

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOVANA VELASCO LOPEZ, SP 2014-MA-084 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit home child care facility. Located at 5518 Harvey Ln., Alexandria, 22312 on approx. 8,750 sq. ft. of land zoned R-4. Mason District. Tax Map 81-1 ((4)) (D) 30. 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 October 22, 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-4.
3. The area of the lot is 8,750 square feet.
4. Staff has recommended approval, and the Board would adopt their analysis.
5. The Board has not had any objection from neighboring property owners, either in the written record or at the hearing today.

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, Jovana Velasco Lopez, and is not transferable without further action of the Board, is for the location indicated on the application, 5518 Harvey Lane, 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, "Fences, Lot 30, Block "D," Section 2, Bren Mar Park," as revised by the applicant on May 12, 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 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, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of three parking spaces shall be provided on the subject parcel within the areas of existing paving.
10. There shall be no signage associated with the home child care facility.
11. All applicable building permits and approved inspections shall be obtained prior to use of the detached accessory structure used for the home child care and labeled as the "game room" on the special permit plat.
12. The sheds located on the property shall be locked at all times during operation of the child care facility.
13. The concrete outdoor play area that presently appears to be the extension of the driveway on the right side of the house, looking from Harvey Lane, shall be brought into compliance with Sect. 2-412 of the Zoning Ordinance, which may include approval of a special permit or a vested rights determination be approved and obtained, within 12 months of the approval of this application.

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.

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

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo".

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals