



APPLICATION ACCEPTED: October 20, 2008
APPLICATION AMENDED: February 2, 2009
BOARD OF ZONING APPEALS: April 14, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 7, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SPA 95-V-031-03

MOUNT VERNON DISTRICT

APPLICANT: SNSA, Inc. DBA Fast Eddie's Billiard Cafe

ZONING: C-8, HC, CRD

LOCATION: 6220 Richmond Highway

ZONING ORDINANCE PROVISION: 4-803

TAX MAP: 83-3 ((1)) 22C, 22D

LOT SIZE: 2.84 Acres

FAR: 0.26

PLAN MAP: Retail and Other

SP PROPOSAL: Amend SP 95-V-031, previously approved for a Group 5 Billiard Hall, to permit a change in permittee and the addition of a Group 5, Dance Hall.

STAFF RECOMMENDATION: Staff recommends approval of SPA 95-V-031-03 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Christopher M. DeManche

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



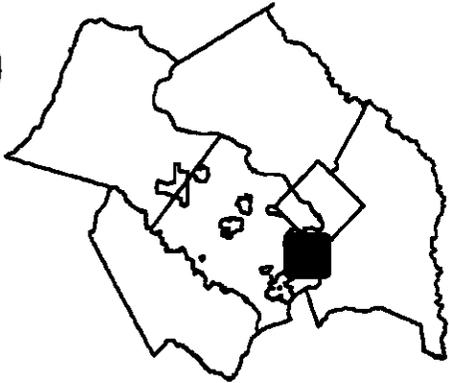
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 95-V -031-03

Applicant: SNSA, INC. D/B/A FAST EDDIE'S BILLIARD CAFE
Accepted: 02/17/2009- AMENDED 10/20/2008
Proposed: AMEND SP 95-V-031 PREVIOUSLY APPROVED FOR BILLIARD HALL TO PERMIT THE ADDITION OF A DANCE HALL AND CHANGE IN PERMITEE

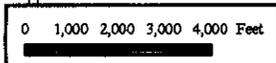
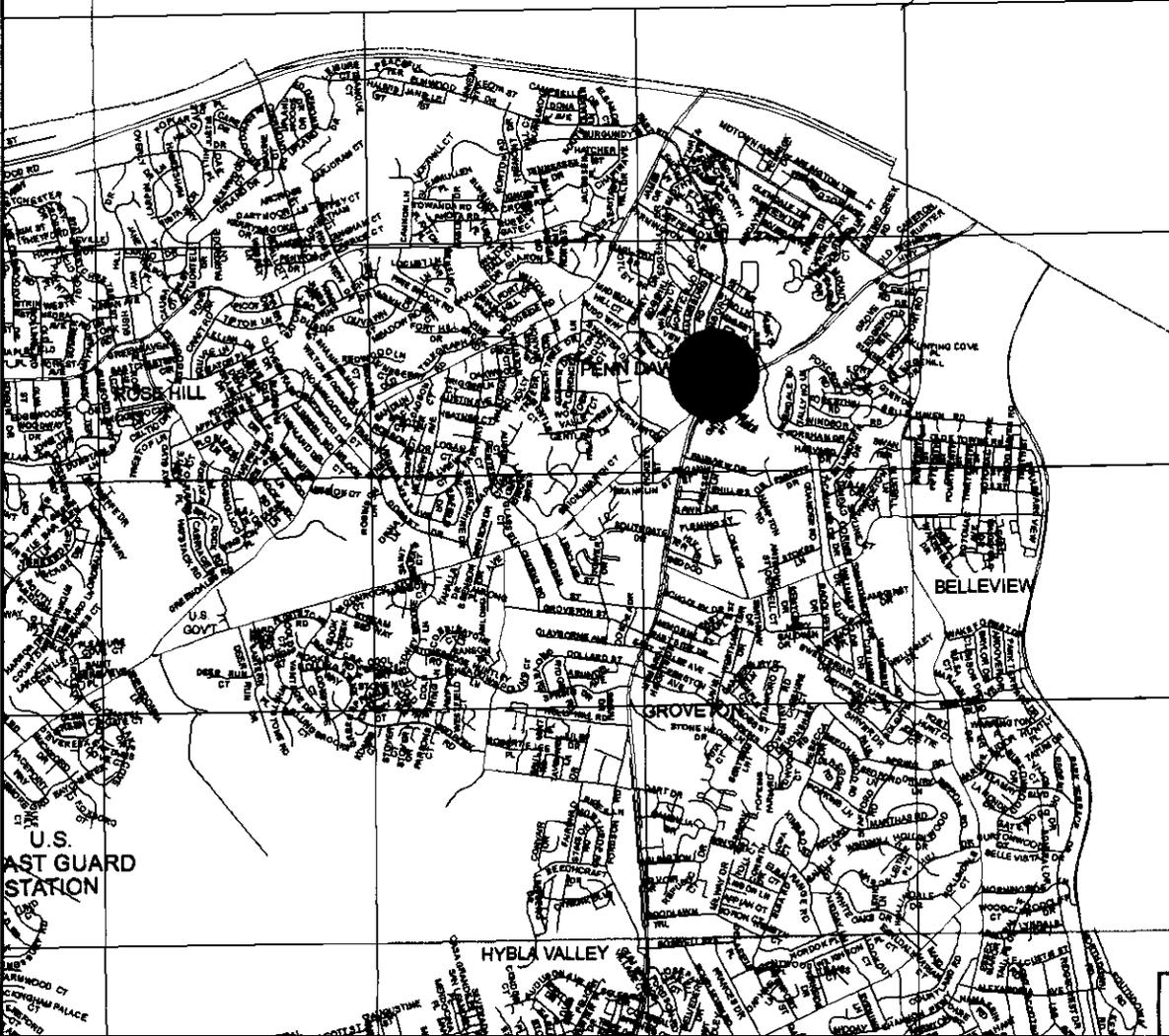
Area: 2.84 AC OF LAND; DISTRICT - MOUNT VERNON
Zoning Dist Sect: 04-0803
Art 8 Group and Use: 5-01 5-05
Located: 6220 RICHMOND HIGHWAY
Zoning: C- 8
Overlay Dist: CRD HC
Map Ref Num: 083-3- /01/ /0022C /01/ /0022D



CITY OF ALEXANDRIA

LANDMARK

OLDE TOWNE ALEXANDRIA

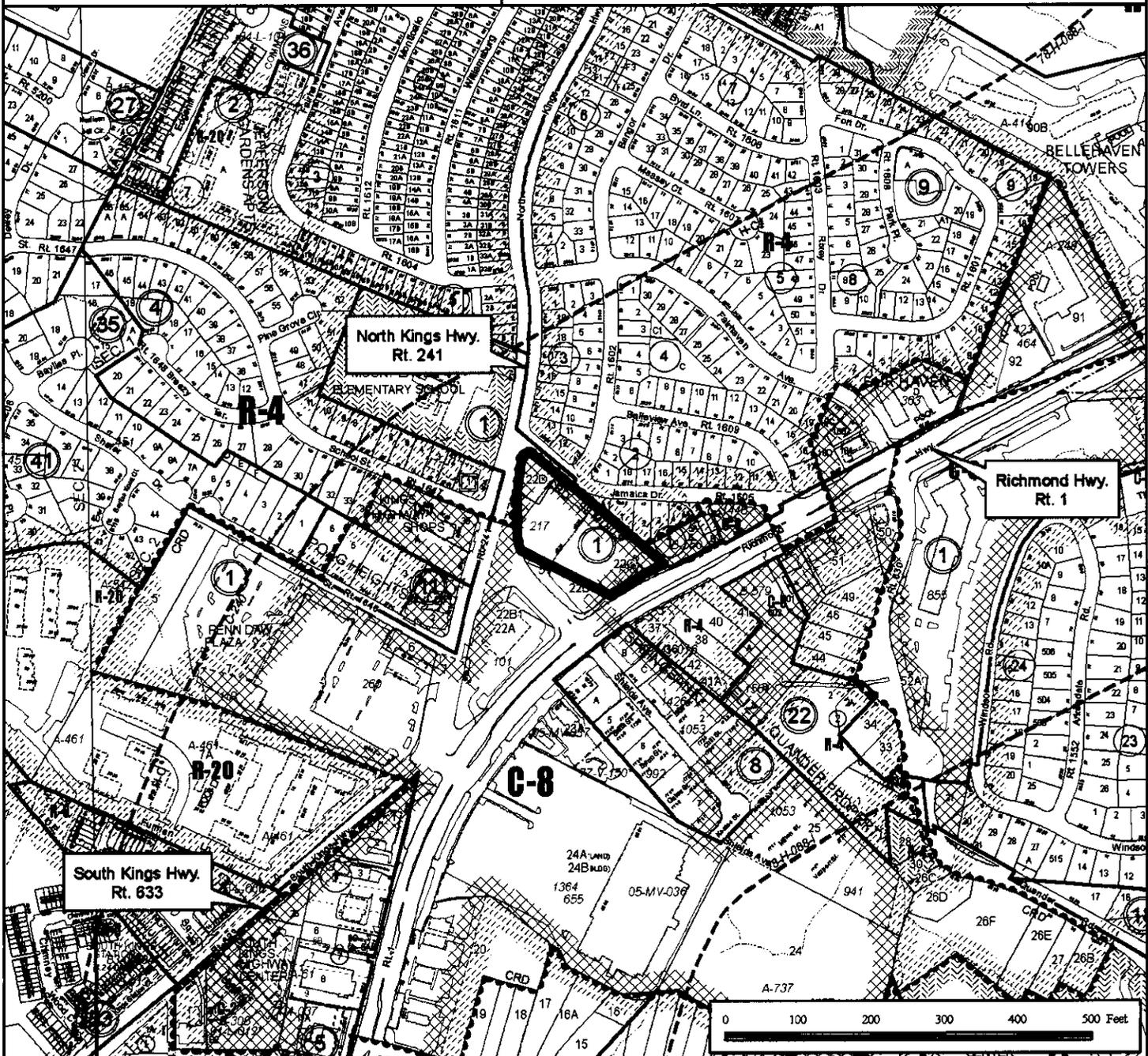


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LAND SURVEYING • SITE PLANNING • SUBDIVISION DESIGN
 730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

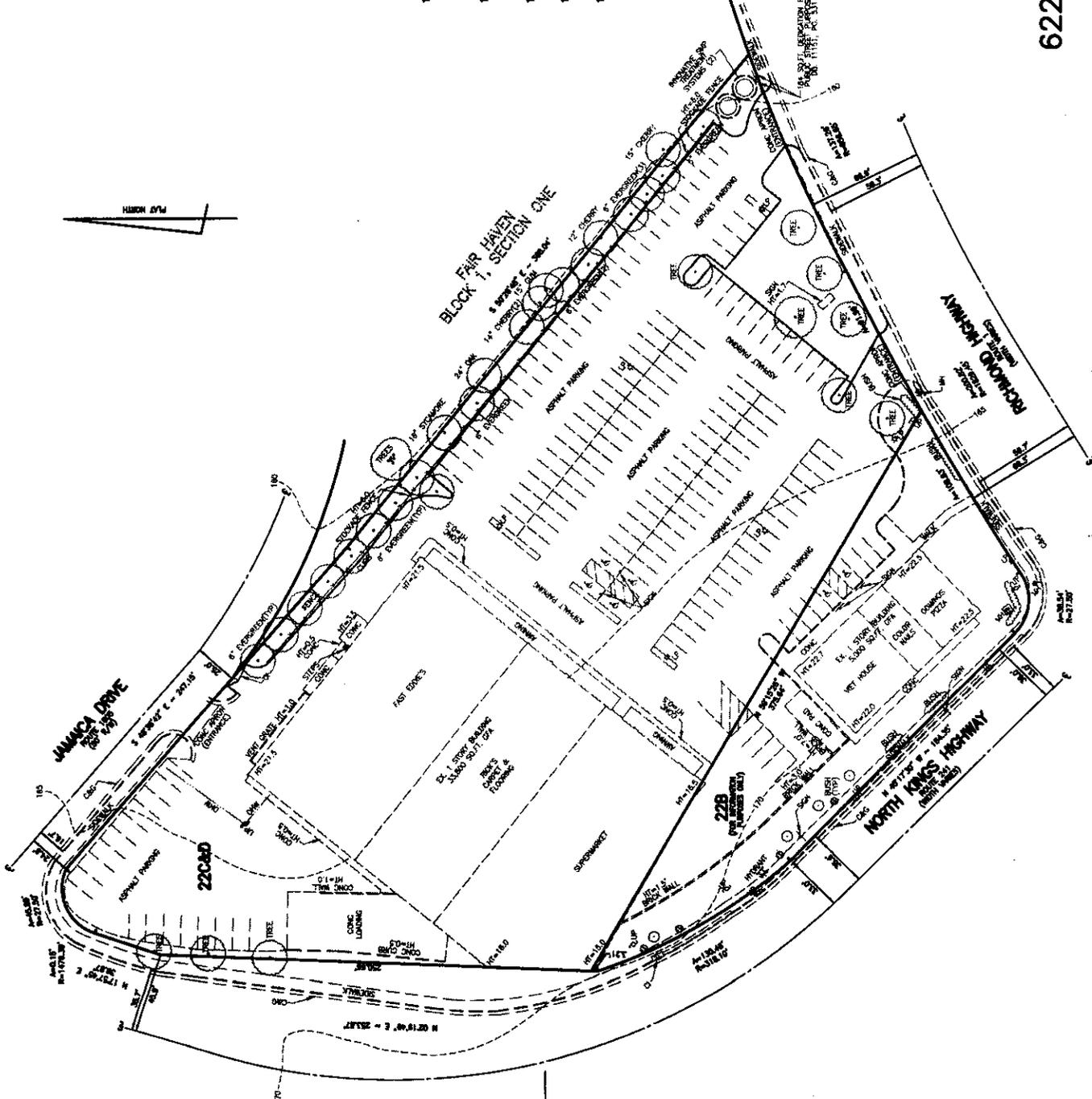
RFP RAY, R. & ASSOCIATES
 A PROFESSIONAL CORPORATION

- NOTES:**
- TAX MAP 083-3-01-0022CAD
 083-3-01-0022B (FOR INFORMATION PURPOSES ONLY)
 - ZONE C-8
 - CLIENT: FAST EDDIE'S
 - OWNER: RICHMOND HIGHWAY, LLC
 11350 RANDOM HILLS ROAD
 SUITE 720
 FAIRFAX, VA 22030
 DB. 10726, PG. 1197
 - TOTAL SITE AREA: 123,806 SQ. FT.
 PARCEL 22CAD = 123,806 SQ. FT.
 PARCEL 22B = 28,390 (FOR INFORMATION PURPOSES ONLY)
 - EXISTING MAX BUILDING HEIGHT = 22.7 FEET
 - REQUIRED SETBACKS PER C-8 ZONE:
 FRONT = 45' ANGLE OF BULK PLANE NLT 40'
 SIDE = NO REQUIREMENT
 REAR = 20 FEET
 - PROPERTY SERVED BY PUBLIC WATER AND SANITARY SEWER.
 - ALL EXISTING STRUCTURES TO REMAIN.
 ORIGINAL CONSTRUCTION DATE = 1959
 NO NEW CONSTRUCTION PROPOSED FOR THIS SITE.
 - PLAT SUBJECT TO RESTRICTIONS OF RECORD. NO TITLE REPORT FURNISHED.
 - THERE ARE NO MAJOR UTILITY EASEMENTS LOCATED ON THE PROPERTY. FURTHER, THERE ARE NO EASEMENTS 25' IN WIDTH OR GREATER ON THIS PROPERTY.
 - TO THE BEST OF OUR KNOWLEDGE THERE ARE NO KNOWN GRAVES, OBJECTS OR STRUCTURES MARKING A PLACE OF BURIAL ON SITE.
 - TOPOGRAPHIC SURVEY TAKEN FROM COUNTY AERIAL TOPO RECORDS.
 - MAXIMUM FAR: 0.35
 ACTUAL FAR: 0.26
 - NO STORMWATER MANAGEMENT FACILITY PROPOSED FOR THIS SITE. (NO PROPOSED IMPERVIOUS AREAS)

- PARKING TABULATION:**
- SHOPPING CENTER REQUIRE: 4.3/1000 SQ.FT. GFA
 22,820 SQ. FT. GFA = 98 SPACES
 REQUIRED 187 SPACES
- EATING ESTABLISHMENT REQUIRE: 1 SPACE/4 SEATS • TABLES
 EATING ESTABLISHMENT REQUIRE: 1 SPACE/2 SEATS • COUNTER EMPLOYEES
 EMPLOYEES REQUIRE: 1 SPACE/2 EMPLOYEES
- EL TABLE SEATING REQUIRED = 64 SEATS • REQUIRED 115 SPACES
 EL TABLE SEATING REQUIRED = 34 SEATS • REQUIRED 73 SPACES
 EL MANUA EMPLOYEES = 10 • REQUIRED 75 SPACES
- TOTAL PARKING = 203 SPACES
 C80 ALLOWS 20% REDUCTION = 162.4 SPACES
 TOTAL PARKING REQUIRED = 162.4 SPACES
 TOTAL PARKING PROVIDED (INCLUDES 6 HANDICAP SPACES) = 163 SPACES



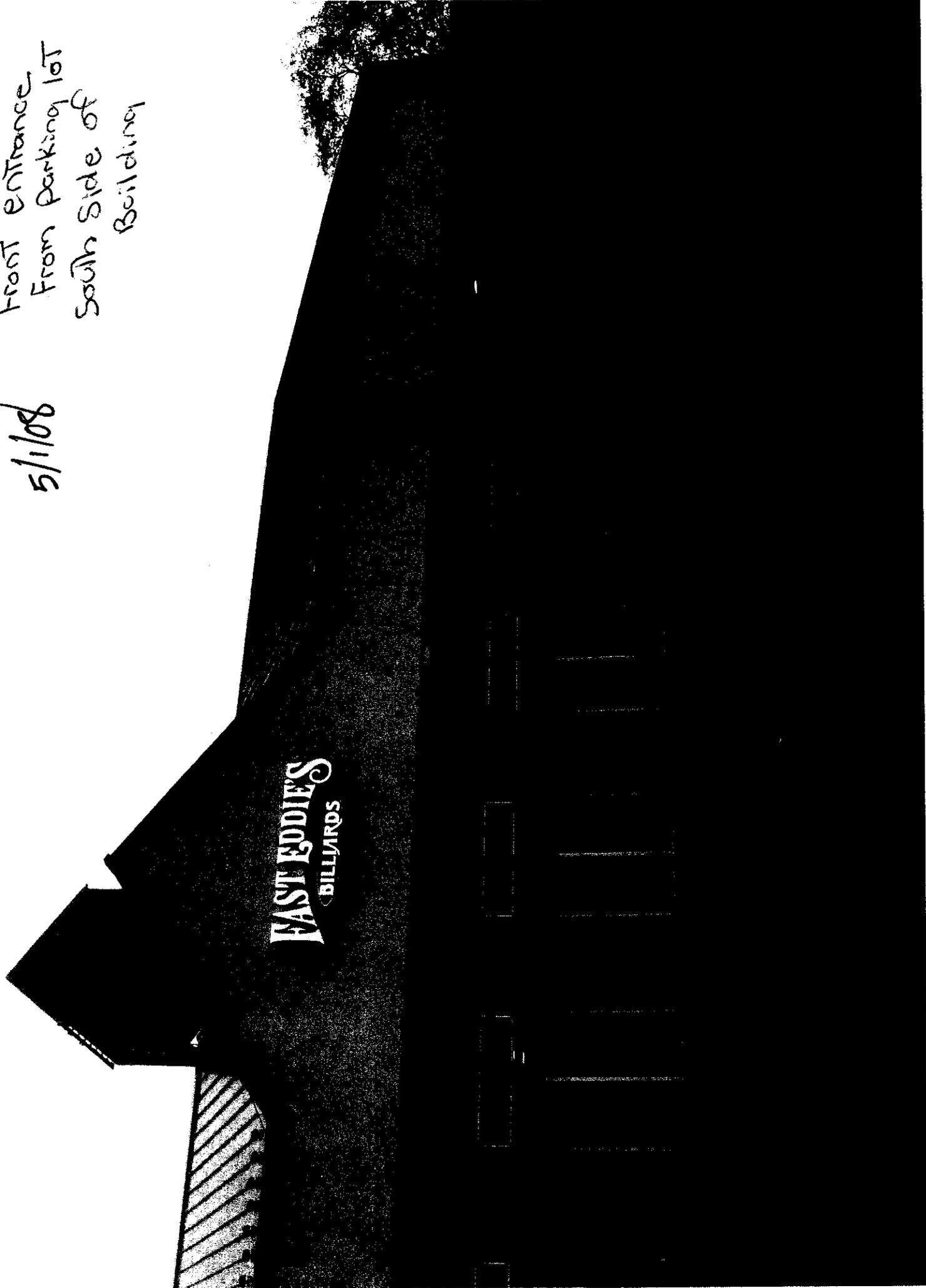
PLAT SHOWING
6220 RICHMOND HIGHWAY
 MT. VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
 DATE: JANUARY 9, 2009
 SCALE: 1" = 40'



5/1/08

Front entrance
From parking lot
South side of
Building

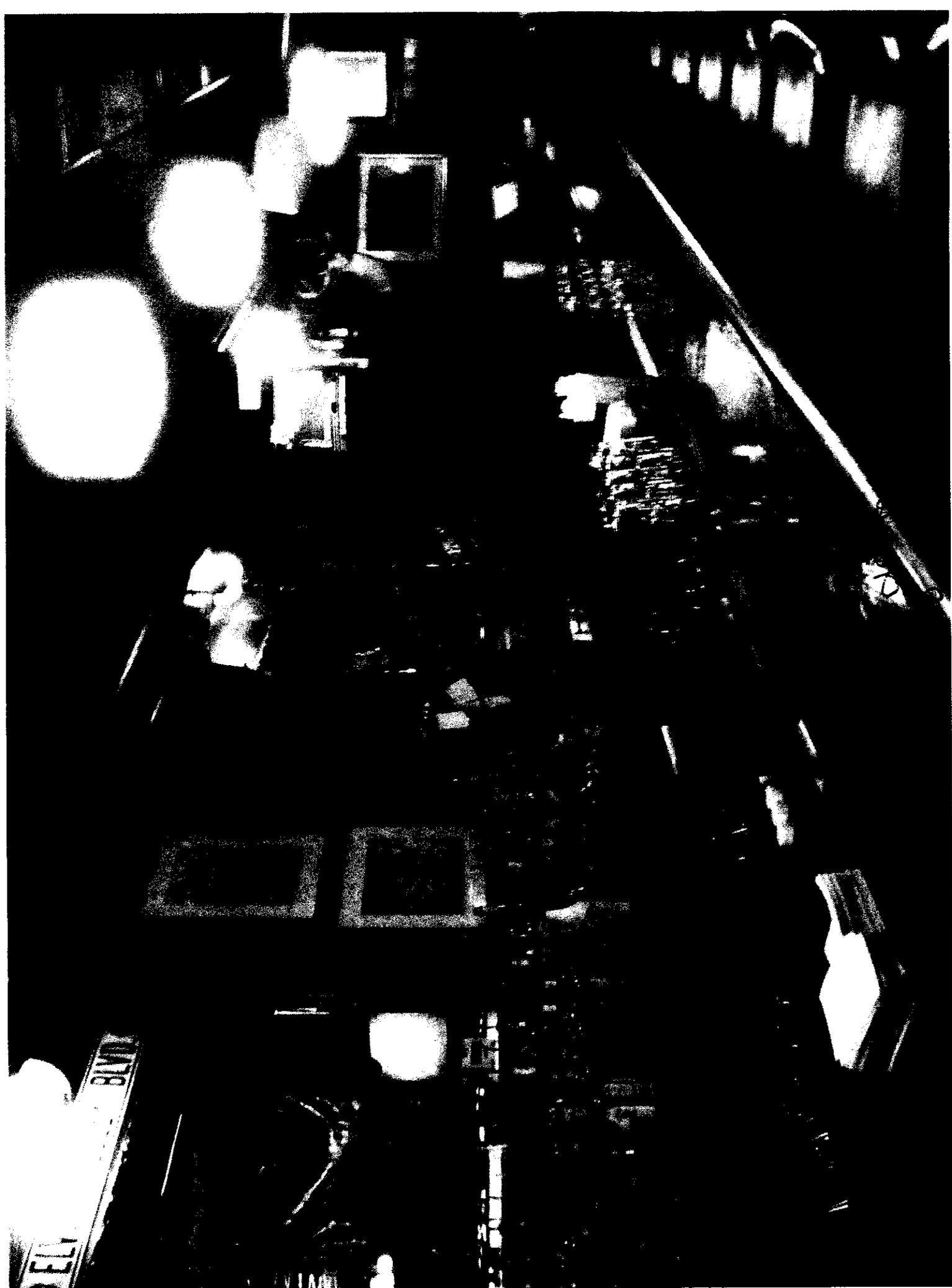
EAST EDDIE'S
BILLIARDS



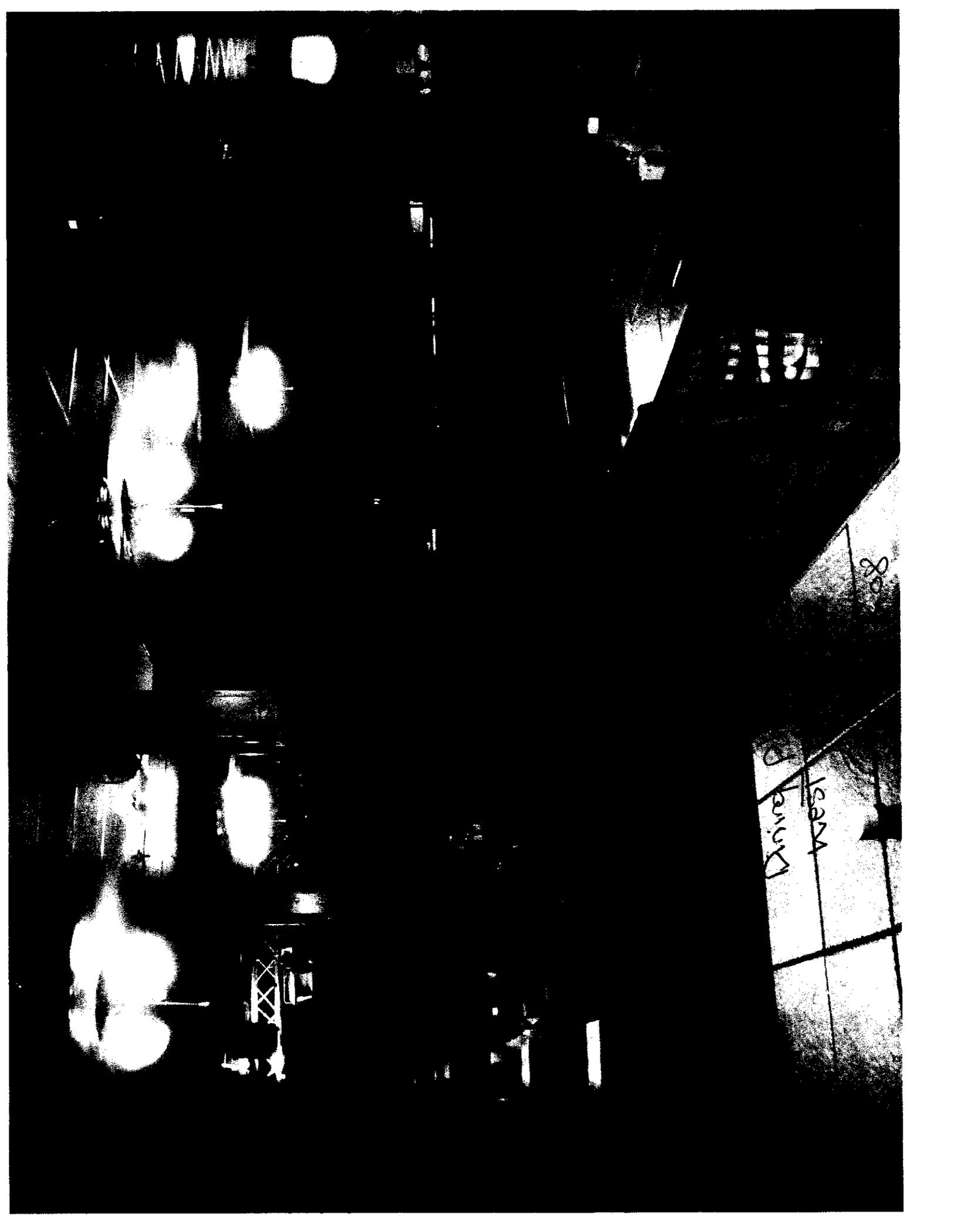


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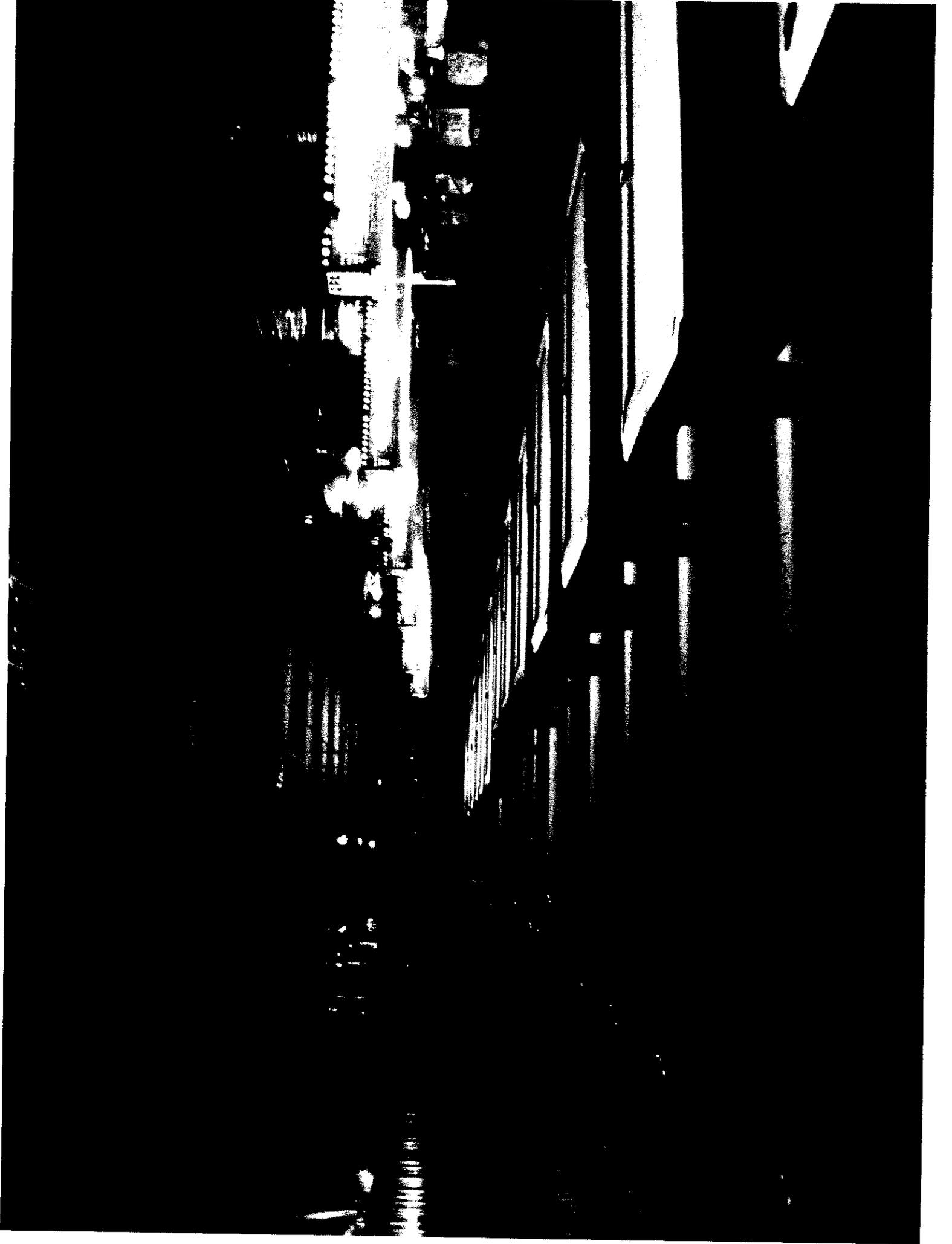


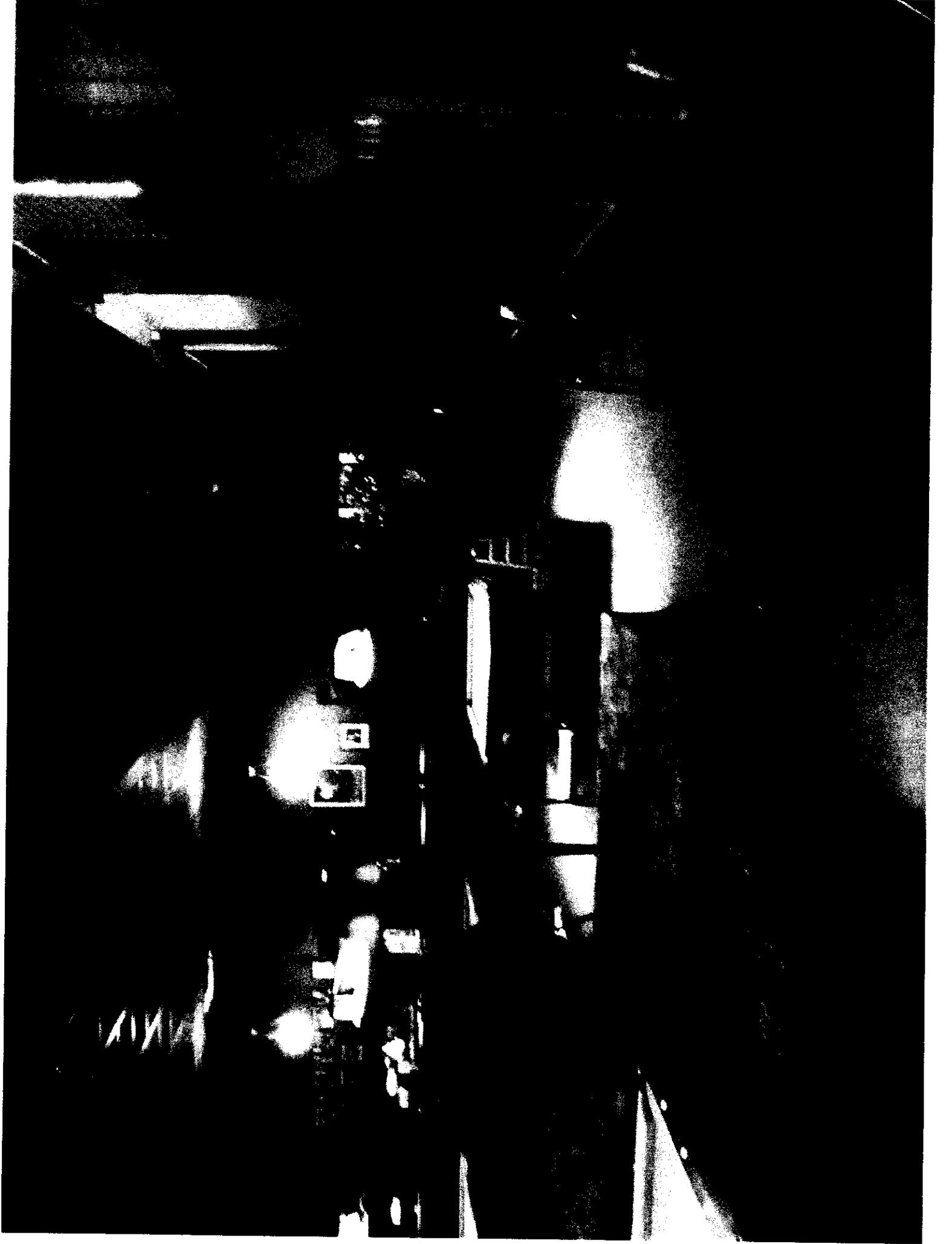




Dining
vest

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DESCRIPTION OF THE APPLICATION**Special Permit Request:**

Amend SP 95-V-031 previously approved for a Group 5, Billiard Hall with an ancillary eating establishment, to permit a change in permittee, and the addition of a Group 5, Dance Hall. The new applicant seeking a change in permittee is SNSA, Inc. DBA Fast Eddie's Billiard Café. The previously approved permittee for the Billiard Hall use was Harmen and Manful, Inc. DBA Fast Eddie's Billiard Café.

The proposed change in permittee and the proposed addition of a dance hall are the only changes requested. No physical changes are proposed to the exterior of the site.

	Originally Approved	Proposed
Size (Billiard Hall/Café/Dance Hall):	12,808 sq. ft. Tenant Space	No Change
Billiard Tables:	Twenty-Six (26)	No Change
Parking:	170 spaces	163 space
Seats (eating establishment):	163	84
Hours (Existing):	10:00 A.M. to 2:00 A.M.	No Change

LOCATION AND CHARACTER**Existing Site Description:**

The site is located on the west side of Richmond Highway (Route 1) and is zoned C-8. The property totals 2.84 acres and is developed with a one story shopping center totaling 33,800 square feet of gross floor area. In addition to Fast Eddie's Billiard Café, the shopping center houses the El Eden supermarket and Rick's Carpet and Flooring. A mixture of mature vegetation exists along the periphery of the site. A total of 163 parking spaces are located on site with two access points provided along Richmond Highway and one access point provided along Jamaica Drive.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached Dwelling/ Mt. Eagle Elementary School	R-4	3-4 du/ac, Public Facilities
South	Commercial Retail	C-8	Alternative Uses, Retail and Others
East	Commercial Retail	C-8	Office
West	Single Family Detached Dwellings	C-8	Alternative Uses

BACKGROUND**Site History:**

The existing shopping center building housing Fast Eddie's Billiard Café was constructed in 1959, with applications previously approved for the site noted below. In a letter dated April 9, 2008, the Fairfax County Zoning Enforcement Branch issued a notice of violation (NOV) for Fast Eddie's Billiard Café, for operating a dance hall use without a special permit in the C-8 District. A copy of the NOV is included as Appendix 4.

Application	Date	Use	BZA Action*
SP 95-V-031	07/28/95	Billiard Hall with 26 billiard tables and 163 seats (eating est.)	Approved with development conditions
SPA 95-V-031	10/30/96	Change in development conditions (hours of operation)	Approved with development conditions
SPA 95-V-031-02	10/18/00	Change in permittee (Harmen and Manful, Inc. d/b/a Fast Eddies Billiard Café)	Approved with development conditions*

* A copy of the approved development conditions may be found in Appendix 5.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District, Area IV
Planning Sector: MV 01, Huntington
Plan Map: Retail and Other

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: 6220 Richmond Highway
Prepared By: R.C. Fields, Jr. & Associates
Dated: January 9, 2009

Special Permit Plat and Proposed Use:

The Special Permit Amendment Plat consists of a single sheet which has been altered from the plat previously approved with SP 95-V-031. The plat has been altered to reflect the development of adjoining parcel 22B, the reconfiguration of the parking lot with a reduction in parking spaces from 170 to 163, and a change in tenants on the property subject to this application. The revised plat also notes a total of 84 seats for the eating establishment as part of the overall site calculation for parking. Due to a reduction in on-site parking spaces since the approval of SP 95-V-031, the parking calculation for the ancillary eating establishment has been amended from the previously approved total of 170. The proposed development conditions contained in Appendix 1 have been updated to reflect this reduction in seating.

The applicant proposes an amendment to SP 95-V-031, previously approved for a Group 5, billiard hall to permit a change in permittee, and the addition of a Group 5, dance hall. The change in permittee request would amend the ownership on file with the county from Harmen and Manful, Inc. DBA Fast Eddie's Billiard Café, to SNSA, Inc. DBA Fast Eddie's Billiard Café. The proposed dance hall use is comprised of a dance floor area totaling 960 square feet within the existing billiard hall. No exterior changes are proposed for the site with this application.

Land Use Analysis

The Huntington Community Planning Sector is improved with a range of residential uses from older single-family detached and duplexes in stable neighborhoods to new high-rise apartment and condominium projects. There are also clusters of local retail development located at major intersections.

The subject application is located in the Penn Daw Community Business Center, specifically Sub-unit F-1. This sub-unit is planned for retail uses up to .50 FAR and building heights of 50 feet. Consolidation of contiguous lots is desirable, while existing landscaping serving as buffers to adjacent residential neighborhoods should be maintained. In any development proposal, sidewalks should be provided to facilitate pedestrian access. Vehicular access should be provided only at one point each on Richmond Highway and North Kings Highway.

Based on staff's analysis, the subject application is in conformance with the Plan recommendations for this parcel. The site maintains an FAR of 0.26 and is improved with a shopping center totaling 22.7 feet in height. The site maintains both mature landscaping and a board on board fence totaling six feet in height along the north property line abutting an existing residential neighborhood. Sidewalks are provided

along the perimeter of the subject property and established access points are provided along Richmond Highway and Jamaica Drive.

Transportation Analysis (Appendix 6)

The Department of Transportation has no objection to the application.

ZONING ORDINANCE PROVISIONS

Special Permit Requirements (See Appendix 7)

- General Special Permit Standards (Sect. 8-006)
- Group 5 Standards (Sect. 8-503)

General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition of a dance hall generally meets all eight General Special Permit Standards. Of particular note regarding this application is General Standard 3 requiring that the proposed use not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations. No exterior modifications have been proposed with this amendment, and the proposed dance hall is limited in size to 960 square feet of gross floor area within the existing billiard hall. Staff's only concern with the application relates to the potential impact of a second special permit use on the overall intensity of the existing billiard hall/eating establishment on the adjoining residential neighborhood to the east. The rear yards of homes back up to the building and parking lot of Fast Eddie's. The violation on the site came about as the result of complaints. Zoning inspectors determined that a dance hall had been added and the Fire Marshall determined that the occupancy load of Fast Eddie's had been exceeded. Other minor fire code issues were also found. Additionally, during review of the application, staff found that there had been incidences on site to which the police responded. These included fights among patrons as they were leaving Fast Eddie's. Fast Eddie's is now under new ownership and all Fire Marshall Issues have been cleared. Staff however is concerned about a third use being added and has included a development condition for a term limit on the dance hall of two years. At that time if the applicant wants to continue the dance hall, they would need to file a special permit amendment. The use could then be re-evaluated for its impact.

Group 5 Standards (Sect. 8-503)

The Group 5 Standards require that the proposed use comply with lot size and bulk regulations for the C-8 District, comply with performance standards, and be subject to site plan review. As there are no site modifications proposed, the use meets these standards.

Summary of Zoning Ordinance Provisions

Subject to adoption of the proposed development conditions, staff believes all applicable standards have been satisfied.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATIONS

Staff recommends approval of SPA 95-V-031-03 subject to the Proposed Development Conditions in Appendix 1.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Notice of Violation
5. Development Conditions Approved for SPA 95-V-031-02
6. Transportation Analysis
7. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**April 7, 2009**

If it is the intent of the Board of Zoning Appeals to approve SPA 95-V-031-03 located at Tax Map 83-3 ((1)) 22C and 22D, for an amendment to SP 95-V-031, previously approved for a billiard hall to permit a change in permittee and the addition of a dance hall pursuant to Sect. 4-803 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. All conditions are carried forward from the previously approved special permit application. Minor edits and newly proposed conditions are shown in underline.

1. This approval is granted to the applicant only, SNSA, Inc., DBA Fast Eddie's Billiard Café, and is not transferable without further action of this Board, and is for the location indicated on the application, and is not transferable to other land. Other by-right, special exception and special permit uses may be permitted on the lot without a special permit amendment, if such uses do not affect this special permit Use.
2. This special permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by R.C. Fields, Jr. and Associates, dated January 9, 2009, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 803 of the Zoning Ordinance.
5. There shall be a maximum of twenty-six (26) billiard tables and 84 seats in the facility, located at 6220 Richmond Highway.
6. The dance hall use is limited to the 960 square foot dance floor identified on the floor plan included as Attachment "A" to these conditions. The maximum occupancy load of the dance floor area shall be sixty-four (64) persons.
7. The hours of operation of the billiard hall shall not exceed 10:00 A.M. to 2:00 A.M. daily.

8. The hours of operation of the dance hall are limited to Thursdays, Fridays, Saturdays, and Sundays between the hours of 8:00 P.M. to 1:00 A.M. During these times, entry to the establishment shall be limited to patrons twenty-one (21) years of age and older.
9. The number of parking spaces shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance, as determined by the Department of Public Works and Environmental Services (DPWES).
10. A six foot high board on board fence shall be provided within ten (10) feet of the northern property line as shown on the special permit plat. The barrier requirement shall be waived along all other property lines. Ten (10) feet of planting along the northern property line shall be placed along the outside of the board on board fence and the plant materials shall be approved by the Urban Forestry Branch, DPWES.
11. Transitional screening shall be waived along all other property lines.
12. Interior parking lot landscaping shall be provided as shown on the special permit plat and as approved by the County Urban Forestry Branch, DPWES.
13. Interparcel access shall be provided to Lot 22B to the south and necessary public access easements provided shall be recorded among the land records of Fairfax County.
14. The entrance on Jamaica Drive shall be limited to "Entrance Only" and shall be gated at 9:30 P.M. The entrance shall be narrowed to a one-way width, but shall be a minimum of 18 feet wide to allow access for emergency vehicles.
15. The applicant shall provide a minimum of one (1) security guard to police the parking lot area daily from the hours of 9:00 P.M. until closing.
16. A minimum of two (2) security guards shall be assigned to the business entrance to validate the age of patrons and to ensure compliance with the maximum occupancy load requirement for the billiard hall and dance floor uses on Thursdays, Fridays, Saturdays, and Sundays.
17. The applicant shall police the premises for trash and debris on a daily basis.
18. The applicant shall comply with the applicable Alcoholic Beverage Control laws.
19. The applicant shall keep the kitchen doors closed at all times, except for ingress/egress, to minimize the impact of noise on the adjacent community.

20. The dance hall use shall be approved for a period of twenty-four months from the approval date of this special permit. A special permit amendment must be filed prior to the expiration date and approved by the BZA or the dance hall use shall cease at the end of the twenty-four month period.

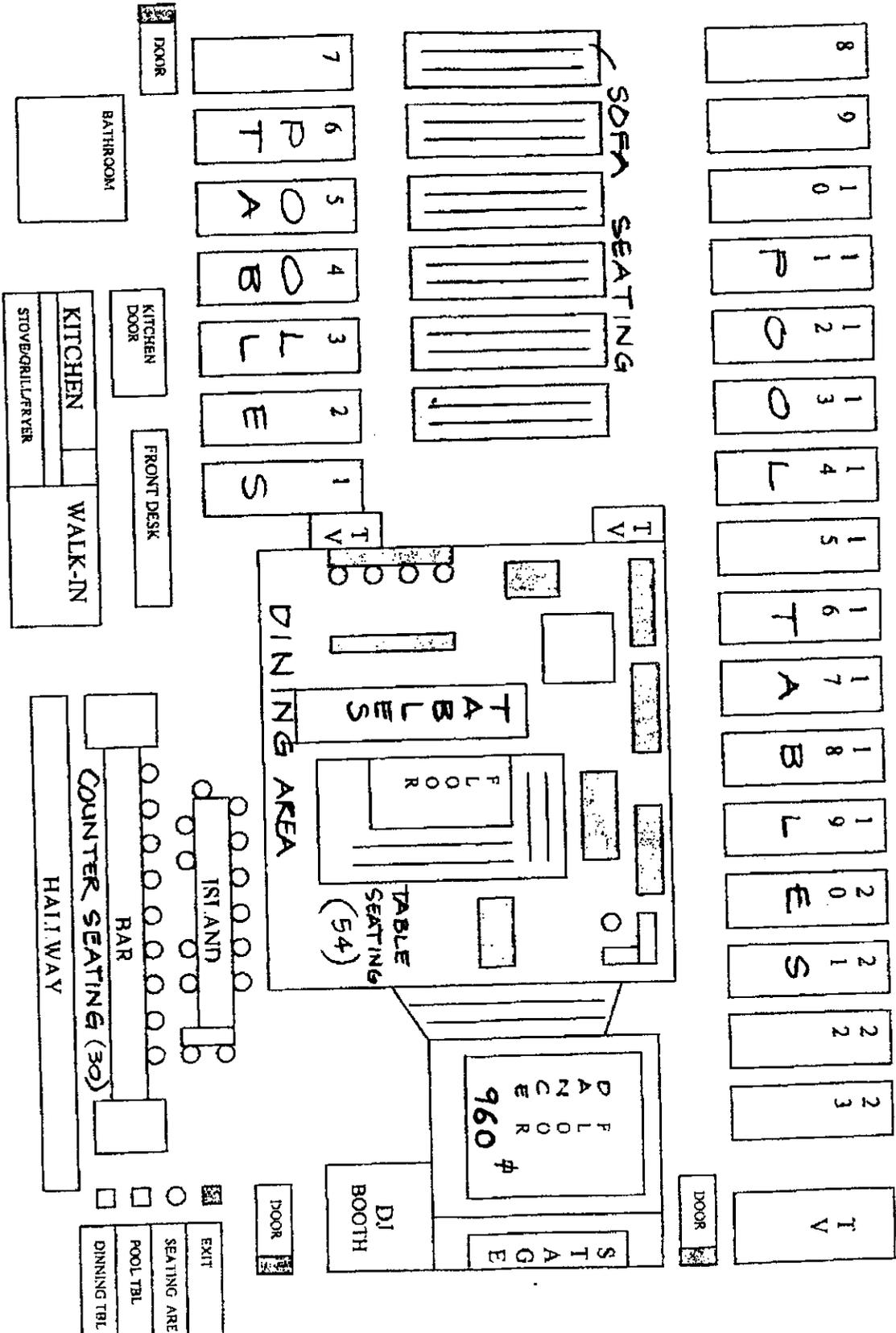
These development conditions incorporate and supersede all previous development conditions.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

FAST EDDIE'S

FLOOR PLAN 3/3/09



Application No.(s): SPA 95-V-031-03
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Feb. 19, 2009
 (enter date affidavit is notarized)

I, William L. Schmidt, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 103756

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
SNSA, Inc. dba Fast Eddie's Bar and Cafe	6220 Richmond Highway, Alexandria, VA 22303	Applicant/Lessee
Maria D. Aguilar	4031 Sapling Way, Triangle, VA 22172	Agent for Applicant/Lessee
Richmond Highway, LLC.	11350 Random Hills Rd., Ste 720, Fairfax, VA 22030	Title Owner/Lessor
Daniel S. Adler	11350 Random Hills Rd., Ste 720, Fairfax, VA 22030	Agent for Title Owner/Lessor
John B. Conner, PLC	1033 N. Fairfax St., Ste 310, Alexandria, VA 22314	Attorney/Agent for Title Owner/Lessor
William L. Schmidt & Associates, PC.	4103 Chain Bridge Rd., Ste 400, Fairfax, VA 22030	Attorney/Agent for Applicant/Lessee
William L. Schmidt	4103 Chain Bridge Rd., Ste 400, Fairfax, VA 22030	Attorney/Agent for Applicant/Lessee

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s):

SPA 95-V-031-03

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

Feb. 19, 2009

(enter date affidavit is notarized)

103756

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

SNSA, Inc. dba Fast Eddie's Billiard Cafe
6220 Richmond Highway
Alexandria, VA 22303

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Maria D. Aguilar

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(b)

DATE: Feb. 19, 2009
(enter date affidavit is notarized)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

William L. Schmidt & Associates, PC
4103 Chain Bridge Road, Ste 400
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

William L. Schmidt

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Richmond Highway, LLC
11350 Random Hills Rd., Ste 720
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Daniel S. Adler

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(b)

DATE: Feb. 19, 2009
(enter date affidavit is notarized)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

John B. Conner, PLC
1033 N. Fairfax Street
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

John B. Conner

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s):

SPA 95-V-031-03

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

Feb. 19, 2009

(enter date affidavit is notarized)

103756

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA 95-V-031-03
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Feb. 19, 2009
(enter date affidavit is notarized)

103756

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SPA 95-V-031-03
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Feb. 19, 2009 103756
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

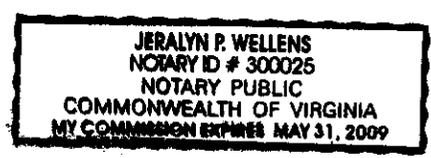
[] Applicant [Signature]
[x] Applicant's Authorized Agent

William L. Schmidt, Attorney/ Agent for Applicant/Lessee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of February 2009, in the State/Comm. of Virginia, County/City of Fairfax

[Signature]
Notary Public

My commission expires: May 31, 2009



JAN 29 2009

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Zoning Evaluation Division

- A. **Type of operation(s):** Restaurant, billiard hall and live entertainment.
- B. **Hours of operation:** The hours of operation for each day of the week shall not exceed 10:00 AM to 2:00 AM daily.
- C. **Estimated number of patrons/clients/patients/pupils/etc.:** The number of patrons may not exceed Four Hundred Seventy Five (475) less the number of employees on duty which varies from Ten (10) to Fifteen (15) persons. Fairfax County recently approved an increase in the patronage for this facility to Four Hundred Seventy Five (475) less the number of the employees on duty.
- D. **Proposed number of employees/attendants/teachers/etc.:** The number of employees on duty at any given time varies between Ten (10) and Fifteen (15) persons.
- E. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:** We do not believe that the traffic in the area will be impacted by this proposed use of the facility.
- F. **Vicinity or general area to be served by the use:** The area that will be primarily served will be the Mount Vernon area of Fairfax County.
- G. **Description of building facade and architecture of proposed new building or additions:** the building is part of a small strip center which also has a grocery store and a carpet store. There will be no proposed new building or additions necessary for this use.
- H. **A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers:** No toxic substances will be generated by this use.
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulation, standards and conditions, such shall be specifically noted with the justification for any such modification:** We believe that dancing will enhance the image of the restaurant and provide more enjoyment for our patrons. The emphasis of our marketing will be to persons Twenty-Five (25) years of age or older and will therefore be more mature and more responsible.



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 9, 2008

NOTICE OF VIOLATION

CERTIFIED MAIL

Return Receipt Requested

Receipt #7008 0150 0002 9156 1704

Mark Harman, President
Harman & Manful, Incorporated
5625 Harrison Road
Fredericksburg, Virginia 22407



Re: Fast Eddie's Billiard Cafe
6220 Richmond Highway
Tax Map Ref: 83-3 ((T)) 22C and 22D
Zoning Districts: C-8, HC, CRD

Dear Mr. Harman:

The purpose of this letter is to notify you of violations of the Fairfax County Zoning Ordinance existing on the above-referenced property. The violations pertain to the occupancy and use of the referenced property by Harman & Manful, Incorporated (d/b/a Fast Eddie's Billiard Cafe) for non-compliance with the conditions of Special Permit Amendment SPA 95-V-031-2, and changing the use of the Non Residential Use Permit (Non-RUP).

On October 10, 2000, the Fairfax County Board of Zoning Appeals (BZA) approved Special Permit Amendment SPA 95-V-031-2 to permit a change in permittee for the operation of a billiard hall, subject to conditions at 6220 Richmond Highway. A copy of the BZA's resolution approving SPA 95-V-031-2, which includes the conditions, is enclosed.

A zoning investigation, including a zoning inspection of the above-referenced property on April 1, 2008, revealed that Harman & Manful Incorporated (d/b/a Fast Eddie's Billiard Cafe) is operating both a billiard hall and a dance hall from the above-referenced property. Non-Residential Use Permit (Non-RUP) #A-2000-2213 was issued on October 23, 2000, for a Billiard Hall. The use of the referenced property, as a dance hall, is not in conformance with the approved conditions of Special Permit Amendment SPA 95-V-031-2; thereby, constituting an expansion of the Special Permit use without approval from the Board of Zoning Appeals, and therefore in violation of Par. 2 of Sect. 8-004 of the Zoning Ordinance

Department of Planning and Zoning
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/

Mark Harman, President
Harman & Manful Incorporated
April 9, 2008
Page 2

which states:

Once established, the use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the BZA, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special permit shall be modified unless an application is made, and approved for an amendment to the special permit in accordance with Sect. 014 below or a new special permit is approved.

Further, a review of Fairfax County records reveals Harman & Manful, Incorporated has changed, and expanded the use without having obtained a valid Non-Residential Use Permit (Non-RUP) in violation of Sect. 18-701 of the Zoning Ordinance which states:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize, and is required for both the initial and continued occupancy and use of the building or land to which it applies.

For your information, a dance hall is permitted, as a Group 5 Special Permit Use, in the C-8 District, with the approval of a Special Permit Application by the Board of Zoning Appeals (BZA). It is noted, that Par. 1 of Sect. 2-303 of the Fairfax County Zoning Ordinance provides:

No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special permit use in such district, unless a special permit has been approved by the BZA and the use has been established in accordance with the provisions of Article 8.

Therefore, you as the President of Harman & Manful, Incorporated are in violation of Par. 1 of Sect. 2-303.

You as the President of Harman and Manful, Incorporated are, hereby, directed to clear these violations within thirty (30) days of receipt of this Notice. Compliance can be accomplished by the following:

- Applying for and obtaining approval of an amendment to Special Permit SPA 95-V-031-2 from the Fairfax County Board of Zoning Appeals

Mark Harman, President
Harman & Manful Incorporated
April 9, 2008
Page 3

(BZA) to allow both a billiard hall and dance hall to operate from the above-referenced property and obtaining all necessary permits, and approvals to include obtaining approval of a Non-Residential Use Permit (Non-RUP) to reflect all permitted uses; or

- Cease operating the dance hall and remove the dance hall area from the above-referenced property, and complying with the development conditions of SPA 95-V-031-2.

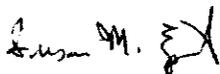
A follow-up inspection will be made at the expiration of this time. Failure to comply, with this Notice, **shall** result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a **\$375.00** filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

A Special Permit Application is enclosed, for your convenience, should you desire to pursue this remedy. Should you pursue applying for a Special Permit Amendment, you may wish to schedule a pre-application meeting regarding any questions you may have in reference to the filing of an application. Those questions may be directed to Lisa Feibelman of the Zoning Evaluation Branch at (703) 324-1290.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1388 or (703) 324-1300.

Sincerely,



Susan M. Epstein
Property Maintenance\Zoning Enforcement Inspector

SME/seg
Special Permit Application information enclosed
A copy of the BZA's resolution approving SPA 95-V-031-2

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HARMON & MANFUL, INC. D/B/A FAST EDDIE'S BILLIARD CAFE, SPA 95-V-031-2 Appl. under Sect(s). 4-803 of the Zoning Ordinance to amend SP 95-V-031 previously approved for a billiard hall to permit a change in permittee. Located at 6220 Richmond Hwy. on approx. 2.84 ac. of land zoned C-8 and HC. Mt. Vernon District. Tax Map 83-3 ((1)) 22C and 22D. Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 10, 2000; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 4-803 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is APPROVED with the following limitations:

1. This approval is granted to the applicant only, Harmon and Manful, Inc., D/B/A Fast Eddie's Billiard Café, and is not transferable without further action of this Board, and is for the location indicated on the application, and is not transferable to other land. Other by-right, Special Exception and Special Permit uses may be permitted on the lot without a Special Permit amendment, if such uses do not affect this Special Permit use.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by R.C. Fields, Jr. and Associates, and dated April 5, 1995, as revised through August 30, 1995 and received by the Department of Planning and Zoning on July 20, 2000, approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit is exempt from the provisions of Article 17, Site Plans, since there are no changes proposed. Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved Special Permit Amendment Plat and these development conditions. Minor modifications to the approved Special Permit may be permitted pursuant to Par. 4 of Sect. 804 of the Zoning Ordinance.

5. There shall be a maximum of twenty-six (26) billiard tables and 163 seats in the facility, 6220 Richmond Highway.
6. The hours of operation of the billiard parlor shall not exceed 10:00 a.m. to 2:00 a.m. daily.
7. The number of parking spaces shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance, as determined by the Department of Public Works and Environmental Services (DPWES).
8. A six foot high board on board fence shall be provided within ten (10) feet of the northern property line as shown on the special permit landscape plat presented to the Board of Zoning Appeals on July 20, 1995. The barrier requirement shall be waived along all other property lines. Ten (10) feet of planting along the northern property line shall be placed along the outside of the board on board fence and the plant materials shall be approved by the Urban Forestry Branch, DPWES.
9. Transitional screening shall be waived along all other property lines.
10. Interior parking lot landscaping shall be provided as shown on the special permit plat and as approved by the County Urban Forestry Branch, DPWES.
11. Interparcel access shall be provided to Lot 22B to the south and necessary public access easements provided shall be recorded among the land records of Fairfax County.
12. The entrance on Jamaica Drive shall be limited to "Entrance Only" and shall be gated at 9:30 p.m. The entrance shall be narrowed to a one-way width, but shall be a minimum of 18 feet wide to allow access for emergency vehicles.
13. A bench shall be provided at the transit stop on site along Route 1.
14. The applicant shall provide security guard(s) to police the area from the hours of 10:00 p.m. until closing.
15. The applicant shall police the premises for trash and debris on a daily basis.
16. The applicant shall comply with the applicable Alcoholic Beverage Control laws.
17. The applicant shall keep the kitchen doors closed at all times, except for ingress and egress, to minimize the impact of noise on the adjacent community.
18. This amended special permit shall be reviewed by the Board of Zoning Appeals twenty-four (24) months after the date of approval.

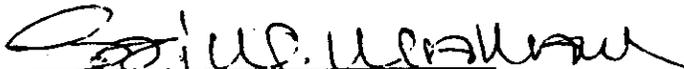
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion which carried by a vote of 6-0. Mr. Hammack recused himself from the hearing.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on October 18, 2000. This date shall be deemed to be the final approval date of this special permit.

A Copy Tests:



Lori M. Mallam, Deputy Clerk
Board of Zoning Appeals



County of Fairfax, Virginia

MEMORANDUM

DATE: December 3, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver *AKR*
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 95-V-031)

SUBJECT: Transportation Impact

REFERENCE: SPA 95-V-031-3 Harmon & Manful, Inc. d/b Fast Eddie's Billiard Cafe
Traffic Zone: 1468
Land Identification Map: 83-3 ((1)) 22C, 22D

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plats made available to this office dated April 1995, and revised through August 30, 1995. The applicant's request is to amend SP 95-V-031 previously approved for a billiard hall to permit the addition of a dance hall.

The proposed application would not create any additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of this application.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

2/24/09



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

December 10, 2008

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SPA 95-V-031-03, 6220 Richmond Highway
Tax Map No.: 083-3 /01/ /0022C /01/ /0022D

Dear Ms. Coyle,

This office has reviewed the special permit plat relative to special permit application 95-V-031-03 and offers the following comments.

The application has been filed for a previously approved billiard hall to permit the addition of a dance hall.

The impact to peak hour traffic will be minimal therefore this office has no additional comments.

Sincerely,

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver

C D

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-503 Standards for all Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.