

## COUNTY OF FAIRFAX, VIRGINIA

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

AYESHA S. SHEIKH, SP 2013-BR-089 Appl. under Sect(s). 8-301 of the Zoning Ordinance to permit a home child care facility. Located at 5043 Head Ct., Fairfax, 22032, on approx. 2,170 sq. ft. of land zoned R-8 (Cluster). Braddock District. Tax Map 69-3 ((9)) 79. Mr. Smith 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 January 8, 2014; and

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

1. The owner of the property is Robert N. DeAngelis.
2. The applicant is a tenant of the property.
3. The present zoning of the property is R-8 Cluster.
4. The area of the lot is 2,170 square feet.
5. This is a relatively modest request over what is authorized by right under the Zoning Ordinance.
6. They are going from five to six children.
7. There are a number of letters that have been submitted in support of the application, including three from neighbors on Head Court.
8. There appears to be ample parking as was referenced pretty thoroughly in the staff report, which recommends approval.
9. The Board adopts the rationale in the staff report.
10. There are the two parking spaces there, one of which will be used by the applicant, but one which would be available for drop off and then the visitor's parking spaces as well.
11. It is also really an end unit.
12. There is open space behind the unit.
13. It seems like it is well set up for this type of a use under the circumstances

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:

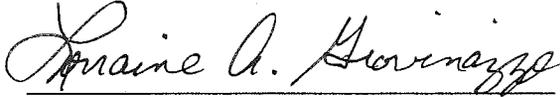
1. This approval is granted to the applicant, Ayesha S. Sheikh, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5043 Head Court, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the plat entitled, "Building Location, Lots 79 Thru 86, Twinbrook, Section Two," prepared H.M. of Springfield Assoc., as revised by the homeowner, Ayesha S. Sheikh, and as accepted by the Department of Planning and Zoning on October 1, 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 six, excluding the applicant's own children.
7. One of the two assigned parking spaces for the applicant's property shall be reserved during business hours for the pick-up and drop-off of children.
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, twelve (12) 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.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Byers were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in black ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals