

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ANJU UPRETI / ANJU DAY CARE INC., SP 2014-PR-195 Appl. under Sect(s). 3-1203 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3043 Braxton Wood Ct., Fairfax, 22031, on approx. 1,300 sq. ft. of land zoned R-12 and HC. Providence District. Tax Map 48-4 ((19)) 35. Mr. Hart 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 May 6, 2015; and

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

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation, and adopts the rationale in the staff report.
3. This child care has worked for 12 children for a period of years without any complaints.
4. Staff is satisfied that there are two parking spaces assigned to the applicant. Based on the testimony, the applicant is not parking in her assigned spaces during the hours of the childcare operation. Two spaces are enough for the pickup and drop off, even with 12 children.
5. Based on the criteria that the Board has, and consistent with other approvals, subject to modification of development conditions, the conceivable impacts from this have been mitigated.
6. The play area is in a fenced rear yard that backs up to a storm drainage easement. It appears big enough for the children to play there.
7. The Board has a letter in support.
8. The applicant has read, understands and occurs with the proposed development conditions, including the changes made at this hearing.

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:

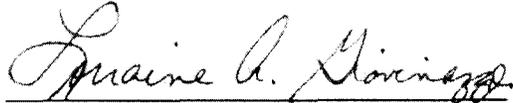
1. This approval is granted to the applicant, Anju Upreti, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3043 Braxton Wood Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "House Location Survey, Lot 35, Braxton," prepared by Brian W. Smith, Land Surveyor, on January 30, 2006, as revised by Sunil Upreti through September 5, 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. All pick-up and drop-off of children shall take place within the two parking spaces assigned to the subject property.
9. There shall be no signage associated with the home child care facility.
10. 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.
11. 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.

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.

Ms. Theodore seconded the motion, which carried by a vote of 4-2. Mr. Hammack and Mr. Beard voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in black ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals