

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JANAKI P. WANNIACHCHIGE d.b.a. HAPPY KIDS CHILD CARE, SP 2013-BR-105 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 4758 Tapestry Dr., Fairfax, 22032, on approx. 10,280 sq. ft. of land zoned R-3. Braddock District. Tax Map 68-2 ((5)) 1632. 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 February 26, 2014; and

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

1. The owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 10,280 square feet.
4. The staff recommends approval, and the Board adopts their rationale.
5. The Board read the letter dated February 24, 2014, from the Kings Park West Community Association received in the Department of Planning and Zoning on February 25, 2014, from the standpoint of the restriction on certain businesses within that association. The Board reiterated that they do not enforce homeowner association covenants. That is a private issue between the homeowners and the association itself.
6. It was noted that the applicant stated she has actually had the child care center since 2002, and as the Board understands it, it predates the establishment of the homeowners association.

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, Janaki Wanniachchige, d.b.a Happy Kids Child Care, only and is not transferable without further action of the Board,

and is for the location indicated on the application, 4758 Tapestry Drive, 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 Physical Improvement Survey, Lot 1632, Section 22, Kings Park West," prepared by R.C. Fields Jr., L.S., of R.C. Fields, Jr. & Associates, dated November 3, 1994, as revised by the applicant Janaki Wanniachchige, on September 30, 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 5:30 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 five 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 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, 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 7-0.

A Copy Teste:

  

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Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals