



APPLICATION ACCEPTED: October 1, 2014
BOARD OF ZONING APPEALS: January 14, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 7, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-PR-219

PROVIDENCE DISTRICT

APPLICANT: Abdelkarim Abulhaija, also known of record as
Abdelkarim Abu El Haija
ARH & Sons, Inc., d/b/a Cloud Café

ZONING: I-4

LOCATION: 8490B and 8496B Tyco Road, Vienna, 22182

ZONING ORDINANCE PROVISIONS: 8-502, 5-403

TAX MAP: 29-1 ((10)) 4 and 8

SQUARE FOOTAGE: 3,600 square feet

PLAN MAP: Office, retail and residential uses

SPECIAL PERMIT PROPOSAL: To permit the addition of a Group 5, Commercial
Recreation Use (hookah lounge) in an existing
industrial space.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-219 but only 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 applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Erin M. Haley

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

SP 2014-PR-219



Applicant: ABDELKARIM ABULHAIJA, ALSO KNOWN OF RECORD AS ABDELKARIM ABU EL HAIJA, ARH & SONS DBA CLOUD CAFE

Accepted: 10/01/2014

Proposed: TO PERMIT AN INDOOR COMMERCIAL RECREATION USE (HOOKAH BAR)

Area: 3600 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 05-0403

Located: 8490B AND 8496B TYCO ROAD, VIENNA, VA 22182

Zoning: I- 4

Overlay Dist:

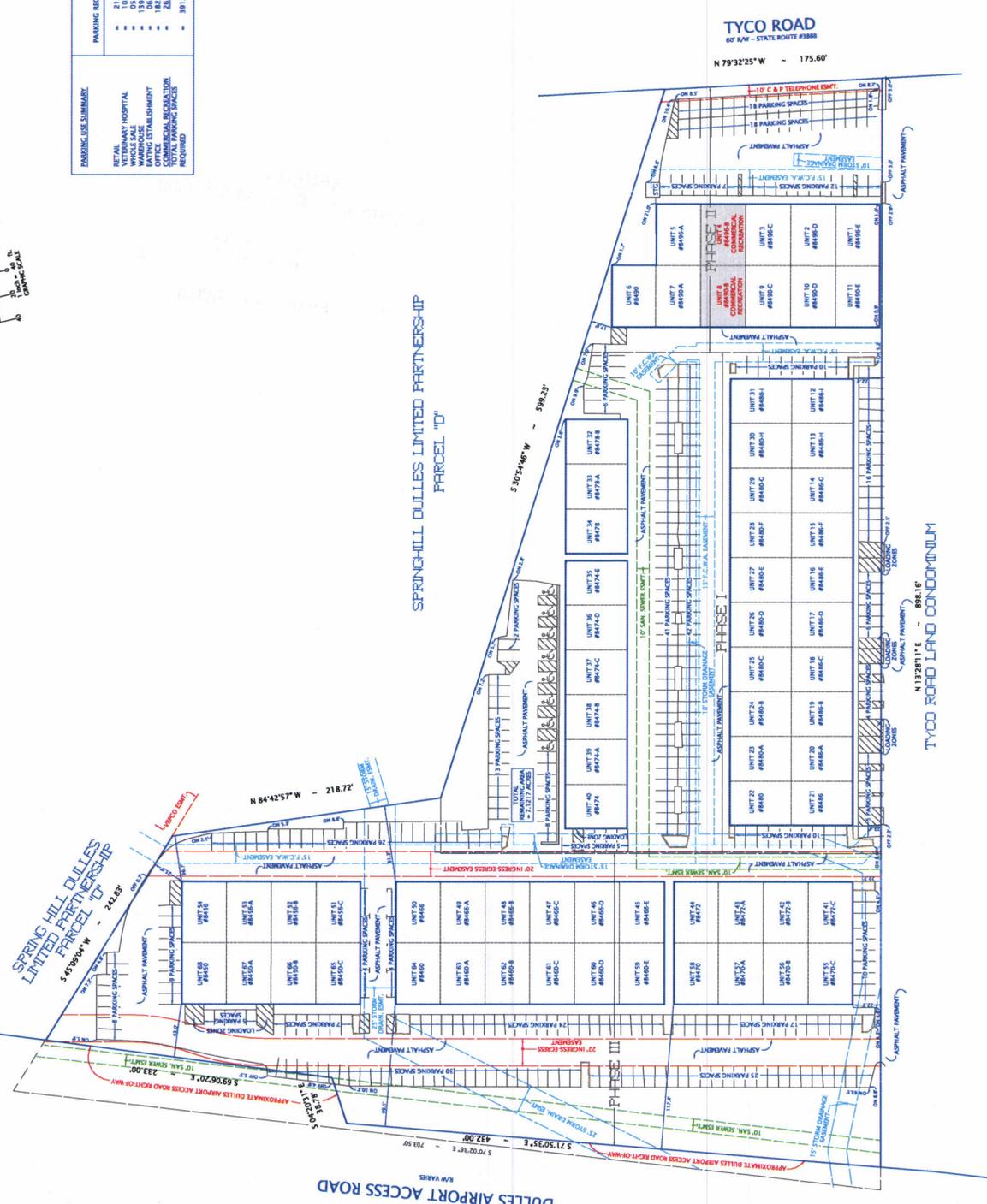
Map Ref Num: 029-1- /10/ /0004 /10/ /0008





PARKING USE SUMMARY	PARKING REQUIRED	PARKING PROVIDED
RETAIL	21.3	21.3
VETERINARY HOSPITAL	10.0	10.0
WAREHOUSE	198.7	198.7
OFFICE	198.3	198.3
OFFICE ESTABLISHMENT	182.0	182.0
COMMERCIAL RECREATION	28.8	28.8
RECREATION SPACES	191.0	191.0
RECREATION SPACES REQUIRED	191.0	191.0

- NOTES:
1. SET WALLS AND FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. THERE ARE 8 HANDICAPPED PARKING SPACES ON THIS PROPERTY.
 4. THERE ARE 8 HANDICAPPED PARKING SPACES ON THIS PROPERTY.
 5. TOTAL REMAINING AREA = 310,220 SF. (7,137 ACRES)



SHOWING THE IMPROVEMENTS ON
PLAT
TYCO PARK
 APPROXIMATELY 0.3592 ACRE TO THE
 LESS AND EXCEPT
 FAIRFAX COUNTY, VIRGINIA
 PRINCEDENCE DISTRICT
 SCALE: 1" = 40'

APPROVED FOR THE IMPROVEMENTS BY
 ALL THE EXISTING IMPROVEMENTS UNIT OWNERS
 AND UNIT OWNERS WHOSE UNITS ARE TO BE
 VESTED IN THE IMPROVEMENTS AS OF THE DATE
 OF RECORDATION OF THIS PLAT.
 DATE OF RECORDATION:
 NO OTHER MATTER SET.

CASE NAME:
 TYCO INVESTMENTS, LLC
 A/C: C/CO/CA

DOMINION LAND MANAGEMENT, LLC
 800-HIGHWAY THREE VILLAGE COURT
 ALEXANDRIA, VA 22304
 PHONE: 703.533.2200
 FAX: 703.533.2201

08/07/2014
 LICENSE NO. 2009
 George H. O'Donnell

APPROVED BY THE BOARD OF SUPERVISORS
 AUGUST 07, 2014 (REPLACEMENT)
 SEPTEMBER 23, 2014 (REV.)

TYCO ROAD
 60' R/W - STATE ROUTE #888
 N 79°32'25" W - 175.60'

SPRINGHILL DULLES LIMITED PARTNERSHIP
 PARCEL "D"

N 132°11'E - 898.16'
TYCO ROAD LAND CONDOMINIUM

DESCRIPTION OF THE APPLICATION

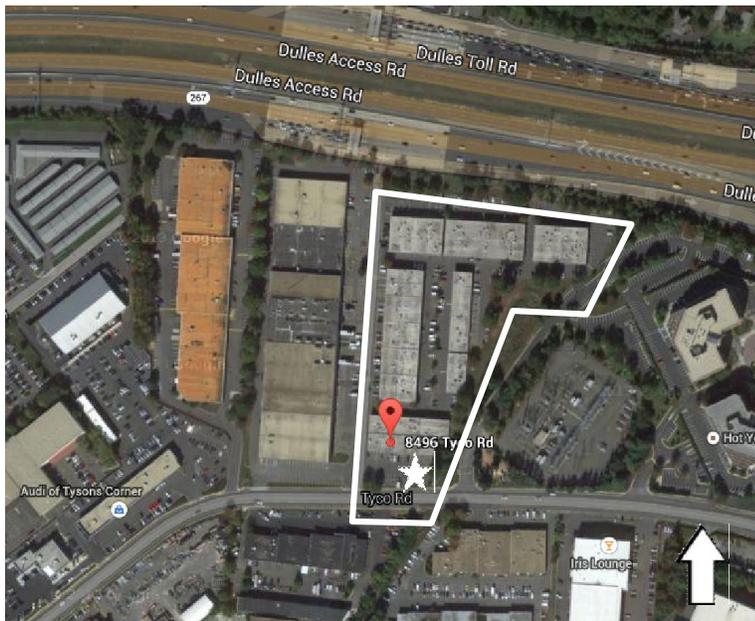
The applicant requests approval to permit a Group 5, Indoor Commercial Recreation Use (hookah lounge) in an existing industrial space. A detailed description of the request is included on page two.

Size of Tenant Space:	3,600 square feet
Parking Required/Proposed:	27 spaces (391 total required/392 provided)
Patrons:	100 patrons
Employees:	2 shifts of 4 employees each
Hours of Operation:	11:00 a.m. – 2:00 a.m., daily

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat, Showing the Improvements on Phases I, II, & III, Tyco Park
 Prepared By: George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc.
 Dated: August 7, 2014

CHARACTER OF THE SITE AND SURROUNDING AREA



The subject site is located between Tyco Road and the Dulles Airport Access Road. The application tenant space, which the applicant indicates measures 3,600 square feet, is within an industrial condominium complex which consists of seven structures that contain uses including retail, a veterinary hospital, wholesale, warehouse, an eating establishment and office space. As depicted in the picture to the left, the tenant space is located in the building oriented to Tyco Road in the starred location.

The complex is accessed via several ingress and egress points from the neighboring properties to the west and east. There are no direct points of ingress or egress from a public right-of-way. Two ingress-egress easements 20 feet in width run across the northern portion of the complex allowing access to the properties to the west and east. Multiple other easements are located at various points around the complex for uses

such as sanitary sewer, storm drainage, and the Fairfax County Water Authority.

There are a total of 392 parking spaces within the complex. Mature vegetation lines the site's boundaries but little of it is located within the area of the complex.

Surrounding Area Description

Direction	Use	Zoning
North	Dulles Airport Access Road	N/A
East	Office	C-4
South	Industrial Complex	PTC
West	Industrial Complex	I-4

BACKGROUND

The Tyco Park Condo complex was built in 1981.

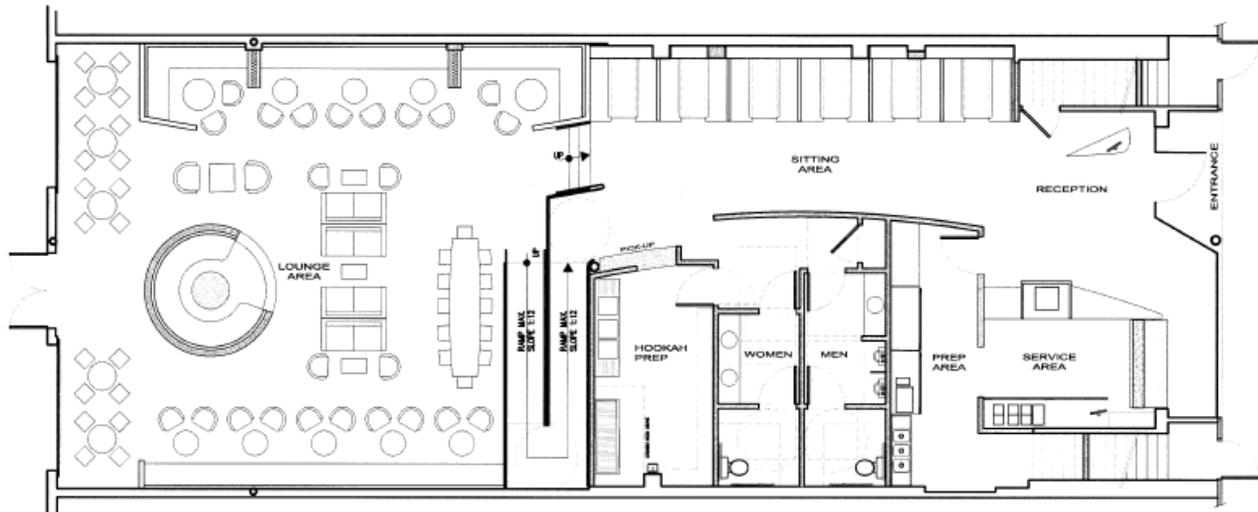
Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals (BZA) has heard no other previous applications for hookah lounges in the surrounding area.

PROPOSED USE

The applicant proposes to operate a hookah bar in two tenant bays (lots 4 and 8) that have been combined within the existing condo complex. The applicant proposes daily hours of operation from 11:00 a.m. to 2:00 a.m., and a maximum of 100 patrons. In addition to offering a selection of hookah tobacco, the applicant also would serve a cigar selection in a walk-in humidor, coffee, and chocolate. No alcohol, live entertainment or food preparation on-site is proposed. No patrons under the age of 18 would be allowed. The applicant is also the owner of another hookah bar in a neighboring jurisdiction.

The patrons will pay for the use of the hookahs and tobacco on site. The hookahs, which are also known as chicha, or water pipes, will be prepared in an adjacent room within the main customer area. The specific method of preparing a hookah can vary, but generally the hookah is assembled with parts including a bowl, water jar, and plate or foil. The charcoal, which is mainly wood based, is heated in a pan on a stove and then transferred to the top of a hookah on a perforated plate or piece of foil, which rests above the tobacco in a bowl. These pieces, which comprise the body of the hookah, are connected together above a water jar. A hose or multiple hoses connect to the body of the hookah, and patrons draw air through the hose down through the charcoal, tobacco, and into the water jar to create smoke from the hookah.

Proposed floor plan:



ANALYSIS

Comprehensive Plan Provisions

Plan Area: McLean; Area II
Planning Sector: Main Branch (ML1)
Plan Map: Industrial, up to 0.5 FAR

Zoning Ordinance Requirements

The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Special Permit Requirements (See Appendix 4)

General Special Permit Standards (Sect. 8-006)

General Standards 1 and 2 require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations.

The Comprehensive Plan currently recommends industrial uses for the subject site. However, as part of the Tysons West district, the area is envisioned to transform into a new transit-oriented, mixed-use destination:

To become this vibrant urban destination, Tysons West will need a diversity in land use, including office, residential, hotel and retail uses, as well as a concentration of arts and entertainment uses of the type often found in more established downtown areas. Taking advantage of the Metro station, the majority of land uses closest to the station are designated for employment uses. Retail uses should include restaurants and cafes, art galleries, small theaters, specialty and general retail that form the basis of an arts and entertainment center and stay open after the workday ends.

The applicant is proposing to operate a hookah lounge that will stay open after normal workday hours. Staff believes that the proposed use and intensity are in harmony with the Comprehensive Plan.

General Standard 3 requires that 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 applicant is proposing a hookah lounge use in an interior tenant space of an existing building and does not propose any new construction. A mix of uses, including an eating establishment, is located within the existing complex. The applicant will provide appropriate ventilation for a smoking lounge to prevent smoke infiltration into adjacent units. No live entertainment has been proposed. In addition, a Fire Safety Technical Inspection will be required, allowing the Fire Marshal's Office to inspect the hookah lounge to verify fire safety measures in the unit. Development conditions have been included to address these issues. Staff believes that Standard 3 has been met.

General Standard 4 requires that 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.

In staff's opinion, the additional trips made by patrons for the proposed use will have a minimal impact on traffic conditions for the existing industrial condo complex.

General Standards 5, 6, 7 and 8 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and signage to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

The 27 required parking spaces for the proposed use are accommodated within the existing complex parking lot, which has an excess number of spaces for the uses on site. There are no proposed changes to the existing landscaping, open space, drainage, and loading area. Any signage would be required to conform to the shopping center's comprehensive sign plan. Staff believes that these Standards have been met.

Standards for All Group 5 Uses (Sect. 8-503)

The Group 5 Standards require that the proposed use comply with the lot size and bulk regulations for the I-4 District, comply with the performance standards and satisfy site

plan review.

The site met these requirements at the time of site plan approval, and no site modifications are proposed.

CONCLUSION

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.

RECOMMENDATION

Staff recommends approval of SP 2013-PR-219 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 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. Statement of Justification with floor plans and select file photos
3. Affidavit
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-PR-219****January 7, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-219 located at Tax Map 29-1 ((10)) 4 and 8 to permit a commercial recreation use under Section 8-503 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

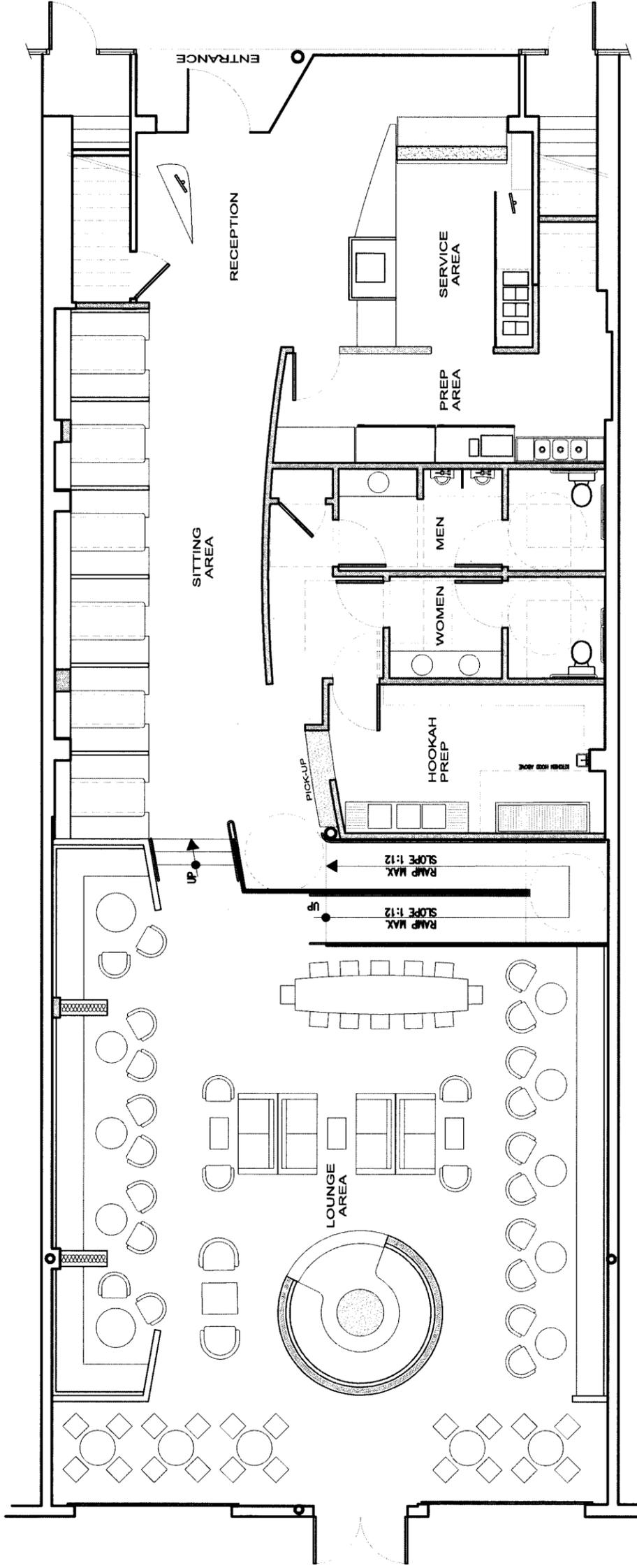
1. This approval is granted to the applicant only, Abdelkarim Abulhaija, also known of record as Abdelkarim Abu El Haija, ARH & Sons Inc., d/b/a Cloud Café, and is not transferable without further action of this Board, and is for the location indicated on the application, 8490B and 8496B Tyco Road, Vienna, 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 titled, "Plat, Showing the Improvements on Phases I, II, & III, Tyco Park," prepared by George M. O'Quinn, Land Surveyor, dated August 7, 2014, provided by the applicant, approved with this application, as qualified by these development conditions.
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. The use shall be in general conformance with the floor plan, included as Attachment 1.
5. Maximum occupancy shall be based on the approved Non-RUP occupancy as issued by the Fairfax County Department of Public Works and Environmental Services (DPWES), and subject to final approval by the Fire Marshal's office but under no circumstances shall the occupancy exceed 100.
6. The maximum hours of operation of the use shall be limited to 11:00 a.m. to 2:00 a.m., daily.
7. Employees shall be a minimum of eighteen (18) years of age.
8. 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.

9. 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 Tyco Park condo complex.
10. No alcohol shall be served, provided or permitted on-site at any time.
11. No live entertainment shall be allowed on-site.
12. If food is served, the applicant shall maintain a valid food handler's permit with the Virginia Department of Health at all times and the site shall be in conformance with the provisions of said permit at all times.
13. If food is served, the applicant shall maintain the designation of a "private club", whereby the clean air act provisions exempt the subject property from separate ventilated spaces for food sales, at all times and maintain conformance with said designation at all times. In the event the applicant loses the exemption of clean air act provisions, the applicant shall amend the interior site layout to become in conformance with all applicable provisions of the Virginia Department of Health for Eating Establishments and apply for all applicable permits from Fairfax County.
14. The applicant shall provide appropriate ventilation for a smoking lounge to prevent smoke infiltration into adjacent units through the building plan review process to the DPWES.
15. The site shall be available for inspection by the Fairfax County Office of the Fire Marshal during the hours of operation.
16. All exit doors shall be installed with panic hardware, to the satisfaction of the Fairfax County Office of the Fire Marshal.
17. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.
18. 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.
19. Prior to approval of a new Non-RUP, a tenant layout plan shall be submitted for review in accordance with the currently adopted Virginia Construction Code.
20. 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, 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.

CLOUD LOUNGE
TYCO RD



PROPOSED FLOOR PLAN

1/8" = 1'-0"

The McClure Law Firm, P.C.

602 S. King Street, Suite 200
Leesburg, Virginia 20175

David J. McClure*

Telephone: (703) 777-9563

Facsimile: (703) 771-3257

*also admitted in Maryland

RECEIVED
Department of Planning & Zoning

MAY 07 2014

Zoning Evaluation Division

May 7, 2014

Michael P. Chauncey
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

Re: Special Permit Application: File SP 2014-0014 (8490B and 8496B Tyco road
Vienna, VA 22182)

Dear Mr. Chauncey:

In follow up to our telephone conversation, I provide the following additional information. I am the Authorized Agent for Applicant Abdelkarim Abuelhaija with respect to the above referenced property.

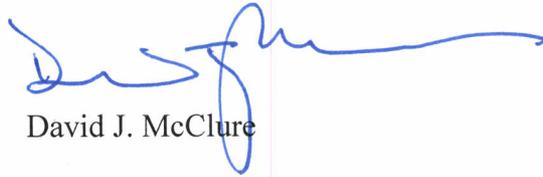
1. The Special Permit Application is for build out of a cigar and hookah bar in a building that has previously been fully approved by the County.
2. Zoning Ordinance Section 8-503 Standards: (1) The proposed use complies with the lot size and bulk regulations of the current zoning district; (2) The proposed use complies with the performance standards specified for the current zoning district, and a sports illumination plan is not applicable; (3) The subject building is not located within 100 feet of an adjoining property in a R district; and (4) standard No. 4 is inapplicable.
3. The clientele is expected to be from Fairfax County.
4. The building in which the intended use will occur is a pre-existing approved structure and no changes to the façade are expected except for minimal signage attached to the building. A floor plan was previously provided.
5. The proposed consumption of tobacco products and ingredients for hookah pipes will emanate ordinary non-toxic smoke. No toxic substances or materials will be stored or used on the premises.
6. The proposed use/development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

7. Enclosed is a letter from the property owner, YC Investments LLC, to open and operate the proposed Cloud Lounge cigar and hookah bar.

8. I request a waiver of the special permit plat, and request that the existing building plat and approved plans, etc be utilized.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "David J. McClure", with a long horizontal flourish extending to the right.

David J. McClure

Enclosures

Friday, January 10, 2014

Cloud Cafe

PROPOSAL

The proposed use for the space leased at 8496 B and 8490 B Tyco Road, Vienna VA 22182 is for Cloud Cafe. The second location for the first opened at 2525 Lee Highway, Arlington, VA 22201.

Type of Operation:

Cloud Cafe offers the best of 4 C's: Coffee, Chocolate, Cigars, Chicha

The lounge is handsomely appointed with Victorian details fused with a charming and timeless cozy selection of vibrant neo-victorian furniture; all conspiring to make you never want to leave

Menu Items Served:

- > Coffee of highest order - illy Coffee
- > Modest range of Cigar selection stored at our accessible walk in humidior
- > A wide variety of premium special blend tobacco for fine chicha experience.
- > Chocolate selection from all over the world

House Rules:

- > No alcohol
- > No one under 18 years old
- > No live entertainment
- > No food preparation on premises - Only nonperishable food items

RECEIVED
Department of Planning & Zoning

JAN 14 2014

Zoning Evaluation Division

Friday, January 10, 2014

Hour of Operation: Daily 11 am - 2 am

Expected Seating Capacity: 100

Expected Number of Employees: 4 employees per shift (will have 2 shifts per day)

Expected Traffic: 11 am - 6 pm: 20 customers since its a mainly evening concept, Automobile traffic is around 10-15 cars. 6 pm - 2 am: 80 customers, Automobile traffic is 40 cars through-out the entire evening. Metro is within walking distance (5 minutes walking)

Vicinity or general area to be served by the use: the exact space

Building is two story brick front - no buildout, use existing

No Hazardous waste materials

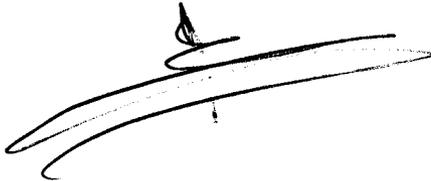
Please feel free to contact me if you have any further questions.

Regards,

David McClure

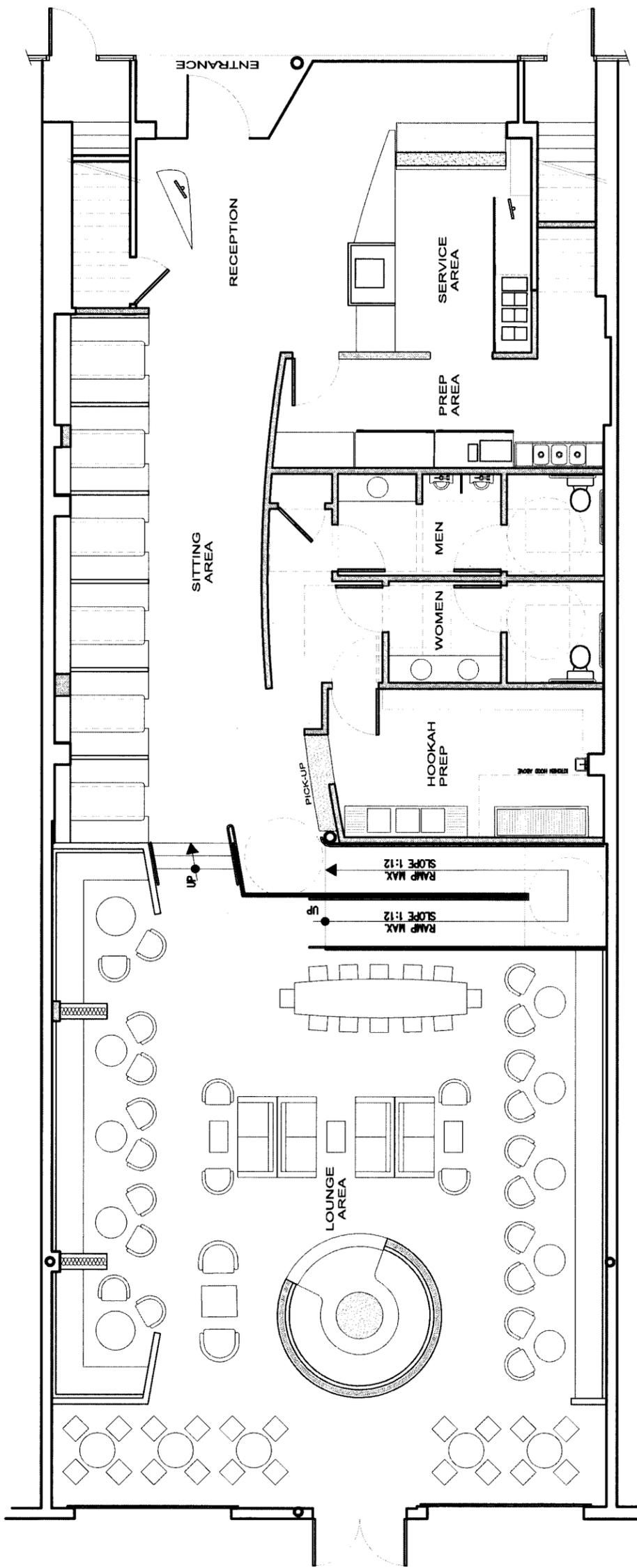
703.431.7556

Legal Agent, ARH Concept Inc.

A handwritten signature in black ink, appearing to read 'David McClure', with a stylized flourish at the end.

CLOUD LOUNGE
TYCO RD

BUILDIX



PROPOSED FLOOR PLAN

1/8" = 1'-0"



CLEANERS

Tyros & Learning center
W. Art Class
Reading and Writing Lesson

BREAK
LUNC

FOR LEASE
Call
The Realty

FOR LEASE
Call
The Realty



Application No.(s): SP 2014-PR-219
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 25, 2014
 (enter date affidavit is notarized)

123990

I, David J. McClure, 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

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)
YC Investments, LLC	8455 M Tyco Road Vienna, Virginia 22182	Title Owner/Lessor of Tax Map Nos. 029-1-((10))-0004 and 029-1-((10))-0008
ARH & Sons, Inc. d/b/a Cloud Cafe	7200 Sterling Grove Drive Springfield, VA 22150	Lessee
Abdelkarim Abulhaija, also known of records as, Abdelkarim Abu El Haija	7200 Sterling Grove Drive Springfield, Virginia 22150	Applicant/Lessee of Tax Map Nos. 029-1-((10))-0004 and 029-1-((10))-0008
The McClure Law Firm, P.C. Agent: David J. McClure, Esq.	602 South King Street, Suite 200 Leesburg, Virginia 20175	Attorney/Agent for Lessee

(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): _____

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 25, 2014
(enter date affidavit is notarized)

123990

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)

ARH & Sons, Inc.
7200 Sterling Grove Drive
Springfield, Virginia 22150

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)

Abdelkarim (also known of record as Abdelkarim Abu El Haija	Abulhaija
Ramzi	Iskandar
Hamzah	Jaber

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

Page 1 of 1

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

DATE: April 25, 2014
(enter date affidavit is notarized)

123990

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

YC Investments, LLC
8455 M Tyco Road
Vienna, Virginia 22182

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)

Fu-Long Yan

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

The McClure Law Firm, P.C.
602 South King Street, Suite 200
Leesburg, Virginia 20175

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)

David J McClure

(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): _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 25, 2014
(enter date affidavit is notarized)

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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)

NOT APPLICABLE

(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**)

NONE

(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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 25, 2014
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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

[x] Applicant's Authorized Agent

David J. McClure, Esq. *Applicant's Authorized Agent*
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25th day of April, 2014, in the State/Comm. of Virginia, County/City of Loudoun.

Lynne S. Perkins
Notary Public

My commission expires: 6/30/2014

**LYNNE S. PERKINS
COMMONWEALTH OF VIRGINIA
NO. 7030459
MY COMMISSION EXPIRES JUNE 30, 2014**

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.