

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SANDRA VERONICA BERGANZA D/B/A REACHING FOR LAS ESTRELLAS, LLC, SP 2014-LE-077 Appl. under Sect(s). 3-303, 8-305, and 8-914 of the Zoning Ordinance to permit a home child care facility, and to permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure to remain 3.1 ft. from a side lot line and 2.7 ft. from a rear lot line. Located at 6407 Kroy Dr., Springfield, 22150, on approx. 11,360 sq. ft. of land zoned R-3. Lee District. Tax Map 81-3 ((15)) 39. 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 June 17, 2015; and

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

1. The applicant is the lessee of the land.
2. The present zoning is R-3.
3. The lot area is 11,360 square feet.
4. The applicant has indicated that she has read, understands and concurs with the development conditions.
5. The owner indicated that he was unaware of the location requirements for the shed. The shed does not have electricity or plumbing, and is located in a reasonable place in the yard. There have been no complaints with regard to the shed.

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, Sandra Berganza, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6407 Kroy Dr., and is not transferable to other land.

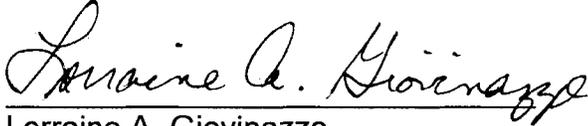
2. This special permit is granted only for the home child care use and shed indicated on the plat entitled, "Kroy Drive, Special Permit Plat, Lot 39, York Manor," prepared by Larry N. Scartz, L.S., dated February 6, 2015, and approved with this application, as qualified by these development conditions.
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 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. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees at a time, 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.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. Any portion of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. 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.
12. All sheds shall remain locked during the hours of operation of the home child care facility.
13. The rear yard coverage shall be brought into conformance with the Zoning Ordinance within six (6) months of Special Permit approval.

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. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

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

Lorraine A. Giovinazzo

Clerk to the Board of Zoning Appeals