



Town of Vienna

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

Meeting Agenda Board of Zoning Appeals

Wednesday, July 17, 2024

7:30 PM

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

Roll Call

Public Hearings

[BZA-24110](#)

Request for approval of a variance from Section 18-407.3 Swimming Pools and Outdoor Hot Tubs., of the Town of Vienna Zoning Code, to construct a swimming pool in the rear yard of an existing single-family dwelling located at 514 Spring St SE, in the RS-10, Single-Family Detached Residential zone. The Zoning Code states the front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots. If the variance is approved, the proposed pool will be set closer than five feet from, and encroaching into, the extension of the rear wall line of the adjacent lots.

Attachments:

[00 - Staff Memo 514 Spring St SE Variance July 2024](#)

[01 - Relevant Zoning Variance Code Sections Variances State Code 2024](#)

[02 - Section 18-407 Swimming Pools and Outdoor Hot Tubs Chapter 18 - Town of Vier](#)

[03 - Plat 514 Spring St SE 2012](#)

[04 - Plan Review Application and Applicant Authorization Form 514 Spring St SE Va](#)

[05 - Statement of Justification 514 Spring St SE Variance July 2024](#)

[06 - Site Photos 514 Spring St SE Variance July 2024](#)

[07 - Proposed Site Plan 514 Spring St SE Variance July 2024](#)

[08 - Notarize Notice Affidavit 514 Spring St SE Variance July 2024](#)

[BZA-24111](#) Request approval for a conditional use permit for a Family Day Home, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, to care for up to twelve (12) children at 430 Old Court House Rd NE, in the RS-12.5 zoning district.

Attachments:

- [01 - Staff Report](#)
- [02 - Application and Authorization](#)
- [03 - Applicant Narrative & Documents](#)
- [04 - Previous Approvals](#)
- [05 - Relevant Regulations](#)
- [06 - Planning Commission Recommendation Memorandum](#)
- [07 - Public Comments](#)
- [08 - Memo to BZA - CUP Request - 430 Old Court House Rd NE](#)
- [09 - Notarized Notice Affidavit](#)
- [10 - Public comment #4](#)

[BZA-24112](#) Request for approval to the Board of Zoning Appeals of a conditional use permit for a Private Indoor Recreation Facility, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, to operate a dance hall for tango dancing, at 303 C Mill Street NE, in the Mill District.

Attachments:

- [01 - Staff Report - 303-C Mill St NE - Abrazo](#)
- [02 - 303C Mill St NE - Abrazo - Application and Authorization](#)
- [03 - 303C Mill St NE - Abrazo - Applicant Narrative](#)
- [04 - 303C Mill St NE - Abrazo - Proposed Floor Plan](#)
- [05 - 303C Mill St NE - Abrazo Dancehall Information from Website](#)
- [06 - 303 Mill St NE - Site Plan](#)
- [07 - 303 Mill St NE - Previous BZA Orders](#)
- [08 - Relevant Regulations](#)
- [09 - Abrazo Dancehall Statement](#)
- [10 - PC - Memo to BZA - CUP Request - 303C Mill St NE](#)
- [11 - Notarized Notice Affidavit](#)
- [12 - Parking Letter](#)
- [13 - Supporting Letter](#)
- [14 - Letter from business owner](#)

[BZA-24113](#) Request for approval of a conditional use permit for Specialized Instruction, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, for sports training at 514 and 516 Mill St NE, in the Mill District.

Attachments: [01 - Staff Report - 514-516 Mill St NE - Pitchers Edge](#)
[02 - Application and Authorization](#)
[03 - Applicant Narrative](#)
[04 - Proposed Floor Plan](#)
[05 - Information and photos from business website](#)
[06 - 520 Mill Street NE - Site plan with topo](#)
[07 - Certificate of Occupancy - 516 Mill St NE](#)
[08 - Parking Tabulation Chart - 510-520 Mill St NE - June 2024](#)
[09 - Relevant Regulations](#)
[10 - PC Memo to BZA - CUP Request - 514 and 516 Mill St NE](#)
[11 - Notarized Notice Affidavit](#)

[BZA-24114](#) Request for approval of a conditional use permit to allow Specialized Instruction, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, to operate a driver's education program at 450 Maple Avenue East, Suite 302, in the Avenue East (AE) zoning district.

Attachments: [01 - Staff Report](#)
[02- Application and Authorization](#)
[03 - Applicant Narrative & Documents](#)
[04- Floor Plan](#)
[05 - Applicant Photos](#)
[06 - Previous Approvals](#)
[07 - Relevant Regulations](#)
[09 - Notarized Notice Affidavit](#)
[08 - PC Memo to BZA - CUP Request - 450 Maple Ave E, Ste 302](#)
[10 - CIDS BZA Meeting Absence Signed Letter](#)

[BZA-24115](#) Request for approval of a conditional use permit to allow Outdoor Dining, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, for over twelve (12) seats at a restaurant located at 160 Maple Avenue West, in the Avenue Center (AC) zoning district.

Attachments:

- [01 - Staff Report](#)
- [02 - Application & Authorization](#)
- [03 - Applicant Narrative, Document, and Photos](#)
- [04 -Outdoor and Indoor Floor Plan](#)
- [05 - Site Plan](#)
- [06 - Previous Approvals](#)
- [07 - Relevant Regulations](#)
- [08 - Memo to BZA - CUP Request - 160 Maple Avenue W](#)
- [09 - Notarized Notice Affidavit](#)

[BZA-24116](#) Request for the renewal of a conditional use permit for a Family Day Home, per Section 18-824 Conditional Use Permit, of the Town of Vienna Zoning and Subdivision Ordinance, for the care of up to twelve (12) children at 305 Jade Court NW, in the 12.5 zoning district.

Attachments:

- [01 - Staff Report](#)
- [02 - Application and Authorization](#)
- [03 - Applicant Narrative and Documents](#)
- [04 - Plat & Floor Plan](#)
- [05 - Applicant Photos](#)
- [06 - Previous Approvals](#)
- [07 - Current License](#)
- [08 - Relevant Regulations](#)
- [09 - Memo to BZA - 305 Jade Ct NW](#)
- [10 - Notarized Notice Affidavit](#)
- [11- Public Comment #1](#)
- [12- Public Comment #2](#)
- [13 - Petition from neighbors](#)

[BZA-24117](#)

****DEFERRED**** Request to hear an appeal of the Zoning Administrators 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.

Attachments:

[Appeal Deferral Request 07.12.24](#)

[00 - Staff Memo Appeal of ZA Determination July 2024 DRAFT](#)

[01 - Applicant Statement of Appeal 6-7-2024 444 Maple Ave W](#)

[02 - 444 Maple Ave W Notice of Violation 5.8.2024](#)

[03 - Pages of Approved Site Plan 6-9-2021 444 Maple Ave W Appeal of ZA Determination](#)

[04 - Relevant Code Sections 444 Maple Ave W Appeal of ZA Determination](#)

[05 - Notarized Notice Affidavit](#)

Regular Business

Approval of the Minutes: June 5, 2024 meeting minutes.

Meeting Adjournment

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.