APPLICATION ACCEPTED: April 10, 2014
BOARD OF ZONING APPEALS: July 9, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 2, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-LE-038

LEE DISTRICT

APPLICANT:	Arvinder Kaur
OWNERS:	Raghbir Singh Arvinder Kaur
SUBDIVISION:	Springfield
STREET ADDRESS:	5908 Dinwiddie Street, Springfield, 221150
TAX MAP REFERENCE:	80-3 ((2)) (16) 5
LOT SIZE:	9,040 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-LE-038 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.

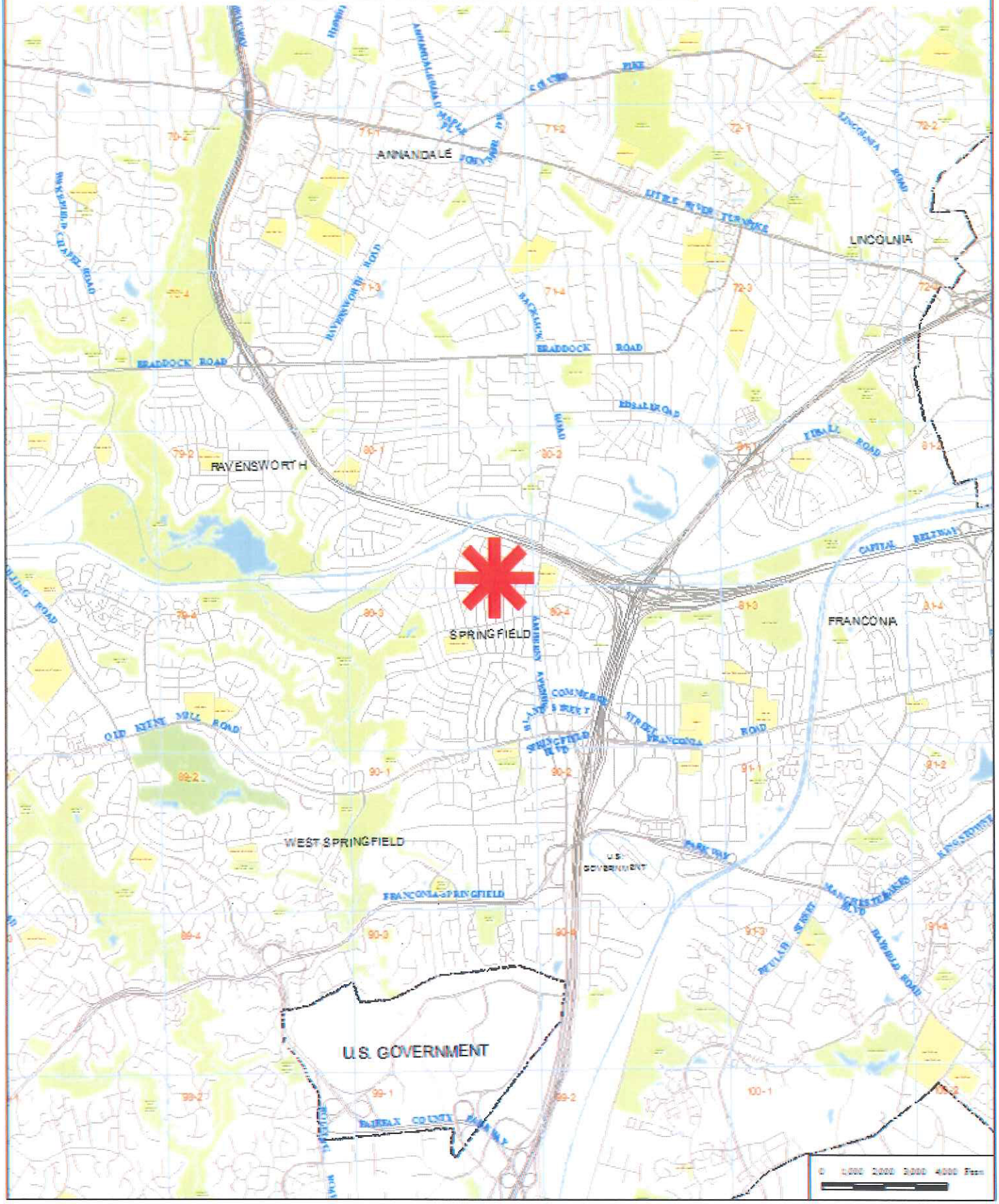
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

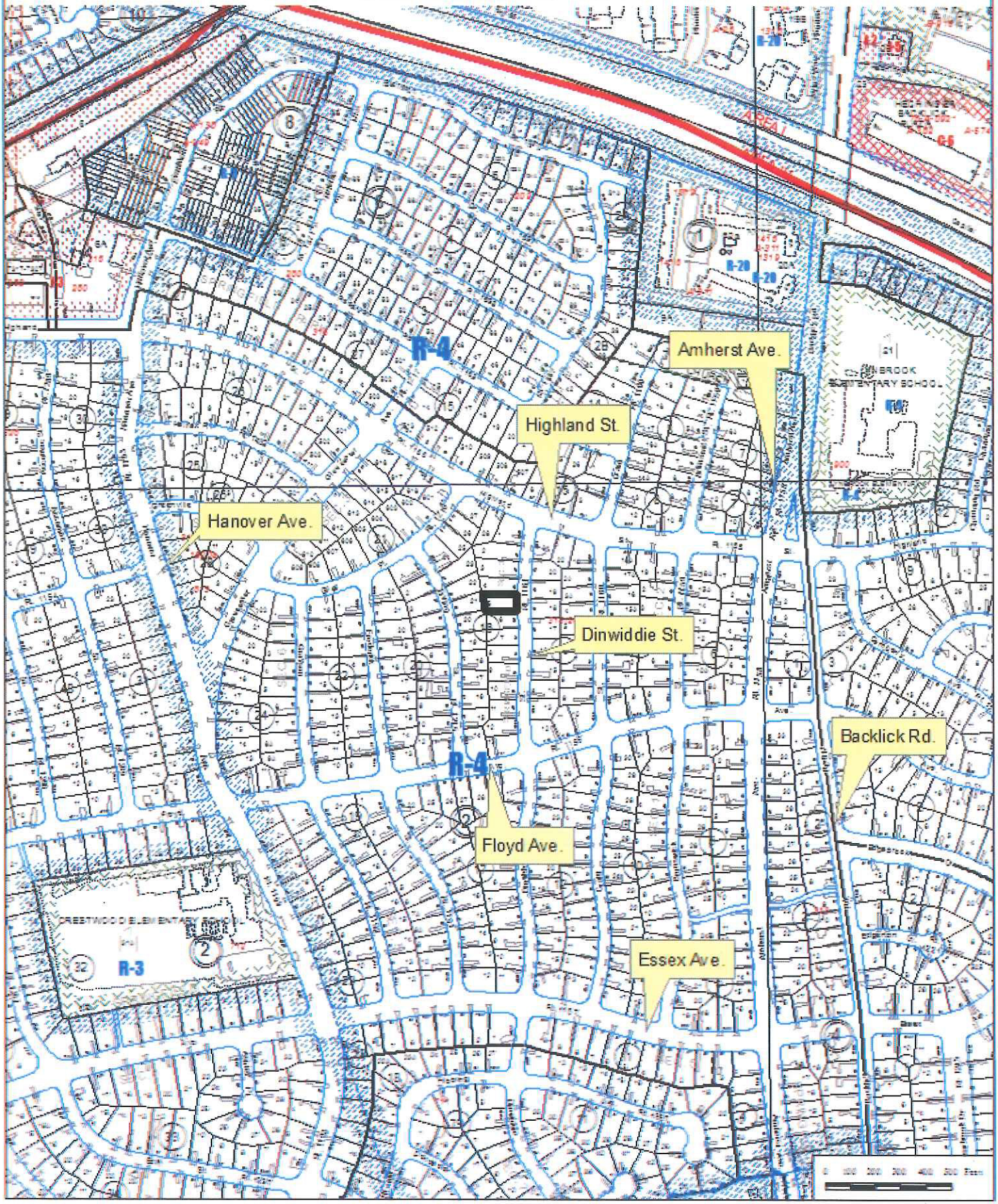
Special Permit

SP 2014-LE-038
ARVINDER KAUR



Special Permit

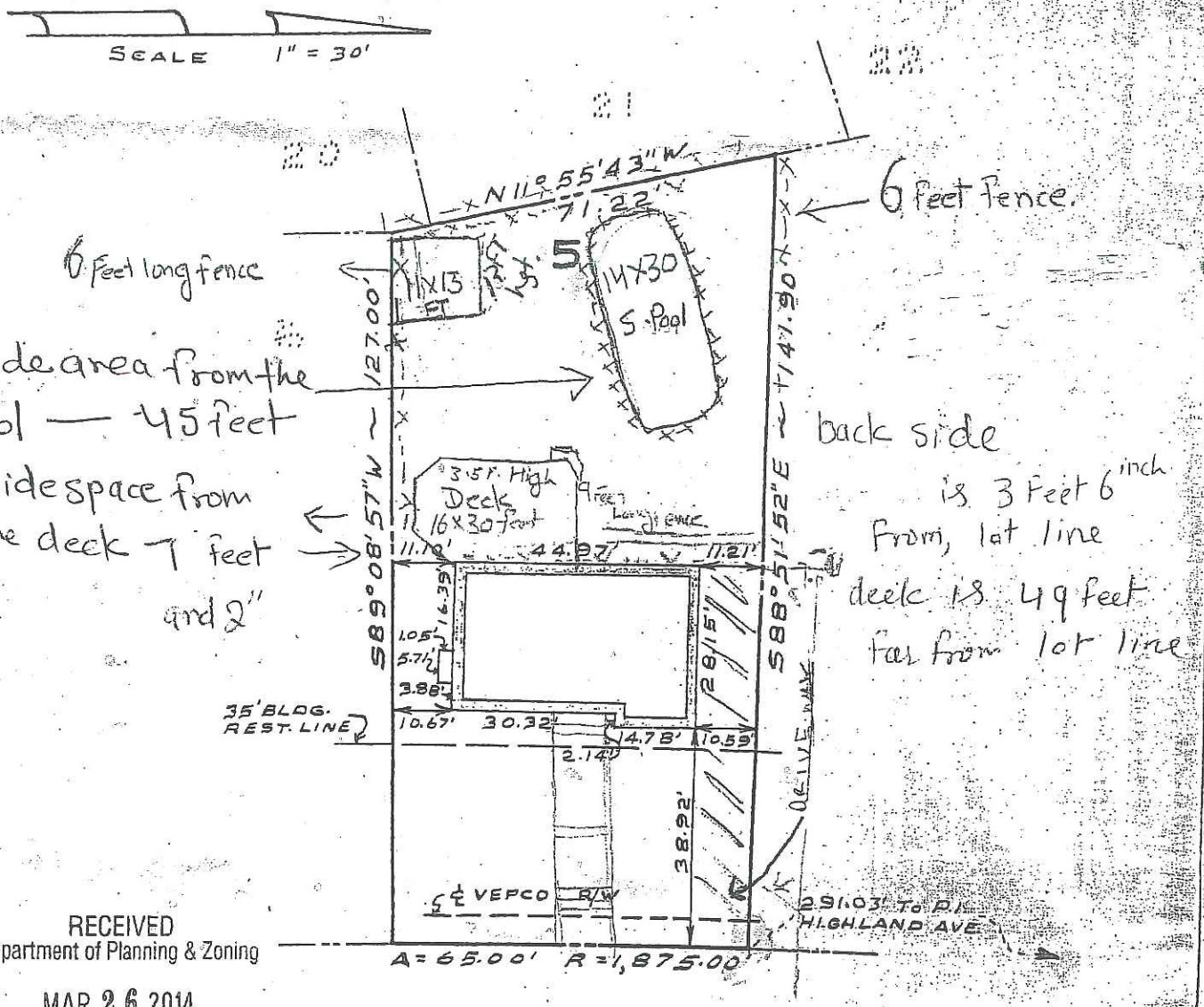
SP 2014-LE-038
ARVINDER KAUR



Correct copy To Miss Lauren or Susan

File SP 2013 -0271

HOUSE LOCATION SURVEY
LOT 5 BLK. 16 SEC. 3
SPRINGFIELD
MT. VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA



RECEIVED
Department of Planning & Zoning
MAR 26 2014
Zoning Evaluation Division

Arvinder kaur 3/21/14
Arvinder kaur per
c2/20/2014 per

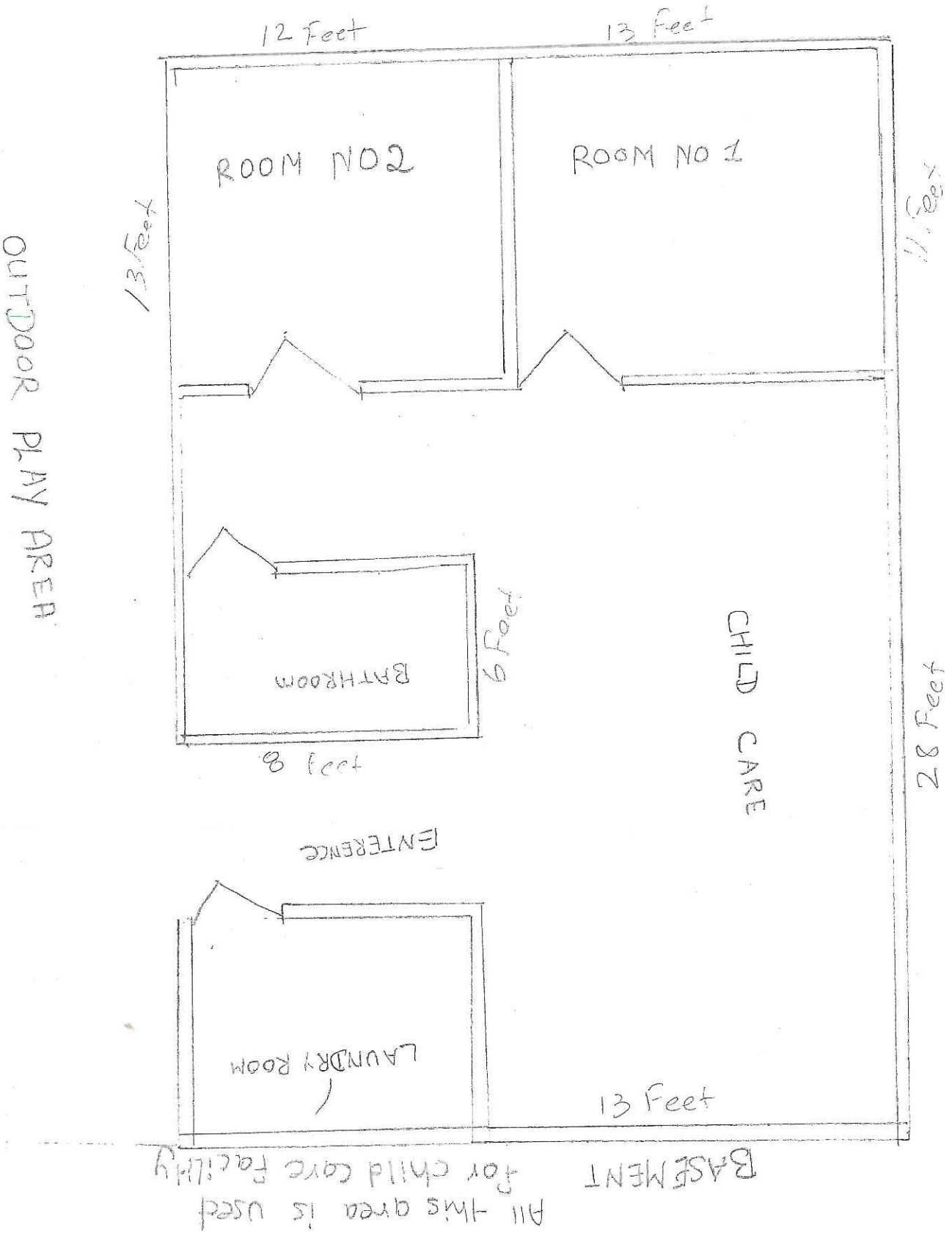
CERTIFIED CORRECT
Robert F. Kursch
CERTIFIED LAND SURVEYOR
July 12 1952

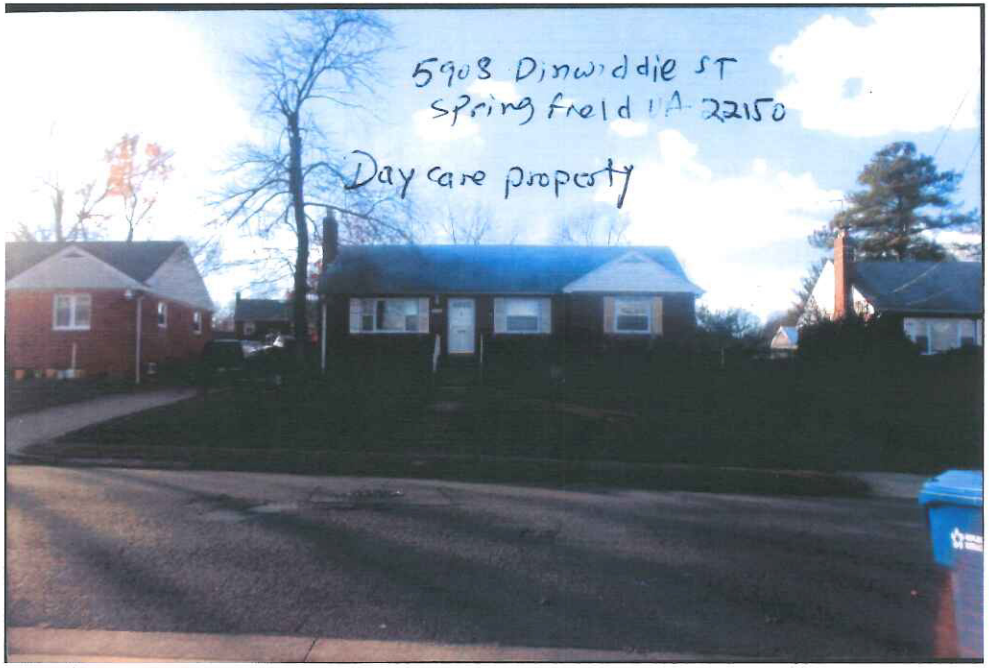
EDWARD S. HOLLAND
Professional Civil Engineer
Certified Land Surveyor
316 SO WASHINGTON ST.
ALEXANDRIA, VA.

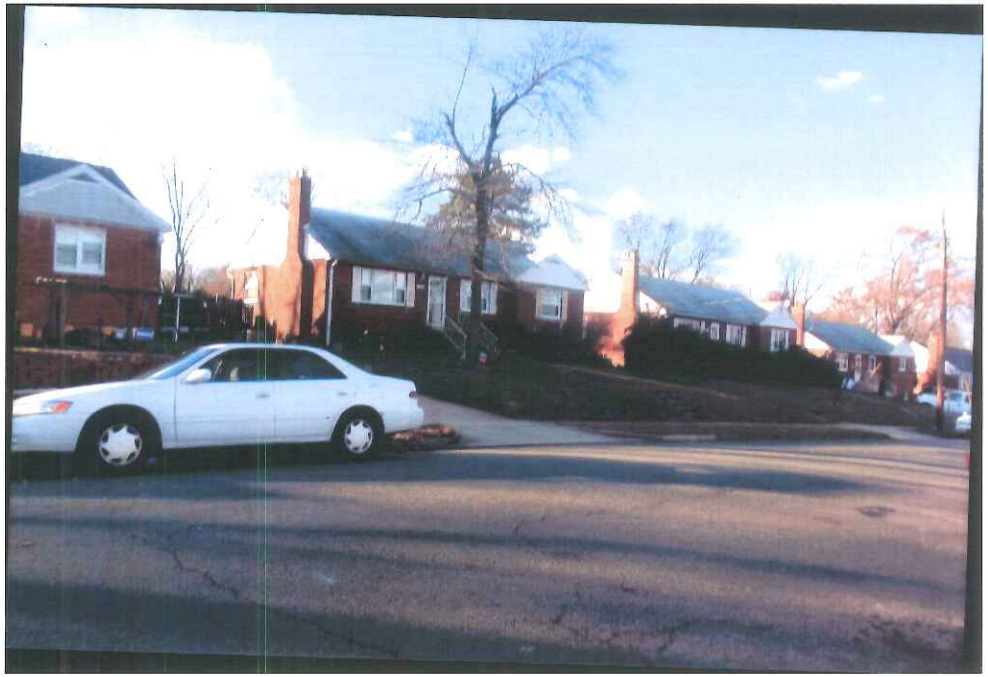
SCALE 1" = 30'	DATE 6-23-52
DRAWN BY JEB	CK'D BY RFK
JOB NO. VA-705	FIELD BOOK 293 PAGE 29

"ALBANENE" NO. 195L K&E CO., N.Y.
REG. U.S. PAT. OFF.

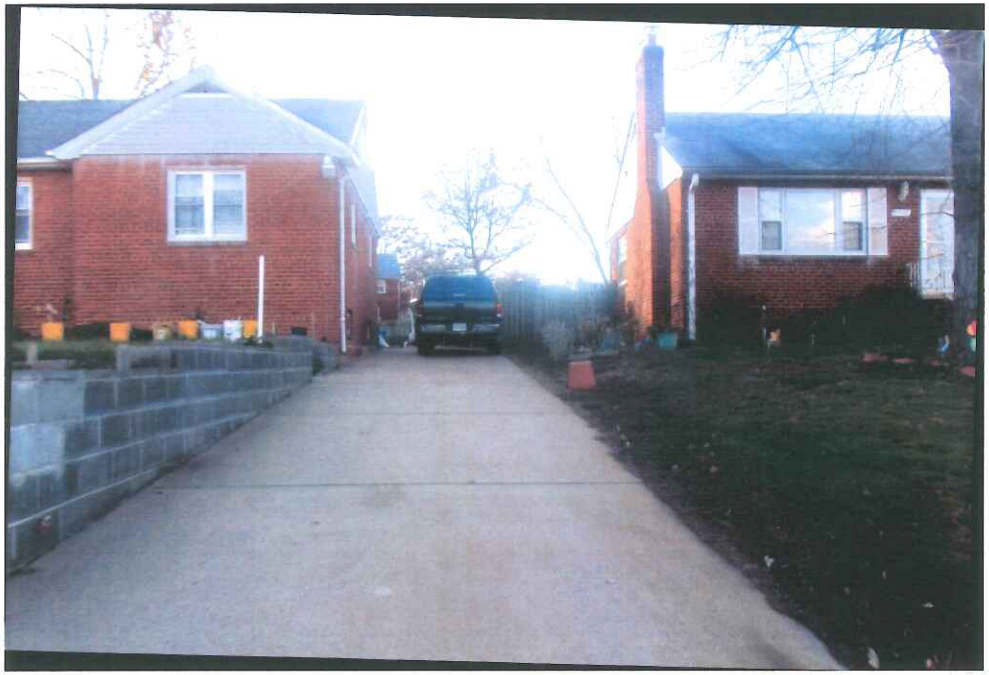
RECEIVED
Department of Planning & Zoning
JAN 02
Zoning Evaluation Division




5908 Dinwiddie ST
Springfield VA 22150
Day care property



Day care property



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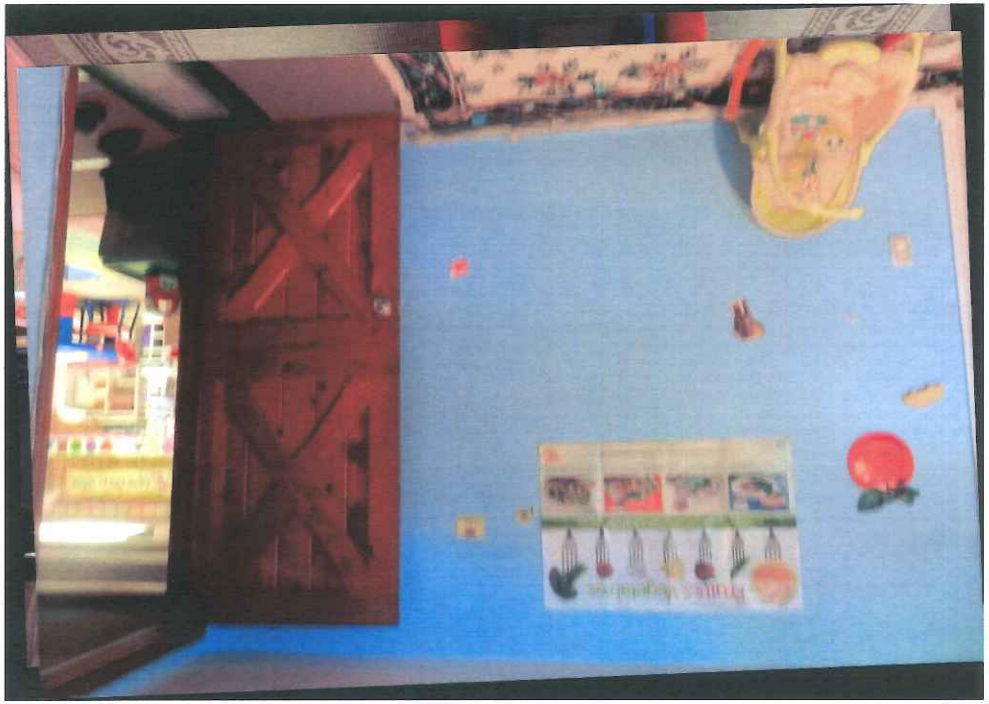

BIG RED BARN
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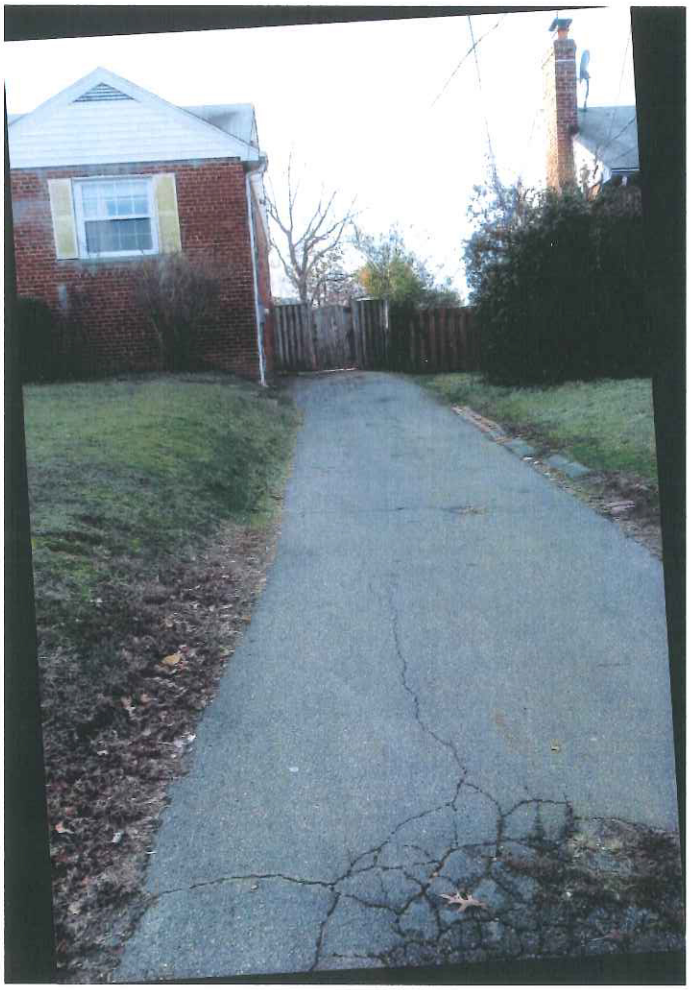
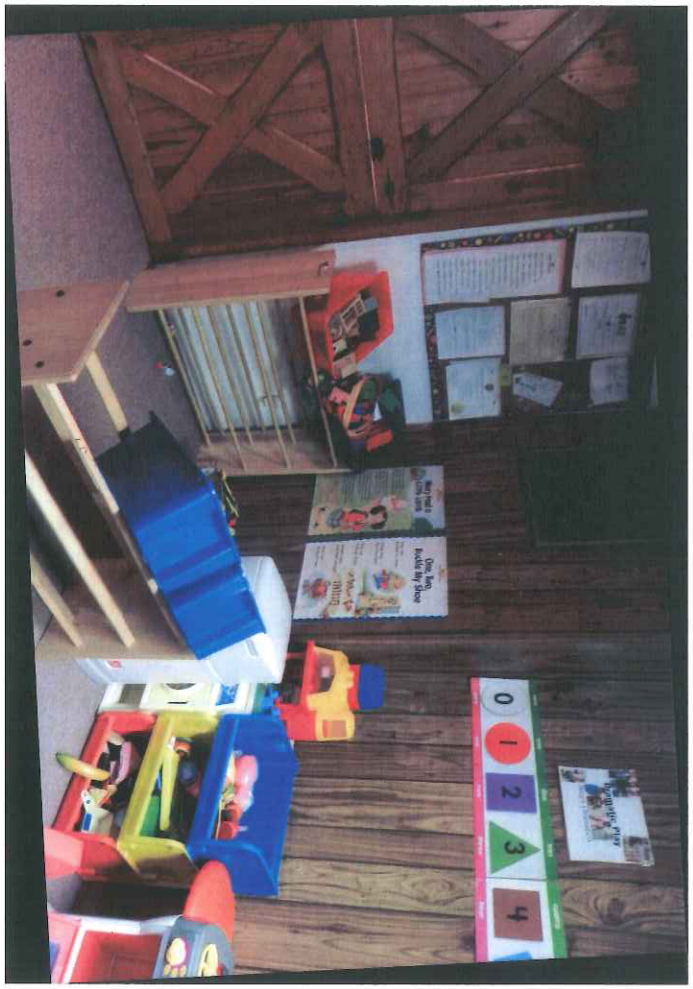
ABC

Numbers 1-20





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, "House Location Survey, Lot 5, Blk. 16, Sec. 3, Springfield," prepared by Edward S. Holland, Professional Civil Engineer, dated June 23, 1952, as revised by Arvinder Kaur, through March 21, 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 developed with a brick and frame, single family detached dwelling. A driveway provides access from Dinwiddie Street to the dwelling. A walkway leads from Dinwiddie Street to the front entrance of the dwelling. A shed 10.4 feet in height is located in the rear yard. A deck 3.5 feet in height is attached to the rear of the dwelling. A swimming pool enclosed by a fence 6.0 feet in height is located in the rear yard. A 6.0 foot high fence encloses the rear yard with a gate on each side of the dwelling. The yard is relatively flat and contains a lawn and other vegetation. A VEPCO easement runs along the front property line.

As depicted in the photo below, the subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1953, and purchased by the applicant in September 1999.

Records indicate that no other special permit 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 10:00 p.m., Sunday through Saturday. The applicant's state license allows her to operate from 7:00 a.m. to 10:00 p.m., Sunday through Saturday, which are the operating hours staff is recommending in the proposed development conditions. The children arrive and depart at staggered times. There is one full-time assistant and one part-time assistant.

The applicant holds a current Family Day Home License, valid through September 2, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, one month through 12 years 11 months of age. Information about the applicant's state license is included in Appendix 4.

The home child care facility is operated in the basement of the dwelling which includes a main child care room, a bathroom, two bedrooms, one of which is used for napping and the other as an office, and a Laundry Room which also has kitchen facilities. An outdoor play area, is located in the rear yard surrounded by a wood fence 6.0 feet in height. Toys and playground equipment are located in this area. Per the applicant, the children are not permitted inside the fenced pool area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area:	Area IV, Springfield Planning District
Planning Sector:	Crestwood Community Planning Sector (SP02)
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 6. Subject to development conditions, this special permit must meet these standards.

Site Inspection

Staff observed some issues during the site visit that will need to be addressed. First, 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. To provide a safe means of egress, the applicant should alter a minimum of one window to meet all fire safety requirements. 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.

Second, the basement has a second kitchen which is being used by the home child care facility. Should the applicant cease operation of her child care facility, the kitchen will need to be removed or otherwise permitted by the County. A development condition has been included to address this issue.

Third, the handrail leading from the rear yard down to the basement entrance does not conform to code requirements. A development condition has been included to address this issue.

Staff has noted that an accessory storage structure (a shed) 10.25 feet in height is located in the southwest corner of the property in the required side and rear yards. This 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. No accessory storage structures greater than 8.5 feet in height are permitted to be located closer than a distance equal to its height. Therefore, a special permit would be required to bring this structure into conformance. 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 report from the Zoning Inspections Branch is included as Appendix 5.

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-LE-038 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. State License Information
5. Report from Zoning Inspections Branch, dated May 29, 2014
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-LE-038

July 2, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-038 located at Tax Map 80-3 ((2)) (16) 5 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, Arvinder Kaur, and is not transferable without further action of the Board, and is for the location indicated on the application, 5908 Dinwiddie Street, 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, "House Location Survey, Lot 5, Blk. 16, Sec. 3, Springfield," prepared by Edward S. Holland, Professional Civil Engineer, dated June 23, 1952, as revised by Arvinder Kaur, through March 21, 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. and 10:00 p.m., Sunday through Saturday.

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. There shall be no signage associated with the home child care facility.

9. 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.

10. 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 as being "Room No. 2" on the floor plan in Attachment 1. **This egress shall be installed within 90 days of the approval of the special permit.**

11. Upon the discontinuance of the proposed use, the second kitchen, located in the area of the child care facility, shall be removed, or new permits to retain the kitchen shall be obtained.

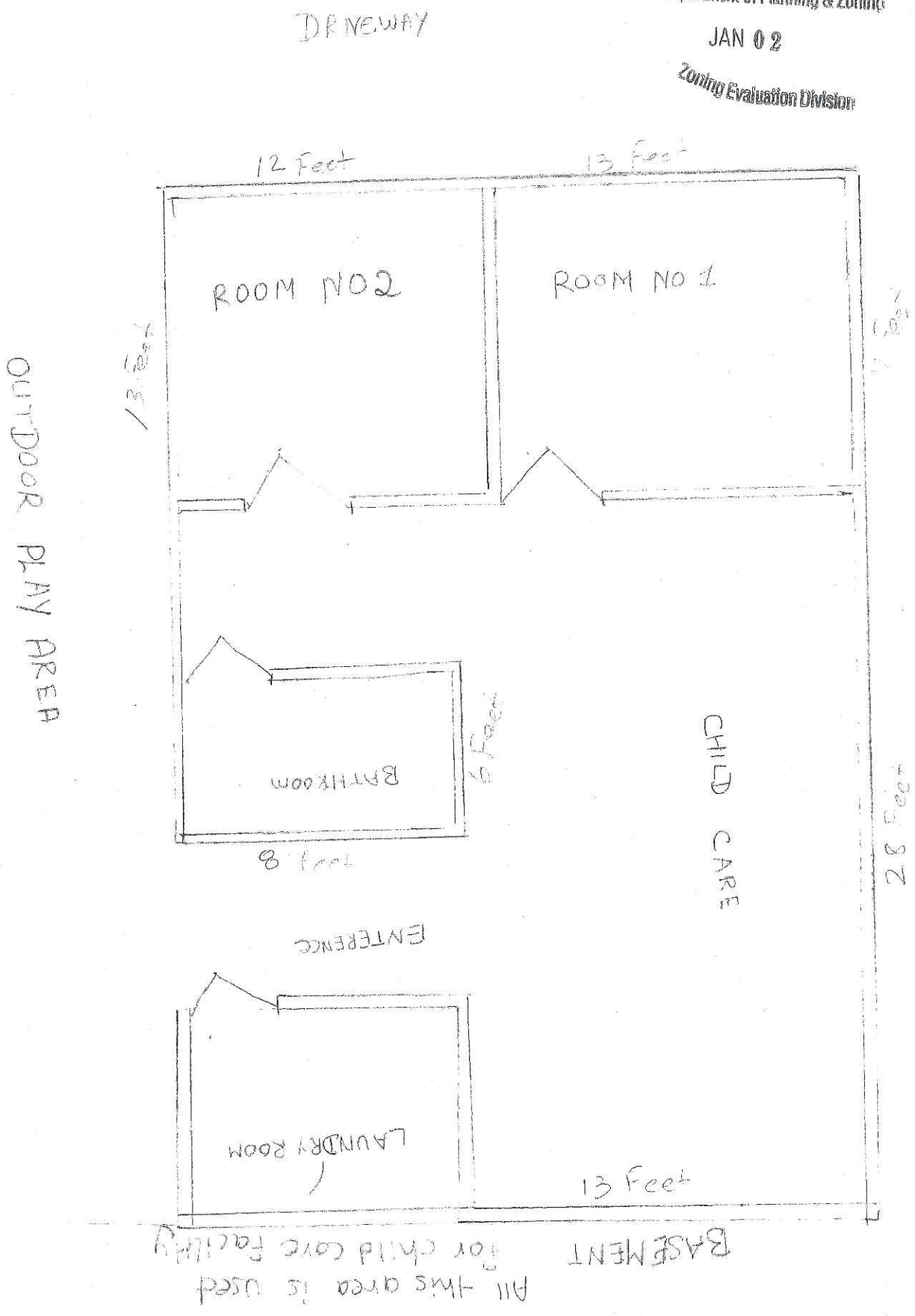
12. A staircase handrail, which meets safety requirements of the Virginia Residential Building Code, shall be installed for the staircase leading from the rear yard to the basement entrance. **This handrail shall be installed and inspected within 30 days of the approval of the special permit**

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.

ATTACHMENT 1

RECEIVED
Department of Planning & Zoning
JAN 02
Zoning Evaluation Division



Application No.(s): SP 2014-LE-038
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/02/13
(enter date affidavit is notarized)

122758

I, Arvinder Kaur, 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)
Arvinder Kaur	5908 Dinwiddie St. Springfield VA 22150	Applicant/Title Owner
Raghbir Singh	5908 Dinwiddie St. Springfield VA 22150	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-LE-038

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/02/13

(enter date affidavit is notarized)

122758

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): SP 2014-LE-038
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/02/13
(enter date affidavit is notarized)

12758

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): SP 2014-LE-038
(county-assigned application number(s), to be entered by County Staff)

122758

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/02/13
(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.

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): SP 2014-LE-038
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/02/13
(enter date affidavit is notarized)

122758

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. 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: Arvinder Kaur

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Arvinder Kaur
(type or print first name, middle initial, last name,and title of signee)

Subscribed and sworn to before me this 2 day of NOVEMBER 2013, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Notary Public

My commission expires: 6/30/2017

Patricia A. Rivera
Notary Public 7541596
Commonwealth of Virginia
My Commission Expires June 30, 2017

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: Arvinder kaur
Address: 5908 Dinwiddie st Springfield VA 22150

Phone #: 703-451-9983
E-mail: S.Raghbir@gmail.com

RECEIVED
Department of Planning & Zoning
SEP 25 2013
Zoning Evaluation Division

Date 9/16/13

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

Re: Special Permit Application
Applicant: Arvinder kaur
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards

Tax Map #: (12) (16)
Zoning District: R-4
Lot Size: 9,040

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 attached / detached *(circle one)* dwelling at _____ *(your address)*. The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. 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 7am to 10 p.m.

Number of Children. I care for up to 12 children at any one time. This number does not include my own _____ child/children.

Employees. I have 1 assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. _____ of the children arrive between 7:30 to AM and 11:30 AM. each parent has different schedule, arrival time doesn't match with other parent.

Departure Schedule. _____ of the children are picked up at 4:30 PM. to 8 pm. all parents coming different time, each parent has different schedule & doesn't match with each other.

Area Served. Most parents live in Springfield and annandale area. *(what neighborhood/general area do the children live in?)*

Operations. As I stated, my house is a single-family attached / detached *(circle one)* dwelling. It has *(explain the general layout of the house)*:
This house has three bedrooms, 2 full bathrooms, living area, upstairs and in the basement., two bedrooms, big living area, deck, fenced backyard, big front yard and driveway for three car parking.

The house has 2400 square feet. The following rooms are where I conduct the day care:
In the lower level, big living area one bathroom and two rooms, I am using for day-care

These rooms are 514 square feet total.

Hazardous or Toxic Substances. The house and 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 back yard for outdoor play for the children. The area is approximately 3,500 square feet. The outdoor play area consists of: Big slides, water table, bikes, play house, balls, sand table, easel and other paint material. We also have play equipments with slides.

Parking. I use my front road to park my family car(s). My parents park in the driveway and also on the side road. I never face any parking problem with my neighbors.

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

In conclusion, I am proposing permission for (12) children in my day-care because I have plenty of space for day-care center. I am working in this day-care from last five years, my neighbours are very friendly and helpful. This area is safe and enjoyable.

Sincerely,

Arvinder Kaur, Arvinder Kaur

Owner of _____ 5908 Dinwiddie st.
Springfield VA 22150

Virginia.gov Agencies | Governor

VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Arvinder Kaur
5908 Dinwiddie Street
SPRINGFIELD, VA 22150
(703) 451-9983

Facility Type:	Family Day Home
License Type:	Two Year
Expiration Date:	Sept. 2, 2015
Business Hours:	7:00 am - 10:00pm Sunday - Saturday
Capacity:	12
Ages:	1 month - 12 years 11 months
Inspector:	Ann Dramstad (703) 277-3591

County of Fairfax, Virginia

MEMORANDUM

Date: May 29, 2014

Mail Log # 2014-LE-0166

To: Erin Haley
ZED Staff Coordinator

From: Bruce Miller
Zoning/Property Maintenance Inspector

RE: SP 2014-LE-038 Tax Map # 80-3 ((2)) (16) 5 Home Construction Date: 1953	Address: 5908 Dinwiddie Street Zoning District: R-4	Legal Desc. Springfield LT 5 BLK 16 SEC 3 Overlay Districts:

X	Zoning:	Use/Structure	Comment	Provision
	Other Uses			
X	2nd Dwelling Unit	2nd Kitchen in basement		Sect. 2-505
	Permits			Sect. 18-601
	Carport Enclosure	N/A		
	Other Additions	N/A		
	Garage	N/A		
X	Accessory Structure(s) # of Structures Complies w/Location Regs.?	Shed and Pool 2 The shed is not compliant.	Shed height is 10'3" and is located approximately 2 feet from the side and 3'6" from the rear lot lines. The Shed is 10' x 10'4" or 103.33 square feet in area.	Par. 10E of Sect. 10-104
	Fences or Walls Complies with Location Regs?	Compliant with location regulations.	Fence is located in the rear of the house and does not exceed 6 feet 7 inches (post height) in side or rear yards.	Par. 3C of Sect. 10-104
X	2nd Kitchen	Yes	2nd Kitchen in basement includes a gas stove with range, range hood, a microwave oven, countertop over cabinet with sink, and area for eating.	
	Driveways	Compliant		Par. 8 of Sect. 11-102
	30% Required Rear Yard	Appears to be compliant.	The plat is off-scale, but using GEM and the plat, and observations made at the site, the aggregate area of the pool and the shed is 313 square feet. 30 Percent of the required rear yard is 534.15 square feet	Par. 3 of Sect. 10-103

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-4300
www.fairfaxcounty.gov/dpz/

	Signs	No signs observed			Par. 6C of Sect. 10-103
	Easements	No Easements observed.			
	Other				

X	P/M:	Hazard/Condition	Location	Comments	Provision
X	Emergency Egress	Non Complaint	Windows Serving the basement sleeping room	The window sill is located 6'11" above the basement floor, and the overall dimensions of the window area 18" x 31" with an openable area of 18" x 15" and is not compliant with VRC Sect. R310 "Emergency Escape and Rescue Openings".	VRC Sect. R310
	Window Well 3'x3'?	No window wells			
X	Egress Doors Door Locks	Basement door contains a keyed dead bolt lock that is prohibited by VMC 702.3. Other door hardware is loose and is not compliant with VMC 304.15.			VMC 702.3 VMC 304.15
	Bedroom and other Doors Door Locks	Bedroom doors and other interior doors on the upper floor were not inspected			
	Aisles	Compliant			VMC Sect. 702.2
	Smoke Alarms	Compliant on the basement level.			VMC Sect. 704.2 and VRC R314
	Electrical	No violations observed in the basement only.			VMC Sect. 604
	Service	No violations observed in the basement only.			

	Receptacles	No violations observed in the basement only.			
	Switches	No violations observed in the basement only.			
	Combustibles Exceed 25 gals aggregate or located closer than 36 inches to heat source?	None observed in the basement.			VMC Sect. 603.3
	Clearances 36 inches in front of service panels and 30" wide?	Adequate access.			VRC Sect. 3405
	Deck unsafe?	The deck appears to be in good condition.			
X	Other	See VRC311.7 (1-3) below			

Exterior Stairwell serving the basement Home Child Care Facility hand rail does not conform with the following VRC Sections:

R311.7.7 Handrails. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

R311.7.7.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.7.7.2 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

R311.7.7.3 Grip-size. All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall have a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within ⅞ inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least ⅜ inch (10 mm) to a level that is not less than 1¾ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

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.