



REVISED APPLICATION ACCEPTED: April 29, 2014
BOARD OF ZONING APPEALS: September 10, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 3, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MV-054

MOUNT VERNON

APPLICANTS/OWNERS: Sunita Malvea and Rajendra V. Malvea

SUBDIVISION: Riverside Terrace Subdivision

STREET ADDRESS: 3422 Ramsgate Terrace, Alexandria 22309

TAX MAP REFERENCE: 101-4 ((18)) 6

LOT SIZE: 10,885 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-MV-054 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**

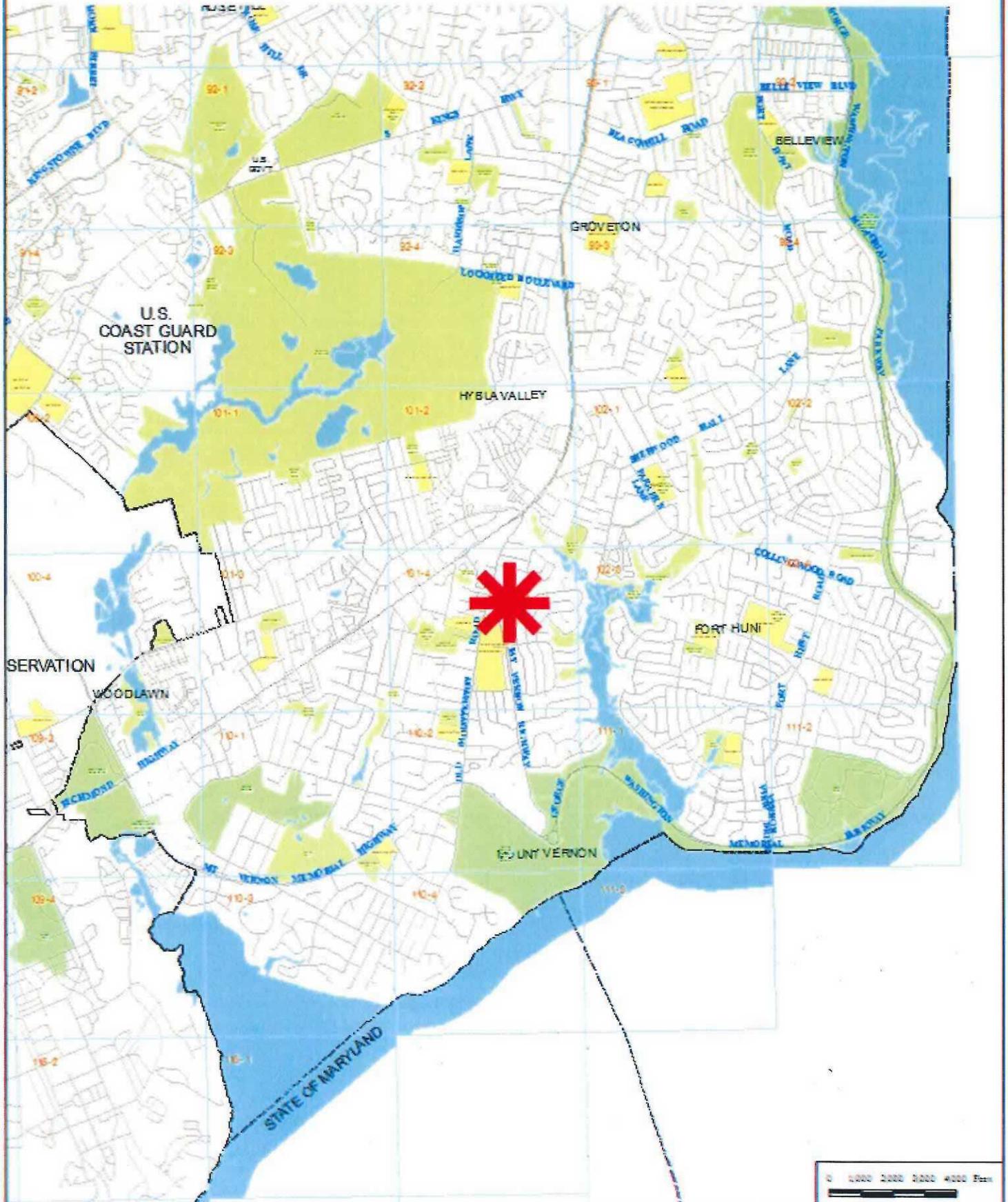


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

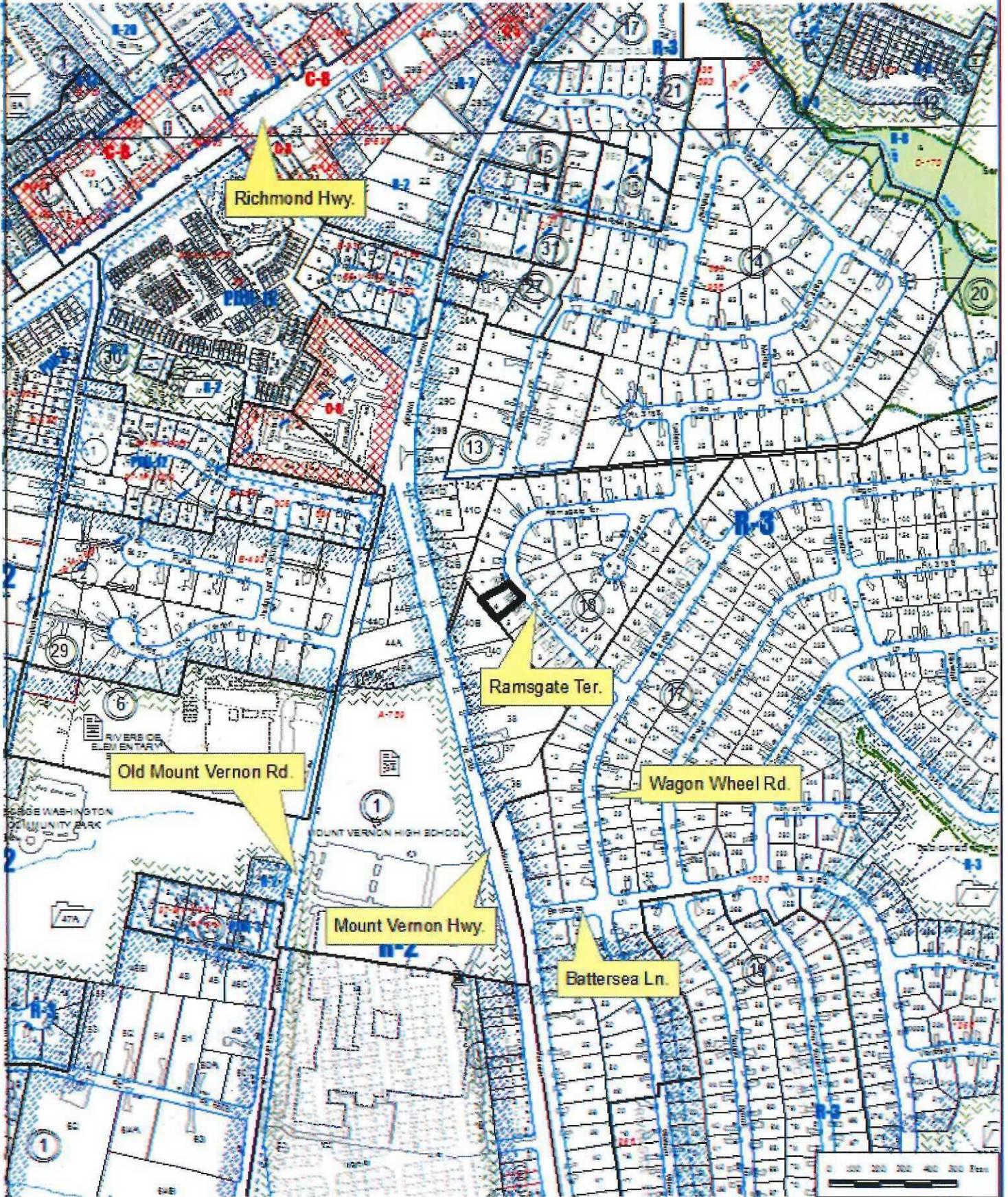
SP 2014-MV-054

SUNITA MALVEA / RAJENDRA V. MALVEA



Special Permit

SP 2014-MV-054
SUNITA MALVEA / RAJENDRA V. MALVEA



TEMP. I.D No: SP 2014-0100

OUTDOOR

N/F MARGARET P DAVIS PLAY AREA

SHED DISTANCE 9 FT 3 INCHES FROM THE FENCE
FENCE HEIGHT 5 FT 3 INCHES OVER 2,000 SQ FT
N36°20'30"W 96.70' 0.4' IRON PIPE

SIZE OF THE L X W X H SHED 10 X 10 X 10
SHED DISTANCE 6 FT FROM THE FENCE

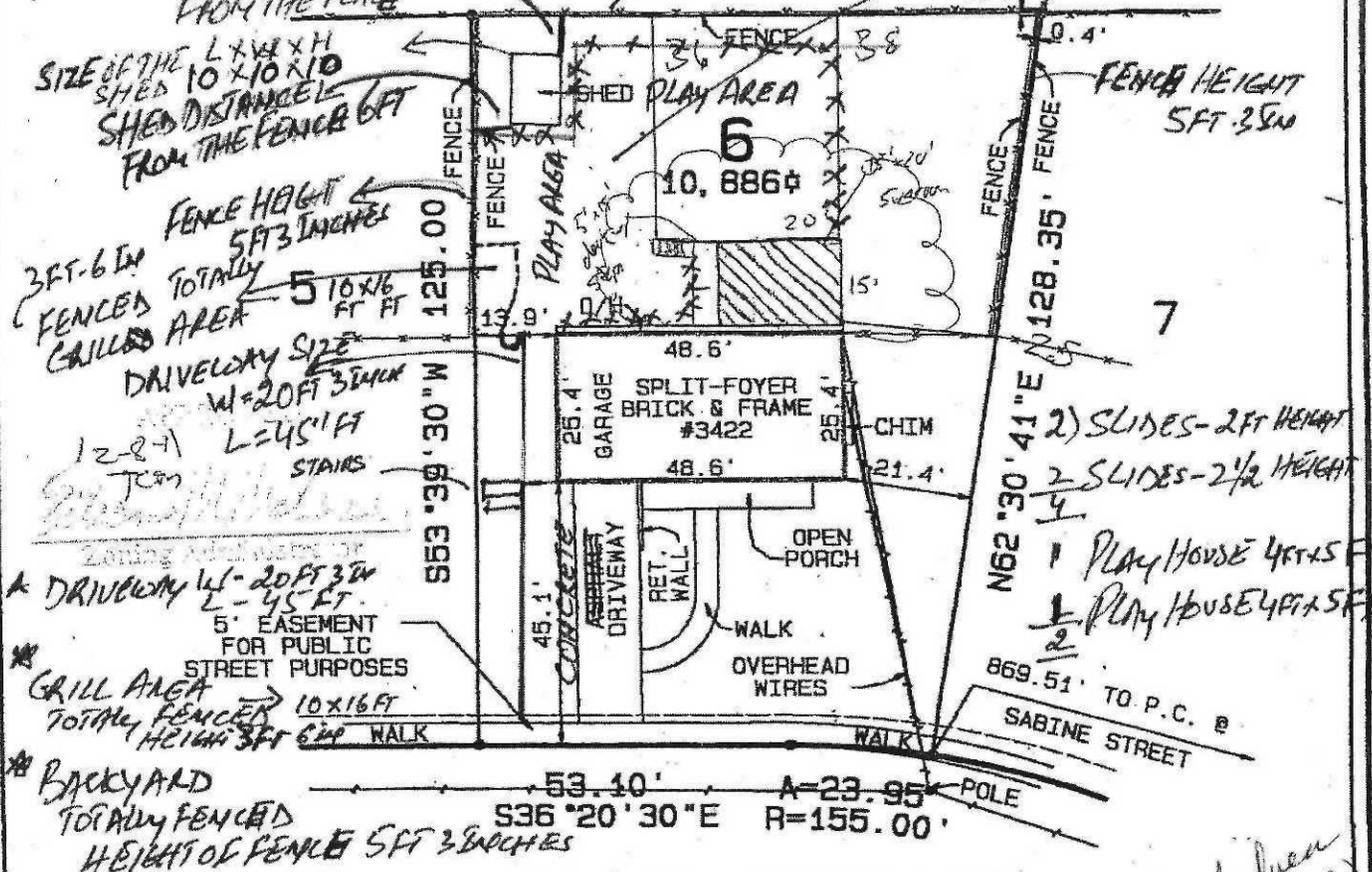
FENCE HEIGHT 5 FT 3 INCHES
3 FT 6 IN TOTAL FENCED AREA CALLED DRIVEWAY SIZE
W=20 FT 3 INCH L=45 FT

DRIVEWAY W=20 FT 3 INCH L=45 FT
5' EASEMENT FOR PUBLIC STREET PURPOSES

GRILL AREA TOTAL FENCED 10 X 16 FT HEIGHT 3 FT 6 IN

BACKYARD TOTAL FENCED HEIGHTS OF FENCE 5 FT 3 INCHES

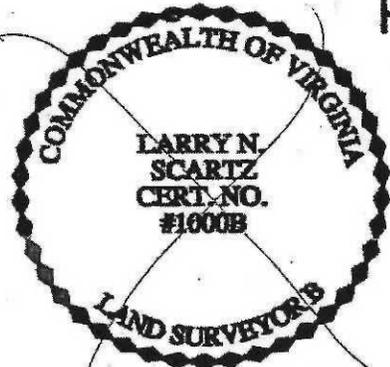
2) SLIDES - 2 FT HEIGHT
2) SLIDES - 2 1/2 FT HEIGHT
1) PLAY HOUSE 4 FT X 5 FT
1) PLAY HOUSE 4 FT X 5 FT



RAMSGATE TERRACE

50' R/W
This Plat depicts the location, height and distances of all existing and proposed structures to respective lot lines.

Sunita Malvea
(SUNITA MALVEA)
25 April 2014



Larry N. Scartz
Owner/Agent
Date 12/8/11

HOUSE LOCATION SURVEY

LOT 6

RIVERSIDE TERRACE

MT. VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

DATE: JUNE 19, 2001

RECEIVED
Department of Planning & Zoning
APR 29 2014
Zoning Evaluation Division

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

CASE NAME: MOFFITT, TRUSTEE TO MALVEA (T01Y112)
MBH SETTLEMENT GROUP, L.C.

I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
COMMONWEALTH OF VIRGINIA

Front View of the House.



FRONT ENTRANCE TO THE HOUSE



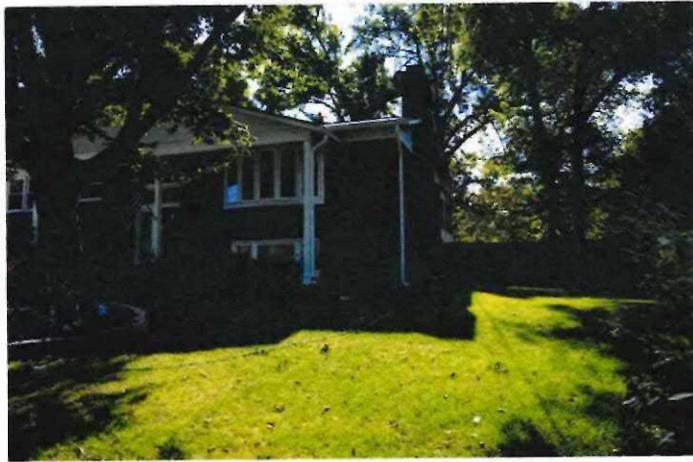
Front view of our house.



Drive - way . (20 feet wide)
(45 feet length)



Way to the Backyard.
Left View of the house.



Right side of our house

NEIGHBOR'S HOUSE ON THE RIGHT.



NEIGHBOR'S HOUSE ON THE LEFT



NEIGHBOR RIGHT OPPOSITE OUR HOUSE



RIGHT & LEFT VIEW OF OUR STREET
(RAMSGATE-TERRACE)





ENTRANCE - TO THE BACKYARD.



ENCLOSED - GRILL - AREA
LEFT - SIDE - BACKYARD.



Left side of the house (Backyard)

LEFT VIEW OF THE BACKYARD.



GRILL AREA IN THE PICTURE
Totally FENCED (Height of the fence 3 feet)

PLAY- AREA (six Ft fall resistant TILE)



PLAY- AREA .

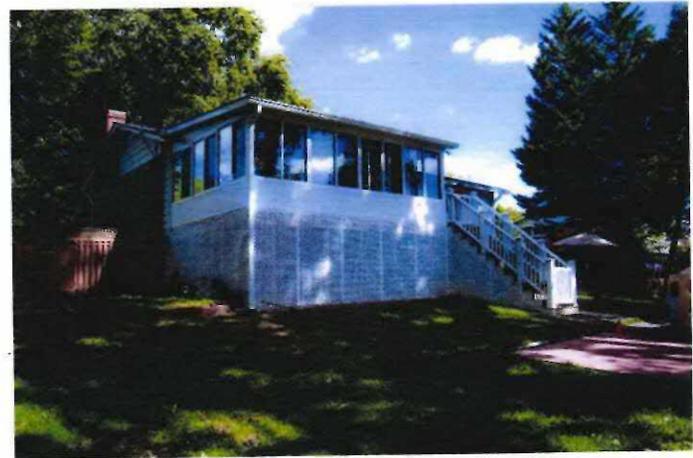


Play area near the Shed.

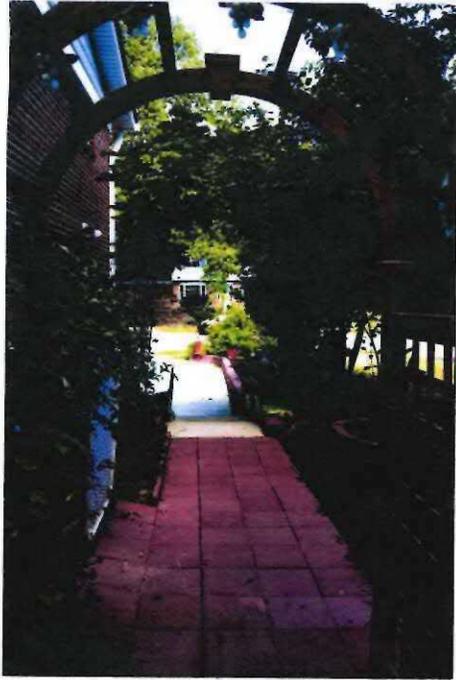
LEFT-VIEW OF the Backyard.



RIGHT-VIEW (BACKYARD).



SUN-ROOM - BACKYARD.



BACK-YARD-EXIT

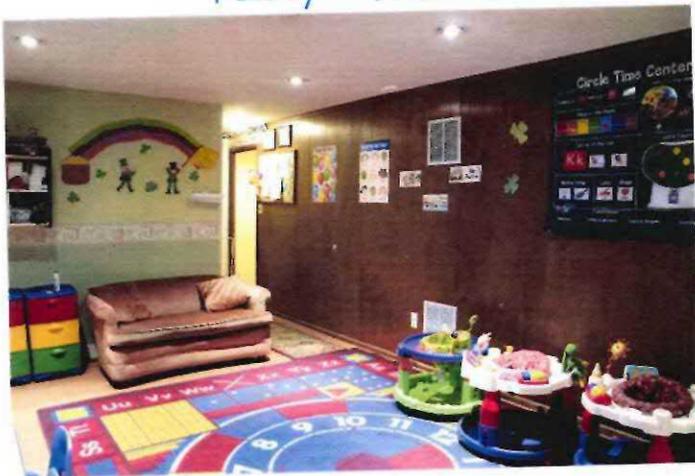
Entrance of the Day Care



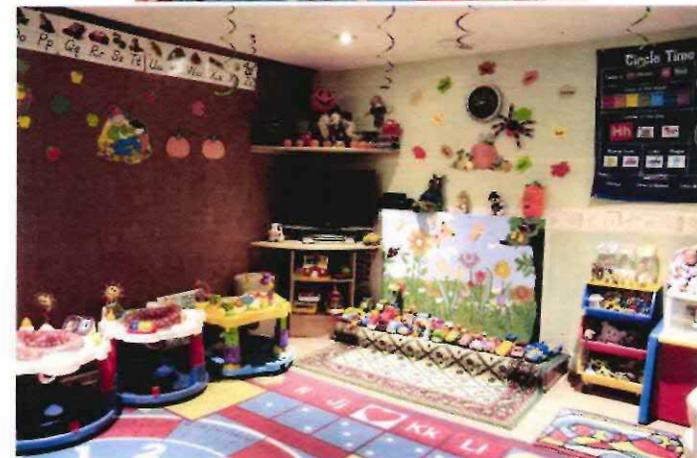
PLAY- AREA.



PLAY - AREA.



PLAY- AREA.



CRIB - ROOM



CRIB - ROOM



HALLWAY FROM THE CRIB ROOM



Dining - Room.

UTILITY
DOOR



DOOR
KNOB
can be
seen.

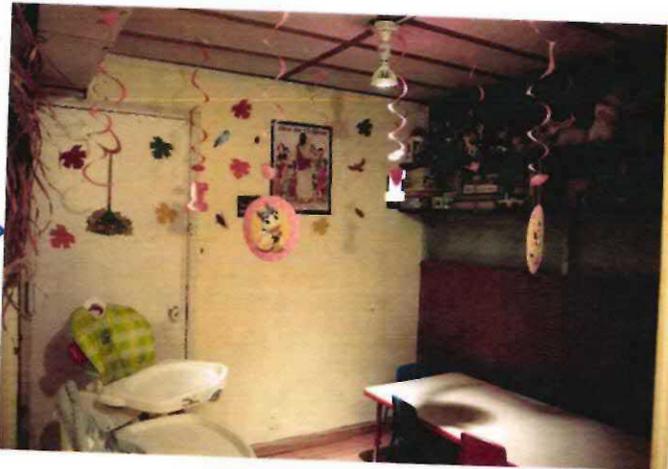


DINING - ROOM

GRAGE
DOOR



2nd
& Escape
PLAN-EXIT

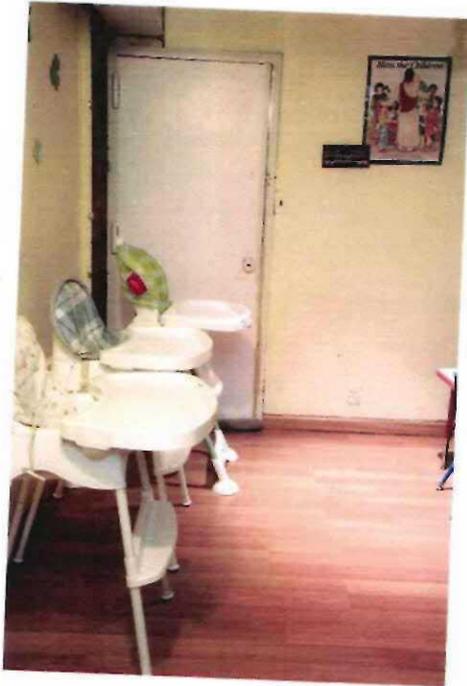


DINING - AREA

GRAGE
DOOR



DINING AREA



Day Care Bathroom



BATH ROOM.



INSIDE - VIEW

Kitchen



Kitchen.



Kitchen.



Front - Exit



SP 2014-MV-054

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 Survey, Lot 6, Riverside Terrace," prepared by Larry N. Scartz, Land Surveyor, dated June 19, 2001, as revised by Sunita Malvea through April 25, 2014, is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,885 square foot lot is developed with a split level single family dwelling with 1,678 square feet of floor area. The dwelling contains a full basement and a one car garage. The property is located in the Riverside Terrace Subdivision and is zoned R-3. A sunroom with a deck and stairs leading to the rear yard is attached to the rear of the dwelling, for which a building permit was obtained in 2011. The building permit is attached as Appendix 4. A shed approximately 100 square feet in size and 10 feet in height is located in the southwest corner of the rear yard. The rear yard is surrounded by a wood fence that is a maximum of 5.25 feet in height. Ample play area is available in the rear yard for the home child care facility.

A concrete driveway provides access to the property from Ramsgate Terrace. A concrete walkway leads from the driveway to the front stoop. The property has a driveway that can accommodate approximately four cars, and ample street parking is also available.

As shown in Figure 1 on the following page, the site is surrounded by residential lots, zoned R-4, and developed with single family dwellings.

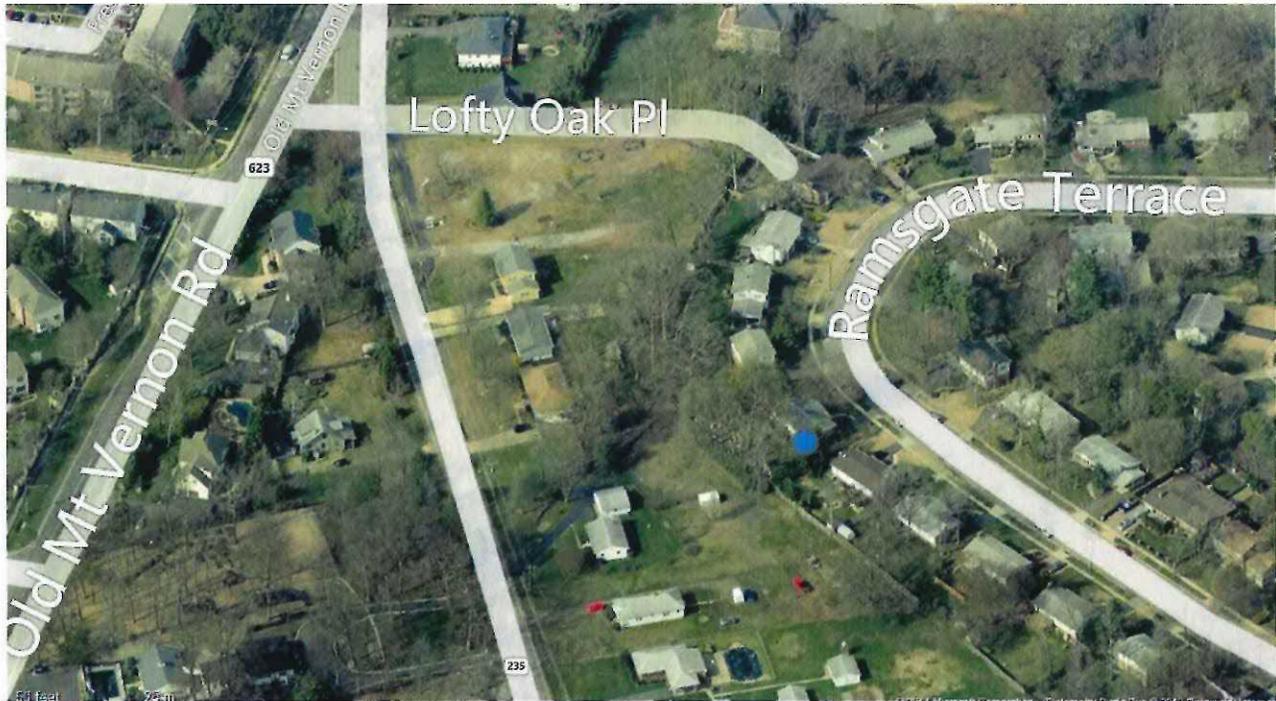


Figure 1: Lot location

BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1962. The applicant purchased the property in July 2001. The applicant operates a home child care facility and holds a current license, which is valid until July 16, 2015, from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of twelve children, ages 1 month through 12 years 11 months. Information about the applicant's state license is included as Appendix 5.

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 and pick-up of children is to be staggered between these operation hours. Employees include the applicant and two assistants at any one time.

The home child care facility is operated in the basement of the dwelling, which includes: a day care play area, a bath room, a dining space, and a crib room. Egress in the crib room is further discussed in the Site Inspection section of this report. Parents conduct drop-off and pick-up of children at the main entrance of the dwelling. Staff believes

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sufficient parking exists in the driveway to accommodate the drop-off and pick-up of children for the home child care use.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon District
Planning Sector: Mount Vernon Community Planning Sector (MV07)
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 7. Subject to the development conditions, the special permit must meet these standards.

Site Inspection

During the site visit, staff observed that the sleeping area was located in a room that did not have adequate egress. The window in the room had a sill that was 47 inches from the floor instead of the required maximum height of 44 inches. The applicant agreed to construct a step four inches in height to bring the window into compliance with emergency egress requirements.

A follow up visit will be conducted to determine if all items noted in the site inspection have been completed.

Staff has noted that an accessory storage structure (a shed) 10 feet in height is located in the southwest corner of the property in the required side and rear yards. This is in violation of the Zoning Ordinance and will need to be addressed by the applicant in the future should she sell the property or request other permits. No accessory storage structures greater than 8.5 feet in height are permitted to be located closer than a distance equal to its height. Therefore, a special permit would be required to bring this structure into conformance or the structure must be altered to bring the height down to no more than 8.5 feet.

SP 2014-MV-054

Staff has also noted that the required rear yard may have more than the allowed 30% coverage. The minimum required rear yard of the R-3 zone is 25 feet. The application property has a rear yard of approximately 2,400 square feet, which would allow coverage of approximately 720 square feet. The applicant's rear yard currently contains the accessory storage structure and a play area that is covered by a cork and cinder block surface for a total coverage of approximately 765 square feet. The Zoning Administration Division is currently studying how rear yard coverage is measured and proposed changes to the Zoning Ordinance are on the workplan that would potentially affect how rear yard coverage is addressed. The proposed Ordinance changes may have an impact on how the applicant's rear yard coverage would be brought into compliance.

Failure to address these issues may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future. A report from the Zoning Inspection Division is included as Appendix 6.

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-MV-054, subject to the Proposed Development Conditions dated September 3, 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. Building Permit, dated December 8, 2011
5. Virginia State License information
6. Zoning Inspection Report, dated August 18, 2014
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MV-054****September 3, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-054 located at Tax Map 101-4 ((18) 6 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 applicants, Sunita Malvea and Rajendra V. Malvea only and is not transferable without further action of the Board, and is for the location indicated on the application, 3422 Ramsgate Terrace, 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 titled "House Location Survey, Lot 6, Riverside Terrace," prepared by Larry N. Scartz, Land Surveyor, dated June 19, 2001, as revised by Sunita Malvea through April 25, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. 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 on site at any one time 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. A point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed in the sleeping room, as labeled as being "Crib Room" on the floor plan in

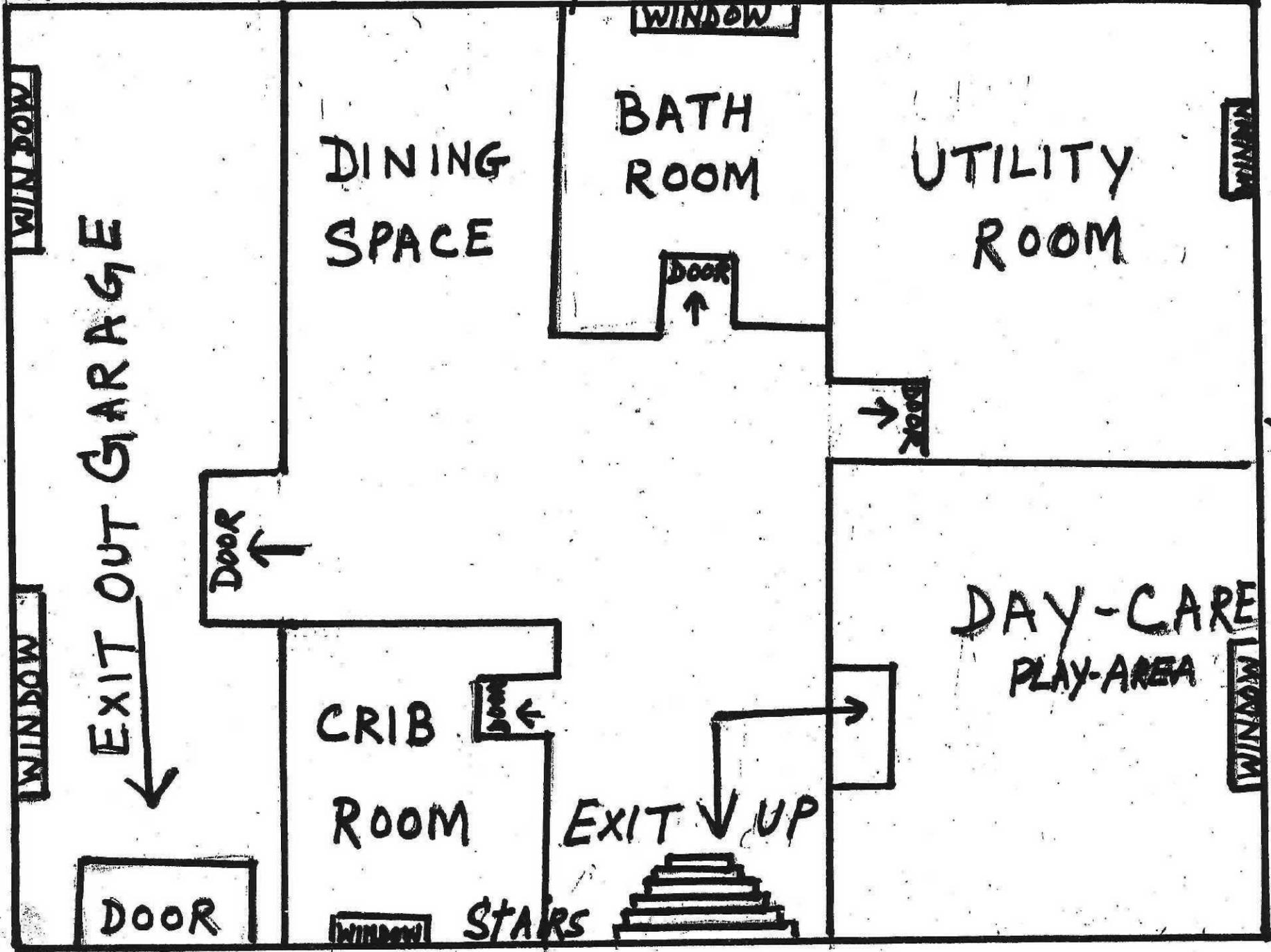
Attachment 1. This egress shall be installed within 90 days of the approval of the special permit.

11. Within 12 months from the date of this hearing, the shed shall be moved or otherwise brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.

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.

ROOMS USED FOR DAY-CARE KITCHEN ON THE UPPER LEVEL



APPROX - 980 Sq FT

ATTACHMENT 1

Application No.(s): SP 2014-MV-054
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/05/2014
(enter date affidavit is notarized)

124590

I, SUNITA-MALVEA, 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)
① SUNITA-MALVEA	3422 RAMSGATE Terrace Alexandria - VA 22309	① Applicant Owner
② RAJENDRA-VINOD-MALVEA		② Co-Owner.

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

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

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

CAB

Application No.(s):

SP 2014-MV-054

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

05/05/2014

(enter/date affidavit is notarized)

124990

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

Application No.(s):

SP 2014-MV-054

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

05/05/2014

(enter date affidavit is notarized)

124590

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

Application No.(s):

SP 2014-MV-054

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

05/05/2014

(enter date affidavit is notarized)

124590

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.)

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

Application No.(s): SP 2014-MV-054
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/05/2014
(enter date affidavit is notarized)

124596

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.)

(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.)

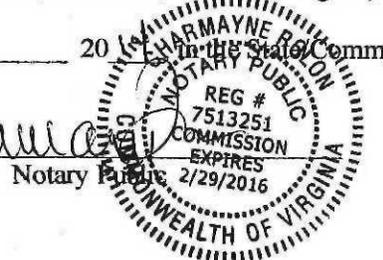
(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

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 Sunita Malvea Applicant's Authorized Agent
SUNITA - MALVEA
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5th day of May 2014
of Virginia, County/City of Fairfax

My commission expires: 2/29/16



CAB

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

RECEIVED
Department of Planning & Zoning

FEB 28 2014

Zoning Evaluation Division

Sunita Malvea
3422 Ramsgate Terrace
Alexandria, VA, 22309
Sunita.Malvea@gmail.com

February 24th, 2014

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

Re: Special Permit Application

Applicant: Sunita Malvea

Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards

Tax Map #: 1014180006

Zoning District: R-3

Lot Size: 10, 885 SqFt

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 Sunita Malvea and Rajendra Vinod Malvea (husband) own and live with my two sons in single family detached dwelling at 3422 Ramsgate Terrace Alexandria, VA, 22309. The property is zoned R-3 and I understand I need to seek your kind approval for a special permit in order to operate a child care facility within my home. I am currently licensed by the state of Virginia, to take care of 12 kids.

Day Care is open form Monday to Friday 7 AM to 6 PM. There are two(2) full time employees and myself Sunita Malvea proprietor and primary care provider.

A majority of children reside in a the general vicinity of my neighborhood with in an approximate 5 mile radius of the aforementioned area.

Arrival Schedule. Three children arrive between 7 AM - 7:45 AM, Three children arrive between 7:45 AM - 8 AM, Three children arrive between 8 AM - 8:30 AM, two children arrive between 9

AM - 9:15 AM. Some children walk with their parents to the day care as they live 5 to 6 houses down the street

Departure Schedule. One child is picked at 4:15 PM, three children are picked between 4:15 and 4:30 PM four children are picked between 4:30 PM and 5:30 PM, and the last three children are picked between 5 PM and 5:30 PM.

Operations. As I stated my house is a single family detached dwelling, basement is where the children are most of the time which includes playroom, crib room, dining room, bathroom, kitchen which is on the upper level & is used for cooking only plus utility room is used for keeping the Day Care refrigerator, microwave, washer-dryer, and kids supplies. Attached is a floor plan that indicates the area where the day is located. The house has 2500 Square feet and the basement, where I operate the Day-Care consist of 980 square feet approximately.

Hazardous or Toxic Substance. The house and the yard are free from hazardous or toxic substances. No hazardous material will be generated, utilized, Stored, treated and or disposed on site.

Zoning Ordinance Compliance. The proposed development conforms to the provision of all applicable ordinance, regulation & adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

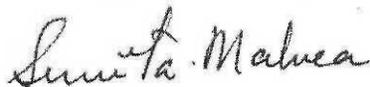
Out Door play area. I use my back yard for outdoor play area which is fully fenced the area is approximately 2500 square feet. There are two big slides, 2 play houses & 2 small slides.

Parking. My drive way is 45 feet 1 inch x 20 feet 3 inches and 4 cars can be parked. The driveway is for the parents where they can load and unload kids plus ample parking is available along the street in front of our house.

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

In conclusion I'm proposing no changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the Daycare. Adequate parking is available for my parents, employees and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,



Sunita Malvea
Owner of Sunita's Day care

Arrival Schedule and Departure Schedule

Arrival Schedule

Child	7:00 - 7:45 AM	7:45 - 8:00 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				X
12				

Departure Schedule

Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 5:30 PM
1	X			
2		X		
3		X		
4		X		
5			X	
6			X	
7			X	
8			X	
9				X
10				X
11				X
12				

Fairfax County Government
12055 Government Center Parkway
Fairfax, VA 22035

**Building Permit
Zoning Review**

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

12/8/11 11:46:26AM

Bldg Permit #: **113420117** RESIDENTIAL ADDITION

Address: 3422 Ramsgate Te Alexandria VA 22309-2142

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

Subdiv: Riverside Terrace Lt 6

Sub Census: 159.01 Lot Size: 10,885.00

Tax Map: 1014 18 0006

Owner: Malvea Rajendra

Phone Day: (703)360-3425 x

Evening:

Contractor:

REAMCO INC
10595 Furnace Road
Suite 100
Lorton, Va 22079-0000
(703) 690-2000

Type of Work: ADDITIONAL STORIES

Description of Work: DEMO EXISTING DECK AND BUILD SUNROOM AND NEW DECK WITH STAIRS, NO HOT TUB WITH LATTICE BELOW

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
N	Y	N	N	N	N	N

ZPRB Review:

Date

12/8/11

Status

AM00R4

Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	N	SFD	N	N	N	N	N

Yard/Setbacks:

Structure	Yard/Setbacks						Dimensions:		
	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
1	0.00	0.00	0.00	0.00	25.00	38.00	1 15 x 20	8.00	ONE STORY
2	0.00	0.00	0.00	0.00	0.00	36.00	2 5 x 15	4.00	W/LATTICE

DETAILS COMMENTS:

1 15 x 20 sunroom 2 5 x 15 deck with lattice

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Sunita Malvea
3422 Ramsgate Terrace
ALEXANDRIA, VA 22309
(703) 360-3425 [☎](#)

Facility Type: Family Day Home
License Type: Two Year
Expiration Date: July 16, 2015
Business Hours: 7:00 am - 6:00 pm
Monday - Friday
Capacity: 12
Ages: 1 month - 12 years 11 months
Inspector: **Mayasah Thomas**
(703) 359-1135 [☎](#)



MEMORANDUM

DATE: August 18, 2014

TO: Erin Haley, 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

APPLICANT: Sunit Malves
Rajendra Malvea
3422 Ramsgate Terrace, Alexandria, Virginia
Riverside Terrace, Lot 6
Tax Map Ref #: 101-4 ((18)) 6
Zoning District: R-3
Mail Log Assignment: 2014-LE-0306

*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.)
 - *The area listed as "CRIB ROOM" is not in accordance with the Virginia Residential Code as the secondary window egress is 39" x 36" (9.75 square feet) whose sill is 47' above the floor.*
- 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.
- 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.

- *The minimum required rear yard of this R-3 Zoned District is 25 feet. Pursuant to the survey plat submitted with this application, the rear yard is approximately 96' x 25' (2,400 square feet). 30% or approximately 720 square feet of the required rear yard may be covered by uses accessory to the single family dwelling. The applicants have one 10' x 10' (approximately measurements) accessory storage structure and a play area that is covered by cork and cinder block of 35' x 19'. The total coverage to the rear yard is 765 square feet.*
- *The 10' x 10' accessory storage structure is approximately 10 feet in height that is 6' from the left lot line and 9' 3" from the rear 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.