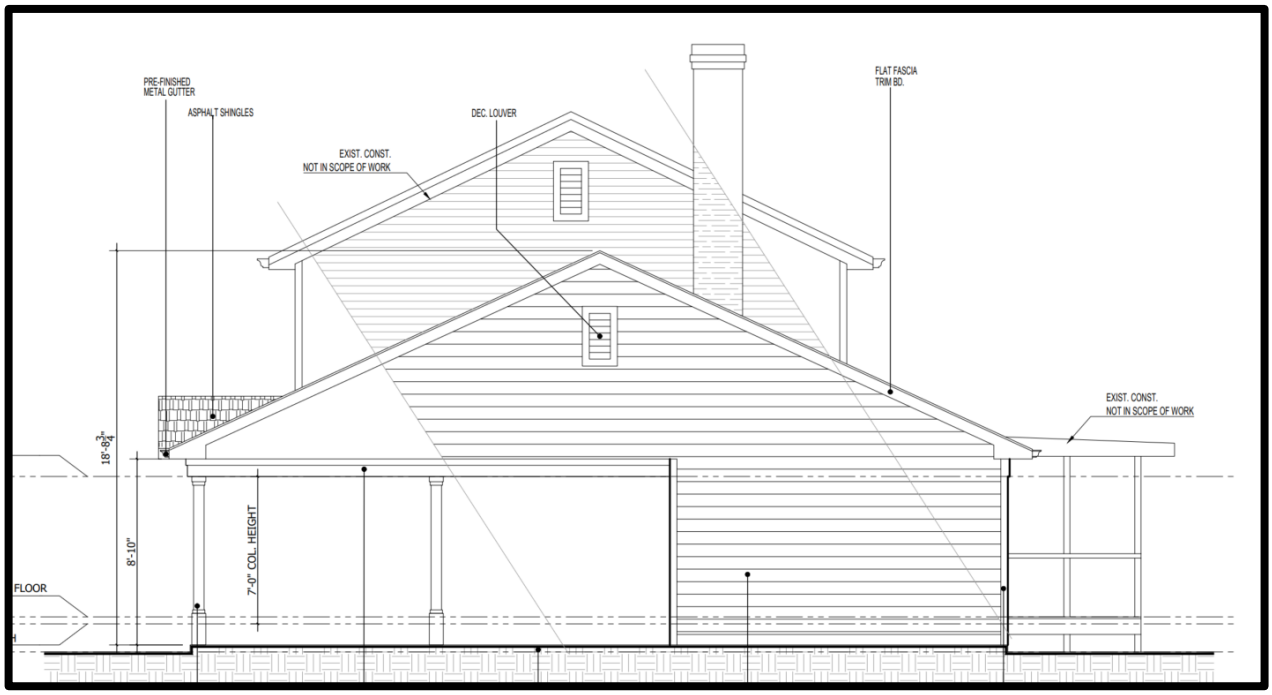
T. 1st. FLOOR 0'-0"
PORCH 0'-4"
7'-0" COL. HEIGHT
8'-10"
18'-8 3/4"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EXIST. CONST. NOT IN SCOPE OF WORK
18'-8 3/4"
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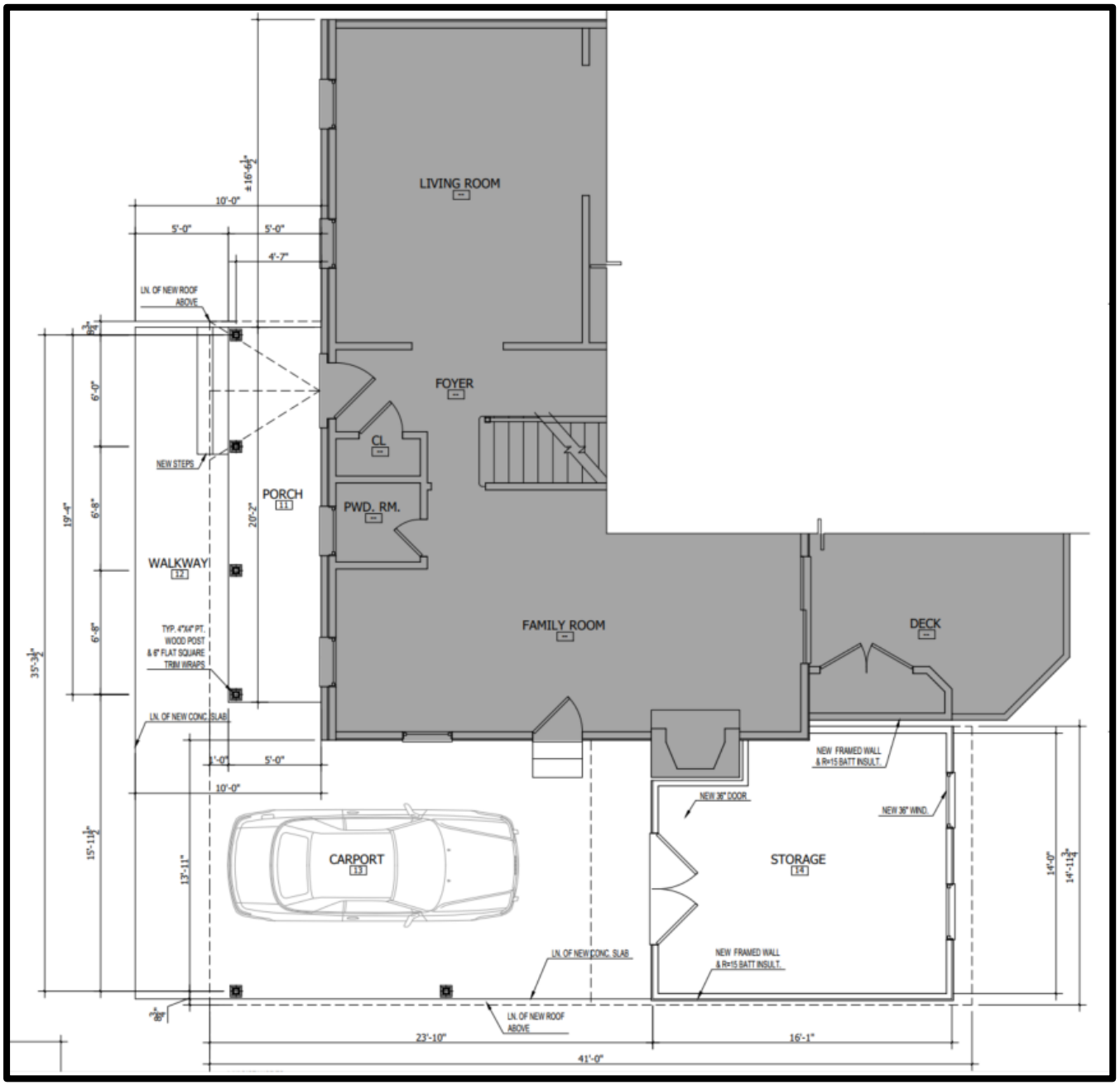
LIVING ROOM
FOYER
CL
PWD. RM.
PORCH
11
WALKWAY
12
FAMILY ROOM
DECK
CARPORT
13
STORAGE
14
NEW STEPS
TYP. 4"X4" PT. WOOD POST & 6" FLAT SQUARE TRIM WRAPS
LN. OF NEW ROOF ABOVE
LN. OF NEW CONC. SLAB
NEW FRAMED WALL & R=15 BATT INSULT.
NEW 36" DOOR
NEW 36" WIND.
10'-0"
5'-0"
4'-7"
6'-0"
6'-8"
19'-4"
20'-2"
35'-3½"
15'-11½"
13'-11"
14'-0"
14'-11¾"
1'-0"
23'-10"
16'-1"
41'-0"

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~ ~ ~ July 22, 2026, Scheduled case of:

> **Capstone Soccer LLC, SP-2026-BR-00028** to permit a health and exercise facility, large. Located at 5256 Port Royal Rd. on approx. 12,753 sq. ft. of land zoned I-5. Braddock District. Tax Map 70-4 ((10)) 11D (pt.).

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Anila Angjeli, Agent for the Applicant
- Rahul Chaudhry Jr., Applicant

After the hearing where testimony was presented by Ms. Santiago, Mr. Krasner, Mr. Anila. and Mr. Chaudhry, and there being no public speakers for this case, Ms. Rouzi moved to approve **SP-2026-BR-00028** for the reasons stated in the Resolution. Mr. O'Savio 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

Capstone Soccer LLC, SP-2026 BR-00028 to permit a health and exercise facility, large. Located at 5256 Port Royal Rd. on approx. 12,753 sq. ft. of land zoned I-5. Braddock District. Tax Map 70-4 ((10)) 11D (pt.). Ms. Rouzi 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 July 22, 2026; and

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

1. The applicant is a lessee of the property.
2. The present zoning is I-5.
3. The area of the lot is 12,753 square feet.
4. The board agrees with the analysis and rationale in the staff report.
5. The proposed use is appropriate for this particular industrial-zoned area.
6. The use is compatible with the surrounding land uses.
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, Capstone Soccer LLC, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 5256 Port Royal Road, and is not transferable to other land.

2. This special permit is granted only for the large health and exercise facility as indicated on the special permit plat titled, *"Special Permit Plat, Ravensworth Industrial Park PCL 11D,"* prepared by Huska and Horgan Engineering, LLC, dated February 17, 2026, approved with this application, as qualified by these development conditions.

3. The maximum gross floor area of the facility is limited to 12,753 square feet, as shown on the special permit plat.

4. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) must be posted in a conspicuous place on the property.

5. The use must be conducted in general conformance with the floor plan, included as Attachment 1.

6. Maximum occupancy is based on the approved Non-RUP occupancy as issued by the Fairfax County Department of Land Development Services and subject to final approval by the Office of the Fire Marshal.

7. A minimum of 52 parking spaces must be provided on site for the proposed use as generally depicted on the plat.

8. With any changes to the site parking layout, the applicant must submit and receive approval of a parking redesignation plan by Land Development Services (LDS) prior to the issuance of the Non-RUP for the proposed use.

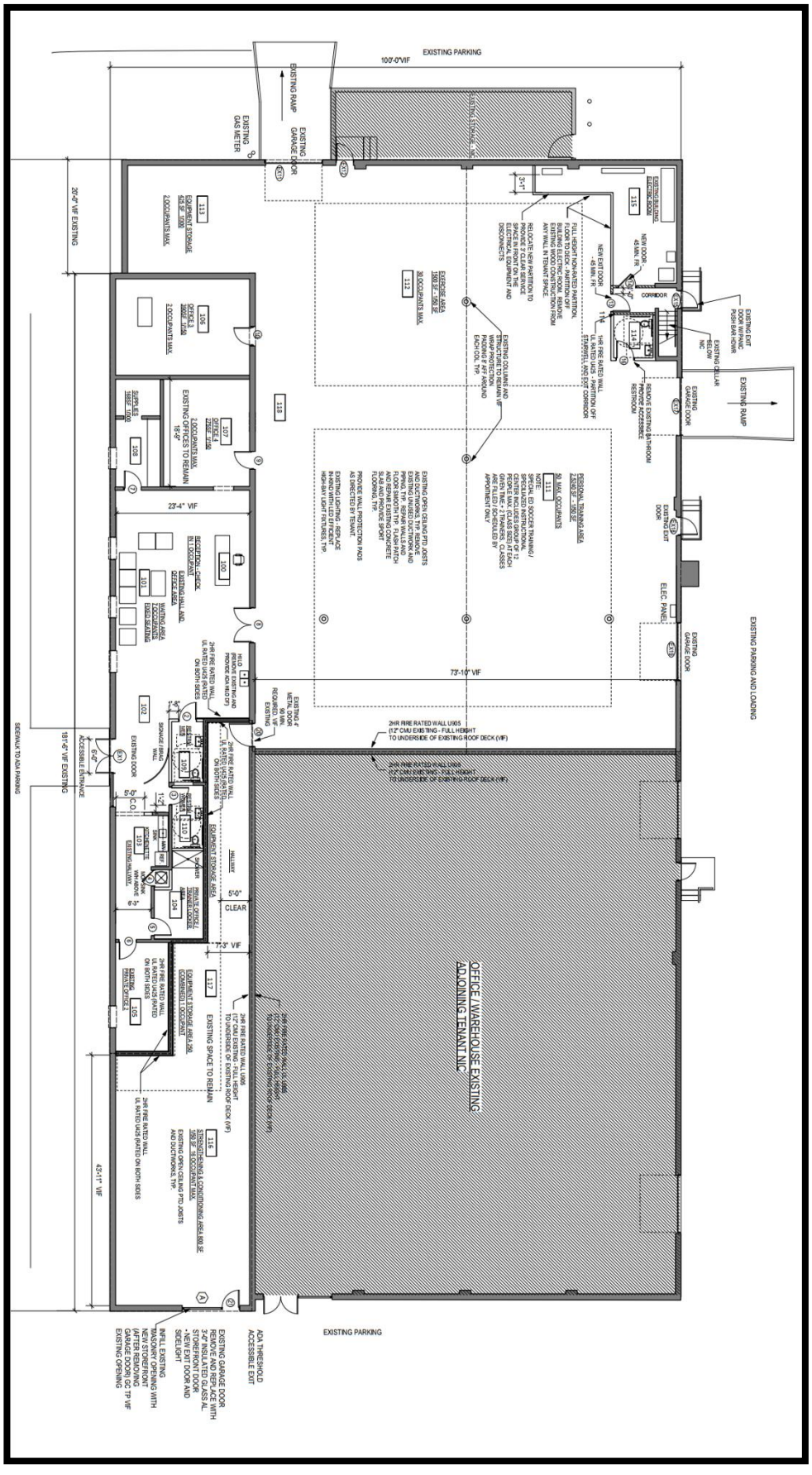
9. Prior to issuance of the Non-RUP for the proposed use, the applicant must coordinate with the site analysis section of FCDOT and provide documentation of the existing conditions and proposed repairs of the internal concrete sidewalks along the accessible route. The proposed repairs must be completed no later than 180 days after receiving the Non-RUP and evidence of the completion provided to FCDOT.

10. All signage must comply with the provisions of Article 7 of the Zoning Ordinance including the requirement to obtain a sign permit.

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/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.

12. 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 interior alterations for the subject health and exercise facility and has been diligently prosecuted and a new Non-RUP has been issued. 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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~ ~ ~ July 22, 2026, Scheduled case of:

> **Laura B. Cheplak and Matthew L. Cheplak, SP-2026-DR-00048** to permit a reduction in setback requirements to permit an addition 18.9 ft. from the front lot line and 5.4 ft. from the northeast side lot line and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 2.3 ft. from the rear lot line. Located at 1928 Leonard Rd. on approx. 10,075 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-1 ((2)) 55.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Laura B. Cheplak and Matthew B. Cheplak, Applicant

The hearing was called and testimony was presented by Mr. Lesko, Mr. Krasner, Mr. Cheplak and Ms. Cheplak. Mr. Lesko outlined satff's position that the proposal did not meet the standards for a reduction in setback particularly standards 8 and 9. Ms. Cheplak then gave her presentation and stated that they felt their proposal was similar to others in the neighborhood that the BZA had granted, particularly at 7409 Paxton Street. Chairman Day called for any speakers from the public and hearing none, closed the public hearing., Mr. Aminoff indicated he agreed with the staff rationale and would move deny the addition. He polled the rest of the Board to see if anyone was interested in deferring decision to provide time to review the case from Paxton Street, however the consensus of the Board members was that each case is different and they did not see the need to defer for that reason. Accordingly Mr. Aminoff then moved to approve**SP-2026-DR-00048** in-part for the shed error only 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

Laura B. Cheplak and Matthew L. Cheplak, SP-2026-DR-00048 to permit a reduction in setback requirements to permit an addition 18.9 ft. from the front lot line and 5.4 ft. from the northeast side lot line and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) 2.3 ft. from the rear lot line. Located at 1928 Leonard Rd. on approx. 10,075 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-1 ((2)) 55. 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 July 22, 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 10,075 square feet.
4. The Board does not find the proposal conformance with standard 9 for the addition.
5. The immediate vicinity has nothing similar to the proposed addition.
6. There are other available options to the applicant such as a smaller garage or utilizing space in the rear.
7. The Board does not support the addition.
8. The Board approves the location of the shed only.
9. 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 not 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, however 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 for the shed, the Board has determined:

I. The error exceeds ten percent of the applicable measurement, or

J. 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

K. 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

L. It will not impair the purpose and intent of this Ordinance, and

M. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

N. It will not create an unsafe condition regarding other properties or public streets, and

O. Compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship, and

P. 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 IN PART**, with the following development conditions:

1. This special permit is granted only for the location of the existing shed shown on the “Plat Showing the Improvements on Lott 55, Section Three, Pimmit Hills” by George M. O’Quinn of Dominion Surveyors, Inc. on February 20, 2026 consisting of one sheet, and approved with this application, as qualified by these development conditions. The proposed garage addition is denied.
2. The subject shed must be maintained in good condition at all times or otherwise brought into conformance with the Zoning Ordinance.

3. 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.

4. Pursuant to subsection 8100.4.D(6) this special permit takes effect upon a vote of approval by the Board of Zoning Appeals.

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~ ~ ~ July 22, 2026, Scheduled case of:

Rene Yomar Guerrero and Carmen Ruiz de Guerrero, SP-2025-MV-00103 to permit a reduction in setback requirements based on errors in building location to permit an accessory structure (detached garage) 1.0 foot from the northwest side lot line and 1.4 ft. from the rear lot line, and to permit an increase in the limitations on coverage of the minimum rear setback. Located at 2812 Groveton St. on approx. 6,500 sq. ft. of land zoned R-3 and HC. Mount Vernon District. Tax Map 93-1 ((18)) (I) 361.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Dustin Bergy, Investigator, Department of Code Compliance
- Brian Nunez, Investigator, Department of Code Compliance
- Rene Guerrero, Applicant's Representative
- Rene Yomar Guerrero and Carmen Ruiz de Guerrero, Applicants

After the hearing where testimony was presented by Mr. Lesko, Mr. Krasner, Mr. Bergy, Mr. Nunez, and Mr. Guerrero, and there being no public speakers for this case, Mr. Pieffer moved to continue **SP-2025-MV-00103** to September 30, 2026, and directed the application to have a revised survey competed that showed the rear setback coverage more accurately including the concrete apron and broken asphalt and gravel., Vice Chairman Ballo and Ms. Rouzi seconded the motion, which carried by a vote of 6-0.

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~ ~ ~ July 22, 2026, After Agenda Items:

Informational Items

- Administrative Items report for July 22, 2026.

Chairman Day instructed the Board to review the informational items for July 22, 2026.

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Chairman Day announced that the staff from the Zoning Administration Division would give a presentation at the next meeting about Accessory Living Units (ALUs). She also noted that the board would begin using the updated motions which were provided by their counsel.

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As there was no other business to come before the Board, the meeting was adjourned at 11:26 A.M.

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Minutes by: Keisha Strand

Approved on: September 16, 2026