

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LORENA S. DENNEHY, SP 2013-SU-040 Appl. under Sect(s). 8-301 of the Zoning Ordinance to permit a home child care facility. Located at 13921 Waterflow Pl., Centreville, 20121, on approx. 1,650 sq. ft. of land zoned R-8 and WS. Sully District. Tax Map 65-2 ((3)) (16) 46. (Admin. moved from 8/7/13 for notices.) Mr. Hart 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 October 9, 2013; and

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

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval.
3. The Board adopts the rationale in the staff report.
4. This is a relatively modest request.
5. The applicant is asking for only nine children. She can have five by right.
6. With the imposition of the development conditions, the impacts on the neighbors would be appropriately mitigated.
7. The applicant has explained that the children are supervised while they are outside.
8. As shown on the drawings, the neighbor to the east has a fenced backyard.
9. The neighbor to the west, there is a fence along most of the property line, except for the last ten feet or so.
10. Even if the backyard is not totally enclosed, it is mostly enclosed.
11. The applicant also has permission to go out into the lawn behind.
12. As to the issue of the kitchen, it is questionable whether that needs to be addressed in the development conditions.
13. The Board is not approving a second kitchen within the scope of Development Condition 2.
14. If the special permit use ceased, they are just like any other property owner, and Zoning Enforcement can deal with whether they can have a microwave in the basement or not.
15. Ordinarily, the Board might want a fenced area for playing. That may not always be practical in a house with a very small lot, in a townhouse.
16. With the explanation, every case is different, and this is probably going to be okay the way it is.

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, Lorena Dennehy, only and is not transferable without further action of the Board, and is for the location indicated on the application, 13921 Waterflow Place, 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 Special Permit (SP) Plat titled "Property Report, Lot 46, Section 16, Little Rocky Run" prepared by Universal Title, dated May 21, 2013, as revised by Lorena Dennehy, the applicant, 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 7:30 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be nine (9), excluding the applicant's own children.
6. During the hours of operation of the child care facility, the two assigned parking spaces in front of the applicant's unit shall be kept open for drop-off and pick-up of children, and the applicant and assistants shall not park in the assigned parking spaces on Waterflow Place and shall either use on-street parking on Braddock Creek Road or park in unassigned spaces.
7. The dwelling that contains the child care facility shall be the primary residence of the applicant.
8. 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, six 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 5-1. Mr. Byers voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:



Kathleen A. Knoth
Clerk to the Board of Zoning Appeals