



County of Fairfax, Virginia

MEMORANDUM

DATE: October 28, 2008

TO: John F. Ribble, III, Chairman
Members, Board of Zoning Appeals

FROM: Mavis E. Stanfield
Deputy Zoning Administrator for Appeals

SUBJECT: **Request for Deferral**

REFERENCE: Appeal A 2008-SU-028
Harco III, T/A Fast Eddies Restaurant
14114 Lee Highway
John R. Minchew, PCL A3 and PCL 1
Tax Map: 54-4 ((1)) 8C

This is an appeal of a determination that the appellant is operating a dance hall without special permit approval and has expanded the use limitations and conditions of Non-Residential Use Permit #A-2004-1013 and Special Permit Amendment SPA 95-V-069-2 in violation of Zoning Ordinance provisions. The appeal public hearing is currently scheduled for November 4, 2008. A copy of the appeal application is provided as Attachment 2.

A meeting was held on Wednesday, October 22, 2008 on the subject property with the appellant, his agent and ZAD staff to discuss the pending appeal. At that time, the possibility of a special permit amendment to cure the violations was discussed. It is noted that an amendment to the governing special permit was an option suggested in the Notice of Violation issued on April 30, 2008.

On October 24, 2008, staff received a request from the appellant's agent requesting a deferral of the appeal public hearing to allow time to further consider resolving the appeal through application and approval of a special permit amendment. A copy of this deferral request is provided as Attachment 1. Given that such an amendment would, if approved, resolve the zoning violations which generated the appeal, staff supports the requests and recommends the public hearing be deferred to December 2, 2008.

MES/

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Attachments: A/S

cc: Michael R. Frey, Supervisor, Sully District
Eileen McLane, Zoning Administrator
Michael R. Congleton, Senior Deputy Zoning Administrator
for Zoning Enforcement/Property Maintenance
Wayne Bass, Property Maintenance/Zoning Enforcement Inspector
Diane Johnson-Quinn, Deputy Zoning Administrator
for Zoning Permit Review Branch
Shelby Johnson, Senior Staff Coordinator, Special Permit and Variance Branch
Kathleen Knoth, Clerk, Board of Zoning Appeals
Lori Mallam, Administrative Assistant
Suzanne Gilbert, Appeals Coordinator
Terry A. Heath, Planning Technician
Amy Muir, Administrative Assistant
Jane Kelsey, Agent for the Appellant