



APPLICATION ACCEPTED: August 26, 2011  
BOARD OF ZONING APPEALS: December 14, 2011  
**MOVED DUE TO NOTICES**  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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December 7, 2011

### STAFF REPORT

**SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 96-M-006-02**

#### MASON DISTRICT

**APPLICANT:** 7031 JK, Inc.

**ZONING:** C-6, HC, SC, CRD

**LOCATION:** 7031 Little River Turnpike

**ZONING ORDINANCE PROVISION:** 5-503

**TAX MAP:** 71-1 ((1)) 116A

**LOT SIZE:** 3.07 acres

**PLAN MAP:** Retail and other related uses

**SP PROPOSAL:** Group 5 – To amend SP 96-MA-006 previously approved for a commercial recreation use (karaoke) to permit a change in permittee.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 96-MA-006-02 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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Brenda J Cho

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 application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 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.**

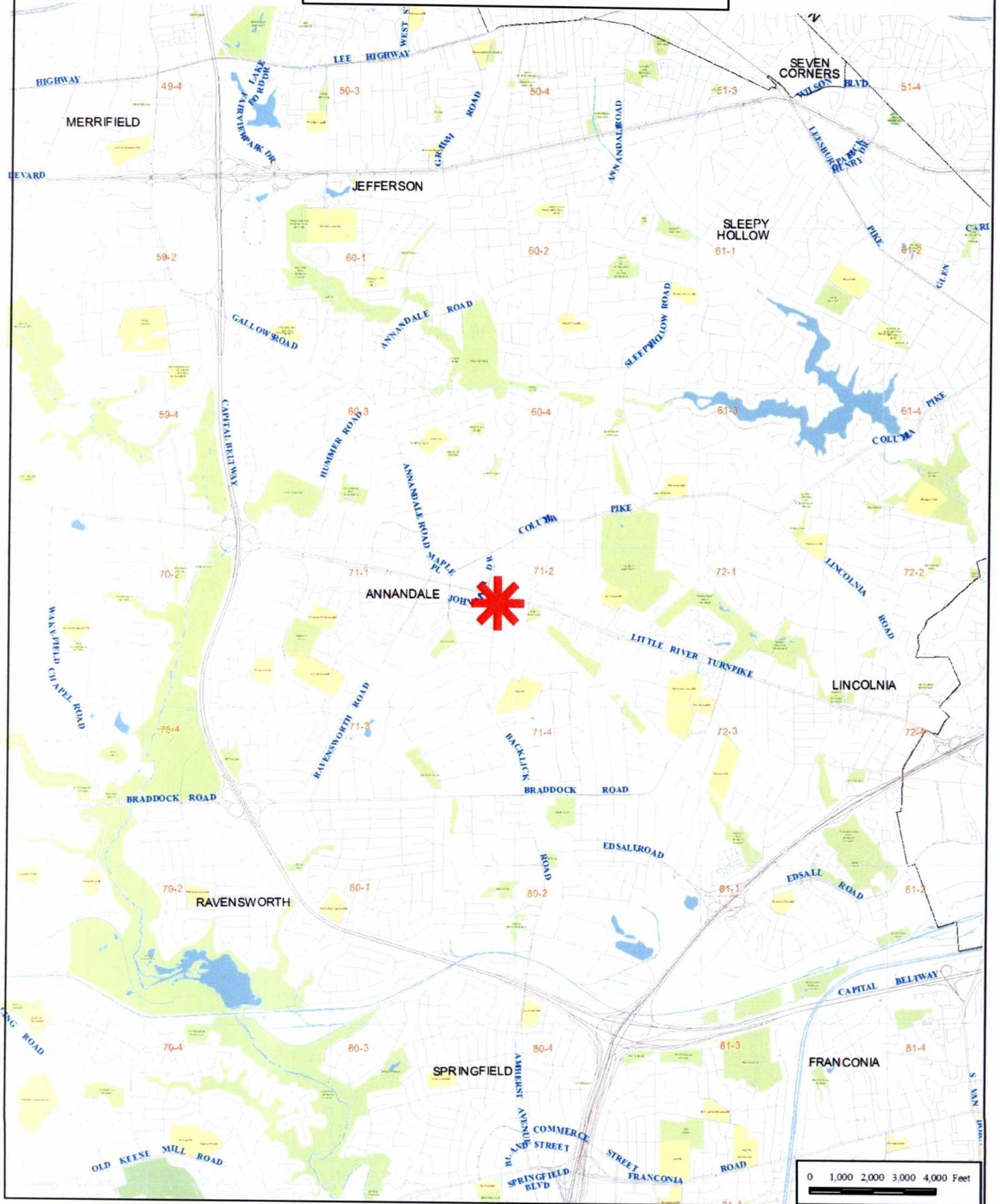


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

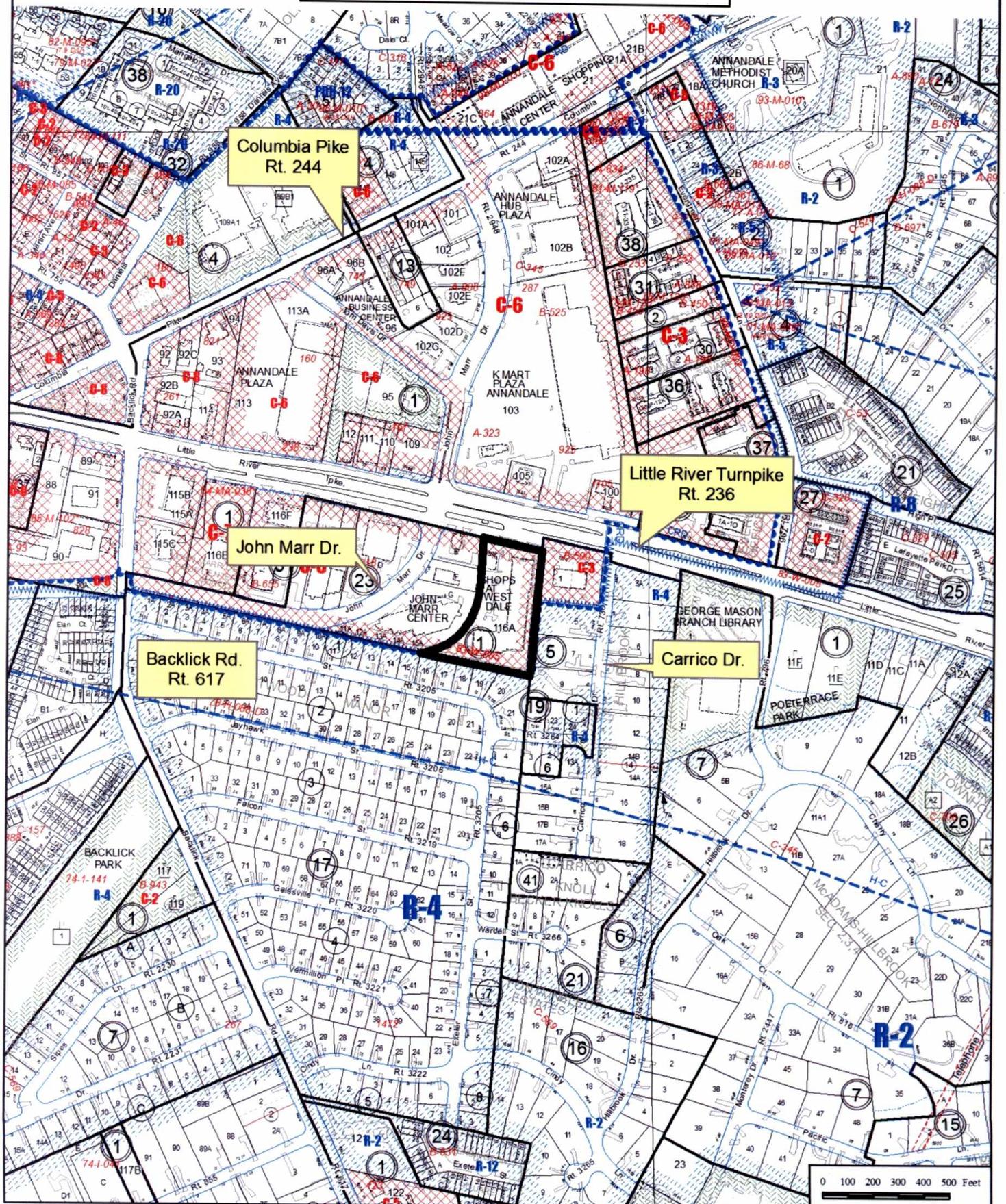
SPA 96-M-006-02

7031 JK, INC.



# Special Permit Amendment

SPA 96-M-006-02  
7031 JK, INC.





Bill H. Stroh  
 P.E.  
 5/15/12  
 5/15/12

SHOPS AT WEST \* DALE  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SPECIAL PERMIT PLAN

SCALE: 1" = 30'  
 DATE: 08-02-95  
 REVISIONS:  
 1. 10-12-97  
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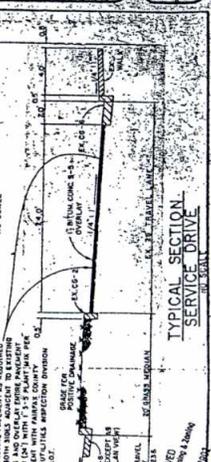
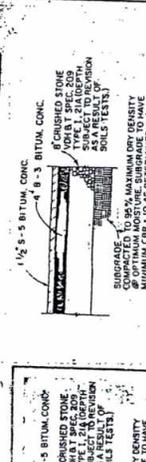
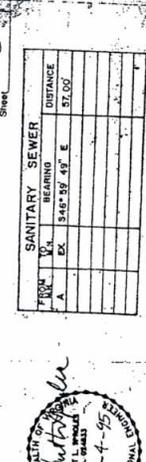
**SITE TABULATION**  
 SITE AREA - 3.1079 ACRES - 144,092 S.F. (133,742 S.F. AFTER DEDICATION)  
 USE - SHOPPING CENTER, RESTAURANT & COMMERCIAL RECREATION USE  
**PAVING AREAS:**  
 SHOP - CENTER - 5,594 S.F. GROSS FLOOR AREA (GFA)  
 RESTAURANT #1 - 8,418 S.F. GROSS FLOOR AREA (GFA)  
 RESTAURANT #2 - 8,418 S.F. GROSS FLOOR AREA (GFA)  
 TOTAL - 22,430 S.F. GROSS FLOOR AREA (GFA)  
**HEIGHTS - 14'-0" (ONE STORY)**  
 USE GROUP - M  
 MANUFACTURING TYPE - 2-C

**LOADING SPACES REQUIRED:**  
 OFFICE CENTER - 72 SPACES REQUIRED @ 1 SPACE PER 200 S.F.  
 SHOP - CENTER - 144 SPACES REQUIRED @ 1 SPACE PER 100 S.F.  
 RESTAURANT #1 - 43 SPACES REQUIRED @ 1 SPACE PER 100 S.F.  
 RESTAURANT #2 - 43 SPACES REQUIRED @ 1 SPACE PER 100 S.F.  
 TOTAL - 268 SPACES REQUIRED  
 TOTAL PROVIDED - 160 SPACES (4 HANDICAP SPACES)

**APPROVED SE(5) PLAT**  
 SEE DEVELOPMENT CONDITIONS  
 Date of (803) (824) Revised: 5/23/12  
 INTERIOR PARKING LOT LAND CAPACITY: 160 SPACES  
 51 INTERIOR PARKING SPACES REQUIRED - 3,421 S.F.  
 LANDSCAPING PROVIDED: 1,733 S.F.

**OPEN SPACE**  
 SITE AREA - 144,092 S.F. (133,742 S.F. AFTER DEDICATION)  
 PERIPHERAL & INTERIOR OPEN SPACE - 3,284 S.F.  
 INTERIOR OPEN SPACE - 4,570 S.F.  
 TOTAL OPEN SPACE PROVIDED - 7,854 S.F.

FROM	TO	BEARING	DISTANCE
A	EX	S48°59'49"E	57.00'



**LOT 15**  
 BURGESS, D. KEVIN  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 16**  
 WIESKAMP, R. EUGENE  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 17**  
 WALKER, EVELYN  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 18**  
 OGLESBY, B. EMBIE  
 & JOSEPHINE B.  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 19**  
 OLWAN, S. MICHAEL  
 & SHAM G.  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 20**  
 LIU, J. SHIN & CHEN H.  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 1**  
 HINES, CHARLES R. & LINDA B.  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 2**  
 COLE, GORDON M. & MARY E.  
 ZONE: R-4  
 USE: RESIDENTIAL

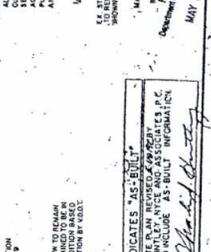
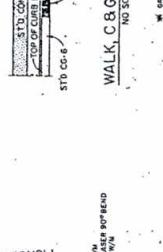
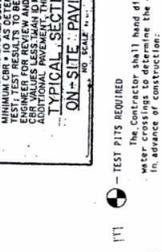
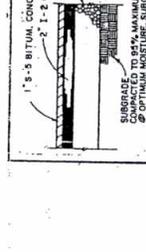
**LOT 3**  
 LOWRY, ROBERT B. & MILDRED G.  
 ZONE: R-4  
 USE: RESIDENTIAL

**LOT 4**  
 MEILERT, J. JOHN & COPERNOLL  
 & MARGARET  
 ZONE: C-6  
 USE: RESTAURANT

**LOT 5**  
 WILLS, G. W.  
 ZONE: C-6  
 USE: RESTAURANT

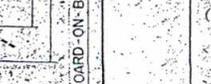
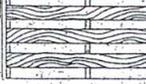
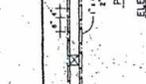
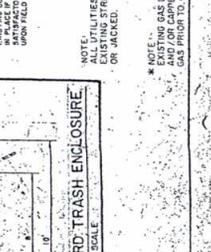
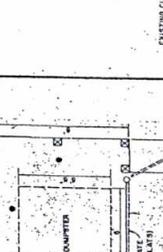
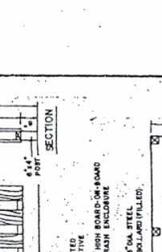
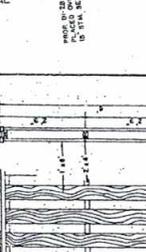
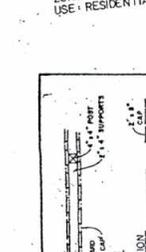
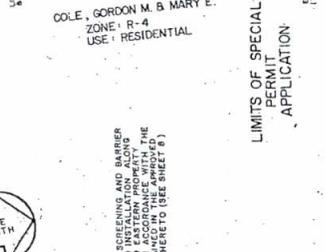
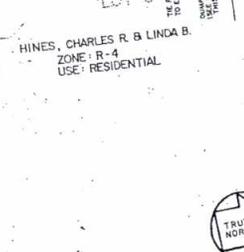
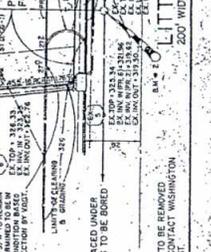
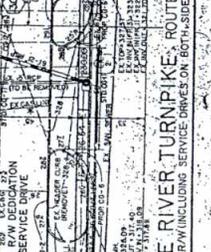
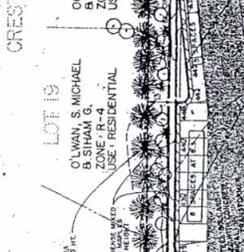
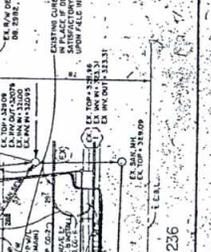
**LOT 6**  
 RAPORTE, E. LLOYD  
 ZONE: C-6  
 USE: JOHN MARR CENTER

**LOT 7**  
 7023 ASSOCIATES  
 ZONE: C-3  
 USE: OFFICE BUILDING

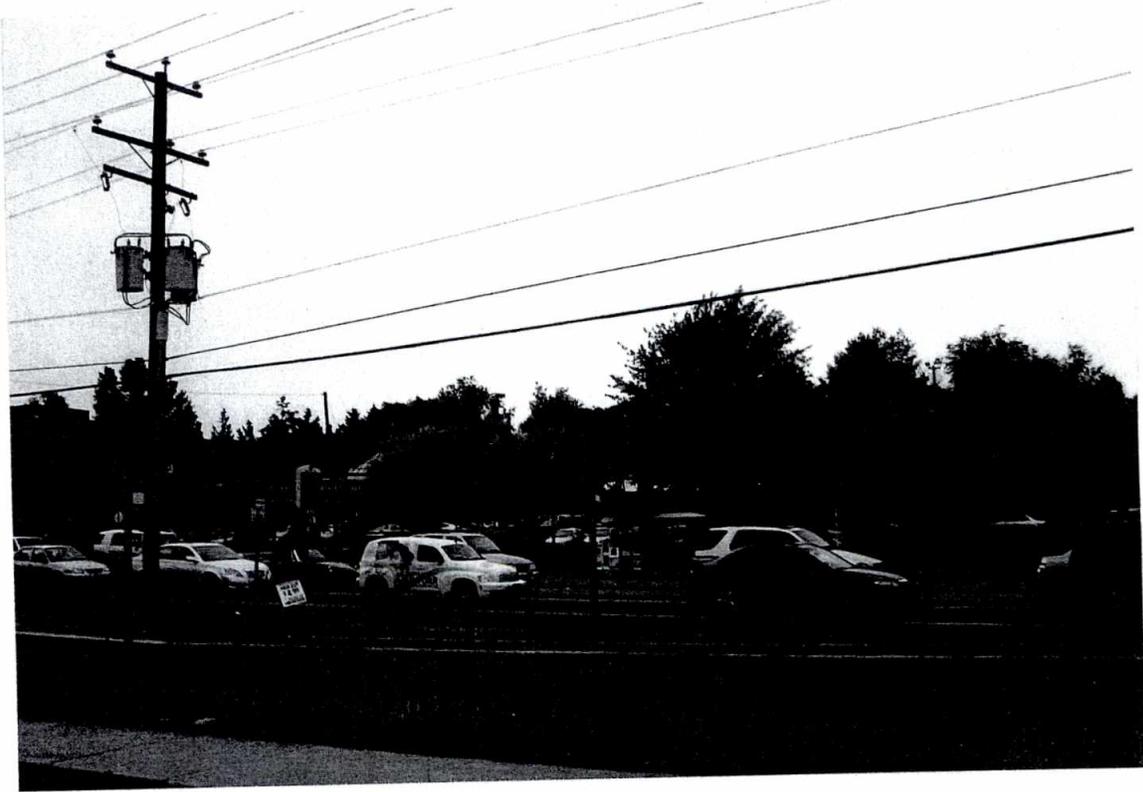


**LIMITS OF SPECIAL PERMIT APPLICATION**

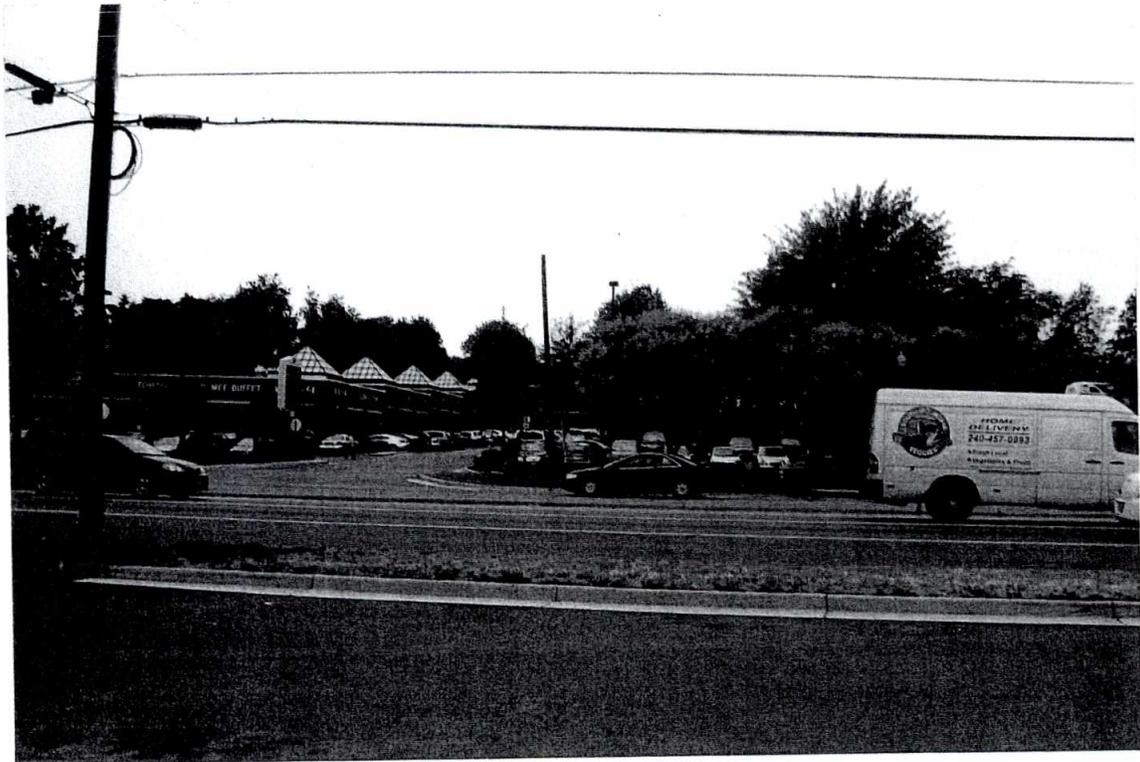
**NOTE:**  
 ADDITIONAL SCREENING AND BARRIER CONSTRUCTION AND INSTALLATION ALONG WITH THE PERMIT SHALL BE IN ACCORDANCE WITH THE WAVELENGTH ATTACHED HEREIN TO (SEE SHEET 8)



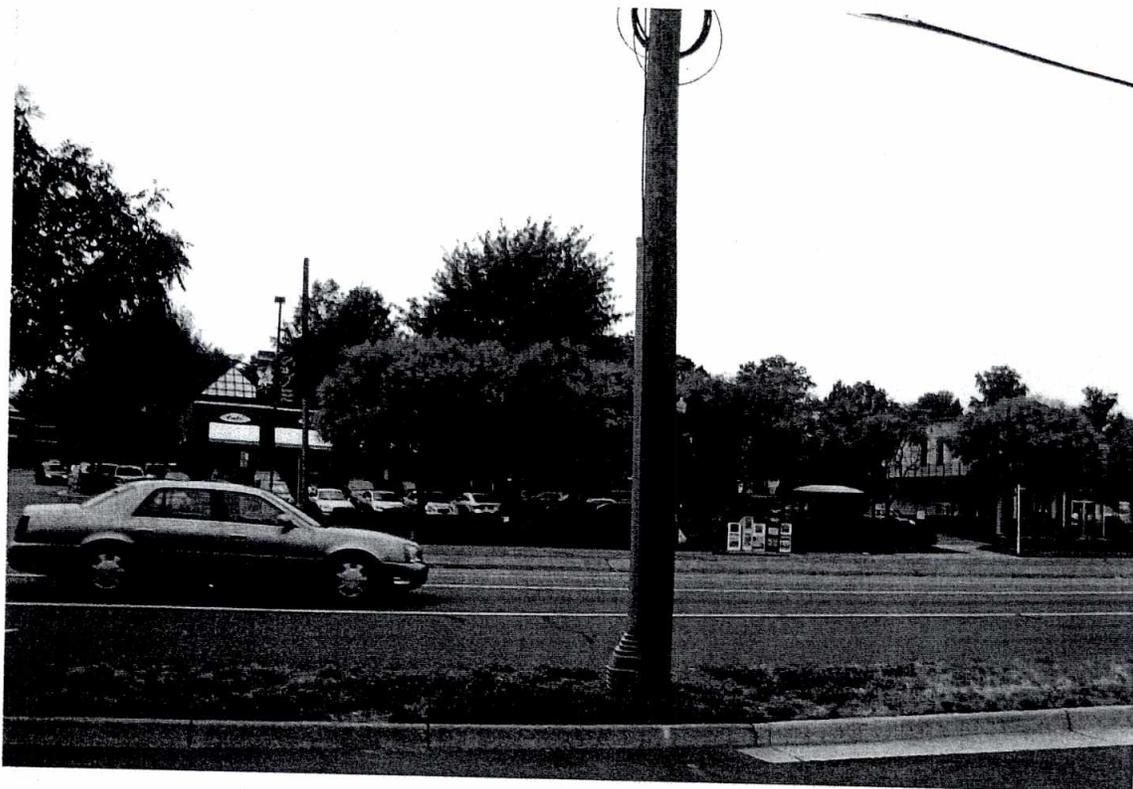




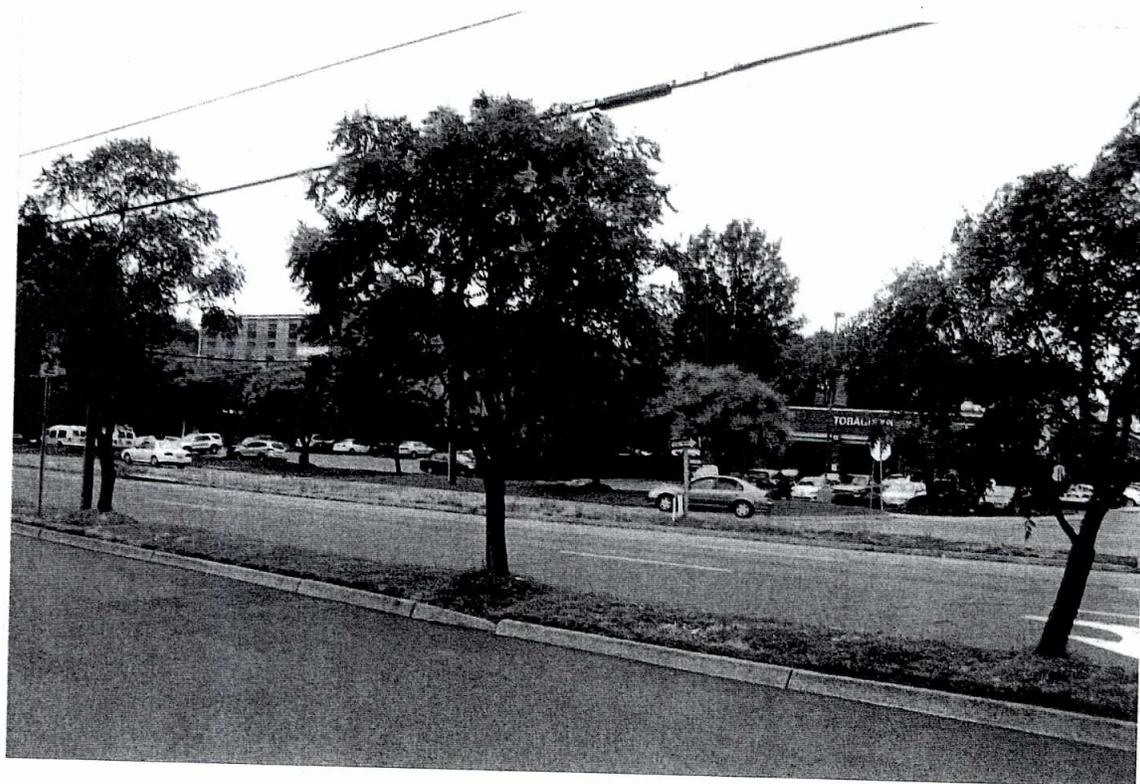
1STREET VIEW FRONT (SHOPPING CENTER)



2ENTRANCE VIEW (SHOPPING CENTER)



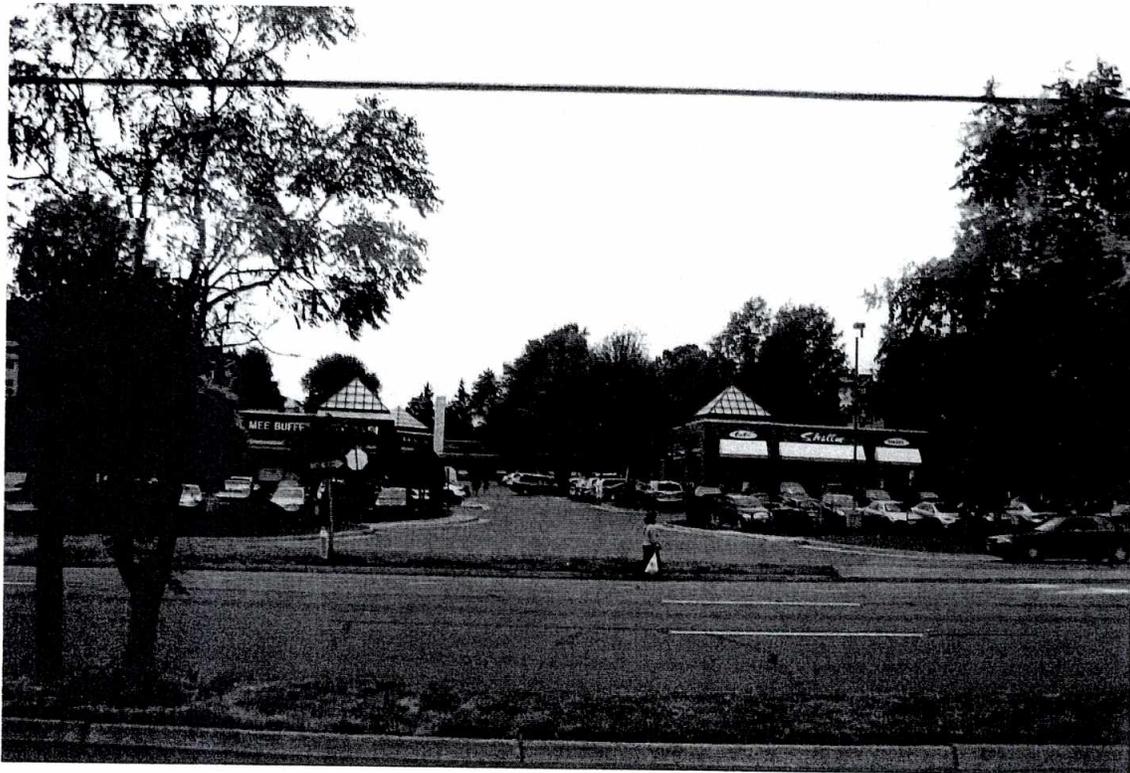
3RIGHT SIDE FRONT VIEW (SHOPPING CENTER)



4LEFT SIDE FRONT VIEW (SHOPPING CENTER)



5 MAIN ENTRANCE VIEW (SHOPPING CENTER)



6 MAIN ENTRANCE VIEW (SHOPPING CENTER)



7LEFT SIDE VIEW (SHOPPING CENTER)



8LEFT FRONT SIDE VIEW (SHOPPING CENTER)



9 RIGHT FRONT SIDE VIEW (SHOPPING CENTER)



10 LEFT FRONT & SIDE VIEW (SHOPPING CENTER)



11 PARKING LOT RIGHT SIDE (SHOPPING CENTER)



12 PARKING LOT LEFT SIDE (SHOPPING CENTER)



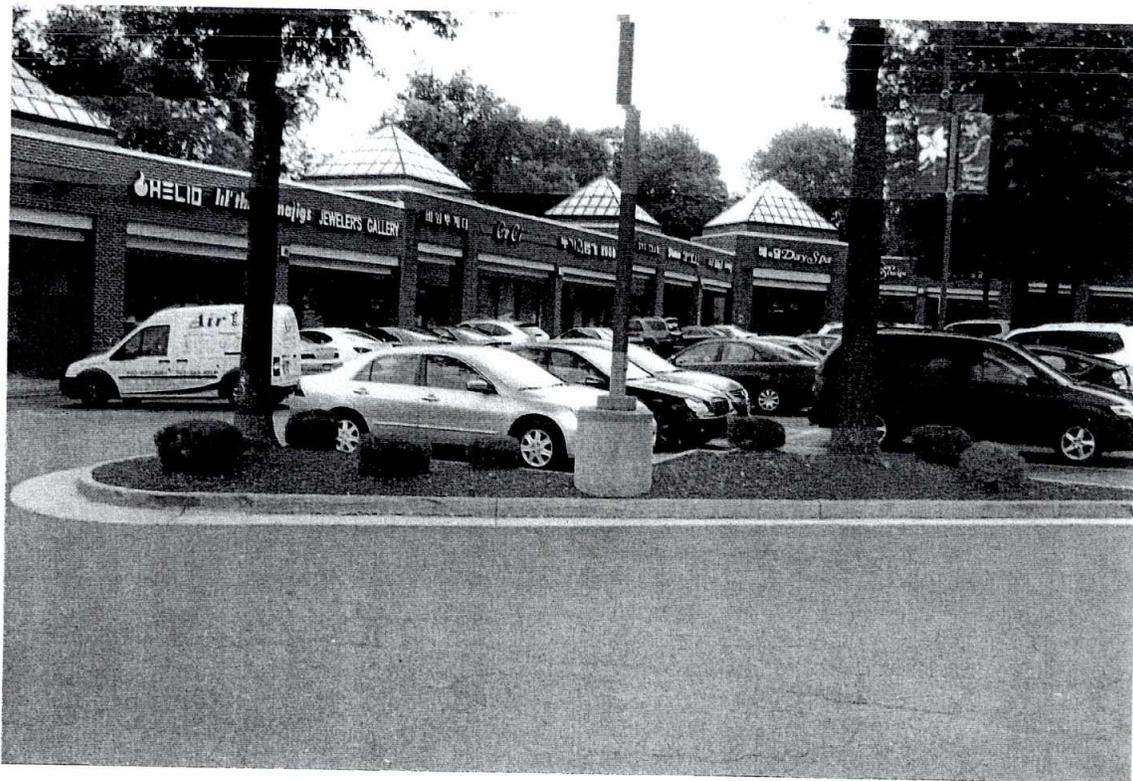
13 OTHER BUSINESSES LEFT SIDE (BUSINESS)



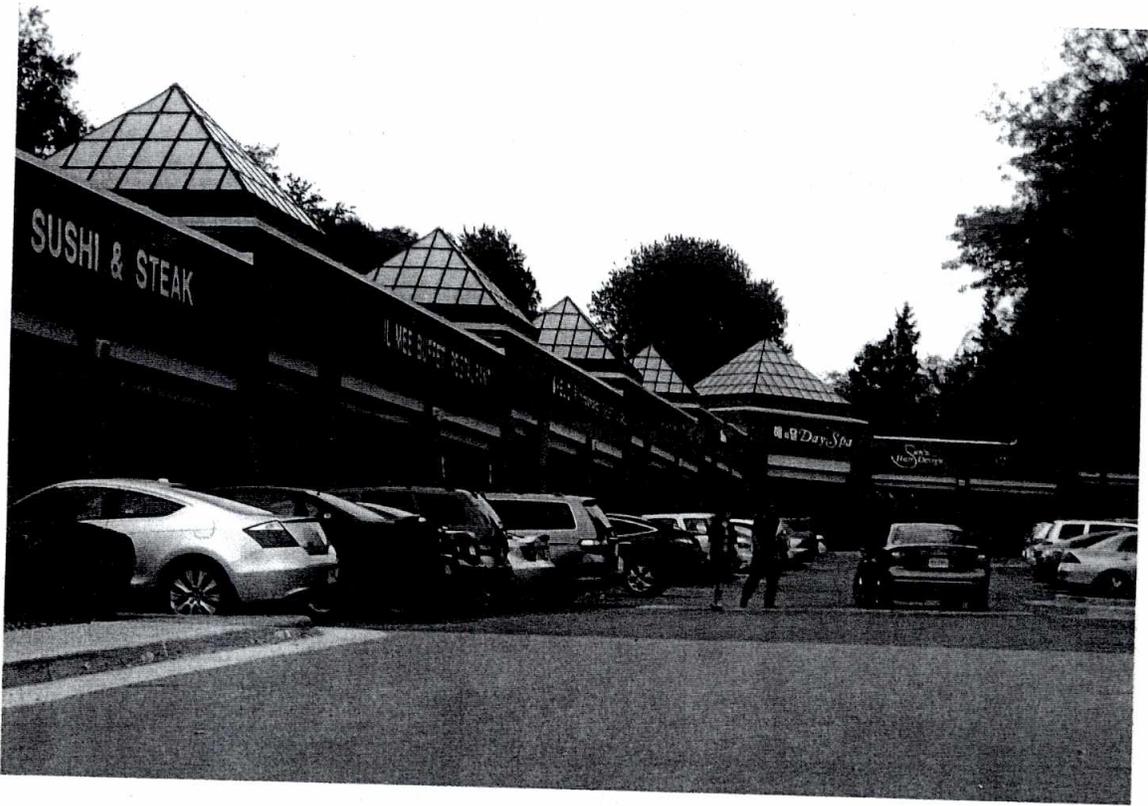
14 OTHER BUSINESSES RIGHT SIDE (BUSINESS)



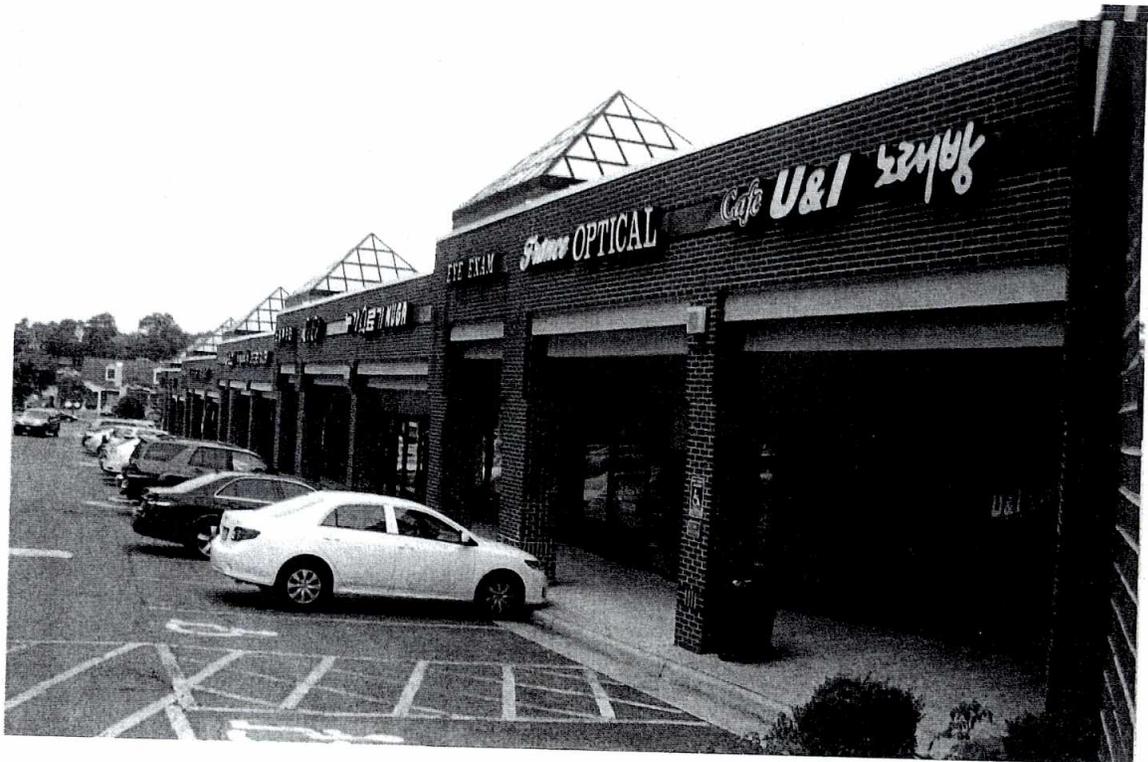
15 FRONT OF THE BUSINESSES ON LEFT SIDE (SHOPPING CENTER)



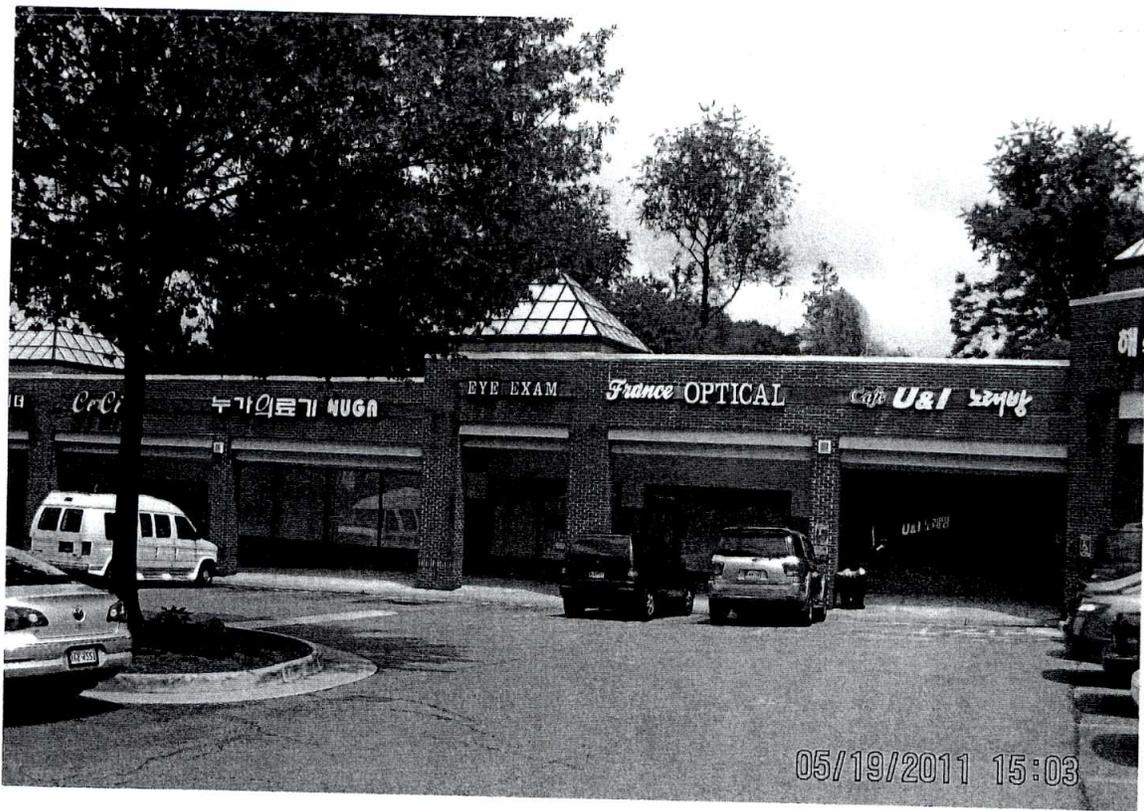
16 FRONT OF THE BUSINESSES & PARKING LOT ON LEFT SIDE (SHOPPING CENTER)



17 LEFT FRONT OF BUSINESSES & PARKING LOT (SHOPPING CENTER)



18 FRONT & RIGHT SIDE (BUSINESS)



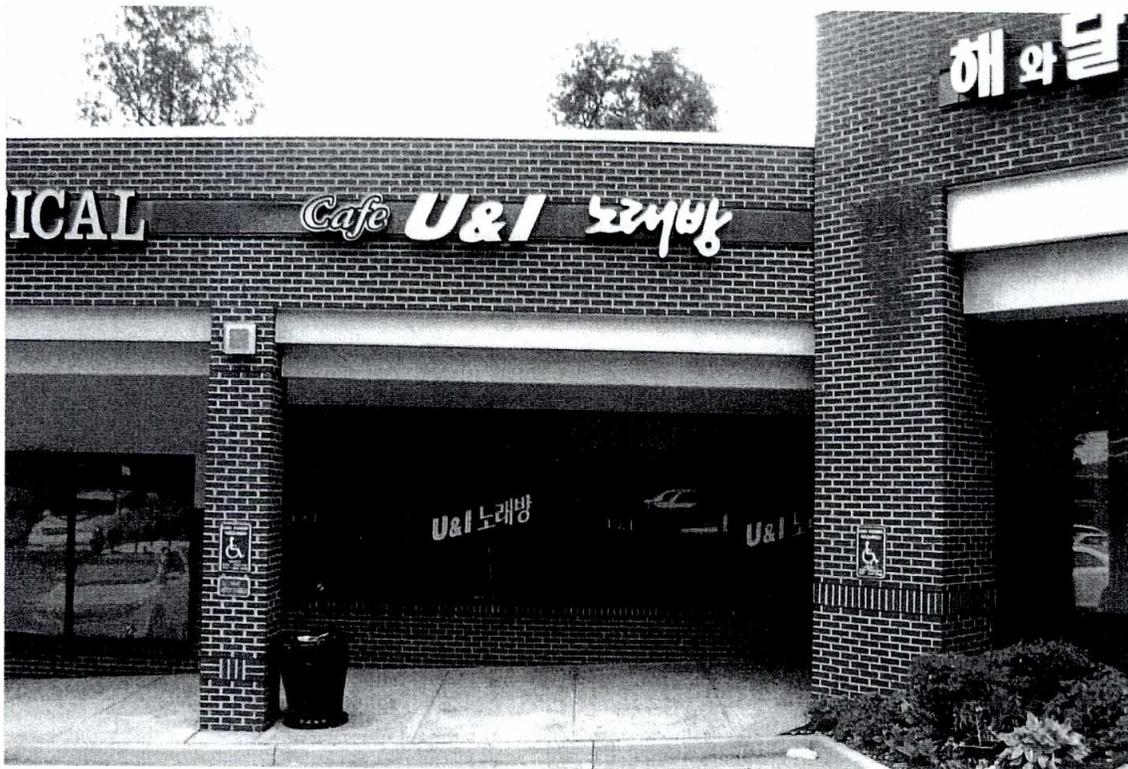
19 FRONT VIEW OF THE BUSINESS



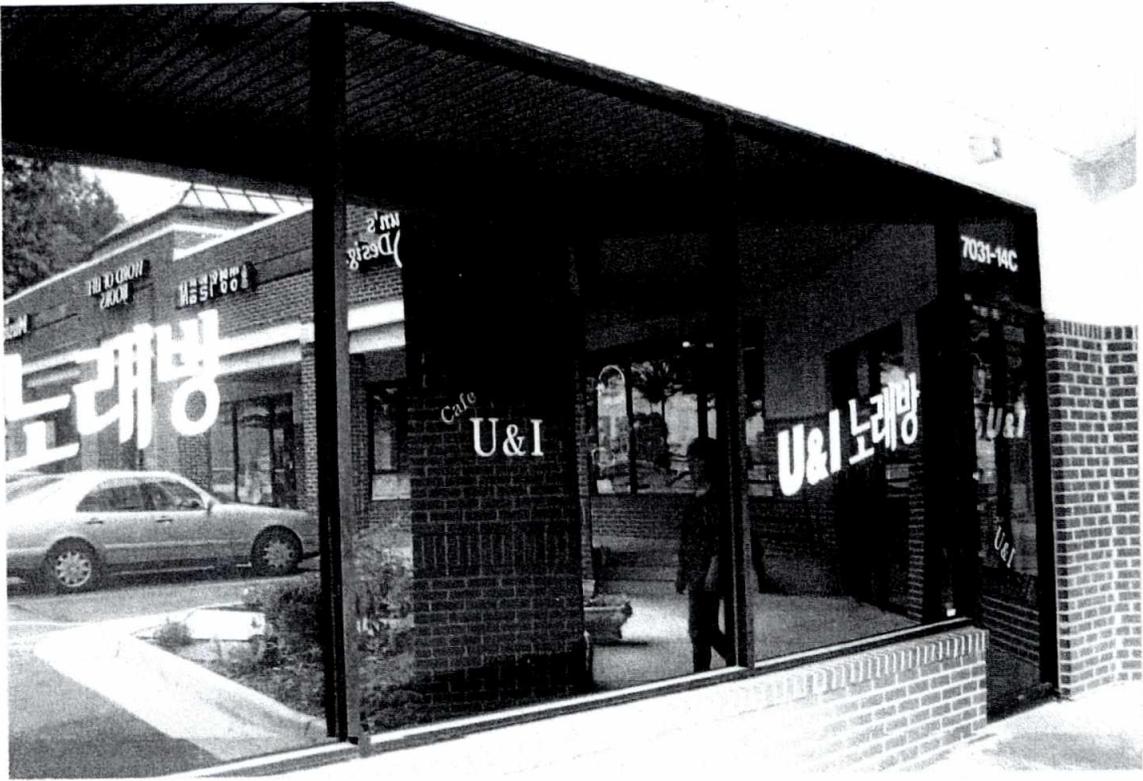
20 FRONT VIEW OF THE BUSINESS



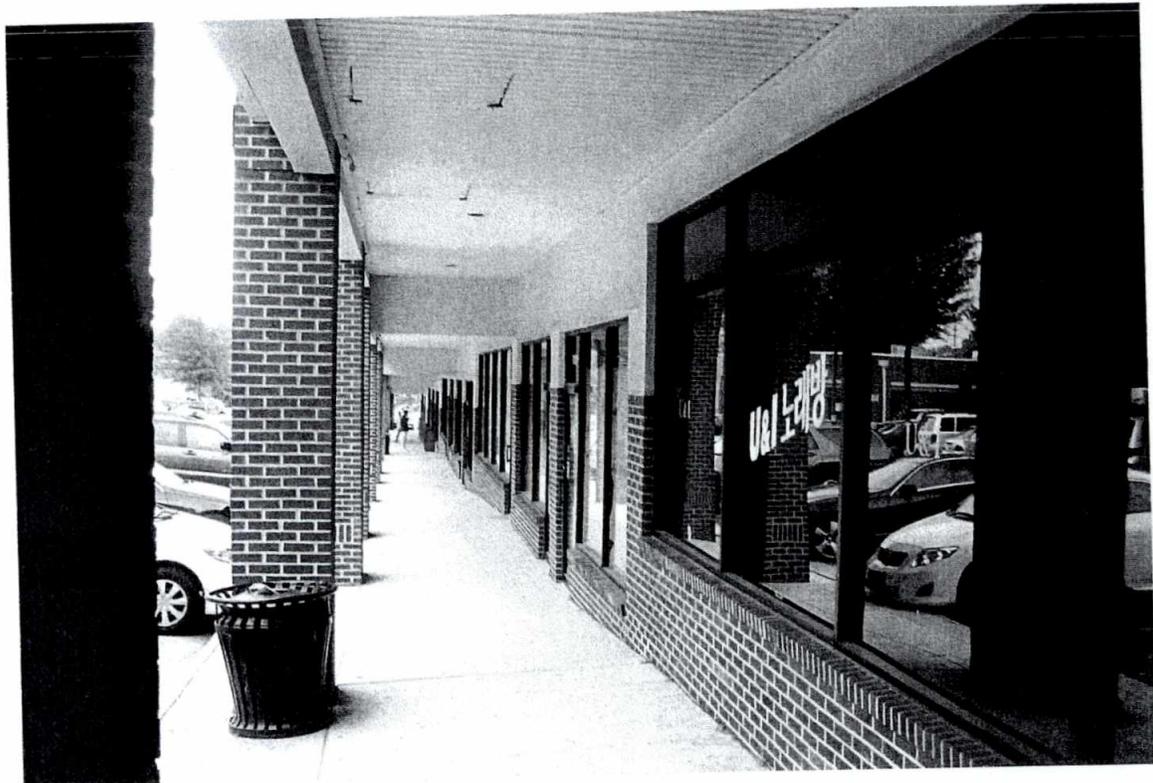
21 FRONT VIEW OF THE BUSINESS



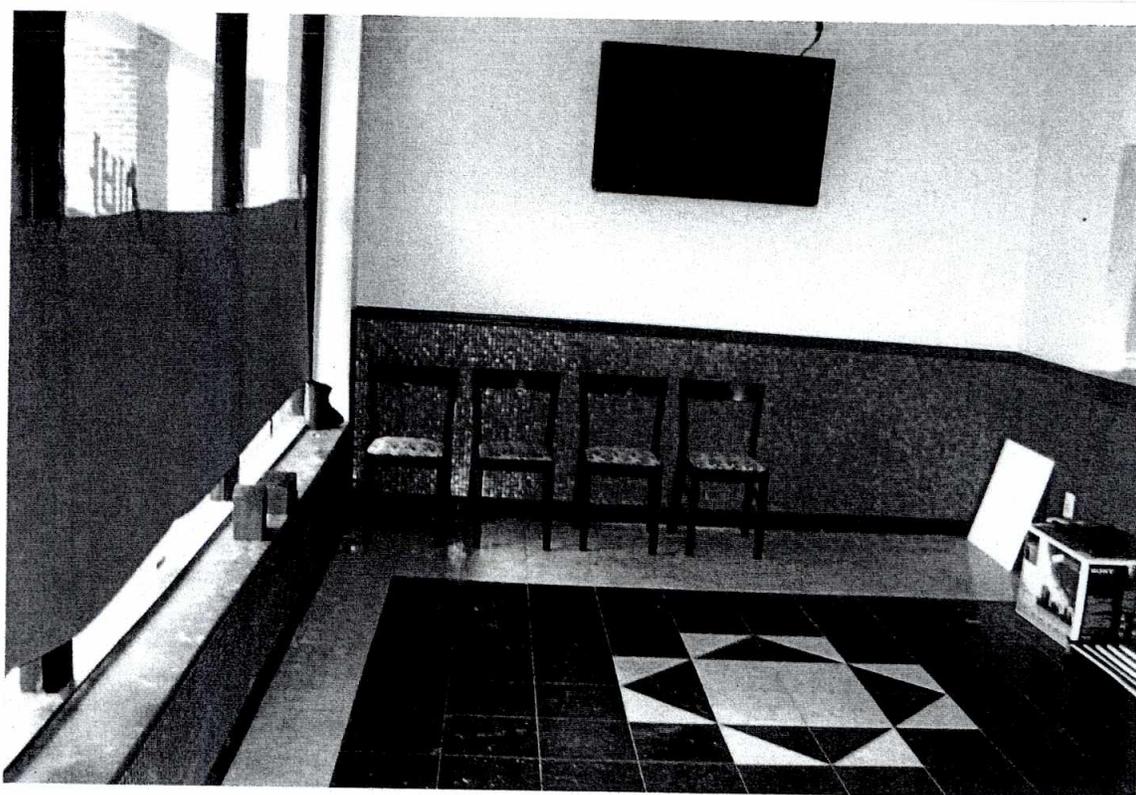
22 FRONT VIEW OF THE BUSINESS



23 ENTRANCE VIEW OF THE BUSINESS



24 FRONT SIDE WALK OF THE BUSINESS



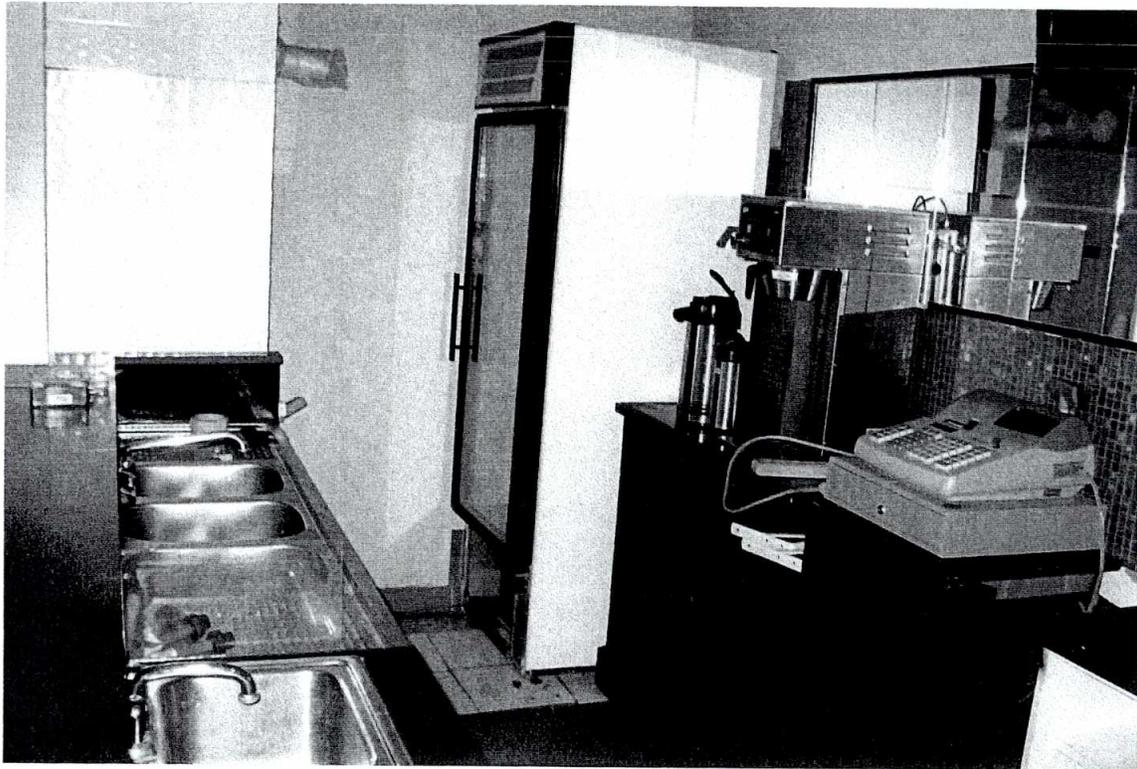
25 WAITING AREA (INSIDE BUSINESS)



26 RESTROOM (INSIDE BUSINESS)



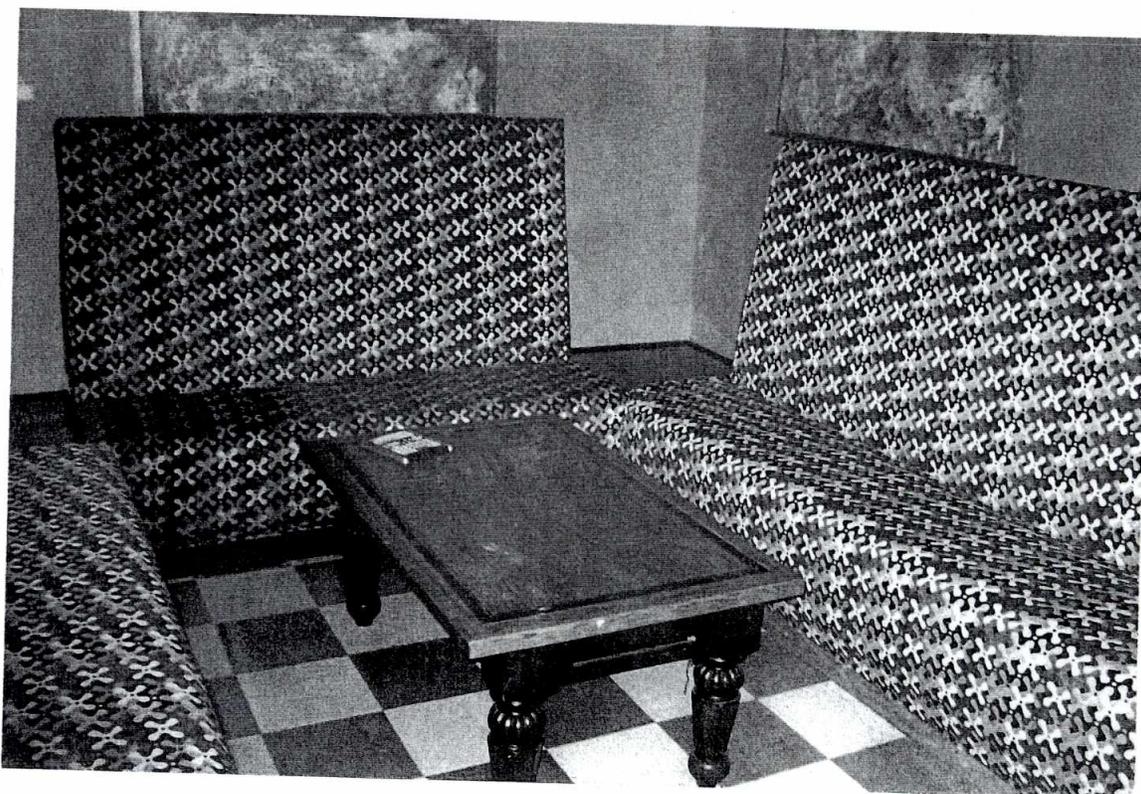
27 SNACK BAR FRONT VIEW (INSIDE BUSINESS)



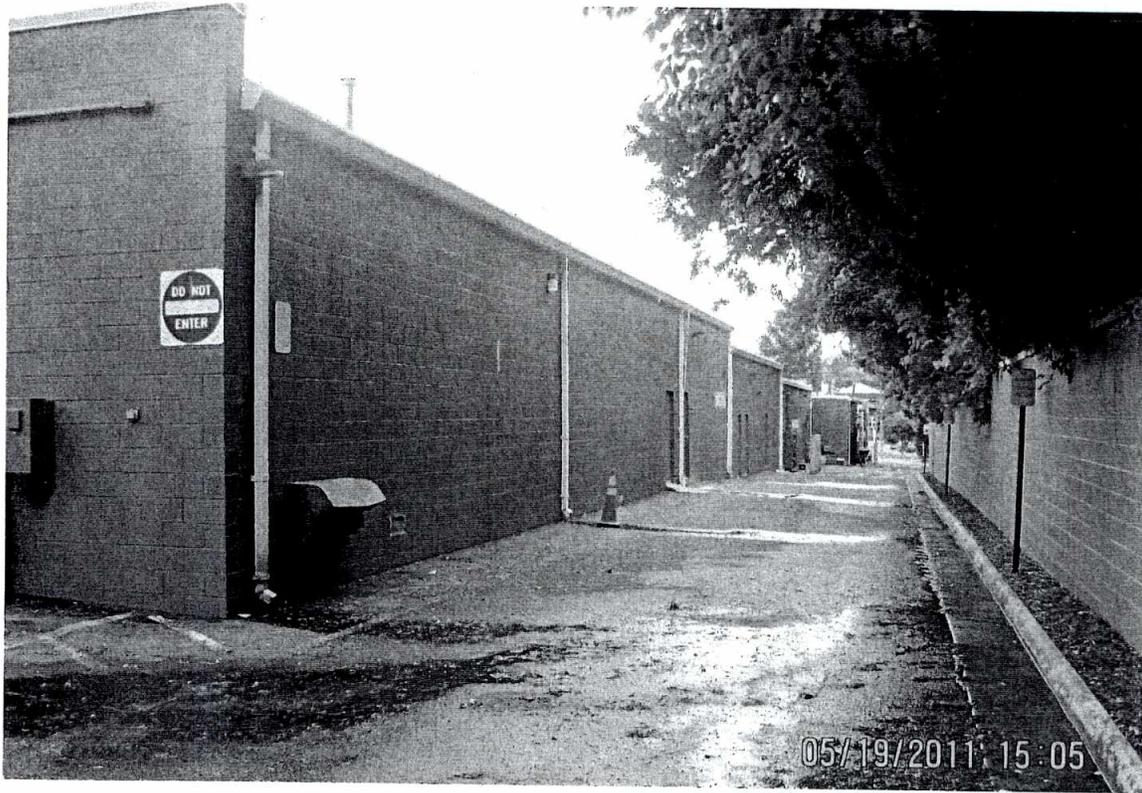
28 SNACK BAR INSIDE (INSIDE BUSINESS)



29 HALL WAY TO EACH ROOMS (INSIDE BUSINESS)



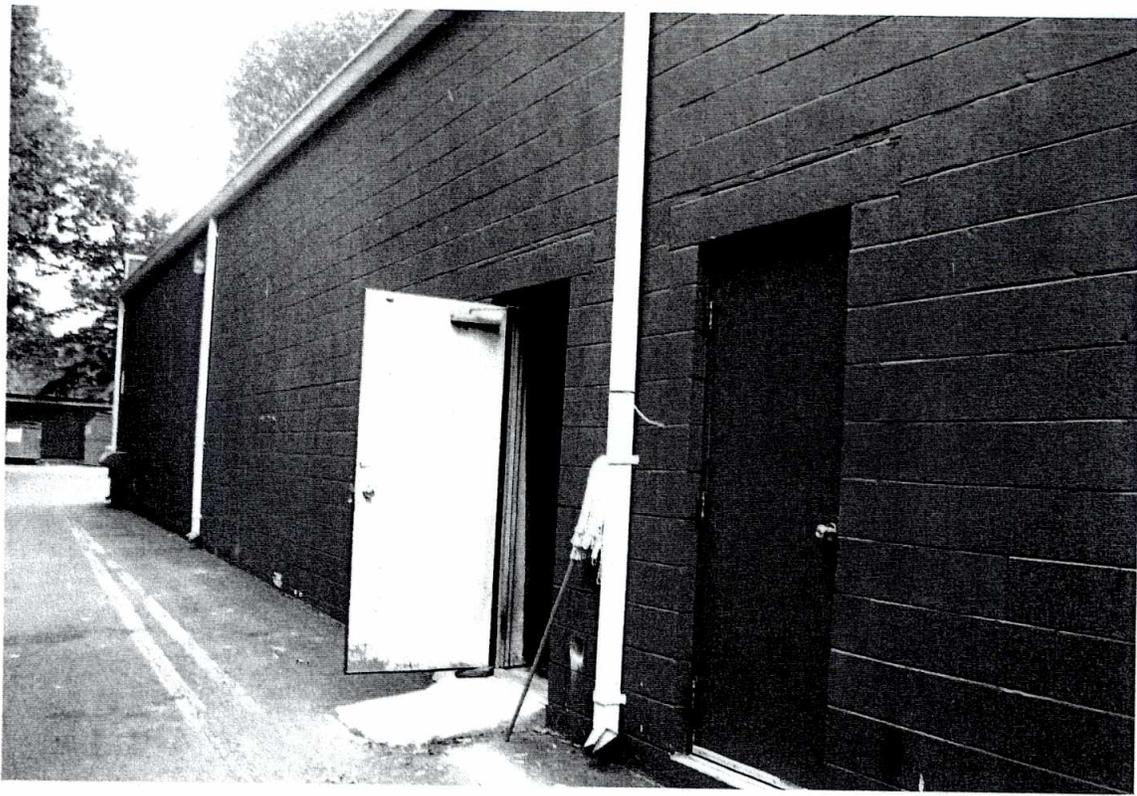
30 INSIDE ROOM (INSIDE BUSINESS)



31 REAR VIEW OF THE BUILDING DRIVE WAY



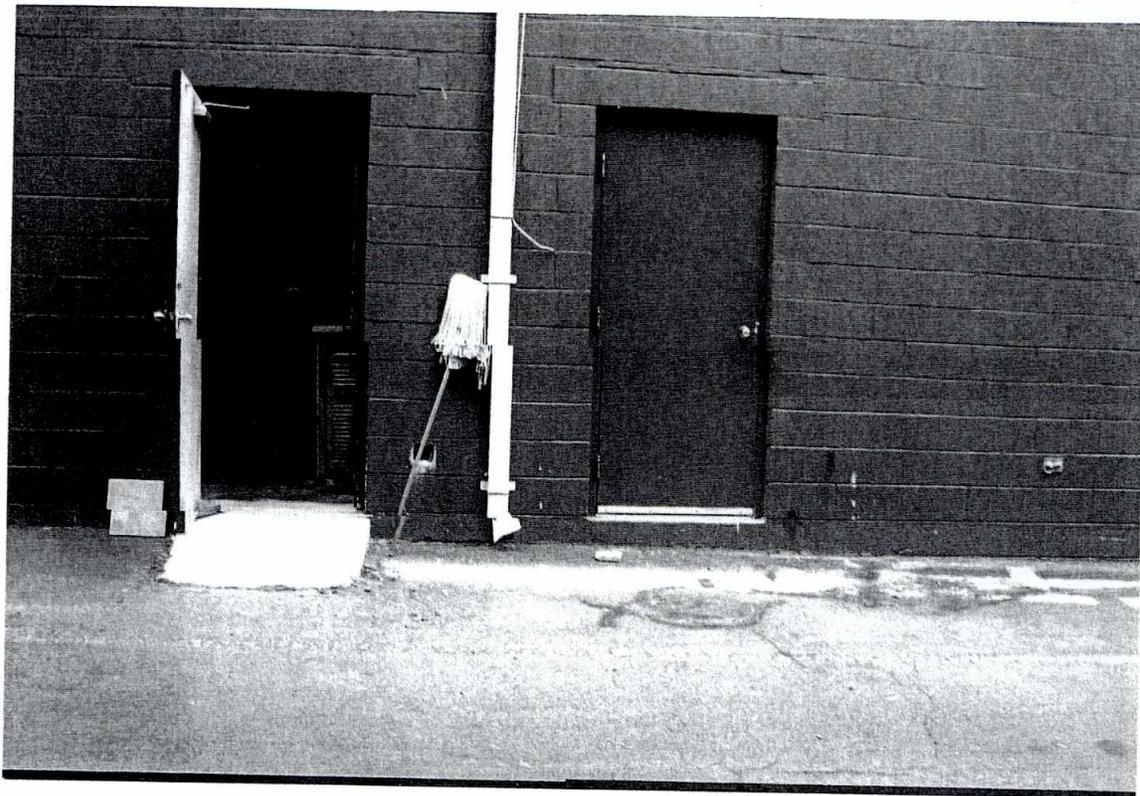
32 REAR VIEW OF THE BUILDING DRIVE WAY



33 REAL ENTRANCE OF THE BUSINESS



34 EMPLOYER PARKING LOT IN REAR OF THE BUILDING



35 FRONT VIEW OF THE REAL ENTRANCE



36 REAL VIEW OF THE SHOPPING CENTER

**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To amend SP 96-MA-006 previously approved for a commercial recreation use (karaoke) to permit a change in permittee from Cafe U & I, Inc. to 7031 JK, Inc. No site modifications or any changes in use are proposed.

**Existing / Approved under previous SPA applications**

- Size of Unit:** 1,860 square feet
- Lot Size:** 3.07 acres
- Parking:** 172 spaces (for the entire shopping center)
- FAR:** 0.22
- Number of Patrons:** Approximately 15 people daily
- Employees:** 1
- Hours of Operation:** 4:00 p.m. to 2:00 a.m., daily

**LOCATION AND CHARACTER**

**Existing Site Description:** The commercial recreation use (karaoke) is located in a unit within a shopping center. The 31,767 square foot shopping center is located at 7031 Little River Turnpike and was constructed in 1990. There are a mix of businesses located in the shopping center, including restaurants and retail uses. The site is zoned C-6, HC, SC, CRD and is located within the Annandale Community Business Center.

**Surrounding Area Description:**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	C-6	Commercial Use
<b>South</b>	R-4	Single Family Detached Dwellings

<b>East</b>	C-3 and R-4	Single Family Detached Dwellings and Commercial Use
<b>West</b>	C-6	Commercial Uses

## BACKGROUND

### Site History:

The shopping center was built as a by-right use in 1990.

On January 9, 1995, the Board of Supervisors (BOS) approved SE 94-M-048 to permit a waiver of certain sign regulations for a freestanding sign for the shopping center.

On October 12, 1998, the BOS approved RZ 1998-MD-037 to establish the Commercial Revitalization District boundaries.

On May 28, 1996, the Board of Zoning Appeals approved SP 96-M-006 to permit a commercial indoor recreation use (karaoke studio).

On September 10, 2002, the Board of Zoning Appeals approved SPA 96-M-006 to permit a change in permittee for the previously approved commercial recreation use from Choe and Park, Inc. to Cafe U & I, Inc. A copy of the resolution approved with SPA 96-M-006 is included as Appendix 4.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Area I  
**Planning District:** Annandale Planning District  
**Planning Sector:** Annandale Community Business Center, Sub Unit E-6  
**Plan Map:** Retail and other related uses

### SPECIAL PERMIT PLAT (Copy at front of staff report)

**Title of SP Plat:** Shops at West\*Dale  
**Prepared By:** Huntley, Nyce & Associates, P.C.  
**Dated:** August 2, 1995, as revised through December 5, 1995

## **ZONING ORDINANCE PROVISIONS**

### **Special Permit Requirements** (See Appendix 5)

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

### **Summary of Zoning Ordinance Provisions**

Staff believes all applicable standards have been satisfied with the proposed development conditions.

## **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 96-M-006-02 subject to the Proposed Development Conditions 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.

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. Applicant's Affidavit
3. Applicant's Statement of Justification
4. SPA 96-M-006 Approved Resolution
5. Applicable Zoning Ordinance Provisions

**REVISED PROPOSED DEVELOPMENT CONDITIONS****December 7, 2011****SPA 96-M-006-02**

If it is the intent of the Board of Zoning Appeals to approve SPA 96-M-006-02 located at Tax Map 71-1 ((1)) 116A to amend SP 96-M-006 previously approved for a commercial recreation use (karaoke) to permit a change in permittee pursuant to Sect. 5-503 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. These edits have been underlined.

1. This approval is granted to the applicant, 7031 JK, Inc., only and is not transferable without further action of this Board, and is for the location indicated on the application, 7031 Little River Turnpike, Suite 14-C, (1,860 square feet), 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 indoor commercial recreation use.\*
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Huntley, Nyce & Associates, P.C. , dated August 2, 1995, as revised through December 5, 1995, 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. The hours of operation shall be limited to 4 p.m. until 2 a.m. daily.\*
5. There shall be a maximum of one (1) employee at any one time associated with this use.\*
6. The number of parking spaces shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance, as may be determined by the Director, Department of Public Works and Environmental Services.\*
7. Signs shall be permitted in accordance with Article 12, Signs.\*

8. The existing vegetation shall be preserved and maintained as indicated on the special permit amendment plat and shall satisfy the Transitional Screening requirement. The eight (8) foot high masonry wall shown on the approved special permit amendment plat along the southern and eastern lot lines shall satisfy the Barrier requirement.\*

These conditions incorporate and supersede all previous 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, twelve (12) 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.

Application No.(s): SPA 76-M-006-02  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 5, 2011  
 (enter date affidavit is notarized)

I, H. Jenny Shin, 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

112782 a

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 <b>BOLD</b> above)
H. Jenny Shin	4600-E Pinecrest Office Park Dr. Alexandria, VA 22312	<b>Attorney/Agent</b>
Shin & Associates, LLC	4600-E Pinecrest Office Park Dr. Alexandria, VA 22312	Agent
7031 JK, Inc.	7031 Little River Tpke, Ste 14C Annandale, VA 22003	Applicant/Lessee
Great World Plaza, LLC	10008 Thompson Ridge Ct. Great Falls, VA 22066	Title Owner

(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 96-M-006-02  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 5, 2011  
(enter date affidavit is notarized)

112782a

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)  
7031 JK, Inc.

7031 Little River Turnpike, Ste.14C, Annandale, VA 22003

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

Jung Duck Kim

Mi Jung Yu

(check if applicable)  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): SPA 96-M-006-02  
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

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

DATE: August 5, 2011  
(enter date affidavit is notarized)

112782a

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

Great World Plaza, LLC  
10008 Thompson Ridge Court, Great Falls, VA 22066

**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 S. Chung  
Kyung S. Chung

**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 96-M-006-02  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 5, 2011  
(enter date affidavit is notarized)

112782 a

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 96-M-006-02  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 5, 2011  
(enter date affidavit is notarized)

112782a

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.)

NONE

(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 96-m-006-02  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 5, 2011  
(enter date affidavit is notarized)

112782a

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.)

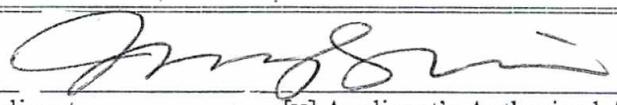
NONE

(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  Applicant's Authorized Agent

H. Jenny Shin, Attorney/Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5<sup>th</sup> day of August 2011, in the State/Comm. of Virginia, County/City of Fairfax

  
Notary Public

My commission expires: 6/30/2012



Kelly Young Min Kang  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #345805  
My Commission Expires  
June 30, 2012

AUG 17 2011

**STATEMENT OF PROPOSED USE**

Zoning Evaluation Division

7031 JK, Inc., hereby requests the approval of a group 5 Special Permit from the Fairfax County Board of Zoning Appeals for commercial recreational use at 7031, Unit 14-C, Little River Turnpike consisting 1,860 square foot located within eastern portion of 31,767 square foot shopping plaza on a 3.07 acre site located in Annandale Community Business Center.

This Special Use permit will be the continuation of previously approved SP-96-M-006. In all respects it will be the same business under the new ownership. 7031 JK, Inc. is requesting a change in permittee from Café U&I, Inc. to 7031 JK, Inc., and all other conditions as related to the original permit stand in force and will not be changed.

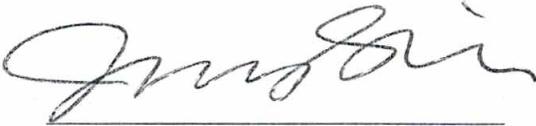
More specifically, the commercial recreation use will be a Karaoke Studio. Karaoke studios are composed of a reception/waiting area, snack bar and a number of small rooms each containing a television, video CD Player, speakers and a microphone. Individual rooms are rented hourly by customers who enjoy singing along to the videos with their friends and customers may make taped recordings of their singing sessions if they so desire.

7031 JK, Inc. will operate Karaoke Studio from approximately 4:00 P.M. to 2:00 A.M. daily. There is an average of fifteen (15) customers per day and one (1) employee. Due to the low clientele traffic there is no measurable traffic impact on the surrounding area. The approximate maximum number of traffic in and out of the parking area during the operation hours are as follows:

Hours:	Maximum No. of Vehicle:
4:00 pm to 6:00 pm	1
6:00 pm to 9:00 pm	3
9:00 pm to 1:00 am	6
1:00 am to 2:00 am	0

Access to the premises is via two commercial entrances off a service drive along Little River Turnpike. Most of the parking space are located west and north of the shopping center. The area to be served by the use is Annandale. Photographs have been enclosed with this letter showing the building façade and no new proposals for additions have been made. Furthermore, no toxic substances or petroleum products are being produced, used, or stored by the applicant.

To the best of my knowledge, the proposed use noted above confirms to provisions of all applicable ordinances, regulations, adopted standard any application conditions.

Date: 8/15/2011


H. Jenny Shin, Agent for Applicant

Page\_\_\_\_, September 10, 2002 (Tape 1) Scheduled case of:

9:00 A.M. CAFE U & I INC., SPA 96-M-006 Appl. under Sect(s). 4-603 of the Zoning Ordinance to amend SP 96-M-006 previously approved for commercial recreation use to permit change in permittee. Located at 7031 Little River Tnpk. on approx. 3.07 ac. of land zoned C-6, HC, SC and CRD. Mason District. Tax Map 71-1 ((1)) 116A.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. Byung J. Oh, 7031-14C Little River Turnpike, Annandale, Virginia, replied that it was.

Mavis Stanfield, Staff Coordinator, presented the special permit amendment request as contained in the staff report. The applicant requested a change in permittee with no other proposed changes.

Mr. Oh presented the special permit amendment request as outlined in the statement of justification submitted with the application. He stated that the request was for a change in permittee and there were no other proposed changes.

There were no speakers and Chairman DiGiulian closed the public hearing.

Mr. Pammel moved to approve SPA 96-M-006 for the reasons stated in the Resolution.

//

## COUNTY OF FAIRFAX, VIRGINIA

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

CAFE U & I INC., SPA 96-M-006 Appl. under Sect(s). 4-603 of the Zoning Ordinance to amend SP 96-M-006 previously approved for commercial recreation use to permit change in permittee. Located at 7031 Little River Tnpk. on approx. 3.07 ac. of land zoned C-6, HC, SC and CRD. Mason District. Tax Map 71-1 ((1)) 116A. 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 September 10, 2002; and

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

1. The applicants are the owners of the land.
2. The applicants presented testimony indicating compliance with the standards for the granting of a special permit.
3. The applicants are requesting a change in permittee and all other conditions as related to the original permit stand in force and will not be changed.

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). 4-603 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, Café U & I, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 7031 Little River Turnpike, Suite 14-C, (1,860 square feet), 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 indoor commercial recreation 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 Huntley, Nyce & Associates, P.C., and 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. The hours of operation shall be limited to 4 p.m. until 2 a.m. daily.
5. There shall be a maximum of one (1) employee at any one time associated with this use.
6. The number of parking spaces shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance, as may be determined by the Director, Department of Public Works and Environmental Services.
7. Signs shall be permitted in accordance with Article 12, Signs.
8. The existing vegetation shall be preserved and maintained as indicated on the Special Permit Amendment plat and shall satisfy the Transitional Screening requirement. The eight (8) foot high masonry wall shown on the approved Special Permit Amendment plat along the southern and eastern lot lines shall satisfy the Barrier requirement.

These conditions incorporate and supercede all previous 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, thirty (30) months after the date of approval\* unless a new Non-RUP has been issued. The Board of Zoning Appeals may grant additional time to obtain a new Non-RUP 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. Ribble was not present for the vote.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on September 18, 2002. This date shall be deemed to be the final approval date of this special permit.

//

## ZONING ORDINANCE PROVISIONS

### 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.