## COUNTY OF FAIRFAX, VIRGINIA

## SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARIA EXANORA MAIRENA/MARIA'S FAMILY DAY CARE, SP 2015-MA-063 Appl. under Sect(s). 3-303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3406 Glen Carlyn Dr., Falls Church, 22041, on approx. 11,250 sq. ft. of land zoned R-3. Mason District. Tax Map 61-2 ((15)) 17. Mr. Hammack 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 September 30, 2015; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation.
3. 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, Maria Exanora Mairena, d/b/a Maria's Family Day Care, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3406 Glen Carlyn Drive, and is not transferable to other land.

2. This special permit is granted only for the home child care use indicated on the plat titled, "House Location Survey, Lot 17, Parkhaven," as revised by Maria E. Mairena through January 28, 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 and be made available to all departments of the County of Fairfax during hours of operation.

4. The 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. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve (12), or the number of children permitted by the state under its license, whichever number is less.

7. A maximum of two 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 pick-up and drop-off of children shall take place within the driveway of 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 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.

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 5-0. Mr. Beard and Mr. Smith were not present for the vote.

A Copy Teste:

Mary D. Padrutt

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals