

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit Application submitted by Ken White and Steve Hassler, agents for Anke Langenbach/Veterinary Surgical Centers, business owner and Odos Parkos LLC, condominium unit owner, for an emergency animal hospital in Unit B-100 Park Professional Building on property located at 124 Park Street SE, and in the C-1, Local Commercial zone.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on **March 20, 2013**, for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. 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. A new veterinary clinic is being proposed for the basement level of the Park Professional Building (a condominium) located at 124 Park Street SE. In addition to this new tenant, the existing building currently houses the Virginia Division of the American Cancer Society, three doctor's offices and an asset management company. The proposed clinic is a direct extension of one special group – the Veterinary Surgical Centers (VSC) – associated with the Hope Center located next door at 140 Park Street SE. The Hope Center itself is comprised of cutting edge specialty groups providing services to animals that include emergency, surgery, neurology, ophthalmology and oncology.
- B. A 1986 site plan from the Town's files indicates that the C-1 zoned subject property is 197.445 feet in depth, ranges from 196.32 to 198 feet in width and encloses 38,929 square feet. A total of 60 off-street parking spaces are located around the perimeter of the existing building. Along the northwesterly side of the parcel is a 30-foot-wide access easement that was created to provide direct access from Safeway (now Walgreen's and Petco) to Park Street SE. Staff calculations indicate that the 2-story building above grade encloses 11,934 square feet in area while the lower level (basement) encloses 4,860 square feet for a total gross area (excluding stairwells and elevator shafts) of 16,794 square feet. The requirement of 60 existing parking spaces was apparently based upon the two floors above grade only (from § 18-130H – Commercial Buildings which requires one parking space for every 200 square feet of floor area). A review of the department's address file yields a building permit issued in November 1987 for finishing one-half of the basement area for offices, and a number of occupancy permits have been issued subsequently for music instruction, evening lectures and offices and a training center for an HVAC contractor.
- C. The Veterinary Surgical Centers (VSC) component of the larger Hope Center desires to relocate their facility to the basement level of the Park Professional Building on the subject property. In conversations with the principals, it is apparent that the Hope Center has begun to outgrow its facilities at 140 Park Street SE, and has sought other nearby space to continue its important work. According to these same parties, some 8 to 10 employees will occupy the space along with the various examination, surgical and rehabilitation spaces for customer's animals.
- D. To ensure that the facility can operate during a power outage, a back-up generator system is proposed along with the new facility. The exterior evidence of this system is the back-up generator itself (a "Generac Industrial Diesel Generator" of approximately 3 feet in width and 9 feet in length with a standby power rating of 37.5kVA, 30 kW at 60 Hz), which will be situated behind a proposed screen and next to the existing dumpster pad near the easterly corner of the subject parcel. Acting upon a request from the Town's Planning Commission, the applicants provided initial and supplemental information regarding the generator along with a report detailing the mechanical, electrical and plumbing requirements for the proposed facility.
- E. The staff notes that the utilization of the entirety lower level area of the existing building for the proposed hospital type use requires additional on-site parking at one space for every 800 square feet of floor area (§ 18-130G of the Vienna Town Code). With a total of 4,860 square feet of floor space, the additional parking count is 6 off-street spaces or a total of 66 spaces for the entire building. As Town Staff has noted in the preceding paragraphs, the subject property currently provides 60 off-street parking spaces.

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- F. Sections 18-74A and 18-210P of the Vienna Town Code require the acquisition of a conditional use permit prior to the establishment of an animal hospital in any of the Town's commercial zones. The conditional use permit process requires a public hearing and approval from the Board of Zoning Appeals after review and recommendation by the Planning Commission.
- F. Recalling the rather contentious issue from some years ago of a proposed animal clinic within a condominium building elsewhere within the Town, the Town Staff had advised the current proponents to discuss the concept with the owners of office space within the building. Submittal materials from the applicants indicate that these conversations have been held and that the various ownership groups endorsed letters indicating that they consent to this proposal. Acting upon the request of the Planning Commission, subsequent letters were obtained from the condominium building ownership group indicating their formal notification that the proposed veterinary clinic would be properly sound proofed to eliminate animal noises, construction activities would be considerate of existing tenants and the new facility would require 6 off-street parking spaces.
- G. The staff's report to the Board indicated that the total number of required parking spaces (66 for the entire building) would be 6 fewer than required if the first and second floors of the building were calculated at a ratio of 1 space for every 200 square feet of floor area. After a number of on-site inspections of both the subject property and the adjoining parcel next door, Town Staff had determined that there had not been a time when all the available spaces had been filled. Reviewing the detailed calculations of the applicant, the Zoning Administrator accepted the premise that the operating rooms of the dental clinics on the second floor of the subject building could be considered at the parking ratio of 1 space for every 800 square feet of floor area – much the same as that considered for the hospital on the lower level of the building. The exact calculations are incorporated as part of the conditional use permit file; it is noted, however, that 59 total on-site spaces are required using the formula of 10,018.15 square feet being charged 1 parking space for every 200 square feet of floor area while the remaining 6,775.85 square feet is parked at the ratio of 1 space for every 800 square feet of floor area.
- H. The Planning Commission considered this matter at its regular meeting of March 13, 2013. By an affirmative vote of 5-3, the Commission recommended approval of the application with the caveat that the applicants provide the Board of Zoning Appeals additional letters that address the issues expressed in the American Cancer Society's letter, so that the parking issues, something that was expressly addressed, is accepted and approved by the other folks who have to share parking. The Commission's recommendation is also subject to the evaluation by the Zoning Administrator on the current calculations of the available on-site spaces to determine whether additional parking is required.

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

1. Granting of the requested conditional use permit will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.
2. The members of the Board determined that the expansion of the Hope Center facility, as proposed by the applicants, would represent a second very important medical facility in the Town devoted to the care of animals. Boardmembers also noted that the proponents had carefully considered the concerns of the adjoining tenants and

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condominium owners and are constructing the new facility in such a manner as to minimize – to the extent possible – the daily operation of the animal hospital.

IT IS, THEREFORE, ORDERED, this 22nd day of March 2013, that the application, as submitted by Ken White and Steve Hassler, agents for Anke Langenbach/Veterinary Surgical Centers, business owner and Odos Parkos LLC, condominium unit owner, for an emergency animal hospital in Unit B-100 Park Professional Building on property located at 124 Park Street SE, and in the C-1, Local Commercial zone, for a conditional use permit in accordance with the above-referenced Code sections shall be submitted.



Robert W. Dowler, Vice-Chairman
Board of Zoning Appeals
Town of Vienna, Virginia