



ARLINGTON COUNTY, VIRGINIA

**Board of Zoning Appeals Agenda Item
V-11130-16-APP-1
Meeting of May 11, 2016**

DATE: May 4, 2016

SUBJECT: V-11130-16-APP-1. Zoning Administrator Decision to issue a Certificate of Occupancy for a retail sales use to a gun store in the C-1 zoning district.

APPLICANTS:

Julia Young
3003 4th St N.
Arlington, VA 22201

Emily Hughes
800 N. Barton Street
Arlington, VA 22201

Bernadette Brennan
2816 1st Road North
Arlington, VA 22201

Grace Chan

Nathan Guerrero
207 N. Oakland Street
Arlington, VA 22203

ISSUE: Appeal of an approval of a Certificate of Occupancy permit for a retail firearms store. Retail uses are permitted in the C-1 zoning district. Appellants believe the application for the Certificate of Occupancy contains false and misleading information and therefore the permit was issued in error.

ADDRESS: 2300 Pershing Drive
Unit 2B
Arlington, Virginia 22201

RPC: 18-058-025

ZONING: C-1

Staff: Arlova J. Vonhm, Acting Zoning Administrator
V-11130-16-APP-1

PROPERTY SIZE: **Retail tenant space = 903 square feet**

PREVIOUS BZA ACTION: None.

RECOMMENDATION: That the Board of Zoning Appeals make the findings in the attached resolution and determine that the Certificate of Occupancy permit authorizing use of Unit 2B of the building located at 2300 Pershing Drive for the retail sale of firearms was properly issued.

APPEAL SUMMARY: This is an appeal of a Certificate of Occupancy permit granted by the Acting Zoning Administrator dated February 25, 2016 to permit the establishment of a retail store for the sale of firearms by Broadstone Security, LLC at 2300 N. Pershing Drive.

ORDINANCE AND CODE PROVISIONS:

Code of Virginia Provisions: See Attachment 1

Arlington County Zoning Ordinance: See Attachment 2

BACKGROUND: On January 20, 2016, the Zoning Office received an application for a Certificate of Occupancy ("CO") permit for a retail store in Suite 2B of an existing building located at 2300 N. Pershing Drive. The subject property is located in the C-1 Local Commercial zoning district. The "C-1" district permits retail and office uses by-right.

The application lists the nature of the business as "Retail skeet/trap, firearms, and accessory sales". The application indicates the size of the space as 903 square feet and use of the space as retail. The applicant's name is listed as Dennis Pratte and the Trade/Legal Name is Broadstone Security, LLC dba Old Town Arms. The store is operating under the fictitious trade name, Nova Armory.

Pursuant to the permitted uses authorized in the "C-1" zoning district, the Zoning Administrator approved the CO permit (#CO1600034) to Broadstone Security, LLC to allow use of Suite 2B of the existing building at 2300 N. Pershing Drive for retail purposes on February 25, 2016.

APPELLANTS' POSITION: The Appellants object to the issuance of the CO permit on the grounds that it is not compliant with other County laws and ordinances and contains false information. The appellants further claim that the Zoning Administrator failed to investigate if the applicant received approvals from federal licensing agencies or if there would be hazardous materials stored on site. Finally, the appellants claim that the Zoning Administrator did not receive accurate information regarding ownership of the premises.

The appellants' appeal application is attached hereto.

(ACTING) ZONING ADMINISTRATOR'S POSITION: Section 17.1.B. of the Zoning Ordinance grants the Zoning Administrator with the ability to void, or revoke, a permit if issued "upon a false statement of any fact which is material to the issuance thereof". The Appellants claim that the applicant has provided materially false information on the application by listing his own name, Dennis Pratte, rather than that of his sixteen year old daughter, who is the true owner of the business. The appellant's claim that the daughter is the true owner of the business appears to be based on statements made by the applicant during a Washington Post interview. These statements were made after the CO was issued. Mr. Pratte has clarified in subsequent media interviews that he is training his daughter to take over the business, but that he remains the principal

on all leases, permits, and legal documents. Since a sixteen year old minor is incapable of entering into contracts, and since Mr. Pratte is indeed listed as the principal for Broadstone Security, LLC on all documentations from the Virginia State Corporation Commission, the Zoning Office does not consider his name on the CO application as a false statement of material fact. Mr. Pratte's intentions with regard to his daughter's role in the business were expressed outside of the County's CO review and were not considered facts material to the issuance of the permit.

Next, the appellants claim that the applicant's description of the use as retail is false. Their claim is based on language on a website for NOVA Armory announcing the future opening of the subject store and advertising "wholesale pricing". Based on this language, the appellants claim that NOVA Armory is operating a wholesale, rather than retail, business in contravention of the CO application. Section 12.2.5 of the Zoning Ordinance contains descriptions of all of the use categories. Retail uses are characterized as companies or individuals selling products and services to the general public. Examples include stores selling, leasing or renting consumer, home and business goods. Alternatively, wholesale trade uses refer to businesses that sell, lease, or rent products to other industrial, institutional, agricultural, or commercial businesses, with limited sales to the general public. Examples include lumber yards and the sale or rental of heavy trucks and machine parts. While the applicant's website advertises wholesale pricing, this appears to be an advertisement of advantageous pricing to retail consumers, rather than a statement of intention to engage in wholesale trade. This marketing language was not sufficient to reclassify the operation of the use as wholesale, particularly when it had not yet opened. At the time the CO permit was issued, there was no factual information indicating the intended use of the subject property was for something other than retail purposes.

Next, the appellants claim that the CO should be revoked because it was issued to the wrong entity, because the store is called NOVA Armory, but the application was issued to Dennis Pratte and Broadstone Security, LLC. The subject application was made by Dennis Pratte for a business with a trade/legal name of Broadstone Security, LLC dba Old Town Arms. The Zoning Ordinance does not prohibit the use of fictitious trade names, which is a common practice for retail businesses. A search of the Virginia State Corporation Commission confirmed that Broadstone Security, LLC is a registered corporation in Virginia, and Dennis Pratte is a named principal of the LLC (See Attachment 5). A search of Arlington County's Trade Name Registration database indicates Dennis Pratte as the name of the business owner/registered agent for Broadstone Security, LLC, with separate trade names of NOVA Armory and Old Town Arms (See Attachment 6). As such, the Zoning Office does not consider the use of a different, fictitious trade name to be a false statement of material fact sufficient to revoke the CO.

The appellants also argue that the CO permit should be revoked because the Zoning Administrator did not research whether or not the applicant was a valid holder of a Federal Firearms License. Given that the Zoning Administrator does not have the authority to enforce state or federal laws and regulations, the Zoning Office does not as a matter of general practice verify required compliance with state or federal licensure requirements for firearms store or any other type of business, including but not limited to stores selling or serving liquor, barber shops and nail salons, or stores selling tobacco products. The applicant is required to obtain and maintain all other approvals associated with the proposed use. Similarly, the applicant indicated on the application that hazardous materials would not be stored on site. The Certificate of Occupancy application contains questions that are relevant to both the Zoning Ordinance and other County codes. This question is required for assessing compliance with the Uniform Statewide Building Code and Arlington Fire Prevention Code, not the Zoning Ordinance. During the course of the CO review

process, County staff from the Inspection Services Division reviewed and signed off on this request, therefore this requirement was found to be met. The Zoning Administrator does not have the authority to enforce compliance with the building or fire codes. As such, the Zoning Administrator had no cause to withhold issuance or revoke the permit based on these reasons put forth by the appellants.

Lastly, the appellants claim that the CO permit should be revoked due to an inaccurate record of ownership of the premises. The County's permit system, Permits Plus, includes a variety of fields in which to enter data about the building, property, and/or project proposed for review. The amount of information provided, and subsequently updated, varies depending on the request. When the building was initially constructed, the property owner information was provided and entered in the system. Post construction, the property was subdivided into condominium units. Subsequent requests for building permits and certificates of occupancy were submitted by contractors or individual tenants and the property owner data was never updated. To add, as mentioned above, revocation of a CO permit should only occur if information material to its issuance was found to be false. Property owner information was not material to the review of the proposed land use or the issuance of the permit to authorize said land use on the subject property, therefore it would not be a valid reason for the Zoning Administrator to revoke it.

SUGGESTED RESOLUTION:

WHEREAS, the Board of Zoning Appeals ("BZA") has held a duly advertised public hearing on May 11, 2016, on case number V-11130-16-APP-1, an Appeal of the Zoning Administrator's Administrative Approval to approve a Certificate of Occupancy permit for a retail firearms store; and

WHEREAS, the BZA finds that the Zoning Administrator's approval of Broadstone Security, LLC's Certificate of Occupancy for a firearms store was valid and correct.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby: **affirms and upholds** the Zoning Administrator's issuance of Broadstone Security, LLC's Certificate of Occupancy permit for a retail firearms store at 2300 N. Pershing Drive.

ALTERNATIVE RESOLUTION:

WHEREAS, the Board of Zoning Appeals ("BZA") has held a duly advertised public hearing on May 11, 2016, on case number V-11130-16-APP-1, an Appeal of the Zoning Administrator's Administrative Approval to approve a Certificate of Occupancy for a retail firearms store at 2300 N. Pershing Drive; and

WHEREAS, the BZA finds that the Zoning Administrators approval of the retail firearms store for Broadstone Security, LLC was invalid and incorrect.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby: **reverses** the Zoning Administrator's issuance of Broadstone Security, LLC's Certificate of Occupancy permit for a retail firearms store at 2300 N. Pershing Drive.

ATTACHMENTS

1. Code of Virginia Provisions
2. Arlington County Zoning Ordinance Provisions
3. Copy of Certificate of Occupancy Application dated 1/20/16
4. Copy of Certificate of Occupancy issued 2/25/16
5. Certificate of Organization
6. Copy of Arlington County Trade Name Registration Database Search
7. Appeal Application
8. Site Map
9. Site Photographs

ATTACHMENT 1

RELEVANT PROVISIONS FROM THE CODE OF VIRGINIA

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

§15.2-2311. Appeals to board.

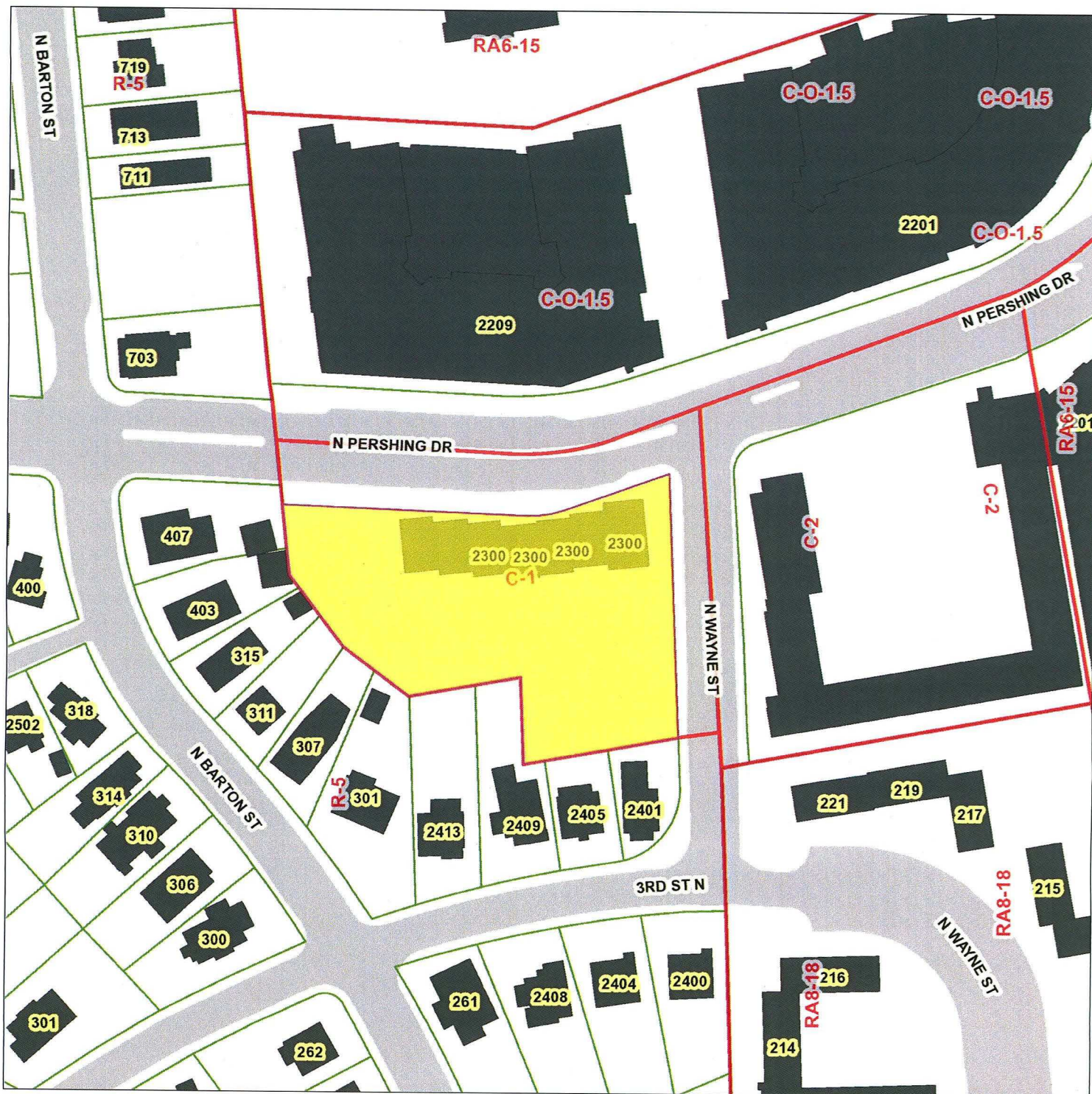
A. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to § 15.2-2286. Notwithstanding any charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

C. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case

where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

§15.2-2312. **Procedure on appeal.** The board shall fix as reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, **wholly or partly**, or **may modify**, an order, requirement, decision or determination, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. (Emphasis added).



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2300 North Pershing Drive

RPC# 18-058-011, 18-058-27--035, 18-058-024--026

Note: These maps are for property location assistance only. They may not represent the latest survey and other information.

Department of Community Planning, Housing and Development



 Case Location(s)

Scale: 1: 1,200.00

County Use Only
Date Placard Posted _____
By _____
Removed _____

ATTACHMENT 1

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1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

§15.2-2311. Appeals to board.

A. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to § 15.2-2286. Notwithstanding any charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

C. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case

where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

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ATTACHMENT 2

ARLINGTON COUNTY ZONING ORDINANCE PROVISIONS

Article 7. Commercial/ Mixed Use (C) Districts

§7.1. Commercial/Mixed Use (C) Districts Use Tables

§7.1.1. General

The use tables of this section list all uses allowed within C districts, and is subject to the explanations set forth below.

§7.1.2. Commercial/mixed use (C) districts principal use table

Table §7.1.2 lists the principal uses allowed within the C districts.

A. Permitted uses

A "P" indicates that a use is permitted by-right and may be approved administratively in the respective general district subject to all other applicable requirements of this zoning ordinance, including the specific use standards in Article 12 and the site development standards of Article 13 and Article 14. Subject to density and dimensional standards in the subject district or as approved by use permit or site plan, all uses permitted by-right may also be approved administratively in buildings controlled under use permit or site plan, except where expressly prohibited by use permit or site plan conditions for the subject property or where the subject property is expressly approved only for a specific use or uses.

B. Use permit approval required

A "U" indicates a special exception use that may be allowed subject to approval of a use permit as provided in §15.4. The Zoning Administrator may require a use permit for such use, whether the use is located in a building approved administratively or whether located in a building controlled by use permit or site plan. Uses allowed by use permit are subject to all other applicable requirements of this zoning ordinance, including the specific use standards in Article 12 and the site development standards of Article 13 and Article 14.

C. Site plan approval required

An "S" indicates a special exception use that may be allowed more flexibility in development form and density subject to site plan approval as provided in §15.5. Site plan uses are subject to all other applicable requirements of this zoning ordinance to the extent not modified through the site plan approval, including the specific use standards in Article 12 and the site development standards of Article 13 and Article 14.

D. Site plan and use permit approval required

A "C" indicates a special exception use that may be allowed subject to approval of a use permit as provided in §15.4, only in buildings controlled by site plan. Uses allowed by use permit are subject to all other applicable requirements of this zoning ordinance, including the specific use standards in Article 12 and the site development standards of Article 13 and Article 14.

E. Uses not allowed

A blank cell (one without a "P", "U", "S" or "C") in the use table indicates that a use is not allowed in the respective district. Uses not listed may be allowed pursuant to the similar use determination procedure of §12.2.2.

F. Use standards

The final “use standard” column on the use table contains references use standards that apply to the listed use types. The uses standards in Article 12 apply to more than one district. Where use standards apply exclusively to a specific district(s), such standards are listed in the respective district(s) regulations.

G. Accessory and temporary uses

The regulations that apply to accessory and temporary uses are contained in §12.9 and §12.10.

H. Use categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective use categories.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
	Specific Use Types	RA-4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-Q	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
Residential Use Categories (See §12.2.3)																					
Household Living (See §12.2.3.A)	One-family detached	P	P		P	P	P		P	P	P	P	P	P	P		P	P	P	P	
	Duplexes	P S	P S		P S													P			
	Semidetached	P S	P S		P S													P			
	Multiple-family	P S	S	P S	P S			S		S	S	S	S	S	S	S		P		P S	
	Townhouses	P		P S	P																
	Townhouse, semidetached and existing one-family	S	S		S																§12.3.4
Group Living (See §12.2.3.B)	Dormitories	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.3
	Fraternity and sorority houses	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.5
	Group homes	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.6
	Nursing homes									S	S	S									
Public, Civic and Institutional Use Categories (§12.2.4)																					
Colleges (See §12.2.4.A)	Colleges and universities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		U	U	
	Trade or commercial school	S			S					S	S	S	S	P	S	S	P	P	P	S	
Community Service (See §12.2.4.B)	Community centers	U	U	U P	U	U	U		U	U	U	U	U	U	U	U	U		U	U	
	Community swimming pool	U	U	U	U	U	U		U	U	U	U	U	U	U	U	U		U	U	§12.4.8
	Libraries	U	U	U P	U	U	U		U	U	U	U	U	U	U	U	U		U	U	
	Museums and art galleries or studios	U	U	U P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	Recreation centers	U	U	U	U	U	U		U	U	U	U	U	U	U	U	U		U	U	§12.4.6
Day Care (See §12.2.4.C)	All day care uses	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.4.1

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE		RA-4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-0	C-0-1.0	C-0-1.5	C-0-2.5	C-0	C-0-A	C-0 ROSSLYN	C-0 CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
Specific Use Types																					
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
Governmental Facilities (See §12.2.4.D)	Fire and police stations	U	U	P	U		U	P	U	U	U	U	U	P	U	U	P	P	P	U	
Hospital (See §12.2.4.E)	Hospitals	U	U	U	U	U		U	S	S	U	U	U	U	U	U			U	U	
Parks and Open Space (See §12.2.4.F)	Cemeteries	U	U	U	U	U		U	U	U	U	U	U	U	U		U		U	U	
	Country clubs and golf courses	U	U	U	U	U		U	U	U	U	U	U	U	U		U		U	U	
	Parks, playgrounds and playfields	U	U	U	U	U		U	U	U	U	U	U	U	U		U		U	U	
Passenger Terminals and Services (See §12.2.4.G)	Airports and aircraft landing fields	U	U	U	U	U		U	U	U	U	U	U	U	U		U		U	U	
	Bus, trolley, air, boat and rail passenger terminals	U	U	U	U	U		U	U	U	U	U	U	U	U		U		U	U	§12.4.4
Religious Institutions (See §12.2.4.H)	Churches, mosques, synagogues, and temples	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools (See §12.2.4.I)	Schools, elementary, middle and high	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.4.1
Social Service Institutions (See §12.2.4.J)	All social service institutions except those of a corrective nature	U	U		U	U	U	U	U	U	U	U	U	U	U	U	U		U	U	
Utilities, major (See §12.2.4.K)	All major utilities	U	U	U	U	U	P	U	U	U	U	U	U	U	U	U	U	P	U	U	§12.4.9
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	All other minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Retail, Service and Commercial Use Categories (See §12.2.5)																					
Food Establishments (See §12.2.5.B)	Catering establishment, small scale	S	S		S		P		S	S	S	S	P	S	S	P	P	P	S		
	Food delivery services	C	C		C		U	U	C	C	C	C	U	C	C	U	C	U	U		
	Restaurants, general	S	S		S	P	P	P	S	S	S	S	P	S	S	P	P	P	P		§12.5.22
	Restaurants, limited	S	S		S	P	P		S	S	S	S	P	S	S	P	P	P	P		§12.5.23
Entertainment (See §12.2.5.A)	Game arcades	C	C		C		U	U	C	C	C	C	U	C	C	U	U	U			
	Movie or other theaters	S	S		S		P		S	S	S	S	P	S	S	P	P	P	P		
	Membership clubs and lodges	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		U	U		§12.5.13
	All other indoor entertainment uses	S	S		S		P		S	S	S	S	P	S	S	P	P	P	S		
Office (See §12.2.5.C)	Audio-visual production studio	C			C		U		C	C	C	C	U	C	C	U	C	U	C		
	College operated as a commercial enterprise	S			S		P		S	S	S	S	P	S	S	P	P	P	S		
	Financial services	S			S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Offices, federal, state and local	U	S	U	U	U	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Offices or clinics, medical or dental	U	U	U	U	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§12.5.16
	Offices, business and professional		S				P	P	P	P	P	P	P	P	P	P	P	P	P		

§7.1.2 COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
	Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
Overnight Accommodations (See §12.2.5.D)	Bed and breakfasts	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.5.3
	Hotels or motels			S	S			P S		S	S	S	S	P S	S	S	P	P	P	P	§12.5.11
Parking, Commercial (See §12.2.5.E)	All commercial parking						U	P						U P			U P	U P	U P	U	§12.5.4
Recreation, Indoor (See §12.2.5.F.2(a))	Billiard or pool halls							U												U	
	Bowling alley	C	C		C					C	C	C	C	U	C	C	U	U	U	C	
	Driving ranges																	U			
	Miniature golf courses																	U			
	Skating rink	C	C		C			U		C	C	C	C	U	C	C	U	C	U	C	
	Swimming pool	S	S		S			P		S	S	S	S	P	S	S	P	P	P	P	
	Tennis, racquet or handball courts	C	C		C		U	U		C	C	C	C	U	C	C	U	U	U	U	
Recreation, Outdoor (See §12.2.5.F.2(b))	Driving ranges																	U			
	Miniature golf courses	C	C		C					C	C	C	C	U	C	C	U	U	U	U	
	Skating rinks	C	C		C			U		C	C	C	C	U	C	C	U	C	U	C	
	Tennis, racquet or handball courts	C	C		C		U	U		C	C	C	C	U	C	C	U	C	U	U	
	Swimming pool	C	C		C					C	C	C	C	U	C	C	U	C	U	C	
	All other outdoor entertainment	C	C		C		U	U		C	C	C	C	U	C	C	U	U	U	U	
Retail, Sales (See §12.2.5.G.2(a))	Bakeries	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.21
	Drug stores	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.5
	Florist or gift shops	S	S		S		P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.8
	Grocery stores, convenience	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.9
	Grocery stores	S	S		S		P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.10
	Kiosks					U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.5.12
	Meat or fish markets, and delicatessens	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.21
	Large-format retail						U	U						U			U		U	U	
	Newsstands	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.21
	Nursery, flower or plant stores	S	S		S			P		S	S	S	S	P	S	S	P	P	P	S	§12.5.15
	Open-air markets					U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.5.17
	Secondhand stores	S	S		S		P	P	S	S	S	S	S	P	S	S	P	U	P	P	§12.5.24
	All other retail sales uses	S	S		S		P	S		S	S	S	S	P	S	S	P	P	P	P	§12.5.21
Retail, Personal Service (See §12.2.5.G.2(b))	Animal care facilities, veterinary clinics, animal hospitals	S	S		S			P		S	S	S	S	P	S	S	P	P	P	U	§12.5.2
	Athletic or health clubs	S	S		S		U	U		S	S	S	S	P	S	S	P	U	P	U	§12.5.20
	Barbershop or beauty parlor	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	
	Branch banks	S	S		S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Dance studio	S	S		S			U		S	S	S	S	P	S	S	P	U	P	U	§12.5.20
	Dry-cleaning, laundry and laundromat	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.6

conducted within an enclosed building.

(b) Outdoor recreation

Examples of outdoor recreation uses include amusement parks; batting cages; dog or horse tracks; fairgrounds; golf driving ranges, miniature golf facilities; riding academies or boarding stables; stadiums and arenas; tennis and racquetball courts; and water parks.

3. Accessory uses

Associated offices; concessions; food preparation and dining areas; maintenance facilities; parking; and restaurants.

4. Use not included

Botanical gardens; nature preserves; golf courses or country clubs (see Parks and Open Areas).

G. Retail

1. Characteristics

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal or repair services to the general public.

2. Examples

(a) Sales

Examples of retail sales include kiosks, second-hand stores; open air markets; farm stands; and stores selling, leasing or renting consumer, home and business goods including alcoholic beverages; appliances; art and antiques; art supplies; auto supplies; baked goods; bicycles; books, stationery, cards; cameras; carpet and floor coverings; crafts; clothing; computers; convenience goods; dry goods; electronic equipment; fabric; flowers; furniture; garden supplies; groceries; hardware; home improvements; household products; jewelry; liquor; meat, fish, produce, beverages and/or specialty foods; medical supplies; musical instruments; pet food and/or pets; pharmaceuticals; picture frames; office supplies and equipment; plants; printed material; sporting goods; stationery; tobacco and related products; and vehicle parts.

(b) Personal service

Examples of personal service retail include animal care facilities, veterinary clinics, animal hospitals; animal grooming; athletic or health clubs; branch banks; bike shops; body art studios; business services; dance, art, fitness/wellness, gymnastic or music studios or classes; doggie day care; dry-cleaning, laundry and laundromat; hair, nail, tanning, day spa and personal care services; mortuaries and funeral homes; music conservatory or music instruction; pawnshops; photocopy, blueprint and quick-sign services; photographic studios; psychics and mediums; private postal services; security services; taxidermists; urgent care or emergency medical offices; and technical equipment and support services.

(c) Repair-oriented

Examples of repair-oriented retail sales and service include locksmiths; repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions and watches; tailors and

milliners; and upholsterers.

3. Accessory uses

Accessory uses include associated offices; crematorium; food preparation and dining areas; manufacture or repackaging of goods for on-site sale; parking; parking lot/sidewalk sales; production services; and storage of goods.

4. Uses not included

Adult entertainment; large-scale catering (see Light Industrial Service); carpet cleaning plants (see Light Industrial Service); lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (see Wholesale Trade); office or clinic, medical and dental (see Office); repair and service of motor vehicles, motorcycles, recreational vehicles, boats, and light and medium trucks (see Vehicle Sales and Service); restaurants (see Food Establishments); sale or rental of machinery, equipment, heavy trucks, building supplies and lumber, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures (see Wholesale Trade).

H. Self-service storage

1. Characteristics

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

2. Examples

Typical uses include mini-warehouses; and self-storage warehouses.

3. Accessory uses

Accessory uses include leasing offices; outside storage of boats and campers; and single residential unit for security purposes.

4. Uses not included

Rental of light or medium trucks (see Vehicle Sales and Service); storage areas used as manufacturing uses (see Light Industrial Services); storage areas used for sales, service and repair operations (see Retail Sales and Service); transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

I. Vehicle sales and service

1. Characteristics

Direct sales of and service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

2. Examples

Examples of vehicles sales and service include fuel stations; body shops, auto paint shops, upholstery shops; auto detailing, auto repair, battery sales and installation, quick lubrication facilities, tire sales and mounting, car washes; vehicle sales, rental, or leasing facilities, including passenger vehicles, motorcycles, light and medium trucks, boats and other recreational vehicles.

manufacture and production of goods from composting organic material; recycling centers; solid or liquid waste transfer; separation and disposal facilities, including incinerators; and wrecking or salvage yard.

3. Accessory uses

Accessory uses include offices, parking, on-site refueling and repair, recycling of materials, and repackaging and shipment of by-products.

4. Uses not included

Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight Movement).

F. Wholesale trade

1. Characteristics

Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, agricultural, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Examples

Examples of wholesale trade include lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation; beverage distribution facilities; mail-order houses; sale or rental of machinery, equipment, heavy trucks, building supplies and lumber, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; wholesale of food, clothing, auto parts and building hardware.

3. Accessory uses

Accessory uses include cafeterias, child care, minor fabrication services, offices, parking, product repair, repackaging of goods, single residential unit for security purposes, and warehouses.

4. Uses not included

Stores selling, leasing, or renting consumer, home and business goods (see Retail Sales and Service); warehouse and freight movement uses (see Warehouse and Freight Movement).

§12.2.7. Other use categories

A. Agriculture

1. Characteristics

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

2. Examples

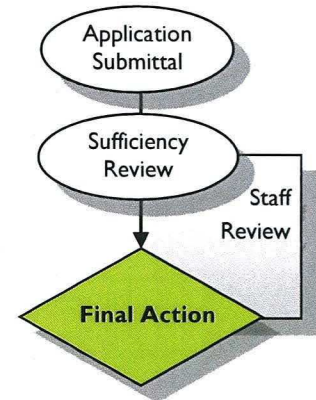
Animal boarding, outdoor; animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals; apiculture, aquaculture, dairying, personal or commercial animal breeding and development; community garden;

- B. The zoning administrator may provide a written statement of the current classification of a property, the uses permitted in said classification, and verification of compliance with the Zoning Ordinance.

§15.2. Certificates of Occupancy

§15.2.1. General

Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law and of county ordinances and regulations. No occupancy, or change of occupancy, use or change of use of any land or building shall take place until a certificate of occupancy shall have been issued by the zoning administrator. This provision shall include a new building, an existing building which has been altered, a change in ownership of buildings other than one- or two-family dwellings, a conversion to condominiums or cooperatives, the use of vacant land, a change in the use of land or of a building, change in a nonconforming use, and short term uses. Said certificate shall be issued within 10 days after a written request for the same has been made to the zoning administrator, provided it has been determined that such occupancy, use, erection or alteration of such building or land or part thereof has been completed in conformity with the provisions of this zoning ordinance.



§15.2.2. Certificates of occupancy types

A. Type i. Flat fees

Swimming pools; parking lots; vehicle sales, rental or leasing facilities; accessory dwellings; uses not elsewhere specified.

B. Type ii. Residential, commercial, office, hotel and industrial buildings

1. Master certificate of occupancy

A master certificate of occupancy (M.C.O.) shall be required for the entire building and site work. Except for certificates for shell and core and partial occupancy, as defined in subsections 2 and 3, below, no other certificate of occupancy is required if the M.C.O. can be approved and issued prior to any occupancy of the building. A request for a certificate for partial occupancy of a building may be made after the filing of the applications for the M.C.O. and the certificates of occupancy described in subsection 2, below, have been issued, if applicable.

2. Shell and core certificate for elevator buildings

Prior to any approval of a request for a certificate for partial occupancy of any new elevator building or a multiple-family dwelling with elevator(s) converting to condominiums or a cooperative, the owner shall have filed a request for a master certificate of occupancy and shall have been issued a certificate of occupancy for the shell and core of the building. No shell and core certificate of occupancy shall be issued until the building support systems such as the fire alarm system, elevators, restrooms, ventilating system and exit-ways have been inspected and approved.

3. Certificate for partial occupancy

A request for a certificate for partial occupancy of a multiple-family dwelling or hotel and tenant space for an office, commercial or industrial building may be made; however, no certificate for partial occupancy shall be issued unless the space is approved for occupancy and the master certificate of occupancy or the shell and core certificates of occupancy for the building have been issued.

C. Type iii. Parking structures

Parking structures not associated with other uses.

D. Type iv. Activities and short-term activities of nonprofit organizations

County owned, operated and/or sponsored facilities and activities and short-term activities of nonprofit organizations

E. Type v. Family day care homes

Family day care homes for one to nine children.

Article 17. Violations, Enforcement and Penalties

§17.1. Violations

- A. Any building erected or improvements constructed contrary to any of the provisions of this zoning ordinance and any use of any building or land which is conducted, operated or maintained in a manner that is not in compliance with any of the provisions of the ordinance or in a manner not in compliance with any permit, detailed statement or plan approved under the provisions of this zoning ordinance shall be and the same is hereby declared to be unlawful.
- B. It shall constitute a violation of this zoning ordinance for any person, firm or corporation, either owner, agent or occupant, to do any of the things for which a permit is required by this zoning ordinance without having first obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the zoning administrator, he shall forthwith revoke the same, by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any such person, firm or corporation who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this zoning ordinance shall be deemed guilty of violation thereof.
- C. It shall constitute a violation of this zoning ordinance for any person, firm or corporation, either owner, agent or occupant, to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of this zoning ordinance. Each day upon which the said violation shall continue shall constitute a separate violation.

§17.2. Enforcement

- A. This zoning ordinance shall be enforced by the zoning administrator. No building or other structure shall be erected, reconstructed, enlarged, moved or structurally altered without an appropriate permit therefore, and no structure shall be used, and the use of any land or building shall not be changed, without a certificate of occupancy therefore approved or issued by the zoning administrator. The zoning administrator shall under no circumstances approve or grant a permit or certificate of occupancy for the construction, alteration, use or change of use of any building or land if the building or land as proposed to be constructed, altered or used would be in violation of this zoning ordinance.
- B. If the zoning administrator finds that any of the provisions of this zoning ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any other action authorized by law to ensure compliance with, or to prevent violation of, its provisions.

§17.3. Civil Penalties

- A. Except in case of the violation of any provisions of this zoning ordinance listed in §17.3.3, any violation of the provisions of this zoning ordinance shall be deemed a civil violation

ATTACHMENT 3

COPY OF CERTIFICATE OF OCCUPANCY REQUEST DATED 1/20/16



Arlington County, Virginia
Department of Community Planning, Housing and Development
Zoning Division

DENNIS PRATTE
Permit #: CO1600034
CPHD Case #:

01/20/2016

CERTIFICATE OF OCCUPANCY APPLICATION

(Please read the back of this application before completing this form)



Important: Applicant must complete all the non-shaded areas, and mark where applicable.

Trade/ Legal Name	Name / Trade
Address to be inspected	Number and Street
	Zip

I. TYPE OF BUILDING	
<input type="checkbox"/> One-Family Dwelling	<input type="checkbox"/> Two-Family Dwelling
<input type="checkbox"/> Town Houses	<input type="checkbox"/> Apartments (Rentals)
<input type="checkbox"/> Condominiums	<input type="checkbox"/> Cooperatives
<input type="checkbox"/> Hotel	<input type="checkbox"/> Office Building
<input type="checkbox"/> Commercial/Retail	<input type="checkbox"/> Industrial Building
<input type="checkbox"/> Temporary Structure	<input type="checkbox"/> Other

II. USE OF BUILDING OR SPACE	
Previous Use	<u>RETAIL STOREFRONT</u>
Proposed Use	<u>RETAIL STOREFRONT</u>
Nature of Business	<u>RETAIL SKEET/TEAP, FIREARMS + ACCESSORY SALES</u>
Maximum Capacity (occupancy) assembly type uses	
<u>RETAIL SHOP</u> (ex: restaurants, churches, child care, etc)	<u>www.oldtownarms.com</u>

III. CONSTRUCTION WORK INVOLVED (if any):	
<input type="checkbox"/> New Building	<input type="checkbox"/> Alteration of an existing building
Neither of the above Building Permit #	

IV. AREA TO BE INSPECTED	
<input checked="" type="checkbox"/> Entire Building	Yes <input type="checkbox"/> No <input type="checkbox"/>
Gross Floor Area	<u>903</u> sq. ft. Garage Floor <u>0</u> sq. ft.
Gross Parking Area	<u>0</u> sq. ft.
Total # of Parking Spaces	<u>0</u>
Total # of Floors in Garage	<u>0</u> Total # of Units
Number of Floors	<u>0</u> Unit Numbers
Appliances Yes <input type="checkbox"/> No <input type="checkbox"/>	Pool Yes <input type="checkbox"/> No <input type="checkbox"/>

V. CERTIFICATE REQUESTED FOR:	
<input type="checkbox"/> Master Certificate of Occupancy (MCO) for a new or renovated building or conversion to a condominium, or cooperative.	<input type="checkbox"/> Shell & Core (S & C).
<input checked="" type="checkbox"/> *Partial Occupancy of a building.	<input type="checkbox"/> Change of ownership of a building.
<input type="checkbox"/> Change of use of a building space.	<input type="checkbox"/> Change in the use of a building space.
<input type="checkbox"/> *Condominium/cooperative unit to be sold.	<input type="checkbox"/> Condominium/cooperative unit to be rented
<input type="checkbox"/> Other	

VI. Does your business involve the storage, manufacture or processing of Hazardous materials (radioactive materials requiring approval of the Nuclear Regulatory Commission, gasoline, paint, etc)?	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Storage of hazardous waste materials is regulated by the Uniform Statewide Building Code and Arlington Fire Prevention Code.	
VII. Ready for inspection?	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
The premises described under this application are in compliance with law, ordinances and regulations, as determined by the inspections indicated.	

I, the Applicant, hereby certify that the information supplied on this application is true and correct to the best of my knowledge; and that any construction, alteration or repair has been performed in accordance with the applicable regulations and under a valid permit issued by Arlington County. I acknowledge receipt of the application instructions.	
Signature	Applicant name (Print)
<u>Dennis Pratte</u>	<u>Dennis Pratte</u>
	On Site Contact Person (if not the applicant)
	<u>Dennis Pratte</u>
	Address
	<u>903 Ridge Dr. McLean, VA 22101</u>
	Phone
	<u>202-615-5554</u>

VIII. ADDITIONAL INFORMATION:	
<input type="checkbox"/> Use Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Site Plan Approval	
IX. ZONING:	
Zone	<u>C-1</u> Zoning Fees <u>354.09</u>
Receipt No.	<u>1210000990</u> Date <u>1/20/16</u>
X. APPROVED BY	
Building Electrical Mechanical Plumbing E. H. B Elevator Fire Prevention Child Care Final Survey Bus, Inspection DES	Initials <u>CDV</u> Date <u>2-23-16</u>
XI. Building Official	
Signature <u>Dennis Pratte</u>	Date <u>2-25-16</u>

Revised 8/13

GENERAL INFORMATION

Paragraph §15.3, Arlington County Zoning Ordinance, and Section 117, Virginia Uniform Statewide Building Code (VUSBC), state that no occupancy or change of occupancy, use or change of use of any land or building shall take place until a Certificate of Occupancy has been issued. This Certificate shall state that the building or proposed use of the building or land complies with all provisions of law and all country ordinances and regulations. Therefore all construction work, alterations, remodeling, or repair must be done under permits issued by the Inspection Services Division. All safety regulations, Department of Human Services regulations, and Public Works Department must be complied with.

"NO" OCCUPANCY OR USE IS PERMITTED UNTIL THE CERTIFICATE APPLIED FOR UNDER THIS APPLICATION HAS BEEN ISSUED

I. GENERAL

- A. Read instructions **carefully**. Erroneous information will result in delays in the issuance of a Certificate of Occupancy.
- B. **Applications must be accompanied by a check for the full fee at the time of application, made payable to Treasurer of Arlington County, and must be hand-delivered or mailed to: Zoning Administrator, Suite 1000, 2100 Clarendon Boulevard, Arlington, VA 22201.**
- C. All new construction and all alterations (other than painting) involving building, electrical, plumbing, heating, ventilation, and air conditioning work require separate permits and inspections from Inspection Services Division. Note: This is separate from the Certificate of Occupancy process.

II. CERTIFICATE OF OCCUPANCY INSPECTIONS

- A. Generally, when applications are submitted before 4:30 p.m. on Thursday, final inspections will be scheduled for the following Tuesday-Friday. If the premise was not ready for inspection when the application was submitted, please call 703-228-3883 to schedule an inspection when the premise is ready.
- B. Please be sure you can be reached at the telephone number shown on the application.
- C. No inspections will be made unless:
 1. The applicant or his representative (18 years of age or older) are present on the premises.
 2. All equipment has been installed and connected.
 3. If Zoning inspectors find premises are not in proper condition for inspection, no inspection will be made, and upon return, a re-inspection fee will be charged.
- D. Certificate of Occupancy inspections may involve several County agencies.

III. FREQUENTLY FOUND DISCREPANCIES

The most frequently found discrepancies which result in delaying issuance of a Certificate of Occupancy are as follows:

- A. Fire Extinguishers
 1. Improperly placed or hung.
 2. Inspection tags are not current.
- B. Plumbing
Commercial establishments do not have water closets as required, or backflow prevention.
- C. Electrical
Improper use of extension cords. Use of extension cords is not permitted and they should be removed.

IV. NEW BUILDINGS

- A. Applications for and issuance of Certificate of Occupancy for newly constructed buildings or portions still under construction will adhere in sequence to the following procedures:
 - A. Entire Building:
An application shall be filed for the entire building, including all site improvements, amenities, and appurtenances. If approved by BZA variance or use permit, County Board use permit or site plan, submission of documents identifying such approval must be submitted.
 - B. Partial or Temporary Occupancy:
After the application described in Step A has been filed, additional applications for Certificate of Occupancy for a portion of the building, either still under construction or complete, may be filed, accompanied by appropriate fees. Such certificates may be issued if that portion is in compliance with the following requirements:
 1. It must be complete in all respects, with final inspections completed and approved by the Inspection Services Division and other applicable agencies.
 2. It must be capable of being occupied safely with all safety and alarm systems, mechanical, electrical and plumbing systems properly operating.
 3. All required means of ingress and egress must be completed **and at all times are to be kept clean and free of debris** and construction material and provide a safe, clean means of exit from the area to be occupied to the street in compliance with applicable laws and ordinances.
 4. When applicable, a separate elevator for occupants use must be provided. Use of this elevator by construction personnel is prohibited.
 5. There must be no major interference with or interruption of the occupant's normal activities as work on the balance of the building progresses.

V. CAPACITIES FOR OUTDOOR/INDOOR SEATING

Please provide 5 copies of all seating layouts. For outdoor, please show the seating layout in a scaled plat (5 copies).

1000094
3495

ATTACHMENT 4

COPY OF CERTIFICATE OF OCCUPANCY ISSUED 2/25/16



ARLINGTON
VIRGINIA

Department of Community Planning, Housing and Development.
Planning Division, Zoning Administration Inspection Services Division

CERTIFICATE OF OCCUPANCY

Permission is hereby granted to: **BROADSTONE SECURITY LLC**

To use the: **1** floor, and /or suite number: **2B**

Of the building located at: **2300 N PERSHING DR,** For the following purpose: **RETAIL.**

Permit Number	CO1600034			Date Issued	02/25/2016
Seating Capacity (Zoning)				Occupant Load	
Number of Children				Zoning	C-1
Use Group	M	Const. Type	5A	ZBZA Case Number	
Code Mod.		Use Permit		Sprinkler	Y
Site plan Number		0		V.U.S.B.C.	1997
Comments					

This certificate does not take the place of any license required by law. Any change in the use, ownership, or occupancy of this building or land shall require a new certificate of occupancy.
This Building or the proposed use of the building or land complies with all provisions of the Virginia Uniform State Building Code and the Arlington County Zoning Ordinance.

Authorized by

Arlova J. Vonhm
Acting Zoning Administrator

Shahriar Amiri
Shahriar Amiri
Building Official

Arlova Vonhm
Acting Zoning Administrator

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES.

2100 Clarendon Blvd., Suite 1000, Arlington, Va. 22201. Tel: 703-228-3883, Fax: 703-228-3896. www.Arlingtonva.us

ATTACHMENT 5

COPY OF CERTIFICATE OF REGISTRATION



**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

Office of the Clerk

November 30, 2015

LEGALINC CORPORATE SERVICES INC.
1900 CAMPUS COMMONS DRIVE
SUITE 100
RESTON, VA 20191

RECEIPT

RE: BROADSTONE SECURITY LLC

ID: S5897964

DCN: 15-11-30-6005

Dear Customer:

This is your receipt for \$100.00 to cover the fee(s) for filing articles of organization for a limited liability company with this office.

The effective date of the filing is November 30, 2015.

If you have any questions, please call (804) 371-9733 or toll-free in Virginia, (866) 722-2551.

Sincerely,

Joel H. Peck
Clerk of the Commission

RECEIPTLC
LLNCD
CISECOM

P.O. Box 1197, Richmond, VA 23218-1197
Tyler Building, First Floor, 1300 East Main Street, Richmond, VA 23219-3630
Clerk's Office (804) 371-9733 or (866) 722-2551 (toll-free in Virginia) www.scc.virginia.gov/clk
Telecommunications Device for the Deaf-TDD/Voice: (804) 371-9206

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

AT RICHMOND, NOVEMBER 30, 2015

The State Corporation Commission has found the accompanying articles submitted on behalf of
BROADSTONE SECURITY LLC

to comply with the requirements of law, and confirms payment of all required fees. Therefore, it
is ORDERED that this

CERTIFICATE OF ORGANIZATION

be issued and admitted to record with the articles of organization in the Office of the Clerk of the
Commission, effective November 30, 2015.

STATE CORPORATION COMMISSION

By 

Mark C. Christie
Commissioner

DLLCACPT
CISECOM
15-11-30-6005

**ARTICLES OF ORGANIZATION
OF
BROADSTONE SECURITY LLC**

The undersigned, pursuant to Chapter 12 of Title 13.1 of the Code of Virginia, states as follows:

1. The name of the limited liability company is BROADSTONE SECURITY LLC.
2. The purpose for which the limited liability company is formed is to engage in any lawful business, purpose or activity for which a limited liability company may be formed under the Virginia Limited Liability Company Act.
3. The name of the limited liability company's initial registered agent is LEGALINC CORPORATE SERVICES INC. The initial registered agent is a Virginia stock corporation.
4. The address of the limited liability company's initial registered office, which is identical to the business office of the initial registered agent, is 1900 CAMPUS COMMONS DRIVE, SUITE 100, RESTON, VA 20191. The initial registered office is located in Fairfax County, Virginia.
5. The address of the limited liability company's principal office where the records of the limited liability company are to be kept is 903 RIDGE DRIVE, MCLEAN, VA 22101.

ORGANIZER:

/s/ DENNIS PRATTE Date: November 30, 2015
DENNIS PRATTE

ATTACHMENT 6

**COPY OF ARLINGTON COUNTY TRADE NAME REGISTRATION DATABASE
SEARCH**

Trade Names

[Home](#)[Search Registered Trade Names](#)[New Application](#)[Export](#)

Your Business Owner Search for "Dennis Pratte" yielded 12 results.

Your search results are displayed below.

- Click the Search button to perform another search. Note that revoked/dissolved trade names are marked with (Revocation) after the trade name.
- Click the New Application button to initiate the trade name application process.
- Click the Export button to save your search results in Microsoft Excel format.

Trade Name	Business Owner(s) / Registered Agent	Business Name / Partnership Name	Recorded Date	Book	Page
DC GUN WORKS	DENNIS PRATTE	NOVA LOGISTICS, LLC	4/23/2012	2	56
DC GUN WORKS(Revocation)	DENNIS PRATTE	NOVA LOGISTICS, LLC	8/18/2014	2	2063
MY GUN FACTORY	DENNIS PRATTE	NOVA LOGISTICS, LLC	5/25/2012	2	132
MY GUN FACTORY(Revocation)	DENNIS PRATTE	NOVA LOGISTICS, LLC	8/18/2014	2	2064
NATIONAL GUN WORKS	DENNIS PRATTE	NOVA LOGISTICS, LLC	4/23/2012	2	58
NATIONAL GUN WORKS(Revocation)	DENNIS PRATTE	NOVA LOGISTICS, LLC	8/18/2014	2	2061
NOVA ARMORY	DENNIS PRATTE	BROADSTONE SECURITY, LLC	1/20/2016	4	949
NOVA FIREARMS	DENNIS PRATTE	NOVA LOGISTICS, LLC	3/18/2011	1	1378
NOVA FIREARMS(Revocation)	DENNIS PRATTE	NOVA LOGISTICS, LLC	8/18/2014	2	2062
OLD TOWN ARMS	DENNIS PRATTE	BROADSTONE SECURITY, LLC	1/20/2016	4	948
US ARMS 2 GO	DENNIS PRATTE	NOVA LOGISTICS, LLC	4/23/2012	2	57
US ARMS 2 GO(Revocation)	DENNIS PRATTE	NOVA LOGISTICS, LLC	8/18/2014	2	2060

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2100 Clarendon Blvd, Suite 208 Arlington, VA 22201 Tel: 703-228-3060 TTY: 703-228-4611

Trade Names

[Home](#)
[Search Registered Trade Names](#)
[New Application](#)
[Export](#)

Your Trade Name Search for "Old Town Arms" yielded 2 results.

Your search results are displayed below.

- Click the Search button to perform another search. Note that revoked/dissolved trade names are marked with (Revocation) after the trade name.
- Click the New Application button to initiate the trade name application process.
- Click the Export button to save your search results in Microsoft Excel format.

Trade Name	Business Owner(s) / Registered Agent	Business Name / Partnership Name	Recorded Date	Book	Page
OLD TOWN ARMS	LEGALINC CORPORATE SERVICES INC	BROADSTONE SECURITY, LLC	12/23/2015	3	2474
OLD TOWN ARMS	DENNIS PRATTE	BROADSTONE SECURITY, LLC	1/20/2016	4	948

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Trade Names

[Home](#)[Search Registered Trade Names](#)[New Application](#)[Export](#)**Your Trade Name Search for "NOVA Armory" yielded 2 results.**

Your search results are displayed below.

- Click the Search button to perform another search. Note that revoked/dissolved trade names are marked with (Revocation) after the trade name.
- Click the New Application button to initiate the trade name application process.
- Click the Export button to save your search results in Microsoft Excel format.

Trade Name	Business Owner(s) / Registered Agent	Business Name / Partnership Name	Recorded Date	Book	Page
NOVA ARMORY	LEGALINC CORPORATE SERVICES INC	BROADSTONE SECURITY, LLC	12/23/2015	3	2477
NOVA ARMORY	DENNIS PRATTE	BROADSTONE SECURITY, LLC	1/20/2016	4	949

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ATTACHMENT 7

APPEAL APPLICATION



Arlington County, Virginia
DEPARTMENT OF COMMUNITY PLANNING
HOUSING AND DEVELOPMENT
PLANNING DIVISION
ZONING ADMINISTRATION

JULIA YOUNG
Permit #: ZADM160147
CPHD Case #:

03/02/2016



APPLICATION FOR APPEAL OF ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION

DATE: March 2, 2016

BOARD OF ZONING APPEALS

2100 Clarendon Blvd, Suite 1000
Arlington, Virginia 22201

Name of Appellant: Julia Young, Emily Hughes, Bernadette Brennan, Grace Chan, Nathan Guverens

If Appeal relates to a specific property, provide the following information:

Address: 2300 N. Pershing, Unit 2B Lot(s) Block Subdivision

Civic Association: Lyon Park

Nature of the Appeal: Appeal from issuance of certificate of occupancy to Dennis Pratte, Permit # CO1600034;

permit application was based on material false and misleading statements and omissions in violation of Zoning

Ordinance; permit was issued in error based on failure to comply with all laws and regulations

Date of Order, Requirement, Decision, Determination or Notice of Violation being Appealed: February 25, 2016

How is the Appellant an Aggrieved Person?: Appellants are local community members who are aggrieved because the permit will allow permittee to operate a store that is not in compliance with law, that is not an appropriate use for the C-1 zoning, will harm neighborhood property values. Further details will be provided in a supplemental submission.
Make checks payable to: Treasurer of Arlington County

ZONE C-1

PROPOSAL FILED

FEE DEPOSITED \$575.40

C.R.I.F. NO R16003077 FEE

RECEIVED BY JLB

Previous Cases

Print Name Julia Young, Emily Hughes, Bernadette Brennan, Grace Chan, Nathan Guverens

Signature See attached signatures

Address See attached

Zip Daytime Telephone 703-243-3933

Agent Contact Information:

Name

Title



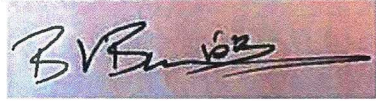


Address

Zip Telephone

Arlington County, Virginia
Department of Community Planning, Housing and Development
Planning Division
Zoning Administration

**APPLICATION FOR APPEAL OF ANY ORDER, REQUIREMENT, DECISION OR
DETERMINATION**

Filed: March 2, 2016

Name	Address	Signature
Julia Young	3003 4th St N, Arlington VA 22201	
Emily Hughes	800 N. Barton Street, Arlington, VA 22201	
Bernadette Brennan	2816 1st Road North, Arlington, VA 22201	
Grace Chan		
Nathan Guerrero	207 N. Oakland Street, Arlington, VA 22203	

BOARD OF ZONING APPEALS, ARLINGTON COUNTY, VA

Department of Community Planning, Housing and Development

IN RE: CERTIFICATE OF OCCUPANCY)
PERMIT # CO1600034, ISSUED TO)
DENNIS PRATTE, BROADSTONE)
SECURITY, LLC D/B/A OLD TOWN)
ARMS (ISSUED FEBRUARY 25, 2016))

STATEMENT OF JUSTIFICATION

This is an appeal of the Zoning Division's issuance of a Certificate of Occupancy, Permit # CO1600034, on February 25, 2016, brought by and on behalf of a class of residents of Lyon Park and Ashton Heights, Virginia.

BACKGROUND

On January 20, 2016, Dennis Pratte submitted a Certificate of Occupancy Application (the "Application") to the Arlington County, Virginia, Department of Community Planning, Housing and Development, Zoning Division (attached as Exhibit A). The Application states the legal name and trade name of the business as Broadstone Security, LLC d/b/a Old Town Arms. The Application lists the address to be inspected as 2300 N. Pershing Drive, Suite 2B, Arlington, VA 22201. Part II of the Application lists the proposed use of the property as "retail storefront" and the nature of the business is described as "retail skeet/trap, firearms+ accessory sales." Dennis Pratte is listed as the applicant with an address of 903 Ridge Drive, McLean, VA 22101. On February 25, 2016, the Zoning Division issued a Certificate of Occupancy Permit # CO1600034 to Dennis Pratte of Broadstone Security, LLC d/b/a Old Town Arms (the "CO").

The Zoning Administrator erred in issuing the CO because it is non-compliant with relevant provisions of law and of county ordinances. The issuance of the CO is erroneous for at least four reasons: (1) it is based on materially false information; (2) the County (*i.e.*, Zoning Administrator and Commissioner of Revenue) failed to determine that the applicant does not currently possess the necessary

federal licensing to undertake the proposed use; (3) the Zoning Administrator failed to determine whether the proposed use involves the storage of hazardous materials; and (4) the Zoning Administrator did not have a proper record regarding the ownership of the premises.

SUMMARY OF BASIS FOR APPEAL

I. PERMIT # CO1600034 IS VOID AND MUST BE REVOKED WITH PREJUDICE BECAUSE THE CO APPLICATION IS MATERIALLY FALSE IN VIOLATION OF ARLINGTON COUNTY ZONING ORDINANCE SECTION 17.1(B).

The CO must be revoked with prejudice because the CO Application contains false statements of material facts. Pursuant to Arlington County Zoning Ordinance Section 17.1(B):

“[A]ny permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such statement shall be established to the satisfaction of the zoning administrator, he shall forthwith revoke same.”

On March 2, 2016, the Zoning Administrator indicated by telephone that she would not revoke the CO. This is an immediately appealable error. The Application for Permit # CO1600034 contains materially false and misleading statements and omissions. Each such false and/or misleading statement or omission is, by itself, sufficient to compel the immediate revocation of the CO. Taken together, these material misstatements and omissions render the CO void and require revocation with prejudice against re-applying.

First, the Application in its entirety is materially false and misleading because it makes no mention that the firearms business that will occupy the premises is owned and will be operated by a minor—the applicant’s 16-year-old high school daughter. The Application lists Dennis Pratte as the sole applicant. The applicant’s signature follows immediately after the statement “I, the Applicant, hereby certify that the information supplied on this Application is true and correct to the best of my knowledge.” The applicant, Pratte, however, failed to disclose to Arlington County that he is acting as a strawman for his minor daughter who, by his own admission, “can’t legally sign certain documents.” *See* Patricia Sullivan, *Gun store operator, neighbors may meet over Arlington dispute*, WASH. POST, Feb. 27, 2016, available at <https://www.washingtonpost.com/local/dc-politics/gun-store-owner-neighbors-may-meet->

over-arlington-dispute/2016/02/26/b8f20de2-dcc8-11e5-891a-4ed04f4213e8_story.html (attached as Exhibit B); *see also* Lauren Pratte, NOVA Armory's Response Letter, Mar. 4, 2016 (*available at* <https://www.arlnow.com/2016/03/04/lyon-park-gun-shop-threatens-to-sue-critics-lawmakers/>) (originally posted on www.novaarmory.com, but since removed; quoting Lauren Pratte, Dennis Pratte's minor daughter, and referring to her as the owner of NOVA Armory).

Dennis Pratte, who applied for the permit to open the store, said in an email Saturday that Nova Armory is a "family-owned business" *started by his 16-year-old daughter "While she can't legally sign certain documents, I act in her place when needed and am allowing her to build the business at her own pace so she can learn the things that are not taught in school."*

See Exhibit B. The Application is misleading on its face—and Pratte's certification that the Application is true and correct is false—because it fails to disclose that the applicant is signing on behalf of a minor who can't legally sign documents, and critically, is unauthorized under any law to sell firearms. This false statement regarding the identity of the applicant and misleading omission materially affects Pratte's permit Application, which renders the CO void. Under Section 17.1(B) of the Zoning Ordinance, the Zoning Administrator can and should immediately revoke the CO, and failing to do so is a reversible error.

Second, the Application materially misrepresents the use of the space as being for a retail storefront, when in fact the applicant's website states that it will conduct a wholesale business. Section II of the Application requires the applicant to state the proposed use of the space. Pratte's Application states that the premises will be used as a "retail storefront" and that the Nature of the Business is "Retail skeet/trap, firearms + accessory sales." The business's website, however, tells a very different story (or, it did prior to its complete overhaul following the public outcry over the store's planned opening). Prior to having been sanitized, the website included the following representations and advertisements:

- "[I]f you want **TRUE WHOLESALE PRICING**, stop by the store and ask about our **Exclusive VIP Program!**
- "**0% mark-up** and access to everything we have access to!"

- “We also offer dealer ‘wholesale pricing’ through our Exclusive VIP Membership Program”

See Cached view of www.novaarmory.com as of Feb. 25, 2016, at p. 1 & 5 (attached as Exhibit C). The NOVA Armory webpage boasted an ability to provide, at wholesale, any type of firearm, in any quantity: “[B]y having accounts with nearly every firearm manufacturer and distributor, NOVA Armory has immediate access to \$300 million of inventory! Basically, if it’s got a trigger, we probably have it & we have it at the lowest possible price.” See Exhibit C, at p. 4. The nature of NOVA Armory’s business, therefore, is wholesale, not retail. Under the Zoning Ordinance, wholesale trades are prohibited from operating in premises that are zoned “C-1” for local commercial establishments. See Zoning Ordinance § 7.1.2, Commercial/Mixed Use (C) Districts Principal Use Table. The Zoning Ordinance places an absolute prohibition on the actual intended use of the property by the applicant, and thus, the applicant’s statement that he will conduct a retail business is materially false and misleading.

Third, the Application for the CO misrepresents the trade name under which the firearms store is doing business. The Application states, under “Trade Name,” that the operator will be doing-business-as (“d.b.a.”) “Old Town Arms.” But the actual operator is NOVA Armory, and it is never mentioned in the Application. NOVA Armory is displaying signage on the door of 2300 N. Pershing, Unit 2B, see photo (attached as Exhibit D) and is advertising on its website as its place of business the premises that are the subject of the CO, see Exhibit C, at 2-3. The trade name, “d/b/a Old Town Arms” is a false statement of material fact because it does not permit the Zoning Administration or other County officials to determine if the holder of the permit and certificate of occupancy is the same as the operator of the premises. The County offices that process the Application (including the Zoning Administrator and the Commissioner of Revenue) cannot properly assess the Application without the operator’s true and correct trade name.

The Application fails to fully and properly disclose material information on the identity of the applicant, trade name and wholesale nature of the business. Accordingly, the Zoning Administrator erred in issuing the CO and the CO should be immediately revoked with prejudice against re-applying.

II. PERMIT # CO1600034 VIOLATES ARLINGTON COUNTY ZONING ORDINANCE SECTION 15.2.1 AND MUST BE REVOKED.

The Zoning Administrator erred in issuing the CO because it is non-compliant with relevant provisions of law and of county ordinances. Section 15.2.1 of the Arlington County Zoning Ordinance states:

Every certificate of occupancy shall state that the building or proposed use of the building...complies with all provisions of law and of county ordinances and regulations. No occupancy...shall take place until a certificate of occupancy shall have been issued by the zoning administrator [including a certificate of occupancy for] a change in ownership of buildings.

A. The CO Violates Section 15.2.1 of the Zoning Ordinance Because it Does Not Comply with Arlington County Code.

As set forth above, the Application contained several materially false and misleading statements and omissions in violation of Section 17.1 of the Zoning Ordinance. Issuance of the CO in violation of Section 17.1 fails to comply with the requirement in Section 15.2.1.

B. The CO Violates Section 15.2.1 Because it is Not in Compliance with Federal Law.

The Zoning Administrator (with the concurrence of the Commissioner of Revenue) issued the CO without determining whether the applicant is the holder of a Federal Firearm License ("FFL"). It is unlawful to sell firearms without an FFL. 18 U.S. Code § 923. Moreover, a firearms dealer such as NOVA Armory, which advertises itself as being the closest full service firearms dealer to DC and one of the "largest class 1 and class 3 gun shops inside the DC Beltway," is required to pay a Special (Occupational) Tax to lawfully sell so-called "class 3" weapons, or National Firearms Act firearms and weapons. See ATF Form No. 5630.7, "Special Tax Registration and Return National Firearms Act." Prior to the issuance of the CO, the Zoning Administrator failed to determine whether NOVA Armory has an FFL and has paid the Special (Occupational) Tax. In fact, the ATF's most recent list of FFL licensed dealers for the State of Virginia released in February 2016 does not list Dennis Pratte, Broadstone Security, LLC, Old Town Arms, or NOVA Armory as the holder of an FFL license. See Listing of Federal Firearms Licensees, as of February 2016 for Virginia, available at <https://www.atf.gov/firearms/listing-federal-firearms-licensees-ffls-2016>. Accordingly, the CO was

issued in error because there has been no determination that the proposed use—a firearms dealer—is in compliance “with all provisions of law” as required by Zoning Ordinance Section 15.2.1.

C. Storing Undeclared Hazardous Materials Violates Section 15.2.1.

Section VI of the CO seeks a self-certification that the occupant will not store hazardous materials. The Zoning Administrator made no inquiry or any determination whether the products being stored for sale on the premises—firearms and accessories—are hazardous materials or contain hazardous materials. Accordingly, the Zoning Administrator failed to properly confirm that all requirements for the issuance of the CO were met prior to actually issuing the permit.

D. The CO Violates Section 15.2.1 Because it was Issued Absent an Accurate Record of Ownership of the Premises to be Occupied.

The Zoning Administrator erred in issuing the CO without a proper record of the actual owners of the building. According to the County’s online permitting database, the owners of the property that is the subject of the CO are Richard P and Norma P Taylor. *See* Permit Search Record (attached as Exhibit E). It appears, however, that “Richard P and Norma P Taylor” have not been owners of record of any property at 2300 N. Pershing at any time in the last decade. The Zoning Administrator erred in issuing the CO without accurately reflecting the ownership of the building. At a minimum, pursuant to Section 15.2.1, Pratte and any business under which he is operating cannot occupy the premises absent the issuance of a new certificate of occupancy that accurately reflects the ownership of the property that is the subject of the CO.

CONCLUSION

For the reasons stated above, Permit # CO1600034 was issued in error and must be revoked with prejudice against refiling. As described, the Application for this permit contains material misstatements and inaccuracies in violation of the Arlington County Zoning Ordinance. Moreover, Permit # CO1600034 is itself void because it is based on inaccurate information in violation of the requirements of the zoning ordinance. To allow this permit to stand, and to allow the subject business to operate on the basis of this improper permit, would be to allow this particular business to operate in violation of County

ordinances that should apply equally to all businesses, a result which the Board of Zoning Appeals should not permit.

Respectfully Submitted,



Bernadette Brennan
2816 1st Road North
Arlington, Virginia 22201



Nathan Guerrero
207 North Oakland Street
Arlington, Virginia 22203



Emily Hughes
800 N. Barton Street
Arlington, VA 22201



Julia Young
3003 4th Street N
Arlington, VA 22201



Steve Dorst
209 N. Fillmore Street
Arlington, VA 22201

Exhibit A:
Certificate of Occupancy Application
(submitted January 20, 2016)

GENERAL INFORMATION

Paragraph §15.3, Arlington County Zoning Ordinance, and Section 117, Virginia Uniform Statewide Building Code (VUSBC), state that no occupancy or change of occupancy, use or change of use of any land or building shall take place until a Certificate of Occupancy has been issued. This Certificate shall state that the building or proposed use of the building or land complies with all provisions of law and all county ordinances and regulations. Therefore all construction work, alterations, remodeling, or repair must be done under permits issued by the Inspection Services Division. All safety regulations, Department of Human Services regulations, and Public Works Department must be complied with.

"NO" OCCUPANCY OR USE IS PERMITTED UNTIL THE CERTIFICATE APPLIED FOR UNDER THIS APPLICATION HAS BEEN ISSUED

I. GENERAL

- A. Read instructions carefully, Erroneous information will result in delays in the issuance of a Certificate of Occupancy.
- B. Applications must be accompanied by a check for the full fee at the time of application, made payable to Treasurer of Arlington County, and must be hand-delivered or mailed to: Zoning Administrator, Suite 1000, 2100 Clarendon Boulevard, Arlington, VA 22201.
- C. All new construction and all alterations (other than painting) involving building, electrical, plumbing, heating, ventilation, and air conditioning work require separate permits and inspections from Inspection Services Division. Note: This is separate from the Certificate of Occupancy process.

II. CERTIFICATE OF OCCUPANCY INSPECTIONS

- A. Generally, when applications are submitted before 4:30 p.m. on Thursday, final inspections will be scheduled for the following Tuesday-Friday. If the premise was not ready for inspection when the application was submitted, please call 703-228-3883 to schedule an inspection when the premise is ready.
- B. Please be sure you can be reached at the telephone number shown on the application.
- C. No inspections will be made unless:
 1. The applicant or his representative (18 years of age or older) are present on the premises.
 2. All equipment has been installed and connected.
 3. If Zoning inspectors find premises are not in proper condition for inspection, no inspection will be made, and upon return, a re-inspection fee will be charged.
- D. Certificate of Occupancy inspections may involve several County agencies.

III. FREQUENTLY FOUND DISCREPANCIES

The most frequently found discrepancies which result in delaying issuance of a Certificate of Occupancy are as follows:

- A. Fire Extinguishers
1. Improperly placed or hung.
2. Inspection tags are not current.
- B. Plumbing

Commercial establishments do not have water closets as required, or backflow prevention.

C. Electrical

Improper use of extension cords. Use of extension cords is not permitted and they should be removed.

IV. NEW BUILDINGS

Applications for and issuance of Certificate of Occupancy for newly constructed buildings or portions still under construction will adhere in sequence to the following procedures:

A. Entire Building:

An application shall be filed for the entire building, including all site improvements, amenities, and appurtenances. If approved by BZA variance or use permit, County Board use permit or site plan, submission of documents identifying such approval must be submitted.

B. Partial or Temporary Occupancy:

After the application described in Step A has been filed, additional applications for Certificate of Occupancy for a portion of the building, either still under construction or complete, may be filed, accompanied by appropriate fees. Such certificates may be issued if that portion is in compliance with the following requirements:

1. It must be complete in all respects, with final inspections completed and approved by the Inspection Services Division and other applicable agencies.
2. It must be capable of being occupied safely with all safety and alarm systems, mechanical, electrical and plumbing systems properly operating.
3. All required means of ingress and egress must be completed and at all times are to be kept clean and free of debris and construction material and provide a safe, clean means of exit from the area to be occupied to the street in compliance with applicable laws and ordinances.
4. When applicable, a separate elevator for occupants use must be provided. Use of this elevator by construction personnel is prohibited.
5. There must be no major interference with or interruption of the occupant's normal activities as work on the balance of the building progresses.

V. CAPACITIES FOR OUTDOOR/INDOOR SEATING

Please provide 5 copies of all seating layouts. For outdoor, please show the seating layout in a scaled plat (5 copies).

3495

1600000

ARLINGTON
VIRGINIA

Department of Community Planning, Housing and Development.
Planning Division, Zoning Administration Inspection Services Division

CERTIFICATE OF OCCUPANCY

Permission is hereby granted to: **BROADSTONE SECURITY LLC**

To use the: 1 floor, and /or suite number: 2B

Of the building located at: **2300 N PERSHING DR.** For the following purpose: **RETAIL.**

Permit Number	C01600034		Date Issued	02/25/2016	
Seating Capacity (Zoning)			Occupant Load		
Number of Children			Zoning	C-1	
Use Group	M	Const. Type	5A	ZBZA Case Number	
Code Mod.		Use Permit		Sprinkler	Y
Site plan Number	0			Sprinkl Req.	Y
Comments		V.U.S.B.C.	1997	Fire Alarm	Y

This certificate does not take the place of any license required by law. Any change in the use, ownership, or occupancy of this building or land shall require a new certificate of occupancy.
This Building or the proposed use of the building or land complies with all provisions of the Virginia Uniform State Building Code and the Arlington County Zoning Ordinance.

Authorized by

Shahriar Amiri
Shahriar Amiri

Arlova J. Vonhm
Acting Zoning Administrator

Shahriar Amiri
Building Official

Arlova Vonhm
Acting Zoning Administrator

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES.

2100 Clarendon Blvd., Suite 1000, Arlington, Va. 22201. Tel: 703-228-3883, Fax: 703-228-3896. www.Arlingtonva.us

ARLINGTON COUNTY, VIRGINIA

PERMIT, INSPECTION AND PLAN REVIEW RECORDS

PERMIT C01600034 **STATUS:** ISSUED **TYPE:** PARTIAL
APPLIED: 01/20/2016 **APPROVED:** 02/25/2016 **ISSUED:** 02/25/2016
DESCRIPTION: RETAIL
LOCATION 2300 N PERSHING DR **ADDRESS:** 2300 N PERSHING DR
TENANT NAME: BROADSTONE SECURITY LLC

REVIEW COMMENTS

ITEM	DATE	BY	ACTION	ACTION DESCRIPTION	COMMENTS
150	CPHD:IS Permit Finals				
	02/25/2016	MKM	AP	Approved	CO TO ZONING FOR ISSUANCE 02-25-16
350	CPHD:ZN Land Use				
	01/27/2016	KL	AP	Approved	RETAIL, USE-FIREARMS SHOPS CANNOT BE REGULATED INDIVIDUALLY UNDER CODE OF VIRGINIA §15.2-915
960	Business License Issued				
	02/26/2016	RL	AP	Approved	Current BL.C.

INSPECTION COMMENTS

ITEM	DATE	BY	ACTION	ACTION DESCRIPTION	COMMENTS
100	C: Zoning C of O				
	02/02/2016	SH	Z02	CERTIFICATE OF OCCUPANCY	The owner said he will be ready in about 2 weeks.
	02/23/2016	SH	AP	Approved	RETAIL
223	C: Building C of O				
	02/23/2016	cdv	AP	Approved	
97	Issued Certificate				
	02/25/2016	MKM	AP	Approved	TO ZONING FOR ISSUANCE 02-25-16

EVENT LOG

DATE	DESCRIPTION	COMMENTS
02/02/2016	Tue Inspection For CO	
02/23/2016	Request for inspection of Item# 223 1d:R000705813	

LOCKS, HOLDS NOTICES

DATE	TYPE	USER	COMMENTS
01/27/2016	Notice	KALONG	THIS CO IS FOR A FIREARM STORE THAT SELLS HIGH END FIREARMS AND RECREATIONAL FIREARMS. WAITING FOR APPROVAL FROM ZONING ADMINISTRATOR BEFORE ANY APPROVALS ARE PUT IN.
02/01/2016	Comment	VHARGRETT	CO ON 02.02.16 LIST
02/25/2016	Comment	MMYLES	CO TO ZONING FOR ISSUANCE 02-25-16
02/26/2016	Notice	CHOGAN	RETAIL USE-FIREARMS SHOPS CANNOT BE REGULATED INDIVIDUALLY UNDER CODE OF VIRGINIA §15.2-9-15

Exhibit B:
Washington Post Article
(dated February 27, 2016)

Virginia Politics

Gun store operator, neighbors may meet over Arlington dispute

By Patricia Sullivan and This report has been updated. February 27

Residents of Arlington County's Lyon Park neighborhood are scheduled to meet with two County Board members Sunday and are setting up a meeting with the owner of a gun store that is to open in the neighborhood next month, even as an online petition opposing the store neared 2,500 signatures.

John Goldener, president of the Lyon Park Citizens Association, said the group will meet with two County Board members Sunday night to share information and is trying to schedule a meeting with the owner of the business. The meeting, he said, will be limited to people who live in nearby neighborhoods.

Since just two of Arlington's County Board members will attend, the gathering is not required to be public under the Virginia open meetings law. The board previously issued a notice announcing that the meeting would be open to the public.

Some residents became upset this week when they learned that Nova Armory plans to open a "high-end" skeet, trap and hunting arms shop at 2300 N. Pershing Dr., across the street from Merit Academy, a private preschool and day-care center.

Dennis Pratte, who applied for the permit to open the store, said in an email Saturday that Nova Armory is a "family-owned business" started by his 16-year-old daughter, who seeks to emulate Donald Trump's business practices "and turn her passion for sporting arms into a thriving firearms business."

"While she can't legally sign certain documents, I act in her place when needed and am allowing her to build the business at her own pace so she can learn the things that are not taught in school," Pratte wrote.

The author of an earlier email from Nova Armory had refused to name its owner but said it and Pratte have no connection with a failed attempt to open a gun store last spring in the Cherrydale neighborhood. Residents there persuaded the landlord to withdraw the lease before the store opened.

Arlington County posted a notice on its website Friday explaining that the sale of firearms is regulated by Virginia and that the county has no authority to bar such sales.

That has not altered the opinions of the 2,500 people who signed the online petition opposing the store. A petition supporting the business also has appeared online, with 345 signatures by mid-afternoon Saturday.

The county says that the federal Gun Free School Zone Act that restricts the possession of firearms within a “school zone” does not apply in this case because the Merit facility does not qualify as a school zone.

This report has been updated.

Patricia Sullivan covers government, politics and other regional issues in Arlington County and Alexandria. She worked in Illinois, Florida, Montana and California before joining the Post in November 2001.

Exhibit C:

Cached view of www.novaarmory.com

(as of February 25, 2016)

This is Google's cache of <http://www.novaarmory.com/>. It is a snapshot of the page as it appeared on Feb 25, 2016 07:52:05 GMT.

The current page could have changed in the meantime. [Learn more](#)

Full version [Text-only version](#) [View source](#)

Tip: To quickly find your search term on this page, press **Ctrl+F** or **⌘-F** (Mac) and use the find bar.

- [About](#)
- [Services](#)
- [Buy Now](#)
- [Arlington](#)

Coming March 2016 (awaiting final licensing), NOVA Armory is pleased to announce to Northern Virginia, Maryland and Washington, DC firearms enthusiasts, the construction of a new state-of-the-art retail gun shop! Located only 1-mile south of DC in Arlington, VA (just off route 50 near Ft. Myer), NOVA Armory will be the closet full service firearms dealer to DC and one of the largest class 1 and class 3 gun shops inside the DC Beltway.

We "guarantee" to provide you with the lowest possible firearm price and we will include free firearms safety training with every purchase. For our firearm enthusiasts, we also offer dealer "wholesale pricing" through our Exclusive VIP Membership Program.

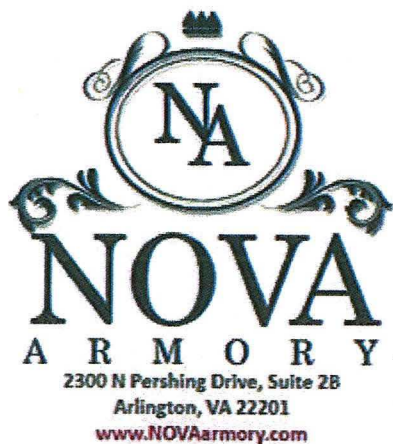
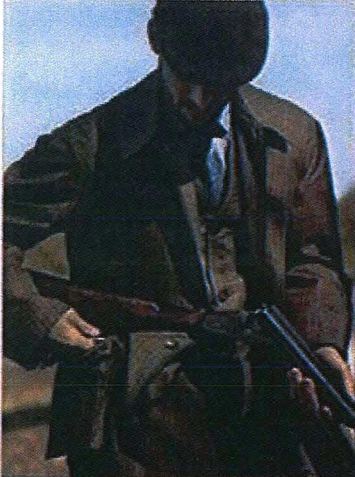
NOVA Armory was founded with two guiding principles in mind; *To promote the enjoyment of shooting sports, regardless of your age, and to provide you with the best possible service and price when it comes to selecting your next firearm. Whether you are a first timer, or avid collector, once we open for business, we invite everyone to stop by and check us out! Even if you have no intentions on buying anything, we think you will enjoy our new showroom and what it has to offer! Thank you and we hope to see you soon!*

Name: NOVA Armory coming March 2016 Phone: (703) 650-9311 Email: sales@NOVAarmory.com Website: <http://novaarmory.com>

Set to open Q1 2016 in Arlington, VA and Falls Church, VA.

NOVA Armory

Coming Soon! NOVA Armory is the Closest Class 1 & Class 3 gun shop to Washington, DC. Located 1 mile south of DC, we serve VA, MD, & DC. 8 Likes


Coming to Arlington, VA March 2016

We are a NEW company, offering you a brand new retail firearms shopping experience.

- Browse our firearms without a sales rep!
- Guaranteed lowest price or free transfer
- Largest Selection of Class 1 & Class III
- Dealer Pricing Membership Program
- Reserved Parking in Rear Entrance
- Import/Export & Embassy Sales
- 1 mile South of DC off Route 50

Coming to Arlington, VA March 2016

NOVA Armory

*2300 N Pershing Dr, #2B
Arlington, VA 22201*

ARLINGTON
Gun Club

www.NOVAarmory.com



2300 N Pershing Drive, Suite 2B Arlington, VA 22201



2300 N Pershing Drive, Suite 2B

Arlington, VA 22201

www.NOVAarmory.com

NOVA Armory - work is almost complete on the new NOVA Armory store! 2300 N Pershing Drive, Ste 2B, Arlington, VA 22201 www.NOVAarmory.com

NOVA Armory [NOVA Armory](#)

 Untitled Album



[@ArmoryNova \(NOVA Armory\)](#) Followers: 0 Friends: 0 [Follow](#)

FREE FFL Transfers

Our philosophy is, If we can't provide you with the gun you want, when you want it, and at the best possible price, then the least we can do is provide you with a FREE Transfer. We just ask that you cover the \$2 VA Resident / \$5 VA Non-Resident NICS background check fee that Virginia charges dealers to process your background check. We will post our FFL for download in March 2016.

\$ 2

VA & UT Conceal Carry Permit

NOVA Armory has certified NRA pistol instructor qualified by the State of Utah to provide the UT and VA combined Concealed Carry Permit instruction. Classes are offered every weekend on Saturday and Sunday mornings from 8am-Noon. This is a classroom training session only (no live-fire drills), however you are encouraged to bring your "unloaded" firearm to class so we can review the basic firearm safety, cleaning process, and proper concealed-carry techniques. Free CCW fingerprinting is provided before or after class.

\$ 49

Online VA CCW Course

Coming March 2016!

\$ 39

Coming March 2016...

NOVA Armory incorporates a new paradigm in firearms sales — an online mall that's open 24/7, featuring the industry's leading products, as well as the world's largest inventory! In fact, by having accounts with nearly every firearm manufacturer and distributor, NOVA Armory has immediate access to \$300 Million of inventory! Basically, if it's got a trigger, we probably have it, & we have it at the lowest possible price.

And if you want **TRUE WHOLESALE PRICING**, stop by the store and ask about our **Exclusive VIP Program! 0% mark-up** and access to everything we have access to!

Coming March 2016 (awaiting final licensing), NOVA Armory is pleased to announce to Northern Virginia, Maryland and Washington, DC firearms enthusiasts, the construction of a new state-of-the-art retail gun shop! Located only 1-mile south of DC in Arlington, VA (just off route 50 near Ft. Myer), NOVA Armory will be the closest full service firearms dealer to DC and one of the largest class 1 and class 3 gun shops inside the DC

Beltway.

We **"guarantee"** to provide you with the lowest possible firearm price and we will include free firearms safety training with every purchase. For our firearm enthusiasts, we also offer dealer **"wholesale pricing"** through our **VIP Membership Program**.

NOVA Armory was founded with two guiding principles in mind; *To promote the enjoyment of shooting sports, regardless of your age, and to provide you with the best possible service and price when it comes to selecting your next firearm. Whether you are a first timer, or avid collector, once we open for business, we invite everyone to stop by and check us out! Even if you have no intentions on buying anything, we think you will enjoy our new showroom and what it has to offer! Thank you and we hope to see you soon!*

(The picture above is a representative picture of how our open floor plan will look when we are open).

Exhibit D:
Photograph of Storefront

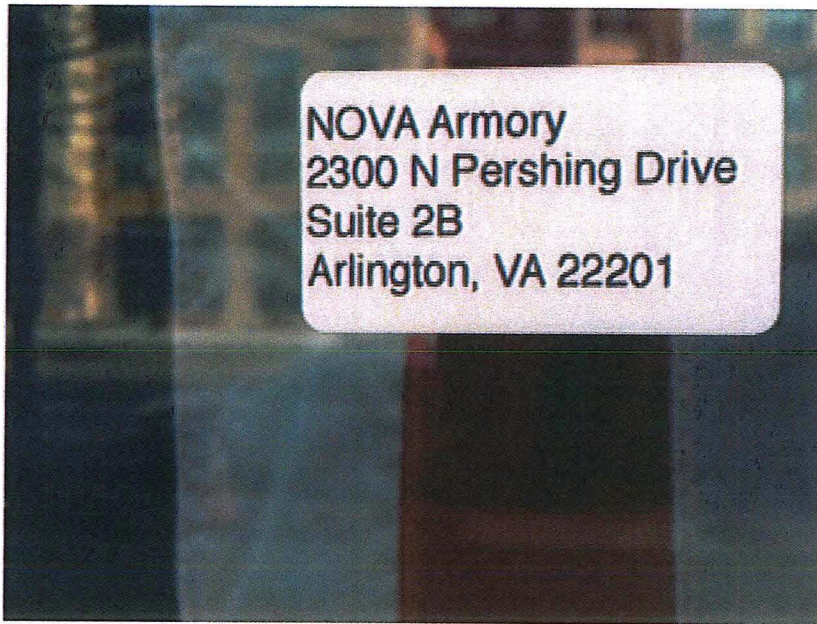


Exhibit E:
Permit search record

Building Arlington

Search for Permits

Use the search below to get details on plan review activities and review comments on your plans. This information is updated from Monday through Friday at 11:30am and 5:30pm.

Permit #	CO1600034
Address	2300 N PERSHING DR
Type	PARTIAL
Status	ISSUED
Permit Holder	DENNIS PRATTE
Owner	TAYLOR RICHARD P & NORMA P
Applied Date	01/20/2016
Approved Date	02/25/2016
Date Issued	02/25/2016
Description	RETAIL

View [Event Log](#). View [Status](#). View [Required Plan Review](#) View [Printer Version](#).



Search

Review	Review Date	Status	Comments
Business License Issued	02/26/2016	Approved	Current BLC.
CPHD:IS Permit Finals	02/25/2016	Approved	CO TO ZONING FOR ISSUANCE 02-25-16
CPHD:ZN Land Use	01/27/2016	Approved	RETAIL USE-FIREARMS SHOPS CANNOT BE REGULATED INDIVIDUALLY UNDER CODE OF VIRGINIA §15.2-915

Label

[Search Again](#)

Search Permits By: [Address](#)

[Permit Number](#)

[Date](#)

BUILDING ARLINGTON
and its content
© 2012 Arlington County, Virginia

Arlington County Government
Department of Community Planning, Housing & Development (CPHD)
2100 Clarendon Boulevard, 10th Floor, Arlington, VA (Virginia) 22201

Monday - Friday 8am - 4:30pm. Offices are closed at 12 noon every third Thursday.

March 9, 2016

Arlova J. Vonhm,
Acting Zoning Administrator
Department of Community Planning, Housing and Development
2100 Clarendon Boulevard, Suite 700
Arlington County, VA 22201

**Re: Request for Immediate Revocation of Certificate of Occupancy,
Permit No. CO1600034, for the NOVA Armory Gun Store**

Dear Ms. Vonhm:

As residents of Arlington County, we request that you reconsider your statement during a March 2 telephone conversation that you would not review and immediately revoke the Certificate of Occupancy, Permit No. CO1600034, issued to Broadstone Security, LLC on February 25, 2016 ("CO"). On March 4, 2016, we filed an appeal of the issuance of the CO to the Board of Zoning Appeals (the "Appeal"), attached for your convenience.

We urge you to read the Appeal. Based on the law as applied to the facts established in the Appeal, the Arlington County Zoning Ordinance Sections 15 and 17 requires you to declare the CO void and to revoke it.¹

On March 4, 2016, NOVA Armory (the entity that will operate under the CO) published an open-letter (attached) that reiterated the fact that the NOVA Armory gun store is being operated by a 16-year-old juvenile. As explained in the Appeal, the failure to disclose this fact, among others, in the CO application is a material omission because having a juvenile operate a firearms business is a violation of Federal law.²

¹ Section 17.1.B of the Zoning Ordinance provides:

[A]ny permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the zoning administrator, he shall forthwith revoke the same, by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises.

Section 17.2 provides that "[t]his zoning ordinance shall be enforced by the zoning administrator" and that "under no circumstances" shall the zoning administrator allow for the issuance of a CO that violates the ordinance.

² Ms. Lauren Pratte, by her own admission, is engaged in the business of selling firearms. "The term 'engaged in the business [of dealing firearms]' means...a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms." 18 USC §921(a)(21)(C). Engaging in the business of dealing firearms without a Federal Firearms License is an unlawful act. 18 USC §922(a)(1)(A)(Unlawful Act); 18 USC §923 (Licensing). A Federal Firearms License can only be issued to an individual who is at least 21 years of age. Lauren Pratte is 16.

New disclosures of material omissions arise on a near daily basis. For example, on March 7, 2016, the applicant of the CO, Dennis Pratte, stated that he is installing bullet-proof glass; a steel-reinforced door to a safe room; and an enhanced alarm system on the premises for which the CO was issued. This construction is being done now, well after the building inspection was completed. The County must now re-inspect the premises to assess whether additional permitting is required for this new construction and electrical installations and to the extent applicable, revoke the CO pending new permitting.

The information provided here and in the Appeal clearly establishes the fact that your office issued the CO based on material omissions and false statements. Failure to act on the information and pursuant to the ordinance constitutes disparate treatment *in favor* of the NOVA Armory gun store. The Zoning Ordinance compels your office to cure this error and immediately revoke the CO.

The CO allows NOVA Armory gun store to open at any time. Because the CO is void under Section 17 of the Zoning Ordinance, it is imperative that you revoke it to prevent a juvenile from operating a firearms store under a defective CO and without a Federal Firearms License, in clear violation of Federal law. Time is of the essence. We respectfully request that you take immediate action and provide us with a written explanation of your determination.

Respectfully submitted,



Nathan Guerrero
207 N. Oakland Street
Arlington, VA 22203



Emily Hughes
800 N. Barton Street
Arlington, VA 22201



Grace Chan
2816 1st Road North
Arlington, VA 22201



Bernadette Brennan
2816 1st Road North
Arlington, VA 22201



Julia Young
3003 4th Street North
Arlington, VA 22201

**cc: Arlington County Board
Mark Schwartz, Arlington County Manager**

**Attachments: (1) Statement in Support of Appeal to Board of Zoning Appeals (March 4, 2016)
(2) NOVA Armory Press Release (March 4, 2016)**

Attachment 1:

**Statement in Support of
Appeal to Board of Zoning Appeals
(March 4, 2016)**



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
PLANNING DIVISION, ZONING ADMINISTRATION
2100 CLARENDON BLVD, SUITE 1000 ARLINGTON VA 22201
TEL: 703-228-3883 FAX: 703-228-3896 WWW.ARLINGTONVA.US

RECEIPT

Copy Reprinted on 03-02-2016 at 16:41:52

03/02/2016

RECEIPT NUMBER: R16003077

PERMIT #: ZADM160147
SITE ADDRESS:
PARCEL:

TYPE: Zoning Admin Fees

TRANSACTION DATE: 03/02/2016	TOTAL PAYMENT:\$	575.40
	TOTAL PAID FROM TRUST:\$.00
	TOTAL PAID FROM CURRENCY:\$	575.40

TRUST TRANS LIST:

TRANSACTION LIST:

Type	Method	Description	Amount
Payment	Check	1131	575.40

TOTAL:\$ 575.40

ACCOUNT ITEM LIST:

Description	Account Code	Current Pmts
ZN Appeals/Determination	5703247057210200000000000000	575.40

RECEIPT ISSUED BY: Jburns

INITIALS: JLB

TOTAL:\$575.40

ENTERED DATE: 03/02/2016

TIME: 04:34 PM

TOTAL FEES: \$575.40 BALANCE DUE: \$0.00

RECEIPT NUMBER:R16003077, Check #1131,Fee: \$575.40,PERMIT #:ZADM160147

BOARD OF ZONING APPEALS, ARLINGTON COUNTY, VA

Department of Community Planning, Housing and Development

IN RE: CERTIFICATE OF OCCUPANCY)
PERMIT # CO1600034, ISSUED TO)
DENNIS PRATTE, BROADSTONE)
SECURITY, LLC D/B/A OLD TOWN)
ARMS (ISSUED FEBRUARY 25, 2016))

STATEMENT OF JUSTIFICATION

This is an appeal of the Zoning Division's issuance of a Certificate of Occupancy, Permit # CO1600034, on February 25, 2016, brought by and on behalf of a class of residents of Lyon Park and Ashton Heights, Virginia.

BACKGROUND

On January 20, 2016, Dennis Pratte submitted a Certificate of Occupancy Application (the "Application") to the Arlington County, Virginia, Department of Community Planning, Housing and Development, Zoning Division (attached as Exhibit A). The Application states the legal name and trade name of the business as Broadstone Security, LLC d/b/a Old Town Arms. The Application lists the address to be inspected as 2300 N. Pershing Drive, Suite 2B, Arlington, VA 22201. Part II of the Application lists the proposed use of the property as "retail storefront" and the nature of the business is described as "retail skeet/trap, firearms+ accessory sales." Dennis Pratte is listed as the applicant with an address of 903 Ridge Drive, McLean, VA 22101. On February 25, 2016, the Zoning Division issued a Certificate of Occupancy Permit # CO1600034 to Dennis Pratte of Broadstone Security, LLC d/b/a Old Town Arms (the "CO").

The Zoning Administrator erred in issuing the CO because it is non-compliant with relevant provisions of law and of county ordinances. The issuance of the CO is erroneous for at least four reasons: (1) it is based on materially false information; (2) the County (*i.e.*, Zoning Administrator and Commissioner of Revenue) failed to determine that the applicant does not currently possess the necessary

federal licensing to undertake the proposed use; (3) the Zoning Administrator failed to determine whether the proposed use involves the storage of hazardous materials; and (4) the Zoning Administrator did not have a proper record regarding the ownership of the premises.

SUMMARY OF BASIS FOR APPEAL

I. PERMIT # CO1600034 IS VOID AND MUST BE REVOKED WITH PREJUDICE BECAUSE THE CO APPLICATION IS MATERIALLY FALSE IN VIOLATION OF ARLINGTON COUNTY ZONING ORDINANCE SECTION 17.1(B).

The CO must be revoked with prejudice because the CO Application contains false statements of material facts. Pursuant to Arlington County Zoning Ordinance Section 17.1(B):

“[A]ny permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such statement shall be established to the satisfaction of the zoning administrator, he shall forthwith revoke same.”

On March 2, 2016, the Zoning Administrator indicated by telephone that she would not revoke the CO. This is an immediately appealable error. The Application for Permit # CO1600034 contains materially false and misleading statements and omissions. Each such false and/or misleading statement or omission is, by itself, sufficient to compel the immediate revocation of the CO. Taken together, these material misstatements and omissions render the CO void and require revocation with prejudice against re-applying.

First, the Application in its entirety is materially false and misleading because it makes no mention that the firearms business that will occupy the premises is owned and will be operated by a minor—the applicant’s 16-year-old high school daughter. The Application lists Dennis Pratte as the sole applicant. The applicant’s signature follows immediately after the statement “I, the Applicant, hereby certify that the information supplied on this Application is true and correct to the best of my knowledge.” The applicant, Pratte, however, failed to disclose to Arlington County that he is acting as a strawman for his minor daughter who, by his own admission, “can’t legally sign certain documents.” See Patricia Sullivan, *Gun store operator, neighbors may meet over Arlington dispute*, WASH. POST, Feb. 27, 2016, available at <https://www.washingtonpost.com/local/dc-politics/gun-store-owner-neighbors-may-meet->

over-arlington-dispute/2016/02/26/b8f20de2-dcc8-11e5-891a-4ed04f4213e8_story.html (attached as Exhibit B); *see also* Lauren Pratte, NOVA Armory's Response Letter, Mar. 4, 2016 (available at <https://www.arlnow.com/2016/03/04/lyon-park-gun-shop-threatens-to-sue-critics-lawmakers/>) (originally posted on www.novaarmory.com, but since removed; quoting Lauren Pratte, Dennis Pratte's minor daughter, and referring to her as the owner of NOVA Armory).

Dennis Pratte, who applied for the permit to open the store, said in an email Saturday that Nova Armory is a "family-owned business" *started by his 16-year-old daughter "While she can't legally sign certain documents, I act in her place when needed and am allowing her to build the business at her own pace so she can learn the things that are not taught in school."*

See Exhibit B. The Application is misleading on its face—and Pratte's certification that the Application is true and correct is false—because it fails to disclose that the applicant is signing on behalf of a minor who can't legally sign documents, and critically, is unauthorized under any law to sell firearms. This false statement regarding the identity of the applicant and misleading omission materially affects Pratte's permit Application, which renders the CO void. Under Section 17.1(B) of the Zoning Ordinance, the Zoning Administrator can and should immediately revoke the CO, and failing to do so is a reversible error.

Second, the Application materially misrepresents the use of the space as being for a retail storefront, when in fact the applicant's website states that it will conduct a wholesale business. Section II of the Application requires the applicant to state the proposed use of the space. Pratte's Application states that the premises will be used as a "retail storefront" and that the Nature of the Business is "Retail skeet/trap, firearms + accessory sales." The business's website, however, tells a very different story (or, it did prior to its complete overhaul following the public outcry over the store's planned opening). Prior to having been sanitized, the website included the following representations and advertisements:

- "[I]f you want **TRUE WHOLESALE PRICING**, stop by the store and ask about our **Exclusive VIP Program!**
- "**0% mark-up** and access to everything we have access to!"

- “We also offer dealer ‘wholesale pricing’ through our Exclusive VIP Membership Program”

See Cached view of www.novaarmory.com as of Feb. 25, 2016, at p. 1 & 5 (attached as Exhibit C). The NOVA Armory webpage boasted an ability to provide, at wholesale, any type of firearm, in any quantity: “[B]y having accounts with nearly every firearm manufacturer and distributor, NOVA Armory has immediate access to \$300 million of inventory! Basically, if it’s got a trigger, we probably have it & we have it at the lowest possible price.” See Exhibit C, at p. 4. The nature of NOVA Armory’s business, therefore, is wholesale, not retail. Under the Zoning Ordinance, wholesale trades are prohibited from operating in premises that are zoned “C-1” for local commercial establishments. See Zoning Ordinance § 7.1.2, Commercial/Mixed Use (C) Districts Principal Use Table. The Zoning Ordinance places an absolute prohibition on the actual intended use of the property by the applicant, and thus, the applicant’s statement that he will conduct a retail business is materially false and misleading.

Third, the Application for the CO misrepresents the trade name under which the firearms store is doing business. The Application states, under “Trade Name,” that the operator will be doing-business-as (“d.b.a.”) “Old Town Arms.” But the actual operator is NOVA Armory, and it is never mentioned in the Application. NOVA Armory is displaying signage on the door of 2300 N. Pershing, Unit 2B, see photo (attached as Exhibit D) and is advertising on its website as its place of business the premises that are the subject of the CO, see Exhibit C, at 2-3. The trade name, “d/b/a Old Town Arms” is a false statement of material fact because it does not permit the Zoning Administration or other County officials to determine if the holder of the permit and certificate of occupancy is the same as the operator of the premises. The County offices that process the Application (including the Zoning Administrator and the Commissioner of Revenue) cannot properly assess the Application without the operator’s true and correct trade name.

The Application fails to fully and properly disclose material information on the identity of the applicant, trade name and wholesale nature of the business. Accordingly, the Zoning Administrator erred in issuing the CO and the CO should be immediately revoked with prejudice against re-applying.

II. PERMIT # CO1600034 VIOLATES ARLINGTON COUNTY ZONING ORDINANCE SECTION 15.2.1 AND MUST BE REVOKED.

The Zoning Administrator erred in issuing the CO because it is non-compliant with relevant provisions of law and of county ordinances. Section 15.2.1 of the Arlington County Zoning Ordinance states:

Every certificate of occupancy shall state that the building or proposed use of the building...complies with all provisions of law and of county ordinances and regulations. No occupancy...shall take place until a certificate of occupancy shall have been issued by the zoning administrator [including a certificate of occupancy for] a change in ownership of buildings.

A. The CO Violates Section 15.2.1 of the Zoning Ordinance Because it Does Not Comply with Arlington County Code.

As set forth above, the Application contained several materially false and misleading statements and omissions in violation of Section 17.1 of the Zoning Ordinance. Issuance of the CO in violation of Section 17.1 fails to comply with the requirement in Section 15.2.1.

B. The CO Violates Section 15.2.1 Because it is Not in Compliance with Federal Law.

The Zoning Administrator (with the concurrence of the Commissioner of Revenue) issued the CO without determining whether the applicant is the holder of a Federal Firearm License ("FFL"). It is unlawful to sell firearms without an FFL. 18 U.S. Code § 923. Moreover, a firearms dealer such as NOVA Armory, which advertises itself as being the closest full service firearms dealer to DC and one of the "largest class 1 and class 3 gun shops inside the DC Beltway," is required to pay a Special (Occupational) Tax to lawfully sell so-called "class 3" weapons, or National Firearms Act firearms and weapons. See ATF Form No. 5630.7, "Special Tax Registration and Return National Firearms Act." Prior to the issuance of the CO, the Zoning Administrator failed to determine whether NOVA Armory has an FFL and has paid the Special (Occupational) Tax. In fact, the ATF's most recent list of FFL licensed dealers for the State of Virginia released in February 2016 does not list Dennis Pratte, Broadstone Security, LLC, Old Town Arms, or NOVA Armory as the holder of an FFL license. See Listing of Federal Firearms Licensees, as of February 2016 for Virginia, available at <https://www.atf.gov/firearms/listing-federal-firearms-licensees-ffls-2016>. Accordingly, the CO was

issued in error because there has been no determination that the proposed use—a firearms dealer—is in compliance “with all provisions of law” as required by Zoning Ordinance Section 15.2.1.

C. Storing Undeclared Hazardous Materials Violates Section 15.2.1.

Section VI of the CO seeks a self-certification that the occupant will not store hazardous materials. The Zoning Administrator made no inquiry or any determination whether the products being stored for sale on the premises—firearms and accessories—are hazardous materials or contain hazardous materials. Accordingly, the Zoning Administrator failed to properly confirm that all requirements for the issuance of the CO were met prior to actually issuing the permit.

D. The CO Violates Section 15.2.1 Because it was Issued Absent an Accurate Record of Ownership of the Premises to be Occupied.

The Zoning Administrator erred in issuing the CO without a proper record of the actual owners of the building. According to the County’s online permitting database, the owners of the property that is the subject of the CO are Richard P and Norma P Taylor. *See* Permit Search Record (attached as Exhibit E). It appears, however, that “Richard P and Norma P Taylor” have not been owners of record of any property at 2300 N. Pershing at any time in the last decade. The Zoning Administrator erred in issuing the CO without accurately reflecting the ownership of the building. At a minimum, pursuant to Section 15.2.1, Pratte and any business under which he is operating cannot occupy the premises absent the issuance of a new certificate of occupancy that accurately reflects the ownership of the property that is the subject of the CO.

CONCLUSION

For the reasons stated above, Permit # CO1600034 was issued in error and must be revoked with prejudice against refile. As described, the Application for this permit contains material misstatements and inaccuracies in violation of the Arlington County Zoning Ordinance. Moreover, Permit # CO1600034 is itself void because it is based on inaccurate information in violation of the requirements of the zoning ordinance. To allow this permit to stand, and to allow the subject business to operate on the basis of this improper permit, would be to allow this particular business to operate in violation of County

ordinances that should apply equally to all businesses, a result which the Board of Zoning Appeals should not permit.

Respectfully Submitted,



Bernadette Brennan
2816 1st Road North
Arlington, Virginia 22201



Nathan Guerrero
207 North Oakland Street
Arlington, Virginia 22203



Emily Hughes
800 N. Barton Street
Arlington, VA 22201



Grace Chan
2816 1st Road North
Arlington, Virginia 22201



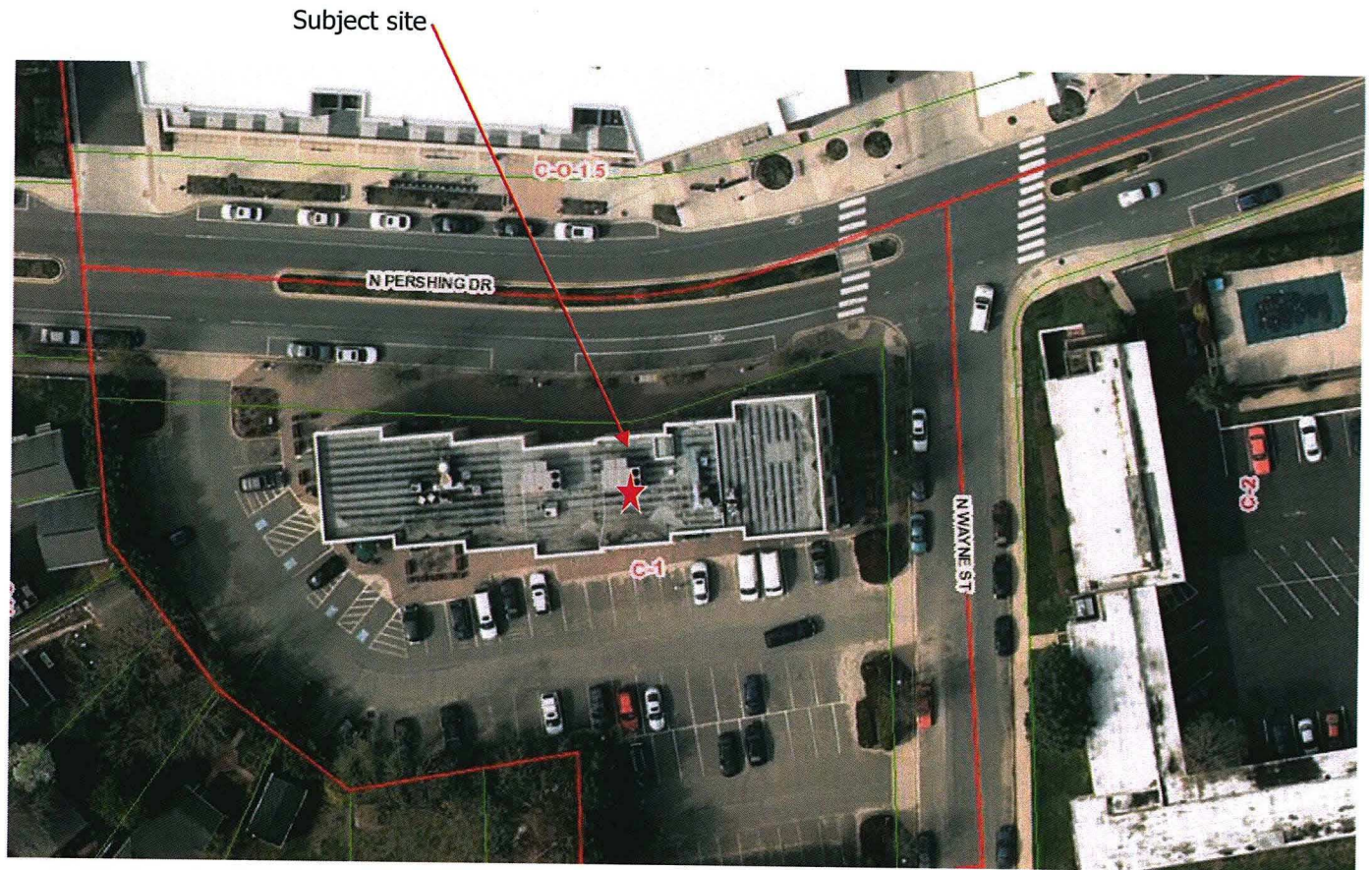
Julia Young
3003 4th Street N
Arlington, VA 22201



Steve Dorst
209 N. Fillmore Street
Arlington, VA 22201

ATTACHMENT 8

SITE MAP

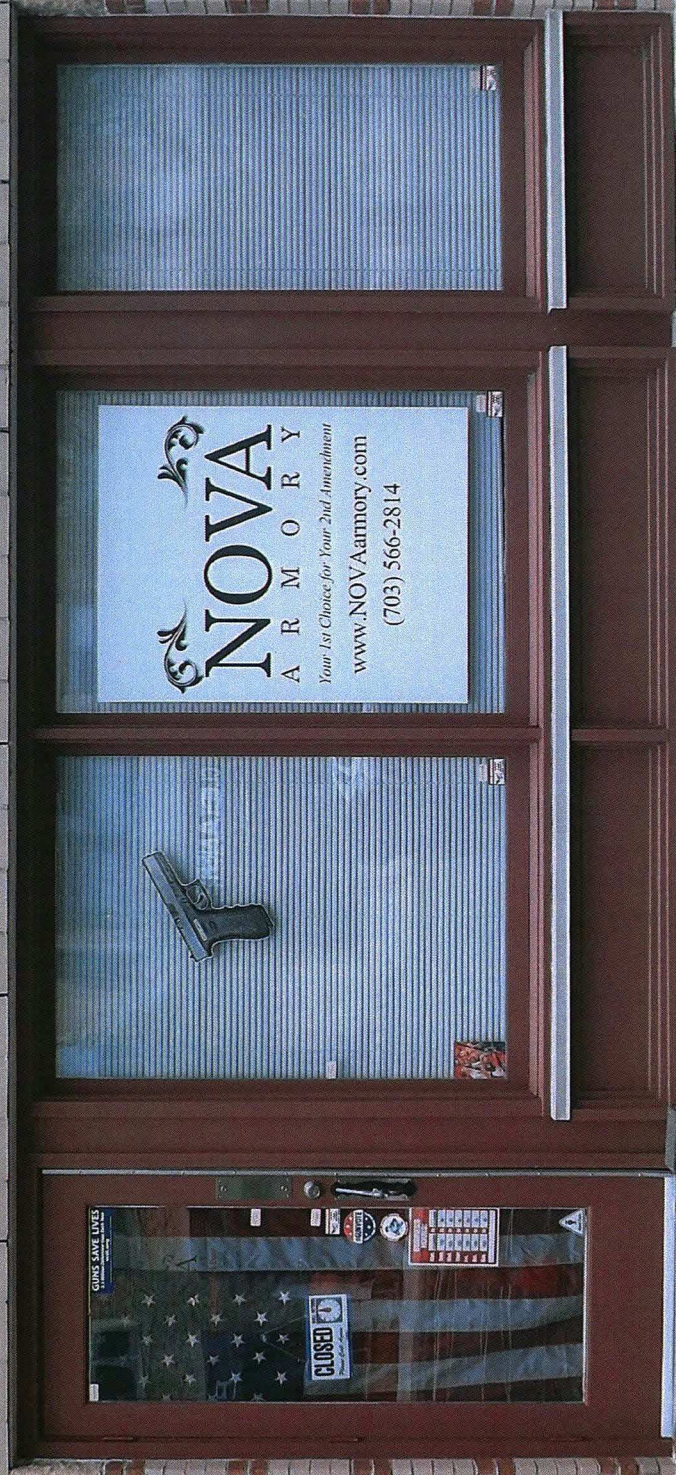


ATTACHMENT 9

SITE PHOTOGRAPHS



4/27/2016 11:49



4/27/2016 11:49



Lobby

Alt's

ONLY A GUNSHOT
OR OTHER VIOLATION
RESERVED

4/27/2016 11:47



4/27/2016 11:46