

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, June 14, 2023. The following Board Members were present: Chairman John F. Ribble III (arrived at 9:05 AM); Vice Chairman James R. Hart; Thomas W. Smith III; Rebecca Ballo; Daniel Aminoff; Karen L. Day (arrived at 9:05 AM); and Donte M. Tanner (arrived at 9:07 AM). Roderick Maribojoc was absent from the meeting

Vice Chairman Hart called the meeting to order at 9:05 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.

~ ~ ~ June 14, 2023, Scheduled case of:

**Loic F. Hamon and Rebekka E. Laird, SP-2022-PR-00176**

Vice Chairman Hart noted that application SP-2022-PR-00176 had been administratively moved to June 28, 2023.

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~ ~ ~ June 14, 2023, Scheduled case of:

**The Korean Evangelical Association of America, Inc. T/A Good Shepherd Evangelical Church of Washington, SPA-2007-SP-006**

to amend SP 2007-SP-006 previously approved for a religious assembly to allow for a change in permittee, the addition of an accessory child care center use, and modifications to site and development conditions. Located at 12609 Braddock Rd., Fairfax, 22030, on approx. 4.76 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-2 ((3)) 4.

Vice Chairman Hart noted that applications SPA-2007-SP-006 had been administratively moved to July 26, 2023.

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~ ~ ~ June 14, 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. – **REQUEST TO DEFER**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner provided a status update on the case. There were building permit issues discovered. Staff is working with LDS building inspectors, and the issues are estimated to be resolved by July.

Mr. Aminoff moved to defer SP-2022-DR-00212 to July 19, 2023, at 9:00 a.m. Mr. Tanner seconded the motion, which was carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 14, 2023, Scheduled case of:

**Rink Management Services Corp, SP-2022-PR-00086** to permit a temporary use—a special event for more than 21 days—consisting of a roller-skating rink and ice-skating rink. Roller-skating rink located in Merrifield Town Center Drive (between District Avenue and Merrifield Cinema Drive). Ice-skating rink located in Penny Lane Park and in District Avenue (between Penny Lane and Merrifield Town Center Drive) in Fairfax, 22031 on approx. 5.9 acres of land zoned PRM and PDC. Providence District. Tax Map 49-3 ((37)) J (pt.), 49-3 ((37)) N (pt.), and 49-3 ((38)) (6) 1 (pt.). (Continued from 7/13/2022) (Decision Deferred from 9/14/2022) (Continued from 10/19/2022, and 2/1/2023) – **REQUEST TO INDEFINITE DEFER**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner provided a status update on the case. The case has been deferred multiple times after the initial hearing. The applicants are re-evaluating their plans for the winter and spring activities, therefore they have decided to request an indefinite deferral.

Mr. Tanner moved to indefinitely defer SP-2022-PR-00086. Mr. Aminoff seconded the motion, which was carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 14, 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, 3/1/2023, and 5/24/2023) – **REQUEST TO CONTINUE**

**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, 3/1/2023, and 5/24/2023) – **REQUEST TO CONTINUE**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner provided a status update on the case. Staff was able to get clarification from FEMA on the flood plain issues. However, the applicant was unable to be present due to work travel. Therefore, staff requested to continue this case to July 26, 2023.

Ms. Day moved to continue VC 2021-MV-00018/ SP 2021-MV-00114 to July 26, 2023, at 9:00 a.m. Mr. Tanner seconded the motion, which was carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 14, 2023, Scheduled case of:

**Carlene M. Walker and Brock J. Walker, SP-2022-SU-00179** to permit a reduction of setback requirements to permit an addition 15.3 ft. from the rear lot line. Located at 13118 Applegrove Ln., Herndon, 20171 on approx. 10,493 sq. ft. of land zoned PDH-2. Sully District. Tax Map 35-1 ((4)) (15) 90.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Brian Rozenhein, Applicant's Agent

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. Rosenheim, and with no testimony from the public, Mr. Aminoff moved to approve SP-2022-SU-00179, for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

**Carlene M. Walker and Brock J. Walker, SP-2022-SU-00179** to permit a reduction of setback requirements to permit an addition 15.3 ft. from the rear lot line. Located at 13118 Applegrove Ln., Herndon, 20171 on approx. 10,493 sq. ft. of land zoned PDH-2. Sully District. Tax Map 35-1 ((4)) (15) 90. 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 June 14, 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 PDH-2.
3. The area of the lot is 10,493 square feet.
4. The applicant has read, understands, and concurs with the proposed development conditions.

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

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

1. The application meets all the submission requirements set forth in Sect. 8101.3
2. A. The resulting gross floor area of the addition to the existing principal structure is not greater than 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. If a portion of the single-family detached dwelling is to be removed, no more than 50 percent of the gross floor area of the existing dwelling at the time of the first yard reduction will be removed;

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

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

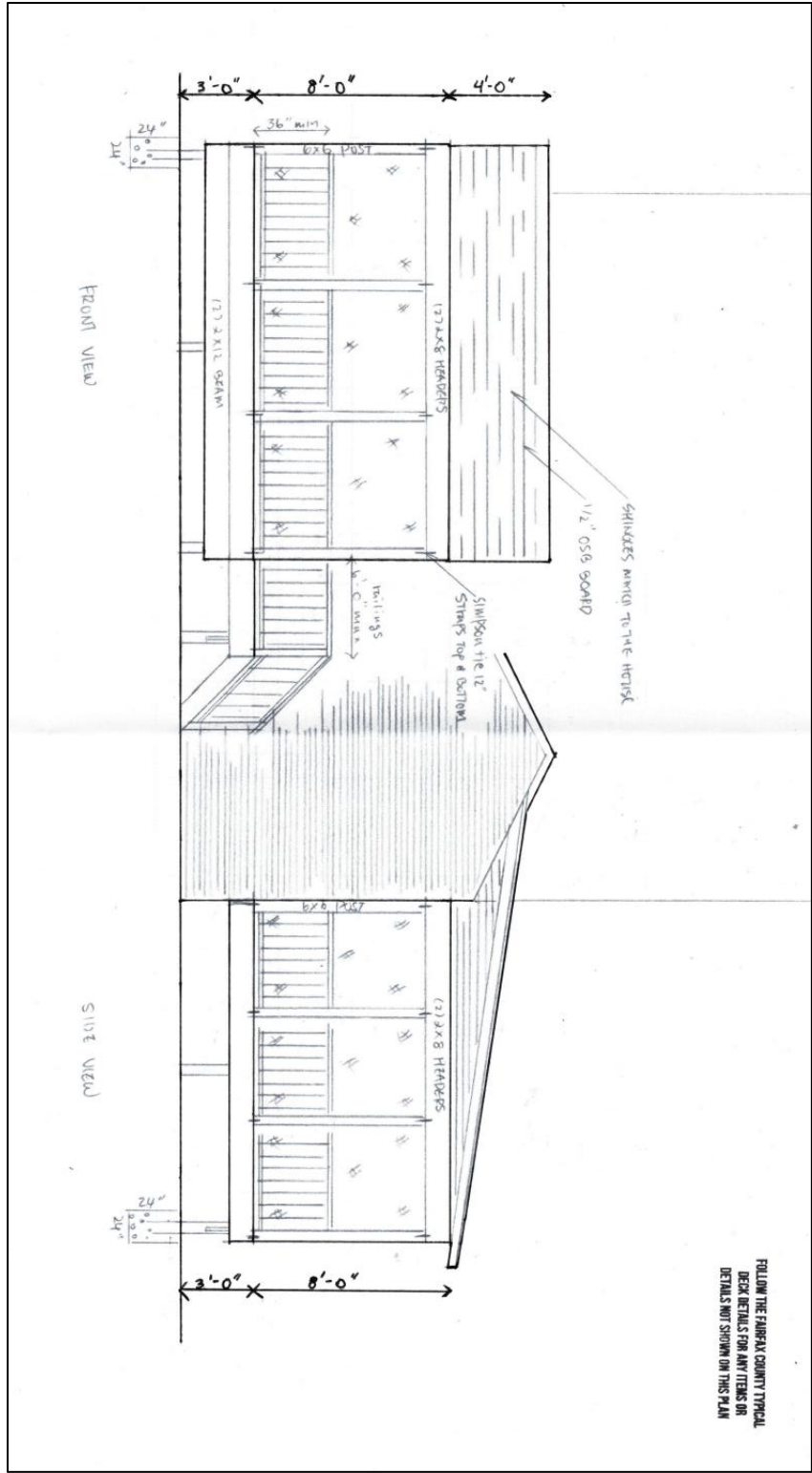
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of the screened porch addition as shown on the special permit plat, entitled, "*Special Permit Plat on Lot 90, Section 15B, Franklin Farm,*" prepared by, Apex Surveys, LLP dated, January 5, 2022, as submitted with this application and is not transferable to other land.
2. The rear addition must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
3. There must be no storage, lay down, or stockpiling of materials within the critical root zones of the 36 inch diameter birch tree near the north side lot line, as shown on the accompanying plat.
4. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments, or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat, as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
5. Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the screen porch addition and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit.

The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.



~ ~ ~ June 14, 2023, Scheduled case of:

**Corinne Grommers, VCA-84-D-133** to amend to VC 84-D-133 previously approved for a single-story addition 5.5 ft. from the north side lot line to allow a second-story addition 5.5 ft. from the north side lot line such that side setbacks total 17.1 ft. Located at 8018 Falstaff Rd., McLean, 22102 on approx. 13,012 sq. ft. of land zoned R-2 (Cluster). Dranesville District. Tax Map 29-2 ((3)) 326.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Corinne Grommers, Applicant

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, and Ms. Grommers, and with no testimony from the public, Mr. Tanner moved to approve VCA-84-D-133, for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was 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

**Corinne Grommers, VCA-84-D-133** to amend to VC 84-D-133 previously approved for a single-story addition 5.5 ft. from the north side lot line to allow a second-story addition 5.5 ft. from the north side lot line such that side setbacks total 17.1 ft. Located at 8018 Falstaff Rd., McLean, 22102 on approx. 13,012 sq. ft. of land zoned R-2 (Cluster). Dranesville District. Tax Map 29-2 ((3)) 326. Mr. Tanner 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 June 14, 2023; and

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

1. The applicant is the owners of the land.
2. The present zoning is R-2 (Cluster).
3. The area of the lot is 13,012 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 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 amendment is approved for the location of the second-level addition as shown on the plat titled, "Special Variance Plat, #8018 Falstaff Road, Lot 326", prepared by Mohamad B. Al-Shalabi of Kris Consultants, LLC, dated March 14, 2023", and is not transferrable to other land.
2. The design of the second-level addition must be generally consistent with the elevations and architectural renderings depicted in Attachment 1 to these development 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 variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
4. Pursuant to subsection 8100.6.B(5) of the Zoning Ordinance, the variance for the proposed second-level addition automatically expires, without notice, 30 months after the date of approval unless construction of the second-level 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 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.

Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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Vice Chairman Hart moved that the Board recess and enter into Closed Session for consultation with legal counsel and/or briefings by staff members and consultants regarding litigation in Rita M. Leach-Lewis, Trustee of the Rita M. Leach-Lewis Trust, 18 March 2013 versus Board of Supervisors of Fairfax County, Virginia, Record number 0815-22-4 in the Court of Appeals, Virginia, Re: consultation with legal counsel and/or briefings by staff members and consultants regarding BZA by-laws and BZA hiring of

counsel pursuant to Virginia Code Ann. Sec. 2.2-3711 (A) (7) (LNMB Supp. 2002). Ms. Day seconded the motion, which carried by a vote of 7-0.

The meeting recessed at 10:08 a.m. and reconvened at 10:46 a.m.

Vice Chairman Hart then moved that the Board of Zoning Appeals certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed, or considered by the Board during the Closed Session. Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

Vice Chairman Hart moved that the Board authorize Ms. Day to sign the letter discussed in the closed session. Mr. Aminoff seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

~ ~ ~ June 14, 2023, Scheduled case of:

**Hazem A. Elariny, ZAPL-2022-DR-00020** (concurrent with ZAPL-2022-DR-00017)  
Appeal of a notice of violation (NOV) that the appellant is operating a short-term lodging (STL) use on the property in violation of the STL permit standards contained in the Zoning Ordinance. Located at 612 Rivercrest Drive, McLean, Virginia 22101, on approx. 1.2 ac. of land zoned R 1, Dranesville District, Tax Map 21-2 ((3)) 19R. (Admin moved from 4/19/2023)

**Hazem A. Elariny, ZAPL-2022-DR-00017** (concurrent with ZAPL-2022-DR-00020)  
Appeal of a denial of a request for renewal of the previously approved STL permit which expired on November 25, 2022. Located at 612 Rivercrest Drive, McLean, Virginia 22101, on approx. 1.2 ac. of land zoned R 1, Dranesville District, Tax Map 21-2 ((3)) 19R. (Admin moved from 4/19/2023)

The participants in the hearing were as follows:

- Lily Yegazo, Chief, Staff Coordinator, Zoning Appeals Division
- Cherie Mack, Assistant County Attorney, Office of the County Attorney
- Charles Fitzhugh, Code Specialist, Department of Code Compliance
- Hazem Elariny, Applicant
- Public Speakers
  - Terra Gorman, 5100 Saratoga Avenue, Bethesda MD 28106
  - Lionel Kohl, 5100 Saratoga Avenue, Bethesda MD 28106
  - Maryia Viragh, 6821 Zillon Ave, Mclean VA 22101
  - Michael Amann, 604 Rivercrest Drive, Mclean, VA 22101

After the hearing where testimony was presented by Ms. Yegazu, Ms. Mack, Mr. Fitzhugh, and Mr. Elariny, and the public speakers listed above for this case, Mr. Hart moved to uphold the determination of the Zoning Administrator for ZAPL-2022-DR-00017. Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

Mr. Hart moved to deny ZAPL-2022-DR-00020. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.



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Chairman Ribble announced that the Board would recess.

The meeting recessed at 2:02 p.m. and reconvened at 2:13 p.m.

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~ ~ ~ June 14, 2023, Scheduled case of:

**Nandor Szuprics and Erika B. Szuprics, SP-2022-BR-00184** to permit a reduction to the minimum setback requirements based on an error in building location to permit an open deck to remain 4.8 ft. from the rear lot line. Located at 4800 Treasure Ct., Fairfax, 22032 on approx. 2,325 sq. ft. of land zoned R-20. Braddock District. Tax Map 68-2 ((5)) 2136. (Deferred from 3/29/2023) – **REQUEST TO CONTINUE**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner provided a status update on the case. Staff was able to get clarification from Office of the County Attorney. The affidavit needed to be revised, corrected, and reviewed for additional documentation. Therefore, staff requested to continue this case to July 12, 2023.

Ms. Day moved to continue SP-2022-BR-00184 to July 12, 2023, at 9:00 a.m. Mr. Aminoff seconded the motion, which was carried by a vote of 7-0. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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~ ~ ~ June 14, 2023, Scheduled case of:

**Rebecca Pomykala, SP-2022-MV-00205** to permit a reduction in setback requirements based on an error in building location to permit a roofed deck (front portico) 20.2 ft. from the front lot line and an increase in fence height in the front yard. Located at 6026 Grove Dr., Alexandria, 22307 on approx. 11,543 sq. ft. of land zoned R-4 and HC. Mount Vernon District. Tax Map 83-3 ((14)) (2) 36. – **REQUEST TO DEFER or CONTINUE**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Rebecca Pomykala, Applicant
- Johnathan Pomykala, Applicant

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, Mr. Pomykala, and Ms. Pomykala, and with no testimony from the public, Mr. Smith moved to approve SP-2022-MV-00205, for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 6-1. Ms. Ballo voted against the motion. Mr. Maribojoc was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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**COUNTY OF FAIRFAX, VIRGINIA  
SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

**Rebecca Pomykala, SP-2022-MV-00205** to permit a reduction in setback requirements based on an error in building location to permit a roofed deck (front portico) 20.2 ft. from the front lot line and an increase in fence height in the front yard. Located at 6026 Grove Dr., Alexandria, 22307 on approx. 11,543 sq. ft. of land zoned R-4 and HC. Mount Vernon District. Tax Map 83-3 ((14)) (2) 36. 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 June 14, 2023; and

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

5. The applicants are the owners of the land.
6. The present zoning is R-4 and HC.
7. The area of the lot is 11,543 square feet.
8. The applicant has read, understands, and concurs with the proposed development conditions.

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

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:

5. This special permit is approved only for the location of the existing roofed deck (front portico) and fence greater than 4 feet in height in the front yard to remain as shown on the plat, entitled "Special Permit Plat for Lot 36, Block 2, Section 1, Belle Haven," prepared by John D. Jarrett, Land Surveyor dated

January 19, 2023 and revised on February 27, 2023, as submitted with this application and is not transferable to other land.

6. The applicant must obtain all required trade permits and pass final building inspections for the existing roofed deck (front portico) which is the subject of this special permit, within 120 days of approval of this special permit.
7. The subject section of fence in the front yard must be relocated out of the front yard or reduced to no greater than 6.0 feet in height within 120 days of approval of this special permit. The applicants must plant at least four evergreen trees or shrubs at least three feet tall at time of planting and at least six feet tall within 10 years to screen the fence. The fence must be maintained in good condition at all times.
8. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved 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.
9. 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. Tanner seconded the motion, which carried by a vote of 6-1. Ms. Ballo voted against the motion. Mr. Maribojoc was 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 2:54 p.m.

Minutes by: Mary Padrutt

Approved on: March 13, 2024