

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

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

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on November 16, 2016, for a conditional use permit in accordance with Sections 18-210S and 18-74B of the Code of the Town of Vienna, Virginia. 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:

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.

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.

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.

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

The applicant has taken steps to mitigate noise and has plans to continue to do so. There was no evidence that lead Board members to believe that noise issues were the direct result of live entertainment. It was also noted that without a numerical decibel limitation, the Town's current noise ordinance could be considered subjective.

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

1. The hours of operation be limited to midnight Sunday - Thursday and to 2:00 AM Friday and Saturday
2. The conditional use permit is conditioned upon the completion of recommendations dated November 7, 2016 from acoustic consultants Martin, Beam and Paganelli, or to make such reasonable attempts to limit noise as subject to Fire Marshall approval
3. The conditional use permit be valid for one year

IT IS, THEREFORE, ORDERED, this 23 day of November, 2016, that the application requesting a conditional use permit for the continuation of live entertainment for Lela, LLC DBA Bey, located at 303A Mill St NE and in the CM, Limited Industrial zone be approved as submitted.



Robert Petersen
Board of Zoning Appeals
Town of Vienna