

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SNSA, INC. D/B/A FAST EDDIE'S BILLIARD CAFE, SPA 95-V-031-03 Appl. under Sect(s). 4-803 of the Zoning Ordinance amend SP 95-V-031 previously approved for billiard hall to permit the addition of a dance hall and change in permittee. Located at 6220 Richmond Hwy. on approx. 2.84 ac. of land zoned C-8, CRD and HC. Mt. Vernon District. Tax Map 83-3 ((1)) 22C and 22D. (Admin. moved from 1/13/09 and 2/24/09 at appl. req.) Mr. Hart 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 April 14, 2009; and

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

1. The applicant is the owner of the property.
2. The Board has a staff report recommending approval.
3. The Board adopts the rationale in the staff report.
4. While the Board sees the issues raised in the anonymous letter, the staff explanation is satisfactory.
5. With the changes to the development conditions, particularly the two-year time limit, the Board has put adequate controls on the use.
6. The Board will be reviewing the application in a few months, as Development Condition 20 requires not only that the application be filed within two years, but be approved within two years.
7. The Board will have a better handle when the application is again reviewed as to whether the addition of a relatively small dance floor and a small area for dancing, limited to 64 people, is going to materially change the use.
8. With this type of use, other factors, such as alcohol, big crowds, or the time of closing, usually contribute to parking lot issues late at night.
9. It is unknown whether there is a direct correlation between the size of the dance floor or number of dancers and the problems in the parking lot.

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 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, 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), structure(s) 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. The maximum occupancy load of the premises shall be four hundred and seventy-five (475) people, including employees, or a lesser number if determined by the Fire Marshall or Department of Public Works and Environmental Services under applicable regulations.
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 Fridays, Saturdays, Sundays, and Mondays 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 Fridays, Saturdays, Sundays, and Mondays 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 Fridays, Saturdays, Sundays, and Mondays.
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.

Mr. Beard seconded the motion, which carried by a vote of 4-0. Mr. Byers was not present for the vote. Ms. Gibb was absent from the meeting. Mr. Hammack recused himself.