

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, May 24, 2023. The following Board Members were present: Chairman John F. Ribble III ; Thomas W. Smith III; Eric Maribojoc; Daniel Aminoff; and Karen L. Day. Vice Chairman James R. Hart; Rebeccah Ballo; and Donte Tanner was absent from the meeting.

Chairman Ribble called the meeting to order at 9:06 a.m. He 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 Hart called the first scheduled case.

~ ~ ~ May 24, 2023, Scheduled case of:

**Capital Presbyterian Church, a mission church sponsored by McLean Presbyterian Church, SPA-85-D-009-09**

Chairman Ribble noted that appeal application SPA-85-D-009-09 had been administratively moved to May 3, 2023.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Karl E. and Kristen Duckworth, A 2022-LE-001** Appeal of a determination that an addition is located 5 feet from the side lot line, which does not meet the side setback requirement of 12 feet, in violation of Zoning Ordinance provisions. Located at 6420 Telegraph Road, Alexandria, Virginia 22310, on approx. 0.42 ac. of land zoned R-3, Lee District, Tax Map 82-3 ((1)) 54A. (*Admin moved from 6/29/2022, 11/2/2022, and 3/22/2023*)

Chairman Ribble noted that appeal application A 2022-LE-001 had been administratively moved to September 13, 2023.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Giles Industrial LLC, A 2019-MV-007** Appl. under Sect. 18-301 of the Zoning Ordinance. This is an Appeal of a determination that appellant is allowing an excavating business to be operated on the property, which includes an accessory storage structure, accessory vehicle repair, and an accessory storage yard; without site plan approval, building permit approval, or a Non-Residential Use Permit, in the I-6 District, in violation of Zoning Ordinance provisions. Located at 10125 Giles Run Rd Lorton 22079, approx. 3.36 acres. of land zoned I-6, Mount Vernon District. Tax Map 113-2 ((3)) D2. (*Admin. moved from 10/2/19, 12/4/19, 2/5/20, 6/24/20, 7/8/2020, and 9/16/2020 at appl. req.*) (**Continued from 10/28/2020, 6/23/2021, 10/27/21, 6/8/2022, 11/2/2022, and 3/29/2023**)

The participants in the hearing were as follows:

- Cathy Belgin, Deputy Zoning Administrator
- Gifford Hampshire, Agent for the Appellant

After the hearing where testimony was presented by Ms. Belgin, and Mr. Hampshire, and there being no public speakers for this case, Mr. Aminoff moved to continue A 2019-MV-007 to November 1, 2023. Mr. Smith seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart, Ms. Ballo, and Mr. Tanner were absent from the meeting.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Gennaro Rucci III, VC 2021-MV-00018** to allow an accessory structure (detached garage) to remain in the front yard adjacent to Laurel Road on a lot less than 36,000 sq. ft. in area. Located at 4204 Laurel Rd., Alexandria, 22309 on approx. 21,412 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-3 ((8)) (G) 4. (Concurrent with SP 2021-MV-00114). (Admin moved from 6/8/2022)(**Continued from 7/27/2022, 11/2/2022, and 3/1/2023**)

**Gennaro Rucci III, SP 2021-MV-00114** to permit an increase in fence height in the - front yard adjacent to Laurel Road, an increase in the percentage of coverage permitted in the minimum required rear yard, and a reduction in setback requirements based on errors in building location to permit an accessory structure (pavilion) to remain 3.5 ft. from the rear lot line and a second accessory structure (detached garage) to remain 4.1 ft. from the rear lot line. Located at 4204 Laurel Rd., Alexandria, 22309 on approx. 21,412 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-3 ((8)) (G) 4. (Concurrent with VC 2021-MV-00018). (Admin moved from 6/8/2022)(**Continued from 7/27/2022, 11/2/2022, and 3/1/2023**)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator

After the hearing where testimony was presented by Mr. Krasner and Mr. McMahan and there being no public speakers for this case, Mr. Smith moved to continue VC 2021-MV-00018 and SP 2021-MV-00114 to June 14, 2023. Mr. Smith seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart, Mr. Tanner, and Ms. Ballo were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Teresa M. Wilcox, Jonathan R. Wilcox, and Susan A. Wilcox, SP-2023-HM-00002** to permit a reduction in setback requirements to permit a roofed deck (covered porch) 43.2 ft. from the front lot line. Located at 10120 Westford Dr., Vienna, 22182 on approx. 1.84 ac. of land zoned R-E. Hunter Mill District. Tax Map 18-4 ((3)) 5.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Phillip Isaiah, Staff Coordinator
- Thomas Anderson, Agent for the Applicants, 10120 Westford Drive

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. Anderson, there being no public speakers for this case, Mr. Aminoff moved to approve SP-2023-HM-00002 for the reasons stated in the Resolution. Ms. seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart, Mr. Tanner, and Ms. Ballo were 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

**Teresa M. Wilcox, Jonathan R. Wilcox, and Susan A. Wilcox, SP-2023-HM-00002** to permit a reduction in setback requirements to permit a roofed deck (covered porch) 43.2 ft. from the front lot line. Located at 10120 Westford Dr., Vienna, 22182 on approx. 1.84 ac. of land zoned R-E. Hunter Mill District. Tax Map 18-4 ((3)) 5. 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 23, 2023 and

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

1. The applicants are the owners of the property.
2. The present zone is R-E.
3. The area of the lot is 1.84 acres.
4. There is a favorable staff recommendation, and the Board adopts the rationale 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 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:

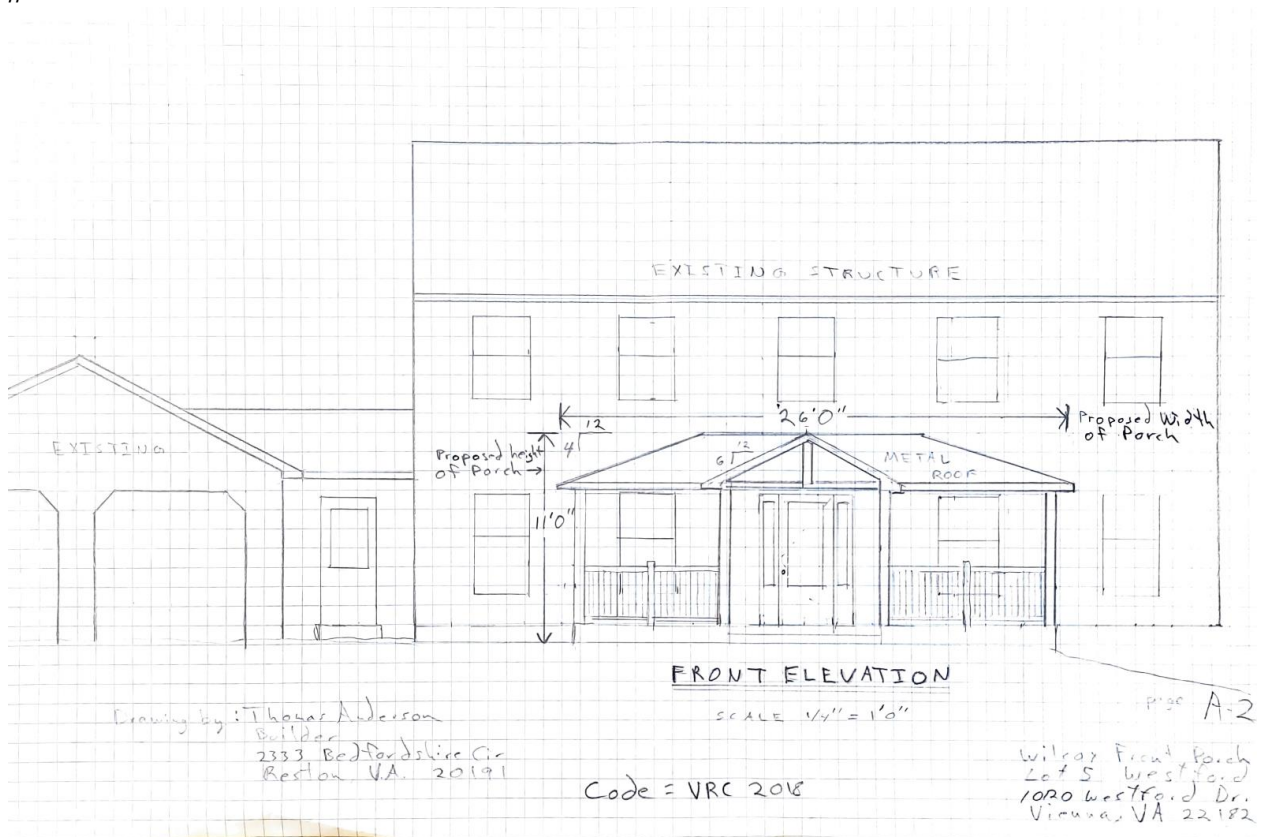
1. This special permit is approved for the location of the covered front porch as shown on the special permit plat, entitled, "*Plat Showing Improvements on Lot 5, Westford,*" prepared by, Dominion Surveys, Inc. dated, November 11, 2022, as submitted with this application and is not transferable to other land.
2. The front porch must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
3. 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.
4. 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 covered front porch and has been diligently prosecuted. The Board of Zoning Appeals may grant

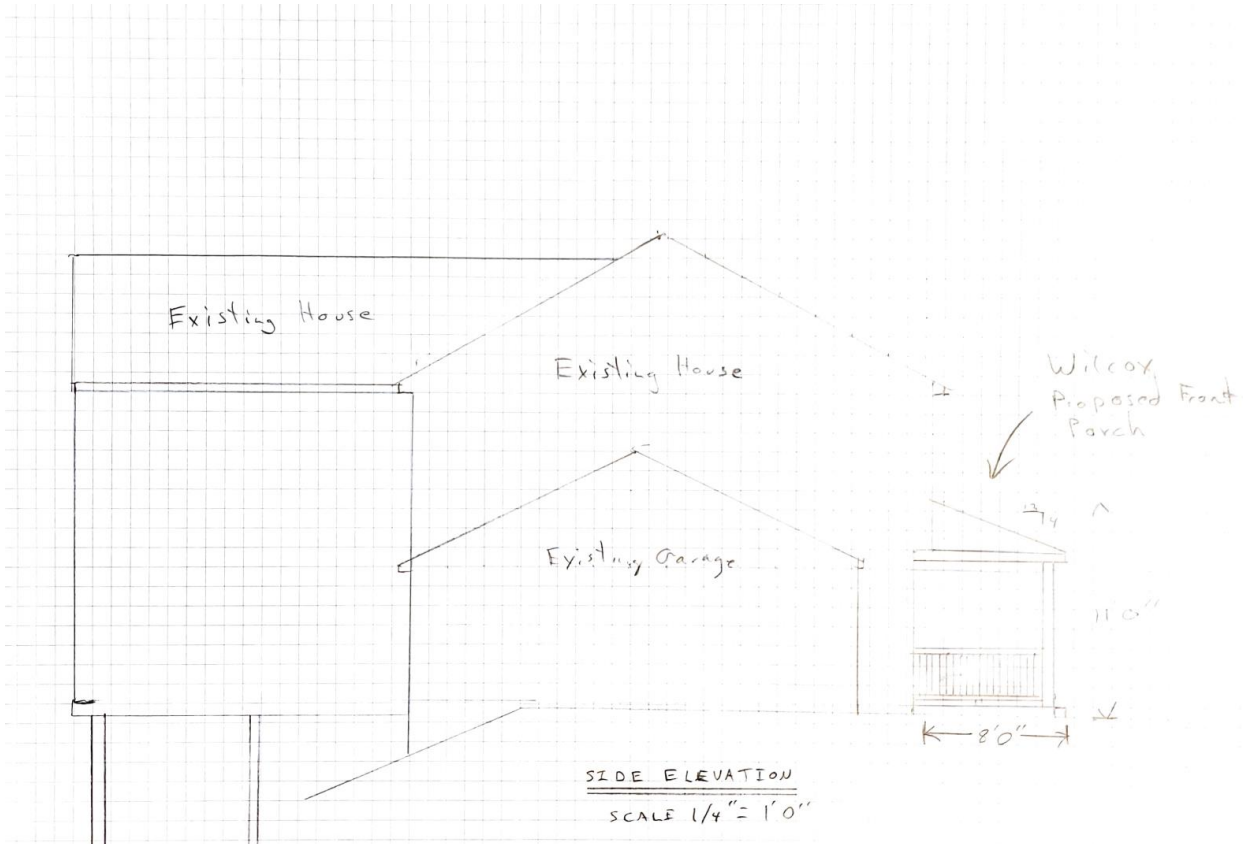
additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation 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.

Ms. Day seconded the motion, which was carried by a vote of 5-0. Mr. Tanner and Ms. Ballo were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Trustees of Garfield Memorial Christian Church, SP 2022-DR-00143**, to permit the continuation of an existing place of worship (religious assembly) including construction of a new principal building and modification to site conditions. Located at 1731 Great Falls St., McLean, 22101 on approx. 1.21 ac. of land zoned R-3. Dranesville District. Tax Map 30-3 ((1)) 21A (pt.). (Admin move from 12/7/2022, 2/8/2023, and 4/19/2023)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Staff Coordinator
- Lynne Strobel, Agent for the Applicant's
- Roaya Higazi, Fairfax County Department of Transportation

After the hearing where testimony was presented by Ms. Yang, Mr. Krasner, Ms. Strobel, and FCDOT Staff, and there being no public speakers for this case, Ms. Day moved to approve **SP 2022-DR-00143** for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart, Mr. Tanner, and Ms. Ballo were 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**

**Trustees of Garfield Memorial Christian Church, SP 2022-DR-00143**, to permit the continuation of an existing religious assembly including construction of a new principal building and modification to site

conditions. Located at 1731 Great Falls St., McLean, 22101 on approx. 1.21 ac. of land zoned R-3. Dranesville District. Tax Map 30-3 ((1)) 21A (pt.).Ms. Day 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 24, 2023; and

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

1. The applicant is the owners of the property.
2. The present zoning is R-3.
3. The area of the lot is 1.21 acres.
4. The church has been in existence prior to the Zoning Ordinance. It is well established, they are seeking to update their facility, and consolidating on to a smaller portion of the lot leaving the remaining lot open for other purposes.
5. There were several comments provided by county staff from other departments, and those were addressed in the development conditions contained within staff report.
6. The applicant has read, understands, and concurs with the proposed development conditions.

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

THAT the applicant has presented testimony indicating compliance with the 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, Trustees of Garfield Memorial Christian Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 1731 Great Falls Street, McLean, VA 22101 (1.21 acres), and is not transferable to other land.
2. This Special Permit is granted only for a religious assembly use and the proposed improvements as indicated on the special permit plat entitled "Garfield Memorial Christian Church", prepared by Matthew T. Marshall, dated May 30, 2022 and revised through May 17, 2023, 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. This special permit is subject to the Zoning Ordinance Sect. 8100.7. Any plan submitted to the Department of Land Development Services (LDS) pursuant to this special permit, must be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Sect. 8100.5 of the Zoning Ordinance.
5. The maximum number of seats permitted in the sanctuary is 100.
6. Parking must be provided as generally depicted on the special permit plat. All parking associated with this use must be on-site.
7. The barrier requirement is waived along the property lines adjacent to Tyndale Street and Great Falls Street.
8. Landscaping must be generally consistent with the quality, quantity, and the locations shown on the SP plat. All landscaping must be native to the mid-Atlantic region to the extent feasible and be non-invasive, meaning that the applicant must not use any plant species identified in the Virginia Invasive

Plant Species List published by the Virginia Department of Conservation and Recreation (DCR). Any existing on-site plants listed on Virginia Invasive Plant Species List must be removed and replaced with suitable native plants. At the time of planting, the minimum caliper for deciduous trees must be 1.5 inches and the minimum height for evergreen trees must be seven (7) feet as depicted on the SP plat. Actual types, locations, and species of vegetation must be determined pursuant to more detailed landscape plans submitted at the time of submission of the site plans for review and approval by FCON. Such landscape plans must provide tree coverage and species diversity consistent with the PFM criteria, as determined by the Urban Forester. The Applicant reserves the right to make minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, as approved by FCON, provided that such relocated landscaping retains an equivalent number of plantings as shown on the approved SP plat.

All on-site planting areas must incorporate layered plantings of trees, shrubs, and perennials, to build ecological structure in the landscape, to increase the viability of the plantings, to protect the soil and prevent extreme temperature fluctuations, and to increase the habitat value of the site. Soils in planting areas must be amended as determined by the project arborist or landscape architect in consultation with FCON to ensure that the soils are suitable for plant growth. This may include the removal of all rubble and debris, aeration, the addition of compost throughout the soil profile to a depth of at least 12 inches, the addition of topsoil, and dense plantings of trees, shrubs, and perennials.

9. Forested areas identified onsite and within twenty-five feet of the proposed limits of clearing containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present will be the subject of invasive plant species management in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission the Applicant will provide an invasive species control narrative for review and approval by FCON specifying the common and scientific name of invasive species proposed for management, the target area along the limits of clearing and within any tree preservation areas located inside of the clearing limits for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration (program termination no later than bond release) of the management program, and potential replanting along the limits of clearing as may be needed.
10. No internally illuminated, changeable copy or electronic display signs are permitted on site.
11. Any proposed onsite lighting must comply with the Outdoor Lighting Standards of Sect. 5109 of the Zoning Ordinance. Full cut-off lighting must be utilized. The majority of the parking lot lighting must be turned off at 10 p.m. or 30 minutes after the last activity, whichever is later, with the exception of security lighting.
12. The limits of clearing and grading must be no greater than shown on the special permit plat.
13. Stormwater Management/Best Management Practices facilities must be provided as depicted on the special permit plat or as determined by LDS at time of site plan.
14. The design of the church building must be generally consistent with the architectural elevations as shown on Sheet 6 of 6 of the special permit plat.
15. The applicant must provide bicycle parking in accordance with *Fairfax County Bicycle Parking Guidelines*. The final location, quantity, and type of bicycle racks will be determined in consultation with the Fairfax County Department of Transportation Bicycle Coordinator or his/her designee prior to site plan approval.
16. The applicant will dedicate necessary right-of-way and construct street frontage improvements in two phases as detailed herein and generally shown on the graphic provided as Attachment 1 to these conditions:
  - a. Phase 1: The applicant must dedicate necessary right-of-way to accommodate the improvements shown of the special permit plat adjacent to the special permit area's Great Falls Street frontage, without encumbrances and in fee simple to the Board of Supervisors, subject to VDOT approval, no later than the time of site plan approval for the religious

assembly. Prior to the issuance of the Non-Residential Use Permit for the religious assembly, the applicant must construct the improvements along the special permit area's Great Falls Street frontage within the dedicated right-of-way. The Phase 1 trail alignment and right-of-way dedication area may be adjusted subject to VDOT review and final approval without a special permit amendment.

- b. Phase 2: The applicant must dedicate necessary right-of-way to accommodate the improvements shown on the special permit plat, extending from the edge of the special permit area and running generally northwest along Great Falls Street to the common boundary of the adjacent parcel identified by the Fairfax County Tax Map as 30-3 ((10)) Parcel 1, without encumbrances and in fee simple to the Board of Supervisors, subject to VDOT approval. Said dedication must be made and improvements constructed prior to bond release for the religious assembly or prior to the issuance of the first Non-Residential Use Permit/Residential Use Permit if the remainder of Lot 21A develops, whichever occurs first. If the Phase 2 street frontage is completed by others prior to bond release of the religious assembly project, the applicant is relieved of the obligation to construct Phase 2 but must ensure a proper connection between Phase 1 and Phase 2 improvements, subject to review and determination by VDOT and/or FCDOT.
17. Concurrent with the first site plan submission, the applicant must designate at least 2% of the parking spaces to be equipped with Level 2 electric vehicle charging stations, fully wired and functional. The applicant must install the infrastructure for the designated EV station during construction. The actual installation of the charging stations is at the discretion of the applicant.
18. The applicant is responsible for identifying and complying with the terms of all legally enforceable easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
19. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, thirty (30) months after the date of approval unless construction of the religious assembly 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 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.

Mr. Smith seconded the motion, which was carried by a vote of 5-0. Mr. Hart, Mr. Tanner and Ms. Ballo were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Farah Javid and Farah Home Daycare LLC, SPA-2014-LE-258** amend SP-2014 LE-258 previously approved for a home child (day) care to allow a change in permittee and modifications to development conditions. Located at 7420 Beulah St., Alexandria, 22315, on approx. 1.50 ac. of land zoned R-1. Lee (now Franconia) District. Tax Map 91-3 ((1)) 23A.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Farah Javid, Applicant

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, and Mr. Javid, and there being no public speakers for this case, Mr. Smith moved to approve **SPA-2014-LE-258** for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart,



Mr. Tanner, and Ms. Ballo were 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**

**Farah Javid and Farah Home Daycare LLC, SPA-2014-LE-258** to amend SP-2014 LE-258 previously approved for a home day care to allow a change in permittee and modifications to development conditions. Located at 7420 Beulah St., Alexandria, 22315, on approx. 1.50 ac. of land zoned R-1. Lee (now Franconia) District. Tax Map 91-3 ((1)) 23A. 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 May 24, 2023; and

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

1. The applicant is a renter of the property.
2. The present zoning is R-1.
3. The area of the lot is 1.50 acres.
4. This is to grant a change in permittee and to allow the care of 12 children at this site.
5. The Board finds the location continues to be appropriate with regards to parking and adequate space for this number of children.
6. There is favorable staff recommendation, and the Board adopts the rationale in the staff report.
7. The applicant has read, understands, and concurs with the proposed development conditions.

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

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

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

1. The home day care use is granted to the applicants, Farah Javid and Farah Home Daycare, LLC, only, and is not transferable without further action of the Board, and is for the location indicated on the application, described as 91-3 ((1)) 23 A, and addressed at 7420 Beulah Street, and is not transferable to other land.
2. This special permit is granted only for the home day care use at the property shown on the special permit amendment plat containing two sheets entitled, "Final House Location Survey, Property of Syed Tasneem Akhtar and Farah Akhtar," prepared by Fred Kendall Price, Land Surveyor, on June 6, 2014, as revised by Farah B. Javid on May 12, 2023.
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 8:00 a.m. to 5:00 p.m., Monday through Friday.
5. The dwelling that contains the 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 at any one time.

7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home day care facility. The day care facility must be operated in accordance with the Virginia Department of Social Services staff requirements of 22 VAC 40-111-570.
8. The drop-off and pick-up of children must take place within the driveway of the subject property. The driveway must be kept clear during the hours of operation for the home day care facility.
9. There must be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home day care facility that are used as a children's sleeping 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.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home day care facility.
12. The day care facility must be operated in accordance with Chapter 30 of the Fairfax County Code, entitled "Minimum Private School and Child Care Facility Standards."
13. The home day care must operate only in the basement-level entry / exit area, exercise area, napping area, play area, eating area, teaching / art area, changing area, den, and bathroom as shown on the floor plan and plat submitted with this application.
14. Within 180 days of approval of this special permit amendment application, the applicant must install the proposed fence as shown on the special permit amendment plat.
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)(a) 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.

Ms. Day seconded the motion, which carried by a vote of 5-0. Mr. Hart, Mr. Tanner and Ms. Ballo were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Khalida Naz and Bright Home Day Care LLC, SP-2022-SP-00186** to permit a home child (day) care facility. Located at 7706 Tower Woods Dr., Springfield, 22153 on approx. 14,566 sq. ft. of land zoned R-3. Springfield District. Tax Map 98-1 ((13)) 17.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Khalida Naz, Applicant

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, and Mr. Naz, and there being no public speakers for this case, Mr. Maribojoc moved to approve **SP-2022-SP-00186** for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 5-0. Vice Chairman

Hart, Mr. Tanner, and Ms. Ballo were 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

**Khalida Naz and Bright Home Day Care LLC, SP-2022-SP-00186** to permit a home day care facility. Located at 7706 Tower Woods Dr., Springfield, 22153 on approx. 14,566 sq. ft. of land zoned R-3. Springfield District. Tax Map 98-1 ((13)) 17. 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 24, 2023; and

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

1. The applicant is a renter of the property.
2. The present zoning is R-3.
3. The area of the lot is 14,566 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 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 special permit is granted to the applicants, Khalida Naz and Bright Home Day Care LLC, only, and is not transferable without further action of the Board of Zoning Appeals, and is for the location indicated on the application, described as 98-1 ((13)) 17, and addressed at 7706 Tower Woods Drive, Springfield 22153, and is not transferable to other land.
2. This special permit is granted for the home day care use at the property shown on the special permit plat, entitled "Special Permit Plat, Lot 17, Newington Woods West," as prepared by Patrick A. Eckert, Land Surveyor of Alterra Surveys, Inc., dated February 18, 2022 and revised on November 30, 2022
3. A copy of this Special Permit must be posted in a conspicuous place on the property.
4. The hours of operation of the home day care facility are limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the day care facility must be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time must not exceed 12.
7. There must be no signage associated with the home day care facility.
8. 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 strict accordance with 22 VAC 40-111-570 staffing requirements.

9. The drop-off and pick-up of children must take place within the driveway of the subject property. The driveway must be kept clear and open during the hours of operation of the home day care facility for this purpose.
10. Any portions of the dwelling associated with the home day care facility that are used as a children's sleeping 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.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home day care facility.
12. The day care facility must be operated in accordance with Chapter 30 of the Fairfax County Code, entitled "Minimum Private School and Child Care Facility Standards."
13. The home day care must operate only in the entry / exit area, enclosed porch, living room, kitchen / eating area, napping room, and bathroom as shown on the floor plan and plat submitted with this application.
14. 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.
15. 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.

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 was carried by a vote of 5-0. Mr. Hart, Mr. Tanner and Ms. Ballo were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ May 24, 2023, Scheduled case of:

**Trustees of Shining Star Community Church, SP-2022-PR-00149** To permit the continuation of an existing religious assembly (Place of Worship) with modifications to site conditions. Located at 2920, 2933, 2937, 2939 Strathmeade St. and 2917, 2919, 2921 Fairmont St., Falls Church, 22042 on approx. 3.88 acres of land zoned R-4. Providence District. Tax Map 50-3 ((16)) 3A, 50-3 ((17)) 35, 37, 39, 41, 43, 45A and 47. (*Admin moved from 4/19/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Staff Coordinator
- Lynne Stroble, Agent for Applicant
- Public Speakers
  - Steven Stark, 2960 Strathmeade Street, Falls Church
  - Ragnar Magnusson, Address not Given
  - Becky Lee, 13715 Shelburn Street, Vienna
  - Ji Ha Hum, 9855 Oakdale Woods Ct, Vienna
  - John Lee 7337 Paxton Road, Vienna

- Charles Hearne 2922 Fairmont Street Falls Church, VA 22042

After the hearing where testimony was presented by Ms. Yang, Mr. Krasner, and Ms. Strobel and the public speakers for this case, Mr. Aminoff moved to approve **SP-2022-PR-00149** for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 5-0. Vice Chairman Hart, Mr. Tanner, and Ms. Ballo were 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

**Trustees of Shining Star Community Church, SP-2022-PR-00149** To permit the continuation of an existing religious assembly with modifications to site conditions. Located at 2920, 2933, 2937, 2939 Strathmeade St. and 2917, 2919, 2921 Fairmont St., Falls Church, 22042 on approx.. 3.88 acres of land zoned R-4. Providence District. Tax Map 50-3 ((16)) 3A, 50-3 ((17)) 35, 37, 39, 41, 43, 45A and 47. 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 24, 2023; 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-4.
3. The area of the lot is 3.88 acres.
4. This is a fairly large church located in the middle of a residential area.
5. The capacity of the church is not changing, they are adding recreational facilities, and have already adopted a parking management plan which appears to be working.
6. The Board discussed in the hearing the additional needs for parking, addressing stormwater, and impervious pavement and the Board finds the applicant has satisfactorily mitigated those issues.
7. This church predates any special permit requirements, it is now coming under a special permit requirement which will put reasonable restrictions on the property to mitigate negative effects on the surrounding neighborhood.
8. The applicant has read, understands, and concurs with the modified 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, Trustees of Shining Star Community Church, only and is not transferable without further action of this Board, and is for the location indicated on the application, and is not transferable to other land.
2. This Special Permit is granted only for the existing religious assembly use and the proposed building addition and associated site improvements as indicated on the special permit plat entitled "Special Permit Shining Star Community Church", prepared by Aaron M. Vinson, with Walter L. Phillips Incorporated, dated May 10, 2023, 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. This special permit is subject to the Zoning Ordinance Sect. 8100.7. Any plan submitted to the Department of Land Development Services (LDS) pursuant to this special permit, must be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Sect. 8100.5 of the Zoning Ordinance.
5. The maximum number of seats permitted in the sanctuary is 600.
6. Use of the gymnasium is limited to the hours of 6 a.m. to 10 p.m., daily. Furthermore, consistent with the definition of "accessory use" in Article 9 the Zoning Ordinance, utilization of the gymnasium is limited to church sponsored activities only.
7. Parking must be provided as generally depicted on the special permit plat. All parking associated with this use must be on-site on paved surfaces, including pervious surfaces, except as permitted for satellite or overflow parking as stipulated in Condition 8. A maximum of 215 parking spaces are permitted on site.
8. The applicant will produce and maintain a parking management program to monitor and manage on-site parking. The parking management program must include at least the following measures:
  - a. The applicant must appoint a traffic coordinator(s) to direct parking and pedestrian/vehicular traffic on site during the special events and other heavily attended services.
  - b. For any events where the capacity of the parking area is reasonably expected to be exceeded, the applicant must arrange for off-site parking and shuttle service from a satellite location. Notification of the availability of off-site parking and shuttle services must be posted on the applicant's website.
  - c. Regularly scheduled worship services must be separated by a minimum of 30 minutes.
  - d. The applicant will offer to meet with the abutting neighbors (including those across Strathmeade Street and Fairmont Street) for an open house at least annually, or at another interval as determined necessary by the applicant and the nearby neighbors, to discuss transportation concerns and mitigation measures. The applicant must provide the name and contact information of a staff person who will serve as a community liaison to the office of the Providence District Supervisor within 90 days of approval of this special permit. Contact information must also be posted on the church's website.
9. Transitional Screening is modified along the northern, eastern, and southeastern lot lines in favor of that shown on the Special Permit plat.
10. The barrier requirement is waived along the western and southern property lines along Fairmont Street and Strathmeade Street.
11. Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by FCON.
12. Landscaping must be generally consistent with the quality, quantity and the locations shown on the special permit plat and subject to the conditions hereto, and must be non-invasive, predominantly native species. At the time of planting, the minimum caliper for deciduous trees must be two (2) inches and the minimum height for evergreen trees must be seven (7) to eight (8) feet as depicted on the special permit plat, locations and species of vegetation must be determined pursuant to more detailed landscape plans submitted at the time of submission of the site plan for review and approval by FCON, provided that, to the extent possible, all species are locally common native species. Such landscape plans must provide tree coverage and species diversity consistent with the PFM criteria, as determined by FCON. Natural landscaping techniques must be used to the extent feasible to minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest,

vegetation, and nutrient management plans. The applicant reserves the right to make minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, as approved by FCON, provided such relocated landscaping must retain a generally equivalent number of plantings as shown on the special permit plat.

- a. The installation of landscaping as shown on the plat within the right-of-way maintained by the Virginia Department of Transportation (“VDOT”) on Strathmeade Street, adjacent to the application property is subject to receipt of written permission from VDOT. At the time of site plan, the applicant will diligently pursue a request to install landscaping within the right-of-way in general conformance with the landscaping shown on the Special Permit Plat. If, after a showing of such diligent pursuit, VDOT has not provided written permission to landscape in the right-of-way within nine months of submission of the request, it will be deemed to be a denial.
  - b. Shrubs, a minimum of three feet in height, must be installed and maintained along Strathmeade and Fairmont Streets.
  - c. The area between the edge of the unbuilt semi-circle VDOT right-of-way and the proposed sidewalk must be maintained by the applicant, subject to permission by VDOT.
13. The site is limited to one freestanding sign no taller than 6.0 feet in height, with a maximum area of 36 square feet, and setback at least 10 feet from the property line. In addition, no internally illuminated, changeable copy or electronic display signs are permitted.
  14. Any proposed onsite lighting, including the lighting within the gymnasium visible from the exterior of the building, must comply with the Outdoor Lighting Standards of Sect. 5109 of the Zoning Ordinance. Full cut-off lighting must be utilized. The majority of the parking lot lighting and the gymnasium lighting visible from the exterior of the building must be turned off at 10 p.m. or 30 minutes after the last activity, whichever is later, with the exception of security lighting.
  15. Concurrent with construction, the applicant must install conduit for the future installation of five level 2 electric charging stations in a location or locations as determined by the applicant. The installation of actual charging stations will be within the discretion of the applicant.
  16. At the time of site plan submission for the building addition located on the application property, a narrative of bird-friendly design strategies to be employed with the building will be prepared and submitted to the Environment and Development Review Branch (“EDRB”) of the Department of Planning and Development for review. This narrative will describe the proposed bird-friendly strategies, and how those strategies will be implemented. Strategies may include, but are not limited to:
    - a. The incorporation of native overstory trees, understory trees, shrubs, and perennials within the interior of the site.
    - b. Window framing to reduce continuous reflection; and
    - c. Motion-activated lighting interior and exterior to the proposed building.
  17. Outdoor sound amplification/loudspeakers/live music is limited to three special events per year during the hours of 10 a.m. to 6:00 p.m. and must be in compliance with the County Noise Ordinance.
  18. Stormwater Management. Subject to review and approval by LDS, the applicant will provide stormwater management (“SWM”) and Best Management Practice (“BMP”) measures for the application property as generally depicted on the Special Permit Plat or by other facilities as permitted by the PFM. In addition to the SWM and BMP measures as shown on the special permit plat, the applicant will implement a minimum of one low-impact design (“LID”) technique, to be determined at the time of site plan. The LID technique or techniques implemented may include, but is not limited to, pervious pavement for walkways or for parking spaces, a bioretention facility, or a rain garden.
  19. The building must be generally consistent with the architectural elevations as shown on Sheets P-0603 and P-0604 of the special permit plat.

20. The applicant must provide bicycle parking in accordance with *Fairfax County Bicycle Parking Guidelines*. The final location, quantity, and type of bicycle racks will be determined in consultation with the Fairfax County Department of Transportation Bicycle Coordinator or his/her designee prior to site plan approval.
21. The applicant is responsible for identifying and complying with the terms of all legally enforceable easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
22. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, thirty (30) months after the date of approval unless construction of the building addition 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 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.

Ms. Day seconded the motion, which was carried by a vote of 5-0. Mr. Hart, Mr. Tanner, and Ms. Ballo 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 10:15 a.m.

Minutes by: Melissa R. Taylor

Approved on: September 27, 2023