

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ANGEL WHISENANT, SP 2014-LE-138 Appl. under Sect(s). 3-403, 8-305, and 8-914 of the Zoning Ordinance to permit a home child care facility. Located at 6616 Cimarron St., Springfield, 22150, on approx. 11,087 sq. ft. of land zoned R-4. Lee District. Tax Map 80-4 ((5)) (10) 17. Mr. Hammack 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 27, 2016; and

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

1. The applicant is the owner of the land.
2. The applicant had read, understands, and concurs with the revised proposed development conditions.
3. The main problem associated with the application was the large 12-foot tall shed, which was almost on the property line. That issue has been resolved, as it will be moved into a location to bring it into compliance with the Zoning Ordinance, or removed completely.
4. Because of its height, the smaller shed is already in compliance.
5. This motion, therefore, is an approval of the home child care use, subject to the revised proposed development conditions.

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, Angel Whisenant, and is not transferable without further action by the Board of Zoning Appeals, and is for the location indicated on the application, 6616 Cimarron Street, and is not transferable to other land.

2. This special permit is granted only for the home child care use as shown on the plat entitled "Special Permit Plat, Lot 17, Block 10, Section One, Springfield Estates," prepared by Kevin D. Vaughn, L.S., dated December 21, 2015, consists of one sheet, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions 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 applicant shall continue to operate with the state approved hours of operation, 5:30 a.m. to 5:30 p.m., Monday through Friday, until a revised and approved state license is obtained for the requested hours of 4:00 a.m. to 5:30 p.m., Monday through Friday. Prior to 5:30 a.m., there shall be no more than two (2) children on-site at any one time.
5. The dwelling that contains the child care facility shall be the primary residence of the applicants.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of one resident employee and one non-resident employee may be involved in the home child care facility. The non-resident employee is limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall occur on-site in the driveway and parking shall be available on-site for the home child care use during the hours of operation.
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 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".

13. The accessory storage structures shall remain locked during the hours of operation of the home child care facility.
14. The applicant shall obtain all applicable building permits and final inspections for the screen porch within 9 months of approval of this application. The screen porch 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 approval of the final inspection.
15. The applicant shall remove the larger shed or relocate it to a location that is in conformance with the accessory structure location standards in the Zoning Ordinance, within 120 days of approval of this application.

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 7-0.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals