

## COUNTY OF FAIRFAX, VIRGINIA

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

JUANA GUEDELIA BERNARDEZ DBA "GUDE'S HOME CHILD CARE LLC", SP 2014-LE-053 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit home child care facility. Located at 3502 Elmwood Dr., Alexandria, 22303 on approx. 7,200 sq. ft. of land zoned R-4. Lee District. Tax Map 82-2 ((13)) 71. 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 August 6, 2014; and

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

1. The applicant is the owner of the land.
2. The zoning is R-4.
3. The area of the lot is 7,200 square feet.
4. Staff recommends approval.
5. The rationale for a development condition concerning the pond is as follows. It is a very small property. The plat shows that the patio is, in fact, going to be used as a play area. The basic play area for the children is in the basement. There is a door that leads from the basement directly into the patio. The Board understands that something may be 100 yards away, but would like to err on the side of being safe in this. It is a decorative pond that is between two and two and a half feet deep. It could be drained during the period of time that the children are there, or they could fence it.
6. The Board is trying to give the applicant the option of doing whatever is most conducive to them, but cannot in good conscience let that go, just from a safety standpoint, even though there is no code restriction on that.

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 only, Juana Gudelia Bernardez, d/b/a Gude's Home Child Care LLC, and is not transferable without further action of the

Board, and is for the location indicated on the application, 3502 Elmwood Drive, and is not transferable to other land.

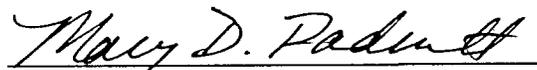
2. This special permit is granted only for the home child care use indicated on the special permit plat titled, "Plat Showing Wall Check, Lot 71, Section 2, Burgundy Village," as prepared by Fitzroy J. Bertrand, L.S., and as revised by Juana G. Bernardez on January 6, 2014, and also on the plat dated March 24, 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 on site at any one time.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. Before establishment of the use, the decorative pond will either be drained or a 4-foot high fence will be built around the decorative pond and locked during all childcare hours.

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 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals