



APPLICATION ACCEPTED: April 20, 2014
BOARD OF ZONING APPEALS: July 30, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 23, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-SP-052

SPRINGFIELD DISTRICT

APPLICANT: Rosa Maria Castro Thomason

OWNERS: Rosa Maria Castro Thomason
Travis R. Thomason

SUBDIVISION: West Springfield, Section 5

STREET ADDRESS: 8233 Smithfield Avenue, Springfield, 22152

TAX MAP REFERENCE: 89-1 ((4)) 205

LOT SIZE: 11,030 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-SP-052 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

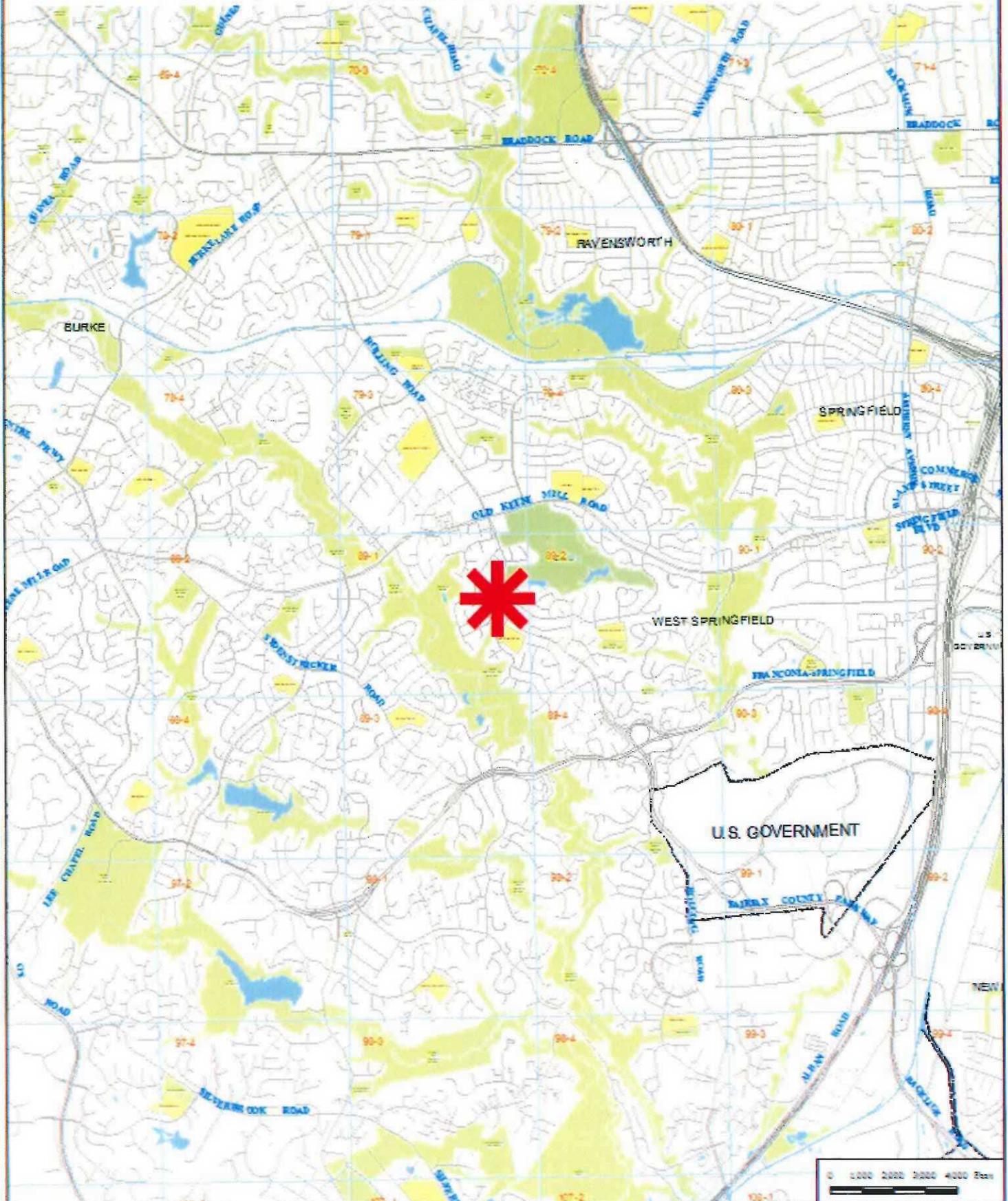
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



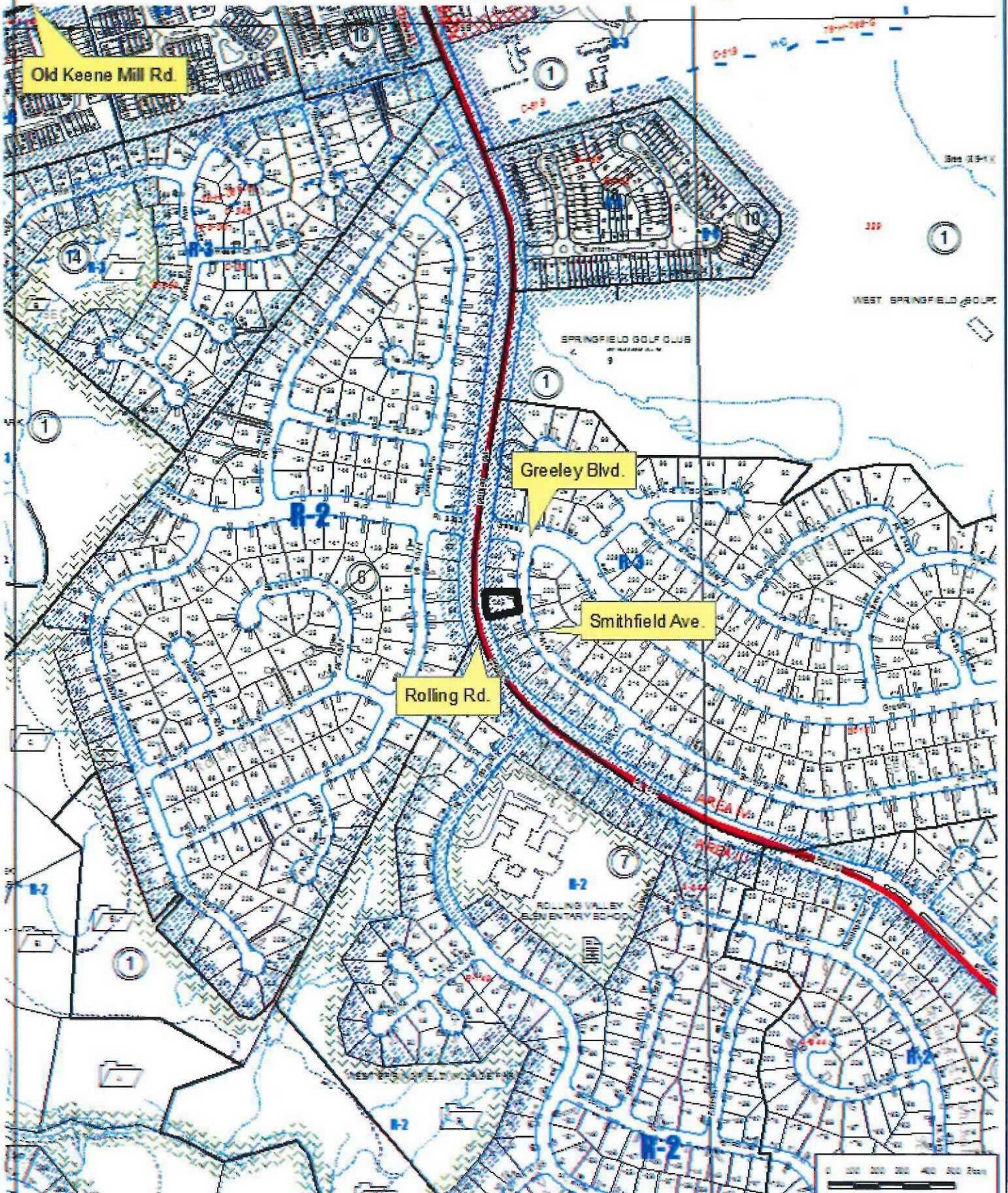
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-SP-052
ROSA MARIA CASTRO THOMASON



Special Permit
SP 2014-SP-052
ROSA MARIA CASTRO THOMASON



RECEIVED
Department of Planning & Zoning

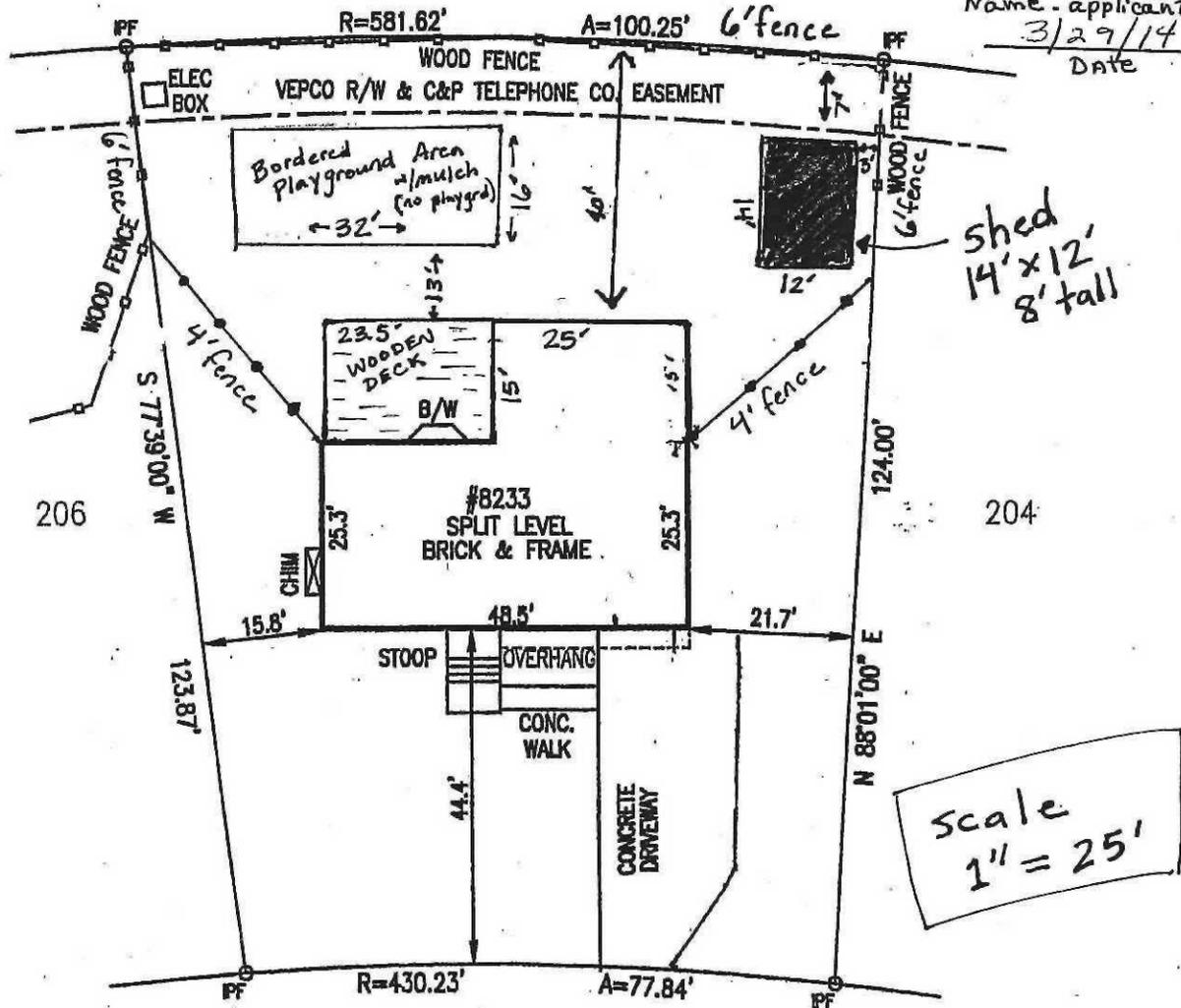
MAR 31 2014

Zoning Evaluation Division

ROLLING ROAD (STATE ROUTE # 638) VARIABLE WIDTH R/W

Addition of
Fence Height
Shed, Wood Deck
setback
Bordered Playground
+ total 59 Feet Play Area
in blue

Name - applicant
3/29/14
Date



shed
14' x 12'
8' tall

Scale
1" = 25'

Outdoor
play area
40' x 85.25' =
3,400 to 4,000 sq ft

I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device & unless otherwise shown there are no encroachments.

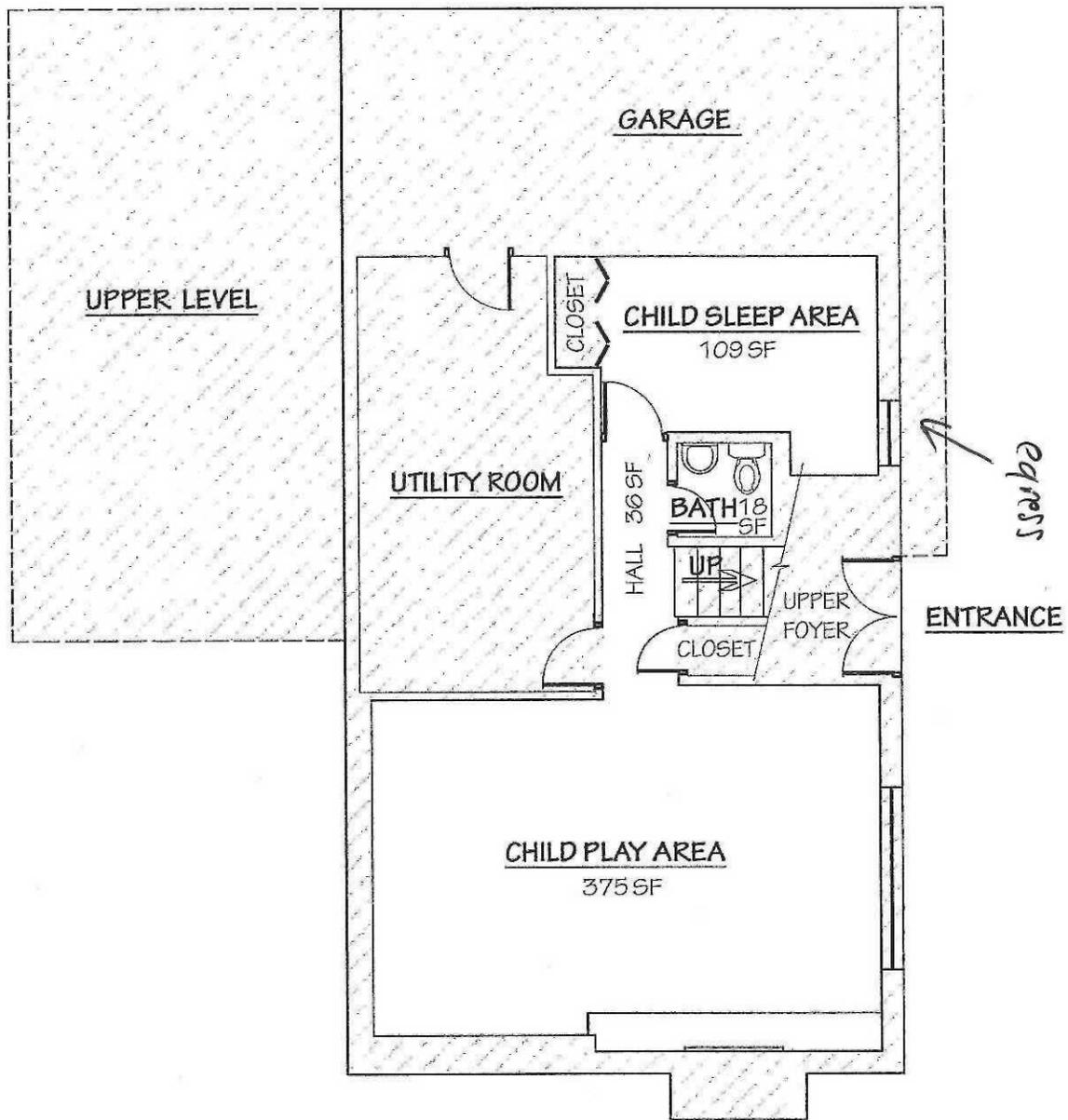
This plat has been provided for a transaction on or about the date of this survey. This certification is limited to the parties of this transaction.

This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership.

The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished.

This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. o IPF indicates monuments used for location purposes.

SMITHFIELD AVENUE
(50' WIDE)

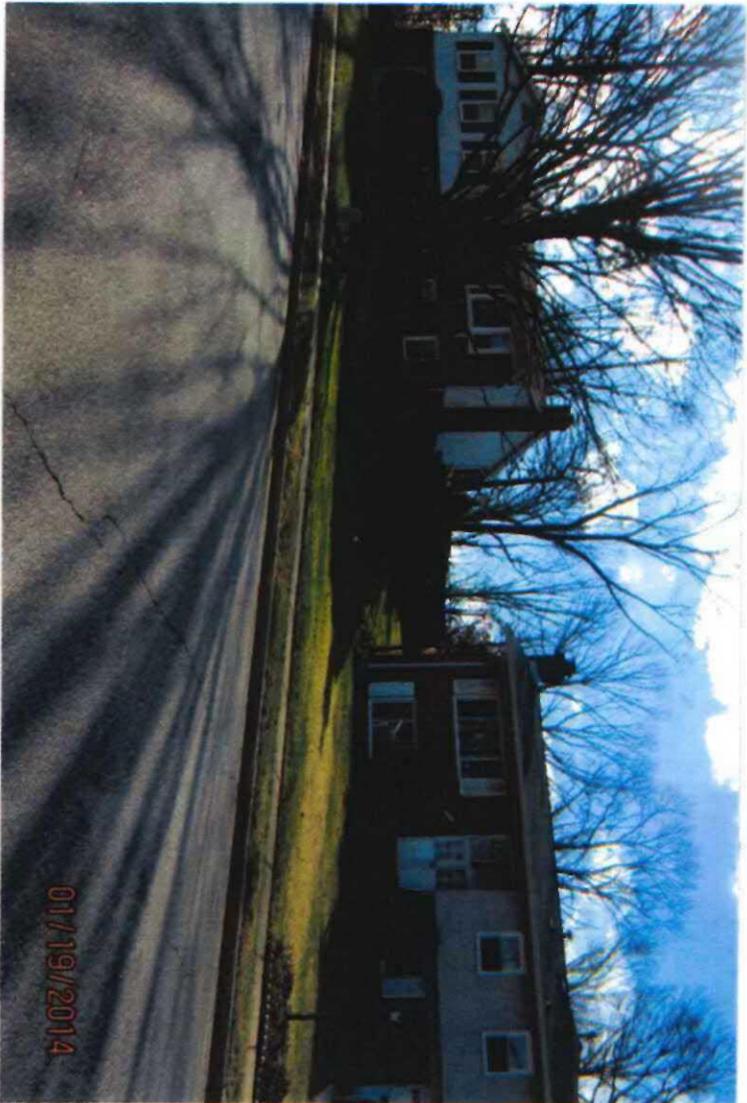


Prepared by: Bruce Kelsey
 Date: February 11, 2014
 HomePort Technical Consulting
 HomePort@aol.com
 (703) 623-5820

FLOOR PLAN
 1/8" = 1' - 0"

CHILD CARE
 8233 SMITHFIELD AVENUE
 WEST SPRINGFIELD, VIRGINIA

RECEIVED
 Department of Planning & Zoning
 MAR 31 2014
 Zoning Evaluation Division



House to ↑
South
Contiguous Property to South

↑ Subject Property

Subject
Property

1

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

Subj
Property
→



← Property
to
North

2

Picture Taken Properties across street taken from the front of
Subject Property

THAWSON

THOMSON



3.

Driveway of subject property

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

4



4
Driveway of Subject Property

THOMSON

5



From subject property further south east on Smithfield Ave.

6



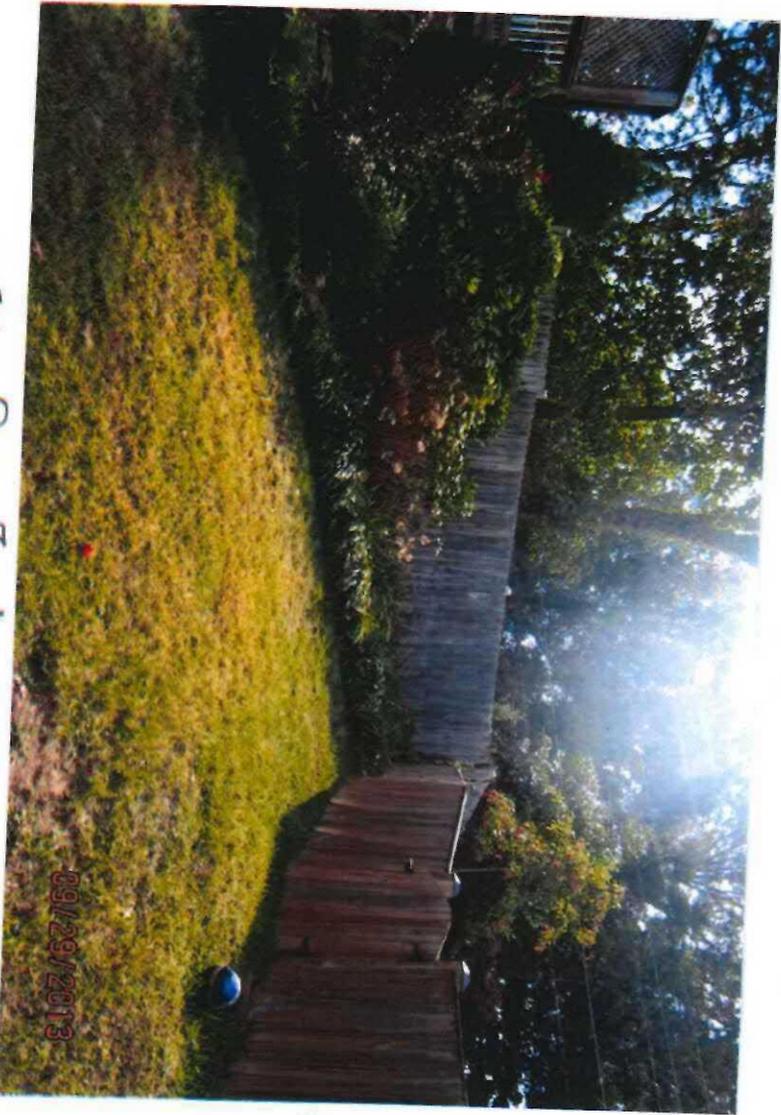
From subject property north east toward Greely Blvd
Thompson

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation



(7)

Side of House



(8)

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division
PLANNING DIVISION

Taken from Front Toward Rear. To left is property + fence of the Side Yard of neighbors to south. Interior fence is neighbors' property.

THOMPSON



9.

Property photo taken from the back side



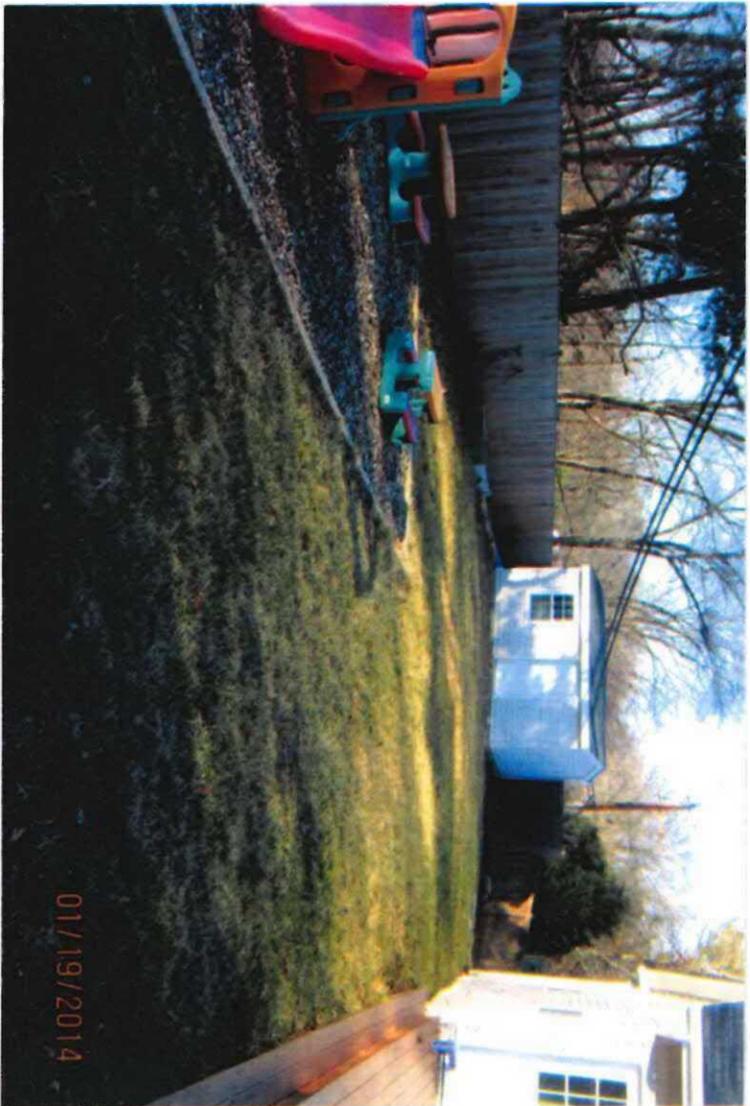
10

RECEIVED
Department of Planning & Zoning

MAR 31 2014

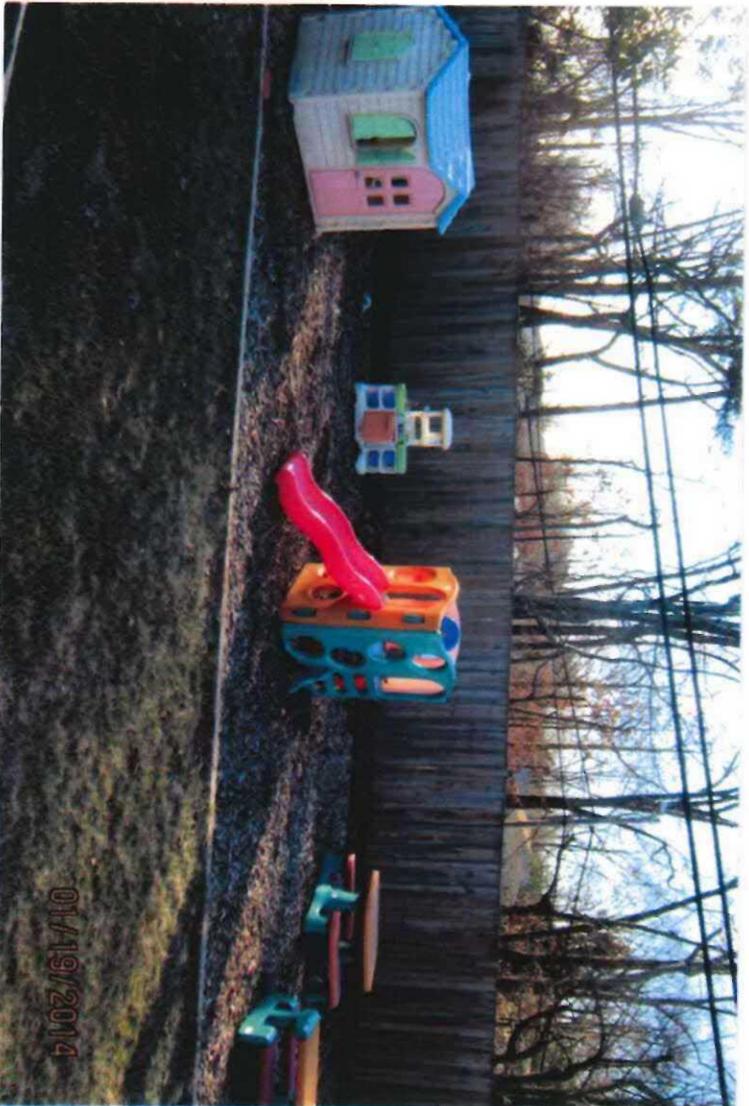
Zoning Evaluation Division

Thomson



11

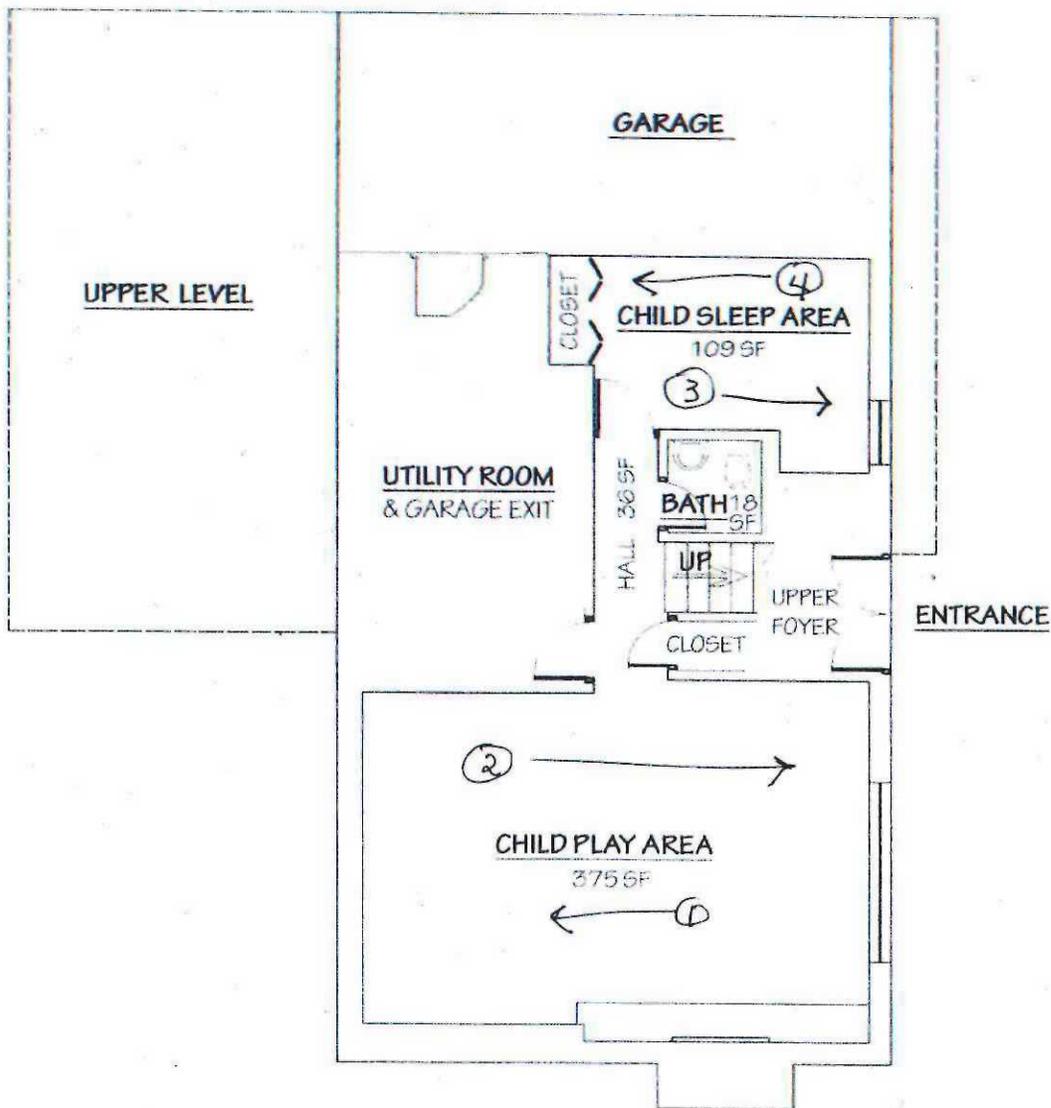
RECEIVED
 Department of Planning & Zoning
 MAR 31 2014
 Zoning Evaluation Division



12

Playground Equipment - Behind fence approx 20'
 down a steep + vegetated slope
 w/ Rolling Road.

THOMSON



FLOOR PLAN

1/8" = 1' - 0"

Prepared by: Bruce Kelsey
 Date: February 10, 2014
 HomePort Technical Consulting
 HomePort@aol.com
 (703) 623-5820

RECEIVED
 Department of Planning & Zoning
 MAR 31 2014
 Zoning Evaluation Division

CHILD CARE
 8233 SMITHFIELD AVENUE
 WEST SPRINGFIELD, VIRGINIA

*Photo Key for Interior
 Home Child Care Facility THOMASON*



①

Activity Area

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division



②

Activity Area

THOMASON



(3)

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

Nap Area / Separate Room



(4)

Thomason

SPECIAL PERMIT REQUEST

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

A copy of the special permit plat titled, "Addition of Fence Height, Shed, Wood Deck Setback, Bordered Playground and Total Sq. Feet Play Area," as signed by the applicant on March 29, 2014, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split level single family detached dwelling. A stoop, a walkway, an overhang and a concrete driveway are located to the east of the dwelling. A wood deck, bordered playground area and nine foot tall shed (as inspected by zoning staff) exists to the west of the dwelling. A fence ranging from four feet to six feet in height encloses the rear yard. The property drops in elevation with the highest point being along the western property line and the lowest point at the eastern property line. The property contains mature trees in the southern side yard and trees are located behind the fenced in rear yard to the west of the dwelling. The property also contains a VEPCO right-of-way easement as well as a telephone company easement.

The subject property and surrounding properties to the north, east, and south are zoned R-3 and developed with single family detached dwellings. The property to the east, across Rolling Road, is zoned R-2 and developed with single family detached dwelling. The property is located south of Old Keene Mill Road and east of Rolling Road.



BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1967 and purchased by the applicant in 2012.

On April 11, 2013, the Fairfax County Office for Family and Children approved a licensing permit for the applicant at her current address and a satisfactory inspection by Fire Prevention Services staff was completed (Appendix 4).

On July 30, 2012, a building permit was finalized for the partial demolition of a deck, the construction of a one story bedroom addition with a crawl space. On November 28, 2012, the building permit was amended to decrease the size of the addition, to add new windows and to decrease the door size (Appendix 5).

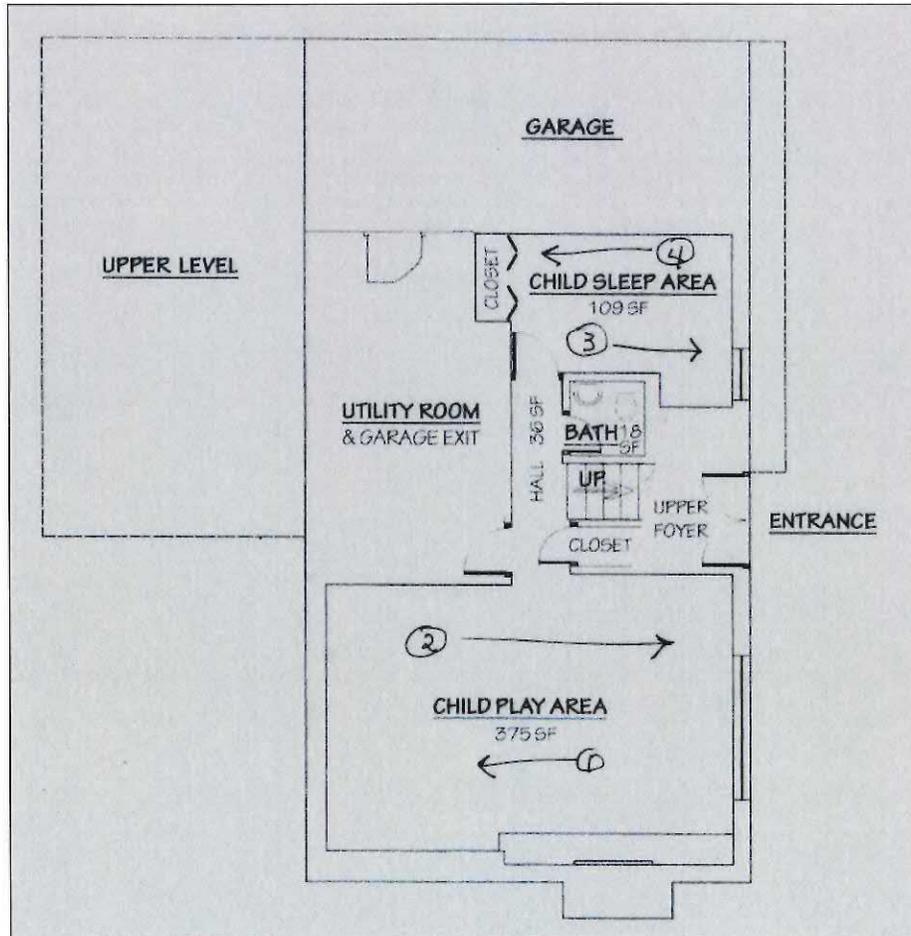
Records indicate that no other special permit or variance applications relating to a home child care facility have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 6:30 a.m. and 5:00 p.m., Monday through Friday. Currently the application has six children who arrive between 7:00 a.m. and 8:00 a.m. and depart between 3:00 p.m. and 4:00 p.m. The proposed arrival times for the increase to twelve children are between 7:00 a.m. and 8:30 a.m. and the departure times are 3:00 p.m. to 6:00 p.m. There is currently one assistant; however the applicant is requesting two with this application.

The applicant holds a conditional Family Day Home License, valid through August 23, 2014, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, two months through six years of age and is included in Appendix 6. As defined on the state website a conditional license is a "License that may be issued for no more than six months to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements."

The home child care facility is operated in the basement of the dwelling which includes a child sleep area with adequate emergency egress, a bathroom and a child play area (as shown on the following page). The play area for the children is currently in the fenced rear yard, as shown on the special permit plat. Pictures provided by the applicant show toys located in this area.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Springfield Planning District
Planning Sector: Country Club Community Planning Sector (S1)
Plan Map: Residential, 2-3 du/acre

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 8. Subject to development conditions, this special permit must meet these standards.

On-site Parking and Site Circulation

Vehicular access to the site is provided from Smithfield Avenue. The parents and children use the front walkway on the east side of the house to enter the dwelling and use the internal stairs to access the home child care center in the basement.

The existing driveway and garage appear to be able to accommodate five vehicles with a one car garage and four parking spaces. The garage is used for storage and the one assistant parks on the street. The applicant currently parks her one family car in the driveway during operating hours. Therefore, the driveway has approximately three spaces available to be used for drop-off and pick-up of children.

Two off-street parking spaces are required for the single family dwelling and these are contained in the garage and the driveway. Staff believes sufficient parking exists in the driveway to accommodate the pick-up and drop-off of children for the home child care use.

Zoning Inspection Analysis

During the inspection of the home child care, Zoning Inspection staff found a number of issues. The list of comments from the site inspection is in Appendix 7. Zoning Issues include an accessory structure that is nine feet in height and located in the minimum side and rear yard setbacks. This structure location does not comply with the Zoning Ordinance and will need to be addressed in the future, should the applicant request other permits.

Property Maintenance issues identified on the site visit include, blocked pathways to the emergency egress, a keyed deadbolt lock on the front door of the house, and the addition and replacement of smoke detectors. The applicant has been made aware of these comments, and they are addressed in the development conditions, which require satisfactory completion of all inspections and permits prior to establishing the use.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-SP-052 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Fairfax County Office of Family and Children Permit
5. Building Permit History
6. State Home Child Care License
7. Zoning Inspection Branch Site Visit Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SP-052****July 23, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-052 located at Tax Map 89-1 ((4)) 205 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Rosa Maria Castro Thomason, and is not transferable without further action of the Board, and is for the location indicated on the application, 8233 Smithfield Avenue, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Addition of Fence Height, Shed, Wood Deck Setback, Bordered Playground and Total Sq. Feet Play Area," as signed by the applicant on March 29, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:30 a.m. to 5:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of three parking spaces shall be provided on the subject parcel within the areas of existing paving.

10. There shall be no signage associated with the home child care facility.
11. All applicable permits and inspections shall be obtained prior to the establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SP 2014-SP-052

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/31/14
(enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., 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

125 298

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)
Rosa Maria Castro Thomason	8233 Smithfield Avenue Springfield, VA 22150-3060	Co-Title Owner/Applicant
Travis R. Thomason	8233 Smithfield Avenue Springfield, VA 22150-3060	Co-Title
Jane Kelsey & Associates, Inc. Jane Kelsey Bruce E. Kelsey	4041 Autumn Court Fairfax, VA 22030	Agent for the Applicant Agent for the Applicant Agent for the Applicant

(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).

LAB

Application No.(s):

SP 2014-SP-052

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/31/14
(enter date affidavit is notarized)

125298

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)

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030

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)

Jane Kelsey

(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-SP-052

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/31/14
(enter date affidavit is notarized)

125298

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)

NONE

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

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

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

Application No.(s): SP 2014-SP-052
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/31/14
(enter date affidavit is notarized)

125298

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.

SP 2014-SP-052

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/31/14
(enter date affidavit is notarized)

125298

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

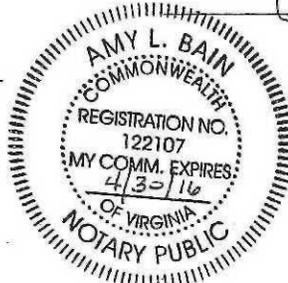
Jane Kelsey, Jane Kelsey & Associates, Inc.

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

Subscribed and sworn to before me this 31st day of March, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Amy L. Bain
Notary Public

My commission expires: 4/30/16



CAB

STATEMENT OF JUSTIFICATION FOR HOME CHILD CARE FACILITY

Rosa Maria Castro Thomason
8233 Smithfield Avenue
Springfield, VA 22152

RECEIVED
 Department of Planning & Zoning
 MAR 31 2014
 Zoning Evaluation Division

March 28, 2014

To: Staff and Members of the Fairfax County Board of Zoning Appeals
 RE: Tax Map Ref 89-2 ((4)) 205, Zoning: R-3 Zoning District

My husband, Travis R. Thomason, and I own and live in the above referenced single detached family home. I want to have a maximum of twelve (12) children at any one time. This does not include my own children. I plan to have the same group of children during the day. Therefore, there will be less variable traffic. I have had a permit from the Office for Children since September 2006. At maximum enrollment, two (2) assistants are proposed. I currently only need one (1) assistant because I do not yet care for twelve children.

Arrival Schedule: Children began arriving at 6:30 A.M. to 5:00 P.M., Monday through Friday. My current clients are teachers, therefore, most have to be at the school where they teach prior to 8:00 A.M. Typically, these teachers pick up their children no later than 4:00 P.M. If my future clients are not teachers, they might arrive between 7:30 and 8:30 A.M. Since I currently only have 6 children, other than my own, 3 arrive between 7:00 and 7:45 A.M.; 3 arrive between 7:45 A.M. and 8:00 A.M.

Departure Schedule: Most of the children leave between 3:00 P.M. and 4:00 P.M. I hope in the future to enroll other teacher's children. The exact time of departure depends on the individual teacher's after school schedule. However, future clients who are not teachers might not pick up their children until 5:00 or 6:00 P.M.

Area Serviced: Most of the children live in the general vicinity as the facility.

Description of location of Home Child Care Facility within the home: The entire lower level, excluding the utility area, is devoted to the home child care facility. The house has a split foyer. When you enter the front door, there are six steps down to the home child care facility. There is one large play and activity room which is also used for afternoon naps. Down the hall, there is the bathroom and another room which is primarily used for napping, particularly for the children who need two naps a day.

The house was remodeled in 2009 which added two bedrooms in the upstairs family area which is now currently approximately 1700 square feet. The kitchen upstairs is used to prepare lunch for the children. The total square feet used for the home child care is approximately 1,000 square feet, excluding the utility room which contains storage for the home child care and a refrigerator where lunch items, drinks, and snack food are kept.

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 on site.


Land Development Information History: FIDO - License Permit - FPCP OFC - 18593
Permit Information

Permit Number:	18593	Issued Date:	2011-04-11
Permit Type:	FPCP OFC - FPCP OFFICE FOR CHILDREN	Expire Date:	
Job Address:	8233 SMITHFIELD AV	Tax Map:	089-1 ((04)) 0205
	SPRINGFIELD , VA 22152-3060	Permit Status:	
Location:		Bldg:	Floor: Suite:
		Permit Fee:	
Subdivision:	WEST SPRINGFIELD LT 205 SEC 5		
Magisterial District:	SPRINGFIELD		
Subcensus Tract:			
Business Name/Occupant:	CASTRO THOMASON, ROSA		
Work Description:			
Type of Work:	F3OFC		
Standard:			

Owner Information

Owner: THOMASON TRAVIS
 Address: 8233 SMITHFIELD AVE
 SPRINGFIELD , 22152

Contractor Information

Name: CASTRO THOMASON, ROSA
 Address: 8233 SMITHFIELD AVE
 SPRINGFIELD , VA 22152-3060 22152-3060

Trade Name/DBA:

Applicant Information

Applicant:

Address:

Inspections

Inspection - FOFC 2012 - 5338152

Insp Type	Insp Date	Insp Name	Partial?	Insp Result
FOFC 2012	2011-07-07	NATALIE BELL	N	Failed

Inspection - FOFC 2012 - 5417462

insp Type	Insp Date	insp Name	Partial?	Insp Result
FOFC 2012	2011-07-21	NATALIE BELL	N	Passed

Inspection - FOFC 2013 - 5739196

Insp Type	insp Date	Insp Name	Partial?	Insp Result
FOFC 2013	2012-07-26	NORITA ALEXANDER	N	Passed

Reviews

There were no reviews.

Endorsements

There were no endorsements.

Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)
Phone: [County Main Number](#) - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

[ADA Accessibility](#) | [Website Accessibility](#)

[Awards](#) | [FOIA](#) | [Mobile](#) | [Using this Site](#) | [Web Disclaimer & Privacy Policy](#) | [Get Adobe Reader](#)

Official site of the County of Fairfax, Virginia. © Copyright 2011

Fairfax County Government
 12055 Government Center Parkway
 Fairfax, VA 22035

**Building Permit
 Zoning Review**

*This document does not reflect the
 Building Permit approval.*

11/28/12 12:33:41 PM

Bldg Permit #: **122120054** **MULTIPLE WORK PERMIT**

Address: 8233 Smithfield Av Springfield VA 22152-3060

Bldg: N/A Floor: Suite: N/A

Subdiv: West Springfield Lt 205 Sec 5

Sub Census: 315.01 **Lot Size:** 11,030.00

Tax Map: 0891 04 0205

Owner: Thomason Travis

Phone Day: (703)473-8141 x

Evening:

Contractor:

MBC SERVICES LLC
 4600 S Four Mile Run Dr
 Suite 710
 Arlington, Va 22204-0000
 (703) 473-8141

Type of Work: MULTI WORK

Description of Work: demo partial of deck; build one story bedroom additions with crawl space; interior alteration to 1st floor to create hallway/////Amend to decrease size of addition from 28*15 to 24*15 & add 2 new windows and decrease door size

ZPRB Review:

Date		Status
7/30/12	AM00R4	Approved
11/28/12	KSHREI	Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Exceeds 30%	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback	Parking Requirement
R-3	N	N	13.00	N	N	N	N	N	Y

Zoning Use

SFD

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
	0.00	0.00	0.00	0.00	23.00	37.00

DETAILS COMMENTS:

demo partial of deck; build one story bedroom additions with crawl space; interior alteration to 1st floor to create hallway/////Amend to decrease size of addition from 28*15 to 24*15 & add 2 new windows and decrease door size

162 APPROVED
11-28-12

HOUSE LOCATION SURVEY

Lot 205 Sec. 5

WEST SPRINGFIELD

Mason Magisterial District
FAIRFAX COUNTY, VIRGINIA

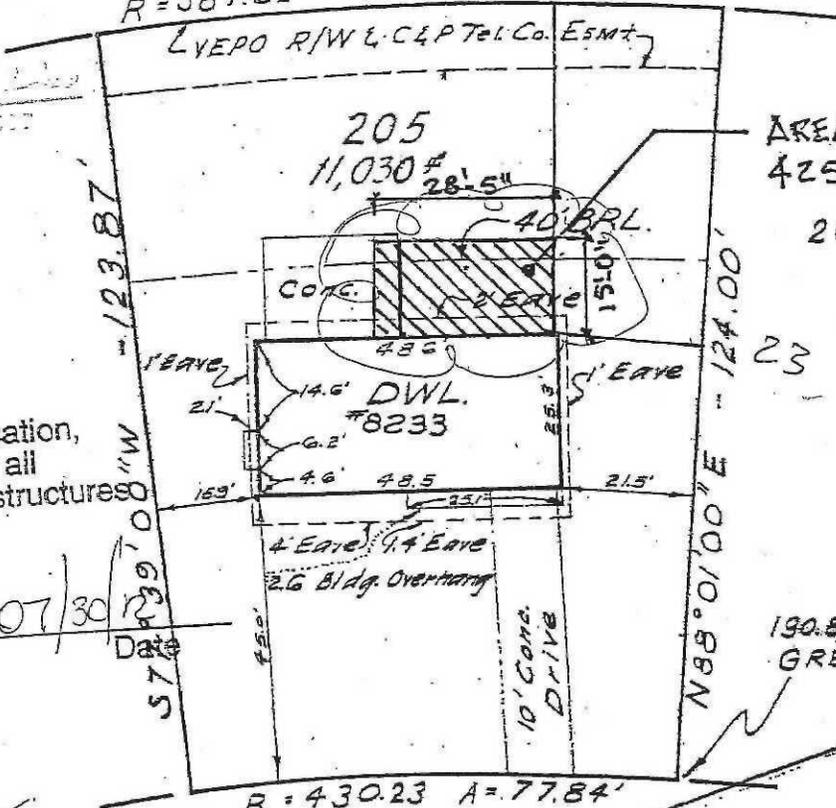
David B. Johnson
Zoning Administrator
24'-5" x 15' 1-STOREY
ADDN.

ROLLING ROAD
(STATE ROUTE #638)

25' rear

APPROVED
7-30-12
David B. Johnson
Zoning Administrator

R = 581.62' A = 100.25³⁷



AREA OF ADDITION
425 SF.

206

204

23

This Plat depicts the location, height and distances of all existing and proposed structures to respective lot lines.

Owner/Agent

07/30/12
Date

R = 430.23 A = 77.84'

SMITHFIELD AVE
(50' Wide)

David B. Johnson
ZONING ADMINISTRATOR
AUG 22 1967
DATE



CERTIFIED CORRECTOR
Herman L. Courson
CERTIFIED LAND SURVEYOR
5-6-12

SPRINGFIELD SURVEYS
SPRINGFIELD, VIRGINIA

SCALE 1"=30'
DRAWN BY: ME
JOB No. 520

DATE 5/5/66
CK'D. BY: CK
FIELD BK. 281

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

7/30/12 10:47:58AM

Bldg Permit #: **122120054**

MULTIPLE WORK PERMIT

Address: 8233 Smithfield Av Springfield VA 22152-3060

Bldg: N/A Floor: Suite: N/A

Subdiv: West Springfield Lt 205 Sec 5

Sub Census: 315.01 **Lot Size:** 11,030.00

Tax Map: 0891 04 0205

Owner: Thomason Travis

Phone Day: (703)473-8141 x

Evening:

Contractor:

TO BE SELECTED
 (000) 000-0000

Type of Work: MULTI WORK

Description of Work: demo partial of deck; build one story bedroom additions with crawl space; interior alteration to 1st floor to create hallway

ZPRB Review:

Date	Status
7/30/12	AM00R4 Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Exceeds 30%	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback	Parking Requirement
R-3	N	N	13.00	N	N	N	N	N	Y
Zoning Use									
SFD									

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
	0.00	0.00	0.00	0.00	23.00	37.00

DETAILS COMMENTS:

demo part of deck and build 15 x 28 1 stry addn per plans permit on file for exisiting deck

HOUSE LOCATION SURVEY
 Lot 205 Sec. 5
WEST SPRINGFIELD
 Mason Magisterial District
 FAIRFAX COUNTY, VIRGINIA

ROLLING ROAD
 (STATE ROUTE #638)

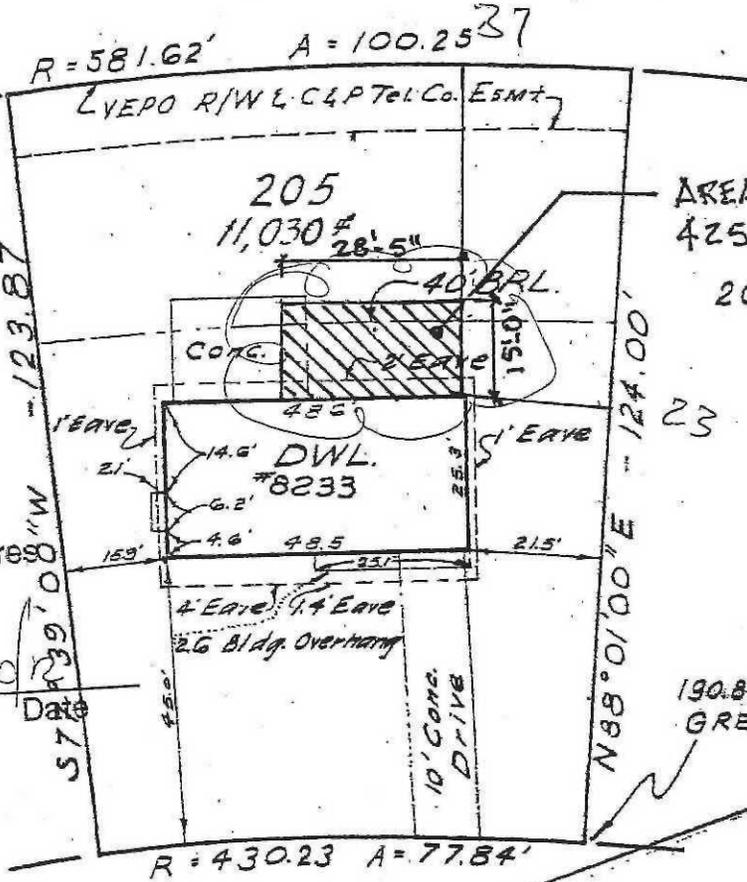
25' view

APPROVED
 7-3012
 TRM
[Signature]
 Zoning Administrator

This Plat depicts the location, height and distances of all existing and proposed structures to respective lot lines.

Owner/Agent

07/30
 Date



AREA OF ADDITION
 425 SF.
 204

SMITHFIELD AVE
 (50' Wide)

[Signature]
 ZONING ADMINISTRATOR
 DATE AUG 22 1967



CERTIFIED CORRECTOR <i>Herman L. Courson</i> CERTIFIED LAND SURVEYOR 5-6-66	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1"=30'	DATE 5/5/66
		DRAWN BY: ME	CK'D. BY: CK
		JOB No. VAF 520	FIELD BK. 281

Virginia.gov Agencies | Governor Search Virginia.Go

 VIRGINIA DEPARTMENT OF SOCIAL SERVICES

HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE CHILD SUPPORT COMMUNITY SUPPORT CAREERS

Search for Child Day Care

 [Help Opening Files](#)  [Print Version](#)  [E-mail Page](#)

[|Return to Search Results](#) | [New Search](#) |

Rosa Castro Thomason
8233 Smithfield Avenue
SPRINGFIELD, VA 22152
(703) 923-0398

Facility Type: Family Day Home
License Type: Conditional
Expiration Date: Aug. 23, 2014
Business Hours: 7:00am - 5:00pm
Monday - Friday
Capacity: 7
Ages: 2 months - 5 years 11 months
Inspector: Erika Gibson
(703) 359-1256

Note: This conditional license is a "license that may be issued for no longer than six months to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements." - from www.dss.virginia.gov website



County of Fairfax, Virginia

MEMORANDUM

DATE: July 21, 2014

TO: Laura Gumkowski, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

FROM: Chuck Cohenour
Senior Zoning Inspector
Zoning Inspections Branch

SUBJECT: Home Child Care Application Amended

APPLICANT: Rosa Maria Castro Thomason
8233 Smithfield Avenue, Springfield, VA 22152
West Springfield, Lot 205 Section 5
Tax Map Ref #: 89-1 ((4)) 205
Zoning District: R-3
Mail Log Assignment: 2014-SP-0169

*KEY: A "✓" 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.
 - One smoke alarm in basement that did not work
 - No smoke detectors in sleeping room or on the first 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.
- 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.
 - Pathway to egress window blocked by changing table, cribs and bed
 - Keyed deadbolt lock on the front door
- 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.
 - *Accessory storage structure in right rear of the property that is 9 feet in height and is too close to the rear lot line (7') and (2' 10'') to the right side lot line*

cc: Street File

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.

Sect. 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.