



APPLICATION ACCEPTED: November 13, 2014
BOARD OF ZONING APPEALS: March 4, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

February 25, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-SP-243

SPRINGFIELD DISTRICT

APPLICANT: Farhad Fanaeian
d/b/a Coffee Pialeh, Inc.
aka Coffee Pialeh, LLC.

ZONING: C-6, HC

LOCATION: 6345-B Rolling Road
Springfield, VA, 22152

ZONING ORDINANCE PROVISIONS: 4-603, 8-503

TAX MAP: 79-3 ((1)) 7

SQUARE FOOTAGE: 650 square feet leased storefront of
2.6 acre Westspring Plaza Shopping Center

PLAN MAP: Commercial and residential uses

SPECIAL PERMIT PROPOSAL: To permit a commercial recreation use (hookah bar)
in a commercial district.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-SP-243 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.

Laura B. Arseneau

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.**

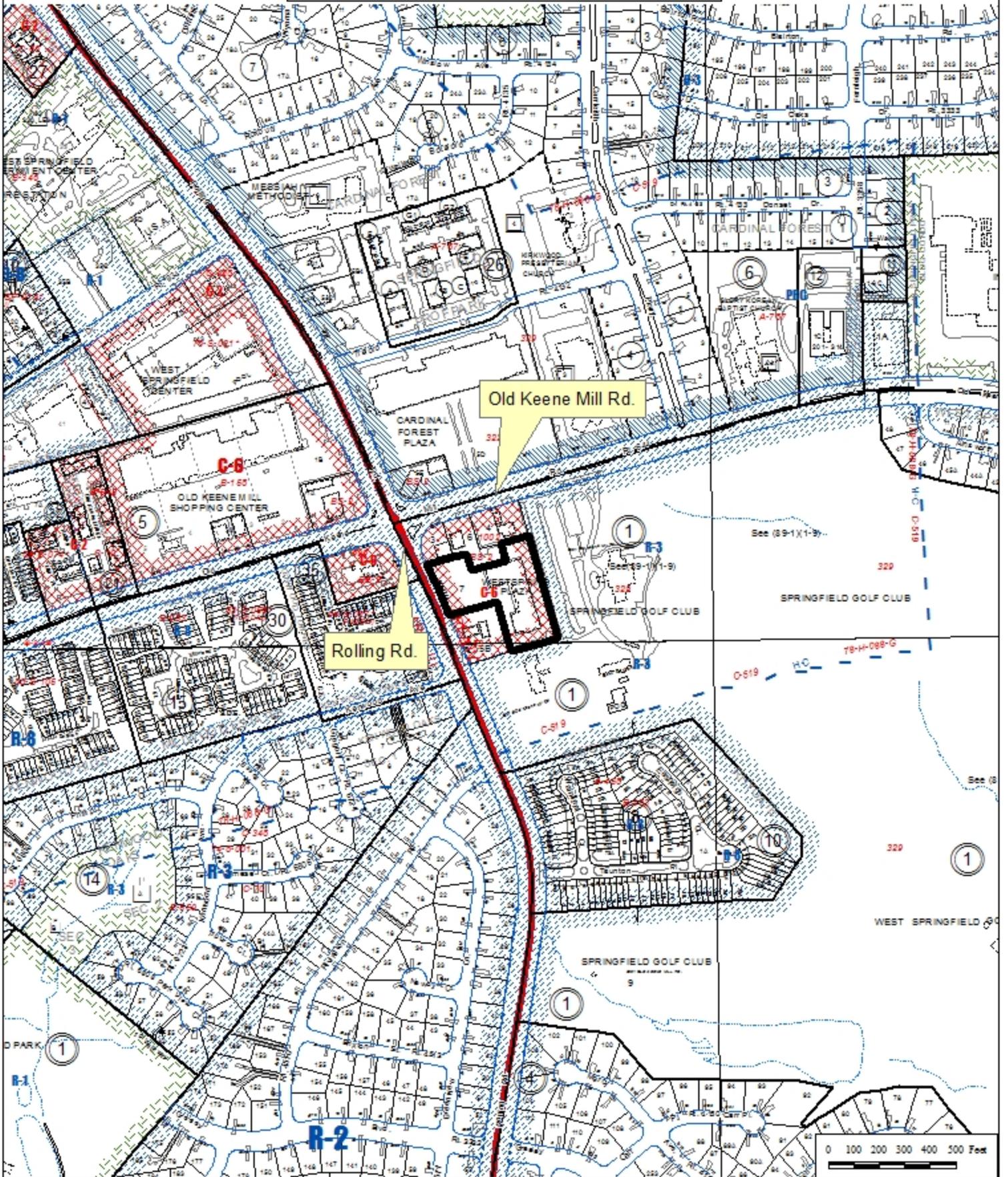


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

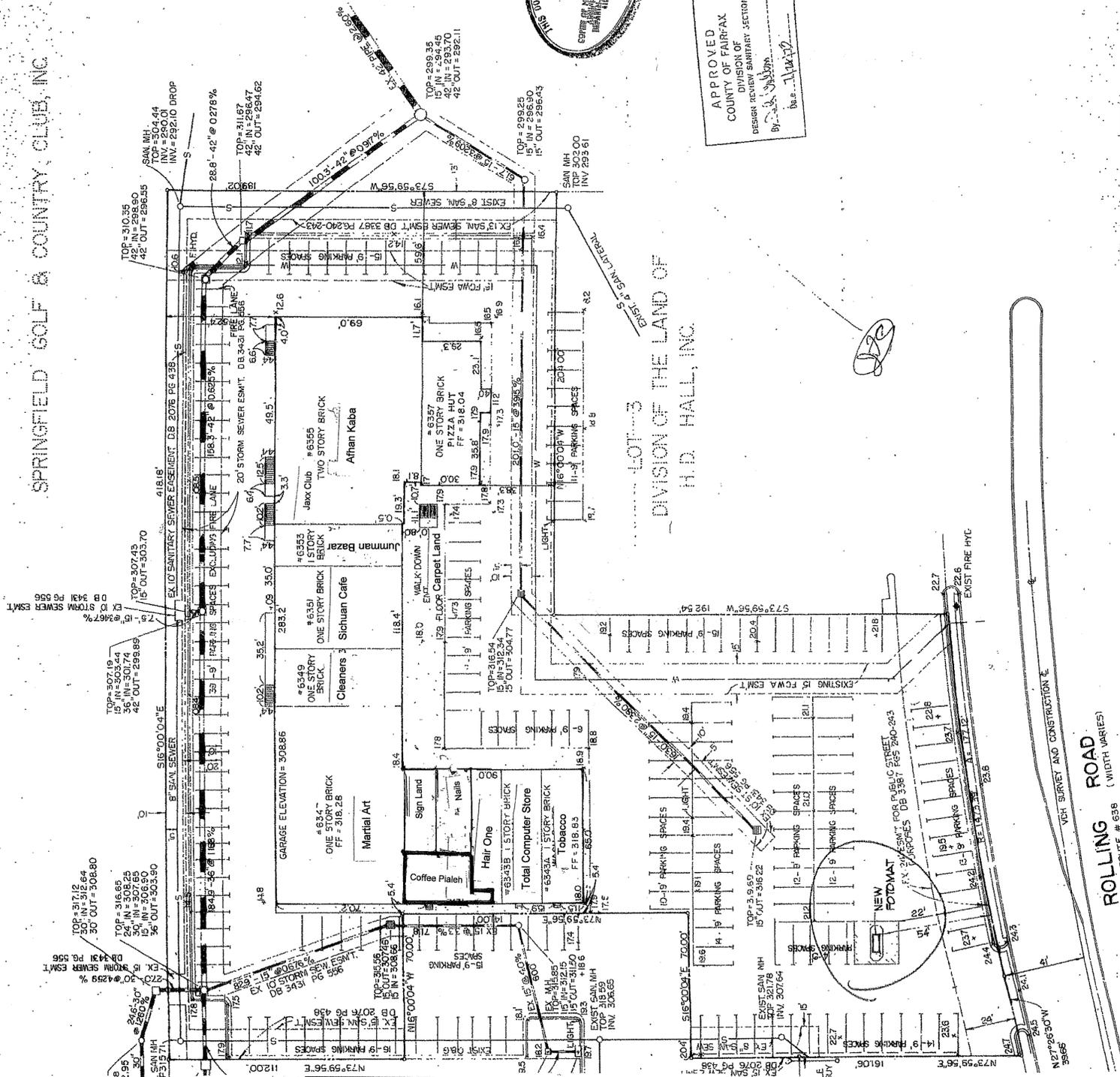
Special Permit

SP 2014-SP-243

FARHAD FANAELIAN, D/B/A COFFEE PIALEH,
INC., A/K/A COFFEE PIALEH, LLC



SPRINGFIELD GOLF & COUNTRY CLUB, INC.



REVISION APPROVED FOR
New Fotomat

THIS IMPROVEMENT WAS MICROFILMED
AUG 8 1973
CENTER FOR RESEARCH AND DEVELOPMENT
IN LIBRARY SERVICES
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
300 N. ZEEB ROAD
ANN ARBOR, MICHIGAN 48106

APPROVED
COUNTY OF FAIRFAX
DIVISION OF
DESIGNER REVIEW SANITARY SECTION
By: [Signature]
Date: 1/14/73

THIS IMPROVEMENT IS NOT A
COMMITMENT TO FUTURE
PUBLIC WORKS

NOTE:
SITE BEING LOT 2, DIVISION OF
THE LAND OF H.D. HALL, INC.
113,367 sq. ft. (D.B. 3387, PGS. 240-243)

NO TITLE REPORT FURNISHED
NUMBER OF PARKING SPACES PROVIDED:
229 IN BUILDING
222 TOTAL

AS-BUILT SITE PLAN # 155
WESTSPRING PLAZA - FOTOMAT
SPRINGFIELD DISTRICT - FAIRFAX COUNTY, VIRGINIA
CHARLES J. HUNTLEY ASSOCIATES, INC.
SURVEYING - LAND PLANNING - DESIGN
400 N. WASHINGTON STREET
FALLS CHURCH, VIRGINIA 22046

SCALE: 1" = 30'
BY: CHJ
DATE: 7-16-73
REVISIONS:
7-23-73

COMMISSIONER OF FAIRFAX COUNTY
CHARLES J. HUNTLEY
CRIT. NO. 1138
DATE: 11/15/73

RECEIVED
Department of Planning & Zoning
JAN 16 2015
Zoning Evaluation Division

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

ADDRESS	BUITS #	SQ. FEET (GROSS)	SQ. FEET (NET)	FLOOR AREA	# SEATS AND/OR STOPS	# COMPANY VEHICLES	# SERVICE BAYS	# EMPLOYEES	# STUDENTS	OTHER	PARKING SPACES REQUIRED	REMARKS FOR THIS USE
Nails	6345-C	1	650	650							1/200	
Martial Art	6347-A	1	5400	5400				12			1/1000	
Sign Land	6347-B	1	800	800							1/200	
Cleaners	6349	1	1650	1650							1/200	
Sichuan Cafe	6351	1	2345	2345	34			3			1/200	
Umman Bazaar	6353-A	1	1200	1200				1			1/200	
Carpet Land	6353-B	B	10000	10000				4			1/200	
Jaxx Club	6355	1	6800	6800	242			6			1/200	
Afhan Kaba	6357	1	5000	5000	64			4			1/200	

Enter Check on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signatures, plus four (4) copies.

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

ADDRESS	BUITS #	SQ. FEET (GROSS)	SQ. FEET (NET)	FLOOR AREA	# SEATS AND/OR STOPS	# COMPANY VEHICLES	# SERVICE BAYS	# EMPLOYEES	# STUDENTS	OTHER	PARKING SPACES REQUIRED	REMARKS FOR THIS USE
6343-6357 Rolling Rd. Springfield, VA 22152	6343-A	1	1200	1200				1			1/200	
Tobacco	6343-B	1	1200	1200							1/200	
Computer Store	6345-A	1	1173	1173							1/200	
Hair One	6345-B	1	650	650				2			1/200	
Coffee Pateh	6345-C	1	650	650							1/200	

I certify only the Parking Tabulation that has been added to this approved plan.

Fanhang Moigani
9/23/14



DESCRIPTION OF THE APPLICATION

The applicant requests approval to permit a Group 5, Indoor Commercial Recreation Use (hookah lounge) in an existing commercial space.

Size of Tenant Space:	650 square feet
Parking Required/Proposed:	9 spaces required / 10 spaces provided
Patrons:	20 for hookah area, 10 for food area
Employees:	2
Hours of Operation:	10:00 a.m. – 2:00 a.m., daily

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: "As-Built Site Plan #155, Westspring Plaza- Fotomat"
 Prepared By: Charles J. Huntley, L.S., of Charles Huntley Associates
 Dated: July 23, 1973
 Revised by: Farhang Mojgani, P.E., on September 23, 2014

CHARACTER OF THE SITE AND SURROUNDING AREA



The subject site is located southeast of the intersection of Old Keene Mill and Rolling Road. The proposed tenant space for the hookah lounge is located within the Westspring Plaza, a commercially zoned shopping center. As depicted in the picture to the left, the tenant space is located in the northern portion of the property.

The shopping center is accessed via several ingress and egress points along Rolling Road and via the commercial properties to the north, along Old Keene Mill Road.

There are a total of 215 parking spaces within the shopping center. A thin line of mature vegetation exists along the eastern and southern property lines.

Surrounding Area Description

Direction	Use	Zoning
North	Commercial Retail	C-6
East	Golf Course	R-3
South	Gas Station Golf Course	C-6 R-3
West	Residential Single Family Attached (across Rolling Road)	R-8

BACKGROUND

The Westspring Plaza shopping center was built in 1973. A Non-Residential Use Permit was issued to the applicant and Coffee Pialeh Inc. on October 18, 2011 (Appendix 4). Additional background information is outlined below:

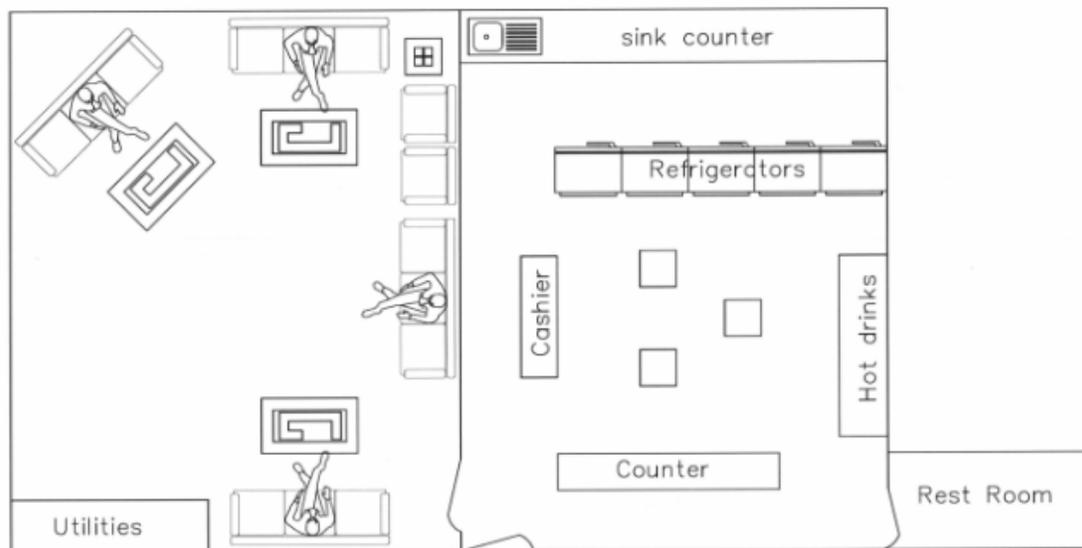
- On May 6, 2013 the Department of Code Compliance (DCC) received a complaint for a use that was not permitted (Appendix 5).
- On May 15, 2013, a Notice of Violation (NOV) was issued by DCC for adding a Commercial Recreation Use (hookah lounge) without special permit approval (Appendix 6).
- On September 17, 2013, the applicant applied for a mechanical/gas permit to install a new exhaust fan in the dining room area. The applicant obtained building and electrical inspections, but did not obtain a health review or final inspection (Appendix 7). A development condition is proposed to ensure the applicant obtains final inspections for these permits.
- An application for a special permit for a commercial recreation use was received by the Zoning Evaluation Division of the Department of Planning and Zoning on August 27, 2014.
- The applicant received a Court Order on September 11, 2014 for operating a commercial recreation use (hookah bar) without a special permit and for an electrical service panel that did not have proper clearance. The Court Order asked the applicant to seek final approval for a special permit within 180 days and that the time line could be extended with approval of the Zoning Administrator (Appendix 8).
- The applicant applied for a license for an establishment that serves food on October 8, 2014 (Appendix 9). The license was never finalized by the county and a development condition is included in Appendix 1 to address this concern.

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 a leased commercial space at 6345-B Rolling Road in the Westspring Plaza Shopping Center. The applicant proposes daily hours of operation from 10:00 a.m. to 2:00 a.m., and a maximum of 30 patrons. In addition to offering a selection of hookah tobacco, cold food and hot food will also be offered. No alcohol or live entertainment on-site is proposed. No patrons under the age of 18 would be allowed.

The proposed hookah bar will have a food area and a hookah area that have separate ventilation systems and are separated by a wall, as required by Virginia state law.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV
Planning Sector: Springfield, County Club Community Planning Sector (S3)
Plan Map: Residential, 8-12 dwelling units/ acre

Zoning Ordinance Requirements (Appendix 10)

The application must meet all of the following standards:

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

Special Permit Requirements

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 retail uses for the subject site. The area is planned for neighborhood serving retail uses and revitalization of existing uses is encouraged:

“The neighborhood shopping center and adjacent retail uses located at the southeast quadrant of the intersection of Old Keene Mill and Rolling Roads are planned for neighborhood-serving retail uses up to .25 FAR. Revitalization of existing uses is desirable in order to improve the land use relationships and their rundown appearance.”

- Fairfax County Comprehensive Plan, 2013 Edition, Springfield Planning District, Amended through 10-28-2014, S3- Country Club Community Planning Sector

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.

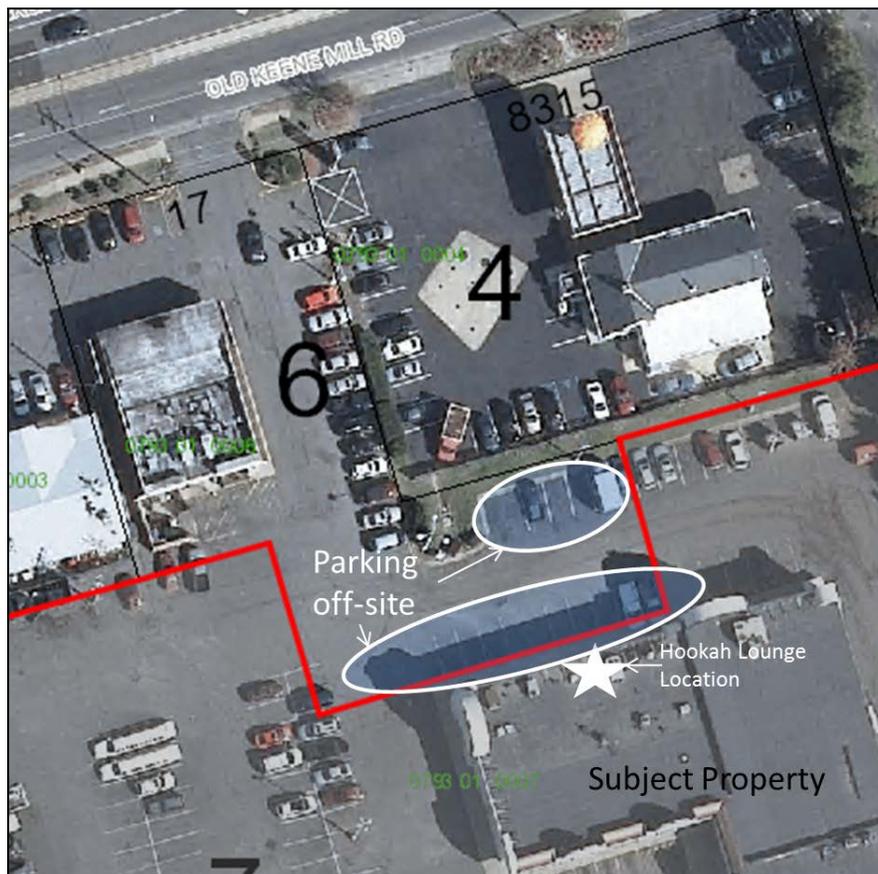
The applicant is proposing a hookah lounge in an in-line space within the existing shopping center and does not propose any new construction. A mix of uses including an eating establishment is located within the complex. The applicant will provide appropriate ventilation for a smoking lounge to prevent smoke infiltration into adjacent units. No live entertainment is 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 shopping center.

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 nine required parking spaces for the proposed use are accommodated within the existing parking lot, which has an excess number of spaces for the uses on site. However, the existing parking spaces located directly in front of the proposed hookah bar location belong to a neighboring parcel (as shown below). Therefore, a development condition will be added to ensure that all parking related to the hookah bar use will occur on-site at the Westspring Plaza property.



There are no proposed changes to the existing landscaping, open space, drainage, and loading area. Any signage would be required to conform to Zoning Ordinance provisions. 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 C-6 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

With the implementation of the proposed development conditions, staff believes that the request is in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SP 2014-SP-243 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. Non-Residential Use Permit issued October 18,2011
5. Complaint History
6. Notice of Violation
7. Mechanical/Gas Permit
8. Receipt of Application Received by DPZ-ZED
9. Court Order Issued on September 11, 2014
10. License for Food Establishment
11. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SP-243****February 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-243 located at Tax Map 79-3 ((1)) 7 to permit a commercial recreation use under Sects. 4-603 and 8-503 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

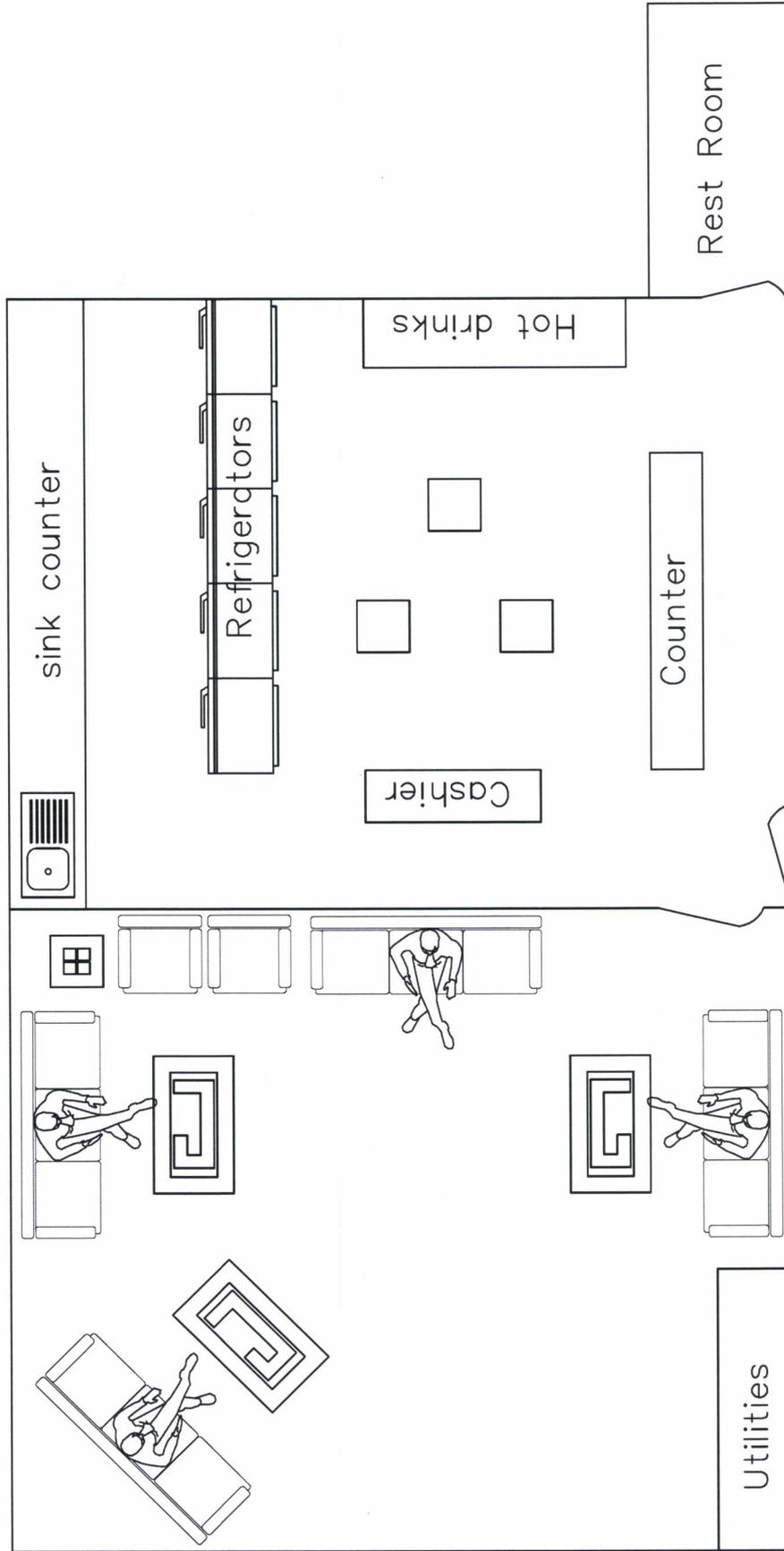
1. This approval is granted to the applicant only, Farhad Fanaeian, d/b/a Coffee Pialeh, Inc., aka Coffee Pialeh, LLC., and is not transferable without further action of this Board, and is for the location indicated on the application, 6345-B Rolling Road, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the special permit plat titled, "As-Built Site Plan #155, Westspring Plaza- Fotomat" prepared Charles J. Huntley, L.S., of Charles Huntley Associates, dated July 23, 1973, as revised by Farhang Mojgani, P.E., revised on September 23, 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.
6. The maximum hours of operation of the use shall be limited to 10:00 a.m. to 2:00 a.m., daily.
7. Employees shall be a minimum of 18 years of age and shall be limited to two.
8. Entry to the establishment shall be limited to customers who are 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 Westspring Plaza Shopping Center.
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. 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.
14. The site shall be available for inspection by the Fairfax County Office of the Fire Marshal during the hours of operation.
15. All exit doors shall be installed with panic hardware, to the satisfaction of the Fairfax County Office of the Fire Marshal.
16. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.
17. 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.
18. 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.
19. The Non-RUP shall include restrictions on the maximum occupancy permitted, number of permitted tables and the maximum hours of operation.
20. The applicant shall obtain all final inspections for mechanical/gas permits and electric permits.

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, 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.



6345-B ROLLING ROAD
 COFFEE PIALEH
 SCALE-NTS

RECEIVED
 Department of Planning & Zoning

AUG 27 2014

Zoning Evaluation Division

2014 (SP# _____)

**Farhad Fanaeian
D/B/A Coffee Pialeh
SPECIAL PERMIT APPLICATION
STATEMENT OF JUSTIFICATION
TM 0793-01-0007
6345-B Rolling Road
Springfield, VA. 22152**

DESCRIPTION OF THE APPLICATION

Special Permit Request: To allow a " hookah bar" as a Group 5, Commercial Recreation use and intend to sell food. Pursuant to Fairfax County Use Determination dated February 5, 2010, a "hookah bar" is deemed to be most similar to "Indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses." This is request for a special permit use within a commercial/shopping center building.

**Record Fee Owner/
Applicant:** **CIVILAND, LLC
Farhad Fanaeian, d/b/a Coffee Pialeh**

Zoning: Community Retail Commercial District (C-6).

Size: 650 square feet of maximum gross floor area within existing Westspring Plaza - Fotomat shown on SP Plat.

Type of Operation: Hookah bar, cafe - a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee, Hot food, and Hookah (the smoking of tobacco through water pipes). The age limit who is 18. No Alcohol or live entertainment would be on the site.
drink

Hours of Operation: 10:00 A.M. to 2:00 A.M. , daily

Estimated Number of Patrons: Seating Capacity: 20 (Hookah Room), 10 (Food area)

Number of Employees: 2

**Estimate of Traffic Impact/
Maximum Expected Trip**

Generation: This hookah bar is expected to generate approximately 5 trips per peak hour on a Saturday and 3 trips per peak hour on a weekday (based up trip generation estimates from the ITE manual, 8th Edition, Land Use Code: Shopping Center (820))

Vicinity to be Served: Springfield Area (Rolling Rd., Old Keene Mill Rd.)

**Waiver and
Modifications:**

None - no new construction. This is a request for a special permit use within an existing commercial shopping center condominium.

**Hazardous and Toxic
Substances:**

The Applicant is not aware of the existence on or in the subject condominium unit of any Hazardous or Toxic Substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 335, Hazardous Waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous Waste Management Regulations, or petroleum products as defined in Title 40, Code of Federal Regulations Part 280. The Applicant does not intend to generate, utilize, store, treat and/or dispose of any of the same on site, except as allowed by applicable law for cleaning purposes and normal and customary business practices. The Applicant is not aware of any existing nor does the Applicant propose storage tanks or containers.

LOCATION AND CHARACTER

Existing Site Description: The subject unit is located in the fully developed site with within shopping center know as Westspring Plaza, consisting of various retail, restaurant, and personal service uses. The Westspring Plaza is located on Rolling Road just before its intersection with Old Keen Mill Road.

**Surrounding Area
Description:**

The adjacent property to the north has several retail stores and then old Keene Mill Road; to the south and east with Springfield Country Golf Club and to the west with Rolling Road.

<u>Direction</u>	<u>Use</u>	<u>Zoning</u>
North	7-Eleven	C-6 (Retail)
	Bagel Shop	C-6 (Retail)
	Shell Gas Station	C-6 (Retail)
South & East	Springfield Gulf Club	R-3 (Residential)
West	Rolling Road	N/A

CONFORMANCE WITH SECTION 8-006 (GENERAL STANDARDS)

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.** The proposed use is located within Sub-Unit, which is planned as developed. The proposed use is in harmony with the adopted comprehensive plan because it implements the mixed use recreational component.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.** The proposed use is a Group 5 Commercial Recreation Use, which is specifically allowed in the C-6 district by special permit. It is a commercial recreation use oriented to serve several neighborhoods, in harmony with the general purpose and intent of the C-6 district.
- 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 the adjacent or nearby land and/or buildings or impair the value thereof.** The subject property and surrounding area are fully developed. The proposed use of the site will be harmonious with the other uses within the Westspring Plaza shopping center because it compliments these existing retail, restaurant and personal service uses. The applicant received a zoning violation, issued May 15, 2013. The Fairfax County Zoning Administrator issued a use determination dated February 5, 2010 stating that a "hookah bar" is deemed to be most similar to "in door firing ranges, archery ranges, fencing and other similar indoor recreation uses" and the applicant, is attempting to comply with said use determination by filing this special permit application. A hookah bar use that is validly and lawfully operating by approved special permit, will serve to enhance the other uses within the existing Westspring Plaza shopping center, as well as the surrounding community that it serves. Patrons and neighbors will feel safe and secure with a valid and lawful use operating within the subject unit, and, as approved, this use will encourage other similar uses operating in violation to apply for the proper approvals and permits.

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.** There is no new construction associated with this use and the area is fully developed. Pedestrians can use the existing sidewalks and crosswalks located within the area.
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.** There is no new construction associated with this use. The site is fully developed.
6. **Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.** There is no new construction associated with this use. The site is fully developed.
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.** There is no new construction associated with this use. The site is fully developed and there is adequate utility, drainage, parking and loading to accommodate the proposed use. This use is parked under the ordinance requirements and this particular use requires/provides 215 spaces.
8. **Signs shall be regulated by the provisions of Article 12.** All signage on the site will meet Zoning Ordinance requirements.

Section 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.** There is no new construction associated with this use. The site is fully developed.
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.** This use complies with such performance standards.
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.** This use is located within 100 feet of any adjoining property which is in an R district which has use of Country Gulf Club..

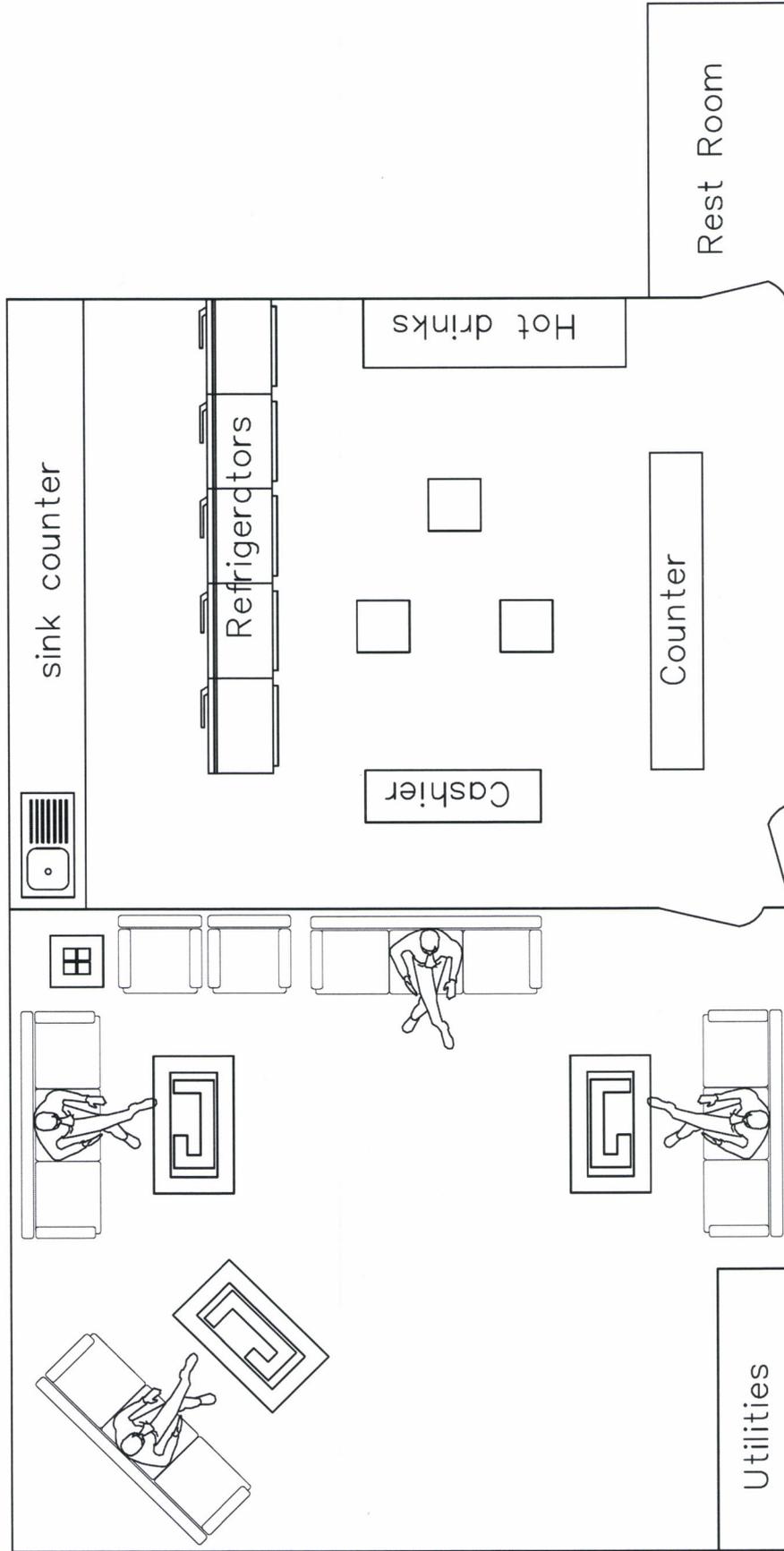
4. **Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.** There is no new construction associated with this use.

The proposed development meet all the provisions of all applicable ordinances, regulation and adopted standards.

SUMMARY: This Application meets the C-6 zoning district requirements, as well as the enumerated general and specific standards for approval of a Group 5 Special Permit. This use is appropriately located within an existing shopping center with other similar and supportive uses. Adequate parking is provided and there is a relatively small traffic impact arising from this use, which is accommodated by the existing transportation network. The commercial recreation use of a hookah bar is in conformance with the Comprehensive Plan, and provides a place where customers can socialize in a comfortable and relaxing environment while enjoying coffee and Hookah.

CIVILAND, LLC

Farhang Mojgani, P.E.



6345-B ROLLING ROAD
 COFFEE PIALEH
 SCALE-NTS

RECEIVED
 Department of Planning & Zoning

AUG 27 2014

Zoning Evaluation Division

Application No.(s): SP 2014-SP-243
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/23/2014
 (enter date affidavit is notarized)

I, Farhang Mojgani, 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 126797

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)
Farhad Fanaecian, d/b/a Coffee Pialeh, Inc., a/k/a Coffee Pialeh, LLC	6345-B Rolling Rd. Springfield, VA 22152	Applicant/Lessee
MY West Spring Plaza, LLC Agent: Mehrdad Yavari	6353-B Rolling Rd. Springfield, VA 22152	Title Owner/Lessor
CIVILAND, LLC Agent: Farhang Mojgani, P.E.	20924 Nerine Ct. Sterling, VA. 20165	Agent for Lessee/Engineer

(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): SP 2014-SP-243
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

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

DATE: 10/23/2014
(enter date affidavit is notarized)

126797

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
CIVILAND, LLC.
20924 Nerine Ct.
Sterling, VA. 20165

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)
Farhang Mojgani, PE. Manager

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
MY West Spring Plaza, LLC
6353-B Rolling Rd.
Springfield, VA 22152

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)
Mehrdad Yavari, Manager

(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): SP 2014-SP-243
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/23/2014
(enter date affidavit is notarized)

126797

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)

Farhad Fanaeian,
d/b/a Coffee Pialeh, Inc. , a/k/a Coffee Pialeh, LLC
6345-B Rolling Rd.
Springfield, VA 22152

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)

Farhad Fanaeian, President

(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): SP 2014-SP-243
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/23/2014
(enter date affidavit is notarized)

126797

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**)

(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):

SP 2014-SP-243
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/23/2014
(enter date affidavit is notarized)

126797

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):

SP 2014-SP-243

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

10/23/2014

(enter date affidavit is notarized)

126797

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

Farhang Mojgani

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

Subscribed and sworn to before me this 23rd day of October 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:

09/30/16

Pablo Enriquez
Notary Public

PABLO ENRIQUEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPT. 30, 2016
COMMISSION # 7525043



Land Development Information History: FIDO - NON-RUP - 112910208

Permit Information

Permit Number:	112910208	Application Date:	
Permit Type:	NON-RESIDENTIAL USE PERMIT	Tax Map:	079-3 ((01)) 0007
Job Address:	006345 ROLLING RD SPRINGFIELD , VA 22152-2426	Permit Status:	Application Closed
		Bldg:	Floor: Suite:
		Permit Fee:	

Location:

Subdivision:

Magisterial District: SPRINGFIELD

Subcensus Tract:

AP (Tenant) Name: COFFEE PIALEH

Work Description:

Type of Work: CHANGE TENANT/NAME/OWNER

Building Use:

Standard:

Plan Number:

Parent Permit:

ISIS Permit:

Type of Const:

Use Group:

Comments:

Link to FIDO record : [112910208](#)

Owner Information

Owner:

Address:

City: State: Zip:

Contractor Information

Name:

Address:

City: State: Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant: FANAEIAN

Address:

City: State: Zip:

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections

There were no inspections.

Reviews

Review - ZPRBNONRUP - ZPRB NON-RUP REVIEW - 2063489

Review Type	Review Date	Reviewer	Started	Status
ZPRBNONRUP	2011-10-18	LAUREN BOWES	Y	Approved

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Land Development Information History: FIDO - DCC - Complaint 93814

Complaint Details

Complaint #	93814
Street Address	006345 ROLLING RD
Magisterial District	Springfield
Complaint Description	Use Not Permitted
Agency	DCC
Status	Under Investigation
Opened Date	2013-05-06
Closed Date	
Disposition	
Inspector Assigned	Chip Moncure
Notice of Violation and/or Corrective Work Order	No
Litigation	No

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Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DCC - Complaint 93815

Complaint Details

Complaint #	93815
Street Address	006345 ROLLING RD
Magisterial District	Springfield
Complaint Description	Structures Unsafe, Dilapidated Or In Disrepair
Agency	DCC
Status	Closed
Opened Date	2013-05-06
Closed Date	2014-09-06
Disposition	Compliance
Inspector Assigned	Chip Moncure
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: May 15, 2013

METHOD OF SERVICE: CERTIFIED MAIL # 7012 2920 0000 2097 5749

LEGAL NOTICE ISSUED TO: My West Spring Plaza LLC
c/o Thomas W. Repcznski, Registered Agent

ADDRESS: 8000 Towers Crescent Drive Suite 1450
Tysons Corner, VA 22182

LOCATION OF VIOLATION: 6345B Rolling Road (Coffee Pialeh)
Springfield, Virginia 22152-2426

TAX MAP REF: 79-3 ((1)) 7

ZONING DISTRICT: C- 6

CASE #: 201302782 **SR #:** 93814

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§ 02-303(1)	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Registered Agent:

Please forward a copy of this notice to your client.

An inspection of the above referenced property on May 4, 2013, revealed the following: Non-RUP # 112910208 was issued to Coffee Pialeh in the C-6 district for a quick service food store.

§ 2-303(1) Special Permit:

The inspection determined violation(s) of the Fairfax County Zoning Ordinance: The business has expanded the use by the addition of a Group 5 Commercial Recreation Use (Hookah Bar) without a

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

My West Spring Plaza LLC
c/o Thomas W. Repcznski, Registered Agent
May 15, 2013
SR 93814
Page 2

special permit. Research of the Zoning Permit Review Branch files reveal no Group 5 Special Permit has been approved for a Commercial Recreation use at this location. Therefore, you are in violation of Par. 1 of Sect. 2-303 of the Fairfax County Zoning Ordinance that states:

No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special permit use in such district, unless a special permit has been secured from the BZA in accordance with the provisions of Article 8.

You are hereby directed to have your tenant clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by either vacating the premises or complying with the conditions listed on Non-RUP # 112910298 within thirty (30) days of the date of this Notice.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Section 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal, contact:

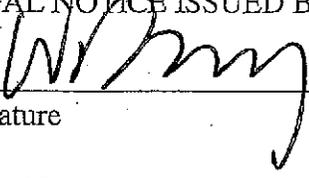
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035
Office: (703)324-1314

Information and forms can also be obtained at: <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1335. For any other questions, contact our main office at (703)324-1300.

My West Spring Plaza LLC
c/o Thomas W. Repcznski, Registered Agent
May 15, 2013
SR 93814
Page 3

LEGAL NOTICE ISSUED BY:



Signature

W. B. Moncure
Code Compliance Investigator
(703)324-1335

7920 0000 2097 5749

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My West Spring Plaza LLC
c/o Thomas W. Repcznski, Registered Agent
8000 Towers Crescent Drive Suite 1450
Tysons Corner, VA 22182


Land Development Information History: FIDO - MECH/GAS C - 132270190
Permit Information

Permit Number:	132270190	Application Date:	
Permit Type:	MECHANICAL/GAS COMMERCIAL	Tax Map:	079-3 ((01)) 0007
Job Address:	006345 ROLLING RD SPRINGFIELD , VA 22152- 2426	Permit Status:	Permit Issued
		Bldg:	Floor: Suite:
		Permit Fee:	\$6.00

Location:
Subdivision:

Magisterial District: SPRINGFIELD

Subcensus Tract:

AP (Tenant) Name: COFFEE PIALEH

Work Description: INSTALLING NEW EXHAUST FAN IN DINING ROOM AS PER PLANS

Type of Work: NEW INSTALLATION

Building Use: OFFICE - OFFICE BUILDING

Standard: IM09 - IMC 2009

Plan Number: Q-13-3350

Parent Permit:
ISIS Permit:
Type of Const:
Use Group:
Comments:

Link to FIDO record : [132270190](#)

Owner Information
Owner:

Address:

City: **State:** **Zip:**

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: **State:** VA **Zip:**

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant: HODZIC

Address: 1003 SNAPPER COVE LANE

City: PASADENA **State:** MD **Zip:**
21122-0000

Other Contact Information

Contact:

Address:

City: **State:** **Zip:**

Inspections

There were no inspections.

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2257588

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-09-17	SALAH OSMAN	Y	Approved

Review - BUILDING - (BUILDING REVIEW) - 2253621

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-08-28	SALAH OSMAN	Y	Failed

Review - ELECTRICAL - (ELECTRICAL REVIEW) - 2253624

Review Type	Review Date	Reviewer	Started	Status
ELECTRICAL	2013-09-20	LOUIS MARRERO	Y	Approved

Review - HEALTH - (HEALTH REVIEW) - 2261040

Review Type	Review Date	Reviewer	Started	Status
HEALTH	2013-09-09	NAPHTALI NYAGWACHI	Y	Incomplete

Review - MECHANICAL - (MECHANICAL REVIEW) - 2253613


Land Development Information History: FIDO - ELECTRIC C - 132270194
Permit Information

Permit Number:	132270194	Application Date:	
Permit Type:	ELECTRIC COMMERCIAL	Tax Map:	079-3 ((01)) 0007
Job Address:	006345 ROLLING RD SPRINGFIELD , VA 22152- 2426	Permit Status:	Permit Issued
		Bldg:	Floor: Suite:
		Permit Fee:	

Location:
Subdivision:
Magisterial District: SPRINGFIELD

Subcensus Tract:
AP (Tenant) Name: COFFEE PIALEH

Work Description: INSTALLING NEW ELECTRICAL CIRCUIT

Type of Work: NEW INSTALLATION

Building Use: OFFICE - OFFICE BUILDING

Standard: IE08 - NEC 2008

Plan Number: Q-13-3350

Parent Permit:
ISIS Permit:
Type of Const:
Use Group:
Comments:
Link to FIDO record : [132270194](#)
Owner Information
Owner:
Address:

City: State: Zip:

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant: HODZIC

Address: 1003 SNAPPER COVE LANE

City: PASADENA State: MD Zip:
21122-0000**Other Contact Information**

Contact:

Address:

City: State: Zip:

Inspections

There were no inspections.

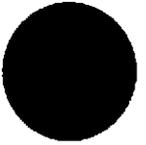
Reviews

There were no reviews.

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34

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

**LESLIE B. JOHNSON, FAIRFAX COUNTY
ZONING ADMINISTRATOR,**

and

**JEFFREY L. BLACKFORD, PROPERTY
MAINTENANCE CODE OFFICIAL FOR
FAIRFAX COUNTY, VIRGINIA,**

Plaintiffs,

v.

CASE NO.: CL-2013-00018917

MY WEST SPRING PLAZA, LLC

and

FARHAD FANEIAN,

Defendants.

AGREED FINAL ORDER

THIS CAUSE came before the Court at the request of Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator ("Zoning Administrator"), Plaintiff the Property Maintenance Code Official for Fairfax County, Virginia ("Code Official"), Defendant My West Spring Plaza, LLC ("My West"), and Defendant Farhad Faneian ("Faneian") (collectively with My West, "the Defendants") for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property owned by My West that is the subject of this lawsuit is located at 6345B Rolling Road, Springfield, Virginia 22152 (Tax Map No. 79-3((1)) parcel 7) ("subject property"), and is zoned to the C-6 District

9/16/2014
IC to CR of IC to Paul

(Community Retail District). Faneian is a tenant occupying the subject property and operates a business called "Coffee Pialeh" on the subject property; and

IT FURTHER APPEARING TO THE COURT that the Defendants are operating and/or allowing the operation of a Hookah Bar without a special permit approved by the Fairfax County Board of Zoning Appeals ("BZA") in violation of Zoning Ordinance § 2-303(1); and

IT FURTHER APPEARING TO THE COURT the Defendants had failed to maintain the electrical service panel and had failed to remove all obstructions to the electrical service panel so as to provide direct access in conformance with Virginia Maintenance Code § 605.1, and had failed to maintain the required width of aisles on the subject property as required by the International Fire Code in violation of Virginia Maintenance Code § 702.2. These Virginia Maintenance Code Violations have now been cleared; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator, the Code Official, and the Defendants have agreed to settle this case under the terms and conditions set forth below as evidenced by the endorsements hereon of counsel for the Defendants, the Zoning Administrator, and the Code Official; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator, the Code Official, and the Defendants with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that Elizabeth Perry has replaced Jeffrey L. Blackford as the Property Maintenance Code Official for Fairfax County, Virginia; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

1. Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, is substituted for Jeffrey L. Blackford as a Plaintiff in this case; and
2. Maintaining and/or allowing the maintenance of a Hookah Bar on the subject property without a special permit approved by the "BZA" for such use violates Zoning Ordinance § 2-303(1); and
3. The Defendants may seek final approval of their special permit application to allow the Hookah Bar to remain on the subject property from the BZA within 180 days after the date that this Agreed Final Order is entered. The Defendants shall remove the Hookah Bar from the subject property to a lawful site: (1) within 30 days after action to obtain special permit approval does not continue by the Defendants, (2) within 30 days after a final BZA decision disapproving the special permit application, or (3) after 180 days following the date that this Agreed Final Order is entered if there is no BZA approval of the special permit (subject to paragraph 4 below); and
4. By mutual agreement, the Zoning Administrator and the Defendants may extend the 180 day period referenced above for special permit approval if the BZA approval process has not been completed and the Defendants are diligently pursuing the approval of the special permit; and

5. The Defendants, their tenants, agents, employees, and/or any successors-in-interest are permanently enjoined from maintaining and/or allowing the maintenance of a Hookah Bar on the subject property without a special permit approved by the BZA for such use in violation of Zoning Ordinance § 2-303(1); and

6. The Defendants, their agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from maintaining and/or allowing on the subject property an electrical service panel that it is not properly installed and maintained in a safe and approved manner in violation of Virginia Maintenance Code § 605.1; and

7. The Defendants, their agents, employees, tenants, and/or any successors-in-interest are permanently prohibited from allowing aisles to be maintained on the subject property with widths that are not in accordance with the International Fire Code in violation of Virginia Maintenance Code § 702.2; and

8. The Zoning Administrator, the Code Official, and/or their agents shall be permitted to enter upon the subject property at reasonable times to inspect the subject property for the purpose of monitoring compliance with the terms of this Agreed Final Order; and

9. The terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and

10. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2014), to give notice of the prohibitions and restrictions

contained herein to any successors-in-interest to the My West and shall index this Agreed

Final Order as follows:

GRANTOR: My West Spring Plaza, LLC

GRANTEES: Leslie B. Johnson; Fairfax County Zoning Administrator; Elizabeth Perry; Property Maintenance Code Official for Fairfax County, Virginia

AND THIS ORDER IS FINAL.

ENTERED this 11th day of September 2014.



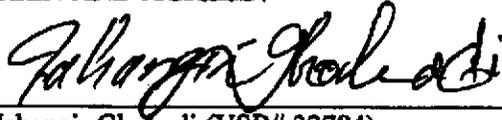
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By F. Hayden Codding
F. Hayden Codding (VSB No. 39785)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Counsel for Plaintiffs Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia

SEEN AND AGREED:



Jahangir Ghobadi (VSB# 32784)

JAHANGIR GHOBADI, P.C.

10615 Judicial Drive, Suite 103

Fairfax, Virginia 22030

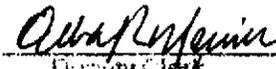
(703) 385-6440

(703) 691-3031 (fax)

jgpc@verizon.net

Counsel for Defendants My West Spring Plaza, LLC, and Farhad Faneian

ACOPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 09/19/2014
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia


Land Development Information History: FIDO - License Permit - H-FOODEST - 24662
Permit Information

Permit Number:	24662	Issued Date:	
Permit Type:	H-FOODEST - FOOD ESTABLISHMENT	Expire Date:	
Job Address:	6345 ROLLING RD	Tax Map:	079-3 ((01)) 0007
	SPRINGFIELD , VA 22152-2426	Permit Status:	
Location:		Bldg:	Floor: Suite:
Subdivision:	DIV OF LAND OF H D HALL INC LT 2	Permit Fee:	
Magisterial District:	SPRINGFIELD		
Subcensus Tract:			
Business Name/Occupant:	COFFEE PIALEH		
Work Description:			
Type of Work:	HFSR		
Standard:	HIGH		

Owner Information

Owner: MY WEST SPRING PLAZA LLC

Address: 6353B ROLLING RD
SPRINGFIELD , 22152

Contractor Information
Applicant Information

Applicant:

Address:

Inspections

There were no inspections.

Reviews**Review - PLREV - 2375671**

Review Type	Reviewer	Start Date	Completed Date	Status
PLREV				Incomplete

Review - PLREV - 2281641

Review Type	Reviewer	Start Date	Completed Date	Status
PLREV	NNYAGW	2013-12-05	2013-12-06	Failed

Review - PLREV - 2286580

Review Type	Reviewer	Start Date	Completed Date	Status
PLREV	ANICHO	2014-10-08	2014-10-08	Failed

Endorsements

There were no endorsements.

**Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone:County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)**

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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.