

~ ~ ~ April 16, 2014, Scheduled case of:

9:00 A.M. MELVA C. MARTINEZ AND MELVA'S LITTLE ANGELS DAYCARE LLC, SP 2014-LE-005 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6318 Rose Hill Dr., Alexandria, 22310, on approx. 14,436 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((14)) (D) 4.

Chairman Ribble called the applicants to the podium.

The Chairman directed the clerk to administer the oath to the participants in the hearing, who swore or affirmed that their testimony would be the truth, and the public hearing was opened.

Vladimir Martinez and Melva Martinez, 6318 Rose Hill Drive, Alexandria, Virginia, reaffirmed the affidavit.

Erin M. Haley, Staff Coordinator, made staff's presentation as contained in the staff report. Staff recommended approval of SP 2014-LE-005, subject to the proposed development conditions, altering a window to meet fire safety requirements.

Mr. Hart asked if there had been a calculation done regarding the amount of pavement in the front yard. Ms. Haley said that in 2010 the Department of Code Compliance case required the applicant to remove some paving to meet the required front yard coverage. Being on a corner lot, there were two front yards which were used in the calculations, so a larger amount of paving was allowed, but the property was currently in compliance.

Mr. Martinez presented the special permit request as outlined in the statement of justification submitted with the application. He said they understood the zoning codes and were willing to follow them. Mr. Martinez said he had read the conditions in the staff report and understood about the window.

As there were no speakers, Chairman Ribble closed the public hearing.

Mr. Byers moved to approve SP 2014-LE-005 for the reasons as stated in the resolution.

//

## COUNTY OF FAIRFAX, VIRGINIA

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

MELVA C. MARTINEZ AND MELVA'S LITTLE ANGELS DAYCARE LLC, SP 2014-LE-005 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6318 Rose Hill Dr., Alexandria, 22310, on approx. 14,436 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((14)) (D) 4. 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 April 16, 2014; and

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

1. The applicant is the owner of the land.
2. The zoning is R-3.
3. The lot area is 14,436 square feet.
4. Staff recommends approval, and the Board adopts its rationale.

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, Melva C. Martinez and Melva's Little Angels Daycare LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 6318 Rose Hill Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the special permit plat prepared by Patrick A. Eckert, Land Surveyor, of Alterra Surveys, Inc., dated August 10, 2013, as revised through January 16, 2014, by Vladimir Martinez, owner, 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 of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. An egress window, that meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed to replace one of the two existing windows in the "Blue Room" as labeled on the floor plan in Attachment 1. **This egress window shall be installed within 90 days of the approval of the special permit.**
9. Upon the discontinuance of the proposed use, the second kitchen, located in the area of the child care facility, shall be removed.

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, ninety (90) days after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven until all conditions are met. 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. Hammack seconded the motion, which carried by a vote of 7-0.

//