



FAIRFAX COUNTY

BOARD OF ZONING APPEALS
PUBLIC HEARING DATE: August 10, 2016
TIME: 9:00 a.m.

V I R G I N I A

August 3, 2016

STAFF REPORT

APPEAL APPLICATION A 2015-DR-032

DRANESVILLE DISTRICT

APPELLANT: McLean Automotive Service Center

LOCATION: 1387 and 1389 Chain Bridge Road

TAX MAP REF: 30-2 ((1)) 50A

ZONING DISTRICTS: C-8, Commercial Revitalization District (CRD), Highway Corridor (HC) and Sign Control (SC) Overlay Districts

SITE AREA: 30,376 sq. ft.

NATURE OF APPEAL: Appeal of a determination that the appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment without special exception approval on property in the C-8 District in violation of Zoning Ordinance provisions.

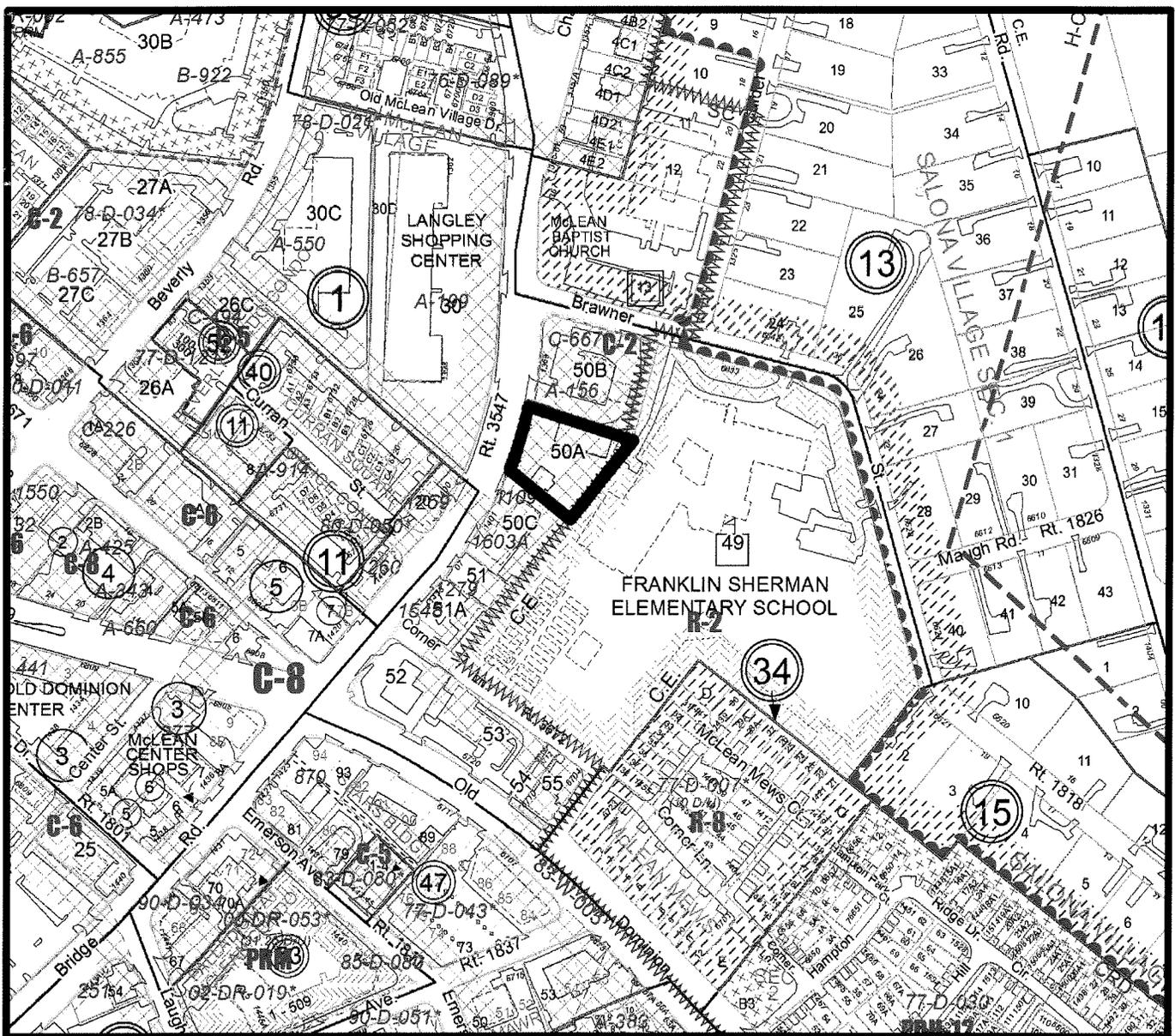
LBJ

For information, contact the Zoning Administration Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.

APPEAL APPLICATION

A 2015-DR-032

MCLEAN AUTOMOTIVE SERVICE CENTER, A 2015-DR-032 Appl. under Sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment without special exception approval on property in the C-8 District in violation of Zoning Ordinance provisions. Located at 1387 and 1389 Chain Bridge Rd., McLean, 22101, on approx. 30,376 sq. ft. of land zoned C-8, CRD, H-C and SC. Dranesville District. Tax Map 30-2 ((1)) 50A.



DESCRIPTION OF APPEAL**Appellant:**

McLean Automotive Service Center

Issue:

This is an appeal of a determination that the appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment in the C-8 District without special exception approval.

Property Description:

The property that is the subject of this appeal is located at 1387 and 1389 Chain Bridge Road, in the McLean Commercial Revitalization District. The subject property is located between Brawner Street to the north and Old Dominion Drive to the south. The property abuts Franklin Sherman Elementary School to the east, a drive-through financial institution to the north and a three story office building to the south. The property is 30,376 square feet, zoned C-8, Highway Commercial District, and is also located in the following Overlay Districts: McLean Commercial Revitalization District (CRD), Highway Corridor Overlay District (HC) and Sign Control Overlay District (SC).

The property is currently developed with two structures. A six (6) bay automotive repair garage with accessory office space on the 2nd floor is located on the north side of the property with an address of 1387 Chain Bridge Road. A three story frame residential style building constructed in the early 1900's and converted to commercial use in the early 1960's is located on the south side of the property and has an address of 1389 Chain Bridge Road. The structure at 1389 Chain Bridge Road is currently occupied by NOVA Firearms. Parking for both uses is located along the eastern property boundary and between both structures. A copy of the zoning map sheet showing the subject property is provided on the previous page.

Appellant's Position:

Appellant's application and basis for appeal are set forth in Attachment 1.

ZONING ORDINANCE PROVISIONS

The provisions of the Zoning Ordinance which are germane to this appeal are listed below. The complete text of these provisions is enclosed as Attachment 2.

- Article 4, Commercial District Regulations, Part 8, Sect. 4-800, C-8, Highway Commercial District:
 - Sect. 4-802, Permitted Uses
(Par. 35, Retail Sales Establishments and Par. 40, Vehicle Light Service Establishment, limited by the provisions of Sect. 805)
 - Sect. 4-804, Special Exception Uses,
(Par. 4U and 4V, Vehicle Light Service and Vehicle Major Service Establishments)
 - Sect. 4-805, Use Limitations
(Par. 1C, Vehicle Light Service Establishments shall be permitted by right when located within the main structure of a regional shopping center.)

- Article 11, Off-Street Parking and Loading, Private Streets, Sect. 11-102, General Standards, Par. 12

- Par. 2 of Sect. 15-101, Qualification of Nonconforming Uses
- Par. 1 of Sect. 15-103, Regulations Controlling other Nonconforming Uses

- Article 20, Ordinance Structure, Interpretations and Definitions
 - Sect. 20-300, Definitions: Vehicle Light Service Establishment, Vehicle Major Service Establishment

BACKGROUND

- The property was acquired by FZJ Limited Partnership, owner and operator of McLean Automotive Service Center, in May 2003 via a Deed of Gift from Frances Z. Justice, widow and not remarried, for herself and as the survivor of H. Paul Justice, deceased. A copy of the Deed of Gift is enclosed as Attachment 3.

- According to County records, a four bay service station was constructed on the property in 1962 pursuant to Building Permit P-12024. The property was zoned to the C-G District and repair garages were permitted by right. Certificate of Occupancy A-2358 was subsequently issued in the name of McLean Service Center on April 27, 1965. A copy of the Building Permit and Certificate of Occupancy is enclosed as Attachment 4.

- On November 5, 1965, the Board of Zoning Appeals approved Variance Application V-219-65 to permit a two bay addition to the existing repair garage to be located 22 feet from the rear property line abutting Franklin Sherman Elementary School. The addition was constructed in 1966 pursuant to Building Permit P-32994. County records further indicate

that while an Application for a Certificate of Occupancy was made on February 15, 1966 for the addition, the Certificate of Occupancy was never issued. A copy of the approved Variance, Building Permit and Application for Certificate of Occupancy are enclosed as Attachment 5.

- As Built Site Plan #244-B, entitled “Addition to Site Plan #244 Showing Revised Parking Layout of the Property of Henry Paul Justice” and approved by the County on July 8, 1969 depicts the six bay repair garage with office above and the three story frame building with a total of 30 parking spaces provided. This is the only approved site plan contained in the zoning property files. A copy of the as-built plan is enclosed as Attachment 6. With the adoption of the current Zoning Ordinance in 1978, the property was rezoned to the C-8 District.
- According to tax assessment records, the three story frame building located on the site, with an address of 1389 Chain Bridge Road, was constructed in the early 1900’s and predates adoption of the first Fairfax County Zoning Ordinance in 1941. The first documented occupancy permit for the structure contained in County records was issued in March 1961 to permit a real estate office. A copy of Certificate of Occupancy A-584 is enclosed as Attachment 7. The structure has been continuously used for commercial purposes including office and retail sales. On September 15, 2015 a Non-Residential Use Permit (Non-RUP) was issued to NOVA Firearms to permit a retail sales establishment. A copy of the Non-RUP is enclosed as Attachment 8.
- On September 30, 2015 in response to numerous inquiries regarding the opening of NOVA Firearms at 1389 Chain Bridge Road, the Zoning Administrator requested the Department of Code Compliance to conduct an inspection of the property, including both the McLean Automotive Service Center and NOVA Firearms. An inspections of the property was conducted on October 9, 2015. The inspection as well as a review of the website for the McLean Service Center revealed that the type of automotive repair being conducted on the site would be considered a vehicle major service establishment under the current Zoning Ordinance. (See Attachment 2 for definition). In addition, the inspection revealed the addition of a large metal storage container (aka C Container) used for storage of supplies, the addition of a trailer which was used for storage associated with Nova Firearms, the addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair, the reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair garage and the retail sales establishment and parking of vehicles in the travel aisled, all of which were not in conformance with As Built Site Plan #244-B. Photographs of the property taken during the October 9, 2015 inspection are enclosed as Attachment 9.
- Based upon a review of County records, photographs from the inspection and As-Built Site Plan 244-B, the Zoning Administrator determined that the sale of firearms and other accessory related equipment was a retail sales establishment which is a permitted use in the C-8 District and that the Non-RUP issued on September 15, 2015 was valid. However, it was determined that the McLean Automotive Service Center under the current Zoning Ordinance

was a vehicle major service establishment which is a Category 5 Special Exception Use in the C-8 District and is only permitted in that District with special exception approval. Further, it was determined that the addition of the metal storage container and the trailer, which added gross floor area to the site and the addition and reconfiguration of parking spaces beyond that shown on the as-built site plan, constituted an expansion of the vehicle repair garage. Such expansion is only permitted with approval of a special exception by the Board of Supervisors. Therefore, McLean Automotive Service Center was in violation of Par. 1 of 18-901 of the Zoning Ordinance, which states that:

“Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of this Ordinance or contrary to any detailed statement or plan approved under the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.”

- On October 20, 2015, the Zoning Administrator issued a Notice of Violation to FZJ Limited Partnership, the property owner and Mclean Automotive Service Center.
- The appeal application was received on November 19, 2015 and accepted on December 28, 2015. Prior to the scheduled public hearing, staff and the appellant agreed to a deferral to allow the appellant an opportunity to bring the parking into conformance with that shown on the as-built site plan, remove the C-Container and trailer or file a special exception application. No agreement could be reached and the public hearing on the Appeal is scheduled for August 10, 2016.

ZONING ADMINISTRATOR'S POSITION

This is an appeal of a determination that the appellant has expanded an existing vehicle repair garage that was established prior to the adoption of the 1978 Zoning Ordinance and is currently operating a vehicle major service establishment without special exception approval. There is no debate that the automotive repair garage known as the McLean Automotive Service Center was lawfully established in 1962 under the Zoning Ordinance in effect at that time. The property at that time was zoned to the C-G, Commercial General District, which District allowed a vehicle repair garage as a permitted use. On July 11, 1977 the Board of Supervisors adopted an amendment to the Zoning Ordinance, in effect at that time, to delete vehicle repair garage as a permitted use in the C-G District and to only allow that use in the C-G District with special permit approval by the Board of Supervisors. A copy of Amendment #304 to Chapter 30 (Zoning Ordinance) of the 1961 Code of the County Of Fairfax is set forth in Attachment 10. With the adoption of the current Zoning Ordinance in 1978, the C-G District became the C-8 District and a repair garage became either a Vehicle Light Service Establishment or a Vehicle Major Service Establishment. The major difference between the two uses is that a vehicle light service establishment does not perform major mechanical or body work. (See Definitions in Appendix 2). Vehicle major service establishments are only permitted in the C-8 District with special

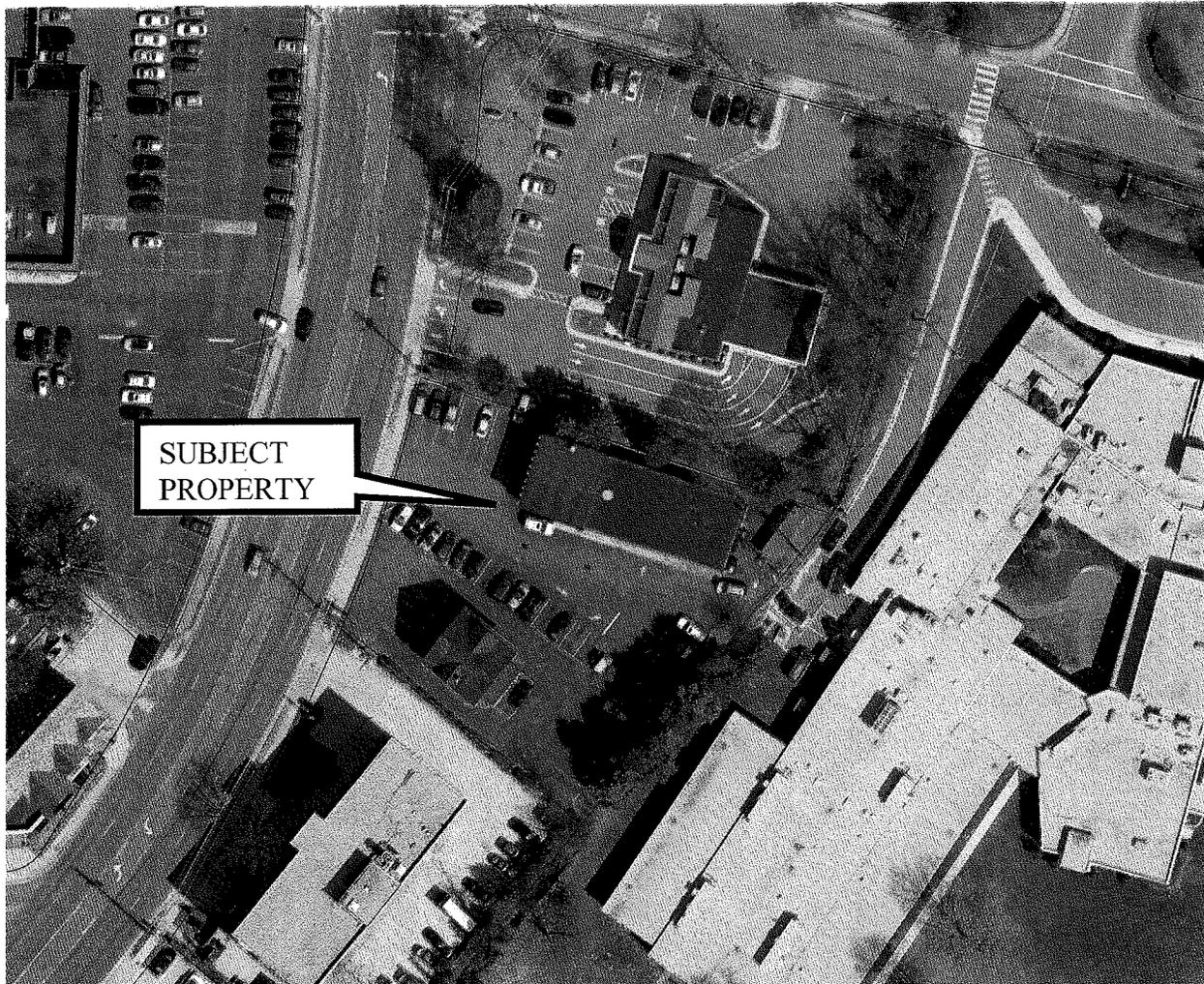
exception approval by the Board of Supervisors. At the time of the inspection, based on observations, it was determined that the use was most similar to a vehicle major service establishment. The appellant contends that McLean Automotive Service Center is a vehicle light service establishment, rather than a vehicle major service establishment. For purposes of this appeal, that issue is moot as a vehicle light service establishment is only permitted by right in the C-8 District if located under the roof of a regional shopping center, otherwise special exception approval is required. Clearly, the automotive service center is not located under the roof of a regional shopping center, therefore, special exception approval would still be required.

It is the Zoning Administrator's position that the McLean Automotive Service Center is subject to the provisions set forth in Par. 2 of Sect. 15-101, Qualification of Nonconforming Uses which states:

Any use which was existing prior to the effective date of this Ordinance, which is allowed within a particular zoning district as a special permit or a special exception use by the provisions of this Ordinance, may continue and shall not be deemed to be a nonconforming use in such district. (emphasis added) However, except as qualified below, any subsequent replacement or enlargement of such use or of any building in which the same is conducted or the construction of any additional building for such use beyond the extent which existed prior to the effective date of this Ordinance, shall be subject to a special permit or special exception obtained in accordance with the provisions of this Ordinance. Such special permit or special exception shall be approved only if the resulting use complies with the standards set forth in Articles 8 or 9 for the particular use in question.

Contrary to the appellant's claims, the McLean Automotive Service Center is not a nonconforming use, as the use is permitted in the C-8 District with special exception approval. What is at issue is whether the use has been expanded or enlarged beyond the extent which existed prior to the 1978 effective date of the current Zoning Ordinance.

The property is subject to As-Built Site Plan #244-B which was approved in 1969 to permit minor changes to the automotive service center building and revision to the parking layout of the site. The site plan depicts the 6-bay automotive service center and the 2 story frame structure that has been utilized for commercial purposes since 1961 and which is not at issue in this appeal. A total of 30 parking spaces are provided. No other structures are depicted on the As-Built plan as evidenced on the copy of the as-built site plan included below.



2015 Aerial Photograph

As noted in the Notice of Violation issued on October 20, 2015, an inspection of the property revealed the following changes to the property that were not in conformance with the approved site plan:

- Addition of a large metal storage container (aka C Container) used for storage of supplies located at the northeast end of the repair establishment between the building and the property boundary adjacent to Franklin Sherman Elementary School.
- Addition of a trailer, which appears to be used for storage, adjacent to the two story building occupied by JM Custom Protection Services LLC
- Addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair along the northern property boundary between Chain Bridge Road and the vehicle repair building (See Aerial Photograph above)
- Reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair establishment and the retail sales establishment.
- Parking of vehicles in the travel aisles

The addition of the metal storage container and trailer, which adds additional floor area to the existing automobile repair use, as well as the reconfiguration and addition of parking spaces beyond that shown on the approved site plan to store vehicles waiting for repair and the parking in the travel aisles constitutes an enlargement of the vehicle major service establishment use on the property. Pursuant to Par. 2 of Sect. 15-101, such expansion is only permitted with special exception approval in accordance with the provisions of the Zoning Ordinance.

It is worth noting that staff reviewed aerial photos of the site dating back to 1966 and while there was some parking of vehicles between Chain Bridge Road and the vehicle repair establishment, it appears that the double stacking of vehicles was occurring on a regular basis in 1980 and continues to the present. The actual delineation of these double stacked spaces through striping on the ground did not occur until the mid 1990's. The 1988 aerial photograph shows about 40 to 45 cars on the site, well in excess of the 30 parking spaces shown on the as-built site plan. The addition of a C Container first appears in 1988 and appears to be located near the middle of the rear lot line abutting Franklin Sherman Elementary School. The C Container was subsequently moved to the northeast corner of the site where it is currently located. Copies of aerial photos from 1980, 1988 and 1990 are enclosed as Attachment 11.

The appellant claims that there has been no expansion of the automotive service center use beyond the extent which existed prior to 1978, the effective date of the current Zoning Ordinance, but fails to provide any justification for this claim. The C Container is clearly visible and is used for storage of supplies. It is noted that the vehicle trailer used for storage by Nova Firearms has been removed. When current photos and aerial photos of the site are compared with the as-built site plan, it is clear that the parking on the site has been reconfigured and expanded. There are now approximately 43 marked spaces on the site including 8 double stacked spaces located between the repair center and Chain Bridge Road, an increase of over 13 spaces from that shown on the as-built site plan. Pursuant to Par. 12 of Sect. 11-102 any proposal to redesignate parking space delineations which changes the existing space size, configuration or number shall require the submission and approval by the Director of the Department of Public Works and Environmental Services (DPWES) of a plan certified by an engineer or land surveyor authorized by the State to practice such. In this case no such plan has been submitted for review and approval and any such increase in parking would constitute an enlargement of the use and require approval of a special exception by the Board of Supervisors. It is also unclear whether any of these additional spaces would meet the geometric standards set forth in the Public Facilities Manual (PFM).

Further, there is precedence both through previous Zoning Administrator determinations and appeals that the addition of structures such as cargo containers, sheds, or the trailer of a tractor trailer used for storage constitutes the addition of floor area and an expansion of the use. Similarly, the parking of vehicles on site in excess of the number of marked spaces shown on an approved site plan and in travel aisles would constitute an expansion or enlargement of the use under the provisions of Par. 2 of Sect. 15-101. In Appeal A 2008-LE-073, Bentley Properties, LLC and Paper Moon-Springfield, Inc. (Paper Moon Appeal), the BZA upheld the Zoning Administrator's determination that the appellant in the recommencement of an existing nonconforming commercial nudity establishment exceeded the previously established occupancy

limitation of 104 persons and was parking vehicles on the site in excess of capacity of the existing site plan thereby expanding the nonconforming use, in violation of Zoning Ordinance provisions. Unlike the McLean Automotive Service Center, which has the opportunity to apply for special exception approval to permit expansion of the use under the specific provisions of Par. 2 of Sect. 15-101, the zoning district in which the commercial nudity establishment was located did not permit this use in any form or fashion within the zoning district. Therefore, pursuant to Par. 1 of Sect. 15-103, while a nonconforming use can be continued it cannot be expanded or enlarged, nor can any structural alteration be made in any building in which the use is conducted.

In the Paper Moon Appeal, the Zoning Administrator determined that an expansion of the use could result from an increase in floor area or an increase in occupancy. Further, she determined that the parking of vehicles on site in excess of the number of marked spaces available for the building and the stacking of vehicles in the travel aisle and entrance areas also constitutes an expansion of the nonconforming use and was also a violation of Sect. 11-102 of the Zoning Ordinance which requires that on-site parking must be limited to the spaces currently delineated on the subject property. The BZA upheld the Zoning Administrator in this appeal and the appellants subsequently appealed the BZA's decision to uphold the Zoning Administrator to the Fairfax County Circuit Court, Case No. CL-2009-0006589. The Circuit Court affirmed the decision of the BZA and noted that the Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated Sect. 15-103 of the Zoning Ordinance by allowing more than 104 persons to occupy the commercial nudity establishment and by expanding the parking areas on the subject property, thereby unlawfully expanding such nonconforming use. The Appellants, subsequently filed a Petition to appeal the Circuit Court decision to the Virginia Supreme Court, which declined to accept the appeal. A copy of the Circuit Court's Final Order is enclosed as Attachment 12.

Appeal A 2002-LE-009 Wal-Mart Stores East, Inc. was an appeal of a Notice of Violation issued to Wal-Mart Stores East operating the Kingstowne Town Center Wal-Mart for locating metal storage containers on property in the PDC District as an accessory secondary use without approval of a proffered condition amendment, final development plan amendment and site plan. The metal storage containers in this appeal were of a standard size, 9'6" in height, 8' in width and 40' in length and were used to store merchandize associated with the retail store. The storage container utilized by the McLean Automotive Service Center is of a similar size and is used to store supplies utilized in the operation of the automotive center. In the Wal-Mart appeal the Zoning Administrator had determined that the storage containers constituted the addition of a secondary use in the PDC District and was not in conformance with the approved development plans. The remedy in this appeal is not that different than the remedy in the subject appeal. In both instances, the addition of metal storage containers was deemed an expansion of the existing use on the property and therefore the remedy in both instances is either to remove the structure(s) or obtain the appropriate legislative approval to remain. The Wal-Mart appeal was ultimately withdrawn and the appropriate legislative approvals were obtained.

SUMMARY

It is clear based on a review of photographs of the site, including aerial photography, that additional parking spaces and a metal storage container have been added to the site. The Zoning Administrator has determined based on longstanding interpretations and a number of appeals, two of which have been highlighted above, that the addition and reconfiguration of parking spaces and the addition of the metal storage container to store supplies constitutes an expansion of the automotive repair use and pursuant to Par. 2 of Sect. 15-101, special exception approval is now required for the use to continue. The appellant has the option of either removing the metal storage container and restoring the parking to the configuration shown on the approved as-built site plan #244-B or submit a special exception application for approval by the Board of Supervisors. The appellant has not provided any evidence to demonstrate that the automotive repair establishment has not been enlarged beyond the extent which existed in 1978. Therefore, staff respectfully requests that the BZA uphold the October 20, 2015 Notice of Violation.

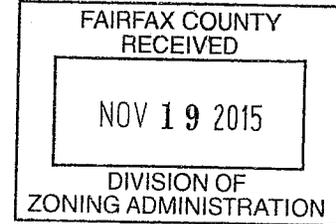
ATTACHMENTS:

1. Appellant's Application and Basis for Appeal
2. Applicable Zoning Ordinance Provisions
3. Deed of Gift from Frances Z. Justice to FZJ Limited Partnership
4. Building Permit P-12024 and Certificate of Occupancy A-2358 for construction of the McLean Automotive Service Center Building
5. Approved Variance, Building Permit and Application for Certificate of Occupancy for two bay expansion.
6. As Built Site Plan #244-B
7. Original Certificate of Occupancy for 1389 Chain Bridge Road dated March 7, 1961
8. Non-RUP# 152580214 issued to NOVA Firearms
9. Photographs from October 9, 2016 inspection
10. Amendment #304 to Chapter 30 (Zoning Ordinance) 961 County Code
11. Aerial Photographs from 1980, 1988 and 1990
12. Final Order in Circuit Court Case No. CL-2009-0006589

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COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL



APPLICATION NO. A 2015-DR-032
(Assigned by Staff)

NAME OF APPELLANT: McLean Automotive Service Center

NATURE OF THE APPEAL:

Appeal of a notice of zoning violation dated October 20, 2015 (copy attached)

(See attached grounds for appeal)

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL October 20, 2015

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:

Appellant is the owner of the premises and operates his business there.

IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:

POSTAL ADDRESS OF PROPERTY: 1387 & 1389 Chain Bridge Road

TAX MAP DESCRIPTION: 030-2 ((01)) 50A

William M. Baskin, Jr.

Type of Print Name of Appellant or Agent

William M. Baskin Jr
Signature of Appellant or Agent

301 Park Avenue, Falls Church, Virginia 22046

Address

(703) 534-3610

Telephone No: Home

Work

Cell

Please type or print name, address, and phone number of contact person if different from above:

DO NOT WRITE IN THIS SPACE

Subdivision Name: McLean

Total Area (Acres/Square Feet): 30,376 sq-ft.

Present Zoning: C-8, CRD, H-C, SC

Supervisor District: Dranesville

Date application received: 11/19/15

Application Fee Paid: \$ 1000⁰⁰

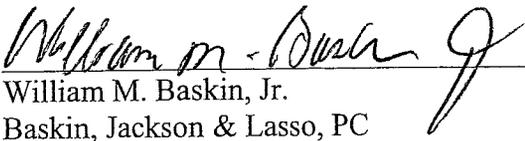
Date application accepted: 12/28/15

GROUNDS OF APPEAL OF ZONING VIOLATION FOR
1387 & 1389 CHAIN BRIDGE ROAD

Appellant asserts the following as grounds for appeal of the Notice of Zoning Violation dated October 20, 2015 for premises located at 1387 & 1389 Chain Bridge Road, McLean, Virginia:

1. It appears from the Notice of Violation being appealed, that no allegations of violations are made against operation of the retail sales establishment located at 1389 Chain Bridge Road and that no relief is sought against the business operated at that address.
2. The premises located 1387 Chain Bridge Road was lawfully established in 1962 for the purpose of providing automobile repair services; and has not been replaced or enlarged for use beyond the extent which existed prior to 1978, the effective date of the zoning ordinance. As such, it is a valid nonconforming use to which Appellant has a vested right.
3. Appellant denies that it has operated or expanded a major vehicle repair establishment in violation of the zoning ordinance.

Wherefore, Appellant, demands that the Notice of Violation against it be dismissed and that the \$600.00 filing fee for this appeal be refunded to Appellant.


William M. Baskin, Jr.
Baskin, Jackson & Lasso, PC
301 Park Avenue
Falls Church, Virginia 22046



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: October 20, 2015

METHOD OF SERVICE: CERTIFIED MAIL #7015 1730 0001 2742 1438

LEGAL NOTICE ISSUED TO: McLean Automotive Service Center
ADDRESS: Gary V. Davis, Registered Agent
1315 Vincent Place
McLean, VA 22101-0000

LOCATION OF VIOLATION: 1387 and 1389 Chain Bridge Road

TAX MAP REF: Zoning Map No. 030-2 ((01)) 50A
ZONING DISTRICT: C-8, CRD, HC, SC

Dear Property Owner:

An inspection of the above-referenced property was conducted on October 9, 2015. Pursuant to As-Built Site Plan #244-B, entitled "Addition To Site Plan #244 Showing Revised Parking Layout of the Property of Henry Paul Justice" approved by the County on July 8, 1969, the property was zoned to the C-G District and developed with a six bay automotive repair garage and office and a two story frame building with a total of 30 parking spaces provided. A review of County records indicates that a four bay automobile repair garage was constructed on the property in 1962 pursuant to Building Permit P-12024. Certificate of Occupancy A-2358 was subsequently issued in the name of McLean Service Center on April 27, 1965. On November 5, 1965, the Board of Zoning Appeals approved Variance Application V-219-65 to permit an addition to the existing automotive repair garage to be located 22 feet from the rear property line. The addition was constructed in 1966 pursuant to Building Permit P-32994 and expanded the repair garage to six bays. Our records further indicate that while an Application for Certificate of Occupancy was made on February 15, 1966 for the addition, the Certificate of Occupancy was never issued. The two story structure located on the property, with an address of 1389 Chain Bridge Road, according to tax assessment records was constructed in the early 1900's and predates adoption of the first Fairfax County Zoning Ordinance in 1941. County records indicate that the two story structure was first utilized for commercial purposes in 1961 pursuant to Certificate of Occupancy A-584 for a real estate office. The structure has been used since that time for commercial purposes including office and retail sales. On September 15, 2015 a Non-Residential Use Permit (Non-RUP) was issued to JM Custom Protection Services, LLC to permit unspecified retail sales.

Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372



October 20, 2015

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With the adoption of the current Zoning Ordinance in 1978 the property was rezoned to the C-8 District. The property is also located within the McLean Commercial Revitalization District and the Highway Corridor and Sign Control Overlay Districts. The October 9, 2015 inspection, as well as a review of the website for the McLean Service Center, revealed that the type of automotive repair being conducted on the site would be considered a vehicle major service establishment under the current Zoning Ordinance which is defined as follows:

VEHICLE MAJOR SERVICE ESTABLISHMENT: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS.

The inspection also revealed the following:

- Addition of a large metal storage container (aka C Container) used for storage of supplies located at the northeast end of the repair establishment between the building and the property boundary adjacent to Franklin Sherman Elementary School.
- Addition of a trailer, which appears to be used for storage, adjacent to the two story building occupied by JM Custom Protection Services LLC
- Addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair along the northern property boundary between Chain Bridge Road and the vehicle repair building
- Reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair establishment and the retail sales establishment.
- Parking of vehicles in the travel aisles

Under the current Zoning Ordinance, while retail sales is a permitted use in the C-8 District, a vehicle major service establishment is a Category 5 Special Exception Use and is only permitted with special exception approval by the Board of Supervisors. Pursuant to Par. 2 of Sect. 15-101, Nonconforming Uses, of the Zoning Ordinance:

Any use which was existing prior to the effective date of this Ordinance, which is allowed within a particular zoning district as a special permit or a special exception use by the provisions of this Ordinance, may continue and shall not be deemed to be a nonconforming use in such district. However, except as qualified below, any subsequent replacement or enlargement of such use or of any building in which the same is conducted or the construction of any additional building for such use beyond

October 20, 2015

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the extent which existed prior to the effective date of this Ordinance, shall be subject to a special permit or special exception obtained in accordance with the provisions of this Ordinance. Such special permit or special exception shall be approved only if the resulting use complies with the standards set forth in Articles 8 or 9 for the particular use in question.

The addition of the metal storage container and trailer, which adds additional gross floor area to the existing automobile repair use, as well as the reconfiguration and addition of parking spaces beyond that shown on the approved Site Plan #244-B to store vehicles waiting for repair and the parking in the travel aisles constitutes an enlargement of the vehicle major service establishment use on the property. Pursuant to Zoning Ordinance § 15-101(2), such expansion is only permitted with special exception approval in accordance with the provisions of the Zoning Ordinance.

Therefore, by failing to obtain special exception approval for the expansion of the major vehicle repair establishment, you are in violation of Par. 1 of Sect. 18-901 of the Fairfax County Zoning Ordinance, which states:

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of this Ordinance or contrary to any detailed statement or plan approved under the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

You are hereby directed to clear this violation within 10 days after receipt of this notice by taking the following action:

- Permanently remove all storage structures from the site and restore the original parking layout for the site in conformance with Site Plan #244- B; and
- Permanently remove the 8 double stacked parking spaces used for vehicle storage; and
- Permanently cease the storage and/or parking of vehicles in the travel aisles; and
- Permanently restore the use to its original scope and extent as reflected on approved Site Plan #244-B and Building Permit P-32994; or
- Obtain special exception approval in accordance with the provisions of the Zoning Ordinance.

October 20, 2015

Page Four

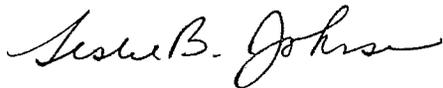
You have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, a notice of appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) and a notice of appeal and filing fee must be filed with the Zoning Administrator

in accordance with Part 3 of Article 18 of the Zoning Ordinance. Those provisions require submission of an application form, a written statement setting forth the grounds for the appeal, how the appellant is an aggrieved party and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for consideration and decision by the BZA. For additional information and forms related to appeal applications, please see <http://www.fairfaxcounty.gov/dpz/bza/appeals/> or you may contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Office: 703-324-1314

Failure to comply with this notice shall result in the initiation of appropriate legal action to gain compliance. Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me or Mr. Mike Caudle, Code Compliance Investigator at (703) 324-1300.

LEGAL NOTICE ISSUED BY:



Leslie B. Johnson
Zoning Administrator

ZONING ORDINANCE PROVISIONS

PART 8 4-800 C-8 HIGHWAY COMMERCIAL DISTRICT**4-801 Purpose and Intent**

The C-8 District is established to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which (a) are oriented to the automobile, or (b) are uses which may require large land areas and good access, and (c) do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade.

The regulations of this district are designed to accommodate such uses in a manner that will minimize interference with through traffic movements and insure a high standard in site layout, design and landscaping. Uses should be encouraged to group in preplanned concentrations, and where possible, a minimum distance of three (3) miles should be encouraged between such concentrations.

4-802 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Alternative Lending Institution, limited by the provisions of Sect. 805 below.
3. Automobile-oriented uses, limited by the provisions of Sect. 805 below.
4. Bowling alleys.
5. Business service and supply service establishments.
6. Churches, chapels, temples, synagogues and other such places of worship.
7. Colleges, universities.
8. Contractor's offices and shops.
9. Commercial swimming pools, tennis courts and similar courts, indoor.
10. Community clubs, centers and meeting halls.
11. Cultural centers, museums.
12. Drive-in financial institutions, limited by the provisions of Sect. 805 below.
13. Drive-through pharmacy, limited by the provisions of Sect. 805 below.
14. Eating establishments.
15. Fast food restaurants, limited by the provisions of Sect. 805 below.
16. Financial institutions.
17. Funeral homes.
18. Garment cleaning establishments.
19. Health clubs.
20. Hotels, motels.

ATTACHMENT 2

21. Indoor archery ranges, fencing and other similar indoor recreational uses.
22. Kennels, limited by the provisions of Sect. 805 below.
23. Miniature golf courses, indoor.
24. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.
25. New vehicle storage, limited by the provisions of Sect. 805.
26. Offices, limited by the provisions of Sect. 805 below.
27. Parking, commercial off-street, as a principal use.
28. Personal service establishments.
29. Private clubs and public benefit associations.
30. Private schools of general education, private schools of special education.
31. Public uses.
32. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 805 below.
33. Quick-service food stores, limited by the provisions of Sect. 805 below.
34. Repair service establishments.
35. Retail sales establishments.
36. Retail sales establishments-large, limited by the provisions of Sect. 805 below.
37. Skating facilities, indoor.
38. Telecommunication facilities.
39. Theatres.
40. Vehicle light service establishments, limited by the provisions of Sect. 805 below.
41. Vehicle transportation service establishments, limited by the provisions of Sect. 805 below.
42. Veterinary hospitals.
43. Wholesale trade establishments.

4-804 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 3 - Quasi-Public Uses, limited to:
 - A. Alternate uses of public facilities
 - B. Child care centers and nursery schools

ATTACHMENT 2

- C. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school
 - D. Conference centers and retreat houses, operated by a religious or nonprofit organization
 - E. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
 - F. Medical care facilities
 - G. Quasi-public parks, playgrounds, athletic fields and related facilities
 - H. Sports arenas, stadiums as a principal use
3. Category 4 - Transportation Facilities, limited to:
- A. Bus or railroad stations
 - B. Electrically-powered regional rail transit facilities
 - C. Helistops
 - D. Regional non-rail transit facilities
4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
- A. Automobile-oriented uses
 - B. Baseball hitting and archery ranges, outdoor
 - C. Car washes
 - D. Commercial off-street parking in Metro Station areas as a temporary use
 - E. Commercial recreation restaurants
 - F. Drive-in financial institutions
 - H. Drive-through pharmacy
 - I. Fast food restaurants
 - J. Golf courses, country clubs
 - K. Golf driving ranges
 - L. Marinas, docks and boating facilities, commercial
 - M. Mini-warehousing establishments
 - N. Offices
 - O. Pawnshops
 - P. Quick-service food stores
 - Q. Retail sales establishments-large

- R. Service stations
- S. Service station/mini-marts
- T. Truck rental establishments
- U. Vehicle light service establishments
- V. Vehicle major service establishments
- W. Vehicle sale, rental and ancillary service establishments
- X. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

4-805 Use Limitations

1. Fast food restaurants, automobile-oriented uses, drive-in financial institutions, quick-service food stores and vehicle light service establishments shall be permitted by right in accordance with the following:
 - A. Fast food restaurants without any drive-through facilities shall be permitted by right:
 - (1) When located in a shopping center, and the fast food restaurant does not occupy (a) more than 1500 square feet of gross floor area and (b) more than thirty-five (35) percent of the gross floor area of the building in which located; or
 - (2) When located in a shopping center of 25,000 square feet or more of gross floor area, the fast food restaurant may occupy more than 1500 square feet but not to exceed 2500 square feet of gross floor area, provided that the fast food restaurant does not occupy more than twenty-five (25) percent of the gross floor area of the building in which located.
 - B. Fast food restaurants, other than those permitted under Par. 1A above, automobile-oriented uses, drive-in financial institutions, and quick-service food stores shall be permitted by right when:
 - (1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not fast food restaurants other than those permitted by Par. 1A above, automobile-oriented uses, drive-in financial institutions, or quick-service food stores; and
 - (2) All uses within that building are connected by party walls or partitions to form one continuous structure.
 - C. Vehicle light service establishments shall be permitted by right when located within the main structure of a regional shopping center.
 - D. For all of the above, the shopping center and the building in which such automobile-oriented use, drive-in financial institution, fast food restaurant, quick-service food store or vehicle light service establishment is located shall be

subject to an approved unified site plan. In addition, vehicular access to the use shall be provided only via the internal circulation system of the shopping center.

Automobile-oriented uses, drive-in financial institutions, fast food restaurants, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

11-102 General Provisions

12. All off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual. All parking spaces, except those provided for and on the same lot with single family detached and attached dwellings, shall be clearly marked in accordance with the design guidelines set forth in the Public Facilities Manual and shall be subject to the approval of the Director.

Except for public commuter park-and-ride lots which utilize existing off-street parking spaces accessory to another use, any proposal to redesignate parking space delineations which changes the existing space size, configuration or number shall require the submission to and approval by the Director of a plan certified by an engineer or land surveyor authorized by the State to practice as such. Such plan shall show all off-street parking spaces, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of this Article. No plan shall be approved which reduces the number of parking spaces below the minimum number required by this Article.

Notwithstanding the above, a redesignation plan to provide an accessibility improvement need not be certified by an engineer or land surveyor and any such plan which reduces the number of parking spaces below the minimum requirements of this Article may be approved.

15-101 Qualification of Nonconforming Uses

2. Any use which was existing prior to the effective date of this Ordinance, which is allowed within a particular zoning district as a special permit or a special exception use by the provisions of this Ordinance, may continue and shall not be deemed to be a nonconforming use in such district. However, except as qualified below, any subsequent replacement or enlargement of such use or of any building in which the same is conducted or the construction of any additional building for such use beyond the extent which existed prior to the effective date of this Ordinance, shall be subject to a special permit or special exception obtained in accordance with the provisions of this Ordinance. Such special permit or special exception shall be approved only if the resulting use complies with the standards set forth in Articles 8 or 9 for the particular use in question.....

PART 3 20-300 DEFINITIONS

VEHICLE LIGHT SERVICE ESTABLISHMENT: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiperblades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

VEHICLE MAJOR SERVICE ESTABLISHMENT: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include **HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS.**

Standalone Cover Sheet Version 1.2

Page 1 of 1

Fairfax County Land Records Cover Sheet - JUSTICE

Instrument(s)

DEED OF GIFT

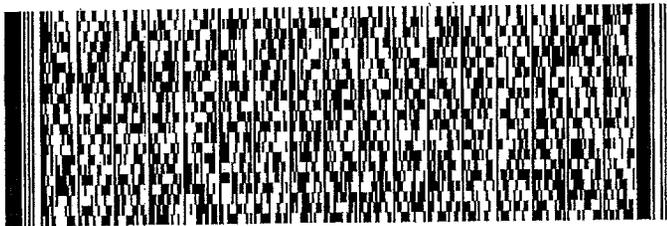
Grantor(s)

JUSTICE, FRANCES Z _I_N; JUSTICE, H PAUL _I_N

Grantee(s)

FZJ LIMITED PARTNERSHIP _F_T

Consideration		Consideration %	100
Tax Exemption	None	Amount Not Taxed	
DEM Number		Tax Map Number	030-2- /01/ /0050
Original Book	2438	Original Page	298
Title Company	GARY V DAVIS		Title Case
Property Descr.	METES AND BONDS		
Certified	No	Copies	0
		Page Range	



Print Next Page

Tax Map No. 030-2-01-0050-A

DEED OF GIFT

THIS DEED, made this 15th day of May, 2003, by and between FRANCES Z. JUSTICE, widow and not remarried, for herself and as the survivor of H. PAUL JUSTICE, deceased, Grantor, party of the first part; and FZJ LIMITED PARTNERSHIP, Grantee, party of the second part:

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid, the receipt of which is hereby acknowledged, and other good and value considerations, and the existence of a partnership known as FZJ LIMITED PARTNERSHIP made and entered into on the 15th day of October, 1994, the said party of the first part does hereby grant, sell, bargain and convey with GENERAL WARRANTY OF TITLE, unto the said party of the second part, the following described property, situate and being in the County of Fairfax, State of Virginia,

BEGINNING at a point in the easterly line of Chain Bridge Road, said point marking the NW corner of the Virginia Stations, Inc. lot; thence with the easterly line of Chain Bridge Road N. 29 30' 30" E. 29.26'; N. 17 29' 30" E. 98.25 feet to a pipe, a corner to Smoot; thence with the line of Smoot S. 66 49' E. 240.00' to a pipe, a corner to the school property, thence with the line of the school property s. 44 21' W. 202.60' to a pipe, a corner to Virginia Stations, Inc.; thence with the line of Virginia Stations, Inc. N. 45 39' W. 171.93' to the point and place of beginning, containing 32,338 square feet of land, more or less.

AND BEING the same property conveyed to the Grantor, FRANCES Z. JUSTICE and H. PAUL JUSTICE, by Deed recorded in Deed Book 2438, at Page 298, among the aforesaid land records.

This conveyance is made subject to any liens and Deeds of Trust or other encumbrances on the property that would be found by a full title search therein. This conveyance is made subject to the restrictions, easements, rights-of-way and conditions contained in the deeds forming the chain of title to the property.

RETURN TO:
GARY V. DAVIS
BOX 155

GRANTEE'S ADDRESS
1387 Chain Bridge Road
McLean, Virginia 22101

Pursuant to §58.1-811D

Prepared By:

LAW OFFICES OF
GARY V. DAVIS
1315 VINCENT PLACE
McLEAN, VIRGINIA
22101-3815
(703) 358-2442
FAX (703) 821-8994

The Grantor covenants that she has the right to convey the aforesaid property unto the Grantee; that the Grantee shall have quiet possession thereof; that the said Grantor has done no act to encumber the said property except as herein stated and that she will execute such further assurances of land as may be requisite.

WITNESS the following signature and seal:

Frances Z. Justice (SEAL)
FRANCES Z. JUSTICE for herself
And as sole survivor of H. PAUL JUSTICE, Grantor

STATE OF VIRGINIA AT LARGE: to wit:

I, the undersigned Notary Public in and for the State aforesaid, whose commission expires on the *31st* day of *January*, *2004*, do hereby certify that FRANCES Z. JUSTICE, for herself and as sole survivor of H. PAUL JUSTICE, whose name is signed to the foregoing Deed, bearing date on the *15th* day of May, 2003, has personally appeared before me in the State aforesaid and acknowledged the same.

GIVEN under my hand this *15th* day of May, 2003.

Steven D. Bump
Notary Public

LAW OFFICES OF
GARY V. DAVIS
1315 VINCENT PLACE
McLEAN, VIRGINIA
22101-3615
(703) 356-2442
FAX (703) 821-8994

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

MAP REFERENCE			PARCEL OR LOT
PLAT NUMBER	Sub. Div.	Blk. or Sec.	
30 B	22		50A

CENSUS TRACT NO. 40-I
7-19-62 DATE
P-12222 PERMIT NO.

To: BUILD Alter or Repair Add to Demolish Move

JOB LOCATION	B2653 DIRECTIONS Route 123 Street 5020 Chain Br. Rd. Lot No. Subdivision _____ Block _____ Section _____	DESCRIPTION For: Residential <input type="checkbox"/> Institutional <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> No. of Bldgs. 1 Type Garage & Office No. of Units _____ Est. Const. Cost \$22000? No. of Kitchens _____ No. of Stories 2 No. of Baths _____ Ht. of Building _____ Ft. No. of Rooms _____ Total Area _____ (Exclude Kit. & Bath) Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> FILL <input type="checkbox"/> Soil SOLID <input type="checkbox"/> Footing Size _____ Depth from Finish Grade _____ Ft. Material of Exterior Walls Basement _____ 1st Floor _____ 2nd Floor _____ Other _____ Material of Interior Walls HEAT: Gas <input type="checkbox"/> Oil <input type="checkbox"/> Hot Air <input type="checkbox"/> Hot Water <input type="checkbox"/> Boiler <input type="checkbox"/> Air Conditioner <input type="checkbox"/> Sprinkler <input type="checkbox"/> ROOF: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/> SEWAGE: Public <input checked="" type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> Pit Privy <input type="checkbox"/> None <input type="checkbox"/> WATER: Public <input checked="" type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks:
	OWNER Name John C. Hampton Address 5020 Chain Br. Rd. City McLean, Va. 22101 Tel. No. _____	
ARCHITECT ENGINEER	Name M. L. Lewis Address _____ City _____ State Reg. No. _____	
CONTRACTOR	Name Owner Address _____ City _____ State Reg. No. _____	

All construction must conform to site plan # 244
ST. Design By JH

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.
Ch. 64231 July-9-62 John R. Hampton
Phone No. _____ Date _____ Signature of Owner or Auth. Agent

PLAN APPROVAL	Use Group of Building B-1 Type of Construction 3-C Fire District 1 Date Checked 7-19-62 By OSB	Area of Bldg. 7000 @ .007 per Sq. Ft. \$ 49.00 Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____ Total Each Bldg. \$ _____ TOTAL FEE \$ 49.00
Approved by Building Inspector: <i>Denney</i>		

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
✓	Land Office	112	7-9-62	MH	
✓	Zoning Administrator	210	7-16-62	JH	
	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
	Sanitary Engineer	Bsmt	7-9-62	JH	
✓	Finance Office	120			
✓	Building Inspector	203			Return to secure Bldg. Permit

Supervisor of Assessments
Property is listed in name of John R. Hampton
Magisterial District Orangeville-3 Deed Book Reference 1848-224
32,338 SQ FT
Authorization: John W. Ferguson M.H.

ZONING	Subdivision Arrange No. Acres or Sq. Ft. 32,338 Street Address Chain Bridge Road (5020) LOT SIZE: Front _____ Right Side _____ Left Side _____ Rear _____ Use of Bldg. Garage & Office Use after Alteration _____ No. Families _____ Set Back: Front _____ Rt. Side _____ Left Side _____ Rear _____ 11/11/62 Authorization
--------	---

MAP REFERENCE SHEET NO. 30-2 ^{(22) Parcel 50A} PROPERTY IDENTIFICATION NO. _____

FORM ZA

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE

EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK) Date 4-21-64

Name of Proposed Occupant or Trade Name _____

Applicant McLean Service Center

Premises number 1387 ~~5448~~ Chain Bridge Rd, McLean

Lot number _____ Block _____ Section _____

Subdivision or Acreage Description _____

To be used as Garage + Office

Last used as RM

Site Plan # 244
Non Conforming Use _____

Material of Building _____

No. of stories high _____

Which floor do you propose to use? _____

Owner of Building (or agent) _____

Address _____

TO BE FILLED IN BY CLERK	
ZONE	<u>C-1</u>
HEIGHT	_____
FIRE ZONE	_____
BUILDING PERMIT NO.	<u>P-12024</u>
DATE	<u>4-21-64</u> <u>gjt</u>
INITIALS	

This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-20 (d) of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Zoning Section
No. <u>A-2358</u>
Issued <u>gjt</u>
Date <u>4-27-65</u>

Signature of Proposed Occupant
Applicant Paul Justice
Address by J. Grant Wright, atty
Telephone number _____

1/100
4-22-64

occ mailed

COUNTY OF FAIRFAX
Fairfax, Virginia

Office of the Zoning Administrator
November 12, 1965

Mr. Martin Eugene Morris
P. O. Drawer M
Mc Lean, Virginia

Dear Mr. Morris:

This letter will confirm the decision of the Fairfax County Board of Zoning Appeals on Tuesday ~~November 9, 1965~~

(granting) (denying) (deferring) your application to ~~permit erection of a repair garage 22 feet from rear property line, 1387 Chain Bridge Road. Granted as applied for and that all other provisions of the Ordinance shall be met.~~

*Construction (operation) must start within twelve (12) months from the date of this hearing, otherwise this approval is no longer valid. Permit will be issued if you fill out the necessary papers in this office.

Yours truly,

J. O. Woodson,
Zoning Administrator.

*If your application is denied, this does not apply, and an application for substantially the same subject cannot be filed for a period of twelve (12) months.

November 9, 1965

10:30 - HENRY PAUL JUSTICE, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from the rear property line (1387 Old Chain Bridge Road), Dranesville District. C-G. V-219-65.

Mr. Martin G. Morris was present representing the applicant. Mr. Morris stated the property in question comes under Section 30-6.6.5.1 of the Ordinance, specifically, because it is commercial area abutting public property (school). There are 3 gasoline stations and a laundry in area that are located 25 feet from the line all the way down Chain Bridge Road. Mr. Morris stated the building was constructed with

4 bays. The proposed 1 story addition to the rear of the existing building will house 2 more bays. The original Use Permit was granted by the Board of Zoning Appeals in 1961. The lot is a narrow one and the addition will be fully utilizing the building already there. The applicant does not sell gasoline.

Mr. Morris further stated that of the 4 existing bays one is used for inspection purposes only and not for repairs. He stated there is only one other inspection station in the McLean area and the need was great for establishments of this kind. By installing the 2 new bays it will enable the applicant to bring more repair work inside the building.

Mr. Smith stated the applicant warranted consideration.

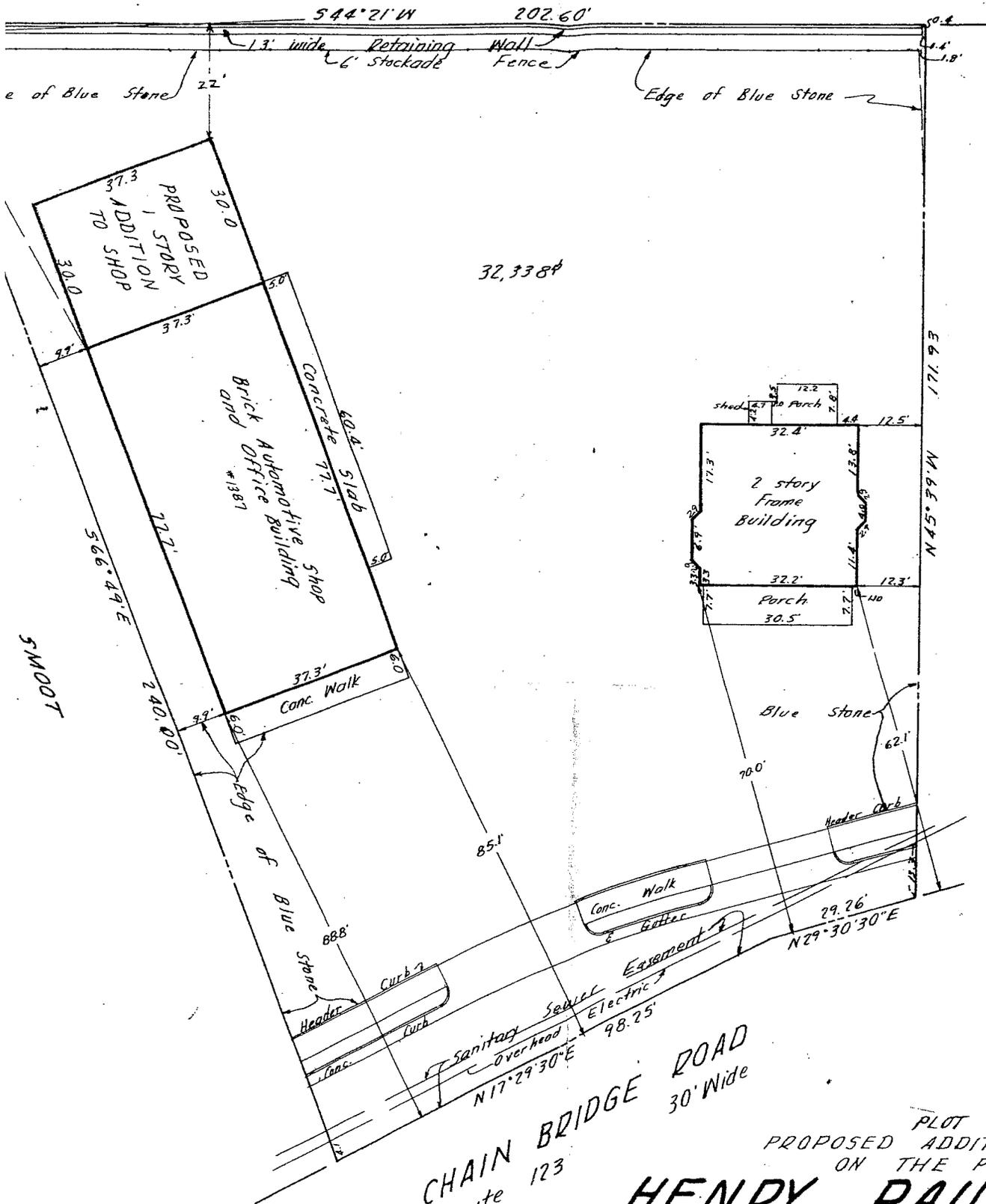
There was no opposition to the application.

Mr. Smith moved the application of Henry Paul Justice, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from rear property line, (1387 Old Chain Bridge Road) Dranesville, be approved as applied for and that all other provisions of the Ordinance must be met. Mr. Smith stated there is a great need for repair facilities in the area and apparently the applicant has done a great job for the past 15 years in the servicing of a growing number of people in the area.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

//

FAIRFAX COUNTY SCHOOL BOARD



VIRGINIA STATIONS INC.

CHAIN BRIDGE ROAD
Route 123
30' Wide

PLOT PLAN
PROPOSED ADDITION TO BUILD
ON THE PROPERTY OF
HENRY PAUL J.
DRANESVILLE MAGISTERIAL
FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 20' September 27, 1968

EDWIN A. ALBRECHT

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
02	01		50A

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

APPLICATION NO. 132994
DATE 19 66 PERMIT NO. 3303

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
Street: 1389 Chain Bridge Rd -
No. Hicks Realty
Median Service Block Center
Subdivision _____

OWNER
Corp. Name: Henry Paul Justice
Name (Reg. Agent): H. Paul - 359 -
Address: 100 Chain Rd.
City: 100 Chain Rd.
Telephone Number _____

ARCHITECT ENGINEER
Name _____
Address _____
City _____
State Reg. No. _____

CONTRACTOR
Name: J. F. Khativell
Address: 1249 Kauls Rd -
City: 100 Chain Rd.
County Reg. # _____ State Reg. # 4567

DESCRIPTION
For: addition to building

No. of Bldgs. _____ Est. Const. Cost \$ 13,000.00
No. of Units _____ No. of Stories _____
No. of Kitchens _____ Penthouse _____
No. of Baths _____ Ht. of Bldg. _____ ft.
No. of Rooms _____ Bldg. Area _____ sq. ft.
(Exclude Kit. & Bath)
Basement Slab Crawl Soil: Solid Fill

Ftg: Concrete Pile Caisson
Ext. Walls: Wood Metal Brick
Int. Walls: Plaster Drywall Panel
Roof: Flat Pitch Shed
Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
Equipment: Boiler Furnace Heat Pump Air Cond.

Sewage: Public Community Septic Tank None
Water: Public Individual Well None

Remarks: _____

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 556-4287 Date 2-15-66 Signature of Owner or Auth. Agent J. Khativell

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
Use Group of Building B-1 Area of Bldg. 1120 @ .067 per Sq. Ft. \$ 8.00
Type of Construction 3-C @ _____ \$ _____
Fire District _____ @ _____ \$ _____
Date Checked 2/15 1966 By JES TOTAL FEE \$ 8.00
Approved by Building Inspector VESTA B STORZI

ROUTING	OFFICE				OFFICE			
		Rm. No.	DATE	BY		Rm. No.	DATE	BY
<input checked="" type="checkbox"/>	Land Office	112	2-15-66	BBS	Fire Marshall			
<input checked="" type="checkbox"/>	Zoning Administrator	210	2-15-66	cm	Streets & Drainage	139	2-15-66	J.F.K.
<input checked="" type="checkbox"/>	Sanitary Engineer				Housing & License	139		
<input type="checkbox"/>	Health Officer	Rt. 237			PLANNING	214	2/15/66	AR

CERTIFICATION
I hereby certify to the following statement:
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date _____ 19 _____ By _____
Property Owner _____ Authorized Agent _____

Supervisor of Assessments Paul Justice
Property is listed in name of Hicks Realty
Magisterial District Dranesville - 3 Deed Book Reference 2438-298
Supervisor: John W Ferguson (BBS)

Subdivision _____ Lot No. 50A Block _____ Section _____ Zone C.C.
Street Address 1389 Chain Bridge Rd, Mcleary, VA
Use of Bldg. Addn to Bldg. Use after Alteration _____ No. Families _____
BZA _____ SITE PLAN # 244 B

Set Back: Front _____ Rt. Side _____ Left Side _____ Rear _____ Zoning Administrator _____

MAP REFERENCE SHEET NO. 30-2 PROPERTY IDENTIFICATION NO. D-3303
FORM ZA

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE
EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK)

DATE 2-15-66

Name of Proposed Occupant or Trade Name

Applicant Henry Paul Justice

Address P.O. Box 359, McLean, Va

Lot number 50A Block _____ Section _____

Subdivision or

Acreage Description McLean Service Center

To be used as _____

Last used as Head Addition

Non Conforming Use _____

Material of Building _____

No. of stories high _____

Which floor do you propose to
use: _____

Owner of Building (or agent)

Address _____

TO BE FILLED IN BY CLERK

ZONE C.G.

HEIGHT _____

FIRE ZONE _____

BUILDING PERMIT NO. _____

DATE 2-15-66

INITIALS an

Hicks Realty

Site plan # 244-B

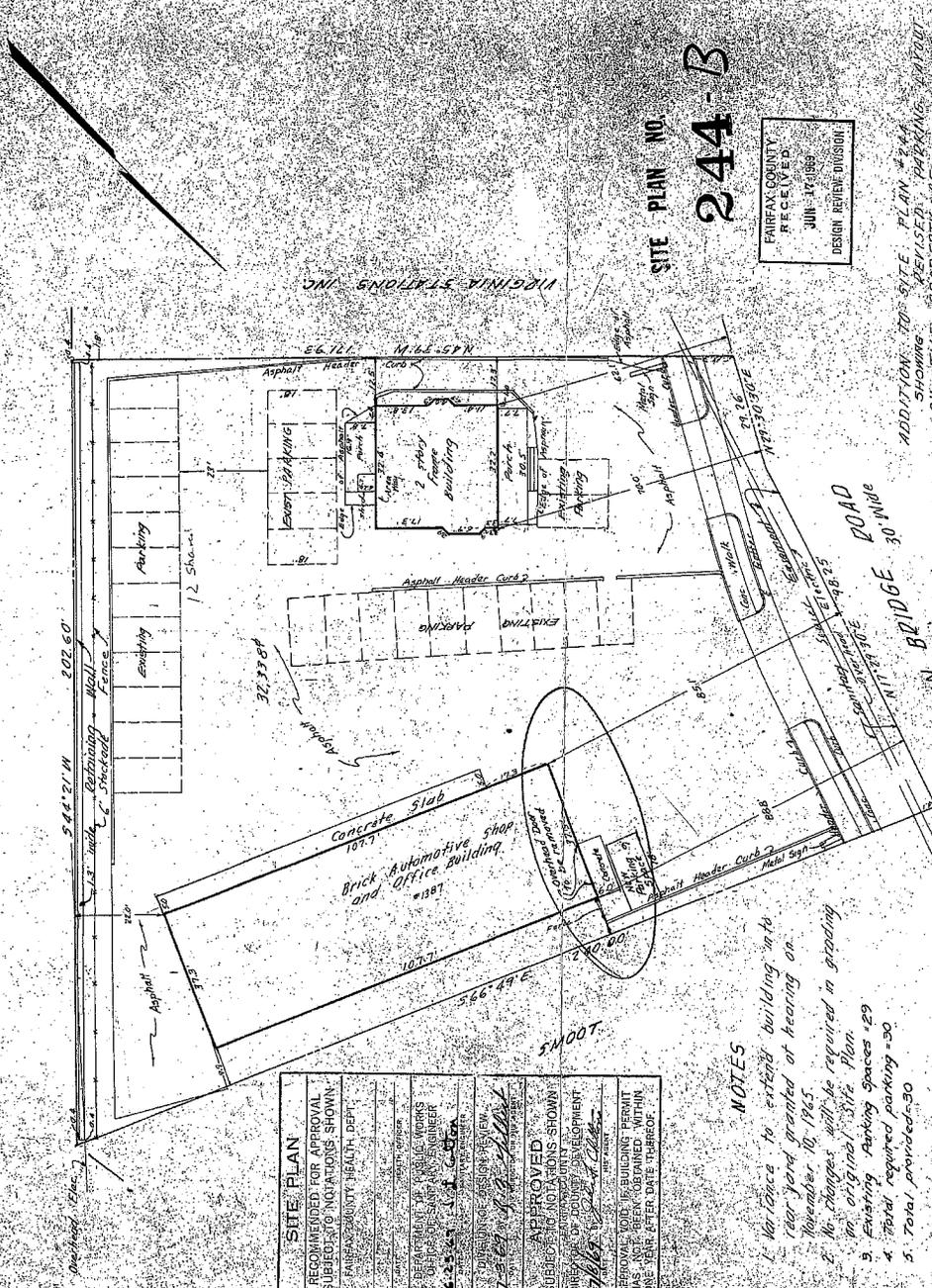
This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-9.4.4 of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Zoning Section _____
No. _____
Issued _____
Date _____

Signature of Proposed Occupant or
Applicant F. Shattell
Address 1249 Rutch Rd -
McLean, Va.
Telephone number 356-4287

Fairfax County School Board



SITE PLAN NO.
244-B

FAIRFAX COUNTY
RECEIVED
JUN 17 1968
DESIGN REVIEW DIVISION

ADDITION TO SITE PLAN #244
SHOWING REVISED PARKING LAYOUT
ON THE PROPERTY OF
HENRY PAUL JUSTICE
DRANESVILLE DISTRICT
FAIRFAX COUNTY VIRGINIA

Scale: 1"=20' June 5, 1968

EDWIN A ALBRECHT C-1550C
Engineering - Land Surveying Planning
603 N. Glebe Street, Alexandria, VA
CERTIFIED BY: *[Signature]*



SITE PLAN	
RECOMMENDED FOR APPROVAL SUBJECT TO INDICATIONS SHOWN	
FAIRFAX COUNTY HEALTH DEPT.	
DATE APPROVED	APPROVED BY
APPROVED BY	DATE
APPROVED FOR RECORDING	
SUBJECT TO NOTATIONS SHOWN	
SHEETS OF DEVELOPMENT	
RECORDS AND EULOUSINS BEHRE	
HAS NOT BEEN OBTAINED WITHIN	
ONE YEAR AFTER DATE THEREOF	

- NOTES**
1. Variance to extend building into rear yard granted at hearing on November 10, 1965.
 2. No changes will be required in grading on original site plan.
 3. Existing parking spaces = 29
 4. Total required parking = 30
 5. Total provided = 30

12 27 68

Map Reference -- Sheet No. 30-2-50-A. Property Identification No. _____.

FORM ZB

COUNTY OF FAIRFAX, VIRGINIA

Office of the Zoning Administrator

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE EXCEPT IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK)

Date March 7, 1961

Name of Proposed Occupant or Trade Name

Applicant Fredrick W. Bevens Sales of Virginia, Inc.

Premises Number 5020 Chain Bridge Rd, McLean, Va

Lot Number _____ Block _____ Section _____

Subdivision or

Acreage Description Dr E side #123 just off #738

To be used as Real Estate Office

Last used as Same

Non-Conforming Use _____

Material of building _____

No. of stories high Two

Which floor do you propose to use? _____

Owner of building (or agent)

John R. Hampton

Address Swade Mill Rd

McLean, Va

TO BE FILLED IN BY CLERK

Zone C-1

Height Two

Fire Zone _____

Building Permit No. _____

Date 3/7/61 JS

Initials

This application constitutes a written request for a Certificate of Occupancy upon its Receipt

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Signature of Proposed Occupant

Applicant Fredrick W. Bevens Sales of Virginia, Inc.

Address 2060 North Glebe Road Arlington Va

Telephone Number TA 5072

Zoning Section
No. <u>A-584</u>
Issued <u>JS</u>
Date <u>3/7/61</u>

COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Administration Division
NON-RESIDENTIAL USE PERMIT

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES IN THE ESTABLISHMENT

Non-RUP #: 152580214

Issued September 15, 2015

Tenant Name: **NOVA FIREARMS**
Address: 1389 CHAIN BRIDGE RD
Bldg: N/A
MC LEAN VA 22101-3905

Floor: 1-3; Suite #: N/A

Tax Map: 0302 01 0050A

Square Footage: 3000

Zoning District: C-8

Use: RETAIL SALES ESTABLISHMENT

Must comply with Zoning Case No. :

<u>Const. Type</u>	<u>Use Grp</u>
VB	M
VB	B

Building Permit No.: N/A

Additional Building Permit No.: N/A

INFORMATION PROVIDED BY BUILDING PLAN REVIEW

This Non-Residential Use Permit is issued subject to the following limitations and conditions: Retail Sales on first floor, office and classroom on second floor, and classroom on third floor. Maximum of 12 students and 2 instructors at the premises at one time.

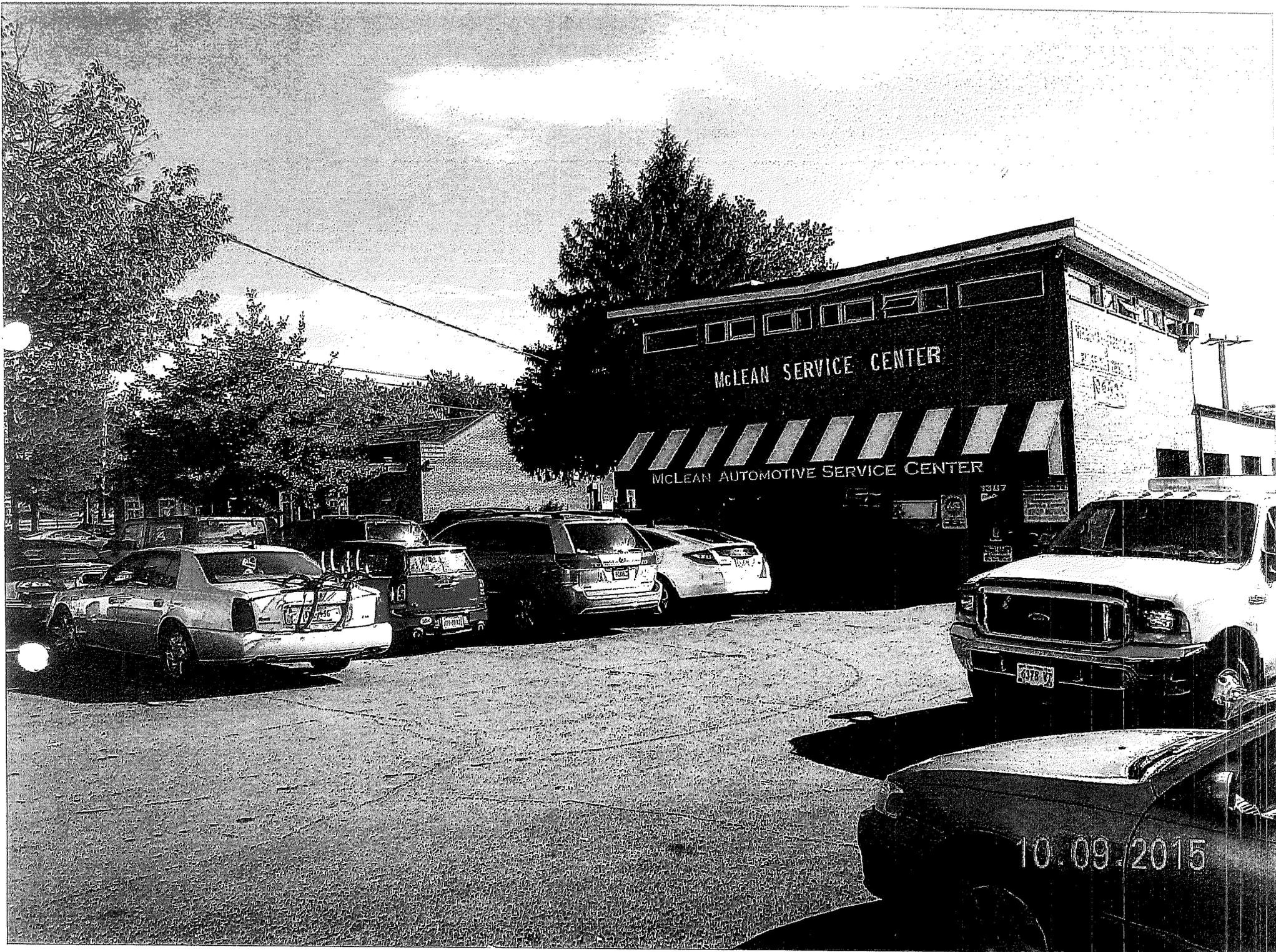


Zoning Administrator

Note: Occupancy approval subject to final inspection by the Fairfax County Fire Marshal's office. Please call 703 246-4849 to schedule final occupancy inspection. This permit does not take the place of any license or other permit required by law. Any change in the use, occupancy or proprietorship, or any enlargement or expansion of the premises for which this permit is issued shall require the application and approval of a new Non-Residential Use Permit.



10-09-2015



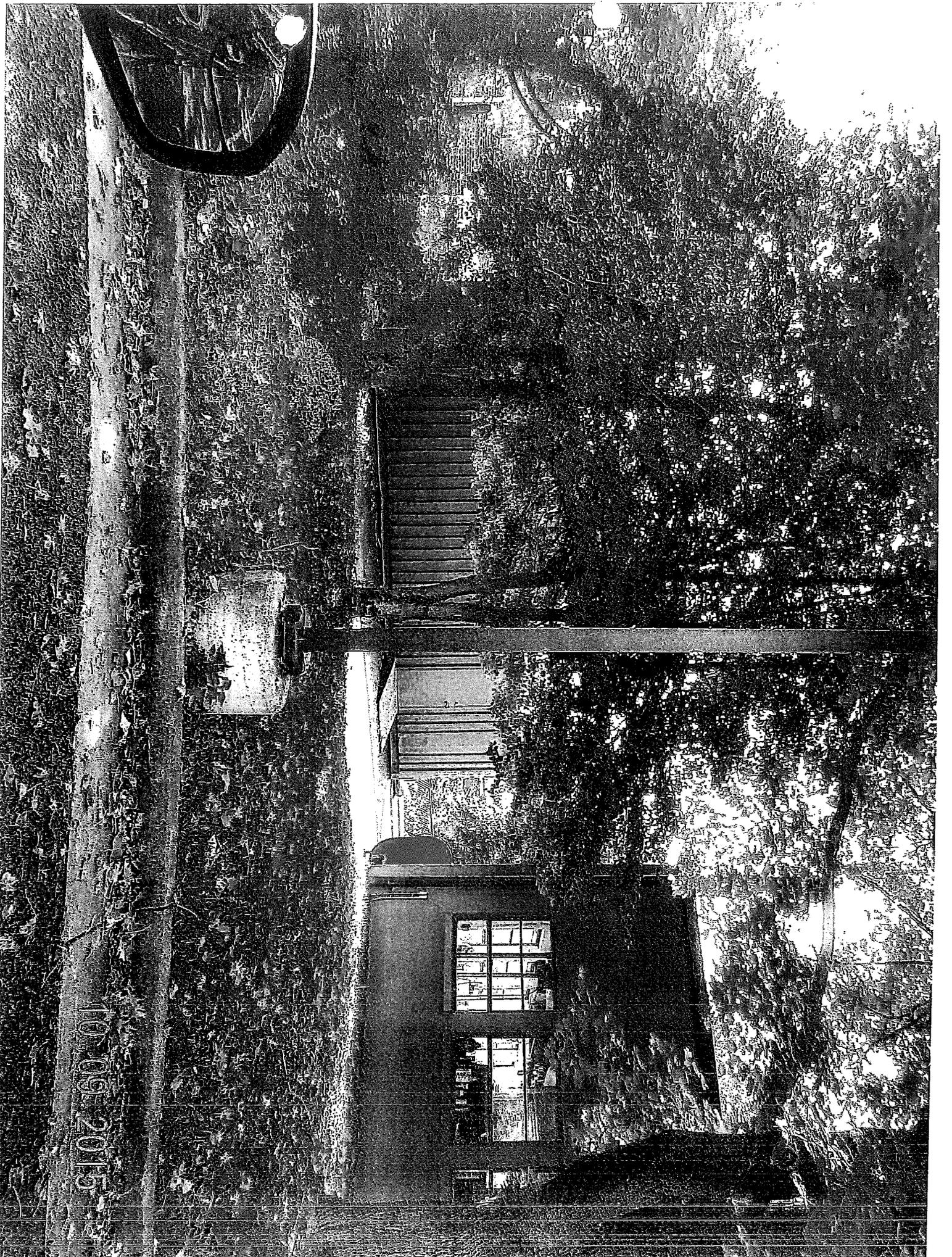
McLEAN SERVICE CENTER

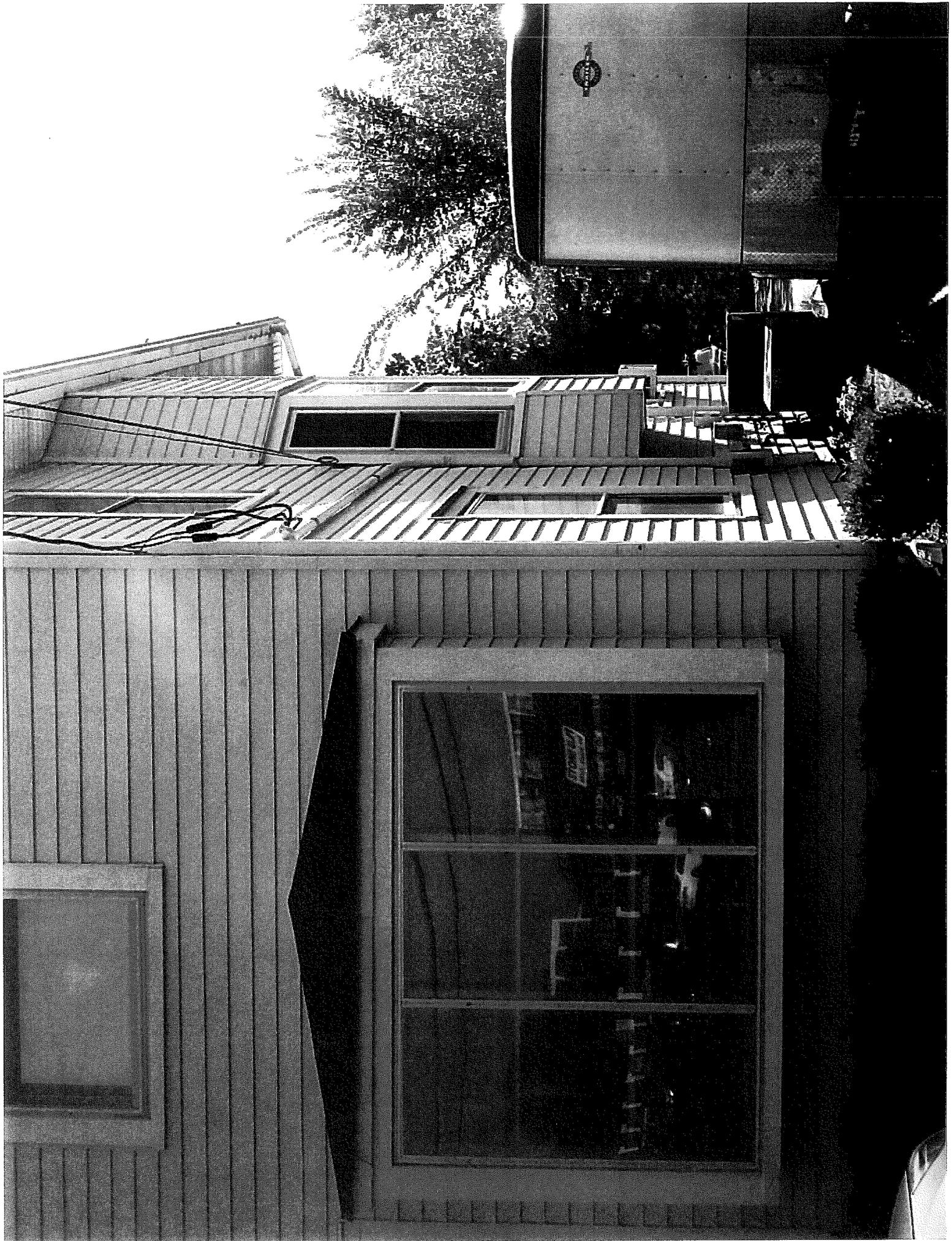
McLEAN AUTOMOTIVE SERVICE CENTER

13117

10.09.2015



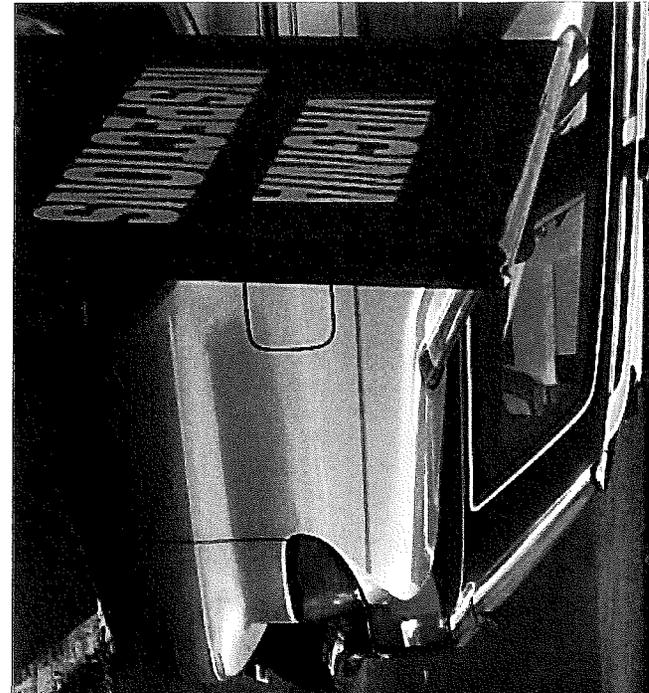






NOVA
FIREARMS
A & S UNIFORMS
1000 W. 10th St. #100
Tulsa, OK 74106
918.438.1111

NOVA FIREARMS
A & S UNIFORMS
1000 W. 10th St. #100
Tulsa, OK 74106
918.438.1111



ADOPTION OF AMENDMENT TO CHAPTER 30
(ZONING ORDINANCE) OF THE 1961 CODE OF
THE COUNTY OF FAIRFAX, VIRGINIA
AS AMENDED

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia held in the Board Room in the Massey Building, at Fairfax, Virginia, on Monday, July 11, 1977, the Board, after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 30 (Zoning Ordinance), of the 1961 Code of the County of Fairfax, Virginia, as amended, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY:

Amend Chapter 30 (ZONING) Article I (Definitions), by changing or adding the following wording at the appropriate place according to the Section numbers given:

30-1.8.29 Eating Establishments.

30-1.8.29a Restaurant. Any coffee shop, cafeteria shortorder cafe, lunchroom, lucheonette, hotel dining room, dinner theater, tavern, soda fountain, eating place or other establishment maintained and operated where there is furnished for compensation, food or drink of any kind for consumption primarily therein; provided, however, that a restaurant qualified as a fast food restaurant shall not be included within the meaning of this term, and that a snack bar or refreshment stand at a public or non-profit recreational facility operated solely by the agency or group operating the recreational facility and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant. Dancing by patrons shall be considered as entertainment, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 10 of the County Code.

30-1.8.29b Fast Food Restaurant. Any establishment which provides as a principal use, wrapped and/or packaged food and drink which is ready for consumption in cars or off premises.

30-1.8.27a Quick Service Food Store. Any food store selling convenience items in a retail establishment of less than 5,000 square feet of floor area (commercial).

30-1.8.10.1 Automobile-Oriented Use. Any use of land not otherwise defined which provides a service directly to a motor vehicle, or which provides goods or services to the occupant of a motor vehicle while seated therein.

30-1.8.10.3 Garage, Repair. A building or part thereof, other than an accessory or parking garage, used for the storage, care or repair of motor vehicles.

30-1.8.11 Gasoline Station. An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery to motor vehicles of motor fuel, lubricating oil and minor accessories for such vehicles and the sale of cigarettes, candy, soft drinks and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs or otherwise servicing motor vehicles, but not including auto body work, welding, painting or major repair work.

30-1.8.38a Vehicle Sales, Rental and Service Establishments. Any use of land whereon a primary occupation is the sale or rental of any vehicle in operating condition such as automobile, motorcycle, truck, trailer, ambulance, taxicab, recreation vehicle, mobile home, boat, farm machinery, construction equipment or any other vehicle. For the purposes of this Ordinance, vehicle sales, rental and service establishments shall not include any gasoline station or repair garage other than that which is clearly accessory to the sales and/or rental activities on that lot.

30-1.8.7.2 Drive-in Bank. Any bank, savings and loan institution, or any other financial institution which offers their service to persons within a motor vehicle.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) in the C-0 (Commercial Office) District, by rewording Item Number 9 to read as follows:

9. ~~Bank and Savings and Loan Institutions, but without drive-in windows or other out-door services.~~ *other than drive-in banks* #31

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) in the C-N District, by adding at the end of that Column the following wording:

The uses enumerated within this column of the C-N District shall not

be deemed to include any fast food restaurant, any automobile-oriented use, any drive-in bank, nor any quick service food store.

Amend Article II, Section 30-2.2.2(Schedule of Regulations), Column 1 (Uses Permitted by Right) of the C-D District, to read as follows:

1. All uses permitted in C-N districts, but not including any dwelling of any kind, mobile house, motel, rooming house, tourist house or any other place of human habitation either permanent or temporary, except the quarters of caretakers or watchmen serving uses within the district.
2. Stores for the retail sale of goods and personal service establishments other than those permitted in the C-N District, except that no fast food restaurant, quick service food store, drive-in bank, vehicle sales, rental and service establishment, gasoline station, repair garage, automobile laundry, nor any automobile-oriented use shall be included in the uses permitted by right within this District.
3. Restaurants
4. Catering establishments.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the C-G District, by adding the following paragraph at the beginning of that column; by eliminating items number 4(automobile laundries), 5 (automobile and truck...sales...), 11 (gasoline stations, parking garages, repair garages...) and 22 (farm equipment and machinery sales...) and by renumbering the remaining items accordingly.

The following uses are permitted uses within the C-G district, subject to site plan approval for each development, provided that nothing within this column shall be construed to include any fast food restaurant, quick service food store, drive-in bank, vehicle sales, rental and service establishment, repair garage, gasoline station, automobile laundry, nor any automobile-oriented use.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the I-P District, by rewording the initial paragraph to read as follows:

The following uses shall be permitted in the I-P District subject to approval of site plan for each development, provided that no use permitted herein shall include any fast food establishment, any automobile-oriented use, any quick service food store, drive-in bank, vehicle sales, rental and service establishment, repair garage, gasoline station nor automobile laundry.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the I-L District, Item Number 1 to read as follows:

bowling
or skating
218

All uses listed in Column 1 and Column 2 for the C-G District, except as specified in Column 2 of this I-L District, without any of the limitations specified therefore in the C-G District, and subject to the provisions of Article XI of this Chapter. No dwelling of any kind, motel, rooming house, tourist house, mobile home or any other place of human habitation either permanent or temporary, church, chapel, temple, synagogue, convent, monastery, seminary, nunnery or similar place of worship, general retail food store, drug store, shopping center (as defined within Section 30-1.8.33.4 of this Chapter, department store, or free-standing or fast food restaurant, quick service food store, gasoline station, automobile laundry, automobile-oriented use, repair garage, vehicle sales, rental and service establishment, nor drive-in bank, shall be included among the uses permitted by right within this I-L District. However, within or on the property of any permitted use, there may be the quarters of a watchman or caretaker.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.2 (In C-O Districts), by adding thereto a new item as follows:

30-7.2.10.2.3 Drive-in banks.

Amend Article VII (Special Permits, Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.3 (In C-N Districts), to read as follows:

30-7.2.10.3 In C-N Districts.

30-7.2.10.3.1 Gasoline stations.

30-7.2.10.3.2 Quick service food stores.

30-7.2.10.3.3 Fast food restaurants.

30-7.2.10.3.4 Recreation center limited to billiard tables, ping pong tables and indoor archery ranges.

30-7.2.10.3.5 Automobile laundries (car washes)

30-7.2.10.3.6 Small animal hospitals, provided that any permit issued for any such use shall be conditional as follows: All operations shall be within an enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area and plans and provisions for such construction and operation be approved by the Health Department prior to issuance of any building permit or Non-Residential Use Permit.

30-7.2.10.3.7 ✓ Automobile-oriented uses.

30-7.2.10.3.8 Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.4 (In C-D Districts), by rewording paragraphs 30-7.2.10.4.1, 30-7.2.10.4.2, 30-7.2.10.4.6 and 30-7.2.10.4.7, and by adding new paragraphs 30-7.2.10.4.11, 30-7.2.10.4.12, and 30-7.2.10.4.13, which paragraphs shall read as follows:

- 30-7.2.10.4.1 Gasoline stations.
- 30-7.2.10.4.2 Fast food restaurants.
- 30-7.2.10.4.6 Automobile laundries (car washes).
- 30-7.2.10.4.7 Vehicle sales, rental and service establishments.
- 30-7.2.10.4.11 Quick service food stores.
- 30-7.2.10.4.12 ✓ Automobile-oriented uses.
- 30-7.2.10.4.13 Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact) Subsection 30-7.2.10.6 (In C-G Districts), to read as follows:

- 30-7.2.10.6.4 ~~Vehicle sales, rental and service establishments.~~
- 30-7.2.10.6.15 Fast food restaurants.
- 30-7.2.10.6.20 Automobile laundries.
- 30-7.2.10.6.21 Quick service food stores.
- 30-7.2.10.6.22 ✓ Automobile-oriented uses.
- 30-7.2.10.6.23 Gasoline stations.
- 30-7.2.10.6.24 Repair garages.
- 30-7.2.10.6.25 Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.7 (In I Districts), by rewording paragraphs 30-7.2.10.7.1, 30-7.2.10.7.5, and by adding new paragraphs 30-7.2.10.7.6, 30-7.2.10.7.7, 30-7.2.10.7.8, 30-7.2.10.7.9, 30-8.2.10.7.10 and 30-7.2.10.7.11, which paragraphs shall read as follows:

- 30-7.2.10.7.1 Gasoline stations.
- 30-7.2.10.7.5 Automobile laundries (car washes)
- 30-7.2.10.7.6 ✓ Automobile-oriented uses.
- 30-7.2.10.7.7 Fast food restaurants.
- 30-7.2.10.7.8 Quick service food stores.

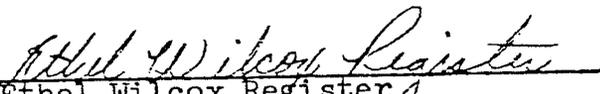
- 30-7.2.10.7.9 Repair garages.
30-7.2.10.7.10 ✓ Vehicle sales, rental and service establishments.
30-7.2.10.7.11 Drive-in banks.

Amend Article VII (Special Permits) Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.8 (Specific Requirements in Group X) by adding a new third paragraph to read as follows:

Gasoline stations, automobile laundries, fast food restaurants, quick service food stores, repair garages, vehicle sales, rental and service establishments, drive-in banks and automobile-oriented uses shall be permitted subject to the following specific requirements.

- a. Special permits shall be heard and decided only by the Board of Supervisors.
- b. Where a free-standing sign is permitted by the provisions of Article XVI of this Chapter, the height and area of such sign shall be subject to approval of the Board of Supervisors in connection with the Special Permit.
- c. Gasoline station pump islands may be setback only twenty-five feet (25') from the right-of-way line of any street; provided the gasoline station building meets the required front setback required by the district.

GIVEN under my hand this 11th day of July, 1977.


Ethel Wilcox Register
Clerk to the Board

1980



Far NW

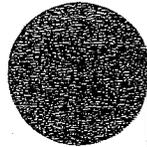
1986

NW



1988





VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

BENTLEY PROPERTIES, LLC, <i>et al.</i> ,	:	
	:	
Petitioners,	:	
	:	
v.	:	CASE NO. CL-2009-0006589
	:	
BOARD OF ZONING APPEALS OF	:	
FAIRFAX COUNTY, VIRGINIA, <i>et al.</i> ,	:	
	:	
Respondents.	:	

FINAL ORDER

THIS CAUSE came before the Court on November 20, 2009, for a hearing upon the Writ of Certiorari filed in this case by the Petitioners, Bentley Properties, LLC ("Bentley"), and Papermoon-Springfield, Inc. ("Papermoon") (collectively, "Petitioners"), against Respondent the Board of Zoning Appeals of Fairfax County, Virginia ("BZA"); and

IT APPEARING TO THE COURT that the Board of Supervisors of Fairfax County, Virginia ("Board"), and Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), were permitted to intervene in this case as Respondents pursuant to an Order of this Court entered on July 9, 2009; and

IT FURTHER APPEARING TO THE COURT that the property at issue in this case is located at 6315 Amherst Avenue, Springfield, Virginia (Tax Map No. 80-4((1)) parcel 9) ("subject property"), which is owned by Bentley and occupied by a commercial nudity establishment operated by Papermoon; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator issued a Notice of Violation to the Petitioners on December 2, 2008 ("Notice of Violation"), determining that the Petitioners were in violation of Fairfax County Zoning Ordinance

1 cc Δ 11-20-09

("Zoning Ordinance") §§ 18-701 and 15-103 for violating the terms of a Non-Residential Use Permit No. A-0599-08 ("Non-RUP") issued on June 2, 2008, and for expanding the existing nonconforming use on the subject property by allowing more than 104 persons to occupy the club operated Papermoon; and

IT FURTHER APPEARING TO THE COURT that the Petitioners thereafter appealed the Notice of Violation to the BZA, and on April 7, 2009, the BZA affirmed the determinations of the Zoning Administrator in the Notice of Violation; and

IT FURTHER APPEARING TO THE COURT that the Petitioners thereafter filed a Petition for Writ of Certiorari in this Court pursuant to Va. Code Ann. § 15.2-2314 (2008), the BZA duly returned the record of its proceedings to the Court, and the Court held a hearing upon the issues presented in the Petition for Writ of Certiorari on November 20, 2009; and

IT FURTHER APPEARING TO THE COURT that the decision of the BZA on April 7, 2009, should be affirmed and all of the orders, requirements, decisions, and determinations of the Zoning Administrator in the Notice of Violation should be affirmed; now, therefore, it is

ADJUDGED and ORDERED as follows:

1. The April 7, 2009, decision of the BZA in Appeal Application No. A 2008-LE-073 is affirmed.
2. The orders, requirements, decisions, and determinations set forth in the December 2, 2008, Notice of Violation of the Zoning Administrator to the Petitioners are affirmed. The Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated Zoning Ordinance § 18-701 by allowing more than 104 persons to occupy the club operated by Papermoon contrary to the explicit terms of the Non-RUP. Further, the Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated

Zoning Ordinance § 15-103 by allowing more than 104 persons to occupy the commercial
nude establishment on the subject property and by expanding the parking areas on the subject
property, thereby unlawfully expanding such nonconforming use.

AND THIS CAUSE IS FINAL.

ENTERED this 20 day of Nov 2009.

Gayora Finch

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By *Elizabeth D. Teare*
Elizabeth D. Teare (VSB No. 31809)
Senior Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
Counsel for the Respondents, Board of Supervisors of
Fairfax County, Virginia, and Eileen M. McLane,
Fairfax County Zoning Administrator

~~SEEN:~~ SEEN AND OBJECTED

REES BROOME PC

By *Patrick M. Via*
Patrick M. Via (VSB No. 28181)
8133 Leesburg Pike, Ninth Floor
Vienna, Virginia, 22182
Phone: (703) 790-1911; Fax: (703) 848-2430
Counsel for the Petitioners, Bentley Properties, LLC,
and Papermoon-Springfield, Inc.

A COPY TESTE:
JOHN T. FREY, CLERK

BY: *Alisa Grayson*
Deputy Clerk

Date: 11/20/09
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia