

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

NIDIA RETAMAL, SP 2014-DR-086 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 12495 Cliff Edge Dr., Herndon, 20170, on approx. 12,832 sq. ft. of land zoned R-3 (Cluster). Dranesville District. Tax Map 5-4 ((10))

5. Mr. Beard 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 5, 2014; and

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

1. The owners of the property are Peter and Eunice Oh.
2. The present zoning is R-3 (Cluster).
3. The area of the lot is 12,832 square feet.
4. Staff has recommended approval of this application, and the Board concurs with their recommendation.
5. As was noted in the testimony, the adjoining neighbors on the pipestem have submitted letters in support of the application in spite of the hours, which adhere to the unique circumstances of this applicant.
6. It is wonderful that there are facilities which can accommodate folks, who do not function in the normal 9 to 5 situation, and are there in various types of shift work.
7. With these hours, the applicant is assisted by two full time assistants, as well as, a part time assistant.

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, Nidia Retamal only and is not transferable without further action of the Board, and is for the location indicated on the application, 12495 Cliff Edge Drive, and is not transferable to other land.

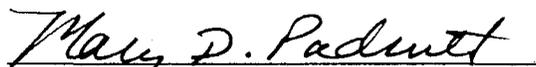
2. This special permit is granted only for the home child care facility indicated on the special permit plat titled "House Location Survey, Lot 5, Cliff Edge," prepared by Brian W. Smith, Land Surveyor, dated February 5, 2004, as revised by Nidia Retamal May 14, 2014, and approved with this application, 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 5:00 a.m. to 12:00 a.m., Monday through Saturday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants on site at any one time shall be limited to two.
7. All pick-up and drop-off of children shall take place in the driveway, or on the Cliff Edge Drive cul-de-sac. The shared pipestem driveway shall remain clear of parked vehicles.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.
9. There shall be no signage associated with the home child care facility.
10. Prior to establishment of the use for 12 children at any one time, the applicant shall obtain all necessary permits and inspections of the finished basement.
11. No napping shall occur in the room labeled bedroom in Attachment 1, unless emergency egress is provided in accordance with the 2009 Virginia Uniform Statewide Building Code requirements.

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, 6 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. Mr. Smith and Ms. Theodore were absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

RECEIVED
Department of Planning & Zoning

MAR 18 2014

Zoning Evaluation Division

Basement

