



STAFF REPORT COVER SHEET

May 20, 2026

ATTACHMENT 01

Address:	421 Church St NE Unit G	Case Number:	PF-2098120-CUP
Meeting Date:	5/20/2026	Applicant:	Ray Lee, New York School of Arts
Board/Commission:	Board of Zoning Appeals	Owner of Space Leased by Applicant:	Virginia Cardiovascular Investments, LLC
Existing Zoning:	AE Avenue East	Existing Land Use:	Mixed-Use
Brief Summary of Request:	Request approval of a Conditional Use Permit for Specialized Instruction. The applicant intends to move a portion of their existing visual arts instruction business, currently located at 320 Maple Avenue East Suite E, to 421 Church Street NE Unit G.		
Site Improvements:	The proposed specialized instruction facility is located within the Vienna Square condominiums, which consists of four low-rise buildings. 421 Church Street NE is a two-story building with approximately 60 dedicated parking spaces.		
Size of Property:	50,007 sf/1.148 acres		
Public Notice Requirements:	<ul style="list-style-type: none"> Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting. The advertisement was published on May 6, 2026, and May 13, 2026, in the Washington Times. An applicant notification was sent by certified mail on May 7, 2026. Letters were sent on May 12, 2026, to adjacent, abutting and immediately across the street property owners/agents/occupants and subject property owners notifying them of the Planning Commission meeting. One sign was posted in front of the lot on April 22, 2026, with the date of the Board of Zoning Appeals hearing. A letter was sent by certified mail on April 22, 2026, to the Fairfax County Department of Planning and Development Planning Division. 		
Official Submission Date of Approval:	On April 21, 2026, the application was deemed by staff to be complete.		
Deadline for Action:	The BZA should take action by July 21, 2026, which is 90 days after the application was deemed complete. That date is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.		
Brief Analysis			
PROPERTY HISTORY			
The subject property, 421 Church Street NE, is one of four constituent buildings of the Vienna Square condominiums. 421 Church Street is a two-story, 10,409 square foot building that was constructed in 1979. Unit G, owned by Virginia Cardiovascular Investments, LLC, is located on the second floor and is approximately 924 square feet. Unit G was most recently the location of Artistry 27 Studio, a sewing and crafting instruction business, prior to its closing in June 2025.			

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The property has a Mixed-Use future land use designation. Per the 2016 Town of Vienna Comprehensive Plan, mixed-use areas are envisioned as having a mix of uses that may include retail, office, residential, or other uses deemed appropriate in the surrounding context. As the Vienna Square condominiums have a mix of uses including retail, office, medical, and specialized instruction (including the Viennart Academy, which is also owned by the applicant), the proposed use is compatible with the Comprehensive Plan.

COMPATIBILITY WITH THE ZONING ORDINANCE

The subject property is located within the Avenue East Gateway District (AE), which is intended to promote standards for the promotion of a vibrant commercial use area east of the Avenue Center district. Specialized instruction is a Conditional Use within the AE zone. Per Section 18-824.3 of the Town of Vienna Code of Ordinances, the Board of Zoning Appeals may issue a use permit for a Conditional Use provided the use for which the permit is sought:

- Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- Will be in accordance with the purposes of the Town's comprehensive plan; and
- Meets use-specific standards outlined in Article 3 of the Zoning and Subdivision Ordinance.

Staff have reviewed the application and have concluded that the application meets all four of these provisions; therefore, a commercial entity offering specialized instruction is compatible with the Town's Zoning Ordinance.

Attachments:	01 – Staff Report Applicant Submitted Materials: 02 – Application and Authorization 03 – CUP Narrative 04 – CUP Site Plan 05 – CUP Floor Plan	Additional Staff Materials: 06 – Relevant Regulations 07 – Notification Affidavit 08 – Planning Commission Memo to BZA
Author:	Lyndsey Clouatre, Principal Planner	

Introduction and Background

The applicant and owner of the New York School of Arts, Ray Lee, has applied for a Conditional Use Permit (CUP) pursuant to Sections 18-304 (Principal Uses Table) and 18-345 (Specialized Instruction) of the Town of Vienna Zoning and Subdivision Ordinance. The request is to relocate an existing business offering art classes, which is classified as Specialized Instruction in the Zoning Ordinance, from its current location at 320 Maple Avenue East Suite E to 421 Church Street NE Suite G.

The subject property is located at 421 Church Street NE and is a two-story condominium building. According to Fairfax County records, the building was constructed in 1979 contains approximately 10,409 square feet of gross floor area. Unit G is located on the second floor and is approximately 924 square feet. 421 Church Street NE is located within the Vienna Square condominiums, which hosts a variety of retail, office, medical, and instructional uses. The property is bound to the north, south, and east by commercial uses, and to the west across Church Street by residential uses.

Over the past 30 years, a variety of commercial uses have been located at 421 Church Street NE Unit G. Most recently, Artistry 27 Studio, a business offering specialized instruction in sewing and other crafts, was located within Unit G between 2022 and 2025.

The New York School of Arts opened its first location within the Town of Vienna at 320 Maple Avenue East Suite D in 2019. Since then, the school has expanded into additional locations around Town, including 320 Maple Avenue East Suite E and 115 Beulah Street NE Suite 200E; the latter location is also located within Vienna Square and became an independent entity under the same ownership called Viennart Academy in 2024. As the lease for 320 Maple Avenue East Suite E is expiring, the applicant is seeking approval to move that portion of the business to 421 Church Street NE Unit G, which requires approval of a Conditional Use Permit for Specialized Instruction per Section 18-304 of the Town Code.



Figure 1 - Zoning map for Map #0382 02 0019, otherwise known as Vienna Square I, in which 421 Church Street NE is located. The parcel is outlined in red, while the approximate location of 421 Church Street NE is indicated with a star. Although the parcel is triple zoned RS-16, Transitional, and Avenue East, a 1991 zoning determination confirmed that 421 Church Street NE Unit G was located within what was then the C-1 Commercial zone. After the current zoning ordinance was adopted effective January 1, 2024, this portion of the C-1 Commercial zone became the Avenue East Gateway District, in which Specialized Instruction is a Conditional Use.

Proposal

The applicant proposes to relocate the existing visual arts classes currently held at 320 Maple Avenue E, Suite E, to 421 Church Street, Suite G. The classes are offered to students in grades K-12. No more than two classes would be offered at once, and instruction is limited to 10 students at any given time, with a maximum of five students per class. No expansion of the suite will occur, and no significant renovations are anticipated.

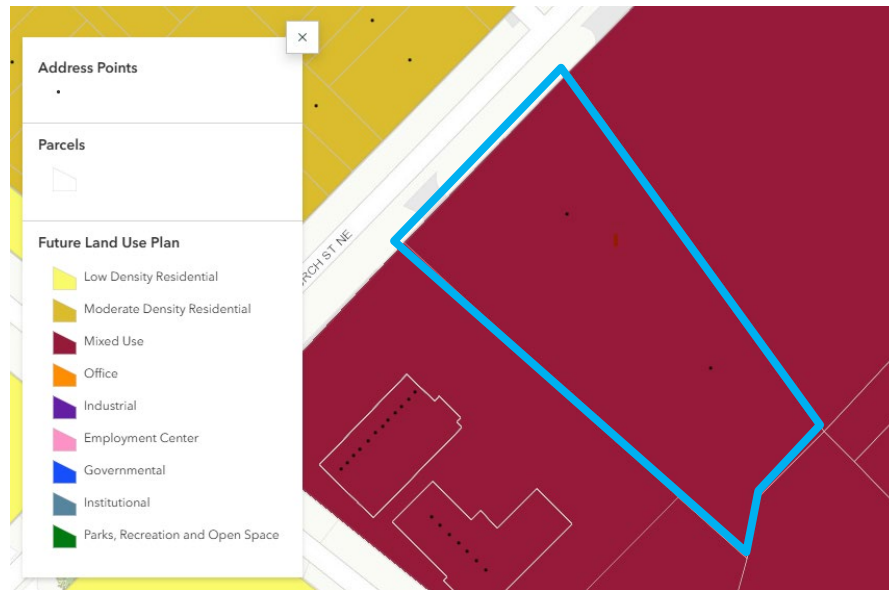


Figure 2 – Future Land Use Plan with Map #0382 02 0019, in which 421 Church Street NE Suite G is located, outlined in blue.

As indicated above in Figure 2, the Future Land Use Map of Vienna’s Comprehensive Plan, the property (outlined in blue) has a land use designation of Mixed-Use. As the Vienna Square condominiums have a mix of uses, including retail, office, medical, and specialized instruction (including the Viennart Academy, which is also owned by the applicant), staff find that the proposed use is compatible with the Comprehensive Plan.

Staff Analysis

Staff find that the applicant’s request is consistent with the criteria for approval of a Conditional Use Permit and recommend approval to the Board of Zoning Appeals

The applicant stated, in the narrative (Attachment 3), that they anticipate no significant impacts regarding noise, odors, trash and litter, and loading and unloading. Staff concurs with this assessment. Since Viennart Academy opened its location in Vienna Square in 2022, Town staff have not received any complaints or concerns from neighboring properties or business owners, and similarly have no reason to believe the proposed relocation of the New York School of Arts classroom would have any issues to this effect.

Staff concurs with the applicant that with a maximum occupancy of 12 (no more than 10 students and two instructors at any given time) and instruction occurring during afternoon and evening hours during the week (3:30 PM-7:30 PM Monday-Friday) and during morning and early afternoon hours on Saturdays (9:00 AM-2:00 PM). With these limits, parking and stacking needs would be fully addressed on site. There are approximately 60 shared parking spaces in the parcel in which 421 Church Street NE is located, with approximately 100 parking spaces located within

the parcel in which Viennart Academy is located, should they be necessary. Staff have observed ample parking availability in this parcel on numerous occasions, and no complaints were received for Artistry 27 Studio, which also offered instruction.

Compatibility with Surrounding Uses

The property is in the Vienna Square condominiums, which houses a variety of commercial establishments including retail, office, medical, and specialized instruction. The proposed use is compatible with all these uses and complements the existing specialized instruction business, Viennart Academy.

Compliance with Conditional Use Permit Criteria

Pursuant to Section 18-824 of the Town Code, a Conditional Use Permit is required for uses identified as conditional within the Zoning Ordinance. The Board of Zoning Appeals may approve a CUP if the proposed use:

- Will not adversely affect the health or safety of persons residing or working in the neighborhood;
- Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- Will be in accordance with the purposes of the Comprehensive Plan; and
- Meets the applicable use-specific standards outlined in Article 3.

Staff find that the application will not create health or safety concerns, will not be detrimental to the public welfare or injurious to the community, and is in accordance with the purposes of the Comprehensive Plan as discussed earlier in this report. Section 18-345 of the Town Code addresses use-specific standards for Specialized Instruction, which state that:

- Specialized instruction classes or camps may operate only in non-residential facilities.
- Operators of specialized instruction classes or camps must ensure the safety of their students during their arrival and dismissal.
- Operators must use off-street spaces for student drop-off and pick-up.
- Drop-off and pick-up may not impede the flow of traffic within the parking area or in public right-of-way, or create an unsafe environment for pedestrians.

The building in which 421 Church Street NE is located is entirely commercial, fulfilling the first criterion. In the application, the applicant confirms that student arrival and dismissal will be managed to ensure student safety. The applicant further affirms that only off-street spaces will be used for student drop-off and pick-up and that drop-off and pick-up will not impede the flow of traffic; staff concurs based on available on-site parking and the small class sizes proposed by the applicant.

Planning Commission Recommendation

The Planning Commission concurs with this assessment and recommended that the Board of Zoning Appeals approve the request at their May 13, 2026, meeting. The Planning Commission chair's memo recommending approval to the Board of Zoning Appeals is included as Attachment 8.

Planning & Zoning Staff Report to the Board of Zoning Appeals
Meeting of May 20, 2026 - 421 Church Street NE Suite G - New York School of Arts
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Recommended Motion

The Board of Zoning Appeals may use the language as follows, or other phrasing as they deem appropriate:

"I move to approve/approve with conditions/deny a Conditional Use Permit for Specialized Instruction, per Section 18-304 of the Town Code, at 421 Church Street NE Unit G, in the Avenue East zoning district, described as tax map parcel 0382 02 0019, *with the following conditions...*"