

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SURISA PHUMTIM, SP 2014-LE-191 Appl. under Sect(s). 3-303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6251 Marcy Ct., Alexandria, 22310, on approx. 8,992 sq. ft. of land zoned R-3 and HC. Lee District. Tax Map 81-3 ((25)) 14. Mr. Smith 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 April 29, 2015; and

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

1. The applicant is one of the owners of the land.
2. The present zoning of the property is R-3 and HC.
3. The area of the lot is 8,992 square feet.
4. There has been significant support for this application, with quite a few letters in support from surrounding property owners.
5. Staff recommends approval.
6. There is a condition that requires all pick-up and drop-off of children to take place in the driveway.

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, Surisa Phumtim, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6251 Marcy Court, and is not transferable to other land.

2. This special permit is granted only for the home child care use indicated on the titled, "House Location Survey, Lot 14, Franconia Forest," prepared by John P. DiGiulian, Certified Land Surveyor, on August 23, 1989, as revised by Nathaniel Peevey through August 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 and be made available to all departments of the County of Fairfax during hours of operation.
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 applicant's own children, the maximum number of children on site at any one time shall be 12.
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. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 7.
9. All pick-up and drop-off of children shall take place within the driveway.
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. 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.
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. Within twelve months, the applicant shall either remove the lattice on the deck, or make such modifications as required by the Zoning Administrator.

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.

Chairman Ribble seconded the motion, which carried by a vote of 5-0. Mr. Hammack and Ms. Theodore were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padruitt".

Mary D. Padruitt, Deputy Clerk
Board of Zoning Appeals