

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARIA CARMEN FALCON/BRIGHT & HAPPY BEGINNERS, LLC, SP 2015-PR-146 Appl. under Sect(s). 3-103 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8316 Second Ave., Vienna, 22182, on approx. 10,000 sq. ft. of land zoned R-1. Providence District. Tax Map 39-3 ((11)) (C) 42. Ms. Theodore 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 February 3, 2016; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 10,000 square feet.
4. Staff is recommending approval, and the Board adopts their rationale.
5. The applicant has read, understands, and concurs with the proposed development conditions.
6. With respect to the issues that were identified during the Zoning Inspection site visit, the applicant has relocated the sleeping area to a room with acceptable emergency egress, and has also added required handrails to the basement stairway.
7. There are several letters of support from parents who children attend the home child care.

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 Carmen Falcon, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 8316 Second Avenue, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Boundary Survey of Lots 42, 43, 44, 45, & 46, Block C, Wedderburn Heights," prepared by John E. Krobath on August 17, 2004, as revised by the

applicant Maria Carmen Falcon on October 31, 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 the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's driveway.
5. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
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 not exceed twelve.
8. 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 7:30 a.m. to 6:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas 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 shall be of the dimension and side 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 automatically expire, without notice, six 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.

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

A Copy Teste:

A handwritten signature in cursive script that reads "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals