

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CYNTHIA NKONWA, SP 2014-MV-017 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8119 Cooper St., Alexandria, 22309 on approx. 13,324 sq. ft of land zoned R-3. Mt. Vernon District. Tax Map 101-1 ((2)) 598. (Admin. moved from 6/11/14 at appl. req.) (Deferred from 7/30/14 at appl. req.) (Decision deferred from 11/19/14.) Mr. Smith 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 25, 2015; and

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

1. The owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 13,324 square feet.
4. The staff recommended approval of the application originally.
5. There was a public hearing that was held back in November. A number of issues were raised.
6. The staff continues to recommend approval and provides responses to each of the specific questions that were raised, including removal of the inoperable car, which has been done. A condition was added to address that moving forward.
7. The appropriate permit was obtained for the deck and all of the other requirements relative to the structures; fixing of the fence, smoke detectors, interior floor plan, and showing the fence layout.
8. Addressing all the conditions and concerns that have been raised, and with the modified conditions, this is appropriate for approval at this point.

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 only, Cynthia Nkonwa, d/b/a Cynthia Home Day Care, and is not transferable without further action of the Board, and

is for the location indicated on the application, 8119 Cooper Street, and is not transferable to other land.

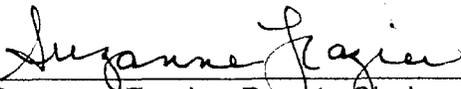
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat, Showing House Location on Lot 598, Resubdivision of Lots 13-33 & 42-69, Timothy Park," as revised by the applicant, Cynthia Nkonwa, dated December 4, 2014, and approved with this application, as qualified 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 6:00 a.m. to 10:00 p.m., Monday through Friday, and from 6:00 a.m to 4:00 p.m Saturday and Sunday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time between Monday through Friday shall be twelve, and Saturday and Sunday shall be two, excluding the applicant's own children.
7. The maximum number of assistants whether paid or not for their services for the home child care shall be two and limited to the hours of 7 am to 6 pm.
8. All pick-up and drop-off of children shall take place in the driveway. There shall be no use of horns during pick-up and drop-off.
9. No inoperable cars shall be located in the driveway. The applicant shall keep the premises free of trash.
10. There shall be no signage associated with the home child care facility.
11. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.

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.

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

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals