

Frank Simeck, CZA
Zoning Administrator

MEMORANDUM

TO: All Interested Parties

FROM: Frank Simeck, CZA, Zoning Administrator 

DATE: March 14, 2019

SUBJECT: Zoning Administrator Determination re: Definition of Mezzanine as Provided for in the Maple Avenue Commercial (MAC) Zone Regulations

In reviewing the MAC rezoning application and plans dated 1/15/19 for Sunrise Assisted Living (100, 102, and 112 Maple Avenue East), the question has been raised as to what is considered the "floor below" in calculating a mezzanine. Per Virginia State Code Sec. 15.2-2286, "[T]he zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance ... His authority shall include ... (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under §15.2-2307 or subsection C of §15.2-2311."

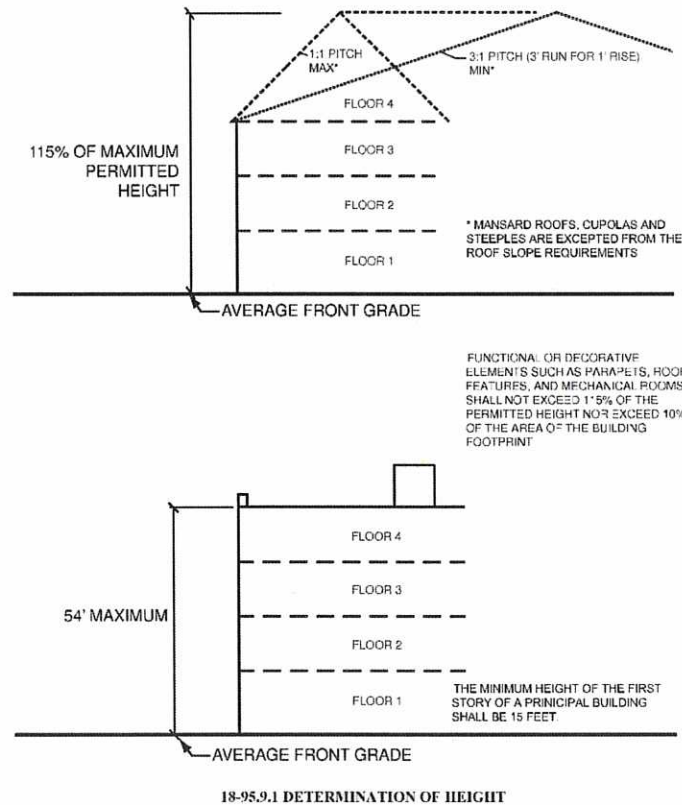
This memo serves as the zoning administrator's official interpretation and determination of Sec. 18-95.9.D. of the Vienna Town Code, which reads as follows:

Sec. 18-95.9. - Height limit.

D. Mezzanines shall not occupy more than fifty percent of the area of the floor below and shall not be considered a story for the purposes of determining height for residential uses only.

Findings of Fact

1. Per Sec. 18-95.9.1. of the Town Code, the maximum height in the MAC zone "shall be the lesser of four stories or 54 feet, as shown in Figure 18-95.9.1, Determination of Height," and provided below.
2. The definition of *mezzanine* is provided in Sec. 18-4. - Definitions of the Town Code: "*Mezzanine* means an intermediate, habitable level of space located between two floors and partially open to the floor below."



Determination

It is the determination of the Town of Vienna zoning administrator that based on Figure 18-95.9.1., *Determination of Height*, of the Town Code, the reference to "floor below" in Sec. 18-95.9.D., is to the total building footprint of the floor below a proposed mezzanine. This would include all building elements from the front of the building to the rear, including the commercial space, parking structure, stairs, elevators, etc. In addition, per the definition of *mezzanine* provided in Sec. 18-4 of the Town Code, it is the zoning administrator's determination that "partially open to the floor below," means a mezzanine must be physically open and/or visually connected with windows to the space(s) below.

CC: Cindy Petkac, Director of Planning & Zoning
 Steven D. Briglia, Town Attorney
 Mercury Payton, Town Manager
 Lynne Coan, Communications and Marketing Manager