

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MALIHA MAHMOOD AND LIFESKILLS MONTESSORI AND DAYCARE, LLC, SP 2013-BR-069 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 11340 Nancyann Way, Fairfax, 22030, on approx. 20,471 sq. ft. of land zoned R-3. Braddock District. Tax Map 56-2 ((8)) (2) 6. (Admin moved from 11/20/13 at appl. req.) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 6, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 20,471 square feet.
4. Staff recommends approval.
5. The Board adopts their rationale.
6. Specifically, from the standpoint of the parking, staff has done an excellent job of restricting where this parking can be, and the pick-ups and the drop-offs have to be in the driveway, because there is room for it.
7. Essentially, there are six parking spots, two in the garage.
8. There is a development condition that precludes that garage from being converted to any other use.
9. Even if the additional employee parks in the driveway, there are three additional slots for folks to actually drop-off and pick-up their children.
10. Typically, that is a very, very short turnaround.
11. It is noted by Mr. Hammack and confirmed by staff, under the new zoning amendment, this is not a specific requirement.
12. It actually could be less restrictive, because there can be parking on the street or offsite parking.
13. That is a restriction that has been loosened since we have had the zoning amendment.
14. This home childcare center meets all state and county codes.
15. She has been licensed for seven.
16. She is going to apply for twelve assuming this special permit is approved.
17. The Board is going to be dealing with childcare centers or home childcare centers that are in condominiums, and in townhouse developments that are going to be very, very difficult from the standpoint of parking.
18. The board looks at each one of those on a case-by-case basis.

19. Mr. Hart has said on many occasions that the Board deals with balls and strikes.
20. The reality is that the General Assembly, the Commonwealth of Virginia, and the Fairfax County Board of Supervisors, in accordance with each one of those, the state requirement is you can have twelve children.
21. Fairfax County has a zoning amendment that has increased the number of children from ten to twelve by special permit so that it conforms with the state requirement.
22. Every member of the Board looks at home childcare facilities extraordinary closely.
23. The Board looks at the residential characteristics of every place that the Board allows these things to occur.
24. That means the no signage, the parking, all the things that there is concern about.
25. The parking does need to be parallel.
26. They cannot block driveways.
27. In fact, Mr. Byers has reported this in his neighborhood in the past. That's what you do. You report it.
28. That does not preclude you from taking whatever action as a homeowners association that you deem appropriate with your board and your residents from the standpoint of how you proceed from this point.
29. Based on what the state and what the Fairfax County Board of Supervisors have said, this particular application meets all the applicable requirements.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Maliha Mahmood and Lifeskills Montessori and Daycare, LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 11340 Nancyann Way, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the plat entitled, "Plat Showing Location Survey on Lot 6, Section 2, Deerfield Forest," prepared by Michael L. Flynn of Champion Title & Settlements, Inc., dated February 26, 2013, as revised by Maliha Mahmood on August 12, 2013, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

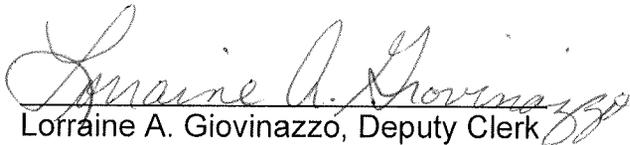
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. Pick-up and drop-off of children shall take place in the driveway.
8. A minimum of six parking spaces shall be provided on the subject parcel within the garage and areas of existing paving.
9. The existing two-car garage shall not be converted to a use other than for off-street parking and shall be kept clear of storage and debris at all times in order to accommodate parking for the dwelling and home child care uses.
10. There shall be no signage associated with the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

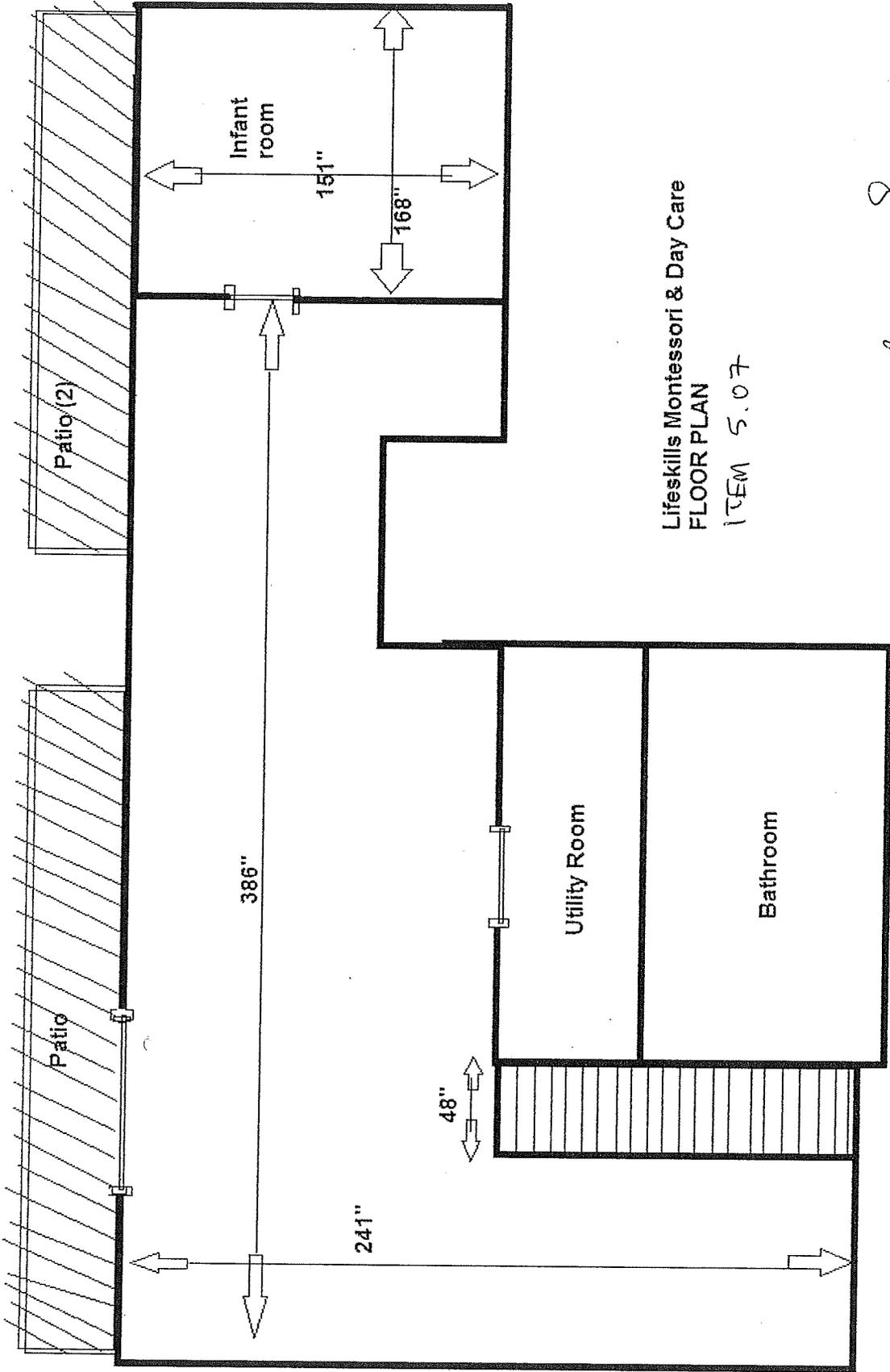
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals



Lifeskills Montessori & Day Care
 FLOOR PLAN
 ITEM 5.07

Malina Marand
 10/18/13

RECEIVED
 Department of Planning
 AUG 13 2013
 Zoning Evaluation Divis.