

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday July 19, 2023. The following Board Members were present: Vice Chairman James R. Hart; Roderick Maribojoc; Daniel Aminoff; Rebecca Ballo; and Thomas W. Smith III. Chairman John F. Ribble III; Karen L. Day; and Donte Tanner were absent from the meeting.

Vice Chairman James R. Hart called the meeting to order at 9:01 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. Chairman Ribble called for the first scheduled case.

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~ ~ ~ July 19, 2023, Scheduled case of:

Marie Ann Fella, SP-2022-LE-00171

Vice Chairman James R. Hart noted that application SP-2022-LE-00171 had been administratively moved to July 26, 2023.

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~ ~ ~ July 19, 2023, Scheduled case of:

Board of Trustees of Rajdhani Mandir, SPA-87-S-012-04 (concurrent with SP 2022-SU-00161) to amend SP 87-S-012 previously approved for a place of worship (religious assembly) to allow modifications to site and development conditions. Located at 4525 Pleasant Valley Rd., Chantilly, 20151, on approx. 7.68 ac. of land zoned R-C and WS. Sully District. Tax Map 33-3 ((1)) 5A. (Concurrent with SP 2022-SU-00161). (Admin moved from 5/3/2023)

Board of Trustees of Rajdhani Mandir, SP 2022-SU-00161 (concurrent with SPA-87-S-012-04) to permit construction of a place of worship (religious assembly). Located at 4612 Pleasant Valley Rd., Chantilly, 20151 on approx. 9.70 ac. of land zoned R-C and WS. Sully District. Tax Map 33-3 ((1)) 13. (Concurrent with SPA 87-S-012-04). (Admin moved from 5/3/2023)

Vice Chairman James R. Hart noted that applications SPA-87-S-012-04 and SP 2022-SU-00161 had been administratively moved to November 1, 2023.

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~ ~ ~ July 19, 2023, Scheduled case of:

Ashley E. Heineman and Gavin A. Dawson, SP-2023-MV-00009 (concurrent with VC 2022-MV-00006)(associated with SE 2023-MV-00006)

Vice Chairman James R. Hart noted that application SP-2023-MV-00009 had been withdrawn.

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~ ~ ~ July 19, 2023, Scheduled case of:

Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee, A 2012-LE-017 Appl. under sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that the appellants are allowing a vehicle sale, rental and ancillary service establishment to operate on property in the C-6 District

without Special Exception approval or a valid Non-Residential Use Permit, in violation of Zoning Ordinance provisions. Located at 5630 South Van Dorn St., Alexandria, 22310, on approx. 32,210 sq. ft. of land zoned C-6. Lee District. Tax Map 81-2 ((3)) 8A. (Admin. moved from 10/3/12, 11/28/12, 2/6/13, 4/24/13, 10/23/13, 6/4/14, 10/8/14 and 4/29/15 at appl. req.) (Deferred from 7/29/15, 12/9/15, 6/8/16, 11/2/16, and 5/3/17 at appl. req.) (Continued from 9/20/17.) (Admin. moved from 3/21/18 due to inclement weather.) (Continued from 5/2/18, 12/5/18, 9/11/19, 9/16/2020, 9/22/2021, 7/27/2022, and 12/7/2022)

Vice Chairman James R. Hart noted that application A 2012-LE-017 had been withdrawn.

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~ ~ ~ July 19, 2023, Scheduled case of:

Charles F. Hill and Kelly Vanasche, SP-2022-MV-00199 To permit a reduction in setback requirements to permit a roofed deck (covered porch) 25.7 ft. from the front lot line and 8.7 ft. from west side lot line and a reduction of setback requirements based on an error in building location to permit an accessory structure (shed) 1.1 ft. from the west side lot line. Located at 1605 Concord Pl., Alexandria, 22308 on approx. 13,095 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 102-2 ((2)) (7) 3.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Lesko, Staff Coordinator
- Charles Hill, Applicant

After the hearing where testimony was presented by Mr. Lesko, Mr. Krasner, and Mr. Hill, with no testimony from the public, Mr. Aminoff moved to approve SP-2022-MV-00197 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 5-0. Chairman Ribble, Ms. Day, and Mr. Tanner 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

Charles F. Hill and Kelly Vanasche, SP-2022-MV-00199 To permit a reduction in setback requirements to permit a roofed deck (covered porch) 25.7 ft. from the front lot line and 8.7 ft. from west side lot line and a reduction of setback requirements based on an error in building location to permit an accessory structure (shed) 1.1 ft. from the west side lot line. Located at 1605 Concord Pl., Alexandria, 22308 on approx. 13,095 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 102-2 ((2)) (7) 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 July 19, 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.
3. The area of the lot is 13,095 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

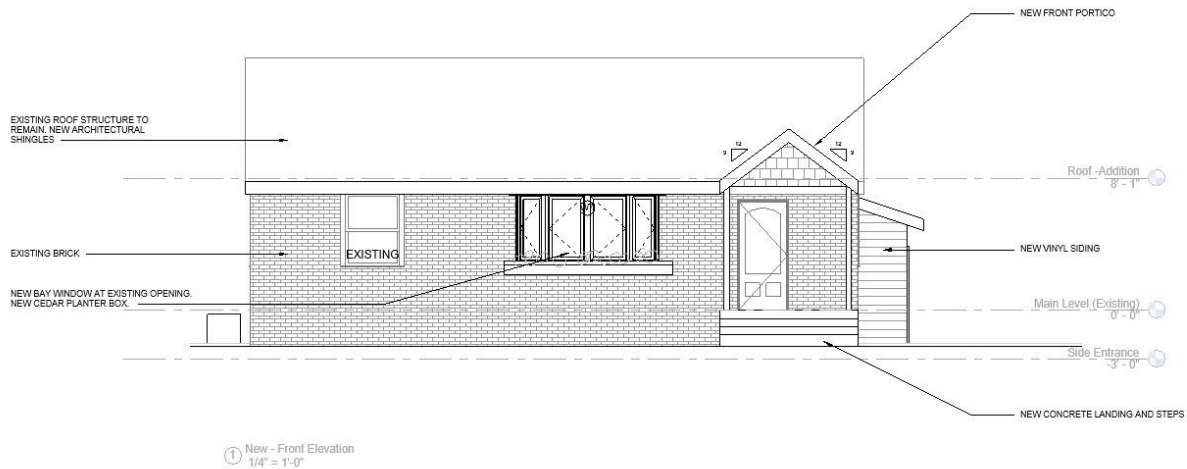
- G. Compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship, and
- H. It will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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

1. This special permit is granted only for the location of the proposed covered front porch (roofed deck) and shed adjacent to the west side lot line as indicated on the plat titled "Showing the Improvements on Lot 3, Block 7, Section 3, Hollin Hall Village, 1605 Concord Pl, Alexandria 22033" by George M. O'Quinn on January 25, 2023., consisting of one sheet, and approved with this application, as qualified by these development conditions.
2. The subject front porch must be generally consistent with the designs as depicted in the architectural elevations and renderings as shown on 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 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/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 Article 8100.4.D(6) of the Zoning Ordinance, this special permit automatically expires, 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.

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

Attachment 1



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~ ~ ~ July 19, 2023, Scheduled case of:

Deborah L. Armenti, SP-2022-DR-00212 to permit an interior accessory living unit with greater than 800 sq. ft. of gross floor area. Located at 248 Bliss Ln., Great Falls, 22066 on approx. 5.00 ac. of land zoned R-E. Dranesville District. Tax Map 3-4 ((2)) C. (Deferred from 6/14/23).

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Melissa Smarr, Land Development Services
- Scott Hagerty, Land Development Services
- Deborah L. Armenti, Applicant

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, Ms. Smarr, Mr. Hagerty and Ms. Armenti, with no testimony from the public, Mr. Smith moved to approve SP-2023-MV-00031 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo was not present for the vote. Chairman Ribble, Ms. Day, and Mr. Tanner 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

Deborah L. Armenti, SP-2022-DR-00212 to permit an interior accessory living unit with greater than 800 sq. ft. of gross floor area. Located at 248 Bliss Ln., Great Falls, 22066 on approx. 5.00 ac. of land zoned R-E. Dranesville District. Tax Map 3-4 ((2)) C. Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 19, 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-E.
3. The area of the lot is 5.0 ac.
4. The lot is in a semi-rural neighborhood, with fairly limited visibility from surrounding properties.
5. The board adopts the rationale and conclusion of staff.
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. These conditions must be recorded by the applicant among the land records of Fairfax County for this property.
2. This approval is granted to the applicant, Deborah L. Armenti, only, for the location indicated on the application, and is not transferable to other land or other owners.
3. This special permit is granted only for an accessory living unit at the subject property as identified on the plat titled "*Special Permit Application Plat, Lot Parcel C, Section One (1) Southdown,*" prepared by, CAP Land Surveying, PLLC dated, January 3, 2023 and revised through May 30, 2023, as submitted with this application, and is not transferable to other land.
4. The accessory living unit is limited to a maximum of 1,774 square feet.
5. Occupancy of the accessory living unit is limited to no more than two (2) persons.
6. The ALU must contain a working multi-purpose fire extinguisher and smoke and carbon monoxide detectors that are interconnected with the principal dwelling.
7. The accessory living unit is approved for an initial period of two years from the approval date of the special permit and may be extended by the Zoning Administration for screening periods of up to five years.
8. The applicant must obtain any outstanding building permits and pass inspection for the second kitchen within twelve (12) months of approval of this special permit.
9. The applicant must resolve all post-occupancy building code deficiencies within 120 days of approval of this special 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 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) this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo was not present for the vote. Chairman Ribble, Ms. Day, and Mr. Tanner were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ July 19, 2023, Scheduled case of:

Ashley E. Heineman and Gavin A. Dawson, VC 2022-MV-00006 (associated with SE 2023-MV-00006) To allow an accessory structure (detached two-story garage) in a front yard on a lot less than 36,000 square feet in area and to allow an accessory structure (detached two-story garage) 20.8 feet from the rear lot line and 8.9 feet from the side lot line. Located at 6417 14th St., Alexandria, 22307 on approx. 7,000 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 83-4 ((2)) (26) 15. (Associated with SE 2023-MV-00006).

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Senior Staff Coordinator
- Steve Larsen, Larsen Design/Build Associates, LLC, Agent for the Applicants

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. Larsen, with no testimony from the public, Mr. Maribojoc moved to approve SP-2023-SP-00010 for the reasons stated in the Resolution. Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo was not present for the vote. Chairman Ribble, Ms. Day, and Mr. Tanner were absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

Ashley E. Heineman and Gavin A. Dawson, VC 2022-MV-00006 (associated with SE 2023-MV-00006) To allow an accessory structure (detached two-story garage) in a front yard on a lot less than 36,000 square feet in area and to allow an accessory structure (detached two-story garage) 20.8 feet from the rear lot line and 8.9 feet from the side lot line. Located at 6417 14th St., Alexandria, 22307 on approx. 7,000 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 83-4 ((2)) (26) 15. 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 July 19, 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.
3. The area of the lot is 7,000 square feet.
4. The lot and existing structure predates the Fairfax County Zoning Ordinance.
5. The property is a corner lot.
6. 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 proposed accessory structure (detached two-story garage), as shown on the plat entitled “*Variance Survey on Lots 15 & 16, Block 26, New Alexandria*” prepared by, Apex Surveys, LLP dated, September 10, 2021, and revised January 18, 2023, and approved with this application, as qualified by these development conditions.
2. The subject accessory structure must not be used as an accessory living unit.
3. The area of the rear yard must be reduced to no more than 30 percent of the minimum required rear yard within 120 days of approval of this variance.
4. The accessory structure must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.

5. The applicant is responsible for identifying and complying with the terms of all easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
6. Pursuant to Section 18-407 of the Zoning Ordinance, this variance will automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, construction of the addition to the accessory structure has commenced and 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.

Mr. Aminoff seconded the motion, which carried by a vote of 4-0. Ms. Ballo was not present for the vote. Chairman Ribble, Ms. Day, and Mr. Tanner 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 10:24 a.m.

Minutes by: Keisha Strand

Approved on: March 20, 2024