



# 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, November 19, 2025

7:30 PM

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

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### Roll Call

#### Board of Zoning Appeals

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

Roll Call: Mr. Petersen, Mr. Dhanjal, Mr. Creed, and Mr. Rettinger were present.

Absent Members: Mr. Lowther, Mr. Nash, and Mr. Gadell.

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

### Public Hearing:

Request for approval of a variance from Section 18-219.2., RS-10, Dimensional Standards., Rear Yard, of the Town of Vienna Zoning and Subdivision Ordinance, to construct a covered deck to be attached to an existing dwelling located at 806 Plum Street SW, in the RS-10, Single-Unit Detached Residential zone.

The chair opened by noting that only four of the seven members are present, and the applicant needs all four affirmative votes to have the variance approved. The board offered the applicant the choice to postpone until a meeting with more members present.

The applicant Jeffrey Tervol was sworn in to speak. He is concerned about timing because the holidays and a stalled project make delays difficult. He asked when a fully seated board will be available. Additionally, he wants to understand the consequences of proceeding without enough members for four affirmative votes, specifically, whether a non-affirmative outcome due to low attendance would force them to appeal to Circuit Court or whether he could simply resubmit his application to a full board.

The board discusses whether an applicant could resubmit a variance request if it fails due to low attendance. Ms. West checked the town code and confirmed there is no time limit on reapplying with the same facts, though a new application fee would be required. It was also mentioned that at least six members would be expected to attend the December meeting. The applicant decided to proceed with the hearing despite the risks.

Item No.1: Request for approval of a variance from Section 18-219.2., RS-10, Dimensional Standards., Rear Yard, of the Town of Vienna Zoning and Subdivision Ordinance, to construct a covered deck to be attached to an existing dwelling located at 806 Plum Street SW, in the RS-10, Single-Unit Detached Residential zone.

Ms. West was sworn in for her presentation. She stated that the applicant seeks permission to encroach into the required 35-foot rear-yard setback for roofed structures. The proposed project replaces an existing open deck with two structures: an enclosed screened porch and an open deck. Because open decks may encroach up to 10 feet (requiring at least a 25-foot setback), the existing deck is compliant. However, adding a roofed, attached structure reduces the setback to 27.5 feet, triggering the need for a variance.

The design complies with the town's outdoor living coverage allowance (up to 400 sq ft for covered/screened decks) and follows Fairfax County's typical deck construction standards (post-and-beam, not foundation-supported). The applicant submitted floor plans, elevations, and photos. Staff note that the 35-foot rear setback applies to all residential zones.

Mr. Tervol thanked staff and the board and explained the reasons for requesting a rear-yard setback variance. His south-facing property becomes extremely hot in summer, and the existing pergola no longer provides adequate shade, especially after surrounding trees were lost due to storms and nearby redevelopment. He wants to replace the current deck and pergola with a covered structure for usability but will not expand beyond the deck's existing footprint.

He believes the request meets the variance criteria: the hardship is not self-created, the use remains residential, and the need stems from unique site conditions. The lot is unusually wide and shallow, squeezed between multiple streets and a cul-de-sac, leaving a much shorter rear yard compared to neighboring properties. This limits the space available to meet the 35-foot setback and makes a compliant covered deck impractical. The applicant notes that all adjacent neighbors have been consulted and are supportive.

Mr. Creed expressed concern and asks the applicant to clarify what significant hardship exists beyond the issue of excessive sun exposure on the deck. The applicant explained that the deck is the main usable area of his backyard for dining and outdoor living, but extreme heat and direct sun make it unusable during significant parts of the year. He argued that this limits their ability to reasonably use their rear yard as intended. Covering the deck would make the space functional throughout more of the year, which he believes aligns with the spirit of a hardship, though he acknowledged the board must determine that.

Mr. Creed stated that the situation seemed more like a homeowner seeking an improvement rather than addressing a true hardship. He noted that many people with open decks, including himself, find them uncomfortable in hot weather, so the applicant's issue may not be unique enough to justify a variance.

The applicant acknowledged the project is an improvement but argues it addresses a genuine hardship: his rear yard deck is effectively unusable for much of the year due to extreme heat. He suggests there's a spectrum between an inconvenience and a true hardship, and in his case his space is currently impractical to use. The improvement is intended to eliminate that hardship by making the property's outdoor space functional, since he currently has property but is unable to use it.

Mr. Rettinger thanked the applicant for talking with neighbors beforehand. He asked the applicant whether, instead of building a covered deck, has he considered planting new trees to replace those lost to development or storm damage and provide the needed shade. The applicant explained that while he has some privacy trees on his property, they are not tall enough to provide significant shade and it would take decades for newly planted trees to become effective. Previous larger trees behind his property were removed due to redevelopment or storm damage, and even new plantings would take a long time to offer usable shade. Additionally, some trees were recently destroyed by natural events, illustrating that relying on trees alone is not a timely solution for their shading needs.

Mr. Rettinger noted that the applicant has been discussing trees on neighboring properties, which he doesn't control. He points out that he hasn't heard whether the applicant is willing to plant trees on their own property to achieve the desired shade for the deck.

The applicant says he is open to planting trees, but most suitable spots on his property are already taken. Existing trees, including a Japanese maple, evergreens, and trees along the fence—primarily provide privacy, not significant shade. He emphasized that these trees won't grow tall enough soon enough to make the deck more comfortable for outdoor use in the near term.

Mr. Rettinger questioned whether the applicant's lot presents a unique hardship, noting it is a fairly regular rectangular lot and the house already maximizes allowable dimensions. He ask if there is anything about the lot that is distinct from other Vienna lots to justify

the variance.

The applicant responds that, while he hasn't analyzed all lots in Vienna, he studied lots along Plum Street. His lot is wider but shallower than many neighboring lots, especially across the street, which are narrower and deeper, making compliance with the same side and rear setback requirements more practical for those lots.

Further, the lot is near a cul-de-sac and street curve, which squeezes the side of the lot where the deck is most practically placed. The house has a recessed portion used for the deck to maximize distance from property lines. Compared to neighboring lots, these features limit usable rear-yard space. The applicant argues that this combination of shallower width, street curve, cul-de-sac placement, and house layout creates a distinct hardship specific to this property, consistent with the intent of a variance.

There were no public comments or further questions from the board.

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

Mr. Creed made a motion to deny the request for a variance from Section 18-219.2., RS-10, Dimensional Standards., Rear Yard, of the Town of Vienna Zoning and Subdivision Ordinance, to construct a covered deck attached to an existing dwelling which encroaches 7.5 ft into the rear yard setback for a setback of 27.5 ft from the rear property line located at 806 Plum Street SW, in the RS-10, Single-Unit Detached Residential zone.

Motion: Mr. Creed

Second Mr. Petersen

Motion Carried

4-0

Mr. Dhanjal and Mr. Rettinger both stated that the request does not demonstrate an undue hardship, as the lot is relatively rectangular and straightforward. This lack of unique hardship makes it difficult to justify the variance.

Mr. Dhanjal noted that when the town amended zoning ordinances, residents were allowed to encroach into the rear-yard setback for certain purposes. However, the rule for covered structures was not changed, meaning that roofed decks still require a variance. He emphasized that this restriction is current law, and neither the board nor the applicant can alter it at this time.

## Regular Meeting:

## Approval of the Minutes

The October 15, 2025, meeting minutes were approved as submitted.

## Meeting Adjournment

The meeting adjourned at 8:01 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.