

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARITZA LOPEZ-BRIZUELA, D.B.A. ABL DAY CARE, SP 2014-BR-056 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 5426 Long Boat Ct., Fairfax, 22032, on approx. 1,587 sq. ft. of land zoned R-5 (Cluster). Braddock District. Tax Map 77-2 ((3)) 14. 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 September 10, 2014; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-5 Cluster.
3. The area of the lot is 1,587 square feet.
4. Staff recommends approval.
5. There is a formal letter from the Glen Cove Community Association indicating that the applicant has approval of that association.
6. Any items noted during the initial inspection have been completely taken care of by a zoning inspector.

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, Maritza Lopez-Brizuela, ABL Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 5426 Long Boat Court, Fairfax, 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 "House Location" prepared by Rice Associates P.C., dated May 14, 1994, with annotations by the applicant dated February 7, 2014, and approved with this application, as qualified by these 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 5:00 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.
7. The maximum number of assistants for the home child care shall be two.
8. There shall be no signage associated with the home child care facility.
9. All pick-up and drop-off of children shall be limited to the applicant's assigned parking spaces. The approval of the use is contingent upon the applicant's continued right to use the parking spaces. The owner and assistants shall continue to park in public parking during the hours of operation.

This approval, contingent on 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. Chairman Ribble and Mr. Smith were absent from the meeting.

A Copy Teste:



Mary D. Padruft, Deputy Clerk
Board of Zoning Appeals