

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RUBINA A. MAHMOOD, SP 2014-MV-032 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit home child care facility. Located at 8616 Lombardy Ln., Alexandria, 22308, on approx. 23,203 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-3 ((6)) (2) 5. (Decision deferred from 7/9/14 and 7/30/14.) 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 August 6, 2014; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation.
3. The issues with the development conditions at the hearing seem to be addressed with Development Condition 10.

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, Rubina A. Mahmood d/b/a Morning Star Family Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 8616 Lombardy Lane, 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, " Location Plat, Applicant: Rubina Mahmood, 8616 Lombardy Lane, Alexandria, VA, 22308," as prepared by Omar Mahmood on February 15, 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 7:00 a.m. to 6:00 p.m., Monday through Friday.
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 shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of five parking spaces shall be provided on the subject parcel, within areas of existing paving.
10. There shall be no signage associated with the home child care facility.
11. Within 12 months from the date of this hearing, the shed shall be moved and the fence in the front yard (along Elkin Street) shall be reduced in height to be in compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued. In the interim, the shed shall be locked during the child care hours of operation.

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.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the hearing.

A Copy Teste:

A handwritten signature in cursive script that reads "Mary D. Padrutt". The signature is written in black ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals