

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, April 26, 2023. The following Board Members were present: Chairman John F. Ribble III (arrived 9:08 a.m.); Vice Chairman James R. Hart; Thomas W. Smith III; Rebecca Ballo; Donte Tanner; Roderick Maribojoc; and Karen L. Day (arrived 9:06 a.m.) Donte Tanner 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 for the conduct of public hearings at the Board of Zoning Appeals. Vice Chairman Hart called the first scheduled case.

~ ~ ~ April 26, 2023, Scheduled case of:

**Mark E. Yohn, SP-2022-BR-00185** Reduction in certain yard requirements to permit an addition 9.2 feet from the southeast side lot line and a Reduction of minimum yard requirements based on error in building location to permit an accessory storage structure (shed) 1.0 feet from the southeast side lot line to remain. Located at 5513 Ravenel Lane., Springfield, 22151, on approx. 11,460 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-2 ((2)) (75) 3.

Vice Chairman Hart noted that application SP-2022-BR-00185 had been administratively moved to May 17, 2023.

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~ ~ ~ April 26, 2023, Scheduled case of:

**Protection of the Holy Mother of God Orthodox Church (St. Mary Orthodox Church), SP 2021-PR-00091** to permit building/site modifications to an existing place of worship (religious assembly) use. Located at 7219 and 7223 Roosevelt Ave., Falls Church, 22042 on approx. 1.16 ac. of land zoned R-4. Providence District. Tax Map 50-3 ((9)) 56 and 50-3 ((1)) 9. (Admin Moved from 5/25/2022, 7/13/2022, 9/28/2022, 11/16/2022, and 2/15/2023)

Vice Chairman Hart noted that application SP 2021-PR-00091 had been administratively moved to June 7, 2023.

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Chairman Ribble and Ms. Day arrived.

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~ ~ ~ April 26, 2023, Scheduled case of:

**Dildora Rakhmatullaeva, Ibrokhim Rakhmatullaeva, and Ismoil Rakhmatullaeva, VC-2022-MA-00011** to permit surfaced area for a driveway or vehicle or trailer parking exceeding 25 percent of the front yard. Located at 7821 Ridgewood Dr., Annandale, 22003 on approx. 21,881 sq. ft. of land zoned R-2. Mason District. Tax Map 59-4 ((9)) 89.  
**(Continued from 3/8/2023)**

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Vice Chairman Hart noted that there was a request to continue application VC-2022-MA-00011. Mr. Krasner explained that the case had been continued from March 8, 2023 so that the applicant could review their request and possibly reduce the amount of coverage for the driveway. The applicant was still working on it and had requested more time.

Mr. Aminoff moved to continue VC-2022-MA-00011 to June 7, 2023, at 9:00 a.m. Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Tanner was absent from the meeting. Mr. Smith voted in his capacity as the alternate board member.

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Chairman Ribble assumed the chair.

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~ ~ ~ April 26, 2023, Scheduled case of:

**Richard J. Yuras and Sharon M. Yuras, SP-2022-DR-00084** Richard J. Yuras and Sharon M. Yuras, SP 2022-DR-00084 to permit a reduction in certain yard (setback) requirements to permit an addition 14.5 ft. from the rear lot line. Located at 12731 Builders Road., Herndon, 20170 on approx. 8,934 sq. ft. of land zoned R-3 (Cluster). Dranesville District. Tax Map 10-4 ((14)) 60.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Richard J. Yuras and Sharon M. Yuras, Applicants

After the hearing where testimony was presented by Mr. Isaiah, Mr. Krasner, and Mr. Yuras, with no testimony from the public, Mr. Aminoff moved to approve SP-2022-DR-00084 for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Tanner 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

**Richard J. Yuras and Sharon M. Yuras, SP-2022-DR-00084** to permit a reduction in certain yard requirements to permit an addition 14.5 ft. from the rear lot line. Located at 12731 Builders Road., Herndon, 20170 on approx. 8,934 sq. ft. of land zoned R-3 (Cluster). Dranesville District. Tax Map 10-4 ((14)) 60. 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 April 26, 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 applicant has read, understands, and agrees to the proposed development conditions.

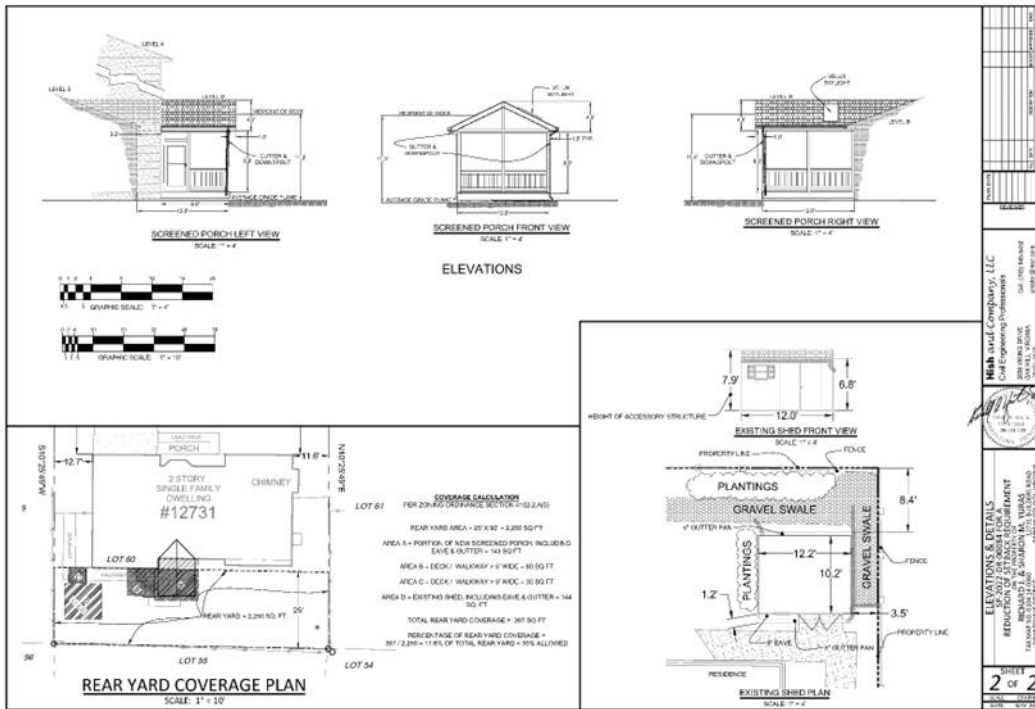
AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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 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 screen porch addition as shown on the special permit plat, entitled "*SP 2022-DR-00084 for a Reduction of Setback Requirements on the Property of Richard J. & Sharon M. Yuras*" prepared by Hish and Company, LLC, dated October 24, 2022 and revised January 11, 2023, as submitted with this application and is not transferable to other land.
3. Pursuant to **8-922.4** of the 1978 Fairfax County Zoning Ordinance (as amended), 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 (4,460 square feet existing + 6,690 square feet (150%) = 11,150 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. 8-015.1** of the 1978 Fairfax County Zoning Ordinance (as amended), 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.

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



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~ ~ ~ April 26, 2023, Scheduled case of:

**The Most Reverend Michael F. Burbidge, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (Historic St. Mary's Catholic Church), SPA-88-S-092** amend SP-88-S-092 previously approved for a place of worship (religious assembly) to allow for addition of land area and modifications to site conditions. Located at 5612 Ox Rd., 5607 Vogue Rd., and 5701 Vogue Rd., Fairfax Station, 22039, on approx. 2.94 ac. of land zoned R-C and WS. Springfield District. Tax Map 77-1 ((1)) 29, 30 and 31. *(Admin moved from 4/19/2023)*

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Lynne Strobel, Applicant's Attorney/Agent
- Anne Marie McKinnon, Planning Manager for the Applicant
- Kathy Coleman, Applicant's Agent

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, Ms. Strobel, Ms. McKinnon, with no testimony from the public, Mr. Hart moved to approve SPA-88-S-092 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Tanner 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**

**The Most Reverend Michael F. Burbidge, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (Historic St. Mary's Catholic Church), SPA-88-S-092** amend SP-88-S-092 previously approved for a place of worship (religious assembly) to allow for addition of land area and modifications to site conditions. Located at 5612 Ox Rd., 5607 Vogue Rd., and 5701 Vogue Rd., Fairfax Station, 22039, on approx. 2.94 ac. of land zoned R-C and WS. Springfield District. Tax Map 77-1 ((1)) 29, 30 and 31. 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 April 26, 2023; and

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

1. The applicants are the owners of the land.
2. There is a favorable staff recommendation, and the Board adopts the rationale within the staff report.
3. This is a relatively modest request to add a small area to a very quiet existing historic church.
4. The size and scale of what is being requested is small. It is consistent with the church property and the area. It is actually less of a presence than the 2 houses; in terms of the bulk of the building and the level of activity.
5. With the imposition of the development conditions the potential impacts have been mitigated. The low level of either graves or cabinets for the columbarium will be hardly noticeable.
6. The frequency of the activity of the burials is not going to initiate concerns.
7. Under development condition nine, with transitional screening if there were a deficiency the urban forester would identify it and require supplementation.

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 1978 Zoning Ordinance as amended.

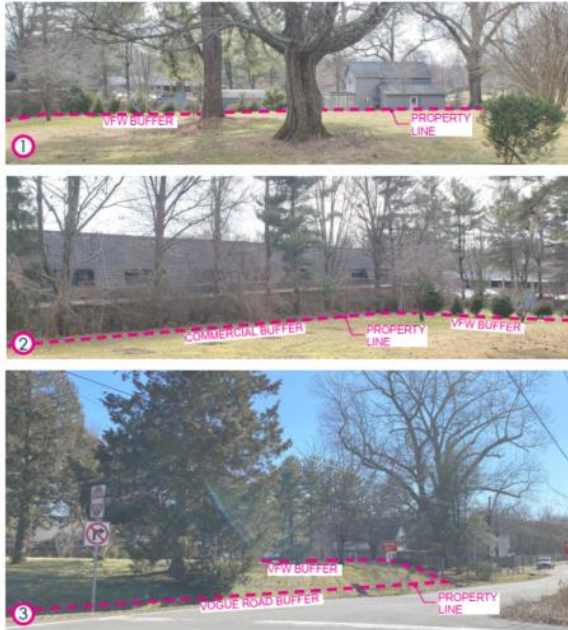
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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 and is not transferrable to other land.
2. This special permit amendment is granted only for a place of worship (religious assembly) and accessory uses as indicated on the special permit amendment plat titled "St. Mary of Sorrows, Catholic Diocese of Arlington", consisting of seven sheets, prepared by James H. Scanlon of LandDesign, dated April 3, 2023, approved with the 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 use is subject to the provisions set forth in Article 17, Site Plans of the Zoning Ordinance.
5. The maximum seating capacity for St. Mary of Sorrows Church is limited to 104.
6. Notwithstanding what is shown on the plat, the number of parking spaces provided must satisfy the minimum requirement set forth in Article 11 and must be a minimum of 26 spaces for the church sanctuary. All parking must be on-site.
7. Transitional screening must be provided in accordance with the following:
  - Lot 29 – The transitional screening requirement along the east lot line (Ox Road) and west lot line (Fairfax Station Road) are modified to utilize the existing vegetation.

- Lots 30 and 31 – The transitional screening requirement along the west lot line (Vogue Road) is modified to utilize the existing vegetation.
8. The peripheral parking lot landscaping requirement to the north and south of the parking area is modified to utilize the existing vegetation.
  9. The applicant must replace any, dead, dying, or stunted trees located in the areas being used for transitional screening or peripheral parking lot landscaping. The location, size and type of replacement trees must be determined and approved by the Urban Forest Management Division (UFMD).
  10. Any new lighting of the parking areas must be in accordance with Article 14 of the Ordinance.
  11. The barrier requirement is waived along all lot lines.
  12. The columbarium must be generally consistent with the conceptual renderings in Attachment 1. The final design of the columbarium may be modified subject to the review and approval of the Architectural Review Board (ARB), so long as the 8-foot height limit is not exceeded, the materials are generally consistent, and the placement of the columbarium is within the limits of disturbance shown on the special permit plat. The applicant must return to the ARB to conduct a workshop session regarding the proposed columbarium and statue locations.
  13. Permanent stockpiling of dirt is not permitted. All excess dirt must be removed from individual grave site within 14 days of interment.
  14. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
  15. Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit amendment takes 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. Smith seconded the motion, which carried by a vote of 7-0.

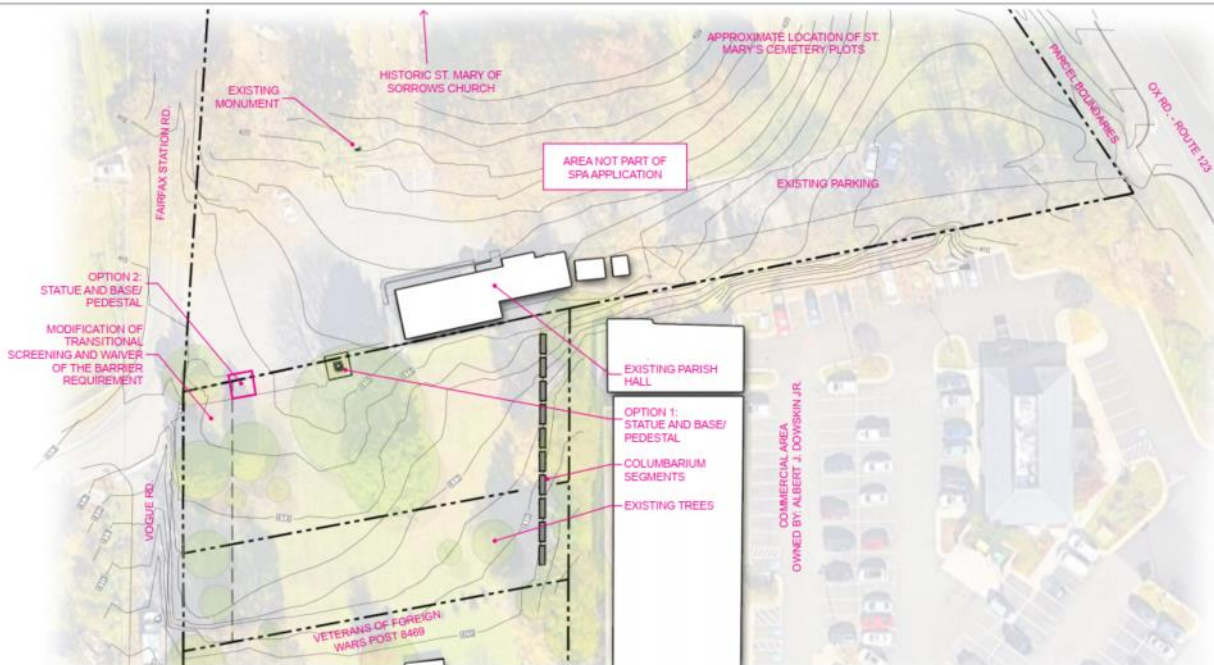


ST. MARY OF SORROWS CEMETERY

FAIRFAX COUNTY, VIRGINIA

pg 1 March 2022

CEMETERY EXPANSION - PLAN RENDERING



ST. MARY OF SORROWS CEMETERY

FAIRFAX COUNTY, VIRGINIA



pg 2 March 2022

COLUMBARIUM SEGMENTS



MONUMENT AND SCULPTURE



ST. MARY OF SORROWS CEMETERY

FAIRFAX COUNTY, VIRGINIA

pg 3 March 2022

CEMETERY EXPANSION - 3D IMAGES



COLUMBARIUM WALL EXAMPLES



3D MODEL OF A PROPOSED 6x8 DOUBLE DEPTH NICHE COLUMBARIUM OVER CONCRETE STEM WALL



ST. MARY OF SORROWS CEMETERY

FAIRFAX COUNTY, VIRGINIA

pg 4 March 2022

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~ ~ ~ April 26, 2023, Scheduled case of:



**Jimmy L. Phillips and Paula J. Phillips, SP-2023-SP-00003** to permit a reduction of certain yard requirements to permit an addition 14.5 ft. from the rear lot line and an increase in fence height in a front yard to allow a 6-foot-tall fence to remain. Located at 7213 Drifter Ct., Burke, 22015 on approx. 8,433 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 88-3 ((3)) 34. (Cluster). Dranesville District. Tax Map 10-4 ((14)) 60.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Staff Coordinator
- Jimmy L. Phillips and Paula J. Phillips, Applicants

After the hearing where testimony was presented by Mr. McCadden, Mr. Krasner, and Mr. Phillips, with no testimony from the public, Ms. Day moved to approve SP-2023-SP-00003 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0. Mr. Tanner 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

**Jimmy L. Phillips and Paula J. Phillips, SP-2023-SP-00003** to permit a reduction of certain yard requirements to permit an addition 14.5 ft. from the rear lot line and an increase in fence height in a front yard to allow a 6-foot-tall fence to remain. Located at 7213 Drifter Ct., Burke, 22015 on approx. 8,433 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 88-3 ((3)) 34. 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 April 26, 2023; and

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

1. The applicants are the owners of the land.
2. The lot size is 8,433 square feet.
3. The lot is zoned in R-3C.
4. The lot is irregularly shaped where and curves around a corner.
5. The house is built towards the rear of the property. It does not leave much room for additions.
6. There is a favorable staff report, and the Board will concur with the reasoning employed therein.
7. The fence has been in existence since 1980, and it does not impact any sight distance. The addition as well as the fence are in character with on- and off-site development.
8. Neither will adversely impact the adjacent properties.
9. The addition in the back, based on the location of the house, is the minimum that could accommodate the proposed structure.

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

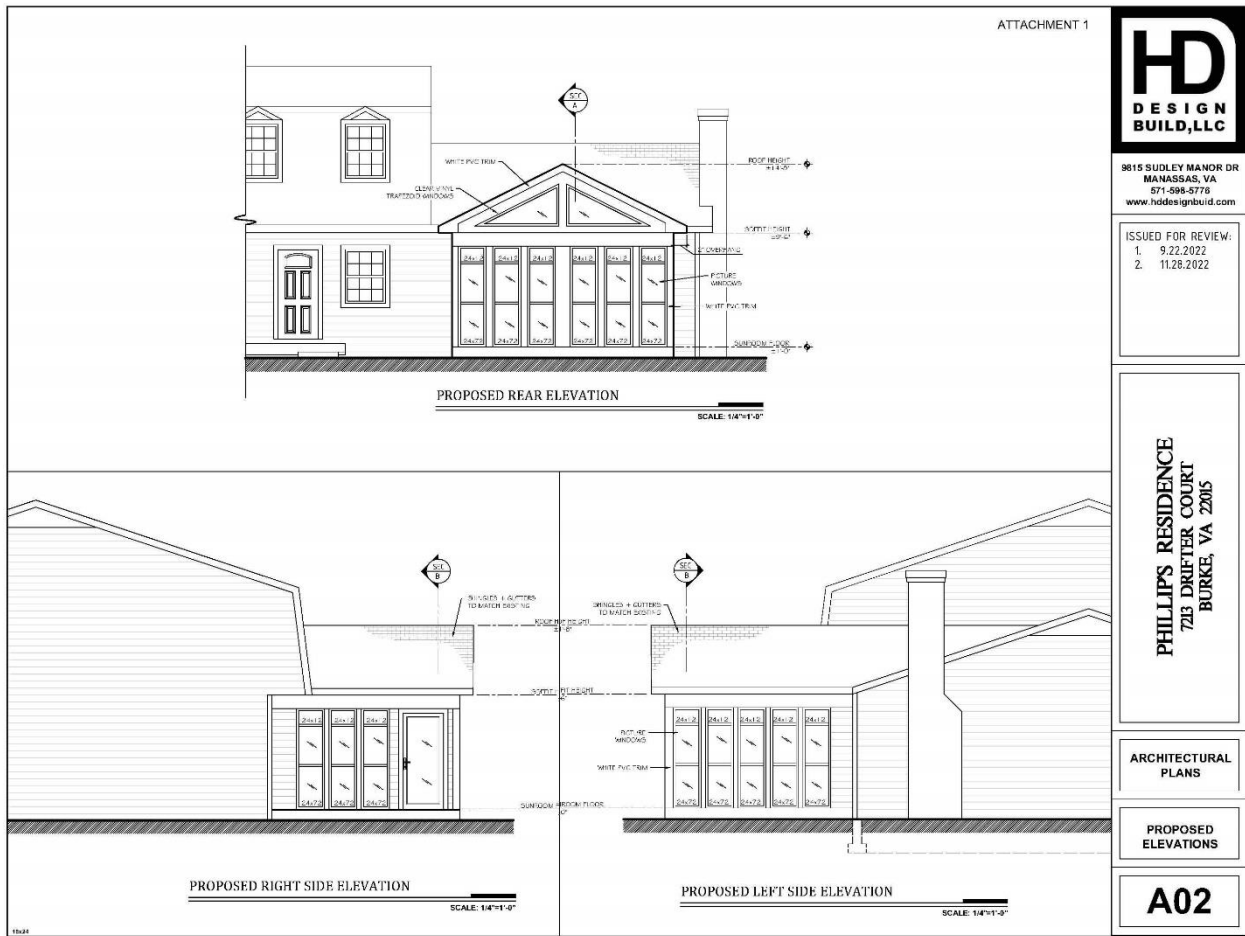
THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the 1978 Zoning Ordinance as amended.

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 sunroom addition and the existing fence in the front yard adjacent to Drifter Court to remain at the property indicated on the plat titled "Special Permit Plat, Lot 34, Section 2, Longwood Knolls", prepared by Larry N. Scartz of Scartz Surveys, dated January 11, 2023, 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 (2,538 square feet existing + 3,807 square feet (150%) = 6,345 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 sunroom 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 7-0.



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The meeting recessed at 11:10 a.m. and reconvened at 11:21 a.m.

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~ ~ ~ April 26, 2023, Scheduled case of:

**Shringar Rana, SP-2021-BR-00145** to permit a home child (day) care facility. Located at 8113 Carrick Ln., Springfield, 22151 on approx. 10,800 sq. ft. of land zoned R-3. Braddock District. Tax Map 70-4 ((8)) (7) 6.

The participants in the hearing were as follows:

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

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, and Ms. Rana, with no testimony from the public, Mr. Smith moved to approve SP-2021-BR-00145 for the reasons stated in the Resolution. Ms. Day seconded the motion, which carried by a vote of 7-0. Mr. Tanner 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

**Shringar Rana, SP-2021-BR-00145** to permit a home child (day) care facility. Located at 8113 Carrick Ln., Springfield, 22151 on approx. 10,800 sq. ft. of land zoned R-3. Braddock District. Tax Map 70-4 ((8)) (7) 6. 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 April 26, 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 10,800 square feet.

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 is granted to the applicant, Shringar Rana, only, and is not transferable without further action of the Board of Zoning Appeals, and is for the location indicated on the application, described as 70-4 ((8)) (7) 6, and addressed at 8113 Carrick Lane, Springfield 22151, and is not transferable to other land.
2. This special permit is granted for the home child (day) care use at the property shown on the special permit plat, entitled "Plat Showing the Improvements on Lot 6, Block 7, Section One, Ravensworth," as prepared by George M. O'Quinn, Land Surveyor of Dominion Surveyors Inc., dated December 13, 2021.
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 child care facility are limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility must be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time must not exceed 12.
7. There must be no signage associated with the home child care facility.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility. The home child care facility must be operated in strict accordance with 22 VAC 40-111-570 staffing requirements.
9. The drop-off and pick-up of children must take place within the driveway of the subject property. The driveway must be kept clear and open during the hours of operation of the home child care facility for this purpose.
10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area must be located in a room with an operable exterior window, door or similar

device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings must be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
12. The child care facility must be operated in accordance with Chapter 30 of the Fairfax County Code, entitled "Minimum Private School and Child Care Facility Standards."
13. The home child care must operate only in the second floor bathroom, first floor living room / play area and kitchen, and basement level day care / crib room as shown on the floor plan and plat submitted with this application.
14. The applicant must either reduce the height of the play structure to 7.0 feet or move the play structure to a conforming location on the subject property within 180 days of approval of this special permit, unless prior to the expiration of the 180 days the Zoning Ordinance is amended to allow the structure to remain in its current condition and location.
15. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
16. Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

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

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

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~ ~ ~ April 26, 2023, Scheduled case of:

**SCI Virginia Funeral Services, LLC, SPA-83-L-100-05** to amend SP-83-L-100 previously approved for a cemetery and crematory to permit modifications to site and development conditions. Located at 6600 South Kings Hwy., Alexandria, 22306, on approx. 51.2 ac. of land zoned R-4. Lee District. Tax Map 92-2 ((1)) 23.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator
- Adam Deutch, KCI Technologies, Inc., Applicant's Agent
- Atm Islam, KCI Technologies, Inc., Applicant's Agent
- Reginald Melvin, General Manager, Mount Comfort Cemetery
- Public Speakers
  - Peter Crawford, 6267 Gentle Lane, Alexandria, VA 22310

After the hearing where testimony was presented by Mr. McMahan, Mr. Krasner, Mr. Islam, Mr. Deutch, and Mr. Melvin, which was then followed by public testimony from the above referenced speaker, Mr. Crawford, Ms. Ballo moved to defer for decision SPA-83-L-100-05 to June 7, 2023, at 9:00 a.m. in order for the applicant to provide additional information and clarification on issue related to stormwater, invasive species management, the capacity of the cemetery and other items. Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Aminoff was not present for the vote. Mr. Tanner 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 12:59 p.m.

Minutes by: Mary Padrutt (for Antoinette Frankfurt)

Approved on: September 20, 2023