

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday May 17, 2023. The following Board Members were present: Chairman John F. Ribble III; Vice Chairman James R. Hart; Donte Tanner (participating remote); Roderick Maribojoc; and Daniel Aminoff. Rebeccah Ballo; Karen L. Day; and Thomas W. Smith III were absent from the meeting.

Chairman Ribble called the meeting to order at 9:10 a.m. He asked if there were any Board Matters to bring before the Board.

Mr. Hart noted that Mr. Tanner was participating remotely and asked that he identify himself, his location and the reason for his remote participation. In addition, he requested that Mr. Tanner certify he could hear the proceedings in the auditorium. As requested, Mr. Tanner stated his name, that he was in Las Vegas, Nevada and was participating remotely due to a work event. He certified he could hear the proceedings.

As there were no other Board Matters, Chairman Ribble then discussed the policies and procedures of the Board of Zoning Appeals. Chairman Ribble called the first scheduled case.

~ ~ ~ May 17, 2023, Scheduled case of:

Abdul S. Ahmady and Amina Ahmady, VC-2022-MA-00020 (Admin moved from 3/29/2023)

Chairman Ribble noted that application VC-2022-MA-00020 was administratively moved to June 28, 2023.

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~ ~ ~ May 17, 2023, Scheduled case of:

Joseph P. Clancy, VC-2021-MV-00024 to allow an accessory structure (detached carport) in a front yard (23.0 feet from the front lot line adjacent to Stafford Road) on a lot less than 36,000 sq. ft. in area. Located at 7314 Stafford Rd., Alexandria, 22307 on approx. 21,590 sq. ft. of land zoned R-2 and HD Mount Vernon District. Tax Map 93-3 ((4)) 58. (Admin moved from 7/13/2022, 10/05/2022, 11/30/2022, 2/1/2023, and 3/22/2023)

Chairman Ribble noted that application VC-2021-MV-00024 was administratively moved to July 12, 2023.

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~ ~ ~ May 17, 2023, Scheduled case of:

Andrew T Ross, A 2022-PR-006 (Admin move from 9/14/2022, 11/30/2022, 1/25/2023, and 3/29/2023)

Chairman Ribble noted that application A 2022-PR-006 was administratively moved to July 12, 2023.

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~ ~ ~ May 17, 2023, Scheduled case of:

David J. Zimmerman and Denna H. Zimmerman, SP-2021-SP-00143 to permit a detached accessory living unit (accessory dwelling unit). Located at 6400 Newman Rd., Clifton, 20124 on approx. 6.93 ac. of land zoned R-C and WS. Springfield District. Tax Map 75-2 ((1)) 4. (Admin move from 10/5/22, 11/30/2022, 2/8/2023, and 3/22/2023)

Chairman Ribble noted that application SP-2021-SP-00143 was administratively moved to July 12, 2023.

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~ ~ ~ May 17, 2023, Scheduled case of:

Mark E. Yohn, SP-2022-BR-00185 Reduction in certain yard requirements to permit an addition 9.2 feet from the southeast side lot line and a Reduction of minimum yard requirements based on error in building location to permit an accessory storage structure (shed) 1.0 feet from the southeast side lot line to remain. Located at 5513 Ravenel Lane., Springfield, 22151, on approx. 11,460 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-2 ((2)) (75) 3. *(Admin moved from 4/26/2023)*

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Mark E. Yohn, Applicant

After the hearing where public testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. Yohn, with no testimony from the public, Mr. Aminoff moved to approve SP-2022-BR-00185 for the reasons stated in the Resolution. Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Mark E. Yohn, SP-2022-BR-00185 Reduction in Setback requirements to permit an addition 9.2 feet from the southeast side lot line and a reduction of setback requirements based on an error in building location to allow an accessory structure (shed) 1.0 feet from the southeast side lot line to remain. Located at 5513 Ravenel Lane, Springfield, 22151, on approx. 11,460 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-2 ((2)) (75) 3. Mr. Aminoff moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 17, 2023; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 11,460 square feet.
4. The applicant has presented testimony indication compliance with 5100.2.D (11)(d) Provisions for BZA Authorized Reductions in Setback Requirements Based on an Error in Building Location.
5. The Board has determined that the error exceeds 10% of the applicable measurement.
6. The non-compliance was done through no fault of the property owner.
7. The Error in building location will not impair the purpose or intent of this ordinance.
8. It will not be detrimental to the use or enjoyment of other properties in the vicinity.
9. It will not create an unsafe condition to other properties or public streets.
10. Bringing the Error into compliance would cause an unreasonable hardship.
11. There is no issue with the bulk of the garage.
12. The location of the shed is adjacent to the industrial property and is well screened.
13. The Board has agreed to delete paragraph six from the development conditions.
14. 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:

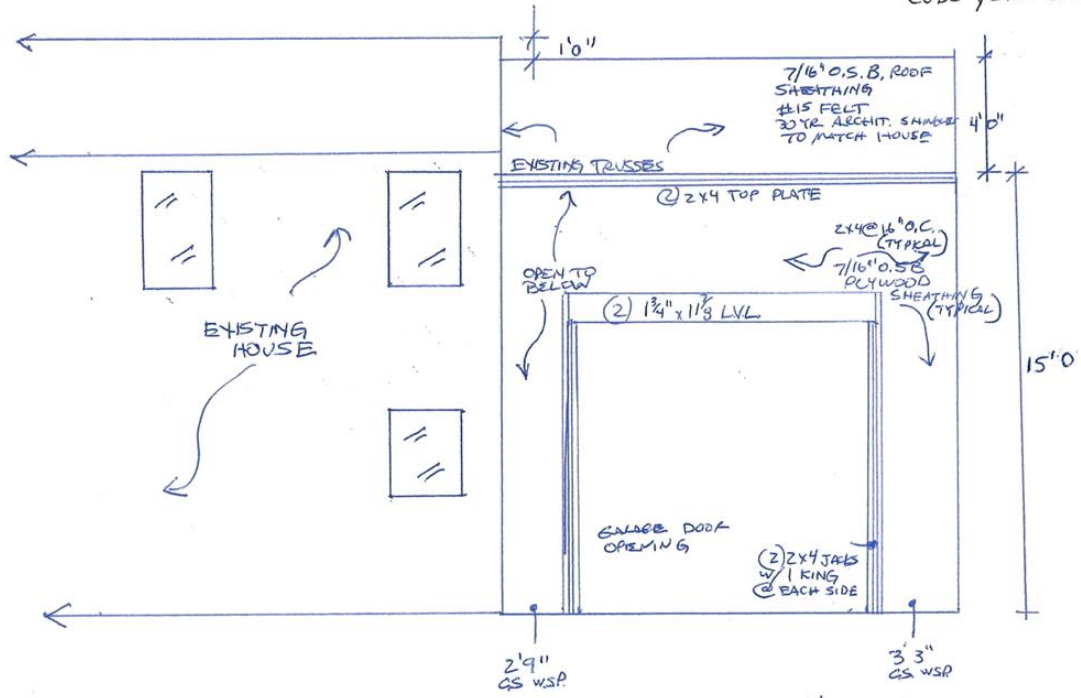
1. These conditions must be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is approved for the location of the screen porch addition as shown on the special permit plat, entitled "*Plat, Special Permit on Lot 3, Section 27, Block 75, North Springfield,*" prepared by, NOVA Surveys dated November 7, 2022, as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 6 of Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,586 square feet existing + 3,879 square feet (150%) = 6,465 square feet permitted) regardless of whether such addition complies with the minimum setback requirement or is the subject of a subsequent yard 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 yard requirements will be permitted without an amendment to this special permit.
4. The addition must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
5. The 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 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, 30 months after the date of approval unless construction has commenced on the garage expansion 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.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

A002 EXTENDED GARAGE (FRONT)

DESIGNER:
 Mark Bradley
 3207A Enterprise Court
 Manassas Park, VA 20111
 703-930-2726
 CODE YEAR 2018

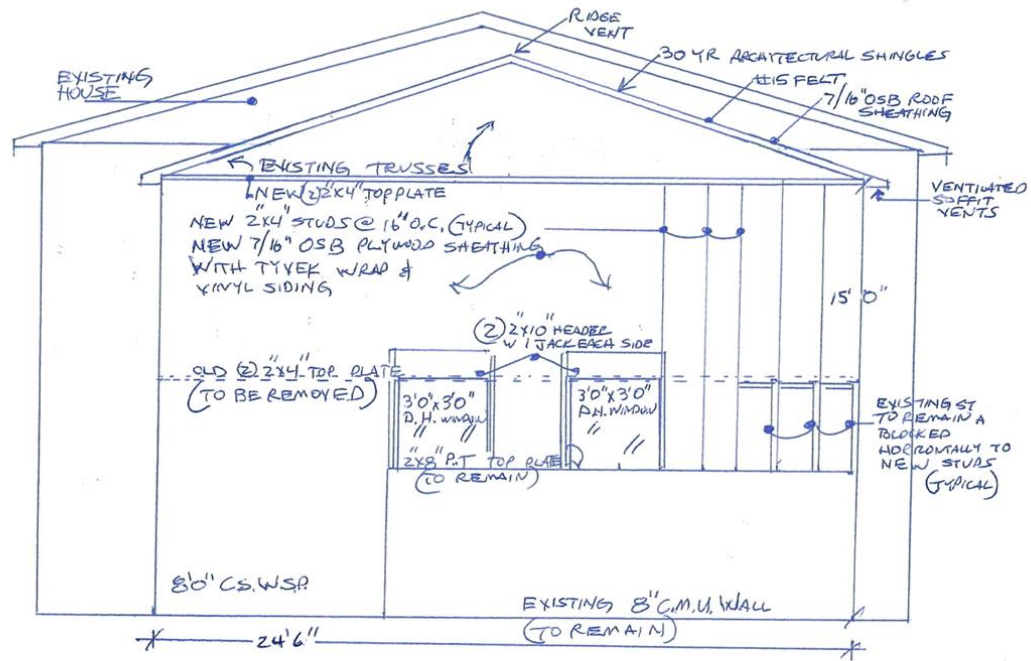


YONN GARAGE
5513 RAVANEL LANE
SPRINGFIELD VA 22151
SCALE 1/4" = 1'0"

A003 EXTENDED GARAGE (SIDE)

DESIGNER:
Mark Bradley
9207A Enterprise Court
Manassas Park, VA 20111
703-830-2726

CODE YEAR 2018



JOHN GARAGE
5513 RAVANEL ST.
SPRINGFIELD VA 22151
SCALE 1/4" = 1'-0"

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~ ~ ~ May 17, 2023, Scheduled case of:

Dawei Xue and Christina Haug, SP-2022-SU-00206 to permit a reduction in minimum yard (setback) requirements based on an error in building location to permit an open deck 1.9 ft. from the side lot line to remain. Located at 13705 Frankford Cir., Centreville, 20120, on approx. 10,693 sq. ft. of land zoned R-3 (Cluster), WS. Sully District. Tax Map 54-2 ((4)) 276.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Dawei Xue, Applicant
- Myraline Armstrong, 92 Earle Rd, Charles Town, WV, Agent for the Applicants and prior owner of the property
- Howard Lambert, prior owner, 13509 Martha Jefferson Place, Herndon, VA

After the hearing where public testimony was presented by Mr. Isaiah, Mr. Krasner, Ms. Armstrong, Mr. Lambert, and Mr. Xue, with no testimony from the public, Mr. Maribojoc moved to approve SP-2022-SU-00206 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting. Mr. Hart recused himself for this case.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Dawei Xue and Christina Haung, SP-2022-SU-00206 to permit a reduction in setback requirements based on an error in building location to allow an open deck 1.9 ft. from the side lot line to remain. Located at 13705 Frankford Cir., Centreville 20120, on approx. 10,693 sq. ft. of land zoned R-3 (Cluster), WS. Sully District. Tax Map 54-2 ((4)) 276. Mr. Maribojoc 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 May 17, 2023; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-3 (Cluster), WS.
3. The area of the lot is 10,693 square feet.
4. Compliance with the setback regulations would cause the owner unreasonable hardship.
5. There will not be an increase in floor area or density.
6. 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.
- I.

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

1. This special permit is approved for the location of the open deck shown on the plat, entitled “*Plat Showing Improvements on Lot 276, Section Four-B, Cabell’s Mill,*” prepared by Dominion Surveys, Inc., dated September 30, 2022 and revised December 21, 2022, as submitted with this application and is not transferable to other land.
2. The open deck must be maintained in good condition or otherwise brought into compliance with the Ordinance.
3. Within 120 days of approval of this special permit, the applicant must apply for a building permit for the open deck and pass final inspection.
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/variance plat. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
5. Pursuant to sect. 8100.4.D(6) this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo, Ms. Day, Mr. Smith were absent from the meeting. Mr. Hart recused himself for this case.

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~ ~ ~ May 17, 2023, Scheduled case of:

Bill H. Waller, SP-2022-MV-00107 to permit a reduction in minimum yard (setback) requirements based on errors in building location to permit an accessory structure (detached garage) to remain 4.4 ft. from the rear lot line and 4.9 ft. from the southwest side lot line and to permit an increase in fence height in the front yard. Located at 5651 Kathryn St., Alexandria, 22303 on approx. 7,209 sq. ft. of land zoned R-4. Mount Vernon District. Tax Map 83-1 ((2)) 15.(Admin moved from 5/10/2023) (*Admin moved from 5/10/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- David Domin, Inspector, Department of Code Compliance
- Bill H. Waller, Applicant

After the hearing where public testimony was presented by Mr. McMahan, Mr. Krasner, Mr. Domin, and Mr. Waller, with no testimony from the public, Mr. Hart moved to approve-in-part SP-2022-MV-00107 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Bill H. Waller, SP-2022-MV-00107 to permit a reduction in minimum yard (setback) requirements based on errors in building location to permit an accessory structure (detached garage) to remain 4.4 ft. from the rear lot line and 4.9 ft. from the southwest side lot line and to permit an increase in fence height in the front yard. Located at 5651 Kathryn St., Alexandria, 22303 on approx. 7,209 sq. ft. of land zoned R-4. Mount Vernon District. Tax Map 83-1 ((2)) 15. Mr. Hart 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 May 17, 2023; 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-4.
3. The area of the lot is 7,209 square feet.
4. There is a denial recommendation on the fence.
5. The shed will help with storage, and if there was not one it would impact the neighbors negatively with items being stored outside f. It is agreed that the shed is placed where it should be for this lot.
6. The County is not currently objecting to the slight encroachment onto the easement, but development condition four will require them to move it if there does happen to be a problem.
7. The development conditions citing it will keep the garage in good condition and will make the garage look better than it is now.
8. The impacts are satisfactorily resolved with the development conditions in place.
9. The fence is inconsistently put together, and it blocks the view of anyone backing out of the neighbor's driveway.
10. The Board agrees with staff's recommendation of denial of the request for the fence to be increased in height, and the Board will approve the garage but not the fence.
11. 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 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 IN-PART (the increase in fence height in the front yard is DENIED)**, with the following development conditions:

1. This special permit is approved only for the location of the existing detached garage to remain as shown on the plat, entitled "Plat Showing the Improvements on Lot 15, Crider Park," prepared by George M. O'Quinn, Land Surveyor dated April 7, 2022, as submitted with this application and is not transferable to other land. The request for the increase in fence height is denied.
2. The applicant must obtain all required trade permits for the detached garage, including but not limited to building and electrical permits, and pass final inspections within 180 days of approval of this special permit. The applicant must finish the exterior of the garage with siding and maintain the structure in good condition.
3. The subject section of fence in the front yard must be reduced to no greater than 4.0 in height or removed from the application property within 180 days of approval of this special permit.
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/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.
5. 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.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

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~ ~ ~ May 17, 2023, Scheduled case of:

Trustees Of Saint Matthews United Methodist Church, SPA-80-A-087-05 amend SP 80-A-087 previously approved for a religious assembly with child care center to permit modifications to site and development conditions. Located at 8617 Little River Tpke., Annandale, 22003 on approx. 4.01 ac. of land zoned R-1. Braddock District. Tax Map 59-3 ((10)) 13. (*Admin moved from 11/2/2022, and 2/1/2023) (Deferred from 3/29/2023)*

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Senior Staff Coordinator
- Shane Murphy, Miles & Stockbridge P.C., Agent for the Applicants

After the hearing where public testimony was presented by Ms. Yang, Mr. Krasner, and Mr. Murphy, with no testimony from the public, Mr. Aminoff moved to approve SPA-80-A-087-05 for the reasons stated in the Resolution. Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

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SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Trustees Of Saint Matthews United Methodist Church, SPA-80-A-087-05 to amend SP 80-A-087 previously approved for a religious assembly with child care center to permit modifications to site and development conditions. Located at 8617 Little River Tpke., Annandale, 22003 on approx. 5.25 ac. of land zoned R-1. Braddock District. Tax Map 59-3 ((10)) 13, 26, 27, 28. 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 May 17, 2023; 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-1.
3. The area of the lot is 5.25 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. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 8617 Little River Turnpike, Annandale, VA, 22003, and is not transferable to other land.
2. This special permit is granted only for a religious assembly and child care center and the associated improvements as indicated on the special permit plat entitled "As Built Site Plan Proposed Addition to St. Mathews United Methodist Church", prepared by Bradley Glatfelter, dated October 20, 2022, 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.
4. The hours of operation for the childcare center are limited to 7:00 A.M. to 6:00 P.M., Monday through Friday.
5. The maximum daily enrollment for the childcare center is limited to 230 children.
6. The maximum number of children using the play area must adhere to the limitations in Sect. 4102.4.C of the Fairfax County Zoning Ordinance.
7. The maximum seating capacity in the main area of worship for the church is limited to a total of 470 seats.
8. A minimum of 155 total parking spaces must be provided for all uses as shown on the special permit plat. All parking must be on site.
9. Transitional Screening must be provided and maintained as follows:

Transitional Screening 1 must be provided and maintained along the southern lot line with a modification to 17 feet in width in the area of the existing parking lot. An appropriate reduction in the number of plantings required in Transitional Screening 1 may be made in this 17-foot-wide area as determined by the Forest Conservation Branch (FCON).

The transitional screening yard along the western lot line is modified to be planted between the existing asphalt parking area and the lot line, the nearest point being approximately 9 feet at the south end of the property on the west side; to be tapered out to 25 feet on the north end of the property. The area must be supplemented with additional plantings installed along the eastern side of the parking lot as shown on Sheet 2 of the special permit plat, and subject to review and approval by FCON, to reduce the impact on the adjacent properties because of the reduction in the transitional screening.

Additional plantings must be planted within the transitional screening yard along the northern lot line adjacent to Little River Turnpike as shown on Sheet 2 of the special permit plat, subject to review and approval by FCON.

The existing vegetation along the eastern lot lines is deemed to satisfy the transitional screening requirement.

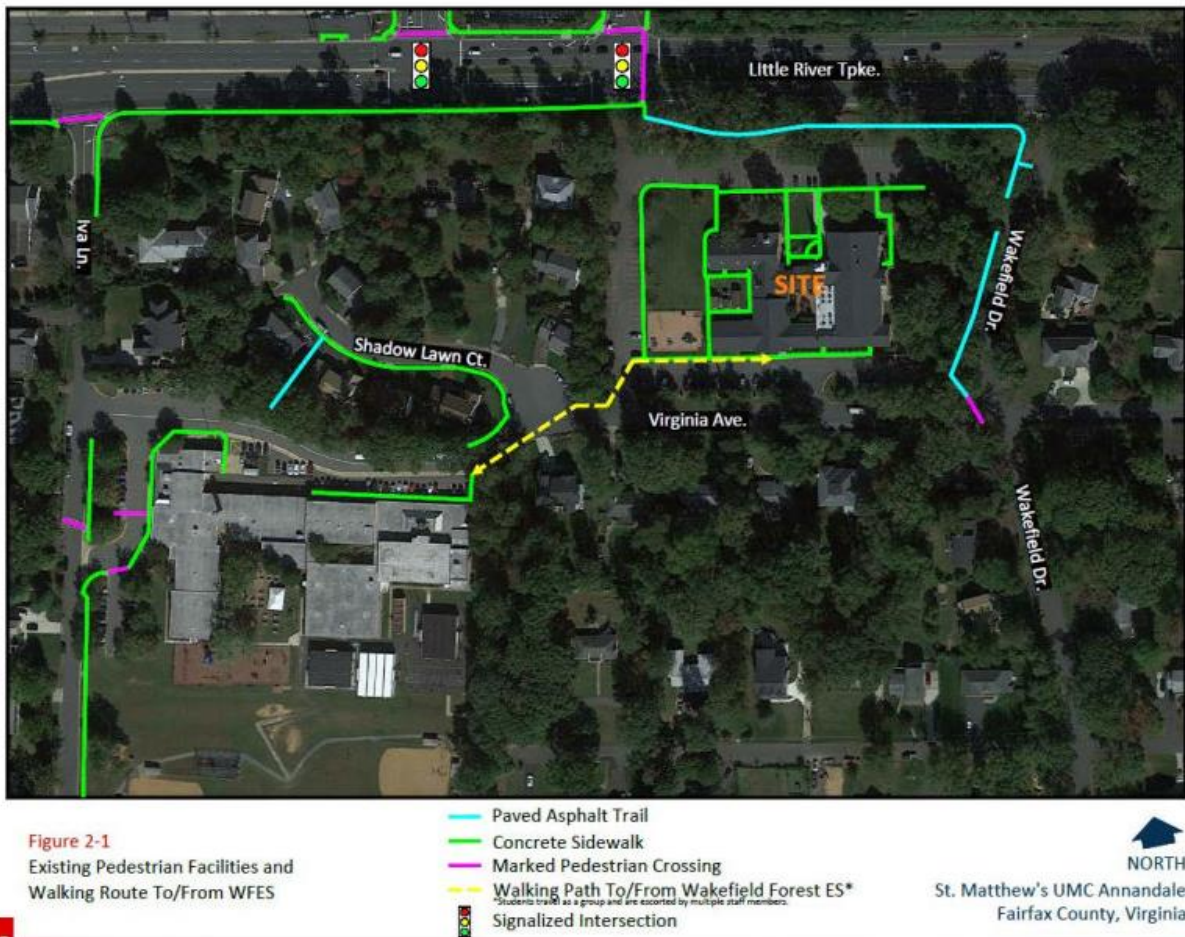
All plantings must be maintained in good condition.

10. The barrier requirement is waived along all lot lines.
11. All pick-up/drop-off associated with the child care center must be on site.
12. The applicant must seek opportunities to stagger pick-up and drop-offs among the different age groups and encourage carpooling.
13. The applicant must distribute a drop-off and pick-up plan to parents/guardians informing them of the circulation patterns, procedures, and preferred parking areas.
14. The applicant must utilize staff and/or volunteers as traffic monitoring attendants for arriving and departing vehicles during the weekday morning (7:30 a.m. to 9:00 a.m.) and afternoon (3:00 p.m. to 4:00 p.m.) peak hours.
15. Prior to the issuance of a new Non-RUP or a modified Non-RUP for the child care center, the applicant must provide the name and contact information of a staff person who will serve as a community liaison to the Wakefield Forest Elementary School and the Braddock District Supervisor's office.
16. The applicant must ensure that adult staff chaperones accompany students walking to and from Wakefield Forest Elementary School at a ratio of not less than one staff per 10 students. All chaperones must utilize the route between WFES and the application property as shown in Attachment 1 to these conditions to minimize vehicular conflicts and ensure pedestrian safety.
17. 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.
18. Pursuant to Sect. 8100.4.D(6)(a)3 of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

This approval, contingent on the above-noted conditions, ~~shall~~ does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

Attachment 1



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~ ~ ~ May 17, 2023, Scheduled case of:

GBA Associates Limited Partnership, VC-2022-PR-00015 to permit a fence 8.0 ft. in height in the front yard adjacent to Arlington Blvd, the eastern and western side yards, and the rear yard. Located at 7700 Arlington Blvd., Falls Church, 22042 on approx. 43.6 ac. of land zoned I-3. Providence District. Tax Map 49-4 ((1)) 59A, B, and C. (*Deferred from 2/15/2023, and 3/1/2023, 3/29/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Shane Murphy, Miles & Stockbridge P.C., Agent for the Applicant
- Greg Forte, Representative of GBA Associates Limited Partnership
- Clayton Tock, Urban Engineering & Associates, LLC

After the hearing where public testimony was presented by Mr. McCadden, Mr. Krasner, Mr. Murphy, and Mr. Tock, with no testimony from the public, Mr. Hart moved to approve VC-2022-PR-00015 for the reasons

stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

GBA Associates Limited Partnership, VC-2022-PR-00015 to permit a fence 8.0 ft. in height in the front yard adjacent to Arlington Blvd, the eastern and western side yards, and the rear yard. Located at 7700 Arlington Blvd., Falls Church, 22042 on approx. 43.6 ac. of land zoned I-3. Providence District. Tax Map 49-4 ((1)) 59A, B, and C. Mr. Hart 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 May 17, 2023; 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 I-3.
3. The area of the lot is 43.6 acres.
4. There is a staff recommendation for approval, and the Board will adopt the rationale in the staff report.
5. It is sometimes difficult to justify a variance for a fence height increase.
6. It is a unique property impacted by a very busy highway, RPA, and flood plain on site.
7. It is a federal tenant, but in private ownership. Due to the higher security of the use and the tenant the height request is appropriate.
8. The style of the fence is attractive and should not have a negative impact on anyone.
9. The Board would like to be mindful of security implications, and believes this request is appropriate.
10. With the imposition of the development conditions the potential impacts are satisfactorily mitigated.
11. 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 height and location of the proposed fence as shown on the variance plat titled, "Special Permit-Variance Application, 7700 Arlington Boulevard", prepared by Clayton C. Tock of Urban LTD, dated February 17, 2023, as submitted with this application, and is not transferable to other land.
2. The design of the fence must be generally consistent with the sample images depicted in Attachment 1 to these development conditions.
3. No additional land disturbance or encroachments are permitted in the floodplain other than that depicted on the variance plat.
4. Any land disturbance or construction of the fence within the RPA and floodplain must be performed by hand and without heavy machinery. The applicant, in consultation with the Forest Conservation Branch, must ensure construction techniques minimize impacts to vegetation, including the roots of existing trees.
5. The applicant is prohibited from disturbing land and installing the proposed fence in any of the tree save areas proffered in PCA 82-P-044-02 or within the 90-foot-wide conservation easement along the eastern lot line, unless the land disturbance is performed in accordance with the Tree Preservation Exhibit and Narrative in Attachment 2 to these development conditions.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved 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.
7. Pursuant to subsection 8100.6.B(5) of the Zoning Ordinance, the variance for the proposed fence automatically expires, without notice, 30 months after the date of approval unless construction of the fence 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.

This approval, contingent upon the above-noted conditions, must not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Ms. Ballo, Ms. Day, and Mr. Smith were absent from the meeting.



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As there was no other business to come before the Board, the meeting was adjourned at 12:35 p.m.

Minutes by: Mary Padrutt (for Antoinette Frankfurt)

Approved on: September 27, 2023