



APPLICATION ACCEPTED: May 9, 2014  
PLANNING COMMISSION: October 8, 2014  
BOARD OF SUPERVISORS: October 28, 2014

## County of Fairfax, Virginia

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August 28, 2014

# CRD

STAFF REPORT

APPLICATION SEA 2011-MV-002

MOUNT VERNON DISTRICT



**APPLICANT:** Uzma Tanveer Butt / Sunny Day Care One, LLC

**ZONING:** PDH-5: Planned Development Housing District,  
Five Dwelling Units per Acre  
CRD: Commercial Revitalization District  
HC: Highway Corridor Overlay District

**PARCELS:** 110-1 ((27)) 11A

**LOCATION:** 8740 Talbott Farm Drive

**SITE ACREAGE:** 4,150 square feet

**PLAN MAP:** Mixed Uses

**SE CATEGORY:** Section 6-105: Home Child Care Facility

**PROPOSAL:** To increase the maximum number of children permitted at any one time from 10 to 12 for a previously approved home child care facility

### STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 2011-MV-002, subject to the proposed development conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from

Nick Rogers, AICP

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Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz](http://www.fairfaxcounty.gov/dpz)



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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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 this application

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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 Exception Amendment

SEA 2011-MV-002



Applicant:

UZMA TANVEER BUTT / SUNNY DAY CARE ONE LLC

Accepted:

05/09/2014

Proposed:

AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTION FOR HOME CHILD CARE FACILITY TO PERMIT INCREASE IN NUMBER OF CHILDREN

Area:

4150 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105

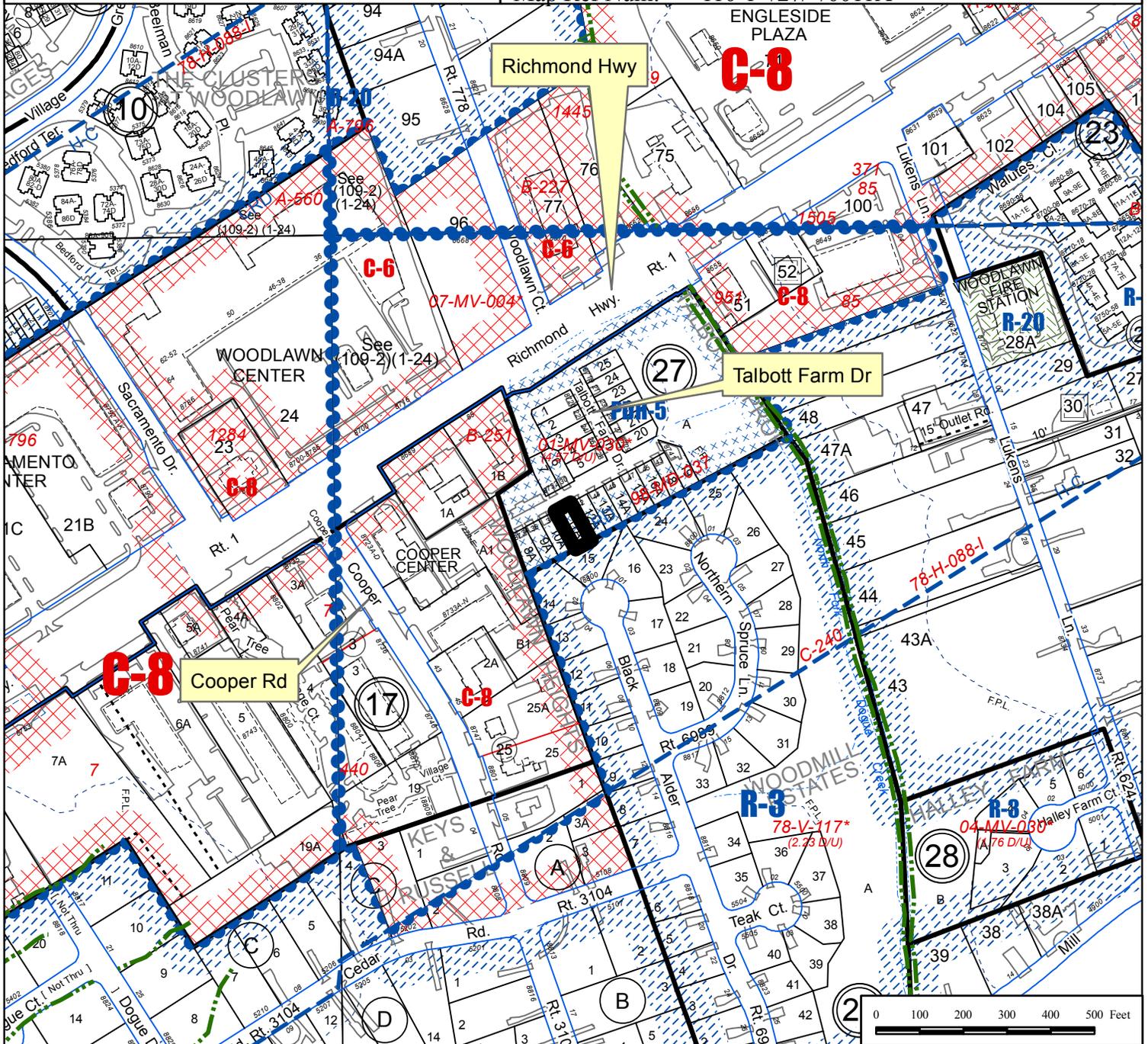
Located: 8740 TALBOTT FARM DRIVE, ALEXANDRIA, VA 22309

Zoning: PDH- 5

Plan Area: 4,

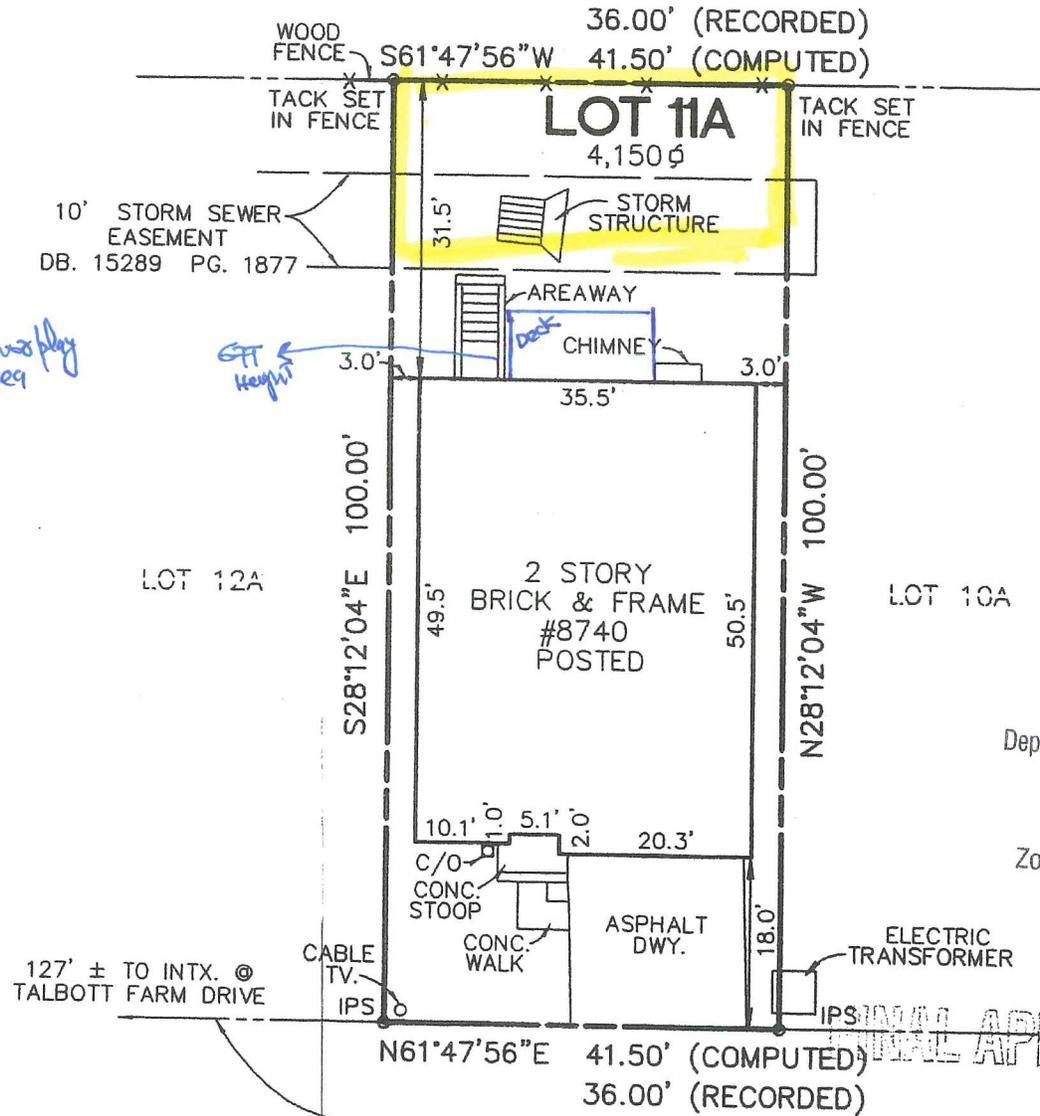
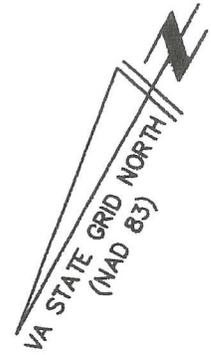
Overlay Dist: CRD HC

Map Ref Num: 110-1- /27/ /0011A



THIS LOT IS WITHIN ZONE "X"  
PER F.E.M.A. MAP.

LOT 15  
WOODMILL ESTATES  
DB. 5518 PG. 582  
DB. 5590 PG. 245



*Handwritten:* } outdoor play area

*Handwritten:* Off Highway

RECEIVED  
Department of Planning & Zoning  
FEB 24 2014  
Zoning Evaluation Division

**FINAL APPROVAL**

MAR - 4 2005

INGRESS/EGRESS  
EASEMENT  
DB. 15289 PG. 1877

PARCEL "A"  
**TALBOTT FARM DRIVE**  
(PRIVATE STREET)

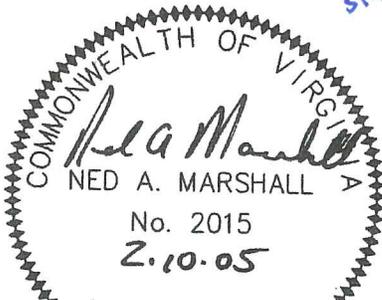
ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING

PHYSICAL IMPROVEMENT SURVEY

**LOT 11A**  
**TALBOTT PROPERTY**

LEGEND:

C/O - CLEANOUT  
IPS - IRON PIPE SET

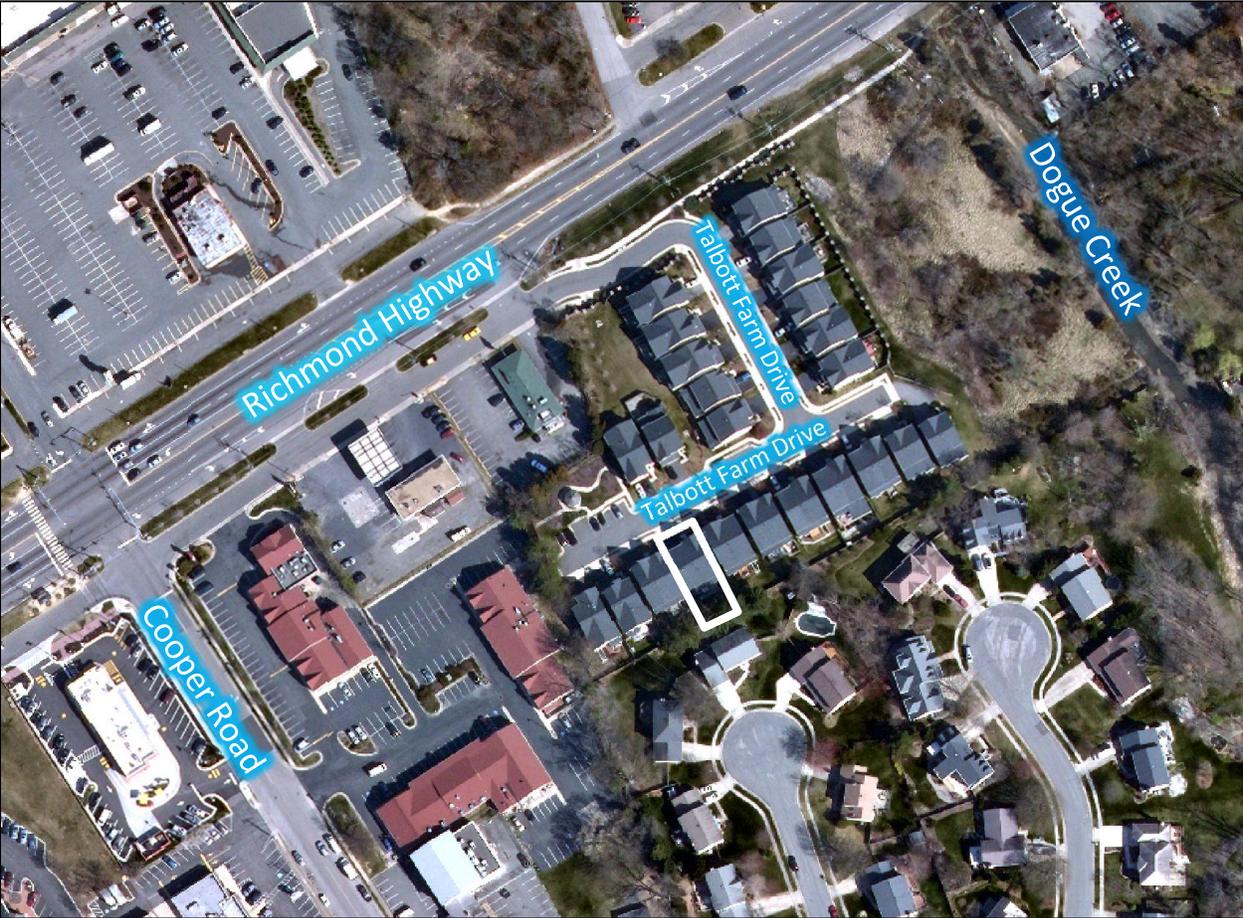


*Handwritten:* Uzman T Butt  
MTB  
5/11/14

**DESCRIPTION OF THE APPLICATION**

The applicant, Uzma Tanveer Butt, has requested the approval of an amendment to a previously approved Special Exception (SE) for a home child care facility in a single family detached dwelling with one assistant. The previous approval limited the facility to a maximum of 10 children at any one time; with this amendment, the applicant requests an increase from 10 to 12 children.

The subject property is located at 8740 Talbott Farm Drive within a small neighborhood of 25 single-family detached houses. The neighborhood is located on the east side of Richmond Highway, north of its intersection with Cooper Road and south of Dogue Creek (Figure 1).



**Figure 1: The subject property is identified above in relation to the surrounding community. (Source: Fairfax County GIS; 2013 Aerial Imagery)**

The home child care facility would continue to be operated in the following manner:

- Licensed by the Virginia Department of Social Services for up to 12 children between the ages of birth to 12 years, 11 months
- One assistant employed by the applicant. The applicant's assistant does not drive a personal vehicle to reach the home child care facility.
- Hours of operation: 7:00am - 6:00pm
  - Arrival: staggered between 7:00am – 9:15am
  - Departure: staggered between 2:45pm – 5:30pm
- Two parking spaces in the driveway; two parking spaces in the garage
- Parents park in the driveway and bring their children to the front door of the house (parents agree to provider's arrival/departure policy which minimizes vehicular conflicts between parents and neighborhood residents)
- Child care area is the entire basement and a portion of the first floor
  - Basement: One large play area (doubles as nap area), one smaller play room, one bathroom, one food preparation area accessory to the home child care use
  - First floor: One bathroom and living room used by children
- Approximately 809 square foot outdoor play area for home child care facility use in the rear yard enclosed by board-on-board fence

The proposed development conditions, applicant's statement of justification, file photographs, and affidavit are contained in Appendices 1 through 4, respectively.

## **BACKGROUND**

The property was originally part of a larger 5.47 acre parcel that was used as a small farm. On March 4, 2002, the Board of Supervisors approved RZ 2001-MV-030 to rezone the site from the R-2 District to the PDH-5 District. The Final Development Plan (FDP) was previously approved by the Planning Commission at their February 21, 2002 meeting. The applicant's house was built in 2004, and a 10 foot wide, 15 foot long deck was built the same year in the rear yard.

On September 27, 2011, the Board of Supervisors approved SE 2011-MV-002 for a home child care facility at this location for up to 10 children. The Board's review of this application predated the 2014 Zoning Ordinance amendment that increased the maximum permitted number of children in a home child care facility from 10 to 12 with an approved Special Exception. At the time, the applicant had operated a home child

care facility for 10 children, exceeding the Zoning Ordinance's maximum of 7 children permitted without a Special Exception. By receiving an approved Special Exception, the applicant was able to clear a Notice of Violation issued by the Department of Code Compliance (DCC) for exceeding the maximum permitted number of children. A copy of the SE 2011-MV-002 approval letter is enclosed as Appendix 5.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

Plan Area: Area IV, Mount Vernon Planning District,  
Woodlawn Community Business Center, Sub-Unit B-1

Plan Map: Mixed Uses

The Talbott Farm Drive dwellings are located in Sub-unit B-1, which covers the parcels adjacent to Richmond Highway between Cooper Road and Lukens Lane. This area is planned for office and neighborhood retail uses with a floor-area ratio (FAR) of up to 0.35, with open space along Dogue Creek, buildings oriented toward Richmond Highway, and buffering between these properties and adjacent residential uses.

A higher density option exists for mixed-use development at a 0.5 FAR for some of the parcels if substantial parcel consolidation occurs. The parcels in the subject property's neighborhood were not included in this option, and are appropriate for residential use at 4-5 dwelling units per acre.

### **Transportation**

Vehicles access Talbott Farm Drive via a service drive that connects to Cooper Road. This service drive has three access points on to Richmond Highway. Talbott Farm Drive is a private street that terminates within the community. No on-street parking is permitted along Talbott Farm Drive other than nine common area parking spaces located near the subject property.

Pick-up and drop-off of children primarily occurs in the applicant's driveway. According to the applicant, her assistant does not drive. The applicant uses an arrival/departure policy to minimize the potential for vehicular conflicts between neighbors and child care families; a copy of the policy has been included with the applicant's statement of justification. Staff has recommended a revision to the previously approved development condition to provide flexibility for the applicant to revise the policy so long as it meets the objectives of eliminating potential vehicular conflicts between parents and neighbors. The driveway is 18 feet long and 20.3 feet wide, which will accommodate two cars parked side-by-side. The dwelling is also served by a two-car garage, which is used for the provider's vehicles.

### Zoning Ordinance Provisions (Appendix 6)

Section 10-103 of the Zoning Ordinance allows home child care providers living in single family detached dwellings the ability to request an increase beyond the maximum number of seven children prescribed in the Ordinance. A provider may request up to twelve children be allowed to enroll in a home child care facility, and such requests must conform to the provisions listed in Part 3 of Article 8.

Furthermore, Sect. 6-105 of the Zoning Ordinance permits land uses not specifically designated on an approved Final Development Plan (FDP) with the approval of a Special Exception as long as the use is listed as a permitted Group or Category use in Sect. 6-103 or 6-104. Since home child care facilities were not listed as designated uses at the time of the FDP's 2002 approval by the Planning Commission, the applicant must obtain a Special Exception and satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Paragraph 6 of of Sect. 10-103).

### General Standards for Special Exceptions (Sect. 9-006)

<b>Standards 1 and 2</b> <i>Comprehensive Plan/Zoning District</i>	Staff finds that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-5 Zoning District.
<b>Standard 3</b> <i>Adjacent Development</i>	No construction is proposed with this application and the lot is adjacent to other residential uses. Staff finds that the use will not affect the use or development of neighboring properties.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	With adequate garage and driveway parking, as well as staggered arrival and departure times, staff finds that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> <i>Landscaping/Screening</i>	No additional landscaping is required for the proposed use.
<b>Standard 6</b> <i>Open Space</i>	The applicant's homesite is part of an approved FDP which meets the minimum 35 percent open space requirement.
<b>Standard 7</b> <i>Utilities, Drainage, Parking, Loading</i>	This application does not affect the provision of adequate public facilities as determined in the review and approval of the dwelling unit. The applicant has made security modifications around the rear yard inlet to prevent children from accessing the storm drain. Staff concludes that the available parking is sufficient to accommodate the home child care use.
<b>Standard 8</b> <i>Signs</i>	Sect. 10-103 of the Zoning Ordinance does not permit signs for home child care facilities.

**Standards for all Group 3 Uses (Sect. 8-303)**

<b>Standard 1</b> <i>Lot Size and Bulk</i>	No site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the PDH-5 District as provided for with the approved FDP.
<b>Standard 2</b> <i>Performance Standards</i>	The performance standards set forth in Article 14, related to such matters as air pollution, radiation, and earthborn vibration would not be applicable for a home child care facility.
<b>Standard 3</b> <i>Site Plan</i>	Home child care facilities are not subject to Article 17, Site Plans.

**Additional Standards for Home Child Care Facilities (Sect. 8-305)**

<b>Standard 1</b> <i>Max. 12 Children; Approval of more than one nonresident assistant</i>	The applicant's request for 12 children meets this standard. The applicant continues to employ only one nonresident assistant.
<b>Standard 2</b> <i>Access and Parking</i>	Staff finds that access and parking are sufficient to accommodate the use.
<b>Standard 3</b> <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
<b>Standard 4</b> <i>Submission Requirements</i>	The submission requirements allow the use of a house location survey in lieu of the SE Plat.
<b>Standard 5</b> <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through April 15, 2016.

**Use Limitations (Sect. 10-103, Paragraph 6)**

<b>Part A</b> <i>Max. Children</i>	This application requests approval for 12 children in a single family detached dwelling.
<b>Part B</b> <i>Licensed provider/ primary residence</i>	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
<b>Part C</b> <i>No exterior evidence except play equipment</i>	Staff finds there is no exterior evidence of the home child care facility, other than play equipment in the rear yard.
<b>Part D</b> <i>Nonresident person</i>	The applicant employs one nonresident assistant to be involved with the home child care facility during the facility's hours of operation.
<b>Part E</b> <i>Primary residence of nonresident person</i>	The dwelling is the primary residence of the home child care provider.
<b>Part F</b> <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through April 15, 2016.
<b>Part G</b> <i>Increase in children or nonresident person</i>	The applicant is requesting approval for an increase in the maximum number of children permitted by-right for a single family detached dwelling.

## **CONCLUSIONS AND RECOMMENDATIONS**

The applicant's proposal carries forward the provisions that were reviewed and addressed in 2011 as part of staff's initial analysis of SE 2011-MV-002. In staff's opinion, the current proposal to increase the enrollment by two children would not incur adverse impacts on the surrounding residences or the site itself. The proposal would conform to the Comprehensive Plan and all applicable provisions of the Zoning Ordinance.

Staff recommends approval of SEA 2011-MV-002, subject to the proposed development conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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 this application

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. File Photographs
4. Affidavit
5. Clerk's Letter for SE 2011-MV-002
6. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

### SEA 2011-MV-002

September 25, 2014

If it is the intent of the Board of Supervisors to approve SEA 2011-MV-002, located at 8740 Talbott Farm Drive, Tax Map 110-1 ((27)) 11A, previously approved for a home child care facility of up to 10 children and proposing an increase to 12 children, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk (\*) and may include revised language.

#### General

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. \*
2. This Special Exception is granted only for the home child care facility use as indicated on the Special Exception Plat (SE Plat) approved with the application, as qualified by these development conditions. \*
3. Any plan or permit submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat, consisting of an annotated copy, dated May 1, 2014, of the House Location Survey entitled "Lot 11A Talbott Property" prepared by Ned A. Marshall and dated February 10, 2005, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. \*
4. A copy of the approved Special Exception conditions shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the home child care facility.
5. The provider shall forward a copy of the approved development conditions to the president of the Talbott Farm Home Owners Association no later than 30 days from the applicant's receipt of the Special Exception approval letter from the Clerk to the Board of Supervisors. \*

#### Home Child Care

6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12, and the maximum daily enrollment shall not exceed 12. Notwithstanding this maximum, the applicant shall not increase the

number of children enrolled in the home child care facility beyond the maximum capacity permitted by license through the Virginia Department of Social Services.

7. Hours of operation for the home child care facility shall not exceed 7:00 AM to 6:00 PM.
8. A maximum of one nonresident employee, whether paid or not for their services, may be involved in the home child care facility, provided that there is only one 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. \*
9. Any portions of the dwelling associated with the home child care facility that is used as a sleeping area shall be located in a room with proper egress as defined by the Virginia Uniform Statewide Building Code.

### **Transportation**

10. The provider shall secure from each family who receives child care services a commitment to abide by an arrival/departure policy. The policy shall contain guidelines for encouraging families to solely use the applicant's driveway for picking up and dropping off children, as well as minimizing conflicts between the families' vehicles and those of the surrounding residents. The provider shall secure these commitments in writing and keep a copy on site and available for inspection by Fairfax County staff.
11. All pick-up and drop-off of children, and all parking associated with the home child care facility, shall occur on-site in the driveway. \*
12. The applicant may supplement the on-site parking with off-site, common area parking spaces if available and permissible.
13. The garage shall not be converted to any use which would preclude the parking of vehicles, and shall be kept clear of debris at all times in order to accommodate parking for the dwelling and the home child care provider. At no time during the hours of operation of the home child care facility shall vehicles used by the residents be parked in the driveway. \*
14. The applicant shall stagger the arrival and departure times for children arriving by automobile. \*

### **Outdoor Play Area**

15. Any stationary outdoor playground equipment located in the rear yard shall be set back a minimum of six feet from the perimeter fence, the yard inlet, the deck, and the rear walkway that leads to the basement in accordance with 22 VAC 40-111-500 from the Standards for Licensed Family Day Homes with Interpretation Guidelines and approved by the Virginia Department of Social Services. Equipment that does not meet this locational condition shall be removed

or relocated prior to the issuance of a Non-Residential Use Permit for the home child care facility. All outdoor play equipment must conform to all state regulations and standards related to outdoor play areas and equipment. \*

16. No more than five children, excluding the provider's own children, may occupy the rear yard at any one time. Any children occupying the rear yard must be supervised at all times. \*

### **Food Preparation**

17. Within 30 days of the Board of Supervisors' approval of the Special Exception, the applicant shall submit permit applications to the Department of Public Works and Environmental Services (DPWES) for all applicable trade permits required to bring the food preparation area into compliance with County regulations. These permits may include, but shall not be limited to, building, electrical, mechanical, and plumbing permits
18. Within six months of the Board of Supervisors' approval of the Special Exception, the applicant shall obtain final inspections and approvals for all applicable trade permits associated with the food preparation area.
19. Upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control, the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.
20. As an alternative to complying with Conditions 17 and 18, the applicant shall remove the stove associated with the food preparation area within six months of the Board of Supervisors' approval of the Special Exception, subject to the review and approval of an applicable trade permit by DPWES.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established as outlined above.

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

RECEIVED  
Department of Planning & Zoning

FEB 24 2014

Zoning Evaluation Division

Name: UZMA T BUTT  
Address: 8740 Talbott Farm drive

Phone #: 703 780 7603  
E-mail: Sunny day care 66 @ Yahoo.com

RECEIVED  
Department of Planning & Zoning

MAY 01 2014

Zoning Evaluation Division

Date \_\_\_\_\_

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

Re: Special Permit Application

Applicant: UZMA T BUTT  
Zoning Ordinance Section 8-305 for Home Child Care Facility  
Section 8-004 of General Standards

Tax Map #: 110-1(27)11A  
Zoning District: PDH5  
Lot Size: 4150 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 own and live in a attached (~~detached~~) (circle one) dwelling at 8740 Talbott Farm drive Alexandria Va 22309 (your address). The property is zoned PDH5 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 6:00 a.m To 6:00 P.m

Number of Children. I care for up to 12 children at any one time. This number does not include my own 5 child/children.

Employees. I have x assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. All of the children arrive between 6:00 AM and 9:30 AM.

Departure Schedule. None of the children are picked up at 4.00 PM. 6.00 PM

Area Served. Richmond Hwy, Spring field, Lorton,  
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached / detached (circle one) dwelling. It has (explain the general layout of the house):

Two stories, six rooms Three and half bathrooms. walk away basement & two Exits.

The house has 4100 square feet. The following rooms are where I conduct the day care:

Basement & First floor

These rooms are 3500 square feet total.

Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

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

Outdoor Play Area. I use my Back yard for outdoor play for the children. The area is approximately 900 square feet. The outdoor play area consists of: clubhouse, Slides. Sand box

Parking. I use my Garage to park my family car(s). My parents park in drive way and they can also use common parking. There are seven spots available in front of the house.

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

In conclusion, I am proposing care for 12 children from my home

Sincerely,

Yvona Butt

Owner of Sunny 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				
5			X	
6			X	
7			X	
8				X
9		X		X
10				X
11				
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				
4			X	
5			X	
6				X
7				X
8				X
9				X
10				X
11				X
12				

# SUNNY DAY CARE

**8740 TALBOTT FARM DRIVE ALEXANDRIA, VA 22309 PH: 7037807603**

## **Statement of Justification**

Sunny day care is a home based care facility for children aging between six weeks to 12 years old. We operate between the hours of 6.00a.m until 6.00p.m. The purposed use for this application is to provide quality home based child care.

The state of Virginia has licensed my home for twelve children. I am a graduate from college and my assistant is also graduate, and we are trying to provide good quality care as well as working to develop children in their early ages so they can have a good start in their development.

Children's have different schedule and they come to day care in the hour of 6.00 to 9.00a.m so traffic congestion is kept to a minimum hardly a parent collide with another parent and same is true for pick up. I have two garage parking and two parking in my drive way so I have four spot and length of pick up and drop off is not more than five minute, more ever a pick up and drop of policy is also in use to avoid any crowding a copy is attached with application. There are seven parking spot in front of the house which serve as common area and that space can also be used if in case a parent cannot find a spot in my drive way which is hardly observed.

The child care is held in the basement and on the first floor of the house. Two separate bed room, one large play area and one bathroom are specifically for day care use. Children have also access to the living room and bath room of first floor .Basement has a separate exit and two exits are also on the first floor. The back yard is fully fenced. There are total six bed rooms and three and half bath are in the house.

The child care space is in compliance with VA state licensing regulation. All stairways have rails in compliance with state licensing .Bed room in the basement is being used for nap time more ever infants also used the nursery room on the first floor. Total land area is 4150 SQ FT. Structure has siding on the exterior, no additions are expected. Dwelling has central air and heating. Play room and bed rooms are under complete monitoring all the time. All required ordinance have been met in compliance with state.

## Drop Off and Pick Up Policy for Sunny Day Care

Dear Parents of Sunny Day Care Children,

As all of you know, we are running our home day care in a residential community, which makes it a little bit different from commercial day care centers. One of the biggest concerns we have while running this operation, and the one which needs your support and attention, is dropping off and picking up your children. Here are some policies that need to be in compliance by all means and at all times. These rules are necessary in order to peacefully run the day care in the community. Your cooperation will be greatly appreciated.

1. We request that at no time there should be any parking, lining up, or waiting with your car on Talbott Farm Drive. Our neighbors need to be able to access or leave their residences easily. Please allow all cars leaving from the neighborhood to exit prior to your entrance.
2. Only two cars at a time can be parked in our driveway. Please park to each side of the driveway so you don't block each other.
3. When backing up from driveway, be extremely attentive to what is behind you. Depending on the day, there may be a trash can, a neighbor backing up, or somebody walking behind you. Please consider safety first!
4. Please make sure that your child is under close supervision of yourself all the time you are walking on the driveway.
5. Please allow residents of Talbott Farm Drive to have priority in their movement.
6. During normal drop off and pickup times, please do not engage in conversation with the provider or other parents. This restricts the other parents' ability to park. It also will distract staff from properly supervising the children in care.
7. We will appreciate if you give us a courtesy call five minutes prior to your pick up so we can have your child ready when you arrive.
8. Finally, please don't park in our neighbor's driveways, walk in their yards, or use their drive way to turn your car.

If you follow these rules, it will aid us in not creating a problem with our neighbors. It will also provide a safer environment for all children and yourselves.

Your signature below indicates your acceptance of the above policy.

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Name of Parent or Guardian

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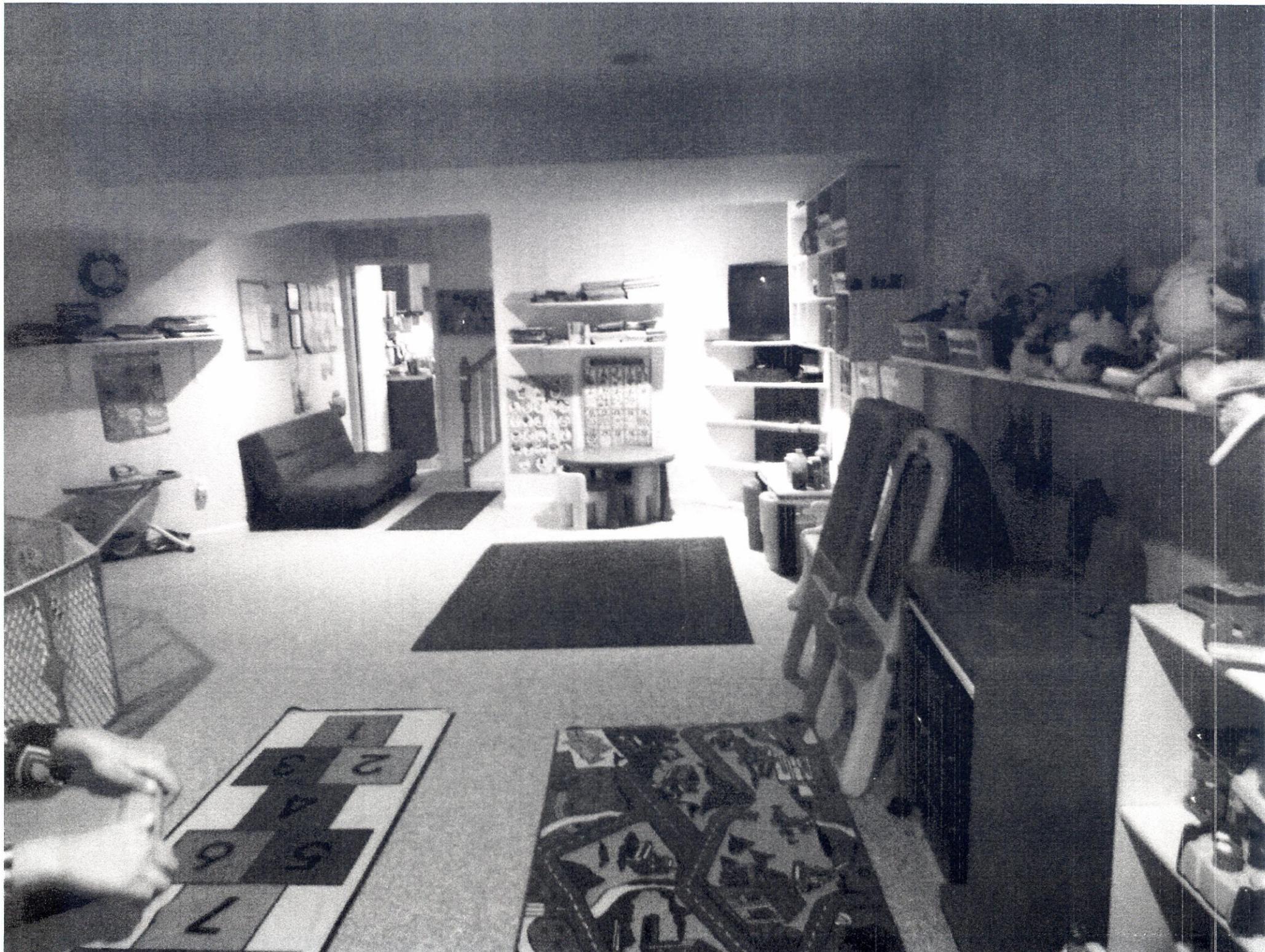
Date

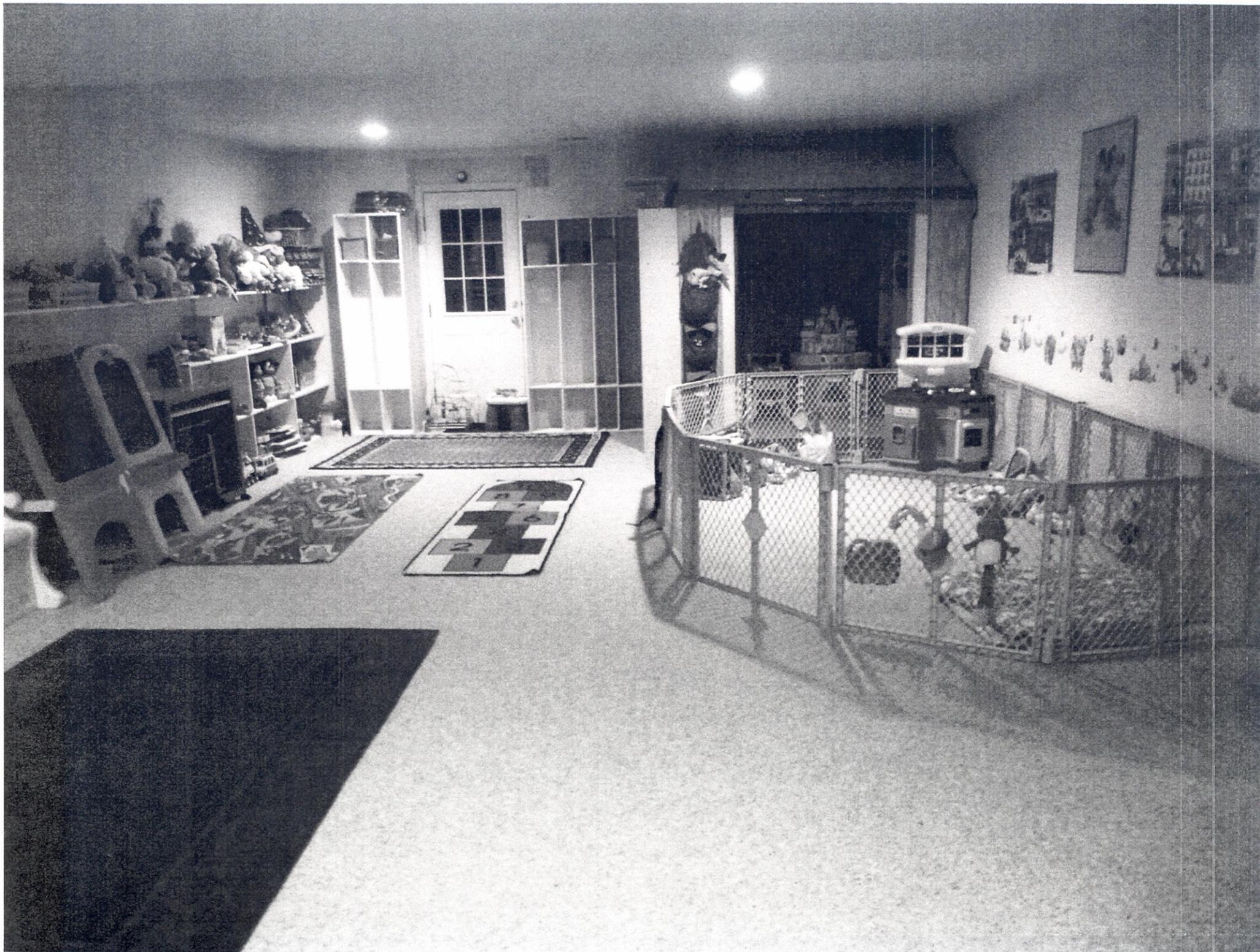


FRONT VIEW



FRONT VIEW





SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/18/14 (enter date affidavit is notarized)

I, Uzma Tanveer Butt / Sunny day Care one LLC, do hereby state that I am an (enter name of applicant or authorized agent)

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

in Application No.(s): SEA 2011-MV-002 125456 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 are to 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)

Uzma Tanveer Butt 8740 Talbot Farm dr ALEX, VA-22309. - Applicant.

Sunny day Care one LLC 8740 Talbot Farm dr ALEX, VA-22309. - Co. applicant.

Muhammad Tanveer Butt 4311 Birch Lake Ct ALEX, VA-22309. - Title owner

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

CMB

SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA-2011-MV-002  
(enter County-assigned application number(s))

125456

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 and number, street, city, state, and zip code)  
Sunny day Cave one LLC 8740 Talbott Farm dr ALEX, VA-22309.

**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)

UZMA TANVEER Butt | member

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number(s))

125456

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, and number, street, city, state, and zip code)

None

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

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

None

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number(s))

125456

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 Supervisors, 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 Exception Attachment to Par. 2" form.

Application No.(s): SEA 2011-MV-002  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 1/18/14  
(enter date affidavit is notarized)

125456

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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) Uzma T Butt [ ] Applicant [ ] Applicant's Authorized Agent

UZMA TANVEER BUTT, T, Butt  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 18 day of January, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

*[Signature]*

My commission expires: Oct 31 2017



**LUTFUNNESSA PANNA ALAM**  
NOTARY PUBLIC 7208096  
COMMONWEALTH OF VIRGINIA

CAB

Special Exception Attachment to Par. 1(a)

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number (s))

125456

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
---	--	---

Sunny day Care LLC	8740 Tibbitt Farm dr ALEX, VA-22309.	Co applicant.
--------------------	---	---------------

Muhammad Tanveer Butt	4311 Birch Lake Ct ALEX, VA-22309.	Title Owner
-----------------------	---------------------------------------	-------------

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

Special Exception Attachment to Par. 1(b)

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SE 2011-MV-002  
(enter County-assigned application number (s))

125456

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

Sunny day Cave one LLC 8740 Talbott Farm dr ALEX, VA-22309

**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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

UZMA TANVEER Butt / Member

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

Sunny day Cave one LLC Talbott Farm dr ALEX, VA-22309.

**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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

UZMA TANVEER Butt / Member.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(c)

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number (s))

125456

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

*None*

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

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

*None*

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

Special Exception Attachment to Par. 2

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number (s))

125456

None

(check if applicable)

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a "Special Exception Attachment to Par. 2" form.

**Special Exception Attachment to Par. 3**

DATE: 1/18/14  
(enter date affidavit is notarized)

for Application No. (s): SEA 2011-MV-002  
(enter County-assigned application number (s))

125456

*None*

(check if applicable)

There are more disclosures to the listed for Par. 3, and Par. 3 is continued further on a "Special Exception Attachment to Par. 3" form.



# County of Fairfax, Virginia

*To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County*

September 28, 2011

Muhammad T. Butt  
8740 Talbott Farm Drive  
Alexandria, VA 22309

Re: Special Exception Application SE 2011-MV-002

Dear Mr. Butt:

At a regular meeting of the Board of Supervisors held on September 27, 2011, the Board held a public hearing on Special Exception Application SE 2011-MV-002 in the name of Muhammad T. Butt. The subject property is located at 8740 Talbott Farm Drive on approximately 4,150 square feet of land, zoned PDH-5, CRD and HC in the Mount Vernon District [Tax Map 110-1 ((27)) 11A]. The Board's action permits a home child care facility with a maximum enrollment of 10 children and a maximum of one employee pursuant to Section 6-105 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan or permit submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Lot 11A – Talbott Property" prepared by The Engineering Groupe, Inc., consisting of one sheet dated February 10, 2005, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

---

**Office of the Clerk to the Board of Supervisors**  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

4. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed ten and the maximum daily enrollment shall not exceed ten.
5. Hours of operation for the home child care facility shall not exceed 6:00 AM to 7:00 PM, Monday through Friday.
6. A maximum of one nonresident person, whether paid or not for their services, may be involved in the home child care facility, provided that there is only one 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 .
7. All loading and unloading of children, and all parking associated with the home child care facility, shall occur on-site.
8. The garage shall not be converted to any use which would preclude the parking of vehicles. At no time during the hours of operation of the home child care facility shall vehicles used by the residents be parked in the driveway.
9. The arrival and departure times of children who are being picked up and/or dropped off by automobile shall be staggered at intervals of a minimum of 15 minutes.
10. The provider shall secure from each family who receives child care services a commitment to abide by the policy entitled "Drop Off & Pickup Policy For Sunny Day Care", found in Attachment A to these conditions. The provider shall secure these commitments in writing and keep a copy on site and available for inspection by Fairfax County staff.
11. Any stationary outdoor playground equipment located in the rear yard shall be set back a minimum of six feet from the perimeter fence, the yard inlet, the deck, and the rear walkway that leads to the basement in accordance with 22 VAC 40-111-500 from the Standards for Licensed Family Day Homes with Interpretation Guidelines and approved by the Virginia Department of Social Services. Equipment that does not meet this locational condition shall be removed or relocated prior to the issuance of a Non-Residential Use Permit for the home child care facility. All outdoor play equipment must conform to all state regulations and standards related to outdoor play areas and equipment.
12. No more than five children, excluding the provider's own children, may occupy the rear yard at any one time. Any children occupying the rear yard must be supervised at all times.
13. The provider shall forward a copy of the approved development conditions to the president of the Talbott Farm Home Owners Association no later than 30

days from the applicant's receipt of the special exception approval letter from the Clerk to the Board of Supervisors.

14. The provider shall remove the nonconforming grill that restricts storm water design and eliminate access by children to the mouth of the rear yard inlet storm water inlet. Subject to the approval of the Department of Public Works and Environmental Services' Maintenance and Stormwater Management Division, the provider shall provide a permanent barrier fence around the storm water inlet or other remedy that does not impede the flow of water under any permanent barrier and does not cause water to pond upstream on neighboring properties.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. 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.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

Cc: Chairman Sharon Bulova  
Supervisor Gerry Hyland, Mount Vernon District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
District Planning Commissioner  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

## Drop Off and Pick Up Policy for Sunny Day Care

Dear Parents of Sunny Day Care Children,

As all of you know, we are running our home day care in a residential community, which makes it a little bit different from commercial day care centers. One of the biggest concerns we have while running this operation, and the one which needs your support and attention, is dropping off and picking up your children. Here are some policies that need to be in compliance by all means and at all times. These rules are necessary in order to peacefully run the day care in the community. Your cooperation will be greatly appreciated.

1. We request that at no time there should be any parking, lining up, or waiting with your car on Talbott Farm Drive. Our neighbors need to be able to access or leave their residences easily. Please allow all cars leaving from the neighborhood to exit prior to your entrance.
2. Only two cars at a time can be parked in our driveway. Please park to each side of the driveway so you don't block each other.
3. When backing up from driveway, be extremely attentive to what is behind you. Depending on the day, there may be a trash can, a neighbor backing up, or somebody walking behind you. Please consider safety first!
4. Please make sure that your child is under close supervision of yourself all the time you are walking on the driveway.
5. Please allow residents of Talbott Farm Drive to have priority in their movement.
6. During normal drop off and pickup times, please do not engage in conversation with the provider or other parents. This restricts the other parents' ability to park. It also will distract staff from properly supervising the children in care.
7. We will appreciate if you give us a courtesy call five minutes prior to your pick up so we can have your child ready when you arrive.
8. Finally, please don't park in our neighbor's driveways, walk in their yards, or use their drive way to turn your car.

If you follow these rules, it will aid us in not creating a problem with our neighbors. It will also provide a safer environment for all children and yourselves.

Your signature below indicates your acceptance of the above policy.

---

Name of Parent or Guardian

---

Date

**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

## **8-305 Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

## 10-103 Use Limitations

1. ...

2. ...

...

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.