

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

NICOLE FERGUSON, SP 2014-MV-083 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 7892 Steadman St., Alexandria, 22309, on approx. 8,400 sq. ft. of land zoned R-3 (Cluster). Mt. Vernon District. Tax Map 101-1 ((5)) (24) 3. (Decision deferred from 10/29/14.) 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 November 19, 2014; and

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

1. The owner of the property is the applicant.
2. This was deferred to allow the applicant to provide security around the pool, which has been done.
3. There is a favorable staff recommendation, which the Board adopts generally.

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, Nicole Ferguson, and is not transferable without further action of the Board, and is for the location indicated on the application, 7892 Steadman Street, Alexandria, 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 "Plat Showing House Location On Lot 3, Block 24, Section 11 Mount Vernon Valley" prepared by Dominion Surveyors Inc., dated May 24, 2011, with annotations by the applicant dated May 19, 2014, and approved with this application, as qualified by these conditions.

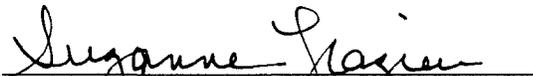
3. A copy of this Special Permit **shall be posted in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:30 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 take place in the driveway.
10. The gates to the pool shall remain locked and the door alarm shall remain functioning during the hours of operation of the home child care.
11. With the exception of the room that has direct access to the side yard, the lower level shall not be used for sleeping or napping without the provision of emergency egress as demonstrated to the satisfaction of the Zoning Inspections Branch, Department of Planning and Zoning.
12. The applicant shall bring the rear yard into conformance with Sect. 10-103 (3) of the Zoning Ordinance within 12 months of this special permit approval.
13. The applicant shall bring the accessory storage structure into conformance with Sect. 10-104 (10E) of the Zoning Ordinance within 12 months of this special permit approval.
14. The fence surrounding and fixed to the pool shall remain in place and in good repair.
15. The shed in the backyard shall remain locked during all hours of the home child care facility 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.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk

Board of Zoning Appeals