



# Town of Vienna

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## Meeting Minutes Board of Zoning Appeals

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Wednesday, April 16, 2025

7:30 PM

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

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### Roll Call

Roll Call: Mr. Dhanjal, Mr. Petersen, Mr. Creed, Mr. Gadell, Mr. Nash, Mr. Rettinger, and Mr. Lowther were present. Staff present: Zoning Administrator Andrea West, and Stand-In Clerk to the Board Sharmaine Abaied.

### Public Hearings:

[BZA-25134](#)

Request for approval of conditional use permit from Section 18-824 for specialized instruction for Colby Fastpitch, at 512 Mill St NE, in the M Mill zoning district.

**Applicant present: Catherine Siroy, Business Owner.**

Ms. West gave a presentation regarding the request for the Conditional Use Permit (CUP) for specialized instruction. The applicants business is currently located at 514 Mill St NE and moving to 512 Mill St NE. The updated Zoning Code requires a CUP for Specialized Instruction which is the reason for the application request. Ms. West discussed a familiar property located in the Mill District near the town's Northside property yard, where a tenant is relocating to another suite within the same building - not a new business, just a move. Previously, the zoning code did not adequately cover instructional classes not tied to public or nursery schools, so a new "specialized instruction" classification was created in January 2024. These uses are now conditionally allowed in commercial and transitional districts, meaning the board may see more related applications. The site plan shows the building but not the internal tenant divisions, though it's noted there's a popular restaurant and brewery at one end. Surrounding properties have different zoning (RMUR, S10, RS12.5) but are separated by stream valleys. The business owner provided interior layout images and indicated they typically hold small classes without large gatherings or camps. Parking has been managed with spaces assigned by the landlord, and no major concerns were raised. The speaker concluded by outlining that conditional use permit approvals have specific criteria different from variances, wrapping up the staff presentation.

Mr. Creed stated that the Mill District is a new designation and that it used to be industrial. He asked what other properties are included in Mill District. Ms. West explained that the properties in question were previously part of the "Mill District Light Industrial" area. Although the name of the district was changed, the boundaries of the district remained exactly the same.

Mr. Creed asked if it was just that one building. Ms. West clarified that the district includes more than just one building it extends along Mill Street and Dominion Street, with properties on both sides. One street dead-ends into a business, and the other into the Town of Vienna property garden. Although the area still has industrial zoning, it is no longer called the industrial section it is now named the Mill District, specifically reflecting its location.

Mr. Lowther asked if the proposed use is exactly what they had before to which Ms. West explained that based on staff's understanding, there is no difference between what was previously approved and what will be located in the new suite. The business is simply relocating within the same building. A similar business had previously expanded there, but overall, the use remains the same as before.

Catherine Siroy, 512 Mill St, the business owner, was sworn in for her testimony. The business owner confirmed that they are relocating from 514 to 512, which is a smaller space, because the neighboring business wants to expand. The business remains the same, offering individualized softball instruction, typically with no more than two to four kids and one to two instructors at a time. Regarding parking, they have eight assigned spaces and access to eight additional shared spaces, which is sufficient for their needs.

With no additional testimony, a motion was made to close the public hearing. Mr. Creed made a motion to close the public hearing, and Mr. Dhanjal seconded the motion. The motion carried unanimously.

Mr. Gadell made a motion to approve the request for approval of a conditional use permit from Section 18-824 for specialized instruction for Colby Fastpitch, at 512 Mill St NE, in the M Mill zoning district described as tax parcel 0382020147.

Motion: Mr. Gadell  
Second: Mr. Rettinger

Mr. Gadell stated that, in support of his motion, the business is simply relocating within the same building without impacting the surrounding neighborhood and that it represents a good use of the space within the town boundaries.

Motion: Mr. Gadell  
Second: Mr. Dhanjal  
Motion Carried 7-0

[BZA-25135](#)

Request for approval of conditional use permit from Section 18-824 for specialized instruction for Manita Music Center, at 354 Maple Ave W, in the AW Avenue West zoning district.

**Applicant present: Anahita Khorsandi, Business Owner.**

Ms. West gave a presentation regarding the request for the Conditional Use Permit (CUP) for specialized instruction. She explained that the relocating business will have a retail component and offer piano repair services, which they can operate by right with a staff-level certificate of occupancy. However, because they plan to offer lessons on-site, they require a conditional use permit for that specific activity. The applicant does not plan any exterior changes to the building and will use the existing parking and site layout. The property is located in the Ave. West district, which, along with Ave. East, shares similar zoning characteristics, while Ave. Center has different requirements introduced in the January 2024 zoning update. The proposed use is for specialized instruction, specifically one-on-one piano lessons, with about five instructors and five students present at a time, totaling around 10 to 12 people including staff. The building will be acoustically treated to minimize disturbances to neighbors, and a floor plan was provided to illustrate the interior use. The staff presentation concluded with a review of the conditions for approving a conditional use permit.

Anahita Khorsandi, the business owner, was sworn in for her testimony. She explained that they will continue operating the same way they have for the past five years, offering one-on-one music lessons on the second floor using five rooms, while the first floor will be used for piano retail only. Although they mention piano services, this refers to sending technicians to customers' homes for tuning and repairs, not performing repairs on-site. The owner also noted that their current landlord is sad to see them leave because they enjoyed the live music.

Mr. Rettinger asked the applicant if she could provide information about the acoustical treatment she would use to prevent disturbances. The business owner mentioned that even at their current location, they never experienced noise issues due to the acoustics of their small rooms, and they expect the same in the new location. She also confirmed that they are the only tenants in the new space.

With no comments from the public. Mr. Creed made a motion to close the public hearing, and Mr. Nash seconded the motion.

Mr. Nash made a motion to approve the request for approval of conditional use permit from Section 18-824 for specialized instruction for Manita Music Center, at 354 Maple Ave W, in the AW Avenue West zoning district described as Tax Map Parcel 0383020149.

**Motion: Mr. Nash**

**Second: Mr. Dhanjal**

The board supported the application, believing it will be beneficial for the town since the business was successful in its previous location and is likely to succeed in the new one. They also mentioned that the area has been a retail "dead zone," and are glad to see new activity coming in. They look forward to increased traffic in the area with the arrival of the music school.

**Motion: Mr. Nash**

**Second: Mr. Dhanjal**

Motion Carried 7-0

[BZA-25136](#)

Request for approval of a variance from Sec. 18-323.2 and 18-323.7, to construct a drive-through ATM facility within the front yard setback with two lanes for Navy Federal Credit Union, on the property located at 1007 Electric Ave SE, in the CP Corporate Park zoning district.

**Applicant present: Tim Markle, NFCU Project Contact**

Ms. West explained that the property in question is part of the Navy Federal Credit Union campus in Vienna, specifically HQ Two, which was built in 2015 as an expansion. The applicant seeks to relocate an existing drive-through ATM facility from 820 Fallen Lane (HQ One) to 1001 Electric Ave, requiring a variance due to new zoning code restrictions from January 2024. These restrictions limit drive-through facilities in front of building frontages and to one lane. The applicant's request is based on the need to maintain two lanes for the same level of service provided at the previous location. The property is zoned corporate park, and while the area was historically industrial, it has been redeveloped. The applicant has provided diagrams and justifications for the location of the new drive-through, which does not meet the code, and the request is for variances from two specific code sections.

Mr. Dhanjal asked whether the drive-through would be behind a gate or open to the public, mentioning they had driven by the area recently. It was clarified that the facility would be open to the public, and there is no gate at the location where incoming and outgoing traffic is present.

Mr. Nash asked Ms. West to explain the stacking design criteria, particularly in relation to the worst-case scenario and how stacking would remain within the property or parking lot, not spilling onto the road. The board also inquired whether the new ordinance, which restricts drive-throughs in front of buildings, applied to this location. Ms. West clarified that the drive-through is not actually in front of the building, with the building frontage located on Electric Avenue. A picture was requested to better visualize the location, and it was noted that a nearby facility at 901 Fallen Lane has gates, but this particular site does not.

Mr. Lowther asked if the drive-through would affect the nearby pedestrian route, particularly the sidewalk leading to the WOD trail. It was confirmed that the drive-through would not impact the public sidewalk. Any potential impacts related to the site plan would be addressed by the Department of Public Works, which may require additional signage or other mitigation measures.

Mr. Creed asked for clarification on whether the applicant was applying for a variance now and returning for a conditional use permit later on. Ms. West clarified that tonight's discussion is only about the variance for the drive-through facility. The drive-through is permitted use in the district, not a conditional use, due to existing site plan requirements. All site plans in the corporate park district, which was previously industrial, must be approved by the town council. Therefore, the only approval needed from this board tonight is the variance.

Mr. Nash commented that the zoning regulations were originally designed for urban areas, like downtown, where drive-throughs in front of businesses are undesirable, but they didn't fully account for situations like this one on the outskirts of town, where the drive-through would have less impact. Ms. West confirmed that the zoning regulation applies equally to all properties with drive-through facilities, but it may not be appropriate for this particular location, given its context. As a result, the matter was brought before

the board to make that decision.

Tim Markle, NFCU was sworn in to provide his testimony. The applicant explained that the drive-through ATMs, which have been in place since 1986, are being relocated to make space for a future auditorium project. The new ATMs will be state-of-the-art, with a white tensile fabric shade structure matching the architectural style of the HQ1 and HQ2 buildings. ATM usage has decreased since the pandemic, with only about 11 cars using the facility in an hour, mostly on Saturdays. The relocation aims to make the ATMs more visible to members, especially newcomers who struggle to find the current location. The design will be discreet, with signage meeting the required standards, and the two ATMs are meant to maintain a high level of service with minimal wait times.

Mr. Creed asked if the relocation of the ATM's would improve security for its members. He noted that the current ATM location is tucked behind other structures. The applicant assured that there haven't been any significant security incidents at that ATM, though one occurred at another branch's ATM. The new location for the ATMs will be more visible and will feature security cameras, lighting under a canopy that won't disturb the neighborhood, and other security measures to enhance safety for customers using the facility.

Mr. Lowther asked if the scope of work would have an impact on the sidewalk and WOD trail. The speaker confirmed that the new ATM location will not impact the sidewalk or street crossing to the WOD trail, as the intent is to set the ATMs back far enough to prevent any issues with pedestrian traffic. The traffic flow will direct eastbound vehicles to turn into the ATMs, and westbound vehicles will be guided to a different entrance. Concerns were raised about potential traffic stacking from Follin Lane, but the applicant noted that only about 11 cars use the facility per hour, and they haven't seen more than three cars in line at a time. However, there is currently no backup plan in place if traffic were to overflow.

With no public comment, Mr. Gadell made a motion to close the public hearing, and Mr. Creed seconded the motion.

Mr. Rettinger made a motion to approve the request for approval of a variance from Sec. 18-323.2 and 18-323.7, to construct a drive through ATM facility within the front yard setback with two lanes for Navy Federal Credit Union, on the property located at 1007 Electric Ave SE, in the CP Corporate Park zoning district.

Motion: Mr. Rettinger

Second: Mr. Dhanjal

Mr. Lowther agreed with the motion, noting that the move within the property seems reasonable and doesn't conflict with the intent of the drive-through ban, despite concerns about whether it's truly in front of the building.

Mr. Creed raised a concern about potential traffic stacking, noting that up to 16-18 cars could be in the queue, and recommended that Navy Federal plan for a solution in case the traffic flow becomes problematic. He suggested that Navy Federal should look into options to close off access or implement other measures if overflow stacking occurs.

Motion: Mr. Rettinger

Second: Mr. Dhanjal

Motion Carried 7-0

**Regular Business:**

**Approval of the Minutes**

The March 19, 2025, meeting minutes were approved with amendments made by Mr. Creed.

**Motion: Mr. Lowther**

**Second: Mr. Creed**

**Motion Carried 5-0**

**Abstain: Mr. Dhanjal & Mr. Gadell**

**Other Discussion:**

- Discussion about the status of the alternate board member.
- Mr. Creed mentioned he was reappointed by Fairfax County Circuit Court for a 5-year term.

**Meeting Adjournment**

The meeting was adjourned at 8:19 pm.

**Yaska Camacho Castillo**

*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.