

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, October 29, 2025. The following Board Members were present Vice Chairman Rebecca Ballo; Daniel Aminoff; Clair McDade; Tristan O'Savio; Sean Peiffer; and Thomas W. Smith III. Chairman Karen L. Day was absent.

Vice Chairman Ballo called the meeting to order at 9:00 a.m. She asked if there were any Board Matters to bring before the Board. As there were no Board Matters, he then discussed the policies and procedures of the Board of Zoning Appeals. Vice Chairman Ballo called the first scheduled case.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Shaghayegh Noorishad, SP-2025-SP-00016** to permit an increase in fence height in the front yard adjacent to Braymore Cir. Located at 9408 Braymore Cir., on approx. 13,223 sq. ft. of land zoned PDH-2. Springfield District. Tax Map 97-1 ((7)) 25.

Vice Chairman Ballo noted that special application SP-2025-SP-00016 had been administratively moved to November 19, 2025.

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~ ~ ~ October 29, 2025, Scheduled case of:

**The Most Reverend Michael F. Burbidge, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (St. Robert Bellarmine Chapel), SPA-92-B-016** to amend SP-92-B-016 previously approved for a religious assembly to allow modifications to site and development conditions. Located at 4521 Roberts Rd., on approx. 1.7 ac. of land zoned R-1. Braddock District. Tax Map 68-2 ((1)) 18A.

Vice Chairman Ballo noted that special application SPA-92-B-016 had been administratively moved to November 19, 2025.

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~ ~ ~ October 29, 2025, Scheduled case of:

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

Vice Chairman Ballo that variance application SP-2025-SP-00049 had been administratively moved to January 7, 2025.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Susan E. Jones, SP-2025-MV-00048** to permit a reduction of setback requirements to permit: 1.) an addition 18.2 ft. from the front lot line adjacent to Cameron Road, 17.5 ft. from the front lot line adjacent to Washington Ave., and 7.5 ft. from the northwest side lot line; and 2.) a roofed deck (covered walkway) 11.9 ft. from the northwest side lot line. Located at 8000 Washington Ave., on approx. 13,484 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 102-2 ((12)) 42.

Vice Chairman Ballo noted that special application SP-2025-MV-00048 had been administratively moved to November 19, 2025.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Daniel Ruedy and Lauren Ruedy, VC-2025-FR-00013** to permit an addition 6.5 ft. from the south side lot line. Located at 7121 Harrison Ln. on approx. 1.00 ac. of land zoned R-2 and HD. Franconia District. Tax Map 92-4 ((1)) 6.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator

Brent Krasner stated the need for deferral was due to a change in the applicant's proposal, and there being no public speakers for this case, Mr. Aminoff moved to defer VC-2025-FR-00013 to November 19, 2025, at 9:00 a.m. Mr. Smith seconded the motion, which carried by a vote of 6-0. Ms. McDade was not present for the vote. Chairman Day was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Christopher S. McNamara, TR, SP-2025-MV-00051** To permit a reduction of setback requirements to permit a roofed deck (covered patio) 7.5 feet from the northeast side lot line and 28.0 feet from the front lot line adjacent to Elba Road and to permit a freestanding accessory structure (shed) in the front yard of a through lot adjacent to Delafield Place. Located at 7704 Elba Rd., on approx. 22,115 sq. ft. of land zoned R-2 and HD. Mount Vernon District. Tax Map 102-1 ((19)) (2) 24.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Christopher S. McNamara, Applicants

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. McNamara, and there being no public speakers for this case, Mr. Aminoff moved to approve SP-2025-MV-00051 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0. Chairman Day 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**

**Christopher S. McNamara, TR, SP-2025-MV-00051** To permit a reduction of setback requirements to permit a roofed deck (covered patio) 7.5 feet from the northeast side lot line and 28.0 feet from the front lot line adjacent to Elba Road and to permit a freestanding accessory structure (shed) in the front yard of a through lot adjacent to Delafield Place. Located at 7704 Elba Rd., on approx. 22,115 sq. ft. of land zoned R-2 and HD. Mount Vernon District. Tax Map 102-1 ((19)) (2) 24. 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 October 29, 2025; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-2 and HD.
3. The area of the lot is 22,115 square feet.
4. The applicant has read, understands, and concurs with the 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 contain in Sect. 4102.1.F (2) and standards for the Reduction of Setback Requirements as contained in Sect. 5100.2.D(11)(e) and the standards for freestanding accessory structures in the front yard of a through lot as contained in Sect. 5100.2.D (7) (b) 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 approved only for the location of the proposed roofed deck (covered patio) and existing shed as shown on the special permit plat, entitled "*Special Permit Plat*" prepared by Kendell S. Dorman, Architect. dated, June 9, 2025, and revised through October 24, 2025, as submitted with this application and is not transferable to other land.
2. The roofed deck must be generally consistent with the architectural elevations as shown in Attachment 1 to these conditions.
3. The subject shed must be maintained in good condition at all times or otherwise brought into compliance with the Ordinance.
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 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.

5. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, the approval will automatically expire, without notice, 36 months after the date of approval unless construction has commenced on the roofed deck and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Lamya Moosa and John Palenski, SP-2025-MA-00071** to permit a reduction in setback requirements to permit an addition 9.5 ft. from the southeast side lot line and a reduction in setback requirements based on errors in building location to permit an accessory structure (shed) 2.7 ft. from the rear lot line and 3.9 ft. from the southeast side lot line. Located at 6406 Carolyn Dr., on approx. 10,791 sq. ft. of land zoned R-3. Mason District. Tax Map 51-3 ((11)) 110.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Adriana Santiago, Staff Coordinator
- Melissa Zeller, Agent for the Applicant
- Lamya Moosa and John Palenski, Applicants

After the hearing where testimony was presented by Mr. Santiago, Mr. Krasner, and Ms. Zeller, and there being no public speakers for this case, Mr. Peiffer moved to approve SP-2025-MA-00071 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 7-0. Chairman Day 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

**Lamya Moosa and John Palenski, SP-2025-MA-00071** to permit a reduction in setback requirements to permit an addition 9.5 ft. from the southeast side lot line and a reduction in setback requirements based on errors in building location to permit an accessory structure (shed) 2.7 ft. from the rear lot line and 3.9 ft. from the southeast side lot line. Located at 6406 Carolyn Dr., on approx. 10,791 sq. ft. of land zoned R-3. Mason

District. Tax Map 51-3 ((11)) 110. 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 October 29, 2025; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-3.
3. The area of the lot is 10,791 square feet.
4. 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:

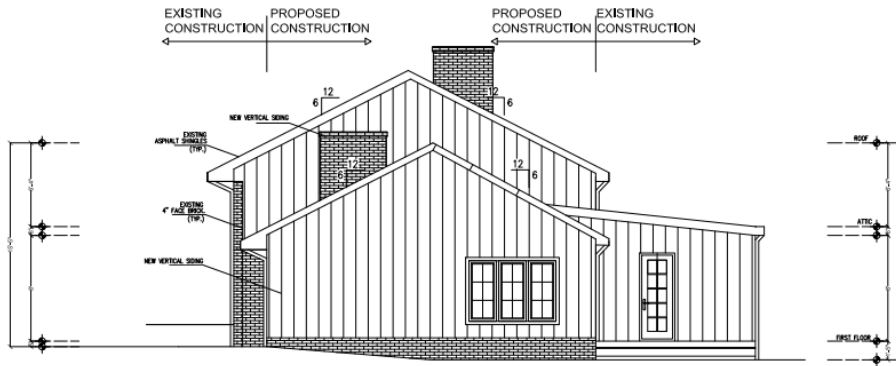
- A. The error exceeds ten percent of the applicable measurement, or
- B. The error is up to ten percent of the applicable measurement and the reduction or modification is requested in conjunction with the approval of another special permit or application for a variance on the property, and
- C. The 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 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 side addition and shed as shown on the special permit plat, entitled "Plat Showing Special Permit Lot 110, Section 2, Sleepy Hollow Manor" prepared by Kendall Consulting, Inc., dated August 25, 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 (1,667 square feet existing + 2,501 square feet (150%) = 4,168 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 side addition must be generally consistent with the architectural elevations depicted in Attachment 1 of these conditions.
5. The applicants must maintain the shed in good condition at all times or otherwise bring it into compliance with the Zoning Ordinance.
6. The applicants are responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments, or other encumbrances to title affecting the subject 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 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 subject 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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PROPOSED RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0" (2) 10004



PROPOSED FRONT ELEVATION  
SCALE: 1/4"=1'-0" (1) 10003

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~ ~ ~ October 29, 2025, Scheduled case of:

**NextVision Golf Club LLC, SP-2025-PR-00074** to permit an indoor commercial recreation use (golf simulator establishment). Located at 8500 and 8502 Route 29, on approx. 7,767 sq. ft. of land zoned I-5 and HC. Providence District. Tax Map 49-3 ((15)) 1 and 49-3 ((1)) 70.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Jessica Washington, Agent for the Applicant

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Ms. Washington, and there being no public speakers for this case, Mr. O'Savio moved to approve SP-2025-PR-00074 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0. Chairman Day 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**

**NextVision Golf Club LLC, SP-2025-PR-00074** to permit an indoor commercial recreation use (golf simulator establishment). Located at 8500 and 8502 Route 29, on approx. 7,767 sq. ft. of land zoned I-5 and HC. Providence District. Tax Map 49-3 ((15)) 1 and 49-3 ((1)) 70. 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 October 29, 2025; 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 and HC.
3. The area of the proposed use is 7,767 square feet.
4. The proposed indoor facility is in harmony with the comprehensive plan for the Merrifield Suburban Center to accommodate mixed uses in an attractive and functional business environment.
5. The applicant has addressed all outstanding issues with respect to providing adequate parking.
6. The applicant has read, understands, and concurs with the development conditions.

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

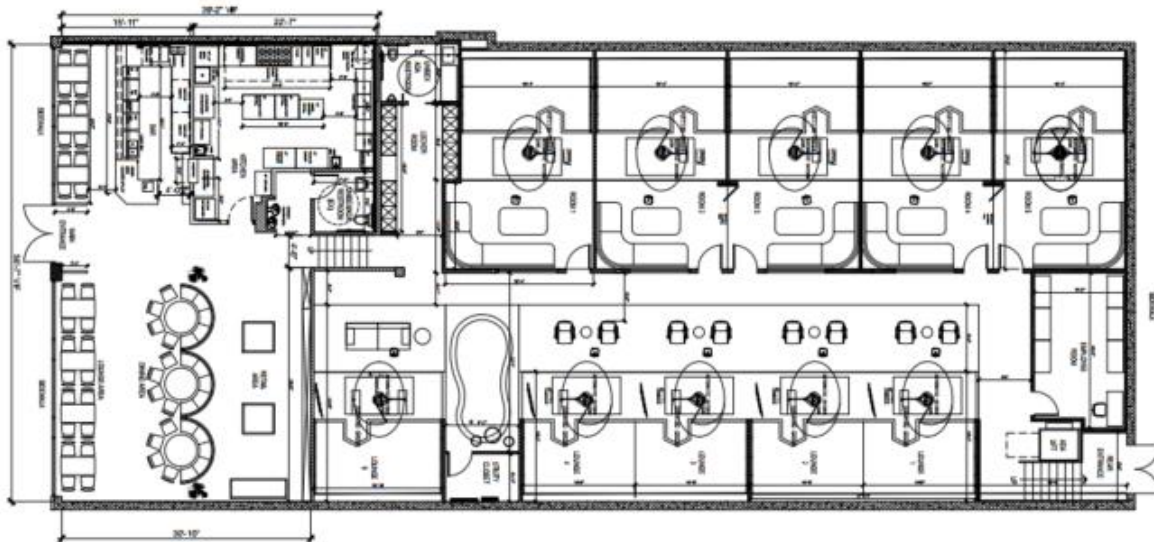
THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 4102.1.F(2) and 4102.5.R the standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant, NextVision Golf Club LLC, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 8500 and 8502 Route 29, and is not transferable to other land.
2. This special permit is granted only for an indoor commercial recreation use (golf simulator establishment and accessory activities) as indicated on the special permit plat titled, "*Next Vision Golf Club, 8500 & 8502 Lee Highway*" Consisting of eight sheets (Sheet A0 through A7), dated October 14, 2025 with annotations made by the applicant, as noted on Sheets A2 to A7, approved with this application, as qualified by these development conditions.
3. The maximum gross floor area of the facility is limited to approximately 7,767 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 21 parking spaces must be provided on site for the proposed use as generally depicted on the plat.
8. If food or alcoholic beverages are served, the applicant must maintain a valid food handler's permit with the Virginia Department of Health and/or a license from the Virginia Alcoholic Beverage Control Authority and the site must be in conformance with the provisions of said permit/license at all times.
9. All signage must comply with the provisions of Article 7 of the Zoning Ordinance including the requirement to obtain a sign permit.
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/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.
11. 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 and exterior alterations for the subject golf simulator 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.

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~ ~ ~ October 29, 2025, Scheduled case of:

**Olga Perederiy and Kiddies Learning Academy, LLC, SP-2025-BR-00019** to permit a home day care facility. Located at 5508 Callander Dr. on approx. 10,705 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-1 ((6)) 606.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Olga Perederiy, Applicant
- Speakers In Opposition:
  - Marcia Pape Daniels, 5515 Callander Drive, Springfield

After the hearing where testimony was presented by Mr. Isaiah, Lesko, Mr. Krasner, and Ms. Perederiy, which was then followed by the above reference public speakers for this case, Ms. Rouzi moved to approve SP-2025-BR-00019 for the reasons stated in the Resolution. Mr. O'Savio seconded the motion, which carried by a vote of 6-0. Mr. Aminoff was not present for the vote. Chairman Day 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**

**Olga Perederiy and Kiddies Learning Academy, LLC, SP-2025-BR-00019** to permit a home day care facility. Located at 5508 Callander Dr. on approx. 10,705 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-1 ((6)) 606. 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 October 29, 2025; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-3.
3. The area of the lot is 10,705 square feet.
4. While the Board agrees that there may be a need for childcare facilities that operate at expanded hours of the day to accommodate working families and emergency situations, the current Zoning Ordinance as written clearly does not allow 24 hour operation for home day care.
5. The Board does not have the authority to deviate from the definition of a home day care, as outlined in the Zoning Ordinance .
6. The Board has elected to keep the hours of operation as proposed by staff.
7. The Board finds that the mitigations implemented by the applicant to deter cars driving over the sidewalk and curb with the widened driveway are sufficient in lieu of VDOT's recommendation to widen the driveway apron.
8. The applicant has read and understands the modified development conditions.

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

THAT the applicant has presented testimony indicating compliance with the standards for a home day care as contained in Sect. 4102.7.1 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.

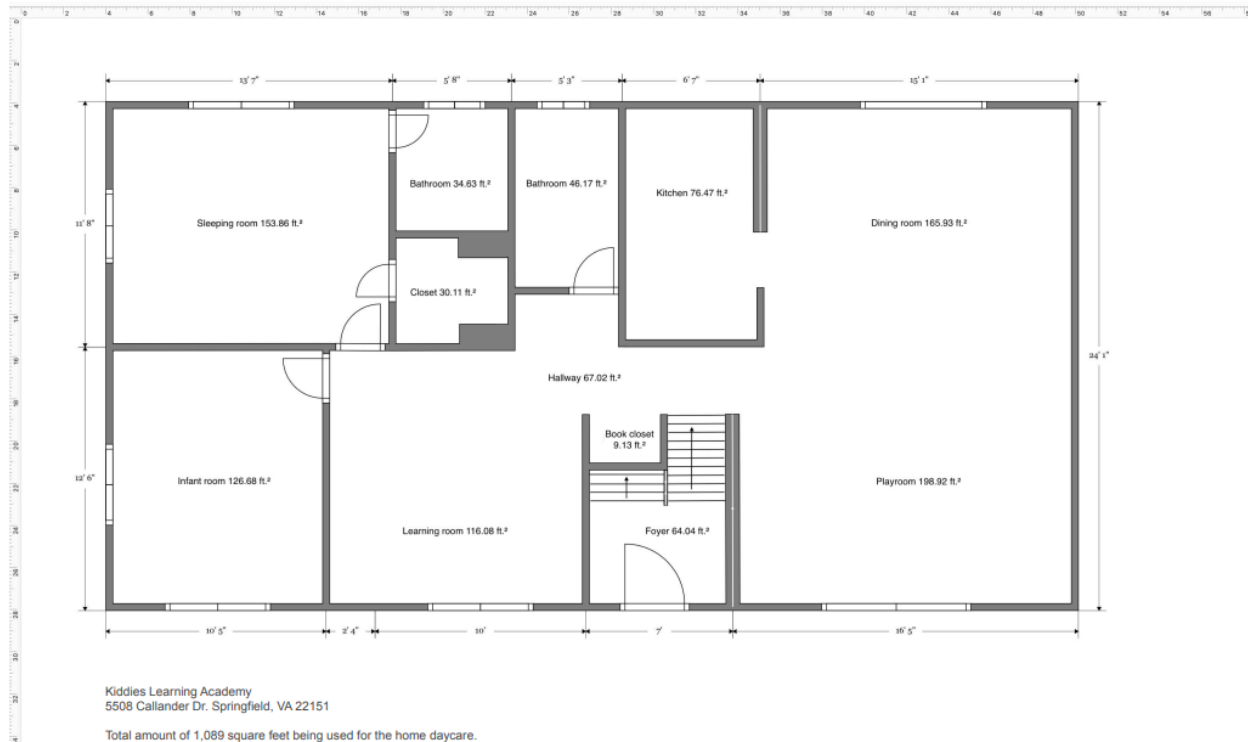
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This approval for a home day care facility is granted to the applicant, Olga Perederiy and Kiddies Learning Academy, LLC, and is not transferable without further action of the Board, is for the location indicated on the application, described as Tax Map 79-1 ((6)) 606, and addressed at 5508 Callander Drive, and is not transferable to other land.
2. This special permit is granted only for the home day care use as indicated on the plat entitled "*Special Permit Plat, Lot 606: Section 27, Kings Park, Fairfax County, Virginia*" prepared by Real Estate Surveyors & Developers. LLC, dated May 12, 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 6:30 a.m. to 6:30 p.m., Monday through Friday.
5. The dwelling that contains the home day care facility must be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children permitted at the home day care facility at any one time must not exceed twelve (12) children.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home day care facility. The home day care facility must be operated in accordance with 22 VAC 40-111-570 staffing requirements.
8. The home day care must operate only in the upper floor of the dwelling, including the areas labeled as "Sleeping Room" "Infant Room," "Bathroom 34.63 ft<sup>2</sup>" "Bathroom 46.17 ft<sup>2</sup>," "Learning room,"

"Hallway," "Learning Room," "Book Closet," "Foyer," "Playroom," "Dining Room," and "Kitchen." as shown on the floor plan submitted with this application and included as attachment 1.

9. There must be no signage associated with the home day care facility.
10. All pick-up and drop-off of children must occur within the applicant's driveway.
11. Any portions of the dwelling associated with the home day care facility that are used as a children's sleeping area or rest area must be located in a room with an operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings must be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
12. The approval of the use is contingent upon maintenance of a state-issued family home day care license that permits the number and ages of children being cared for at the home day care facility.
13. The home day care facility must be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards.
14. Within 6 months of approval of this special permit, the applicant must either widen the driveway apron to match the width of the driveway, subject to the review and approval of any necessary permits as determined by VDOT, or . In lieu of widening the driveway apron, the applicant may maintain a physical impediment or barrier to deter vehicular traffic from crossing the sidewalk and curb.
15. 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.
16. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals

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~ ~ ~ October 29, 2025, Scheduled case of:

**Leslie Chavez, SP-2021-MA-00139** to permit 1.) an increase in fence height in the front yard adjacent to Conrad Rd.; 2.) a reduction in setback requirements based on errors in building location to permit an accessory structure (detached garage) 11.8 ft. from the rear lot line and an accessory structure (shed) 0.9 ft. from the rear lot line; and ,3.) an increase in the limitations on coverage of the minimum rear setback. Located at 6200 Crestwood Dr. on approx. 13,647 sq. ft. of land zoned R-3. Mason District. Tax Map 72-2 ((3)) (Q) 31.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Leonard Thompson, Inspector, Department of Code Compliance
- Leslie Chavez, Applicant
  - Mario Campani, Translator for Applicant

After the hearing where testimony was presented by Mr. Lesko, Mr. Krasner, and Mr.Chavez, which was then followed by the above referecned public speakers for this case, Mr. Aminoff moved to approve SP-2025-PR-00074 for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 5-0. Chairman Day 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

**Leslie Chavez, SP-2021-MA-00139** to permit 1.) an increase in fence height in the front yard adjacent to Conrad Rd.; 2.) a reduction in setback requirements based on errors in building location to permit an accessory structure (detached garage) 11.8 ft. from the rear lot line and an accessory structure (shed) 0.9 ft. from the rear lot line; and ,3.) an increase in the limitations on coverage of the minimum rear setback. Located at 6200 Crestwood Dr. on approx. 13,647 sq. ft. of land zoned R-3. Mason District. Tax Map 72-2 ((3)) (Q) 31. 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 October 29, 2025; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-3.
3. The area of the lot is 13,647 square feet.
4. The shed portion of the application is denied because the applicant has agreed to move the shed to a conforming location on the lot.
5. 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 general standards for Special Permit Uses as set forth in Sect. 4102.1.F and the standards for an increase in fence height as contained in 4102.7.A(7)(c)(3) 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.

AND THAT the applicant has presented testimony indicating compliance with Sects. 4102.7.A(5)(e) Provisions for BZA approval of an increase in limitations of rear setback coverage.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED-IN-PART (Shed is Denied)**, 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 Review Branch, Department of Planning and Development.
2. This special permit is approved for the existing fence greater than 4.0 feet height in the front yard, the location of the existing detached garage, and the amount of coverage of the minimum rear setback as shown on the plat titled, "Special Permit Plat Lot 31, Block Q" prepared by Fitzroy J. Bertrand of Real Estate Surveyors and Developers LLC, on September 29, 2025 as submitted with this application and is not transferable to other land. The subject shed is not approved.
3. Within 90 days of approval by the Board of Zoning Appeals, the applicant must install stormwater management detention measures of a sufficient size and quantity to provide detention for a minimum volume of 139 gallons of water. Prior to installation, the applicant must submit a plan, plat, or drawing (which may be prepared by the applicant) showing the location, quantity, size, and dimensions of the stormwater management detention measures, subject to the review and approval of Land Development Services (LDS). The stormwater management detention measures must be connected to collect runoff from the downspouts of the dwelling, the on-site impervious surfaces, or as approved by LDS. For pre-fabricated systems, manufacturer's product information must be included in the submission. For site-assembled systems, the plans must show the key elements such as inlet configuration, outlet configuration and tank specifications. The stormwater management detention measures must be maintained in proper working condition in conformance with the specifications outlined in Attachment 1 to these conditions.
4. Within 90 days of approval of this special permit, the applicant must apply for and pass inspection for any outstanding building permits for the subject detached garage including, but not limited to, electrical and framing and amend any permits to properly indicate the as-built height of the structure as 14.4 feet as shown on the special permit plat.



5. Within 90 days of approval of this special permit, the subject shed must be relocated to a conforming location in the rear and/or side yard at least 5.0 feet from the rear and/or side lot lines, notwithstanding what is shown on the plat.
6. The applicant must maintain the subject fence in the front yard in good condition at all times or otherwise bring it into conformance with the Zoning Ordinance. Within 6 months of approval of this special permit, the applicant must install additional screening plantings on the street facing the side of the segment of fence running parallel to Conrad Road.
7. Within 90 days of approval of this special permit, the applicant must lower the height of the lattice screen along the rear lot line to no greater than 7.0 feet, as depicted on the plat.
8. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
9. Pursuant to subsection 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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#### Attachment 1

#### RAINWATER HARVESTING AND SMALL RESIDENTIAL DETENTION SYSTEMS MAINTENANCE SPECIFICATIONS

1. Rainwater harvesting and small residential detention system(s), including rain barrels, cisterns, or tanks, and appurtenances (including, without limitation, pre-screening devices, first flush diverters, piping, overflows, pumps, gutters, and downspout diverters) must be privately owned and maintained.
2. Maintenance records for each stormwater facility must be maintained by the Owner and kept on-site and available to County officials upon request. Drawings of all stormwater facilities must be kept by the Owner.
3. Rainwater harvesting systems and appurtenances must be maintained in good working condition acceptable to the County at all times. Rainwater harvesting systems and appurtenances must be adequately accessible for inspections and maintenance.
4. Rainwater harvesting systems and appurtenances must be comprehensively inspected and maintained by the Owner every spring and fall.
5. Pre-screening devices and first flush diverters, if applicable, must be inspected and cleaned every three (3) months.
6. Gutters and downspouts must be kept free of leaves and other debris. Sediment buildup in tanks or in contributing drainage area must be removed. For rainwater harvesting system(s) that have roof tops as a contributing drainage area, overhanging vegetation and trees should be cleared. Storage tank lids and access points must be inspected and cleaned. Special attention should be paid to vents and screens on inflow and outflow spigots. Mosquito screens must be patched immediately. Overflow pipes, overflow filter path and secondary runoff reduction practices must be inspected and maintained. Structural integrity of tank, pump, pipes, backflow preventer, bypass or overflow, downspout connections, and electrical system must be inspected. Damaged or defective system components must be repaired or replaced.

7. Pre-screening devices found to be missing, non-functional, inconsistent with the approved plans, or otherwise damaged must be repaired or re-installed in accordance with the approved plans.
8. Alterations to the collection area that redirects flow away from the rainwater harvesting system(s) is not permitted without revision to the approved drawings.
9. Standing water upstream of rainwater harvesting systems is an indicator of clogging. The Owner must eliminate stagnant pools to prevent mosquito proliferation. If the system is determined to be clogged, inspect and perform maintenance as soon as reasonably possible. If routine maintenance does not alleviate clogging, consult with a qualified professional.
10. Structures must not be placed on the rainwater harvesting system(s) without prior approval of the County.

For questions regarding Stormwater Facilities please call Fairfax County Maintenance and Stormwater Management Division at 703-877-2800.

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~ ~ ~ October 29, 2025, After Agenda Item:

Approval of July 9, 2025, July 16, 2025; July 23, 2025; and July 30, 2025 Minutes

Ms .McDade moved to approve the Minutes. Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Aminoff was not present for the vote. Chairman Day were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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As there was no other business to come before the Board, the meeting was adjourned at 11:56 a.m.

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Minutes by: Melissa R. Taylor

Approved: December 3 ,2025