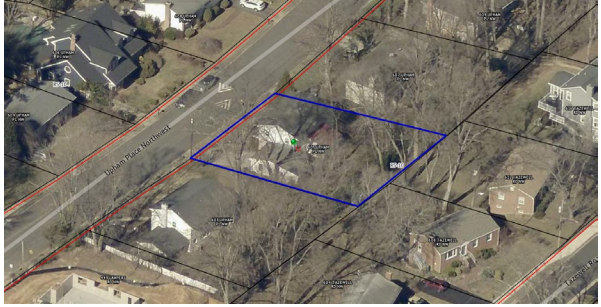




STAFF REPORT COVER SHEET

September 10, 2025

ATTACHMENT 01

Address	605 Upham Place NW	Case Number	PF-1838830-CUP
Regular Meeting Date	9/17/2025	Applicant	Carolyn Black-Bagdoyan
Board/Commission	Board of Zoning Appeals	Owner	Seto Bagdoyan & Carolyn Black-Bagdoyan
Existing Zoning	RS-10	Existing Land Use	Low Density Residential
Brief Summary of Request	The applicant requests approval to the Board of Zoning Appeals for a Conditional Use Permit to allow massage as an accessory use as a home business at 605 Upham Place NW.		
Site Improvements	n/a		
Size of Property	10,097 sf		
Public Notice Requirements:	<ul style="list-style-type: none">• Staff posted a sign on the property on 08/29/2025, notifying residents of the upcoming Planning Commission and Board of Zoning Appeals meetings.• Postcards were sent to the surrounding property owners on 09/03/2025 and an email was sent to the applicant and property owner on 08/26/2025.• A letter was sent to the Fairfax County Department of Planning & Development on 08/29/2025 notifying them of the proposed case and meeting dates for the Planning Commission and Board of Zoning Appeals.• Advertisement for two successive weeks in a newspaper having paid general circulation in the Town, announcing the upcoming public hearing at Board of Zoning Appeals meeting.		
Official Submission Date for Approval:	On August 19, 2025, the application was deemed by staff to be complete.		
Deadline for Action:	The BZA should take action by November 17, 2025, which is 90 days after the application was deemed complete. That date is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.		
Brief Analysis			
PROPERTY HISTORY <p>The subject property is a two-story dwelling constructed in 1965. On July 26, 2013, the applicant received a Certificate of Occupancy to conduct in-home yoga classes by appointment and to operate a home office related to teaching yoga classes offsite. No additional zoning or case history is associated with this property.</p>			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN <p>The location of the proposed home-based yoga and massage business is designated as <i>Residential</i> on the Town's Comprehensive Plan Future Land Use Map (p. 38). The proposal is consistent with Land Use Objective 2, "<i>Preserve established residential neighborhoods</i>", which encourages compatible activities that do not adversely affecting established residential neighborhoods (p. 39). While it is mentioned in relation to rezonings, a conditional use permit has similar requirements.</p>			

The application also aligns with the Economic Development chapter’s indicator of *“Growth in business licenses, including home businesses”* (p. 55), supporting the Plan’s broader goals of fostering small, locally-owned businesses and promoting resident health and wellness.

COMPATIBILITY WITH THE ZONING ORDINANCE

Massage as an accessory use to a home business is permitted by Conditional Use under Section 18-305 of the Town of Vienna Zoning Ordinance. The applicant has operated a licensed home yoga studio at this location since 2013, with clients entering through a side basement door and using available on-street parking. The accessory massage use consists solely of myofascial release therapy for fully clothed clients, using a portable table within the existing studio space. Given the small scale of the operation and no material changes to parking, traffic, or residential character, the proposal meets ordinance standards for home occupations and Conditional Uses. With approval of the Conditional Use Permit, the request is in conformance with the Town Code.

Attachments:	01 – Staff Report 02 – Application & Authorization Form 03 – Applicant Narrative 04 – Record Plat 05 – Photos - Exterior 06 – Photos – Interior 07 - VA License & Town Massage Permit 08 – Home Certificate of Occupancy 09 – Relevant Regulations 10 – Planning Commission Chair Memo
Author:	Kelly O’Brien, Deputy Director

I. BACKGROUND:

The subject property is located at 605 Upham Place NW in the RS-10, Residential – Single-Unit, 10,000 sq. ft. zoning district. The site is developed with a two-story single-family dwelling constructed in 1965. The property is surrounded by residential uses on all sides. A Certificate of Occupancy was issued on July 26, 2013, to conduct in-home yoga classes by appointment and to operate a home office related to teaching yoga classes offsite.

As shown in the Town's Comprehensive Plan Future Land Use Map (Figure 1), the property is designated as *Low Density Residential* (p. 38). The Residential land use designation emphasizes preservation of established single-family neighborhoods while allowing compatible activities that maintain residential character (p. 39).

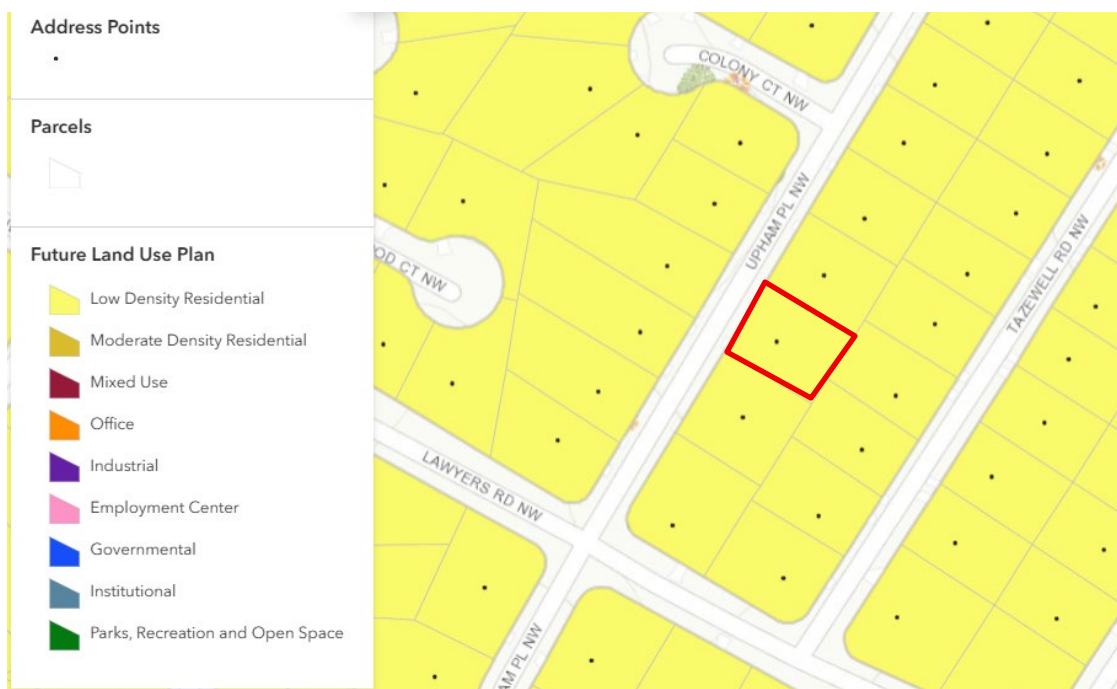


Figure1: Town of Vienna Future Land Use Map. The subject property is indicated by the red bold boundary.

As shown on the Town's Zoning Map (Figure 2), the property is zoned RS-10, Residential – Single-Unit, 10,000 sq. ft. The RS-10 zone is intended for low-density single-family dwellings and related uses. Conditional Uses may be permitted in this district when found to be consistent with neighborhood character and the standards of Section 18-305 of the Zoning Ordinance.



Figure 2: Town of Vienna Zoning Map. The subject property is indicated by the red bold boundary.

II. PROPOSED USE

The applicant proposes to continue using the existing basement studio space, accessed through a separate side entrance, for yoga therapy and to add massage (myofascial release) as an accessory use. Clients utilize available on-street parking in the vicinity.

Massage as an accessory use to a home business is permitted by Conditional Use under Section 18-305. Per the applicant's narrative, the accessory massage component consists solely of myofascial release therapy performed on fully clothed clients using a portable table within the existing studio space.

Although the applicant is not proposing to operate as what is traditionally considered massage, Chapter 22 of the Town Code defines massage therapy as the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissue of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

III. STAFF ANALYSIS

Town of Vienna 2015 Comprehensive Plan

The subject property is designated as *Low Density Residential* in the Town of Vienna's 2015 Comprehensive Plan Future Land Use Map (p. 38). The proposed addition of myofascial release therapy as an accessory use to an existing, licensed home-based yoga studio aligns with the Comprehensive Plan's vision to support compatible residential activities that preserve neighborhood character.

Specifically, the proposal supports:

- Land Use Objective 2: “Preserve established residential neighborhoods,” which mentions not adversely affecting established residential neighborhoods. (p.39) While it is mentioned in relation to rezonings, a conditional use permit has similar requirements.
- Economic Development Chapter: Indicators include the “Growth in business licenses, including home businesses” (p. 55), directly aligning with the applicant’s proposal to expand a home-based business offering wellness services.

Town of Vienna Zoning Ordinance

The property is zoned RS-10 (Residential – Single-Unit, 10,000 sq. ft.), which permits home occupations by right and massage therapy as an accessory use by Conditional Use Permit (Section 18-305).

Key zoning compliance considerations include:

- Home Occupation: The existing yoga business has operated under a valid Certificate of Occupancy since 2013, with no documented zoning violations.
- Accessory Use (Massage Therapy): The proposed massage therapy consists exclusively of myofascial release performed on fully clothed clients using a portable table within the existing studio space. There are no structural modifications or exterior changes proposed, and all services are by appointment only.
- Access and Parking: Clients use an existing separate basement entrance and available on-street parking. Given the one-therapist model, appointment-only scheduling, and existing use history since 2013, no adverse impacts to neighborhood parking or circulation are anticipated.
- Use Definition: Under Chapter 22 of the Town Code, massage therapy includes treatment of soft tissues using pressure-based techniques but excludes licensed medical or clinical practices. The applicant’s description conforms to this definition.

The proposed use maintains the character and function of a single-family dwelling and complies with the specific requirements for Conditional Use review under the Zoning Ordinance.

STAFF CONCLUSION

Staff finds that the applicant’s request to add myofascial release therapy as an accessory use to an existing, permitted home-based yoga studio:

- Complies with the Town’s Comprehensive Plan by supporting local entrepreneurship and compatible home occupations in residential areas;
- Meets the standards for Conditional Use approval under Section 18-305 of the Zoning Ordinance;
- Maintains neighborhood character and does not introduce adverse impacts related to traffic, noise, or parking;
- Supports the Town’s goals related to resident wellness, small business growth, and economic development.

As such, staff recommends approval of the Conditional Use Permit request, subject to any conditions the Planning Commission may deem appropriate to ensure continued compatibility with the surrounding residential neighborhood. As this is an application for a Conditional Use permit, the Planning Commission may consider recommending conditions to address specific concerns that could fall under the Conditions for Approval, as described in Section IV, below.

IV. REQUIRED COMMISSION/BOARD APPROVALS

Review of the application (as established under Section 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.

Section 18-824.6.D. states that the Planning Commission shall make a recommendation on the application based on the applicable Use Standards outlined in Article 3 and the Conditions for Approval outlined in Section 18- 824.3:

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 (Section §18-331 and 18-335 Outdoor Dining apply).

On September 10, 2025, the Planning Commission voted 6-0 in favor of recommending approval of the Conditional Use Permit to the Board of Zoning Appeals. The Planning Commission Chair's memorandum summarizing the discussion during the meeting and recommendation is included as Attachment 10 with this report.

Subsequent to the Planning Commission's recommendation, the Board of Zoning Appeals may issue a use permit for any of the uses indicated within Article 3 with a "C" ("Conditional") in the Use Table, as outlined in Section 18-842.6.E. The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure continued compliance with the conditions imposed.

Per Section 18-824.4, 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.