



Town of Vienna

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

Meeting Agenda Board of Zoning Appeals

Wednesday, December 18, 2024

7:30 PM

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

Roll Call

Public Hearings:

[BZA-24126](#)

Request for approval of a variance from Sec. 18-410.1.D., Fences., of the Town of Vienna Zoning and Subdivision Ordinance, to install a fence exceeding 6 feet in the rear yard of a single-unit dwelling located at 3 Elaine Cir SE, in the RS-10, Single-Family Detached Residential zone. Filed by Yousef Shadid, Contractor.

Attachments:

- [01 - sr_3 Elaine Cir SE_Variance_December 2024](#)
- [02 - Section 18-410 - Article 4A - Single Unit Detached Residential](#)
- [03 - Relevant Zoning Variance Code Sections_Variations_2024](#)
- [04 - BZA Notifications](#)
- [05 - 101 Moore Ave SE - 002_PROP. CONDITION](#)
- [06 - Application and Applicant Authorization_3 Elaine Cir SE](#)
- [07 - Statement of Justification Iyer_3 Elaine Cir SE](#)
- [08 - Property Photos_3 Elaine Cir SE](#)
- [09 - Plat 2-28-2012 - 3 Elaine Cir SE](#)
- [10 - Plat w Fence Location 2-28-2012_3 Elaine Cir SE](#)
- [11 - Fence drawing_3 Elaine Cir SE](#)
- [12 - Photos for the Record_3 Elaine Cir SE](#)

[BZA-24127](#)

Request to hear an appeal of the Zoning Administrator's 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 a property located at 204 Prescott Cir SE, Vienna, Virginia, tax map numbers: 0384 65 0001, in the RS-12.5 Residential zoning district. Filed by Deborah Gwyn, resident of 204 Prescott Cir SE.

Attachments:

- [01 - Staff Memo_Appeal of ZA Determination_Final](#)
- [02 - Request to Appeal Notice Violation - Nov 12 2024](#)
- [03 - Notice of Violation 10.17.2024](#)
- [04 - Relevant Zoning Code Sections](#)
- [05 - BZA Notifications](#)

Regular Business

Approval of the Minutes: November 20, 2024.

Election of Officers

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.