

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, January 25, 2023. The following Board Members were present: Chairman John F. Ribble III (arrived at 9:09 AM); Vice Chairman James R. Hart; Thomas W. Smith III; Rebeccah Ballo; Daniel Aminoff; and Karen L. Day. Donte Tanner was absent from the meeting.

Vice Chairman Hart called the meeting to order at 9:00 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.

~ ~ ~ January 25, 2023, Scheduled case of:

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

Vice Chairman Hart noted that appeal application A 2022-PR-006 had been administratively moved to March 29, 2023.

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~ ~ ~ January 25, 2023, Scheduled case of:

Andreas Brandt, A 2022-PR-014, Appeal of a determination that there are two complete and separate dwelling units contained within the principal structure, and that there is surfaced parking area in the front yard in excess of the maximum 30% permitted, in violation of Zoning Ordinance provisions. Located at 7306 Lee Highway, Falls Church, Virginia 22046, on approx. 10,244 sq. ft. of land zoned R 4, Providence District, Tax Map 50-1 ((9)) 85.

Vice Chairman Hart noted that appeal application A 2022-PR-014 had been administratively moved to March 22, 2023.

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~ ~ ~ January 25, 2023, Scheduled case of:

Olde Towne Pet Resort Springfield LLC, SP-2021-MV-00138 to permit a reduction in setback requirements based on errors in building location to allow building architectural features (awnings/canopies) to remain 5.07 ft. from the front lot line adjacent to Alban Rd. and 20.51 ft., 1.84 ft., and 21.33 ft. from the front lot line adjacent to Interstate 95 (Henry G. Shirley Memorial Highway). Located at 8101 Alban Rd., Springfield, 22150 on approx. 1.67 ac. of land zoned C-6. Mount Vernon District. Tax Map 99-1 ((17)) 6. (Concurrent with VC 2022-MV-00003). (Admin moved from 9/14/2022) (Deferred from 9/28/2022, and 11/30/2022)

Vice Chairman Hart noted that application SP-2021-MV-00138 had been withdrawn by the applicant.

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~ ~ ~ January 25, 2023, Scheduled case of:

Olde Towne Pet Resort Springfield LLC, VC 2022-MV-00003 to permit existing fences measuring 8.0 ft. in height to remain in the front yards adjacent to Alban Rd. and Interstate 95 (Henry G. Shirley Memorial Highway). Located at 8101 Alban Rd., Springfield, 22150 on approx. 1.67 ac. of land zoned C-6. Mount Vernon District. Tax Map 99-1 ((17)) 6. (Concurrent with SP 2021-MV-00138). (Admin moved from 9/14/2022) (Deferred from 9/28/2022, and 11/30/2022)

Brent Krasner, Chief, Special Permit and Variance Branch, explained the reason for the deferral request.

Mr. Aminoff moved to defer VC 2022-MV-00003 to March 22, 2023, at 9:00 a.m. Mr. Smith seconded the motion, which carried by a vote of 4-0. Chairman Ribble and Ms. Day were not present for the vote. Mr. Tanner was absent from the meeting.

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~ ~ ~ January 25, 2023, Scheduled case of:

Joseph B. Fienup and Jennifer S. Fienup, SP 2022-MV-00152 to permit a reduction in setback requirements to permit a roofed deck (covered porch) 22.2 ft. from the front lot line. Located at 1603 Revere Dr., Alexandria, 22308 on approx. 9,932 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 102-2 ((2)) (5) 8.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Joseph B. Fienup and Jennifer S. Fienup, Applicants

After the hearing where testimony was presented by Mr. Isaiah and Mr. Fienup, and there being no public speakers for this case, Mr. Aminoff moved to approve SP 2022-MV-00152 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Joseph B. Fienup and Jennifer S. Fienup, SP 2022-MV-00152 to permit a reduction in setback requirements to permit a roofed deck (covered porch) 22.2 ft. from the front lot line. Located at 1603 Revere Dr., Alexandria, 22308 on approx. 9,932 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 102-2 ((2)) (5) 8. 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 January 25, 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 9,932 square feet.
4. The Board adopts staff's rationale.
5. The proposed porch conforms with the area given the number of other properties that have similar front enclosures. It is something that will tie in with the house and will be a nice addition to the home.
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 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. 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.
3. 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.

4. 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 "*Special Permit Plat on Lot 8, Block 5, Section Four, Hollin Hall Village*" prepared by Apex Surveys, dated July 12, 2022 and revised September 9, 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. Prior to commencing construction of the front porch, the applicant must apply a three-inch-deep layer of mulch around the base of the trunk of the thirty-six (36) inch diameter oak tree.
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 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.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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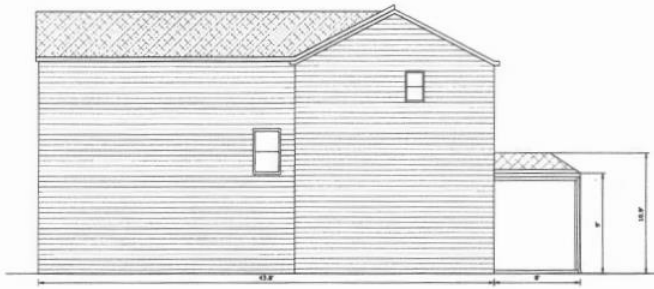
Attachment 1

SP 2022-MV-00152

ATTACHMENT 1

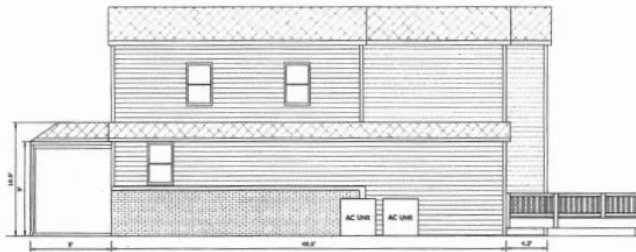


Left Side, Proposed Structure



SP 2022-MV-00152

Right Side, Proposed Structure



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~ ~ ~ January 25, 2023, Scheduled case of:

Eleni Shiferaw and Teshome Weldmichael, SP-2022-MV-00173 to permit a reduction in setback requirements to permit an addition 23.6 ft. from the rear lot line. Located at 8305 Covington Woods Ct., Springfield, 22153 on approx. 9,084 sq. ft. of land zoned R-3 (Cluster). Mount Vernon District. Tax Map 98-1 ((22)) 3.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Eleni Shiferaw and Teshome Weldmichael, Applicants

After the hearing where testimony was presented by Mr. Isaiah and Mr. Weldmichael, and there being no public speakers for this case, Mr. Hart moved to approve SP-2022-MV-00173 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Eleni Shiferaw and Teshome Weldmichael, SP-2022-MV-00173 to permit a reduction in setback requirements to permit an addition 23.6 ft. from the rear lot line. Located at 8305 Covington Woods Ct., Springfield, 22153 on approx. 9,084 sq. ft. of land zoned R-3 (Cluster). Mount Vernon District. Tax Map 98-1 ((22)) 3. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 25, 2023; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-3 (Cluster).
3. The area of the lot is 9,084 square feet.
4. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
5. It is a relatively modest request. The lot is only 93 feet deep, and the house was constructed right against the rear set back line. There really is not room to do anything in the back. It backs up to a Park Authority parcel that is heavily wooded. With the topography, no one will be able to see it.
6. There is not going to be any significant negative impact on the neighbors.
7. The solarium is notched into the house. It does not project much beyond the rear wall of the house.
8. This is consistent with other approvals.
9. 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. These conditions must be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is approved for the location of the solarium addition as shown on the special permit plat, entitled "*Special Permit Plat, 0981 22 0003, Covington Woods, Lot 3*" prepared by MGI Land Surveying, LLC, dated September 20, 2022 and revised November 10, 2022, as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 6 of Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (5,970 square feet existing + 8,955 square feet (150%) = 14,925 square feet permitted) regardless of whether such addition complies with the

minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single-family dwelling for the purpose of this paragraph will be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements will be permitted without an amendment to this special permit.

4. The addition must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
5. The 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.
6. 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 solarium 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.

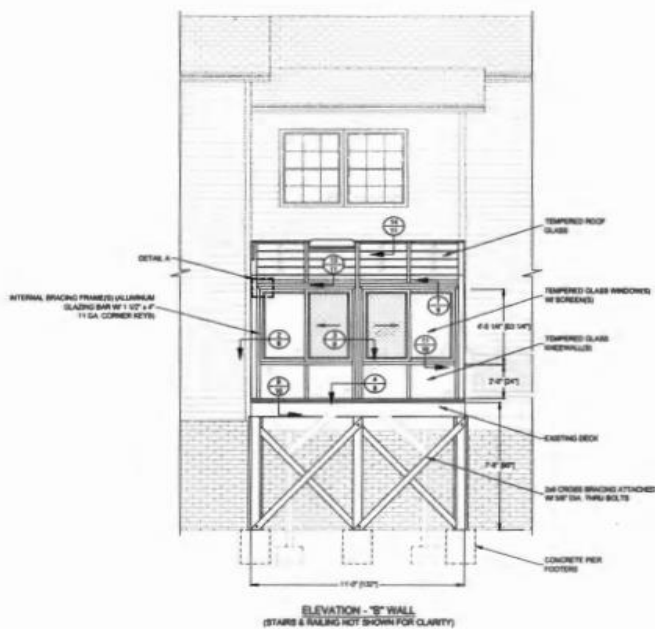
This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

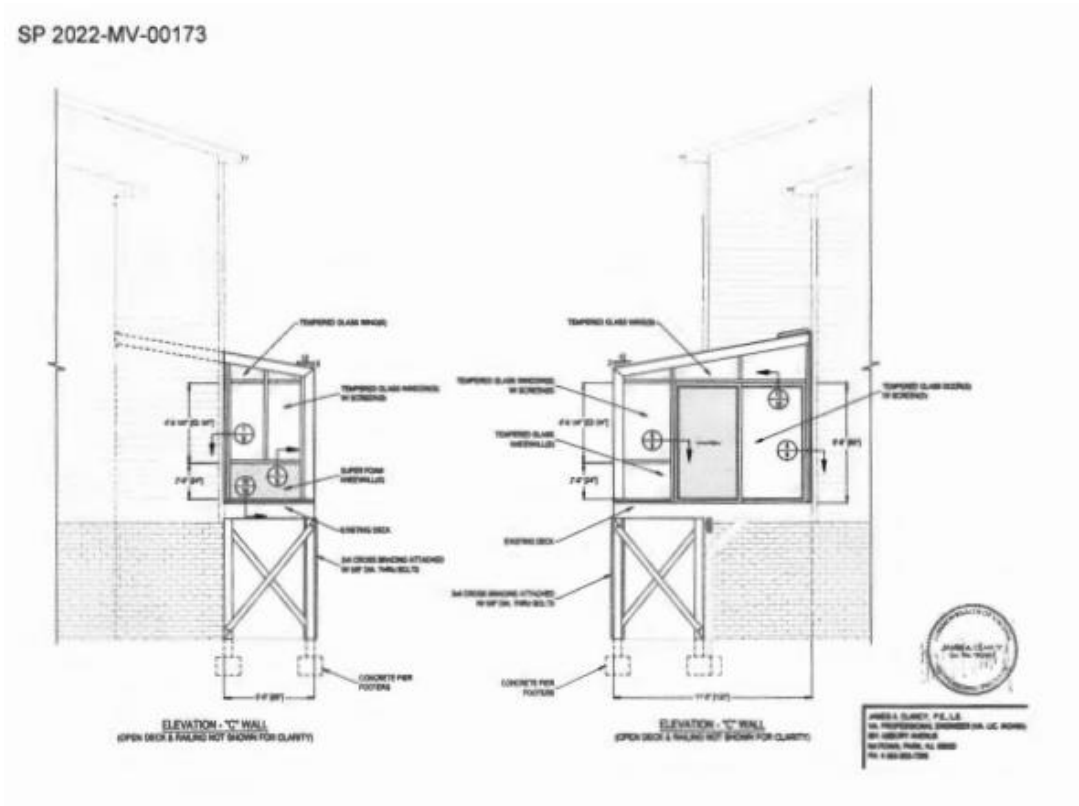
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SP 2022-MV-00173

ATTACHMENT 1



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~ ~ ~ January 25, 2023, Scheduled case of:

James D. Cuthbertson and Sophie K. Cuthbertson, SP-2022-DR-00111 to permit a reduction in setback requirements to permit an addition 23.3 ft. from the rear lot line. Located at 2089 Grace Manor Ct., McLean, 22101 on approx. 21,379 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((33)) 1.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Clare F. Siegel, Land Art Designs, Inc., Agent
- Mark J. Boryan, Land Art Designs, Inc., Agent
- James D. Cuthbertson, Applicant
- Graham Scott, Land Art Designs, Inc.

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, and Mr. Cuthbertson, and there being no public speakers for this case, Ms. Day moved to approve SP-2022-DR-00111 for the reasons stated in the Resolution. Ms. Ballo seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

James D. Cuthbertson and Sophie K. Cuthbertson, SP-2022-DR-00111 to permit a reduction in setback requirements to permit an addition 23.3 ft. from the rear lot line. Located at 2089 Grace Manor Ct., McLean, 22101 on approx. 21,379 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((33)) 1. 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 January 25, 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-2.
3. The area of the lot is 21,379 square feet.
4. There is a favorable staff report, and the Board concurs with the analysis contained therein.
5. It is a relatively small encroachment, and it meets all the standards.
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 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. A copy of the Board's approval, including the approved development conditions, must be recorded by the applicants among the land records of Fairfax County for this lot prior to the issuance of a building permit. A copy of the recorded conditions must be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location of the proposed screened porch addition as shown on the plat, entitled "#2089 Grace Manor Court, TM #: 0411-33-0001, Lot 1, Grace Manor at Minor Hill," prepared by Michael L. Flynn, Land Surveyor, dated March 11, 2022, as submitted with this application and is not transferable to other land.
3. Pursuant to Article 5100.2.D (11) (e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (7,527 square feet existing + 11,291 sq. ft. [150%] = 18,818 square feet permitted) regardless of whether such addition complies with the minimum setback requirement or is the subject of a subsequent setback reduction special permit.

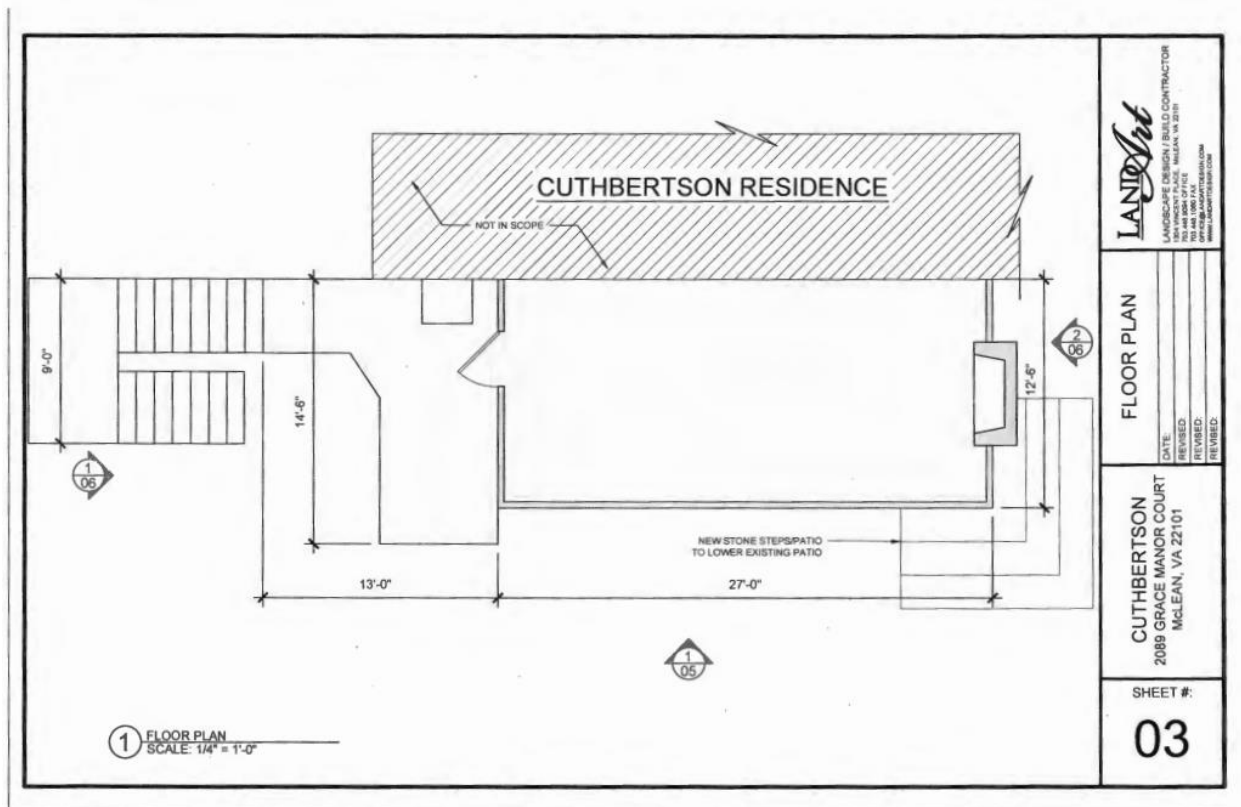
Subsequent additions that meet the minimum setback requirements are permitted without an amendment to this special permit.

4. The addition must be generally consistent with the design as depicted in the architectural elevations as shown in Attachment 1 to these conditions.
5. 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.
6. 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 of the screened porch 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, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Ms. Ballo seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

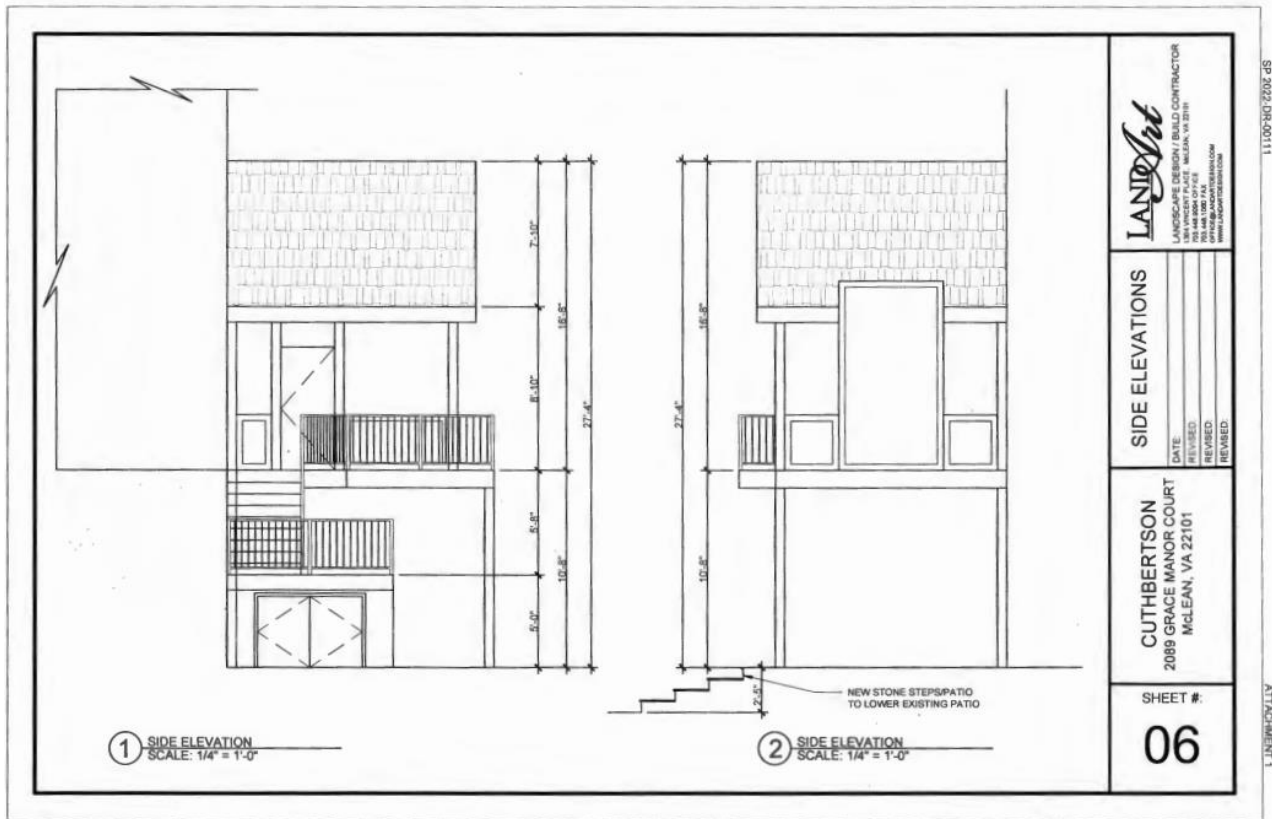
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SP 2022-08R-00111

ATTACHMENT 1



SP 2022-08R-00111

ATTACHMENT 1

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~ ~ ~ January 25, 2023, Scheduled case of:

Chau Tran and Trang Tran, VC-2021-BR-00022 to permit construction of a single-family detached dwelling 10.1 ft. from the north side lot line and 10.6 ft. from the south side lot line. Located at 10133 Zion Dr., Fairfax, 22032 on approx. 43,952 sq. ft. of land zoned R-1. Braddock District. Tax Map 77-2 ((1)) 18. (*Admin move from 10/19/2022, and 10/26/2022*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Denice Dressel, Chief, Heritage Resources Branch
- Grace Davenport, Planner, Heritage Resources Branch,
- Chau Tran and Trang Tran, Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, Ms. Davenport, and Mr. Tran, and there being no public speakers for this case, Mr. Smith moved to approve VC-2021-BR-00022 for the reasons stated in the Resolution. Ms. Ballo seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

Chau Tran and Trang Tran, VC-2021-BR-00022 to permit construction of a single-family detached dwelling 10.1 ft. from the north side lot line and 10.6 ft. from the south side lot line. Located at 10133 Zion Dr., Fairfax, 22032 on approx. 43,952 sq. ft. of land zoned R-1. Braddock District. Tax Map 77-2 ((1)) 18. 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 January 25, 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-1.
3. The area of the lot is 43,952 square feet.
4. The staff recommends approval, and the Board adopts their rationale.
5. The applicant has met the requirements for a variance. This is a classic variance in that we have an unusual lot, with a house that was built in 1942, that is rapidly deteriorating. It may be getting to the point where it might be considered unsafe with the infestation that was described.
6. The lot width is 65 feet, where the required width is 150 feet. The 20-foot setback requirements would result in a house that is 25 feet wide, which would not be harmonious with surrounding properties. It would not be desirable in the R-1 District.
7. The property was purchased in 2016 so this is not a hardship the applicants created.
8. The adjacent property to the south has side setbacks of 25 and 35 feet so it will be approximately 45 feet from the proposed dwelling. It will be approximately 55 feet from the rear of the nearest adjacent dwellings on Lots 10 and 11 to the north.
9. 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 only for the location of the new dwelling including a roofed deck (covered front porch) as shown on the variance plat titled, "Plat Showing Proposed Structures On Lot 18 (10133 Zion Drive) Sideburn RD 654", prepared by Yubaraj Budhathoki of Mt. Everest Engineering, LLC, dated July 12, 2022, as submitted with this application, and is not transferable to other land.
2. The design of the dwelling must be generally consistent with the architectural renderings depicted in Attachment 1 to these development conditions.
3. The applicants must complete a Phase II Architectural Survey of the site conducted by a professional that meets the Secretary of the Interior's Professional Qualifications Standards. The study must be provided to the Heritage Resources Branch of the Department of Planning and Development prior to the demolition of any existing structures on the site.
4. The applicants must coordinate with the Heritage Resources Branch of the Planning Division of the Department of Planning and Development for the installation of a wayside marker detailing the historical significance of the subject property. The marker must be sited in a location agreeable to the applicants, Heritage Resources, and VDOT. The applicants must contribute to the County a sum not to exceed \$5,000 for the purchase and installation of the historic marker prior to receiving a Residential Use Permit (RUP) for the new dwelling.
5. The applicants must submit a site-specific Resource Protection Area (RPA) delineation study to Land Development Services as part of the infill grading plan process prior to any land disturbance. Any land disturbance and tree removal must be limited to that required to construct the house in the location shown on the plat.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.

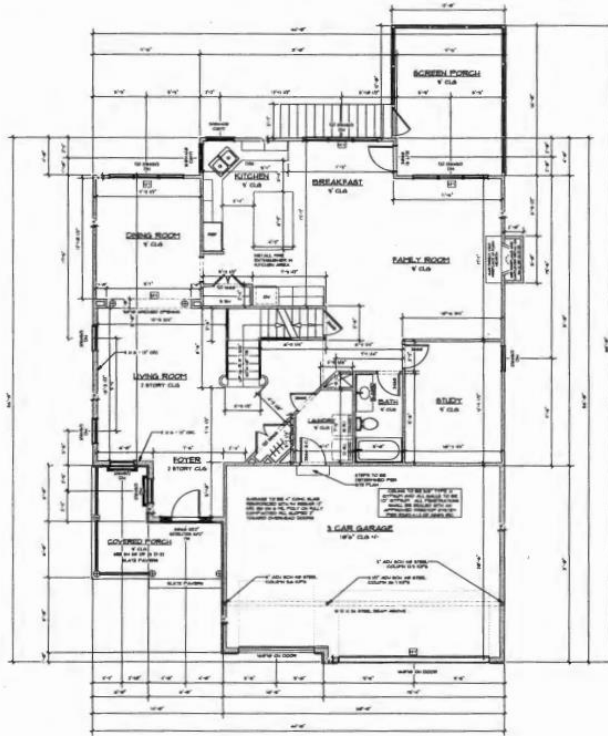
7. Pursuant to subsection 8100.6.B(5) of the Zoning Ordinance, the variance for the proposed dwelling and roofed deck automatically expires, without notice, 30 months after the date of approval unless construction of the new dwelling has commenced and has been diligently prosecuted. The Board of Zoning 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. Ballo seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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FIRST FLOOR PLAN SCALE 1/4" = 1'-0"
 FIRST FLOOR HEATED: 1,458 SQ.FT. GARAGE: 618 SQ.FT.
 FRONT PORCH: 128 SQ.FT. SCREEN PORCH: 152 SQ.FT.

NOTES:
 1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURETY BONDING.
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HEADERS:
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 2. 1" X 4" X 8" LVL @ 16" O.C. @ 2'-0" TO 3'-0" JAMB IN.
 3. 1" X 4" X 8" LVL @ 16" O.C. @ 3'-0" TO 4'-0" JAMB IN.
 4. 1" X 4" X 8" LVL @ 16" O.C. @ 4'-0" TO 5'-0" JAMB IN.
 5. 1" X 4" X 8" LVL @ 16" O.C. @ 5'-0" TO 6'-0" JAMB IN.

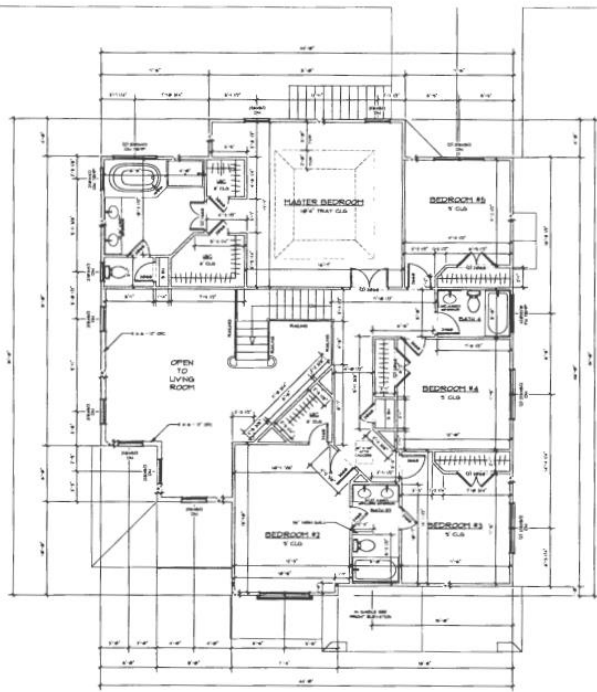
WINDOWS & PATIO DOORS:
 1. ALL WINDOWS AND PATIO DOORS SHALL BE 1/2" MIN. CLEARANCE.
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DATE: 08/20/19
 REVISIONS:
 SUNSET DESIGN
 300 NORMAL COURT
 ANNAPOLIS, MD 21403
 410.291.1111
 DRAWN BY: MICHAEL STEVENSON

BUCKINGHAM MODEL FOR:
 TRIAN
 BUILDING SITE

NDI new dimensions inc.
 3100 JERMANTOWN RD. SUITE 400
 PARKWAY, VA 23080
 PHONE: 800-488-8555

SHEET
 3 OF 23



SECOND FLOOR PLAN SCALE 1/4" = 1'-0"
 SECOND FLOOR HEATED: 1,535 SQ.FT.

NOTES:
 1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
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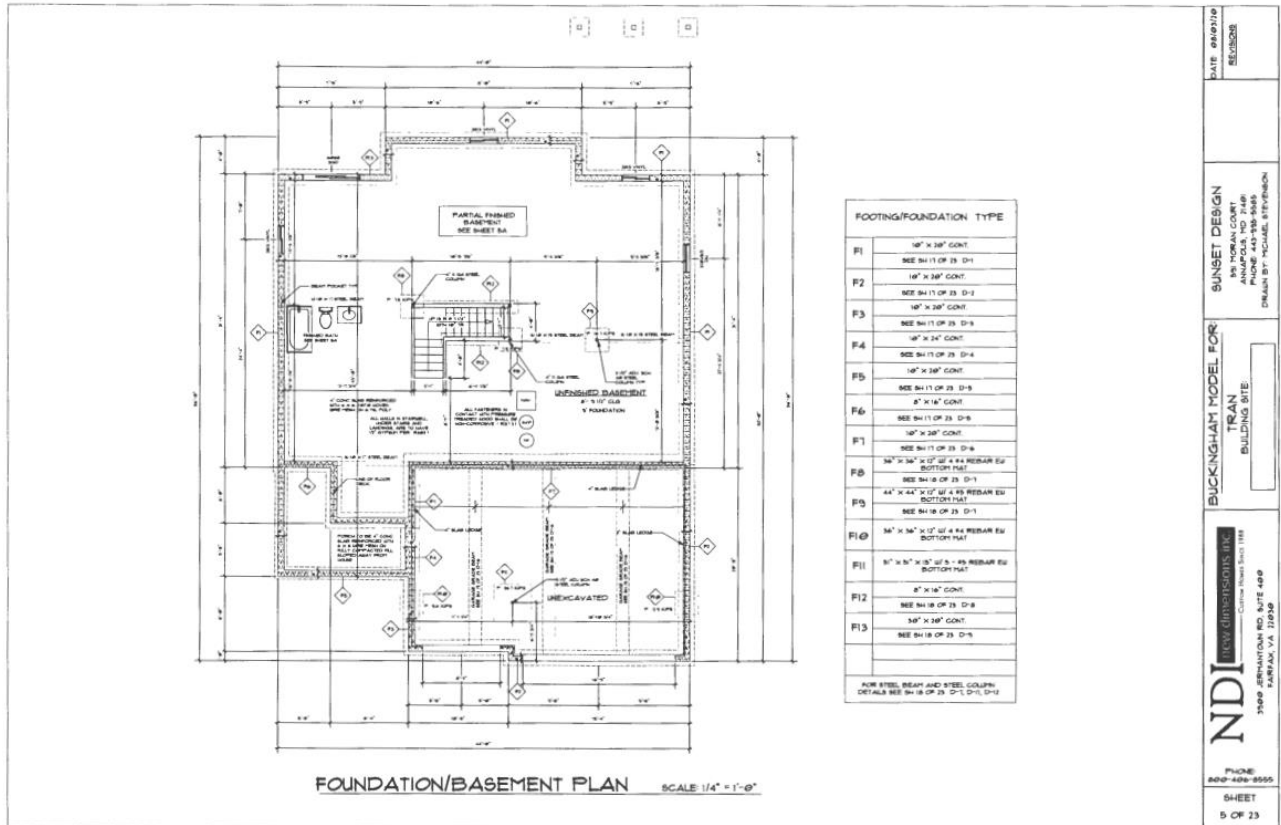
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 4 OF 23



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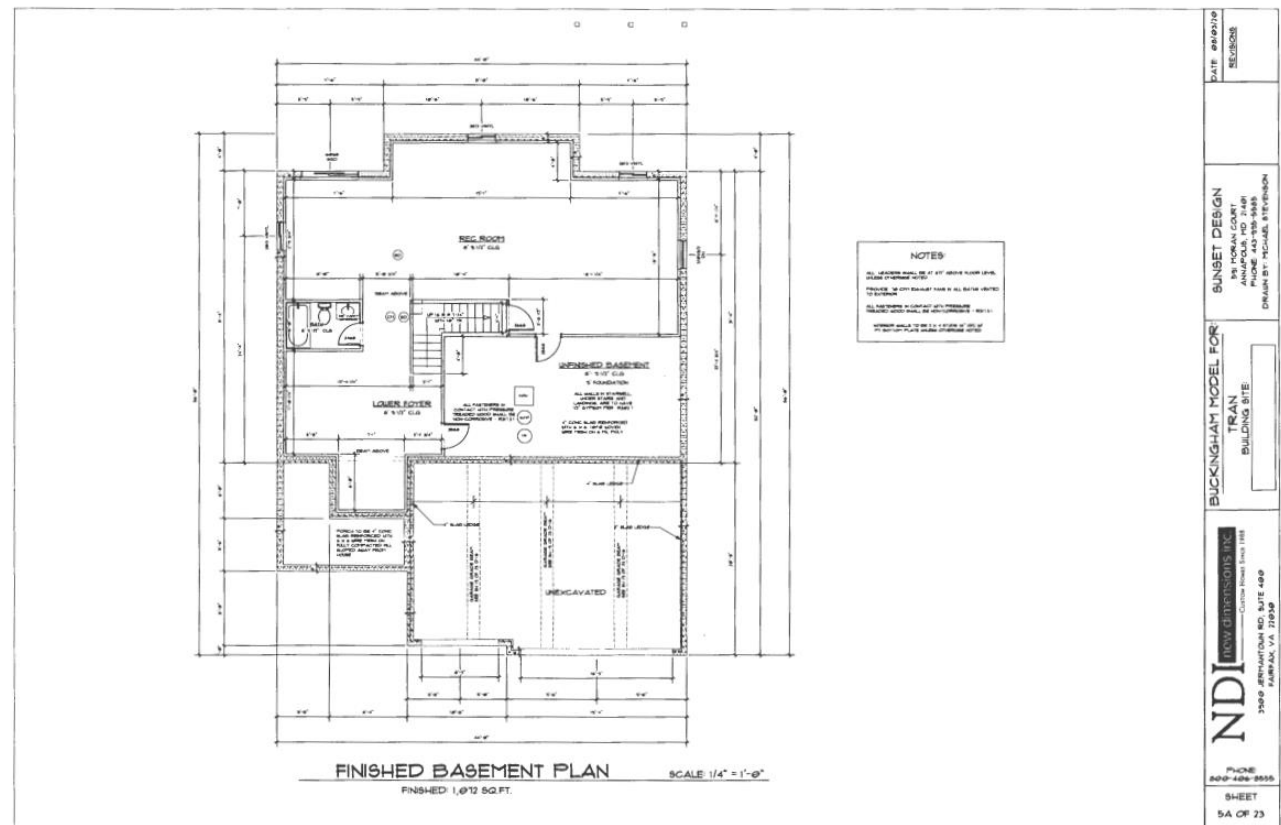
SUNSET DESIGN
85 NORMAN COURT
ANAPOLIS, MD 21408
DRAWN BY: MICHAEL STEVENSON

BUCKINGHAM MODEL FOR
TRAN
BUILDING SITE

NDI
NEW DIMENSIONS INC.
COLUMBIANA, MISSISSIPPI 39238
3996 BETHAMPTON RD, SUITE 409
FARMVILLE, VA 22430

PHONE
800-426-8555

SHEET
5 OF 23



DATE REVISION
REVISION

SUNSET DESIGN
85 NORMAN COURT
ANAPOLIS, MD 21408
DRAWN BY: MICHAEL STEVENSON

BUCKINGHAM MODEL FOR
TRAN
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SHEET
5A OF 23

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~ ~ ~ January 25, 2023, Scheduled case of:

Maria O. Ramos Vigil and Learn n' Play Bilingual Day Care, LLC, SP-2022-LE-00124 to permit a home day care facility and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) to remain 1.2 ft. from the southeast side lot line. Located at 8116 Norwood Dr., Alexandria, 22309 on approx. 14,178 sq. ft. of land zoned R-3. Lee District. Tax Map 101-2 ((9)) 27.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Maria Ramos Vigil, Applicant

After the hearing where testimony was presented by Mr. McCadden and Ms. Vigil, and there being no public speakers for this case, Ms. Ballo moved to approve SP-2022-LE-00124 for the reasons stated in the Resolution. Ms. Ballo seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Maria O. Ramos Vigil and Learn n' Play Bilingual Day Care, LLC, SP-2022-LE-00124 to permit a home day care facility and a reduction in setback requirements based on an error in building location to permit an accessory structure (shed) to remain 1.2 ft. from the southeast side lot line. Located at 8116 Norwood Dr., Alexandria, 22309 on approx. 14,178 sq. ft. of land zoned R-3. Lee District. Tax Map 101-2 ((9)) 27. Ms. Ballo 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 January 25, 2023; and

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

1. The applicant and Jose Luis Moreno Gonzalez are the owners of the land.
2. The present zoning is R-3.
3. The area of the lot is 14,178 square feet.
4. The Board adopts the rationale in the staff report. There is a positive staff report. The applicant has already maintained a day care at this residence. There have been no complaints or issues.
5. The property and the lot are adequately sized based on the evidence for the increase in capacity of the day care facility.
6. With concern to the error in building location, the shed has been there for some time. There are no complaints from the neighbors or other adjacent property owners. The request in the setback is very minimal.
7. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made the following find of facts:

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.

AND

That the applicant has presented testimony indicating compliance with Sect. 5100.2.D(11)(d), Provisions for BZA Authorized Reductions in Setback Requirements Based on an Error in Building Location, the Board has determined:

- A. The error exceeds ten percent of the applicable measurement, or
- B. The error is up to ten percent of the applicable measurement and the reduction or modification is requested in conjunction with the approval of another special permit or application for a variance on the property, and
- C. The noncompliance was done through no fault of the property owner, or was the result of an error in the relocation of the building after the issuance of a building permit, if one was required, and
- D. It will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition regarding other properties or public streets, and
- G. Compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship, and
- H. It will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the purpose and intent of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition regarding other properties or public streets and that to force compliance with the minimum setback requirements or location regulations would cause the owner unreasonable hardship.

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

- 1. This approval for a home day care is granted to the applicant, Maria O. Ramos Vigil and Learn n' Play Bilingual Day Care, LLC, and is not transferable without further action of the Board, is for the location indicated on the application, described as Tax Map #101-2 ((9)) 27, and addressed at 8116 Norwood Drive, Alexandria, 22309, and is not transferable to other land.
- 2. This special permit is granted only for the home day care use and the location of the existing shed 1.2 feet from the south side lot line as indicated on the plat titled "Special Permit Plat, 1012 09 0027, Fairfield, Lot 27, Sec. 1," prepared by Andrew N. Hornbeck of MGI Land Surveying, LLC., consisting of one sheet, dated September 13, 2022, and approved with this application, as qualified by these development conditions.
- 3. A copy of this Special Permit must be posted in a conspicuous place on the property.
- 4. The hours of operation of the home day care facility are limited to 6:30 a.m. to 6:00 p.m., Monday to Friday.
- 5. The dwelling that contains the home day care facility must be the primary residence of the applicant.
- 6. Excluding the applicant's own children, the maximum number of children permitted at the home day care facility at any one time must not exceed twelve (12) children.
- 7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home day care facility. The home day care facility must be operated in accordance with the Virginia Department of Social Services staffing requirements of 22 VAC 40-111-570.
- 8. The home day care must operate only on the first floor of the dwelling, which includes the play room

#1, play room #2, living room, dining room, and sleeping room, as shown on the floorplan and plat submitted with this application.

9. There must be no signage associated with the home day care facility.
10. All pick up and drop off of children must take place within the driveway of the subject property. The driveway must be used exclusively for drop-off and pick-up during the hours of operation of the home day care for this purpose. The arrival and departure times of children who are being picked-up and/or dropped-off in vehicles must be staggered.
11. Any portions of the dwelling associated with the home day care facility that are used as a children's sleeping area or rest area must be located in a room with an operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings must be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
13. The home day care facility must be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards.
14. The storage sheds in the rear yard must remain locked during the operating hours of the home day care facility. The subject shed must be maintained in good condition or otherwise brought into conformance with the Ordinance.
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 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 subsection 8100.4.D of the Zoning Ordinance, this special permit takes effect upon a vote of approval by the Board of Zoning Appeals.

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

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Tanner was absent from the meeting.

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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: Mary Padrutt

Approved on: April 19, 2023