

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARIELLA I. MARIN / MARIELLA'S DAYCARE SERVICES, LLC, SP 2014-BR-173 Appl. under Sect(s). 3-803 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 9921 Whitewater Dr., Burke, 22015, on approx. 1,520 sq. ft. of land zoned R-8 (Cluster). Braddock District. Tax Map 78-1 ((12)) 40. Ms. Theodore 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 8, 2015; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-8 (Cluster).
3. The area of the lot is 1,520 square feet.
4. The applicant has a letter from the homeowners association that acknowledges the operation of the home child care in the community.
5. Staff has recommended approval, and the Board adopts their rationale.
6. The applicant read, understands, and agrees to the development conditions including the additional requirements noted.

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, Mariella Marin/ Mariella's Day Care Services, LLC and is not transferable without further action of the Board, and is for the location indicated on the application, 9921 Whitewater 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 entitled "Plat, Showing Location Survey on Lot 40, Section 2, Lakepointe," as drawn by Michel L. Flynn, L.S., on March 24, 2014, and revised by the applicant, Mariella Marin on August 11, 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 applicant shall continue to operate with the approved hours of operation, 7:30 a.m. to 6:00 p.m., until granted a revised state license approving the requested hours of operation. After receipt of the state license, the applicant shall operate with the hours of 7:00 a.m. to 5:30 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 twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall occur within the applicant's designated parking space.
9. There shall be no signage associated with the home child care facility.
10. 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.
11. 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.
12. The approval of the use is contingent on the applicant's continued right to utilize the community play area, parking spaces or other common amenities necessary for the operation of the home child care facility.

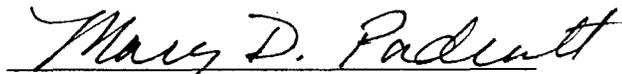
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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. 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 6-1. Mr. Beard voted against the motion.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals