

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Request for a conditional use permit for assisted living as part of a rezoning to the Maple Avenue Commercial (MAC) zoning district. Applicant proposes a mixed-use building with retail space on the ground floor and senior assisted living facility. Application filed by Sara Mariska of Womble Bond Dickenson, agent for Sunrise Development Inc.

**ORDER**

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on May 15, 2019 for a Conditional Use Permit from Section 18-95.5.J 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 100-112 Maple Avenue East. The parcel is zoned C-2 General Commercial and C-1A Special Commercial. Maple Avenue East and Center Street North border the site, respectively on the southern and eastern sides. The Vienna Inn borders the property to the west and an office building and commercial building border the property on the northern side.
- B. There are two existing buildings on the subject site. Both buildings were constructed in 1983. The building near Center Street is a 3,000 square feet, 1-story building, 18 feet in height, and the building near the Vienna Inn is a 2-story building, 29 feet in height, with a 4,600 square foot building footprint per the applicant's existing conditions plan, for a total of 10,980 square feet of gross floor area per Fairfax County's Real Estate Assessment Records for the subject property. Fifty-one associated off-street parking spaces are also located on-site.
- C. The applicant is proposing a mixed-use building including 2,264 square feet of ground floor retail/commercial space and a senior assisted living facility, including 82 units and common space on the first, second, third, and fourth floors and associated structured parking. The redevelopment of the site requires a rezoning from C-2 General Commercial Zone and C-1A Special Commercial Zone to MAC Maple Avenue Commercial Zone. C-2 General Commercial zoning encompasses approximately 46 percent of the site. C-1A Special Commercial zoning encompasses roughly 54 percent of the site. Rezoning to the MAC zoning district is voluntary and the subject site is eligible for rezoning to the MAC.

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

The Board voted 6-0 (Daly absent) to approve the application, filed by Sara Mariska

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of Womble Bond Dickenson agent for Sunrise Development Inc. requesting a conditional use permit for assisted living as part of a rezoning to the Maple Avenue Commercial (MAC) zoning district, with the following conditions:

- I. Approval of the CUP would be contingent on receiving approval of rezoning by Town Council.
- II. Town Code section 18-216 limiting CUP to 6 months would be extended to 24 months.

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

The Board supported the application because it will provide a facility that is lacking in Vienna, allowing some residents to age in place. It will provide some retail commercial space where currently none exists.

IT IS, THEREFORE, ORDERED, this 24 day of MAY, 2019 that the application requesting approval of Conditional Use Permit for assisted living as part of a rezoning to the Maple Avenue Commercial (MAC) zoning district, from Section 18-95.5.J, application filed by Sara Mariska of Womble Bond Dickenson, agent for Sunrise Development Inc. be approved

  
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Greg Haight  
Board of Zoning Appeals, Vice Chair  
Town of Vienna