

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ZENAIDA R. IBANEZ AND OUR CARING WAY LLC, SP 2014-MA-019 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3314 Graham Rd., Falls Church, 22042, on approx. 15,219 sq. ft. of land zoned R-4. Mason District. Tax Map 60-1 ((11)) 16. 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 June 11, 2014; and

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

1. The applicants are the owners of the property.
2. Staff recommends approval, and the Board adopts the rationale in the staff report.
3. The child care seems to have been operating successfully and, with the imposition of the development conditions, any impacts from the use would be satisfactorily mitigated.
4. At the beginning, Mr. Hart had some concerns about the location because both Graham Road and Annandale Road are busy streets with a lot of traffic. But there is a nice big driveway, and there seems to be plenty of room for parking in the driveway. And it seems that it will be appropriate.

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 applicants only, Zenaida R. Ibanez and Our Caring Way LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 3314 Graham Road, 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 Survey of Lots 16, 17, Broyhill Park, Section Four," prepared by L. Carl Gardner, Jr., Certified Land Surveyor, dated April 17, 1954, as revised by Zenaida R. Ibanez, through February 19, 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 maximum 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. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of four parking spaces shall be provided on the subject parcel, within areas of existing paving.
10. There shall be no signage associated with the home child care facility.
11. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

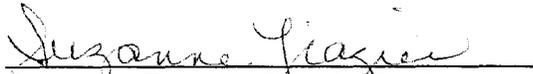
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. 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. Byers seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, appearing to read "Suzanne Frazier", is written over a horizontal line.

Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals