

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARIA GUEVARA, SPA 2014-HM-247 Appl. under Sect(s). 6-303 and 8-305 of the Zoning Ordinance to amend SP 2014-HM-247, previously approved for a home child care facility, to permit an increase in the number of children. Located at 2247 Sanibel Dr., Reston, 20191, on approx. 5,390 sq. ft. of land zoned PRC. Hunter Mill District. Tax Map 17-3 ((4)) (8) 32. 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 July 13, 2016; and

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

1. The owner of the land is Maria D. Guevara and Herick J Guevara Argeta.
2. The applicant has read, understands, and concurs with the proposed development conditions.
3. There is a favorable Staff recommendation, and the Board adopts Staff's rationale.
4. The present zoning of the property is PRC.
5. The area of the lot is 5,390 square feet.
6. No complaints have been submitted to neither the State Inspector nor Fairfax County.
7. Two letters of support have been submitted by surrounding property owners.
8. The application is for an increase of only three children, and is subsequent to a previous approval by the Board.

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, Maria Guevara, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2247 Sanibel Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "Plat Showing House Location on Lot 32, Block 8, Section 38-B of a Resubdivision of Reston," prepared by George M. O'Quinn, Land Surveyor, on

August 28, 2014, as revised by Maria D. Guevara through November 13, 2014, and approved with this application, as qualified by these development conditions.

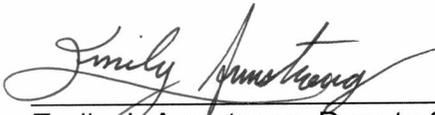
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 4.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
8. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
9. All pick-up and drop-off of children shall take place within the driveway of the subject property. The driveway shall be kept clear and open during the hours of operation of the home child care facility for this purpose.
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 are used as a children's sleeping area 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.
12. 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.
13. 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.

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 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 5-0. Ms. Theodore and Mr. Hammack were absent from the meeting.

A Copy Teste:

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

Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals