

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MOHAMED DAOUNY AND WALIMA, INC., D/B/A WALIMA CAFE, SP 2011-MA-005 Appl. under Sect(s). 8-503 of the Zoning Ordinance to permit a commercial recreation facility (Hookah Lounge). Located at 3823D South George Mason Dr. on approx. 1,600 sq. ft. of land zoned C-6 and CRD. Mason District. Tax Map 62-3 ((13)) 51. 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 120, 2011; and

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

1. The applicant is the Lessee of the land.
2. There is a staff recommendation of approval.
3. The rationale in the staff report is adopted.
4. With the revision to the development conditions, the Board is being consistent with the case last week, and the new condition #17 would accommodate any concerns about smoke on adjacent uses, or it should, if the plans are being reviewed under the new Code.
5. Based on the record before the Board, there will not be a significant negative impact on anybody.
6. This is an area that is not really that visible from the street.
7. It is in the midst of many other small commercial uses like this and across from an industrial area.
8. The applicable criteria have been satisfied.

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, Mohamed Daouny and Walima, Inc. d/b/a Walima Café and is not transferable without further action of this Board, and is for the location indicated on the application, 3823-D South George Mason Drive, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the special permit plat prepared by Dewberry & Davis, dated April 1981, approved with this application.

3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) 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 50 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 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. Prior to approval of a new 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-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.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

# WALIMA, INC

