



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

County of Fairfax, Virginia

July 23, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MA-051

MASON

APPLICANT: Rosa Romero-Flores
D/B/A Rosa's Daycare
And CRE Corporation

OWNERS: Pedro Flores
Rosa Romero-Flores

SUBDIVISION: Edsall Park

STREET ADDRESS: 5404 Danville St, Springfield, 22151

TAX MAP REFERENCE: 80-2 ((2)) 192

LOT SIZE: 10,500 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-MA-051 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.

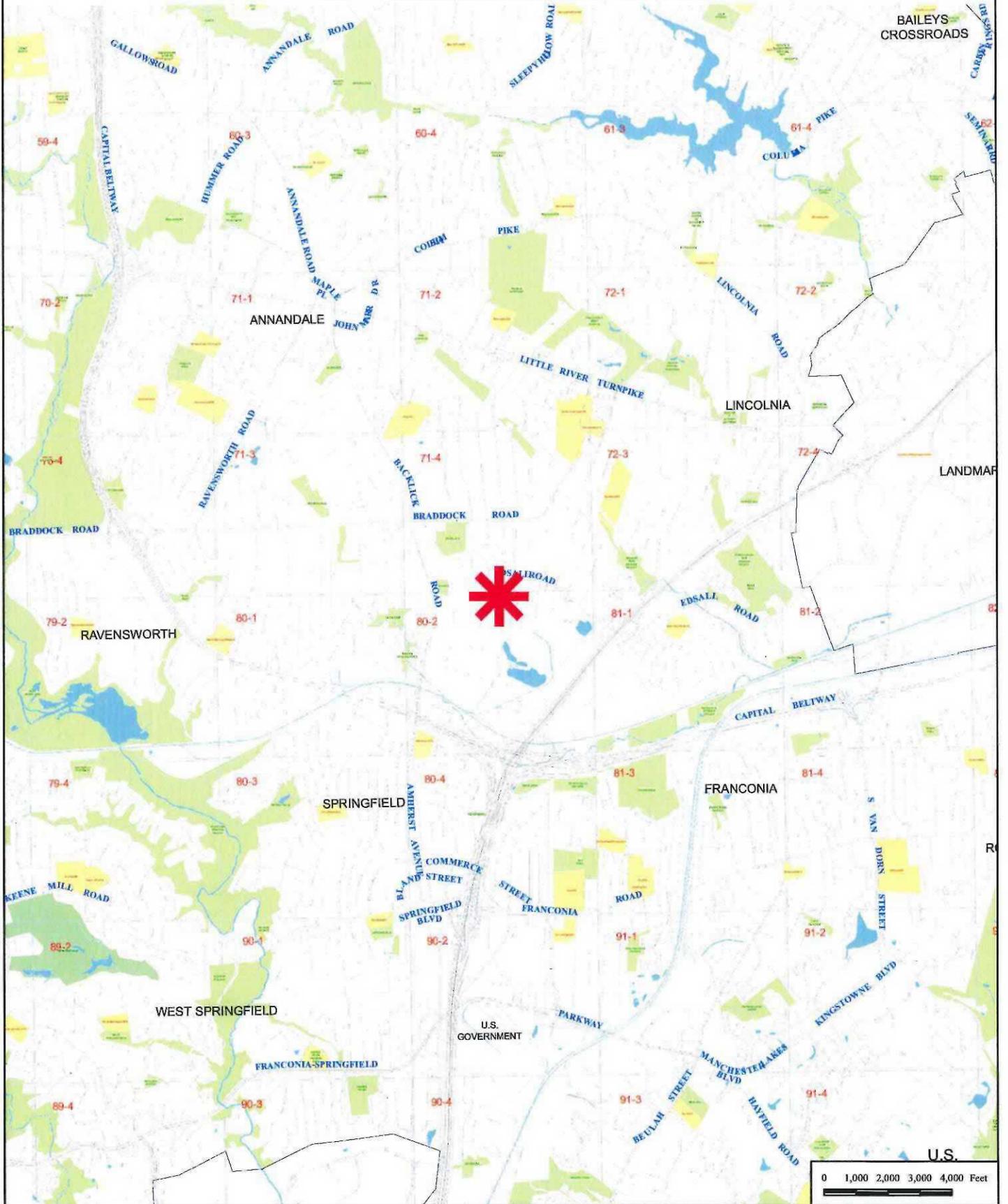
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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**

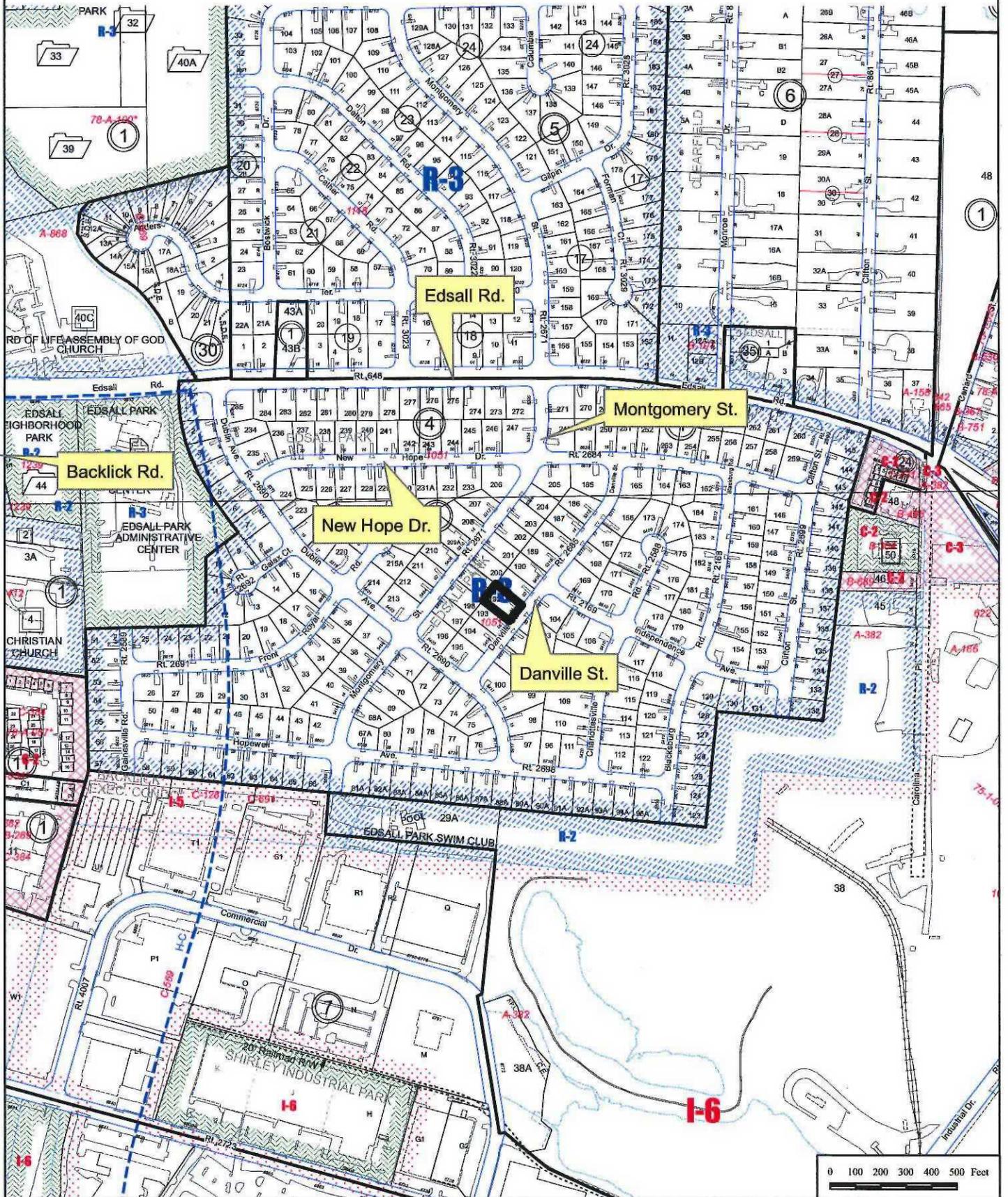


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

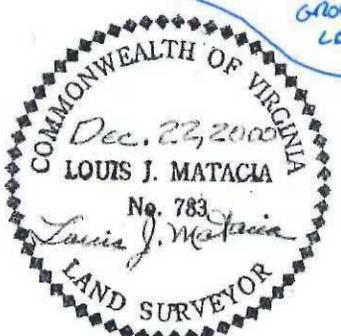
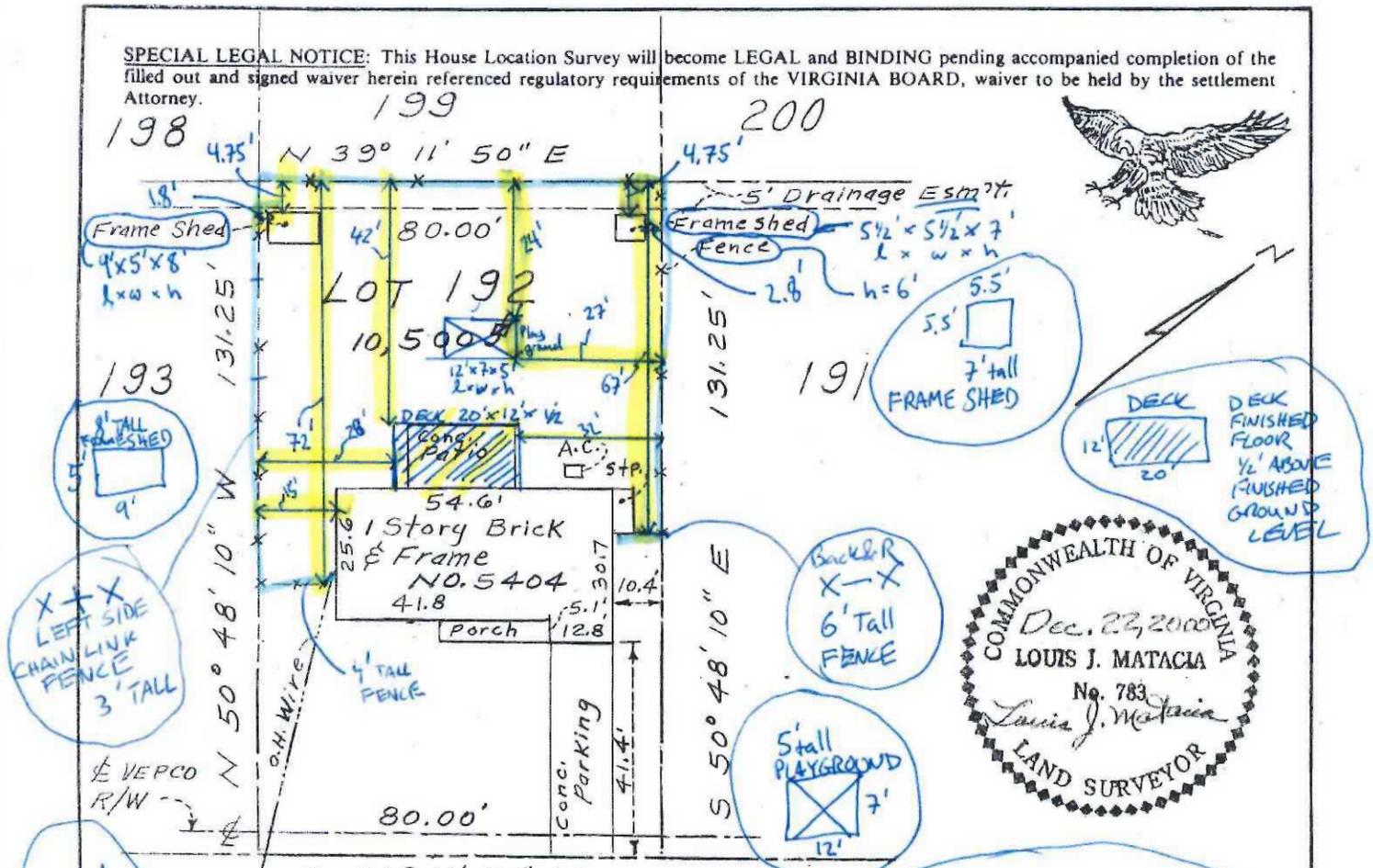
Special Permit
SP 2014-MA-051
ROSA FLORES DBA CRE CORPORATION



Special Permit
SP 2014-MA-051
ROSA FLORES DBA CRE CORPORATION



SPECIAL LEGAL NOTICE: This House Location Survey will become LEGAL and BINDING pending accompanied completion of the filled out and signed waiver herein referenced regulatory requirements of the VIRGINIA BOARD, waiver to be held by the settlement Attorney.



Prepared
3/26/2014
By
Louis J. Matacia

DANVILLE STREET
(50' R/W)

OUTDOOR
PLAY = 80' x 56 1/4' = 4,500 sq ft
AREA

HOUSE LOCATION SURVEY PLAT BOUNDARY SURVEY

Legal Description: Lot 192 Block ~ Section: 2 Metes & Bounds Department of Planning & Zoning

SUBDIVISION: ED SALL PARK

County: Fairfax Magisterial District: MAR 28 2014

Scale: 1 inch = 30 Feet Date: Dec. 22, 2000 Zoning Evaluation Division

Address: 5404 Danville Street, Springfield, Va. 22150

Recorded: Easements: Yes

SELLER/OWNER: James Berger Purchaser: Pedro J. & Rosa Florez

ORDERED BY: M.B.S. Title & Escrow ATTORNEY: Maria Morell

Mailed: Fax: 12-22-00; 703-941-2148 Delivered To: M.B.S. Title & Escrow

Due Date: 12-29-00 4216 Evergreen Lane

Tax Map No.: 80-2-2--192 Annandale, Va. 22003

CASE NO. 207.943-M Surveyor's Statement, Certification and Notes 703 PHONE: 941-1036

"All field and office work was strictly made under my supervision. The surveyor assumes the owner and/or prospective purchaser agrees on the physical character of the land boundaries platted hereon to be sold and/or retained. The law and surveyor assume the grantee inspect the physically marked land boundaries and are satisfied that the physical markings on the land and those shown on the surveyor's plat coincide. Furthermore, the surveyor has carried out the instructions given for this survey and is hereby approved by all parties involved with the platted property. Survey expires 10 (ten) years from the date hereon. Upon use of this survey for appraisal, or transfer of title, or cancellation of any present and existing sales contracts, the present owner and/or client is liable for a fee of \$_____ due and payable to the Land Surveyor, namely Louis J. Matacia, within 15 days of this survey."

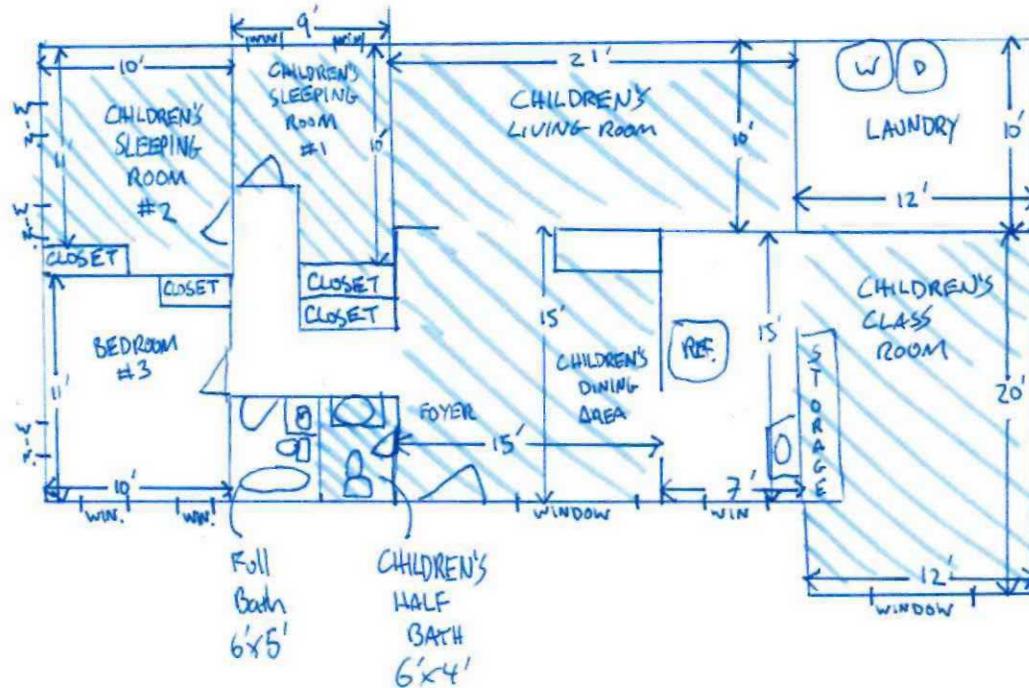
- "This survey is to be used for the purpose of acquiring Title Insurance. A 'PHYSICAL HOUSE LOCATION SURVEY' is not a boundary survey, but shows the relationship of the physical structure to the existing features found at the time of the survey.
- Homeowner is obligated to contact Power and Utility Companies for verification of location of underground utilities before digging any area on the property.
- This survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.

RECEIVED
Department of Planning & Zoning

MAR 28 2014

Zoning Evaluation Division

FLOOR PLAN OF
ROSA'S DAYCARE
5404 DANVILLE ST
SPRINGFIELD VA 22151



Approx. Room
SIZES

- BEDROOM #1: 10' x 9'
- BEDROOM #2: 11' x 10'
- BEDROOM #3: 11' x 10'
- FULL BATH: 6' x 5'
- HALF BATH: 6' x 4'
- LIVING ROOM: 10' x 21'
- FOYER/DINING: 15' x 15'
- KITCHEN: 15' x 7'
- CLASS ROOM: 20' x 12'
- LAUNDRY: 10' x 12'

(All measurements in feet)

 - indicates use by children

PREPARED BY

C.A. HANNAH
3/26/2014



Oct. 30, 2013

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division



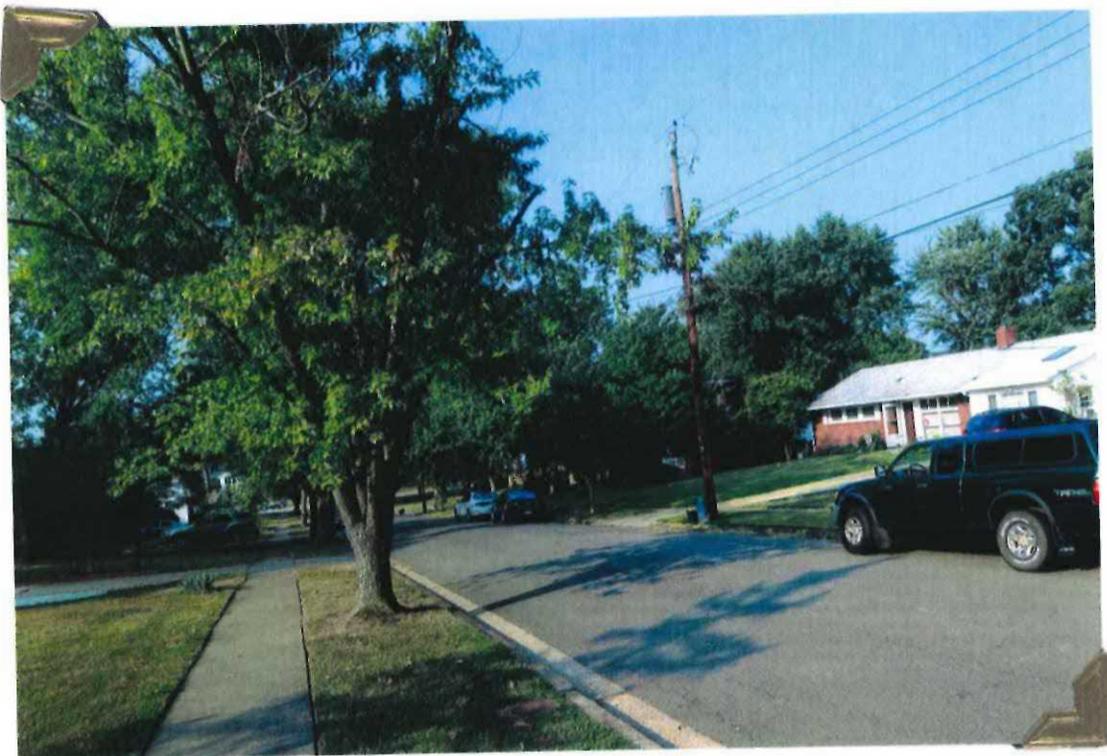
RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Oct. 30, 2013

Photographs of surrounding properties



Oct. 30, 2013

RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Neighbor (Right)

Brian Mastropietro 5402 Danville St.



Oct. 30. 2013

RECEIVED
Department of Planning & Zoning

Neighbor (Left)

JAN 30 2014

Zoning Evaluation Division

Lester Morris 5406 Danville St.



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Oct. 30. 2013

Lester Morris 5406 Danville St.



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Oct. 30. 2013

Neighbor (Across)

Joan Korcel 5401 Danville St.

Hossein Mohammadkhan 5403 Danville St.



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Oct. 30. 2013

Parents drop off



Application property shown on right of picture (front and left side)
Neighbor's property shown on left of picture.



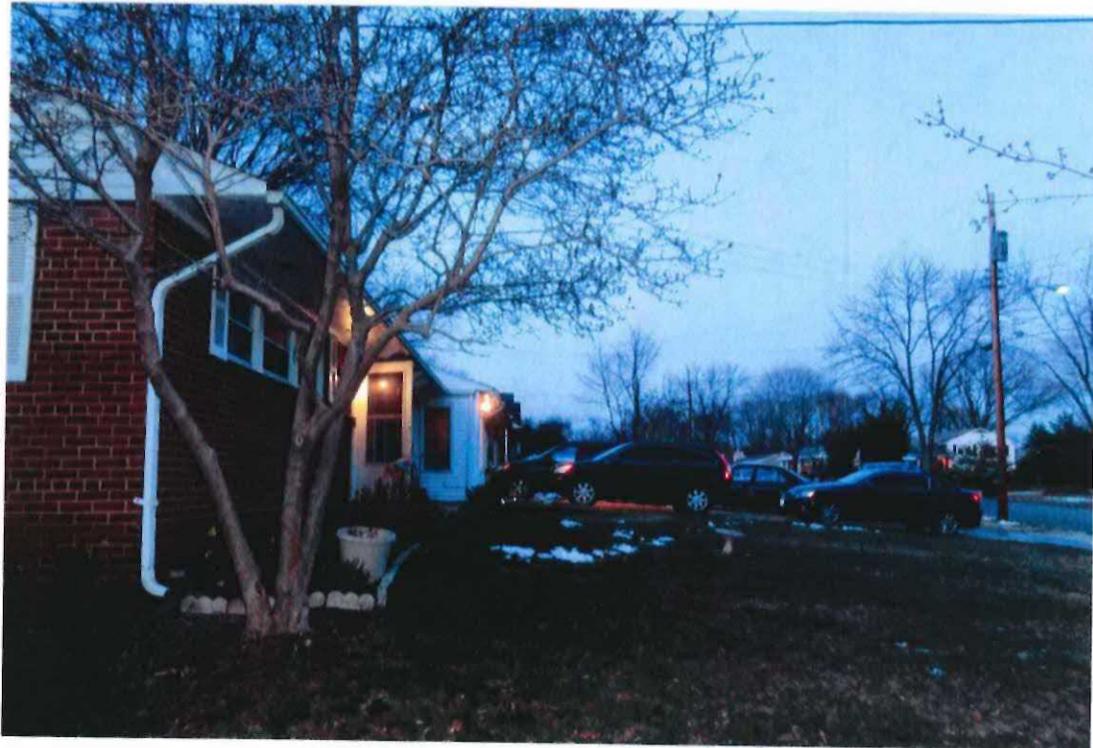
3/26/2014

Left side of application property (front) on right of picture.
Neighbor's front of property shown on left of picture.



3/26/2014

Left side of application property shown



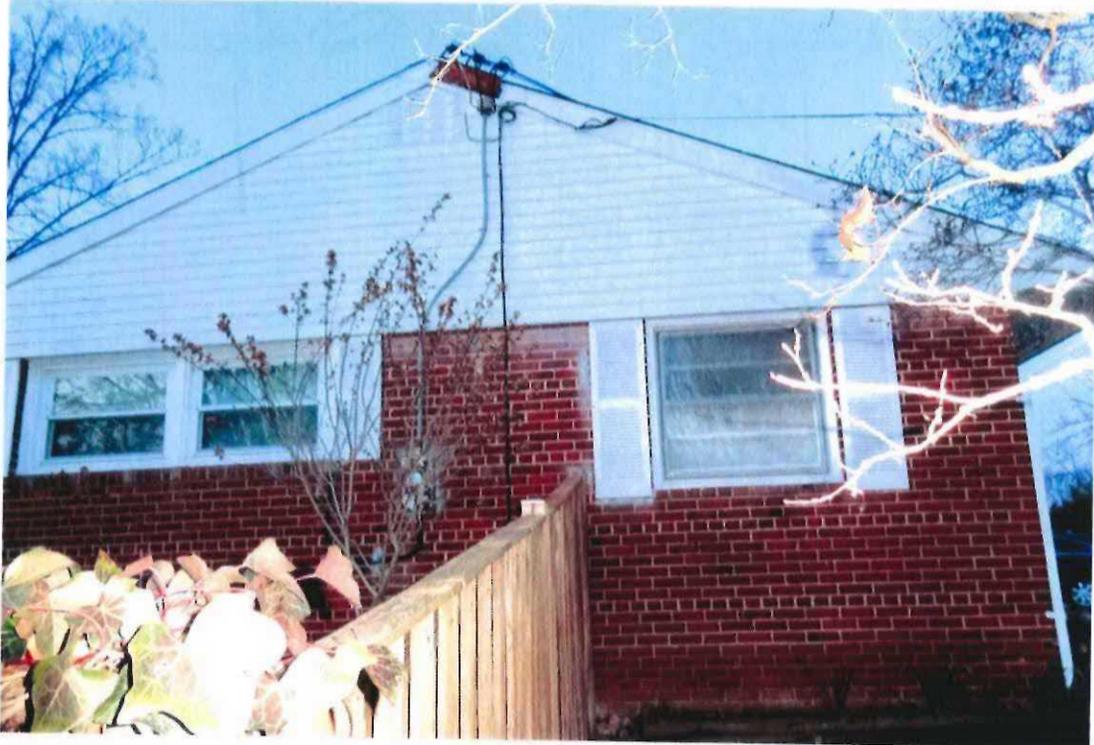
3/26/2014

Left side of application property shown along with fence.



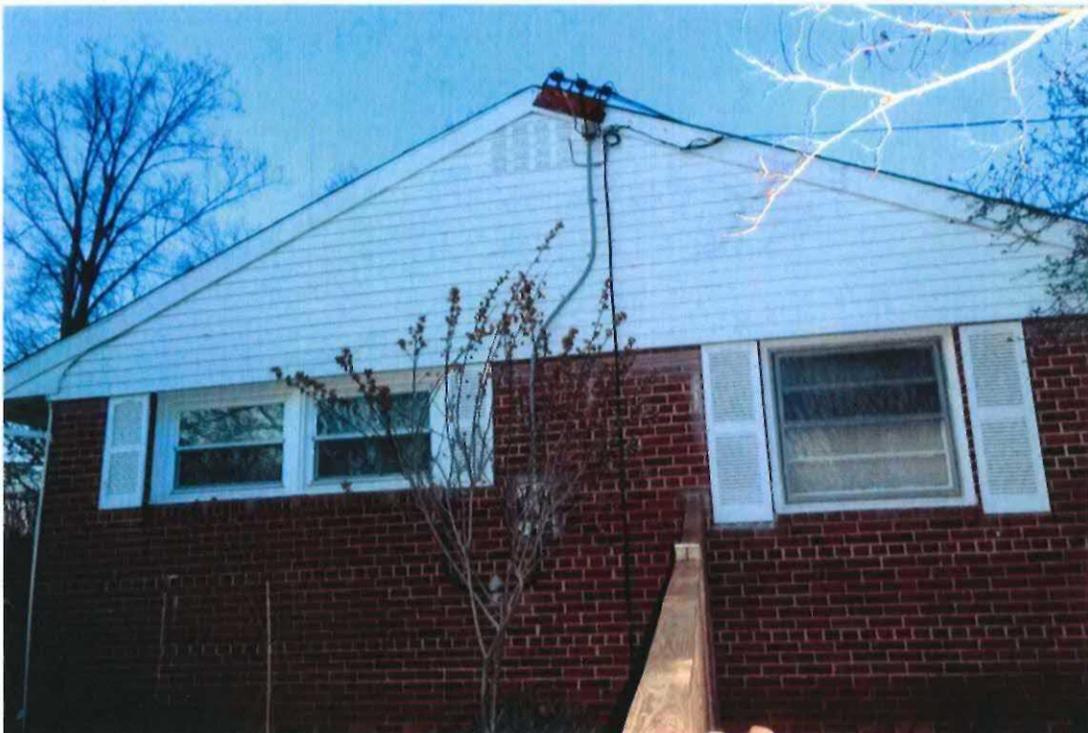
3/26/2014

Left side of application property shown, along with fence.



3/26/2014

Left side of application property shown, along with fence.



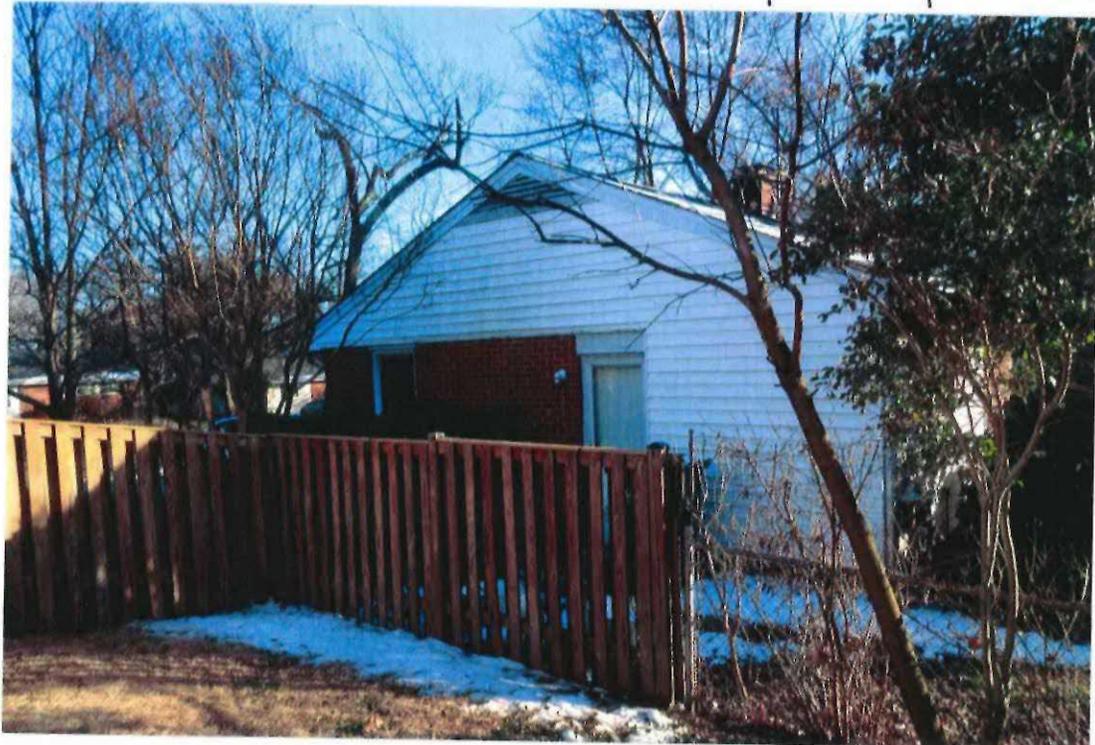
3/26/2014

Left side of property shown on left of picture.
Neighbors house is visible on right of picture and fence.



3/26/2014

Fence on left side of property shown.
Neighbors house is visible on right of picture.



3/26/2014

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division

Nov. 8. 2013

Dining Room



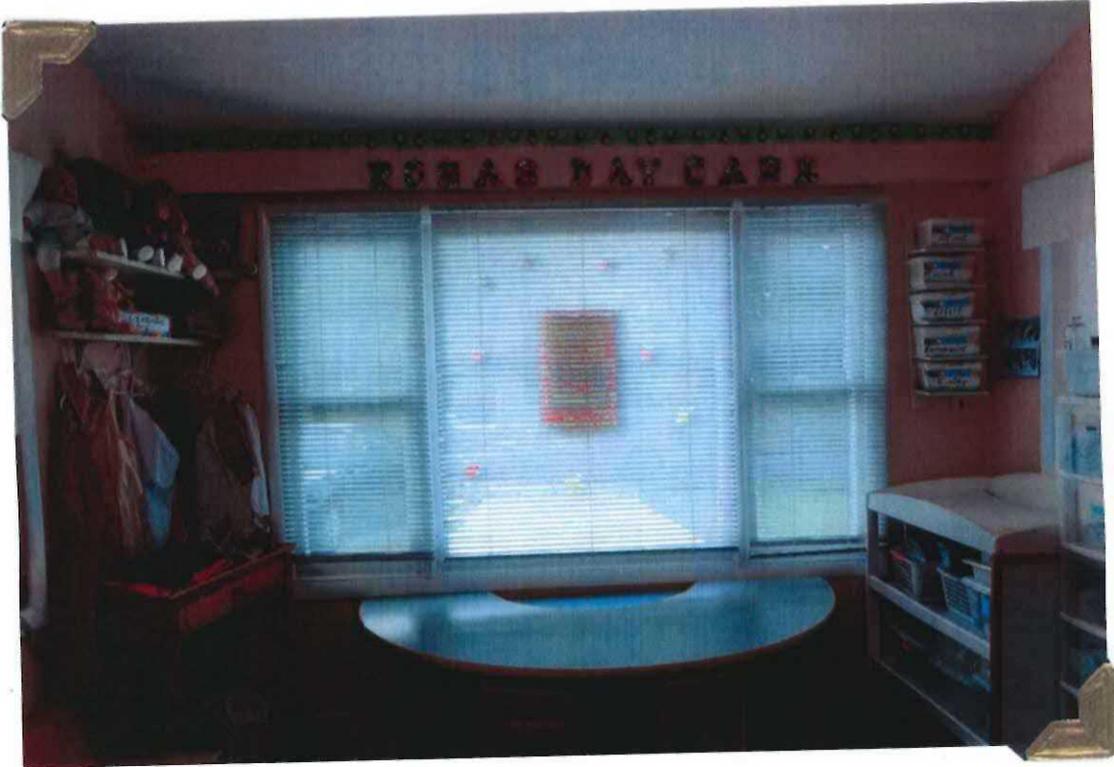
Kitchen



Window illuminates classroom

Nov. 12. 13

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning
JAN 30
Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division

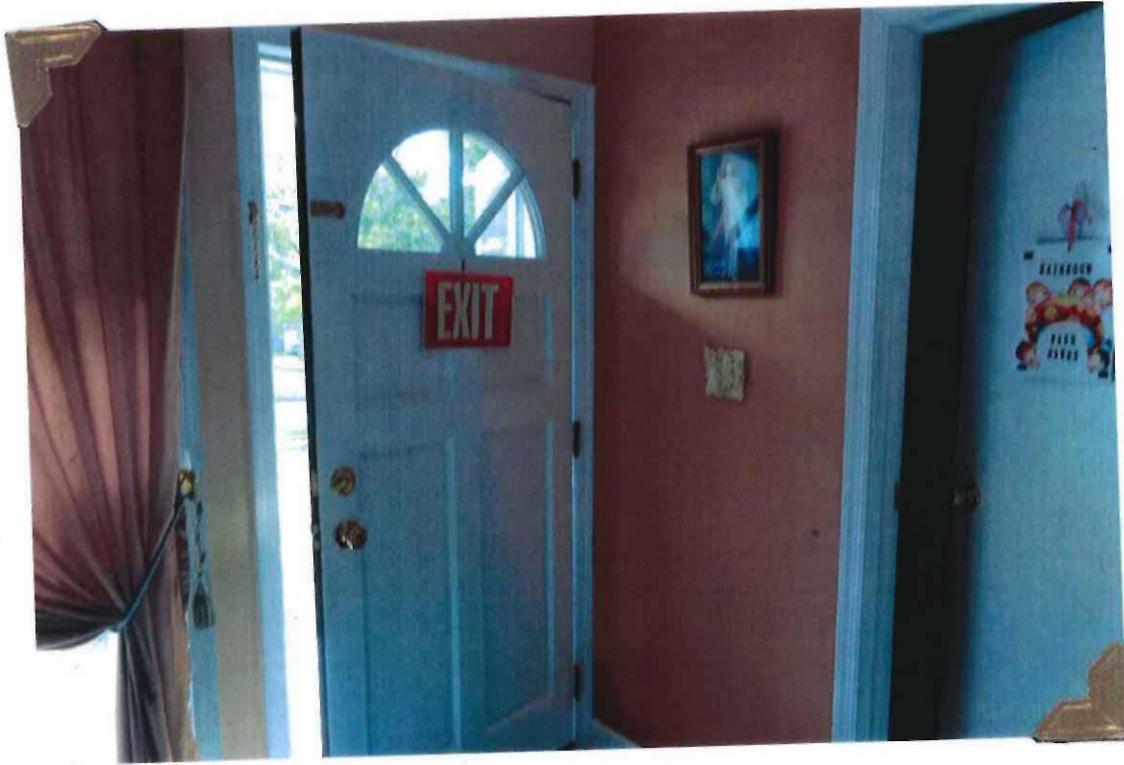
Nov. 19.13

Dramatic Play area



Nov. 22, 2013

Emergency Exit front door



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Emergency Exit from classroom



RECEIVED
Department of Planning & Zoning

Nov. 22.13

JAN 30 2014

Classroom Area

Zoning Evaluation Division



7100-25-2013

Children's Refrigerator



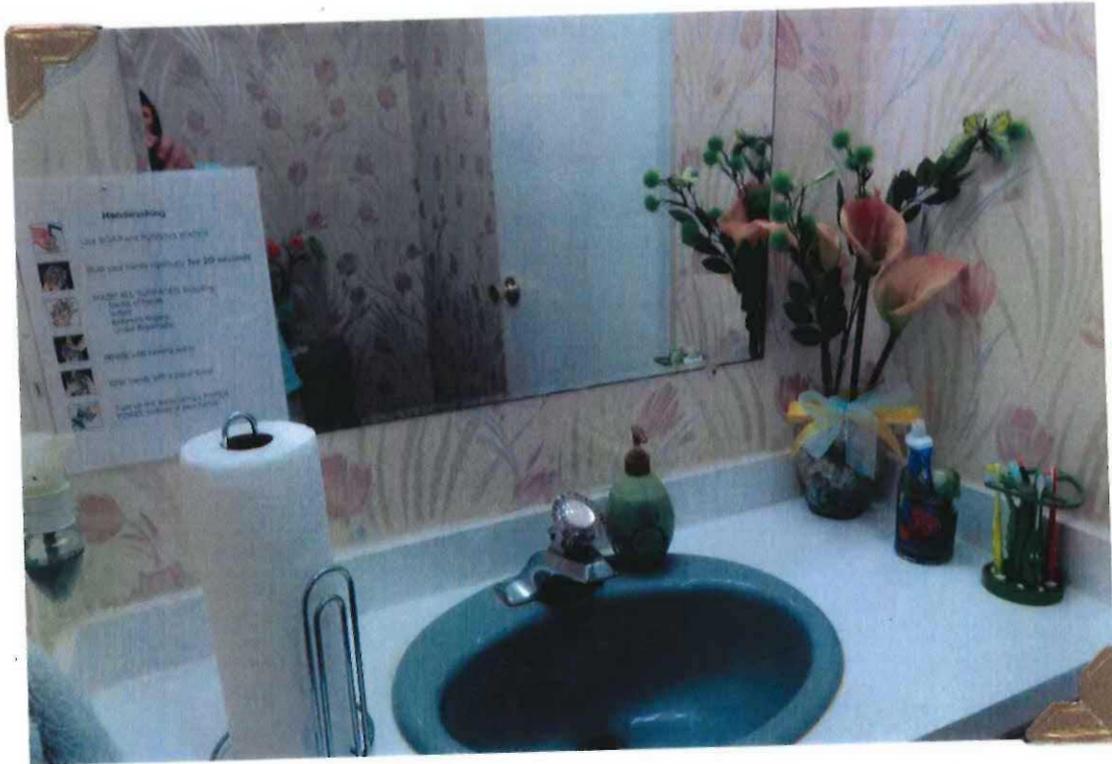
RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division



NOV. 26. 2013

RECEIVED
Department of Planning & Zoning

JAN 30 2014

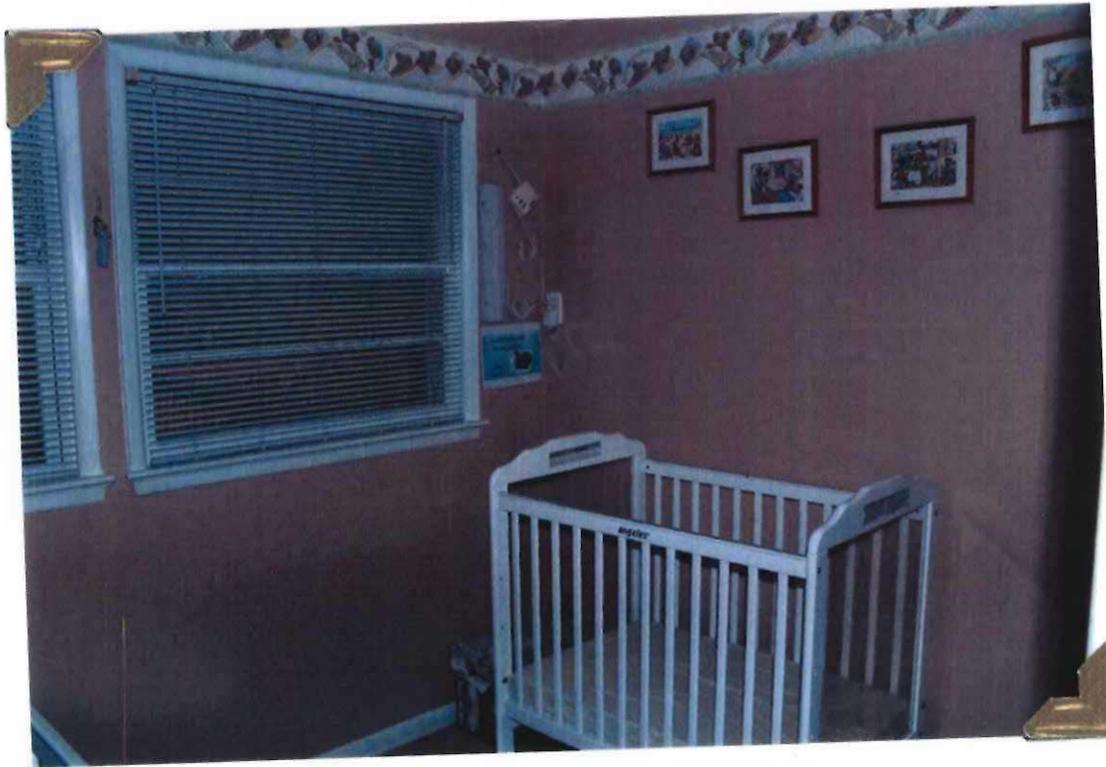
Zoning Evaluation Division

Children's storage area



Infant/ toddler nap room #1

Nov. 21, 2013



RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division

Oct. 17, 2013

RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

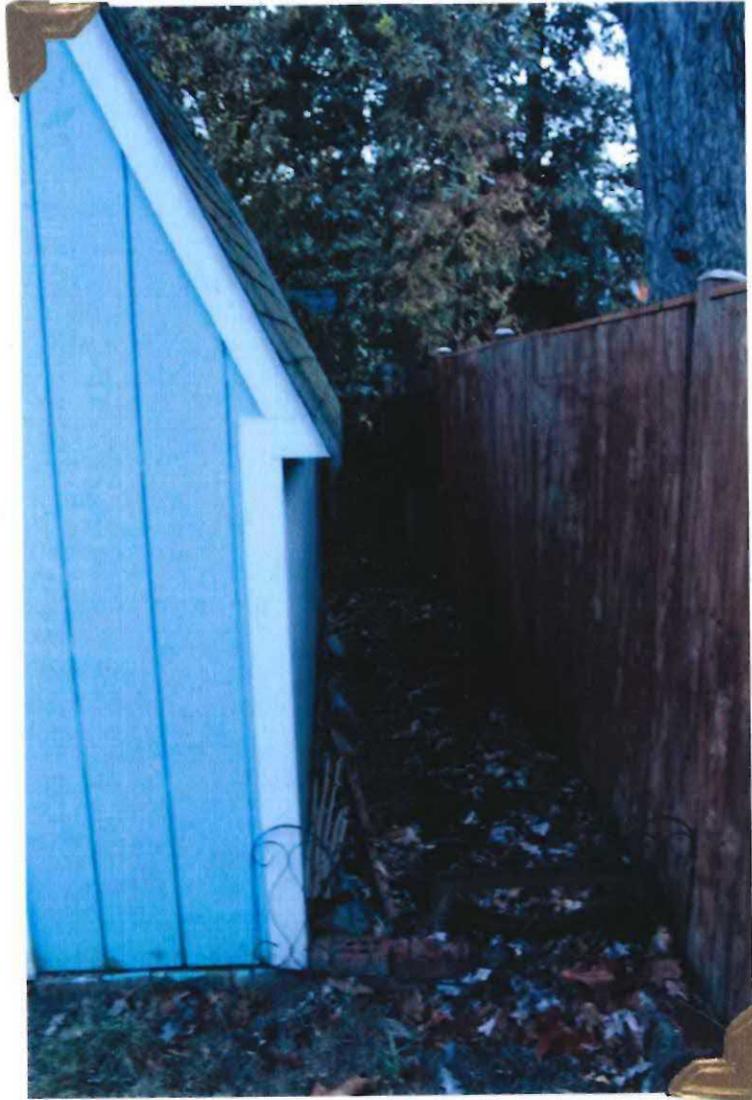
Big Shed side view



Distance from fence and Big shed

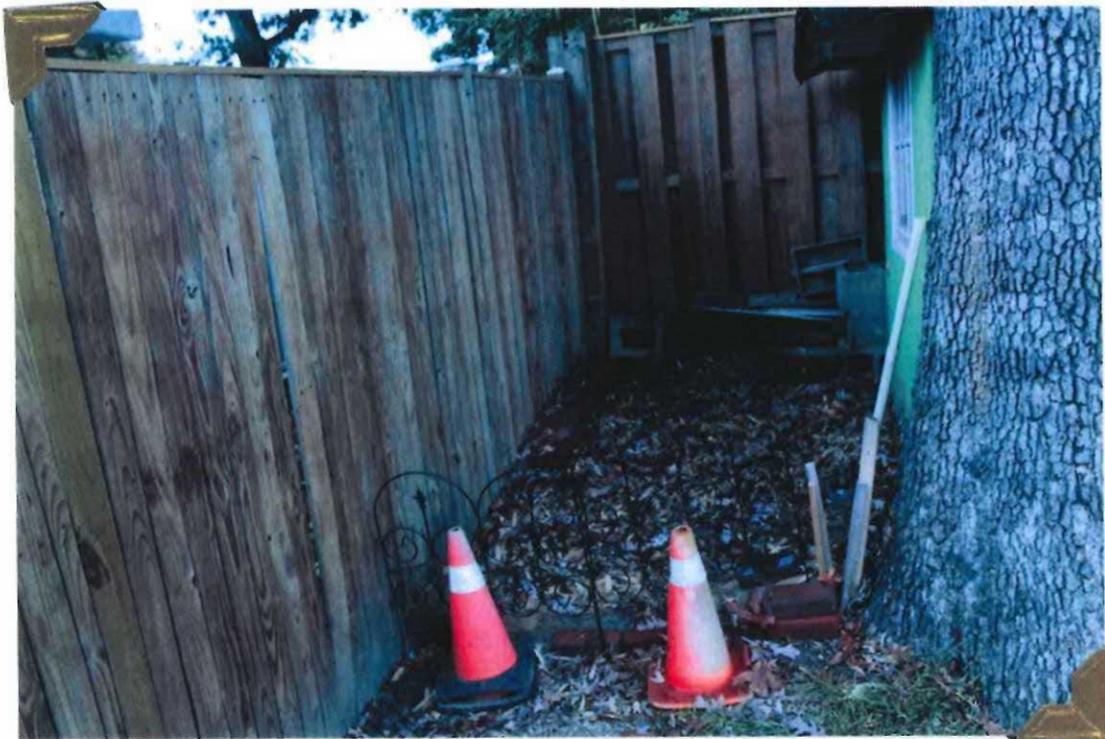
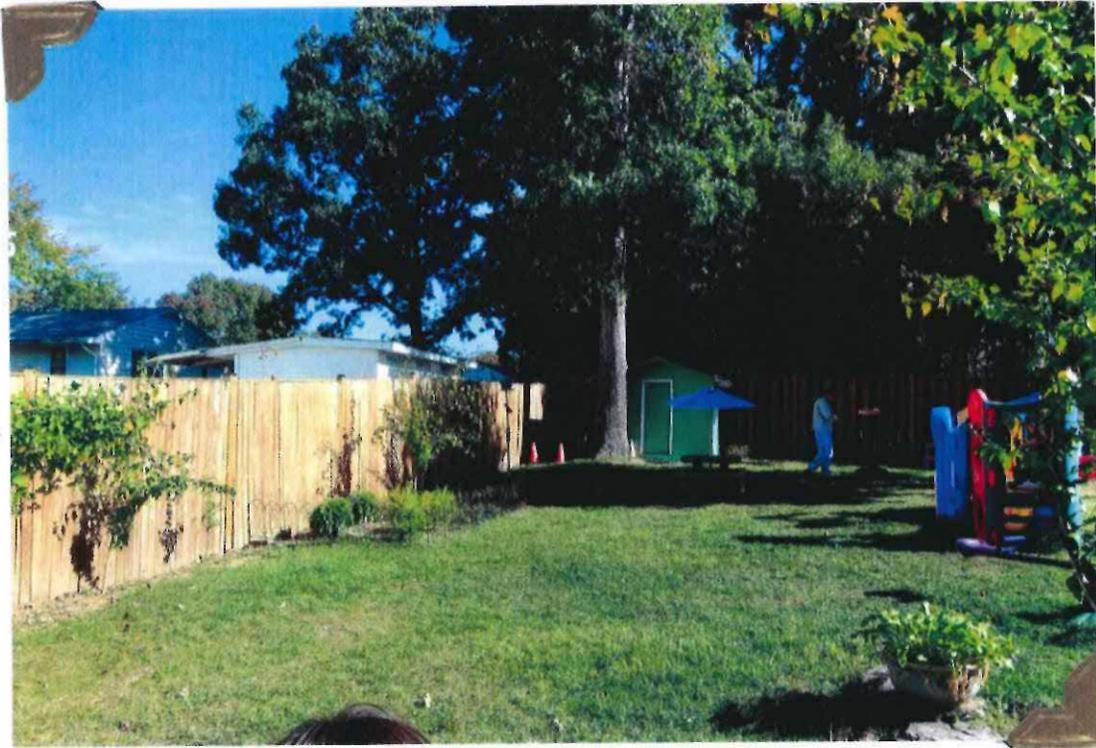
OCT. 17. 2013

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division



Oct. 08. 2013

Distance from fence and small shed



RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division

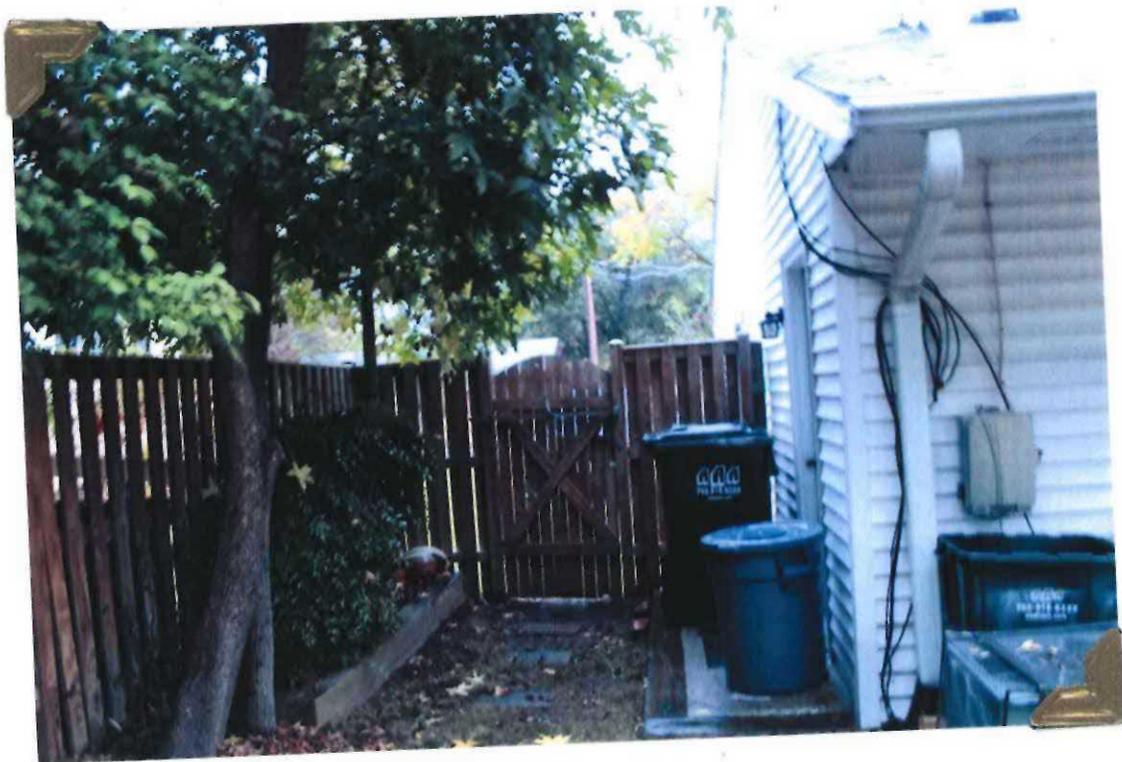
Oct. 02. 2013

RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Back yard entrance and Exit (front view)



OCT. 09. 2013

Backyard fence



RECEIVED
Department of Planning & Zoning

JAN 30 2014

Zoning Evaluation Division

Backyard Neighbors fence (5402)

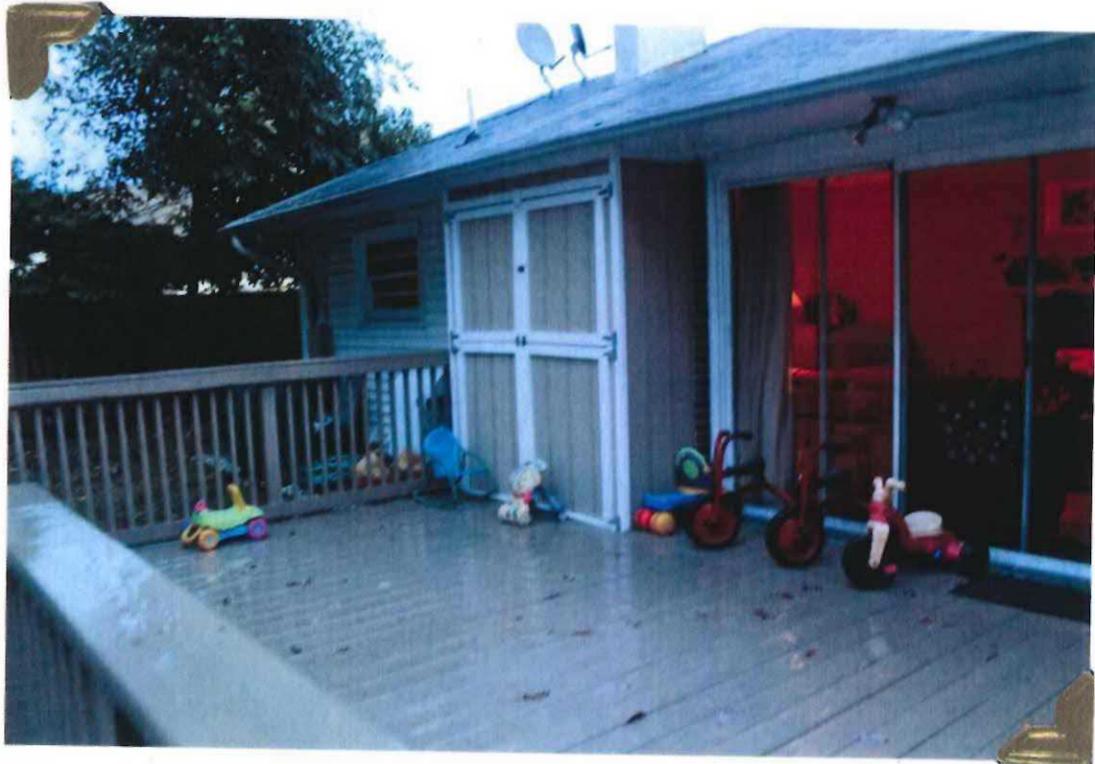
Oct. 04. 2013



OCT. 15. 2013

RECEIVED
Department of Planning & Zoning
JAN 30 2014
Zoning Evaluation Division

Kitchen area on deck (closed)



RECEIVED
Department of Planning & Zoning

JAN 30 2014
Zoning Evaluation Division

Backyard Neighbors fence (5406)

OCT. 04. 2013



SP 2014-MA-051

SPECIAL PERMIT REQUEST

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

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

A copy of the plat titled "House Location Plat, Lot 192, Edsall Park" prepared by Louis J. Matacia, dated December 22, 2000, as revised through March 26, 2014 by C.A. Hannon, is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,500 square foot lot is developed with a single family dwelling with 1,464 square feet of floor area. The property is located in Section Two of the Edsall Park subdivision and is zoned R-3. A concrete ground deck extends off the rear of the dwelling into a 4,500 square foot fenced play area. A six foot tall fence lines the northern and north-western boundaries, and a three foot tall chain link fence is located along the south-western lot line. Two sheds are located in the rear yard as well as a five-foot tall playground. Parents access the child care facility from the driveway fronting Danville Street and through the front door. The property has a driveway and parking area, which consists of one main paved driveway with an additional set of pavers adjacent to the concrete. These driveways can accommodate approximately three cars, and ample street parking is also available. The driveway and pavers are less than the 30% maximum front yard coverage permitted by the Zoning Ordinance.

As shown in Figure 1 on the following page, the site is surrounded by residential lots, zoned R-3, and developed with single family dwellings.



Figure 1: Lot location

BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1957. The applicant purchased the property in January 2001. The applicant operates a home child care facility and holds a current license, which is valid until July 26, 2014, from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of twelve children, birth through 12 years 11 months.

County records reflect that there are no similar cases in the vicinity.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children at any one time, to operate between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Drop-off of children is to be staggered between 7:00 a.m. and 9:15 a.m. with pick-up between 4:15 p.m. and 5:45 p.m. Employees include the applicant and two assistants at any one time. The assistants both drive to the home child care facility and park along Danville Street.

The home child care facility is operated on the first floor of the dwelling, which includes: a family room, a dining room, a kitchen, two bedrooms, and a daycare room. There is safe egress in the sleeping areas as well as throughout the daycare. As previously mentioned, parents conduct drop-off and pick-up in the driveway and pavers located in front of the property along Danville Road. Between the driveway and the pavers, approximately four cars can park simultaneously. Staff believes sufficient parking exists in the driveway to accommodate the drop-offs and pick-ups of children for the home child care use.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale District
Planning Sector: Edsall Community Planning Sector (A4)
Plan Map: Residential use at 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)
- Location Regulations (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 5. Subject to the development conditions, the special permit must meet these standards.

Site Inspection

During the site visit, staff observed that there is a 125 square foot accessory structure approximately four feet from the rear lot line. This issue is in violation of Article 10 of the Zoning Ordinance and will need to be addressed by the applicant in the future should she sell the property or request other permits. Failure to address this issue may impact

SP 2014-MA-051

Staff conducted a follow-up visit, and any previously noted violations have been addressed (see Appendix 4 for the Zoning Inspection Memorandum).

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-MA-051, 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. Zoning Inspection Memorandum
5. Virginia State License
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-051****July 23, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-051 located at Tax Map 80-2 ((2)) 192 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, Rosa Romero-Flores, d/b/a Rosa's Daycare and CRE Corporation, only and is not transferable without further action of the Board, and is for the location indicated on the application, 5404 Danville St., and is not transferable to other land.
2. This special permit is granted only for the home child care facility indicated on the special permit plat prepared by Louis J. Matacia, dated December 22, 2000, as revised through March 26, 2014 by C.A. Hannon, 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 number of non-resident assistants shall be limited to two.
7. All pick-up and drop-off of children shall take place in the driveway.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.
9. There shall be no signage associated with the home child care facility.
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, 6 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 3, 2014
 (enter date affidavit is notarized)

124169

I, Rosa Romero - Flores and CRE Corporation do hereby state that I am an
 (enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Rosa Romero - Flores	5404 Danville St. Springfield, VA 22151	Applicant
CRE Corporation d/b/a Rosa's Day Care	5404 Danville St Springfield, VA 22151	Co - Applicant
Pedro J. Flores	5404 Danville St. Springfield, VA 22151	title owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/3/2014
 (enter date affidavit is notarized)

124169

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)

CRE Corporation 5404 Duville St. Springfield, VA 22151

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)

Rosa Romero - Flores title: President

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/3/2014
(enter date affidavit is notarized)

124169

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/3/2014
(enter date affidavit is notarized)

124169

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/3/2014
(enter date affidavit is notarized)

124169

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:

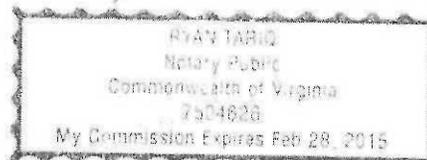
(check one) Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 3rd day of April, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: FEB 28 2015



**STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY**

Name: Rosa Flores

Address: 5404 Danville Street, Springfield, VA 22151

Phone #: (703)-916-0912

E-Mail: daycare114@gmail.com

Date: 3 / 27 / 2014

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

RE: Special Permit Application
Applicant: Rosa Flores
Zoning Ordinance §§ 8-305 for Home Child Care Facility & 8-004 of General Standards
Tax Map #: 0802020192
Zoning District: R-3 Residential
Lot Size: 10,500 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 detached dwelling at 5404 Danville Street, Springfield, VA 22151. The property is zoned R-3 residential 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 up to 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours: The child care is open from 7 A.M. to 6 P.M. Monday through Friday.

Number of Children: I care for up to ten children at any one time.

Employees: I have two full-time assistants and no part-time assistants.

Arrival Schedule: Four children arrive by car between 6:45 A.M. and 7:45 A.M. Six children arrive between 8:00 A.M. and 9:15 A.M. See Appendix I for a detailed breakdown of arrival times of the ten children.

Departure Schedule: Five children depart between 4:15 P.M. and 5:00 P.M. The other five children depart between 5:00 P.M. and 5:45 P.M. See Appendix I for a detailed breakdown of departure times of the ten children.

Means of Arrival/Departure: All ten children arrive and depart by car.

Area Served: My day care serves the greater Springfield, Virginia metropolitan area.

Operations: My house is a single-family detached dwelling. It has a single floor. Rooms include a family room, dining room, kitchen, laundry room, and day care room. The house has three bedrooms and one full bathroom and one half bathroom. The house has 1,464 square feet. The day care activities are conducted in the day care room, and two of the bedrooms. These rooms are approximately 250 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 4,500 square foot fenced-in back yard for outdoor play for the children. The outdoor play area consists of a playground installed on mulch, and a grade level deck built to comply with Fairfax County building code.

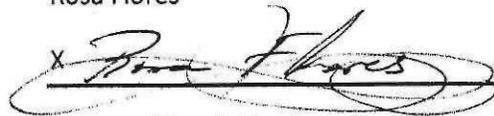
Parking: I use one of my dual driveways to park my two family cars. My parents park on the street in front of my day care and in the second of my two driveways.

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

In conclusion, I am proposing to use my 1,464 square foot home, which sits on a 10,500 square foot lot, to care for up to 12 children.

Sincerely,

Rosa Flores

X 

Owner of Rosa's Day Care Facility

Located at 5404 Danville Street, Springfield, VA 22151

Arrival and Departure Schedule for

Rosa Flores
 Rosa's Daycare,
 5404 Danville St,
 Springfield, VA 22151

Proposed Arrival Schedule

Child	6:45-7:00 AM	7:30-7:45 AM	8:00-8:30 AM	9:00-9:15 AM
1	X			
2	X			
3	X			
4		X		
5			X	
6			X	
7			X	
8			X	
9				X
10				X
11	N/A (currently only 10 children in Daycare)			
12	N/A (currently only 10 children in Daycare)			

Proposed Departure Schedule

Child	4:15-4:30 PM	4:30-5:00 PM	5:00-5:30 PM	5:30-5:45 PM
1	X			
2	X			
3		X		
4			X	
5			X	
6			X	
7				X
8	X			
9		X		
10			X	
11	N/A (currently only 10 children in Daycare)			
12	N/A (currently only 10 children in Daycare)			



County of Fairfax, Virginia

MEMORANDUM

Date: July 14, 2014

To: Casey Gresham, Planning Technician I
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

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

Subject: Home Child Care Facility

Applicant: Rosa Flores
5404 Danville Street, Springfield, Virginia 22151
Edsall Park, Lot 192, Section 2
Tax Map # 80-2 ((2)) 192
Zoning District R-3
Mason District
Mail Log# 2014-M-0139

The following findings were made by Inspector Dawn Curry during an inspection of the property on May 28, 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.

Rosa Flores

5404 Danville Street, Springfield, Virginia 22151

July 14, 2014

Page 2

- 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.

Comment: A 125 square foot shed with a height of 9'3" does not meet the location regulations set forth in Part 1 of Article 10.

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Rosa Flores**

5404 Danville Street

SPRINGFIELD, VA 22151

(703) 916-0912

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: July 26, 2014Business Hours: 7:00 am - 6:00 pm
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Brenda Kuhlman
(703) 359-6777

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.