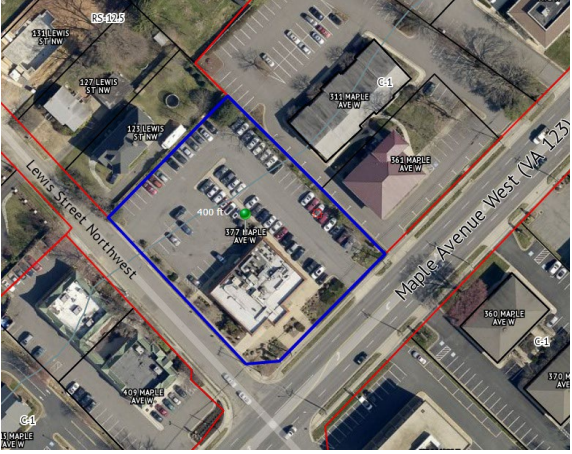


# STAFF REPORT COVER SHEET

February 23, 2022

<b>Address:</b>	377 Maple Ave. W.	<b>Case Number:</b>	688118
<b>Public Meeting Date:</b>	2/23/2022	<b>Applicant:</b>	John Gaston of Paramount Construction Services, LLC
<b>Board/Commission:</b>	Planning Commission	<b>Owner:</b>	Vienna One, LLC
<b>Existing Zoning:</b>	C-1	<b>Existing Land Use:</b>	Commercial
<b>Summary of Request:</b>	Recommendation by the Planning Commission to the Board of Zoning Appeals for conditional use permit for outdoor seating for Maple Room restaurant.		
<b>Site Improvements:</b>	Renovation of existing 4,882 square foot structure, addition of a 532 square foot deck for proposed outdoor dining, reconfiguration and restriping of existing parking lot including loading areas, ADA parking spaces and dumpster location, and improved landscaping		
<b>Size of Property:</b>	43,347 sq ft (0.99 acre)		
<b>Public Notice Requirements:</b>	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	Advertisement for BZA hearing scheduled for March 16, 2022 to be published in Washington Times on March 2, 2022 and March 9, 2022.	
	Posting of the property at least ten days prior to the BZA public hearing	One sign posted along Maple Avenue West frontage of property on February 11, 2022 with dates of Planning Commission meeting and Board of Zoning Appeals hearing.	
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from	Written notice of hearing date sent to the applicant by registered mail on February 11, 2022, and post cards were sent to surrounding neighbors on February 18, 2022 advertising the application and	

	subject site at least 5 days prior to public hearing	meeting date for the Planning Commission and Board of Zoning Appeals.
	Written notice by certified mail to County Executive/Designee	On February 11, 2022, a certified letter was sent to Fairfax County Department of Planning & Development.
<b>Brief Analysis</b>		
<p><b>PROPERTY HISTORY</b></p> <p>The subject site is approximately 1 acre and is located at the northwest intersection of Maple Avenue W and Lewis Street NW. The property was formerly the location of the Amphora Diner. The existing 10,018 sq ft restaurant structure was constructed in 1977. The property also contains a surface parking lot, freestanding sign structure, and trash enclosure.</p> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b></p> <p>The proposed use of outdoor dining is consistent with of the goal to encourage a vibrant Central Business District within the Town’s Comprehensive Master Plan (Page 19). The Town’s Economic Development Strategy, adopted in 2021, identifies outdoor dining as critical element to Vienna’s business districts.</p> <p><b>COMPATIBILITY WITH THE ZONING ORDINANCE</b></p> <p>Per Section 18-72.A, restaurants are permitted by right in the C-1 zoning district. The proposed outdoor dining is permitted as an incidental use per Section 1-72.C.2.a subject to conditional use permit approval per Section 18-210.I.</p>		
<b>Attachments:</b>	01 – Staff Report 02 – Application 03 - C0.0 Cover Sheet 04 - C1.0 Existing Conditions 05 – C2.0 Layout Plan 06 - C2.1 Restaurant Seating Plan 07 - C2.2 Existing Photos & Rendering 08 - A-300 Exterior Elevations 09 - A-301 Exterior Elevations 10 - S101 Deck Details	
<b>Author:</b>	Andrea West, CZA, Zoning Administrator	

**ITEM NO. 4:**

Recommendation by the Planning Commission to the Board of Zoning Appeals for conditional use permit 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.

*Introductory Comments & Background:*

The subject site includes a one-story commercial structure previously occupied by the Amphora Diner. The diner closed January 2021 after 40 years in operation. The existing 4,882 square foot structure, built in 1977, is to be renovated for a new restaurant tenant.

The site is zoned C-1 Local Commercial. The primary entrance is on the Maple Avenue façade, with a secondary entrance from the rear parking lot. The rear parking lot, accessible from Maple Avenue and Lewis Street, contains 70 spaces and a freestanding dumpster enclosure. The uses surrounding the site include residential to the northwest, and a mix of commercial and medical uses on the west, across Lewis Street, east on an adjacent parcel, and south across Maple Avenue.



Figure 1 – Zoning Map with highlighted site location.

***Current Proposal:***

The applicant is proposing the complete renovation of the 4,882 square foot structure for a new restaurant concept, with the addition of a 532 square foot deck (14' by 38') for outdoor dining on the Lewis Street (southwest) elevation, see *A301\_Exterior Elevations*, *C2.0\_Layout Plan*, and *C2.1\_Restaurant Seating Plan*. The deck is proposed to include 44 seats, including 3 accessible seats. The proposed deck is located approximately 150 feet from the nearest single-unit residential property line and approximately 190 feet from the nearest residential home located directly to the north on Lewis Street.

The application states that the business hours will be 4:00 pm to 10:00 pm on weekdays and 11:00 am to 10:00 pm on Saturdays and Sundays.

***Required Commission/Board approvals:***

Review of the application (as established at §§ 18-209:216 of the Vienna Town Code) requires initial consideration and recommendation by the Planning Commission and a subsequent public hearing with sworn testimony before the Board of Zoning Appeals, where the application will be acted upon.

The Town of Vienna Code of Ordinances (Article 21. § 18-31) states conditional use permits must have a decision by the Board of Zoning Appeals within 90 days of the submission of a complete application.

***Staff Analysis:***

The restaurant use is permitted per Section 18-72.A with the incidental use of meals “served for consumption on a roof garden of such building or at sidewalk tables directly adjoining such building, subject to the provisions of article 21 of this chapter,” in Section 18-72.C.

The proposed use of outdoor dining is consistent with of the goal to encourage a vibrant Central Business District within the Town’s Comprehensive Master Plan (Page 19). The Town’s Economic Development Strategy, adopted in 2021, identifies outdoor dining as critical element to Vienna’s business districts.

***Relevant Regulations:***

**Town Code**

**[Sec. 18-209. - Use permit subject to certain conditions.](#)**

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

**Sec. 18-210. - Use permits required.**

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

- I. Consumption of meals on a roof garden of an enclosed building in which a restaurant is located, or at sidewalk tables directly adjoining such building.

**Virginia State Code**

[§ 15.2-2309. Powers and duties of boards of zoning appeals.](#)

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.