

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ISABEL C. AVELLANEDA DE ARELLANO/ZEBRALATION MOM, SP 2014-DR-028 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 1804 Peabody Dr., Falls Church, 22043, on approx. 10,445 sq. ft. of land zoned R-4. Dranesville District. Tax Map 30-3 ((3)) 414. 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 18, 2014; and

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

1. The applicant is the owner of the land.
2. The current zoning is R-4.
3. The lot area is 10,445 square feet.
4. Staff recommends approval, and the Board adopts its rationale.
5. Based on what the Fairfax County Department of Transportation said, the Kiss and Ride will alleviate a great deal of the congestion from the nearby school.
6. When they do have staggered times, and the applicant addressed that, it is very difficult to say that the home child care would add congestion when, for example, you are talking about 2:45 p.m. to 6:00 p.m.
7. Most of this traffic was caused by the elementary school, and it is very difficult to differentiate between those two.

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, Isabel C. Avellaneda de Arellano dba Zebration.Mom, Inc., only and is not transferable without further action of the Board, and is for the location indicated on the application, 1804 Peabody Drive, and is not transferable to other land.

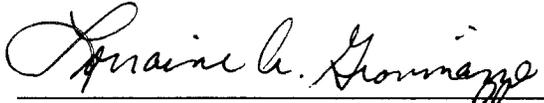
2. This special permit is granted only for the home child care facility use indicated on the special permit plat titled "House Location, Lot 414, Sec 6, Pimmit Hills, Dranesville Magisterial Dist., Fairfax County, Virginia," prepared by a Virginia certified land surveyor, dated February 2, 1962, as revised on February 12, 2014, by Isabel Avellaneda De Arellano, 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 6:00 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. All drop-off and pick-up of child care facility children shall be conducted only in the driveway of 1804 Peabody Drive.
9. The maximum number of assistants for the home child care shall be one.
10. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

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 (6) 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.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in black ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals