

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MERCY CHAVEZ DBA MERCY'S DAYCARE, SP 2014-LE-139 Appl. under Sect(s). 3-203, 8-305, and 8-914 of the Zoning Ordinance to permit a home child care facility and to permit a reduction to the minimum yard requirements based on error in building location to permit an addition to remain 9.0 ft. from a side lot line. Located at 3126 Groveton St., Alexandria, 22306, on approx. 6,885 sq. ft. of land zoned R-2, HC. Lee District. Tax Map 92-2 ((18)) (2) 27. 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 July 15, 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 in general the staff's rationale.
3. The error in building location for the sunroom addition was constructed prior to the applicant's ownership of the property. The addition is inside the existing side wall lines of the residence, which was constructed before the adoption of the ordinance. There is no detrimental impact to allow the addition to remain.
4. The applicant has read, understands, and concurs with the proposed development conditions.

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, Mercy Chavez, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3126 Groveton St., and is not transferable to other land.

2. This special permit is granted only for the home child care use and sunroom addition indicated on the plat entitled, "House Location Survey Plat, Lot 27 & Lot 28, Block 2, Section 1, Groveton Heights," prepared by John F. Veatch, L.S., dated March 2, 2015, as revised through June 11, 2015, 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 5:00 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 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 at a time, 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. All drop-off and pick-up activities shall occur in the driveway.
10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
11. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".
12. The sunroom addition shall not be utilized for the home child care operations until all final permits and inspections have been obtained.
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.

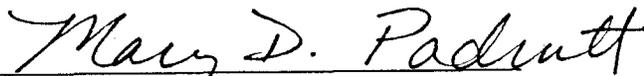
14. All sheds shall remain locked during the hours of operation of the home child care facility.
15. All applicable building permits and inspections shall be obtained within 90 days of approval.

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.

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

A Copy Teste:



Mary D. Padrytt, Deputy Clerk
Board of Zoning Appeals