



APPLICATION ACCEPTED: April 25, 2014  
BOARD OF ZONING APPEALS: July 30, 2014  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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JULY 23, 2014

### STAFF REPORT

SPECIAL PERMIT SP 2014-BR-050

### BRADDOCK DISTRICT

**APPLICANT/OWNER:** Monica Jackson d/b/a Jackson Child Care  
**SUBDIVISION:** North Springfield, Section 16  
**STREET ADDRESS:** 5201 Heming Avenue, Springfield 22107  
**TAX MAP REFERENCE:** 71-3 ((4)) (38) 1  
**LOT SIZE:** 13,647 square feet  
**ZONING DISTRICT:** R-3  
**ZONING ORDINANCE PROVISIONS:** 8-305  
**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-BR-050 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.

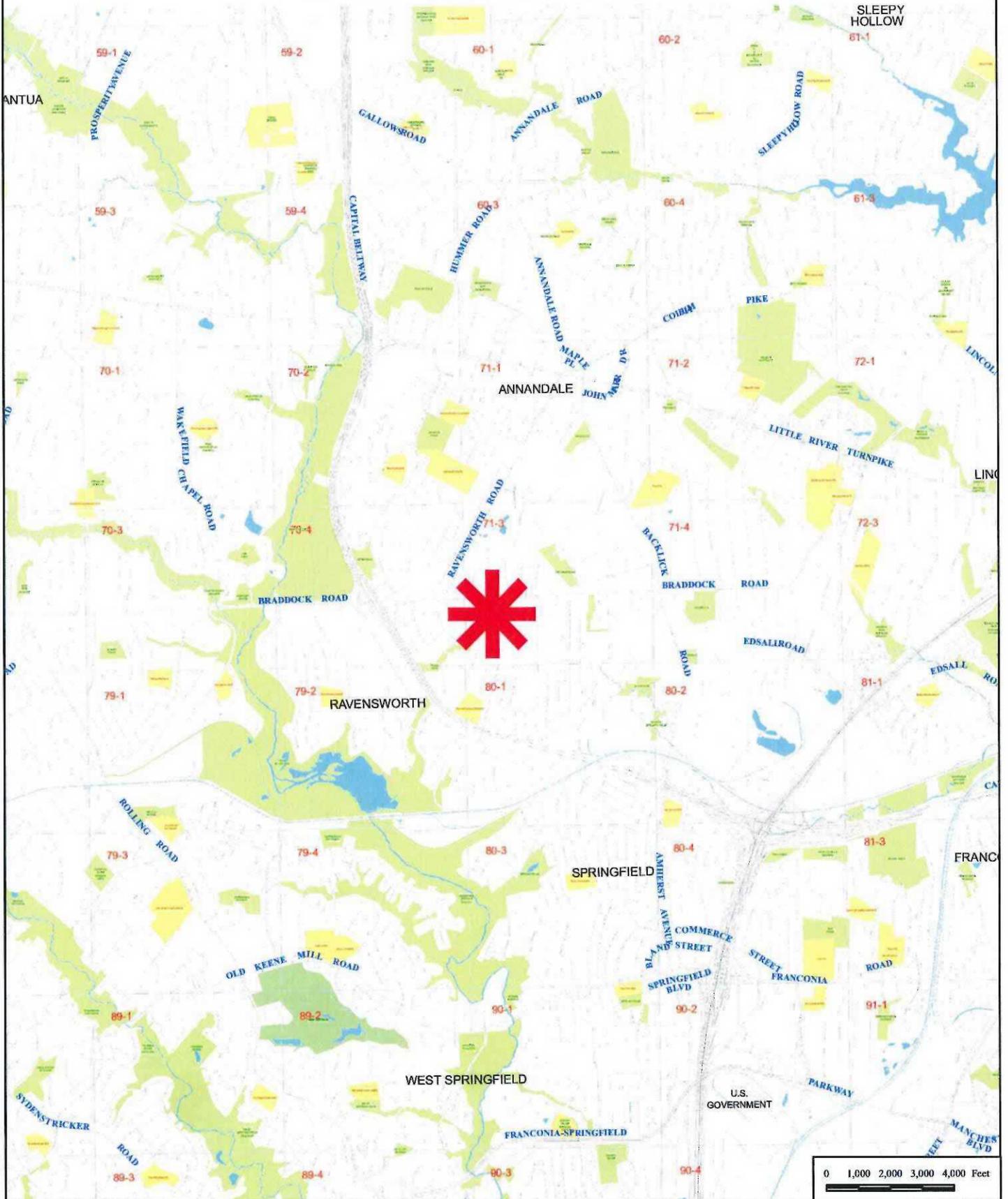
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

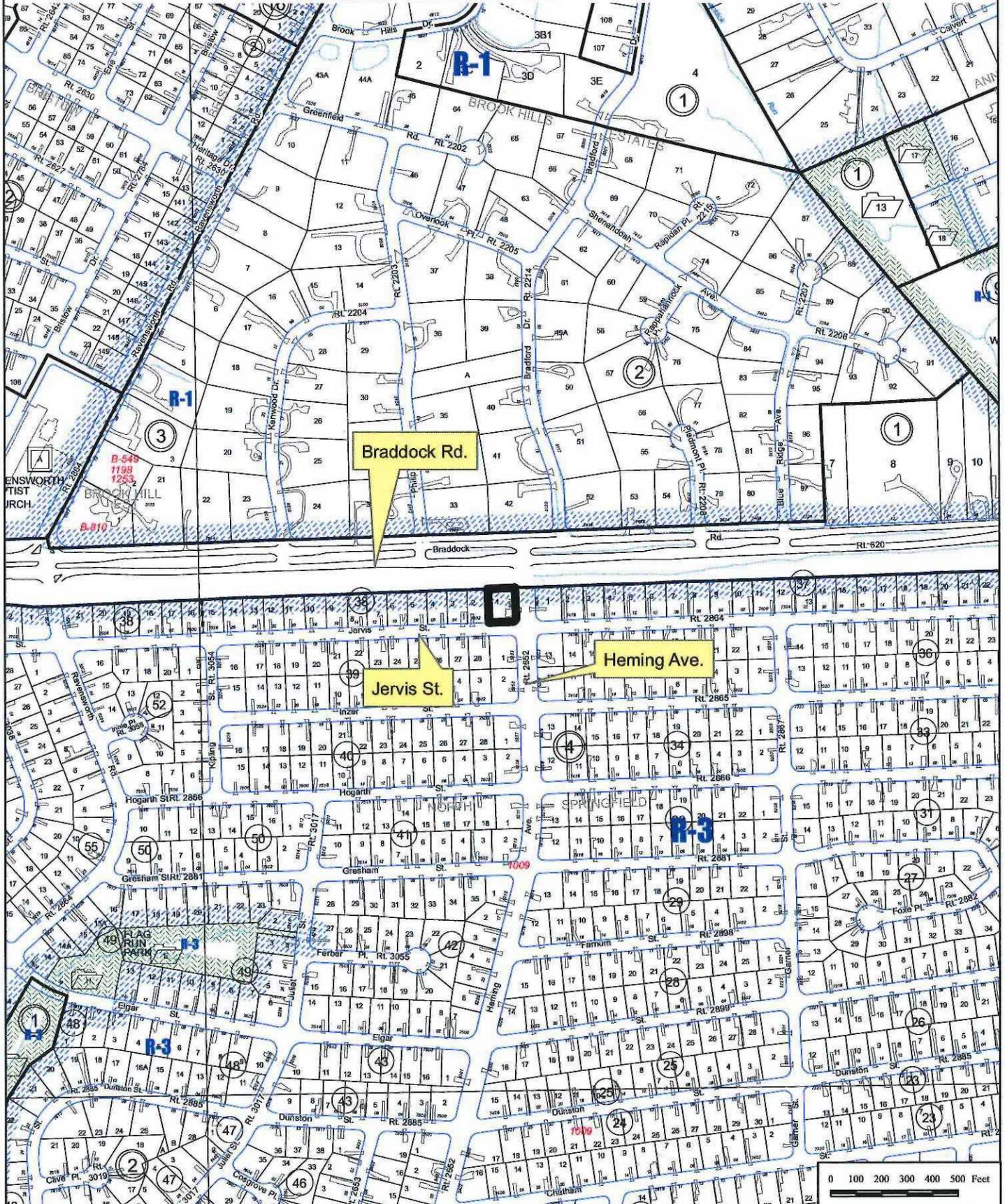
SP 2014-BR-050  
MONICA JACKSON



# Special Permit

SP 2014-BR-050

MONICA JACKSON

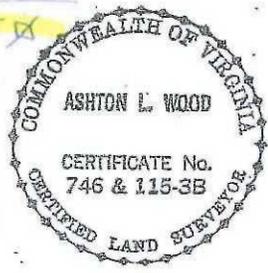
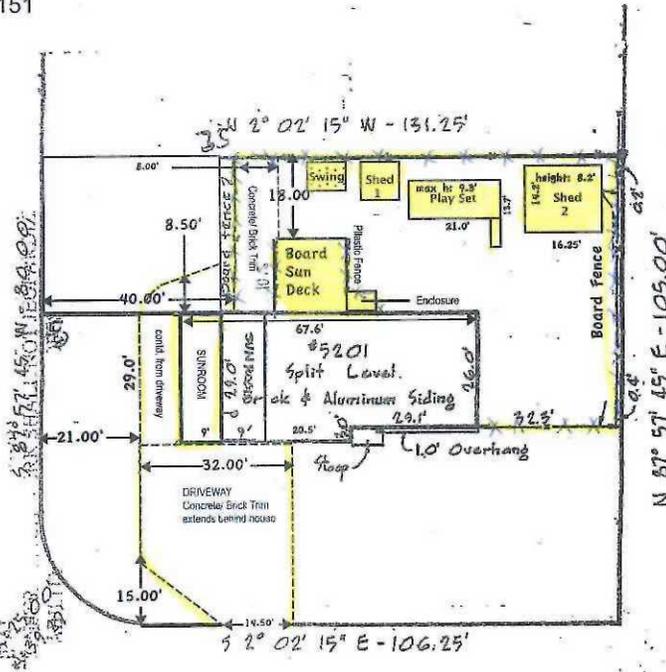


The Jackson Family  
5201 Heming Avenue  
Springfield VA 22151

Attdan Play Area  
26.5' x 21.9'  
20.0' x 32.3'  
28.5' x 40.0'  
21.0' x 29.0'  
4422.95

JEARVIS STREET  
50' R/W

BRADDOCK ROAD  
212' R/W



HEMING AVENUE  
80' R/W

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

This site plan has been amended by Esther Jackson on 3/26/14. I have drawn the plan to scale to the best of my ability.

Signed: *[Signature]* Date: 3/26/14  
Applicant: *[Signature]* Date: 3/26/14

HOUSE LOCATION

LOT 1  
BLOCK 38 SECTION 16  
**NORTH SPRINGFIELD**  
ANNANDALE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

Sept. 10, 1986

SURVEY FOR:  
Herbert L. Jackson  
CASE NO.:  
Re: Jackson

PAYNE ASSOCIATES  
CERTIFIED LAND SURVEYORS  
ARLINGTON, VIRGINIA

CERTIFIED CORRECT:  
*[Signature]*  
CERTIFIED SURVEYOR

List of Select Dimensions (length x width x height in ft):

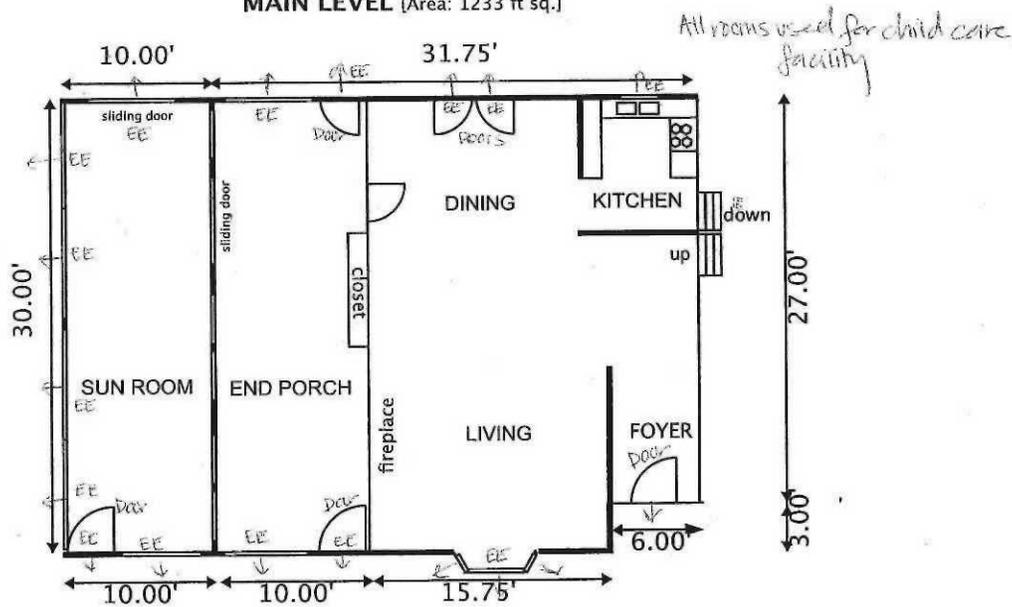
- Swing**: 8.7' x 5.8' x 6.7'. Rocking swing is 2.9' away from back fence. Materials: wood board bench/ wood frame, metal chain.
- Play Set**: 21.0' x 13.7' x 9.3'. Dimensions describe the play structure at the tallest, widest, and longest points. Board Play Set consists of rubber enclosed metal swings, board play house, and wood slide with a thick plastic finish on the sliding surface. Center beam of the play set is 10' from back fence.
- Shed 1**: 8.3' x 8.3' x 9.0'. Shed is 2.2' from back fence. Material: wood board.
- Shed 2**: 14.2' x 16.3' x 8.2'. Shed is 2.2' from back fence and 3.8' from Braddock Road side fence. Material: wood board.
- Board Sun Deck**: 10.5' x 0.3' x 3.1'. Plastic fence is 5.6' away from the house on the left side of the Board Sun Deck.
- Enclosure**: 3.6' x 6.3' x 3.1'. Plastic fence encloses an outdoor air conditioning fan.
- Board Fence**: Height: 3.8'.

RECEIVED  
Department of Planning & Zoning  
MAR 28 2014  
Zoning Evaluation Division

**The Jackson Family**  
 5201 Heming Avenue  
 Springfield VA 22151

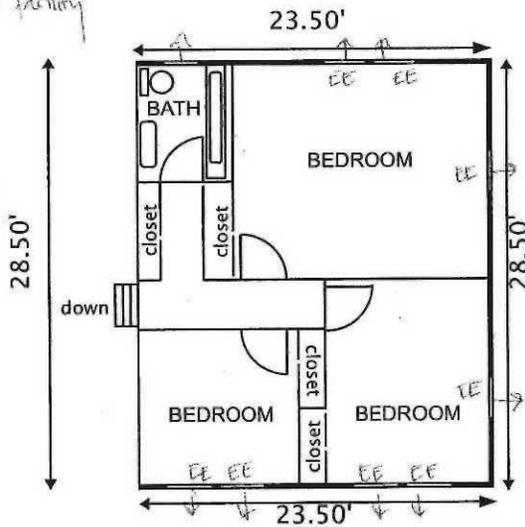
10.00'  
 Scale 1" to 10'

**MAIN LEVEL** [Area: 1233 ft sq.]

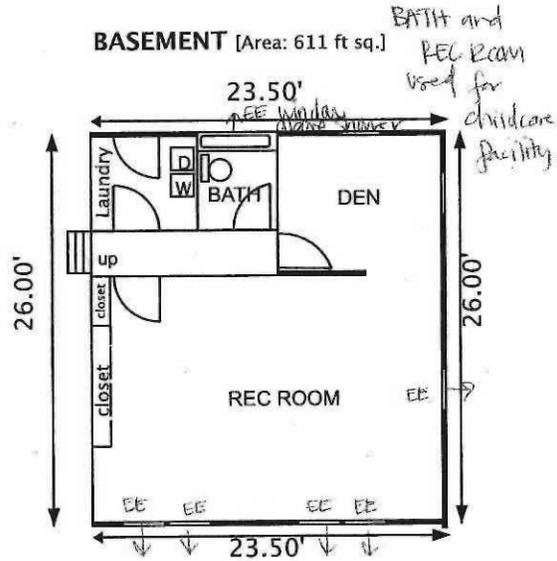


All rooms NOT used for child care facility

**UPPER LEVEL** [Area: 670 ft sq.]



**BASEMENT** [Area: 611 ft sq.]



EE - Emergency Exit

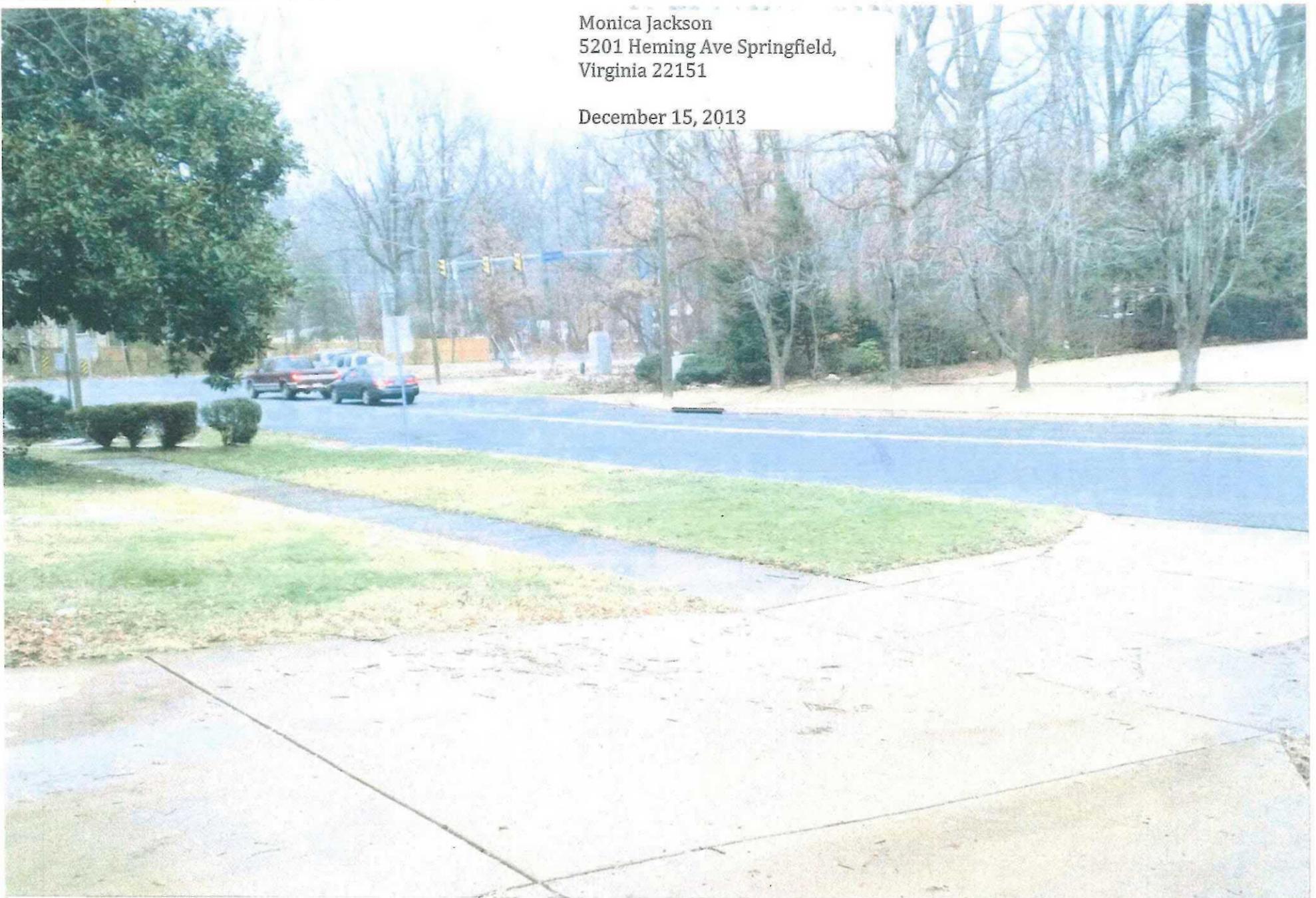
This floor plan was prepared by Esther Jackson for Monica Jackson on March 26, 2014 to the best on my ability and set to 1" to 10' for readability.

Signed [Signature] Date 3/26/2014  
 Applicant [Signature] Date 3/26/14

RECEIVED  
 Department of Planning & Zoning  
 MAR 28 2014  
 Zoning Evaluation Division

Monica Jackson  
5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



1. View from Braddock Road from Property Driveway

Monica Jackson  
5201 Heming Ave Springfield,  
Virginia 22151

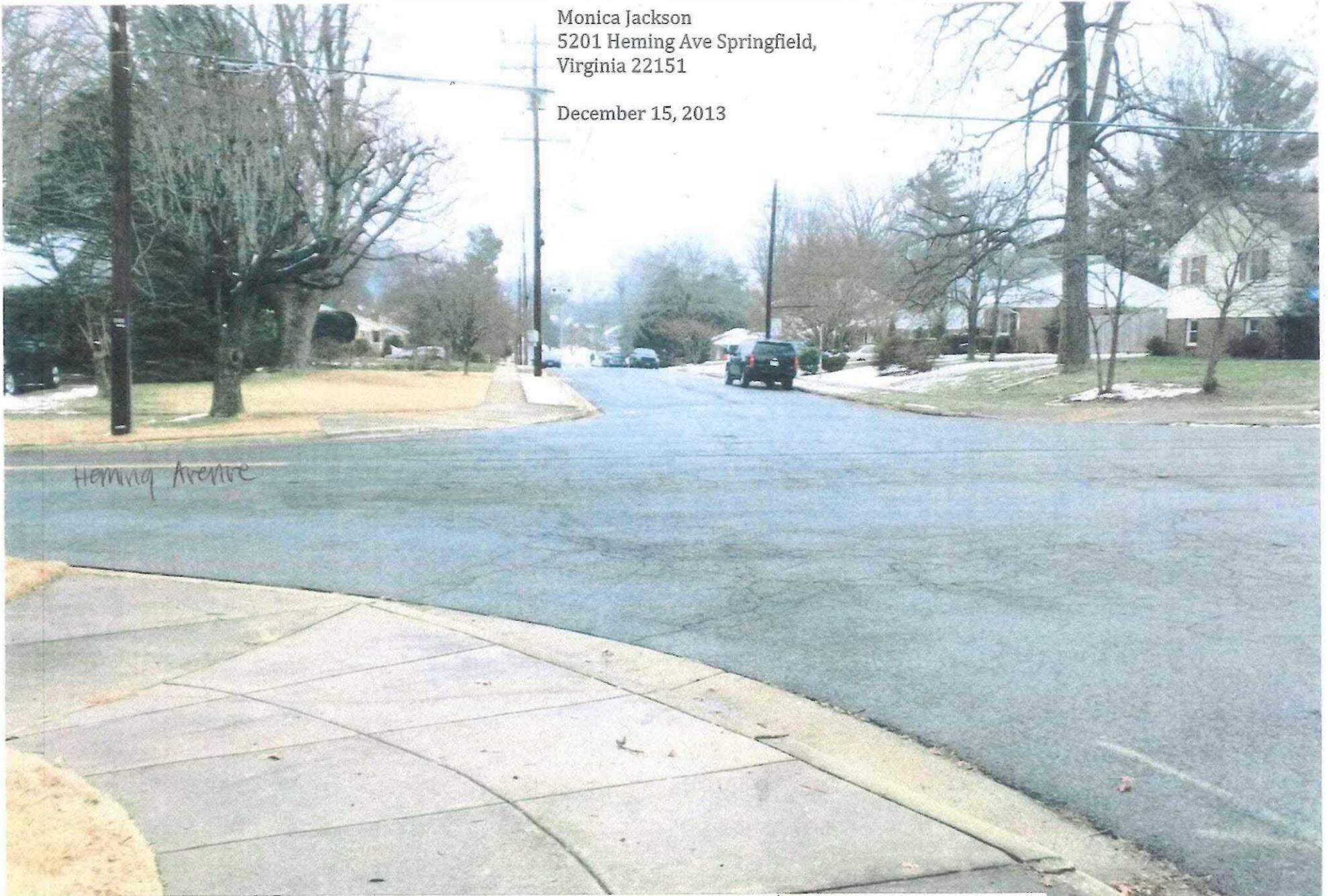
December 15, 2013



2. 5200 Heming Avenue Neighbor Across the Street from Property

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5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



Heming Avenue

3. View of intersection of Heming Avenue and Jervis Street from Property

Property

Monica Jackson  
5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013

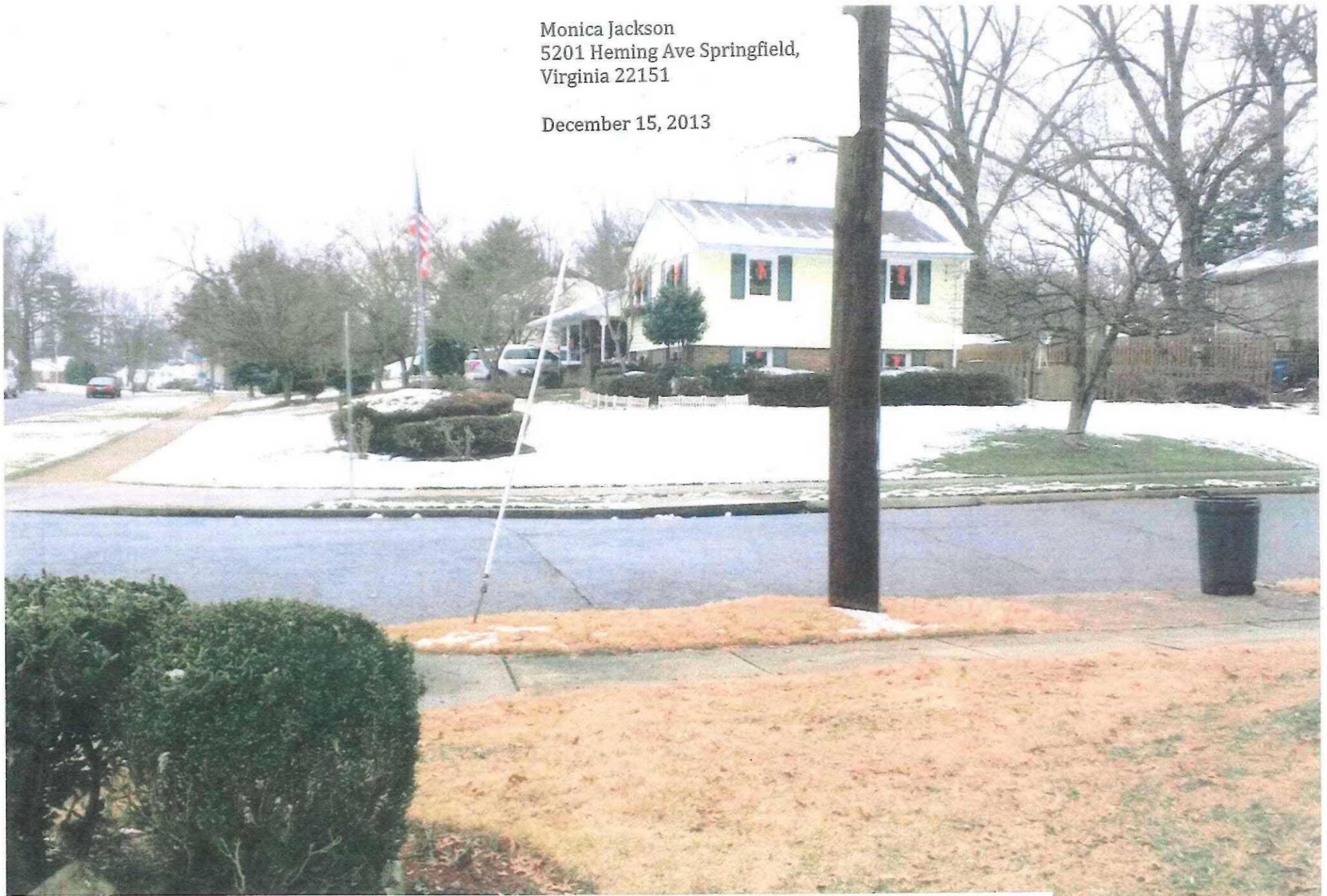


4. 5202 Heming Avenue Neighbor Across from Property



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Virginia 22151

December 15, 2013



5. 5203 Heming Avenue Neighbor Across from Property

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5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



6. View of Jervis Street / Parent parking to facilitate drop off and pickup

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5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



7. 7503 Jervis Street Neighbor across the street from Property

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Virginia 22151

December 15, 2013



8. 7502 Jervis Street Neighbor Behind Property

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Virginia 22151

December 15, 2013



9. View from across the street of back of 7502 Jervis Street neighbor home

502 Jervis Street

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Virginia 22151

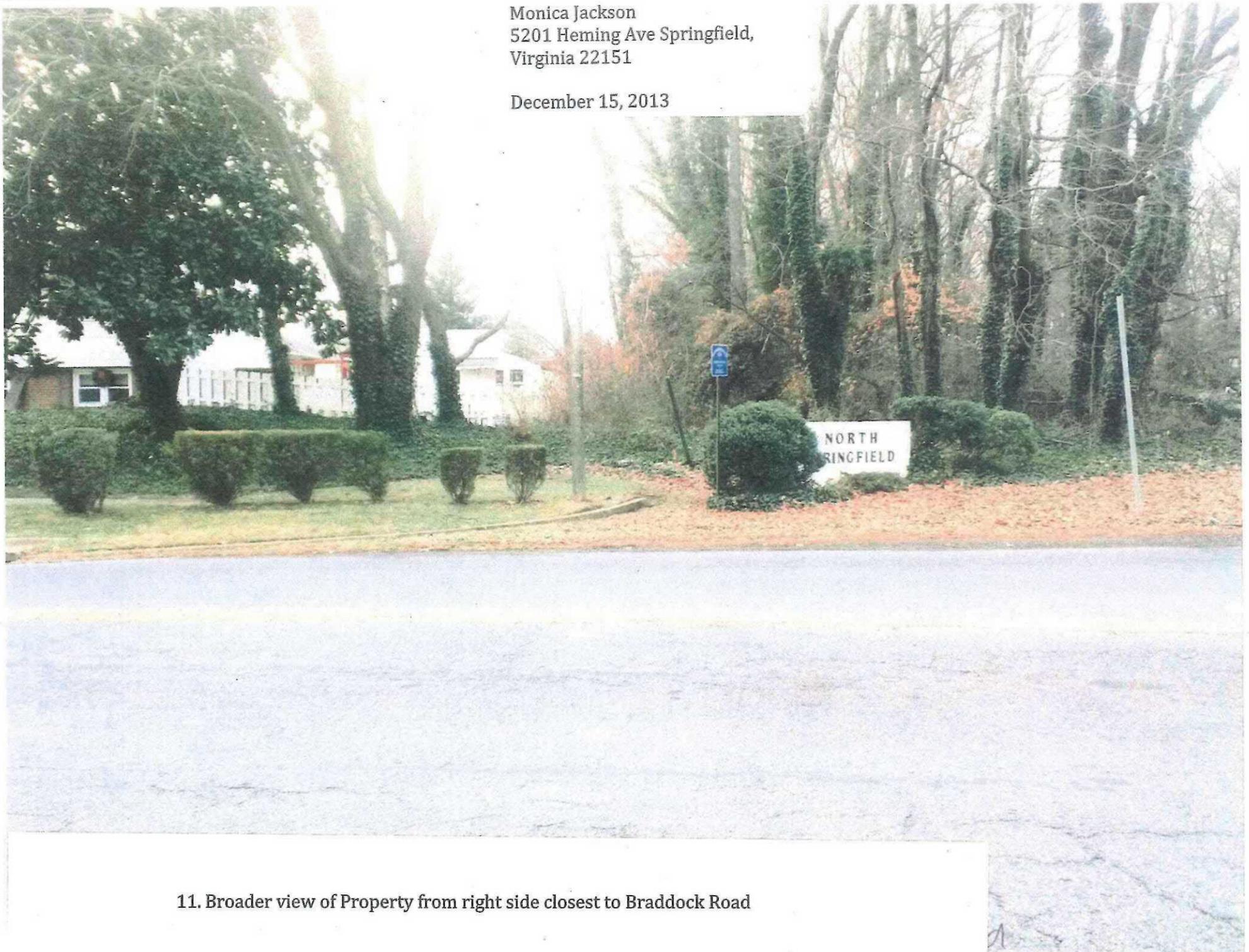
December 15, 2013



10. Right side of Property closest to Braddock Road

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5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



11. Broader view of Property from right side closest to Braddock Road

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Virginia 22151

December 15, 2013

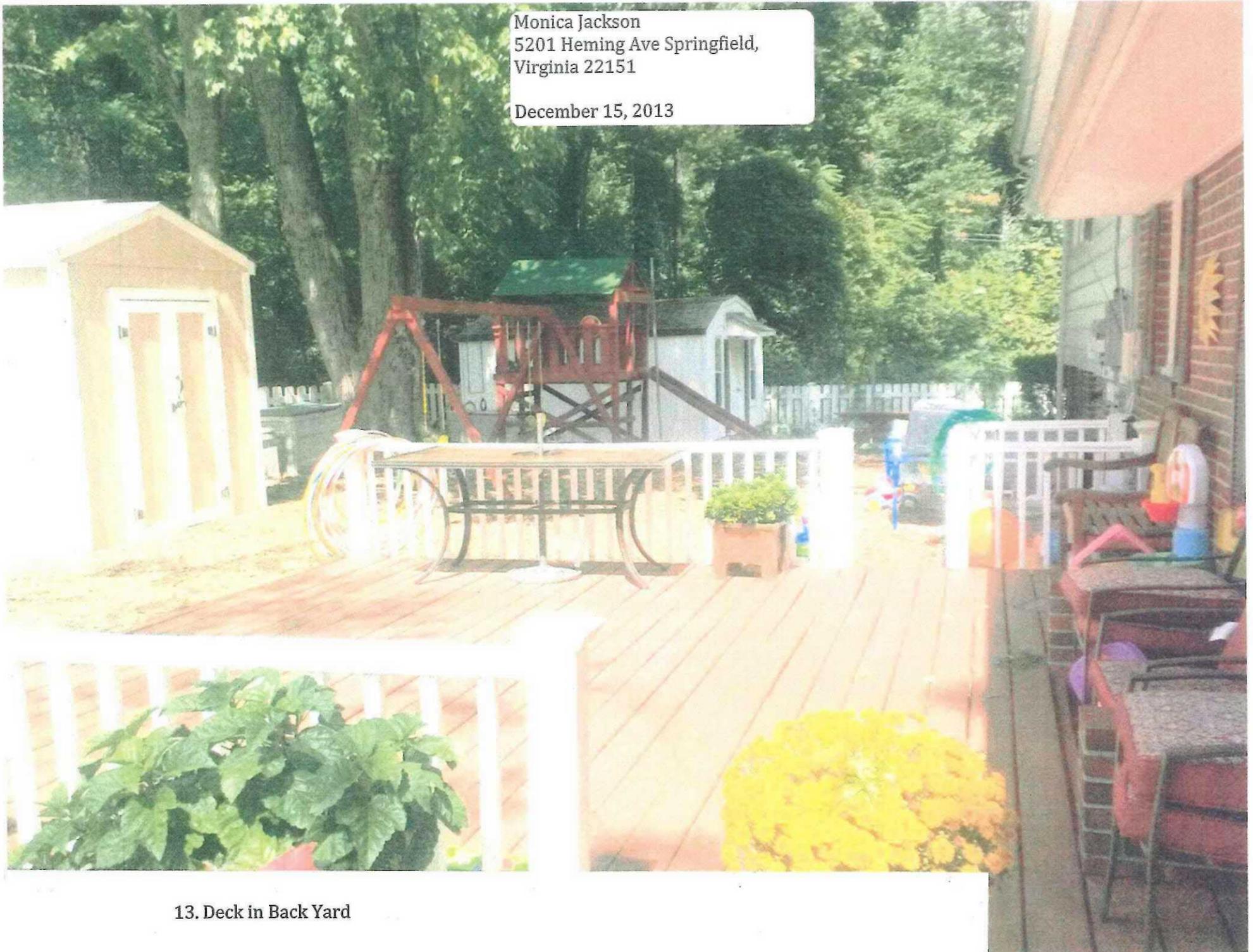


12. Parent drop off and pick up on Jervis Street adjacent to Property

Property

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Virginia 22151

December 15, 2013



13. Deck in Back Yard

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Virginia 22151

December 15, 2013

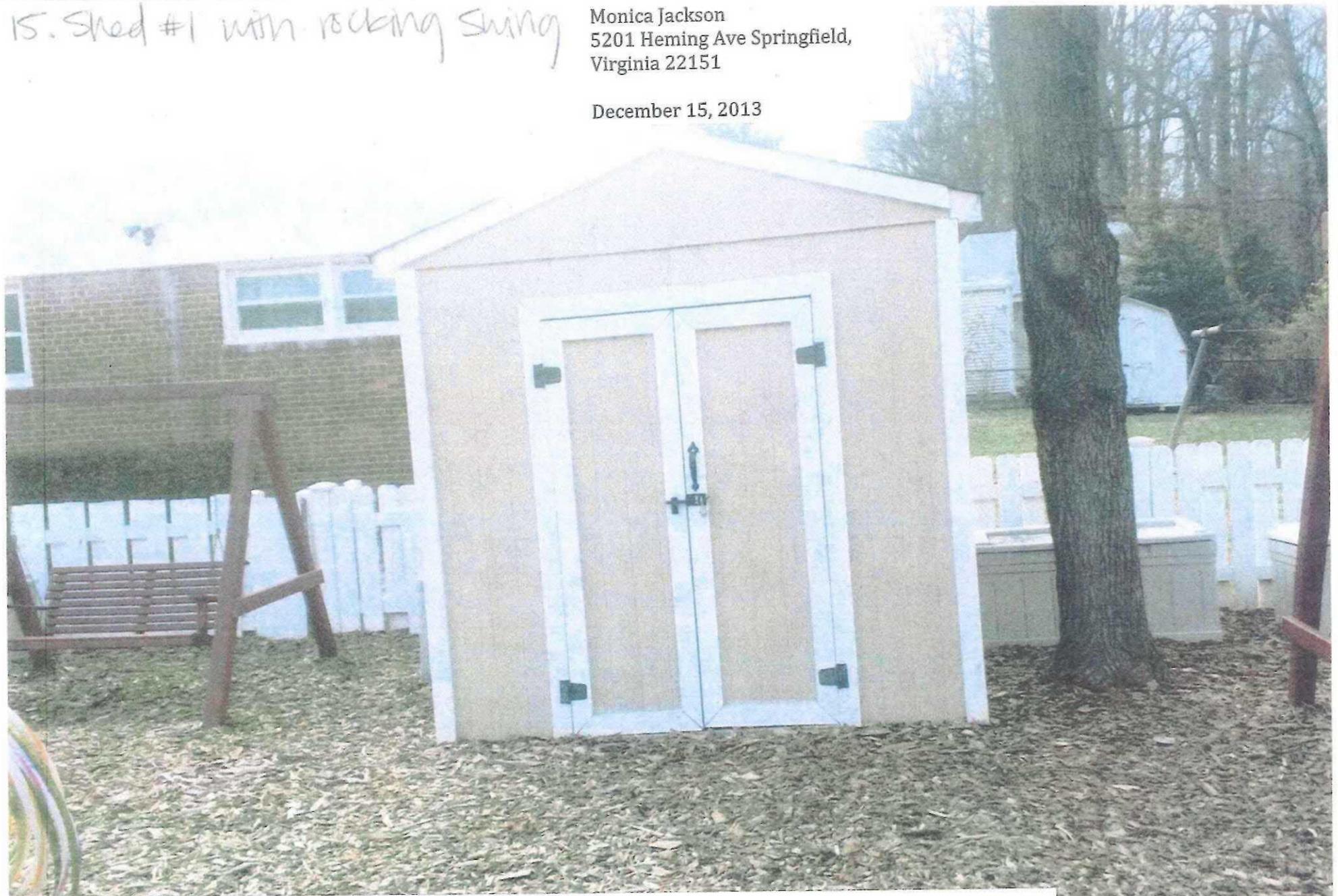


14. Back of the house with view of deck

15. Shed #1 with rocking swing

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5201 Heming Ave Springfield,  
Virginia 22151

December 15, 2013



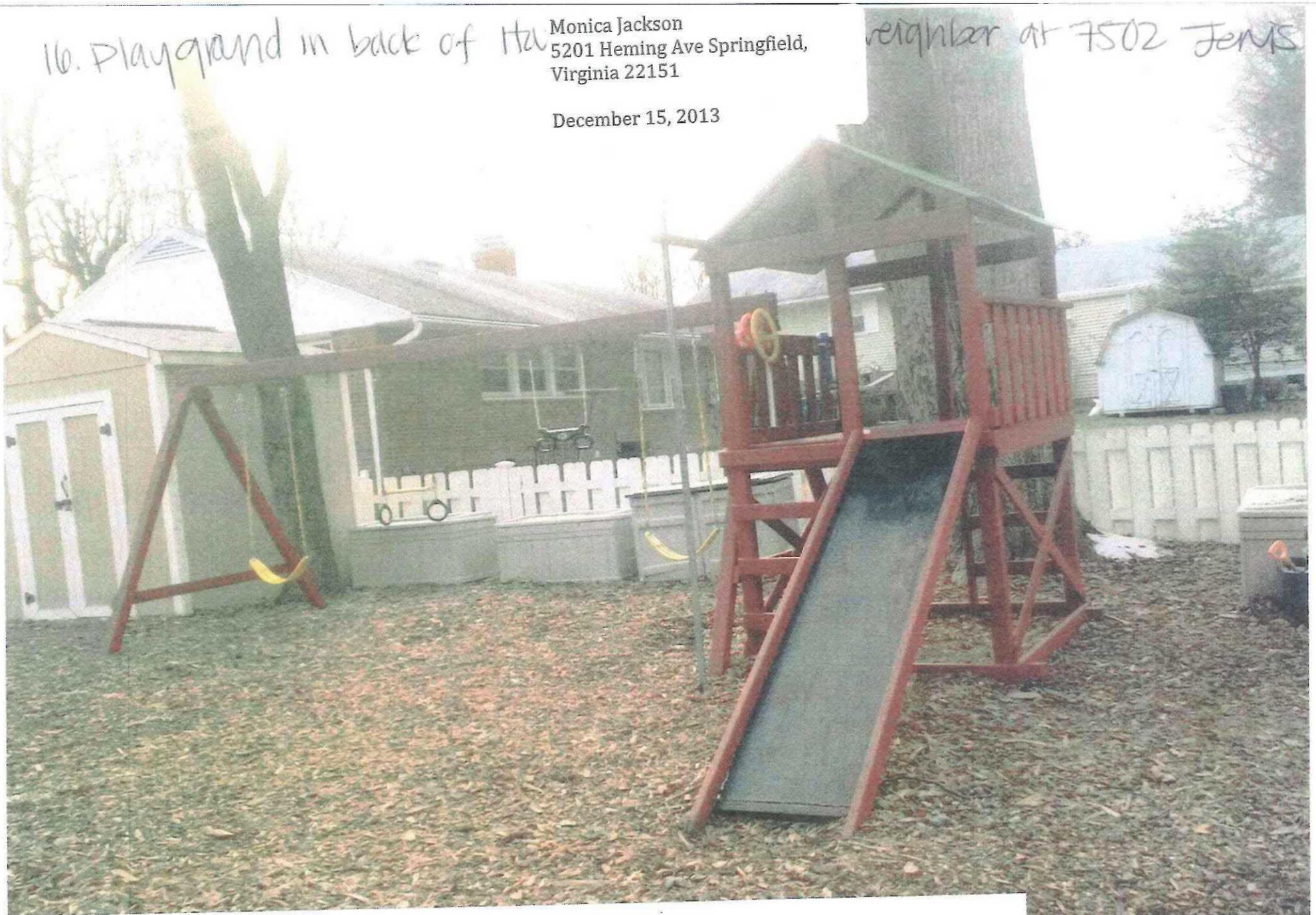
15. Shed #1 with view of rocking swing

16. Playground in back of Hta

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Virginia 22151

neighbor at 7502 Jenis

December 15, 2013



16. Play equipment in back of house/view of neighbor's (7502) back yard

A fence that faces Braddock

Monica Jackson  
5201 Heming Ave Springfield,  
Virginia 22151

side of house

December 15, 2013

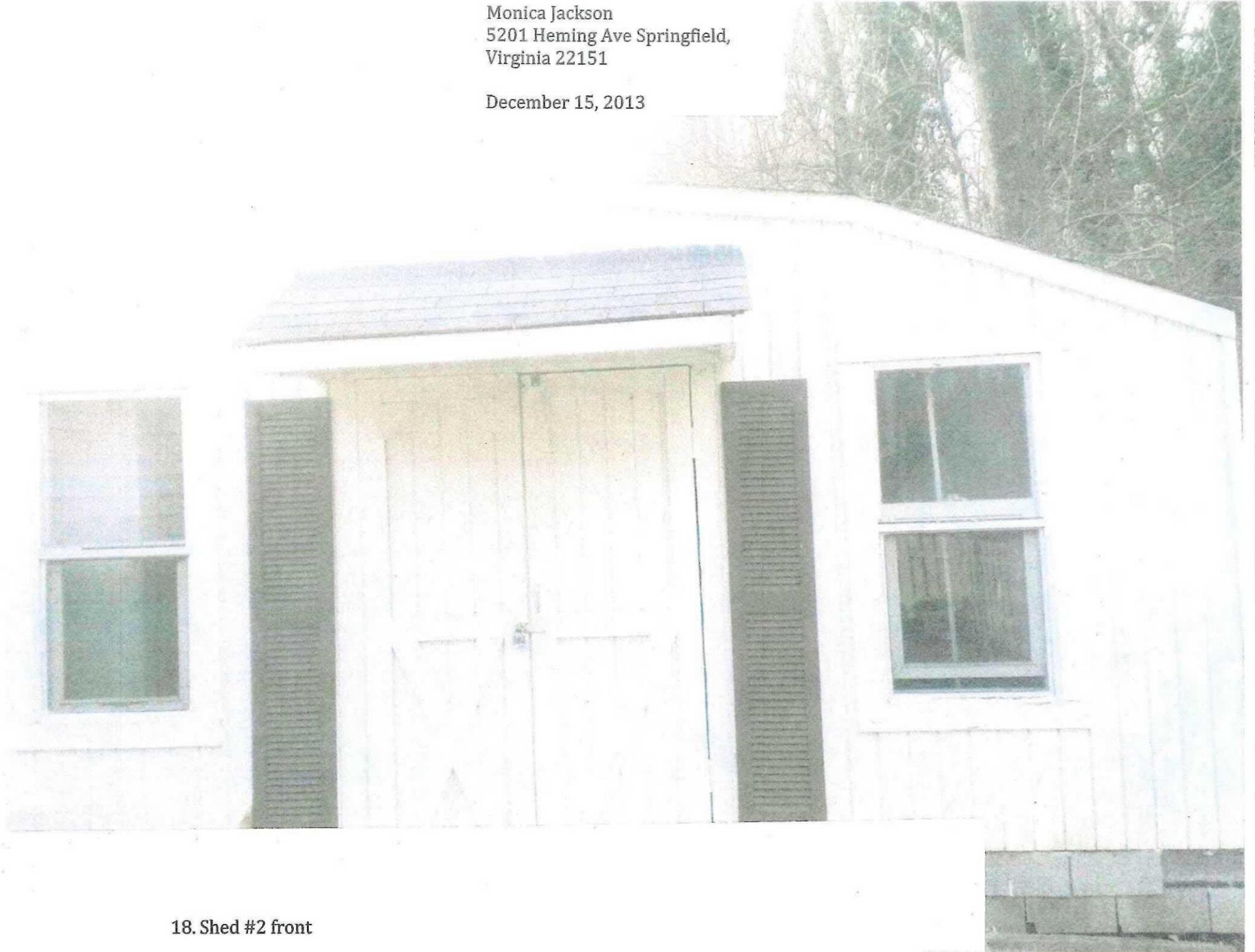


17. Fence facing Braddock Road on right side of house



Monica Jackson  
5201 Heming Ave Springfield,  
Virginia 22151

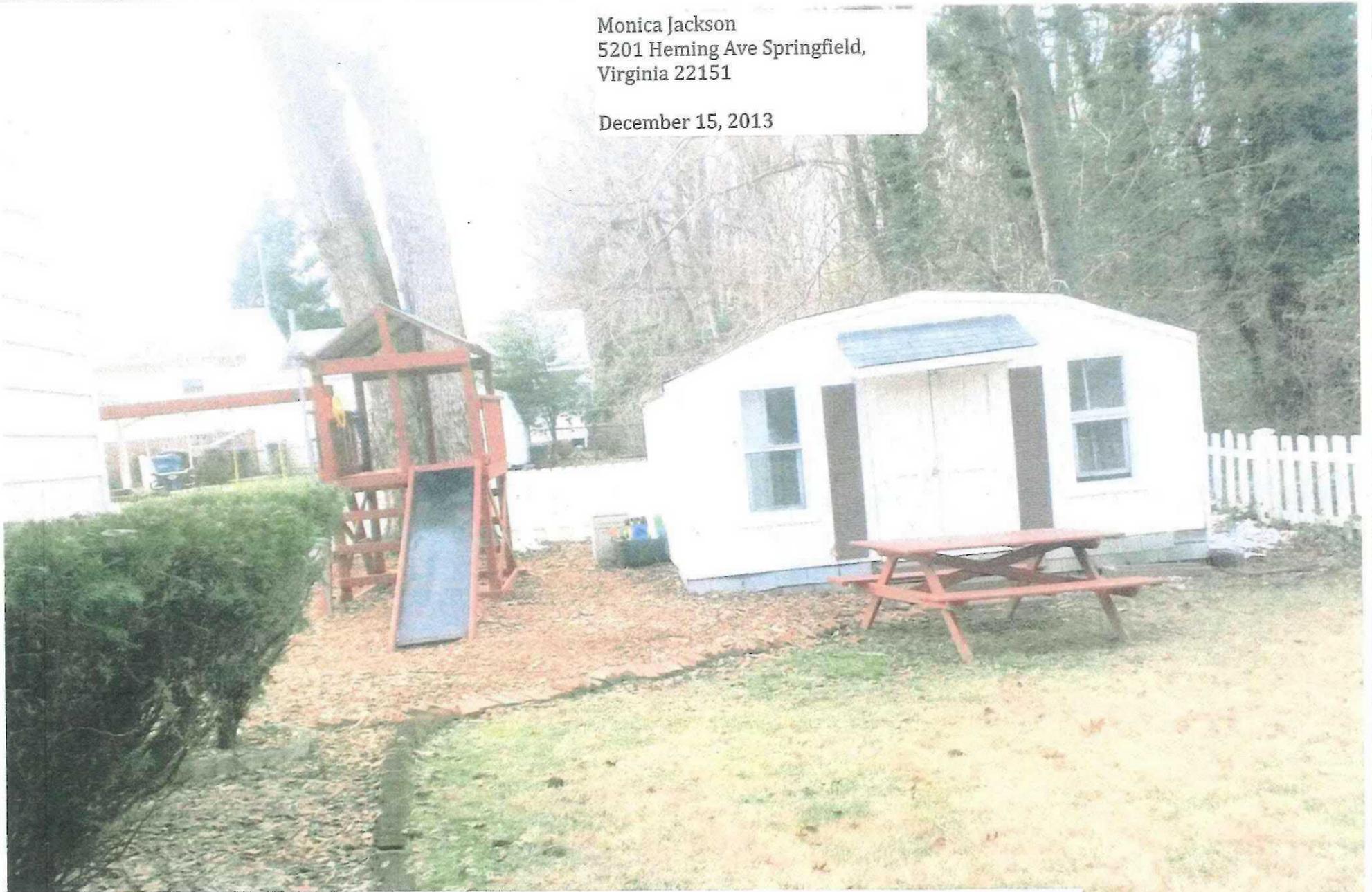
December 15, 2013



18. Shed #2 front

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Virginia 22151

December 15, 2013



19. Right side of back yard shed #2 with partial view of playground equipment

20. Backyard view of 7503 Je

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December 15, 2013



20. Backyard of Property with view of 5201 Heming & 7503 Jarvis properties

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Virginia 22151

December 15, 2013



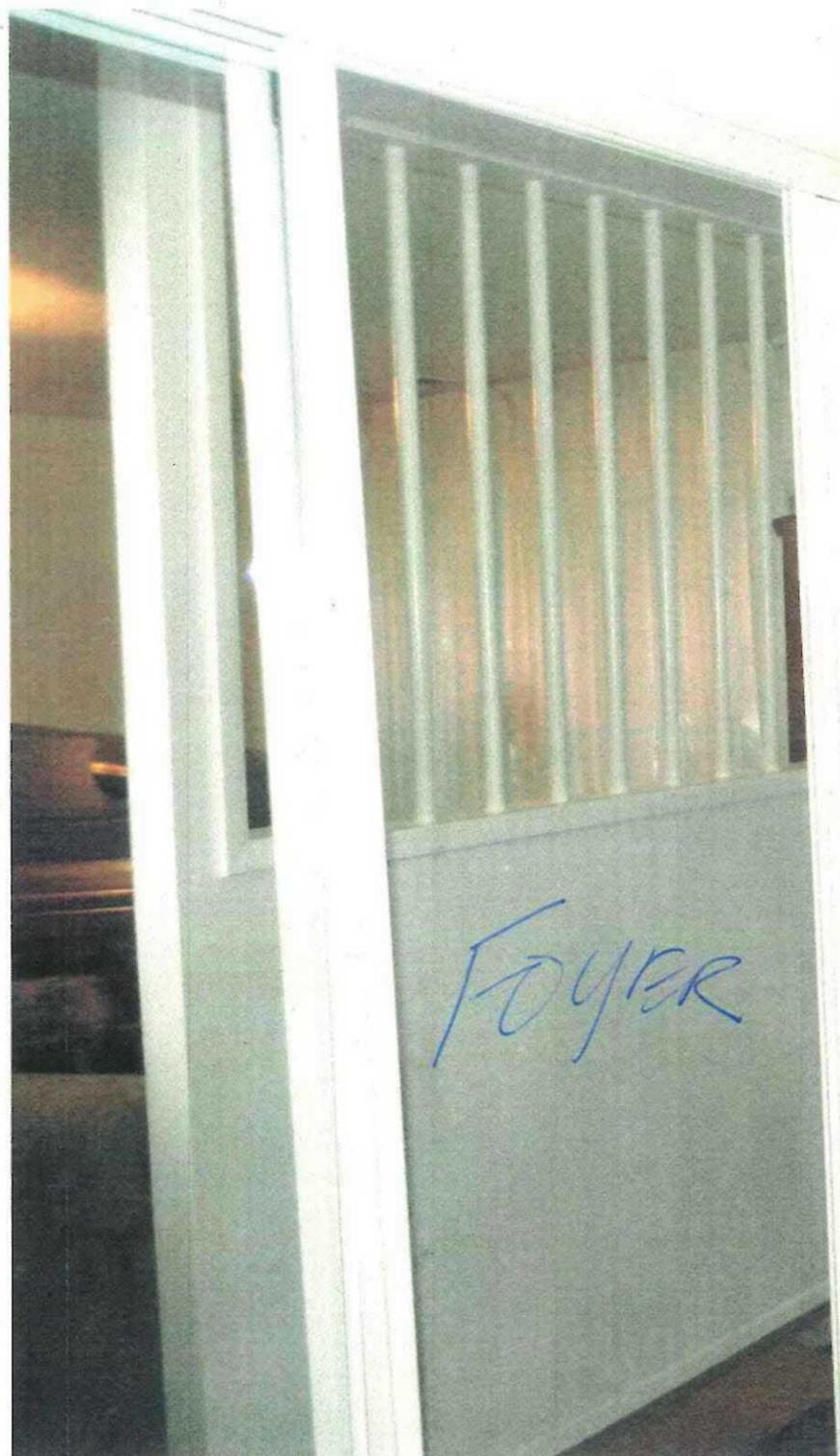
21. Back view of Shed #2

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Virginia 22151

December 15, 2013



22. Front view of Property



FOYER



SEPT 2013

The Jackson Family  
5201 Heming Avenue  
Springfield VA 22151

Sept 2012 Living Room



The Jackson Family  
5201 Heming Avenue  
Springfield VA 22151

Living Room

Sept 2008 Living Room +  
Dining Room



The Jackson Family  
5201 Heming Avenue  
Springfield VA 22151



BATH



Sept 2013  
View 1

The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151



Sept 2013  
View 2

The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151



Sept 2013  
View 3



Sept 2013

View 4

The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151



Sept 2013

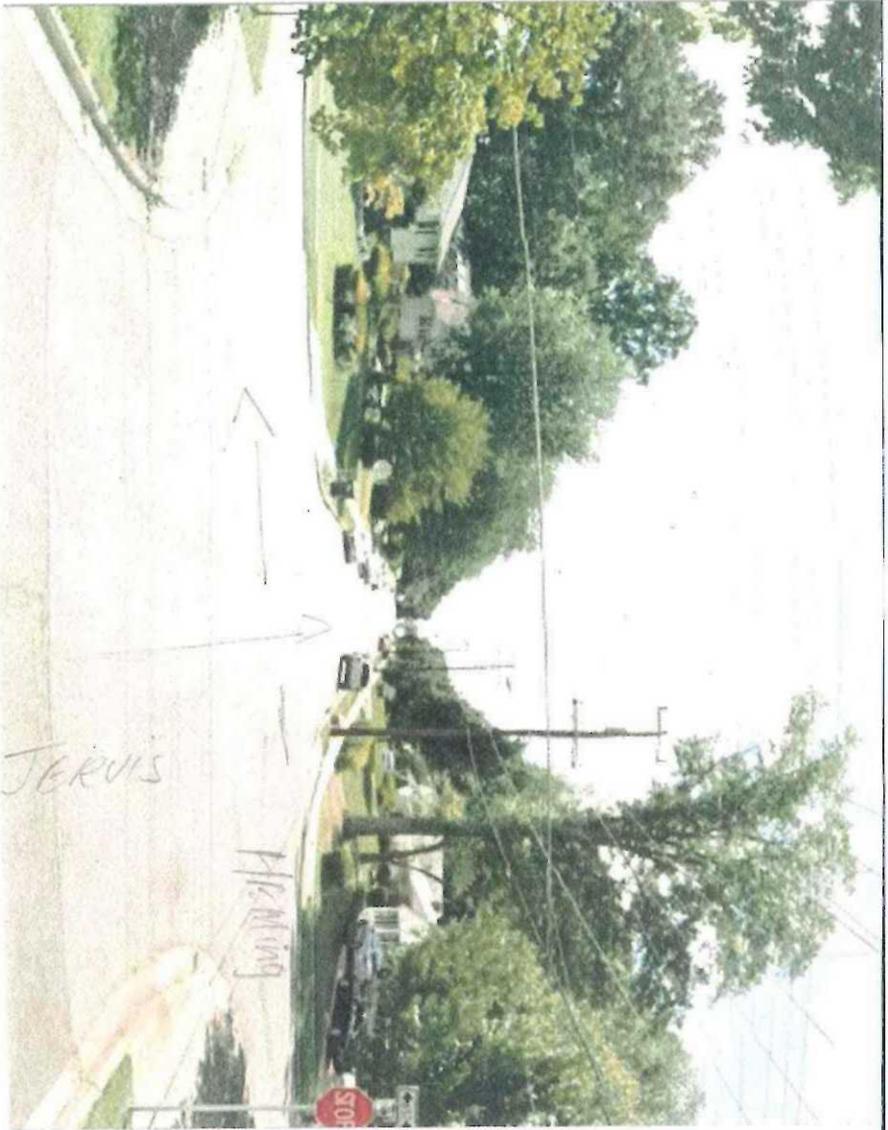
View 5

The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151



Sept 2013

View 6



The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151

Sept 2013  
Nov 7



Sept 2013  
B view

LITE  
FOR...

The Jackson Family  
5201 Heming Avenue  
Springfield, VA 22151

## **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, Lot 1, Block 38, Section 16, North Springfield, Annandale District, Fairfax County, Virginia," prepared by Ashton L. Wood, certified Commonwealth of Virginia Land Surveyor of Payne Associates, dated September 10, 1986 as revised on March 26, 2014, by Esther Jackson, 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**

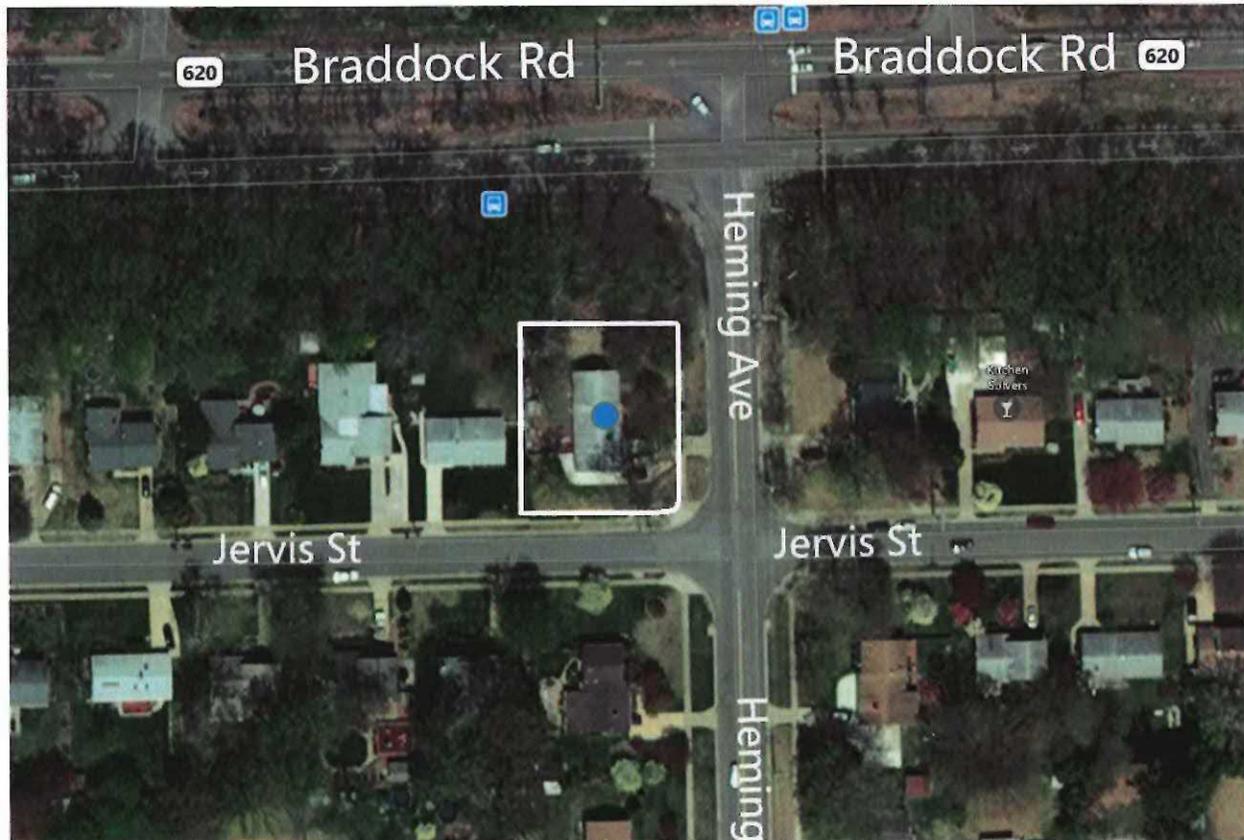
The lot, situated on Heming Avenue at the intersections of both Braddock Road and Jervis Street in Section 16 of the North Springfield subdivision, contains 13,647 square feet. A 3.8 foot high wooden slat fence rings the rear and side yards. A 256 square foot wooden deck, 0.3 feet in height, extends from the rear of the dwelling into the side yard. A 68 square foot shed, 9 feet, 1 inch in height stands in the side yard, adjacent to a children's play structure. This play structure measures 9 feet, 3 inches at its tallest point. Plastic fencing, 3 feet in height, encloses an HVAC unit at the rear of the dwelling. Most of the ground cover in the side yard is mulch.

Because this property is a through lot with two front yards and reverse frontage, the rear yard is in the northeast, closest to Braddock Road. In this rear yard is a 228 square foot shed, 8 feet, 3 inches in height.

A paved driveway in the eastern front yard provides access to the lot from Heming Avenue. The driveway has space enough for five parked vehicles. The home childcare entrance is accessed from this driveway. There is also available street parking on Jervis Street.

Staff has noted that the 68 square foot shed in the side yard has a height greater than 8.5 feet and thus its location does not comply with paragraph 10 of section 10-104 of the Zoning Ordinance. The shed in the side yard is 2 feet, 3 inches from the side lot line, but should not encroach into the required minimum side yard of 8 feet. The shed's location 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 south, west, and east. Across Braddock Road to the immediate north are single family residences zoned R-1.



## BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1956. The applicant's husband purchased the property on November 21, 1984. The applicant operates a home child care facility for 10 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 February 26, 2016. 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, one full-time assistant, and one regular part-time assistant. In addition, the applicant cares for several special needs children, who require developmental specialists upon occasion. Drop-off of children is staggered between 7:00 a.m. and 10:00 a.m. with pick-up between 4:15 p.m. and 5:45 p.m. The existing driveway, which is utilized for pick-ups and drop-offs, can accommodate five vehicles.

SP 2014-BR-050

Areas inside the dwelling utilized for home child care operations include the sun room, end porch, and living room. The children also use the restroom on the lower level. Cots are pulled from storage and utilized for nap time, which occurs in the family room. This sleeping area has adequate emergency egress.

The fenced side and rear yards, which include the play structure, are utilized as an outdoor play area.

### ONSITE PARKING AND SITE CIRCULATION

As illustrated by the image below, this property lies on the intersection of Heming Avenue and Braddock Road. There is a traffic light across the four lanes of Braddock Road that controls traffic to and from Heming Avenue. Both the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation (FCDOT) expressed concern regarding the safety of pulling into and backing out of the subject property driveway on Heming Avenue due to the long queue of cars trying to access Braddock Road during rush hours. The view of traffic entering Heming Avenue from Braddock Road is also obscured by this queue and the trees that screen Braddock Road.

The applicant and her staff park their vehicles on Jarvis Street, which also intersects Heming Avenue at the southern edge of the subject property. Parents can park on Jarvis Street and walk their children to the facility. As recommended by FCDOT, staff has included Development Condition 8 to limit child care pick-ups and drop-offs to Jarvis St. This precludes the use of the driveway, as it is a safety concern. In addition, FCDOT suggested that a sidewalk connection be paved on the Jarvis Street frontage to increase access to the child care facility's point of entry.



SP 2014-BR-050

**COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area I, Annandale Planning District  
**Planning Sector:** North Springfield (A5) 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 7. 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-050, subject to the Proposed Development Conditions dated July 23, 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. ZIB Checklist
5. Virginia State License
6. FCDOT Comments
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****July 23, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-050 located at Tax Map 71-3 ((4)) (38) 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 Jackson d/b/a Jackson Child Care, only and is not transferable without further action of the Board, and is for the location indicated on the application, 5201 Heming Avenue, 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, Lot 1, Block 38, Section 16, North Springfield, Annandale District, Fairfax County, Virginia," prepared by Ashton L. Wood, certified Commonwealth of Virginia Land Surveyor of Payne Associates, dated September 10, 1986 as revised on March 26, 2014, by Esther Jackson, 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 on Jervis Street. All children shall be accompanied by a parent or child care assistant to the facility.
9. The maximum number of assistants for the home child care shall be two in addition to developmental specialists as needed.

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.

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): SP2014 - BR - 050  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 13, 2014 122834a  
 (enter date affidavit is notarized)

I, Monica Jackson d/b/a Jackson Child Care, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Monica Jackson d/b/a Jackson Child Care	5201 Heming Ave. Springfield, VA 22151	<b>Applicant/Title Owner</b>

(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-BR-050  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 13, 2014  
(enter date affidavit is notarized)

122834a

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)

N/A

(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 2014-132-050  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 13, 2014  
(enter date affidavit is notarized)

122834a

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): SP 2014-BR-050  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 13, 2014  
(enter date affidavit is notarized)

12283+a

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): SP 2014-BR-050  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 13, 2014 122834 a  
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)  Applicant  Applicant's Authorized Agent

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

Subscribed and sworn to before me this 13<sup>th</sup> day of June, 20 14, in the State/Comm. of Virginia, County/City of Fairfax.

Herbert L. Jackson  
Notary Public

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

HERBERT L. JACKSON  
NOTARY PUBLIC  
REG. #129790  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES AUGUST 31, 2016

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Name: Monica Jackson  
 Address: 5201 Heming Ave  
Springfield VA 22151  
 Phone #: (703) 354-5913  
 E-mail: Monica@verizon.net

Date September 14, 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 Jackson  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 71-3-04380001  
 Zoning District: R-4  
 Lot Size: 13,647 (ACRES/SQ FT)

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 5201 Heming Ave Springfield VA 22151 (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 9:00AM to 6:00PM.

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 2 assistant(s) who work part-time and 0 assistant(s) who work full-time.

Arrival Schedule. 4 of the children arrive between 7:00 AM and 7:30 AM.

2 of the children arrive between 7:30 AM and 8:00 AM. LEAVE BY 8:00 AM. All six children are dropped off at school.  
Four (4) children arrive between 8:30 AM and 10:00 AM.  
Six (6) to Eight (8) children are picked up from school  
for after school care

Departure Schedule. Three (3) of the children are picked up at 4:15 PM. Another three are picked up by 5:30pm, three (3) to four (4) children are picked up by 5:45pm. Three (3) stay until 6:00pm.  
Area Served. The children live in the North Springfield Community, Annandale, and Burke. (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): is a split level house. Main floor is 1233 sq ft with the following rooms: Dining, Kitchen, Living, porch, Sunroom, and a Foyer. The upper level is 610 sq ft with three bedrooms. The basement is 611 sq ft with a Rec Room, Laundry, Den, and Bathroom.  
The house has 2514 square feet. The following rooms are where I conduct the day care: Sun Room, and porch, Dining, Living, Kitchen, Foyer, Rec Room, Den, and Bathroom.  
These rooms are 1844 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 yard for outdoor play for the children. The area is approximately 2088 square feet. The outdoor play area consists of: Swing set with slide, Sand box, play house and an abundant supply of cut down play equipment stored in one or two sheds and free standing storage bins.

Parking. I use my Driveway to park my family car(s). My parents park either in the Driveway or on the side street - Travis Street.

In conclusion, as a family, we have supported working families within the community with quality child care services for over 20 years. This Special Permit Application request is to continue providing uninterrupted quality child care services for up to 12 children. As detailed, the application is intended to bring this state licensed family day home into compliance with regulatory requirements and local zoning ordinance. There are no proposed changes to/in the existing child care operations or to the outside appearance of the property. There will be no adverse traffic pattern, no additions, and no signs referencing daycare services. The proposed use has not and will not adversely affect the use of neighboring properties. Preservation of the residential character of our home remains a priority. There is ample driveway and street parking for daycare parents, an employee, and our family. We have provided a vital service to the community for the past 20 years and we are requesting the opportunity to continue supporting working families with safe reliable child care services.

Sincerely,  
Maria Tarsan  
Owner of 3201 Fleming Ave  
Springfield VA 22151

RECEIVED  
Department of Planning & Zoning  
SEP 28 2013  
Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

Date: June 9, 2016

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 (Revised Form)

Applicant: Monica Jackson  
5201 Heming Avenue, Springfield, Virginia 22151  
North Springfield lot 1 Blk 38 Sec 16  
Tax Map# 71-3 ((0438)) 0001 Zoning District: R-3 Magisterial District: Braddock  
Mail Log # 2014-0175  
Date of Inspection: June 6, 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/](http://www.fairfaxcounty.gov/dpz/)



- 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.

## Search for Child Day Care

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**Monica Jackson**

5201 Heming Avenue

SPRINGFIELD, VA 22151

(703) 354-5913 ☎

Facility Type: Family Day Home

License Type: Two Year

Expiration Date: Feb. 26, 2016

Business Hours: 8:30am - 5:30pm  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

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



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: June 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-BR-050; Monica Jackson, Home Day Care  
Land Identification Map: 71-3 ((4)) (38)-1

This memo provides Fairfax County Department of Transportation's (FCDOT) comments with respect to the referenced application. These comments are based on the informational packet made available to this department on May 8, 2014.

The proposed application for a home child care facility to accommodate up to 12 children with one full-time and two assistant employees has been reviewed by FCDOT.

- The egress from the driveway of 5201 Heming Avenue poses a safety hazard because Heming Avenue connects to a high traffic volume street, Braddock Road. If the home child care is conditioned to only side street parking along Jarvis Street and also propagation of information on their website and new parent/student packets, FCDOT will not have an issue with application SP 2014-BR-050 being approved.
- FCDOT would also like to suggest a sidewalk connection for easy access to and from the home child care's point of entry.

MAD/ma

**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.