



AGENDA

**BOARD OF ZONING APPEALS
VIENNA, VIRGINIA**

**February 21, 2018
8:00 PM
COUNCIL CHAMBERS-TOWN HALL**

ROLL CALL:

PUBLIC HEARING:

1. Recommendation to the Board of Zoning Appeals for approval of a conditional use permit for live entertainment and outdoor seating. Applicant wishes to amend and combine the existing conditional use permits to allow for consumption of alcoholic beverages outdoors, increase allowable number of outdoor seats, and extend the allowable number of months of live entertainment to year-round. Application filed by Kyle Mincey, AIA of MV+A Architects, Agent for Whole Foods

REGULAR MEETING:

1. The Board will reach a decision on the above-listed agenda items at the conclusion of the scheduled public hearing.
2. Approval of the minutes.
3. Adjournment

ADMINISTRATIVE DISCUSSION:

1. Discussion about converting from hard copy addenda packets, and going to all digital iPads.

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.

The second portion of the meeting – the Regular Meeting – will convene after the Public Hearing has been closed. The Board will reach a decision on each item. The grant of any appeal from a decision by the Town's Zoning Administrator requires an affirmative vote of the majority of the entire membership of the Board. The grant of a Conditional Use Permit or variance requires an affirmative vote of the majority of those present and voting. If you are unable to stay for the last portion of the meeting, you may learn the Board's decision by contacting staff.

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.