

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KATHLEEN M. MCGRATH-ZATT / DBA LUCKY STARS PRESCHOOL ACADEMY, SP 2014-MV-135 Appl. under Sect(s). 8-305 and 3-103 of the Zoning Ordinance to permit a home child care facility. Located at 6800 Hamilton Rd., Lorton, 22079, on approx. 30,151 sq. ft. of land zoned R-1. Mt. Vernon District. Tax Map 99-4 ((3)) 103. 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 25, 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-1.
3. The size of the lot is 30,151 square feet.
4. Staff has recommended approval, and the Board adopts their rationale.
5. There were several letters of support from neighbors within the proximity that spoke very highly of the way the facility is operated pursuant to how it impacts the neighborhood.

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, Kathleen McGrath-Zatt, Lucky Stars Preschool Academy, and is not transferable without further action of the Board, and is for the location indicated on the application, 6800 Hamilton Road, 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, "Plat Showing House Location on Lot 103, Hunter Estates," as revised by David Zatt, through March 24, 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 5:00 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.
7. A maximum of one non-resident employee, whether paid or not for their services, may be involved in the home child care facility from 7:00 a.m. to 5:00 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. Within 12 months from the date of this hearing, the accessory storage structure shall be brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit or variance shall be applied for and diligently pursued.
13. 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.
14. The rear deck shall receive all applicable permits and inspections within 12 months of special permit approval. The deck 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.

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

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals