



APPLICATION ACCEPTED: April 22, 2014
BOARD OF ZONING APPEALS: July 23, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

JULY 16, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-BR-047

BRADDOCK DISTRICT

APPLICANT/OWNER: Jungki Kim

SUBDIVISION: Dunleigh, Section 5

STREET ADDRESS: 5308 Dunleigh Drive, Burke 22015

TAX MAP REFERENCE: 69-4 ((14)) 129

LOT SIZE: 15,426 square feet

ZONING DISTRICT: R-3C

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-047 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 (5) 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**

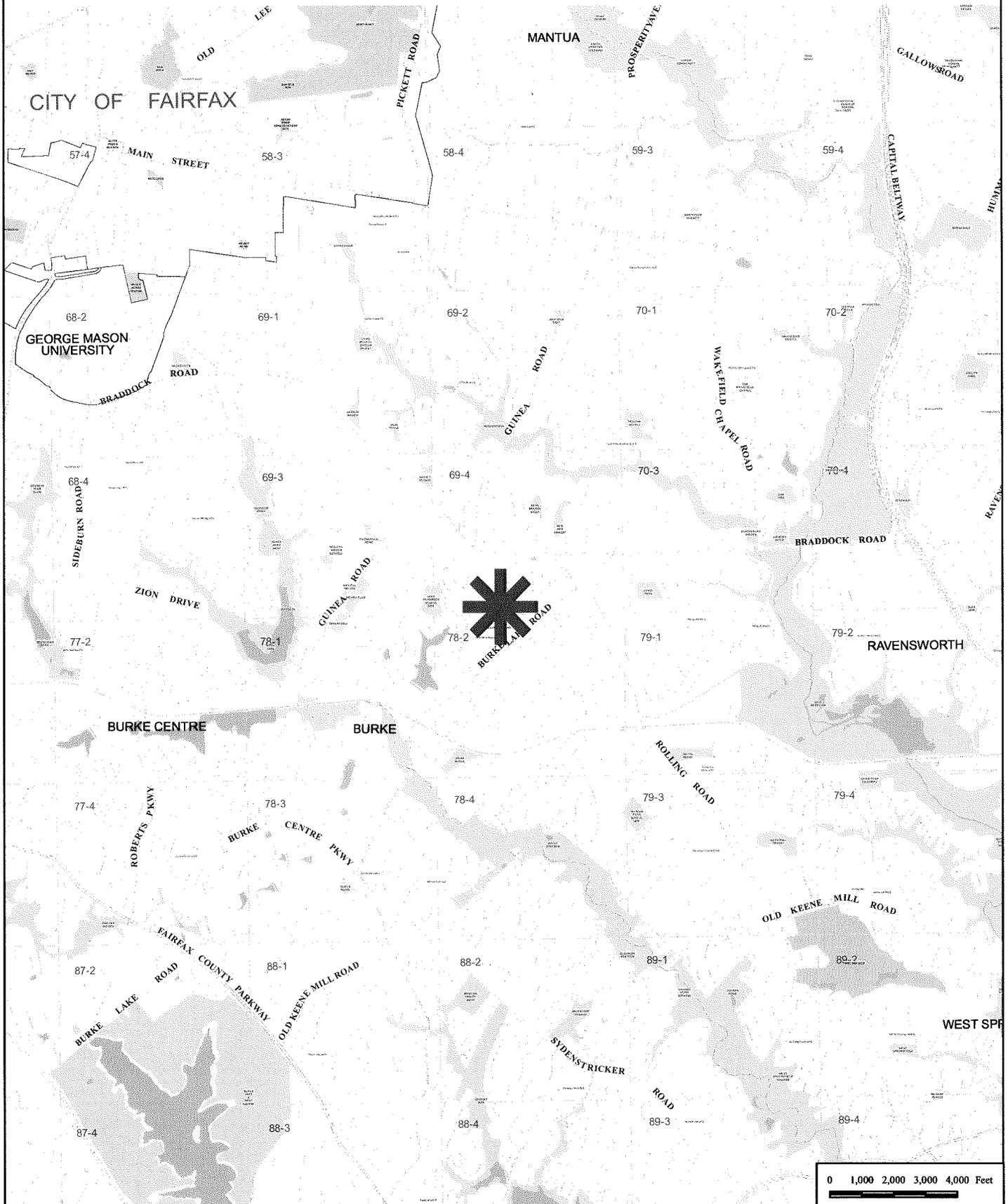


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-BR-047

JUNG KI KIM

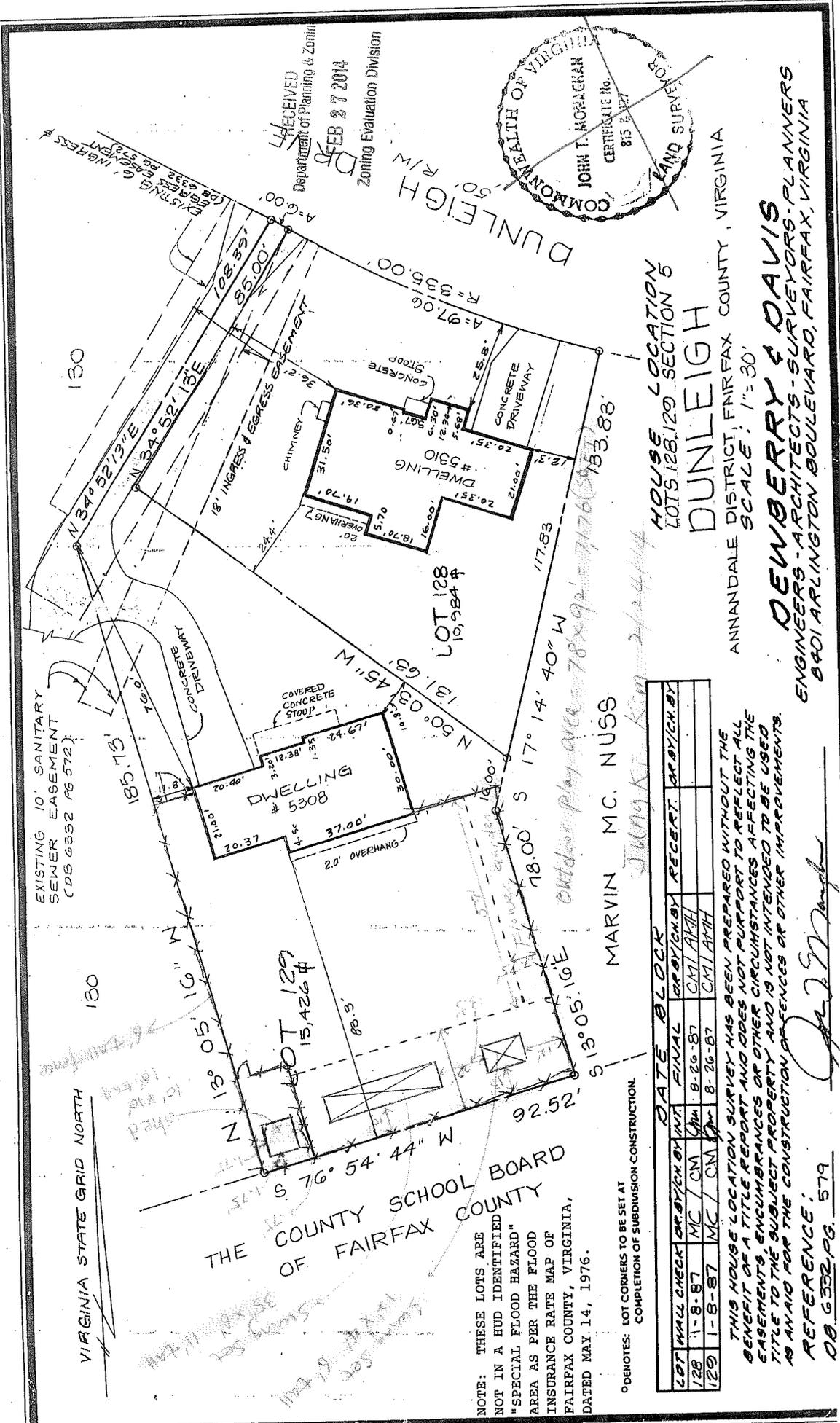


Special Permit

SP 2014-BR-047

JUNG KI KIM





NOTE: THESE LOTS ARE NOT IN A HUD IDENTIFIED "SPECIAL FLOOD HAZARD" AREA AS PER THE FLOOD INSURANCE RATE MAP OF FAIRFAX COUNTY, VIRGINIA, DATED MAY 14, 1976.

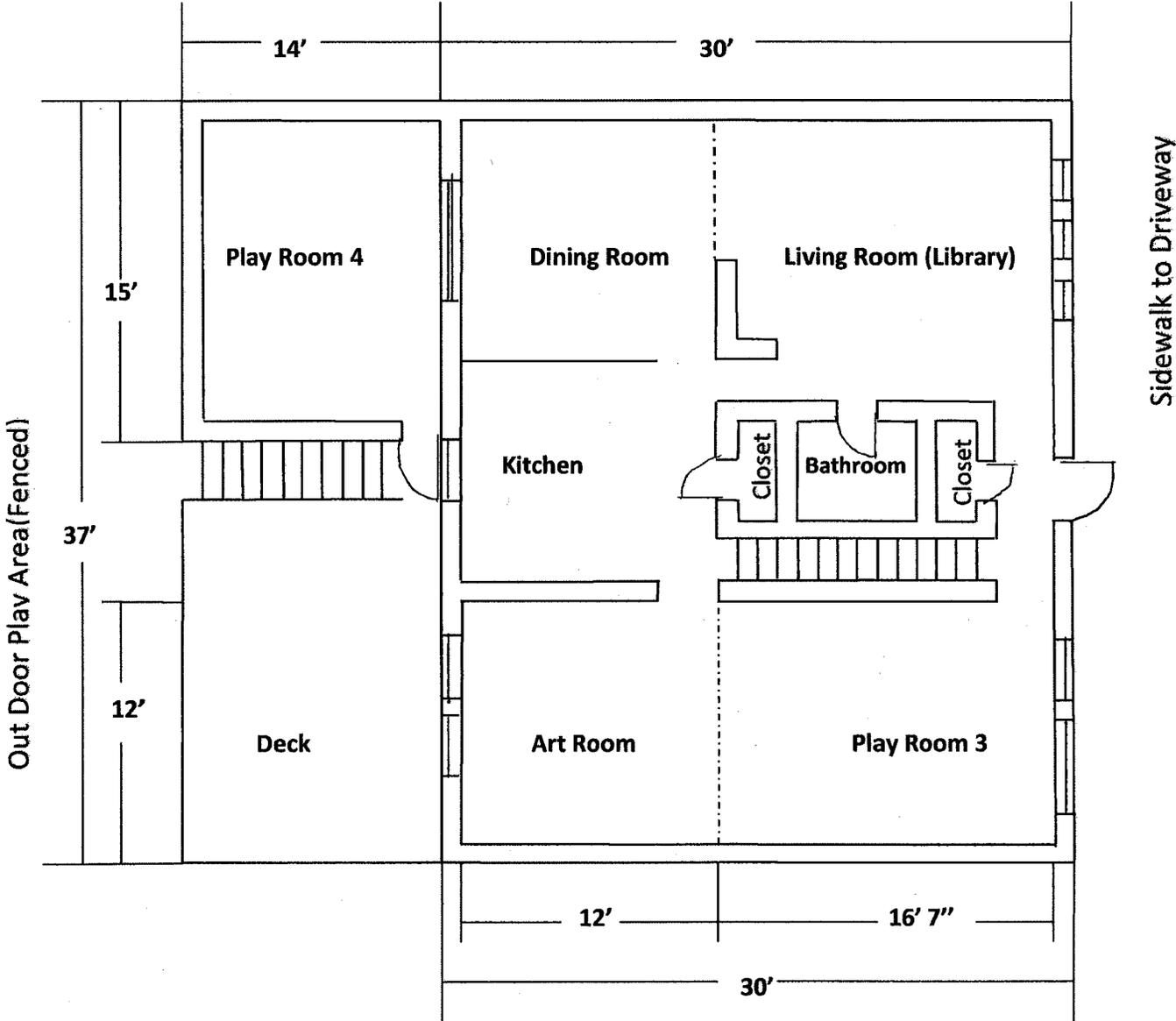
NOTES: LOT CORNERS TO BE SET AT COMPLETION OF SUBDIVISION CONSTRUCTION.

LOT	MAIL CHECK	CR BY	WHEN	AMT	FINAL	GR BY	WHEN	BY	RECERT.	BY WHICH	BY
128	1-8-87	MC / CM	8-26-87			CAT/AMH					
129	1-8-87	MC / CM	8-26-87			CAT/AMH					

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF EASEMENTS OR OTHER IMPROVEMENTS.
REFERENCE: DB 6332 PG. 579

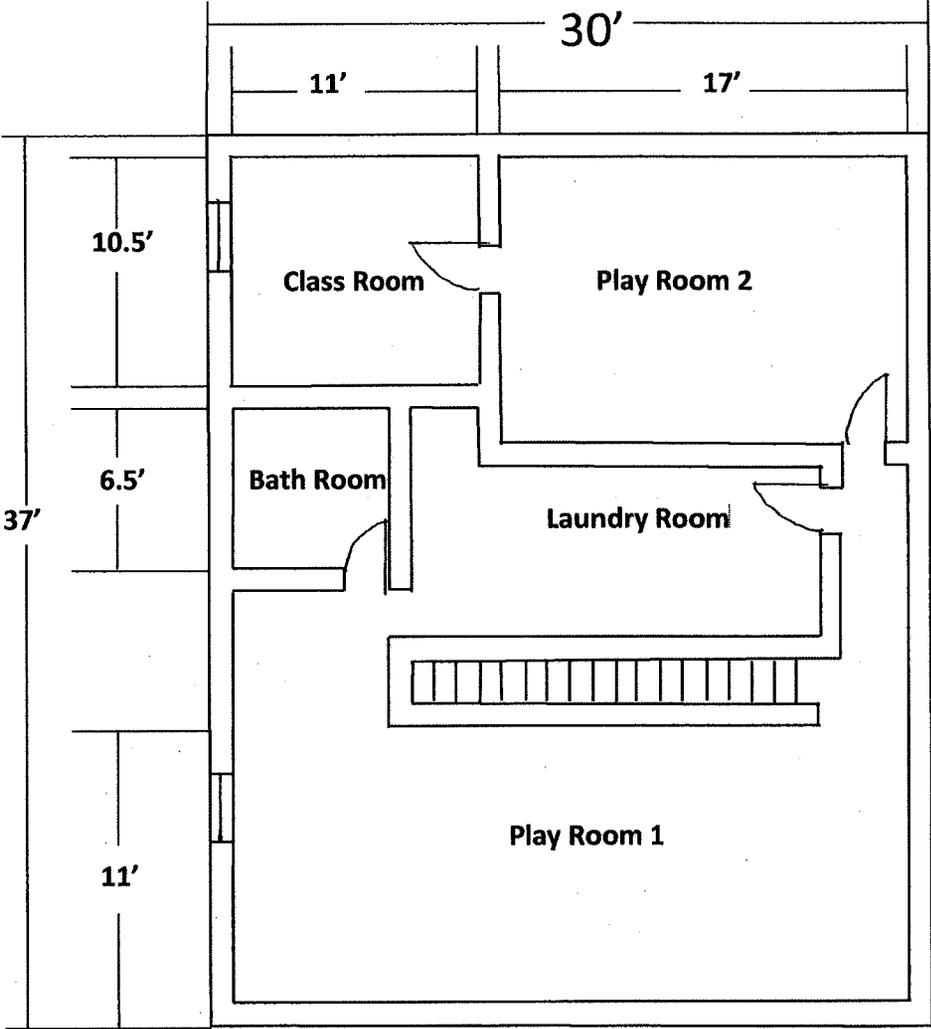
Rooms used for home child care facility

First Floor



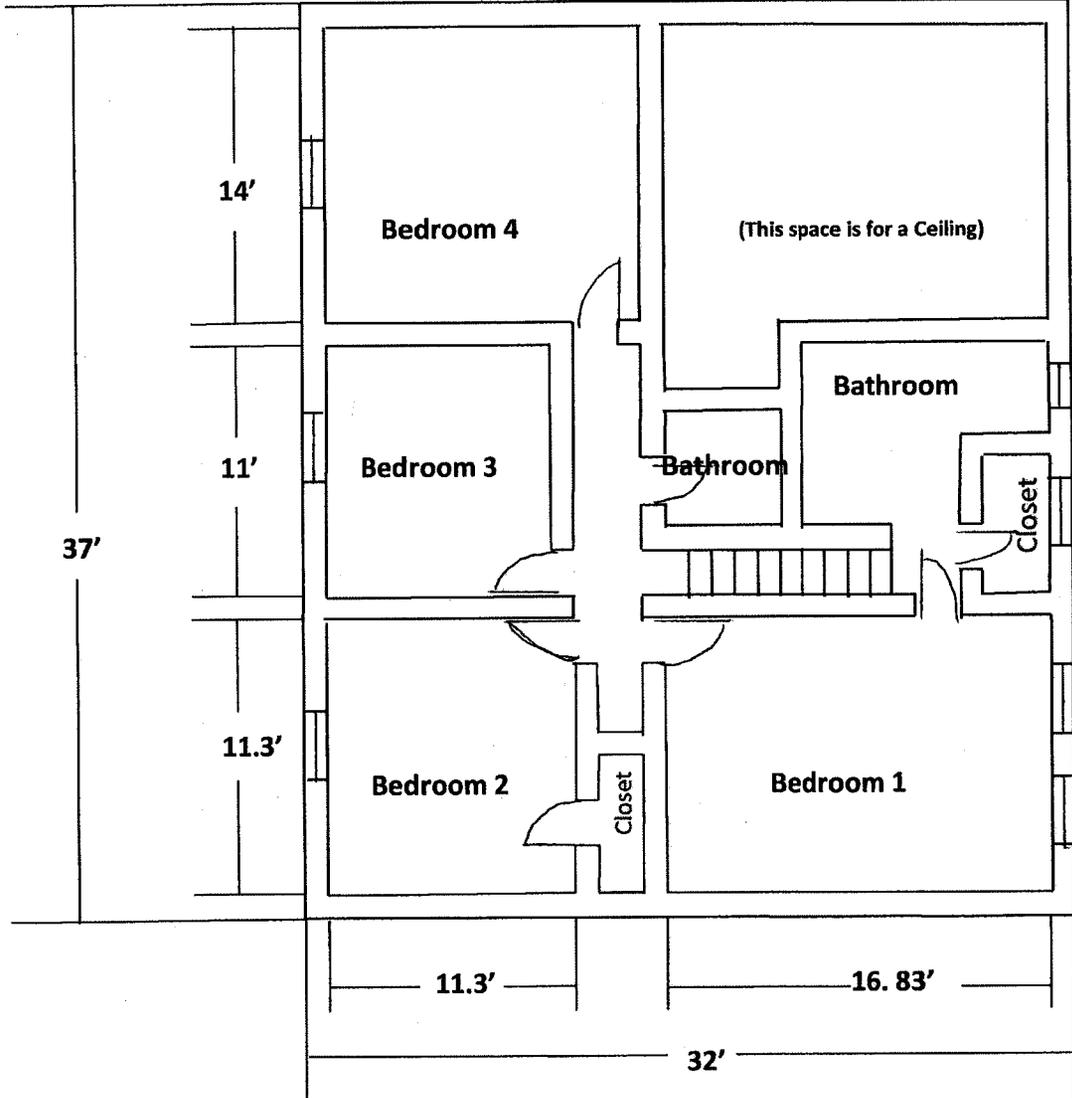
Rooms used for home child care facility

Basement



Rooms not used for home child care facility

Second Floor



PHOTOGRAPHS OF ENTIRE PROPERTY



1. PROPERTY PHOTO TAKEN FROM FRONT SIDE(1)

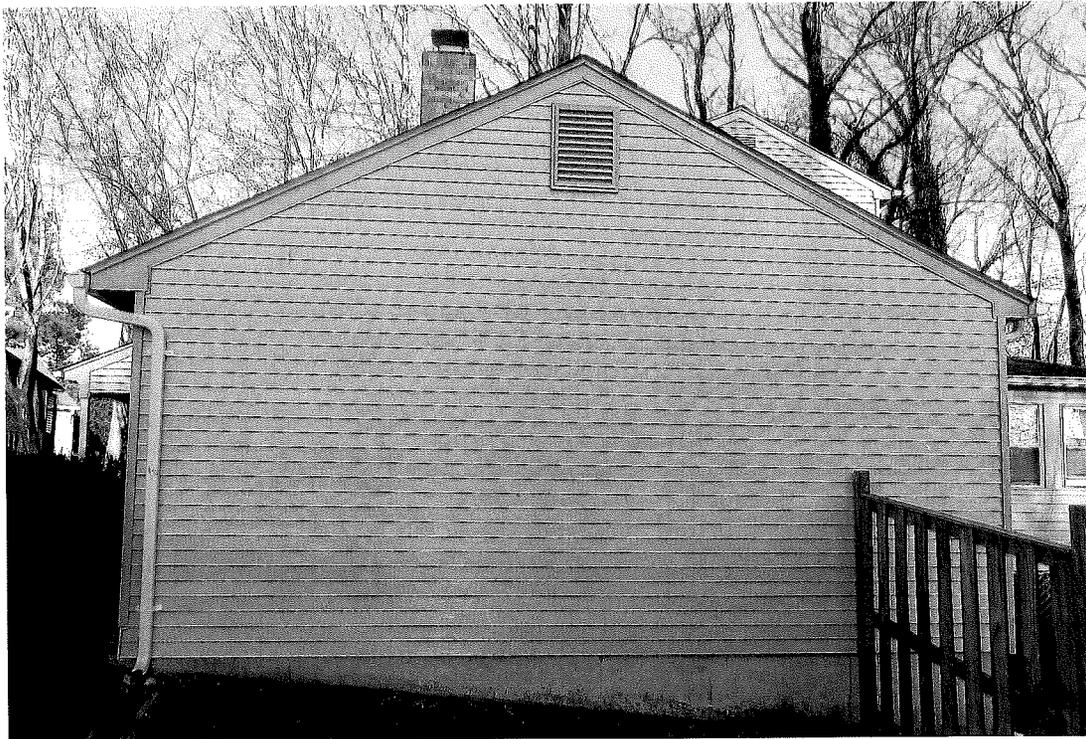


2. PROPERTY PHOTO TAKEN FROM FRONT SIDE(2)

PHOTOGRAPHS OF ENTIRE PROPERTY



3. PROPERTY PHOTO TAKEN FROM EAST SIDE



4. PROPERTY PHOTO TAKEN FROM WEST SIDE

PHOTOGRAPHS OF ENTIRE PROPERTY

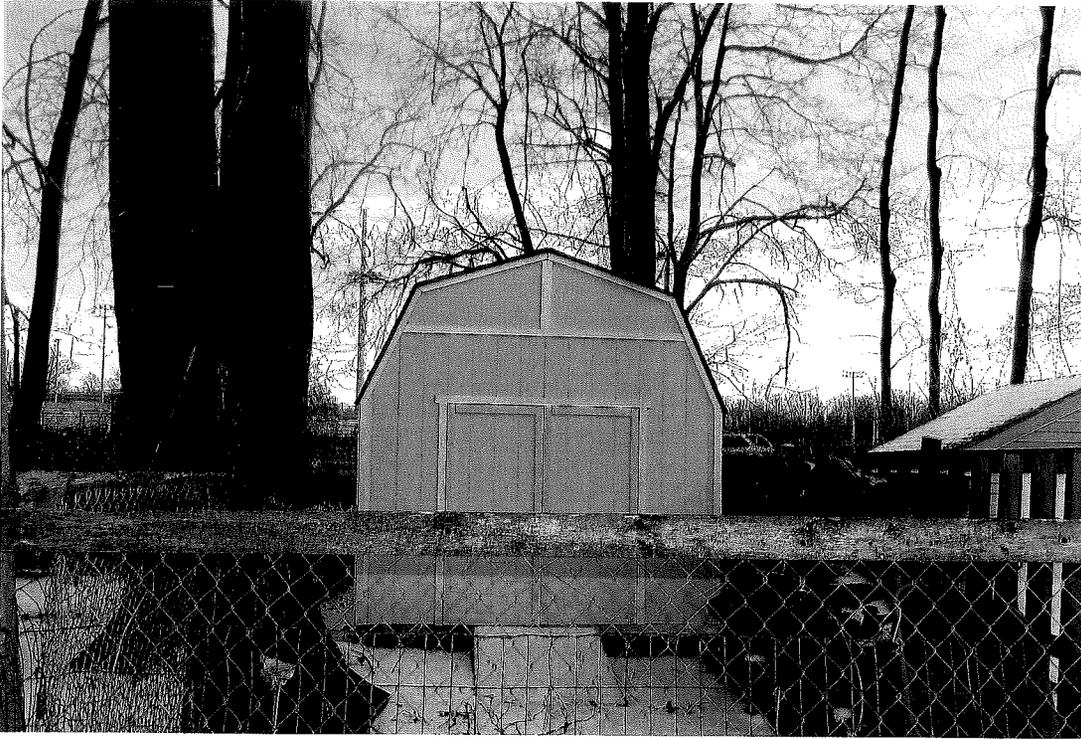


5. PROPERTY PHOTO TAKEN FROM BACK SIDE



6. PLAYGROUND EQUIPMENTS AND SHED(ON THE RIGHT CORNER)

PHOTOGRAPHS OF ENTIRE PROPERTY



1. SHED

PHOTOGRAPHS OF SURROUNDING PROPERTIES



1. ACROSS STREET AT DUNLEIGH DR.(VIEWPOINT FROM FRONT OF THE HOUSE)

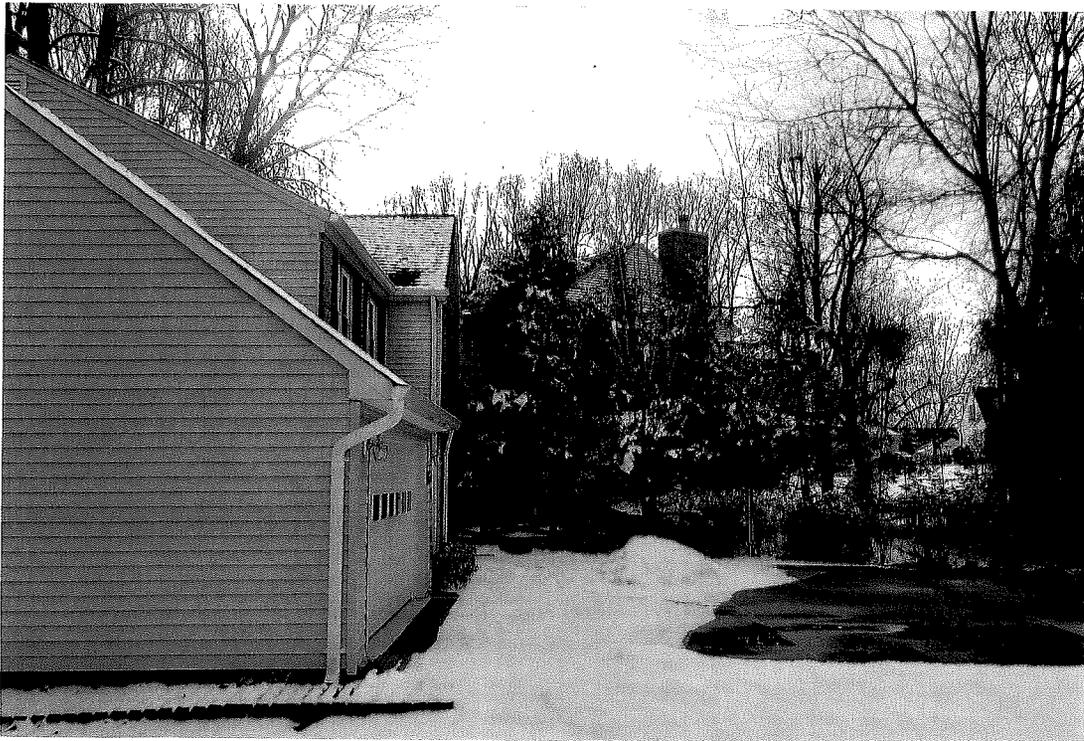


2. NEIGHBOR IN FRONT OF THE HOUSE

PHOTOGRAPHS OF SURROUNDING PROPERTIES

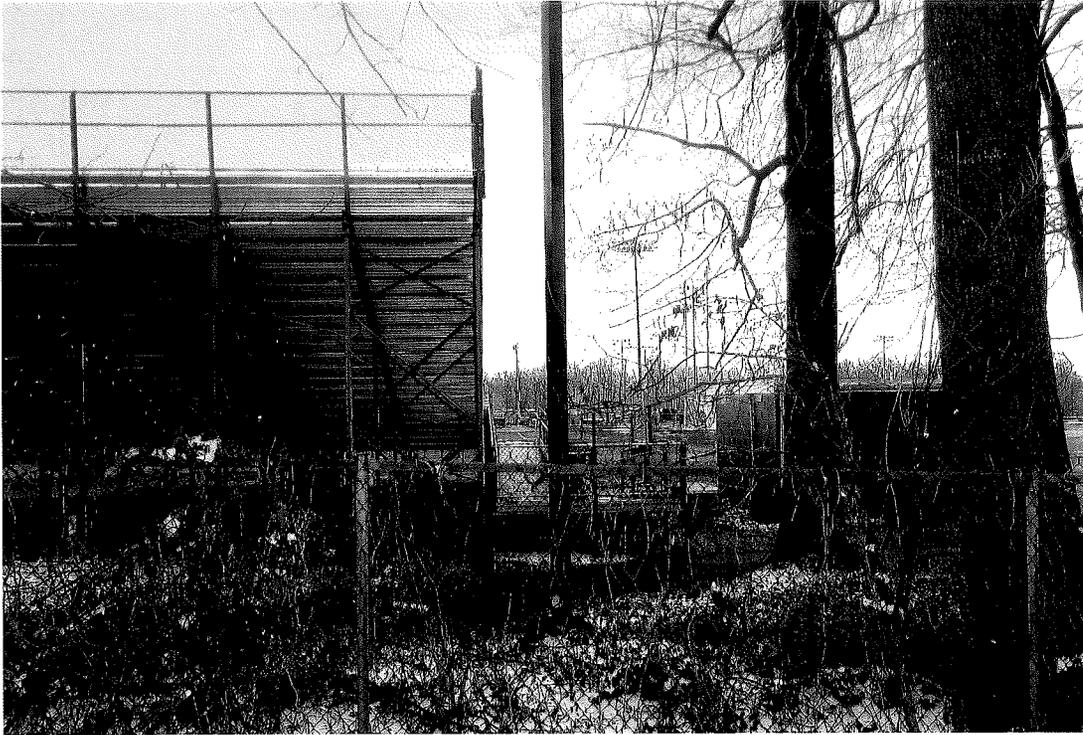


3. ACROSS OVER EAST SIDE(VIEWPOINT FROM FRONT OF THE HOUSE)



4. ACROSS OVER WEST SIDE(VIEWPOINT FROM FRONT OF THE HOUSE)

PHOTOGRAPHS OF SURROUNDING PROPERTIES



5. ACROSS OVER BACKYARD(LAKE BRADDOCK SECONDARY SCHOOL FOOTBALL FIEDL



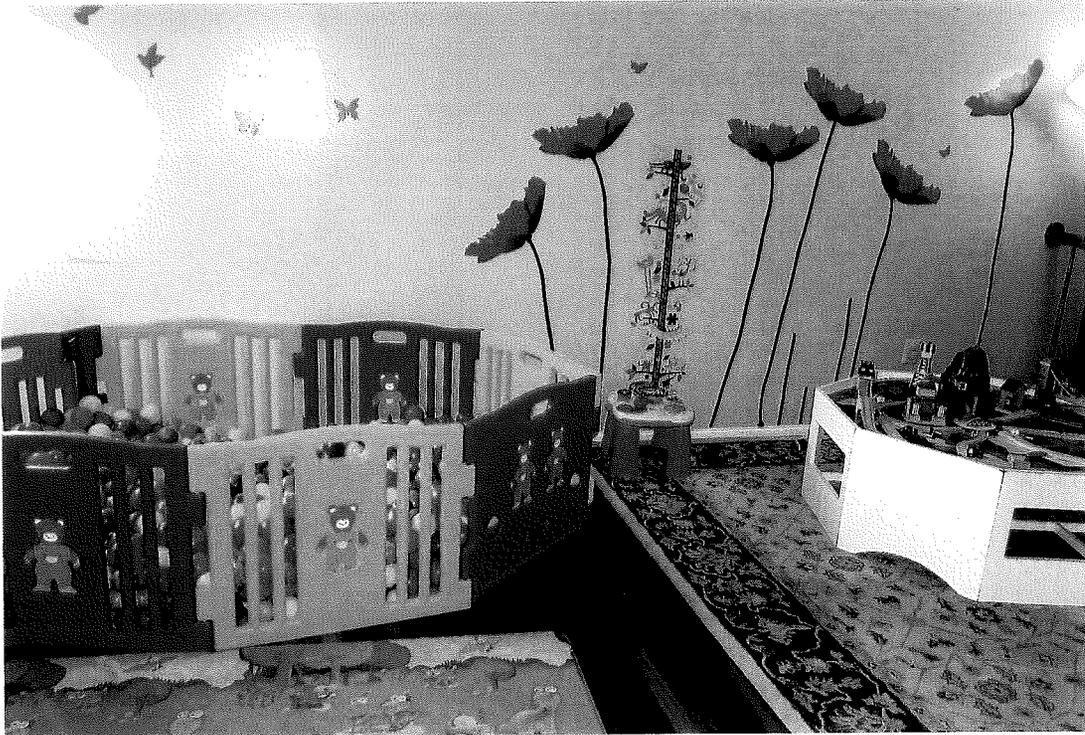
6. ACROSS OVER EAST SIDE(VIEWPOINT FROM BACKYARD)

PHOTOGRAPHS OF SURROUNDING PROPERTIES



7. ACROSS OVER WEST SIDE(VIEWPOINT FROM BACKYARD)

PHOTOGRAPHS OF INTERIOR FACILITIES



1. PLAY ROOM (FIRST FLOOR)



2. BOOKSHELF IN THE LIBRARY(FIRST FLOOR)

PHOTOGRAPHS OF INTERIOR FACILITIES



3. ART ACTIVITY ROOM (FIRST FLOOR)



4. MUSIC ACTIVITY ROOM (FIRST FLOOR)

PHOTOGRAPHS OF INTERIOR FACILITIES



5. STORAGES (BASEMENT)



6. STORAGES(BASEMENT)

PHOTOGRAPHS OF INTERIOR FACILITIES



7. PLAY ROOM (BASEMENT)

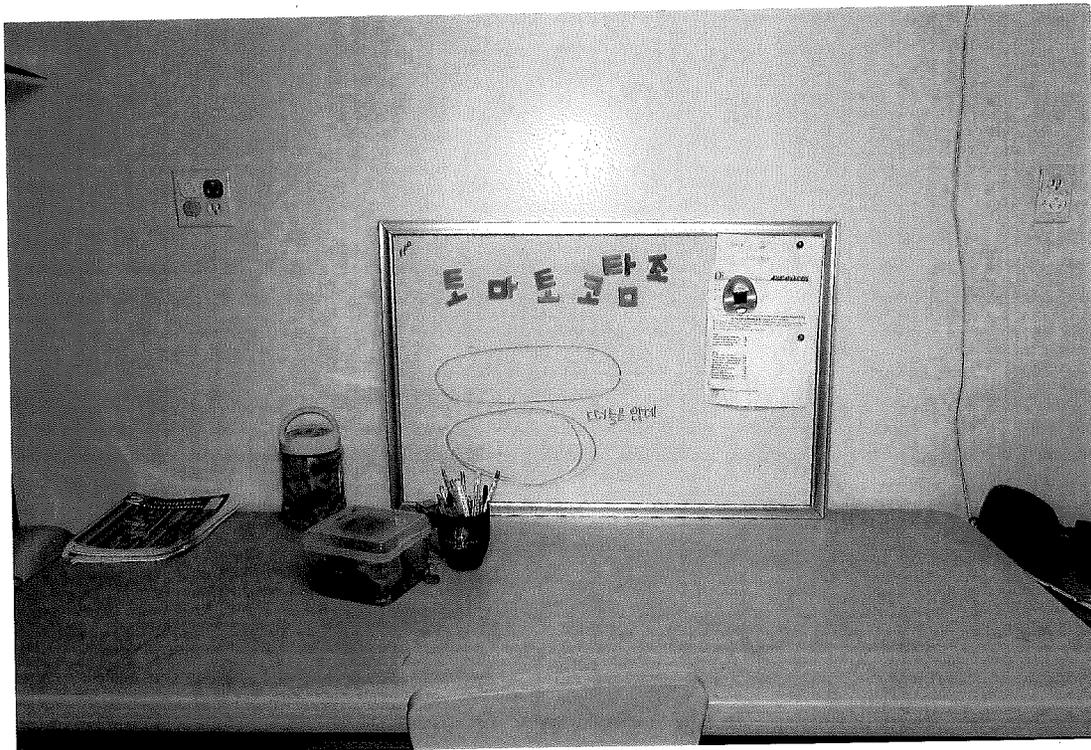


8. RESTROOM (BASEMENT)

PHOTOGRAPHS OF INTERIOR FACILITIES



9. EMERGENCY EXIT WINDOW(BASEMENT)



10. STUDY ROOM (BASEMENT)

PHOTOGRAPHS OF INTERIOR FACILITIES



11. SLEEPING ROOM (BASEMENT)

SP 2014-BR-047

SPECIAL PERMIT REQUEST

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, Lots 128, 129, Section 5, Dunleigh, Annandale District, Fairfax County, Virginia," prepared by John T. Monachan, certified Commonwealth of Virginia Land Surveyor of Dewberry & Davis, dated August 26, 1987 as revised on February 24, 2014, by Jungki Kim, owner, is included at the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The lot, situated on Dunleigh Drive in Section Five of the Dunleigh subdivision, contains 15,426 square feet. The property contains a two story, aluminum dwelling with brick trim of 2,264 square feet. A six foot high wooden slat fence rings the perimeter of the rear yard. A 280 square foot wood deck, is attached to the rear of the dwelling. Children's play equipment, which features slides, swings, and playhouses, stands in a mulched area of the rear yard. The tallest point of this play structure is 11 feet, 7 inches in height. A 100 square foot shed, 11 feet, 6 inches in height, stands in the southwest corner of the lot.

A paved driveway provides access to the lot from Dunleigh Drive via a pipe stem that is also utilized by the adjacent neighbors to the west. The driveway has space enough for six parked vehicles, precluding the pipe stem access. A brick walkway from the driveway leads to a 108 square foot open porch, which encompasses the main entrance of the dwelling.

Staff has noted accessory structures in the rear yard, in this case the play equipment, has a height greater than 7 feet, and thus must be located no closer than a distance equal to its height to the rear lot line according to paragraph 12 of section 10-104 of the zoning ordinance. The play equipment sits 9 feet from the rear lot line, short of the required 11 feet, 7 inches equal to the structure's height. The shed is 1.7 feet from both the side and rear lot lines, short of the required 11 feet, 6 inches equal to the shed's height. These structure locations do not comply with the Zoning Ordinance and will need to be addressed in the future, should the applicant sell the property or request other permits. 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.

As shown in the image on the following page, the site is surrounded by single family residences, zoned R-3, to the north, west, and east. The area immediately to the south of the property is zoned R-2, and is the location of athletic fields and facilities for Lake Braddock Intermediate and High School.



BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1987. The applicant purchased the property on January 18, 2005. The applicant operates a home child care facility for 12 children, and holds a current license in good standing from the Commonwealth of Virginia, Department of Social Services for a family day home with a capacity for 12 children, which is valid until March 10, 2015. The applicant is licensed to care for children aged from birth to 12 years, 11 months.

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit for a home child care facility for up to 12 children at any one time to operate between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Employees include the applicant, his wife, and one full-time assistant. Drop-off of children is staggered between 7:00 a.m. and 10:00 a.m. with pick-up between 2:45 p.m. and 6:00 p.m. The existing driveway, which is utilized for pick-ups and drop-offs, can accommodate six vehicles.

Areas inside the dwelling utilized for home child care operations included the first and second floors, as well as the cellar. On the second floor, a single bedroom is in use as a sleeping area for infants. The first floor is entirely dedicated to home child care use,

SP 2014-BR-047

which includes an art room, a music room, a library, a dining room, and a play room. The cellar was utilized as an additional play room, and also featured a room with cots utilized as a sleeping room for naps. However, upon initial site inspection, it was discovered that there was no egress for the sleeping room, and inadequate safe emergency egress for the play area of the cellar. Use of the cellar for any child care operation should be discontinued and Development Condition 11 has been included in Appendix 1 to address this safety concern. The applicant was advised to discontinue use of the cellar for child care operations, and a follow-up inspection on July 11, 2014 confirmed this discontinuance. The sleeping area was moved to the music room, which contains

The fenced rear yard, which includes the play structure, is utilized as an outdoor play area. Child access to the shed is prevented by a 6 foot high chain-link fence.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch (P2) 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)
- Use Limitations (Sect. 10-103, Par. 6)

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 6. Subject to the development conditions, the special permit must meet these standards.

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-BR-047, subject to the Proposed Development Conditions dated July 16, 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.

SP 2014-BR-047

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. ZIB Inspection Checklist
5. Virginia State License
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**July 16, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-047 located at Tax Map 69-4 ((14)) 129 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, Jungki Kim, only and is not transferable without further action of the Board, and is for the location indicated on the application, 5308 Dunleigh Drive, 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 titled "House Location, Lots 128, 129, Section 5, Dunleigh, Annandale District, Fairfax County, Virginia," prepared by John T. Monachan, certified Commonwealth of Virginia Land Surveyor of Dewberry & Davis, dated August 26, 1987 as revised on February 24, 2014, by Jungki Kim, owner, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up of child care facility children shall be conducted in the driveway of 5308 Dunleigh Drive, to preclude the pipe stem portion of the driveway.
9. The maximum number of assistants for the home child care shall be two.
10. 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.

11. No child care shall occur in the cellar within the subject dwelling unless and until emergency egress is permitted, installed, and inspected.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, ninety (90) days after the date of approval unless the use has been established as outlined above. The 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: 5-21-14
(enter date affidavit is notarized)

I, Jungki Kim, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 124581
 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)
Jungki Kim DBA Rainbow Preschool	5308 Dunleigh Dr. Burke, VA 22015	Applicant/ Title Owner
Hwa Jin Lee	5308 Dunleigh Dr. Burke, VA 22015	CO-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).

CAB

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-21-14
(enter date affidavit is notarized)

124587

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)

N/A

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.

CHB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-21-14
(enter date affidavit is notarized)

124587

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**)

N/A

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-21-14
(enter date affidavit is notarized)

124587

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: 5-21-14
(enter date affidavit is notarized)

124587

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

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

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

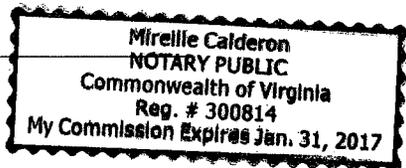
(check one) [] Applicant [] Applicant's Authorized Agent

Jungki Kim
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21st day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax

Mireille Calderon
Notary Public

My commission expires: _____



CAS

SPECIAL PERMIT STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Jungki Kim
5308 Dunleigh Dr.
Burke, VA 22015
(H)703-272-3770, (C)571-344-1095
skysnow@hotmail.com

February 7, 2014
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application
Applicant: Jungki Kim
Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map #: 0694 14 0129
Zoning District: R-3C
Lot Size: 15,426 square feet

To whom it may concern,

Please accept the following as my special permit statement of justification for a home child care facility in my home. I live in a single detached house as an owner at 5308 Dunleigh Dr. Burke, VA 22015. The property is zoned R-3C. I am currently licensed by the State of Virginia to be allowed to take care of 12 children in my home. Below is information about my child care facility operations:

A. Type of Operation: Home Child Care Facility

B. Hours of Operation: From 7:00AM to 6:00 PM, Monday through Friday.

C. Number of Children: I care for up to 12 children at any one time. This number does not include my own three children.

D. Employees: I and my wife work full time. One assistant works full time.

E. Traffic Impact:

RECEIVED
Department of Planning & Zoning

FEB 27 2014

Zoning Evaluation Division

1) Arrival Schedule: Four of the children arrive between 7:00AM and 8:00AM. Three of the children arrive between 8:00AM and 8:30AM. Three of the children arrive between 8:30AM and 9:15AM. Two of the children arrive between 9:15AM and 10AM.

2) Departure Schedule:

Two of the children are picked up between 2:45PM and 4:15PM. Two of the children are picked up between 4:15PM and 4:45PM. Three of the children are picked up between 4:45PM and 5:15PM. Other three children are picked up between 5:15PM and 5:45PM. Two children leave between 5:45PM and 6:00PM. (See details in Attachment 1)

F. Area Served: Currently most of the children live in the vicinity of Burke, Annandale, Springfield, and Fairfax. These parents drive their children to my house. One child live in Centreville.

G. Description of Building: My house is a single-family detached dwelling. It has a basement which has two windows. Children spend most of the time in the basement and first floor. On the first floor, I have play area, art activity room, and music activity room. I also use the kitchen and dining area of the house on the first floor for meals and snacks. Attached is a floor plan that indicates the area where the day care is located. (See Attachment 2 for floor layout and interior photos)

H. Hazardous or Toxic Substances: My property and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of on site.

I. 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.

J. Outdoor Play Area: I use my backyard for outdoor play for children. The area is approximately 5,000 square feet. There are one swing set and two other swing set with slide. Also there are three tables. A fence around this area.

K. Parking: I use my garage to park my family car. My drive way is 76 ft long therefore it provides enough parking for six cars at the same time, holding two cars side by side. In addition extra parking is available along the streets in front of my house for the parents and employees.

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

Sincerely,

Jungki Kim

Arrival Schedule and Departure Schedule

Arrival Schedule

Child	7:00 – 7:45AM	7:45-8:00AM	8:00-8:30AM	8:30-9:15AM	9:15-10:00AM
1	x	x	x	x	x
2	x	x	x	x	x
3			x	x	
4					
5					
6					
7					

Departure Schedule

Child	2:45 – 4:15PM	4:15-4:45PM	4:45-5:15PM	5:15-5:45PM	5:45-6:00PM
1	x	x	x	x	x
2	x	x	x	x	x
3			x	x	
4					
5					
6					
7					



County of Fairfax, Virginia

MEMORANDUM

Date: July 14, 2014

To: Jonathan Buono, Planning Technician I
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Bruce Miller *BMM*
Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility Application

Applicant: Jungki Kim
5308 Dunleigh Drive, Burke, Virginia 22015
Dunleigh, Lot 129 Sec. 5
Tax Map # 69-4 ((14)) 129
Zoning District: R-3
Development Type: Cluster
Braddock District
Mail Log # 2014-BR-0156

The following findings were made by Inspector Dawn Curry during an inspection of the property on May 30, 2014:

KEY: An "X" mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



Jungki Kim

5308 Dunleigh Drive, Burke, Virginia 22015

July 14, 2014

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- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- Structures comply with the Zoning Ordinance.

Comments: There is one shed with the dimensions of 10' x 10' and a height of 11'6" that does not meet the location regulations set forth in Part 1 of Article 10.

There are two separate pieces of child's play equipment in the rear yard that exceed 100 square feet in area and do not comply with Part 1 of Article 10.



County of Fairfax, Virginia

MEMORANDUM

Date: July 14, 2014

To: Jonathan Buono, Planning Technician I
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Application - Re-inspection

Applicant: Jungki Kim
5308 Dunleigh Drive, Burke, Virginia 22015
Dunleigh, Lot 129 Section 5
Tax Map#69-4 ((14)) 129 Zoning District: R-3C Magisterial District: Braddock
Mail Log # 2014-0156
Date of Inspection: July 11, 2014

Home child care violations have been cleared from the property.

Search for Child Day Care

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Jungki Kim

5308 Dunleigh Drive

BURKE, VA 22015

(703) 272-3770 ☎

Facility Type: Family Day Home

License Type: One Year

Expiration Date: March 10, 2015

Business Hours: 6:30am - 6:30pm
Monday - Friday

Capacity: 12

Ages: 0.0 years 3.0 months - 12.0 years 11.0 months

Inspector: Mary J. Wizbicki
(703) 359-6709 ☎

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.

10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

A. The maximum number of children permitted at any one time shall be as follows:

(1) Seven (7) when such facility is located in a single family detached dwelling.

(2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. 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.

- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.