

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LATISHA JALLOH / LATISHA'S HOME DAYCARE, SP 2014-MA-229 Appl. under Sect(s). 3-503, 8-305 and 8-923 of the Zoning Ordinance to permit a home child care facility, and to permit a fence greater than 4.0 ft. in height in a front yard. Located at 6470 Merritt Ct., Alexandria, 22312, on approx. 2,146 sq. ft. of land zoned R-5 and HC. Mason District. Tax Map 72-1 ((25)) 6. Mr. Beard 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 3, 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-5 and HC.
3. The area of the lot is 2,146 square feet.
4. Staff recommends approval.
5. The applicant has been operating the day care with twelve children since 2006, and there have been no issues.
6. The applicant has read, understands, and agrees with the 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. The approval for the home child care facility is granted to the applicant only, Latisha Jalloh, and is not transferable without further action of the Board, and is for the location indicated on the application, 6470 Merritt Court and is not transferable to other land.
2. This special permit is granted only for the home child care use and for the six-foot tall fence along Merritt Road indicated on the plat, titled "House Location Survey, Lot 6, Autumn Glen," prepared by B.W. Smith and Associates, Inc., dated February 6, 2006, with annotations by the applicant dated October 8, 2014, and approved with this application, as qualified by these development conditions.

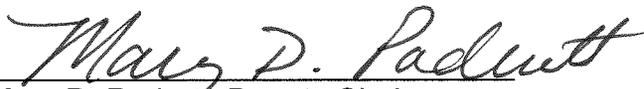
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
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 twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, with the hours of such attendance not to exceed 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. The approval of this use is contingent on the applicant's continued right to utilize the two assigned parking spaces or other common amenities necessary for the operation of the home child care facility, including the ability to make the reserved parking spaces available for drop off and pick up of children during hours of operation. All pick-up and drop-off of the children shall take place within the two assigned parking spaces, which shall be kept open for that purpose during the hours of operation.
10. The basement shall not be utilized for the home child care facility.
11. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
12. 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.
13. Notwithstanding that shown on the plat, no patio or deck shall be located within the front yard as defined in Article 20 of the Zoning Ordinance.
14. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation approved as part of these conditions.

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.

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

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals