



## AGENDA

**BOARD OF ZONING APPEALS  
VIENNA, VIRGINIA**

**July 17, 2019  
8:00 PM  
COUNCIL CHAMBERS-TOWN HALL**

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ROLL CALL:

PUBLIC HEARING:

1. Continuance - request for an appeal of a zoning violation stating the subject property is not in compliance with Town Code §18-218 as it relates to building permit requirements, for the property located at 124 Melody Lane, SW, in the RS-10, single-family detached residential zone. Application filed by Nicholas Cumings agent of Walsh Colucci Lubeley & Walsh PC.
2. Continuation of a request for approval of a variance from Section §18-33.C of the Vienna Town Code to construct a front porch beyond the front-yard setback line on the property located at 919 Ware Street SW in the RS-10, Single-Family Detached Residential zone. Filed by R. Jonas and Darcey K. Geissler, owners.
3. Request for revocation of a conditional use permit for live entertainment for Lela, LLC DBA Bey, located at 303A Mill St NE, in the CM, Limited Industrial zone. Application for revocation filed by Frank Simeck, Zoning Administrator for the Town of Vienna.
4. Request for approval of a variance from Section §18-33.E of the Vienna Town Code to construct a rear screened porch over a portion of an existing unpermitted deck that encroaches into the rear-yard setback on the property located at 206 Scott Circle, SW; in the RS-10, Single-Family Detached Residential zone. Application filed by, Brian Buyniski & Julia Kreyskop owners.
5. Request for approval of a conditional use permit from Section §18-74.E of the Vienna Town Code for an animal hospital, located at 414 Maple Avenue East, in the C-1 Local Commercial district. Application filed by Banfield Pet Hospital.

REGULAR MEETING:

1. The Board will reach a decision on the above-listed agenda items at the conclusion of the scheduled public hearing.
2. Election of new Vice Chair.

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.

3. Approval of the minutes.
4. Adjournment.

### **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.

The second portion of the meeting – the Regular Meeting – will convene after the Public Hearing has been closed. The Board will reach a decision on each item. The grant of any appeal from a decision by the Town's Zoning Administrator requires an affirmative vote of a quorum, no less than a majority of membership (4), of the Board. The grant of a Conditional Use Permit or variance requires an affirmative vote of a quorum, no less than a majority of membership (4), of the Board. If you are unable to stay for the last portion of the meeting, you may learn the Board's decision by contacting staff.

**Board of Zoning Appeals Agenda**  
**Page 3 of 3**

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.