




STAFF REPORT COVER SHEET

October 20, 2021

Addresses:	124 Park Street NE	Case Number:	590159
Public Meeting Date:	10/20/2021	Applicant:	Sue Hamblen of Vienna Presbyterian Church
Board/Commission:	Board of Zoning Appeals	Owners:	Trustees of Vienna Presbyterian Church
Existing Zoning:	C-1B, C-1A, RS-12.5	Existing Land Use:	Institutional
Deadline for Action:	11/7/2021 (90 days from 8/9/2021)		
Brief Summary of Request:	Request for a conditional use permit for a hypothermia shelter, as part of operations of a church		
Site Improvements:	No improvements proposed to the site.		
Size of Property:	2.132 acres		
Public Notice Requirements:	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	Published in Washington Times on October 6, 2021 and October 13, 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	34 certified postcards were sent on September 17, 2021 to adjacent, abutting and immediately across the street property owners/agents/ occupants and certified letters were sent on September 13, 2021 to subject property owners and Fairfax County 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	Four signs were posted on the subject property on September 13, 2021 with dates of Planning Commission meeting and Board of Zoning Appeals hearing.	

Brief Analysis	
<p>PROPERTY HISTORY The subject property is 2.132 acres, bordered by Park Street NE, Church Street NE, and Mill Street NE, and Maple Avenue East. The church is surrounded by a mix of commercial, park and recreational and residential uses.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN The proposed use is consistent with the Future Land Use Plan in the Town's Comprehensive Plan 2015 Update.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per § 18-22, § 18-13.A and § 18-210 of the Town Code.</p>	
Attachments:	Application and Authorization Form <input checked="" type="checkbox"/> Narrative and Justification Statement <input checked="" type="checkbox"/> VPC Floor plan <input checked="" type="checkbox"/> VPC Evacuation Plan and Map <input checked="" type="checkbox"/> Fairfax County Hypothermia Prevention Program FAQ & Guidelines <input checked="" type="checkbox"/> VPC Evacuation Plan Previous CUP Hypothermia Shelter Orders <input checked="" type="checkbox"/> Memo from Planning Commission Chair <input checked="" type="checkbox"/>
Author:	Kelly O'Brien, AICP

ITEM NO. 1:

Request for a conditional use permit for the re-approval of an annual one to two week-long Hypothermia Shelter operated in partnership with Fairfax County staff, beginning February 2022, 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, C-1A, Special Commercial and C-2, General Commercial zones. Filed by Sue Hamblen, Director of Missions on behalf of the Trustees of the Vienna Presbyterian Church, owner.

Introductory Comments & Background:

The Trustees of Vienna Presbyterian 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.

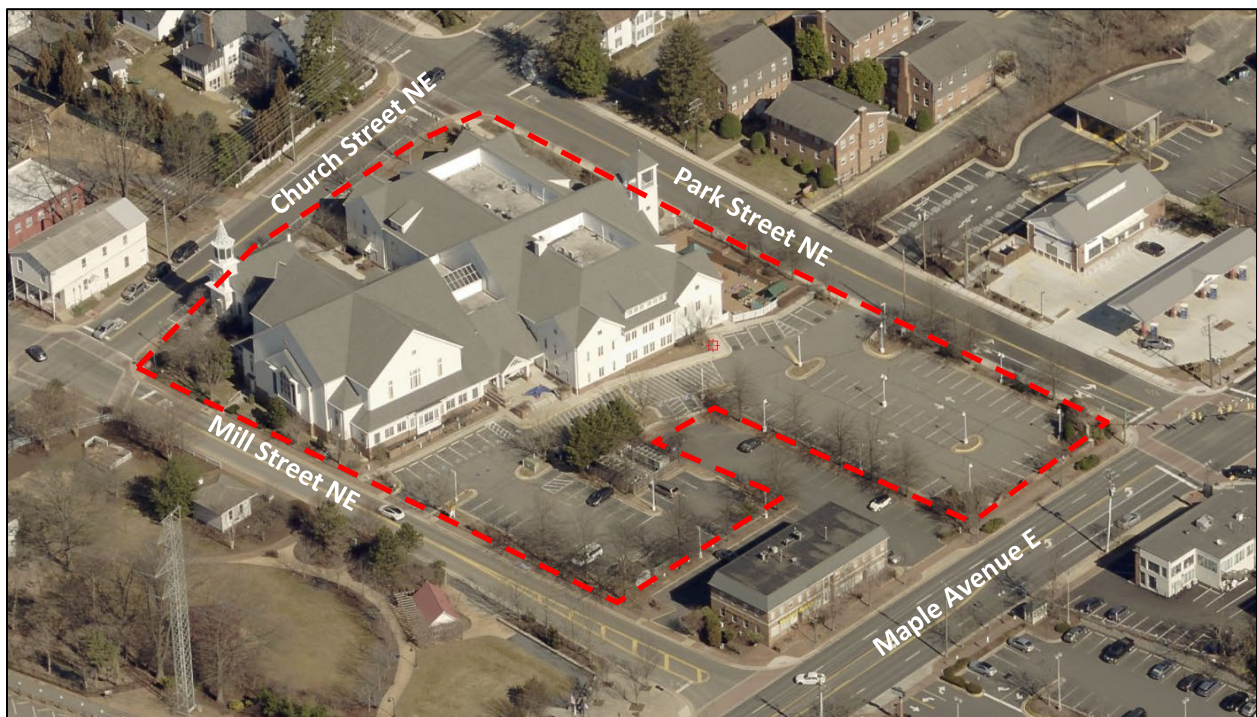


Figure 1 - Vienna Presbyterian Church captured in aerial photograph from March 2021

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 required further expansion to the complex of interconnected buildings present today. The most recent expansion occurred in 2006.



Figure 2 - Zoning map with Church property outlined in red

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 the Hypothermia Shelter, the applicants applied for a recurring shelter in 2016 for one to two weeks long annually, during the November to March time period. The conditional use permit was again approved by the Board of Zoning Appeals for a period of five years, after receiving a recommendation from the Planning Commission. The Board of Zoning Appeals approved the permit with the following conditions:

1. The conditional use permit is valid for five years.
2. The guests are limited to fifty.
3. The hours are limited to 4:30 pm to 7:00 am.

The conditional use permit expired in 2020. Due to the impacts of the Covid-19 pandemic, the Church did not operate the shelter in 2021.

Proposed Activities Overview:

The Vienna Presbyterian Church would like to again 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. The operational hours of the shelter would be overnight, from 5:00 PM to 7:00 AM, for one to two weeks, recurring during the “hypothermia season”, from November to March. The requested dates for 2022 are for two weeks from February 6th to February 20th. The applicant has stated the desire to have the CUP renewal be approved for a two week period annually during the months from November to March with no expiration of the permit.

As with the previous application, approximately 4,943 square feet—including 4,148 square feet within the Church’s Great Hall and adjacent classroom spaces, and 795 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.

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 § 18-22, § 18-13.A and § 18-210 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.

Sec. 18-22. - Conditional uses.

Conditional uses in the RS-12.5 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.

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.

Planning Commission Recommendation:

The Planning Commission heard the request for the conditional use permit at their regular September 22, 2021 meeting. After hearing from the applicant, the Planning Commission discussed the proposed use. The Planning Commission voted on a 6-0-1 (6 ayes and 0 nays and 1 abstain) to recommend approval of the hypothermia shelter. The Planning Commission Chair's memo is included with the application packet.