

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHILA BEHSUDI, ACADEMIC CENTER, LLC, SP 2014-DR-104 Appl. under Sect(s) 8-305 and 3-403 of the Zoning Ordinance to permit a home child care facility. Located at 6800 Dillon Ave., McLean, 22101, on approx. 16,314 sq. ft. of land zoned R-4. Dranesville District. Tax Map 30-4 ((17)) 44. (*Deferred from 2/25/15 at appl. req.*) 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 March 11, 2015; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
3. The explanation provided by the applicant regarding the tutoring situation is satisfactory, and consistent with staff's understanding.
4. With the imposition of the development conditions, the impacts from the use are satisfactorily mitigated.
5. This is a single-family house with a big yard. It appears sufficient to accommodate the use.

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, Shila Behsudi, Academic Center LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 6800 Dillon Avenue, 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, "House Location Survey, Lot 44, Section 1," as revised by Shila Behsudi, through March 28, 2014, and approved with this application, as qualified by these development conditions.

3. A copy of the special permit conditions 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 7:00 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 provider's own children, the maximum number of children on-site at any one time shall not exceed 12, including any children being tutored.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility from 7:00 a.m. to 6:00 p.m.
8. All pick-up and drop-off of children shall take place within the driveway.
9. Any portions 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.
10. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
11. There shall be no signage associated with 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.
13. The deck and steps on the south side of the house shall not be used in any way for the home child care use, including but not limited to use as a play area or for access to the rear yard, until approval of the final inspection to be obtained within 12 months of approval, or the applicant shall demonstrate to the satisfaction of the Zoning Administrator that the structure has been permitted and passed final inspection.

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. The Board of Zoning

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:

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

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals