

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

CARLA MCNEIL SEAY / CARLA'S WEECARE HOME DAYCARE LLC, VC 2015-MV-009 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit accessory structures to remain in the front yard of a through lot containing 36,000 square ft. or less. Located at 8045 Winding Way Ct., Springfield, 22153, on approx. 16,130 sq. ft. of land zoned PDH-3. Mt. Vernon District. Tax Map 98-1 ((4)) 541. 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 January 13, 2016; and

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

1. The applicant for this variance is Carla McNeil Seay/Carla's Weecare Home Daycare LLC.
2. The applicant is the owner of the land.
3. A variance request must meet one of the justifications in the state code. In this case, the Board finds that it meets both standards. This variance request also meets all of the criteria, one through five from the standpoint to substantiate the granting of the variance.
4. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:
 - a. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property, such need for a variance would not be shared generally by other properties, such variance is not contrary to the purpose of the Ordinance, and this variance does not include a change in use.
 - b. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.
 - c. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.
 - d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

- e. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.
- f. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.
- g. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following conditions:

1. This variance is approved for the location and height of accessory structures in the front yard along Newington Forest Avenue, as shown on the Property Title Report plat, prepared by John W. Veatch, L.S., dated March 15, 2004, as modified by the applicant and as submitted with this application, and is not transferable to other land.

This approval, contingent upon the above-noted condition, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Hammack was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals