



APPLICATION ACCEPTED: July 6, 2009
BOARD OF ZONING APPEALS: September 29, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 22, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-SU-062

SULLY DISTRICT

APPLICANT: Judith A. Robinson

OWNERS: David F. Robinson, Jr. & Judith Robinson

SUBDIVISION: Belle Pond Farm

STREET ADDRESS: 5537 Belle Pond Drive

TAX MAP REFERENCE: 54-1 ((15)) 1

LOT SIZE: 8,833 Square Feet

ZONING DISTRICT: R-3 (Cluster) & W-S

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility

STAFF RECOMMENDATION: Staff recommends denial of SP 2009-SU-062 for the home child care facility. Should the BZA take action to approve the application, staff recommends the BZA do so 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:\Scaff2\Case Files\Special Permits\SP 2009-SU-062 JUDITH ROBINSON\Robinson_Cover.doc

Shannon Caffee

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.

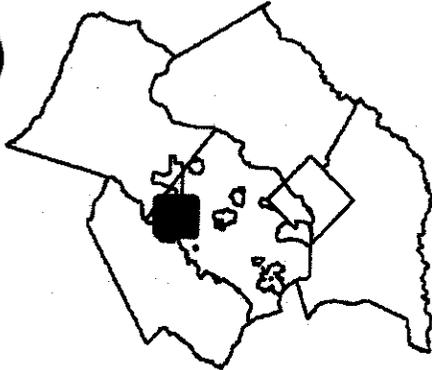
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



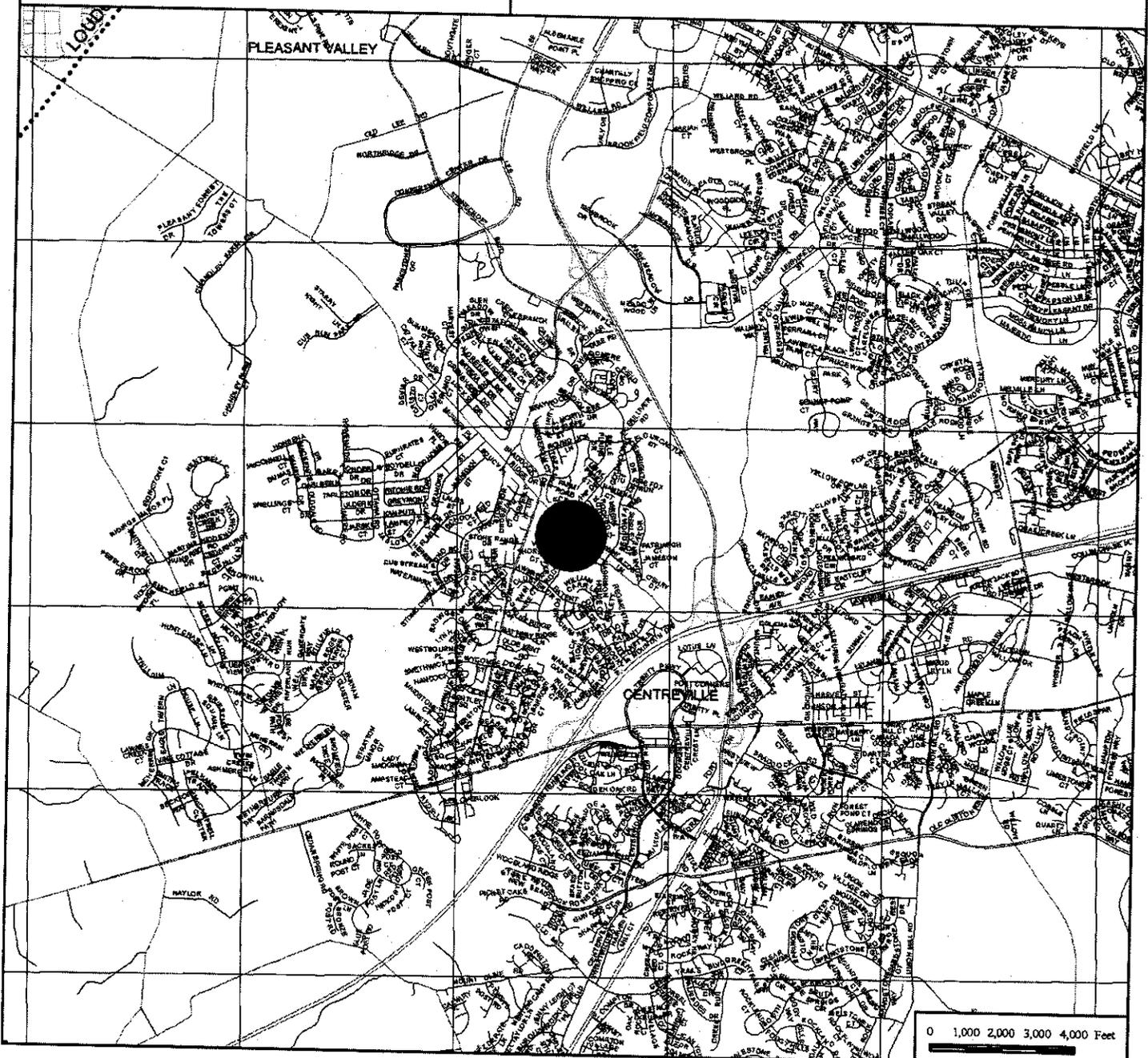
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

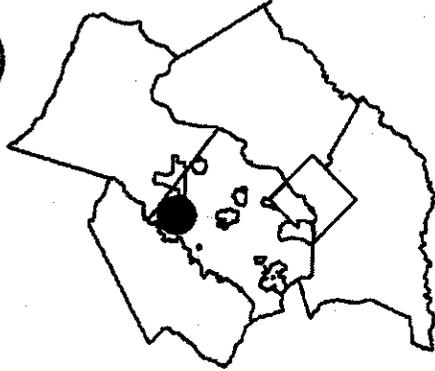
SP 2009-SU-062



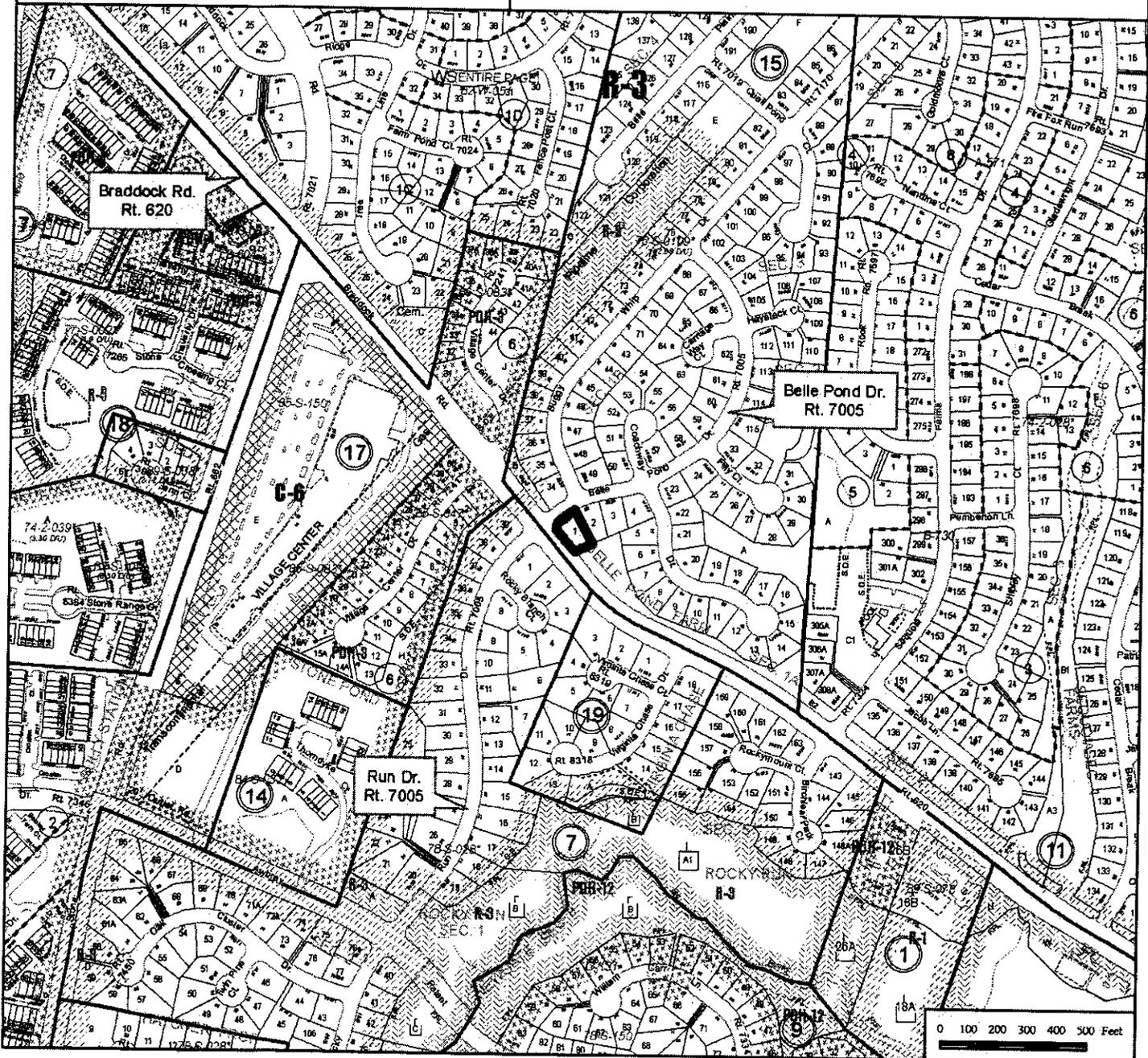
Applicant: JUDITH A. ROBINSON
Accepted: 07/06/2009
Proposed: HOME CHILD CARE FACILITY
Area: 8,833 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 03-0303
Art 8 Group and Use: 3-05
Located: 5537 BELLE POND DRIVE
Zoning: R-3 (CLUSTER)
Overlay Dist: WS
Map Ref Num: 054-1- /15/ /0001

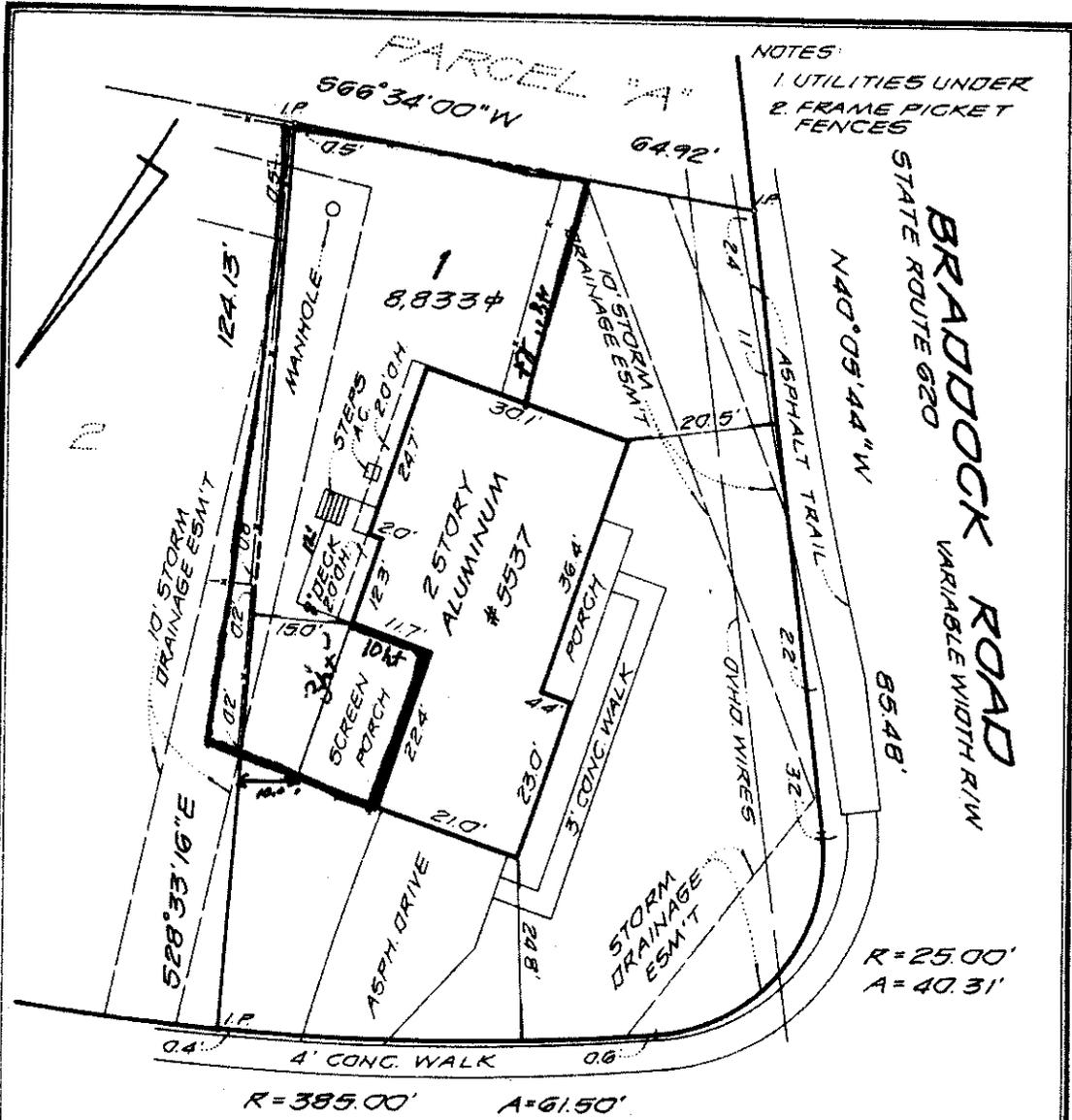


Special Permit
SP 2009-SU-062



Applicant: JUDITH A. ROBINSON
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Zoning: R-3 (CLUSTER)
Overlay Dist: WS
Map Ref Num: 054-1-715/ /0001





NOTES:
 1. UTILITIES UNDER
 2. FRAME PICKET FENCES

BRADDOCK ROAD
 STATE ROUTE 620
 VARIABLE WIDTH R/W

BELLE POND DRIVE
 50' R/W

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 1 SECTION 1-A
BELLE POND FARM
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' AUGUST 18, 1992

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
 PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

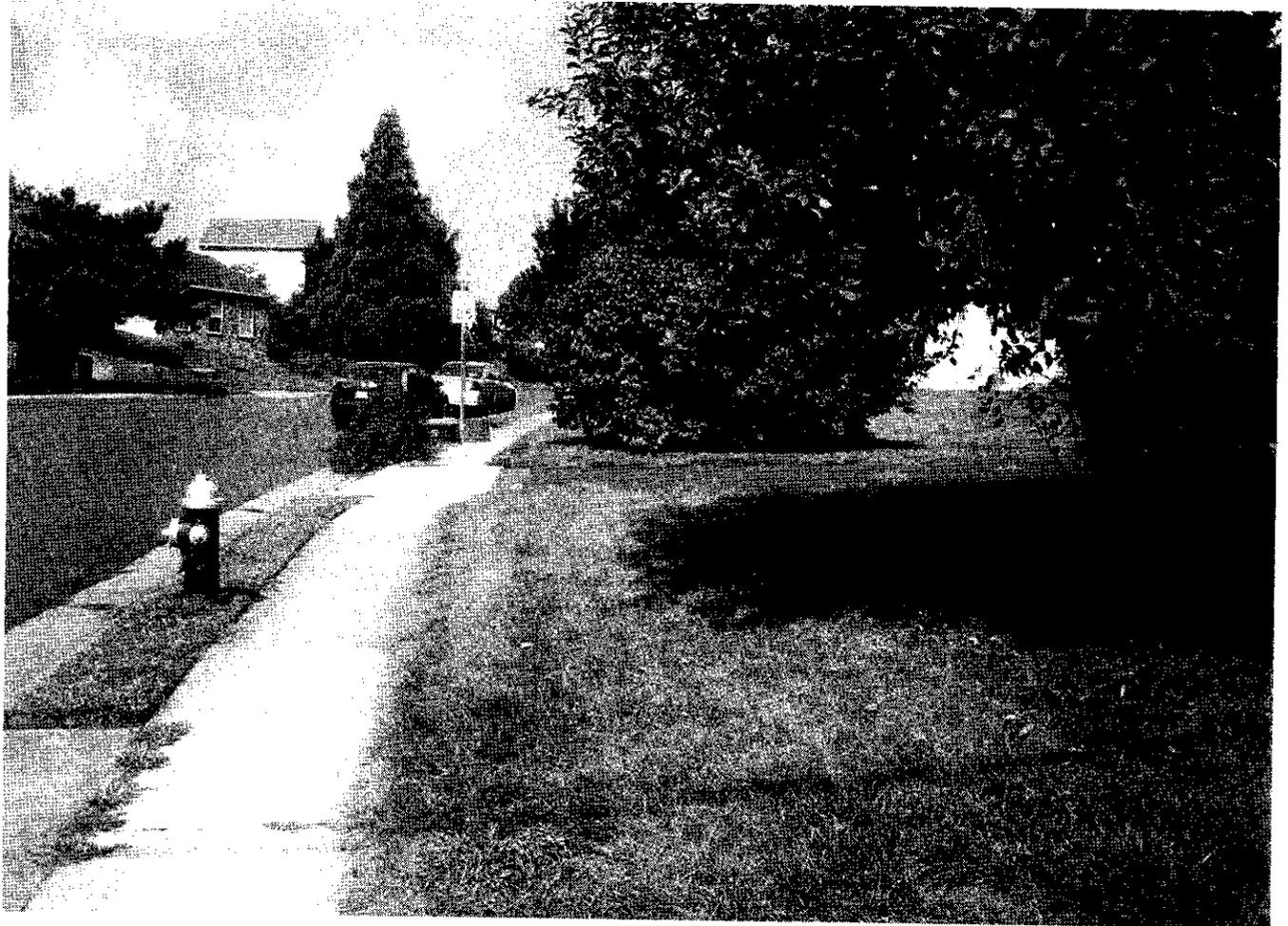
Kenneth W. White
 KENNETH W. WHITE L.S.

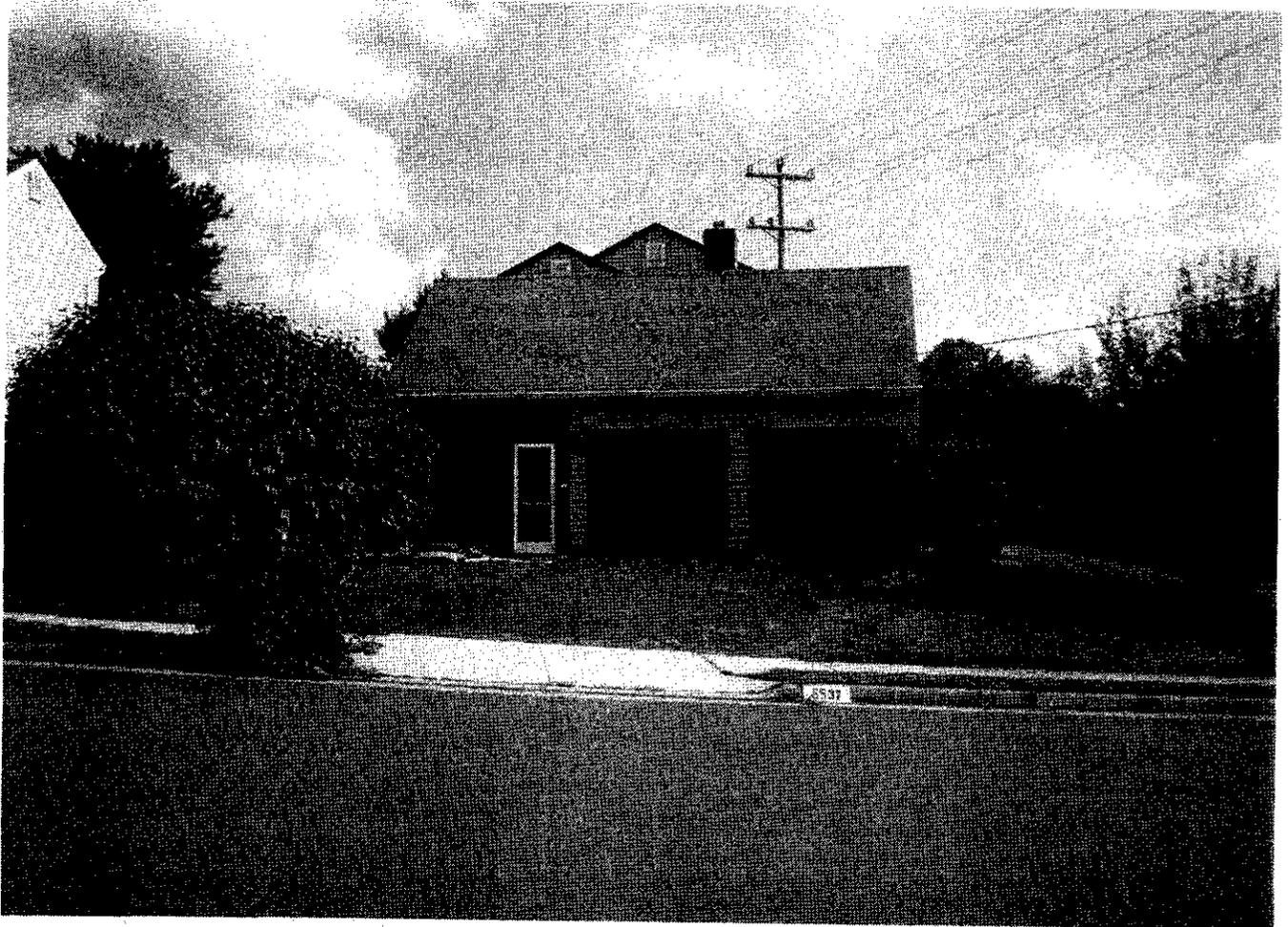
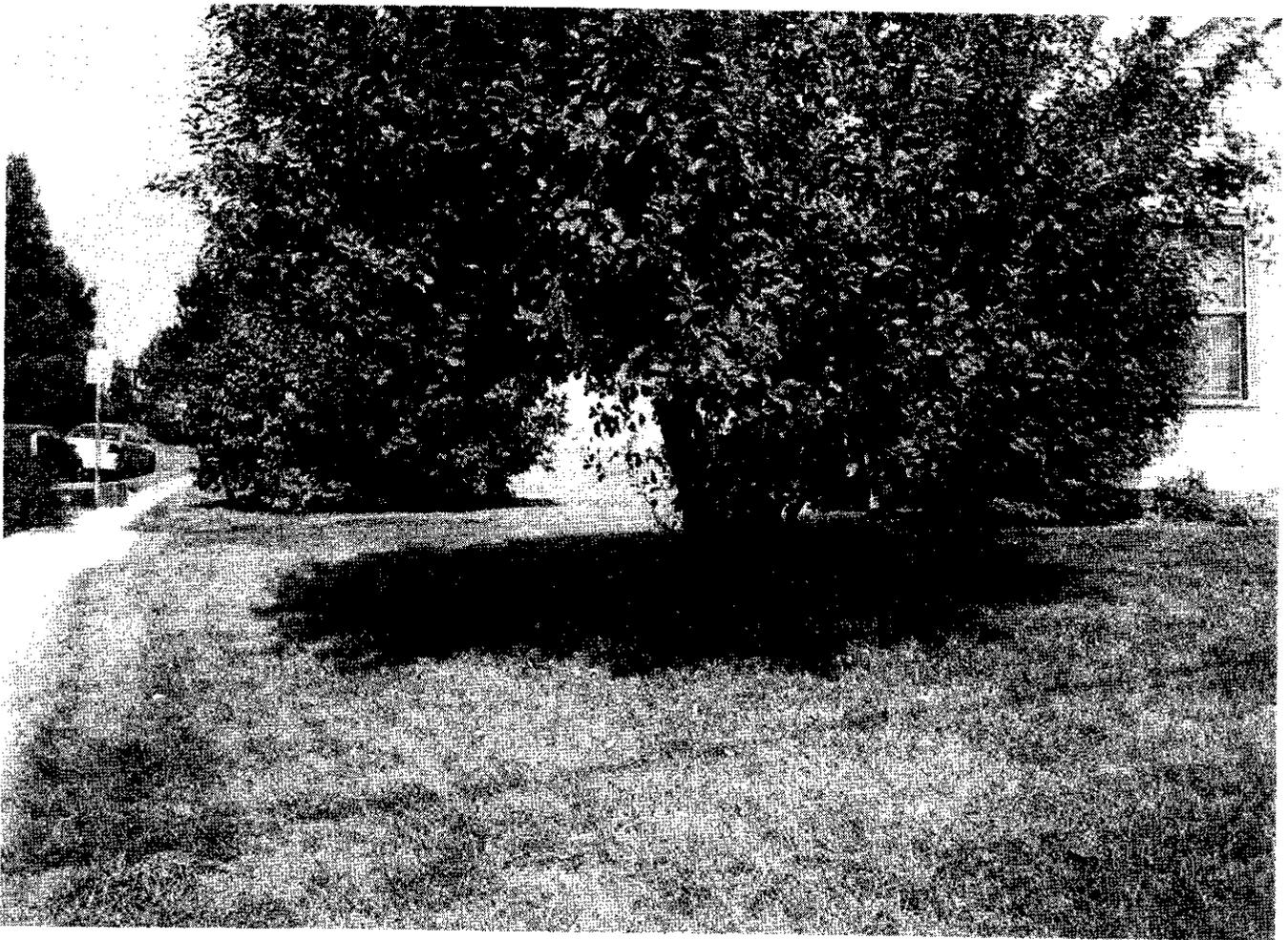


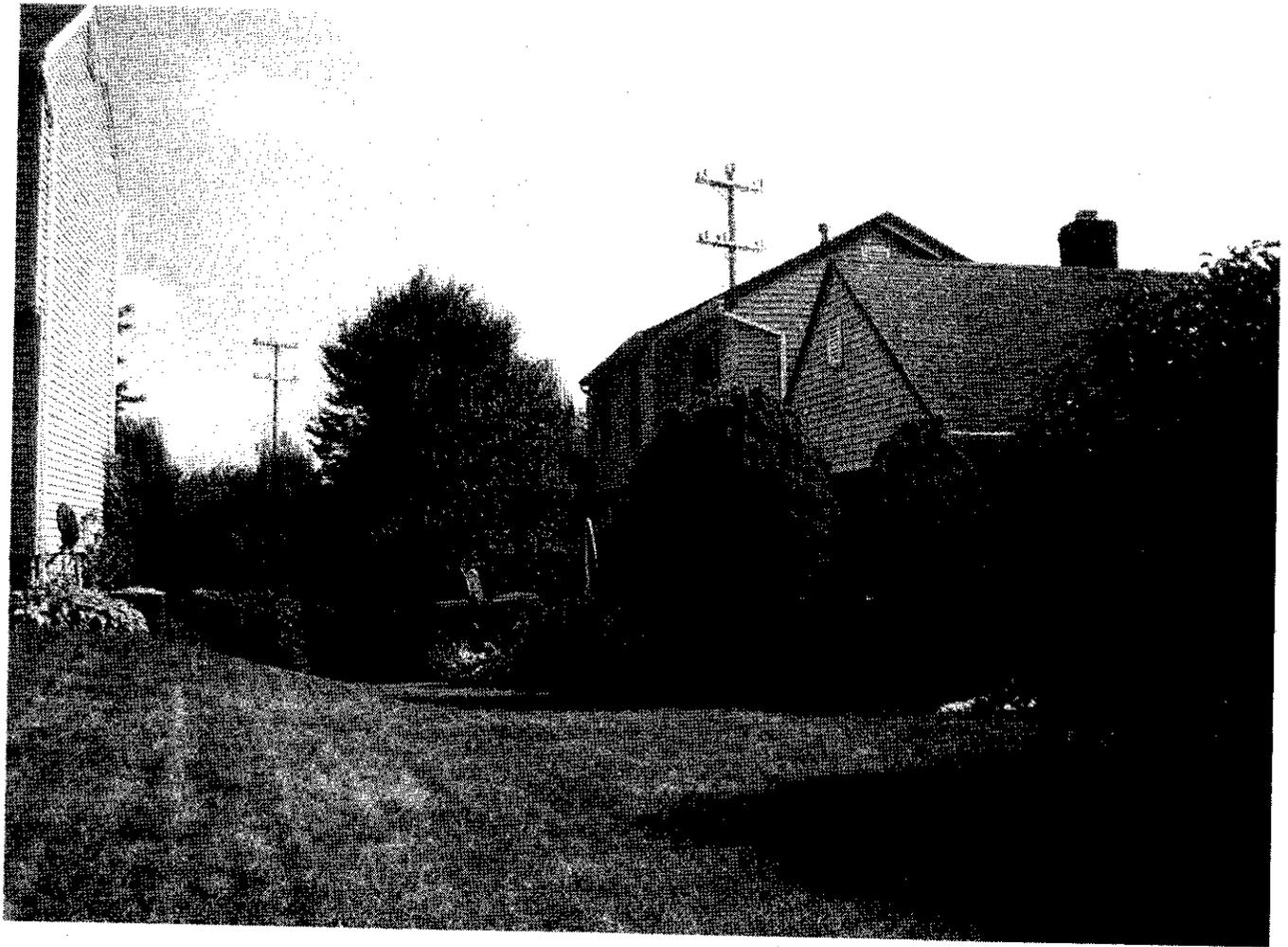
CASE NAME:
 HOMEQUITY (NOLAN) ~
 ROBINSON
 CURTIN, NOLAN,
 GALLAGHER & MROZ

ALEXANDRIA SURVEYS, INC.
 6343 SOUTH KINGS HIGHWAY
 ALEXANDRIA, VIRGINIA 22306
 703-660-6615
 FAX 703-768-7764

Play Area
 4 FT Fence
 2011-10
 Kenneth W. White







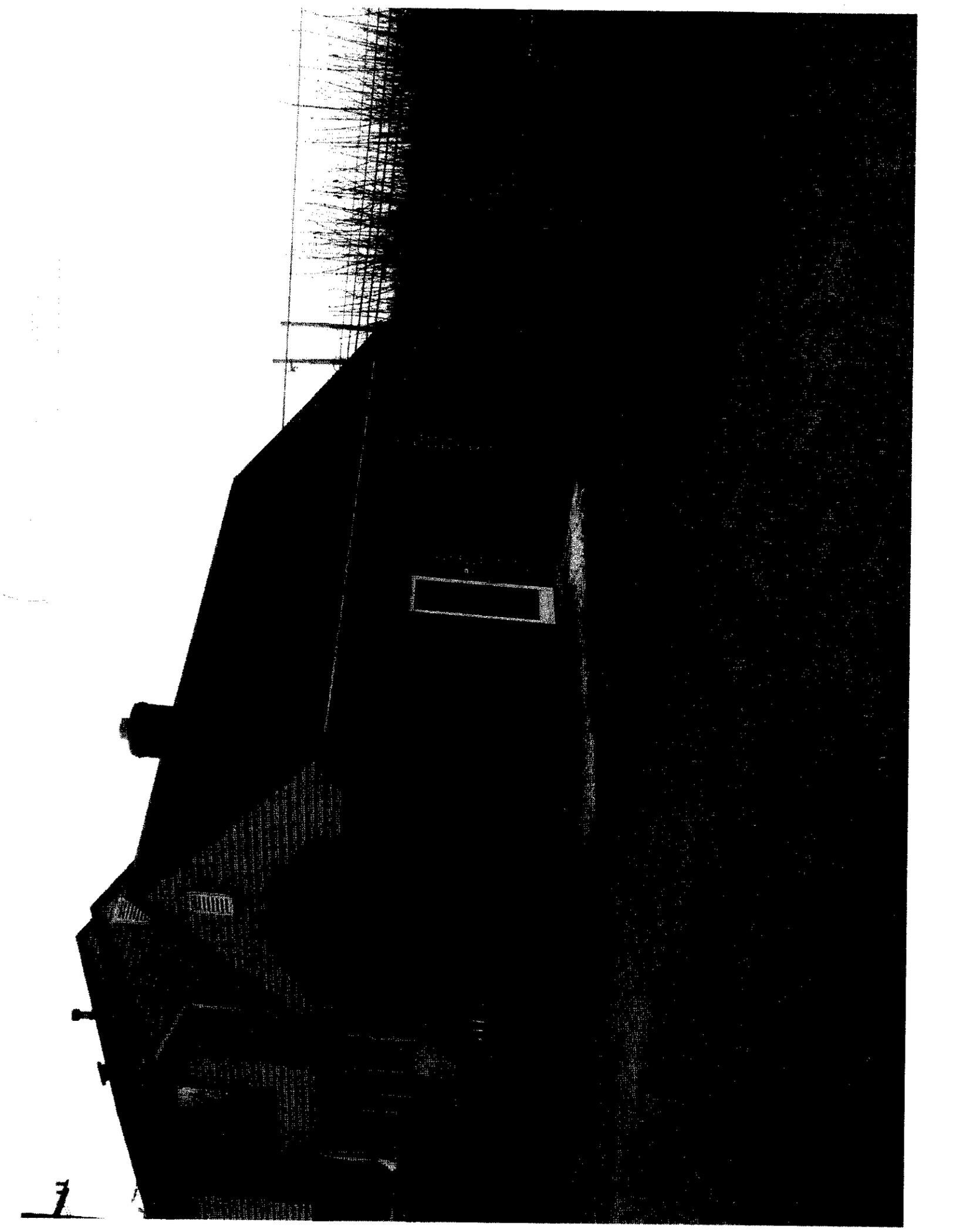


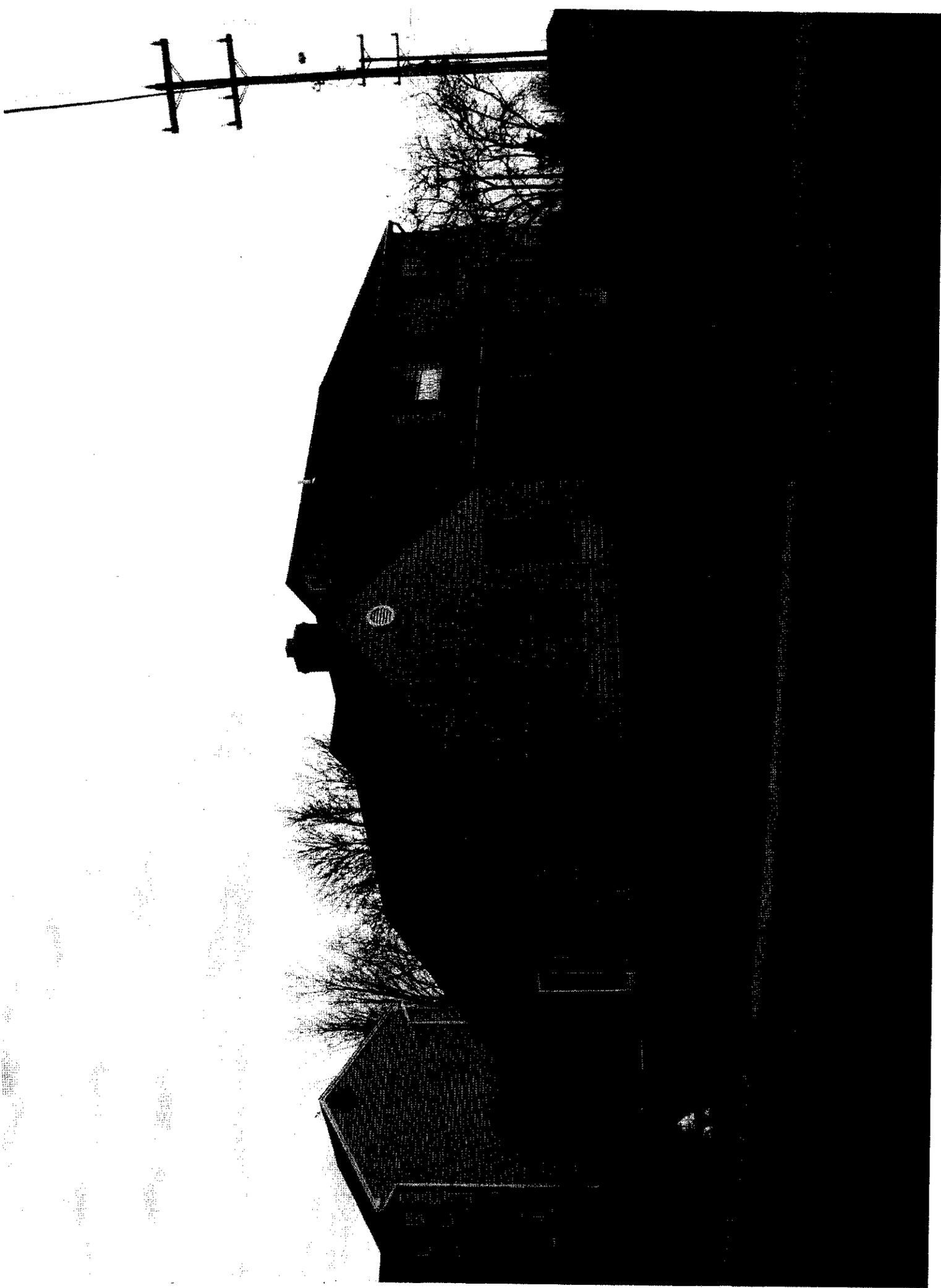
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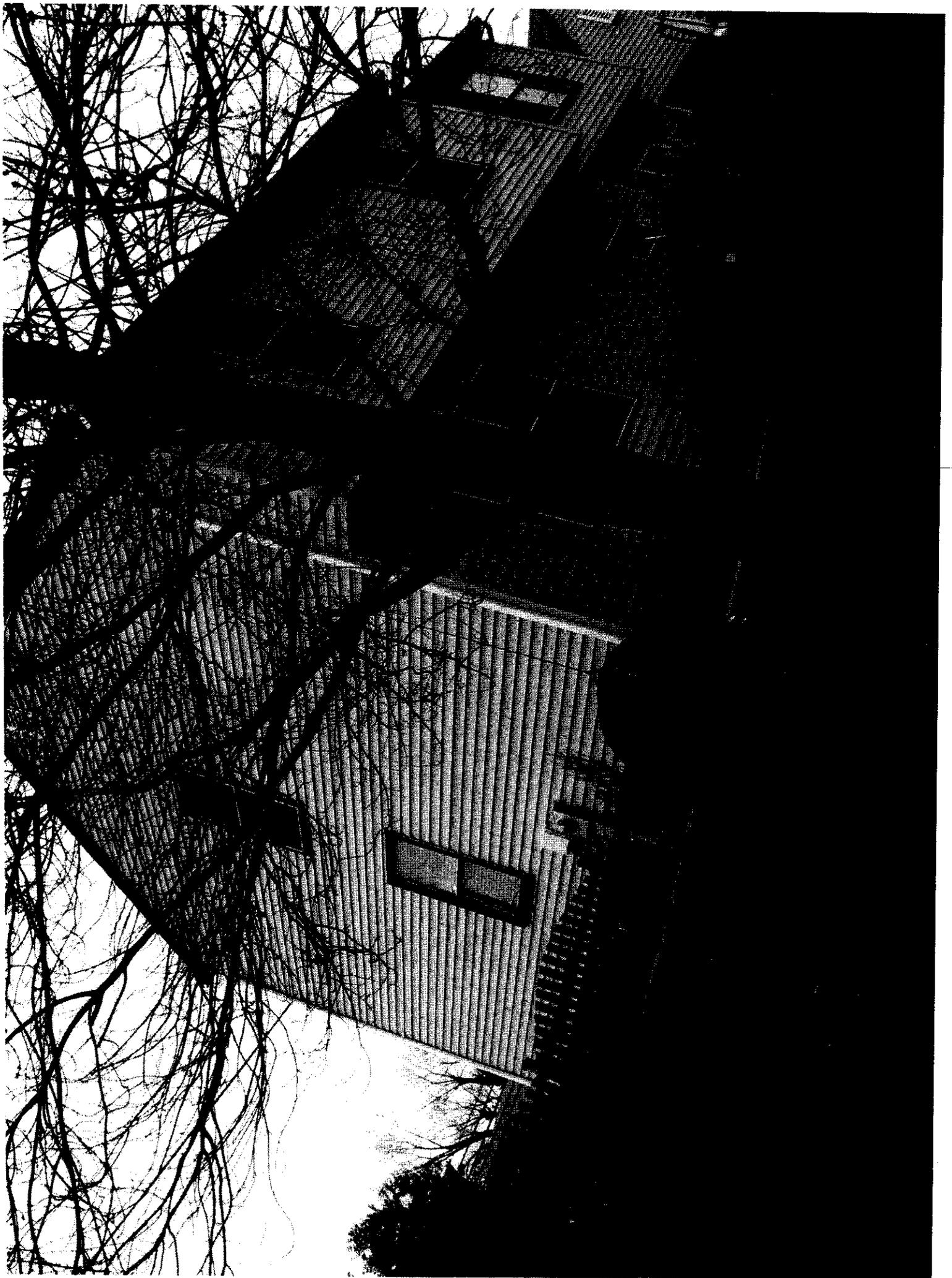
Western
corner of Property 2/15/09



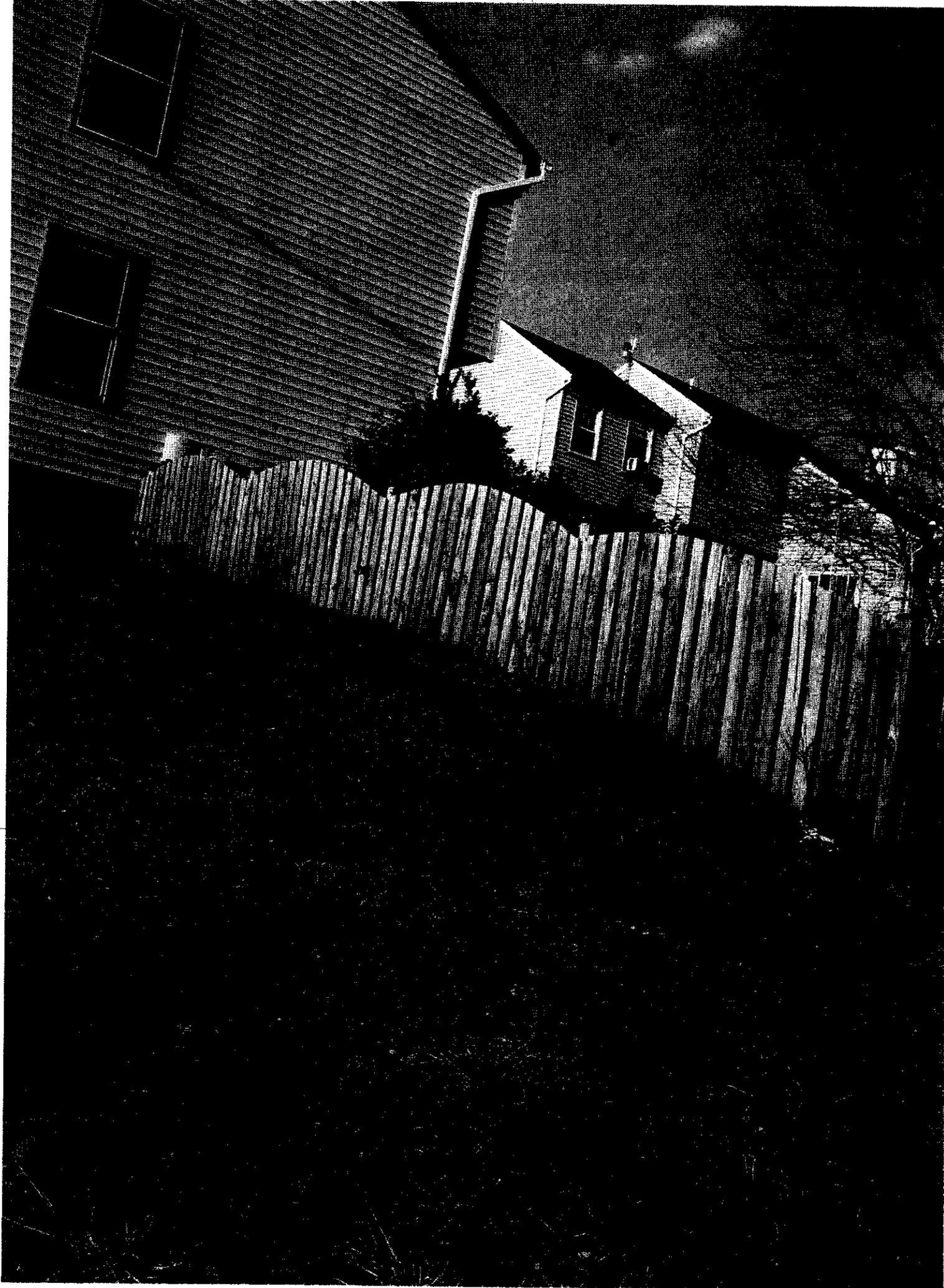














Eastern corner

~~2/15/09~~

2/15/09

Zoning Evaluation Division

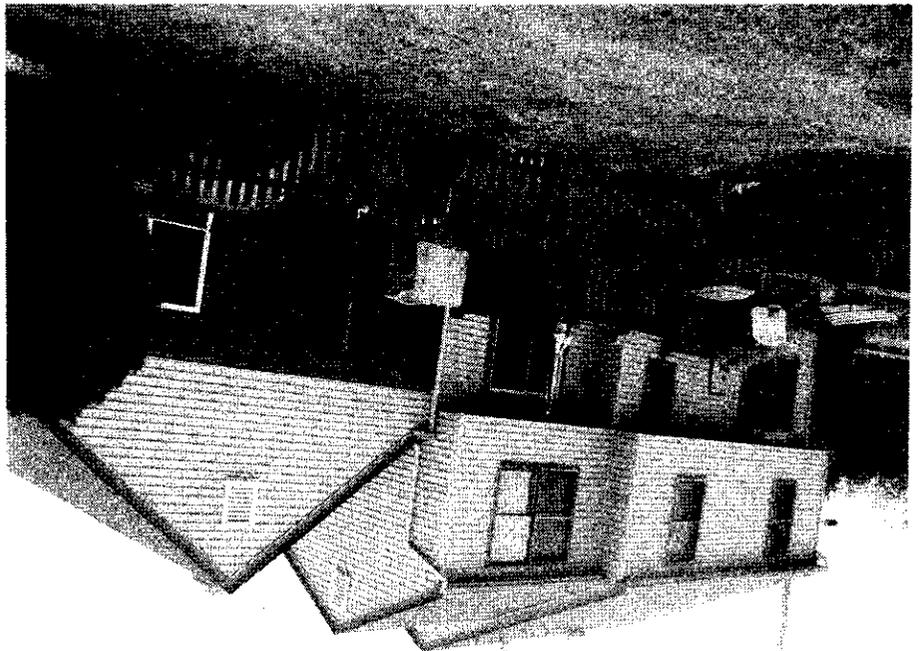
MAR 03 2009

Department of Planning & Zoning

RECEIVED

Northwest facing 2/15/09

~~2/15/09~~



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 on site at any one time.

Parking Provided: 4 spaces: 2 in the garage and 2 in the existing driveway off of Belle Pond Drive.

Parking Required: 6 spaces: 2 spaces required for drop-off/pick-up, 2 spaces required for residents and 2 spaces for employees.

Hours of Operation: Monday through Friday: 6:00 a.m. – 5:30 p.m.

Number of Employees: Two full-time employees in addition to the applicant.

EXISTING SITE DESCRIPTION

The 8,833 square-foot site is located in the Belle Pond Farm Subdivision at the southeast intersection of Braddock Road and Belle Pond Drive. The corner lot is zoned to the R-3 Cluster Zoning District in a Water Supply Overlay District and is developed with a two-story with full basement, single family detached dwelling. County Records indicate that the dwelling was constructed in 1987 and consists of approximately 1,992 square feet of above-grade gross floor area. Ingress and egress to the site is provided via a 29 foot concrete driveway accessed from Belle Pond Drive and terminates at the two car garage. The driveway appears to be able to accommodate two (2) vehicles plus two (2) within the garage. The rear yard is enclosed with a 4 foot tall fence.

SUROUNING AREA DESCRIPTION

	Zoning	Use
North	R-3 Cluster	Single Family Detached Dwellings
South	R-3 Cluster	Single Family Detached Dwellings
East	R-3 Cluster	Single Family Detached Dwellings
West	R-3 Cluster	Single Family Detached Dwellings

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Bull Run Planning District
Planning Sector: Flatlick Community Planning Sector (BR-3)

Plan Map: Residential use at 0.1-0.2 dwelling units per acre (du/ac)

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location on Lot 1, Section 1-A, Belle Pond Farm

Prepared by: Kenneth W. White, Alexandria Surveys, Inc.

Dated: August 18, 1992 and signed by applicant May 1, 2009 (depicted play area)

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. Employees include the applicant and two full-time assistants at a time.

The home is a two-story with basement single family dwelling. The home child care facility (daycare) is operated primarily on the main level of the house which includes a family room (15 ft. by 18 ft.) and a playroom (12 ft. by 18 ft.). The general child care utilizes the living room for the primary sleeping area; however, there are also two bedrooms on the second floor which are used by the infants for sleeping. A wood fence measuring 4 feet in height encloses the play area on the lot. Pictures provided by the applicant show portable play equipment located in this area. The existing driveway and garage appears to be able to accommodate four vehicles: two (2) vehicles in the driveway area plus two vehicles in the garage.

Transportation Analysis

Issue: On-site Parking

All parking for the proposed use should be contained on site. The application property is located at the corner of Braddock Road and Belle Pond Drive with the driveway accessing Belle Pond Drive. Due to the limited size and configuration of the existing driveway, there is not enough parking provided to accommodate the home child care facility based on the number of children and employees. A copy of the memo from the Virginia Department of Transportation is contained in Appendix 4 and the Fairfax County Department of Transportation is contained in Appendix 5.

Resolution:

Currently, there is no resolution proposed for the on-site parking requirement.

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

Per Sect. 11-101 of the Zoning Ordinance, all parking for uses in any R, C or I district shall be located off-street. The application property can not provide adequate parking on-site for the applicant, employees and drop-off/pick-up of children, therefore the requirement has not been met.

CONCLUSION AND RECOMMENDATIONS

Staff believes that the subject application is not in conformance with the applicable Zoning Ordinance provisions. Staff recommends denial of SP 2009-SU-062. Should the BZA take action to approve the subject application; staff recommends only with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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. Virginia Department of Transportation Analysis
5. Fairfax County Department of Transportation Analysis
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**September 22, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SU-062 located at Tax Map 54-1 ((15)) 1 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, Judith A. Robinson, only and is not transferable without further action of the Board, and is for the location indicated on the application, 5537 Belle Pond Drive, 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 Kenneth W. White, Alexandria Surveys, Inc., dated August 18, 1992 and signed by Judith Robinson on May 1, 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 number of children permitted at the home child care facility at any one time shall not exceed ten (10) children, excluding the provider's own children.
5. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 5:30 p.m., Monday through Friday.
6. The maximum number of employees shall be limited to one (2) on-site at any one time in addition to the applicant.
7. The dwelling that contains the child care facility shall be the primary residence of the applicant.
8. A minimum of two (2) parking spaces shall be provided in the driveway and two spaces in the garage. The garage shall not be converted to any other use and the applicant's vehicles shall be parked in the garage.
9. In no instance shall the driveway or parking areas exceed 30% of any front yard.
10. 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 17, 2009
 (enter date affidavit is notarized)

I, Judith A. Robinson, 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 103898

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)
Judith A. Robinson	5537 Belle Pond Dr Centreville VA 20106	Applicant / ^{Property} Title Owner
David E. Robinson	" "	Property 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: February 17, 2009
(enter date affidavit is notarized)

103898

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: F. January 17, 2009
(enter date affidavit is notarized)

103898

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.

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 17, 2029
(enter date affidavit is notarized)

103898

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 17, 2009
(enter date affidavit is notarized)

103898

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
Judith A. Robinson
JUDITH A. ROBINSON
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of February, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Violeta A. Peith
Notary Public

My commission expires: 2/28/2012



Violeta A Peith
My Commission Expires 02/28/2012
Notary Registration Number 287395
Commonwealth of Virginia

RECEIVED
Department of Planning & Zoning
JUN 16 2009
Zoning Evaluation Division

Judith A. Robinson
5537 Belle Pond Dr.
Centreville, VA. 20120

Virginia Ruffner
Planner III
Dept. of Zoning
Application Section ZED DPZ
12055 Government Center Parkway Suite 801
Fairfax, Va 22035

June 12 2009

Dear Sirs,

I am writing this letter in reference to your letter dated June 4, 2009. I am including the letter I sent to you with the second submission packet, in late May. In that letter I complied with deficient items listed.

Your office has a copy of the plat with the play area included with all the dimensions requested for. All the plats are dated and signed, as requested.

In the previously mentioned letter I included a statement from the office of transportation re the impact analyze. I do not have a written statement from that office, only what was said to me via a phone call, trying to comply with this requirement. It was determined by that office that an analyze was unnecessary. The transportation department asked me how many cars we were talking about and based on ten cars, analyze was deemed unnecessary. At most only 10 vehicles arrive and depart, two cars at a time, parking in my driveway. Street parking is only used for additional parking. up to four vehicles can park in my driveway, it is rare that four parent come at the same time though.

All plats were revised according to your specifications. You have twenty two copies of my plat. You have an additional copy of my plat showing my play yard with dimensions as requested, in which your office instructed. That ordinance as been completed.

Requirement 1.06 has been completed according to your specifications. In the second letter I included all the specifications of the porch and deck, as requested. There are no new additions going on this house ever. I have provided you with a picture of the setback to the closest point from my deck. A picture from the deck to the property line was sent in the original packet. The photographs were set on a

disk because your office requested that they be sent on a disk. In the original packet you also have printed pictures from all directions of my property. I included written dimensions in my letter of the above mentioned also. The height of all fencing was in the previous packet also. The dimensions and height of the porch was previously sent in the second packet also.

1.09 The "reduced" plat was previously sent to you already. In that subsequent submission was the reduced plat with the fencing depicting in yellow highlighter with all dimensions of fence, showing the setback to closest point from deck to all property lines that you can see on that side of house.

1.14 A letter from the homeowner association is unnecessary. I do not impede the traffic in any way. In a typical day, parents come to drop off and pick up, one or two cars at a time. All of my parents park in my driveway. The street is a public road, with no "No Parking" signs on it. Cars can park on the street at anytime. The number of parking spaces was listed in the previous letter.

1.38 A reduction of my plat was provided. The original twenty two copies of my plat were provided previously, make the additional copies yourself. There is one home to the rear of my lot and you have a picture of that on the second disk I sent. But the distance between that house and my home is twenty five feet. Mine is a standard production home, you know the height dimensions of a two story standard production home. All distances are in the photos that have been previously sent.

Please have a supervisor review all my submissions to verify my compliance with your office. If further explanation is required please have supervisor call or write with further request.

Thank You,

A handwritten signature in black ink, appearing to read "Judith A. Robinson". The signature is fluid and cursive, with a large initial "J" and "R".

Judith A. Robinson

MAY 18 2009

Zoning Evaluation Division

Judith A Robinson
5537 Belle Pond Dr.
Centreville, VA. 20120

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Pkwy Suite 801
Fairfax VA 22035

Dear Sirs,

I'm sending the additional information that you requested in reference to my Special Permits application to run a home-based family child care, which will be serving 9 children in a private home, built in a residential area. Enclosed is the revised sections of the application that you requested;

1.00 - 4 copies of the application. Corrected

1.15: The property is served with public water system.

1;30 If I could get any one in your office to return my calls, I could ask what you need for these section. I do not know what maximum density is. This is a 3000 sq ft colonial single family home. The room sizes are stated below in another section.

1.35 The easements is pictured on the copy of the plat that I submitted with this packet. There is a storm drainage easement on the northeast side of the house that looks like it is actually in my neighbor's yard. There is another 10' storm drainage easement in the southeast section of my yard, that runs most of the length of the front yard. There are OVHO Wires in front yard, also on plat.. There is another storm drainage easement that runs northwest in in the right corner of the front yard, looking from house. All of these easements are on the plat.

1.38 My plat has the seal of a land surveyor of Virginia. A copy of the original plat is enclosed with the seal and signature of the person right on it.

3.00: Revised pictures of property are enclosed. 48" fence with two gates at either end of play yard with latches located on outside of gate for added security. 110' by 60' . Back yard is divided into two areas; Wood chipped and grassy areas (second area) for older children. grassy area has a tire swing. Mainly used for teacher initiated activities. I only have one abutting property to mine. Pictures are included. My house is located on the corner of the development and to the right of the house is a dry pond area. This area has been dry for the last 16 years. The homeowner's association has planted willow trees to help keep this area dry.

5.00 This is a family child care. State licensed. At no time will the number of children exceed ten. I am requesting that the BZA allow one non resident to be involved in the child care. 1.14 There is spaces for parking in my driveway for three cars while parents pick up children. At no one time has more than three parents been here to drop off or pick up their child, thus not exceeding the maximum number of vehicles my driveway can park. We are a small home based family child care, this should not be an issue. But additional parking is available on street if and when needed. I will be complying with Provision 11 with the length of my driveway and the additional parking available on the side of the road.

5.01 As to type of operation: Family child care. Caring for children from 6 weeks until school age 5 years old. As of January 2, 2009 there two teachers and 9 children ranging from the ages of 6 months to 4 years old. 4 babies, 2 toddlers , 3 preschoolers. All children are not on the play ground at the same time. There are three or four children playing at a time on the playground with a teacher in the yard. Outside play times are varied much like the rest of their day, usually at morning nap and in the afternoon while the babies are finishing their respective sleeping times. The play yard has a pirate ship for climbing, a play house, a sand box with a shade awning, a 3 ' shaded slide. Play yard is wood chipped to a depth of 8". Screened in porch is also utilized for outside play. I have outlined in yellow the play areas. Plus we utilize the screened in porch as an outside play area. We are a state licensed compliant facility, both teachers hold Early Childhood Education degrees.

5.02 My hours of operation are from 6:00 am until 5:30 pm Monday through Friday Year round.

5.03 The number of clients we'll be caring for 9 families. Some children will be full time and some will be part time, never exceeding ten children per day.

5.04 There are two teachers on staff 7:00 am to 5:30 pm
State licensing regulations are observed.
Both teachers hold teaching degrees.

5.05 My clients will have a staggered drop off and pick up schedule, thus traffic impact should be at a minimum. At no one time will there be more than three parents picking or dropping off . There is plenty of road side parking available and four cars can be parked in my driveway at all times. Driveway is 5' from the main entrance to the home facility. Less than 4 vehicles in ONE hour time frame. I did call the department of Transportation to inquire about an traffic impact analyze, which they said was unnecessary for the size of this business. He said that my business was going to be on too small a scale to have an impact on the local traffic patterns. 1,14 Schedule showing number of parking spaces. Most if not all parents will be parking in my driveway. 1.13 The driveway has the capacity to hold four cars at any one time, with unlimited parking at curbside on the residential road. Pick ups usually only involve two or three parents at a time.

5.06:1.30 Child care is located on the main floor of the property which measures

1500 square feet. There are six rooms on this main floor; Including a family room 15' by 18', a playroom(living room)12' by 18', kitchen w/ breakfast area 27' , by 12' Dining Room 10' by 10' and foyer 8' by 8'. The structure is a colonial style home with gray sliding, 21 vinyl wrapped windows, no shutters, a 25 ft. front porch, a screened- in side porch (also used for outside play yard) on a 3/4 acre lot. The screened- in porch dimensions are 13' by 22' and the height of 10'. The deck 12' by 8' was added to existing home before we bought the property. pictures are included in this packet. The play yard dimensions are 15' by 40'; entire back yard is fenced with a 48" tall and is 110' by 80' total . Back yard is divided into two areas. Play ground is pictured in yellow highlighter on plat as requested. Other area is used for older children and teacher initiated games and tire swing. New fence was installed in March of 2007. Only the older children play in play yard, infants play on carpeted deck for their outside time, which is also a staggered schedule. Not or than four or five children are on play ground at any one time.

Playroom is also used for nap time for those on cots. The babies are slept on the second floor of the home in separate rooms with monitors. There is one bathroom on the main floor. There are 2 more bathrooms on the top floor of the home. This is a single family detached unit. There are 4 exits on the main floor. One on the north side of home. 2 on the northwest side of home. 1 exit is also located on the eastern side of the home. All exits are off the main floor, that is why the child care is located on the main floor and not in the basement.

5.07 No new structures will be built on this property in reference to the child care. House will not be structurally modified ever. Description of existing facade is clearly discussed in 5.06

5.08 No toxic substances are going to be used in the facility. Toxic substances are not good for the children I am attempting to serve the community by opening my doors to child care. Cleaning supplies and diapering are disposed into the outside receptacles immediately and picked up twice weekly, by AAA trash company and disposed of correctly according to regulation VR 672-10-1 virginia hazardous waste management regulations, Petroleum products are not used at this facility.

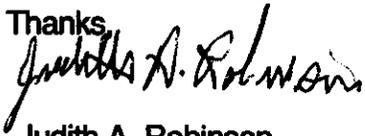
5.09 The existing structure will comply to the provisions of all applicable ordinances, regulations and adopted standards . No new structures are being built. There will no modification done to this property.

7.0 1 copy of revised plat has been including in this packet. The revised plat shows play area and fencing. Fencing is outlined in yellow highlighter.

8.00 The office of transportation.was contacted and according to them it is not necessary for a traffic impact analysis to be done concerning this application.

I have included any and all additional information requested in your letter dated April 13, 2009. I hope that I have satisfied all your requests satisfactorily.

Thanks

A handwritten signature in black ink, appearing to read "Judith A. Robinson". The signature is written in a cursive style with a large initial "J".

Judith A. Robinson

Statement of Justification

Aunt Judy's Family Child Care is a home based care facility for children aging between six weeks to five years old. Our operate between the hours of 6:00 am until 5:30 pm. The purposed use for this application is to provide quality home-based child care .

The state of Virginia has licensed my home for twelve children. The child care home is staffed with two degreed teachers in Early Childhood Education. We are interested in continuing education in this field.

Children are arriving sporadically throughout the first three hours of business, thus traffic congestion is kept to a minimum. In the evening the same holds true. There is enough parking for six cars at a time. Typical length of pickup/dropoff is about ten minutes. Street congestion to this point has not ever been a problem.

The child care is held on the main floor of the house, approximately 1500 square feet. The home has two full baths and one half bath. The half bath is on the main level of the home as well as the family room and the living room (converting into the main play room). The children have access to other bath when needed. The full kitchen is also on the main level of home, which has two of the exits in that area. The home has two other available exits from the main floor to the exterior of the house. The basement of the home is accessible to the children. One of the exits is through the screened-in porch, another is to the deck on the northeast side of the home and another through the garage on the west. The main entrance is on the south of the home, elevated ten feet from Braddock Rd, sitting twenty five feet back from road. The back yard is fenced, divided into two separate section, one of them being a 8"chipped play ground, which has a latch lock on the outside of the gate , where the children can not reach. The other section is not used by the children, but there is a locked latch on the other side of this gate as well. The screened in porch is also used for outside play. The child care space is in compliance with VA state licensing regulations. All stairways have rails in compliance with State licensing. Two of the bedrooms upstairs, which are monitored, which are used to sleep infants, one child per room. The other children are slept on the main floor on cots designed for that purpose. Two more infants are slept on the main floor as well .

The house is a colonial 3000 square feet single family structure with nineteen windows, one sliding glass door off the kitchen and three other exits, off three different sides of the home. Structure has siding on the exterior. No additions are planned. Home has a twenty five foot porch on front of dwelling. Wood burning fireplace and two car, side load garage. Dwelling has central air and heating .

All required ordinances have been met in compliance with the state of Virginia.

RECEIVED
Department of Planning & Zoning

MAR 03 2009

Zoning Evaluation Division

Belle Pond Farms Homeowners Association
P.O. Box 617
Centreville, VA 20122-0617

June 22,2009

Judith A Robinson
5537 Belle Pond Drive
Centreville, VA 20120

To Whom It May Concern:

This letter is in response to a request from Judy Robinson of the above address. It is our understanding that Ms. Robinson has submitted an application for a special permit to run a family child care service from her home. The BZA requires that parking be available to clients in addition to driveway parking.

Ms. Robinson is permitted to run a child service from her home under Belle Pond Farm HOA regulations. At this time she is seeking permission for patrons and/or clients to be able to park curbside in the event that driveway parking is unavailable. Belle Pond Farm HOA does not restrict street parking for home businesses in the event that it does not become an annoyance or nuisance to the neighborhood. We are under verbal advisement that Ms. Robinson has notified ten neighbors in close proximity of her intentions, and that the majority of parking will be done in the driveway. At this time we feel that the consequences of street parking will be minimal and the board gives their approval under these conditions.

Belle Pond Farm Board of Directors,

Cathy Cook
DeAnne Thornton
Daniel Smith



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

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

August 24, 2009

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

Re: ^p ~~SF~~ 2009-SU-062, Judith A. Robinson
5537 Belle Pond Farm
Tax Map No.: 54-1((15))1

Dear Ms. Coyle,

This office has reviewed the referenced special exception plat and offers the following comment:

- The applicant should provide an adequate on-site parking for the proposed child care employees.

If you have any questions, please call me at (703) 383-2059.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter K. Gerner".

Peter K. Gerner, P.E.
Transportation Engineer

cc: Ms. Angela Rodeheaver



County of Fairfax, Virginia

MEMORANDUM

DATE: August 27, 2009

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

FROM: Angela Kadar Rodeheaver *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2009-SU-062)

SUBJECT: Transportation Impact

REFERENCE: SP 2009-SU-062; Judith A. Robinson
Traffic Zone: 1675
Land Identification: 54-1 ((15)) 1

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 dated August 18, 1992. The applicant wishes to provide family child care for nine children in her home. The children range in age from six months to five years old and hours of operation are from 6:00 a.m. to 5:30 p.m. The home is on a corner lot at the intersection of Belle Pond Drive with Braddock Road in a residential area.

The applicant must be able to park all vehicles connected with the proposed use on her site and not on the street.

AKR/LAH/lah

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.