

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ROHINA NASHER D/B/A ROHINA NASHER DAY CARE, SP 2014-MA-115 Appl. under Sect(s). 8-305 and 3-203 of the Zoning Ordinance to permit a home child care facility. Located at 4900 Sunset Ln., Annandale, 22003, on approx. 17,520 sq. ft. of land zoned R-2. Mason District. Tax Map 71-3 ((23)) 5. 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 4, 2015; and

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

1. The applicant is the owner of the property.
2. This is sort of a close case in some ways.
3. There is a staff recommendation of denial. We know that this kind of a recommendation does not come through very often, so the staff must have some concerns.
4. The Board read the staff report and given consideration to the turning movements and the ingress and egress movements.
5. On the other hand, the testimony indicates that this day care has been operating without any problems for a number of years.
6. The actual increase in the number of students would be two.
7. The Board received two letters in support and no opposition.

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, Rohina Nasher d/b/a Rohina Nasher Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 4900 Sunset 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 entitled "Physical Improvement Survey, Lot 5, Sunrise at Sunset," prepared by David R. Wheeling, L.S., of Target Surveys, Inc., dated October 22, 2001, and revised by the applicant, Rohina Nasher, on June 5, 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 twelve.
7. A maximum of two nonresident employees may be involved in the home child care facility and limited to the hours of 7:00 a.m. to 6:00 p.m.
8. All pick up and drop off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.
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. Any portions of the dwelling associated with the home child care facility that are 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.

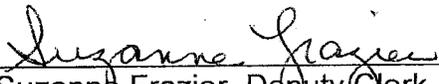
12. Within 12 months from the date of this hearing, the accessory structure to the west of the dwelling (a gazebo) shall be moved to be in compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.
13. The applicant shall ensure that the area in front of the service panel provides 36 inches of working space.
14. A final building inspection shall take place for the construction related to the finished basement permit that was approved on January 25, 2008.

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, 12 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. Beard seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals