

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SANGEETA SARKAR (RIAGARTEN DAYCARE), SP 2014-SU-192 Appl. under Sect(s) 3 303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 13586 Cobra Dr., Herndon, 20171, on approx. 8,558 sq. ft. of land zoned R-3 (Cluster). Sully District. Tax Map 25-3 ((4)) 932. Mr. Byers 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 present zoning is R-3C.
3. The lot area is 8,558 square feet.
4. The applicant has read, understands, and concurs with the proposed development conditions, including the two additions that were added during 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, Sangeeta Sarkar, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 13586 Cobra Dr., 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, "Special Permit Plat, Lot 932, Section 12, Chantilly Highlands," prepared by Guy H. Briggs, Land Surveyor, dated October 8, 2013 and revised through January 27, 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 of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

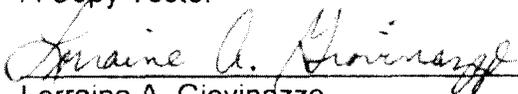
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, 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 portion 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.
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.
12. The shed shall be locked during all hours of operation of the home child care facility.
13. The construction, to include equipment for the heated sunroom, would be limited to the right side of the home, and entry would be limited to that side yard. The driveway will not be used by contractors during the hours of 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.

Ms. Theodore seconded the motion, which carried by a vote of 5-1. Mr. Hammack voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo

Clerk to the Board of Zoning Appeals