

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Request for conditional use permit for assisted living on a 0.85-acre parcel, lot 147, located at 374 to 380 Maple Avenue West, in the MAC - Maple Avenue Commercial zone. Application filed by Sara Mariska, Attorney/Agent, on behalf of Sunrise Development, Inc.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on December 18, 2019 for a Conditional Use Permit from Section 18-95.5 of Vienna Town Code. 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 subject site includes one parcel, located at 374-380 Maple Avenue West. The parcel is zoned MAC Maple Avenue Commercial. Maple Avenue West, Wade Hampton Drive Southwest, and Glen Avenue Southwest border the site, respectively on the northern, western, and southern sides. Two condominium office buildings border the property on the eastern side.
- B. There is one existing building on the subject site. The building, a 3-story office building, was built in 1970 and contains 23,620 square feet of office space. Seventy associated off-street parking spaces are also located on-site. A conditional use permit was granted in 1969 to permit a portion of the off-street parking to be located in the rear part of the parcel zoned RS-16 Single-Family Detached Residential.
- C. The property was rezoned from C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts to MAC Maple Avenue Commercial zoning district on June 17, 2019. Town Council voted to approve the rezoning application for a mixed-use building with approximately 7,500 square feet of ground floor retail and 37 multifamily residential condominium units at 374-380 Maple Avenue West.
- D. On August 19, 2019, Town Council voted to accept amendments to proffered conditions for the property. The applicant proffered to provide 36 feet of roadway within the existing Wade Hampton Drive SW right-of-way, as opposed to 32 feet of roadway originally proposed. Those amendments did not affect conditions of use or density and therefore the governing body had the right to waive the requirement for a public hearing for amended proffers per § 15.2-2302.

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- E. The applicant is proposing amendments to the approved proffered conditions including changes to the proposed use, concept plan and architectural plans. The proposal includes approximately 950 square feet of ground floor restaurant space, maximum of 85 assisted living units or maximum of 120 beds, and common areas for the assisted living use. Improvements also include at-grade structured parking and one level of underground parking. The applicant is also requesting a modification of requirement for the required width of the loading space, from a required 45-foot wide space to a 15-foot wide space and a conditional use permit for the proposed assisted living use.

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

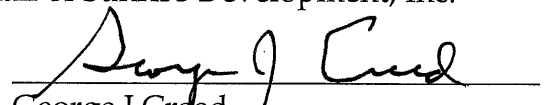
The Board voted 4-1 to approve the application, filed by Sunrise Development, Inc. requesting a conditional use permit for assisted living on a 0.85-acre parcel, lot 147, located at 374 to 380 Maple Avenue West, in the MAC - Maple Avenue Commercial zone with the following conditions:

- I. Town Code Section 18-216 limiting CUP to 6 months would be extended to 24 months.
- II. Approval of the CUP would be contingent on Town Council approving the proffer amendment.

If the terms and conditions of the submitted application are not met, then this order may be revoked per the Town Code Section 18-209.

The Board supported the application because; the applicant made a good justification and answered the questions raised during the hearing, and the application fits with the comprehensive plan of promoting a vibrant central business district.

IT IS, THEREFORE, ORDERED, this 19th day of DECEMBER, 2019 that the application requesting approval of Conditional Use Permit, from Section 18-95.5 of the Vienna Town Code, for assisted living in the MAC, Maple Avenue Commercial district, filed by Sara Mariska, Attorney/Agent, on behalf of Sunrise Development, Inc.


George J Creed
Board of Zoning Appeals, Vice-Chair
Town of Vienna