

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit Application submitted by Doug LeMasters, Director of Operations on behalf of the Trustees of the Vienna Presbyterian Church, owner, for the establishment of a week-long Hypothermia Shelter operated by the Volunteers of America Chesapeake and Fairfax County staff and situated within the Vienna Presbyterian Church on property located at 124 Park Street NE, within the RS-12.5, Single-Family Detached Residential, C-1B, Pedestrian Commercial and C-1A, Special Commercial zones.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on **November 19, 2014**, for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. The Trustees of Vienna Presbyterian Church (the "Church") hold title to 2.132 acres of property zoned RS-12.5, C1-A and C-1B. Existing improvements include the main Church facility and a large on-site parking facility. The complex is generally bounded by Church Street, NE, Mill Street, NE, Park Street, NE and Maple Avenue E.
- B. As reported by its membership, the Church itself began in 1871 with nine original members. The first building, now the "Chapel" was dedicated in 1874. Increases in membership prompted the construction of a new brick structure along Park Street, NE in 1959. Continued increases in the size of the congregation, now the largest in the Commonwealth of Virginia, required further expansion to the complex of interconnected buildings present today. The most recent expansion occurred in 2006. Twenty-two different development applicants of varying types have been reviewed by the Town over the last 20 years regarding the Church.
- C. According to submittal materials, the Vienna Presbyterian Church, in partnership with the Volunteers of America (Chesapeake) would like to be added to the list of over 35 faith communities and 4 non-profits that provide shelter space in the Fairfax County effort to Prevent and End Homelessness. The object of the program is to provide a life-saving mission to provide warm and secure overnight accommodations for unsheltered individuals who are at risk for injury and death from hypothermia during the cold months of November through March each year. **Vienna Presbyterian's selected week is February 1-8, 2015. The operational hours of the shelter would be from 5:00 PM to 7:00 AM during that specific week.**
- D. At the beginning of this process, Director Greg Hembree communicated with the applicant regarding this proposal. The Vienna Presbyterian Church participants have prepared the very detailed binders that accompany the conditional use permit application and the staff report. Approximately 5,861 square feet – including 5,024 square feet within the Church's Great Hall and adjacent classroom spaces, and 837 square feet within the Gathering Space, along with two adjoining bathrooms, would be allocated for use by the proposed Hypothermia Shelter. Sleeping areas will be provided and tables will be placed to serve dinner and breakfast. Maximum occupancy – by program users and volunteers – has been capped by the Building Official at 140 users. The Great Hall is permitted 118 occupants, and the Gathering Space is permitted 22 occupants.
- E. A very detailed set of mission, vision and values guidelines and associated procedures regarding Volunteers of America (Chesapeake) occupies the back half of the submittal binders and provides significant data on the prevention of hypothermia, program standards, and techniques for dispute resolution.
- F. The Planning Commission considered this request at their regular meeting of October 22, 2014. A copy of the Chairman's report accompanies the staff's report regarding this request and indicates that the Commission recommended approval of this request by a unanimous vote. The suggested conditions include: (1) The applicant would meet with the surrounding neighbors to explain their plans prior to going before the Board of Zoning Appeals; (2) The conditional use permit would be limited to the one week – February 1-8, 2015 - indicated by the applicant; (3) The maximum number of guests would be limited to thirty five (35); and (4) The Town should consider waiving the filing fee for a subsequent permanent conditional

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use permit, if submitted for a following year, should the program be successfully implemented at this location.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

1. The Board of Zoning Appeals determined that granting the requested conditional use permit will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna. It was determined that the center would, instead, have a positive impact on the community and it was also noted that the attendees were referred to as guests. In further comments, it was noted that homeless individuals are already a part of our community and this center would extend a positive impact by attempting to provide immediate assistance to avoid exposure to the elements and a more long-term goal of ending homelessness in Fairfax County. Moreover, it was noted that there is a larger social issue before the Board in the form of this application – making a contribution to improving the quality of life for the larger community.
2. Boardmember questioning during the public hearing brought forward testimony that indicated that church personnel were already receiving assistance from the Holy Comforter Church regarding their experience running a hypothermia center. Further, Volunteers of America (Chesapeake) has significant expertise and the Vienna Presbyterian Church volunteers will have additional training before this center is opened.
3. During this same public hearing, Boardmembers spent considerable time asking staff from the Church and representatives of Volunteers of America (Chesapeake) very detailed questions related to the hypothermia shelter and its proposed operations.
4. Noting the extremely detailed presentation, the Board expressed its appreciation to everyone who testified. The Board was also satisfied that the Town complied with all notification requirements in the immediate neighborhood (signage, advertisements, etc.) and expressed support for the applicant's additional community outreach, including the meeting held for surrounding residents and property owners.
5. A motion for approval was made to incorporate the following conditions, which was approved by a unanimous vote of the Boardmembers present:
 - a. The dates shall be February 1-8, 2015, inclusive. Staff noted that the end date was the morning of February 8, 2015.
 - b. The hours of operation during said week shall be limited to 5:00 PM to 7:00 AM the following morning.
 - c. The number of guests shall be limited to 35. The Volunteers of America stated that at least two staff will be provided at all time, and the Church will provide additional volunteers throughout the duration of the event.
 - d. Guests will be transported to-and-from the Church from the Bailey's Crossroads Community Shelter by the Volunteers of America. The guests will not be able to arrive from or leave the Church for any other destination.
 - e. Meals will be prepared off-site and brought to the Church.

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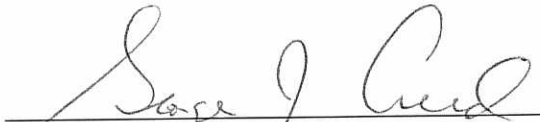
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- f. In discussing the matter of "vetting attendees," Boardmembers noted that it could be possible that if someone was found objectionable, they would need to be relocated from the site. A detailed discussion with representatives from the Volunteers of America (Chesapeake) indicated that measures and processes are in place to address such a situation to ensure the safety of all personnel and adjoining properties.
 - g. The Vienna Police Department is tasked to ensure that appropriate police presence is provided with respect to this program.
 - h. The permit approval is for one year only, and that any future programs will require a new permit.
6. It was further reiterated that being homeless is not a criminal activity but rather an unfortunate circumstance, and occurs many times through no fault on the part of the affected individual. Boardmembers felt fortunate to have an organization conducting this program with considerable expertise and experience in performing this service elsewhere within Fairfax County.

IT IS, THEREFORE, ORDERED, this 24th day of NOVEMBER, 2014, that the application, as submitted by Doug LeMasters, Director of Operations on behalf of the Trustees of the Vienna Presbyterian Church, owner, for the establishment of a week-long Hypothermia Shelter on the subject property in accordance with the above-referenced Code sections shall be **approved for the dates of February 1-8, 2015 only and subject to the conditions as stated in subparagraph 5 of the Conclusions of Law section above.**


George J. Creed, Vice-Chairman
Board of Zoning Appeals
Town of Vienna, Virginia

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Request for approval of a conditional use permit for the establishment of a Hypothermia Shelter to operate for one to two weeks during November – March of each hypothermia season; operated by Northern Virginia Family Services and Fairfax county staff and situated within the Vienna Presbyterian Church on property located at 124 Park St NE, within the RS-12.5, Single-Family Detached Residential, C-1B, Pedestrian Commercial and C-1A, Special Commercial zones. Filed by Doug LeMasters, Director of Operations on behalf of the Trustees of the Vienna Presbyterian Church, owner.

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ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on January 20th, 2016, for request of approval of a conditional use permit for the establishment of a Hypothermia Shelter to operate for one to two weeks during November – March of each hypothermia season at Vienna Presbyterian Church, located at 124 Park St NE. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. The Trustees of Vienna Presbyterian Church (the “Church”) hold title to 2.132 acres of property zoned RS-12.5, C1-A and C-1B. Existing improvements include the main Church facility and a large on-site parking facility. The complex is generally bounded by Church Street NE, Mill Street NE, Park Street NE and Maple Avenue E.
- B. As reported by its membership, the Church itself began in 1871 with nine original members. The first building, now the “Chapel” was dedicated in 1874. Increases in membership prompted the construction of a new brick structure along Park Street NE in 1959. Continued increases in the size of the congregation, now the largest in the Commonwealth of Virginia, required further expansion to the complex of interconnected buildings present today. The most recent expansion occurred in 2006.
- C. In October of 2014 the Church requested approval for a conditional use permit to operate a week long Hypothermia Shelter during February of 2015. The conditional use permit was recommended for approval by the Planning Commission and was granted by the Board of Zoning Appeals. Based on the success of last year’s Hypothermia Shelter, the applicants would like to have a recurring, one to two weeks long Hypothermia Shelter, during the November – March time period. The operational hours requested are from 5:00 PM to 7:00

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AM. A very detailed set of mission, vision, values, guidelines and associated procedures accompanied the applicant's submittal.

- D. The Planning Commission considered this matter at its regular meeting of January 13, 2016. The Planning Commission made a motion that a recommendation be made to approve the conditional use permit for the continuation of the Hypothermia Shelter to operate for one to two weeks during November - March for a duration of five years, a limitation of no more than fifty persons to attend and that any fees for renewing the application be waived.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

1. It was noted this is the third year the Board has received requests from churches wishing to participate in the Hypothermia Shelter program. The program is successful, very organized and no detrimental activity of note has been reported.
2. There is, unfortunately, still a need for the program despite best efforts to end homelessness. The program fulfills an important need, not only for Vienna but for the wider community.
3. The Board of Zoning Appeals determined that granting the requested conditional use permit will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna. The Board voted 5-0 to approve the conditional use permit with the following conditions:
 - a. The conditional use permit is valid for five years.
 - b. The guests are limited to fifty.
 - c. The hours are limited to 4:30 PM - 7:00 AM.

IT IS, THEREFORE, ORDERED, this 28th day of January, 2016, that the application, as submitted by Doug LeMasters, Director of Operations on behalf of the Trustees of the Vienna Presbyterian Church, owner, requesting the establishment of a Hypothermia Shelter to operate for one to two weeks during November - March of each hypothermia season be approved with the above listed conditions.

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A handwritten signature in cursive script, reading "Robert B. Petersen".

Robert Petersen, Vice-Chairman
Board of Zoning Appeals
Town of Vienna, Virginia