

## COUNTY OF FAIRFAX, VIRGINIA

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

SARAIID VIDAURRE, SP 2015-MA-049 (A/D) Appl. under Sect(s). 3-303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 5283 Navaho Dr., Alexandria, 22312, on approx. 21,168 sq. ft. of land zoned R-3. Mason District. Tax Map 72-3 ((23)) 3. 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 June 10, 2015; and

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

1. The applicant is the owner of the property.
2. The Board has a favorable staff recommendation and adopts the rationale in the staff report.
3. There is sufficient room in the driveway for the pick-up and drop-off without using the street.
4. There was some concern about the geometry of a driveway on a narrow street near a curve. Given the photographs presented, although one has to be careful backing out of the driveway as there is nothing to show that one could not do that.
5. This is a case where there can be seven children by right with no development conditions, or twelve with development conditions that limit to some extent the activity and the impact on the neighbors. The impacts would be less with the development conditions than otherwise. There is no difference whether there are seven cars coming in and out, or twelve for pick-ups and drop-offs.
6. Given the record before us, it does meet the applicable standards.
7. The applicant has read, agrees, and concurs with the proposed development conditions, including the amendment to allow for up to nine children.

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, Saraiid Vidaurre, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5283 Navaho Drive, and is not transferable to other land.

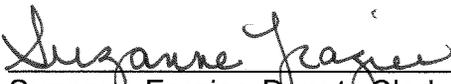
2. This special permit is granted only for the home child care use indicated on the plat, titled, "Vidaurre's Daycare, Saraiid Vidaurre", prepared by Saraiid Vidaurre through March 2, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit shall be posted in a conspicuous place on the property 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 6:00 a.m. to 6:30 p.m., Monday through Friday.
5. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 4.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall be nine.
8. A maximum of two nonresident 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.
9. There shall be no signage associated with the home child care facility.
10. The home child care facility shall not utilize the deck until a final inspection has been approved by the County. Applicable permits and final inspections shall be obtained within six months.
11. Within 12 months of approval of this special permit request, the applicant shall ensure that the driveway is brought into conformance with Zoning Ordinance requirements for front yard coverage by removing any paved areas in excess of the 30 percent limit.
12. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
13. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at 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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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

A Copy Teste:

  
\_\_\_\_\_  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals