

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ADELA LUNING (AKA) ADELAS HOUSE FAMILY CHILD CARE, SP 2015-MA-041 Appl. under Sect(s). 3-303, 8-305, 8-914, and 8-923 of the Zoning Ordinance to permit a home child care facility; to permit a reduction in minimum yard requirements based on an error in building location to permit deck to remain 0.0 ft. from a side lot line; to permit an accessory storage structure to remain 0.1 ft. from the rear lot line and 1.6 ft. from a side lot line; and to permit a fence greater than 4.0 ft. in height in the front yard of a corner lot. Located at 6010 Munson Hill Rd., Falls Church, 22041, on approx. 10,296 sq. ft. of land zoned R-3. Mason District. Tax Map 61-2 ((5)) 9. (Concurrent with VC 2015-MA-002). 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 July 29, 2015; and

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

1. The applicant is the owner of the land.
2. With respect to the fence, the location is such that it is really to enclose a portion of the functional rear yard. It is along Glen Carlyn Road, which has a great deal of traffic and the fence is somewhat hidden by vegetation.
3. With respect to the shed, the shed is down in a depression. It is not visible from the street. There is a large tree hiding it and would complicate relocating the shed closer to the street. There are no complaints about the shed and it has been there quite a while.
4. The patio/deck does not seem to be a problem. The fence appears to hide it. Even though it is right on the property line, it is not visible, and should not have any negative impact on anybody.
5. With respect to the child care component, staff is recommending approval, and the Board adopts the rationale in the staff report with slight editing of the development conditions.
6. The applicant has read, understands, and concurs with the proposed development conditions.

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, Adela Luning, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6010 Munson Hill Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use, the location of the accessory storage structure (shed), and the location of a fence in the front yard as indicated on the plat titled, "Special Permit Plat/Variance Plat, 6010 Munson Hill Road," by Aaron M. Vinson, Professional Engineer, of Walter L. Phillips Incorporated, dated March 2, 2015, 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 hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two full-time non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway located on the subject property.
10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in the room labeled "Shelter Room" as shown on the floor plan "Attachment A" attached to these development conditions. This room shall remain a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
12. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".
13. All applicable permits and final inspections shall be obtained for the accessory storage structure (10.0 feet in height and approximately 144 square feet in size) and carport conversion within 180 days of the approval of this application. The shed will remain locked at all times during the child care operation. The converted carport space shall not be used for the child care operation until it passes final inspection.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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

A Copy Teste:

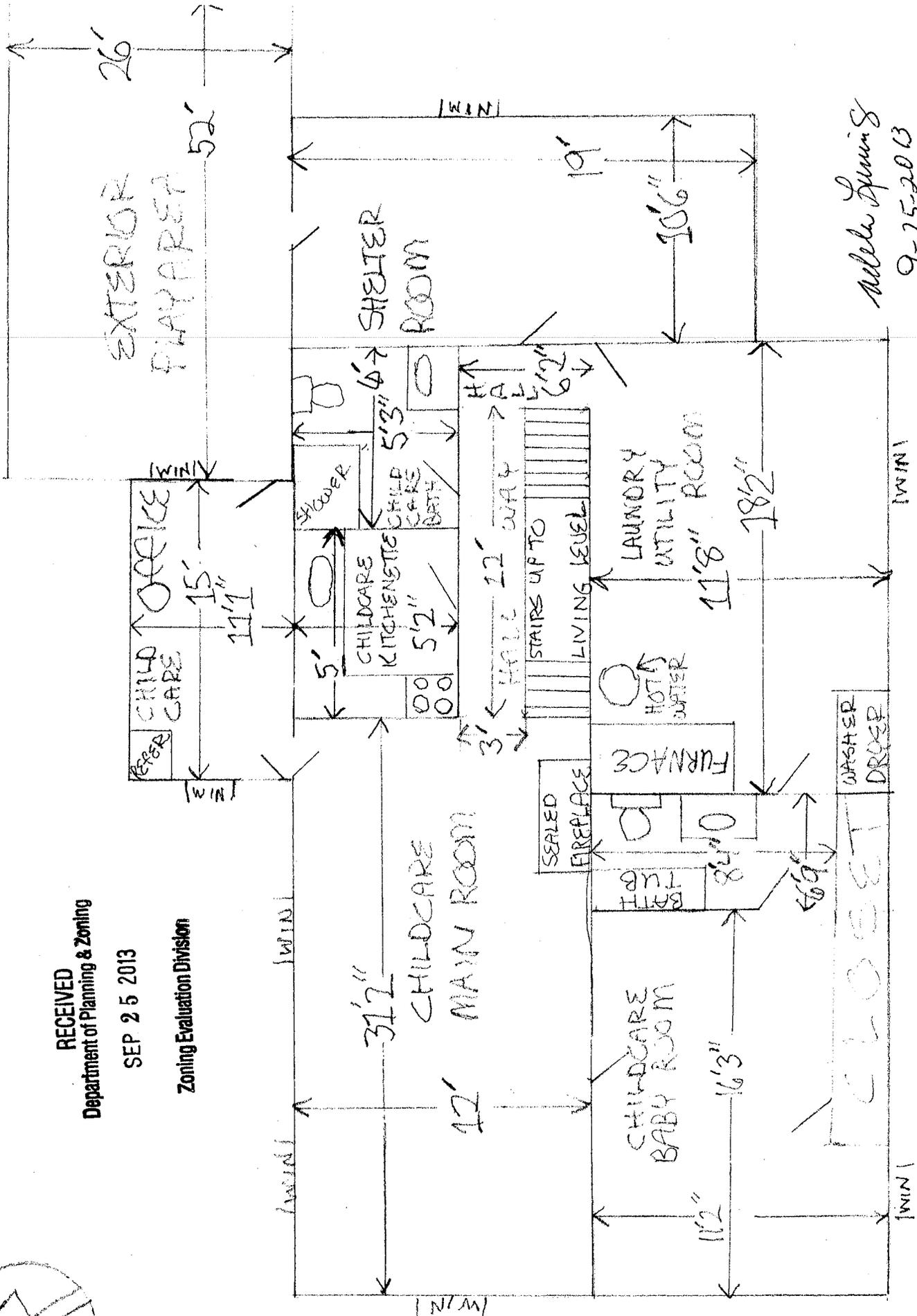


Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

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Adele Luning
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