

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LISA P. HOANG / LISA HOANG'S DAYCARE, SP 2014-SU-209 Appl. under Sect(s). 3-303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 13451 Stream Valley Dr., Chantilly, 20151, on approx. 10,248 sq. ft. of land zoned R-3 and WS. Sully District. Tax Map 45-1 ((9)) 1. 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 July 29, 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-3.
3. The area of the lot is 10,248 square feet.
4. With respect to the backyard, staff has obtained a yard determination from the Zoning Administrator to confirm that the yard is a functional rear yard. The features in the backyard all meet the location requirements of the Zoning Ordinance.
5. The applicant has indicated that the fence to the pond area is locked at all times during the operation of the home child care.
6. All issues associated with the site visit have been addressed, specifically with regard to the building code issues.
7. The applicant has read, understands, and concurs with the proposed development conditions.
8. Staff is recommending approval, and the Board adopts their rationale.

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, Lisa Hoang, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 13451 Stream Valley 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 titled, "Plat Showing House Location on, Lot 1, Section 1, Poplar Tree Woods," by Kenneth W. White, dated September 11, 1997, as revised by Lisa Hoang through

March 9, 2014, and approved with this application, as qualified by these development conditions. Notwithstanding what is shown on the plat, the fenced area around the pond is not part of the approved play area.

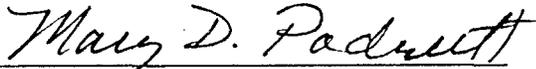
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 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 full-time and one part-time non-resident 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., Monday through Friday.
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 on the subject property.
10. 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.
11. 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.
12. 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".
13. The fenced pond area, reflected on the plat, will remain locked during the operating hours of the home child care operation.

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. Hammack seconded the motion, which carried by a vote of 6-0. Mr. Smith was not present for the vote.

A Copy Teste:



Mary D. Padruitt, Deputy Clerk
Board of Zoning Appeals