



# Town of Vienna

127 Center Street South  
Vienna, Virginia 22180  
p: 703.255.6341  
TTY 7111

## Meeting Minutes Board of Zoning Appeals

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Wednesday, March 19, 2025

7:30 PM

Charles Robinson Jr. Town Hall, 127 Center  
St. South

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### Roll Call

The Board of Zoning Appeals met for the regular meeting in the Vienna Town Hall at 127 Center St S, Vienna, Virginia, on Wednesday, March 19, 2025, at 7:30 pm.

Roll Call: Mr. Petersen, Mr. Creed, Mr. Nash, Mr. Rettinger and Mr. Lowther.

Absent members: Mr. Gadell and Mr. Dhanjal.

Staff present: Zoning Administrator Andrea West and Board Clerk Yaska Camacho Castillo.

### Public Hearing:

[BZA-25132](#)

Request for approval of a variance from Sec. 18-217., Residential - Single-Unit, 16,000 sq. ft. Zone (RS-16), 2. Residential Coverage, of the Town of Vienna Zoning and Subdivision Ordinance, to retain lot coverage over the permitted 25% on the property located at 205 Berry Street SE, in RS-16, Single-Family Detached Residential zone.

Chair Lowther announced that item #2 was withdrawn from the agenda.

**Item # 1: Request for approval of a variance from Sec. 18-217., Residential - Single-Unit, 16,000 sq. ft. Zone (RS-16), 2. Residential Coverage, of the Town of Vienna Zoning and Subdivision Ordinance, to retain lot coverage over the permitted 25% on the property located at 205 Berry Street SE, in RS-16, Single-Family Detached Residential zone.**

Ms. West was sworn in for her staff presentation. She stated that the property at 205 Berry St. SE, is located in the RS16 district, and it exceeds the minimum lot size requirement of 16,000 square feet. The existing house, built in 2005, is subject to a variance request regarding lot coverage regulations.

The request is to allow a lot coverage of 29.98%, exceeding the 25% maximum permitted by Section 18-217. This overage results from a driveway installation, which was completed without a permit and is currently a zoning violation. The driveway increases the lot coverage by 1,370 square feet beyond the allowable limit.

The variance is being considered based on hardship criteria. Historical plats and calculations were referenced, showing how lot coverage was originally determined before software tools were available. The applicant has also provided property photos and a statement justifying the request, including references to metro access regulations.

Mr. Nash questioned why the application was being presented to the board and Ms. West responded that the property owners were cited for a zoning violation due to the unpermitted driveway. During the violation review, it was discovered that the lot exceeded the maximum allowed coverage. Since the driveway cannot be permitted as is, the owners must either reduce its size to comply with regulations or seek a variance. They have chosen to request a variance from the board.

Mr. Creed asked whether the pavers extending around the back and along the side of the house were included in the lot coverage calculation. Ms. West clarified that they are not included because they are considered a walkway under 5 feet wide, which does not count toward lot coverage per the zoning code.

The applicant Sean Sharifi 205, Berry St SE, was sworn in for his testimony. Mr. Sharifi confirmed that the walkway is under 5 feet and that his family has owned the house since it was built by his grandparents in 2005. He stated that his multi-generational family takes care of their grandparents and parents. He explained that the hardship they are facing relates to their grandma, who chose to age at home rather than in a nursing facility. Because of the numerous caregivers and medical professionals visiting the house, there is a significant amount of car traffic. They cannot park on the street, so parking in their driveway is essential. The real hardship, however, is the need for a circular driveway. The metro bus that transports their grandma needs a turning space to pick her up and drop her off at the door, which is why they added the circle to allow for safe bus access.

Mr. Petersen thanked the applicant for their description and written material, which he had reviewed thoroughly. Mr. Petersen explained that to approve a variance, the board must

determine that the property's configuration, size, layout, or dimensions are the cause of the hardship. He asked the applicant to explain what makes their property different from others in the area, which creates a unique hardship for them.

Mr. Sharifi explained that the hardship is not related to the geography of the lot but rather the timing of when the house was built. He described how, at the time of construction, the zoning policy was different, particularly regarding calculations for permeable pavers, which has since changed. The zoning administrator has clarified that they can't apply old zoning rules to the current situation. The speaker emphasizes that the issue is more about how zoning has evolved over time, rather than the physical characteristics of the property itself.

Mr. Nash acknowledged the applicant's situation, expressing sympathy, but explained that the variance process has strict rules. Variances are typically granted only in cases where there is a unique situation, such as a hill or stream, that prevents compliance with the rules. In this case, the speaker believes the property's size and usage exceed what is allowed, and they haven't heard anything that justifies bending the rules. They note that the timing of the driveway improvements, including not obtaining a permit, may be a key issue. Many people unknowingly make improvements without permits, only to face the need to undo them later. While Mr. Nash empathizes with the situation, he feels there's no clear reason to grant a variance based on what has been presented.

Mr. Sharifi clarified that the hardship in his case is for ADA access to allow his grandma to be picked up and dropped off at the door. He wondered if this would not be considered a hardship.

Mr. Rettinger asked whether the part of the driveway uses permeable or non-permeable pavers, and the applicant confirmed it is non-permeable. Mr. Rettinger also inquired about the metro access, noting that in his neighborhood, some people rely on similar services and typically have metro buses picking them up on the street. He asked if it would be possible for his grandmother to walk to the street for the pickup. The applicant responded that it is not feasible due to his grandmother's large size and health issues. Mr. Sharifi emphasized that exposing her to harsh weather conditions—such as extreme cold, heat, or wind—is not ideal, and his goal is to minimize her time outside, especially at the end of the driveway or on the street.

Mr. Lowther acknowledged the situation but questioned whether it was possible to modify the driveway to meet code requirements while still allowing the van to enter and exit, possibly by backing out. Mr. Sharifi clarified that the van driver cannot back out, as it goes against the company's policy.

Mr. Creed asked if it's possible for the van to back up into a space on the lower end of the house, near the corner, instead of using the circular driveway. He suggested potentially modifying the driveway by removing part of it so the van could back out of the carport and exit the driveway without needing to pull through.

Mr. Sharifi explained that the van driver told him that he would never back up, except in emergencies. Backing up is not part of the regular process for picking up or dropping off someone.

Public comment: Pamela Galloway Tabb – 204 Berry St SE, was sworn in to speak. Mrs. Galloway Tabb shared her positive perspective, mentioning that she moved to Vienna and built her house before the others on the street. She highlighted the expansion of the driveway, particularly the addition of the circle, which provides a safer and more accessible space for elderly family members who use wheelchairs and walkers. She

appreciates how the extra space helps with mobility, accommodation services like Metro and ambulances, as well as family visits. Mrs. Galloway Tabb describes the area as not being obtrusive and mentions how it enhances the ability of elderly family members to interact with each other. Overall, she supports the addition and doesn't see any issues with it.

Public comment: Penny Ozak – 221 Nutley St NW, was sworn in to speak. Mrs. Ozak stated she came to the meeting for item #2 which was withdrawn. The speaker expressed sympathy for the situation regarding wheelchair access but questioned whether it justifies the need for a circular driveway and additional lot coverage. She mentioned that she has seen cars back up regularly, so she is unsure why it's an issue for the van. Mrs. Ozak is cautious that if a variance is granted in this case, it would set a precedent, and she might need to request a variance in the future due to their husband's disability.

Public Comment: Elizabeth DiFrancisco – 434 Knoll St NW, was sworn in to speak. Mrs. DiFrancisco who came for a different issue like Mrs. Ozak, was surprised at the 30% lot coverage and questioned how the Metro bus can turn around in the driveway, as there isn't enough space for a full circle without cars in the carport. She noted that in some photos that are included in the packet, it seems like the grandmother is picked up outside the carport, where there is no turning space. The speaker warns against allowing one house to exceed the 25% lot coverage limit, as it could create inconsistency in the neighborhood. She suggested that the homeowners should revert to the 25% lot coverage and bring the driveway back into compliance, especially since it was built without a permit.

Ms. Sharifi responded to Mrs. DiFrancisco's comment. He clarified that Mrs. DiFrancisco is not his neighbor, she lives on the other side of town. He explained that the photos submitted were taken before they moved their cars to allow the Metro bus to turn around, as the bus itself does not back up. He also addressed the comment about the 30% lot coverage issue, stating that the town allows 30% lot coverage when including the deck, and they are not asking for an additional 5% for a new deck. Instead, they are requesting that 5% be considered for the driveway.

Mr. Creed asked the applicant when the driveway was installed to which Mr. Sharifi replied that it was around 2018-2019. Mr. Creed then mentioned that he had driven by the property on several occasions and noticed the number of cars in the driveway and effort it will take to accommodate parking those cars. He then asked why the applicant had not applied for a permit when the driveway was installed between 2018-2019. The applicant stated he was not aware a permit was required and apologized.

The applicant acknowledged his mistake, apologizing for not knowing that a building permit was required. He clarified that this was due to ignorance and expressed their hope of resolving the issue now.

Mr. Rettinger asked the applicant if the homeowner and their family own several surrounding houses, assuming that these properties are all in support of the continued driveway and related changes, to which the applicant confirmed that his family owns the properties at 201 Berry St., 209 Berry St., and 411 Pine St., all of which are family members who help care for their grandma. These family members/neighbors support the addition of the driveway.

Mr. Rettinger asked if the property would be within the 25% lot coverage without the additional 1,000 square feet of driveway space. The applicant clarified that the property is within the 25% limit without the circular driveway.

Mr. Creed made a motion to close the public hearing, and Mr. Rettinger seconded the motion. The motion was carried.

Mr. Creed made a motion to deny the request for a variance from Section 18-217.2, Lot Coverage, of the Town of Vienna Zoning and Subdivision Ordinance, to retain an existing lot coverage of 29.98%, exceeding the permitted 25% by 4.98%, on the property located at 205 Berry Street SE, in RS-16, Residential Single-Unit, 16,000 sq. ft. zone.

**Motion: Mr. Creed**

**Second: Mr. Petersen**

The board's discussion included the following points:

- The applicant exceeded the lot coverage without a building permit.
- There is no evidence to suggest that the property's shape, size, or conformity is the cause of the hardship. As a result, it does not meet the criteria needed to grant a variance.
- While the board is sympathetic to the applicant's situation and does not view the driveway as an eyesore, the rules are clear, limiting their ability to grant the variance.

Mr. Creed sympathized with the applicant's desire for additional parking, however, based on the Towns zoning code, there was no evidence of a hardship to the property.

**Motion: Mr. Creed**

**Second: Mr. Petersen**

**Motion carried 5-0**

**Absent 2**

### [BZA-25133](#)

**\*\*WITHDRAWN\*\***Request to hear an appeal of the Zoning Administrator's Determination in accordance with the requirements of Section 18-820 Appeals of Zoning Administrator Decision., of the Town of Vienna Zoning and Subdivision Ordinance, affecting property located at 430, 440, 444 Maple Ave W, Vienna, Virginia, tax map numbers: 0383 02 0139, 0383 02 0140, 0383 02 0141, in the AW - Avenue West zoning district. Filed by Sara Mariska, of Odin Feldman Pittleman, on behalf of Vienna Development Associates LLC, property owner. The decision being appealed is the issuance of a Notice of Violation by the Zoning Administrator, case number 24-208, for a violation of Section 18-836 Site Plan Review. The Zoning Administrator determined that the existing condition of the property did not meet the requirements of the site plan approved in June of 2021.

**\*\*WITHDRAWN\*\***

## **Regular Meeting**

## Approval of the Minutes

- Mr. Nash made a motion to approve the January 15, 2025, meeting minutes and Mr. Rettinger seconded the motion. The motion carried.
- The board sought clarification on the withdrawal of the appeal related to the zoning violation pertaining to 430, 440, 444 Maple Ave W. The zoning administrator explained that the applicant initially appealed the violation but later worked with staff to develop an interim site plan to improve site conditions while awaiting redevelopment. The violation remains open until the applicant meets the site plan conditions within 45 days. Since the applicant withdrew the appeal, the matter is now under the zoning office's jurisdiction for resolution.
- The board discussed the idea of having an alternate member to ensure full attendance and fairness to applicants. Mr. Creed noted that other jurisdictions have alternates. The board members agreed that having alternate members would be beneficial.

## Meeting Adjournment

The meeting adjourned at 8:17 pm.

Yaska Camacho Castillo  
Clerk to the Board

*THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6341, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.*

## About the Board of Zoning Appeals

About the Board of Zoning Appeals:

The Board of Zoning Appeals is a quasi-judicial board comprised of seven members – all of whom are residents of the Town of Vienna, VA. The Board serves as an arm of the Fairfax County Circuit Court, as all members are appointed to the Board by the Court after receipt of recommendation from the Vienna Mayor and Town Council.

The Board is empowered by the Code of Virginia to:

- Hear and decide appeals from any order, requirement, decision or determination of the Zoning Administrator.
- Grant variances from the Zoning Ordinance – as defined in Section 15.2201 of the Code of Virginia – as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will unreasonably restrict the utilization of the property to a degree that is not shared generally by other properties within the same zone or district, and its authorization will not be of substantial detriment to adjacent properties or change the character of the neighborhood
- Hear and decide applications for interpretation of the Zoning District Map when there is any uncertainty as to the location of the boundary line.
- Grant Conditional Use Permits in accordance with the provisions of Section 18-209 – 216 of the Vienna Town Code.

The Board of Zoning Appeals does not have the power to change the Zoning Ordinance or the rezone property. Those powers rest with the Mayor and Town Council. Please be advised, the Board decides each application on its own merit – there are no precedents.

The Board will first consider each application during the Public Hearing portion of the meeting. As part of the Virginia Court System, the Board of Zoning Appeals takes sworn testimony and each participant will be sworn in prior to offering comments. During the public hearing each agenda shall be closed a decision will be rendered.

The grant of a Conditional Use Permit, Variance, or appeal from a decision by the Town's Zoning Administrator requires an affirmative vote of no less than a majority of membership, of the Board. The Board consists of 7 members and a majority consists 4 members. If the applicant is unable to stay for the Board's decision portion, the applicant may learn the Board's decision by contacting staff.

The second portion of the meeting – the Regular Meeting – is for approval of meeting minutes and new business and will convene after the Public Hearing has been closed.

If any party is not satisfied with the decision of the Board, an appeal may be filed with the Circuit Court of Fairfax County within 30 days after the issuance of the Board's decision on the matter.