

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SILVIA GUZMAN / SYLVIS DAY CARE, SP 2014-HM-110 Appl. under Sect(s). 8-305 and 3-303 of the Zoning Ordinance to permit a home child care facility. Located at 2408 Ripplemeade Ct., Herndon, 20171, on approx. 8,500 sq. ft. of land zoned R-3 (Cluster). Hunter Mill District. Tax Map 25-2 ((16)) 144. 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 February 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 their rationale, in general.
3. With respect to the concerns of covenants, that is a private remedy. This Board does not have the authority to enforce them. The board sees a wide range of attitudes presented. Some homeowners associations support daycares, and some are opposed to it. In any event, it is something that has to be decided by the homeowners who are members of that association, if they want to take any action or not.
4. The Board thinks that the application is justified for the 12 children, although there has been a little opposition to that, because of the staggering of the pickups and deliveries.
5. Notwithstanding the concerns of traffic on the court, the Board hears about that all the time. Every daycare brings in a little additional traffic. If the Board did not approve them because of the additional traffic that was brought in, none would ever be approved. Unfortunately, a little traffic comes with the application.
6. The Board thinks this applicant has satisfied the requirements.

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, Silvia Guzman, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2408 Ripplemeade Ct., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 144, Section Two, Sycamore Lakes," prepared by B.W. Smith and Associates, Inc. on September 13, 2002, as revised by Silvia Guzman through May 23, 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 hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (7:30 a.m. to 5:00 p.m.) until granted a revised license approving the requested hours of operation (7:30 a.m. to 5:30 p.m.).
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, 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. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping areas shall be located in rooms with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
10. 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.
11. All drop-off and pick-up of children shall occur in the applicant's driveway.

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.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Mr. Smith was not 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