



Town of Vienna

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Meeting Minutes Board of Zoning Appeals

Wednesday, June 18, 2025

7:30 PM

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

Roll Call

The Board of Zoning Appeals held its regular meeting at 7:30 p.m. on Wednesday, June 18, 2025, in Town Hall.

Roll Call: Mr. Petersen, Mr. Dhanjal, Mr. Gadell, Mr. Nash, Mr. Rettinger, and Mr. Lowther were present.

Absent Member: Mr. Creed

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

Public Hearings:

[BZA-25138](#)

Request by Future Innovators of Vienna, LLC (iCode Vienna) for a Conditional Use Permit, per Section 18-304, to allow Specialized Instruction at 419-B Maple Ave E, in the Avenue East Gateway (AE) District.

Applicant present: David Dilly

Ms. West was sworn in and began her PowerPoint presentation to the board. Her presentation outlined the request for a conditional use permit for a specialized instruction business to expand into a neighboring commercial space at 419 Maple Ave. East, Unit B, in Vienna. Key points included:

Specialized Instruction Zoning: This new zoning category, created in 2024, accommodates various specialized schools like karate, music, and art, treating them differently from general retail.

- **Location:** The proposed expansion is for Unit B, located at the rear of a shopping center that houses a Virginia ABC store. This space was previously occupied by Posh, a furniture retailer, which divided its original large space into two units.

- **Access:** Access to Unit B is not directly from Maple Avenue but through the existing iCode business (affiliated with the applicant) via a rear exit, leading to a side door of Unit B.

- **Business Type:** The applicant, iCode, plans to use the expanded space for a summer camp teaching micro drone operation.

- **Zoning Conformance:** The property is in the Avenue East zoning district, which permits specialized instruction with a conditional use permit. The proposed use aligns with the area's mixed-use future land use designation.

- **Specific Use Criteria:** Specialized instruction uses must operate in non-residential facilities, ensure student safety during drop-off/pick-up, and use off-street parking without impeding traffic.

- **Parking:** The shopping center is non-conforming in terms of current parking standards. However, the applicant has provided a parking agreement to utilize neighboring spaces before the meeting started. Parking requirements for specialized instruction are based on the number of teachers, not students, as participants are children.

- **Proposed Conditions:** The applicant has provided proposed conditions for operating hours and capacity for the camp.

Mr. Dhanjal noted that the Planning Commission has made recommendations for the conditional use permit, and he sought clarification on whether the applicant has already agreed to these stipulations. Ms. West responded that the applicant would need to address this on record.

Mr. Lowther questioned the proposed conditions for the specialized instruction's conditional use permit. He was specifically concerned that the conditions might imply a temporary or short-term use. Ms. West stated that typically falls outside the scope of conditional use permits. Conditional use permits are usually tied to the land and the appropriateness of the use for that specific space, rather than being linked to a particular applicant or having a time limit.

David Dilly was sworn in for his testimony. He explained his desire to expand his robotics programs into the open area. He noted that his robotics tables are quite large (6x8 feet) and currently occupy a significant portion of his existing retail area. Initially, he proposed a temporary arrangement to the landlord to assess if the expansion would be a viable long-term fit for his business, allowing him to make a serious offer for a permanent lease. This temporary approach was also intended to help the landlord generate revenue from a space that had been vacant for five years.

Mr. Nash asked the applicant if he intended to have this year-round, to which the applicant responded yes.

Mr. Gadell inquired about the proposed hours. Mr. Dilly stated that the proposed hours for the specialized instruction business are 8:00 AM to 6:00 PM and clarified that this timeframe is for one continuous class, primarily for summer camps, with students being dropped off and picked up between those hours.

Mr. Rettinger inquired about the Planning Commission's recommendations for the conditional use permit. He asked the applicant if he had aligned with the suggested conditions regarding participant age, instructor parking, and the use of other buildings, noting that the applicant's stated intent is for year-round operation.

The applicant clarified that he did not have the opportunity to fully address all of the Planning Commission's recommended restrictions when they were initially proposed. However, he confirmed agreement with the following:

- Participant Age: All students are 15 years old or under.
- Parking: A parking agreement has been secured and signed by both landlords. His landlord and the landlord of a neighboring building on Berry Street.

The applicant also reiterated that while his initial proposal to the landlord was for summer camps, his ultimate goal is to establish a year-round program due to the robotics season extending through May. They were unable to fully address this year-round intent in their previous response to the Planning Commission's restrictions.

Lastly, Mr. Rettinger inquired about potential renovations to the new space, specifically regarding the addition of windows or natural lighting. The applicant confirmed there's a skylight in the middle of the space, but they intend to keep the area largely as is, minimizing significant alteration.

Mr. Lowther asked the applicant if he had already signed the lease. The applicant confirmed they have not yet entered into a lease for the expansion space; obtaining the permit is a condition for the lease agreement. He anticipates needing an annual lease and intends to operate year-round, aligning with the annual demand for their robotics programs.

Mr. Dhanjal inquired about the program's start date. Mr. Dilly replied that he aims to begin operations as early as next week, pending the lease agreement with the landlord and the necessary permit for expansion. He also expressed his desire to operate on weekends, in addition to the stipulated Monday through Friday schedule, emphasizing the need for weekend activities for children during the summer.

Mr. Lowther asked if weekend operating hours would also be from 8:00 AM to 6:00 PM. The applicant responded that he hadn't considered it but suggested 9:00 PM would be a more reasonable closing time for weekends, specifically during the summer months.

Mr. Rettinger asked about the structure of the proposed camp, asking if it was a weekly, full-summer, or daily program, and how weekend programs would operate.

The applicant clarified that their camps are structured as one or two-week sessions. However, for robotics teams, it's more like joining a sports team; members would have access to the space to practice as needed. The main challenge for robotics practice is the limited availability of table space and arenas, making it difficult for teams to convene. The applicant's goal is to maximize accessibility for these robotics teams to practice whenever they choose.

Mr. Nash wondered if the town had any objection to the program running all week. Ms. West stated that the applicant's original request, as stated on the application, was for the program to run Monday through Friday only.

Mr. Dilly said that earlier during the meeting, it was clarified that the permit applies to the land itself, not to a specific individual or temporary use. Ms. West said that staff don't have a preference on the proposed hours and are primarily focused on assessing the potential impact on neighboring properties. The initial proposed hours would have come from the applicant's original application, and staff would have sought further clarification during that process.

Mr. Petersen inquired about the Planning Commission's recommendation of an age limit of 15 and under for participants, prompting a question about the rationale. The applicant said that his understanding was that the limit was likely related to parking concerns. The assumption was that older participants might drive, creating a need for a large number of parking spaces, which would lead to undue traffic and congestion in an already busy area with an ABC store and 7-Eleven nearby.

Given the applicant's desire to add weekend availability, Mr. Dhanjal questioned if the application would require an amendment and another review by the Planning Commission. The applicant clarified that while he initially stated children would be present between 8:00 AM and 6:00 PM (which the Planning Commission then formalized), the potential for weekend and after-hours access for the robotics program was not addressed in the initial meeting.

Ms. West noted that the original application didn't strictly propose Monday through Friday operations, suggesting this board has the discretion to decide on weekend hours. Regarding weekday hours, the applicant stated that during the school year, classes run until 7:00 PM, with the latest classes starting at 5:00 PM. Therefore, Mr. Lowther suggested 7:00 PM would be a more appropriate weekday closing time than 6:00 PM.

Mr. Petersen asked the applicant for their preferred evening cutoff time if they were authorized to operate seven days a week, considering the Planning Commission's recommendation for a 6:00 PM termination. The applicant stated that, ideally, he'd prefer to operate 24 hours. He explained that there's interest from adults who want to use the drone flying area later in the evenings (9:00 or 10:00 PM), and he would like to offer this. While his primary intent is to run the children's robotics program during the specified hours, he also wants to provide drone flying opportunities to adults, given the restricted airspace elsewhere. Mr. Lowther, however, countered that offering drone flying for adults would constitute a different business model than what was originally proposed and suggested that such an offering would require a separate hearing.

The board emphasized that their role is to determine and issue the conditional use permit, requiring clear information on the applicant's desired operating hours. They acknowledged the applicant's ideal of 24-hour operation but noted that most businesses don't run around the clock, especially in Vienna. They stressed the need for specific start

and end times for all seven days of the week to make an informed decision, drawing a parallel to another local business, Stem Tree, which also operates on weekends.

In response, the applicant specified:

- Weekends: Typically 10:00 AM to 9:00 PM, especially on Saturdays.
- Monday through Friday: 8:00 AM to 7:00 PM.

Regarding their existing iCode business, the applicant stated that during the school year, they typically operate from around 12:00 PM/1:00 PM/2:00 PM until 7:00 PM. For summer coding camps, hours are 8:00 AM to 6:00 PM. The applicant also confirmed that he runs summer coding camps from 11 AM – 3 PM based on demand.

Mr. Petersen expressed concern about the proposed age restriction limiting participants to 15 years and under. He suspects this restriction is an indirect attempt to address parking availability issues. He argued that if the town is presented with and approves a suitable parking proposal, then there should be no need to impose an age limit on participants in the business.

Mr. Nash agreed that the 15-and-under age restriction likely serves as an indirect way to address parking limitations, suggesting it's a necessary measure because the business might not otherwise meet parking requirements. He noted that the current parking agreement appears to only cover two existing spots and wouldn't accommodate additional vehicles. The concern is that if the age restriction were lifted, there wouldn't be sufficient parking for older participants, such as an 18-year-old driving to class.

Mr. Petersen expressed a preference for directly limiting the number of vehicles allowed to park rather than using an age restriction to control parking. He believes a direct vehicle limit would be a more appropriate solution, but acknowledged that it's ultimately up to the applicant to propose such a condition.

Ms. West explained that the decision to propose an age restriction was based on the understanding that the business primarily caters to children who are dropped off, which significantly reduces parking demand. She noted that the current business operates predominantly with drop-offs in the evenings. She highlighted the existing parking deficit at the shopping center; if current parking standards were applied, the center would need over 100 spaces, but only has 58. Staff's analysis of this specialized instruction use, given its drop-off nature, indicates a lower parking requirement.

Ms. West stated that allowing older participants (who might drive) or expanding to include adult drone usage would fundamentally change the nature of the application. This would likely necessitate further discussions and a re-evaluation of parking demand, potentially requiring the staff to bring more information and a different proposal back to the board.

Mr. Gadell stated that the application is seen as a way for the business to gauge demand for its classes in Vienna. Ms. West clarified that if the demand proves greater, there's no restriction on the applicant coming before the board again to augment their original request. She explained that this process is similar to how they're handling the expansion of an existing specialized instruction use that was permitted under the previous code without a conditional use permit. If the same business were to open in a different location today, it would also need to go through this conditional use permit process. Therefore, if future demand arises, the application can be revised. At that point, the town would want to discuss factors like the number of patrons who might drive and stay versus those who are dropped off, as well as class sizes. They anticipate having more data on these aspects once the business has been operating for a while.

Mr. Gadell stated there was some concern regarding the high volume of pick-up and

drop-off traffic in the area, particularly in relation to the size, number, and age of drivers. He suggested that limiting participant age might be a prudent way to manage parking and mitigate these safety concerns, at least until the business's growth patterns become clearer.

In response, the board asked for clarification on a parking agreement that reportedly provides 17 additional shared parking spots. However, Ms. West stated she had just received the agreement and needed time to review it before confirming its details or the number of spaces it represents. She acknowledged that a parking agreement for adjacent properties was indeed requested.

There was a discussion concluded with an acknowledgment that the town would likely be amenable to changing most of the proposed conditions, except for the age restriction. The primary reason for maintaining the age limit (15 and under) is tied to the initial presentation of the business as a children's summer camp, a use typically associated with drop-offs rather than participants who drive themselves. This assumption heavily influenced the initial assessment of parking needs and was reflected in the Planning Commission's recommendations.

Staff indicated that if the business were to expand to an "all ages" model, it would fundamentally change the nature of the application. This would necessitate a new review, particularly concerning parking requirements, as the demand would be assessed very differently.

Public comment – Charles Edelen, 410 Hine St. Mr. Edelen inquired whether the drones would be flown outdoors or solely inside the building. The applicant clarified that drone operations would be confined to inside the building.

The speaker who lives two blocks away expressed significant concern about potential overflow parking. He noted that if sufficient parking isn't available at the business, cars could spill onto their dead-end street, which is already an issue with people parking in the shopping center and then going elsewhere.

This concern reinforced the idea that if the business expands its scope (to include older participants or adult drone flying), it should require another application and public hearing to allow community input on the potential parking impact.

Mr. Dhanjal made a motion to close the public hearing, and Mr. Gadell seconded the motion.

Mr. Dhanjal made a motion to approve the Conditional Use Permit by Future Innovators of Vienna, LLC (iCode Vienna), per Section 18-304, to allow Specialized Instruction at 419-B Maple Ave E, in the Avenue East Gateway (AE) District, with the proposed conditions of approval:

- Operate 7 days a week
- Weekends: 10 am - 9:00 pm
- Mon – Fri: 8:00 am – 7:00 pm
- No outdoor drone usage
- Parking agreement must be finalized and submitted to the Town of Vienna before issuance of a certificate of occupancy.
- Max 24 occupants
- Conditional Use Permit is good for 2 years
- Only participants under 15 years of age

Mr. Lowther expressed concern about removing the age limit from the application, fearing

it could significantly change the nature of the business. He acknowledged the applicant's good intentions to serve students, but worried it might unintentionally attract an older demographic, altering the original purpose. This change could also raise issues for neighbors, such as parking problems, suggesting a different application might be needed for that kind of use.

Motion: Mr. Dhanjal

Second: Mr. Lowther

Motion carried

[BZA-25139](#)

Request by The Gift of Language Center for a Conditional Use Permit, per Section 18-304, to allow a Family Day Home for up to 12 children (ages 2-5) at 209 Berry St SE, in the RS-16 zone.

Applicant: Diana Hernandez

Ms. West stated that the applicant is requesting a Conditional Use Permit to operate a family day home for up to 12 children, the maximum allowed under the Virginia State Code. The property is located at the corner of Berry and Pine Street, on 0.38 acres, and is zoned RS16 (minimum 16,000 sq. ft. lot size). It includes a 2,546 sq. ft. home with a rear-fenced yard and driveway.

The use aligns with the Comprehensive Plan's Low-Density Residential designation, which applies to all single-family residential zones. The applicant submitted a plat and photos showing the home's layout, interior areas designated for childcare, and outdoor fenced play space.

Per zoning code, a Conditional Use Permit is required for family day homes with more than four children, along with additional permits from Fairfax County Health Department and the state. Staff determined the request aligns with local regulations, provides adequate parking, and allows for the imposition of conditions by the reviewing board.

The property has a driveway that extends from Berry Street to a rear garage, widening toward the back of the house. It can accommodate several cars on-site, providing sufficient parking for the proposed family day home. A photo was shown illustrating the driveway and parked vehicles.

A question was raised about the number of family day homes currently operating in the Town of Vienna. Staff did not have that information readily available but indicated they may be able to provide it in the future, though they would need to determine how to obtain it.

Mr. Dhanjal inquired whether a permit has been issued for a daycare with 4 or fewer children, since the property appears to be set up for one. Ms. West clarified that daycares with 4 or fewer children do not require a Conditional Use Permit, but they do require administrative approval from staff after verifying that the applicant has the necessary Fairfax County licensing for daycare.

Ms. Hernandez was sworn in to speak. She stated that she is the founder of The Gift of Language, a Spanish immersion program focused on early childhood education. With many years of experience teaching Spanish to young children, she identified a need for Spanish language immersion in Vienna. She currently operates a center outside the town limits but wishes to open a home-based daycare to stay with her own child while bringing her program to the community. Her goal is to offer a unique, language-focused childcare option from her home.

Mr. Nash asked the applicant if she is currently running a daycare at the proposed location. The applicant confirmed that no children are currently being cared for at the residence, the home is currently occupied only by her family. The setup is part of a new proposal for a home-based Spanish immersion daycare.

Mr. Lowther inquired about the drop-off and pick-ups. The applicant plans to manage drop-offs and pick-ups through staggered scheduling, based on her experience at her existing center. Parents typically arrive at different times between 7:00 AM and 6:00 PM,

so there is no large influx of cars at once.

For this property, parents would pull into the driveway, drop off or pick up their children, and leave shortly after. The applicant intends to keep her own car in the garage to leave the driveway clear for parent use.

Mr. Rettinger asked if there was enough room in the driveway for a car to turn around. The applicant stated that her driveway is very narrow. She has been practicing parking two cars side by side, but there is no way for a car to turn around in the driveway.

Public Comment – Julia Edelen – 410 Hine St SE. The speaker spoke in opposition to the item. She shared a personal experience of noise and disruption caused by a previous daycare in the area and expressed concern about children potentially wandering into her swimming pool area.

Mr. Gadell inquired about state regulations for daycares, and Ms. West explained that Fairfax County regulates the rules. She noted that the Town requires applicants to obtain a county license before a commercial certificate of occupancy is issued.

Mr. Dhanjal asked how high the fence in the backyard was. A member of the public shouted 6 ft.

Public comment – Edelen Charles – 410 Hine St SE (previously sworn in). Mr. Charles described his experience with noise and disruption caused by previous daycare and expressed concerns about the applicant's current fencing. He believes the existing fence is inadequate and worries that children could climb over it and access his pool. He suggested that the applicant install a fence around the entire yard. He opposed the application, stating that as a retiree, he would be disturbed by the noise of 12 children while trying to enjoy his pool.

Mr. Rettinger, for the record, summarized what he believed were the two main concerns raised by the previous speakers: first, the potential safety risk of children near a pool, and second, the potential disturbance to the neighborhood's tranquility. Mr. Edelen agreed.

Public comment – Cindy Good - 9605 Masterworks Dr, was sworn in for her testimony. Ms. Good provided positive testimonials about the quality of care and education provided by Diana Hernandez and the Gift of Language Center.

Public comment – Hailey Fox - 8188 Madrillon Ct., was sworn in for her testimony. The speaker emphasized the importance of childcare and noted that the applicant is following the proper process for the proposed daycare, in contrast to the previous daycare at that location.

Public comment – Gracia Kosman – 7953 Tyson Oaks Cir, was sworn in for her testimony. She stated that her son is entering his fourth year in the program, which she described as a true immersion experience. She said that Ms. Diana is an integral part of the families' lives, offering strong support for parents and consistently going the extra mile. She also noted that there have been no issues with Ms. Diana's daycare at her other location.

Public comment – Monica Weddle – 8111 Cawdor Ct, was sworn in for her testimony. She spoke in support of the application, sharing that her son graduated from Ms. Diana's school and is now fluent in Spanish, including reading and writing in cursive. She credited Ms. Diana with fostering incredible growth in him, noting that even his Mexican American

cousins are not fluent. She also expressed deep gratitude for Ms. Diana's support during one of the most difficult times her family has faced.

Public comment – Mai Angelique, education consultant – 4507 Stone Pine Ct., She was sworn in for her testimony. She stated that there will be two staff members present at all times. Addressing a question raised earlier in the meeting, she explained that children are taken outside in separate groups, in accordance with Virginia law, which requires 60 minutes of outdoor time daily. She noted that outdoor time is adjusted based on weather conditions, particularly during periods of extreme heat. She added that Ms. Diana is very involved in the community and will be a valuable asset to the Town.

Public comment – Jonathan Good – 9605 Masterworks Dr, was sworn in for his testimony. He spoke in support of the application, highlighting the school's cultural field trips and their positive impact on his child's exposure to and appreciation of different cultures.

Mr. Dhanjal made a motion to close the public hearing, and Mr. Petersen seconded the motion.

Mr. Petersen made a motion to approve the request for a conditional use permit by The Gift of Language Center per Section 18-304, to allow a Family Day Home for up to 12 children (ages 2–5) at 209 Berry St SE, in the RS-16 zone.

Motion: Mr. Petersen

Second: Mr. Nash

The board's discussion was based on the following:

- This is a valuable service and a positive asset to the Town of Vienna.
- There are concerns about parking and the importance of managing those issues effectively.
- The neighborhood does not appear to be overwhelmed by daycares, as only one neighbor expressed concern.
- It is in the daycare operator's best interest to be a good neighbor and proactively address any parking challenges.

Motion: Mr. Petersen

Second: Mr. Nash

Motion carried

Regular meeting:

- The May 21, 2025, meeting minutes were accepted into the record.
- Informed the board that we have a few items lined up for the July meeting.

The meeting was adjourned at 9:11 pm.

Yaska Camacho Castillo

Clerk to the Board

Regular Business:

Approval of the 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.