



APPLICATION ACCEPTED: January 7, 2014
DATE OF PUBLIC HEARING: April 2, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 26, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SPA 00-M-037-02

MASON DISTRICT

APPLICANT: Capital Restaurants, Inc. (dba the Cue Club)

ZONING: C-6, CRD, HC, SC

LOCATION: 7014 Columbia Pike, Annandale, VA 22003

ZONING ORDINANCE PROVISION: 8-501

TAX MAP: 60-3 ((1)) 21, 21A, 21B

LOT SIZE: 5.3 acres

PLAN MAP: Commercial, Annandale Community Business Center

SP PROPOSAL: Group 5 – To amend SP 00-M-037 previously approved for a billiards hall to permit change in permittee.

STAFF RECOMMENDATION: Staff recommends approval of SPA 00-M-037-02 subject to approval of the proposed development conditions contained in Appendix 1.

N:\ISP_VC Cases\4-2 SPA 00-M-037-02 Cue Club (change in permittee)\SPA 00-M-037-02 Cue Club SR.doc

Laura Gumkowski

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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 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. 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.**



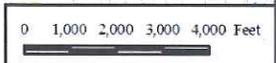
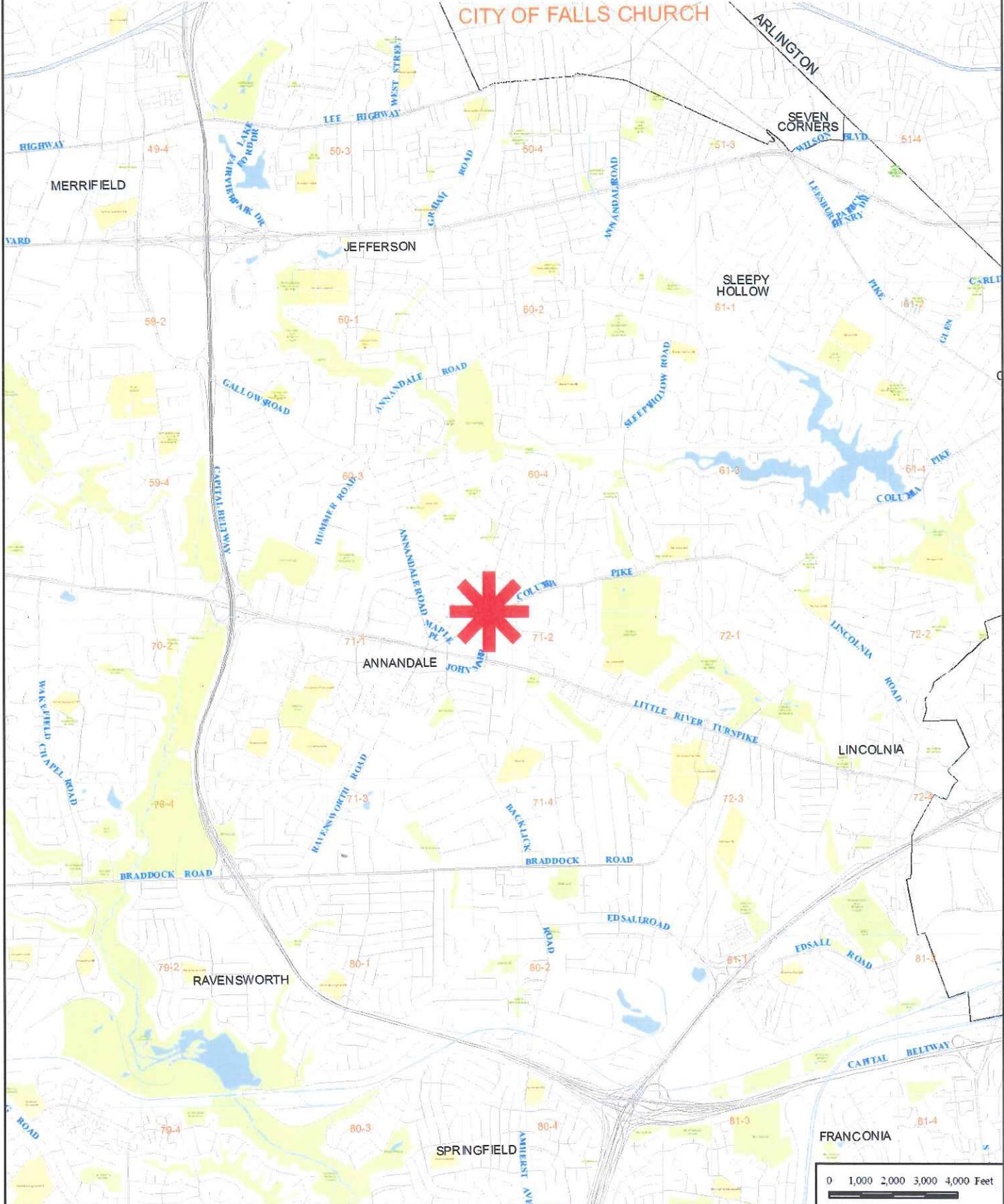
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 00-M-037-02

CAPITAL RESTAURANTS, INC. (DBA THE CUE CLUB)

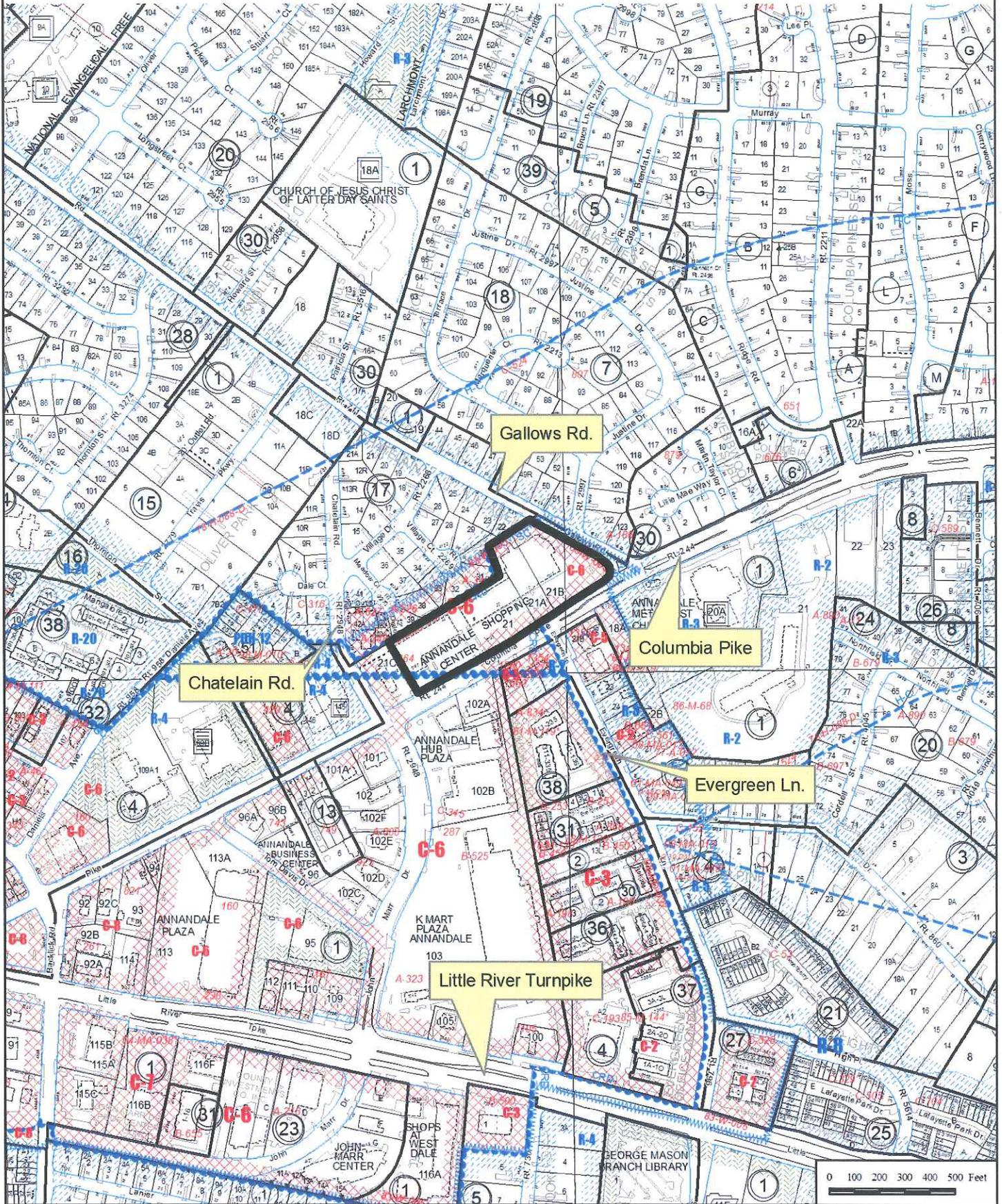
CITY OF FALLS CHURCH



Special Permit Amendment

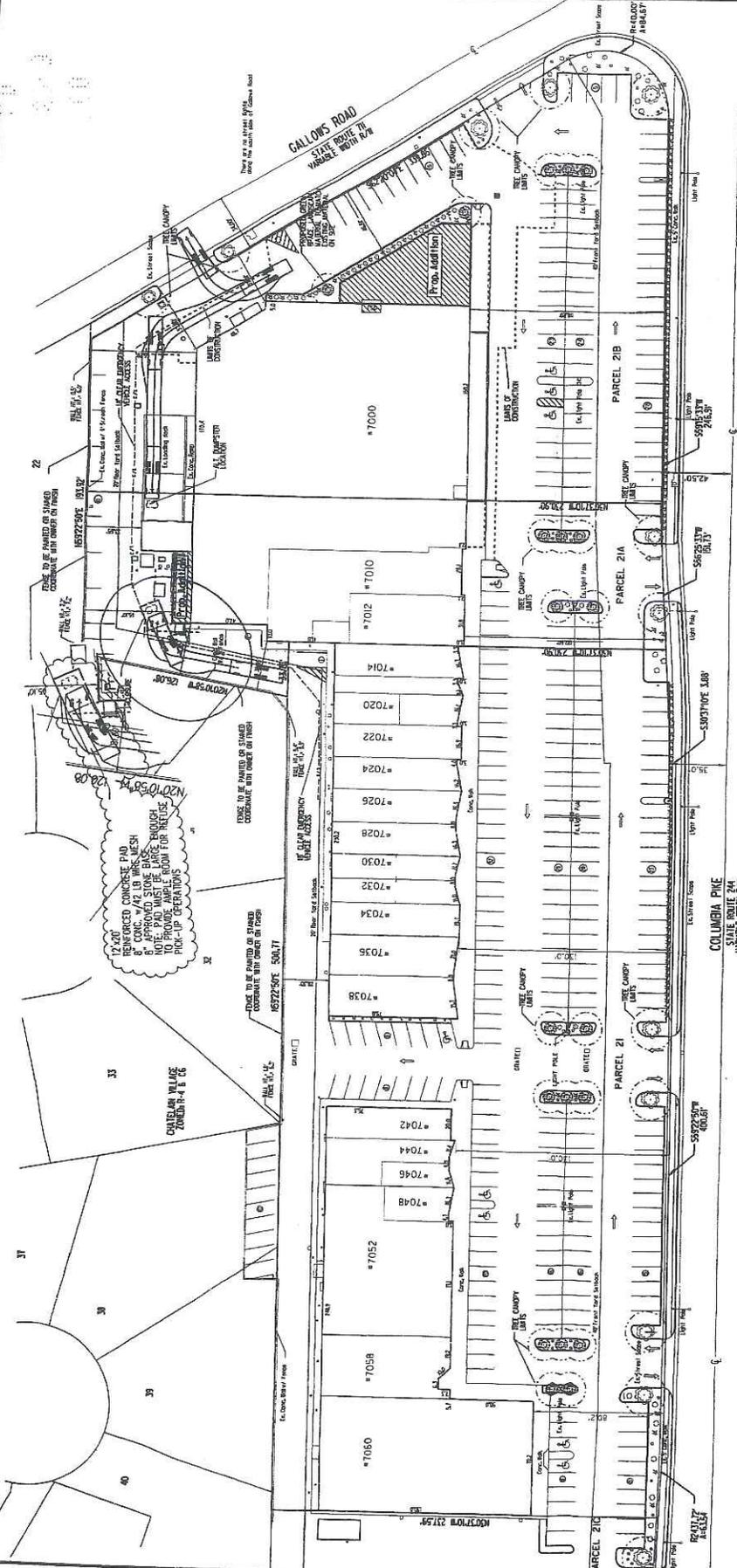
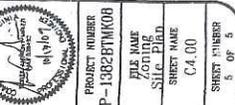
SPA 00-M-037-02

CAPITAL RESTAURANTS, INC. (DBA THE CUE CLUB)



REV.	DATE	BY
3	4/11/08	NGF
4	4/22/08	NGF
5	09/23/09	NGF
7	10/13/09	NGF

PROJECT NUMBER: P-1382BTK000
 FILE NAME: ZONING SITE PLAN
 SHEET NAME: C.A.00
 SHEET NUMBER: 3 OF 3

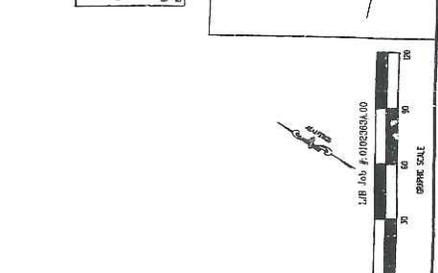


APPROVED
 COUNTY OF FAIRFAX
 LAND DEVELOPMENT SERVICES
 ENVIRONMENTAL AND SITE REVIEW DIVISION
 BY: [Signature]
 DATE: 10/13/09

TRUCK LEGEND
 TRUCK: 10' x 6' x 8' (10' long, 6' wide, 8' high)
 TRUCK: 10' x 6' x 10' (10' long, 6' wide, 10' high)
 TRUCK: 10' x 6' x 12' (10' long, 6' wide, 12' high)
 TRUCK: 10' x 6' x 14' (10' long, 6' wide, 14' high)

SCALE
 1" = 100'-0" (1:120)

NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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STATE ROUTE 24
 COLUMBIA PIKE
 STATE ROUTE 24
 WOODBURN RD
 STATE ROUTE 24
 WOODBURN RD
 STATE ROUTE 24
 WOODBURN RD

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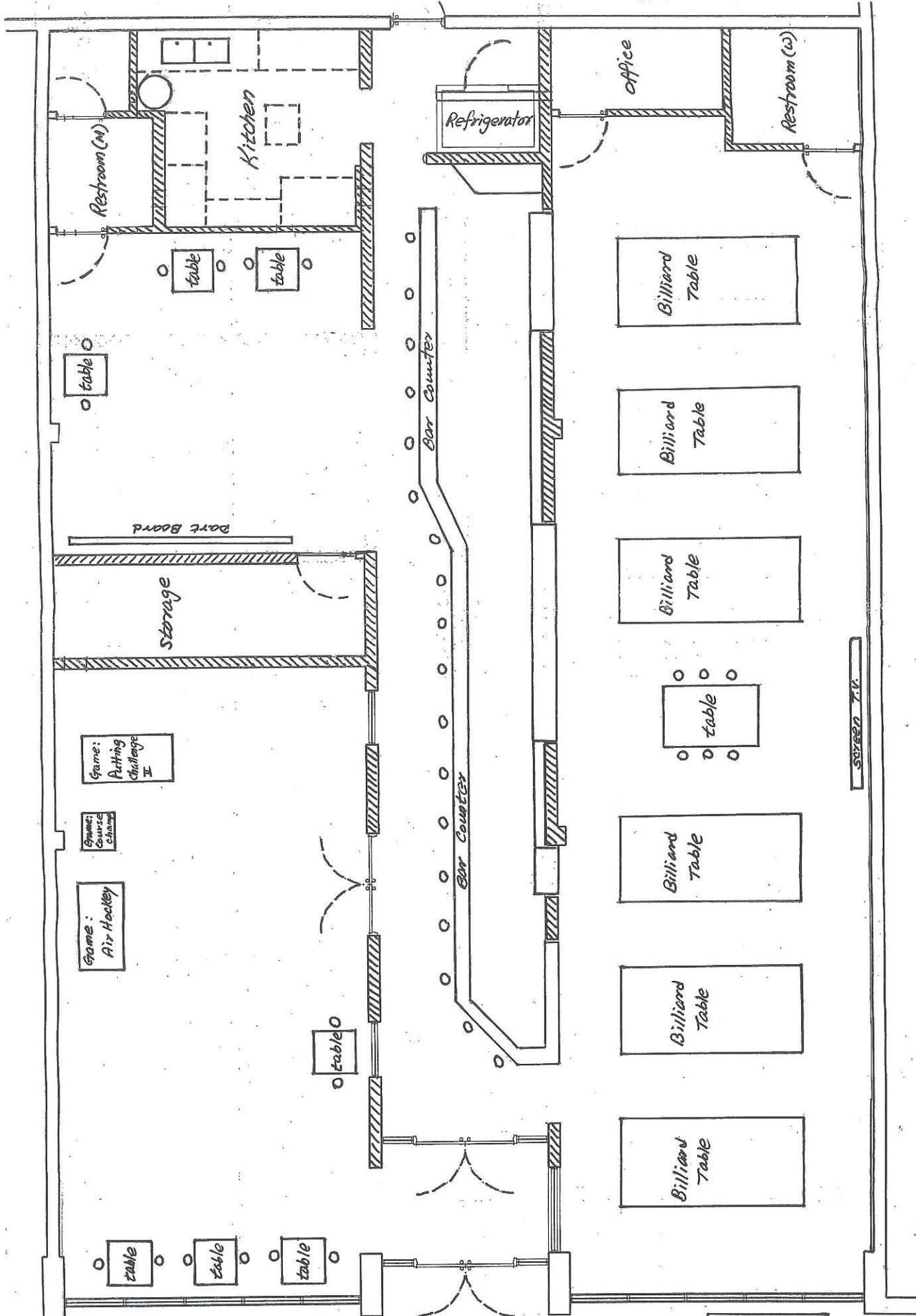
CAPITAL RESTAURANTS, INC.

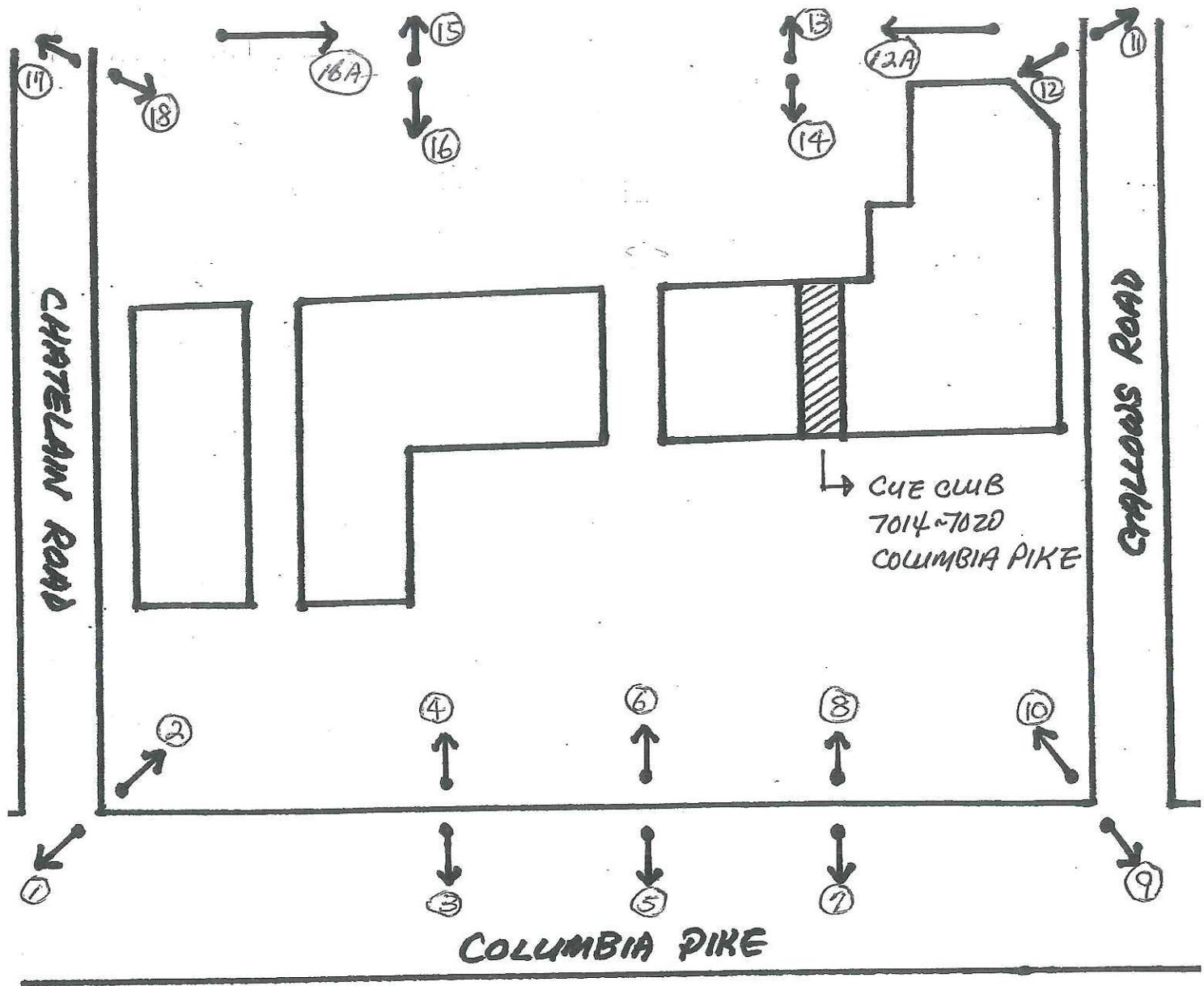
(dba THE CUE CLUB)

7014 COLUMBIA PIKE
ANNANDALE, VA 22003

INTERIOR LAYOUT

REAR



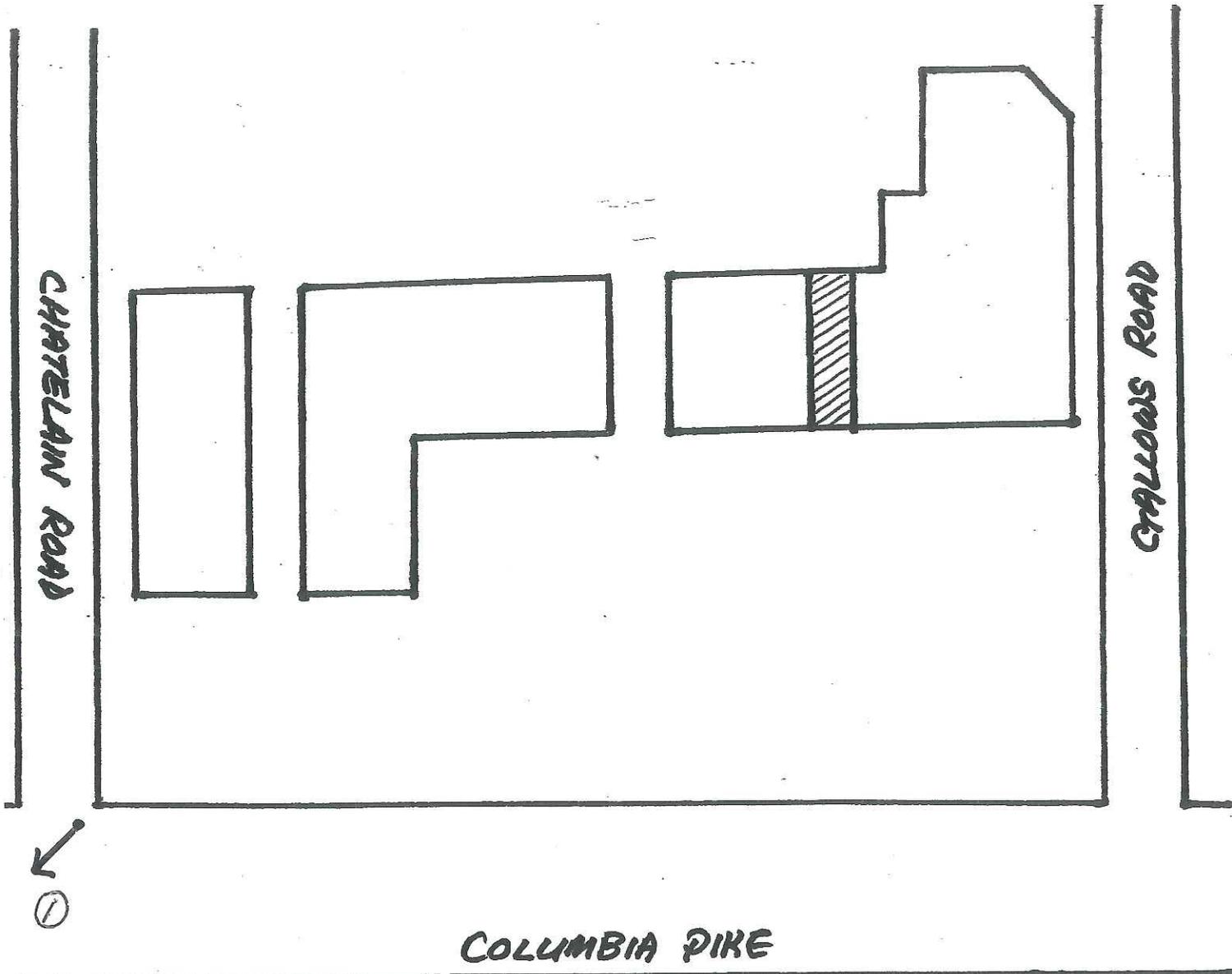


ⓐ PICTURES WERE TAKEN ON THE 10th OF AUGUST, 2013

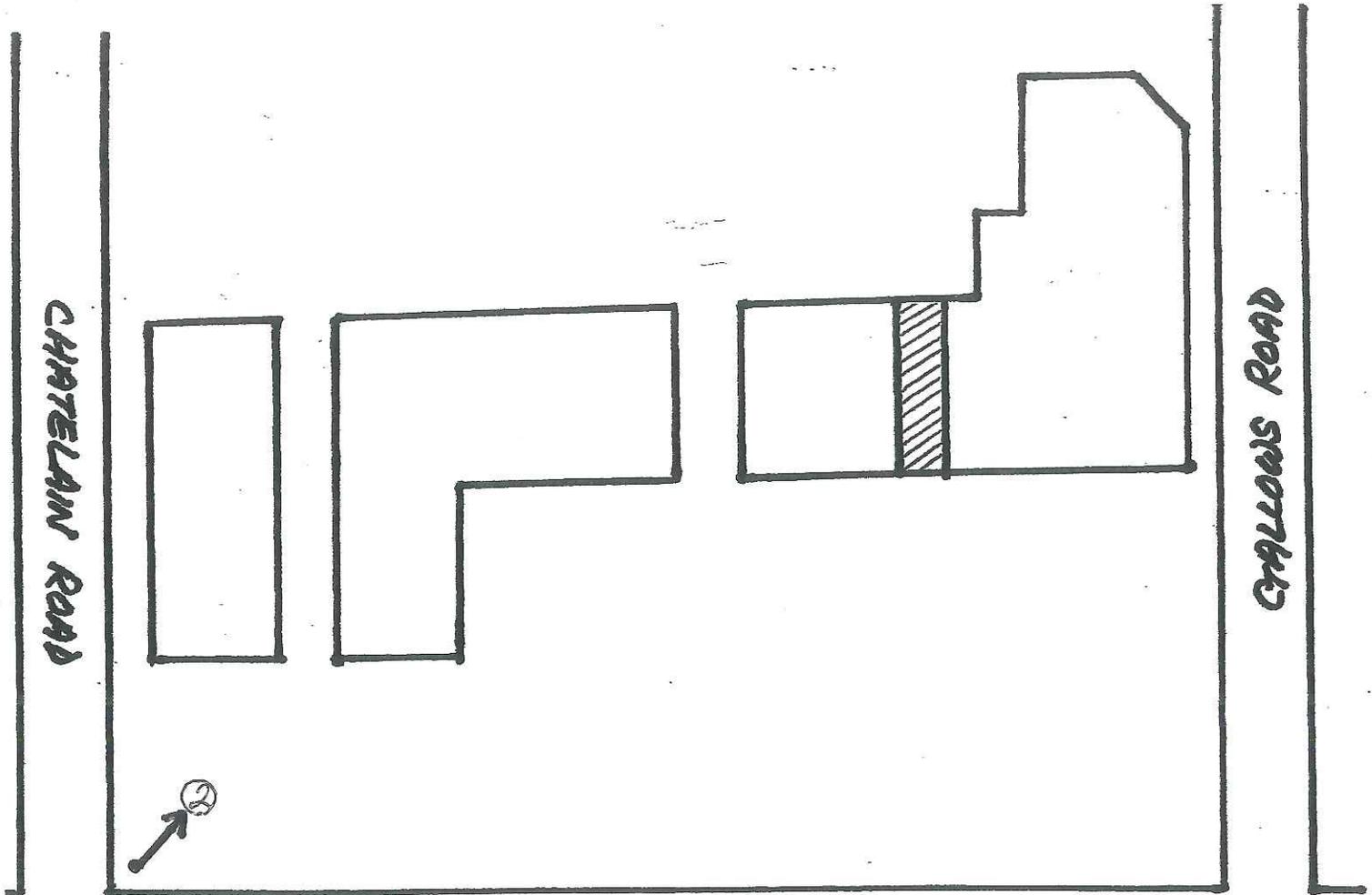
RECEIVED
Department of Planning & Zoning

AUG 21 2013

Zoning Evaluation Division



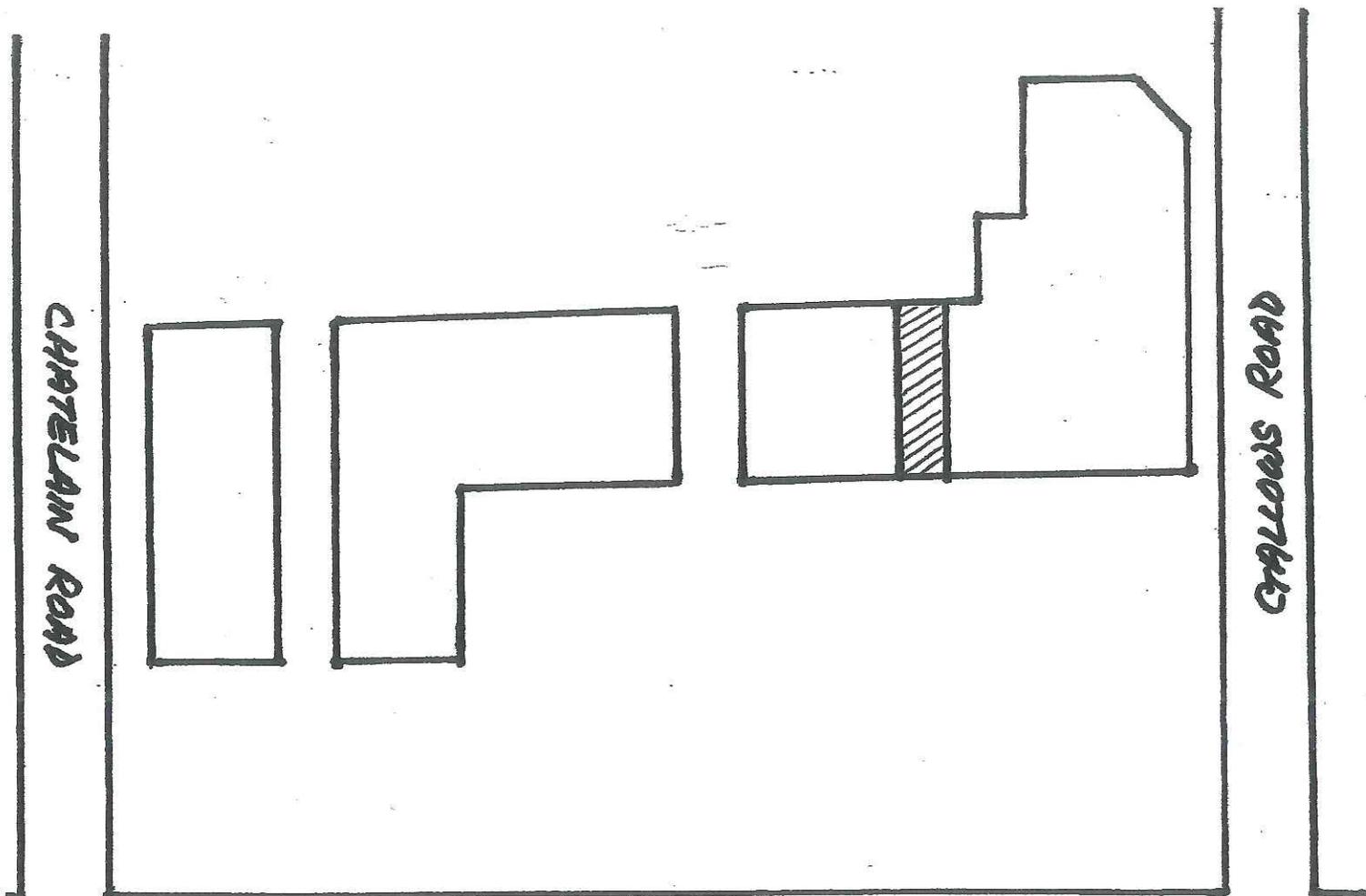
FROM SPOT ①, FACING BP GAS STATION, CORNER OF



COLUMBIA PIKE



FROM SPOT ②, FACING 7060 COLUMBIA PIKE,

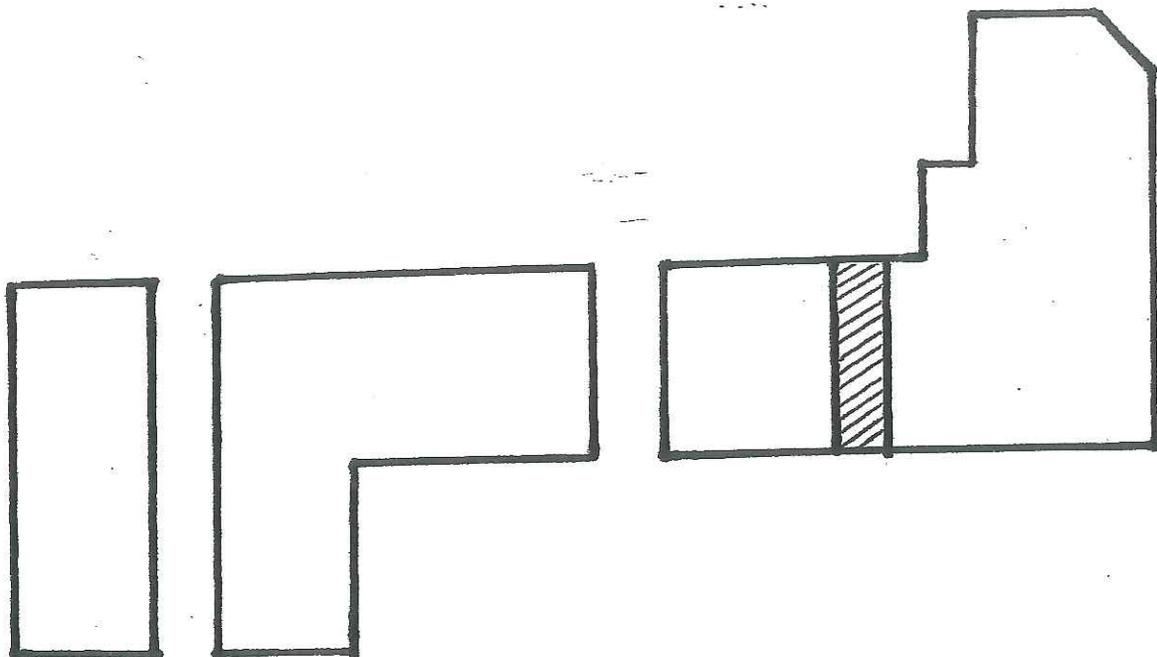


COLUMBIA PIKE



TEAM SPOT (2) TAPING 707.9 COLUMBIA PIKE,

CHAPELAIN ROAD

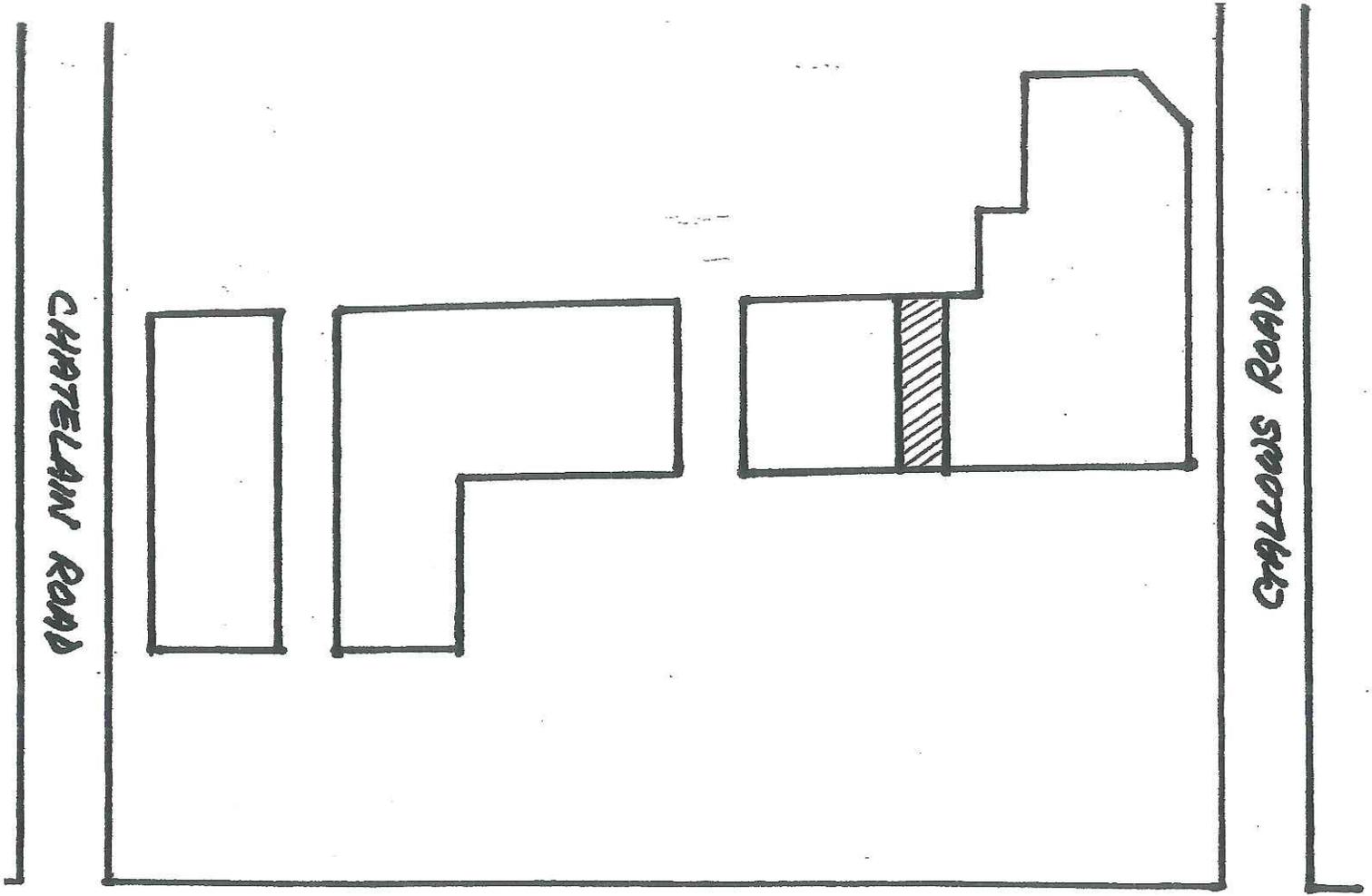


CRALLOWS ROAD

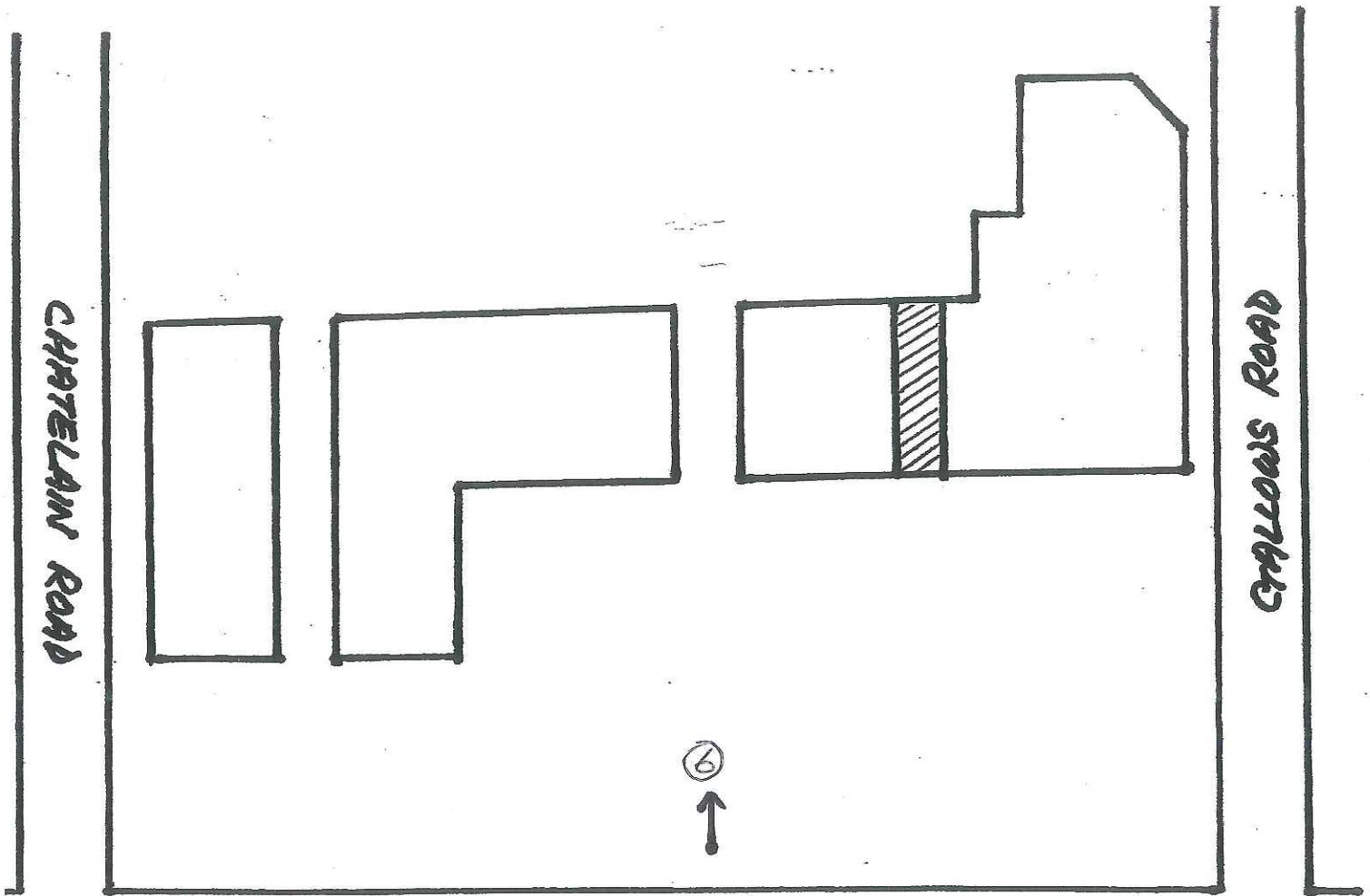
COLUMBIA PIKE



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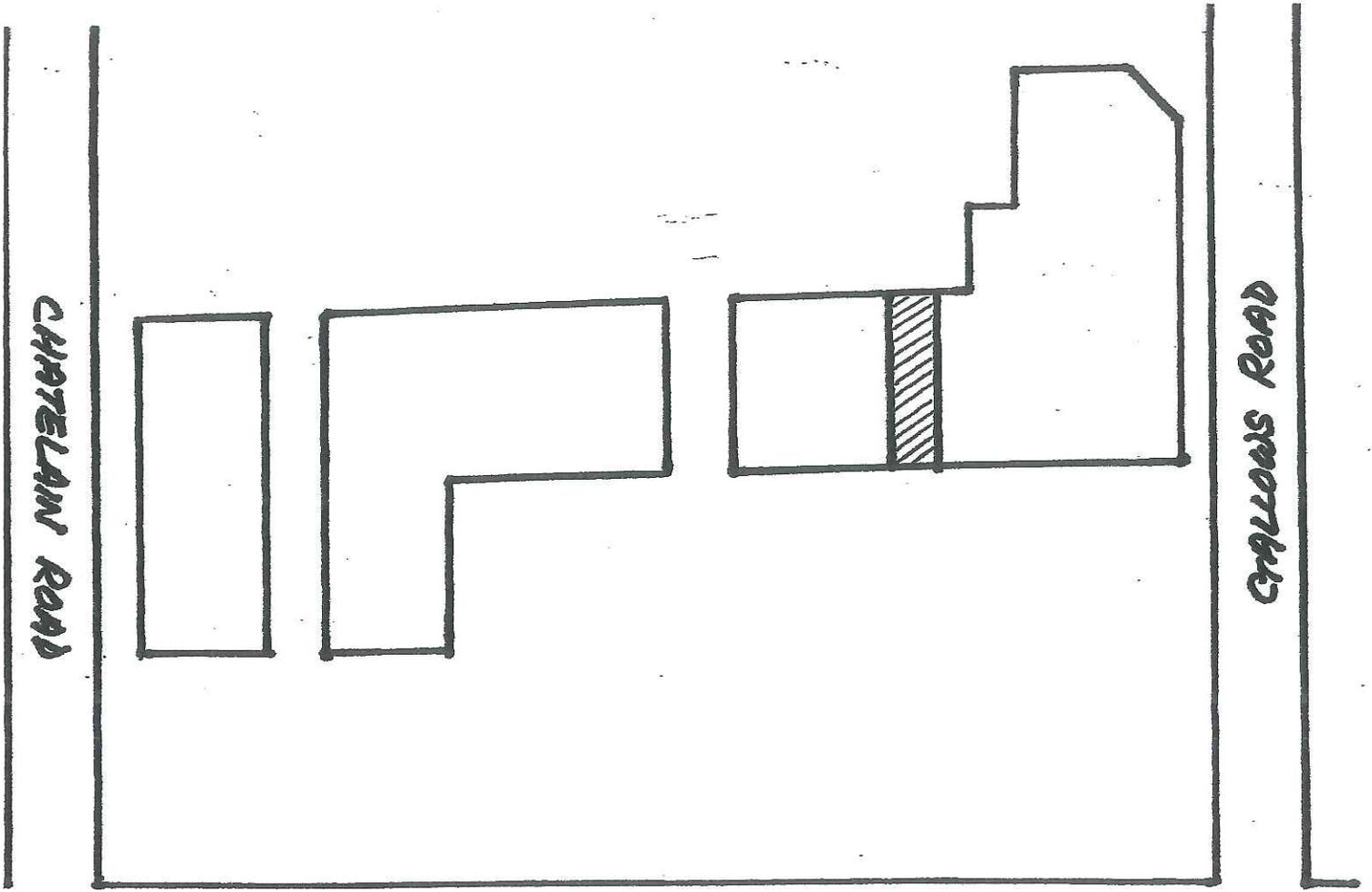
FORM CONT (5) TOWARD 7075 COLUMBIA PIKE,



COLUMBIA PIKE



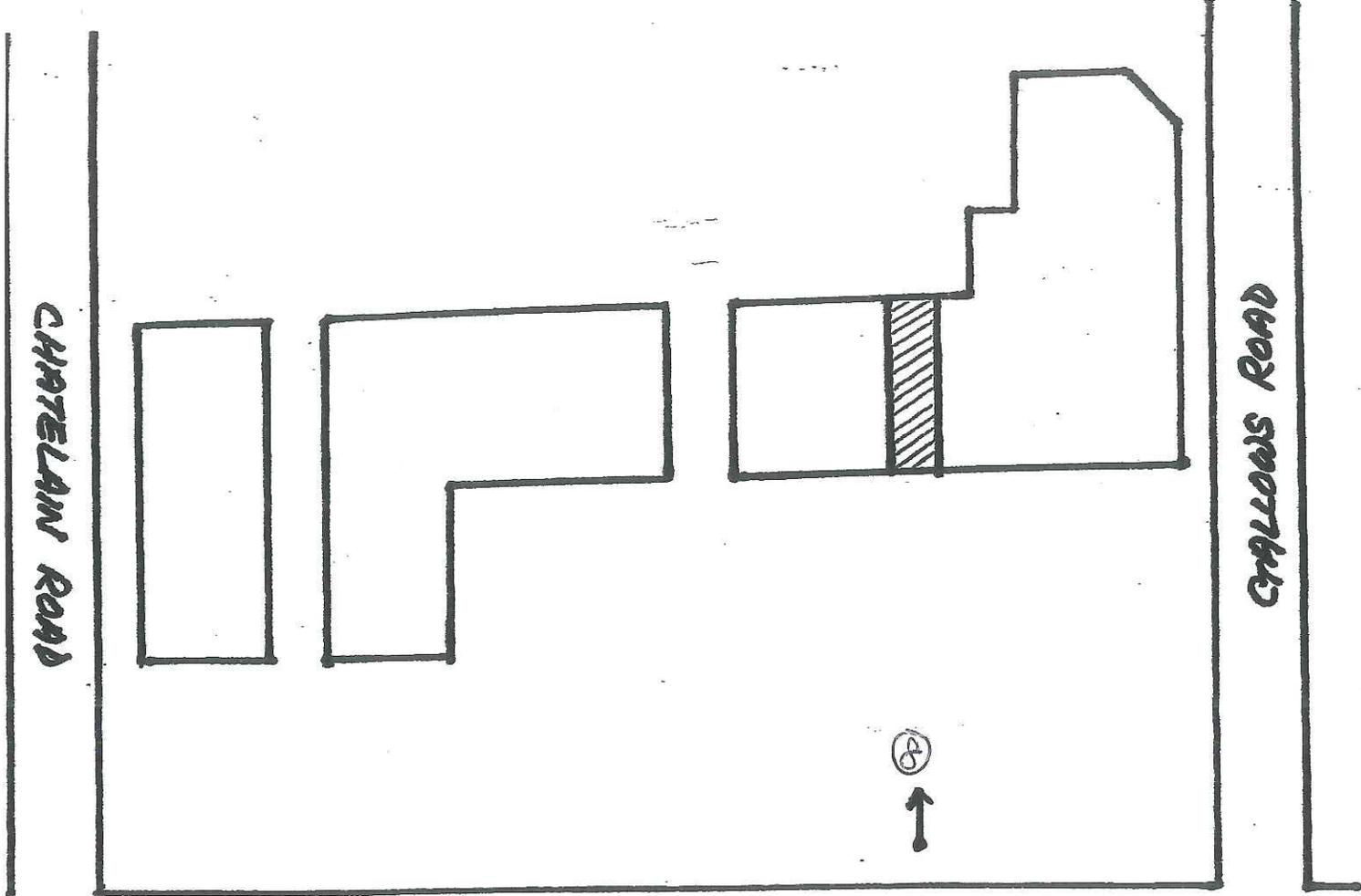
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COLUMBIA PIKE



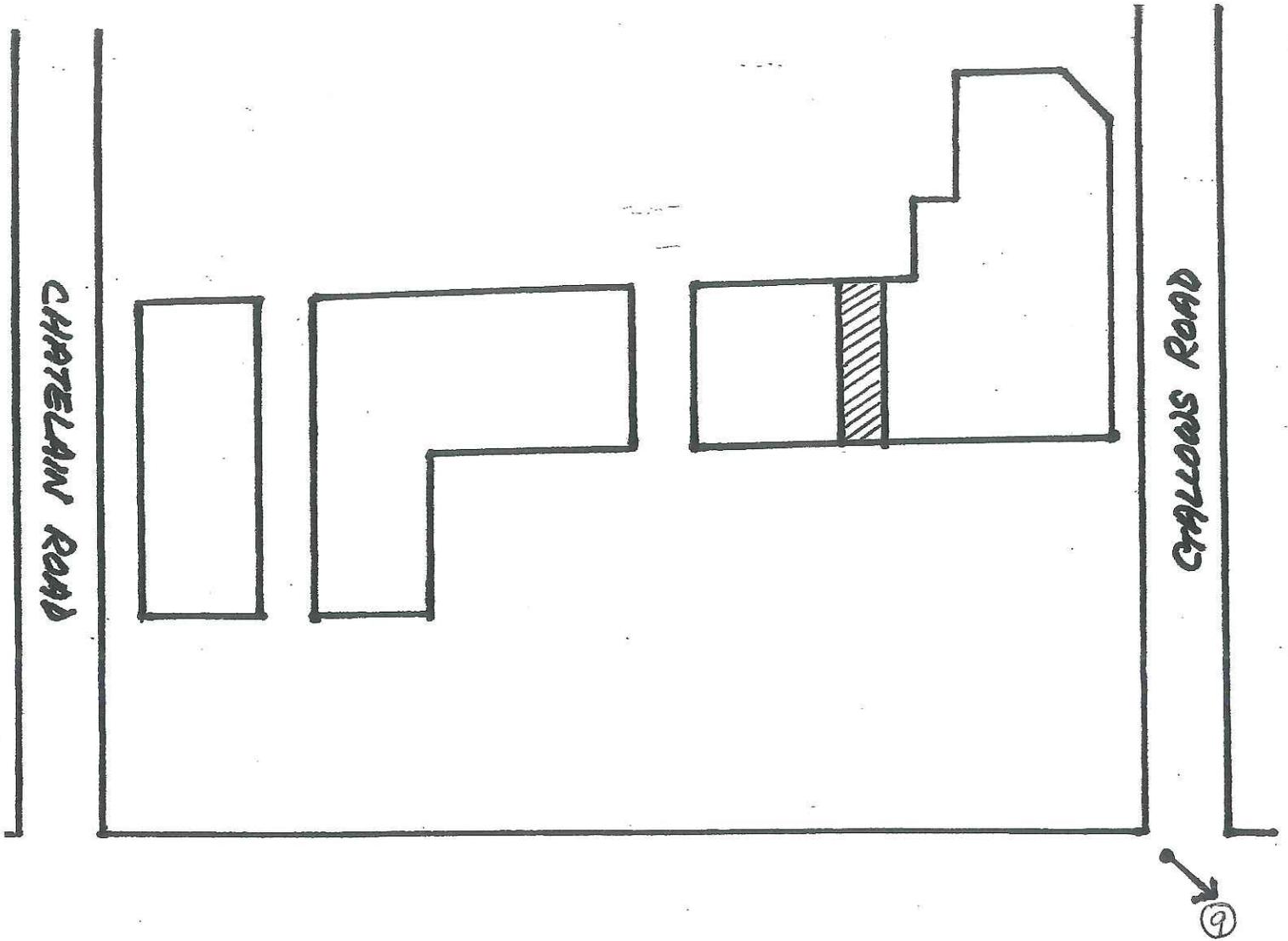
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COLUMBIA PIKE



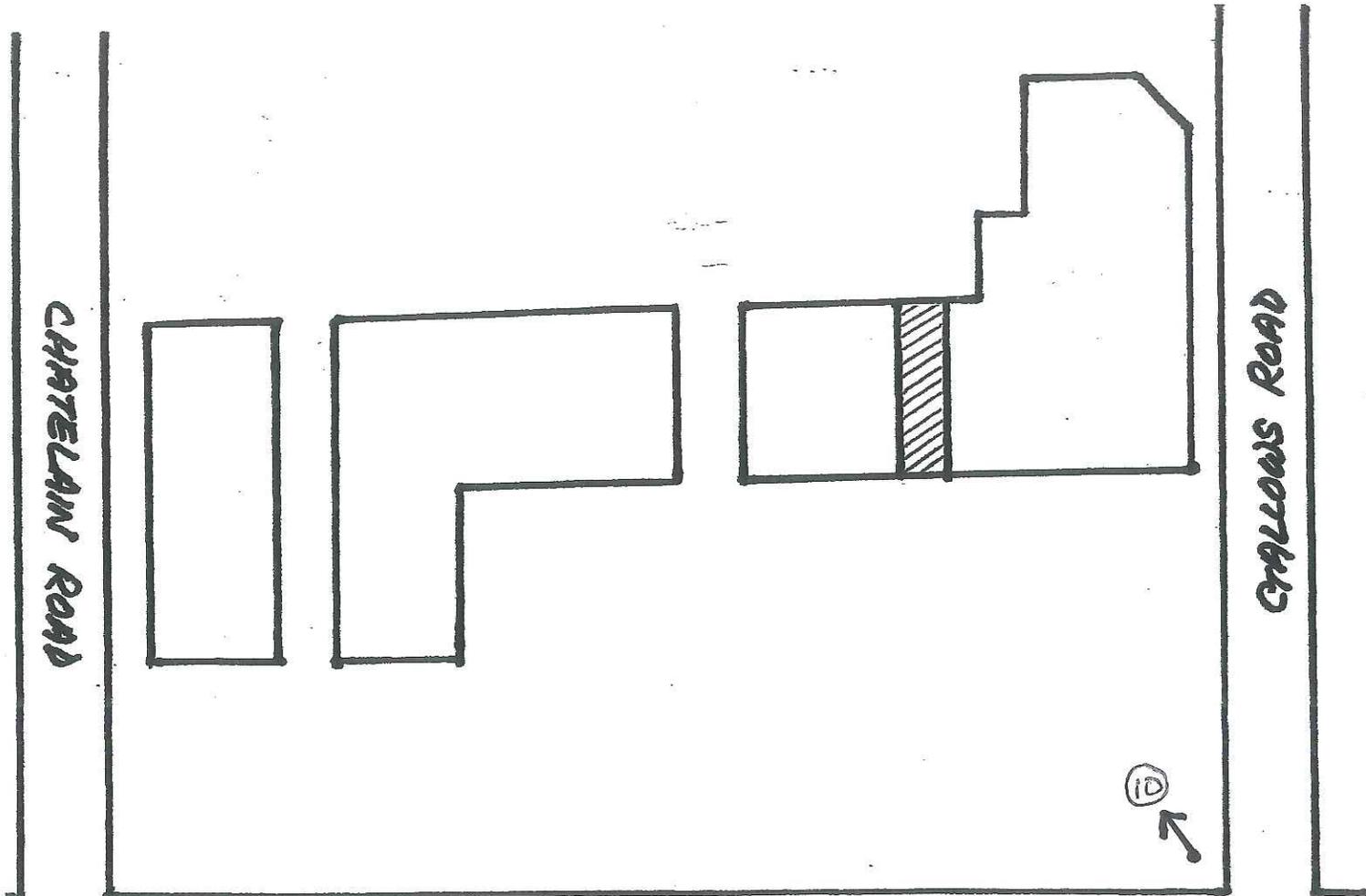
FROM SPOT ⑧, FACING 7014~7020 COLUMBIA PIKE,



COLUMBIA PIKE



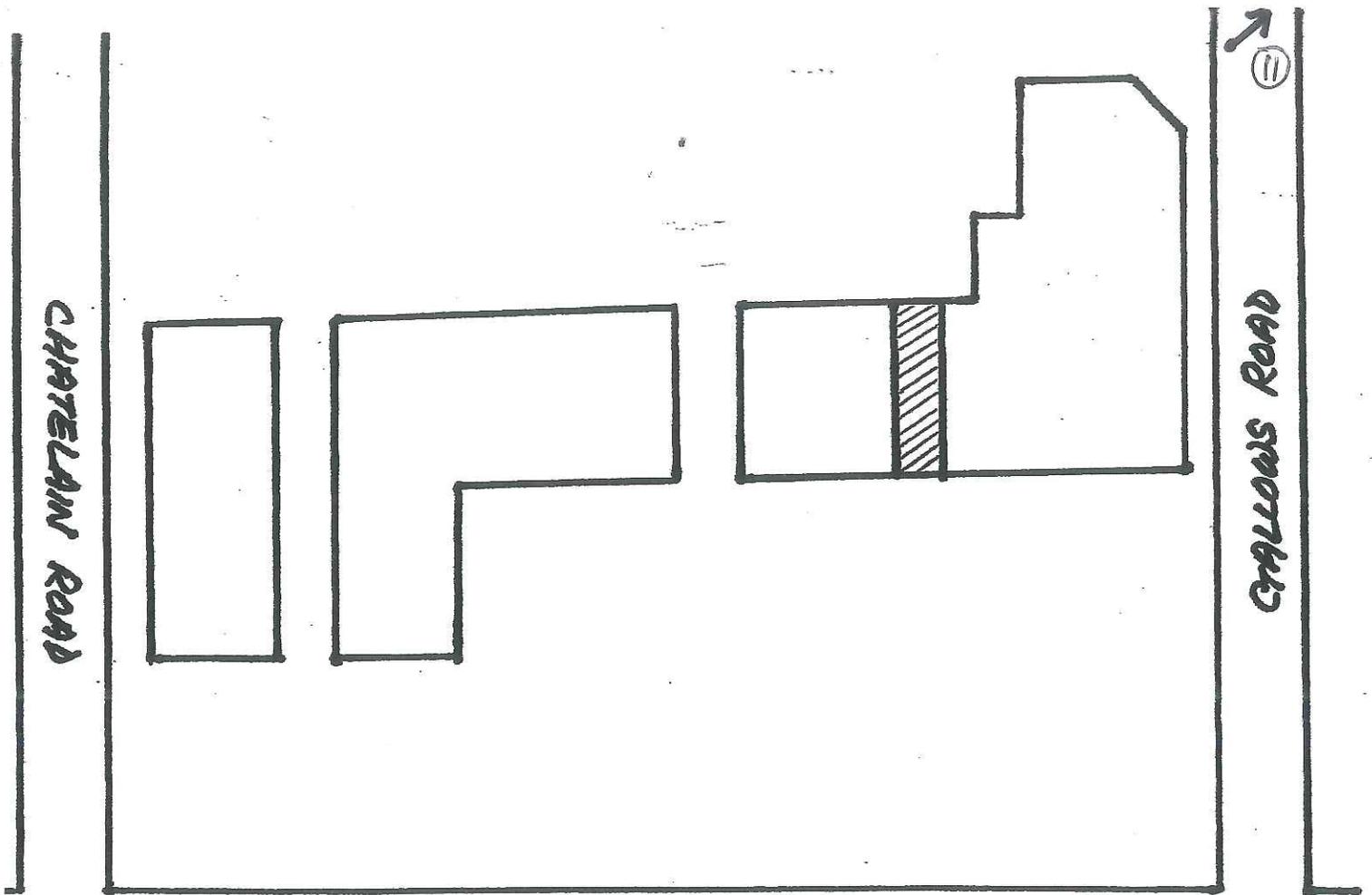
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COLUMBIA PIKE



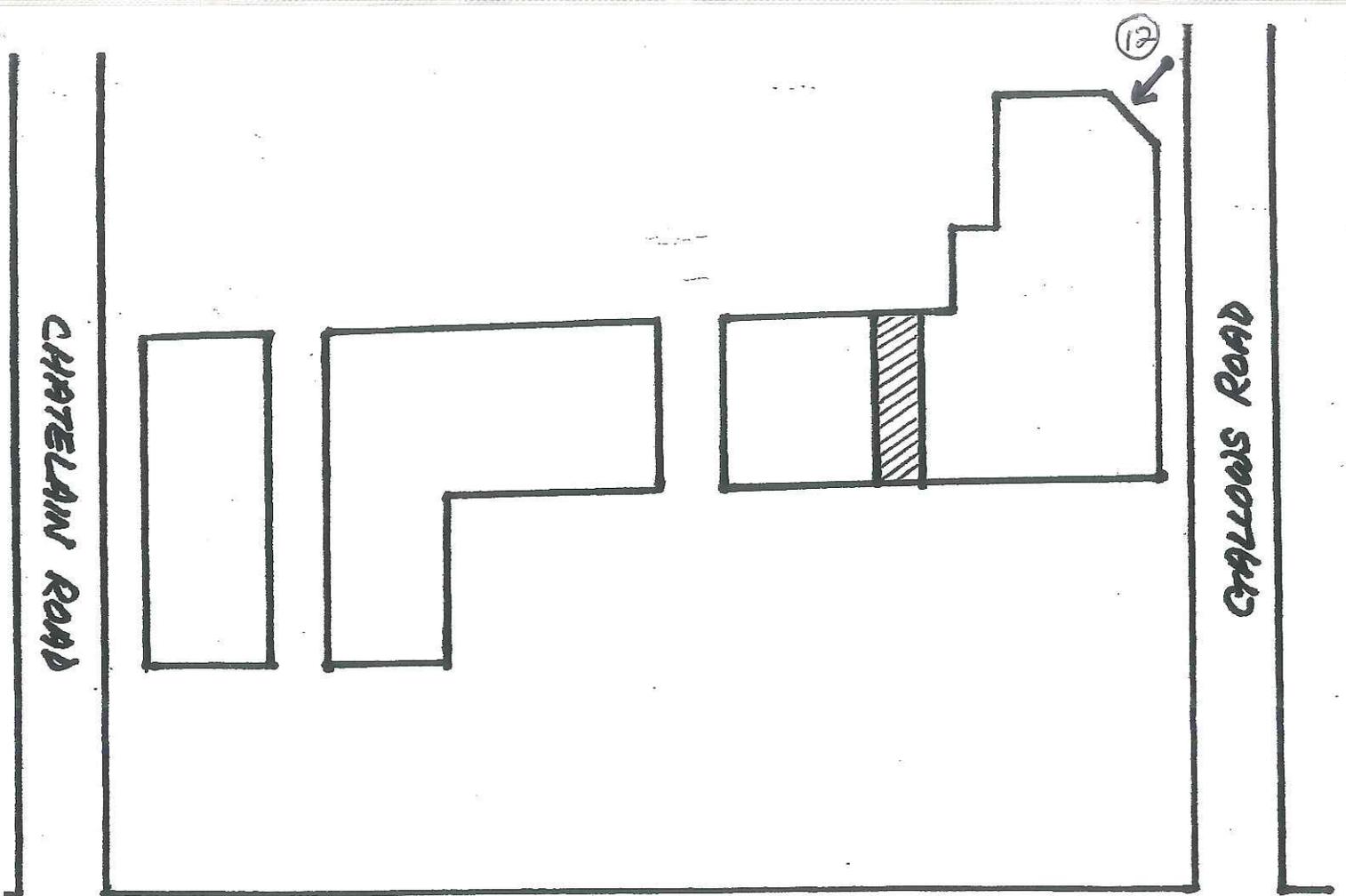
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COLUMBIA PIKE



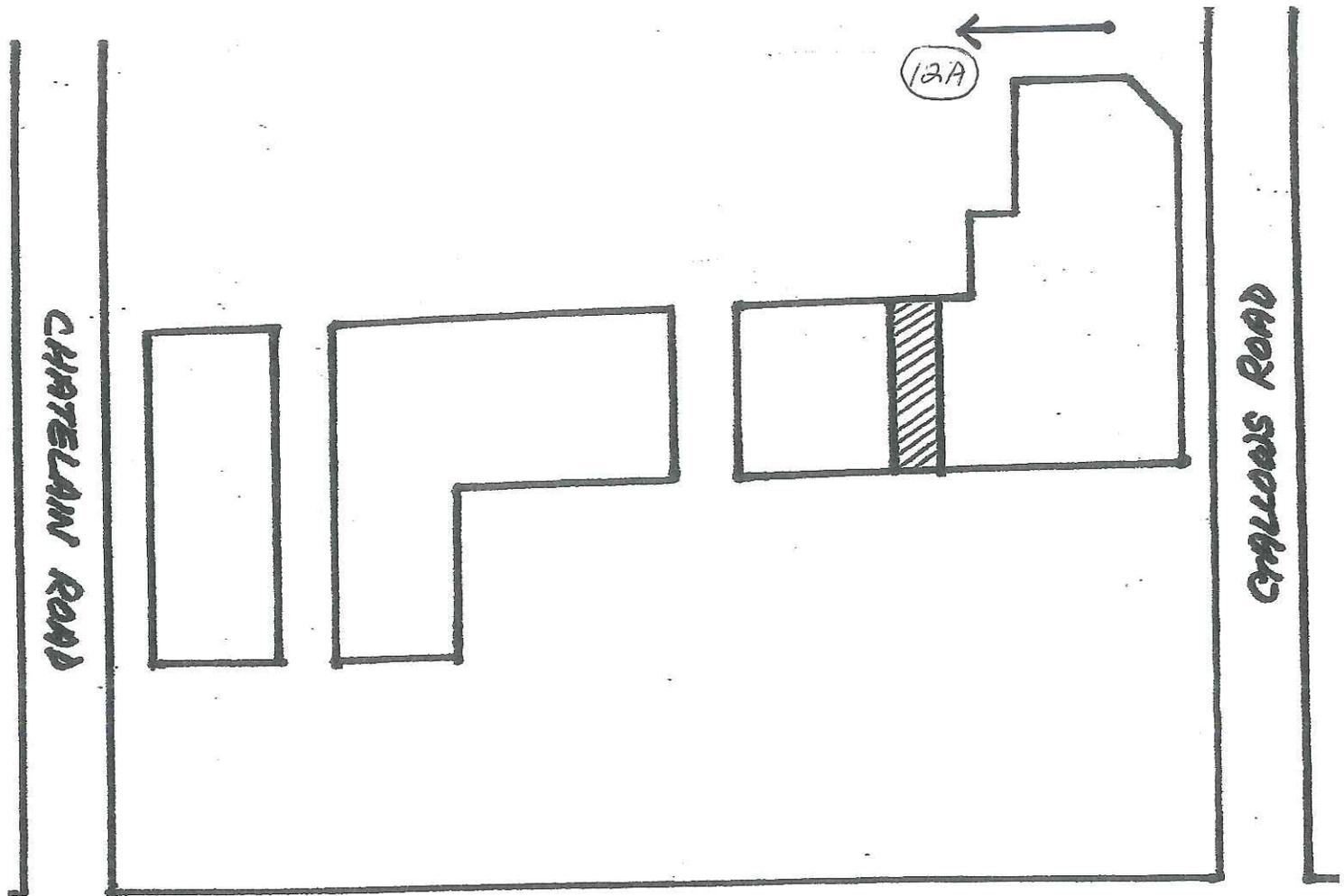
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COLUMBIA PIKE



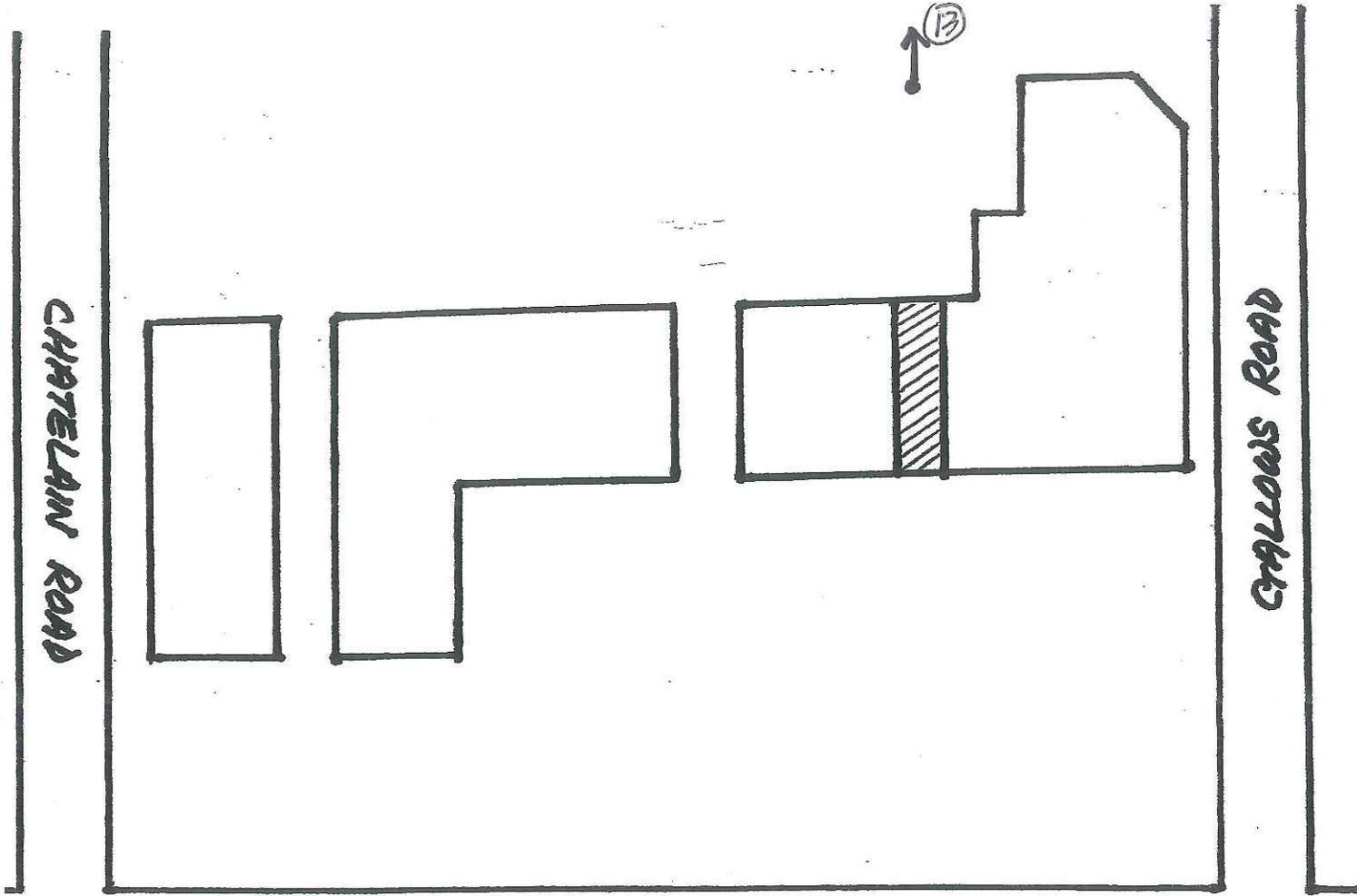
FROM SPOT (12). FACING THE REAR OF



COLUMBIA PIKE



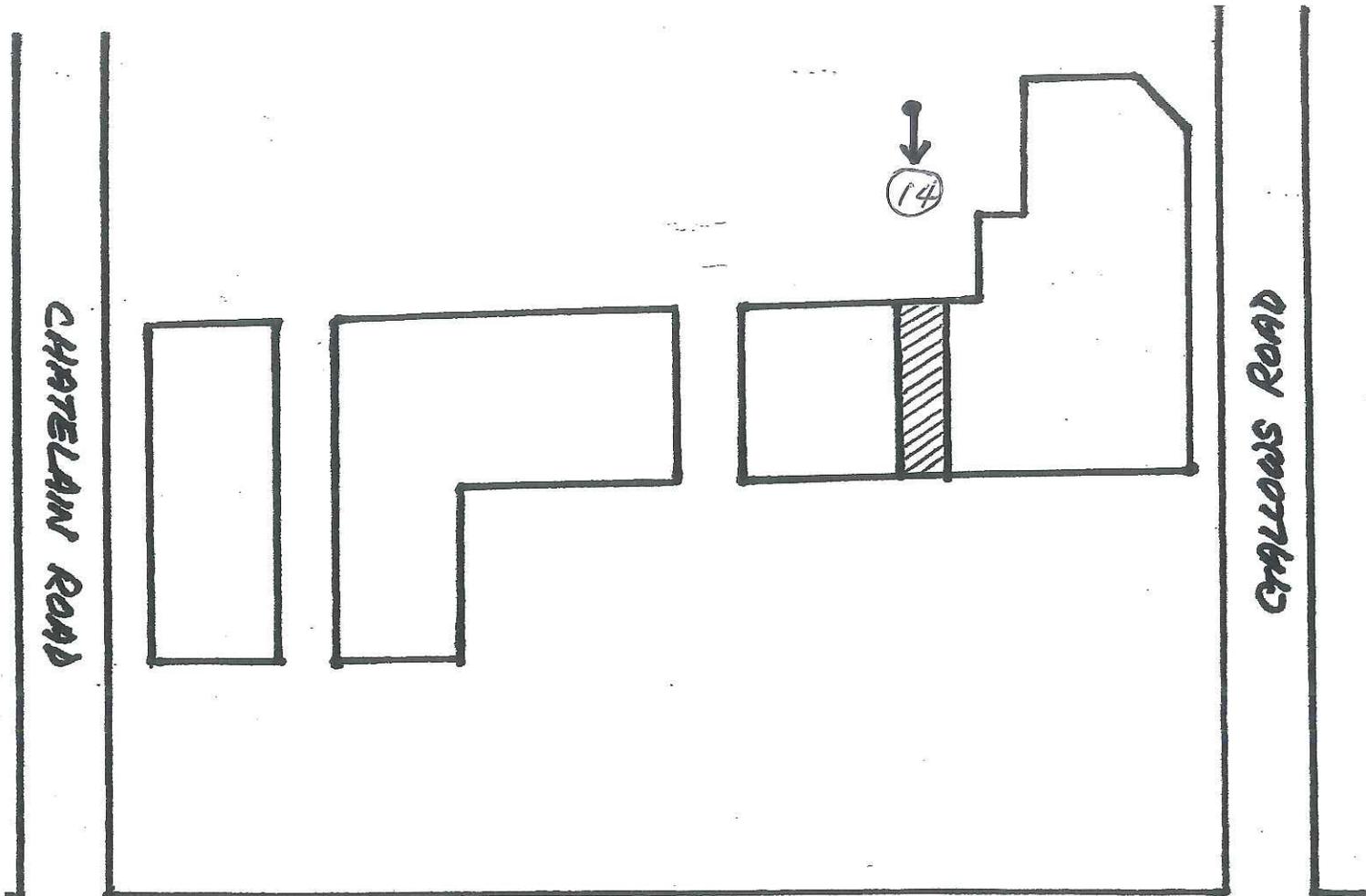
FROM DOOR 12A LOOKING DOWN THE ALLEY.



COLUMBIA PIKE



FROM SPOT (13), BEHIND THE 7014~7020 COLUMBIA PIKE,



COLUMBIA PIKE

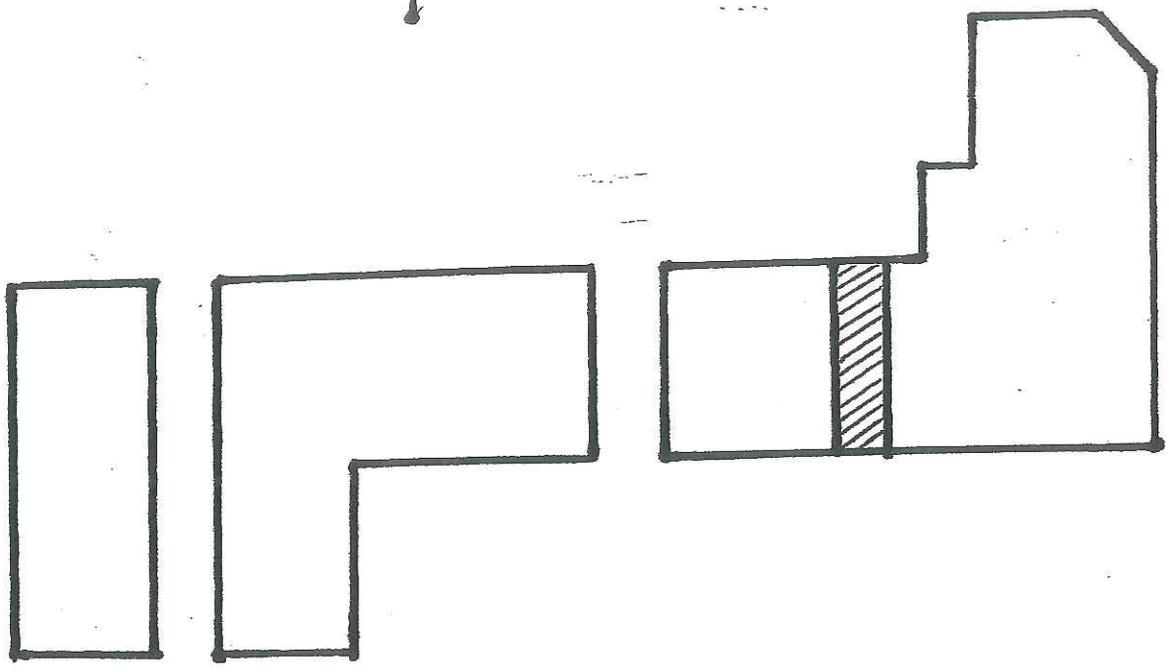


FROM SDDT (14), FACING THE REAR ENTRANCE

↑ (15)

CHAPELAIN ROAD

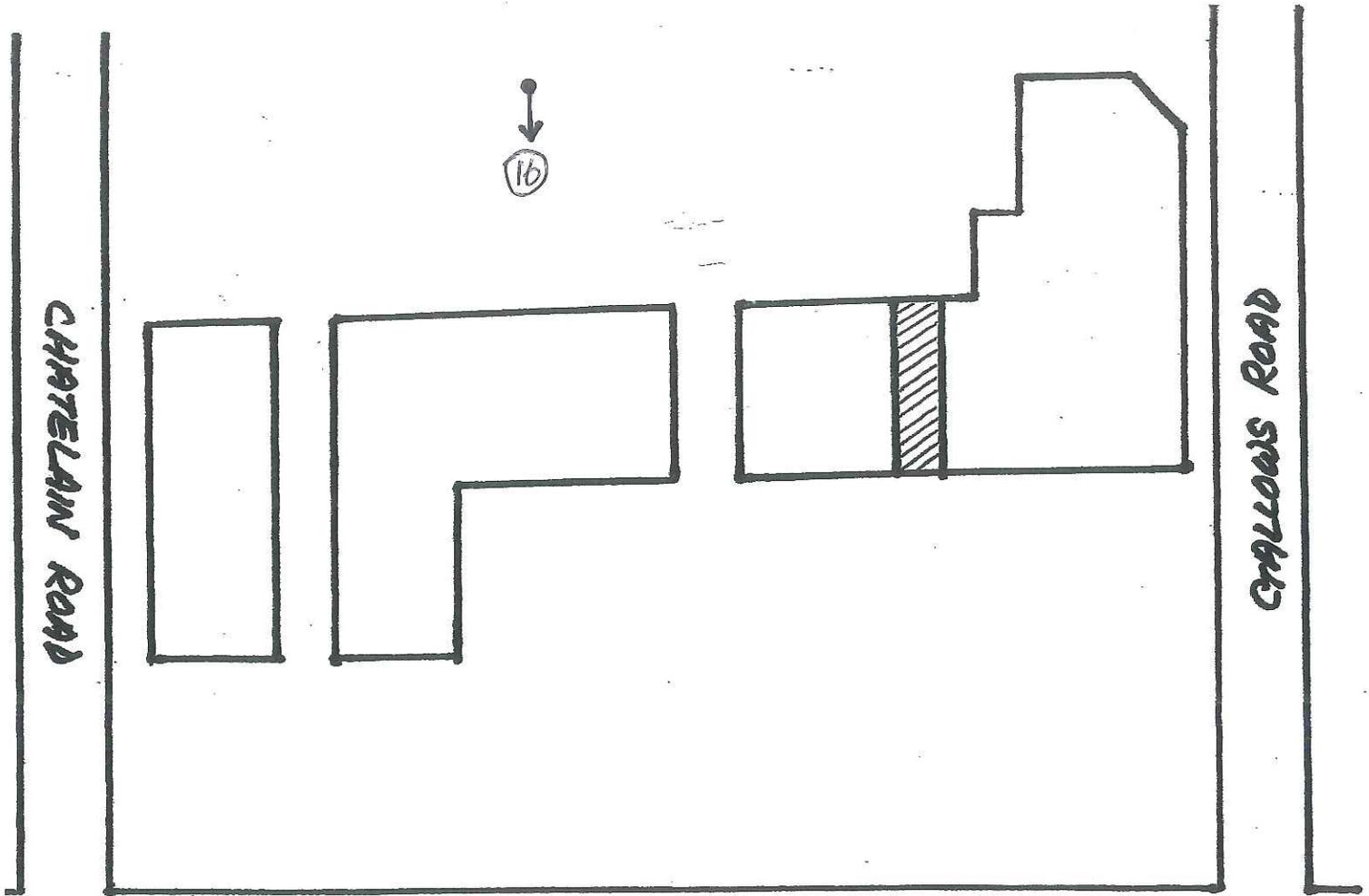
CHAPELAIN ROAD



COLUMBIA PIKE



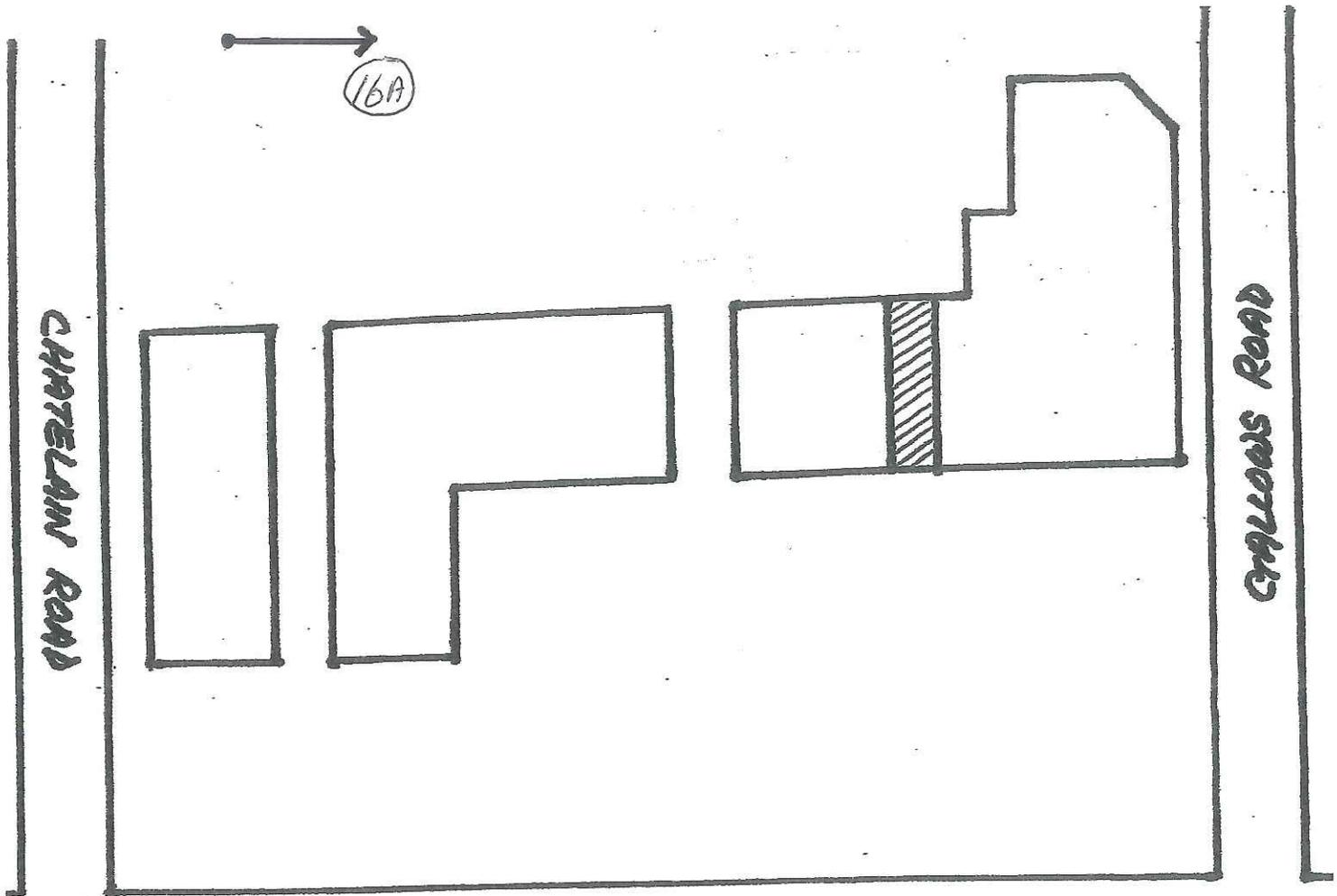
FROM SPOT (15), FACING THE NEIGHBORING FENCE



COLUMBIA PIKE



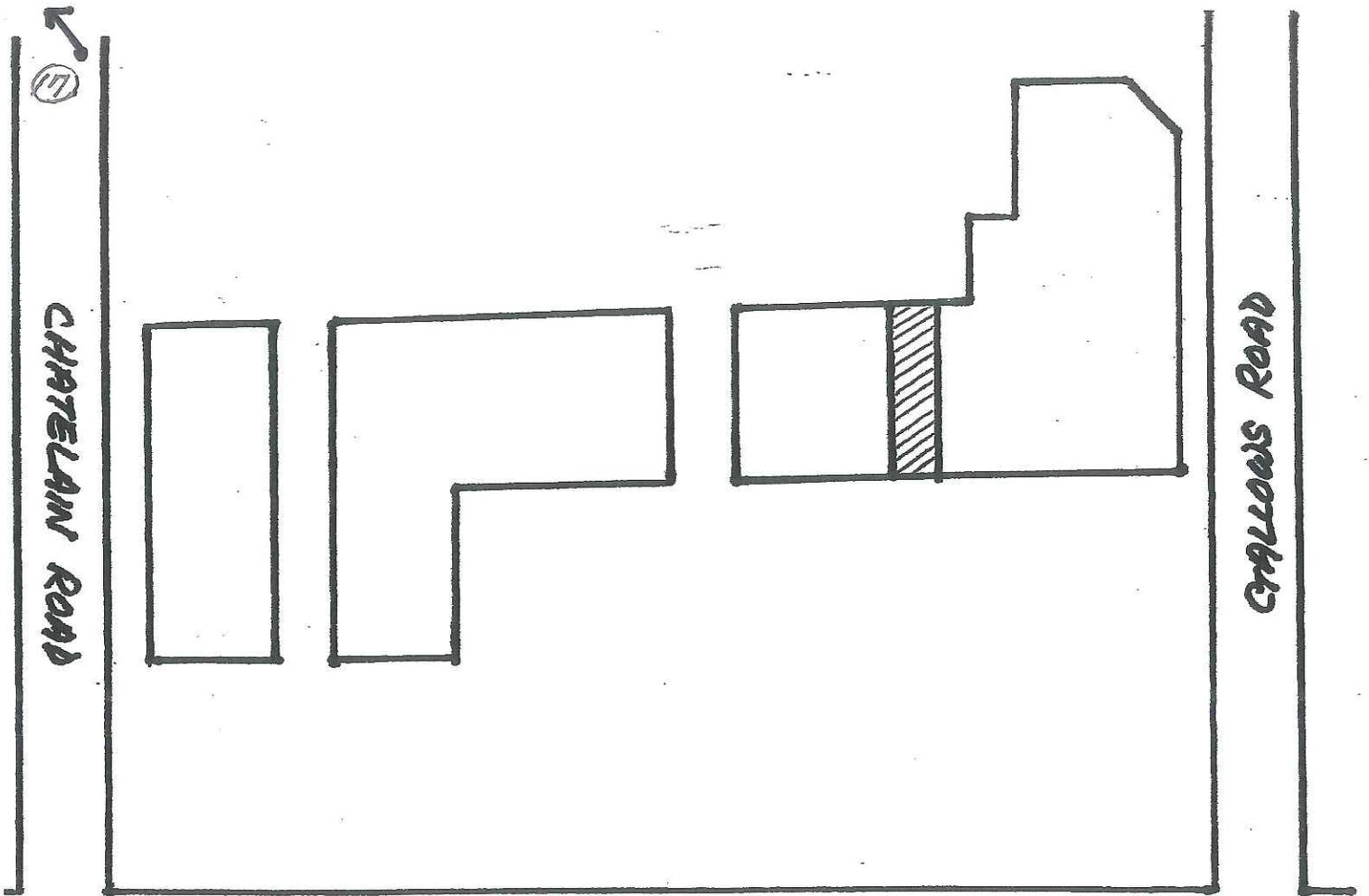
FROM SPOT 16, FACING THE REAR ENTRANCE



COLUMBIA PIKE



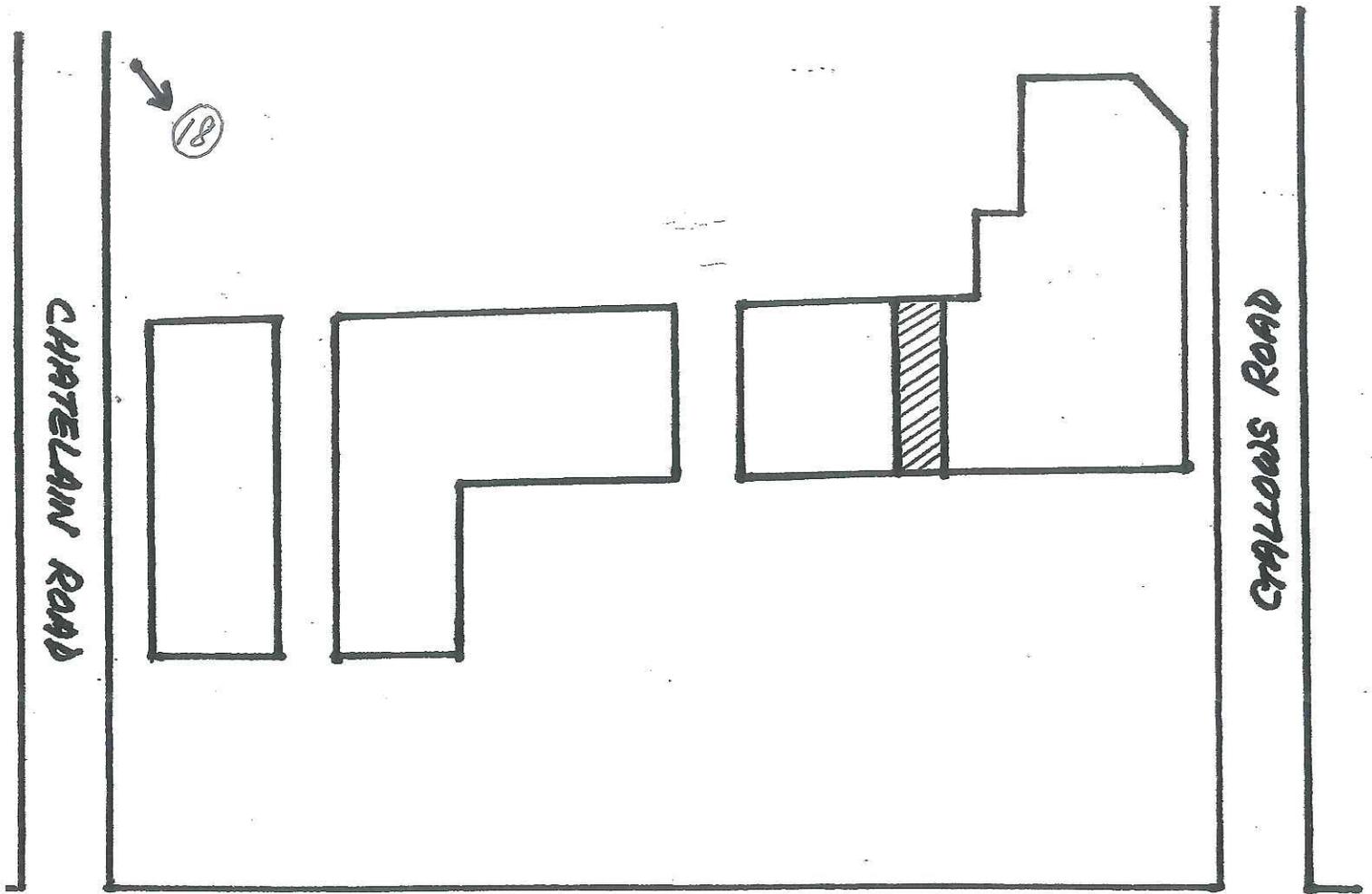
FROM POINT (16A) . LOOKING DOWN THE ALLEY



COLUMBIA PIKE



FROM SPOT (17), FACING THE REAR OF THE



COLUMBIA PIKE



FROM SPOT (18) . FACING THE REAR OF PRO MAXX FITNESS,

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit amendment to amend SP 00-M-037-02 for a change in permittee from HJA, Inc., to Capital Restaurants, Inc. to revise development condition #1 to allow the tenant to transfer permittee.

A copy of the special permit plat depicting the structures on site, "Bloom Store No. P-1382, 7002 Columbia Pike, Annandale VA," prepared by Scott Mirizzi, P.E, of LJB Inc., dated October 13, 2009, is included at the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The billiards hall use is located in a commercial strip mall (Annandale Shopping Center) with an address of 7014 Columbia Pike in Annandale. The 4,000 square foot site is currently called the "Cue Club Cafe." The store front contains plate glass and decorative brick siding. Two signs, "Cue Club Cafe" and "Darts & Pool" are located on a green roof awning. The rear of the store has brick facing and contains a white door.

As depicted in the picture below, the application property is located in Annandale Shopping Center and zoned C-6. The properties to the north are zoned R-4 and developed with single family detached dwellings. The properties to the east are zoned R-3 and are also developed with single family detached dwellings. The property to the southeast is Annandale Methodist Church and is zoned R-3. The properties to the south are zoned C-5 and C-6 (a gas station and Annandale Hub Plaza) and developed with commercial structures. The three properties directly to the south are zoned commercial and are residential structures converted to offices.



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

BACKGROUND

According to Fairfax County Tax Records the commercial strip mall was constructed in 1956.

Date	Action	Use	BZA Action*
7/6/1995	SP 95-M-011	Permit a Billiard hall use within 3,200 square feet of tenant space. Non-RUP issued on November 22, 1995	Approved* (but expired)
4/2/1998	SPA 95-M-011	Continuation of Billiard Hall use and addition of 800 square feet to the billiard hall. Non-RUP never issued.	Approved* (but expired)
9/13/2000	SP 00-M-037	Permit a Billiard Hall use with a gross floor area of 4,000 s.f.; included revision of hours of operation, number of employees on site and number of total seats	Approved*
8/14/2001	SPA 00-M-037	Continuation of Billiard Hall use; increase of employees, number of patrons and maximum occupancy; maximum number of billiards should be 18, 92 seats and counter with 20 seats	Approved* (but expired)

*Please see Appendix 4 for copies of the resolutions for these cases

The applicant is currently operating under SP 00-M-037 which was approved on September 13, 2000, with a gross floor area of 4,000 square feet. The most recent application for a permit, SPA 00-M-037, approved in 2001, expired and is not valid. The applicant purchased the business from the previous owner in June of 2005. A copy of the Resolution approved in conjunction with SP 00-M-037 is included in Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I
Planning Sector: Annandale Planning District
Annandale Community Business Center (E-3)
Plan Map: Commercial

Zoning Ordinance Requirements

Applicable bulk regulation(s) and additional location regulations are set forth above.

The application must meet all of the following standards, copies of which are attached as Appendix 5:

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

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 5. Subject to development conditions, this special permit must meet these standards.

CONCLUSION

The request in this special permit is only for a change of permittee. The Billiard Hall use has operated contiguously without violation since the last approval and conforms to the development conditions outlined in SP 00-M-037 and a Non-Residential Use Permit approved in 2001.

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SPA 00-M-037-02 for the change in permittee with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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.

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.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Resolution Approved in Conjunction with SP 00-M-037
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 00-M-037-02****March 26, 2014**

If it is the intent of the Board of Zoning Appeals to approve SPA 00-M-037-02 located on property described as Tax Map 60-3((1)) 21,21A, and 21B to amend SP 00-M-037 previously approved for a billiard hall to permit a change in permittee pursuant to Section 8-501 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved development conditions have been carried forward and marked with an asterisk (*). Minor changes in wording have been underlined.

1. This approval is granted to the applicant only, Capital Restaurants, Inc., d/b/a the Cue Club, and is not transferable without further action of this Board, and is for the location indicated on the application, 7014 Columbia Pike, 4000 square feet of tenant space within the 5.3 acre site, and is not transferable to other land. Other than 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 uses(s) indicated on the special permit plat titled "Bloom Store No. P-1382, 7002 Columbia Pike, Annandale VA," prepared by Scott Mirizzi, P.E. of LJB Inc., dated October 13, 2009, and approved with this application, as qualified by these development conditions.*
3. A copy of this special permit and the new Non-Residential Use Permit SHALL BE POSED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the house of operation of the permitted use.*
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services. 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. The maximum daily hours of operation will be from 10:00 a.m. until 2:00 a.m., daily.*
6. After 10:00 p.m., the rear door on the north side of the building shall remain

closed.*

8. The maximum number of employees on site at any one time for this use shall be five (5); the maximum number of patrons on-site at any one time shall be thirty-six (36); the maximum occupancy shall be posted at forty-one (41).*
9. The maximum number of billiard shall be nine (9); the eating establishment is permitted as an accessory use, with a maximum of eleven (11) tables containing a maximum of twenty (20) seats and a counter with eighteen (18) seats within the billiard hall.*
10. The applicant shall comply with all alcoholic beverage control laws of the Commonwealth of Virginia.*
11. Transitional screening requirements shall be waived and barrier requirements shall be modified in favor of conditions shown on the plat.*

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, six months (6) months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. The Board of Zoning Appeals may grant additional time to obtain a 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.

Application No.(s): SPA 00-M-037-02
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/24/13
 (enter date affidavit is notarized)

I, SUNNY B. KIM, do hereby state that I am an
 (enter name of applicant or authorized agent)

12229

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

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)
CAPITAL RESTAURANTS, INC. c/o THE CUE CLUB	7014 COLUMBIA PIKE ANNANDALE, VA 22003	APPLICANT/LEASEE
SUNNY B. KIM	7400 CARMINE STREET ANNANDALE, VA 22003	AGENT FOR APPLICANT
ANNANDALE SHOPPING CENTER, L.L.C.	c/o CAROL ZACH 4127 MEADOW CT. ANNANDALE, VA 22003	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 00-M-037-02
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/24/13
(enter date affidavit is notarized)

12229

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)

CAPITAL RESTAURANTS, INC.
7014 COLUMBIA PIKE
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)

SUNNY B. KIM (100%)

(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.

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

Page 1 of 1

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

DATE: 9/24/13
(enter date affidavit is notarized)

12229

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

ANNANDALE SHOPPING CENTER, L.L.C.
c/o CAROL ZACH
4127 MEADOW CT., 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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

THE MYRA PERKINS McWHORTER TRUST JAMES A. McWHORTER, JR.
JAMES A. McWHORTER, TRUSTEE CAROL A. ZACH
- JAMES A. McWHORTER, JR. BENEFICIARY THOMAS R. McWHORTER
- THOMAS R. McWHORTER, BENEFICIARY

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 00-M-037-02
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Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/24/13
(enter date affidavit is notarized)

12229

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)

N/A

(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**)

N/A

(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 00-M-037-02
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/24/13
(enter date affidavit is notarized)

172229

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 00-M-037-02

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/24/13 (enter date affidavit is notarized)

12229

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:

[Handwritten signature]

(check one) [X] Applicant [] Applicant's Authorized Agent

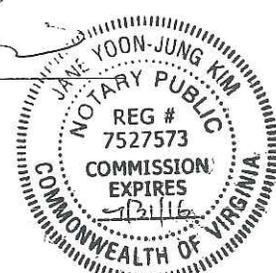
Sunny Kim, President (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of September 20 13, in the State/Comm. of VA, County/City of Fairfax.

[Handwritten signature]

Notary Public

My commission expires: July 31, 2016



CAPITAL RESTAURANTS, INC.

DBA

THE CUE CLUB

**7014 Columbia Pike
Annandale, VA 22003**

August 14, 2013

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035-5510

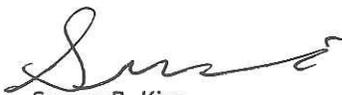
RE: Written Statement of Justification for request to change of Permittee

Dear Sirs,

Since I have purchased the company, 'Capital Restaurants, Inc.' from Helena J. Choi (aka Helena J. Asbury) and the name of the corporation was changed from 'HJA, Inc.' to 'Capital Restaurants, Inc.', I would like to request the change of permittee.

Thank you.

Best regards,



Sunny B. Kim
President

RECEIVED
Department of Planning & Zoning

AUG 21 2013

Zoning Evaluation Division

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HJA, Inc., SP 00-M-037 Appl. under Sect(s). 4-603 of the Zoning Ordinance to permit a billiard hall. Located at 7014 and 7020 Columbia Pike on approx. 5.30 ac. of land zoned C-6, HC, SC and CRD. Mason District. Tax Map 60-3 ((1)) 21, 21A and 21B. Mr. Ribble 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 5, 2000; and

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

1. The applicant is the lessee of the land.
2. The applicant presented testimony indicating compliance with the required standards for a special permit.

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, HJA, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 7014-7020 Columbia Pike, 4000 square feet of tenant space within the 5.3 acre site, 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 Alexandria Surveys, Inc, dated October 27, 1997, as revised through June 6, 2000, 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. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services. 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. The maximum daily hours of operation will be from 10:00 a.m. until 2:00 a.m., daily.
6. After 10.00 p.m., the rear door on the north side of the building shall remain closed.
7. The maximum number of employees on site at any one time for this use shall be five (5); the maximum number of patrons on-site at any one time shall be thirty-six (36); the maximum occupancy shall be posted at forty-one (41).
8. The maximum number of billiard shall be nine (9); the eating establishment is permitted as an accessory use, with a maximum of eleven (11) tables containing a maximum of twenty (20) seats and a counter with eighteen (18) seats within the billiard hall.
9. The applicant shall comply with all alcoholic beverage control laws of the Commonwealth of Virginia.
10. Transitional screening requirements shall be waived and Barrier requirements shall be modified in favor of conditions shown on the plat.

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. 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 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on September 13, 2000. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Regina Thorn Corbett, Clerk
Board of Zoning Appeals

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.