

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, May 3, 2023. The following Board Members were present: Chairman John F. Ribble III (arrived at 9:00 AM); Vice Chairman James R. Hart; Thomas W. Smith III; Rebeccah Ballo; Eric Maribojoc; Donte Tanner; Daniel Aminoff; and Karen L. Day.

Chairman John F. Ribble 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. Chairman John F. Ribble called the first scheduled case.

~ ~ ~ May 3, 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. (*Admin moved from 2/15/2022*)

Chairman Ribble noted that appeal application SPA-2007-SP-006 had been administratively moved to June 14, 2023.

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~ ~ ~ May 3, 2023, Scheduled case of:

6651 LLC and Campbell & Ferrara Nurseries, Inc., A 2022-MV-015 (*Admin moved from 2/1/2023*)

Chairman Ribble noted that appeal application A 2022-MV-015 had been administratively moved to October 4, 2023.

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~ ~ ~ May 3, 2023, Scheduled case of:

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).

Chairman Ribble noted that application SP 2022-SU-00161 had been administratively moved to July 19, 2023.

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~ ~ ~ May 3, 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).

Chairman Ribble noted that application SPA-87-S-012-04 had been administratively moved to July 19, 2023.

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~ ~ ~ May 3, 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. *(Admin moved from 1/25/2023, and 3/22/2023)*

Chairman Ribble noted that application SPA-87-S-012-04 had been administratively moved to June 7, 2023.

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~ ~ ~ May 3, 2023, Scheduled case of:

Laura J. Bingaman and Seth A. Bingaman, SP-2022-MA-00210 to permit a reduction of certain yard requirements to permit an addition 10.3 ft. from the east side lot line and to permit an increase in fence height in the front yard. Located at 6308 Eppard St., Falls Church, 22044 on approx. 13,848 sq. ft. of land zoned R-3. Mason District. Tax Map 51-3 ((11)) 38.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Laura J. Bingaman and Seth A. Bingaman, Applicants

After the hearing where testimony was presented by Mr. McCadden, and Mr. Krasner and Mrs. Bingaman, and there being no public speakers for this case, Mr. Aminoff moved to approve SP-2022-MV-00173 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0. Mr. Tanner was absent from the meeting.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Laura J. Bingaman and Seth A. Bingaman, SP-2022-MA-00210 to permit a reduction of certain yard requirements to permit an addition 10.3 ft. from the east side lot line and to permit an increase in fence height in the front yard. Located at 6308 Eppard St., Falls Church, 22044 on approx. 13,848 sq. ft. of land zoned R-3. Mason District. Tax Map 51-3 ((11)) 38. Mr. Aminoff moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 3, 2023; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-3
3. The area of the lot is 13,848 square feet.
4. The Board adopts the rationale in the staff report, it is the minimum reduction necessary for the enclosure.

5. There are other homes in the immediate area that have made similar types of improvements.
6. The Board finds given the situation of the irregular shaped lot and the curvature of the street; it makes sense to keep the fence at 6 feet.
7. The applicant has read, understands, and concurs with the development conditions, including the modifications made at the hearing.

AND WHEREAS, the Board of Zoning Appeals has reached 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. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

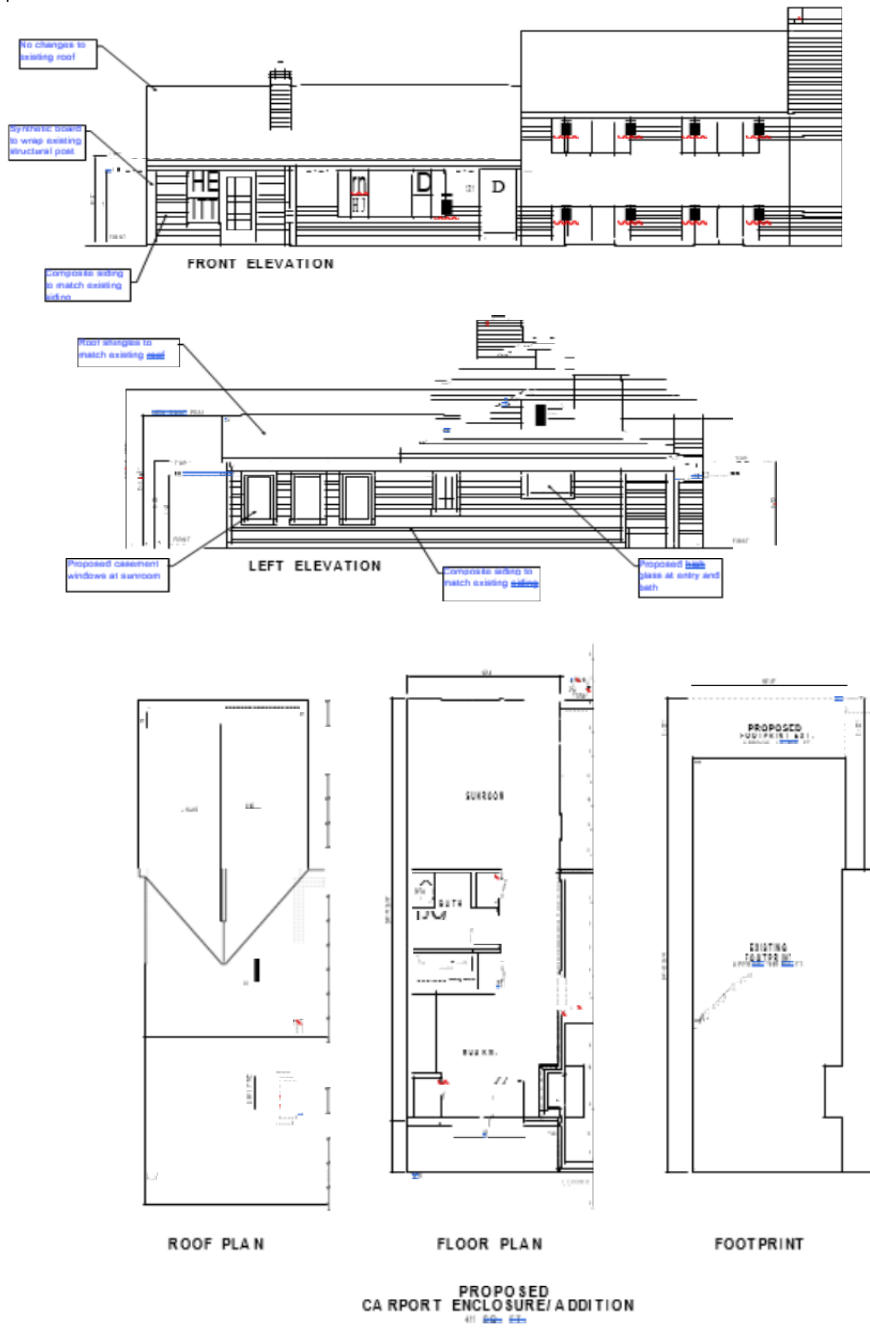
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These 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 for the addition. A copy of the recorded conditions must be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is granted only for the location of the proposed addition and the existing fence in the front yard adjacent to Eppard Street to remain at the property indicated on the plat titled "Special Permit Plat On Lot 38, Section One, Sleepy Hollow Manor", prepared by Guy H. Briggs of Apex Surveys, LLP, dated November 15, 2022, consisting of one sheet, and approved with this application, as qualified by these development conditions.
3. Pursuant to Sect. 8-922 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 (1,802 square feet existing + 2,703 square feet (150%) = 4,505 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. 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 setbacks requirements are permitted without an amendment to this special permit.
4. The subject addition must be generally consistent with the design as depicted in the architectural elevations as shown on Attachment 1 to these conditions.
5. The subject fence must be maintained in good condition at all times or otherwise brought into compliance with the ordinance.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved 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 Sect. 8-015 of the Zoning Ordinance, this special permit automatically expires, without notice, 30 months after the date of approval unless construction has commenced on the 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.

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PROPOSED
ENCLOSURE/ADDITION

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~ ~ ~ May 3, 2023, Scheduled case of:

Capital Presbyterian Church, a mission church sponsored by McLean Presbyterian Church, SPA-85-D-009-09 a mission church sponsored by McLean Presbyterian Church, SPA 85-D-009-09, to amend SP 85-D-009 previously approved for a place of worship (religious assembly) with a private school of general education, and child care center to permit a change in permittee and modifications to development conditions. Located at 1545, 1549, and 1551 Dranesville Rd., Herndon, 20170 on approx. 5.64 ac. of land zoned R-3. Dranesville District. Tax Map 10-2 ((1)) 7 and 7A. (Admin moved from 5/24/2023)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon Mccadden, Senior Staff Coordinator
- Kathern Taylor, Agent for Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, and Ms. Taylor, and there being no public speakers for this case, Mr. Tanner moved to approve **SPA-85-D-009-09** for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 7-0.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Capital Presbyterian Church, a mission church sponsored by McLean Presbyterian Church, SPA-85-D-009-09 a mission church sponsored by McLean Presbyterian Church, SPA 85-D-009-09, to amend SP 85-D-009 previously approved for a place of worship (religious assembly) with a private school of general education, and child care center to permit a change in permittee and modifications to development conditions. Located at 1545, 1549, and 1551 Dranesville Rd., Herndon, 20170 on approx. 5.64 ac. of land

zoned R-3. Dranesville District. Tax Map 10-2 ((1)) 7 and 7A. 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 May 3, 2023; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-3
3. The area is 5.64 acres.
4. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
5. The request is for a change in permittee.
6. The applicant has read, understands, and concurs with the development conditions, including the modifications made at the hearing.

AND WHEREAS, the Board of Zoning Appeals has reached 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. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

1. This special permit approval is granted to the applicant, Capital Presbyterian Church, a mission church sponsored by McLean Presbyterian Church, and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This Special Permit is granted only for a place of worship (religious assembly) with private school of general education (private school) and child care center as indicated on the special permit plat prepared by Alexandria Surveys, Inc. dated November 12, 2001, as revised through December 6, 2001, and approved with this application, as qualified by these development conditions.
3. This Special Permit is subject to the provisions of Article 17 Site Plans, as may be determined by the Director, Land Development Services. Any plan submitted pursuant to this special permit must be in conformance with the approved Special Permit Amendment Plat and these development conditions. Minor modifications to the approved Special Permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
4. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) must be posted in a conspicuous place on the property.
5. The maximum seating capacity for the sanctuary is limited to 588.
6. The combined maximum daily enrollment of the child care center and school of general education must not exceed 270. The maximum daily enrollment for the child care center must not exceed 64 students.
7. The hours of operation of the child care center are limited to 6:00 A.M. to 6:30 P.M., Monday through Friday, and the hours of operation of the school of general education are limited to 8:00 A.M. to 3:30 P.M., Monday through Friday.

8. The private school of general education and child care center must be operated in accordance with Chapter 30 of the County Code entitled "Minimum Private School and Child Care Facility Standards."
9. All pick-up and drop-off activities for the school and child care center must occur on-site.
10. Parking spaces must be provided in the location shown on the plat. All parking for the uses must be on-site. All interior and peripheral parking lot landscaping must be maintained as required by the Ordinance, to the satisfaction of the Forest Conservation Branch.
11. All transitional screening planting must be maintained to the satisfaction of the Forest Conservation Branch. Dead or dying plants must be replaced with like-kind plantings, as needed, as directed by the Forest Conservation Branch. Invasive species and vines must be removed from all transitional screening areas.
12. Transitional screening must be provided in accordance with the following:

North

The transitional screening requirement along the northern lot line is modified to utilize the existing vegetation. However, the existing vegetation must be supplemented where deemed necessary by the Urban Forester, subject to the determination of the Forest Conservation Branch. Additionally, the applicant must install supplemental plantings using native tree and shrub species including at least 3 American Holly, at least 3 Eastern Red Cedar, and at least 6 Northern Bayberry. The applicant must coordinate with the Forest Conservation Branch to field locate the proposed supplemental plantings.*

West

The transitional screening requirement along the western lot line is modified to utilize the existing vegetation.*

13. The barrier requirement is waived along the north and west lot lines.
14. The maximum number of children using the play area must adhere to the limitation in Section 9-309 of the Fairfax County Zoning Ordinance.
15. All signs must be in accordance with Article 12 of the Zoning Ordinance.
16. The structure noted on the plat to be a two-story dwelling, must be used only for dwelling purposes for the pastor or employees of the church or school. The structure may be used for administrative offices subject to the receipt of all necessary building permits and inspections.
17. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
18. Pursuant to subsection 8-015 of the Ordinance, this special permit amendment takes effect upon a vote of approval by the Board of Zoning Appeals.

These conditions incorporate and supersede all previous conditions. This approval, Capital

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

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

Ms. Day seconded the motion, which carried by a vote of 7-0.

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~ ~ ~ May 3, 2023, Scheduled case of:

Trustees of St. James Episcopal Church, SPA-86-V-052-04 to amend SP-86-V-052 previously approved for a place of worship (religious assembly) with child care center to allow for the deletion of land area and an increase in fence height in the front yard. Located at 5614 Old Mill Rd., Alexandria, 22309, on approx. 4.88 ac. of land zoned R-2. Mount Vernon District. Tax Map 110-1 ((1)) 4B.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Melissa Mahan, Agent

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Ms. Mahan, and there being no public speakers for this case, Mr. Hart moved to approve SPA-86-V-052-04 for the reasons stated in the Resolution. Mr. Tanner seconded the motion, which carried by a vote of 7-0.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Trustees of St. James Episcopal Church, SPA-86-V-052-04 to amend SP-86-V-052 previously approved for a place of worship with child care center to allow for the deletion of land area and an increase in fence height in the front yard. Located at 5614 Old Mill Rd., Alexandria, 22309, on approx. 4.88 ac. of land zoned R-2. Mount Vernon District. Tax Map 110-1 ((1)) 4B. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 3, 2023; and

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

1. The applicant is the owner of the land.
2. There is a favorable recommendation from staff and the Board adopts the rationale staff report.
3. The Board finds this is a relatively modest request, the Board is not determining the future use of the area that is being removed, just a geometric space is being created and allowing the church to continue. At some point this Board or another will decide what will happen with the remaining land and this does not affect the ongoing use of the church property.
4. The landscape issue that conflicted with the overhead wires is being resolved.
5. The fence issue is complicated but there have been no complaints and does not seem to negatively affect surrounding properties. However, the neighbors would still have been exposed to the fence if the addition had been built.
6. The Board finds there would not be a significant impact having the fence be vinyl rather than wood in this location and the development condition having to maintain the fence satisfactorily mitigates any potential negative impacts along with the other conditions.
7. The applicant has read, understands, and concurs with the development conditions, including the modifications made at the hearing.

AND WHEREAS, the Board of Zoning Appeals has reached 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. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 5614 Old Mill Road, and is not transferable to other land.*
2. This Special Permit is granted only for the place of worship with child care center use and for the fence greater than four feet in height in the front yard adjacent to Old Mill Road as indicated on the special permit plat "*Special Permit Amendment Plat, SPA 86-V-052-4, Saint James Episcopal Church*", prepared by Dominion Surveyors, Inc., dated December 15, 2022, and amended through April 24, 2023 and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit MUST BE POSTED in a conspicuous place on the property.
4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Land Development Service (LDS) Any plan submitted pursuant to this special permit must be in substantial conformance with the approved Special Permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.*
5. The hours of operation for the child care center are limited to 6:15 a.m. to 6:15 p.m., Monday through Friday.*
6. The maximum daily enrollment of the child care center is limited to 40 children.*
7. The seating capacity of the church is limited to 204.*
8. A maximum of eighty (80) parking spaces must be provided. All parking must be on-site within the designated parking areas as shown on the special permit plat.*
9. Transitional Screening along Mount Vernon Memorial Highway is modified in favor of existing vegetation. Transitional screening along the western line and new eastern lot line is modified in favor of existing vegetation and new plantings as shown on sheet four-Landscape Plan of the Special Permit Plat. Transitional Screening along Old Mill Road is modified in favor of the new plantings shown on Sheet 4 – Landscape Plan of the Special Permit plat or similar plantings as may be approved by Dominion Energy within their easement. Any dead or dying vegetation must be replaced with like kind to maintain the existing transitional screening, as determined by the Forest Conservation Branch .
10. Within 210 days of approval of this special permit amendment, the Applicant must install the screening planting as identified herein. Prior to installation, the Applicant must:
 - Provide a landscape plan for review by the Forest Conservation Branch that identifies the specific plant material to be planted and used toward meeting the modified transitional screening requirements. The landscape plan must include all information and plan elements in accordance with Section 12-0315.1 of the Public Facilities Manual; and

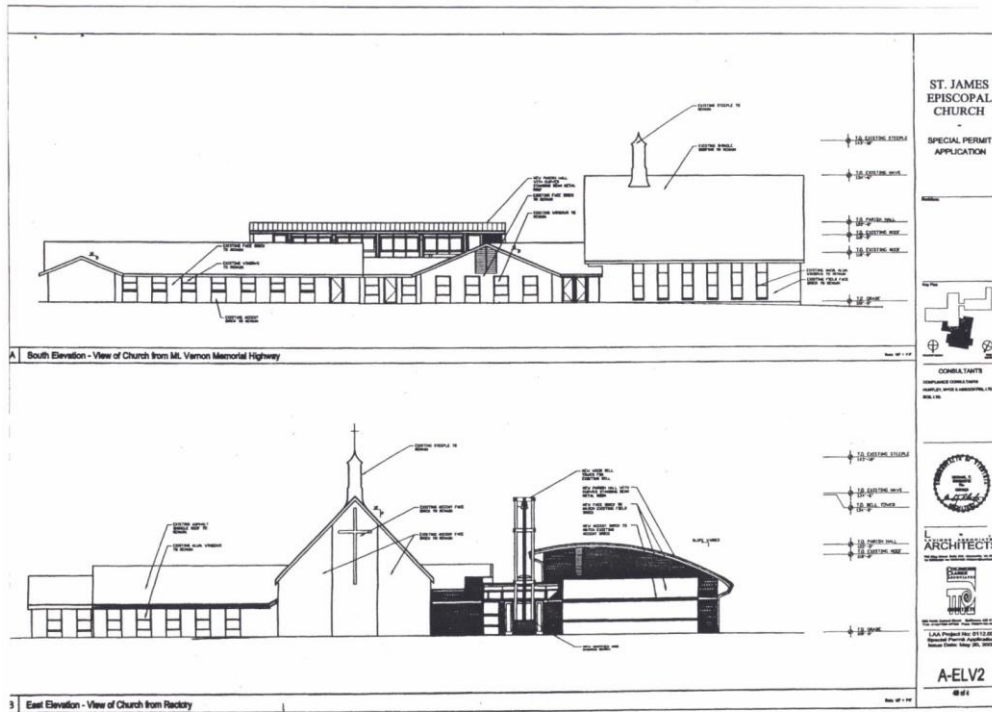
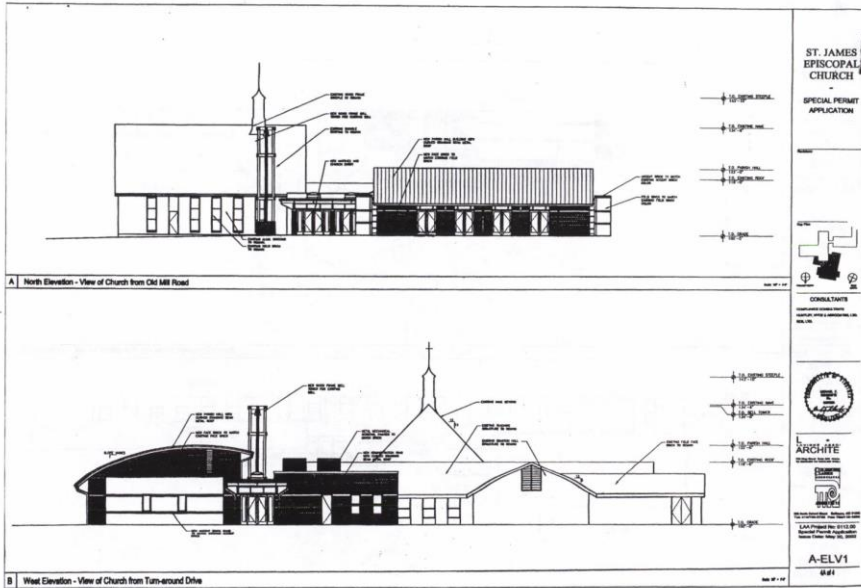
- Schedule a pre-installation meeting on the site with the landscape contractor and the Forest Conservation Branch. After the pre-installation meeting, and after landscaping has been installed, the Applicant must schedule a landscaping inspection with the Forest Conservation Branch to ensure landscaping is properly installed per the approved SPA Plat, as modified herein.
11. The barrier requirement is waived along all lot lines.
 12. The outdoor play area must be approximately 2,500 square feet and located as shown on the special permit amendment plat. . The maximum number of children using the play area must adhere to the limitation in Section 9-309 of the Ordinance.
 13. The limits of clearing and grading must be no greater than as shown on the special permit plat and must be strictly adhered to.
 14. The architectural design must be in substantial conformance with the submitted conceptual elevations by Lavigne Associates Architects and Colimore Clarke Associates Architects, dated May 20, 2002, included as Attachment 1 of the development conditions.*
 15. Any proposed lighting of the parking areas must be in accordance with the following: The combined height of the light standards and fixture must not exceed 12 feet and must be full cut-off lights.
 - The lights must be of a design, which focuses the light directly onto the subject property.
 - Shields must be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights, except for security lighting, must be controlled with an automatic shut-off device, and must be turned off when the site is not in use.
 - There must be no up-lighting of any of the proposed buildings.
 16. The applicant must maintain the fence in good condition.
 17. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
 18. Pursuant to Sect. 8-015 of the Fairfax County Zoning Ordinance this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

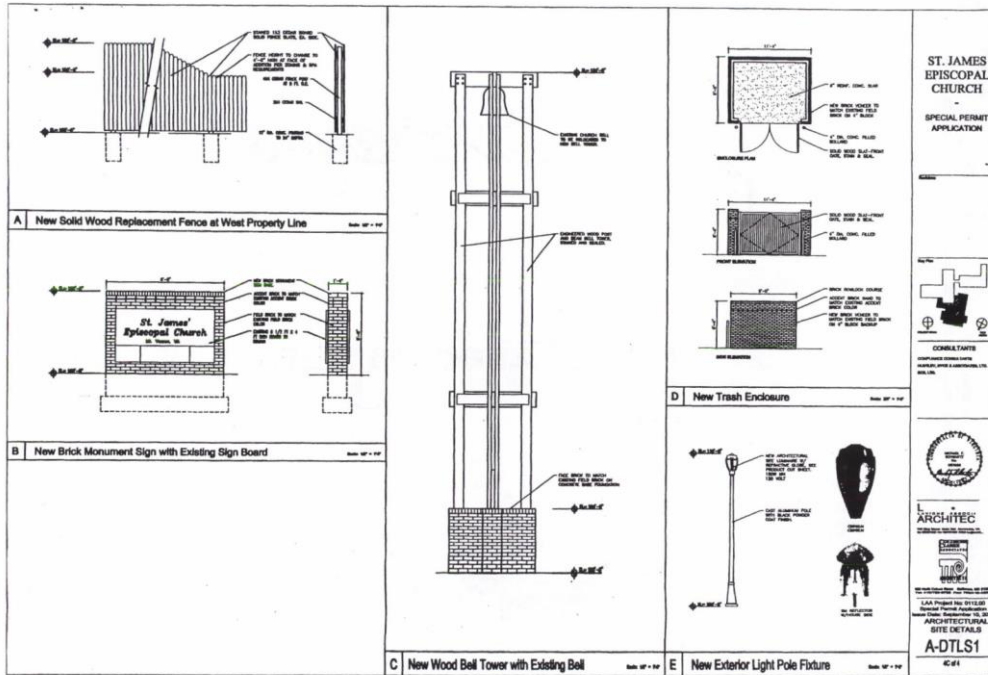
This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.

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As there was no other business to come before the Board, the meeting was adjourned at 10:15 a.m.

Minutes by: Melissa R. Taylor

Approved on: September 27, 2023