

## COUNTY OF FAIRFAX, VIRGINIA

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

CAVE ENTERTAINMENT LLC, SP 2014-BR-213 Appl. under Sect(s). 4-603 and 8-501 of the Zoning Ordinance to permit commercial recreation use. Located at 10621-B and 10621-C Braddock Rd., Fairfax, 22032, on approx. 18.6 ac. of land zoned C-6. Braddock District. Tax Map 68-1 ((1)) 9pt. and 9A. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 7, 2015; and

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

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation and adopts the rationale in the staff report.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Cave Entertainment, LLC, and is not transferable without further action of this Board, and is for the location indicated on the application, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat sheets 4 and 7 prepared by Bohler Engineering, dated May 19, 2014, and December 30, 2013, and approved with this application, as qualified by these development conditions. This approval shall only serve to limit the use of the 3,160 square foot tenant space to be occupied by the approved personal computing gaming center located at 10621-B and 10621-C Braddock Road.
3. A copy of this Special Permit and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all

departments of the County of Fairfax during the hours of operation of the permitted use.

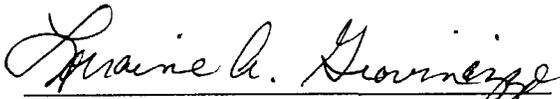
4. The maximum number of patrons within the use shall not exceed 80 at any one time.
5. The applicant shall not allow consumption of alcohol on their premises at any time.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty months (30) months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. The Board of Zoning Appeals may grant additional time to obtain a Non-RUP if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 5-0. Mr. Byers was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals