

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ROSA E. AVELLANEDA DBA ZEBRALATION TOTS, SP 2014-DR-121 Appl. under Sect(s). 8-305 and 3-403 of the Zoning Ordinance to permit a home child care facility. Located at 1802 Peabody Dr., Falls Church, 22043 on approx. 10,665 sq. ft. of land zoned R-4. Dranesville District. Tax Map 30-3 ((3)) 413. 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 February 4, 2015; and

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

1. The owner of the property is the applicant.
2. The present zoning is R-4.
3. The area of the lot is 10,665 square feet.
4. Staff recommends approval of the application and the Board adopts their recommendation.
5. The applicant understands the proposed development conditions as contained in the Staff Report dated January 27, 2015.

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, Rosa E. Avellaneda DBA Zebration Tots, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 1802 Peabody Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat prepared by Harry Otis Wright, Jr., as revised by the applicant through May 8, 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

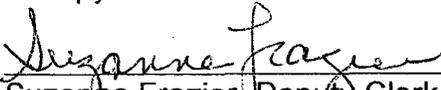
4. property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The maximum hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
8. The maximum number of non-resident assistants on-site at any one time shall be one.
9. All pick-up and drop-off of children shall take place in the driveway.
10. The accessory storage structures shall remain locked during the hours of operation of the home child care facility.
11. Approval of this use is contingent upon maintenance of a state license for the home child care facility for the children on-site for the home child care.
12. Within 180 days of the approval of the Special Permit, the applicant shall bring the outdoor storage into compliance with Article 10 of the Zoning Ordinance.

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 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals