

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BIZUWORK TAFESSE AND HIWOT FESSEHA D/B/A HAVEN LOUNGE, SP 2011-MA-006 Appl. under Sect(s). 8-503 of the Zoning Ordinance to permit commercial recreational use (hookah lounge). Located at 3825-D South George Mason Dr. on approx. 1,175 sq. ft. of land zoned C-6 and CRD. Mason District. Tax Map 62-3 ((13)) 44. Ms. Gibb 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 13, 2011; and

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

1. The applicants are the lessee of the property.
2. The Board has a favorable staff report.
3. Based on the testimony of the applicant's agent and the staff members present, the Board's concerns, mostly about the smoke on the adjacent tenants, have been addressed.

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, Bizuwork Tafesse and Hiwot Fesseha d/b/a Haven Lounge, and is not transferable without further action of this Board, and is for the location indicated on the application, 3825-D South George Mason Drive, and is not transferable to other land.
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 Dewberry & Davis, dated April 1981, 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 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. 8-004 of the Zoning Ordinance.

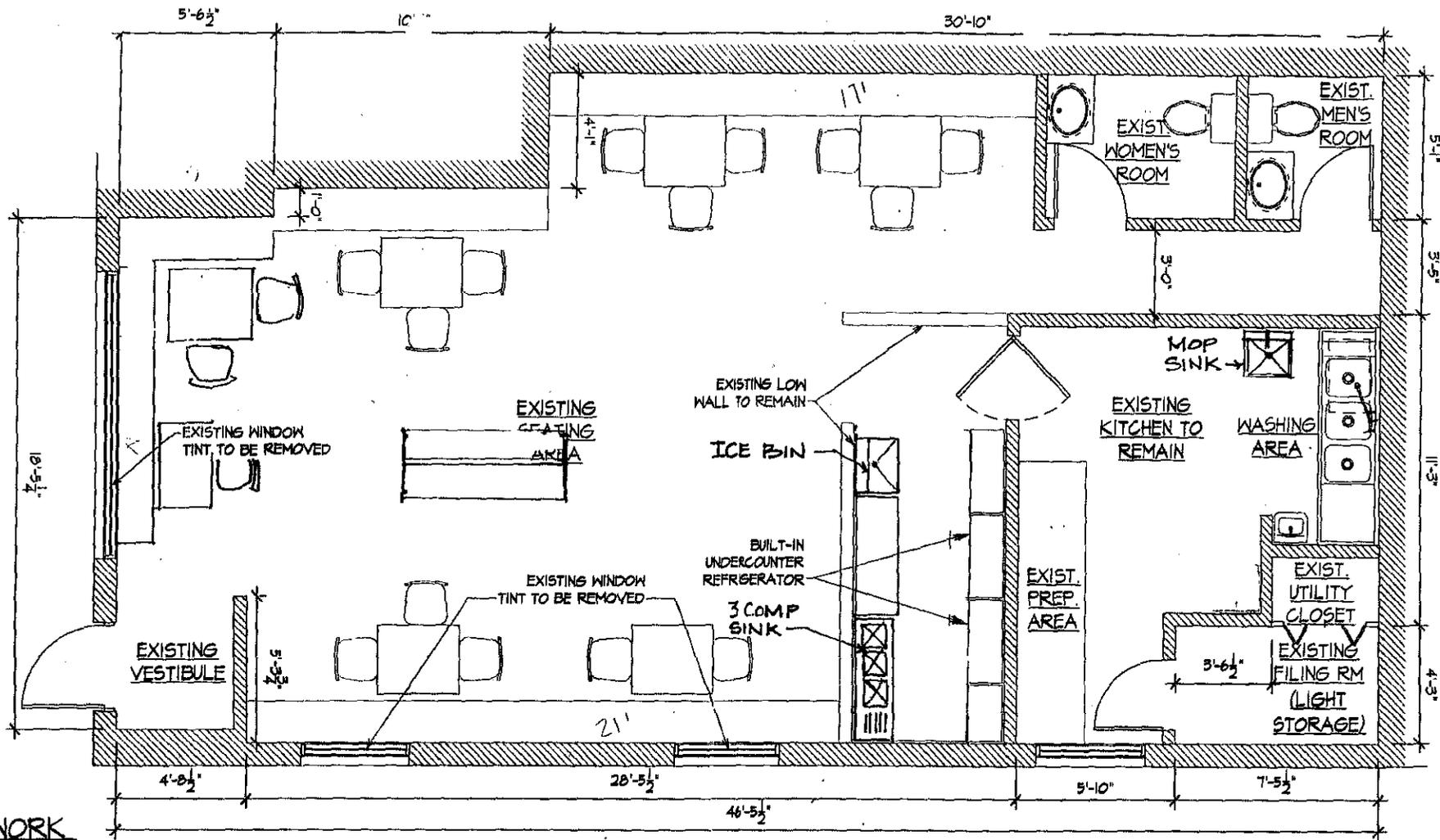
5. The use shall be in general conformance with the floor plan, included as Attachment 1.
6. Maximum occupancy shall not exceed 60 persons, including employees, in the facility at any time.
7. The maximum hours of operation of the use shall be limited to 11:00 a.m. to 2:00 a.m. daily.
8. Employees shall be a minimum of eighteen (18) years of age.
9. Entry to the establishment shall be limited to customers who are eighteen (18) years of age and older. A door counter shall be present during the hours of operation to validate the age of patrons and to ensure compliance with the maximum occupancy permitted.
10. The number of required parking spaces shall be provided in conformance with the provisions of Article 11 of the Zoning Ordinance, as determined by the Department of Public Works and Environmental Services (DPWES). All parking for the use shall be on site of the BuildAmerica shopping center.
11. No alcohol shall be stored or served on site.
12. No food shall be prepared on site, except prepackaged snacks.
13. There shall be no amusement games or gambling on the premises.
14. There shall be no live entertainment or a dance area.
15. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.
16. The applicant shall complete a Fire Safety Technical Inspection once a year. A copy of the inspection shall be filed with the Fairfax County Department of Planning and Zoning.
17. Notwithstanding the notes on Attachment 1, prior to approval of the non-RUP, a tenant layout plan which complies with the currently adopted Virginia Construction Code shall be submitted to and approved by Building Plan Review.
18. The Non-Residential Use Permit (non-RUP) shall include restrictions on the maximum occupancy permitted, number of permitted tables and the maximum hours of operation.

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.

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 as outlined above. 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. Byers seconded the motion, which carried by a vote of 5-0. Mr. Hart recused himself from the hearing. Mr. Smith was absent from the meeting.



SCOPE OF WORK

- INTERIOR COSMETIC ALTERATION OF EXISTING RESTAURANT SPACE. OWNER TO DECIDE PAINT COLOR.
- NO CHANGE OF USE.
- NO STRUCTURAL WORK TO BE INCLUDED.
- NO INTERIOR DEMOLITION WORK.
- NO RELOCATION OF ELECTRIC, FAX, DATA OUTLETS, LIGHT FIXTURES, MECHANICAL SUPPLY DIFFUSERS & RETURN REGISTERS.
- NO PLUMBING WORK TO BE INCLUDED. EXISTING TOILET ROOMS TO REMAIN.
- EXISTING ELECTRIC PANELS & SERVICE TO REMAIN WITH NEW LIGHT FIXTURES.
- ALL EXISTING HVAC, OUTSIDE AIR INTAKE SYSTEMS, TOILET EXHAUST FANS & OTHER MAIN MECHANICAL SYSTEMS ARE TO REMAIN AS EXISTING & SHALL BE CHECKED FOR FUNCTIONAL OPERABILITY.

1 FLOOR PLAN
EX-1 SCALE: 1/4" = 1'-0"



COSMETIC ALTERATION (NO STRUCTURAL WORK)

SCALE: 1/4" = 1'-0"