



APPLICATION ACCEPTED: May 4, 2009
BOARD OF ZONING APPEALS: July 28, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 21, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-MA-029

MASON DISTRICT

APPLICANT: Karina Moscoso
OWNERS: Karina Moscoso, et al
SUBDIVISION: Edsall Park
STREET ADDRESS: 6708 Edsall Road
TAX MAP REFERENCE: 71-4 ((5)) (18) 7
LOT SIZE: 15,222 square feet
ZONING DISTRICT: R-3
ZONING ORDINANCE PROVISIONS: 8-305
SPECIAL PERMIT PROPOSAL: To permit a home child care facility

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-MA-029 for the home child care facility ONLY with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\SMCKNI\SP\MOSCOSO SP 2009-MA-029 (Home Child Care)\Staff Report Moscoso.doc

Shelby Johnson

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

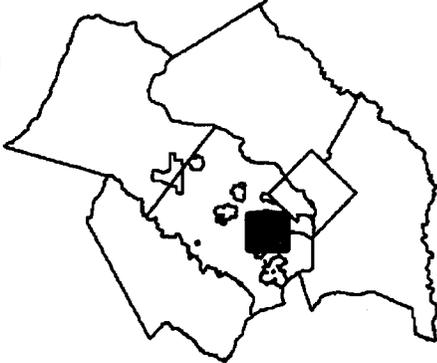
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



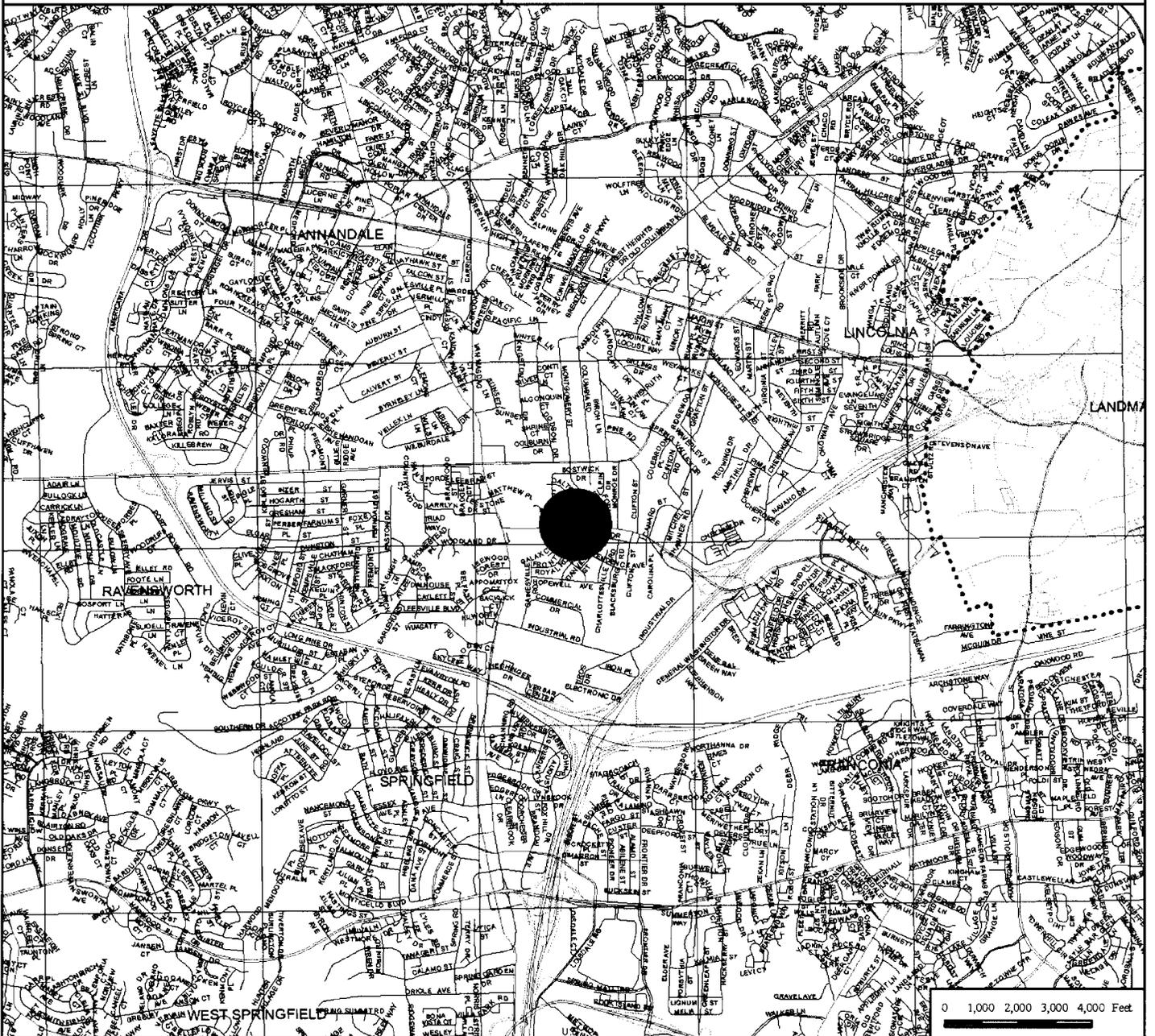
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2009-MA-029

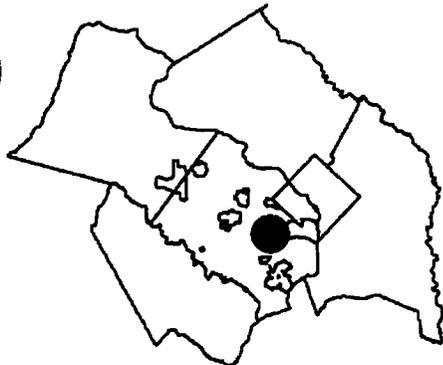


Applicant: KARINA MOSCOSO
Accepted: 05/04/2009
Proposed: HOME CHILD CARE FACILITY
Area: 15,222 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 03-0303
Art 8 Group and Use: 3-05
Located: 6708 EDSALL ROAD
Zoning: R- 3
Overlay Dist:
Map Ref Num: 071-4- /05/18/0007

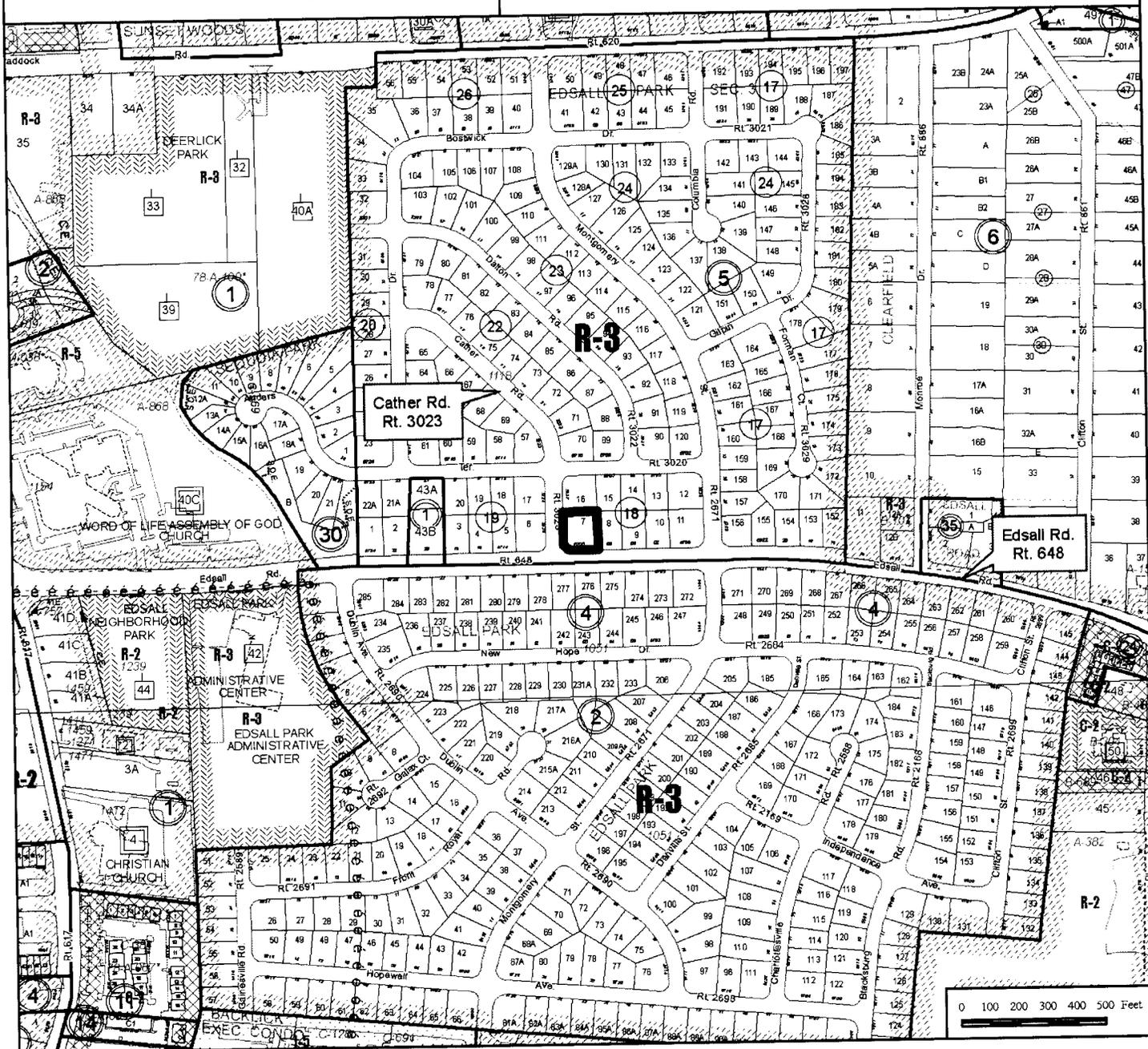


Special Permit

SP 2009-MA-029

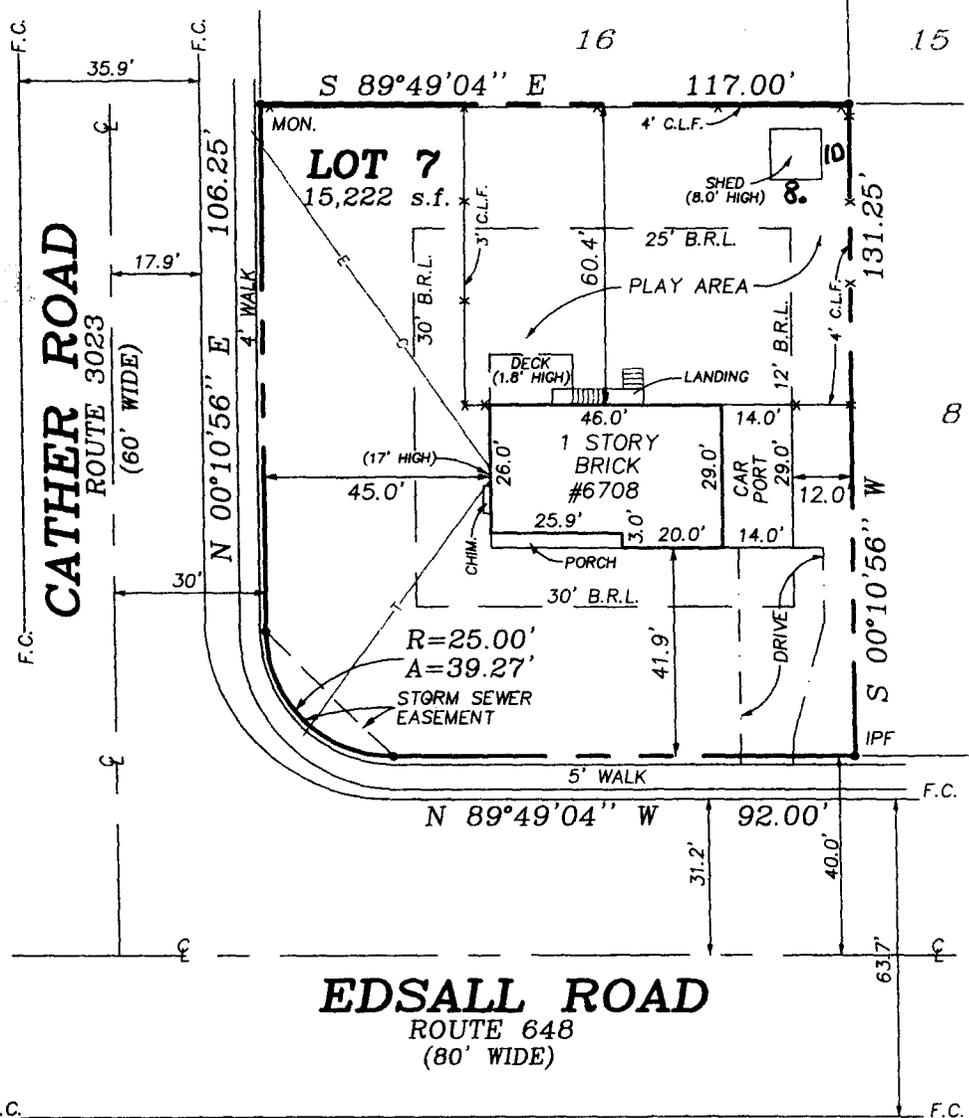


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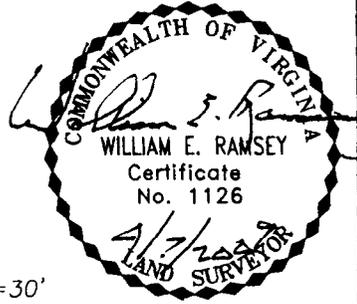


NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 71-4-05-18-0007 AND IS PRESENTLY ZONED R-3.
2. F.C.-DENOTES FACE OF CURB.
3. MON.-DENOTES CONCRETE MONUMENT.
4. B.R.L.-DENOTES BUILDING RESTRICTION LINE.
5. C.L.F.-DENOTES CHAIN LINK FENCE.
6. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.



SPECIAL EXCEPTION PLAT
 LOT 7
 BLOCK 18
 SECTION THREE
EDSALL PARK
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA



DATE: APRIL 2, 2009.

SCALE: 1"=30'

TITLE REPORT NOT FURNISHED.
 FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
 IPF-DENOTES IRON PIPE FOUND.

WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499

RECEIVED
 Department of Planning & Zoning
 APR 28 2009
 Zoning Evaluation Division

6708 Edsall Rd Springfield VA 22151

02-13-09

①

Backyard



From side
yard.

②





3

backyard
and play
ground.

Cather Rd.

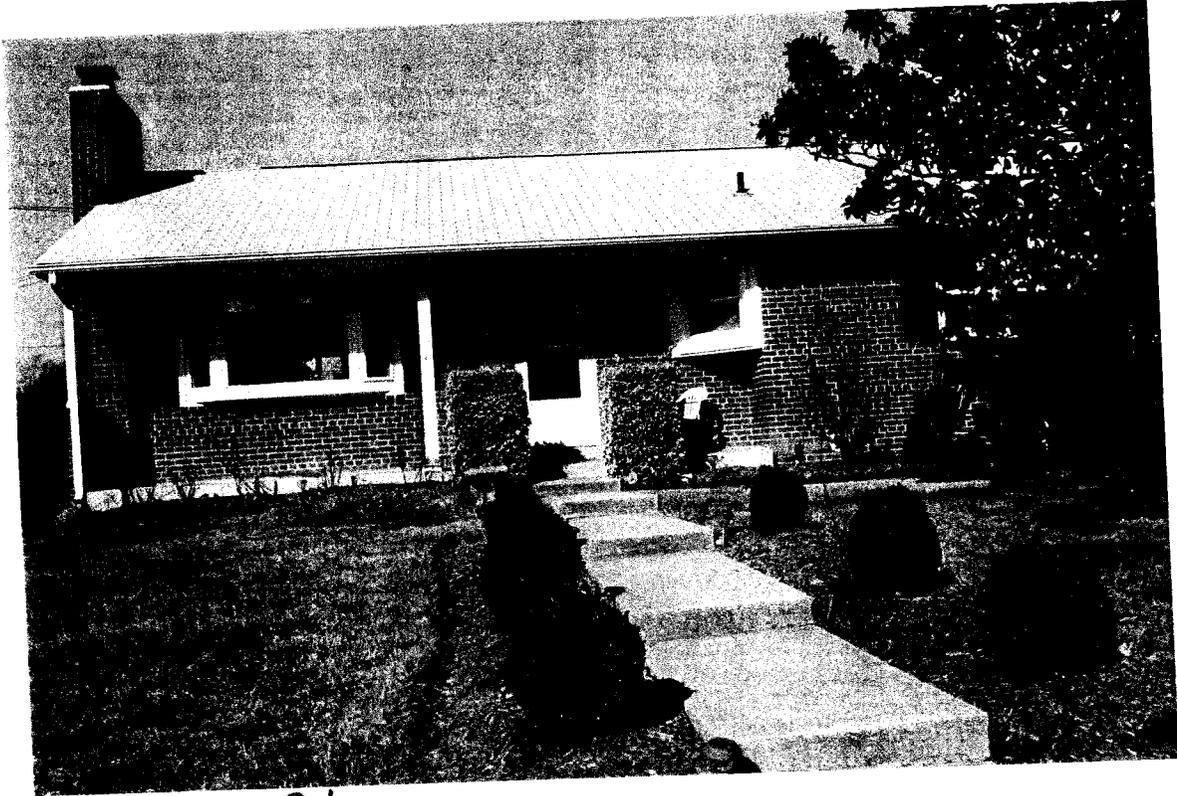


Edsall Rd

from of
the house.

4

5



Edsall Rd.
from front yard

6

Cather Rd.



Edsall Rd

7



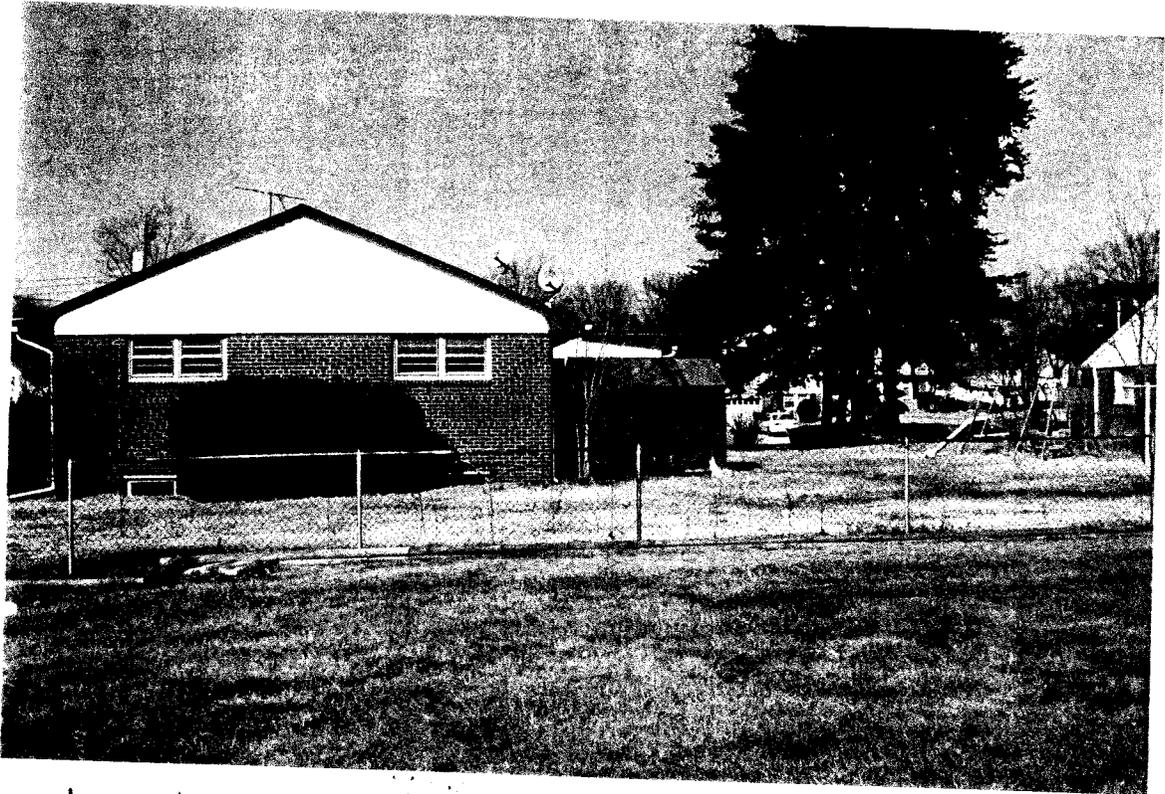
from wester front
Cather Rd.

8



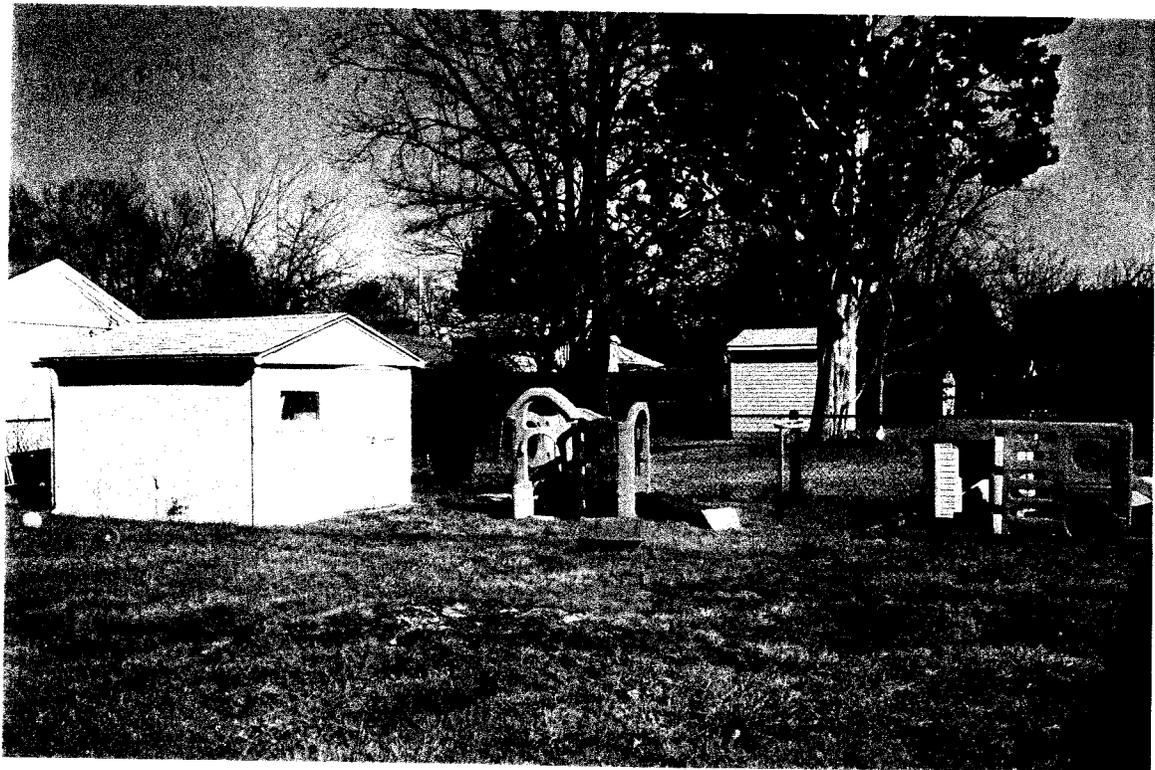
back yard

9



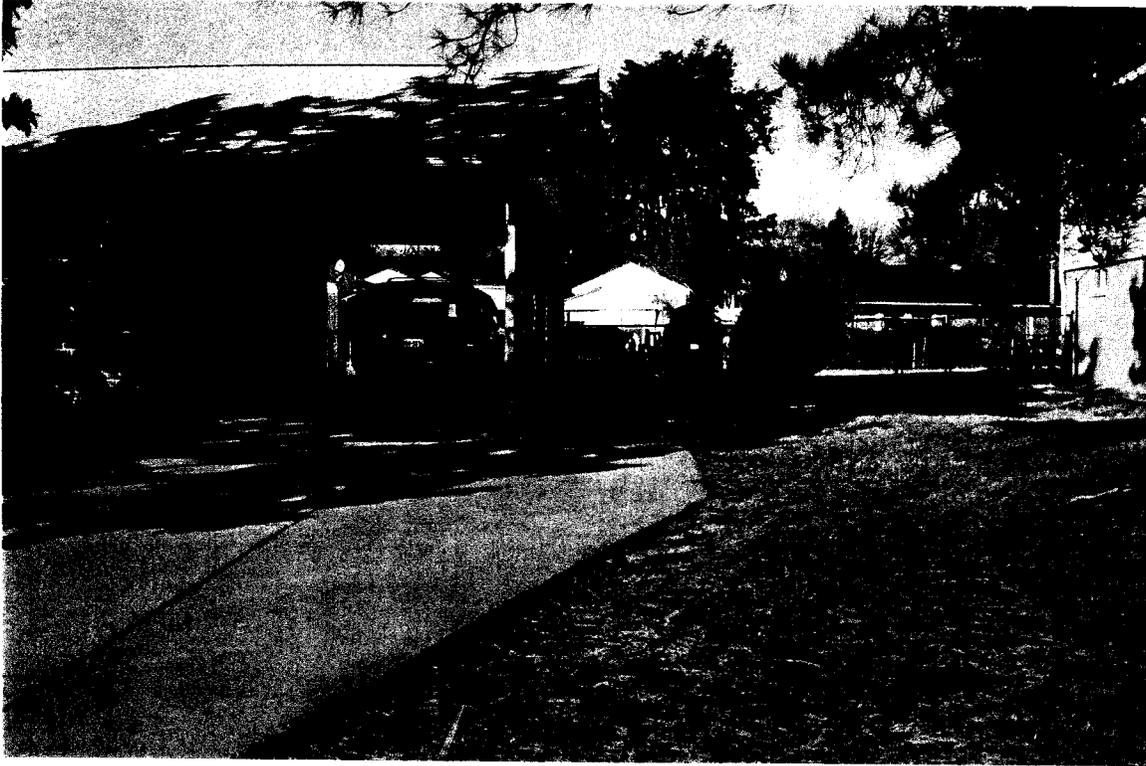
back yard

10



back yard

11



Edsall Rd.

12



from the house
to Edsall Rd.

13



Edsall Rd.

14



Edsall Rd & in the right is Cather's Rd.

15



Cather Rd.

16



Cather Rd.

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit a home child care facility for a total of up to ten (10) children at any one time.

Parking: 7 spaces: 1 beneath the carport, 3 in the existing driveway off of Edsall Road, and 3 in the proposed driveway off of Cather Road.

Hours of Operation: Monday through Friday: 6:00 a.m. – 6:00 p.m.

Number of Employees: One full-time assistant in addition to the applicant herself.

BACKGROUND

County Records show that the dwelling was constructed in 1958. A building permit was issued on: August 1, 1958 for the carport; May 29, 1967 for a rear porch (no roof); and June 30, 1976 for the wood deck.

On November 18, 2008, a Notice of Violation was issued for the presence of a home child care facility wherein 5-12 children are being cared for in a single family detached dwelling which is in violation of the Zoning Ordinance, Par. 6 of Sect. 10-103. The maximum number of children located in a single family detached dwelling is limited to seven (7) by the Zoning Ordinance, not including the provider's own children (Appendix 4).

EXISTING SITE DESCRIPTION

The 15,222 square-foot site is located in the Edsall Park Subdivision at the northeast intersection of Edsall Road and Cather Road. The corner lot is zoned to the R-3 Zoning District and is developed with a one-story, single family detached dwelling. County Records indicate that the frame and brick rambler was constructed in 1958 and consists of approximately 1,256 square feet of above-grade gross floor area. Ingress and egress to the site is provided via a 41.9-foot concrete driveway accessed from Edsall Road and terminates at the attached carport. The driveway appears to be able to accommodate three (3) vehicles plus one vehicle beneath the carport. There is a wooden deck measuring 1.8 feet in height attached to the northwest corner of the dwelling and shed measuring 8 feet in height and 8 feet x 10 feet in area located in the northeast corner of the property; all of these structures appear to be in conformance with the Zoning Ordinance minimum yard requirements. The rear yard is enclosed with a 3 to 4 foot tall chain link fence.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single Family Dwellings Edsall Park Subdivision	R-3	Residential; 2-3 du/ac
South	Single Family Dwellings Edsall Park Subdivision;	R-3	Residential; 2-3 du/ac
East	Single Family Dwellings Edsall Park Subdivision	R-3	Residential; 2-3 du/ac
West	Single Family Dwellings Edsall Park Subdivision	R-3	Residential; 2-3 du/ac

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area I, Annandale Planning District
Planning Sector: Edsall Community Planning Sector (A4)
Plan Map: Residential use at 2-3 dwelling units per acre (du/ac)

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Exception Plat, Lot 7, Block 18, Section 3 Edsall Park

Prepared by: William E. Ramsey, William E. Ramsey, P.C.

Dated: April 2, 2009

Proposed Use:

The applicant is requesting approval of a special permit for a home child care facility for up to ten (10) children on site at any one time. Seven children are permitted by the Zoning Ordinance. The children arrive between 6:00 a.m. and 8:00 a.m. and depart

between 5:00 p.m. and 6:00 p.m. Employees include the applicant and one full-time assistant at a time.

The home is a one-story single family dwelling. The home child care facility (daycare) is operated in the basement level of the house which includes a separate entrance, bathroom, and laundry and storage room. The general daycare area consists of a 45.9-foot x 25.2-foot open area and a 42.1-foot x 26-foot sleep area. A chain link fence measuring 3 to 4 feet in height encloses approximately 4,500 square feet of the lot, shown on the SP Plat as "PLAY AREA". Pictures provided by the applicant show portable play equipment located in this area. The existing driveway and carport appears to be able to accommodate four vehicles: three (3) vehicles in the driveway area plus one vehicle beneath the carport. The applicant proposes to construct a second driveway that is accessed from Cather Road to accommodate a minimum of three (3) additional vehicles.

Transportation Analysis (Appendix 5)

Issue: On-site Parking and Site Circulation

All parking for the proposed use should be contained on site. The application property is located at the corner of Edsall Road and Cather Road with the driveway accessing Edsall Road. Due to the limited size and configuration of the existing driveway, vehicles exiting the site must back up onto Edsall Road. Edsall Road is an arterial roadway and it is undesirable to have vehicles backing onto the road multiple times in peak traffic periods. The applicant should construct a second driveway which is accessed via Cather Road to provide on-site parking spaces for employee parking and child drop-off and pick-up. If the applicant cannot provide a second entrance from Cather Road with parking for the child care employee and parents, then the Fairfax County Department of Transportation (FCDOT) recommends denial of this application. It should be noted that staff from the Virginia Department of Transportation (VDOT) have indicated that access for this use would need to meet VDOT commercial entrance standards that require a minimum 30-foot wide entrance.

Resolution:

Staff recommends that the applicant seek a reduction to the 30-foot wide commercial entrance standard from VDOT and obtain approval to construct a second driveway from Cather Road. The new driveway should accommodate a minimum of three vehicles, but no more than four, and be designated for employee and parent parking as shown on Attachment 1 to the proposed development conditions. Staff has proposed a development condition that makes the establishment of this use contingent upon obtaining approval for a second driveway.

ZONING ORDINANCE PROVISIONS

Residential District, Three Dwelling Units/Acre (R-3)		
Standard	Required	Proposed
Lot Size	10,500 sq ft (minimum)	15,222 sq ft (0.35 acres)
Lot Width	105 feet – corner lot (minimum)	117 feet
Building Height	35 feet (maximum)	14 feet
Front Yard	30 feet (minimum)	Edsall Road – 41.9 feet Cather Road – 45.0 feet
Side Yard	12 feet (minimum)	12.0 feet (south yard)
Rear Yard	25 feet (minimum)	60.4 feet
Parking Spaces	2 space for single family dwelling. Child care use parking to be determined by the BZA.	7 spaces

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 6)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities

Summary of Zoning Ordinance Provisions

Only with adoption of the proposed development conditions does the application meet all special permit standards of the Zoning Ordinance.

CONCLUSION AND RECOMMENDATIONS

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions only with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2009-MA-029.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation
5. Transportation Analyses
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**July 21, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-MA-029 located at Tax Map 71-4 ((5)) (18) 7 for a home child care facility pursuant to Section 3-303 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Karina Moscoso, only and is not transferable without further action of the Board, and is for the location indicated on the application, 6708 Edsall Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Permit (SP) Plat prepared by William E. Ramsey, William E. Ramsey, P.C., April 2, 2009, 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 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of employees shall be limited to one (1) on-site at any one time in addition to the applicant.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. A minimum of two (2) parking spaces shall be provided in the Edsall Road driveway for the dwelling.
8. A second driveway with access from Cather Road for up to four (4) spaces for employee and parent parking shall be constructed as approved by the Virginia Department of Transportation (VDOT). The new driveway and parking shall be generally consistent with the drawing shown as Attachment 1 to the development conditions. All parking for the use shall be on-site. If an entrance permit cannot be obtained from VDOT for the second entrance, this special permit shall be null and void.
9. In no instance shall the driveway or parking areas exceed 30% of any front yard.

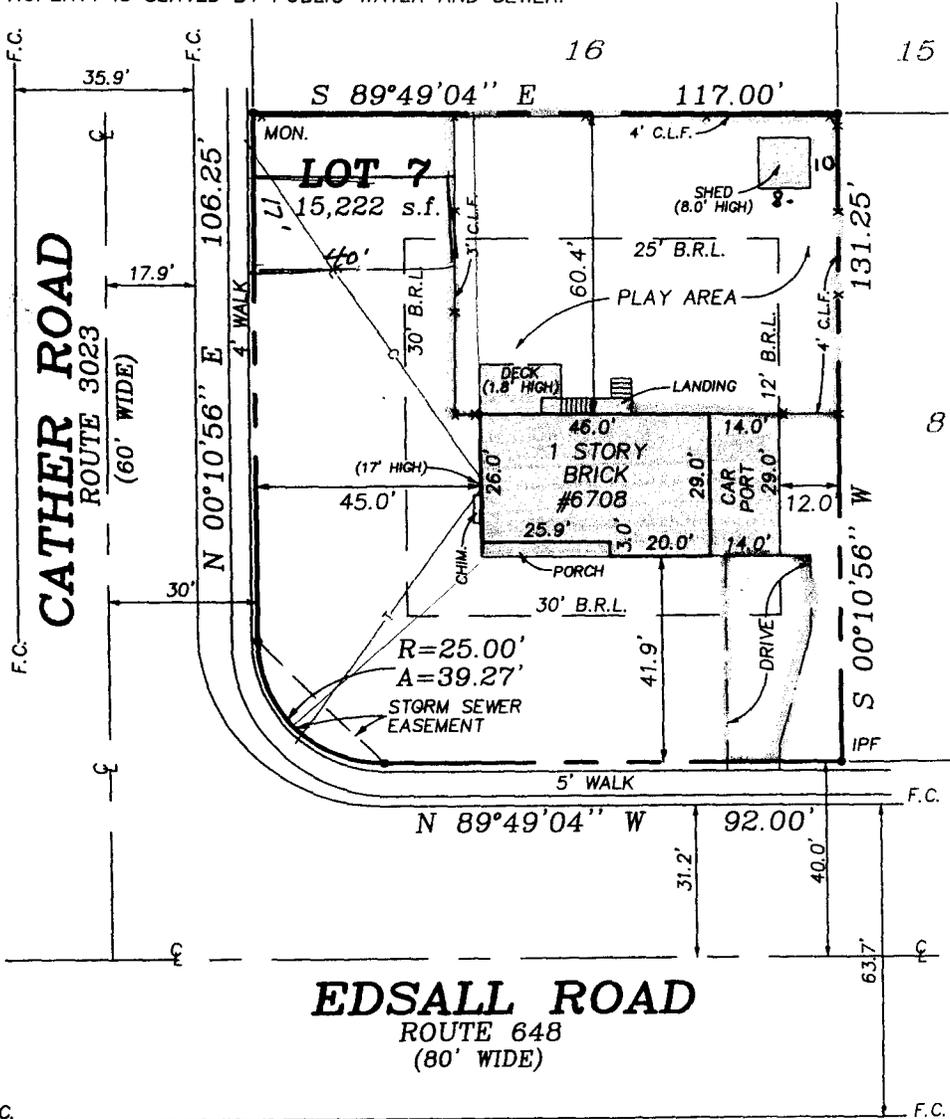
10. Supplemental evergreen trees and shrubbery shall be planted and maintained along the northern and southern perimeter of the Cather Road driveway to soften the visual impact from adjacent properties.
11. There shall be no signage associated with the home child care facility.

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, thirty (30) months after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven (7) until all conditions are met. 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.

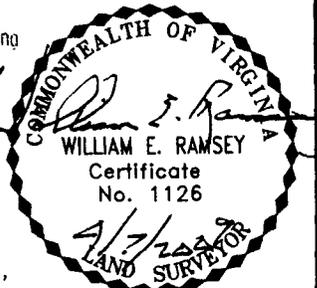
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 LOT 7
 BLOCK 18
 SECTION THREE
EDSALL PARK
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

RECEIVED
 Department of Planning & Zoning
 APR 28 2009
 Zoning Evaluation Division



DATE: APRIL 2, 2009.

SCALE : 1"=30'

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WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 06-09
 (enter date affidavit is notarized)

I, Karina Moscoso, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 103703 a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
<u>Karina Moscoso</u> also known of record as <u>Justa K. Moscoso</u>	6708 Edsall Rd. Springfield VA 22151	Applicant title Owner
<u>Oscar H. Michel</u>	same as applicant	title Owner
<u>Cristian H. Michel</u>	same as applicant	title Owner.

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 06 - 09
(enter date affidavit is notarized)

103703a

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 06-09
(enter date affidavit is notarized)

103903 a

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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103703a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

"None"

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 06-09
(enter date affidavit is notarized)

103703a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

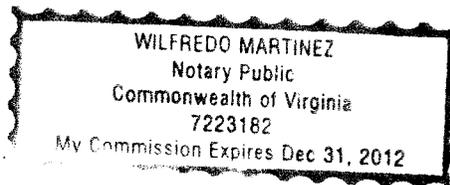
Applicant's Authorized Agent

Karina Moscoso
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 06 day of March 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Wilfredo Martinez
Notary Public

My commission expires: DEC 31 2012



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

To whom it may concern:

My name is Karina Moscoso, of 6798 Edsall Road Springfield, VA 22151 and I am requesting the opportunity to utilize my household by obtaining a special permit for the purposes of becoming a daycare provider. The hours of operation will be between the hours of 6:00 am to 6:00 pm with a total of ten (10) Kids as my pupils. I have an estimated two (2) employees that are certified daycare providers. There will be limited traffic of a mere five to six vehicles per day between the hours of 6:00 am to 8:00 am / 5:00 pm to 6:00pm. The entire lower level will be used for all daycare needs which include a separate entrance, a bathroom, a laundry and a storage room. There will be no additions to the existing building structure. The general daycare area consists of an open area 45.9' x 25.2', a sleep area 42.1' x 26. There will be no hazardous or toxic substances on the premises. My daycare service will provide affordable, good quality' and licensed child day care within the City/County of Fairfax and is critical to the well-being of parents and children in the direct community and is a needed community service.

Respectfully,

Karina Moscoso / Applicant

RECEIVED
Department of Planning & Zoning

FEB 13 2009

Zoning Evaluation Division



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: November 18, 2008

CERTIFIED LETTER: 7008-0150-0000-4655-2889



CASE #: 30122

SERVE: Justa K. Moscoso
6708 Edsall Road
Springfield, VA 22151-3732

LOCATION OF VIOLATION 6708 Edsall Road
Springfield, VA 22151-3732
Tax Map #: 71-4 ((05)) (18) 7
Zoning District: R-3

Dear Property Owner:

An inspection of the above referenced property on November 6, 2008 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-103 (6) Home Child Care Facilities
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a home child care facility wherein 5-12 children are being cared for. The home child care facility is located in a **single family detached dwelling**. This use is permitted in the R-3 District, subject to the use limitations outlined in Par. 6 of Sect. 10-103 of the Fairfax County Zoning Ordinance which states:

6. The following use limitations shall apply to home child care facilities:
 - A. The maximum number of children permitted at any one time shall be as follows:

1. **Seven (7)** when such facility is located in a single family detached dwelling.
2. **Five (5)** when such facility is located in a single family attached, multiple family, or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Sect. 63.1-196 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

Therefore, caring for five (5) to twelve (12) children in the dwelling is a violation, you are not operating the home child care facility in conformance with the use limitations outlined above, and therefore in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

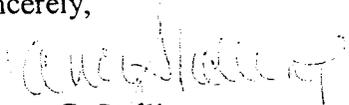
- Fully complying with the use limitations for a home child care facility as outlined above; or
- Applying for and ultimately obtaining approval of a Special Permit from the Fairfax County Board of Supervisors to operate a home child care facility in excess of the use limitations outlined herein.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1317 or (703) 324-1300.

Sincerely,



Nancy G. Stallings
Property Maintenance/ Zoning Inspector



County of Fairfax, Virginia

MEMORANDUM

DATE: July 1, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2009-MA-029)

SUBJECT: Transportation Impact

REFERENCE: SP 2009-MA-029; Karina Moscoso
Traffic Zone: 1401
Land Identification: 71-4 ((5)) (18) 7

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office April 7, 2009. The applicant wishes to provide day care in her home for no more than ten children with one employee from 6:00 a.m. to 6:00 p.m. Her house is located on the corner of Edsall Road and Cather Road with the driveway accessing Edsall Road. Edsall Road is an arterial roadway and it is not desirable to have vehicles backing onto the road from her driveway multiple times in peak period traffic. The applicant should provide on-site parking spaces for child drop-off/pickup and employee parking which are accessed via Cather Road. If the applicant cannot provide a second entrance from Cather Road with parking for parents and employees to use, then this department recommends denial of this application. VDOT staff have indicated that access for this use would need to meet VDOT commercial entrance standards. These standards call for a minimum 30-foot wide entrance. The applicant should work with VDOT to seek reduction of the width to that of the driveway width on Cather Road.

AKR/LAH/lah



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

June 25, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SP 2009-MA-029, Edsall Park
Tax Map No.: 071-4 /05/ /18/ /0007

Dear Ms. Coyle,

This office has reviewed the special permit plat relative to special permit application 2009-MA-029 and offers the following comments.

A commercial entrance should be constructed to access the site. Site circulation appears to be very limited for pick up and drop off.

For additional information please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located;

however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.

2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305

Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed ten (10), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use.
2. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.