

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit for the continuation of live entertainment for Lela, LLC DBA Bey, located at 303 Mill St NE, in the CM, Limited Industrial zone. Application for renewal filed by Rawad Hasrouni, owner.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on November 15, 2017 for a Conditional Use Permit from Sections 18-209 to 216 of the Vienna Town Code. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. The subject property is situated on the eastern side of Mill Street NE, near the intersection of Mill Street NE and Ayr Hill Avenue NE. The current property owner is listed in Fairfax County Tax records as William and Judith Weber. This 27,400 square foot property is zoned CM, Limited Industrial and currently has four separate tenant suites. The Wooden Bakery occupies suite A, Wooden Café/Bey Lounge occupies suite B, Persico Rugs occupies suite C and Billy Webber Tire occupies suite D.
- B. Currently, suites A and B are leased and operated as one entity. Suite A, The Wooden Bakery, must be open to serve food in order to meet their Virginia Department of Alcoholic Beverage Control alcohol to food ratio requirements while the adjoining business, Wooden Café/Bey Lounge operates as a café/bar.
- C. In October 2015, an occupancy permit was issued to Lela LLC DBA Bey for a lounge/restaurant with a maximum seating capacity of 162 seats. In November 2015 the applicant requested a conditional use permit for live entertainment, which included belly dancing, jazz bands, live bands and DJ's. The conditional use permit was approved by the Board, subject to review after one year.
- D. In November 2016 the applicant requested renewal a conditional use permit for live entertainment, which included belly dancing, jazz bands, live bands and DJ's. The conditional use permit was approved by the Board, subject to review after one year.
- E. It was documented on June 1, 2017 that Bey Lounge was open past midnight, a violation to a condition of the 2016 BZA order. In July of 2017 the Town's Zoning Administrator requested that the Board of Zoning Appeals revoke the conditional use permit for live entertainment after it was discovered that the applicant had been violating the hours of operation condition. The item was deferred and scheduled on the November agenda for the Board of Zoning Appeals.

Conditional Use Permit for the continuation of live entertainment for Lela, LLC DBA Bey, located at 303 Mill St NE, in the CM, Limited Industrial zone. Application for renewal filed by Rawad Hasrouni, owner.
November 15, 2017

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

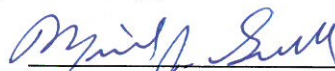
The Board voted 7-0 to approve the request for a Conditional Use Permit for continuation of live entertainment for Lela, LLC DBA Bey, located at 303 Mill St NE in the CM, Limited Industrial zone, with the following conditions:

1. All previous conditions from the November 2015 order still apply.
2. All previous conditions from the November 2016 order still apply.
3. The Board of Zoning Appeals granted an addendum to the above previous conditions that between the hours of 11pm to 2am Friday and Saturday all noise cannot exceed 51 decibels at the back property line of Bey Lounge facing the residences.
4. This CUP is good for 6 months. At the end of the 6 months, there is a required re-application for a continued CUP for live entertainment.

If the terms and conditions are not met, then this order may be revoked per the Town Code Section 18-209 to 216.

The Board supported the application because; it felt the issue of the hours of operation violation was corrected. The fighting that occurred happened after the hours of operation and was out of the applicant's control. The Board also found that the noise is not a product of only the live entertainment. They decided that if DJ's replaced live entertainment that the issue of noise will not be corrected nor put residents in a better position.

IT IS, THEREFORE, ORDERED, this 22nd day of NOVEMBER, 2017 that the application requesting approval of renewal of Conditional Use Permit from Section 18-209 to 216 of the Vienna Town Code for live entertainment at Bey Lounge located at 303 Mill St, in the CM Limited Industrial zone. Application for renewal filed by Rawad Hasrouni, owner of Lela LLC DBA Bey Lounge, to be approved.



Michael Gadell
Board of Zoning Appeals, Vice Chair
Town of Vienna