



APPLICATION ACCEPTED: April 25, 2014  
PLANNING COMMISSION: October 29, 2014  
BOARD OF SUPERVISORS: November 18, 2014 @ 3:30 pm

## County of Fairfax, Virginia

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October 15, 2014

**WS**

### STAFF REPORT

APPLICATION SE 2014-SU-016

### SULLY DISTRICT

**APPLICANT:** Helen Home Daycare, LLC / Mai-Huong Thi Nguyen

**ZONING:** PDH-2 (Planned Development Housing, 2 du/ac),  
WS (Water Supply Overlay)

**PARCEL:** 44-4 ((2)) 193

**LOCATION:** 13506 Ridge Rock Drive

**SITE AREA:** 13,860 square feet

**PLAN MAP:** Residential, 4-5 du/ac

**PROPOSAL:** To permit a home child care facility for a maximum of twelve children and two assistants at any one time.

### STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-SU-016, subject to the proposed development conditions contained in Appendix 1.

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

Michael H. Lynskey, ASLA

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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/)



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

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.

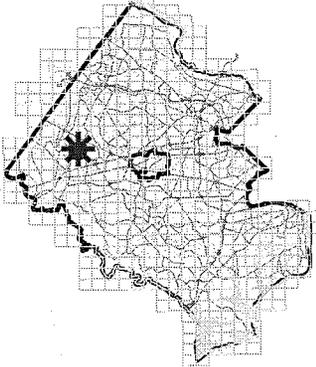
O:\mlynsk\Helen Child Care SE 2014-SU-016\Final staff report\SE 2014-SU-016 - Cover.docx



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).

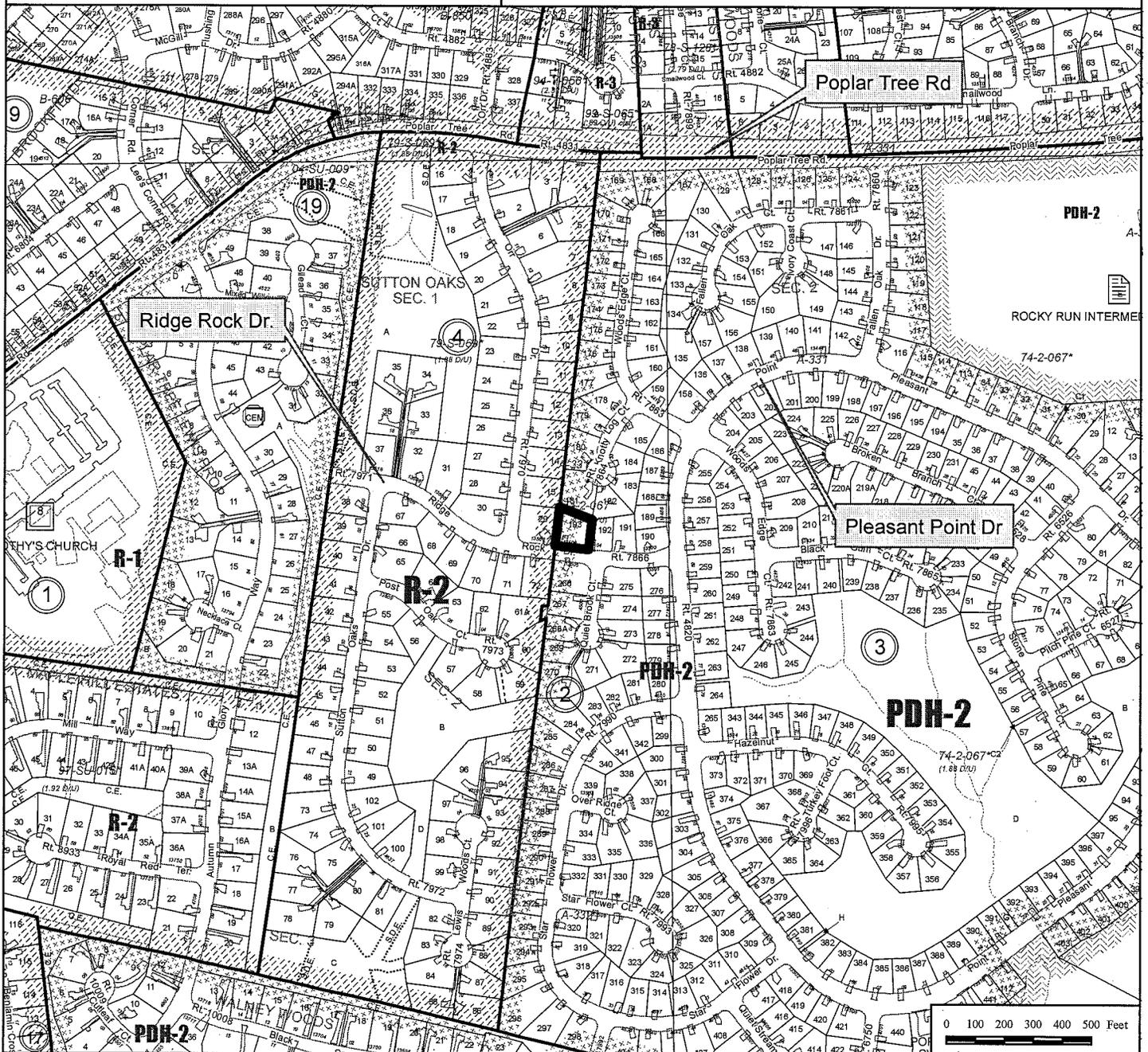
# Special Exception

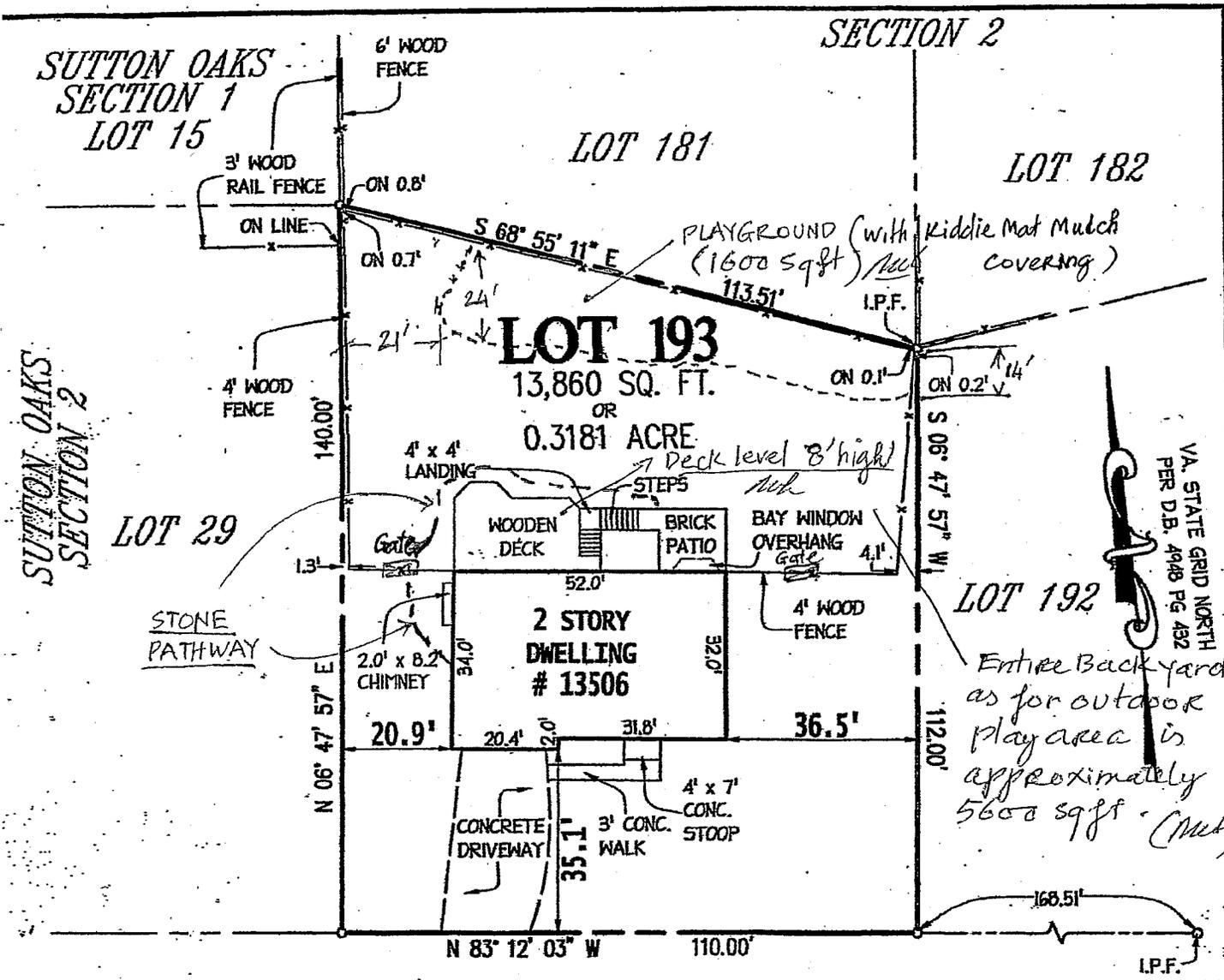
SE 2014-SU-016



Applicant: MAI-HUONG THI NGUYEN / HELEN HOME DAYCARE LLC  
Accepted: 04/25/2014  
Proposed: HOME CHILD CARE FACILITY  
Area: 13860 SF OF LAND; DISTRICT - SULLY  
Zoning Dist Sect: 06-0105  
Art 9 Group and Use: 0-05  
Located: 13506 RIDGE ROCK DRIVE, CHANTILLY, VA 20151

Zoning: PDH- 2  
Plan Area: 3,  
Overlay Dist:  
Map Ref Num: 044-4- /02/ /0193



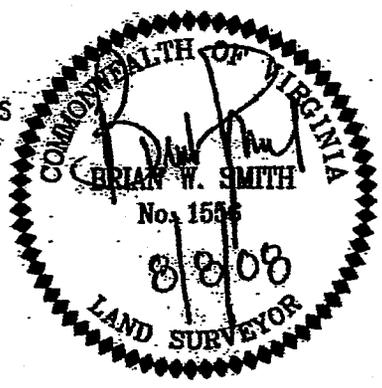


SUTTON OAKS SECTION 2

VA. STATE GRID NORTH  
PER D.B. 4048 PG 482

Entire Back yard as for outdoor play area is approximately 5600 sqft (est)

Date: 04/25/2014  
Minh V Nguyen  
MINH V NGUYEN



HOUSE LOCATION SURVEY

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant requests approval of a Special Exception to operate a home child care facility for up to twelve children and up to two assistants at any one time in a single-family detached dwelling zoned PDH-2 (Planned Development Housing District, at two dwelling-units per acre) and WS (Watershed Protection Overlay).



*Figure 1: Subject Property, Source: Fairfax County Pictometry, 2013 Imagery.*

The subject property is located on Ridge Rock Drive in Chantilly, approximately one-half mile southwest of the intersection of Poplar Tree Road and Stringfellow Road. The home is located within a neighborhood of other similar single-family detached dwellings, zoned PDH-2, and adjacent to a similar neighborhood zoned R-2.

Other details about the application:

- Current state-license for 12 children, expiring on February 4, 2016
- Requests maximum of two assistants; currently employs one.
- Hours of operation: 7:00 a.m. to 6:00 p.m., Monday through Friday; staggered drop-off and pick-up.
- Child-care occupies walk-out basement, approximately 1,100 square feet, with separate nursery room, play room, general activity area, food preparation area, and full bathroom.
- Four parking spaces in the two-lane driveway, and ample street parking. Attached garage is utilized for the owners' cars.
- Parents park in the driveway or on street and walk children around house to rear basement entrance.
- Fenced 5,600 square-foot back yard features shade trees, mulched play area, and grass ground-cover.

The proposed development conditions, affidavit, and applicant's statement of justification/photographs are contained in Appendices 1 to 3, respectively.

## **ZONING BACKGROUND**

The subject property is Lot 193 of the 429-acre Poplar Tree Estates development, which was rezoned to the PDH-2 District on May 24, 1976 (RZ 74-2-067), and subject to a Final Development Plan (FDP 74-2-067) approved in June 1976. There are three proffered conditions associated with RZ 74-2-067, none of which would affect the current proposal. The approved development plan and proffers do not speak to the issue of home child care uses, nor do they preclude use of the streets for parking. According to the Department of Tax Administration records, the dwelling was constructed in 1986.

## **ZONING ORDINANCE PROVISIONS (Appendix 4)**

Section 10-102 of the Zoning Ordinance permits a home child-care facility as an accessory use, limited to a maximum of seven children at any one time in a single-family detached dwelling, among other limitations (Sect. 10-103). A Special Permit is available to allow an increase to a maximum of twelve children at any one time, subject to Board of Zoning Appeals approval, and additional standards (Sect. 8-305). For a property located in a PDH District, in which the use is not specifically designated on the approved final development plan (FDP), Sect. 6-105 specifies that a Special Exception

permit is required, rather than a Special Permit, though both are subject to the same standards of Sect. 8-303 and 8-805, as well as additional General Special Exception Standards (Sect. 9-006). Therefore, the current application, located in a PDH-2 District, would require a Special Exception permit for the requested maximum of 12 children.

### **COMPREHENSIVE PLAN PROVISIONS**

Plan Area: Area III, Bull Run Planning District,

BR3 Flatlick Community Planning Sector

Plan Map: Residential, 4-5 du/ac, Medium Density Single Family

Text: Land generally located between Poplar Tree Road, the Cabells Mill Subdivision and Ellanor C. Lawrence Park, Stringfellow Road, and I-66 is planned for residential use at 1-2 dwelling units per acre. This density is compatible with the density of existing residential development in the area. This area is also part of a planned low density transition area between higher density development planned for Centreville and Fairfax Center.

### **STAFF ANALYSIS**

#### **Zoning Inspection Report (Appendix 5)**

All proposals for a County home child-care permit are subject to a zoning inspection during the review process, to identify and eliminate potential safety hazards and zoning violations. No major issues were identified during the inspection of the subject property, and only two minor items were noted on the Inspections Report to address (replacement of a keyed deadbolt lock, and removal of an obstruction to the electrical service panel), both of which have subsequently been addressed by the applicant.

#### **Transportation and Parking (Appendix 6)**

Ridge Rock Drive is a public street, that may be accessed from Stringfellow Road, via Point Pleasant Road, and from Poplar Tree Road, via either Fallen Oak Drive or Orr Drive. The applicant's property is located mid-block on a through-street, with ample width for street parking on both sides. The driveway can accommodate four vehicles at one time, and a two-car garage is utilized for the owner's vehicles. The applicant indicates that drop-off times for the children are staggered from 7:00 a.m. to 9:30 a.m., and pick-up is from 4:00 p.m. to 6:00 p.m.

Staff finds that the home child care use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and that there is adequate parking to accommodate the proposed use.

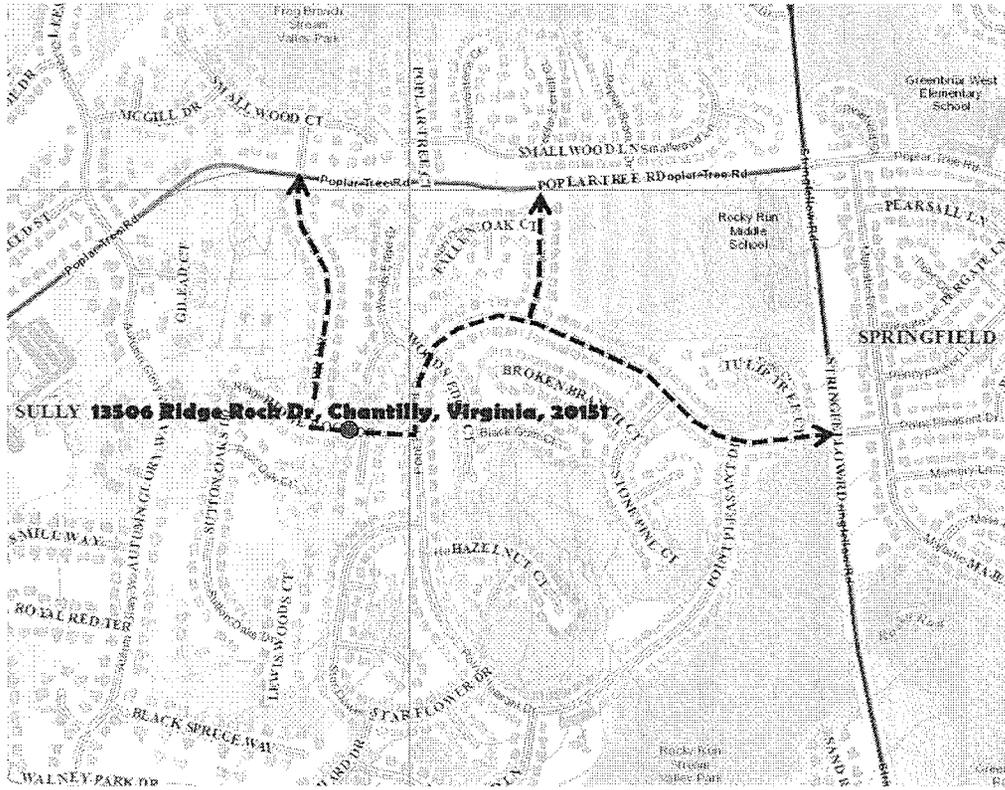


Figure 2: Vehicular access to property.



Figure 3: Driveway and street parking facilities.

**Applicable Evaluation Criteria (Appendix 4)**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-2 Zoning District.
<b>Standard 3</b> <i>Adjacent Development</i>	No construction is proposed with this application and the parcel features sufficient land area and screening to accommodate the use without affecting the use or development of neighboring properties.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	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 PDH-2 District requires 20% of the gross area of the site to be open space. The FDP that governs the subject property meets this 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. 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-2 District as provided for with the approved FDP.
<b>Standard 2</b> <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
<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 person</i>	The applicant's request for 12 children meets this standard. This application requests approval for the involvement of two nonresident employees.
<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 February 4, 2016.

Use Limitations for Home Child-Care Facilities (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>	This application requests approval for two nonresident employees to be involved, and with the hours of 7:00 a.m. to 6:00 p.m.
<b>Part E</b> <i>Primary residence of nonresident person</i>	Not applicable. 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 February 4, 2016.
<b>Part G</b> <i>Increase in children or nonresident person</i>	The provisions of Part 3 of Article 8 are addressed above.

## **CONCLUSION AND RECOMMENDATION**

It is the opinion of staff that the proposed home child care facility for up to twelve children and a maximum of two assistants at any one time on the subject property would not adversely impact the site or neighboring properties. Staff finds that the application, subject to the proposed development conditions, is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance provisions. Staff recommends approval of SE 2014-SU-016, subject to 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 development conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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.

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 Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification and File Photographs
4. Applicable Zoning Ordinance Provisions
5. Zoning Inspections Report
6. FCDOT Transportation Memo
7. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS****SE 2014-SU-016****October 15, 2014**

If it is the intent of the Board of Supervisors to approve SE 2014-SU-016, located at 13506 Ridge Rock Drive, Tax Map 44-4((2))-193, for a home child-care facility for up to 12 children and up to two assistants, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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 permit submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat, consisting of an annotated copy, dated April 25, 2014, of a House Location Survey prepared by Brian W. Smith and dated August 8, 2008, 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 these special exception conditions 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.
5. Operation of the home child-care facility shall be limited to between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child-care facility, with hours of attendance limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. The dwelling that contains the home child-care facility shall be the primary residence of the provider.
9. Arrival and departure of children shall be staggered to ensure that adequate parking spaces are available to accommodate the drop-off/pick-up of children without obstructing traffic on the neighborhood streets.

10. There shall be no signage associated with the home child-care facility.

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, thirty (30) months after the date of approval unless the use has been established as outlined above.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 07/24/2014  
 (enter date affidavit is notarized)

I, MAI HUONG THI NGUYEN, 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

125353

in Application No.(s): SE 2014 - SU - 016  
 (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 <b>BOLD</b> above)
MAI HUONG THI NGUYEN	13506 RIDGE ROCK DR CHANTILLY, VA 20151	<b>APPLICANT/TITLE OWNER</b>
MINH VAN NGUYEN	13506 RIDGE ROCK DR CHANTILLY, VA 20151	<b>AGENT/TITLE OWNER</b>
HELEN HOME DAYCARE LLC.	13506 RIDGE ROCK DR CHANTILLY, VA 20151	<b>CO - APPLICANT</b>

(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).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 07/24/2014  
(enter date affidavit is notarized)

for Application No. (s): SE-2014-SU-016  
(enter County-assigned application number(s))

125353

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)

HELEN HOME DAYCARE LLC  
13506 RIDGE ROCK DR CHANTILLY, VA 20151

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)

MAI HUONG T. NGUYEN

(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: 07/24/2014  
(enter date affidavit is notarized)for Application No. (s): SE 2014-SU-016  
(enter County-assigned application number(s))

125 353

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

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

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

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special 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: 07/24/2014  
(enter date affidavit is notarized)

for Application No. (s): SE-2014-SU-016  
(enter County-assigned application number(s))

125353

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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 07/24/2014
(enter date affidavit is notarized)

Application No.(s): SE-2014-SU-016
(county-assigned application number(s), to be entered by County Staff)

125353

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.

WITNESSE the following signature:
[ ] Applicant [ ] Applicant's Authorized Agent



MRS. NAI-HUONG THI NGUYEN
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 24th day of JULY 2014, in the State/Comm. of FAIRFAX, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: 08-31-16

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Name: HELEN HOME DAYCARE LLC.  
 Address: 13506 RIDGE ROCK DR  
CHANTILLY, VA 20151  
 Phone #: 703-8180017  
 E-mail: mmathuong9@cox.net

Date 12/30/2013

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

RECEIVED  
 Department of Planning & Zoning

MAR 11 2014

Zoning Evaluation Division

Re: Special Permit Application

Applicant: MAI - HUONG THI NGUYEN  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 0444 02 0193  
 Zoning District: PDH-2  
 Lot Size: 13860 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 13506 RIDGE ROCK DR, CHANTILLY, VA 20151 (your address). The property is zoned PDH-2 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 7:30 AM ÷ 6:00 PM, MONDAY ÷ FRIDAY.

Number of Children. I care for up to 12 children at any one time. This number does not include my own 0 child/children.

Employees. I have 0 assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. 3 of the children arrive between 7:30 AM and 7:40 AM.

3 between 7:50 ÷ 8:30 AM, 4 after 8:30 AM, 2 after 9:30 AM

Departure Schedule. 2 of the children are picked up at 4:30 PM. 4 at 4:50 ÷ 5:10 PM  
4 at between 5:20 ÷ 5:40 PM, 2 at between 5:50 ÷ 6 PM.

Area Served. MOST CHILDREN LIVE IN MY NEIGHBORHOOD AND ADJACENT GREENBRIAR,  
2 IN CENTREVILLE. (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): A WALK-OUT BASEMENT. THE ENTIRE BASEMENT ABOUT 1100 SQFT IS DEDICATED FOR DAYCARE. IT HAS NURSERY ROOM; DINING & ACTIVITY ROOM AS PRESCHOOL CLASS HELD HERE, PLAY ROOM, GENERAL ACTIVITY AREA, KITCHENETTE, AND A FULL BATHROOM. (A FLOOR PLAN ATTACHED)

The house has 3300 square feet. The following rooms are where I conduct the day care:

THE ENTIRE BASEMENT

These rooms are 1100 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 5600 square feet. The outdoor play area consists of: a 150 sqft brick patio, A wooded playground with several portable playground equipments - mulching covered an approved type for playground. (Kiddie mat). This area is about 1000 sqft. The remaining grass area of 3800 is open for other outdoor activities. The whole area is fenced.

Parking. I use my GARAGE to park my family car(s). My parents park ON 2 LANE DRIVEWAY (CAPACITY OF 4 CARS). 3 ÷ 6 AMPLE PARKING AVAILABLE ALONG THE STREETS IN FRONT OF MY 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 no change to the outside appearance.  
No signs to display, parking at peak hour is adequate  
Our adjacent neighbors are friendly and very supportive.  
For these reasons, I believe that my proposed home daycare facility have been a good model will not create any negative impact.

Sincerely,

MAI HUONG T. NGUYEN

Owner of HELEN HOME DAYCARE LLC.

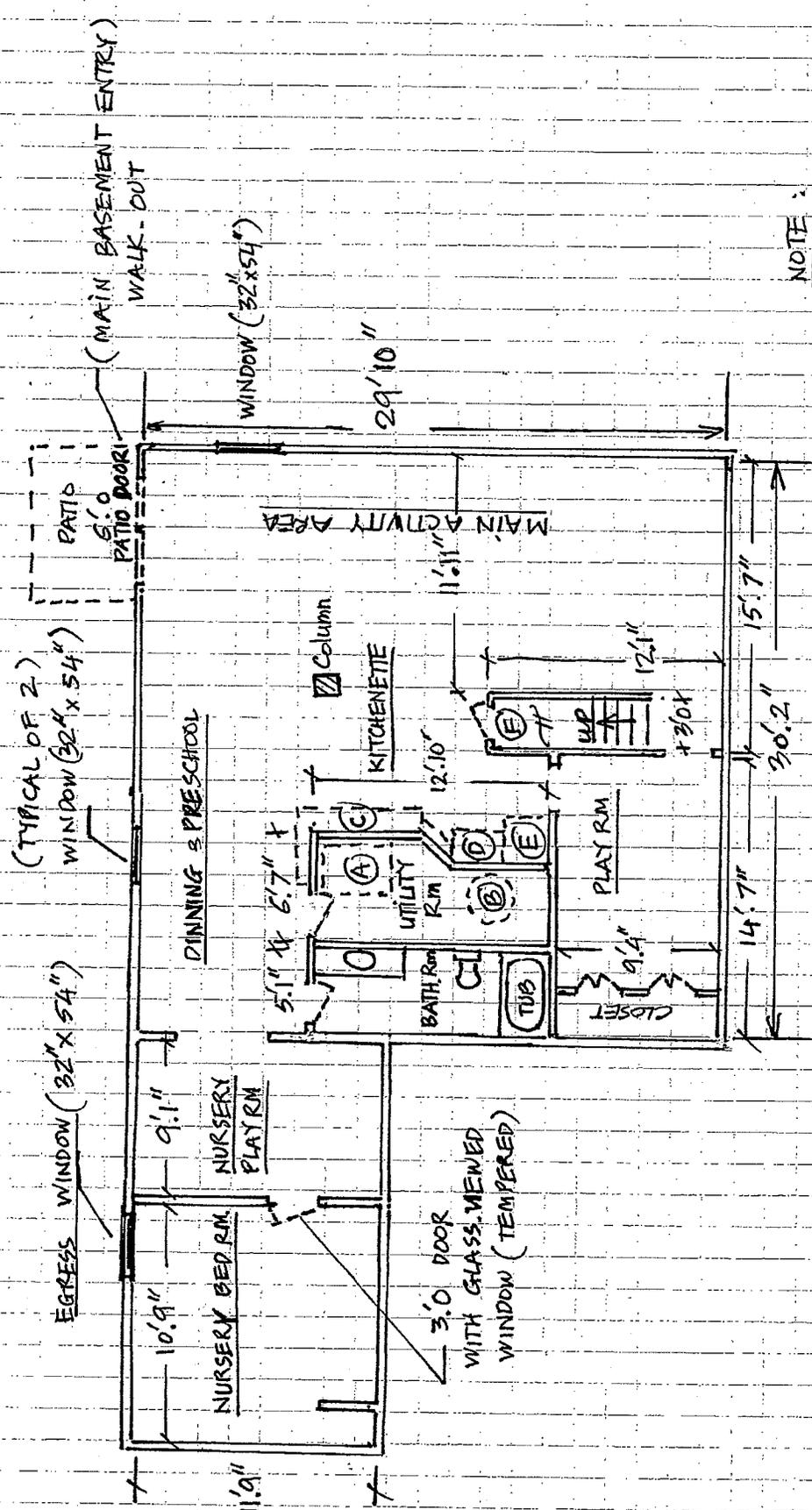
## Arrival Schedule and Departure Schedule

## Arrival Schedule AM

Child	7:30 ÷ 7:40	7:40 ÷ 8:30	8:30 ÷ 9:30	AFTER 9:30
1	X			
2	X			
3	X			
4		X		
5		X		
6		X		
7			X	
8			X	
9			X	
10			X	
11				X
12				X

## Departure Schedule PM

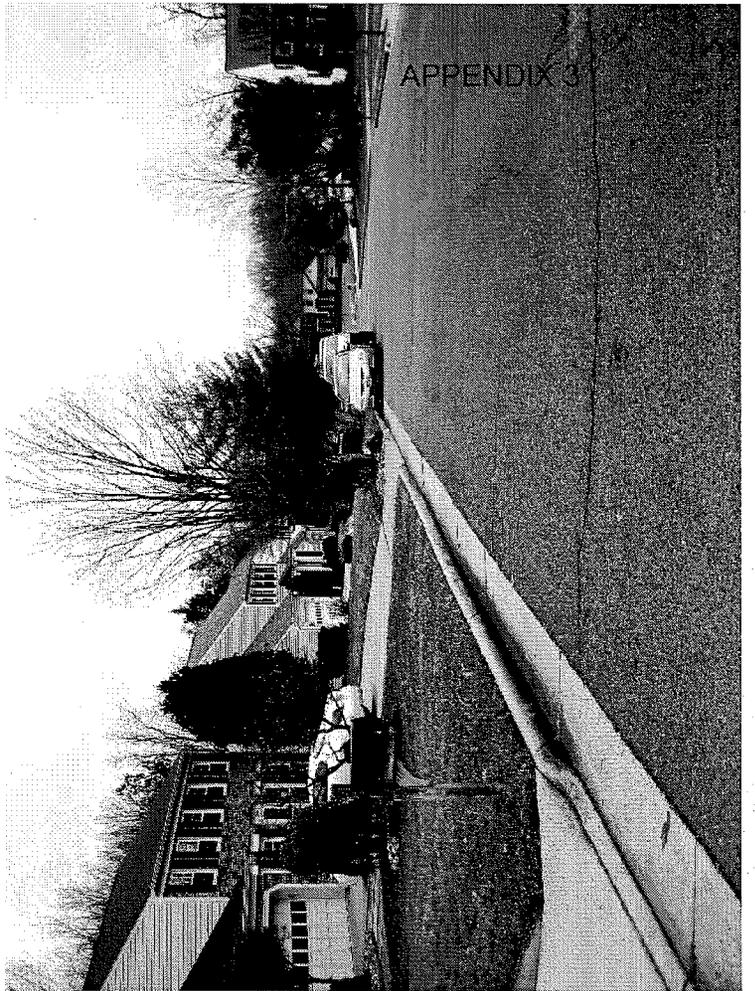
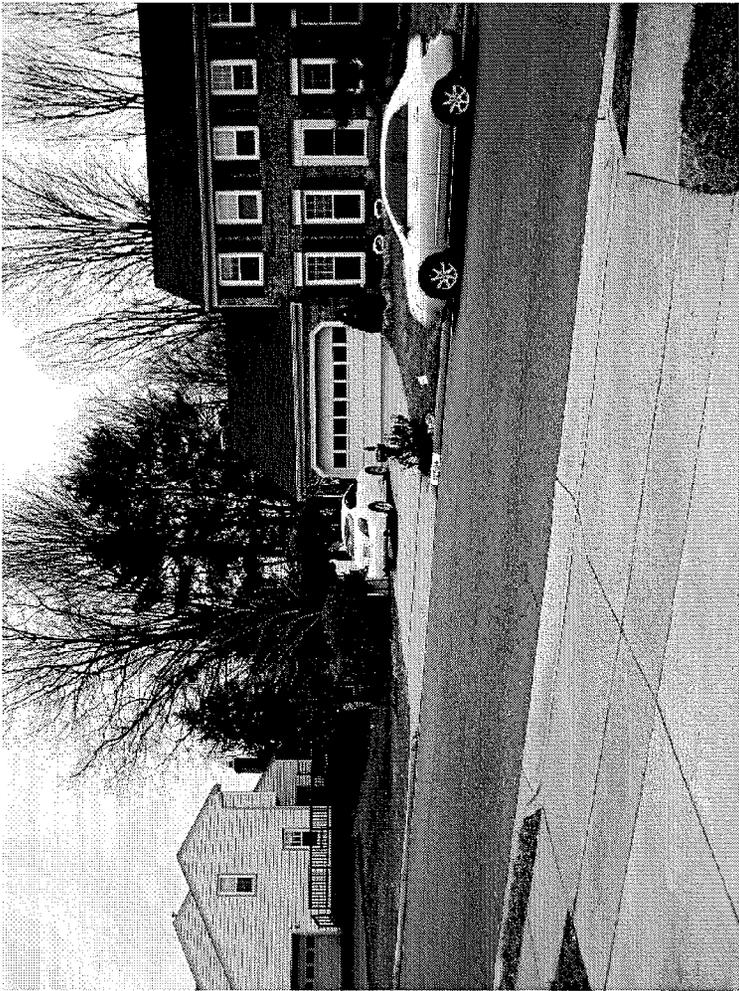
Child	4:00 ÷ 4:30	4:30 ÷ 5:10	5:10 ÷ 5:40	5:40 ÷ 6:00
1	X			
2	X			
3		X		
4		X		
5		X		
6		X		
7			X	
8			X	
9			X	
10			X	
11				X
12				X



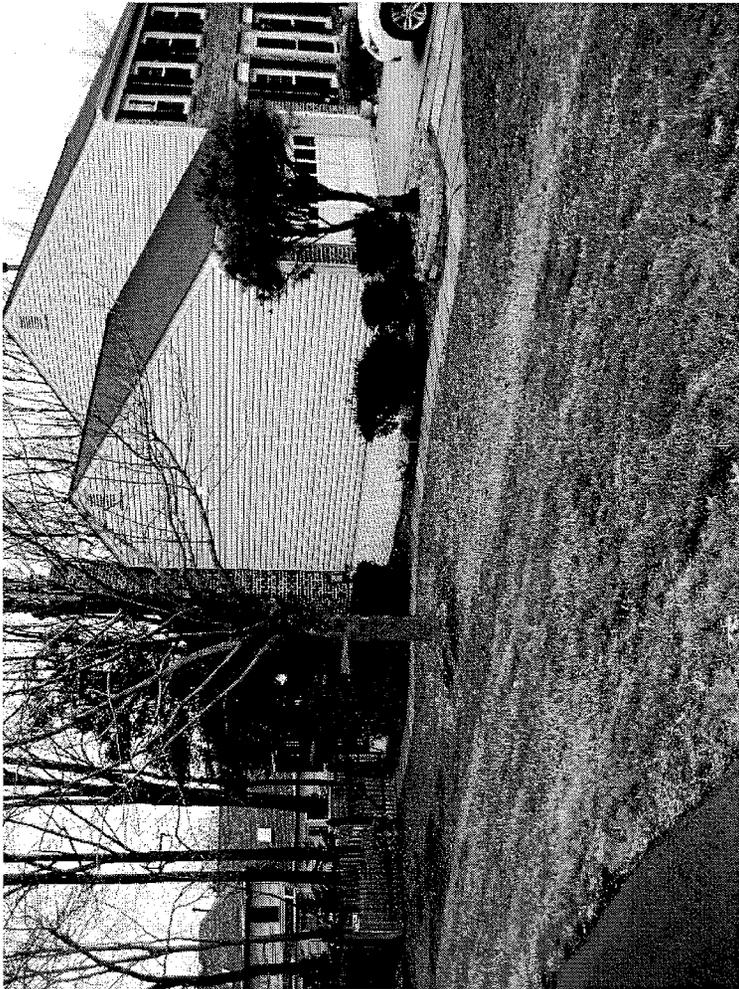
- NOTE:
- A - FURNACE
  - B - WATER HEATER
  - C - COUNTER
  - D - SINK
  - E - REFRIG.
  - F - CLOSET UNDER STAIRWAY

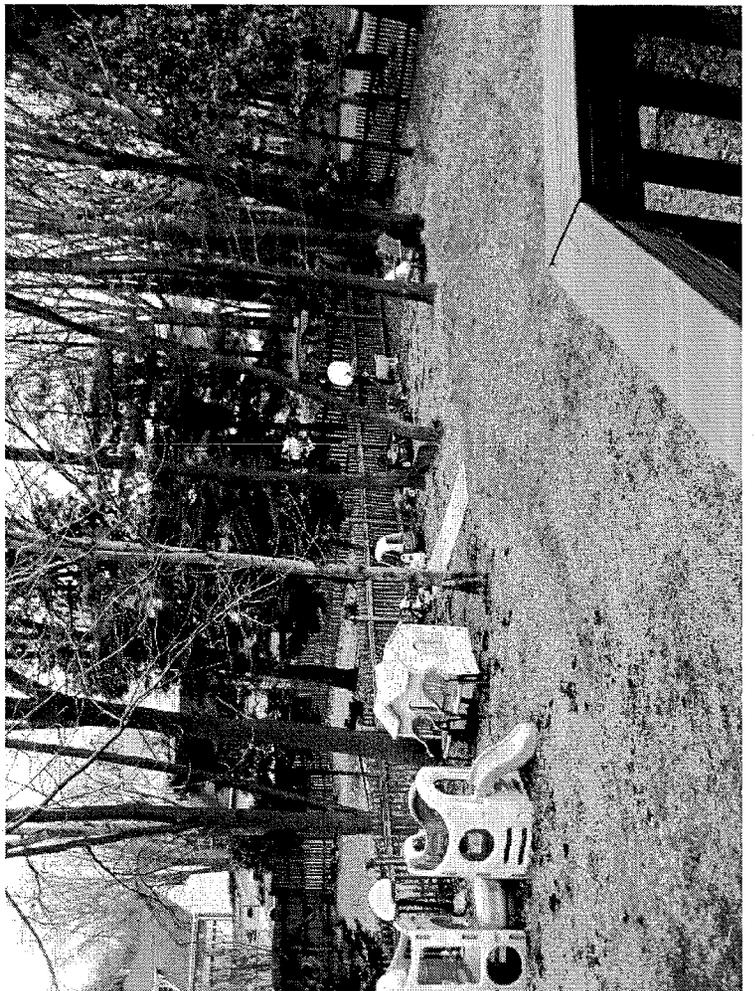
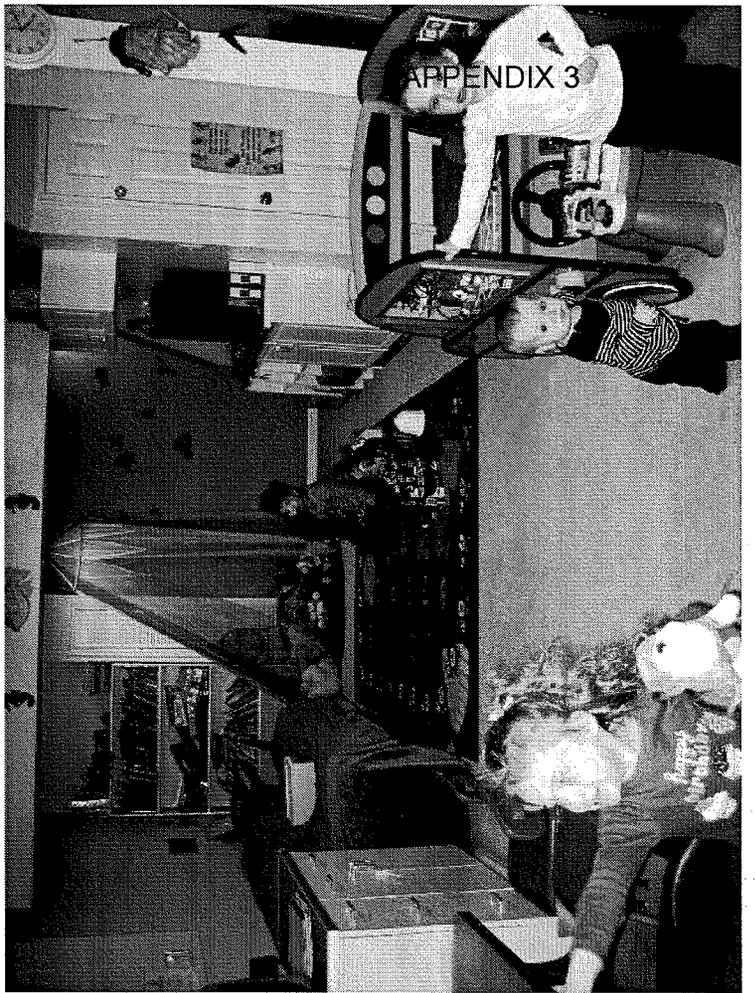
BASEMENT FLOOR PLAN  
 (Scale 1" = 8ft)

HELEN HOME DAYCARE, LLC  
 13506 RIDGE ROCK DR, CHANTILY, VA 20151



APPENDIX 3





**Selected applicable Zoning Ordinance Provisions from the Fairfax County Zoning Ordinance, dated February 11, 2014. For the full, unabridged, ordinances please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.**

## **ARTICLE 6 - PLANNED DEVELOPMENT DISTRICT REGULATIONS**

### **PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT**

#### **6-103 Secondary Uses Permitted**

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.

#### **6-105 Special Exception Uses**

1. Subject to the use limitations presented in Sect. 106 below, any use presented in Sect. 103 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

#### **6-106 Use Limitations**

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. All uses shall comply with the performance standards set forth in Article 14.
3. When a use presented in Sect. 103 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 103 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

## **ARTICLE 8 - SPECIAL PERMITS**

### **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.

## ARTICLE 9 - SPECIAL EXCEPTIONS

### 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.

## ARTICLE 10 - ACCESSORY USES, ACCESSORY SERVICE USES AND

### HOME OCCUPATIONS

#### **PART 1 10-100 ACCESSORY USES AND STRUCTURES**

##### **10-102 Permitted Accessory Uses**

Accessory uses and structures shall include, but are not limited to, the following uses and structures; provided that such use or structure shall be in accordance with the definition of Accessory Use contained in Article 20.

12. Home child care facilities.

**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.



## County of Fairfax, Virginia

## MEMORANDUM

Date: August 7, 2014

To: Michael Lynskey, Staff Coordinator  
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector   
Zoning Inspection Branch

Subject: Home Child Care Facility, Special Exception # SE 2014-SU-016

Applicant: Mai-Huong Thi Nguyen / Helen Home Daycare LLC  
13506 Ridge Rock Drive, Chantilly, Virginia 20151  
Poplar Tree Estate, Sec. 3, Lot 193  
Tax Map Ref: 44-4 ((2)) 193  
Zoning District: PDH-2  
Sully District  
Mail Log # 2014-SU-0113

The inspection for this report was performed by Zoning/Property Maintenance Inspector Leo Conrad accompanied by Staff Coordinator Michael Lynskey and the property owner Mr. Nguyen on May 8, 2014 at 10 a.m.

*KEY: A "✓" mark in a box indicates that the item was deficient.  
An unmarked box indicates that no violation was found.*

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 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.
- Double Cylinder Door Locks (keyed dead bolts) installed on egress doors.

Comment: Door locks on egress doors cannot require a key or special knowledge to open from the inside.

- 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.

Comment: Working area in front of service panel is partially blocked by a table.

- Structures comply with the Zoning Ordinance.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 14, 2014

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Michael A Davis, Acting Section Chief   
Site Analysis Section  
Department of Transportation

**SUBJECT:** Transportation Impact

**REFERENCE:** <sup>SE</sup> SP 2014-SU-016; Mai-Huong Thi Nguyen/Helen Home Daycare LLC.  
Land Identification Map: 44-4 ((2)) 0193

Communicated herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department and logged in to the system on May 14, 2014.

The proposed application for a home child care facility to accommodate up to 12 children, one full-time assistant and one part-time assistant has been reviewed by Fairfax County Department of Transportation (FCDOT). According to the information provided in the application and after conducting a site visit, the driveway can accommodate up to four vehicles at one time. There is ample side street parking available which has easy access to the front entrance.

FCDOT does not have an issue to approve application SE 2014-SU-016.

MAD/ma

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 220335-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877-5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



### GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dba value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code; includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		