



APPLICATION ACCEPTED: March 12, 2014
BOARD OF ZONING APPEALS: June 11, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 4, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MA-019

MASON DISTRICT

APPLICANT: Zenaida R. Ibanez
and Our Caring Way LLC

OWNERS: Zenaida R. Ibanez
Leopoldo N. Ibanez
Ian R. Ibanez

SUBDIVISION: Broyhill Park

STREET ADDRESS: 3314 Graham Road, Falls Church, 22042

TAX MAP REFERENCE: 60-1 ((11)) 16

LOT SIZE: 15,219 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-MA-019 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.

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.

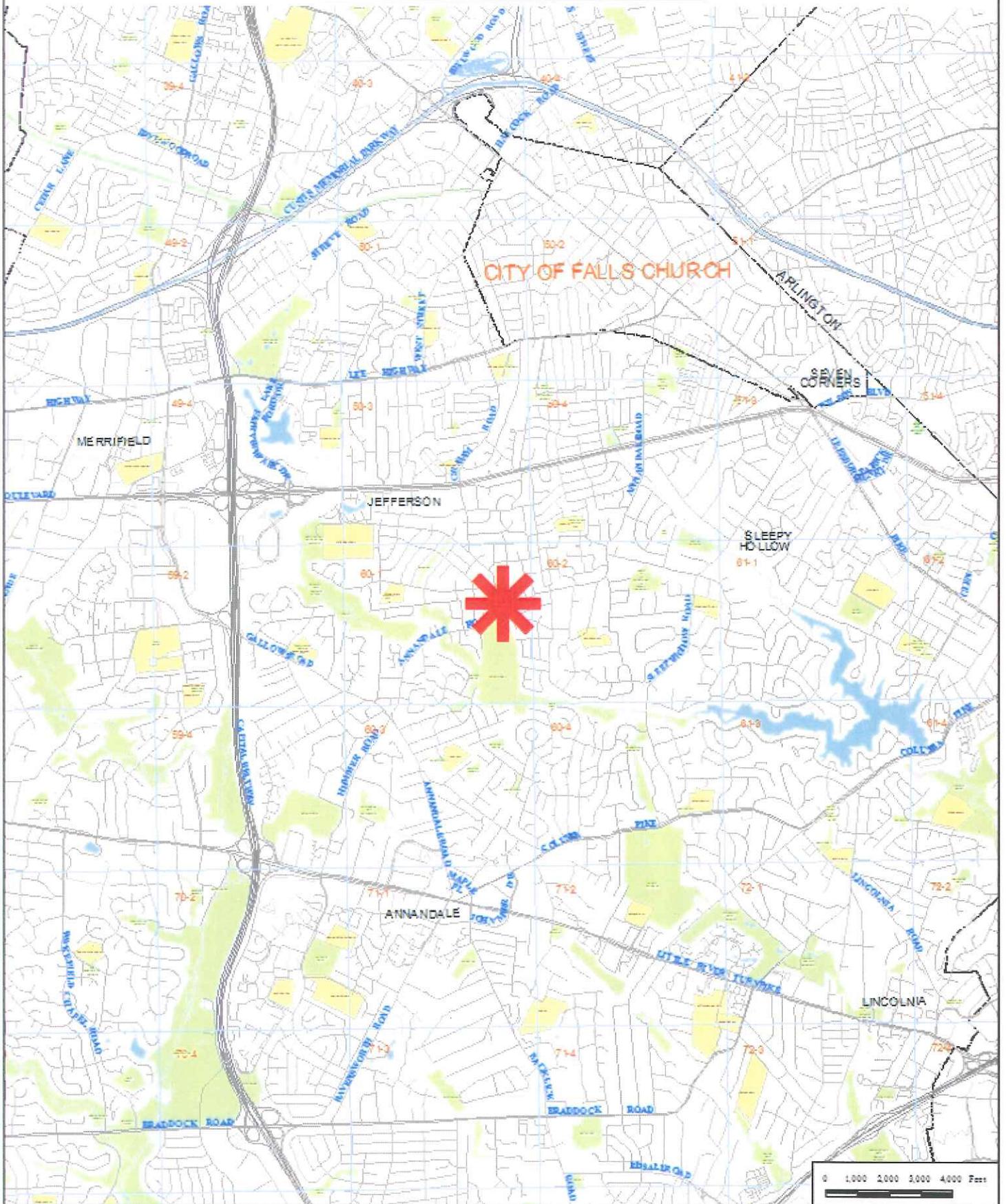
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

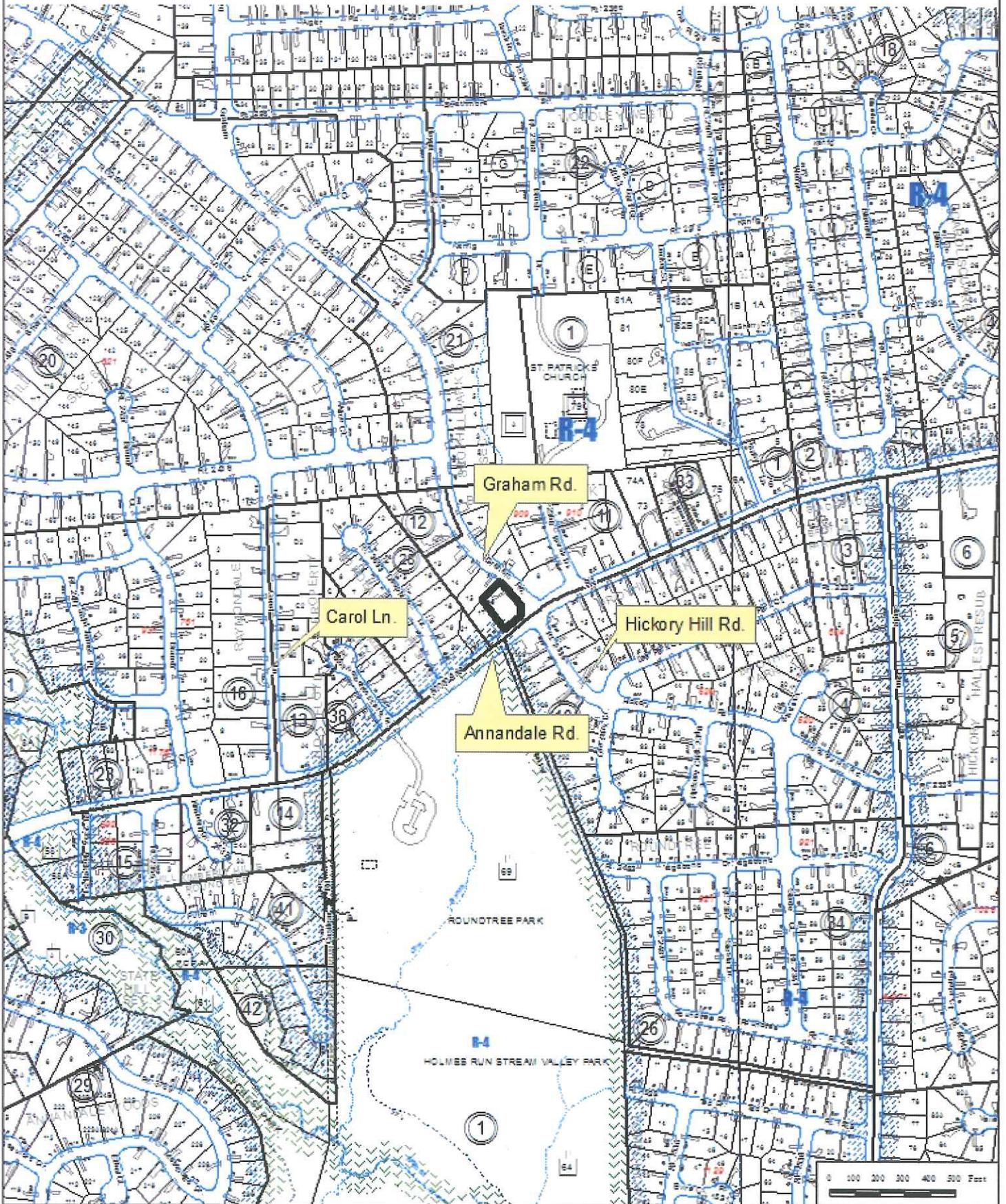
SP 2014-MA-019
ZENAIDA R. IBANEZ



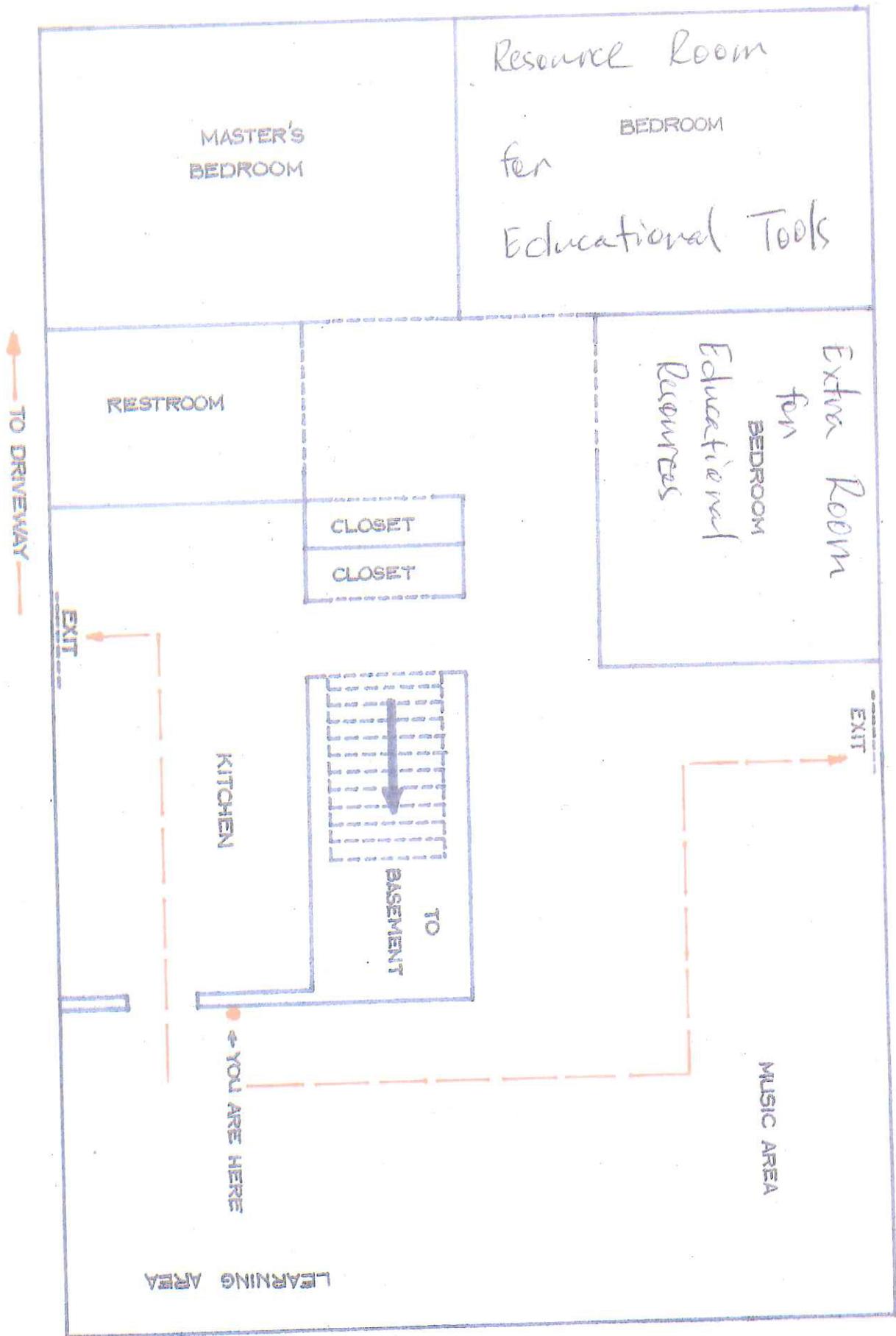
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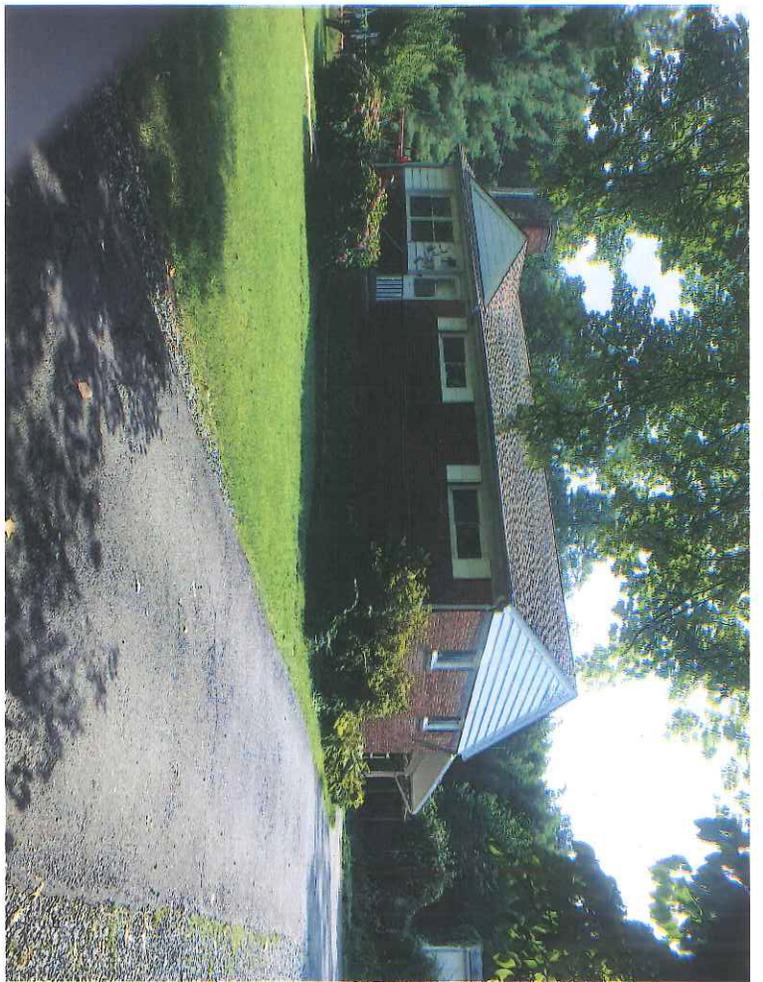
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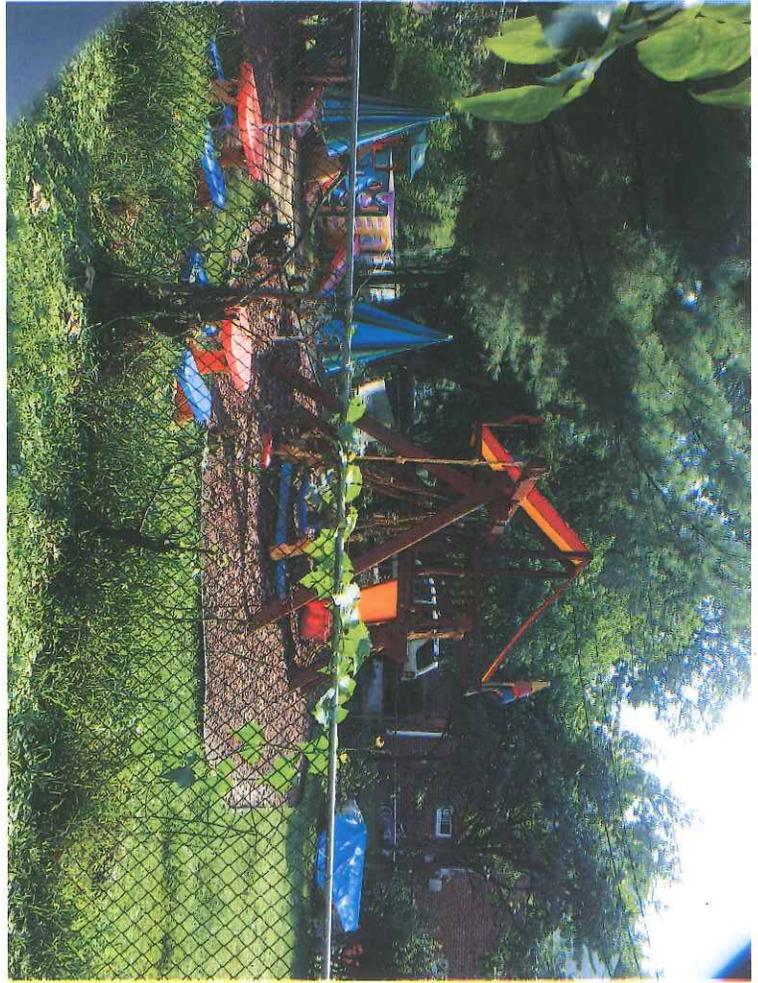
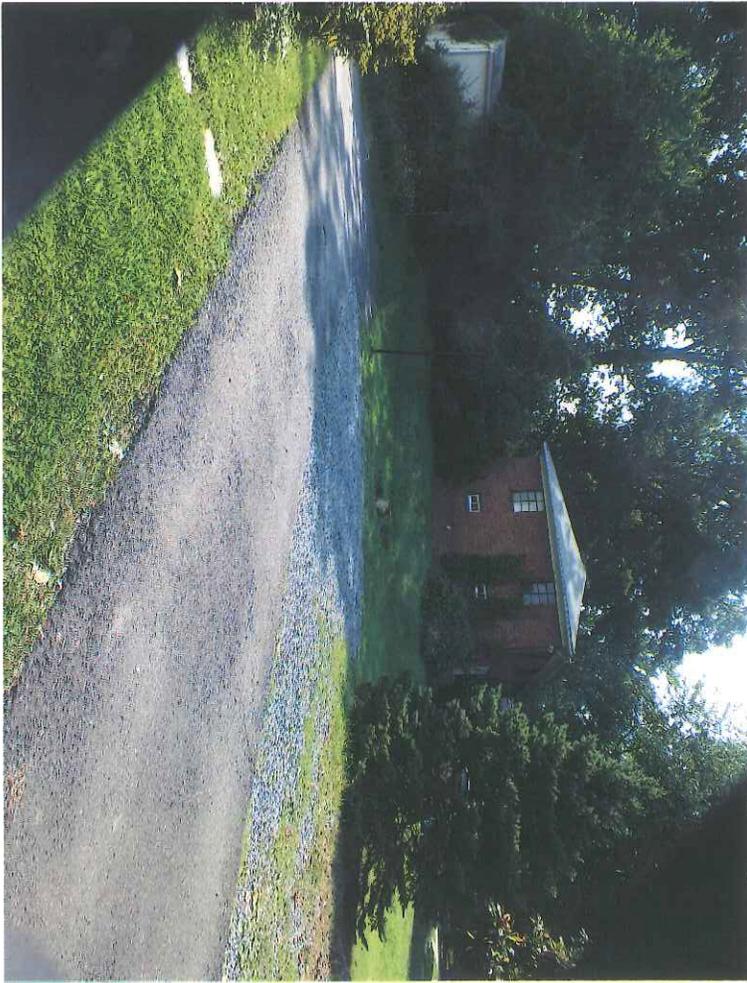
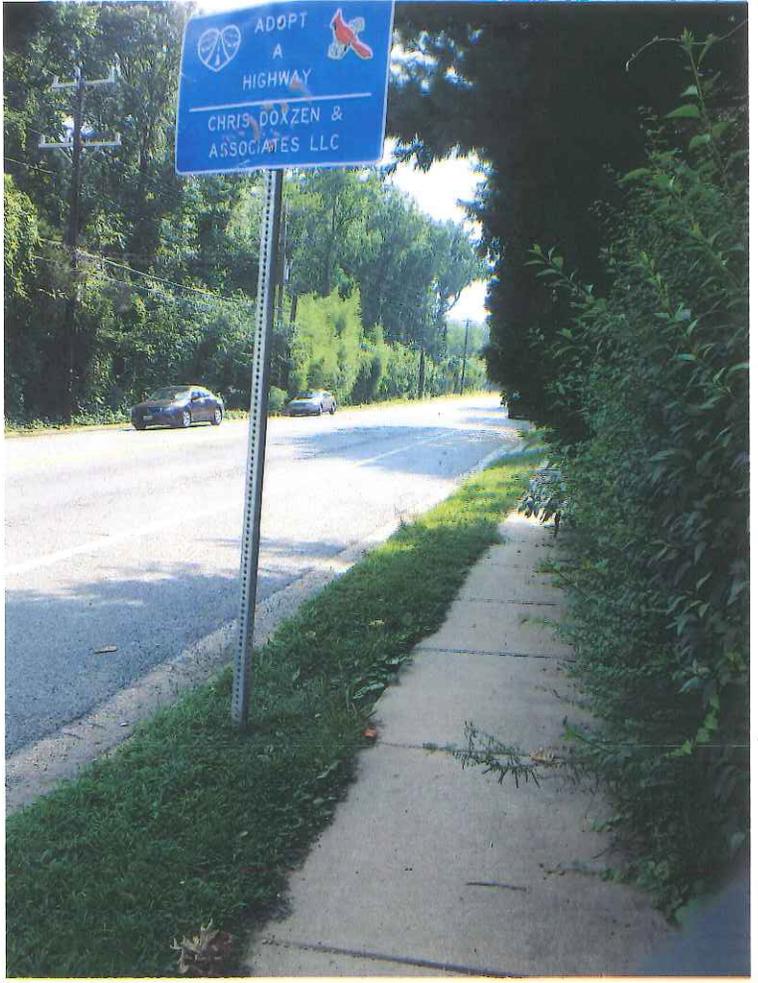
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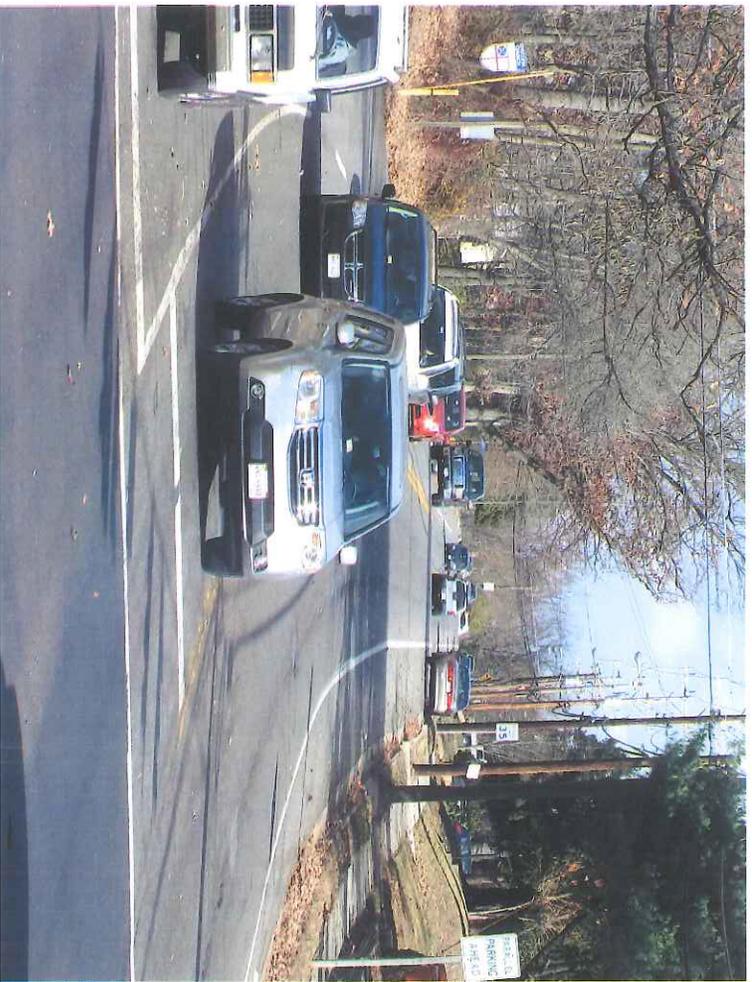
GROUND FLOOR



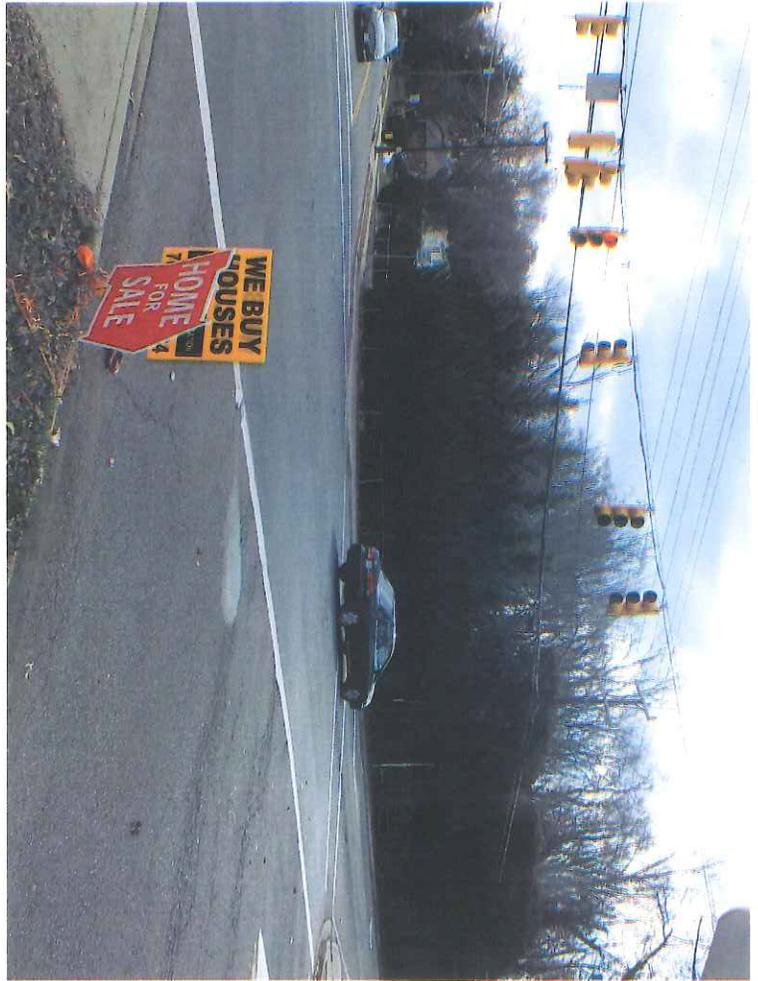
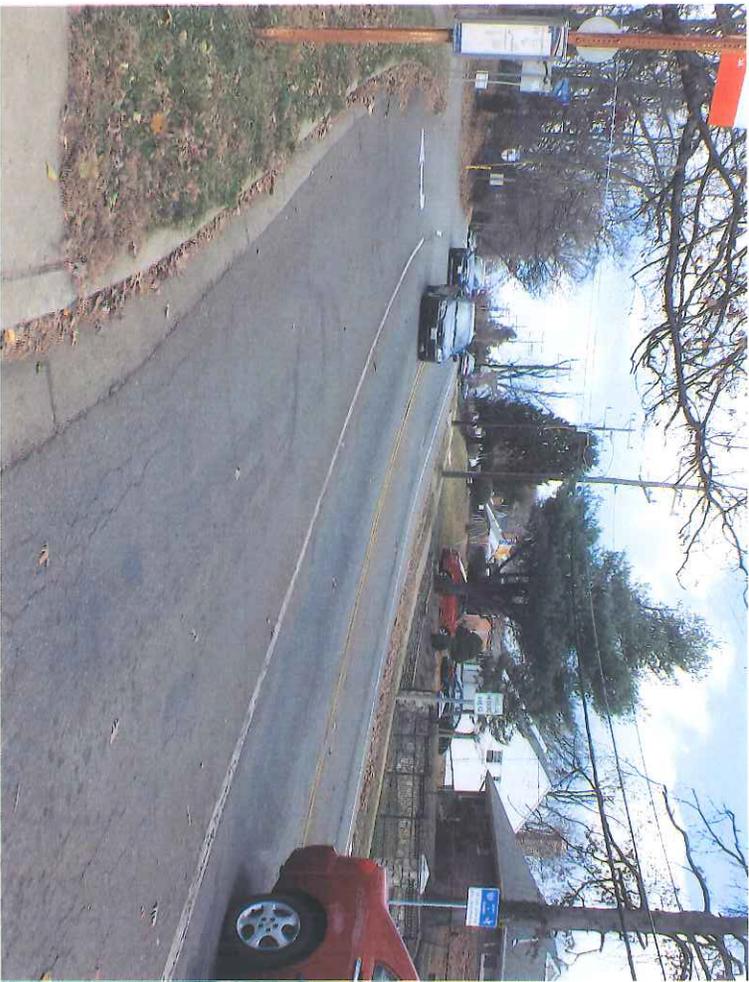


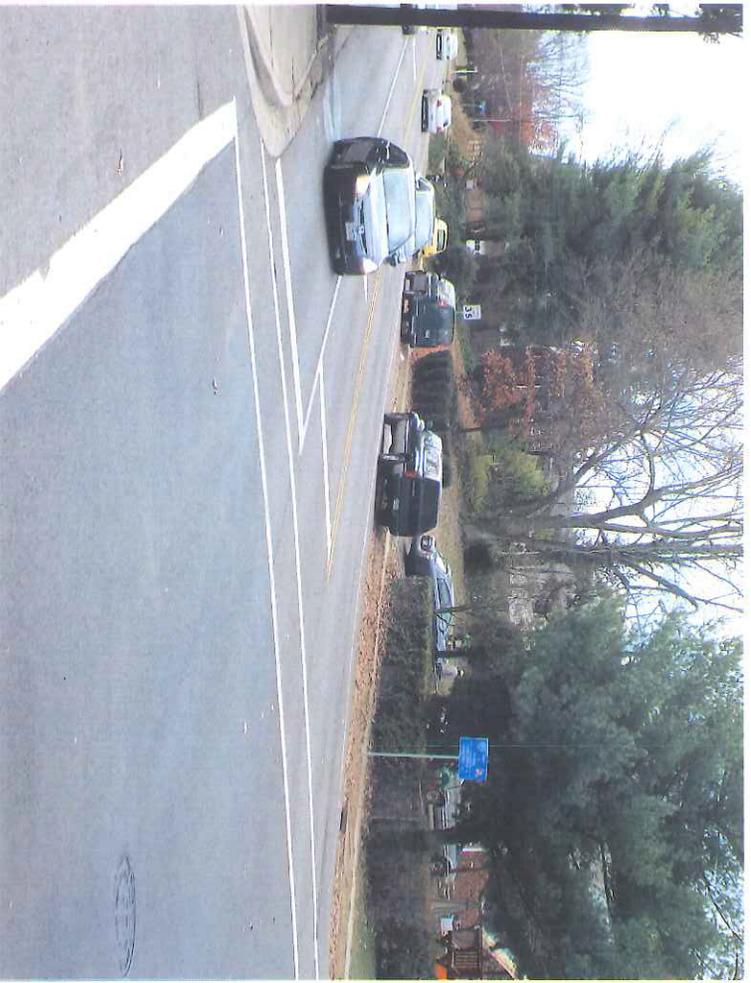
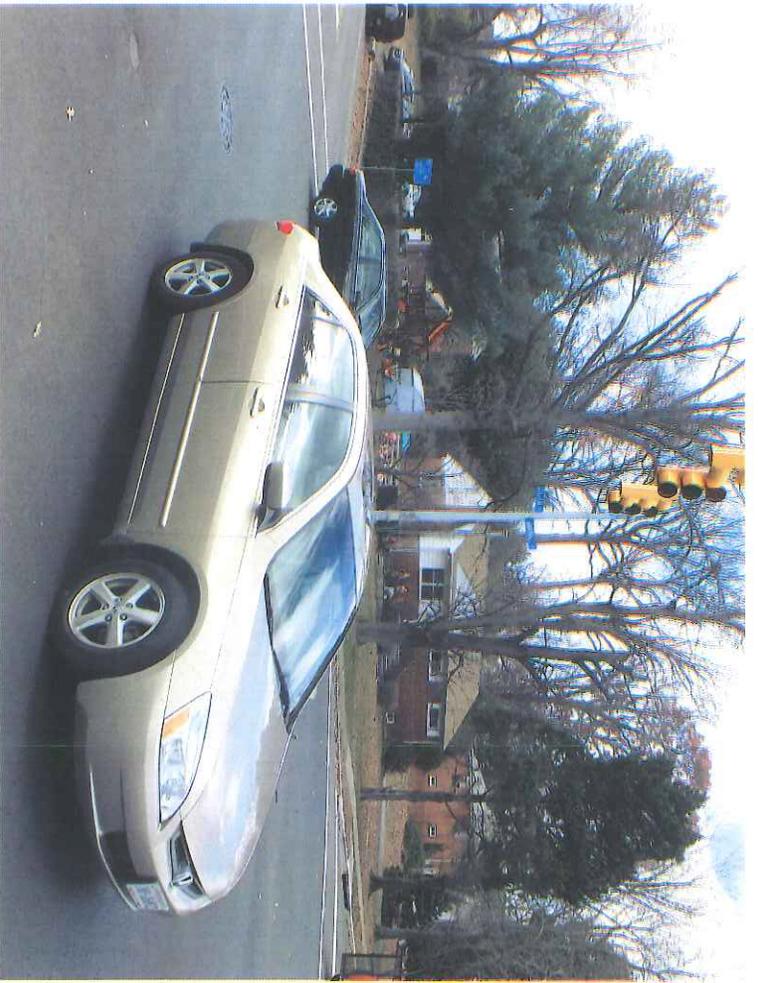


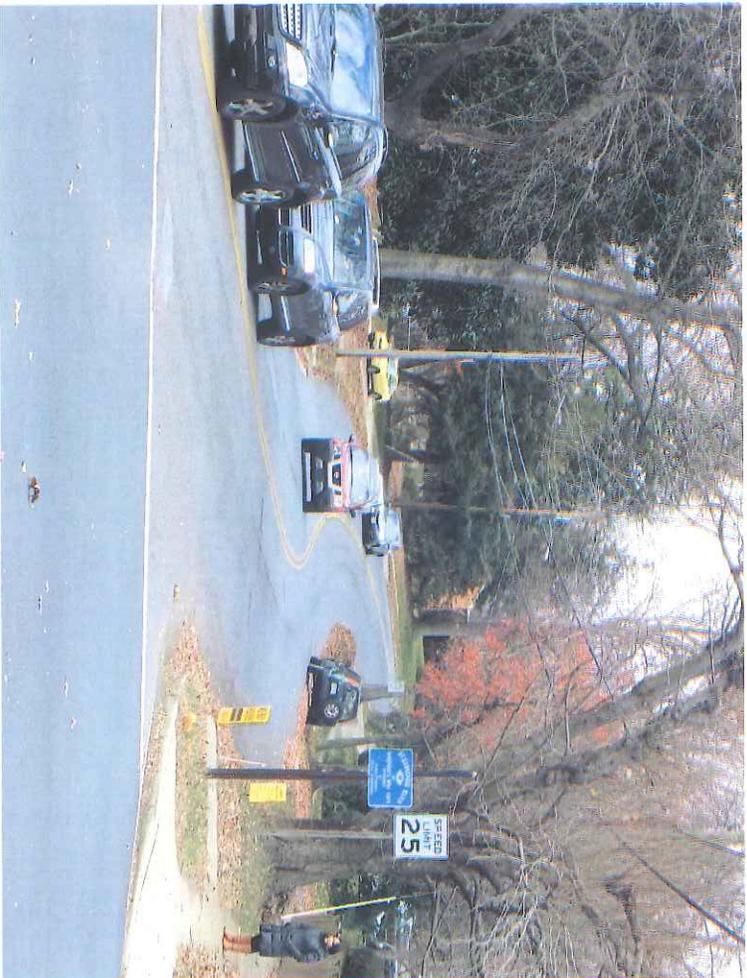


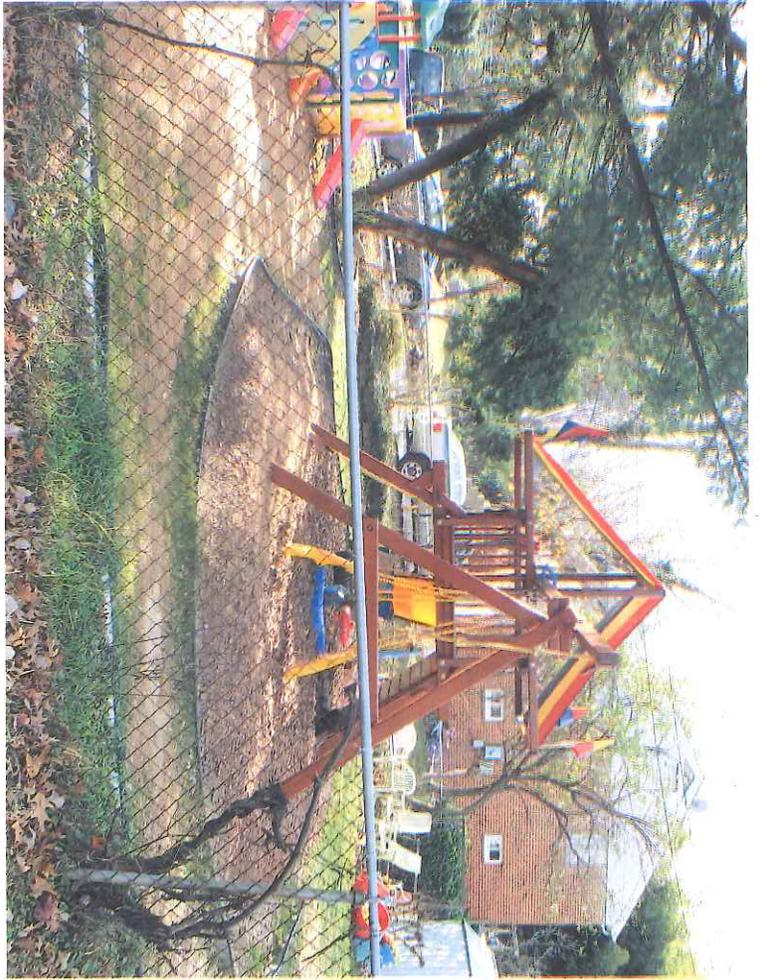




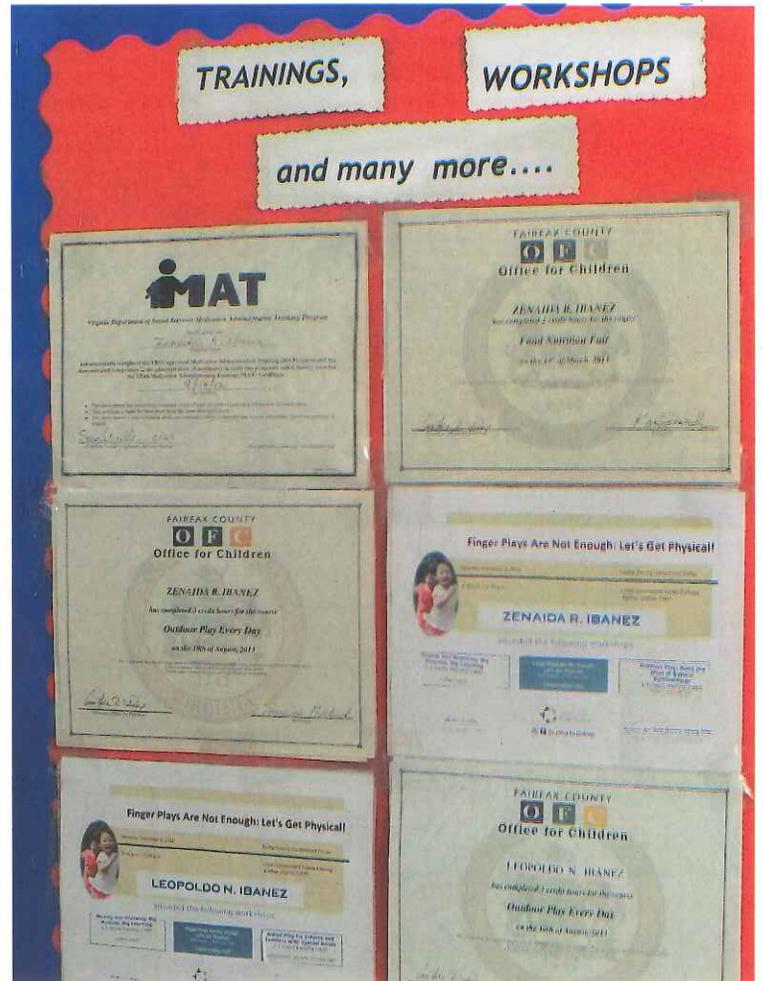
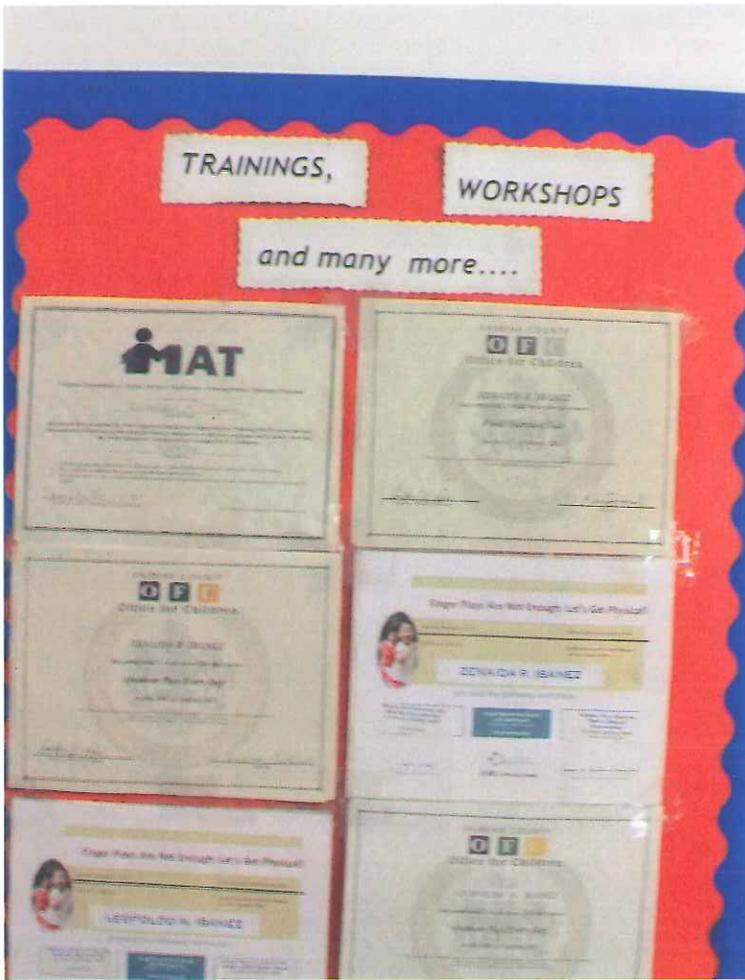


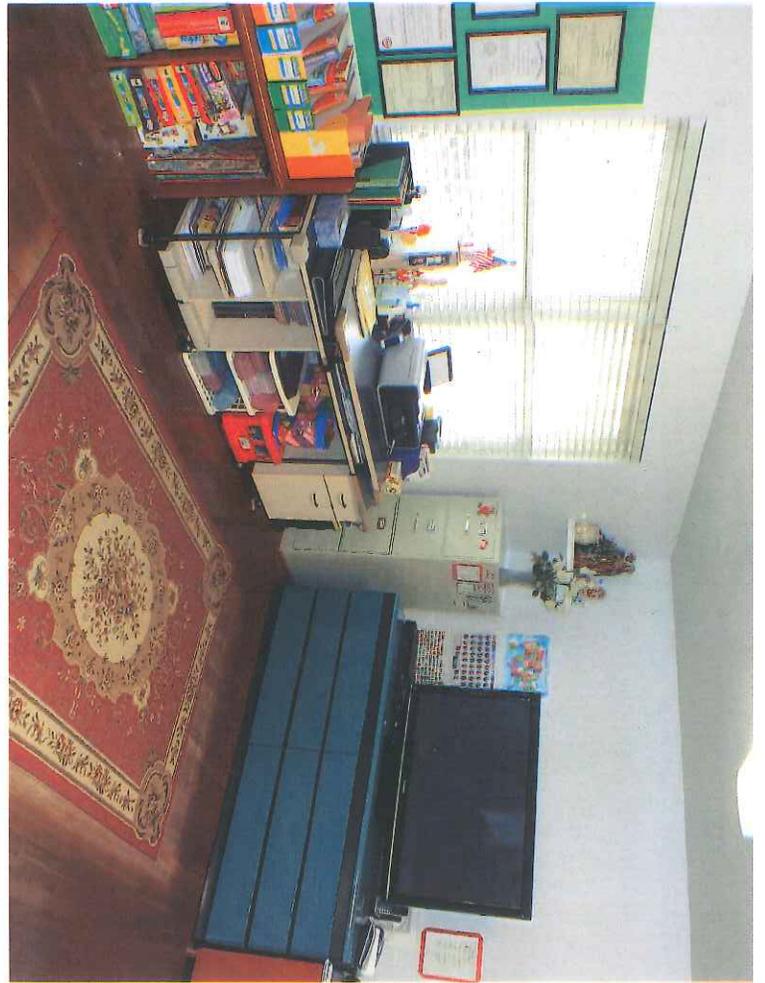
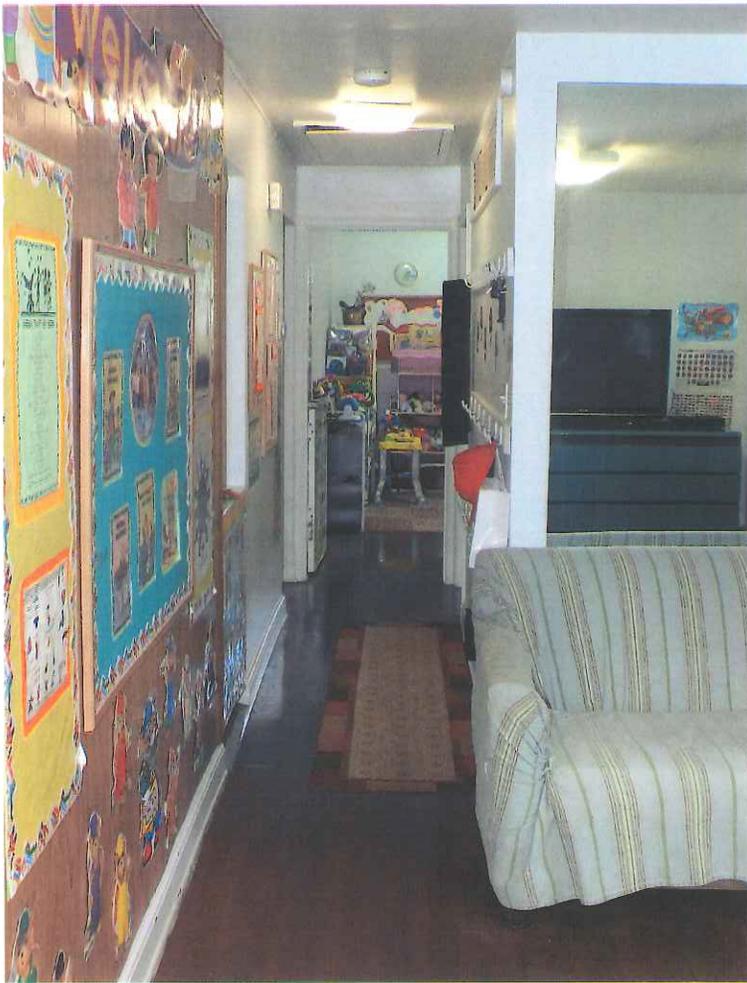
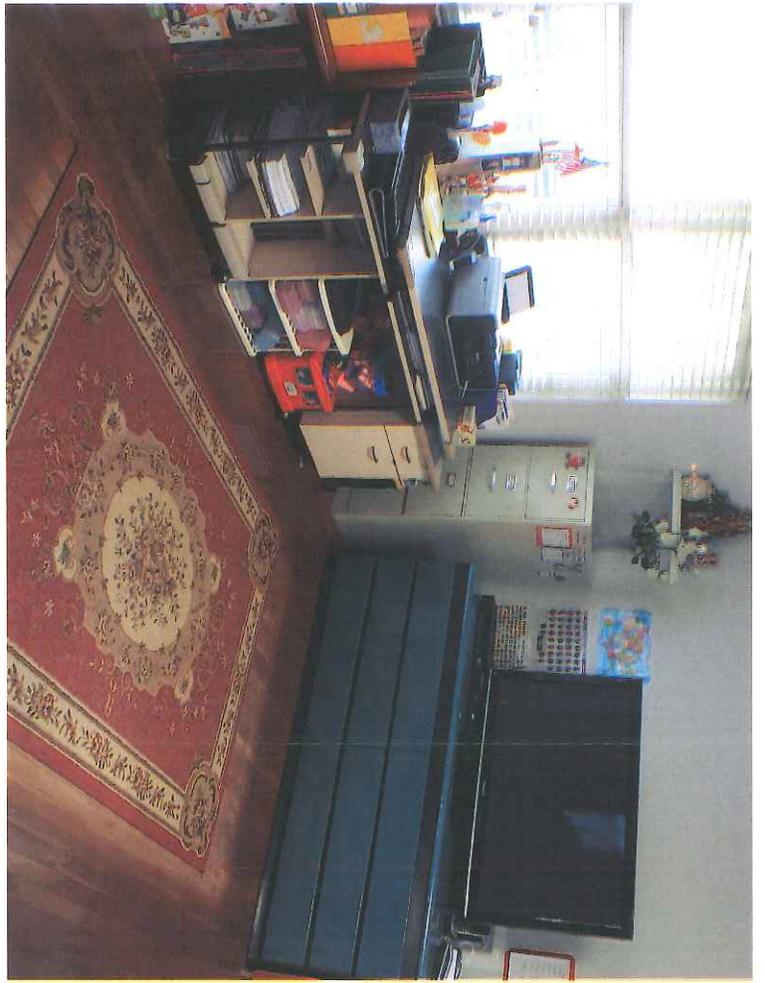


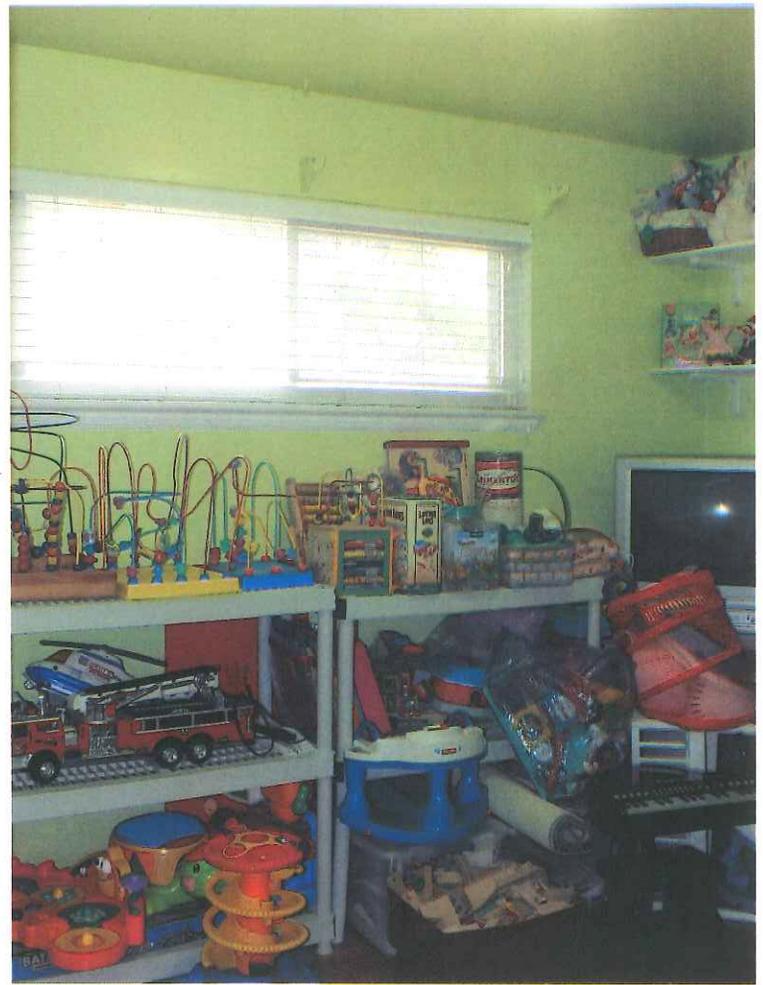
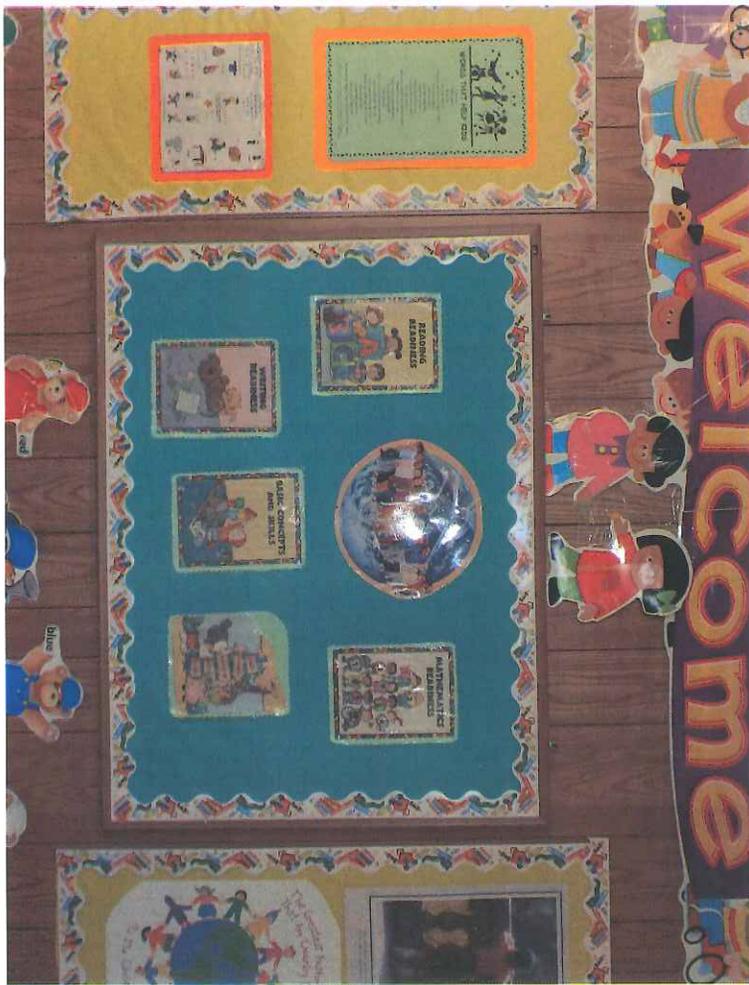
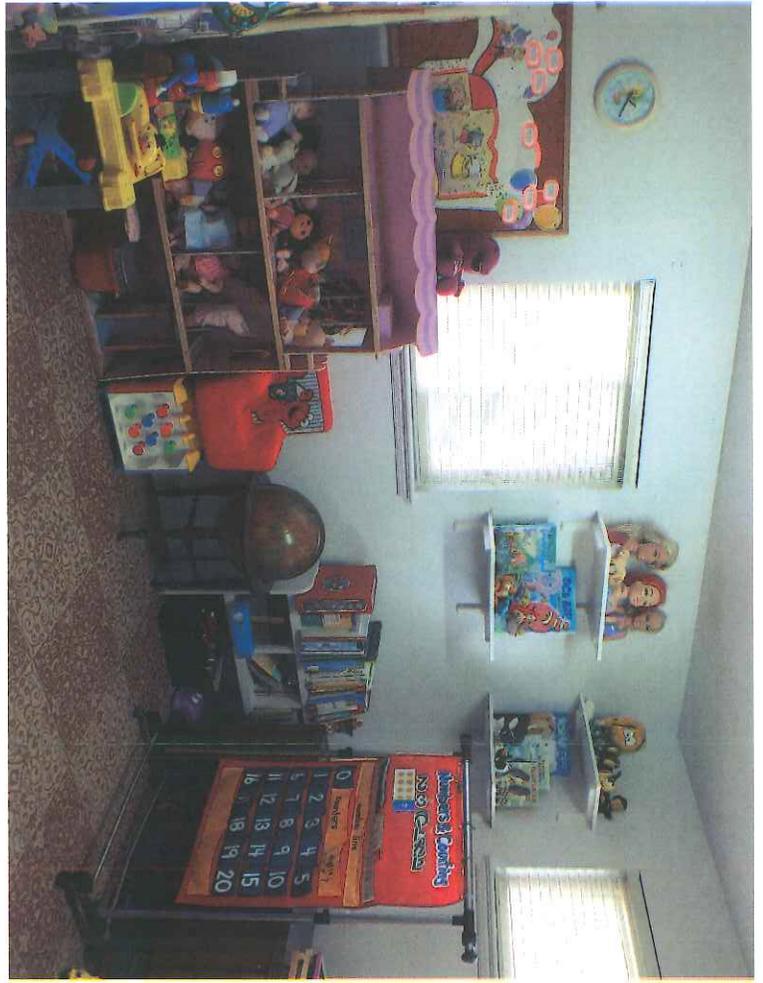




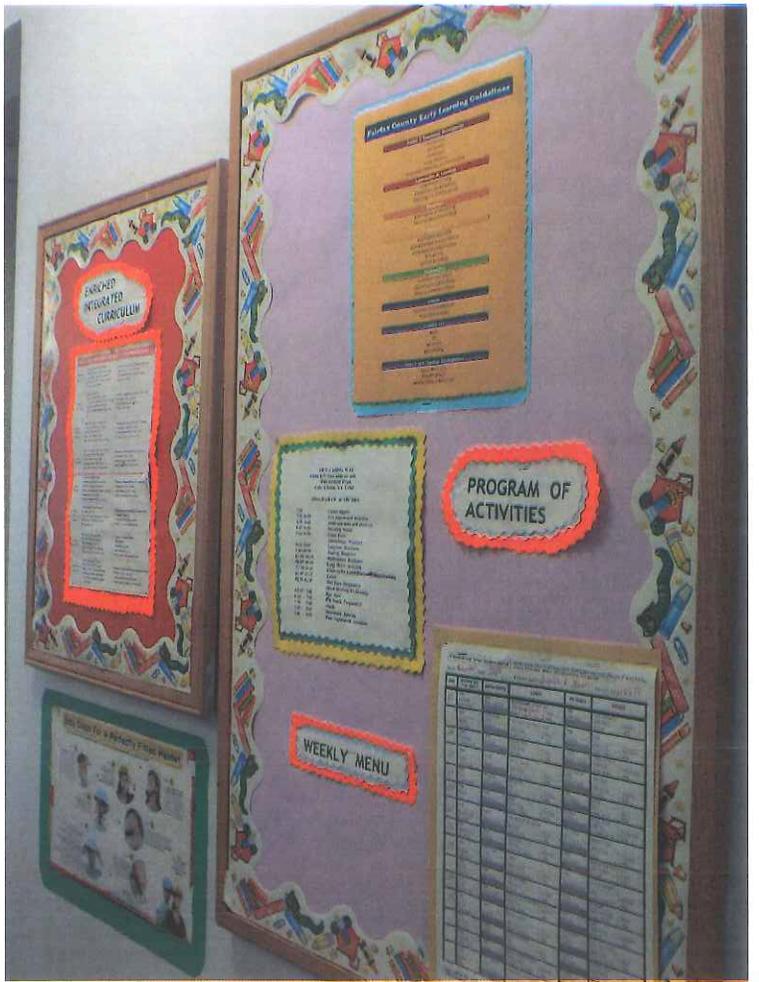


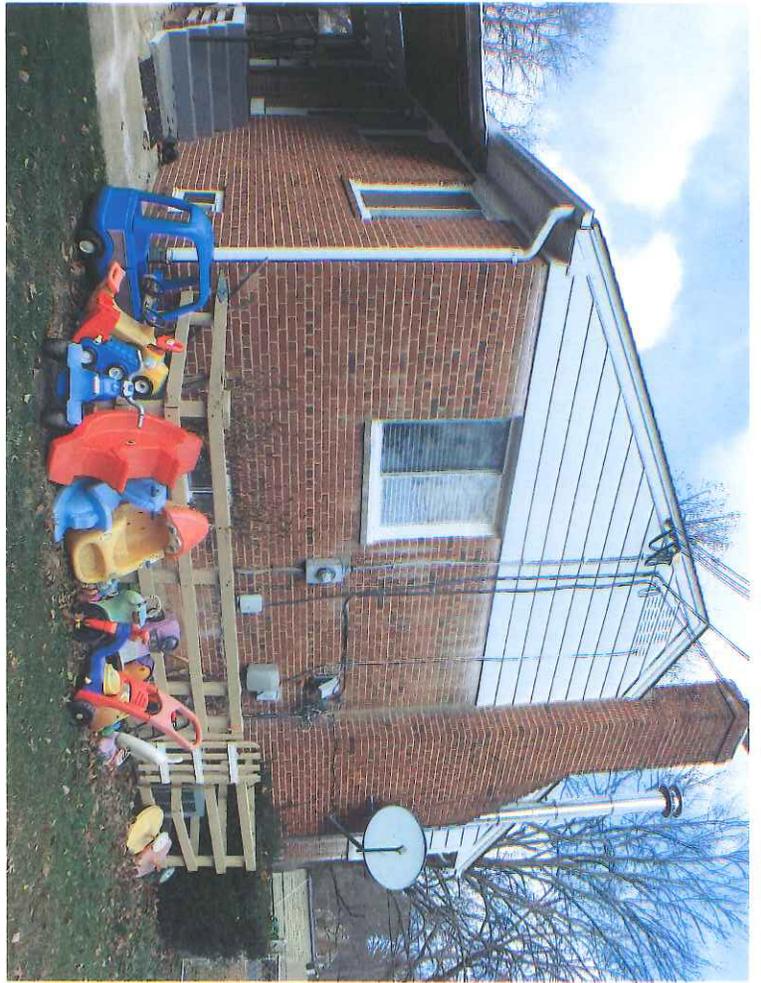


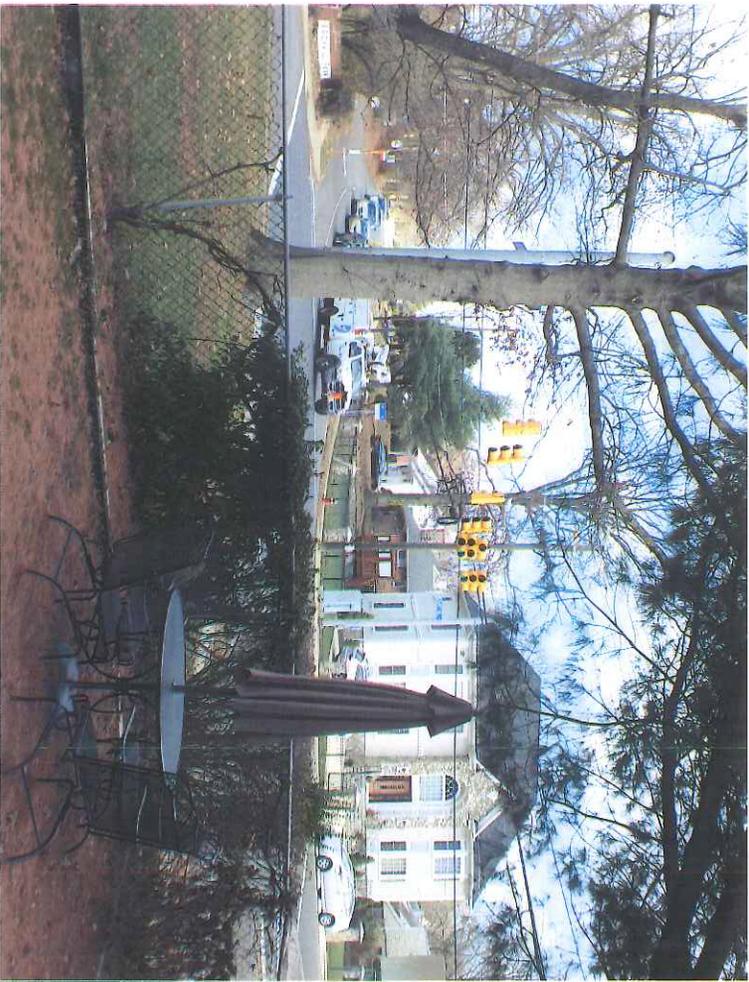
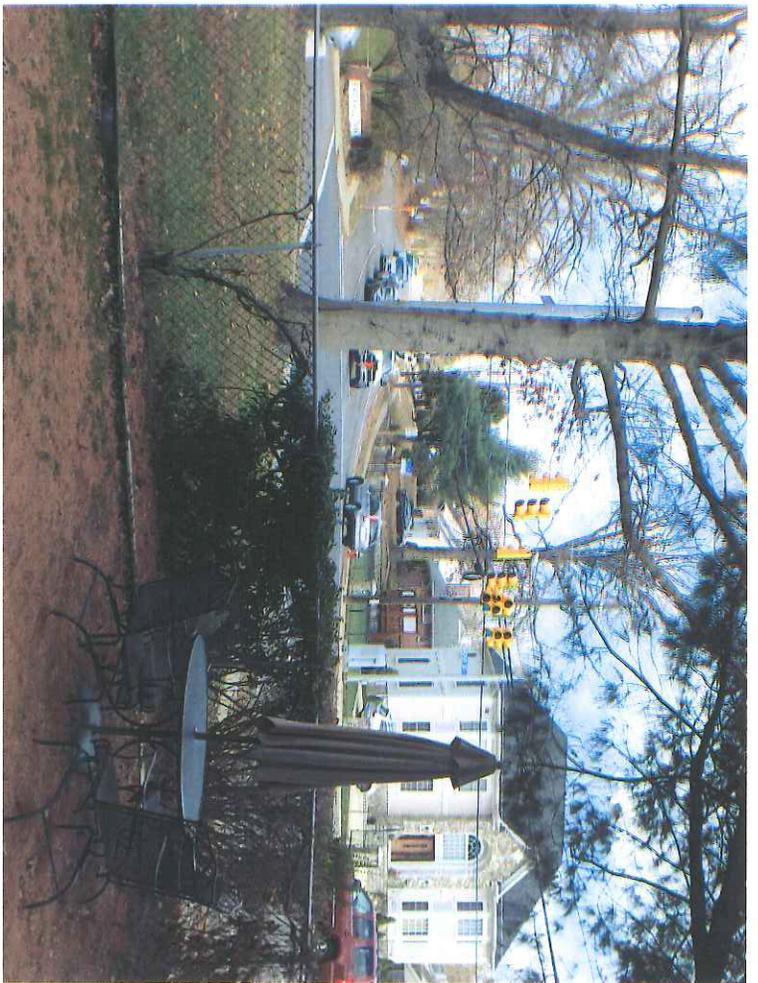
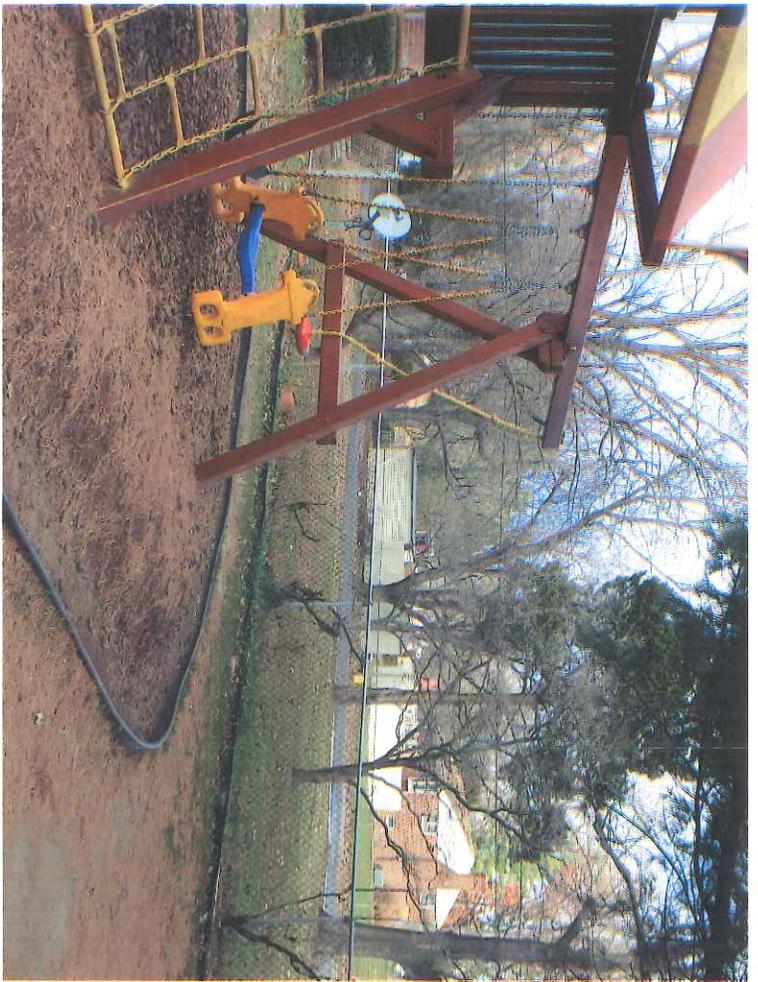












SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

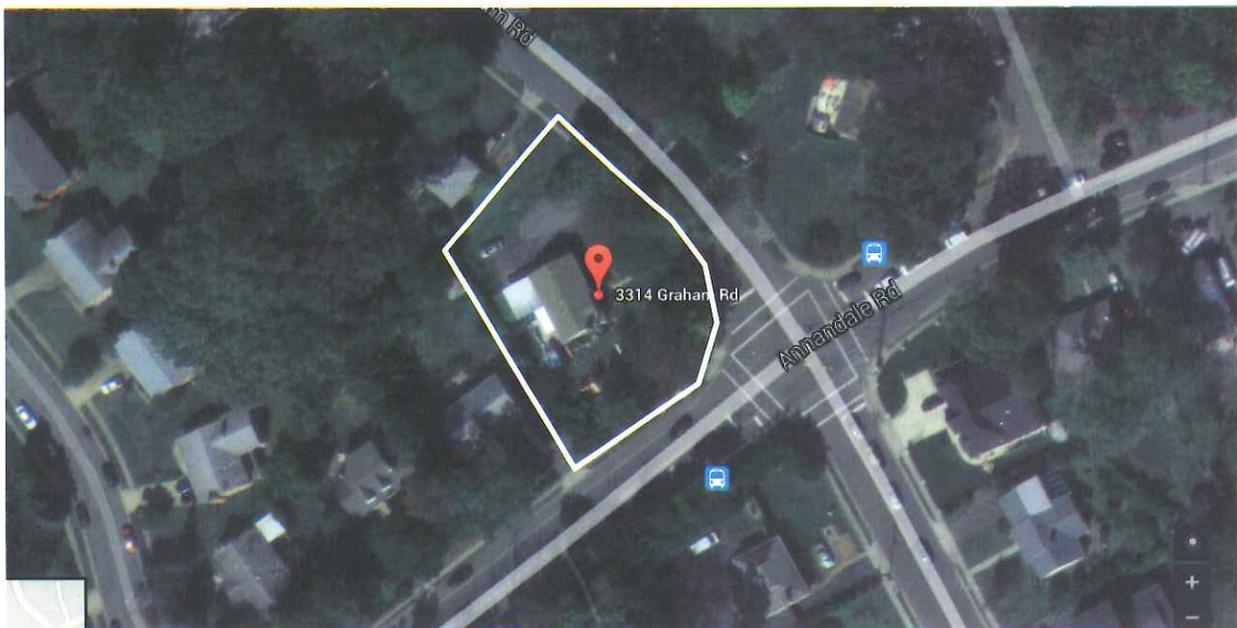
A copy of the special permit plat titled, "Plat, Showing Survey of Lots 16, 17, Broyhill Park, Section Four," prepared by L. Carl Gardner, Jr., Certified Land Surveyor, dated April 17, 1954, as revised by Zenaida R. Ibanez through February 19, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is located in the western quadrant of the intersection of Graham Road and Annandale Road. The site is developed with a one story, brick, single family detached dwelling. A concrete walkway leads from Graham Road to the front entrance. An asphalt and gravel driveway provides access from Graham Road to a covered patio and entrance at the rear of the dwelling. A shed exists to the rear of the dwelling adjacent to the patio. A swing set is located to the southwest of the dwelling in the front yard play area adjacent to Annandale Road. A five foot high chain link fence attaches to the southeast corner of the dwelling and runs along the south and west property lines. The property is relatively flat and contains a lawn and other vegetation. A sanitary sewer easement is located in the northwestern side yard. A portion of a storm sewer easement runs across the southeastern corner of the property.

The subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings, as depicted below.



BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1954, and purchased by the applicant in 2000.

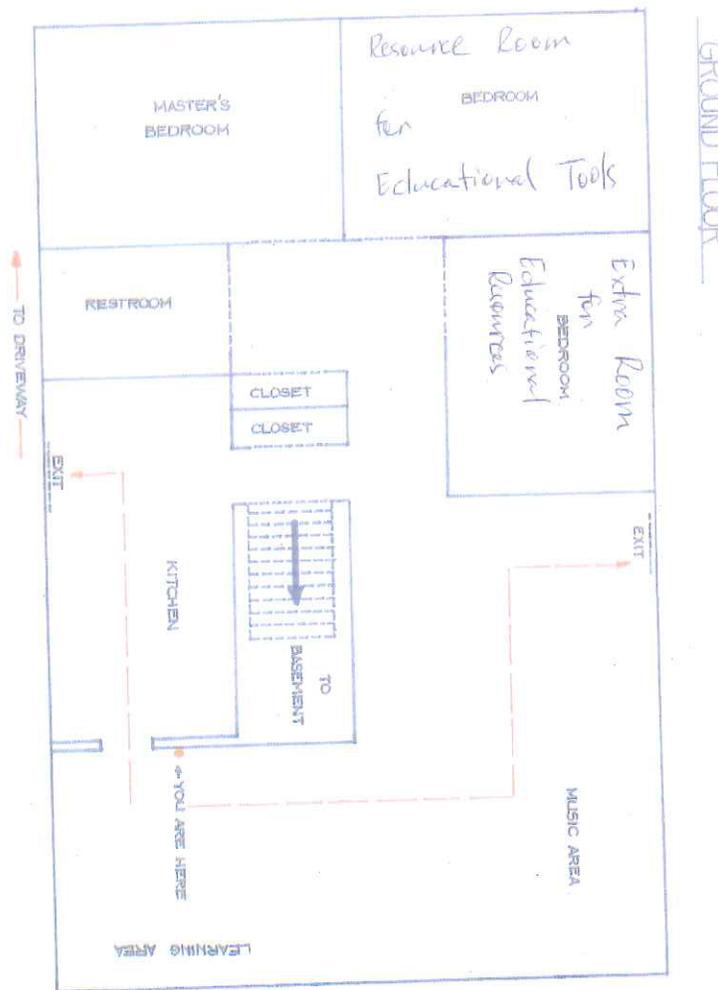
Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The children arrive between 7:00 a.m. and 9:30 a.m. and depart between 2:45 p.m. and 5:30 p.m. There is one full time assistant who is the applicant's husband.

The applicant holds a current Family Day Home License, approved for two years and valid through September 26, 2014, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, two years through 12 years 11 months of age.

The home child care facility is operated on the main level of the dwelling which includes a kitchen, learning area, music area and two resource rooms (as shown on the following page). The basement is not used for the child care. An outdoor play area, as shown on the special permit plat is located in the front yard adjacent to Annandale Road and surrounded by a chain link fence 5.0 feet in height. Pictures provided by the applicant show toys and playground equipment located in this area.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Jefferson Planning District
Planning Sector: Walnut Hill Community Planning Sector (JE04)
Plan Map: Residential, 4 du/ac

Zoning Ordinance Requirements

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

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 5. Subject to development conditions, this special permit must meet these standards.

On-site Parking and Site Circulation

Vehicular access to the site is provided from Graham Road. The parents and children use the doorway on the rear of the building near the driveway to enter the house and daycare area.

The intersection of Graham Road and Annandale Road experiences significant traffic volumes, so on-street parking is not recommended. However, the existing driveway can accommodate several vehicles with room to pull in, turn around, and exit the property. The applicant has one assistant, her husband, who lives at the home. Therefore, the driveway has sufficient space to accommodate drop-off and pick-up of children without the necessity of utilizing on street parking. A development condition is included to require all pick-up and drop-off of children to occur in the driveway.

Site Inspection

Staff observed no indoor or outdoor issues during the site visit. Though the applicant notes the height of the fence that runs along the front yard adjacent to Annandale Road to be 5.0 feet in height, during the site visit staff determined that the fence is actually less than 4.0 feet in height. A fence adjacent to a front yard cannot exceed 4.0 feet in height in the R-4 zone. The applicant is currently in compliance with the Zoning Ordinance. Should the fence in the front yard ever exceed 4.0 feet in height, that would be a violation of the Zoning Ordinance and would need to be addressed by the applicant in the future should she sell the property or request other permits. Failure to address such issues may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future.

An email from the Zoning Inspections Branch is included as Appendix 4.

CONCLUSION

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.

RECOMMENDATION

Staff recommends approval of SP 2014-MA-019 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Email from Zoning Inspections Branch, dated April 15, 2014
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-019****June 4, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-019 located at Tax Map 60-1 ((11)) 16 to permit 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 only, Zenaida R. Ibanez and Our Caring Way LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 3314 Graham Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat, Showing Survey of Lots 16, 17, Broyhill Park, Section Four," prepared by L. Carl Gardner, Jr., Certified Land Surveyor, dated April 17, 1954, as revised by Zenaida R. Ibanez, through February 19, 2014, 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 dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. Pick-up and drop-off of children shall take place in the driveway.
9. A minimum of four parking spaces shall be provided on the subject parcel, within areas of existing paving.
10. There shall be no signage associated with the home child care facility.

11. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

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, six 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): SP 2014-MA-019
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

122842

DATE: November 30, 2013
 (enter date affidavit is notarized)

I, ZENAIDA R. IBANEZ, 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 BOLD above)
ZENAIDA R. IBANEZ	3314 Graham Road Falls Church, VA 22042	Applicant/Title Owner
Our Caring WAY LLC	- same address -	Co. Applicant
LEOPOLDO N. IBANEZ	- same address -	Co. Title Owner
Ian R. IBANEZ	- same address -	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): SP-2014 MA-019
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-13
(enter date affidavit is notarized)

122842

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)

OUR CARING WAY LLC
3314 Graham Road
Falls Church, VA 22042

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)

ZENAIDA R. IBANEZ

(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.*

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

122842

DATE: 11-30-13
(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.

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DATE: 11-30-13
(enter date affidavit is notarized)

122842

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.)

N - O - N - E

(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): SP 2014-MA-019
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-13
(enter date affidavit is notarized)

122842

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.)

N-O-N-E

(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)

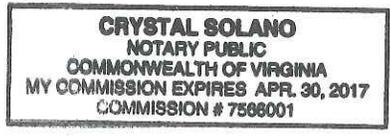
Zenaida R. Ibanez
 Applicant [] Applicant's Authorized Agent

ZENAIDA R. IBANEZ
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of November 20 13 in the State/Comm. of Virginia, County/City of Alexandria

[Signature]
Notary Public

My commission expires: 4/30/17



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

OUR CARING WAY, a FAMILY DAY HOME, at 3314 Graham Road, Falls Church, VA 22042, is where kids learn while we care. It is our utmost desire and goal to ensure the safety and well-being of the children, encourage independent thinking, creative expression and cooperative behavior among the children under our care.

The facility is open Monday to Friday, from 7:00 am to 6:00 pm. Currently, the facility has seven (7) enrollees and the proposal is for a total of twelve (12) enrollees. Most of the children arrived around 8:00 am, right in time for breakfast and the most comes before 9:30 am which is the OCW Learning Time. Every registering parent is aware of this agreement for this is explained to them prior to the child's enrollment.

The facility, Our Caring Way offer enriched Integrated Curriculum of High Scope Learning for we document the children's reactions on the daily well-planned age appropriate activities thematically planned towards the Readiness Program in Math, Reading and Writing. Every Wednesday and Friday, the child takes home the Activity Folder equipped with the activities done for the week.

The facility is managed by experienced, CPR/First Aid Trained, MAT Certified teachers. Ms. Nira, the primary provider has her MA in Education, special field in Nutrition. She has been working with children as an Elem. Grades Teacher for eighteen (18) years before coming to US and has been working with children here for twenty-four(24) years here. The Asst. Teacher, her husband has been an Elem. Grades teacher, too . Our main goal is towards the total educational growth and development of the children under our care.

The total area of the upper level of the house is 2,860 sq. ft. The total sq. area used regularly for daycare is 2,464 sq. ft. It is 86.15%. We made sure that the facility is always a conducive place the children to learn and stay in as their second home.

The outdoor area is also geared towards the social, physical and another learning place for the children. We made sure that it is safe, free from hazards and inviting! It is also well-fenced and debris-free! (These will be backed up by the enclosed pictures)

**ZENAIDA R. IBANEZ and OUR CARING WAY LLC
3314 Graham Road
Falls Church, VA 22042**

NUMERICAL DIMENSIONS of the Lot/Lot Lines/Area of the Land

- 1. CARPORT** **400 sq. ft.**
- 2. SHED** **80 sq. ft.**
- 3. OPEN PORCH** **60 sq. ft.**
- 4. FENCE** height **5 ft.**

- Dwelling to Fence by carport..** **25 ft.**
- Carport to Annandale Road** **124.48 ft.**
- Along Graham Road to Lot 17** **66.20 ft.**
- Along Annandale Road to Lot 15** **143.71 ft.**
- Annandale Road to Dwelling** **56.3 ft.**

- 5. PLAYGROUND** **2,856 sq. ft.**
- 6. DRIVEWAY (asphalted)** **L- 1, 240 ft. W-10 ft.**
- 7. PARKING (graveled)** **1, 240 ft.**
- 8. HEIGHT**

- HOUSE . . .** **19 ft. 1 in.**
- SHED** **7 ft. 4 in.**
- CARPORT** **9 ft. 2 in.**

9.DISTANCE

- SHED to Lot 17** **9 ft. 1 in.**
- SHED to Lot 15** **47 ft. 5 in**

- CARPORT to Lot 17** **12 ft. 7 in.**
- CARPORT to Lot 15** **37 ft. 9 in.**

Arrival Schedule and Departure Schedule

Arrival Schedule

Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM
1	X			
2	X			
3			X	
4				X
5			X	
6		X		
7		X		
8				
9				
10				
11				
12				

Departure Schedule

Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1	X			
2			X	
3			X	
4				X
5				X
6		X		
7		X		
8				
9				
10				
11				
12				

Haley, Erin M.

From: Curry, Dawn Marie
Sent: Tuesday, April 15, 2014 3:45 PM
To: Haley, Erin M.
Subject: 3314 Graham Road - Home Child Care

Hi Erin,

It was a pleasure to accompany you to the Home Child Care Inspection. My observations made on April 15, 2014 of the child care facility at 3314 Graham Road, Falls Church, Virginia, Inspection resulted with no indoor or outdoor issues to address. I put the pictures in the DPZ Shared in its own folder 3314 Graham Road - Home Child Care, please delete the folder once you have relocated the pics. Thanks, Dawn

Dawn Curry, Senior Zoning Inspector
Zoning Inspections Branch
Department of Planning and Zoning
Phone: 703-324-4286
Fax: 703-324-1343
dawn.curry@fairfaxcounty.gov

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.