

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

NOSHEEN IFTIKHAR / RAINBOW CHILD CARE VA LLC, SP 2016-HM-043 Appl. under Sect(s). 3-103, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 10202 Garrett St., Vienna, 22181, on approx. 21,800 sq. ft. of land zoned R-1. Hunter Mill District. Tax Map 37-2 ((9)) 17. 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 September 21, 2016; and

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

1. Jeffrey McDonald is the owner of the land, and gave signed consent for the applicant to file for the special permit.
2. The applicant has read, understands, and concurs with the proposed development conditions as modified.
3. The present zoning is R-1.
4. The area of the property is 21,800 square feet.
5. There is a favorable staff recommendation, and the Board adopts their rationale.
6. There is adequate parking for drop-off and pick-up of the children.
7. There was opposition to the application, particularly with regard to traffic. The applicant expressed sensitivity to the concerns of the neighbors, and will keep clients informed of all concerns.

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, Nosheen Iftikhar, d/b/a Rainbow Child Care VA, LLC, only, is not transferable without further action of the Board, is for the location indicated on the application, 10202 Garrett Street, 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 17 – Section 1 Little Vienna Estates", prepared

by Richard D. Townsend, L.S., dated April 24, 2015, as modified by the applicant on April 26, 2016, and approved with this application, as qualified by these development conditions.

3. A copy of this Special Permit shall be made available to all departments of the County of Fairfax during the hours of operation.
4. The 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. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
6. A maximum of two (2) nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up activities shall occur in the applicant's driveway.
9. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified 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 and ages of children being cared for at the home child care facility.
11. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".

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.

Mr. Smith seconded the motion, which carried by a vote of 4-2. Mr. Byers and Mr. Hammack voted against the motion. Ms. Theodore was absent from the meeting.

A Copy Teste:



Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals