

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FARHAD FANAEIAN, D/B/A COFFEE PIALEH, INC., A/K/A COFFEE PIALEH, LLC., SP 2014-SP-243 Appl. under Sect(s). 4-603 of the Zoning Ordinance to permit a commercial recreation use (hookah bar). Located at 6345-B Rolling Rd., Springfield, 22152, on approx. 2.60 ac. of land zoned C-6, HC. Springfield District. Tax Map 79-3 ((1)) 7. (Admin. moved from 2/11/15 at appl. req.) Mr. Beard 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 March 4, 2015; and

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

1. The owner of the property is West Springfield Plaza, LLC.
2. The present zoning is C-6, HC.
3. The area is 650 sq. ft. of leased storefront in the 2.6 acre Westspring Plaza shopping center.
4. Staff has recommended approval of the application.
5. The applicant has stated that they have read and agreed to the development conditions as outlined.

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, 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.

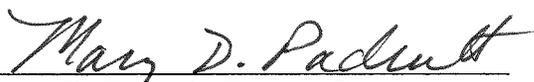
15. All exit doors shall be installed with panic hardware, to the satisfaction of the Fairfax County Office of the Fire Marshal.
16. The use shall be open to inspection by all departments of the County of Fairfax during the hours of operation.
17. The applicant shall complete a Fire Safety Technical 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.

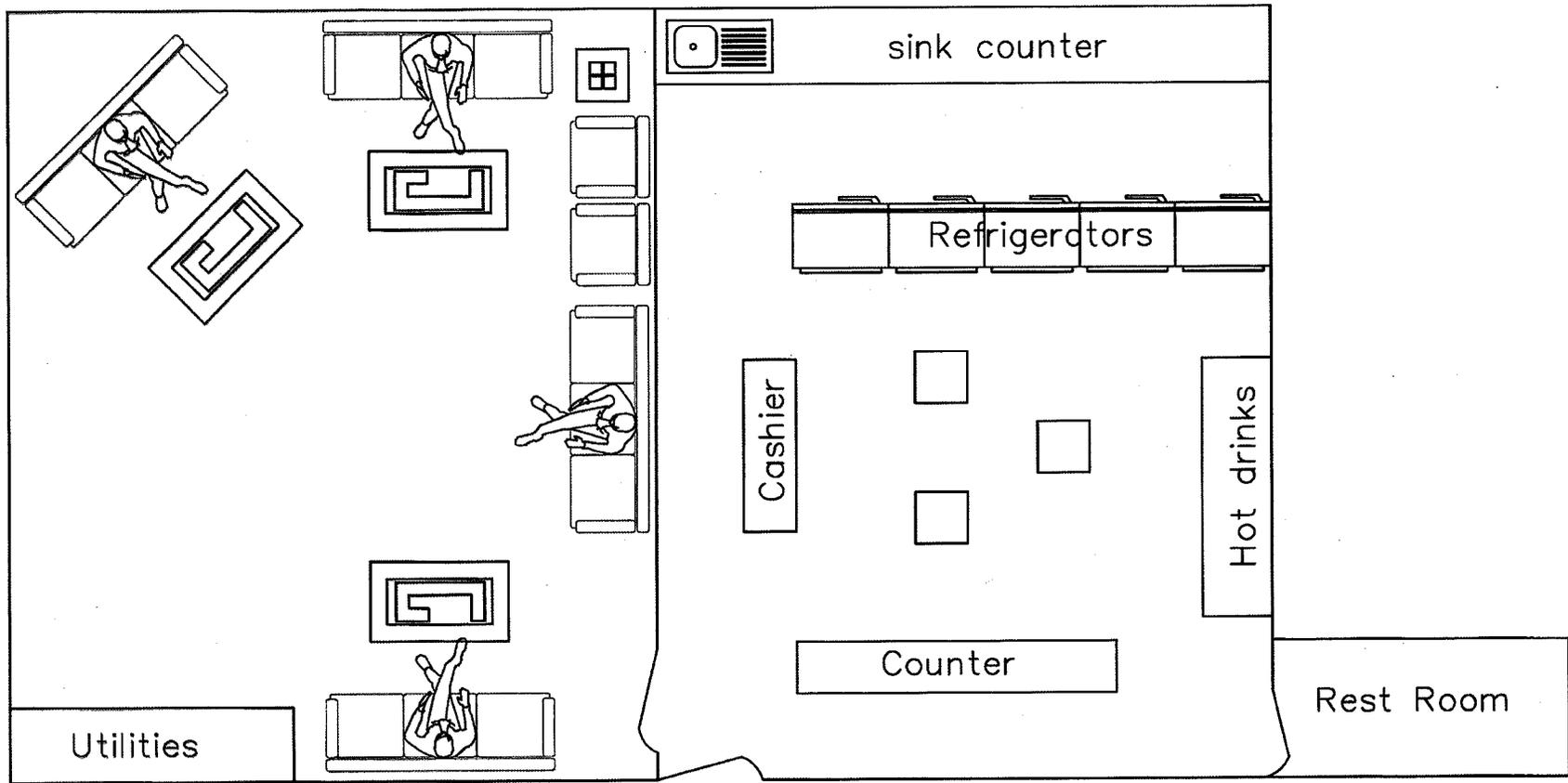
Pursuant to Sect.8 015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 12 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for 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.

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

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals



6345-B ROLLING ROAD
 COFFEE PIALEH
 SCALE-NTS

RECEIVED
 Department of Planning & Zoning
 AUG 27 2014
 Zoning Evaluation Division