



Department of Planning and Zoning
Town of Vienna
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MEMORANDUM

Meeting Date: March 19, 2025

To: Board of Zoning Appeals

From: Andrea West, Zoning Administrator

RE: Appeal of Zoning Administrator Determination
Notice of Zoning Violation - May 8, 2024
444 Maple Ave W, 0383 02 0139
440 Maple Ave W, 0383 02 0140
430 Maple Ave W, 0383 02 0141

Appeals of Zoning Administrator Determinations

Per *Section 15.2-2311. Appeals to board. of the Code of Virginia*, and *Section 18-820 Appeals of Zoning Administrator Decision*, of the *Town of Vienna Zoning and Subdivision Ordinance*, the recipient of any Notice of Violation has the right to appeal the written order within 30 days of the date of the notice.

Appeal Case History

- On May 8, 2024, the Zoning Administrator delivered a Notice of Zoning Violation to the applicant, regarding the property owners lack of compliance with the approved site plan on the referenced properties. The site plan was approved on June 9, 2021. (*Attachment 04*)
- On June 7, 2024, the applicant's representative, Sara Mariska of Odin, Feldman, Pittleman hand-delivered to the clerk of the Board of Zoning Appeals, the request to appeal. The applicant has thereby met the 30-day timeline. (*Attachment 03*)
- The applicant requested to defer the discussion of the appeal scheduled for the July 2024 meeting of the Board of Zoning Appeals in writing on July 12, 2024. Staff submitted that request to the Chair of the Board of Zoning Appeals, the Board approved the request in a motion and the item was not discussed.
- At the November 2024 meeting of the Board of Zoning Appeals, the applicant's representative again asked for a deferral while the property owners continued to work with Town Staff to develop an interim plan for the site. The Board granted the deferral and requested the item be discussed at the March 19, 2025, meeting at the latest.
- On March 13, 2025, the Town of Vienna approved an updated site plan, which includes two new sheets showing an interim site layout. (*Attachment 05*)

Summary of Determination

The appeal challenges the Zoning Administrator's determination that the subject properties have remained non-compliant with the approved site plan since the demolition of the previous hotel and restaurant structures in May 2022. Over the past three years, no progress has been made towards compliance with the site plan, including the failure to obtain a building permit for the remaining demolition and site preparation for development. The site currently remains in an unimproved state, with temporary construction fencing that is past "temporary" status, exposed foundations, and construction debris. No building permit or site plan approval exists that allows for the current state of the site. Therefore, the subject properties are in violation of *Section 18-836 Site Plan Review of the Town of Vienna Zoning and Subdivision Ordinance*.

Decision of the Board of Zoning Appeals

The Board's decision today is whether to: 1) uphold the determination of the Zoning Administrator, or 2) overturn the decision of the Zoning Administrator regarding the Notice of Violation issued on May 8, 2024.

Potential motions:

- I move to **uphold** the Zoning Administrator's Determination dated May 8, 2024, for the properties at 430 Maple Avenue W (0383 02 0141), 440 Maple Avenue W (0383 02 0140), and 444 Maple Avenue W (0383 02 0139), affirming the determination of the violation of *Section 18-836 Site Plan Review of the Town of Vienna Zoning and Subdivision Ordinance*.
- I move to **overturn** the Zoning Administrator's Determination dated May 8, 2024, for the properties at 430 Maple Avenue W (0383 02 0141), 440 Maple Avenue W (0383 02 0140), and 444 Maple Avenue W (0383 02 0139), stating a violation of *Section 18-836 Site Plan Review of the Town of Vienna Zoning and Subdivision Ordinance*.

Signed,



Andrea West, CZA
Zoning Administrator

Attached:

1. Staff Memo to Board of Zoning Appeals, Meeting Date: March 19, 2025
2. Property and Site Photos, various dates
3. Statement of Appeal of Notice of Violation, June 7, 2024
4. Approved Site Plan, June 9, 2021
5. Approval Letter and Revised Site Plan Sheets

6. Relevant Code Sections
7. Public Notifications Affidavit