

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHERRY K. BROWN DBA SHERRY BROWN FAMILY DAY HOME, SP 2014-MV-193 Appl. under Sect(s). 3-803 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 2422 Windbreak Dr., Alexandria, VA 22306, on approx. 2,506 sq. ft. of land zoned R-8. Mt. Vernon District. Tax Map 93-3 ((26)) 142. (*Admin. moved from 5/6/15 at appl. req.*) 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 August 5, 2015; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-8.
3. The area of the lot is 2,506 square feet.
4. The applicant has addressed all issues that were identified during the home child care inspection.
5. Staff is recommending approval, and the Board adopts that rationale.
6. The applicant provided a letter from the community association that indicates that the homeowner may utilize her two designated parking spaces, as well as visitor spaces, for drop-off and pick-up of home child care children.
7. The applicant had read, understands, and agrees to 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, Sherry K. Brown/ Sherry Brown Family Day Home and is not transferable without further action of the Board, and is for the location indicated on the application, 2422 Windbreak 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 House Location Survey, Lot T-142, Mount Vernon Square Townhouses," by Stephen L. Moore dated November 20, 2000, as revised by Sherry K. Brown on September 4, 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, 6:00 a.m. to 6:00 p.m., but will be limited to Monday through Friday only. The applicant shall obtain a revised state license which reflects the requested hours of operation, 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 provider's own children, the maximum number of children on-site at any one time shall not exceed ten.
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 in the two assigned parking spaces.
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 and ages of children being cared for at the home child care facility.
11. The approval of the use is contingent on the applicants' continued right to utilize the community parking spaces or other common amenities necessary for the operation of 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 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.

13. 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".

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. Hart seconded the motion, which carried by a vote of 5-0. Mr. Hammack and Mr. Smith were absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals