

## COUNTY OF FAIRFAX, VIRGINIA

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

ADWOA ABRAFI, SP 2014-LE-222 Appl. under Sect(s). 8-305 and 3-303 of the Zoning Ordinance to permit a home child care facility. Located at 8105 Frye Rd., Alexandria, 22309, on approx. 10,560 sq. ft. of land zoned R-3. Lee District. Tax Map 101-1 ((5)) (6) 6. 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 February 4, 2015; and

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

1. The lessee of the property is the applicant; the owner is on the affidavit.
2. The zoning is R-3.
3. The lot area is 10,560 square feet.
4. The applicant indicated that they have read, understand, and agree with the development conditions. There are going to be two modifications to that based on a comment made by one of the other Board members.
5. The Board read the letters in opposition. The Board has approved applications in the past that have had unusual hours because of shift work, and actually have approved some that have occurred on the weekend. The Board is limiting that.
6. In addressing another letter, the Board has the capability to provide home child care facilities in residential areas as long as they come forward with a special permit, and that has been done.
7. The applicant has requested two assistants. She has to be in compliance with the State ratios from the standpoint of the care of children. The Board limited the number of children after 6:00 p.m. to three, which meets those ratio requirements and should prevent a great deal of the noise that is associated anything that has gone on before. The Board noted also developing the application so that pick-ups for the children and drop-offs have to be actually in the driveway. So from the special permit standpoint, this is a better situation than we currently have.

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, Adwoa Abrafi, and is not transferable without further action of the Board, and is for the location indicated on the application, 8105 Frye 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 entitled "House Location Survey, Lot 6, Block 6, Section 9, Mt. Vernon Valley," prepared by Springfield Surveys dated August 27, 1965, as revised by the applicant Adwoa Abrafi on December 31, 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 7:00 p.m., until granted a revised state license approving the requested hours of operation (5:00 a.m. to 11:00 p.m.). The operation will be 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. The home child care shall be limited to three children after 6:00 p.m. and the children shall be required to stay inside after dark. The applicant shall not increase the number of children beyond seven without an revised and approved state license with the requested number of children.
7. A maximum of two nonresident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m. The operating hours will be Monday through Friday.

8. All pick up and drop off of children shall take occur in the driveway.
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. The accessory storage structure shall remain locked 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 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.

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:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals