

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MUNA HASSAN, SP 2014-LE-068 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6305 Wayles St., Springfield, 22150, on approx. 13,252 sq. ft. of land zoned R-3 and HC. Lee District. Tax Map 81-3 ((13)) (B) 723. (Decision deferred from 10/8/14.) Mr. Hart 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 January 28, 2015; and

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

1. The applicant is the owner of the land.
2. Staff initially recommended approval.
3. There have been some modifications to the application and revised development conditions submitted which are, more or less, in line with some of the changes made on some of the other development conditions packages.
4. Staff continues to recommend approval, and the Board adopts the rationale in the staff report.
5. This was a close call in some ways, but with the explanation received and the revisions, it is consistent with other approvals granted by this Board.
6. With the development conditions, the potential impact on the use has been satisfactorily mitigated.

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, Muna Hassan, and is not transferable without further action of the Board, is for the location indicated on the application, 6305 Wayles Street, 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, "Lot 723," prepared by Muna Hassan on May 1, 2014, and approved with this application, as qualified by these development conditions.

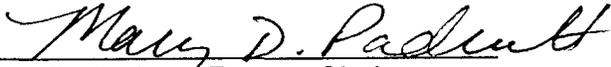
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:00 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. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, and limited to the hours of 7 a.m. to 6 p.m.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. Within 12 months of the approval of the Special Permit, the applicant shall bring the existing shed into compliance with Article 10 of the Zoning Ordinance, or a separate Special Permit shall be applied for and diligently pursued.
11. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home 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. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore and Mr. Smith were absent from the meeting.

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