



STAFF REPORT COVER SHEET
July 17, 2024

Address:	303 Mill St NE Unit C	Case Number:	PF-1314844-CUP
Public Meeting Date:	7/17/2024	Applicant:	Melody Yazdani of Melody Yazdani Studios, LLC
Board/Commission:	Board of Zoning Appeals	Property Owner(s):	William B. Weber
Existing Zoning:	M, Mill District	Existing Land Use:	Commercial
Brief Summary of Request:	Request for approval of a conditional use permit for a private indoor recreation facility, specifically a tango dance hall, at 303 C Mill Street NE, in the Mill District. Application filed by Melody Yazdani, of Melody Yazdani Studios LLC, business owner.		
Site Improvements:	No changes are proposed to the existing single-story building or parking lot.		
Size of Property:	27,400 square feet (0.63 acres)		
Public Notice Requirements:	<ul style="list-style-type: none"> • Advertisement for two successive weeks in a newspaper having paid general circulation in the Town, announcing the upcoming public hearing at the Board of Zoning Appeals meeting. A public ad is scheduled for July 5 and July 12, 2024. • Staff posted a sign on the property on June 14, 2024, notifying residents of upcoming Planning Commission and Board of Zoning Appeals meetings. • A letter was sent to Fairfax County Department of Planning & Development on June 14, 2024 notifying them of the proposed CUP application and Planning Commission and Board of Zoning Appeals meetings. • Postcards were sent out to surrounding property owners with information about the proposed request for the CUP and the Planning Commission and Board of Zoning Appeals meetings. 		
Official Submission Date for Approval:	On May 14, 2024, the application was deemed by staff to be complete.		
Deadline for Action:	The Board of Zoning Appeals (BZA) should take action by September 17, 2024, 90 days after the application was deemed complete. The Planning Commission will have its June meetings in advance of this date. That date is directory rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.		

Brief Analysis	
<p>PROPERTY HISTORY</p> <p>The subject business is located at 303 Mill Street NE on a parcel approximately 0.63 acres in size. The steel frame/ cinder block building with concrete floors was built in 1971 and has a gross floor area of 15,070 square feet divided among 4 tenant spaces.</p> <p>Past conditional use permit (CUP) history for this parcel includes a conditional use permit for “dancing and live entertainment” for Bey Lounge in Suite B. The CUP for Bey Lounge was first approved by the Board of Zoning Appeals (BZA) in 2015 for one year. It was then renewed for one year in 2016, 6 months in 2017, and finally, with no time limit in 2018. The BZA denied a request to revoke Bey Lounge’s CUP in 2017 but later revoked the CUP in 2019 with agreement from the business owner. The Town received multiple noise complaints related to the music played by the business and noise from the patrons leaving the business. The BZA orders for Bey Lounge are included in Attachment 07 for reference.</p>	
<p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Map in the Comprehensive Plan shows this property as “Industrial”. The plan describes industrial uses in this area as “light industrial uses and other manufacturing activities that are not appropriate or feasible for the Town’s main commercial corridors, Church Street Commercial Corridor and Maple Avenue Commercial Corridor, as well as auxiliary commercial activities, such as restaurants, fitness centers, and retail, where they can be accommodated. Industrial development in these areas is limited to those administrative, research, and manufacturing activities that can be carried out without a detrimental impact on surrounding areas.”</p>	
<p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed use of a private indoor recreation facility is permitted with a conditional use permit per Section 18-304.</p>	
Attachments:	<ul style="list-style-type: none"> 01 – Staff Report 02 - Application and Authorization 03 – Applicant Narrative 04 – Proposed Floor Plan 05 – Abrazo Dancehall Information from website 06 – Site plan 07 – Previous BZA Orders 08 – Relevant Regulations 09 – Applicant’s Testimony at Planning Commission 6/26/24 Meeting 10 – Planning Commission Memo 11 – Notification Affidavit
Author:	Kelly O’Brien, AICP, CZA, Deputy Director

I. EXISTING CONDITIONS:

The subject parcel, 303 Mill Street NE, is situated on the eastern side of Mill Street NE, near the intersection of Mill Street NE and Ayr Hill Avenue NE. The current owner of this property is listed in Fairfax County tax records as William B. Weber. This 27,400 square foot property is zoned M - Mill District (Figure 2) and identified as Industrial Use on the Future Land Use Map (Figure 3).

The existing cinder block building is approximately 159' long by 80' deep, with four separate tenant suites A through D.



Figure 1 – Existing conditions photo of building from parking lot. Source: Staff photo.

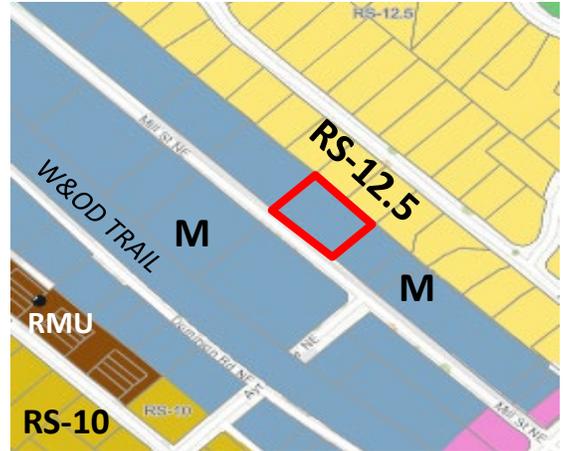


Figure 2 – Zoning Map with highlighted site location. Source: Town of Vienna GIS

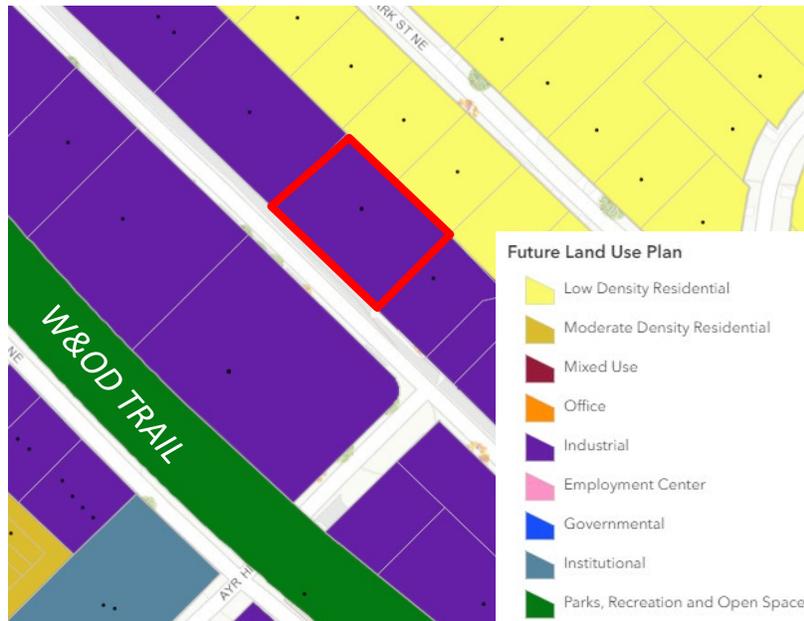


Figure 3 – Future Land Use Map with highlighted site location. Source: Town of Vienna 2015 Comprehensive Plan

II. PROPOSED USE:

The applicant currently has a certificate of occupancy to operate a portrait photography studio in unit C of 303 Mill St NE. This existing business operates from 9 a.m. to 9 p.m. Monday through Friday. The applicant proposes operating an Argentine Tango dance hall in the same unit. The hours of operation for the dancehall are proposed as monthly on Saturday from 8 - 11 p.m. and weekly on Thursdays from 8 - 11 p.m. The estimated attendance is 40-50 attendees. Staff is proposed as a maximum of 6 people including the owner, two of the owner's relatives, and three volunteers.

In a discussion with the applicant about the proposed use, the Zoning Administrator determined it was more approximate to a "private indoor recreation facility" than "dancing and live entertainment" due to the private membership and the nature of Argentinian Tango dancing as a form of organized recreation. The music played for the use is similar to music being played during exercise classes.

The applicant has provided a narrative, Attachment 03, outlining proposed efforts to maintain compliance with the criteria for a conditional use permit. The applicant hosted a "Meet and Greet" information session for the community on June 20, 2024, from 6:30 – 7:30 p.m. in the proposed tenant space, which was advertised on their website as shown in Attachment 05. The website also provides information about the proposed use and a pledge to be a good neighbor. Attachment 04 shows the proposed floor plan for the first floor and mezzanine level. No change is proposed to the use of the parking lot, as shown in the site plan in Attachment 06.

During the Planning Commission meeting on June 26, 2024, the applicant was asked if they would prefer to have flexibility on which weekday night and or which weekend night a month could host their events rather than receiving approval for only one Saturday monthly and weekly on Thursdays as submitted. Since that meeting, the applicant has requested to adjust the hours of operation to start one hour earlier during the week, to add one hour to the front and back of the weekend slot (7 pm-12 am), and add one more weekend slot a month for an eventual Sunday afternoon 3-8 pm.

III. STAFF ANALYSIS

The business proposes only operating 5 – 6 nights per month, which should lessen the impact on the surrounding properties. The hours of operation are in the evening when surrounding tenants are not in operation, which should alleviate parking issues. Additionally, the applicant has indicated the proposed installation of 20 acoustic panels (4ft x 2ft each) on the first floor, deploying 2 sound blankets (10x15ft each) at the front of the space, and adding 15ft x 10ft soundproofing panels along the rear upstairs wall in the mezzanine. The loading door has 3-inch industrial sound panels installed on the entirety of the door to mitigate sound disturbance to the surrounding properties. The noise issues with a previous business in this building were primarily

related to loud music after 11 p.m. That business operated until 2 a.m. This applicant is proposing to close at 12 a.m.

Staff is working with the property owner to update the parking tabulation for all tenants in the building. If it is determined that a modification of requirement is needed for a parking reduction, it will be brought back to the Planning Commission for recommendation to the Town Council.

If the Board of Zoning Appeals votes to approve the request for a Conditional Use Permit for a Private Indoor Recreational Facility, staff recommends the following conditions:

1. The private indoor recreational facility is specifically for tango dance hall use only.
2. The hours of operation shall be one weeknight per week from 7 pm to 12 am and two weekend days per month, 7 pm to 12 am on Saturdays and/or 3 pm to 8 pm on Sundays.
3. The dance hall operators shall not allow loitering to occur outside the premises of the dance hall.

IV. REQUIRED COMMISSION/BOARD APPROVALS:

Review of the application (as established at §18-824 of the Vienna Town Code) requires initial consideration and recommendation by the Planning Commission and a subsequent public hearing with sworn testimony before the Board of Zoning Appeals, where the application will be acted upon.

§18-824.6.E. states that the Planning Commission shall make a recommendation on the application based on Conditions for Approval outlined in §18- 824.3, and applicable Use Standards outlined in Article 3 (see Attachment 08).

§18- 824.3: The Board of Zoning Appeals may issue a use permit for any of the uses indicated within Article 3, with a “C” (conditional) on the Use Table, provided the use for which the permit is sought:

Conditions for Approval:

- A. Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- B. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- C. Will be in accordance with the purposes of the Town’s comprehensive plan; and
- D. Meets use-specific standards outlined in Article 3 of this chapter.

The Town of Vienna Code of Ordinances §18-824.4 states “The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application, within ninety (90) days of the application being deemed complete. This time period is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.”

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission heard the request for a Conditional Use Permit for a private indoor recreation facility, specifically a tango dance hall, at 303C Mill St NE at its regular meeting on June 26, 2024. The Planning Commission voted 6-0 to recommend approval with conditions to the Board of Zoning Appeals. A memo from the Planning Commission chair, including proposed conditions, is included with this application (see Attachment 10).