



Town of Vienna

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Vienna, Virginia 22180
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TTY 7111

Meeting Minutes Board of Zoning Appeals

Wednesday, March 16, 2022

7:30 PM

COUNCIL CHAMBERS-VIENNA TOWN
HALL

Roll Call

The Board of Zoning Appeals (BZA) held one advertised public hearing in the Council Room of the Vienna Town Hall, located at 127 Center Street, South, Vienna, Virginia, on March 16, 2022, beginning at 7:30 PM with Daniel Nash presiding as Chair. The following members were present in Council Chambers: Daniel Nash, Manpreet Dhanjal, Robert Petersen, Robert Dowler, George Creed, Jonathan Rak, and Michael Gadell. Also attending in person and representing staff were Andrea West, Zoning Administrator, and Sharmaine Abaied, Board Clerk.

Mr. Nash called the meeting to order and asked for the clerk to call the roll with Mr. Petersen, Mr. Nash, Mr. Dhanjal (arrived late), and Mr. Dowler, Mr. Creed, Mr. Rak, and Mr. Gadell being present

Mr. Nash told the audience and Board members that the second agenda item would be tabled until a later date. He also explained the purpose of the Board of Zoning Appeals and the meeting process.

Public Hearings

377 Maple Ave W - The Maple Room - Conditional Use Permit - Outdoor Seating

Request for approval of a conditional use permit from Section §18-211 of the Vienna Town Code for outdoor seating for Maple Room restaurant, located at 377 Maple Avenue West, in the C-1, Local Commercial zone. Application filed by John Gaston, Paramount Construction Services, on behalf of Sarantis Properties, owner.

Ms. West gave a brief overview of the application to include the property location, the zoning information for the site as well as existing conditions and proposed changes to the restaurant and site.

Mr. Creed asked if parking for the new restaurant vs. the previous restaurant along with the number of seats were essentially the same. Ms. West stated they were retaining all 75 of the parking spaces and requesting 170 indoor seats, and 44 outdoor seats (214 seats total). Per code, the number of seats requested, parking meets and exceeds the codes requirement by 21 parking spaces.

Mr. Dowler asked if the seating / parking comparison was included in the packet information the Board received. Ms. West stated it was not.

Mr. John Gaston of 3780 Center Way Fairfax, VA 22030 was sworn in to speak.

Mr. Gaston pointed out the trees on the back wall, between residential area and parking

lot. He stated there would be more green space added to the front of the building with a sidewalk connecting Maple Ave to the building.

Mr. Cristos Sarantis, 21441 Pacific Blvd #115, Sterling, VA 20166, was sworn in to speak.

Mr. Creed asked about shade for the outdoor seating as the proposal does not show trees or any shade for customers who will be dine during the day. He also inquired about the hours for the outdoor seating. If there is a potential, in the future, to change the hours for outdoor seating, then it's better to have the hours set on the Conditional Use Permit to avoid the applicant coming back at a later date to request a change for the time.

Mr. Sarantis stated he did not want to overstep as they would not be open those hours (11am – 10pm) upon the restaurants opening, but possibly later.

Mr. Nash asked what the normal operating hours would be, Mr. Sarantis stated they would be open from 11am-10p.

Mr. Creed asked why there was no shade proposed for the outdoor seating. Mr. Sarantis stated they were planning umbrellas for the tables but had not settled on what kind. Ms. West noted that any umbrellas or shading would be under the purview of the BAR to ensure it works with the structure and would be resilient material.

Mr. Rak asked if there was any reduction of the public sidewalk. Mr. Gaston stated the existing sidewalk would remain there was just a change in the connection. Mr. Rak asked about the width of the public sidewalk, and Mr. Gaston stated he believed it was five feet.

Mr. asked for any additional questions or if any audience member wanted to speak. There being none, Mr. Nash asked for a motion to close the public hearing portion of the meeting. Mr. Petersen made a motion and Mr. Gadell seconded the motion.

Motion: Mr. Petersen

Second: Mr. Gadell

Ayes: 7

Nays: 0

Mr. Nash asked for a motion on the conditional use permit.

Mr. Dowler made a motion that the request for approval of a conditional use permit from Section §18-211 of the Vienna Town Code for outdoor seating for Maple Room restaurant, located at 377 Maple Avenue West, be granted with the following conditions:

- The hours of operation for the outdoor seating be from 11am to 10pm 7 days a week.
- The outdoor seating does not exceed 44 seats.

Mr. Petersen seconded the motion.

Mr. Creed asked to amend the motion to add in the shade or umbrellas

Mr. Nash asked if that was under the purview of the Board of Architectural Review

Ms. West stated that if the BZA would like for the shading to be a condition and the BAR would review the aesthetics of the shading. The Board would need to keep in mind that the

BZA order would require shading in perpetuity.

Mr. Petersen stated he did not think it was necessary to add the shading as it would be a business decision and did not directly affect the health and safety of patrons of the restaurant. Mr. Nash and Mr. Dowler agreed, the amendment fail for lack of second.

Mr. Rak stated he was happy to see a restaurant going into that location. Mr. Gadell asked if the TSC would potentially look at a crosswalk at that location.

Mr. Nash stated the presentation and discussion satisfied the requirements of Section §18-209 & Section §18-210 referring to health, safety, and public welfare and the application does not counter those code sections.

Motion: Mr. Dowler

Second: Mr. Petersen

Ayes: 7

Nays: 0

Motion passed.

Public Hearing for Consideration of Request for Conditional Use Permit for School Use related to Renovation and Expansion of Louise Archer Elementary School, Located at 324 Nutley Street NW, in the RS-12.5 Single-Family Detached Residential Zoning District

****This agenda items will NOT be heard at the Wednesday March 16, 2022, Board of Zoning Appeals meeting. It will be re-scheduled to be heard at a later date. ****

Mr. Nash asked Ms. West to speak on agenda item 2. Ms. West stated the second agenda item did not have accurate advertising, as pointed out by Mr. Nash. In an abundance of caution, it was decided to not hear the item as the CUP was for the expansion of the school in addition to the continue use of trailers during construction. The legal notice did not have that language in the advertisement. Ms. West asked Board members if it would be possible to have a special meeting the of April 3rd or April 10th. It was decided that there were additional conflicts that did not allow for a special meeting so it was decided to have the meeting during the regular April Board of Zoning Appeals meeting date of April 20, 2022.

Although the Louise Archer CUP was not being heard, one member of the public did want to speak for the record.

Mr. Chad Bishop, 323 Nutley St NW was sworn in to speak

Mr. Bishop stated his concern that he thought was not requested was the change of the height in the residential lighting as he felt it was dramatically different. The other item he was not sure if it had been addressed was the speed table and if it was to be removed or if it would remain. He stated that he and other neighbors would not like for it to be removed as there is a lot of traffic with the high school. If the speed table was to be removed, Mr. Bishop asked if it could be placed elsewhere.

Regular Business

Mr. Dowler, under regular business, stated his concern about staff not being sworn in before giving their presentation. Mr. Nash stated Mr. Dowler's concern had been run by the town attorney who stated there was no need to swear in the staff member. There was continued discussion regarding the whether there was a need to swear in the staff member.

Approval of the Minutes:

Mr. Nash stated the last business would be the approval of meeting minutes and mentioned that there were some corrections.

Mr. Dhanjal made a motion to approve the minutes Mr. Gadell seconded the motion.

Motion: Mr. Dhanjal

Second: Mr. Gadell

Ayes: 6

Nays: 0

Abstain: 1

Motion passed.

Meeting Adjournment

Mr. Nash asked for a motion to adjourn.

Mr. Rak motioned to adjourn, Mr. Gadell seconded the motion. All members present voted in favor of adjourning.

The meeting was adjourned at 8:04 PM.

Respectfully submitted,
Sharmaine Abaied
Board Clerk

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.

About the Board of Zoning Appeals

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. During the public hearing each agenda shall be closed a decision will be rendered.

The grant of a Conditional Use Permit, Variance, or appeal from a decision by the Town's Zoning Administrator requires an affirmative vote of no less than a majority of membership, of the Board. The Board consists of 7 members and a majority consists 4 members. If the applicant is unable to stay for the Board's decision portion, the applicant may learn the Board's decision by contacting staff.

The second portion of the meeting – the Regular Meeting – is for approval of meeting minutes and new business and will convene after the Public Hearing has been closed.

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.