



# Town of Vienna

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

## Meeting Agenda Board of Zoning Appeals

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Wednesday, November 20, 2024

7:30 PM

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

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### Roll Call

### Election of Chair: Election of Chair for tonight's meeting

### Public Hearings:

#### [BZA-24121](#)

Request for approval of variances from Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Buildable Lot Dimensions, of the Town of Vienna Zoning Code, to create a new non-conforming lot from existing non-conforming parcels, known as 0384 03 0061 (Lots 61 & 62), to construct a single-unit dwelling on the newly created lot, on a portion of the parcels known as 130 Wilmar Place NW, in the RS-10, Single-Unit Detached Residential zone. The proposed non-conforming lot will not meet the following Buildable Lot Dimensions: 1) Lot area, 2) Lot Width at Front Building Line, and 3) Lot Width at Midline.

#### Attachments:

- [00 - Staff Report - 130 Wilmar Pl NW - Variance](#)
- [01 - Section 18-219 Residential - Single-Unit, 10,000](#)
- [02 - Relevant Zoning Variance Code Sections - Variances - 2024](#)
- [03 - Wilmar Place - 1924 Record Plat](#)
- [04 - Fairfax County Property Information - Lots 61 & 62 \(Parcel 61\)](#)
- [05 - Plat - 2012](#)
- [06 - Public Notification Affidavit](#)
- [07 - Application and Authorization](#)
- [08 - Variance Justification Statement - 38-4 \(\(3\)\) 61](#)
- [09 - Variance Zoning Exhibit - 38-4 \(\(3\)\) 61](#)
- [10 - BZA notifications](#)

[BZA-24122](#)

Request for approval of variances from 1) Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard, 2) Section 18-219, Residential Coverage, and 3) Section 18-213 Lot Coverage, 2.A. Outdoor living coverage., of the Town of Vienna Zoning Code, to construct: A) A covered deck, and B) an addition to the rear of the property, attached to an existing non-conforming single-family dwelling located at 409 East Street NE, in the RS-10, Single-Family Detached Residential zone. The proposed structures will encroach into the required rear yard setback of 35 feet, exceed the 25% lot coverage requirement, and deviate from the standards of Outdoor Living Coverage.

Attachments:[00 - sr\\_409 East St NE\\_Variance](#)[01 - Section 18-213 Lot Coverage & Outdoor Living](#)[02 - Section 18-219 Residential - Single-Unit, 10,000](#)[03 - Relevant Zoning Variance Code Sections\\_Variences\\_2024](#)[04 - Plat 1989 - 409 East St NE](#)[05 - Fairfax Co Permit History - 409 East St NE](#)[06 - Public Notification Affidavit](#)[07 - Application and Applicant Authorization](#)[08 - Owners and Applicants Justification R&M Sedlak 11 08 2024](#)[09 - Property Photos](#)[10 - Plat - 409 East Street NE](#)[11 - Amended Plat Showing Proposed Improvements](#)[12 - Lot Coverage Calculation](#)[13 - Existing Deck - Drawing](#)[14 - Proposed Diagram of Deck with Amendments](#)[15 - Proposed Entrance to Deck](#)[16 - Proposed Screened Porch, Deck & Entrance](#)[17 - BZA notifications](#)[18- Opinion Letter for 409 East St. NE\\_11162024](#)

[BZA-24125](#)

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:**

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

[01 - Applicant Statement of Appeal 6-7-2024 and Notice of Violation 5-8-2024 444 N](#)

[02 - Property Map, Aerial, and Site Photos](#)

[03 - 444 Maple Ave W - Approved Site Plan - Sheets 1-15](#)

[03 - 444 Maple Ave W - Approved Site Plan - Sheets 16-30](#)

[03 - 444 Maple Ave W - Approved Site Plan - Sheets 31-45](#)

[03 - 444 Maple Ave W - Approved Site Plan - Sheets 46-60](#)

[03 - 444 Maple Ave W - Approved Site Plan - Sheets 61-70](#)

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

[05 - BZA notifications](#)

[06- Appeal Deferral Request 11.19.24](#)

[BZA-24123](#)

Request for approval of a variance from Section 18-410, Fences. 1.A., of the Town of Vienna Zoning Code, to install a non-conforming fence, located at 714 Kingsley Rd SW, in the RS-10, Single-Family Detached Residential zone. The proposed fence will exceed the 4-foot height limit for fences within the corner side yard setback.

**Attachments:**

[00 - sr 714 Kingsley Rd SW Variance](#)

[01 - Section 18-410 Fences](#)

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

[03 - Public Notification Affidavit](#)

[04 - Application and Authorization](#)

[05 - Statement of Justification Morin](#)

[06 - Site Photos](#)

[07 - 714v Kingsley Plat](#)

[08 - 714v Kingsley Plat with fence overlay](#)

[09 - Top Plate Pine with Fascia 6'-01.png](#)

[10 - BZA notifications](#)

[BZA-24124](#) Request for approval of a variance from Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard, of the Town of Vienna Zoning Code, to construct a covered deck on the rear of an existing conforming dwelling, located at 1201 Ross Dr. SW, in the RS-10, Single-Family Detached Residential zone. The proposed structure will encroach into the required rear yard setback of 35 feet.

**Attachments:**

[00 - sr\\_1201 Ross Dr SW Variance](#)

[01 - Section 18-219 Residential - Single-Unit, 10,000](#)

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

[03 - Public Notification Affidavit](#)

[04 - Application & Applicant Authorization Form](#)

[05 - Variance Justification Statement - 1201 Ross Dr SW - Google Docs](#)

[06 - Site Images](#)

[07 - Plat 1201 Ross Dr SW](#)

[08 - Plans 1201 Ross Dr SW](#)

[09 - Evergreene Email - 1201 Ross Drive SW](#)

[10 - Environmental Features - 1201 Ross Dr SW](#)

[11- BZA notifications](#)

**Approval of the Minutes: July 17, 2024 and September 18, 2024.**

**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.