

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SUMAIYA JAHAN - ABC HOME DAY CARE, SP 2016-LE-033 Appl. under Sect(s). 3-803 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6838 Clowser Ct., Springfield, 22150, on approx. 2,128 sq. ft. of land zoned R-8. Lee District. Tax Map 90-1 ((9)) 109. 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 June 29, 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-8.
3. The area of the lot is 2,128 square feet.
4. The facility has operated for three years with no known complaints.
5. The Board recommends a maximum of eight (8) children.
6. The applicant has read, understands, and concurs with the proposed development condition as modified.

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 special permit approval is granted to the applicant, Sumaiya Jahan, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6838 Clowser Court, and is not transferable to other land.
2. This Special Permit is granted only for the home child care use as indicated on the Special Permit plat approved with the application, entitled: "Plat showing House Location on Lot 109, Grandview of Virginia," prepared by Patrick A. Eckert of Alterra Surveys, Inc. and dated January 22, 2016, as qualified by these development conditions.

3. A copy of the special permit conditions shall be posted in a conspicuous place on the property, and be made available to all departments of the County during the hours of operation.
4. The hours of operation for the home child care facility shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the home child care facility shall be the primary residence of the provider.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed eight (8).
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, and limited to the hours of 7 a.m. to 6 p.m.
8. Arrival and departure of children shall be staggered to ensure that the parking spaces, shall be available to accommodate pick-up and drop-off of children.
9. All pick-up and drop-off of children shall take place in the two assigned parking spaces, which shall be reserved exclusively for that purpose during hours of operation of the home child care facility.
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. There shall be no signage associated with the home child care facility.
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits eight children, ages one month to eight years 11 months, being cared for at the home child care facility.
13. The rear deck shall not be used in any way for the home child care use, including but not limited to use as a play area or for access to the rear yard, until reconstruction is complete and approval of the final inspection. The applicant shall obtain all applicable permits within 30 days, and complete and pass all inspections within 12 months of approval of this special permit application.
14. 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".

15. If the Zoning Administrator determines that the paver patio in the rear yard is not in compliance with the Zoning Ordinance, the applicant shall either modify it to come into compliance or request approval of an error in building location.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

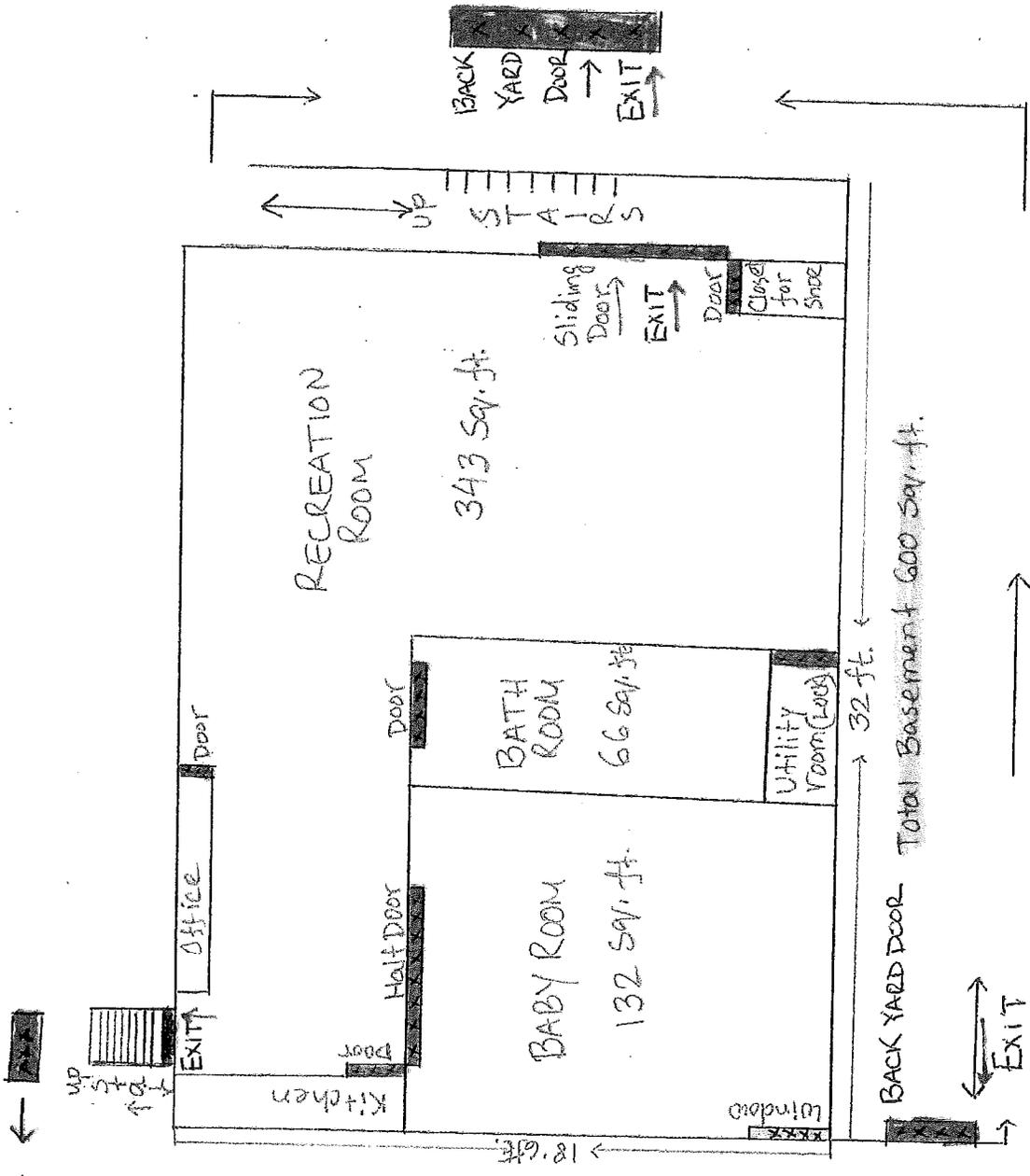
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Mr. Hart seconded the motion, which carried by a vote of 6-0. Ms. Theodore was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals



Department of Planning & Zoning
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Total 1st Floor 625 sq. ft.

