

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ALICIA MARLENE VILLAGRA / MARLENE'S HOME DAY CARE, SP 2014-MA-048 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit home child care facility. Located at 4102 Dakota Ct., Alexandria, 22312 on approx. 10,622 sq. ft. of land zoned R-3. Mason District. Tax Map 61-3 ((16)) 2. (Deferred from 7/30/14 at appl. req.) (Decision deferred from 11/5/14.) 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 December 10, 2014; and

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

1. The applicant is the owner of the land.
2. This decision was deferred twice for the applicant to get inspections, that the Board felt were required, before approving the application. Those inspections have been produced.
3. The Board has a staff report recommending approval and adopts the rationale in general.

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, Alicia Marlene Villagra/ Marlenes Home Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 4102 Dakota Court, 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, "Property Report, Lot 2, Section 6, Parklawn," prepared by John F. Veatch, as revised by Alvaro Villagra on March 6, 2014 and approved with this application, as qualified by these development conditions.

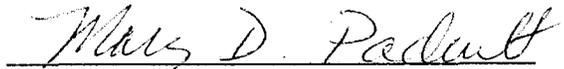
3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited 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 non-resident assistants for the home child care shall be one.
8. All pick-ups and drop-offs of children shall take place in the driveway.
9. A minimum of four parking spaces shall be provided on the subject parcel with one in the existing carport and three within the areas of existing paving.
10. There shall be no signage associated with the home child care facility.
11. The accessory storage structure shall be demolished, moved in accordance with location standards of Sects. 2-412 and 10-103 of the Zoning Ordinance or a special permit shall be applied for within 12 months of approval of this application.
12. The size of the accessory storage structure shall be reduced to below 200 square feet to comply with Sect. 10-102 of the Zoning Ordinance and demonstrate that the minimum yard requirements have been met or a variance shall be applied for within 12 months of approval of this application.
13. The rear yard coverage shall be reduced to below 30% of the total minimum required rear yard to meet Sect. 10-103 of the Zoning Ordinance or a variance shall be applied for within 12 months of approval of this application.
14. The shed located on the property shall be locked at all times during operation of the child care facility.

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. Smith seconded the motion, which carried by a vote of 5-0. Mr. Byers was not present for the vote. Ms. Theodore was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals