

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHASHI NEGI / SHINING STAR, SP 2014-SP-226 Appl. under Sect(s). 8-305 and 3-203 of the Zoning Ordinance to permit a home child care facility. Located at 4969 Collin Chase Pl., Fairfax, 22030, on approx. 10,474 sq. ft. of land zoned R-2 (Cluster) and WS. Springfield District. Tax Map 55-2 ((11)) 15. 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 March 4, 2015; and

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

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation and adopts the rationale in the staff report.
3. The subject property is one house away from two intersections, which are close and on either side, where parents would need to quickly react to a vehicle entering Collin Chase Place from one of the intersections.
4. The subject property is along a main spine road of the community that connects to Whisper Willow Drive, a main spine road through the adjacent community.
5. Children will be safer coming in and out of vehicles in the subject property's driveway rather than on the main road which serves numerous houses and experiences increased traffic. This would prevent car doors being opened into through traffic during the use's arrival and departure times.

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, Shashi Negi, Shining Star Home Day Care, and is not transferable without further action of the Board, and is for the

location indicated on the application, 4969 Collin Chase Place, and is not transferable to other land.

2. The Special Permit is approved for the home child care facility as shown on the Special Permit Plat, entitled "Property Report: Lot 15 - Heatherbrook" as annotated by the applicant and dated October 20, 2014.
3. A copy of this Special Permit Amendment shall be posted in a conspicuous place within the home child care facility and be made available to all departments of the County of Fairfax during the hours of operation for home child care facility.
4. The hours of operation for the home child care facility shall be limited to 7:00am to 6:00pm, Monday through Friday.
5. The dwelling that contains the home child care facility shall be the primary residence of the applicant.
6. Excluding any of the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility.
8. There shall be no signage associated with the home child care facility.
9. Any portions of the dwelling associated with sleeping areas shall be located in rooms with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
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. All pick-up and drop-off of children will take place in the driveway.

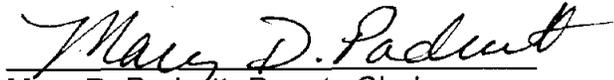
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Section 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 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 commence construction 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. Smith was absent from the meeting.

A Copy Teste:



Mary D. Padrutt
Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals