




# STAFF REPORT COVER SHEET

August 25, 2021

<b>Addresses:</b>	100 Ayr Hill Ave NE (also addressed as 301 Center St N)	<b>Case Number:</b>	587789		
<b>Public Meeting Date:</b>	8/25/2021	<b>Applicant:</b>	John Recny of Helbing Lipp Recny Architects on behalf of Ahmad and Anastasia Abraham of The Classroom LLC and Rev. Brenda Burns of Vienna Assembly of God		
<b>Board/Commission:</b>	Planning Commission	<b>Owners:</b>	Vienna Assembly of God		
<b>Existing Zoning:</b>	RS-10 and CM	<b>Existing Land Use:</b>	Institutional		
<b>Deadline for Action:</b>	11/7/2021 (90 days from 8/9/2021)				
<b>Brief Summary of Request:</b>	Recommendation to Board of Zoning Appeals for a conditional use permit for a child day center ( <i>nursery and kindergarten schools, private</i> )				
<b>Site Improvements:</b>	No improvements proposed to the site.				
<b>Size of Property:</b>	0.83 acres (36,166 sq ft)				
<b>Public Notice Requirements:</b>	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	To be published in Washington Times on September 1, 2021 and September 8, 2021. BZA meeting scheduled for September 14, 2021.			
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing	26 certified postcards were sent on August 18, 2021 to adjacent, abutting and immediately across the street property owners/agents/ occupants and subject property owners notifying them of the Planning Commission meeting as a courtesy and of the Board of Zoning Appeals hearing.			
	Posting of the property at least ten days prior to the public hearing	One sign was posted on the subject property on August 13, 2021 with dates of Planning Commission meeting and Board of Zoning Appeals hearing.			

Brief Analysis	
<p><b>PROPERTY HISTORY</b>  The subject property is 0.83 acres, bordered by Center Street North, Ayr Hill Avenue NE, and Dominion Road NE on three sides and the Ayrhill Square townhouse development and a commercial building on the northern side of the property line. The church is surrounded by a mix of residential and light industrial uses.</p> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b>  The proposed use is consistent with the Future Land Use Plan in the Town's Comprehensive Plan 2015 Update.</p> <p><b>COMPATIBILITY WITH THE ZONING ORDINANCE</b>  The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per <a href="#">§ 18-31</a>, <a href="#">§ 18-13.F</a> and <a href="#">§ 18-210.W</a> of the Town Code.</p>	
<b>Attachments:</b>	Application and Authorization Form <input checked="" type="checkbox"/> Narrative and Justification Statement <input checked="" type="checkbox"/> Conditional Use Permit Site Plan and Floor Plans <input checked="" type="checkbox"/>
<b>Author:</b>	Kelly O'Brien, AICP

ITEM NO. 1:

Recommendation to the Board of Zoning Appeals for a conditional use permit for a child day center on property located at 100 Ayr Hill Avenue NE, in the RS-10 Single-family Detached Residential and CM Limited Industrial zones. Application filed by John Recny of Helbing Lipp Recny Architects on behalf of the operators, Ahmad and Anastasia Abraham of The Classroom LLC and the owner, Rev. Brenda Burns of Vienna Assembly of God.

*Introductory Comments & Background:*

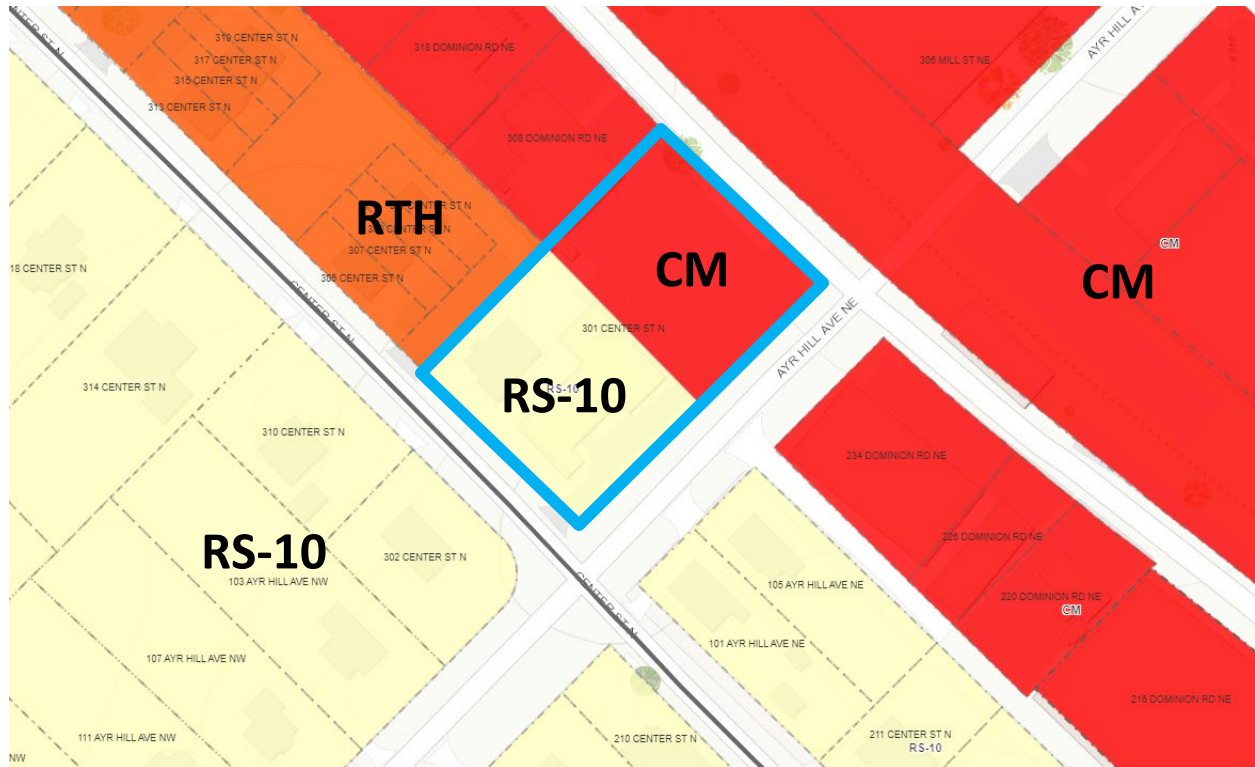
The subject property is 0.83 acres, bordered by Center Street North, Ayr Hill Avenue NE, and Dominion Road NE on three sides and the Ayrhill Square townhouse development and a commercial building on the northern side of the property line. The church is surrounded by a mix of residential and light industrial uses.



Figure 1: Aerial of Vienna Assembly of God with the proposed location of the church site outlined in red.

The property is split zoned RS-10 Single-Family Detached Residential on the Center Street side and CM Limited Industrial on the Dominion Road side. The church building and residence are located with the RS-10 zone and the parking lot is located within the CM zone.

This property has been previously approved for a conditional use permit for a kindergarten through grade 12 school for the Fairfax Christian School in 1988, with amendments in 1989. The applicant requires a separate conditional use permit for the proposed day care as it is a different use than previously approved for the site.



**Figure 2: Zoning map showing subject property with blue border and zoning of surrounding properties.**

*Current Proposal:*

The Applicant proposes to use part of the existing church building for a childcare facility. Initially the day care center will serve up to 30 children, however, the applicant is requesting for approval for a maximum of 63 children to cover future expansion of the program.

The day care operation would utilize the basement and first floor levels at full capacity. The proposed hours of operation are between the hours of 8:00 am - 6:00 pm Monday through Friday. Initially 8 staff members are anticipated on site during operating hours. As enrollment increases, staff will also increase proportionally. The proposed maximum number of staff at full capacity would be 18.

The property has a large parking lot with drive aisles that would serve as drop-off and pick-up for the children without impact to the surrounding public streets. There is an existing playground on the church property between the church and the parsonage.



***Required Commission/Board approvals:***

The Planning Commission is tasked with making a recommendation to Board of Zoning Appeals for conditional use permits per it, per [§ 18-31](#), [§ 18-13.F](#) and [§ 18-210.W](#) of the Town Code.

Review of the application (as established at §§ 18-[209:216](#) 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.

The Town of Vienna Code of Ordinances (Article 21. § 18-215) states conditional use permits must have a decision by the Board of Zoning Appeals within 90 days of the submission of a complete application.

***Relevant Regulations:***

**Town Code**

**Sec. 18-13. - Conditional uses.**

The following uses may also be permitted in all RS-16 zones subject to securing a use permit as provided in section 18-209:

- (a) Churches and other places of worship.
- (f) Nursery and kindergarten schools (private).

**Sec. 18-31. - Conditional uses.**

Conditional uses in the RS-10 zone shall be all conditional uses permitted in the RS-16 zone.

**Sec. 18-209. - Use permit subject to certain conditions.**

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not

been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

**Sec. 18-210. - Use permits required.**

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

W. Nursery and kindergarten schools (private).

**Virginia State Code**

**§ 15.2-2309. Powers and duties of boards of zoning appeals.**

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. 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 that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.