



APPLICATION ACCEPTED: August 22, 2011
BOARD OF ZONING APPEALS: December 14, 2011
CONVERTED FROM SPECIAL EXCEPTION TO SPECIAL PERMIT
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 7, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-HM-094

HUNTER MILL DISTRICT

APPLICANTS/ OWNERS: Luis and Carla Marty
LOCATION: 1307 Deep Run Lane
SUBDIVISION: Reston
ZONING DISTRICT: PRC
ZONING ORDINANCE PROVISION: 6-303
TAX MAP: 12-3 ((4)) (6) 46
LOT SIZE: 19,744 square feet
SPECIAL PERMIT PROPOSAL: To permit a Home Child Care Facility

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-HM-094 subject to 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 provisions of any applicable ordinances, regulations, or adopted standards.

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.

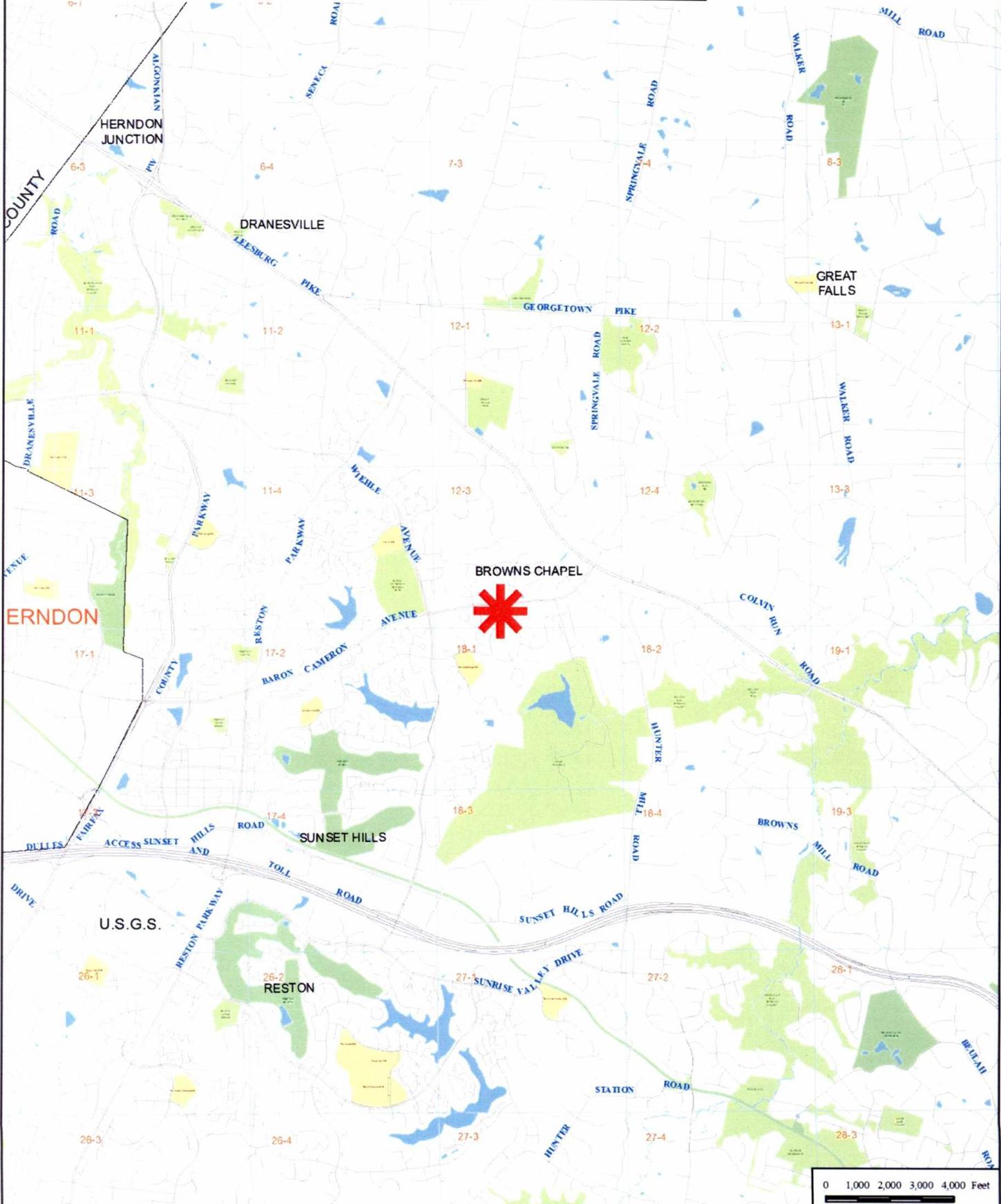
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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).

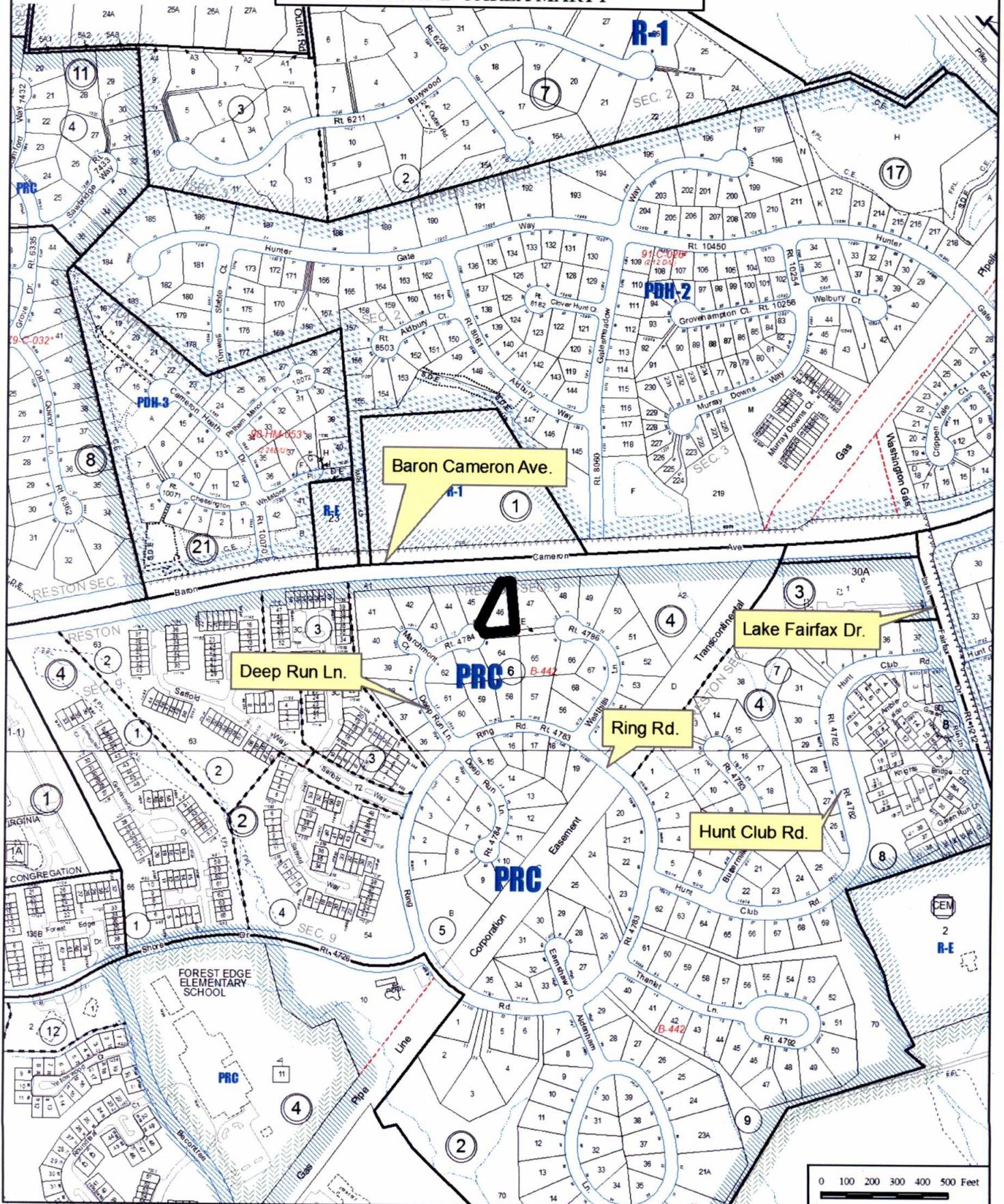
Special Permit
SP 2011-HM-094
LUIS AND CARLA MARTY

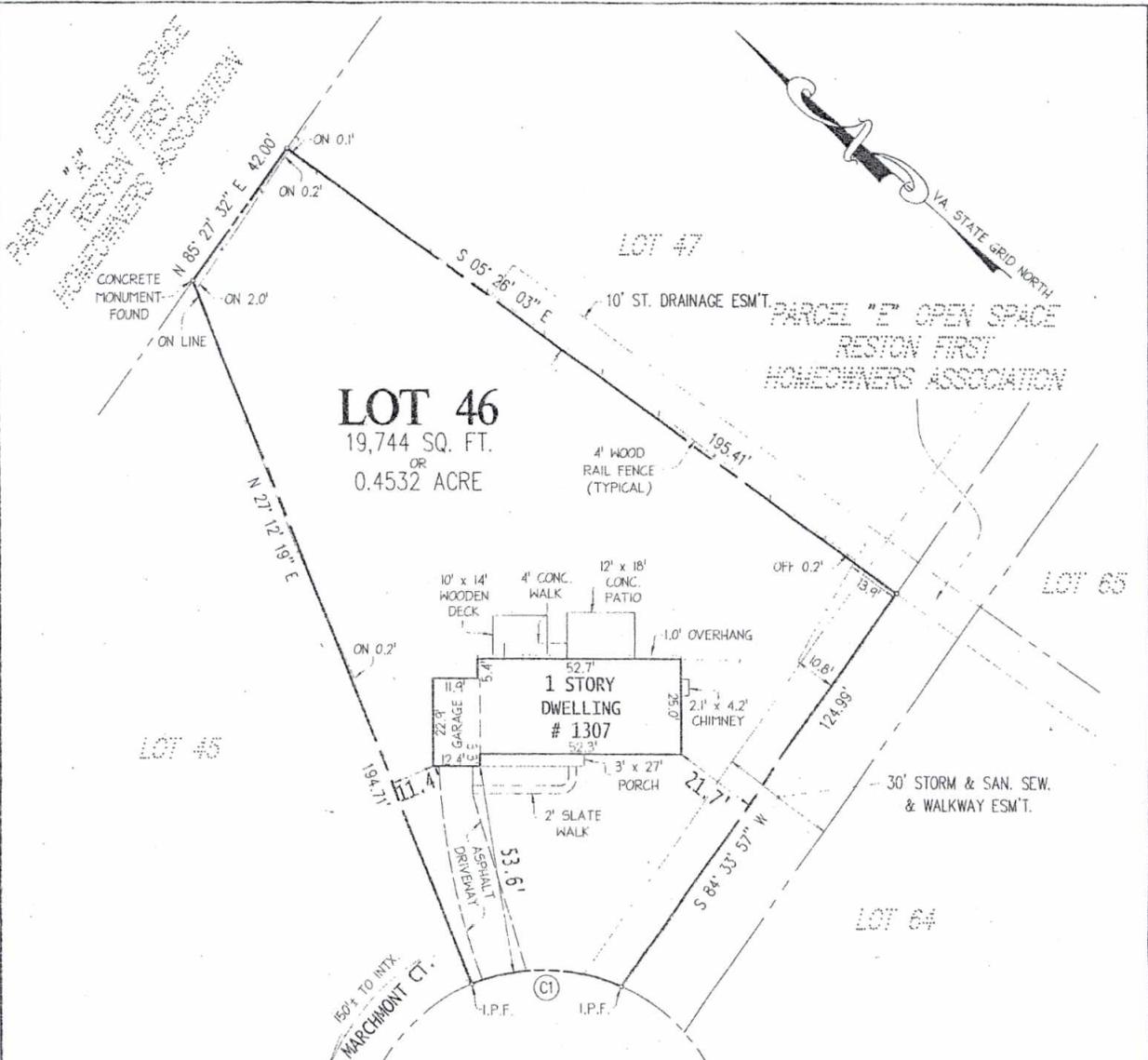


Special Permit

SP 2011-HM-094

LUIS AND CARLA MARTY





LOT 46
 19,744 SQ. FT.
 OR
 0.4532 ACRE

DEEP RUN LANE
 (50' WIDE)

(C1) RAD: 50.00'
 ARC: 39.99'
 CH: N 39° 53' 34" W
 38.93'

LEGEND:
 I.P.F. DENOTES IRON PIPE FOUND
 -X- DENOTES FENCE LINE

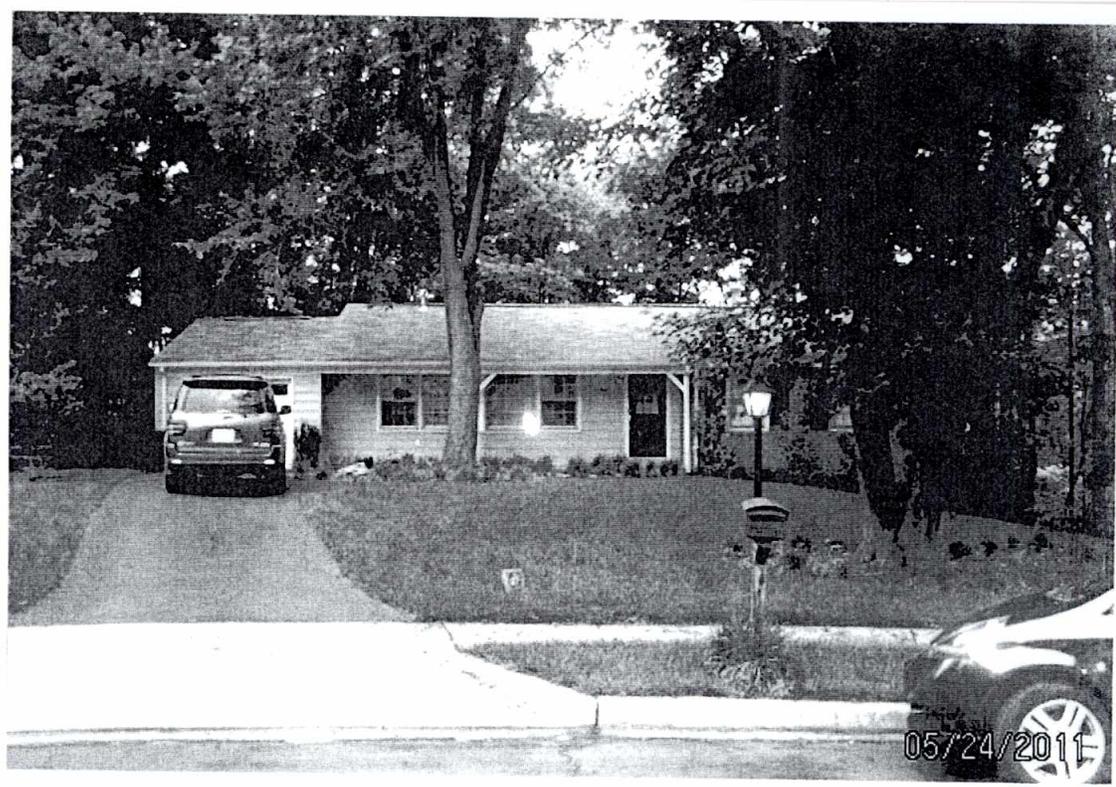


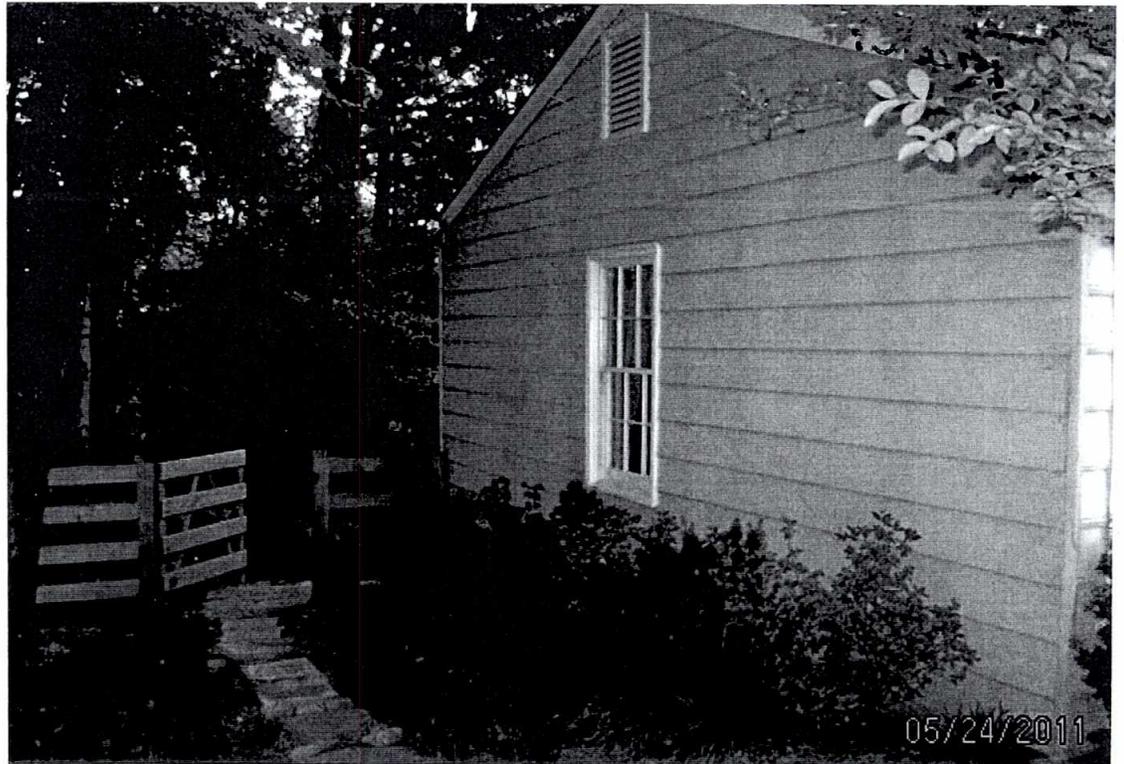
HOUSE LOCATION SURVEY
LOT 46
 SECTION NINE, BLOCK 6
RESTON
 HUNTER MILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0050-D EFFECTIVE DATE: MARCH 5, 1990
 - 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
 - 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
 - 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 012-3-04-06-0046
 - 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
 - 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 3097, PAGE 324 (UNLESS NOTED OTHERWISE).

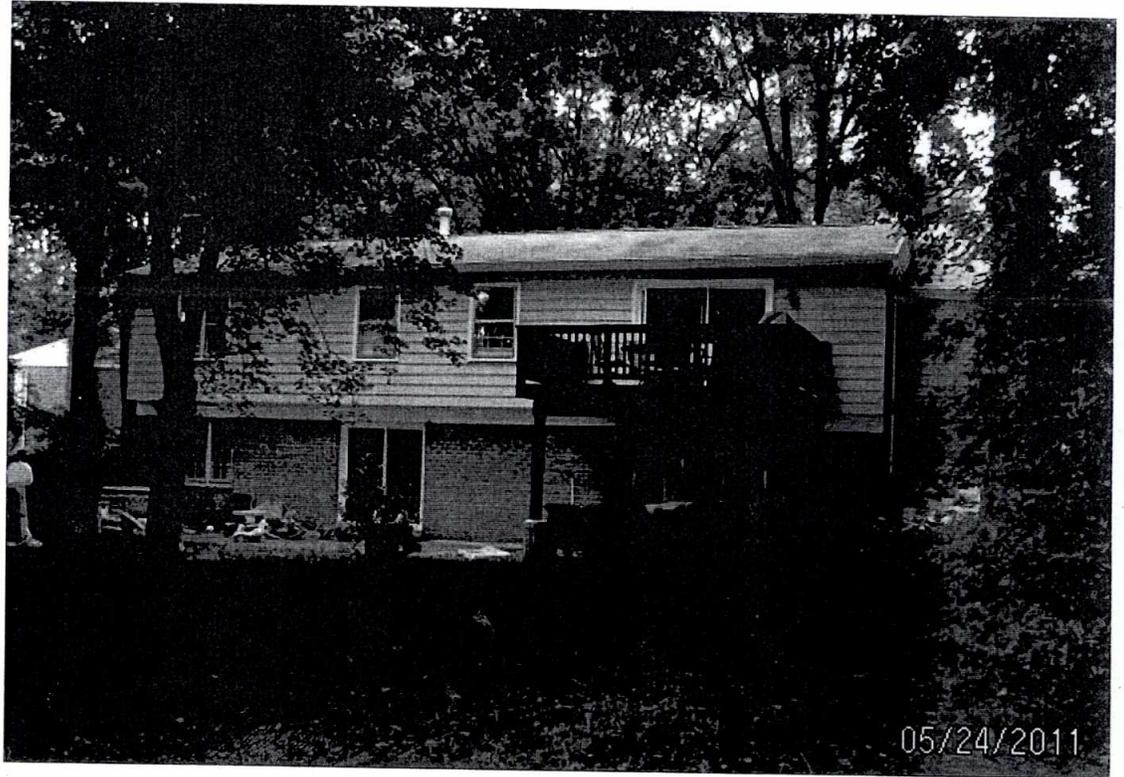
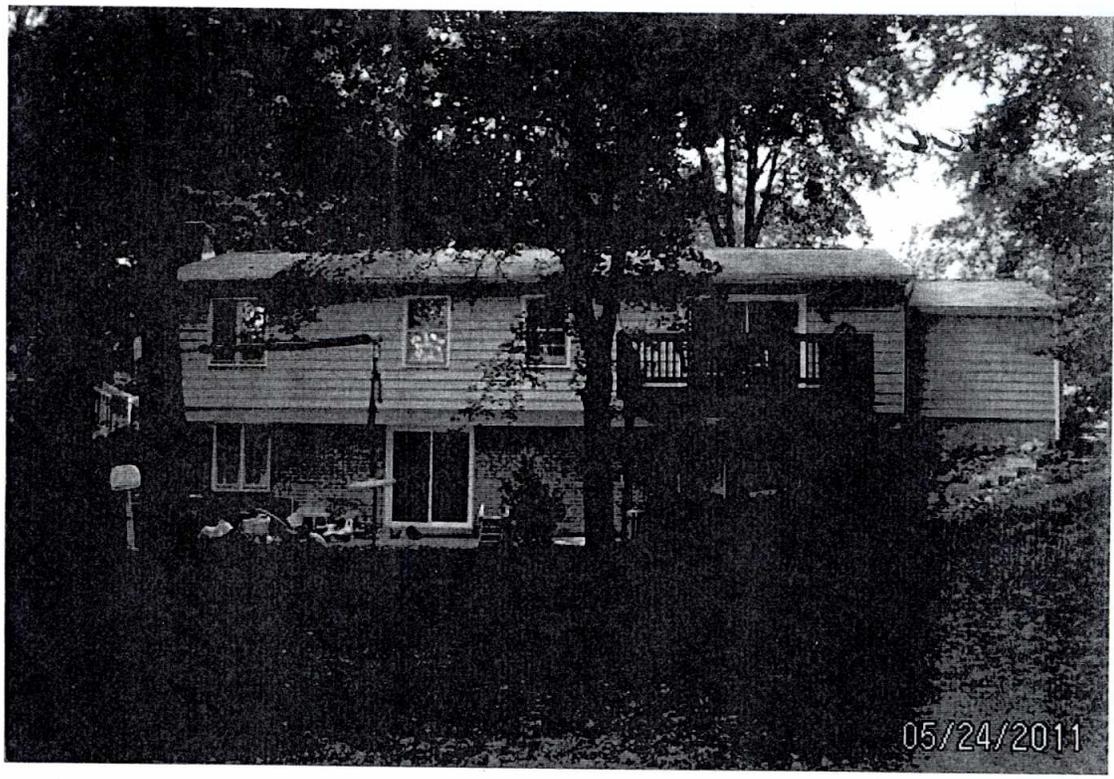
MBH # RSTX1009026 MARTY / MILLER

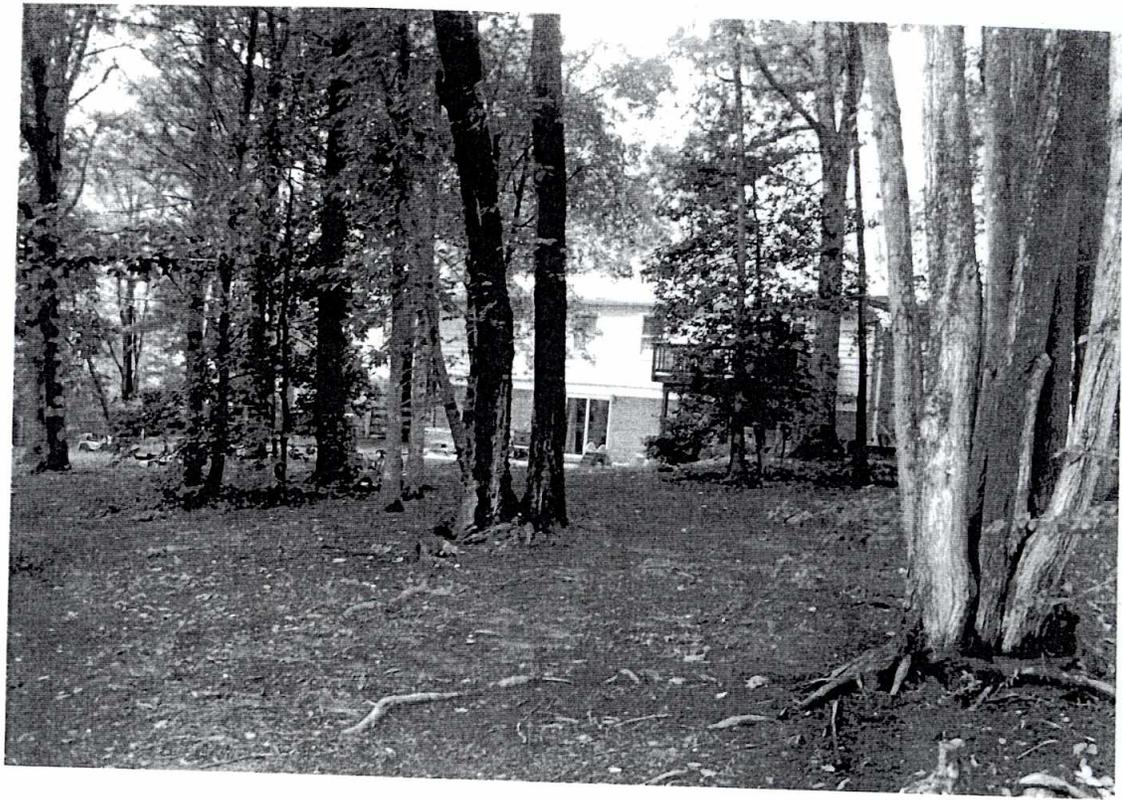
B.W. SMITH AND ASSOCIATES, INC.			FIELD CREW: J. SEEGER
PROFESSIONAL LAND SURVEYING			
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996			
DFT: M.K.S.	CHK: T.J.F.	NO TITLE REPORT FURNISHED	JOB# 20103087
SCALE = 1" = 30'			DATE: 9/22/10





























RECORD

LOT 45

LOT 47

SPLIT RAIL FENCE

SPLIT RAIL FENCE

SAND BOX

25'

CHILDREN'S PLAY AREA

ASPHALT DRIVEWAY

1307 DEL PAVIAN

STORM / SANITARY EASEMENT

IPF



BOSTON ASSOC

DESCRIPTION OF THE APPLICATION

Proposal: The applicants, Luis and Carla Marty are seeking approval of a special permit to operate a home child care facility for a maximum of ten children at any one time and two non-resident employees.

Hours: 6:45 a.m. – 5:00 p.m., Monday through Friday

Parking: One space in the garage, three spaces in the driveway

Employees: Three; the applicant and two nonresident employees

Copies of the proposed development conditions, affidavit and statement of justification are included in Appendices 1-3, respectively.

LOCATION AND CHARACTER

The subject property is located at 1307 Deep Run Lane in Reston. The subject property is developed with a single-family detached dwelling with an attached one-car garage and an asphalt driveway that can accommodate three vehicles. Recreational space is available in the rear yard which is enclosed with a four-foot high wooden split rail fence.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Private open space (Reston HOA)	PRC	Residential, RPC
South	Single-family detached dwelling (Reston Block 6 Section 9)	PRC	Residential, RPC
East	Single-family detached dwelling (Reston Block 6 Section 9)	PRC	Residential, RPC
West	Single-family detached dwelling (Reston Block 6 Section 9)	PRC	Residential, RPC

BACKGROUND

Site History:

On September 21, 1966, the Board of Supervisors (BOS) approved RZ B-442, to rezone 207.4 acres from the RE-2 District to the PRC District to permit the development of the property in accordance with the County Master Plan for Reston.

The Department of Tax Administration (DTA) records show the house was built as part of the Reston residential development Block 6 Section 9 in 1969. DTA records also show that the house was remodeled in 2005.

Following a complaint, on April 14, 2011, the Department of Code Compliance issued a notice of violation letter (see Appendix 4) to the applicants for having an accessory dwelling unit, due to a second kitchen located in the basement. As a result, the applicants are in violation of Section 2-501 and Para. 5 and 6 of Section 2-302.

The applicants were also cited for operating a home child care facility with more than seven children. According to Section 10-103 (6) of the Zoning Ordinance, the maximum number of children permitted at any one time for home child care facilities located in a single-family detached dwelling is seven. In addition, only one nonresident person is permitted to be involved with the home child care facility in addition to the provider who uses the dwelling as their primary residence.

On May 27, 2011, a corrective work order letter (see Appendix 5) was issued to the applicants for electrical, plumbing, and building elements that were modified without the issuance of the required permits, inspections, and approvals. The letter states that the applicants are required to either obtain approval of all necessary County permits or obtain a County demolition permit for the work done.

In PRC Districts, home child care facilities that propose more than seven children and/or more than one nonresident employee are allowed by obtaining a special permit from the Board of Zoning Appeals (BZA). Section 6-303 of the Zoning Ordinance, applicable to all PRC zoning districts, states that secondary land uses, such as home child care facilities, may be permitted with the approval of a special permit when such use is not specifically designated on an approved development plan. As the home child care use is not on the development plan, it must be approved by a special permit.

Staff has included a development condition that states the second kitchen shall only be used for the home child care facility. The approval of the subject special permit for a home child care facility with the proposed development conditions would address all of the above cited violations.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	UP-5 Reston Community Planning Sector
Plan Map:	Residential Planned Community

Plan Text:

On pages 144 and 145 in the Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District under the UP-5 Reston Community Planning Sector as amended through July 27, 2010, the Plan states:

Land Use

The Reston Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-defined, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 38 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

ANALYSIS**Special Permit Plat** (Copy at front of staff report)

Title of Plat: House Location Survey Plat, Lot 46 Section Nine, Block 6

Prepared By: B.W. Smith and Associates, Inc.

Original and Revision Dates: September 22, 2010

The SP Plat depicts a one-story aluminum and brick dwelling with a basement located in the center of a 19,744 square foot (SF) lot. An elevated wooden deck, a concrete patio, and a concrete walk are located at the rear of the dwelling. The rear yard is enclosed with a four-foot high wooden split rail fence. The property is accessed via an asphalt driveway, approximately ten feet wide by 54 feet long, which leads to a one-car garage incorporated into the western side of the dwelling. The driveway is large enough to park three cars without impeding pedestrian movement on the sidewalk. Pedestrian access to the rear of the house is provided by stepping stones that are located in the western side yard and rear yard.

The applicants have identified a play area in the rear yard toward the eastern side of the property. The improvements shown on the House Location Survey plat are all existing features, and no site changes or building modifications are proposed with this application.

Land Use Analysis (Appendix 6)

The applicants are not proposing any modifications to their property as the home child care facility is operated in the basement. Parents have to open the gate located in the fence in the western side yard and walk through the rear yard to access the basement. The outdoor play area is located in the rear yard towards the eastern side of the property. However, staff does have concern regarding the potential negative impact that noise emanating from vehicular traffic on Baron Cameron Avenue would have on the outdoor play area. Staff has advised the applicants to install a solid wooden fence around the perimeter of the property or around the outdoor play area. The applicants have indicated that they are willing to do such. A development condition has been included that requires the applicants to install a fence along the northern property line. Therefore, staff finds this issue is resolved.

Transportation Analysis (Appendix 7)

Fairfax County Department of Transportation (FCDOT) staff stated that the applicants should ensure there is sufficient parking available on site during peak drop off and pick up times to avoid parking issues on the street. The applicants have two vehicles and use the one-car garage to park one of the vehicles and parks the other in the driveway. Even though the other family vehicle is parked in the driveway, there is enough space available for two other vehicles to park. An employee vehicle would also remain parked in the driveway while the home child care use is in operation. At present one employee drives and the other arrives by public transportation. The remaining space would be used for parents to park. As a result, there would be space for one more vehicle to park in the driveway. The applicants have proposed a pick up and drop off schedule to prevent vehicular traffic on the street as follows:

AM	PM
6:45 a.m. to 7:15 a.m. – 3 children	3:00 p.m. to 3:30 p.m. – 2 children
7:30 a.m. to 8:00 a.m. – 3 children	3:30 p.m. to 4:00 p.m. - 2 children
8:00 a.m. to 8:30 a.m. – 2 children	4:00 p.m. to 4:30 p.m. – 3 children
8:30 a.m. to 9:00 a.m. – 2 children	4:30 p.m. to 5:00 p.m. – 3 children

Staff is satisfied that the applicants have demonstrated that there is adequate parking provided on-site and that the proposed staggered arrival and departure times would prevent vehicular traffic from occurring on the street.

ZONING ORDINANCE PROVISIONS (Appendix 8)

Special Permit Requirements

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

Standards for all Group 3 Uses (Sect. 8-303)

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

No site improvements are proposed with this use. The home child care facility use would be established on a lot that complies with the lot size and bulk regulations established for the site as approved with the PRC district.

2. *All uses shall comply with the performance standards specified for the zoning district in which located.*

The proposed use would comply with all performance standards in Article 14.

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*

Since the proposed use is a home child care facility, this standard is not applicable.

Additional Standards for Home Child Care Facilities (Sect. 8-305)

All home child care facilities shall satisfy the following standards:

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.*

The applicants' request is to care for up to 10 children at any one time and two nonresident persons 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.*

The existing parking on the subject property is sufficient for both the single family dwelling and the proposed child care facility. Staff advised the applicants that there should be parking available for the non-resident employee. Parking is provided in a one-car garage for the single family dwelling and space is also available in the driveway to accommodate three vehicles. The applicants are also proposing a staggered pick-off and drop-off schedule to minimize the occurrence of vehicles

stacking in the street when parents arrive to drop-off and pick up their children. Staff finds this standard has been satisfied.

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.*

There is adequate landscaping provided around the perimeter of the fence. Staff advised the applicants to provide screening to reduce the noise impact from Baron Cameron Avenue on the outdoor play area in the rear yard by installing a wooden fence around the perimeter of the property or around the designated play area. The applicants have agreed to do such. Therefore, staff finds this standard has been met.

4. *Notwithstanding Par. 2 of Sect. 8-011, all applications shall be accompanied by ten 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.*

The applicants' waiver request for submission of the SP plat was approved by staff. The applicants have provided a house location survey plat in lieu of the SE plat that shows dimensions of all yards and other details. In addition, a separate exhibit which shows the designated outdoor recreation space and its location has been provided to staff. Therefore, staff finds this standard has been met.

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.*

This standard references the chapter in the Code of Virginia related to the licensure and registration of home child care facilities. The applicant is a licensed child care provider subject to these regulations.

General Special Permit Standards (Sect 8-006)

Staff finds that the subject home child care use application meets all eight General Special Permit Standards. The proposed use would be harmonious with this district's purpose and intent which allows such a use with special permit approval. The appearance of the dwelling's exterior will be maintained and the rear yard where the outdoor play area is located is well screened with vegetation.

Regarding General Standard 4, staff finds that the vehicular and pedestrian traffic associated with the proposed use would not be hazardous or conflict with existing or anticipated traffic in the neighborhood. As mentioned earlier in the report, all

pick-up and drop-off activities associated with the proposed use will be on-site. The arrival and pick-up times are staggered to minimize the stacking of vehicles on the street. If an emergency arises and a vehicle must park in the street, Deep Run Lane is a public street that allows parking.

No site changes are proposed that would impact the existing utility or drainage facilities approved at the time the existing dwelling was constructed. The house's parking is in accordance with Article 11 and sufficient area exists to allow three additional parking spaces within the driveway on-site. Therefore, staff is satisfied that all the standards have been met.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report and recommends approval.

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.

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 special permit 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
2. Applicant's Affidavit
3. Statement of Justification
4. Notice of Violation Letter
5. Corrective Work Order Letter
6. Planning Division Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**December 7, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-094 located at Tax Map 12-3 ((4)) (6) 46 to permit a home child care facility pursuant to Section 6-303 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit approval is granted to the applicants only, Luis and Carla Marty, and is not transferable without further action of this Board, and is for the location indicated on the application, 1307 Deep Run Lane, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structures and/or use(s) indicated on the house location survey plat prepared by B.W. Smith and Associates, Inc., dated September 22, 2010, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use 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.
5. The maximum hours of operation of the home child care facility shall be limited to 6:45 a.m. to 5:00 p.m., Monday through Friday.
6. The maximum number of employees shall be limited to two (2) on site at any one time in addition to the provider.
7. A solid 6 foot tall wooden fence shall be installed along the northern property line or around the outdoor play area
8. The dwelling that contains the home child care facility shall be the primary residence of the provider.
9. There shall be no signage associated with the home child care facility.
10. The second kitchen located in the basement shall only be used for the home child facility. If the home child care facility is discontinued or the single family dwelling is rented or sold, an approved County demolition permit shall be

obtained and the second kitchen shall be demolished.

11. Any conversion of the garage that precludes the parking of vehicles within the garage is prohibited. Parking for the use shall be in the garage and /or driveway as shown on the special permit plat.

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 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: 9/22/11
 (enter date affidavit is notarized)

I, CARLA S. MARTY, 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

112946

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)
CARLA S. MARTY d/b/a Carla's Daycare LLC	1307 DEEP RUN LN RESTON, VA 20190	APPLICANT/TITLE OWNER
LUIS F. MARTY	1307 DEEP RUN LN RESTON, VA 20190	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: 9/22/11
(enter date affidavit is notarized)

112946

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)

CARLA'S DAYCARE LLC 1307 DEEP RUN LN, RESTON, VA 20190

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 ^{MEMBER(S)} SHAREHOLDERS: (enter first name, middle initial, and last name)

CARLA S. MARTY

(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: 9/22/11
(enter date affidavit is notarized)

112946

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)

N/A

(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): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/22/11
(enter date affidavit is notarized)

112946

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: 9/22/11
(enter date affidavit is notarized)

112946

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

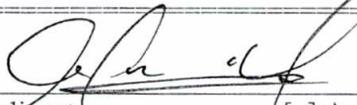
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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)


[X] Applicant [] Applicant's Authorized Agent

CARLA S. MARTY
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22ND day of SEPTEMBER 2011, in the State/Comm. of VA, County/City of FAIRFAX


Notary Public

My commission expires: 11/30/2014

CHRISTIAN D. VILLAVICENCIO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOV. 30, 2014
COMMISSION # 365103

Special Permit Statement of Justification

- A. Home Family Childcare
- B. 6:45 am – 5:00 pm
- C. 10 children
- D. 2 employees
- E. Minimal traffic impact, 10 vehicles for a period of less than 5 minutes each in the morning between the hours of 6:45 am and 9:30 am. The following schedule is the routine outline of arrival times. The time runs until 9:30 because there are secluded occasions when parents have schedules outside of their normal routine (for example Grandparents visiting and dropping the child off, doctor's appointments, days off from work).

Morning drop-off -

6:45-7:15 3 Vehicles

7:30-8:00 3 Vehicles

8:00-8:30 2 Vehicles

8:30-9:00 2 Vehicles

Afternoon pick up –

3:00-3:30 2 Vehicles

3:30-4:00 2 Vehicles

4:00-4:30 3 Vehicles

4:30-5:00 3 Vehicles

In the time slots that families are assigned to they pull into the available space in the driveway. All parking for drop off and pick up by client families is from the driveway.

The vehicles are all family type vehicles with the largest being a Honda Pilot.

The vehicles breakdown is as follows:

2 Honda Pilots, 1 Honda Accord, 1 Honda CR-V, 1 Nissan Minivan, 1 VW Passat Wagon, 1 Mini Clubman, 1 Toyota Highlander.

At no time is there any obstruction to ingress or egress into the cul-de-sac, blockage of the public sidewalk or any neighboring properties driveways.

One employee arrives in one 4 door vehicle which parks in the driveway from 7:30am-4:30pm. The other arrives by public transportation.

The driveway is long enough to fit three vehicles and is approximately 54' long and 10' wide. Our family vehicle, one employee vehicle and the available space for the drop off or pick up by a parent for the daycare.

The vehicle is a Toyota Sequoia and does not physically fit in our garage. Our second family vehicle is a Mini Cooper and is used to commute part way to Washington, DC, Monday through Friday. It is away from the home from 6:55am to 6:30pm on a daily basis. It fits in the garage and is parked in the garage otherwise.

Regarding screening from noise created by the vehicular traffic traveling on Baron Cameron Ave; the wooded area between the children's outdoor play area and the road way is approximately 100' feet and sufficiently far to be shielded from traffic noise by the natural vegetation. The children play in the outdoor area for approximately 45 minutes in the morning from 10:30-11:15 weather permitting. If there is a need for a fence to be constructed to provide additional screening from noise, we are willing to obtain the permits from Fairfax County and the Reston Design and Review board to construct such a noise screen.

- F. The childcare is used by residents of Reston as well as people employed in Reston.

- G. Single Family Dwelling, 1 Story with English Basement, Half Aluminum Siding/ Half Brick
- H. Hazardous or toxic substances are not generated, treated or disposed of on site; the use and storage of such substances consistent with household cleaners for counter tops, bathrooms and general cleaning are no more than would be found in a typical family home.
- I. The family home childcare conforms to provisions of zoning ordinance Section 8-004, Section 8-006 and Section 8-305. We seek a special permit for the number of children cared for in the childcare to be increased to 10 pursuant to the limitation of seven children as described in paragraph 6 of section 10-103 of the Zoning Ordinance.

The childcare has been operating for seven years and the number of children enrolled has steadily increased over the years because of the tremendous need to families in the area requiring childcare. This service is not one that can easily be obtained as the needs of a family need to be consistent with what a childcare provider can offer, most importantly the quality of care provided.

My wife Carla operates the childcare and has been licensed in the past by Fairfax County for four years and is currently licensed by the Commonwealth of Virginia for the past three years. The state license requires 16 hours of continuing education (CEU's) units; Carla has obtained 30-60 CEU's through Fairfax County's Office for Children annually. She has been a member of the Herndon-Reston Childcare Association for the past seven years and is currently the Secretary on the board for the association. She participates in a nutritional program sponsored by the United States Department of Agriculture and monitored through Fairfax County's Office for Children, her supervisor is Betsy Paul. Her licensing supervisor with the Commonwealth of Virginia is Sandra D'imperio.

This childcare was run at our former townhome located on Saffold Way and we are grateful to be in a single family home with a large yard for the children. All the families that have children here have the necessary comfort level and confidence to leave their children in Carla's care for the day. As anyone with children will tell you, this is not an easy adjustment for

children or families. Several of the families have siblings that formerly attended this childcare but have since moved onto preschool.

My family will be impacted as the income my wife generates sustains this family. Without the childcare operating with the permit for 10 children, we stand to lose the ability to pay for basic human needs. I was a Fairfax County employee for 12 years and have transferred to the Federal Government at a tremendous reduction in salary for the first few years. It was a very difficult decision to make, but one that we felt would ultimately benefit our growing family in the long term. For the above reasons we respectfully request that a special permit be granted to allow the childcare to operate with 10 children and an exception be made to allow for such a variance from the ordinance that limits the number of children to seven.



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: April 14, 2011

SHERIFF'S LETTER

CASE #: 201100468 **SR#:** 68141

SERVE: Luis F. Marty
Carla S. Marty
1307 Deep Run Lane
Reston, VA 20190

LOCATION OF VIOLATION: 1307 Deep Run Lane
Reston, VA 20190-3907
Tax Map #: 0123 04060046
Zoning District: PDH
Hunter Mill District

Dear Property Owner:

An inspection of the above referenced property on March 17, 2011, revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Excessive Dwelling Units:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, the presence of more than one dwelling unit on the above-referenced property is in

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

violation of Sect. 2-501 and Paragraphs 5 and 6 of 2-302 of the Zoning Ordinance which state, in part, respectively:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

And

No use shall be allowed in any district which is not permitted by the regulations for the district.

And

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 Part 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 achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

In addition, inspection revealed you are running a Home Child Care Facility, and providing care for more than the number allowed without the benefit of a special permit. Paragraph 6 of Sect. 10-103 states, in part:

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.

Therefore, the presence of more than seven (7) children, not including your own children, on the above-referenced property is in violation of Par. 6 of 2-302 of the Zoning Ordinance which state, in part, respectively:

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 Part 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 achieved as follows:

- Reducing the number of children, for whom you provide care, to a number not more than seven (7), or
- Making application to and ultimately obtaining approval from the Board of Zoning Appeals of a Special Permit, to permit an increase on-site at any one time, in either or both the number of children permitted on-site (to a maximum of 10 children), and the number of non-resident persons providing child care services. Should you elect to pursue the Special Permit alternative, you may contact the Zoning Evaluation Division of this agency at 703-324-1290.

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

Luis F. Marty
Carla S. Marty
April 14, 2011
Page 4

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 \$600.00 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)324-1328 or 703-324-1300.

Sincerely,

Rebecca Collingsworth
Property Maintenance/Zoning Enforcement Inspector



County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: May 27, 2011

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Luis F. Marty
Carla S. Marty

ADDRESS: 1307 Deep Run Lane
Reston, VA 20190

LOCATION OF VIOLATION: 1307 Deep Run Lane
Reston, VA 20190-3907

TAX MAP REF: 0123 04060046

CASE #: 201100468 **SR#:** 68141

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on March 15, 2011 and May 26, 2011, revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On March 15, 2011 and May 26, 2011 County staff inspected the above referenced premises and discovered that several rooms were built in the basement to include: a kitchen with a dishwasher, sink, microwave oven, and refrigerator; a bathroom with a bath tub, lavatory, and toilet; and a laundry room with a washer, dryer and laundry tray. In addition, electrical circuits and water supply have been added to the basement. Electrical, plumbing and building elements were modified without the issuance of the required permit or permits, inspections, or approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 30 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-1958 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201100468.

You are directed to notify Jeffrey Perka by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-1958 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

Be advised that any Zoning Ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work. **If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703) 324-1300 who issued the Notice before coming to the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-1958 or the main office at (703) 324-1300.

Notice Issued By: Jeffrey Perka
Technical Assistant to the Building Official
Department of Code Compliance

Signature: _____

CC: Case File
Michelle Brickner, Building Official
Debra McMahon, Permit Application Center
Paul Lynch, Director, Inspections Division



County of Fairfax, Virginia

MEMORANDUM

DATE: October 14, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PWN*
Environment and Development Review Branch, DPZ

SUBJECT: **Environmental Assessment for**
SE 2011-HM-010, Luis and Carla Marty (Home Family Childcare)

The memorandum, prepared by Scott Brown, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated May 16, 2011 and revised through August 11, 2011. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicants, Luis and Carla Marty, are seeking a special exception to operate a Home Family Childcare at their single-family home located at 1307 Deep Run Lane in Reston. The home childcare will operate between the hours of 7am to 5pm, will provide services for 10 children and will have a total of 3 employees (2 non-resident employees and Mrs. Marty). The childcare is currently in operation, and the special exception is needed to allow the continuation as a legal use. The backyard of the residence will be used to provide a play area for the children.

LOCATION AND CHARACTER OF THE AREA

The subject property is a single-family residence on a 0.45 acre lot in Reston. The home is located on a cul-de-sac in a single-family neighborhood of similarly sized homes and lots. The backyard is heavily wooded and backs up to Baron Cameron Avenue on the north side. A wood, split-rail fence encloses the backyard and primarily runs along the boundaries of the property.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



Environment

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 11:

“Transportation generated noise impacts the lives of many who live in the County. Some County residents are subjected to unhealthful levels of noise from highway traffic, aircraft operations and railroads, including WMATA's Metrorail . . . Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines expressed in terms of sound pressure levels are; DNL 65 dBA for outdoor activity areas, DNL 50 dBA for office environments, and DNL 45 dBA for residences, schools, theaters and other noise sensitive uses. While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise.

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

- Policy a. Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.
- Policy b. Reduce noise impacts in areas of existing development.”

COMPREHENSIVE PLAN MAP: Residential Planned Community; Reston Master Plan Area, Low Density Residential

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Noise

The rear yard (northern boundary) of the Marty property backs up to Baron Cameron Avenue, a divided-lane minor arterial with a speed limit of 45 miles per hour. Based on the 45-mph speed limit and Average Daily Traffic counts (27,000), traffic from this roadway would produce an average decibel level of 65 (dBA) extending 141 feet from the centerline of the roadway. This

would include a large portion (approximately the northern half) of the subject property. Based on this analysis, a large portion of the property would experience levels of noise unsuitable for outdoor activity areas (65 dBA and higher) according to Comprehensive Plan guidance.

Resolution:

Staff recommends that the play area be restricted to the southeast of the property to limit noise exposure, and to also take appropriate measures to reduce traffic generated noise coming from Baron Cameron Avenue. The existing property fence is split-rail and does not provide any noise screening. The applicants should replace the rail fencing around the perimeter of the property with solid fencing that would screen noise from Cameron Baron Avenue. Alternatively, they could provide solid fencing around a smaller designated play area that would provide screening and restrict children's play from the noisier areas of the property. The applicants may also pursue other methods of mitigating transportation generated noise if it can be demonstrated through an independent noise study for review and approval by the Department of Public Works and Environmental Services in consultation with the Department of Planning and Zoning, that these methods will be effective in reducing noise levels to 65 dBA or less for the outdoor play area.

PGN/STB



County of Fairfax, Virginia

MEMORANDUM

DATE: September 27, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SE 2011-HM-010; Luis & Carla Marty / Home Child Care
Land Identification Map: 12-3((04))(06)0046

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on September 8, 2011.

The proposed application for a home child care facility to accommodate up to 10 children and 3 employees (includes the home owner) has been reviewed by this Department. The applicant should ensure sufficient parking space is available on site during peak drop off / pick up times to avoid parking issues on the street. Other than the noted recommendation, the Department of Transportation does not object to the approval of this application.

AKR/mdd

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.

6-303 Special Permit Uses

The following uses shall be permitted uses in those areas as qualified when they are specifically designated on an approved development plan; otherwise they may be allowed in such qualified areas only as a special permit use upon approval by the BZA.

1. Uses presented in Par. A, B, C, D and E in Sect. 302 above as a Group use.
2. Commercial recreation centers - Village and town centers.
3. Open air markets - Neighborhood convenience, village, town and convention/conference centers.
4. Open refreshment stands - Neighborhood convenience, village, town and convention/conference centers.
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:
 - A. Home professional offices
 - B. Accessory dwelling units