

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CARLA MALDONADO, SP 2016-MV-061 Appl. under Sect. 3-803 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8080 Tributary Ct., Springfield, 22153, on approx. 2,586 sq. ft. of land zoned R-8. Mt. Vernon District. Tax Map 98-2 ((8)) 67. 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 September 28, 2016; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board largely adopts the rationale in the staff report with some modifications.
3. The Board recommends approval with ten children. This property has a big enough backyard and play area. It is an end unit with some additional space on the side. The inside is tight, but there is space for more than five children, which the applicant can have by right. Twelve children is too many, but ten is appropriate.
4. This is a responsible applicant, who has done a good job in the past.
5. There have not been any complaints from the neighborhood.
6. The applicant has read, understands, and concurs with the proposed development conditions as modified.

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, Carla Maldonado, only, is not transferable without further action of the Board, is for the location indicated on the application, 8080 Tributary Court, 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 T-67", prepared by Leslie C. Schuermann on May 10, 2015, as revised by the applicant Carla Maldonado on June 10, 2016, 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 the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's reserved parking spaces. The reserved parking spaces shall be kept clear during the hours of operation, and the applicant's and employees' vehicles shall park elsewhere.
5. The hours of operation of the home child care facility shall be limited to 6:00 a.m. through 5:30 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed ten, limited to children aged one month through ten years, eleven months.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 6:00 a.m. through 5:30 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas 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 shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
11. 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 limited to pre-school aged children.
12. 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."
13. The shed in the rear yard and the gate in the rear fence shall be kept locked during the hours of operation.

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:

A handwritten signature in cursive script that reads "Mary D. Padrutt". The signature is written in black ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals