



APPLICATION ACCEPTED: March 18, 2014
BOARD OF ZONING APPEALS: June 25, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 18, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-HM-024

HUNTER MILL DISTRICT

APPLICANT/OWNER: Monica Villa

SUBDIVISION: Hinks Addition to Stuart Ridge

STREET ADDRESS: 1542 Stuart Rd., Herndon, 20170

TAX MAP REFERENCE: 11-3 ((06)) 01

LOT SIZE: 20,100 square feet

ZONING DISTRICT: R-1 (Cluster)

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-HM-024 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**

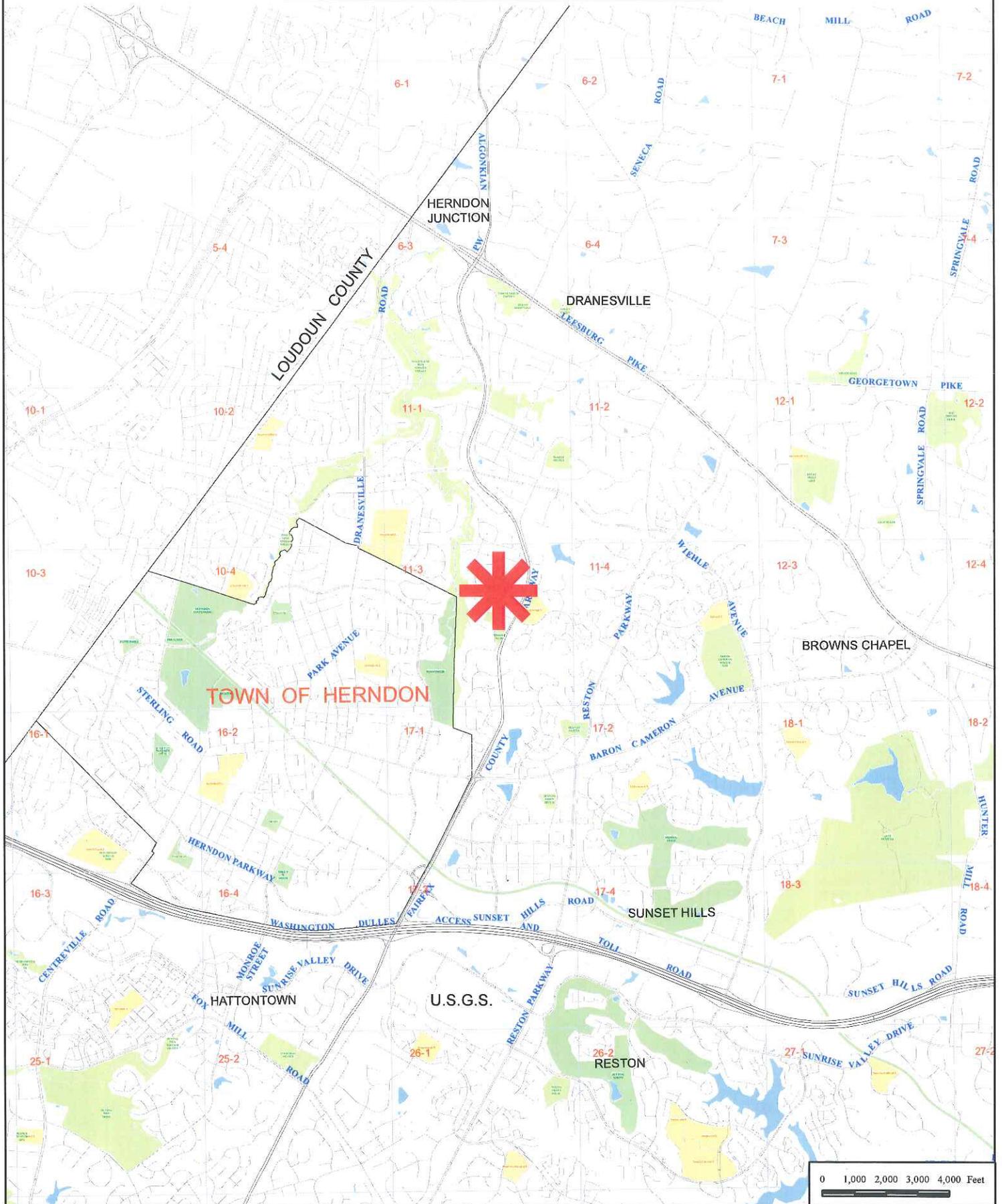


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

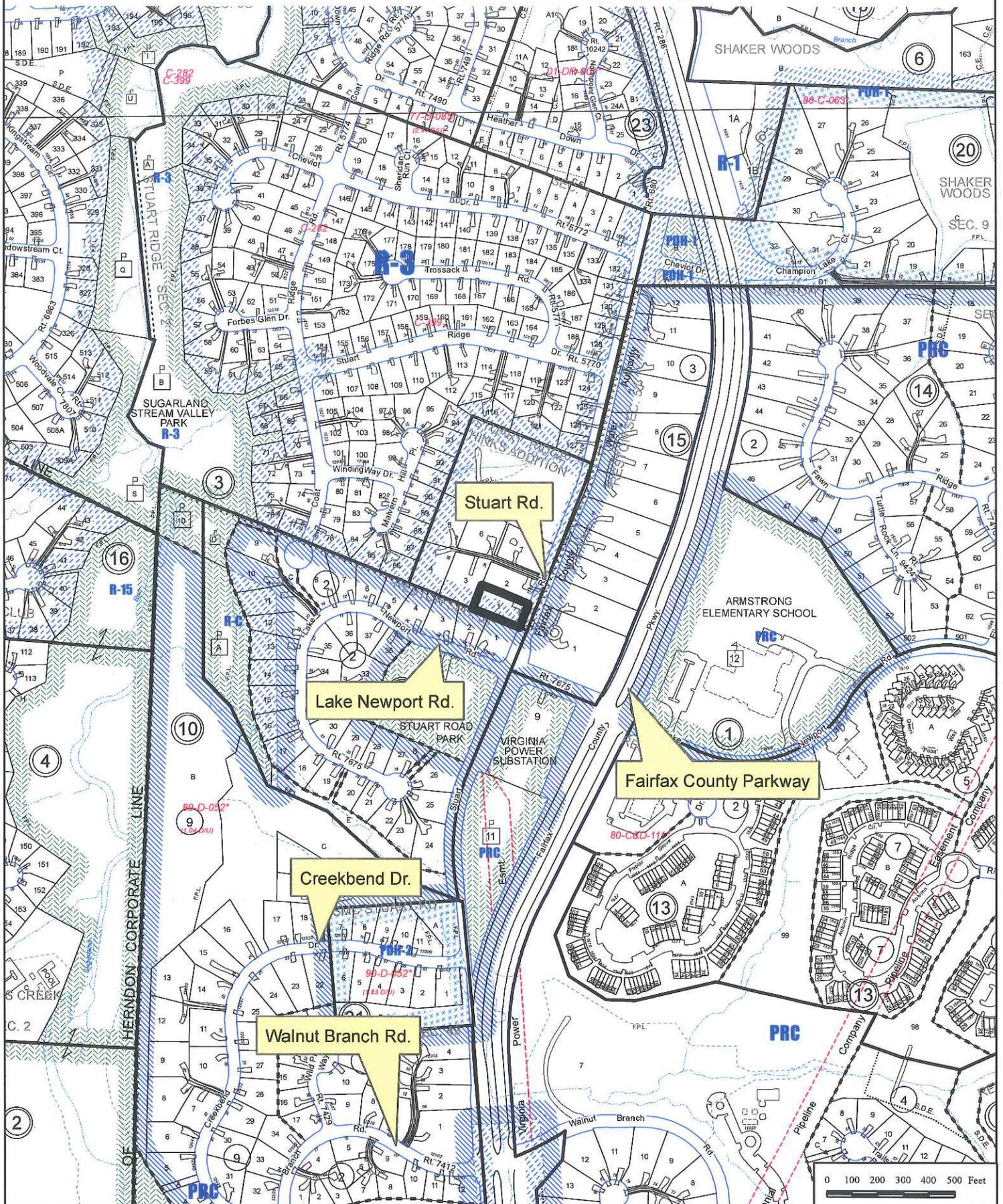
SP 2014-HM-024

MONICA VILLA



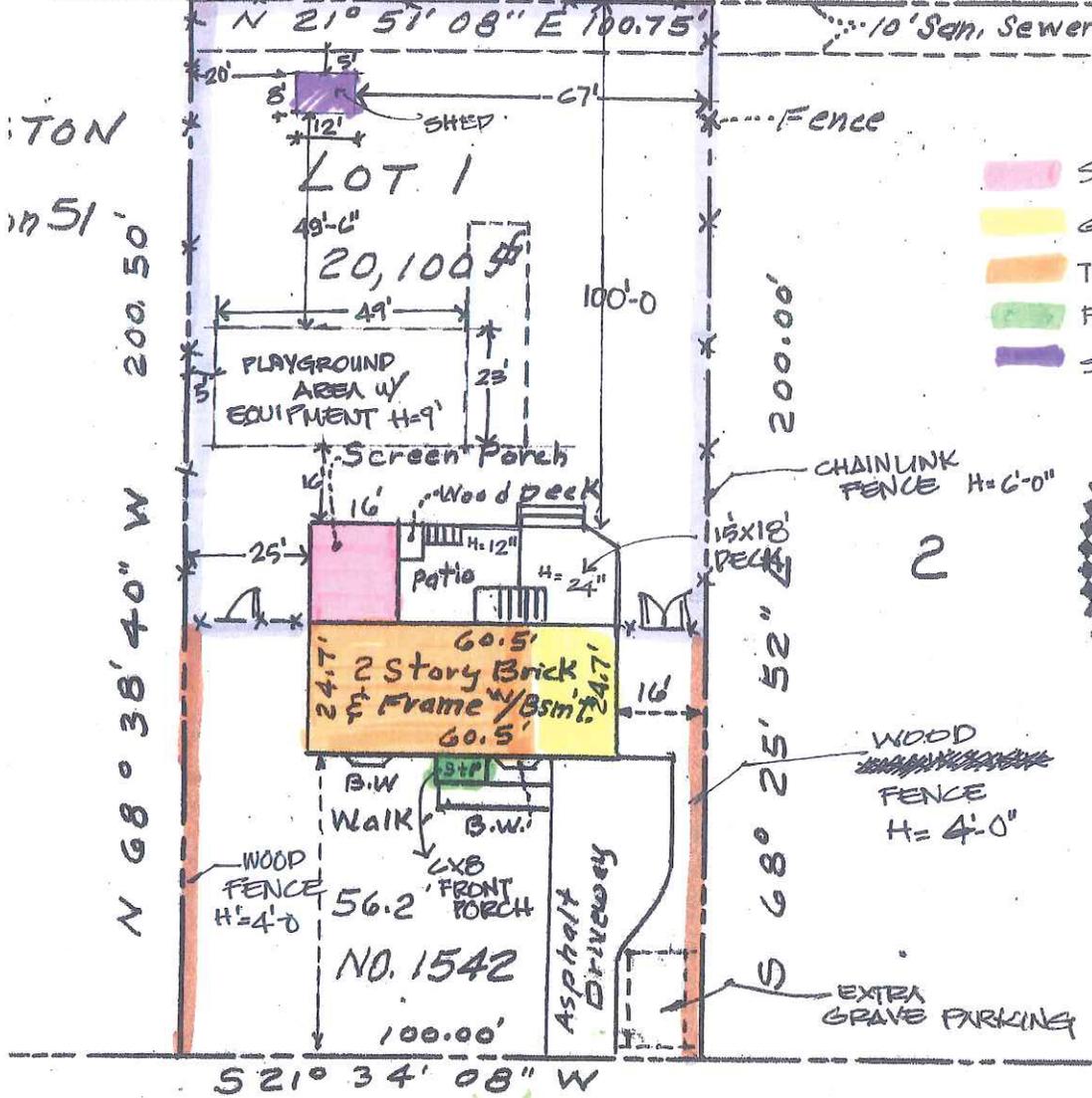
Special Permit

SP 2014-HM-024
MONICA VILLA

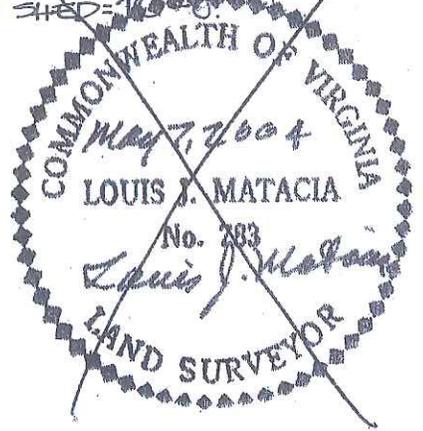


3

LEGAL NOTICE: This House Location Survey will become LEGAL and BINDING pending accompanied completion of the plat and signed waiver herein referenced regulatory requirements of the VIRGINIA BOARD, waiver to be held by the settlement agent. ANYONE OR FIRM CHARGING ADDITIONAL FEES, AND/OR ALTERATION OVER AND ABOVE THE SURVEYOR'S STATEMENT FOR THIS SURVEY WILL AUTOMATICALLY VOID THE SURVEYOR'S CERTIFICATION, MAKING THIS DOCUMENT NULL AND VOID IMMEDIATELY. FEDERAL, STATE AND CODE OF ETHICS ACCORDING TO THE F.B.I."



- SCREEN PORCH H=14'
- GARAGE H=13'-0"
- TWO STORY HOUSE = H=22'-0"
- FRONT PORCH = 11'-0"
- SHED=10'-0"



Monica Hink
9/27/13

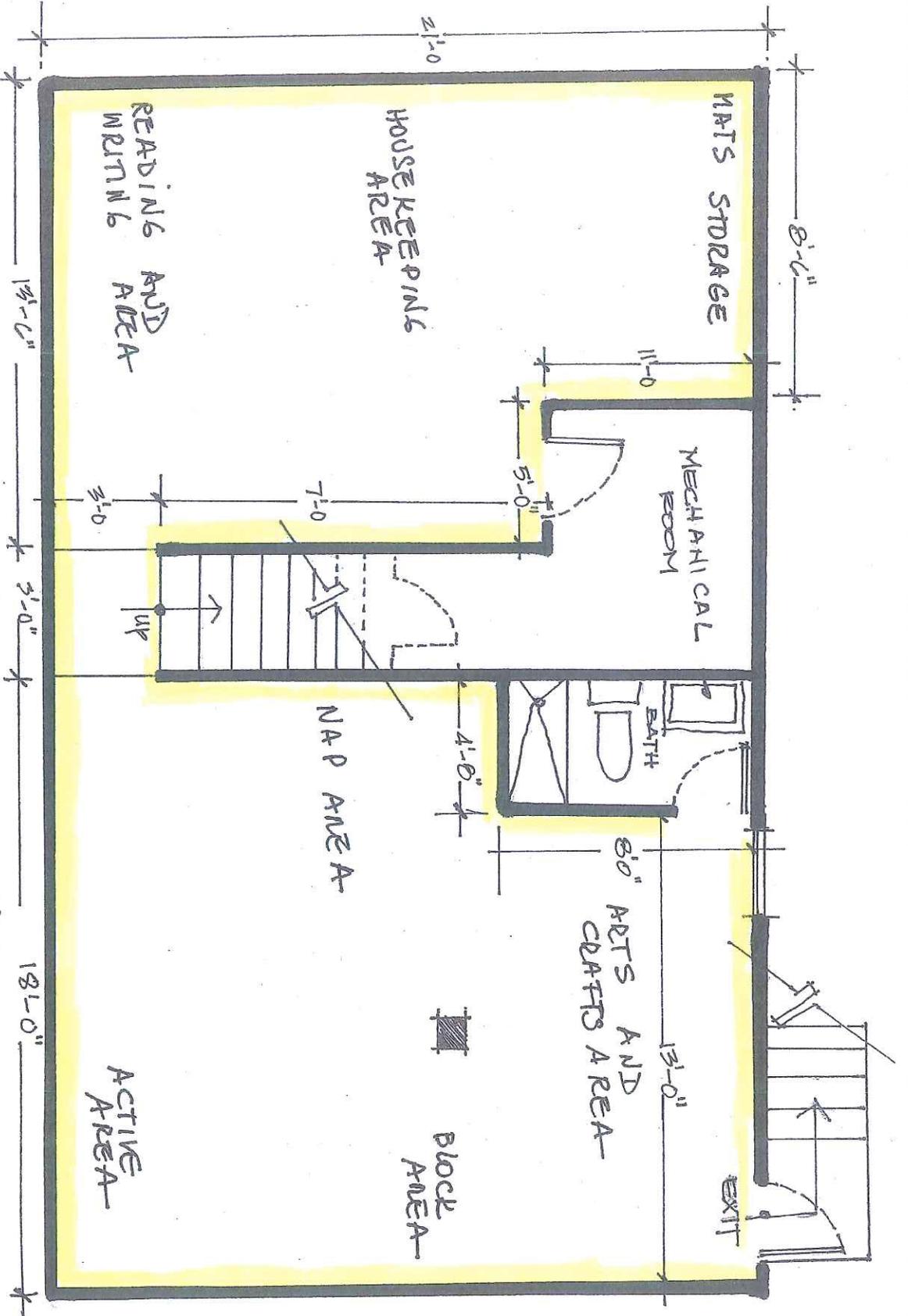
STUART ROAD (60'R/W)

HOUSE LOCATION SURVEY PLAT BOUNDARY SURVEY

Description: Lot 1 Block ~ Section: ~ Metes & Bounds: ~
 VISION: HINKS' ADDITION TO STUART RIDGE
 City: Fairfax
 Scale: 1 inch = 40 Feet
 Address: 1542 Stuart Road, Herndon, VA. 20170
 See Title Report
 Easements: See Title Report
 Purchaser: Gonzalo Villa
 Attorney: Agent: J. Antonio Serra, Jr.
 Owner: Robin & Hilda Bustamante
 Drawn by: S.M.S. Title & Escrow

BASEMENT.
TOTAL AREA 840 SF.

BASEMENT



NOT SCALE.

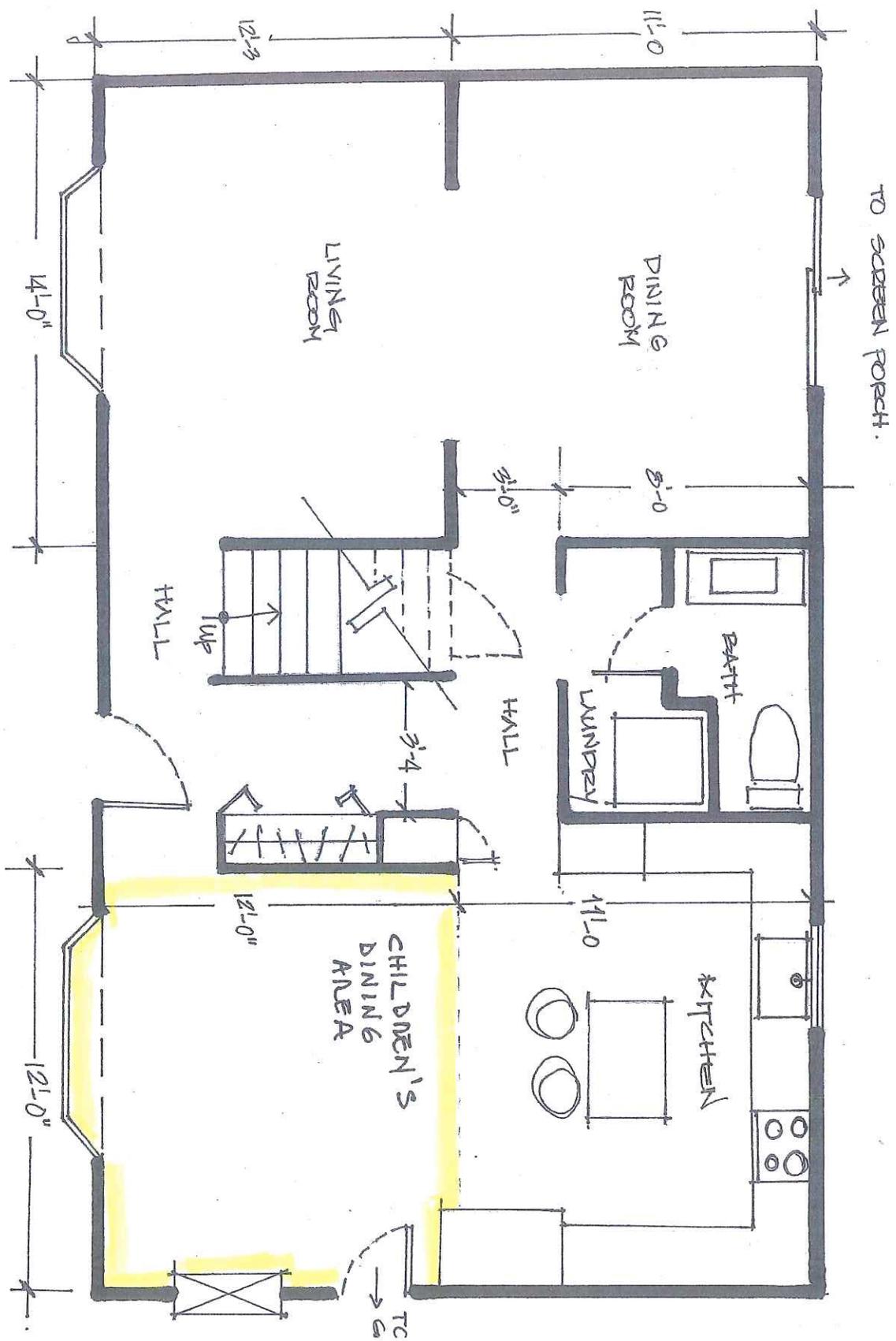
FLOOR

TOTAL
DAYCARE AREA: 984 SF.

FIRST FLOOR
 TOTAL AREA 840 SF.
 CHILDREN DINING 144 SF.

FIRST FLOOR

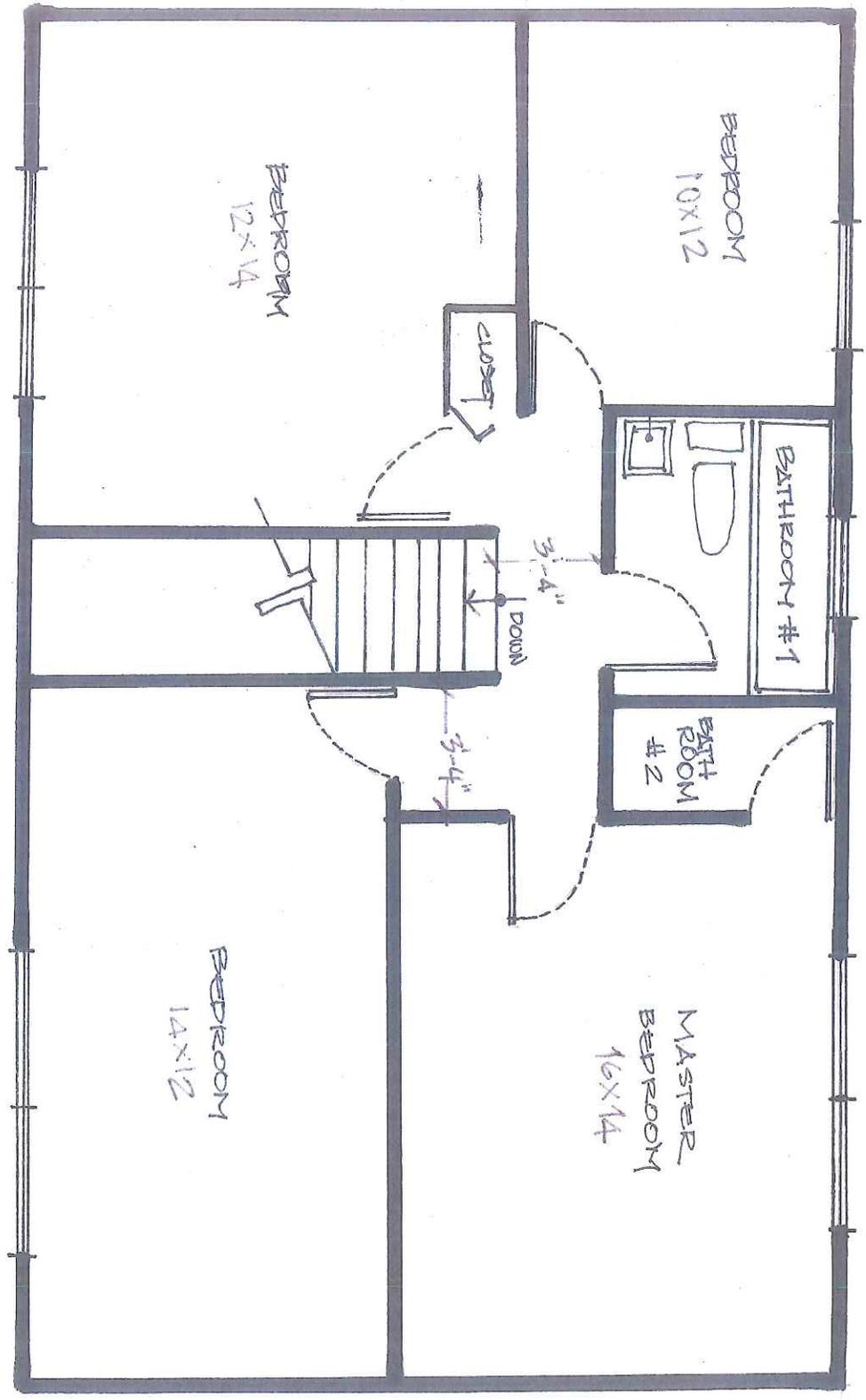
NOT SCALE.



TOTAL
SECOND FLOOR
AREA: 840 SF.

SECOND FLOOR

NOT SCALE.





10/4/13: Property from southern lot line



10/4/13: Property from end of driveway



5/26/2014: Driveway showing removed gravel area



10/4/13: Property from across the street



10/4/13: Play area



10/4/13: House from rear lot line



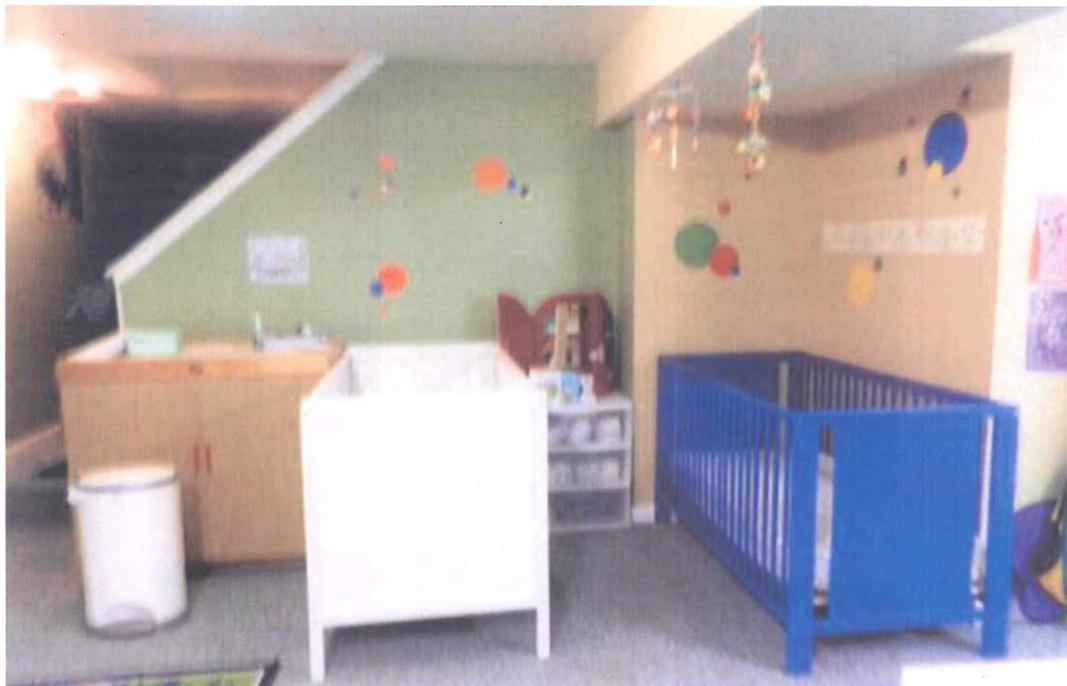
10/4/13: Close-in view of the rear of the house



10/4/13: Kitchen



10/4/13: Dining room



10/4/13: Nap area



10/4/13: Multi-purpose room



10/4/13: Housekeeping area



10/4/13: Play room



10/4/13: Reading Area

SPECIAL PERMIT REQUESTS

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

A copy of the special permit plat titled "House Location Survey Plat Lot 1 Hinks Addition to Stuart Ridge" prepared by Louis J. Matacia, dated May 7, 2004, as revised through September 27, 2013, by Monica Villa, owner, is included at the front of the staff report.

A detailed discussion of the request is included on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 20,100 square foot lot is located in the Hinks Addition to Stuart Ridge subdivision. The lot is zoned R-1, developed under the cluster subdivision regulations, and is developed with a three-story single family dwelling consisting of 3,200 square feet of floor area. An open deck and an enclosed patio extend off the rear of the dwelling, and an accessory storage structure is located at the rear of the lot. A chain-link fence is located along the side and rear property lines, enclosing the backyard. The lower level includes access to the outside via a concrete staircase.



Ingress and egress to the site is provided via an asphalt driveway accessed from Stuart Road. A concrete walk extends from the driveway to the front door of the dwelling. The application property is surrounded by lots zoned R-1 developed under the cluster subdivision regulations, and R-3 to the north and PRC to the east, south, and west, all of which are developed with single family detached dwellings.

BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1978. The applicant purchased the property in May 2004. The applicant indicates she operates a home child care facility for 12 children. The applicant holds a current license, which is valid until March 15, 2015, from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of 12 children, aged one month through 12 years. A portion of the existing home, the lower level, was converted into the home child care facility.

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

DESCRIPTION OF THE APPLICATION

The applicant is requesting 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 5:00 p.m., Monday through Friday. The applicant indicates drop-off of children is staggered between 7:00 a.m. and 10:00 a.m. and pick-up between 2:45 p.m. and 5:00 p.m. Employees include the applicant and one assistant.

The home child care facility is operated in a portion of the main level of the dwelling, which includes a kitchen and a dining room, and a portion of the lower level, which includes two large multi-purpose rooms. There is a fenced rear yard with a designated play area where the children play outside.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: UP4 Greater Herndon Community Planning Sector
Plan Map: Residential use at 2-3 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 7. Subject to the development conditions, the special permit must meet these standards.

SITE INSPECTION

Staff observed existing zoning issues during the site visit. There is an 11-foot 3-inch high accessory storage shed located four feet from the rear lot line and in a 10-foot sanitary sewer easement. The shed is in violation of the Zoning Ordinance and will need to be addressed by the applicant in the future should she sell the property or request other permits. If the applicant seeks approval for any other zoning applications, the shed will have to be moved forward at least 11-foot 3-inches from the rear lot line. Failure to address this issue may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future. A development condition has been added to address the location within the sanitary sewer easement.

There is also a deck that has been erected on the rear of the dwelling without benefit of a building permit. A development condition has been added requiring the applicant to obtain a building permit for the deck.

A report from the Zoning Inspections Branch is included as Appendix 4.

ONSITE PARKING AND SITE CIRCULATION

The existing driveway appears to be able to accommodate seven vehicles. On-street parking is available in front of the property along Stuart Road. The applicant indicates that during the day, she and her assistant both park on the street, leaving room in the driveway for parents to drop-off and pick-up the children. Parents access the child care facility from the front of the dwelling, which has a walk-up access.

Per section 11-102(8) of the Zoning Ordinance, no more than 25 percent of any front yard in the R-1 District shall be surfaced area for a driveway. The subject property's driveway coverage is approximately 34 percent of the front yard. In order to reduce the driveway coverage to 25 percent, approximately 500 square feet of pavement would need to be removed. The applicant has indicated that the gravel area on the north side of the driveway has already been removed and replanted with grass. However, the original measurements suggest that up to 150 square feet of pavement might still need to be removed to reduce the driveway coverage to 25 percent. If ensuing measurements require additional pavement to be removed, then the applicant agrees to reduce the amount of pavement to equal no more than 25 percent coverage. A development condition has been provided to this effect. Staff believes that this reduction in pavement will not reduce the safety and effectiveness of the parking or site circulation. Staff stresses that the optimal location for removing pavement would be to

narrow the driveway, so long as two cars can still safely fit side by side. If not, pavement can be removed from the area of the driveway northeast of the garage.

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-HM-024, subject to the Proposed Development Conditions dated June 18, 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. Zoning Inspections Branch (ZIB) Comments
5. Fairfax County Department of Transportation (FCDOT) Comments
6. State License Information
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**June 18, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-024 located at Tax Map 11-3 ((06)) 1 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, Monica Villa, only and is not transferable without further action of the Board, and is for the location indicated on the application, 1542 Stuart Rd., 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 Louis J. Matacia, dated May 7, 2004, as revised through September 27, 2013, by Monica Villa, 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 5:00 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 maximum number of assistants for the home child care shall be one.
7. The dwelling that contains the child care facility shall be the primary residence of the applicant.
8. There shall be no signage associated with the home child care facility.
9. No more than 25 percent of the front yard shall be surfaced area for a driveway or a vehicle parking area.
10. A building permit must be obtained for the rear deck.
11. The location of the shed is subject to the terms and conditions of any sanitary sewer easement specifications
12. 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 (6) months after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven until all conditions are met. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOV 14 2013 123099
 (enter date affidavit is notarized)

I, Monica Villa, 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)
Monica Villa	1542 Stuart Rd. Herndon, VA 20170	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)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOV 14 2013
(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: NOV 14 2010
(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: NOV 14 2013
(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: 14-Nov-2017
(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:

REPUBLIC OF CHILE
PROVINCE AND CITY OF SANTIAGO
EMBASSY OF THE UNITED STATES OF AMERICA

Monica Villa

Applicant Applicant's Authorized Agent

Monica Villa
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this NOV 14 day of 2017, in the State/Comm. of U.S. Embassy, County/City of Santiago, Chile.

[Signature]
Notary Public

My commission expires: INDEFINITE

CHARLES SETEN
Vice Consul
of the United States of America

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Monica Villa
1542 Stuart Road
Herndon, VA 20170
703-464-0985
Mnvilla123@msn.com

RECEIVED
Department of Planning & Zoning
FEB 21 2014
Zoning Evaluation Division

09/27/2013

Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application
Applicant: Monica Villa
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards
Tax Map #: 0113-06-0001
Zoning District: R-1C
Lot Size: 20,100 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a detached dwelling at 1542 Stuart Road Herndon, VA 20170. The property is zoned R-1C and I understand I need to seek approval of a special permit to operate a child care facility within my home and allows me to care for up to 12 children. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:00 AM to 5:00 PM, Monday through Friday.

Number of Children. I care for up to 12 children at any one time and no children of my own.

Employees. I have 1 assistant who works full-time.

Arrival Schedule. 12 of the children arrive between 7:00 AM and 10:00 AM.

4 children arrive between 7:00 AM and 7:45 AM (3 cars, 1 of them with 2 siblings).

5 children arrive between 7:45 AM and 8:30 AM (3 cars, 2 of them with 2 siblings).

No child arrives between 8:30 AM and 9:00 AM.

3 children arrive between 9:00 AM and 10:00 AM.

Departure Schedule. 12 of the children are picked up between 2:45 PM and 5:00 PM.

3 of the children are picked up between 2:45 PM and 4:15 PM.

2 of the children are picked up between 4:15 PM and 4:30 PM.

7 of the children are picked up between 4:30 PM and 5:00 PM (4 cars, 3 of them with 2 siblings).

Area Served. Currently, the children whom I care for live in Herndon, Reston, Centreville, and Sterling.

Operations. As I stated, my house is a two story single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. I use the kitchen and the children's dining area, of the house (located on the ground floor), for meals and snacks. Included in this packet, is a floor plan that indicates the areas where the child care is located. The house has approximately 3,200 square feet. The basement area, kitchen, and children's dining area is where I conduct the child care. These rooms are approximately 1000 square feet total. The kitchen and children's dining area are used for both residential and child care.

Hazardous or Toxic Substances. The house and the yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 10,000 square feet. The outdoor play area consists of 1 swing set, 2 playhouses, tricycles, water and sand table, 3 slides of different sizes for different ages, 1 wagon, balls, 3 tables, chairs, and car riding toys.

Parking. I use my driveway to park my family cars. Because my driveway has space for 7 cars, my parents may also park on the driveway. In addition, I have a gravel area in the front yard that accommodates 3 cars and ample parking available alongside the street in front of my house for the parents and 1 employee.

For these reasons, I believe that my proposed home child care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing that I be approved for a special permit for a home child care facility in my home which authorizes me to care for up to 12 children at any one time. In the 9 and one half years of operating my home child care facility, I have never received any complaints from my neighbors. I have more than enough parking spaces available to accommodate my family cars, the parents' cars, and 1 employee's car without causing any disturbances to my neighbors. For these reasons, I believe that my proposed home child care facility does not and will not impact my neighbors in any negative way.

Sincerely,

A handwritten signature in black ink that reads "Monica Villa". The signature is written in a cursive style with a large initial "M".

Monica Villa
Owner

Inspection for 1542 Stuart Rd. Herndon, Va. 20170**For Special Permit Application SP 2014-HM-024****Inspection Date 4/18/14 Time 12:35 p.m. to 1:12 p.m.****Miles 24.5 (start 9078.5 end 9103.05)****Time: 4.5 hrs.****Days from date received to inspection 4****Days from contact to inspection 0**

1. Found the floor plan for dwelling **does** reflect the area of the child care location in the lower level of the dwelling and the area of kitchen for meals (this area has three (3) means of egress for emergency escape)
2. Must remove keyed door lock on door to lower level (basement area) where child care is to be located, so as to have unfettered access to & from both levels.
3. Found smoke detectors in working condition in the lower level and main level of the dwelling
4. Found bedding in the proposed area of lower level for sleeping okay (as marked on floor plan and has two (2) means of egress for emergency escape)
5. Found electrical panel, hot water heater and furnace in another area of basement to be clear and secure from the children
6. Found outdoor play area to be okay (has been fenced)
7. Found a deck has been erected on the rear of the dwelling without benefit of a building permit
8. Found an accessory storage shed in rear yard (8' 1 ¼" x 12' ½" = 97.59 sq.ft. x 11'3" in height, located 4'10 ½' from rear lot line and located in a 10' sanitary sewer easement on the rear half of the lot (shed needs to be moved out of the easement and located its height from the rear lot line and no closer than 20 feet to side lot line or lowered to 8 ½ ft. in height, so as; to be located anywhere in the rear yard but out of the easement.

9. Front yard is 56' x 100 ft. or 5600 sq.ft. Rough measurement of the driveway appears to cover approximately 1893 sq.ft. in area or in excess 25% of the front yard.

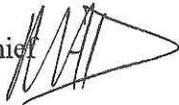


County of Fairfax, Virginia

MEMORANDUM

DATE: May 13, 2014

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

FROM: Michael A Davis, Acting Section Chief 
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2014-HM-024; Monica Villa
Land Identification Map: 11-3 ((6))-1

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 April 02, 2014.

The proposed application for a home child care facility to accommodate up to 12 children at one time with one full-time assistant has been reviewed by Fairfax County Department of Transportation (FCDOT). Once the current driveway is narrowed, it will not exceed 25% of the front yard. FCDOT gauges it to be sufficient to accommodate drop-off and pick-up of children safely. Under these circumstances, FCDOT does not have an issue with SP 2014-HM-024 application.

MAD/ma

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 220335-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



Monica Villa
1542 Stuart Road
HERNDON, VA 20170
(703) 464-0985

Facility Type: Family Day Home

License Type: Two Year

Expiration Date: March 15, 2015

Business Hours: 7:00 AM - 4:30 pm
Monday - Friday

Capacity: 12

Ages: 1 month - 12 years 11 months

Inspector: Cynthia Ford
(703) 359-1209

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.