



APPLICATION ACCEPTED: February 24, 2014  
BOARD OF ZONING APPEALS: May 21, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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May 14, 2014

## STAFF REPORT

### SPECIAL PERMIT SP 2014-LE-008

#### LEE DISTRICT

**APPLICANT/OWNER:** Sharmin Begum

**SUBDIVISION:** Grandview of Virginia

**STREET ADDRESS:** 7001 Brocton Court, Springfield, 22150

**TAX MAP REFERENCE:** 90-2 ((14)) 57

**LOT SIZE:** 2,128 square feet

**ZONING DISTRICT:** R-8C, HC

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-LE-008 for the home child care facility 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.

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 days after the decision becomes final.

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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/](http://www.fairfaxcounty.gov/dpz/)



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**

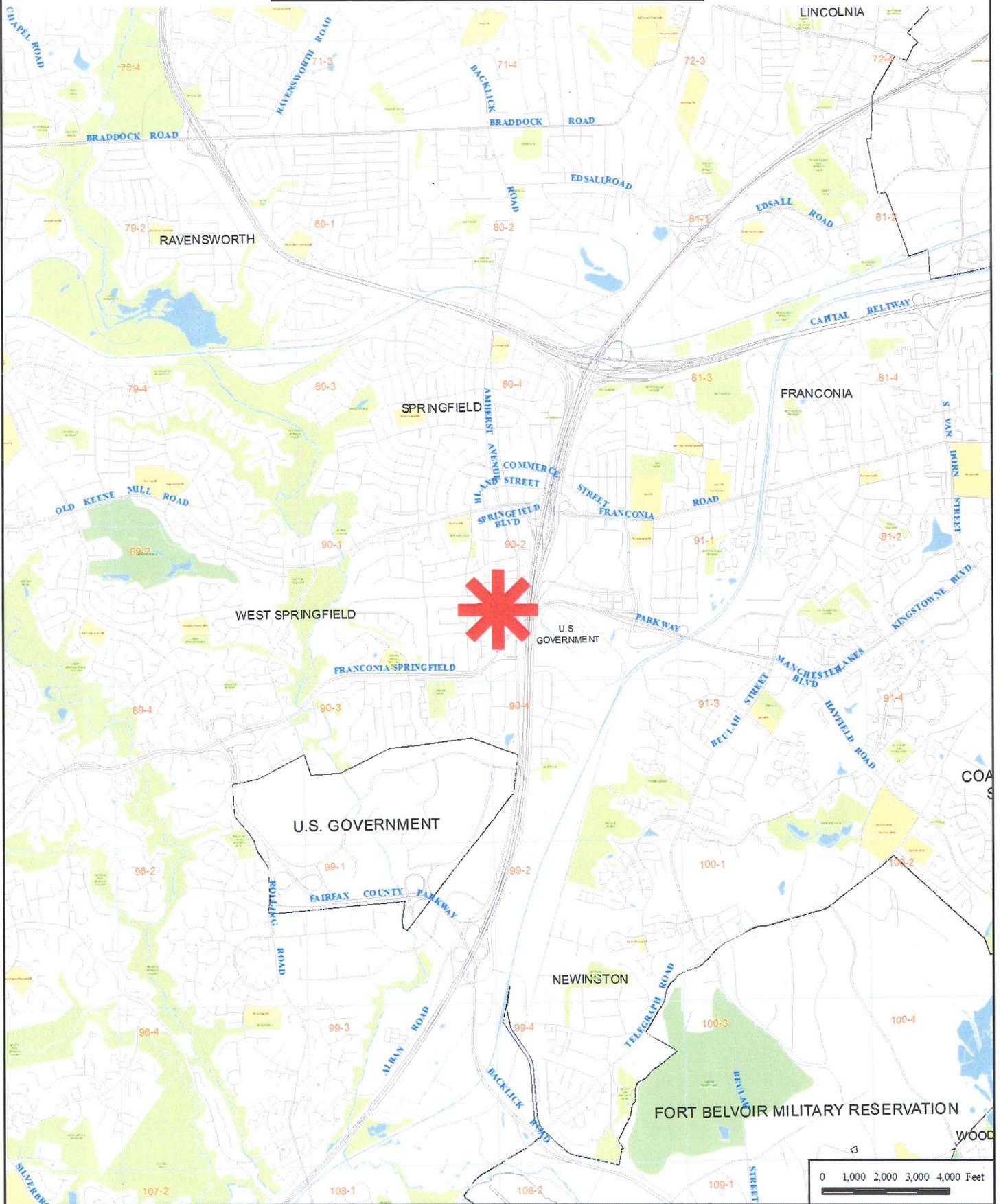


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2014-LE-008

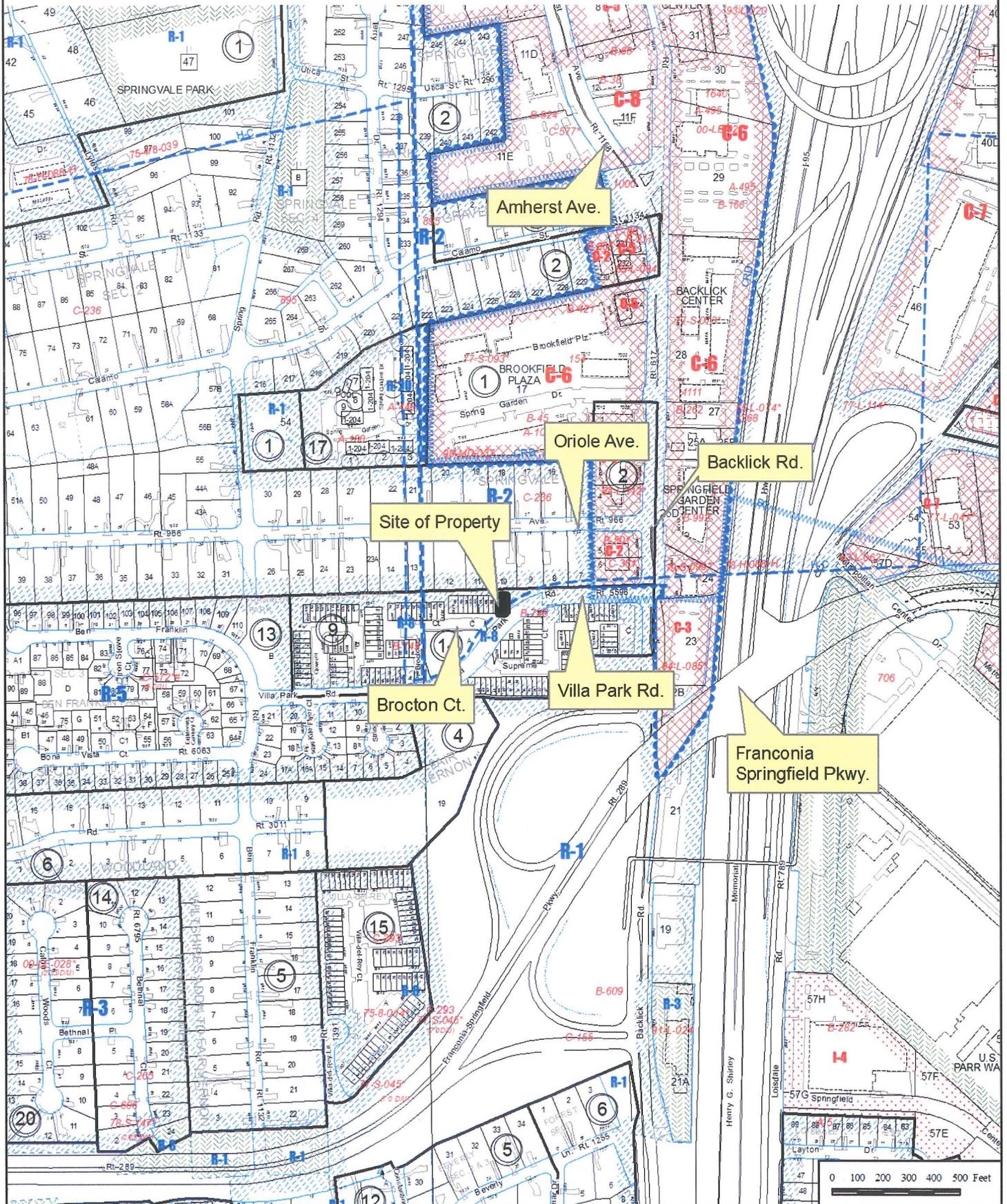
SHARMIN BEGUM



# Special Permit

SP 2014-LE-008

SHARMIN BEGUM



NOTES: 1. FENCES ARE WOOD.  
2. UTILITIES ARE UNDERGROUND.

**PARCEL "A"**

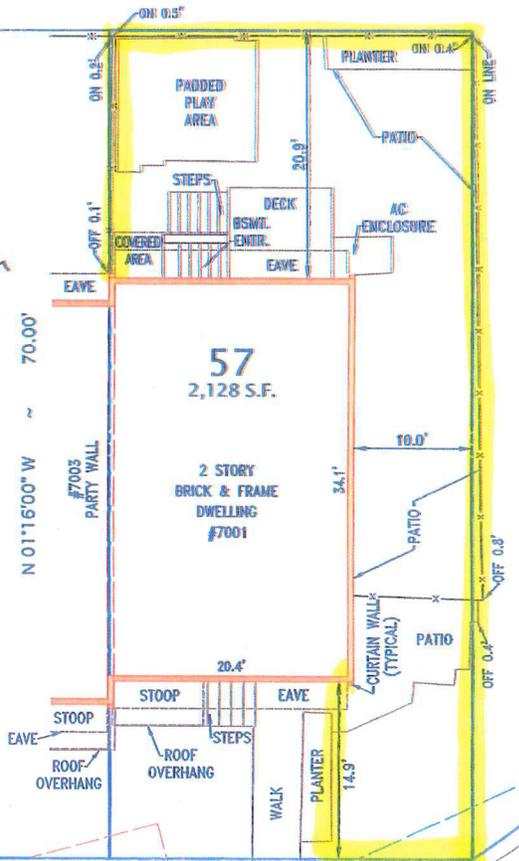
N 88°44'00" E ~ 30.40'

**HEIGHTS:**

- 23.5' = BUILDING
- 6' = FENCES
- 3.7' = DECK
- 3.2' = STOOP

*OUT door play area  
1120 SQF*

58



S 01°16'00" E ~ 70.00'

**PARCEL "A"**



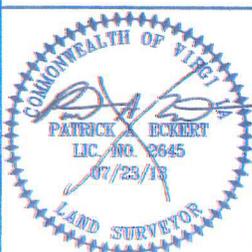
**PARCEL "A"**

**BROXTON COURT**  
PRIVATE STREET

**VILLA PARK ROAD**  
60' R/W

RECEIVED  
Department of Planning & Zoning  
DEC 06 2013  
Zoning Evaluation Division

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 57  
**GRANDVIEW OF VIRGINIA**  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 10'      JULY 22, 2013



THE POSITION OF THE EXISTING IMPROVEMENTS HAS BEEN ESTABLISHED BY AN ON SITE INSTRUMENT SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE ENCROACHMENTS. UNDERGROUND UTILITIES NOT LOCATED.

CASE NAME:  
**AHMED**  
ORDERED BY:  
**TANVEER AHMED**

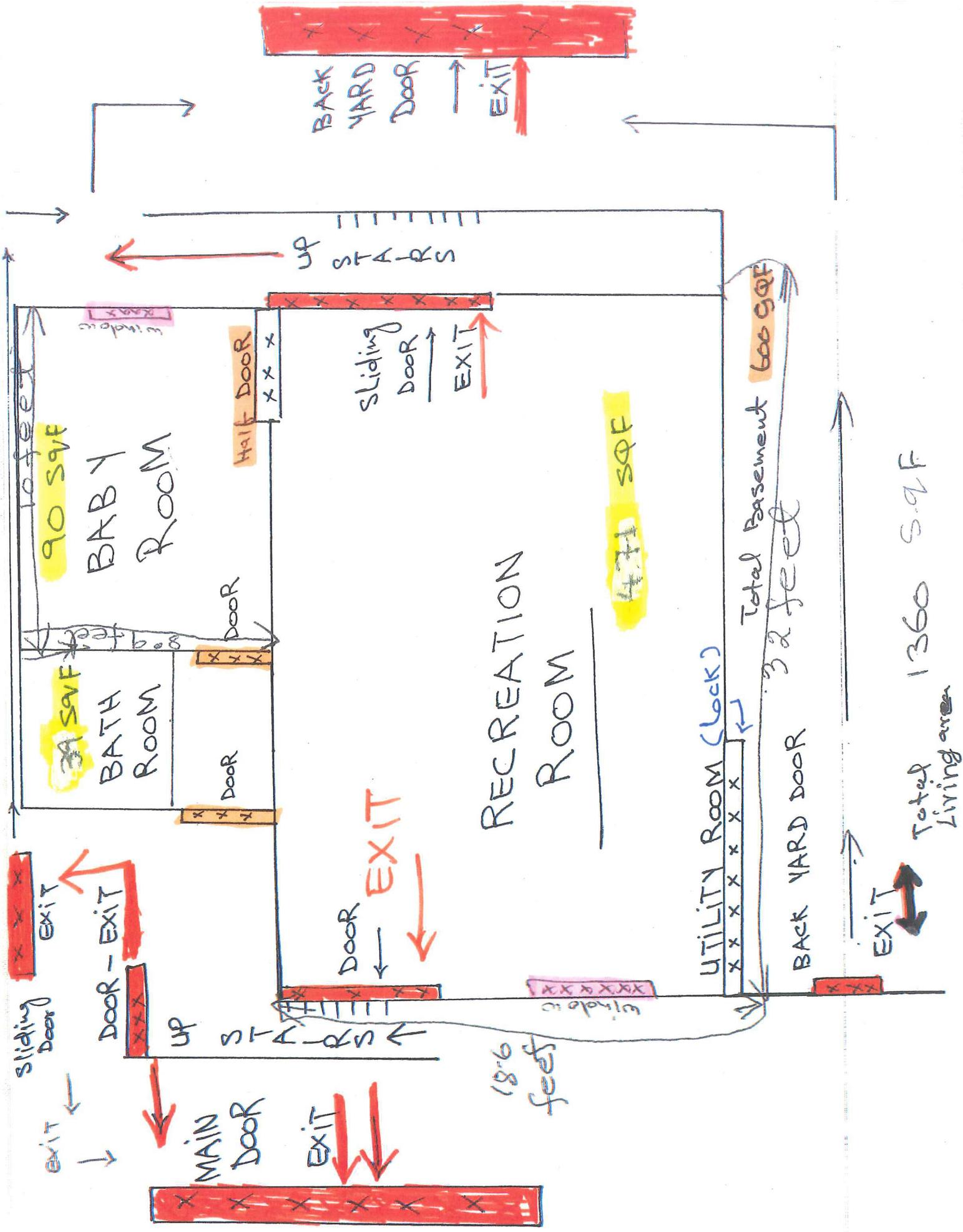
PLAT PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PLAT IS SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD OR ESTABLISHED. NO CORNER MARKERS SET.

**ALTERRA SURVEYS, INC.**  
11216 WAPLES MILL ROAD #102  
FAIRFAX, VIRGINIA 22030  
TEL. NO. 703-526-1558  
FAX NO. 703-995-4800  
INFO@ALTERRASURVEYS.COM

*Sharmila Begum*

*[Signature]*  
12.02.13

#13-0315



Total Living area 1360 sqf

Total Basement 608 sqf

32 feet

471 sqf

90 sqf

31 sqf

18'6 feet

25'4 inches

10 feet

8'9 feet

UTILITY ROOM (LOCK)

BACK YARD DOOR

BACK YARD DOOR EXIT

Sliding DOOR EXIT

DOOR EXIT

DOOR - EXIT

MAIN DOOR

EXIT

EXIT

Half DOOR

DOOR

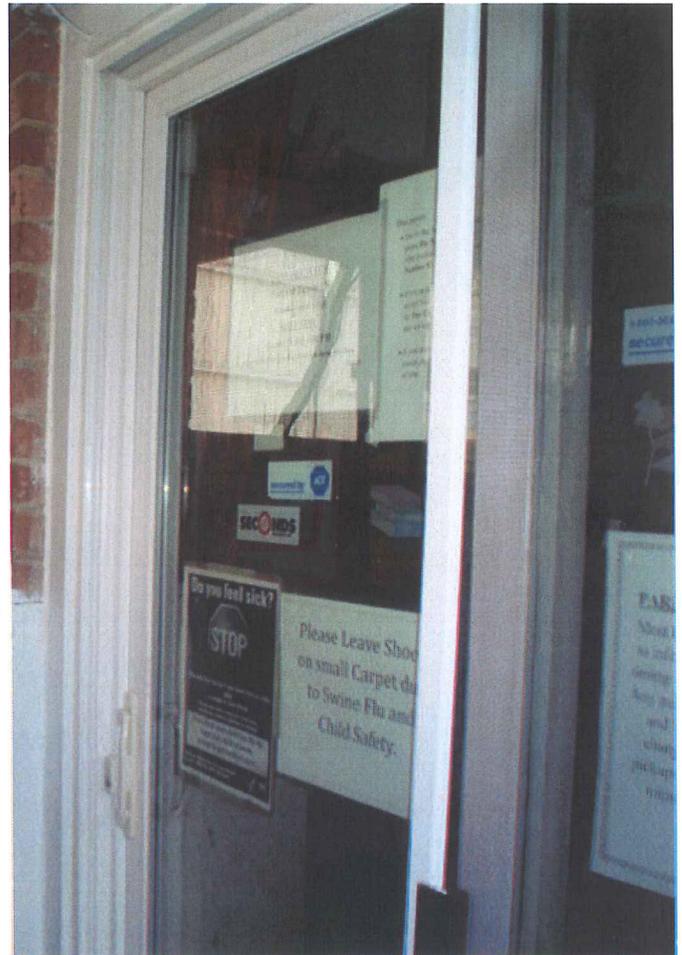
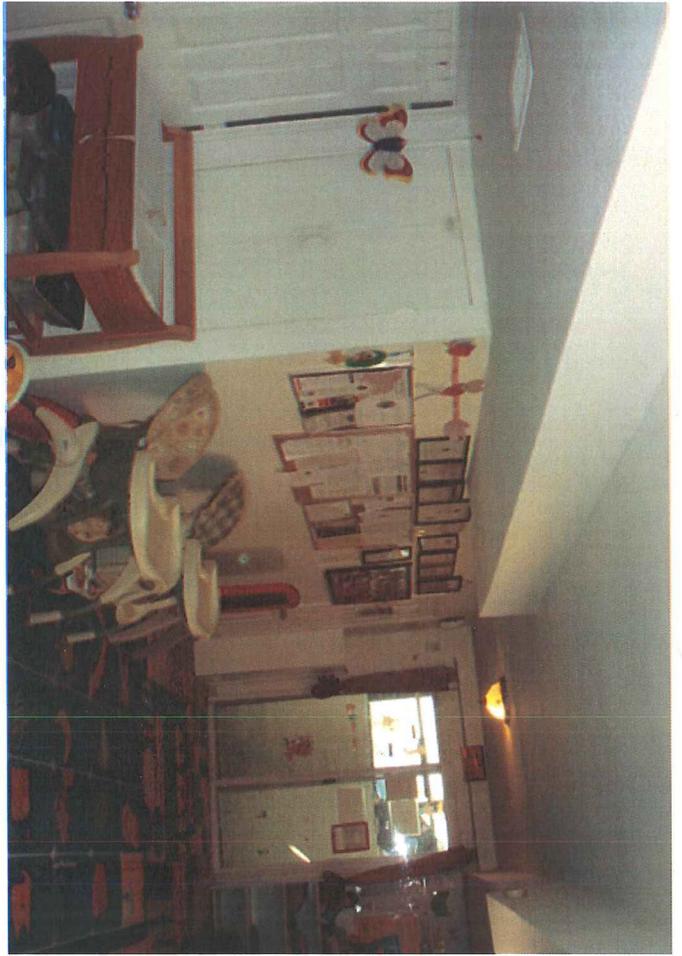
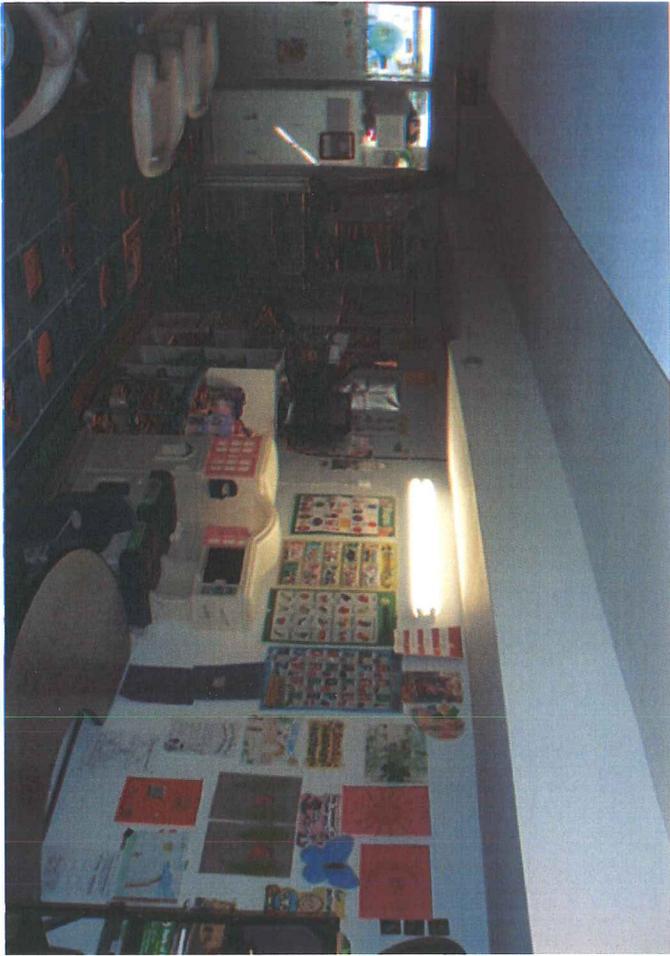
DOOR

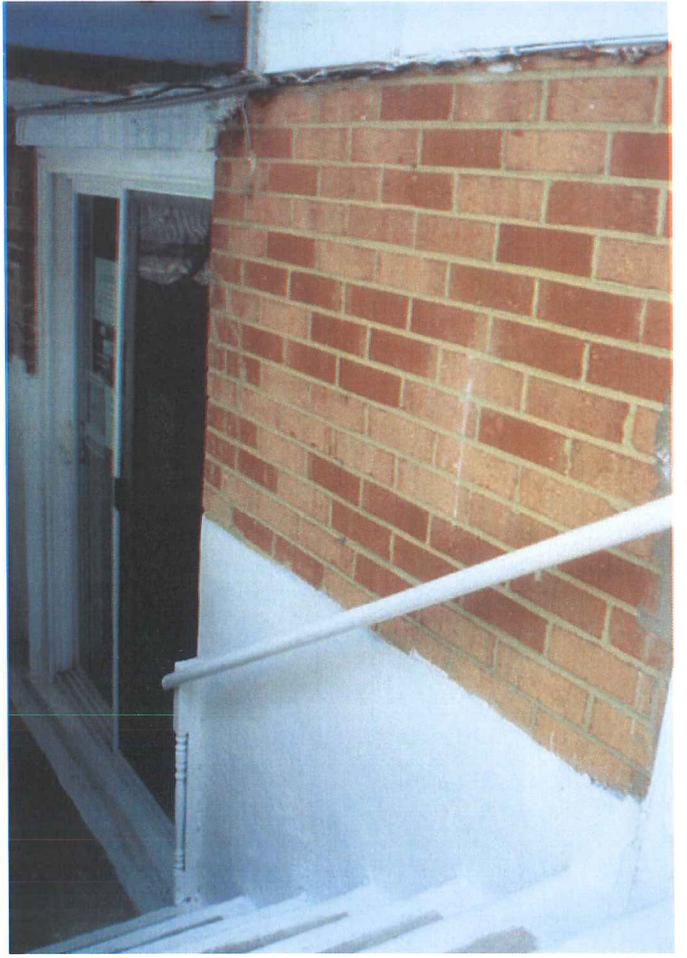
UP

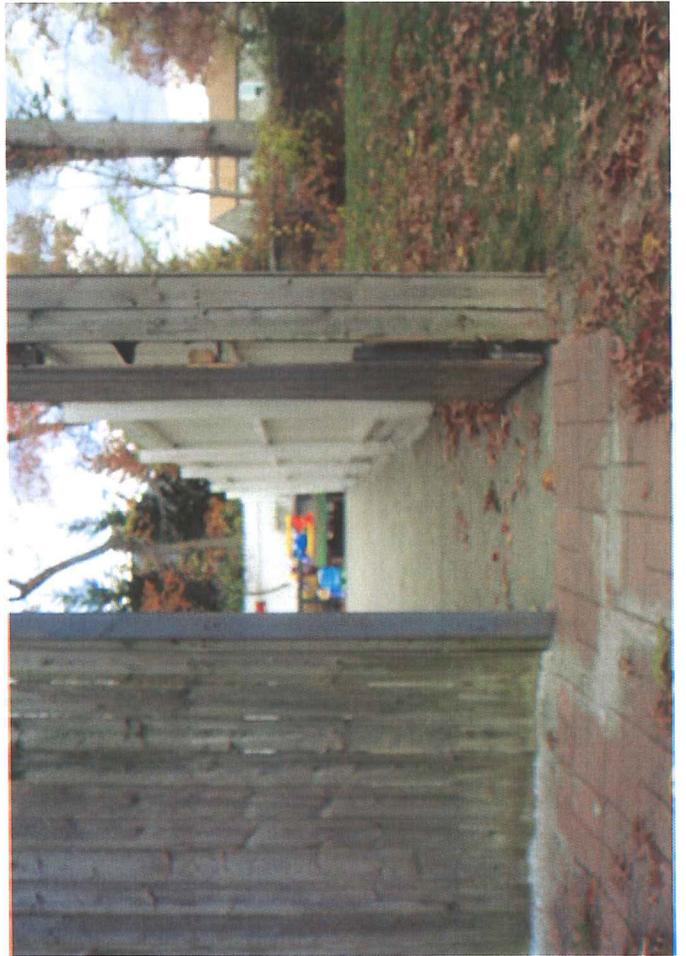
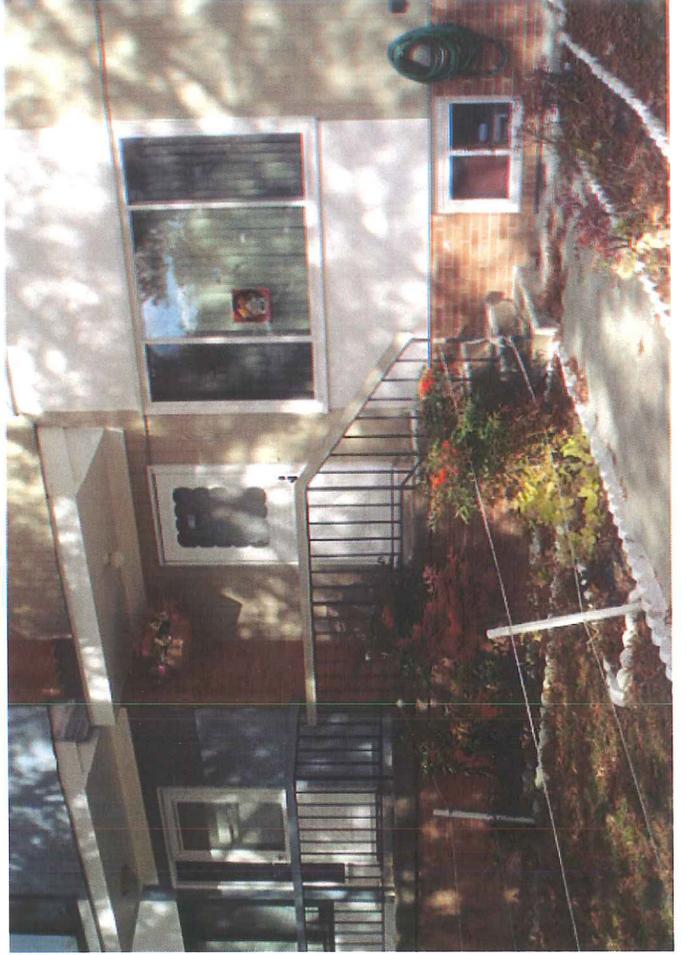
Window

Window

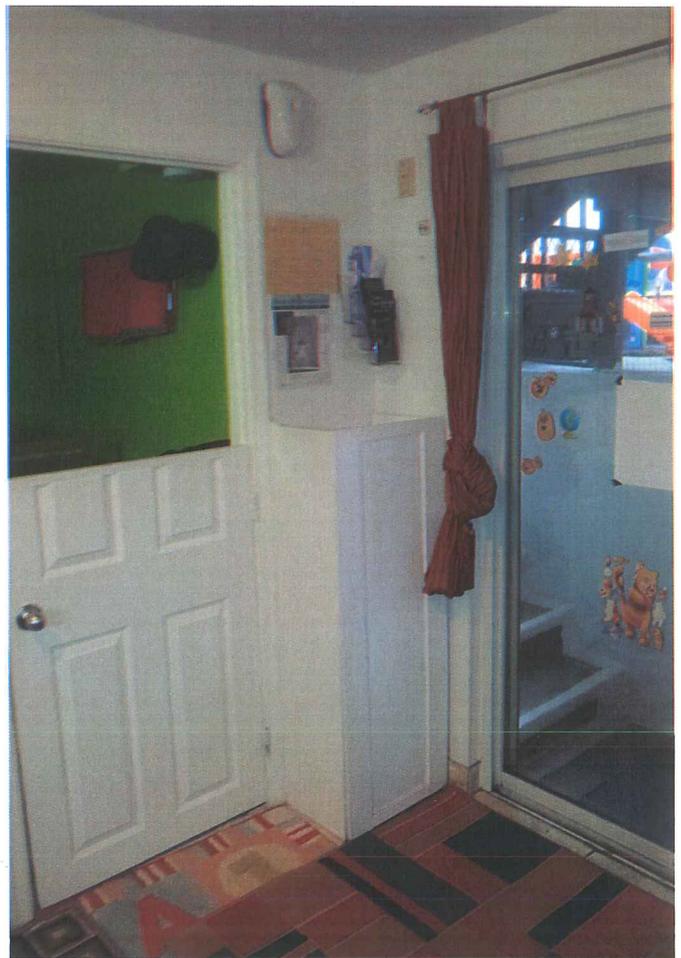






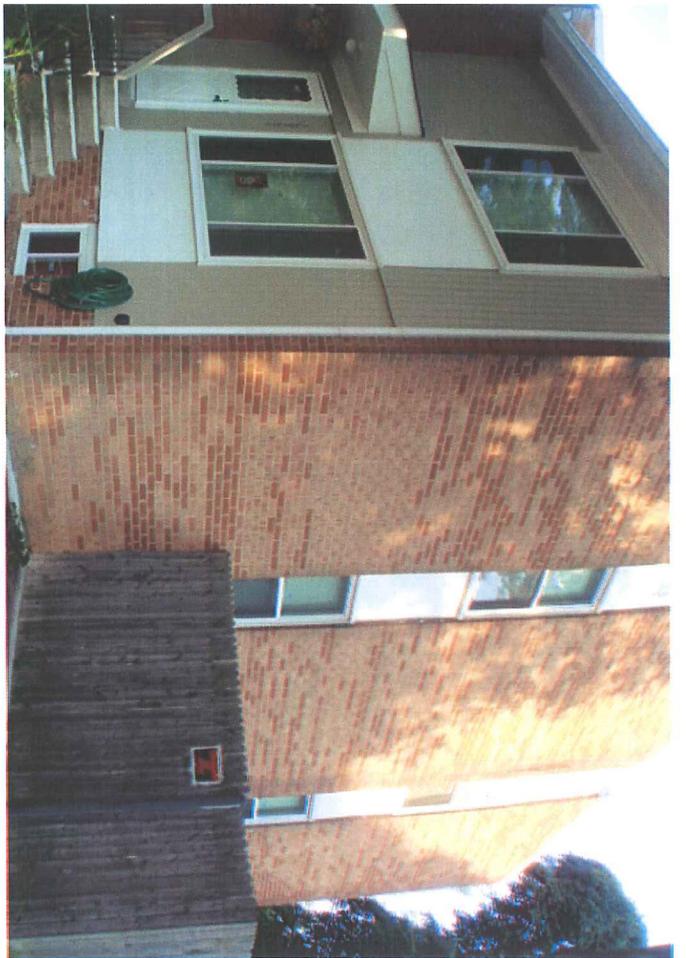
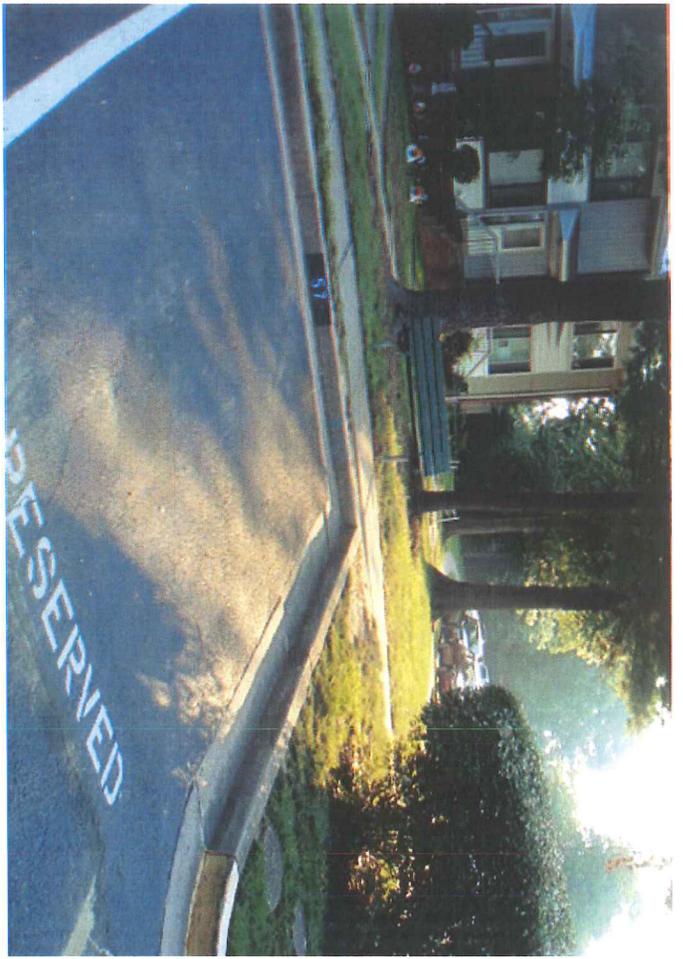


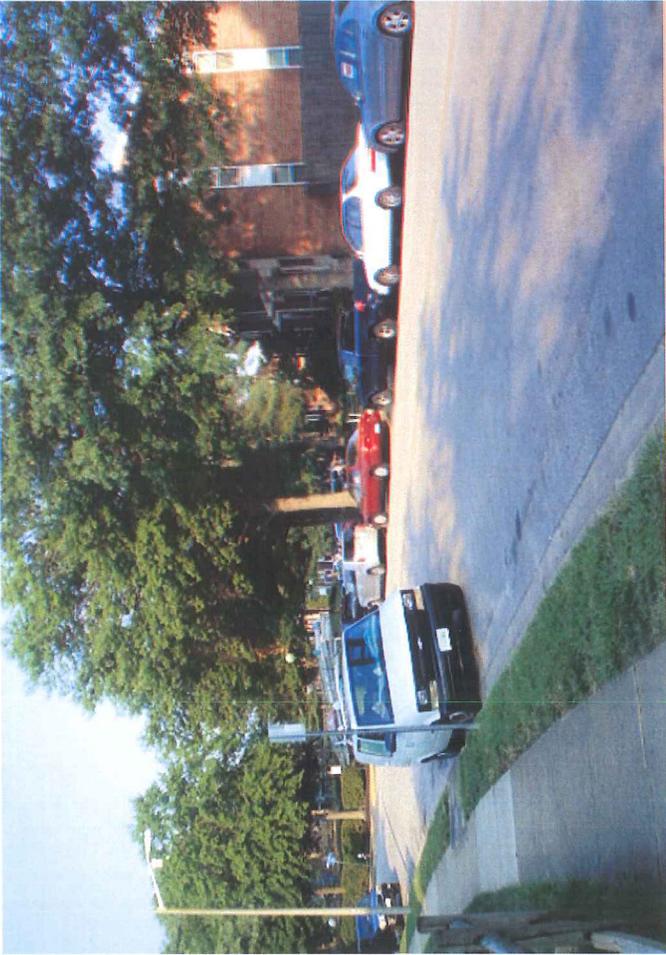
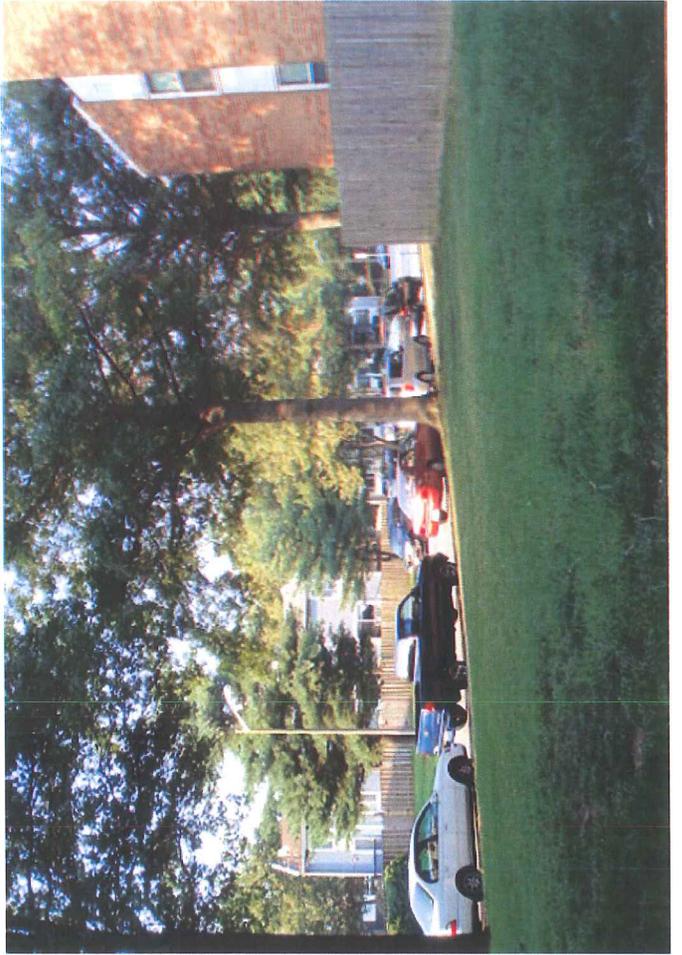


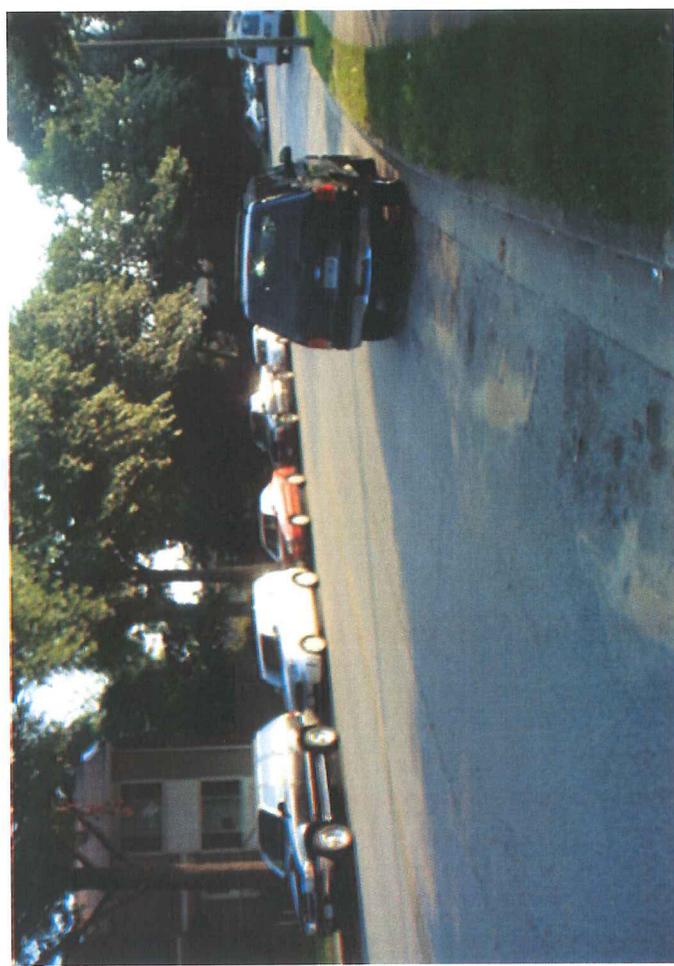
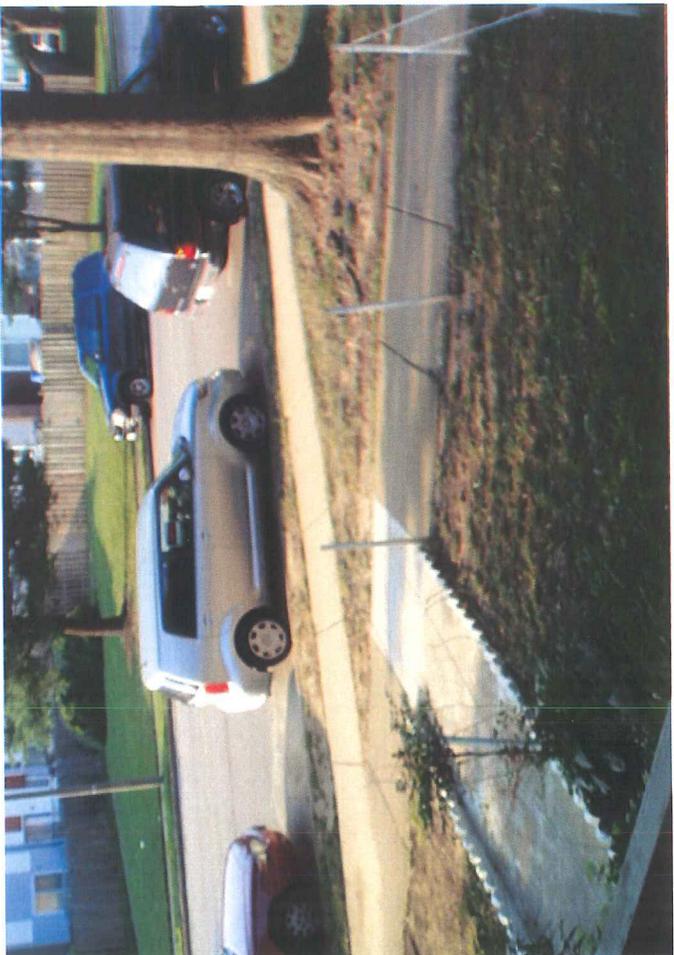


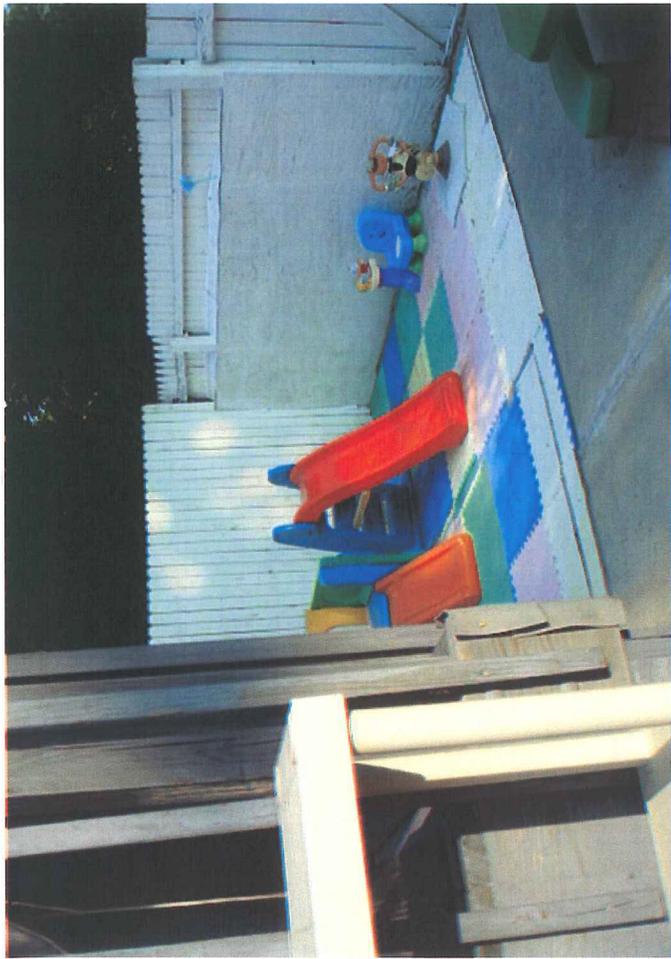
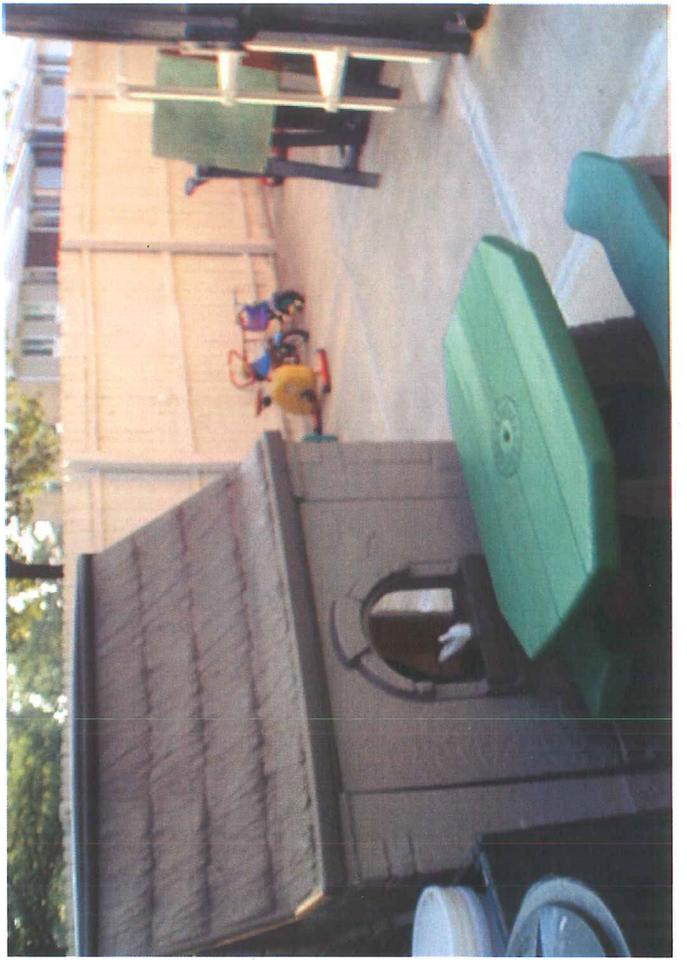
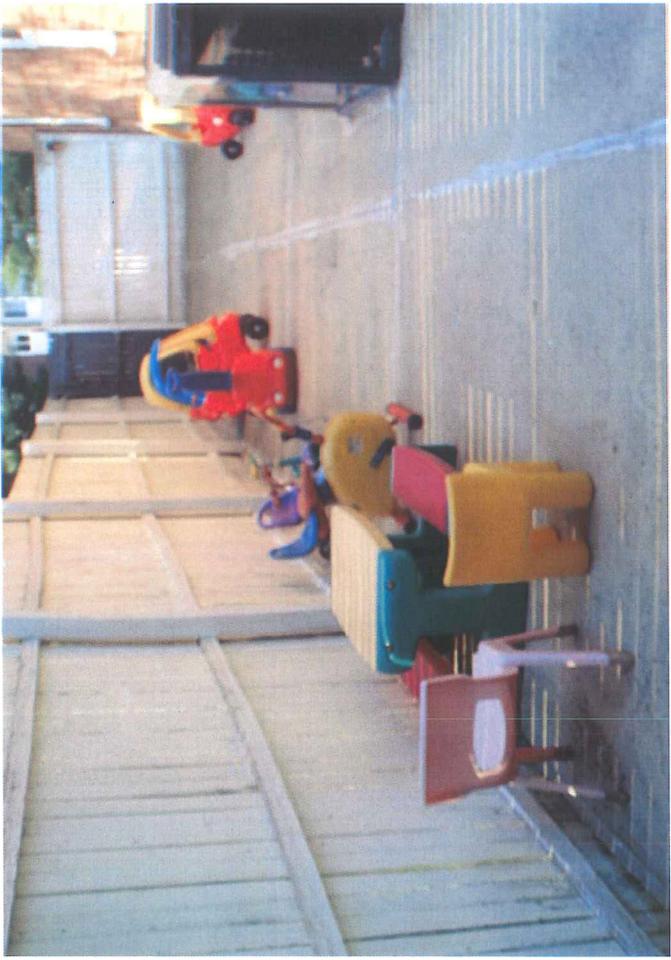
Dear parents:

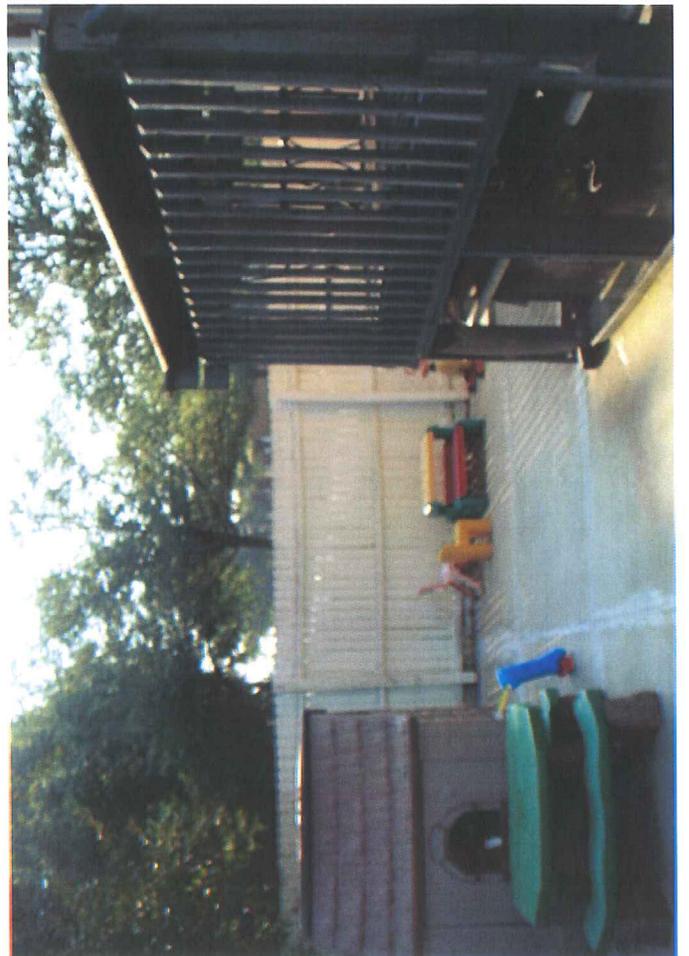
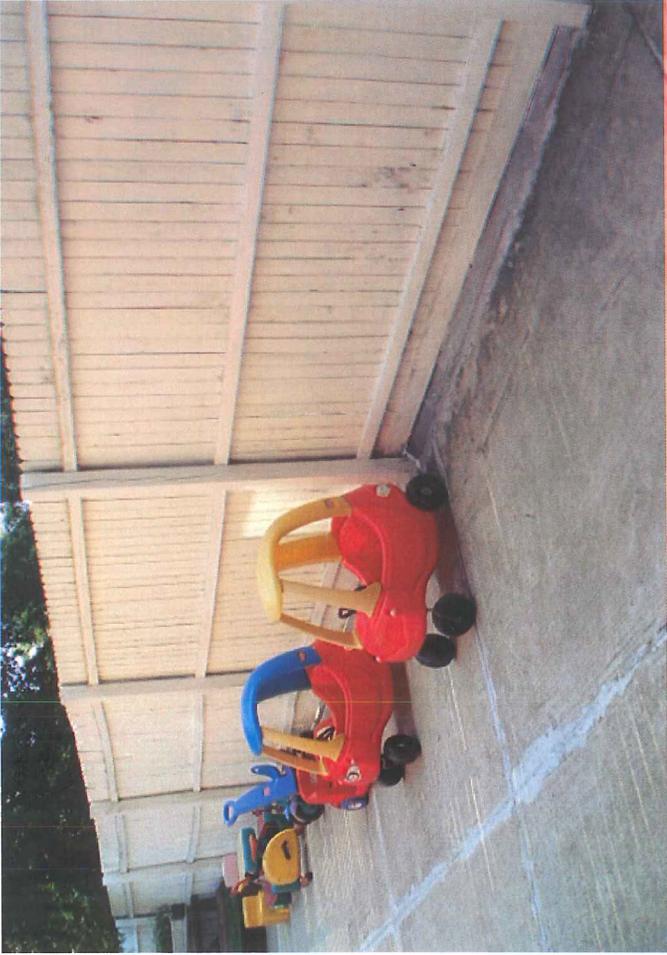
- Due to the New Parking restrictions, please **Do Not Park** your car in any other parking except reserved parking **Number 57**.
- If you park your car any other parking except No 57, and your car being towed, the **Day Care** will not be responsible for any towing charges.
- If your kid is **taking a day off** any reason please call and let us know ahead of time.

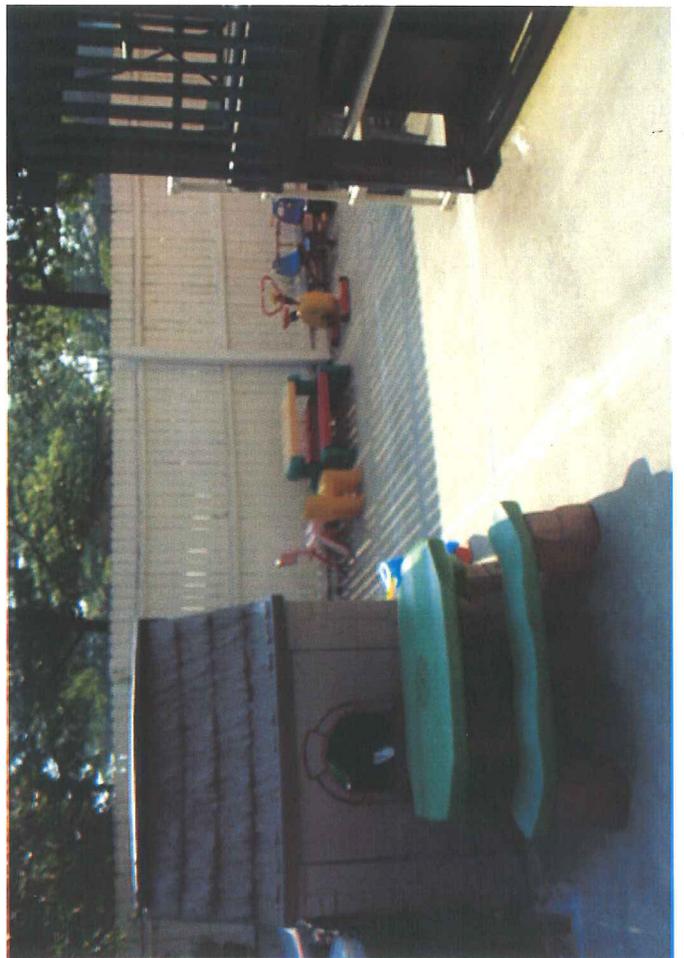
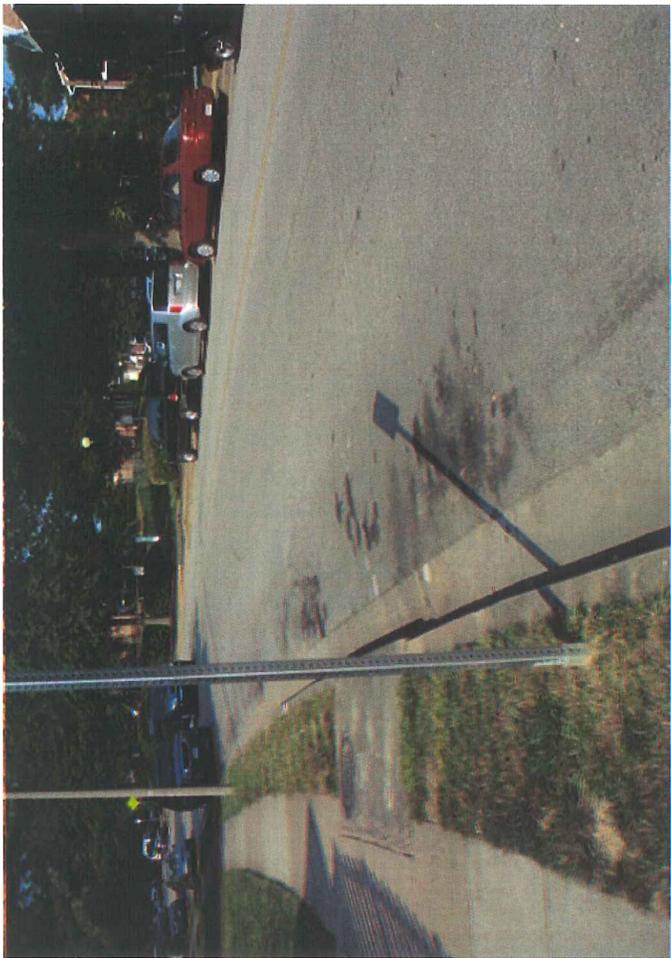
















## SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for a home child care facility for 12 children at any one time within an existing dwelling.

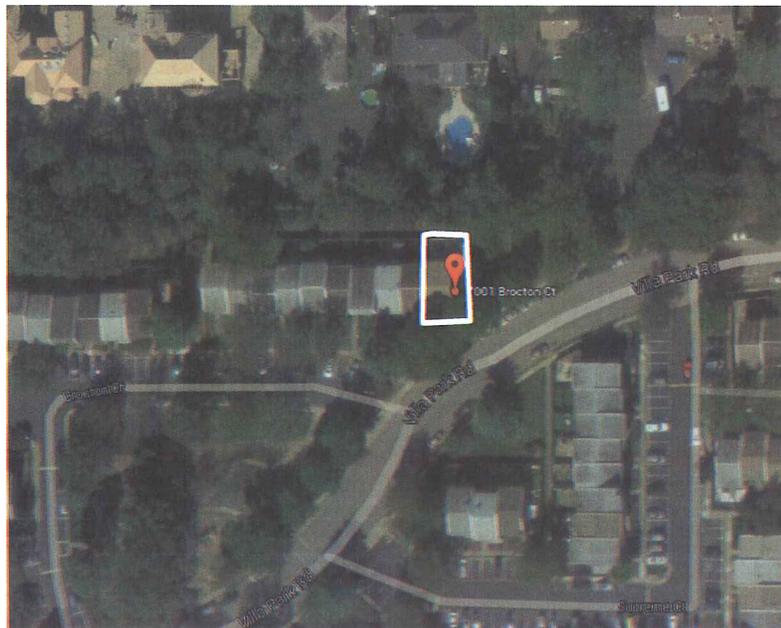
A copy of the special permit plat titled "Plat Showing House Location on, Lot 57, Grandview of Virginia," prepared by Alterra Surveys, Inc., dated July 22, 2013, as revised through December 2, 2013, by Sharmin Begum, owner, is included at the front of the staff report.

A detailed discussion of the request is included on pages two and three.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 2,128 square foot lot is located in the Grandview of Virginia subdivision. The property is developed with a two-story townhouse containing 1,360 square feet of above grade living area, and a full basement. A wood deck 3.7 feet in height extends off the rear of the dwelling. A concrete patio covers the rear yard and extends around the east side yard of the dwelling. A padded play area and other play equipment are located in the rear yard. A wood fence 6.0 feet in height encloses the rear and side yards. A concrete walkway provides access to the lot from both Brocton Court and Villa Park Road. A staircase leads from the walkway to the entrance at the front of the dwelling and another entrance through a gate in the fence to the home child care facility on the east side of the dwelling.

As shown in the picture below, the site is bordered to the west by single family attached residences, zoned R-8C; and to the north, east, and south by private open space.



## **BACKGROUND AND HISTORY**

County records show that the dwelling was constructed in 1974. The applicant purchased the property in October, 2008. The applicant states that she operates a home child care facility for eight children, and holds a current license from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of 12 children, which is valid until July 10, 2015. The children under her care are aged birth through 12 years 11 months.

County records reflect that there have been no similar requests in the vicinity.

## **DESCRIPTION OF THE APPLICATION**

The applicant requests approval of a special permit for a home child care facility for up to 12 children at any one time to operate between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Drop-off of children is staggered between 7:15 a.m. and 10:00 a.m. with pick-up between 4:00 p.m. and 6:00 p.m. Employees include the applicant and two part-time assistants. The home child care facility is operated in the basement of the dwelling which includes one main recreation room, a sleeping room, and a bathroom. The recreation room for the home child care facility has a second kitchen that contains a microwave. The second kitchen will need to be removed upon the discontinuance of the proposed use, for which a development condition has been included. There is a fenced area with play equipment where the children play outside.

The applicant's townhouse has three assigned parking spaces where parents are instructed to park during pick-up and drop-off of the children. There is on-street parking available where the applicant keeps her two vehicles. Parents access the child care facility through a gate in the fence on the eastern side of the dwelling, which leads to the rear yard where the basement entrance is located.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area IV, Springfield Planning District  
**Planning Sector:** Springvale (SP 04) Community Planning Sector  
**Plan Map:** Residential use at 8 dwelling units per acre (du/ac)

## **ZONING ORDINANCE REQUIREMENTS**

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

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 4. Subject to the development conditions, the special permit must meet these standards.

### **Safety Analysis**

During a site visit, staff noted a safety issue that should be addressed. Windows in the room used by children for napping do not meet fire safety requirements for emergency egress because the sill height is too high and the size too small to access safely. To provide a safe means of egress, the applicant should either alter the window to meet all fire safety requirements or remove the door to the sleeping room and widen the doorway to create an adjoining room with the recreation room where emergency egress is available. The new unobstructed opening would need to meet the requirements of the Virginia Residential Code for Adjoining Rooms.

The proposed development conditions address this safety issue by requiring that a point of egress, that meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, be installed within 90 days of the approval of the special permit.

### **CONCLUSION AND RECOMMENDATIONS**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2014-LE-008, subject to the Proposed Development Conditions dated April 30, 2014.

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
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions



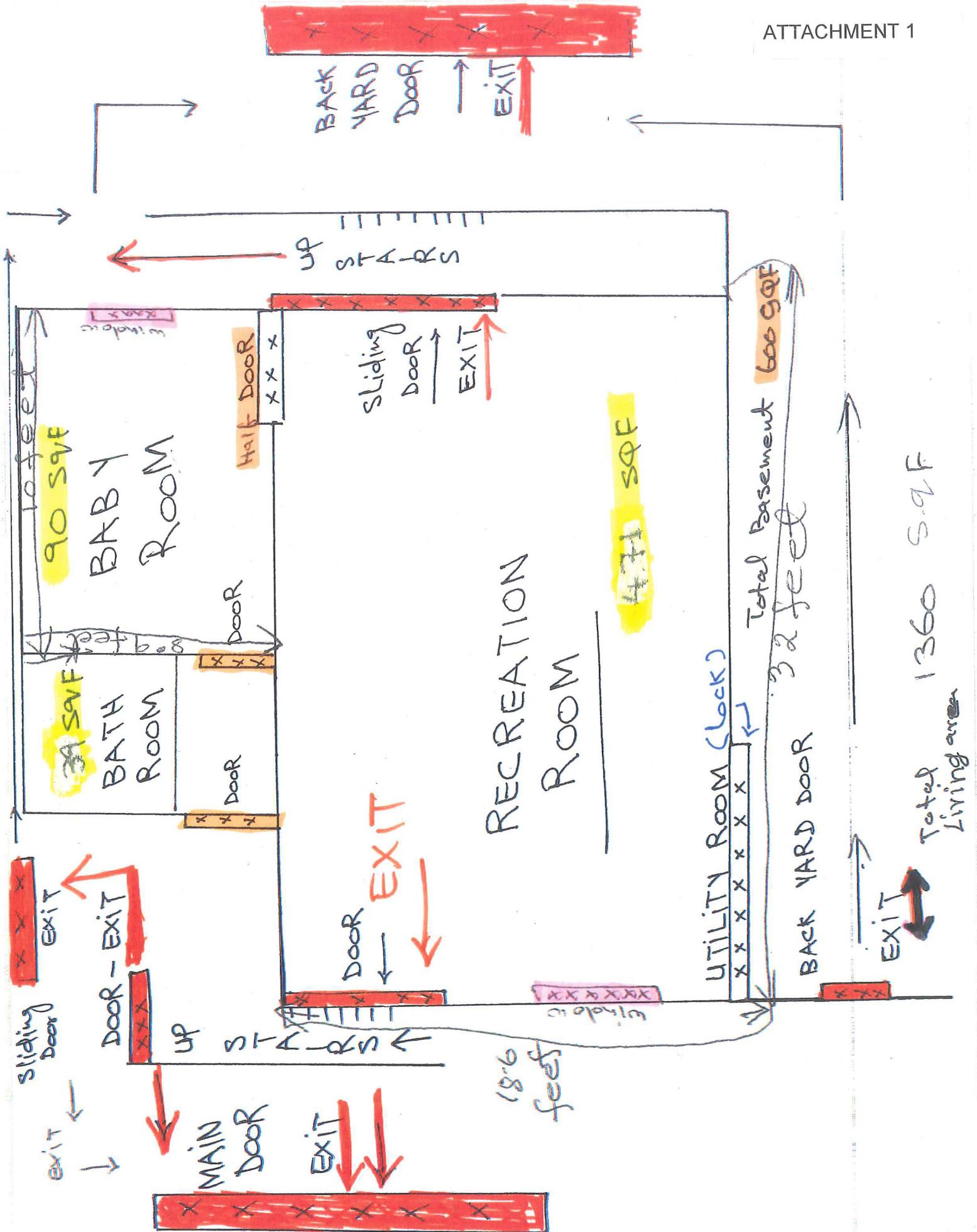
**PROPOSED DEVELOPMENT CONDITIONS****May 14, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-008 located at Tax Map 90-2 ((14)) 57 for a home child care facility pursuant to Section 8-305 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, Sharmin Begum, only and is not transferable without further action of the Board, and is for the location indicated on the application, 7001 Brocton Court, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the special permit plat prepared by Alterra Surveys, Inc., dated July 22, 2013, as revised through December 2, 2013, by Sharmin Begum, owner, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. A point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed in the sleeping room, as labeled "Baby Room" on the floor plan in Attachment 1. **This egress shall be installed within 90 days of the approval of the special permit.**
9. Upon the discontinuance of the proposed use, the second kitchen, located in the area of the child care facility, shall be removed.

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, ninety (90) days after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven 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): SP 2014-LE-008  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 01.5.14  
 (enter date affidavit is notarized)

I, Sharmin Begum, 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

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 <b>BOLD</b> above)
Sharmin Begum	7001 Brocton CT Springfield VA 22150	Applicant Title owner
Tanveer Ahmed	7001 Brocton CT Springfield VA 22150	Co-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)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 01.05.14  
(enter date affidavit is notarized)

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: 01.05.14  
(enter date affidavit is notarized)

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: 01.5.14  
(enter date affidavit is notarized)

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: 01.05.14  
(enter date affidavit is notarized)

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)

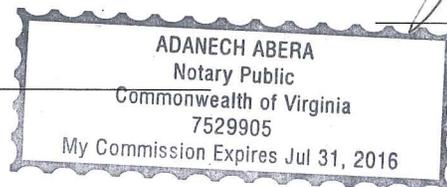
Applicant

Applicant's Authorized Agent

Sharmin Begum  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of Jan, 2014, in the State/Comm. of VA, County/City of Fairfax.

My commission expires: \_\_\_\_\_



[Signature]  
Notary Public



7001 Brocton CT  
Springfield va 22150

Phone # H = 703,462,8334

5.08 = In my home and child care  
i don't have any Hazardous or  
Toxic Substances and Petroleum  
Products.

5.09 = I follow all the rule  
regulations and Standards.

5.00 = "Leaving" correct is "Living"

①

7001 Bnocton CT  
Springfield Va 22150  
H = 703-462-8334.

Ⓐ 7am - 6pm, Monday through Friday.

8 ~~best~~ ~~and~~ day care kids. All together

Ⓑ 9 children with my own son (7 years old)  
please I want for 12 kids.

Ⓒ 2 employees [one is my sister but does not live with me. She works 7:30 am to 2:30pm]

[Another one works 10am - 5pm] sister comes with one kids parent and another one come by walking. [cross the st]

Ⓓ For Drop-off start from [7am one child some times 5 or 10 mins earlier by appointment. 7:15 one child, 7:30 2 kids (Family - Brother, Sister) 8:00 on 8:15 one kid, 8:30 one kid, 8:30 to 9:00 one kid, 9:00 to 9:30 one kid, 9:00 one kid, 9:00 to 10: one kid.

②

## Pick-up time

- ① 4:00 to 5:00 one kid, 5:00 to 5:30 2 kids, 5:30 to 5:35 2 kids (Family sister brother) 5:30 to 5:45 2 kids, 6:00 Pm one kid.

Note: All Parents call or text if they are late or earlier. Even some Parents call or text to make child ready so they don't take longer time to pick their kids.

Day care is

- ⑤ Entire basement. No body lives in neighborhood. All kids come from another neighborhood. [Lorton, Burke, Woodbridge, Fallsall road, DC, Braddock road]

- ⑥ They drive. And they park their cars in my reserved 2 parking places. Also we have one more parking # c so total we have 3 parking space (A.B.C). Street parking also available all the times, and it's safe enough. our cars stay in the street. There is no problem for parking.

(3)

Day care is

(G) Entire basement with 600 square feet, ~~sq~~, enough room for playing and sleeping, and there is toilet and shower room. Whole house is 2,128 sq feet, and living area 1360 sq feet.

(H) Out door play area is big enough, its in the backyard with secure fence.

Children ~~is~~ is playing in the backyard.

[ There is slide, tricycles, cars are available for play and P.E, and get fresh air and enjoy outside. All play equipments belong to day care. Nothing from neighborhood or HOA. Everything remain inside the fence.

**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 twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, 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.