

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HARJINDER KAUR (DBA) LITTLE CUTIES HOME DAY CARE, SP 2015-MA-147 Appl. under Sect(s). 3-203 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 4001 Downing St., Annandale, 22003, on approx. 24,919 sq. ft. of land zoned R-2, HC. Mason District. Tax Map 61-3 ((2)) 16. 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 March 16, 2016; and

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

1. The owners of the property are Gurmit Singh and Salwinder Singh.
2. The present zoning is R-2, HC.
3. The area of the lot is 24,919 square feet.
4. The applicant has corrected the issues that were identified during the zoning inspection site visit.
5. The Board received letters of support from parents of children that attend the child care, as well as from an adjacent neighbor. In response to the concerns raised, the Board notes that the county's Department of Transportation did review the transportation impacts, and has indicated that Downing Street has traffic calming, and is a low-volume street. They recommended that drop off and pick up should be done in the driveway of the home child care, which is included as a proposed development condition.
6. The home child care facility is an allowed use under provisions of the Zoning Ordinance with a special permit.
7. Staff recommended approval, and the Board adopts their rationale.
8. The applicant has read, understands, and concurs with the proposed development conditions, including the modification made at this hearing.

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, Harjinder Kaur, d/b/a Little Cuties Home Day Care, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4001 Downing Street, 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, Part of Lot 16, Section One, Englandboro," as prepared by Donald J. Zdancewicz, L.S., as revised by Gurmit Singh through November 4, 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 12.
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. If a driveway connection is built to Columbia Pike, it will not be utilized during the hours of operation of the home child care.
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. Hart seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo
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Clerk to the Board of Zoning Appeals