

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit (CUP) to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone. Application filed by Tania Giviani-Faris and Kambiz Faris, owners.

**ORDER**

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on November 13, 2018 for a CUP pursuant to § 18-209 to 216 of the Vienna Town Code. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. The property was purchased by the applicants in July 2008 and have been operating a family day home business at this location since 2009. The applicant applied for and received a home occupation permit in March 2013 to care for seven (7) children plus one (1) preschooler that is off premises for some portion of the week.
- B. The childcare operation is primarily located in the lower level of the split-level home with a full bathroom and small wet bar area immediately adjacent to the play area for use for the daycare. The total indoor space used for the home childcare is 1,200 square feet. The property has a large fenced back yard, 15,000 – 20,000 square feet, with play equipment for the childcare.
- C. The applicant has stated the drop-offs and pick-ups are staggered from 7:30 am to 6:00 pm. The applicant identified seven (7) to eleven (11) available parking spaces for short term parking between the driveway and on-street parking on the cul-de-sac.
- D. There are currently two employees assisting the homeowner with the business at different times. One employee assists the applicant between 7:30 am and 3 pm and the other is part-time working 3 pm to 6 pm.
- E. The applicant was approved in August 2018 for a 9' wide by 30' long driveway expansion to increase the available parking on site from three cars to five. The driveway is complete and reflected on the updated plat.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

The Board voted 4-2 to approve the request for a CUP Conditional Use Permit (CUP) to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone, with the following conditions:

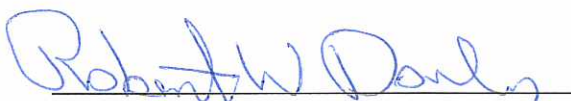
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- I. This CUP is good for 1 year. At the end of the 1 year there is a require re-application for a continued CUP for up to ten (10) children.

If the terms and conditions are not met, then this order may be revoked per the Town Code § 18-209 to 216.

The Board supported the application because; it felt the increased parking in the expanded driveway, from three to five parking spots, would alleviate the concern of traffic and the increase of eight to ten children would not significantly impact the cul-de-sac.

IT IS, THEREFORE, ORDERED, this 3<sup>rd</sup> day of December, 2018 that the application, requesting to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone application filed by Tania Giviani-Faris and Kambiz Faris, owners, be and or here is approved.

  
Robert W. Dowler  
Board of Zoning Appeals, Vice-Chair  
Town of Vienna