



Town of Vienna

127 Center Street South
Vienna, Virginia 22180
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TTY 7111

Meeting Minutes Board of Zoning Appeals

Wednesday, December 18, 2024

7:30 PM

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

Roll Call

The Board of Zoning Appeals met for the regular meeting in the Vienna Town Hall at 127 Center St S, Vienna, Virginia, on Wednesday, December 18, 2024, at 7:30 pm.

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

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

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.

Andrea West, Zoning Administrator, was sworn in to provide the Staff summary of item # 1.

Ms. West stated that the property spanned 13,184 square feet, and the house was constructed in 2012. An aerial photo was provided for reference. A zoning map was presented, showing the surrounding parcels as well as the specific parcel in question, all of which were zoned RS-10. Ms. West noted that the request was for approval of a variance from section 18-410, subsection 1D, concerning fences. The request sought permission for a fence in the rear yard to exceed the standard six-foot height limit, with a proposed total height of eight feet once constructed.

The property owner submitted a diagram indicating the location where they intended to install the eight-foot fence. The fence was not to span the entire width of the rear yard but was to align with the neighboring property. The diagram indicated a measurement of 84 feet; however, using measurement tools, it was found to be approximately 86 feet. The fence was planned to run along the rear property line, and as mentioned, the code limited fences in this area to a maximum height of six feet. For context, fences in the front or corner side yards were limited to either 4 feet or 3 feet in height.

The relevant code for fences was included, confirming the six-foot height limit in the rear yard (as shown in section 1D). Additionally, there was a diagram, which primarily applied to corner properties. Finally, a photo of the yard was shown, indicating the general area where the eight-foot fence would have been installed, viewed from the back of the property looking outward.

The applicant Jay Iyer, 3 Elaine Cir SE, the property owner, was sworn in for his testimony. He stated that the house behind was an older home that was recently reconstructed and regraded. During the regrading process, the yard was raised significantly, and a retaining wall was built just 2 feet from his fence, with dirt piled up above the fence level. This has created a hazardous situation, as parts of his fence is now below the retaining wall, and there is a slope leading down into his yard. Mr. Iyer is concerned about safety, especially with the risk of people, particularly children, falling into their yard. Also, an approximate 2-foot strip runs between the retaining wall and Mr. Iyer's fence. The Town of Vienna does require a catchment area. Town staff reviewed the original plans for the neighboring property development and necessary water mitigation was found to be in place. Ms. West confirmed that there is a Code height limit of 5 feet for retaining walls in setbacks; this retaining wall measures 3.5 feet.

Mr. Rettinger inquired whether the applicant had contacted the builder to see if they planned to install a fence, which could potentially resolve the issue without needing a variance. Mr. Iyer responded that he had reached out to the builder but had not received a reply. He expressed concern about not knowing the timeline for the builder to install the fence, assuming they intend to do so. Mr. Iyer also explained that should a family with young children move into the residence, he does not want the liability should a child fall over the fence into his yard and sustain injury.

Mr. Gadell conducted a site visit and confirmed what had been stated by the applicant. It is his belief this represents a significant risk. The top of Mr. Iyer's fence and the retaining

wall are at the same level and the strip/gap between the fence and retaining wall is narrower than the stated 2 feet. Mr. Gadell emphasized that the situation is a safety concern, questioning whether responsibility would fall on the new or current homeowner if an incident occurred. However, the main issue at hand is whether to approve a fence.

Ms. West clarified that the board can only approve a fence on the property at 3 Lane Circle, and the fence may not completely address the gap in question. Mr. Creed suggested that the issue might be unrelated to the 8-foot fence and instead could be tied to an approved site plan that created a hazard due to the grading changes approved by the town. He believes this issue should be looked at, potentially involving the town attorney and the staff who reviews the grading plans. Ms. West indicated that Town Attorney Briglia does not play a role in reviewing grading plans and confirmed the existence of several 8 and 9-foot fences throughout Nutley St.

Mr. Petersen stated that it seemed unreasonable for the applicant to seek protection from a potential hazard affecting the neighbor, given that the neighbor's residence is situated at a higher elevation. The regrading was done in accordance with the Code. The applicant's main concern appears to be liability, which is not a compelling reason to approve a deviation from the Town's Code.

Mr. Iyer responded that his concern is rooted in uncertainty about the situation and a personal anecdote where a friend was sued after an injury occurred on their property involving someone who was not supposed to be there. This experience has made the applicant cautious and hesitant about the situation.

Mr. Creed questioned whether the current 3 to 4-foot fence is on the applicant's property and not on the property behind it if someone were to fall behind the fence, it would be on the neighbor's property, not the applicant then why the applicant is concerned about a potential incident on their property when it could instead occur on the neighbor's property.

Chairman Dhanjal opened the floor for public comment.

Dr. Malini Iyer - 3 Elaine Circle SE - was sworn in to provide supporting testimony. She stated that the 2-foot strip/gap would not prevent someone from falling into their yard, especially in the night hours. A person falling 3-4 feet without any way to brace themselves would result in a hard fall, landing directly on the rocks, in the yard, or the mulch. This is a significant concern for us. The reason they're requesting an 8-foot fence is because a 4-foot fence would place the center of gravity around hip level. A height of 8 feet would provide 4 feet of clearance for both the individual and for them, offering better protection. Ms. Iyer noted if the grading hadn't been increased so drastically, with the retaining wall now almost above their fence line, they wouldn't have needed to request the variance.

Yousef R Shadid - 571 Richmond Rd Amesville, VA was sworn in to provide supporting testimony. He provided photos showing the retaining wall and illustrating the ease with which one could fall over the wall into the neighboring property. Mr. Petersen asked for the photograph to be entered into the record.

Prashant Mally- 100 Elmar Dr - was sworn in to provide supporting testimony. Mr. Mally, a resident of Vienna for 12 years and a physician, expressed concern about a significant ditch creating a safety hazard. He was worried about the potential danger to neighborhood children and visitors, emphasizing the risk of someone falling into the ditch, whether in his yard or the neighbor's. He stressed that this is a community-wide safety issue, not just a liability concern for the Iyer family. Mr. Mally also noted that children often use the open

fence between the yards to cut through to an elementary school, further increasing the risk. He urged that this safety concern be addressed.

Mr. Creed questioned whether, in his opinion, an 8-foot fence would prevent someone from falling into the ditch. Building the fence on their side isn't going to alleviate the problem of someone running down the neighbor's backyard slope coming down and falling into the ditch. Mr. Mally agreed and said that the ditch was the concern.

Ms. West noted that the photographs do not illustrate the added height created by the required sod for the 2-foot ditch. She is unaware of any additional recourse for Mr. Iyer to alleviate his concern.

Mr. Nash stated that a higher fence could serve as a warning to prevent falls. If the ground level changes and someone doesn't notice it, they might accidentally walk into a drop. A fence, extending to four feet higher, would make the grade change visible from the other side, alerting people to be cautious and pay attention.

Mr. Gadell asked if the applicant had any other recourse to address this matter and Ms. West responded no. Mr. Gadell noted that regardless of whether the fence is six or eight feet tall, the applicant still faces an issue.

Dr. Malini Iyer provided a picture for the board to review. Mr. Dhanjal asked for the picture to be entered as part of the record.

With no additional testimony, a motion was made to close the public hearing. Mr. Creed made a motion to close the public hearing, and Mr. Nash seconded the motion. The motion carried unanimously.

Mr. Nash made a motion to approve a variance from Sec. 18-410.1.D., Fences., of the Town of Vienna Zoning and Subdivision Ordinance, to install a nonconforming fence exceeding 6 feet in the rear yard of a single-unit dwelling and install a nonconforming fence located at 3 Elaine Cir SE, in the RS-10, Single-Family Detached Residential zone and raise the height to 8 feet.

Motion: Mr. Nash

Second: Mr. Lowther

Chairman Dhanjal called for additional discussion from the Board.

Mr. Nash stated that he saw no negative impact on the upside property by raising the fence. The downside is that the property is already at a disadvantage and has lost the protection it should have with a 6-foot fence. The 8-foot fence would serve as a warning of the grading change.

Mr. Lowther believes the proposed solution may not be the ideal remedy, as the town should have required some fencing on the upside property for safety. However, given the current facts, an 8-foot fence seems safer than a 6-foot fence on that side of the property. He mentioned the potential for liability, suggesting that someone could fall or get injured if the situation isn't addressed properly.

Mr. Petersen disagrees with the applicant's reasoning. The applicant mainly based their request for a waiver on the concern about a potential hazard due to the grading change on the adjacent property. However, he didn't find any convincing evidence that increasing the fence height from 6 to 8 feet would reduce the risk of falling. He stated that if there is a safety issue due to regrading, it should be addressed separately with the town, not through the proposed fence waiver.

Mr. Nash referenced the testimony from a second physician, who mentioned that due to the narrowness of the gap, a person is unlikely to fall into the ditch unless they are very small. Instead, they would likely fall over the wall. The suggestion to raise the fence to four feet on that side was to prevent a fall from going all the way over. He believes the safety concerns were addressed.

Mr. Creed agreed with Mr. Petersen that the safety issue rests with the neighboring property. Mr. Rettinger stated that he is unconvinced that an 8-foot fence is the solution, perhaps a temporary solution. The real problem lies with the uphill property, which will more likely stand the liability if something happens. Mr. Gadell agreed that there are safety issues. The board continued the discussion about safety.

Mr. Nash expressed confusion about the pushback against the proposal from some of the board members, agreeing with others that the safety issue lies with the uphill property and should be addressed by the town. He believes the 8-foot fence variance would only affect the current property, and any changes on the uphill property could either raise the fence further or alleviate the problem. Mr. Dhanjal noted that, like Mr. Nash and Mr. Lowther, he also believes the 8-foot fence is appropriate, as a lower fence could create an "attractive nuisance" due to the grading.

Mr. Gadell made a motion to close the discussion, and Mr. Rettinger seconded the motion. The motion carried unanimously.

Chairman Dhanjal called for a vote on the original motion on the floor.

The motion passed with a vote of 5-2.

Aye: Mr. Rettinger, Mr. Gadell, Mr. Nash, Mr. Lowther, Mr. Dhanjal

Nay: Mr. Petersen and Mr. Creed

Chairman Dhanjal reminded the applicant to submit the additional photographs to Ms. West.

[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.

Chairman Dhanjal called on Andrea West, Zoning Administer (previously sworn), to present Item BZA-24127 for consideration.

Ms. West stated the determination was that the property violated zoning codes regarding signs. The signs had been displayed for more than 60 days, which exceeded the limit for permanent signs under Section 18-424. Additionally, the signs were too large according to Section 18-425, as they exceeded the 4-square-foot limit per sign and the total 20-square-foot limit for all signs. On October 15, 2024, the Zoning Compliance Officer observed the violation and issued a notice on October 17, 2024. The notice could be appealed within 30 days, and on November 12, 2024, a request to appeal was received from the property owner. Photos of the signs were provided to the property owner as part of the notice.

Applicant, Debra Gwyn, 204 Prescott Circle, SE was sworn in to provide testimony.

Mr. Gwyn read her statement on the record. She expressed frustration over being unable to schedule meetings due to time constraints and requested that the Board waive any fees related to the notice. She said that this is a matter of principle, not negligence, and that waiving the fees would show goodwill and support for the community. The speaker requests an extension of the 60-day signage rule to allow political signs to remain up until January 20th, Inauguration Day, to align with the spirit of civic engagement and freedom of speech. She also suggests discussing potential changes to the current zoning codes for future elections, though they acknowledge this is not the focus of the current meeting.

During the testimony, Mr. Dhanjal inquired about a spectator's disruptive recording of the proceedings. The spectator refused to provide his name or address. Chairman Dhanjal called for a recess at 8:40 PM. Upon resuming the meeting, Chairman Dhanjal stated that the Board of Zoning Appeals are not elected officials but rather neighbors who participate in the local community. After his statement, the applicant Ms. Gwyn continued her testimony.

Ms. Gwyn expressed a desire for a balance between town regulations and the right to free expression, hoping for future conversations to extend these rights to all residents. She argues that such regulations may hinder constitutional freedoms and that their signs, though political, are not offensive and reflect patriotism.

Chairman Dhanjal opened the floor for comments from the Board. Comments are summarized as follows:

- The issue is not content but time frame.
- Signs have been up for 4 years.
- The Town Council is the one who makes the rules/ordinances, and the Board of Zoning Appeals enforces them.
- If you want the sign ordinance changed you need to be proactive and meet with the Town Council.

After comments from the board, Mr. Creed explained to the applicant that the Board of

Zoning Appeals does not change the code. The Board of Zoning Appeals enforces the code.

Ms. Gwyn stated that she was concerned about having to change the signs every 60 days per the town code. This is something she would want the Town Council to look into and possibly change. There was a brief discussion about the signage with lighting to which the applicant confirmed that the lights do not blink or flash. Mr. Dhanjal asked for the picture provided by the applicant to be part of the record.

Mr. Petersen agreed with Mr. Creed's statement and stated that what is in front of the board tonight is whether or not as of October 15, 2024, the resident was in violation of the town code as found by the Zoning Administrator to which the applicant has acknowledged that her signage had been up beyond the 60-day limit and exceeded the square footage that is permitted. There has been no evidence or argument indicating there is no violation. Chairman Dhanjal opened the floor for public speakers.

Public comment: John Boyer - 308 Tapawingo Rd SE. The speaker argues that the issue of free speech related to the 24-square-foot sign regulation is not compelling, as the town's regulations already allow ample space for expression. He suggests that if an extension is granted for one person, it could lead to a "tit-for-tat" situation, where others might start placing various politically charged signs, potentially causing division and conflict. He highlights the risk of escalating tensions, including vandalism and violence, if opposing political messages are displayed, and questions whether this is the type of environment the town wants to foster.

Public comment: Good Citizen, Walker St.

Chairman Dhanjal reminded the speaker that this was a Board of Zoning Appeals meeting. If the applicant chooses to appeal tonight's decision to the Fairfax Circuit Court, the names and addresses of public speakers must be available. The speaker provided his address but no name.

Good Citizen, 521 Walker St, SW

The speaker apologized for initially thinking the board could make a decision tonight and stated he would take their prepared speech to the Town Council instead. He referenced two Supreme Court decisions on the issue of free speech, particularly regarding political elections, and expressed his belief that there should be no restrictions during such times. The speaker thanks the board for listening and concludes by stating they will continue to advocate for change at the town council level.

Public comment: Debra Wilson, 200 Prescott Circle, SE.

The speaker expressed frustration with the signs in the neighbor's yard, which have been present for at least four years. She described the signs as cluttered and offensive, particularly some with inappropriate language. She also mentioned the loud "Honk for Trump" sign, which causes disruptive noise in the neighborhood. The speaker feels the signs misrepresent the opinions of the community and are problematic because of their lighting, which creates glare and safety issues for drivers. Ms. Wilson argued that the signs violate town codes and suggested that breaking these rules is difficult and disrespectful. She proposed imposing fines for each day the signs remain up after the decision is made regarding their legality. Overall, the speaker is embarrassed by the ongoing issue and wants it resolved, urging the board to uphold the codes and set a positive example for the community.

Public comment: Matt Di Fiore, 207 Owaissa Ct, SE.

The speaker agrees with a previous comment about the signs being up for four years and exceeding the 24-square-foot limit. He highlights that under town code, signs smaller than

1.5 square feet can be displayed in unlimited quantities, which theoretically could amount to a large total area of signs. However, he asserts that the current signs are in violation of the code. The speaker believes the town staff's finding of a violation should be upheld and opposes granting an extension until the inauguration, stating that the signs have already been up long enough, and the free speech message has been conveyed.

Mr. Creed asked the Zoning Administrator, Ms. West when the recent change took place for signs. He wondered if it was the result of Code Create. Ms. West explained that the changes to the town's temporary sign code were influenced by a Supreme Court ruling on content neutrality in sign regulation. In February 2021, the town adopted content-neutral regulations, allowing temporary yard signs up to 21 square feet with a maximum of 4 square feet per sign for a duration of 60 days. The code was later reorganized and simplified, with a new version adopted in January 2024. This updated code allows up to 24 square feet of signage for 60 days. Ms. West emphasizes that the 60-day limit has been in place since 2021, and no changes have been made to this regulation in the current calendar year.

Mr. Creed asked how the Department of Planning and Zoning is monitoring/enforcing the 60-day rule. Ms. West responded that the department currently has one Zoning Compliance Officer so at the moment the department is report-based. If they observe a sign that has been there for more than 60 days they site the property owner if necessary.

Public Comment: Ruth D'Eredita, 607 Niblick Dr., SE

The speaker identifies as a proud sign host, participating in every political election by displaying signs in accordance with town rules. They emphasize that all sign hosts are familiar with and follow these rules to maintain the privilege of promoting candidates. The speaker contrasts her experience living in various areas, noting that the town's ordinances are clear and easy to understand. She urged the town to ensure that all residents follow the same rules, advocating for fairness to those who comply with the regulations.

Public Comment: Laura Montz, 119 Kinsley Rd. SE

The speaker acknowledges the importance of signage and the town's community but points out confusion regarding the calculation of sign sizes. They explain that some signs, like the ones with individual letters (such as "Trump"), could fall within the exempt status under the zoning code, which allows signs smaller than 1.5 square feet. The speaker believes the confusion arises from whether to consider the signs collectively or individually and suggests focusing on the individual sign measurements to clarify the issue.

Public Comment: Greg Adcock, 413 Kingsley Rd. SE.

The speaker, a recent returnee to Vienna, shares his experience with political signs from previous places they lived, such as Corpus Christi, TX, and California, where signs were displayed for extended periods leading up to elections. He clarifies that the current discussion is more about the size of the signs and the freedom of speech, rather than the content of the signs themselves. Drawing on their Coast Guard experience, he notes that free speech is generally protected as long as it's not offensive or disruptive to public order. The speaker suggests that the council should establish clear guidelines for measuring signs to avoid confusion, particularly in politically sensitive situations.

Public Comment: Kyle Scott, 402 Onondio Circle, SE

The speaker notes that there were over 20 signs in a neighbor's yard, exceeding the 24-square-foot limit, and argues that the zoning laws, set by democratically elected leaders, are reasonable and should be enforced. While the speaker strongly supports free

speech and Miss Gwynn's right to express her views, he emphasizes the importance of equal treatment under the law and the town's rules, which aim to prevent excessive yard clutter. Mr. Scott insists that the signs violate the rules and that it is the board's job to enforce these regulations, not to question their validity.

With no additional speakers from the public, Chairman Dhanjal recognized the applicant for additional comment.

Ms. Gwyn (the applicant) responded to the public comments. She acknowledges the presence of various signs and flags around Vienna, including political and non-political displays, and expresses a desire for fairness in enforcing town codes. She emphasizes that her intent was never to upset neighbors, but she has been criticized harshly for her outspoken views. Ms. Gwyn admits she was unaware of the sign regulations for the first few years and only became aware after receiving zoning complaints. She expressed a willingness to comply with the rules going forward and hopes that enforcement is fair to all residents, pointing out that similar signs have been present in the town for years without issue.

A motion was made to close the Public Hearing at 9:15 PM.

Motion: Mr. Creed

Second: Mr. Lowther

The motion carried unanimously.

Mr. Petersen made a motion to uphold the Zoning Administrator determination dated October 17, 2024, 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, stating a violation of sections 18-424 Sign Standard, Permanent Sign and 18-425 Sign Standards, Temporary Signs of the Town of Vienna Zoning and Subdivision Ordinance.

Motion, Mr. Petersen

Second: Mr. Gadell

Chairman Dhanjal called for discussion.

Mr. Petersen noted for the record that no testimony this evening was given that stated the signs were not in violation of the Code. The Board of Zoning Appeals has no authority to change the Code, only enforce the Code.

Mr. Lowther stated that the board heard no evidence that the finding of fact by the Zoning Administrator was incorrect.

Mr. Dhanjal echoes earlier comments about the Board of Zoning Appeals' limited authority, emphasizing that the board can only enforce zoning ordinances, not change them. He encouraged residents to engage with the Town Council if they believe the zoning ordinances need revision, highlighting the opportunity for neighbors in the small community to work together to bring change.

Chairman Dhanjal called for a vote on the original motion on the floor to uphold the Zoning Administrator's determination.

The motion carried unanimously. The applicant was reminded of the right to take the matter to the Fairfax Circuit Court.

Regular Business

Approval of the Minutes:

The meeting minutes of November 20, 2024, were approved with corrections with a roll call vote of 4-0. Mr. Dhanjal and Mr. Lowther were not present during the November 20, 2024, meeting.

Election of Officers

A motion was made to nominate Board Member Lowther for the position of Chairman of the Board of Zoning Appeals for a 2-year term starting in January 2025.

Motion: Mr. Creed

Second: Mr. Petersen

The motion carried unanimously.

A motion was made to nominate Board Member Rettinger for the position of Vice Chairman of the Board of Zoning Appeals for a 2-year term starting in January 2025.

Motion: Mr. Creed

Second: Mr. Petersen

The motion carried unanimously.

Board Members thanked Chairman Dhanjal for his service over the last two years.

Meeting Adjournment

Chairman Dhanjal adjourned the meeting at 9:25 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.