

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, July 23, 2025. The following Board Members were present: Chairman Karen L. Day; Vice Chairman Rebecca Ballo; Daniel Aminoff; Clair McDade (Arrived at 9:40am); Tristan O'Savio; and Thomas W. Smith III. Akida Rouzi 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. Chairman Day called the first scheduled case.

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~ ~ ~ July 23, 2025, Scheduled case of:

**Lucia R. De Aguiar, SP-2023-SP-00204** to permit a detached accessory living unit. Located at 7643 Clifton Rd., Fairfax Station, 22039 on approx. 5.08 ac. of land zoned R-C and WS. Springfield District. Tax Map 87-3 ((2)) (1) 15. (Admin moved from 2/12/2025 due to canceled meeting) (Deferred from 9/25/2024, 10/23/2024, 4/2/2025, and 5/14/2025)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Lucia De Aguiar, Applicant

After the hearing where public testimony was presented by Mr. McCadden, Mr. Krasner, and Ms. Aguiar, and there being no public speakers, Mr. Aminoff moved to approve SP-2023-SP-00204 for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 6-0. Ms. Rouzi was absent from the meeting. Ms. McDade was not present for the vote. 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**

**Lucia R. De Aguiar, SP-2023-SP-00204** to permit a detached accessory living unit. Located at 7643 Clifton Rd., Fairfax Station, 22039 on approx. 5.08 ac. of land zoned R-C and WS. Springfield District. Tax Map 87-3 ((2)) (1) 15. 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 23, 2025; and

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

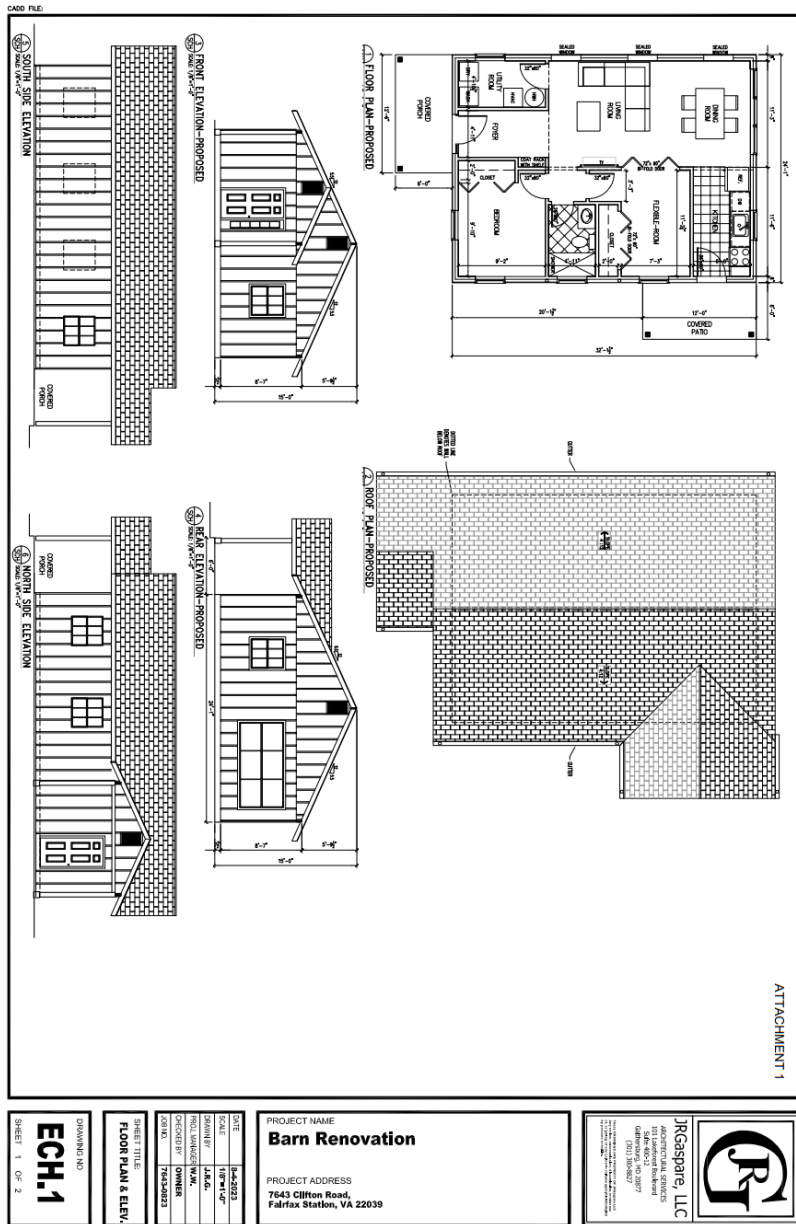
1. The applicant is the owner of the land.
2. The present zoning is R-C and WS.
3. The area of the lot is 5.08 acres.
4. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the 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. These conditions must be recorded by the applicants among the land records of Fairfax County for this property. A copy of the recorded conditions must be provided to the Zoning Permit Section, Department of Planning and Development.
2. This approval is granted to the applicant, Lucia R. De Aguiar, only, for the location indicated on the application, 7643 Clifton Road, Fairfax Station 22039, and is not transferable to other land or other owners.
3. This special permit is granted only for one detached accessory living unit as depicted on the plat titled "Special Permit/Variance Plat On 7643 Clifton Rd, The Holly Forest, Lot 15, BLK 1", prepared by Rishi R. Baral of AMA Engineers, LLC, dated May 20, 2024, as submitted with this application, and is not transferable to other land.
4. The accessory living unit is limited to a maximum of 1,200 square feet, and the layout must be in substantial conformance with the floor plan included as Attachment 1 to these conditions.
5. Occupancy of the accessory living unit is limited to no more than two persons, inclusive of any minor children, pursuant to subsection 4102.7.B(7) of the Zoning Ordinance.
6. The ALU must contain a working multi-purpose fire extinguisher and smoke and carbon monoxide detectors that are interconnected with the principal dwelling.
7. The accessory living unit is approved for an initial period of two years from the approval date of the special permit and may be extended by the Zoning Administrator for succeeding periods of up to five years.
8. All applicable trade permits and final inspections including but not limited to the plumbing connection to the existing well and the new septic system must be obtained and approved for the ALU prior to occupancy.
9. Occupancy of the ALU is prohibited until Land Development Services determines that all requirements of the approved rough grading plan have been satisfactorily implemented to remediate the unpermitted land disturbance in the front yard.
10. 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.
11. 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 conversion of the stable into an ALU 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 23, 2025, Scheduled case of:

**Richard D. Ferris and Lolita C. Ferris, SP-2024-PR-00079** to permit a reduction of setback requirements to permit an addition 20.0 ft. from the rear lot line and to permit an accessory living unit Located at 3521 Glenbrook Rd. on approx. 1.1 ac. of land zoned R-1. Providence District. Tax Map 58-2 ((4)) 69.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Richard D. Ferris, Applicant

After the hearing where public testimony was presented by Ms. Santiago, Mr. Krasner, and Mr. Ferris, and there being no public speakers, Vice Chairman Ballo moved to approve SP-2024-PR-00079 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 6-0. Ms. Rouzi was absent from the meeting. Ms. McDade was not present for the vote. 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

**Richard D. Ferris and Lolita C. Ferris, SP-2024-PR-00079** to permit a reduction of setback requirements to permit an addition 20.0 ft. from the rear lot line and to permit an accessory living unit. Located at 3521 Glenbrook Rd. on approx. 1.1 ac. of land zoned R-1. Providence District. Tax Map 58-2 ((4)) 69. 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 23, 2025; and

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

1. The applicants are the property owners.
2. The present zoning is R-1.
3. The area of the lot is 1.1 acres.
4. The Board adopts the rationale as stated in the staff report.
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.

AND 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. The portion of the approval for the accessory living unit only is granted to the applicants, Richard D. Ferris and Lolita C. Ferris, only, for the location indicated on the application, 3521 Glenbrook Road, Fairfax 22031, and is not transferable to other land or other owners.
3. This special permit is granted only for the location of the proposed addition and an accessory living unit as depicted on the plat, entitled *"Accessory Living Unit Special Use Permit Plat, Lot 69, Section 4, Mantua, 3521 Glenbrook Road, Richard W. Ferris,"* prepared by Christopher Garwood and dated February 10, 2024, with revisions on January 6, February 17, April 24, and June 26, 2025, as submitted with this application, and is not transferable to other land.
4. 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 (6,539 square feet existing + 9,808.5 square feet (150%) = 16,347.5 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 setback requirements will be permitted without an amendment to this special permit.
5. The addition must be generally consistent with the architectural elevations depicted in Attachment 1 of these conditions.
6. The accessory living unit is limited to a maximum of 1,428 square feet and must be in substantial conformance with the floor plan attached to these development conditions as Attachment 1.
7. Occupancy of the accessory living unit is limited to no more than two (2) persons.
8. The ALU must contain a working multi-purpose fire extinguisher and smoke and carbon monoxide detectors that are interconnected with the principal dwelling.
9. The accessory living unit is approved for an initial period of two years from the approval date of the special permit and may be extended by the Zoning Administration for screening periods of up to five years.
10. Before beginning construction, the applicant must retain an ISA Certified Arborist to assess the potential impact of construction on nearby trees, including those located on adjacent properties and must then implement appropriate tree protection measures during construction such as, but not limited to, pruning, root matting or mulching, and protective fencing.
11. During construction of the proposed accessory living unit and garage addition, the east side of the subject property must be used as the primary access point to the project site. Storing, delivering, or stockpiling of materials, equipment, or machinery must occur within the driveway and must not take place beneath any tree canopies located along the western and northern portions of the property.
12. 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.

13. 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 accessory living unit/garage 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 23, 2025, Scheduled case of:

**Ryan Eubank and Natalia McMahan, VC-2025-MV-00001** to permit construction of a single family detached dwelling 30.9 ft. from the front lot line adjacent to Potomac Road and 33.7 ft. from the front lot line adjacent to Mallow Trail. Located at 11505 Potomac Rd. on approx. 20,680 sq. ft. of land zoned R-E. Mount Vernon District. Tax Map 119-4 ((2)) (19) 1, 21 and 73.

The participants in the hearing were as follows:

- Cathy Belgin, Chief, Conformance Review and Acceptance Branch
- Nick Cicero, Staff Coordinator
- Ryan Eubank, Applicant

Mr. Krasner recused himself from participating in this case as one of the applicants was an ex-spouse of one of his subordinates. He explained that Ms. Belgin had managed the review of the application and would handle the public hearing as well. After the hearing where public testimony was presented by Mr. Cicero, Ms. Belgin, and Mr. Eubank, and there being no public speakers for this case, Mr. O'Savio moved to approve VC-2025-MV-00001 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 6-0. Ms. Rouzi was absent from the meeting. Ms. McDade was not present for the vote. Mr. Smith voted in his capacity as the alternate board member.

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## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

**Ryan Eubank and Natalia McMahan, VC-2025-MV-00001** to permit construction of a single family detached dwelling 30.9 ft. from the front lot line adjacent to Potomac Road and 33.7 ft. from the front lot line adjacent to Mallow Trail. Located at 11505 Potomac Rd. on approx. 20,680 sq. ft. of land zoned R-E. Mount Vernon District. Tax Map 119-4 ((2)) (19) 1, 21 and 73. 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 23, 2025; and

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

5. The applicants are the owners of the land.
6. The present zoning is R-E.
7. The area of the lot is 20,680 square feet.
8. The variance will be consistent with the neighboring dwellings.
9. 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 for the location of the new dwelling as shown on the variance plat titled, "Variance Plat Lots 1, 21, 22, 73, 74, 76 & 77 Block 19, Section A, Gunston Manor", prepared by Michael L. Flynn of Merestone Land Surveying Inc., dated March 26, 2025, as submitted with this application, and is not transferable to other land.
2. The design of the dwelling must be generally consistent with the submitted variance plat and architectural renderings depicted in Attachment 1 to these development conditions.
3. All required approvals such as grading plans and building permits must be obtained prior to construction.
4. 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

5. Pursuant to subsection 8100.6.B(5) of the Zoning Ordinance, the variance for the proposed dwelling with covered front porch and rear deck automatically expires, without notice, 36 months after the date of approval unless construction 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.





DET No. **A4.3**



A4.4

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~ ~ ~ July 23, 2025, Scheduled case of:

**Stephen Weinstein and Christine Carone-Weinstein, SP-2025-DR-00032** to permit a reduction of setback requirements to permit an open deck 5.2 ft. from the side lot line. Located at 1910 Pimmit Dr. on approx. 10,891 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-1 ((16)) 285.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Stephen Weinstein and Christine Carone-Weinstein, Applicants
- Public Speakers
  - Jasmine Bernal, 7213 Friden Drive, Falls Church, VA 22043
  - Jorge Bernal, 7213 Friden Drive, Falls Church, VA 22043

After the hearing where public testimony was presented by Mr. Lesko, Mr. Krasner, and Mr. and Ms. Weinstein, which was then followed by the above mentioned public speakers, Ms. McDade moved to approve SP-2025-DR-00032 for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 7-0. Ms. Rouzi was absent from the meeting. 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

**Stephen Weinstein and Christine Carone-Weinstein, SP-2025-DR-00032** to permit a reduction of setback requirements to permit an open deck 5.2 ft. from the side lot line. Located at 1910 Pimmit Dr. on approx. 10,891 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-1 ((16)) 285. Ms. McDade 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 23, 2025; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-4.
3. The area of the lot is 10,891 square feet.
4. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the standards for the Reduction of Setback Requirements as contained in Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the Board has determined that:

1. The application meets all the submission requirements set forth in Sect. 8101.3
2. A. The resulting gross floor area of the addition to the existing principal structure is not greater than 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. If a portion of the single-family detached dwelling is to be removed, no more

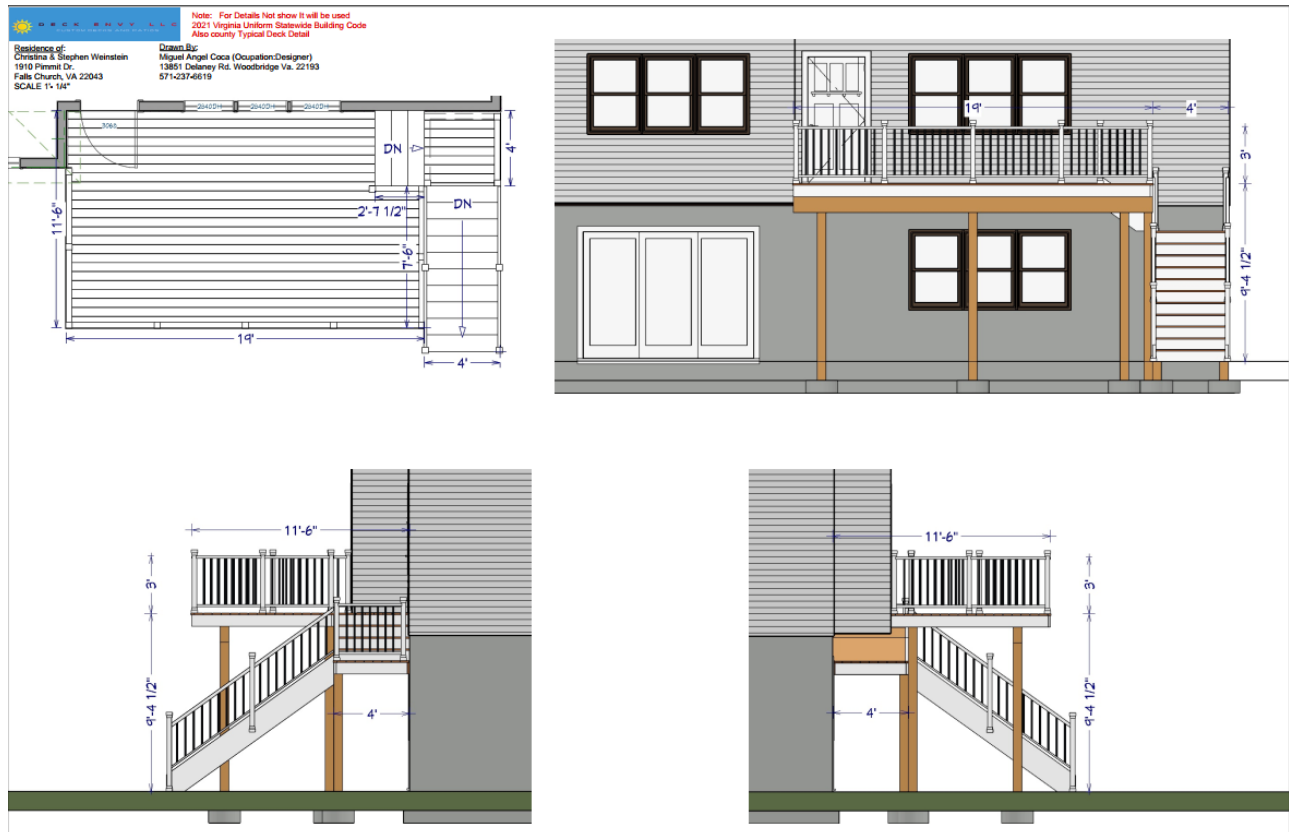
than 50 percent of the gross floor area of the existing dwelling at the time of the first yard reduction will be removed;

B. The resulting gross floor area of the existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

3. The proposed scale of the development is harmonious with the existing on-site and surrounding off-site development, and the development preserves existing vegetation and significant trees, as determined by the Director, in a manner that is characteristic of surrounding off-site development.
4. The proposal does not adversely impact the use or enjoyment of any adjacent property through the creation of issues related to noise, light, air, safety, erosion, and stormwater runoff.
5. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

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

1. This special permit is granted only for the location of the proposed open deck as indicated on the plat "Special Permit Plat, Lot 285 Section 7, Pimmit Hills" prepared by Chad E. Jernigan of CAP Land Surveying PLLC revised through April 15, 2025 consisting of one sheet, and approved with this application, as qualified by these development conditions.
2. The subject open deck must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
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 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 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.
5. The applicants must install evergreen screening plantings along the side lot line adjacent to the subject deck. The plantings must be installed within 6 months of the date of approval of this special permit and be of a species that will reach at least 16 feet in height at the time of maturity.



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~ ~ ~ July 23, 2025, Scheduled case of:

**Jianhai Lin, SP-2024-DR-00058** to permit an increase in fence height in the front yard adjacent to Springhaven Garden Lane and Rector Lane and a reduction in setback requirements based on an error in building location to allow an accessory structure (shed) to remain 2.1 ft. from the side lot line. Located at 8332 Springhaven Garden Ln., on approx. 45,430 sq. ft. of land zoned R-1. Dranesville District. Tax Map 20-3 ((8)) 12B. (Admin moved from 5/14/2025, and 6/11/2025) -

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Mark Friedlander, Friedlander & Friedlander, Agent for the Applicant
- Jianhai Lin, Applicant

After the hearing where public testimony was presented by Mr. Lesko, Mr. Krasner, Mr. Freeland, and Mr. Lin, and there being no public speakers, Mr. Smith moved to approve SP-2024-DR-00058 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 7-0. Ms. Rouzi was absent from the meeting. 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**

**Jianhai Lin, SP-2024-DR-00058** to permit an increase in fence height in the front yard adjacent to Springhaven Garden Lane and Rector Lane and a reduction in setback requirements based on an error in building location to allow an accessory structure (shed) to remain 2.1 ft. from the side lot line. Located at 8332 Springhaven Garden Ln., on approx. 45,430 sq. ft. of land zoned R-1. Dranesville District. Tax Map 20-3 ((8)) 12B. Mr. Smith 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 23, 2025; and

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

1. The applicants is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 45,430 square feet.
4. The shed is 9.3 feet tall, is 2.1 feet from the property line, however it is in a location that is not very visible from surrounding properties.

5. The shed is small, modest, unobtrusive, and well screened.
6. The grade of the property justifies the fence height increase.
7. The Board finds this to be a reasonable proposal.
8. 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 and the standards for this use as set forth in Sect. 4102.7.A(7)(c)(3) 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.

AND THAT the applicant has presented testimony indicating compliance with Sects. 5100.2.D(11)(d), Provisions for BZA Authorized Reductions in Setback Requirements Based on an Error in Building Location, the Board has determined:

- A. The error exceeds ten percent of the applicable measurement, or
- B. The error is up to ten percent of the applicable measurement and the reduction or modification is requested in conjunction with the approval of another special permit or application for a variance on the property, and
- C. The noncompliance was done through no fault of the property owner, or was the result of an error in the relocation of the building after the issuance of a building permit, if one was required, and
- D. It will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition regarding other properties or public streets, and
- G. Compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship, and
- H. It will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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

1. This special permit is granted only for the location of the existing fencing greater than four feet in height in the front yards adjacent to Springhaven Garden Lane and Rector Lane (as modified herein) and for the existing shed as indicated on the plat titled, "Plat Showing the Improvements on Lot 12 Springhaven Estates and Part of a Vacation and Abandonment on a Portion of Sparger Street" as prepared by George M. O'Quinn of Dominion Surveyors revised through December 31, 2024
2. Within 120 days of approval of this special permit, the applicants must relocate the sections of fencing that are currently located in the Springhaven Garden Lane Right of Way and onto their property by at least 1 foot.
3. Within 120 days of approval of this special permit, pursuant to Section 5100.2.D.4.C of the Zoning Ordinance, the applicant must relocate the subject fencing out of the sight distance triangle as depicted on the plat. The sight distance triangle must be maintained as required by the Ordinance.
4. The applicant must maintain the fencing in good condition at all times or otherwise bring them into conformance with the Zoning Ordinance.
5. The subject shed must be maintained in good condition at all times or otherwise brought into compliance with the Ordinance.
6. The applicant is responsible for identifying and complying with the terms of all easements, covenants, conditions, liens, judgments, encroachments, or other encumbrances to title affecting the subject property, shown, or not shown, on the approved special permit/variance plat. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
7. Pursuant to Article 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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~ ~ ~ July 23, 2025, Scheduled case of:

**Fair Oaks Recreation Association, SPA-85-C-001-02** to amend SP-85-C-001 previously approved for a community swim, tennis, and recreation club to permit modifications to development conditions and a change in permittee. Located at 3720 Charles Stewart Dr. on approx. 6.01 ac. of land zoned R-3 (Cluster) and WS. Sully District. Tax Map 45-2 ((6)) E and F. (Admin moved from 6/11/2025)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Sasha Brauer, Odin, Feldman, Pittleman, P.C., Agent for the Applicant

- Gregory Schossler, Fair Oaks Recreation Association President, Applicant
- Public Speakers
  - John Evans, 12493 Alexander Cornell Drive, Fairfax Va, 22033
  - Dale Harris, M.D., 3726 Charles Stewart Drive, Fairfax Va, 22033
  - William Nallo, 3726 Charles Stewart Drive, Fairfax Va, 22033
  - Neil Reilly, 3804 Ruben Simpson Ct, Fairfax, VA 22033
  - Carol Friedman, 3712 Charles Stweart Drive, Fairfax, VA 22033
  - Margaret Guarino, 12426 Alexander Cornell Dr, Fairfax, VA 22033
  - Jennifer McNulty, 12412 Ox Hill Road, Fairfax, VA 22033
  - Jennifer Weigle, 12503 Alexander Cornell Dr, Fairfax, VA 22033
  - Kurt Weigle, 12503 Alexander Cornell Dr, Fairfax, VA 22033, Video Testimony
  - Katie Faircloth, Fair Oaks Recreation Association, Social Chair, Address not provided

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, Ms. Brauer, and Mr. Schossler, which was then followed by testimony of the above referenced public speakers for this case, Mr. Aminoff moved to approve SPA-85-C-001-02 for the reasons stated in the Resolution. Vice Chairman Ballo seconded the motion, which carried by a vote of 6-1. Ms. McDade voted against the motion. Ms. Rouzi was absent from the meeting. 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**

**Fair Oaks Recreation Association, SPA-85-C-001-02** to amend SP-85-C-001 previously approved for a community swim, tennis, and recreation club to permit modifications to development conditions and a change in permittee. Located at 3720 Charles Stewart Dr. on approx. 6.01 ac. of land zoned R-3 (Cluster) and WS. Sully District. Tax Map 45-2 ((6)) E and F. 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 23, 2025; and

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

1. The applicant is the lessee of the property.
2. The present zoning is R-3 (Cluster) and WS.
3. The area of the lot is 6.01 acres.
4. The amplified music will be permitted for a limited time, as specified in the development conditions.
5. The barrier requirement will now be modified in favor of the existing perimeter fence surrounding the pool.
6. The subject property is subject to the County Noise Ordinance.
7. Periodic amplified sound is typically permitted by the Board at other swim club facilities in similar locations.
8. The applicant has read, understands, and concurs with the proposed development conditions, as amended.

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 Sect. 4102.4.F the Zoning Ordinance.

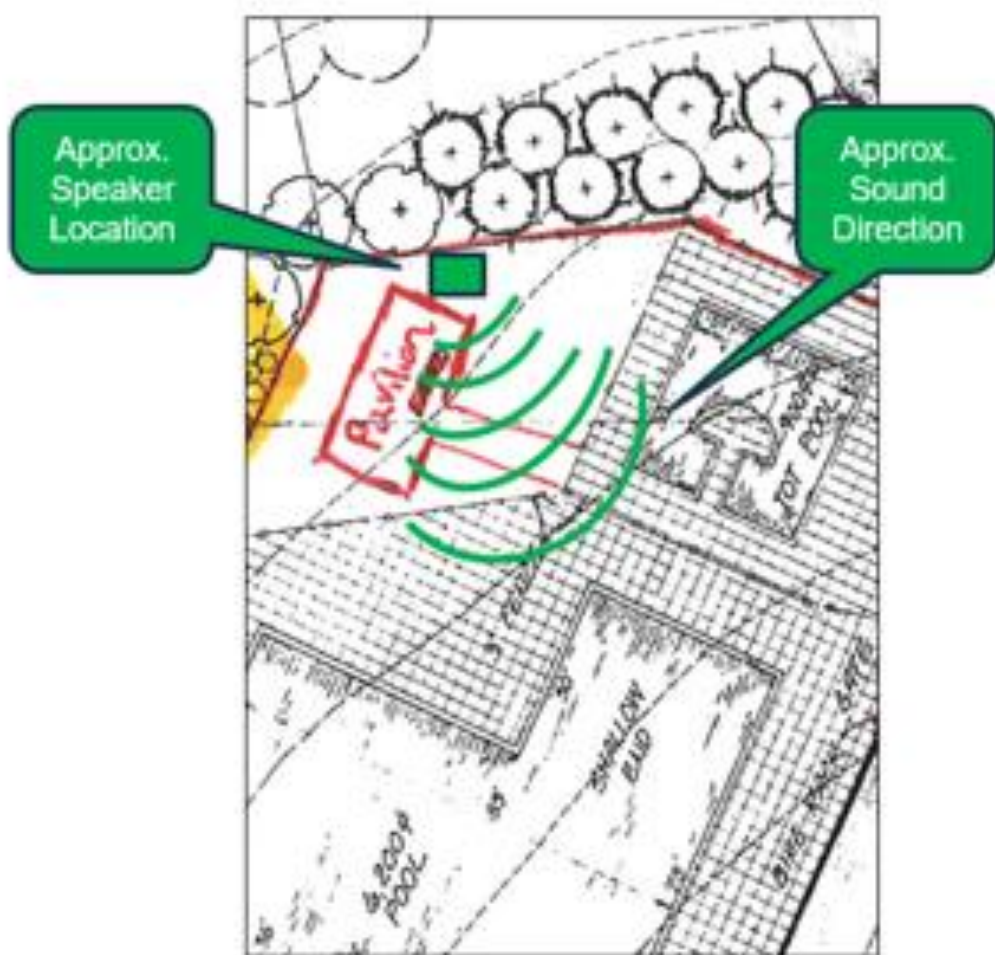
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This approval is granted to the applicant only, Fair Oaks Recreation Association, and is not transferable without further action of this Board, and is for the location indicated on the application, 3720 Charles Stewart Drive, and is not transferable to other land.
2. This special permit is granted only for a community swim, tennis, and recreation club as indicated on the special permit plat titled, "*Special Permit Amendment Plat, Fair Oaks Recreation Association*", Dated March 4, 2025, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit **MUST BE POSTED** in a conspicuous place on the property of the use.
4. Minor modifications to the approved special permit may be permitted pursuant to Sect. 8100.5.A (1) (5) of the Zoning Ordinance.
5. The maximum number of family memberships is limited to 420, comprised primarily of residents of the Fair Oaks Estates Subdivision and 22033 zip code.
6. A minimum of 43 parking spaces must be provided onsite. Bicycle parking, as defined in Article 9 of the Zoning Ordinance, is encouraged. Pedestrian access is encouraged from the northern portion of the subdivision. All parking must be located on site except for up to four Saturday swim meets and up to three weeknight swim meets per year held within hours approved herein.
7. The transitional screening requirement is modified along all lot lines in favor of existing vegetation and the supplemental landscaping shown on the special permit plat, except that, within 180 days of approval of this special permit amendment, the applicant must also install at least a single row of evergreen plantings at least eight (8) feet in height at the time of installation in the area between the outside of the barrier fence and the common property line with adjacent lot 78, as depicted in Attachment 1 to these conditions. The row of plantings must be oriented approximately parallel to the common property line with lot 78.
8. The barrier requirement is modified along all lot lines in favor of the solid 6 foot tall fence as depicted on the Special Permit Plat.
9. All activities must comply with the provisions of the Noise Ordinance, Chapter 108.1 of the Fairfax County Code. All amplified sound, including music, is limited to portable speaker(s) placed in the location depicted in Attachment 2 to these conditions and directed towards the pool. Permanently mounted speakers are prohibited. Typical swim meet devices such as, but not limited to, start buzzers and public address systems may be utilized in other locations to manage swim meet events. Amplified sound, including music, is limited to three and one-half (3½) hours per day.
10. If lights are provided for the pool and parking lot, they must comply with Sect. 5109 of the Zoning Ordinance.
11. Unless otherwise stipulated in development condition #12 contained herein, the hours of

operation for the pool are limited to 8:00 a.m. to 9:00 p.m. daily. Swim team practice are only permitted within these hours. The hours of operation for the meeting room are limited to 8:00 a.m. to 10:00 p.m., daily.

12. After-hours events are subject to the following:
  - Limited to a maximum of six (6) after-hours events per year.
  - Limited to Friday, Saturday, and pre-holiday evenings.
  - Must not extend beyond 10:00 p.m. with clean-up completed by 10:30 p.m.
  - Must comply with the provisions of the Noise Ordinance, Chapter 108.1 of the Fairfax County Code.
13. In order to mitigate potential negative impacts resulting from the discharge of chemicals existing in the swimming pool water during the pre-season pool cleaning, the applicant must ensure that the chemicals are neutralized prior to discharge into sanitary sewer lines by using the following specifications for all pool discharge materials:
  - All wastewater resulting from the cleaning and draining of the pool located on the property must meet the appropriate level of water quality prior to discharge as determined by the Senior Sanitarian in the Consumer Services Section of the Environmental Health Division, Fairfax County Health Department. Sufficient amounts of lime or soda ash must be added to the acid cleaning solution to achieve a pH level approximately equal to that of the receiving stream and as close to a neutral pH of 7 as possible.
  - If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it must be allowed to stand so that the solids settle out prior to being discharged.
14. All signage must comply with the provisions of Article 7 of the Zoning Ordinance.
15. This use is subject to the provisions of the Water Supply Protection Overlay District.
16. 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.
17. Pursuant to Sect. 8100.4.D(6)(a) 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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~ ~ ~ July 23, 2025, Scheduled case of:

**Vincent Warrington. ZAPL-2025-MV-00007** An appeal of a Notice of Violation that the appellant has an accessory structure (shipping/sea container) located on a lot developed with a residential dwelling in violation of Zoning Ordinance provisions. Located at 5400 Mount Vernon Memorial Highway, Alexandria, VA 22309. Approx. 1.686 acres of land, zoned R-2, Mount Vernon District, Tax Map 109-2 ((1)) 35.

The participants in the hearing were as follows:

- Sara Morgan, Deputy Zoning Administrator, Zoning Administration Division
- Christopher Evans, Staff Coordinator
- Joan Maguire, Investigator, Department of Code Compliance
- Vincent Warrington, Appellant

After the hearing where testimony was presented by Mr. Evans, Ms. Morgan, Ms. Maguire, and Mr. Warrington, and there being no public speakers, Vice Chairman Ballo moved to uphold the determination of the Zoning Administrator for the following reasons:

- The appellant's testimony did not dispute that the violation was factually incorrect.
- The shipping container was not used in connection with any construction on the property, which does not meet the special exception requirements for shipping containers in the Zoning Ordinance.
- The board did not find that there was any error on the part of the inspector issuing the Notice of Violation, due to the Zoning Ordinance prohibiting shipping containers.

Chairman Day seconded the motion, which carried by a vote of 6-0. Ms. Rouzi was absent from the meeting. Ms. McDade was not present for the vote.

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~ ~ ~ July 23, 2025, After Agenda Item:

Chairman Day advised the board members to review the Informational Items, which included proposed dates for 2026.

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As there was no other business to come before the Board, the meeting was adjourned at 12:44 P.M.

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Minutes by: Keisha A. Strand

Approved on: October 29, 2025