



APPLICATION ACCEPTED: May 28, 2014  
BOARD OF ZONING APPEALS: October 29, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

October 22, 2014

## STAFF REPORT

APPLICATION SP 2014-MV-083

### MOUNT VERNON DISTRICT

**APPLICANT:** Nicole Ferguson

**OWNERS:** Nicole Ferguson  
Larry N. Ferguson

**LOCATION:** 7892 Steadman Street, Alexandria

**SUBDIVISION:** Mount Vernon Valley

**PARCEL:** 101-1 ((5)) (24) 3

**LOT SIZE:** 8,400 square feet

**ZONING:** R-3, Cluster

**ZONING ORDINANCE PROVISION:** 8-305

**PROPOSAL:** To permit a home child care facility

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-MV-083 for the home child care facility, subject to the proposed conditions set forth in Appendix 1.

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

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

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

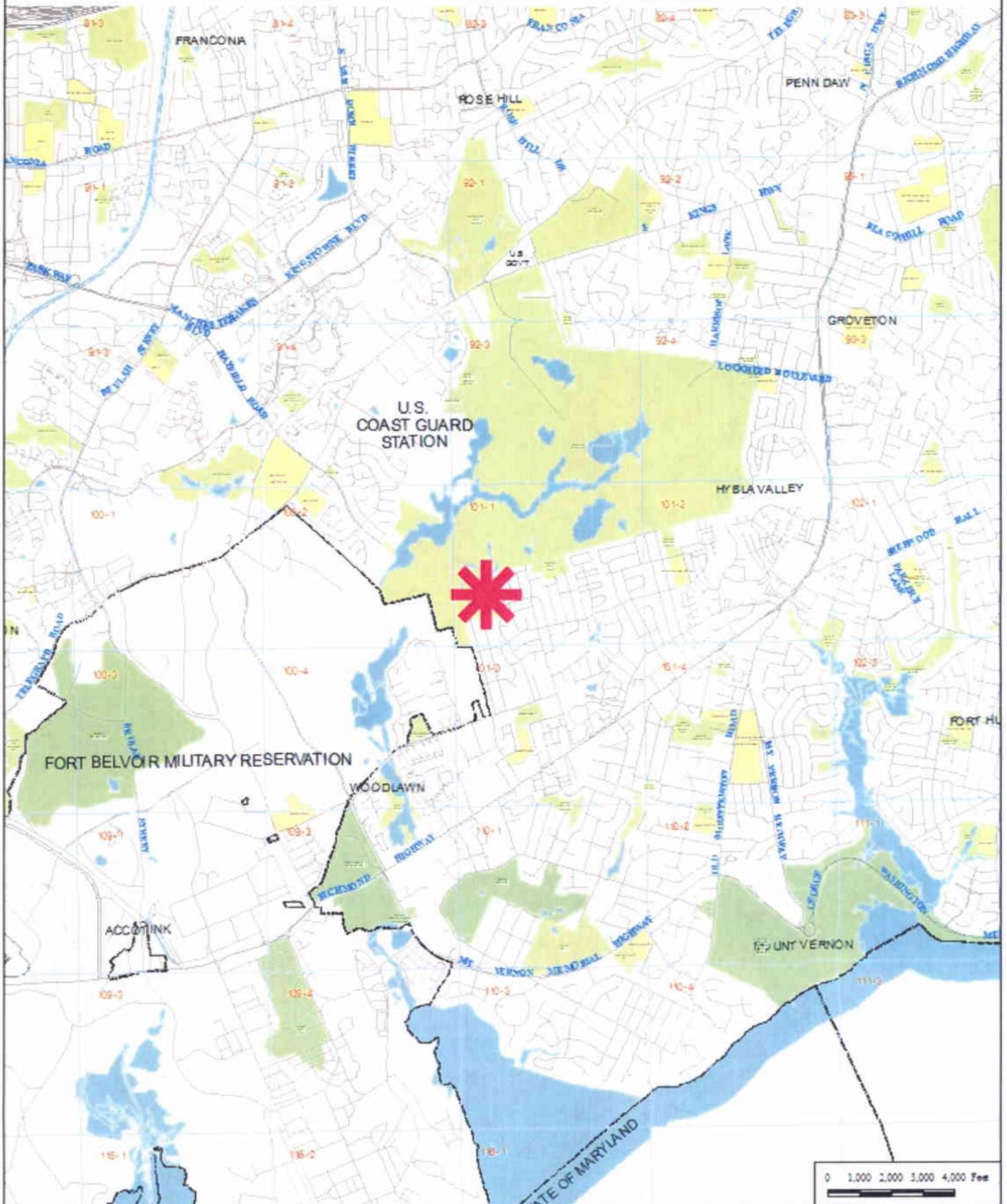
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**



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

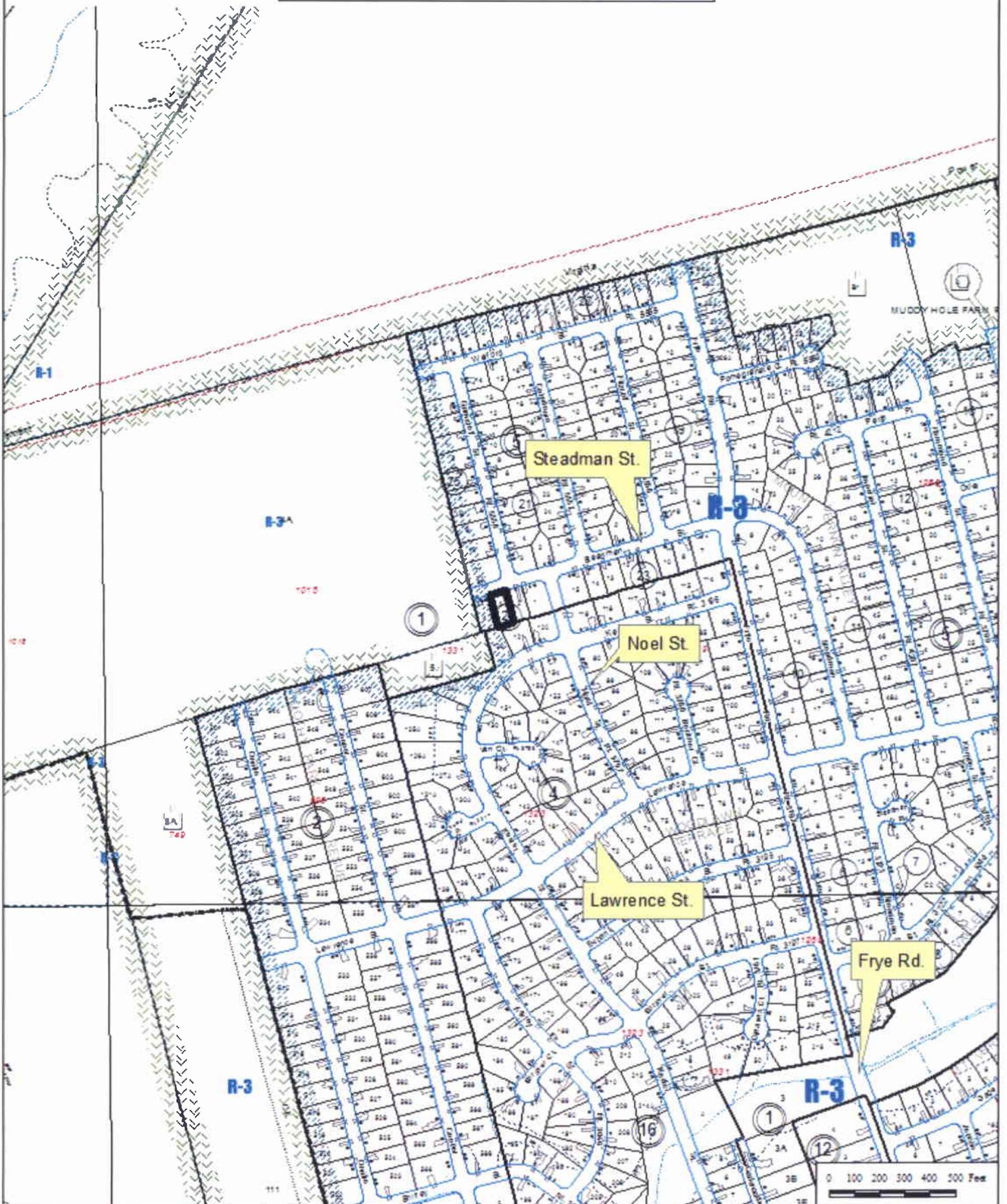
# Special Permit

SP 2014-MV-083  
NICOLE FERGUSON

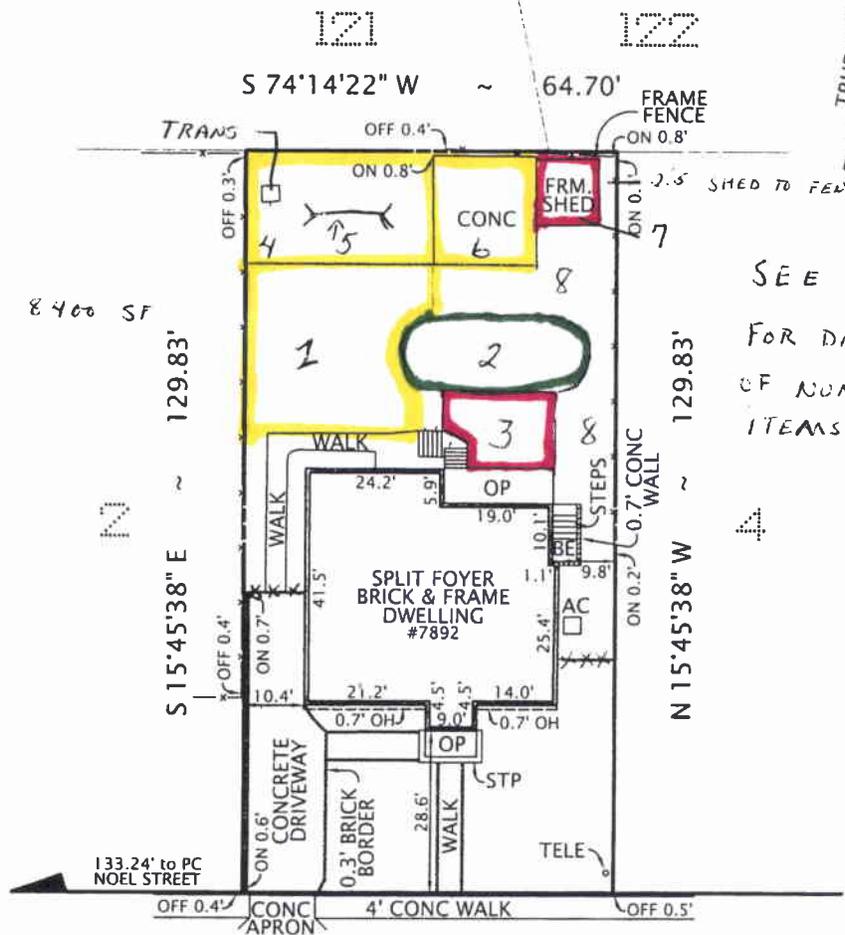
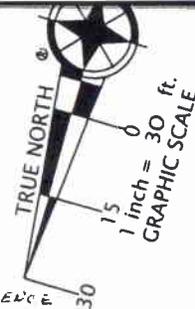


# Special Permit

SP 2014-MV-083  
NICOLE FERGUSON



WOODLAWN TERRACE  
SECTION FIVE



SEE ATTACHMENT  
FOR DIMENSIONS  
OF NUMBERED  
ITEMS/AREAS

N 74°14'22" E ~ 64.70'  
**STEADMAN STREET**  
50' R/W

*Nicole Ferguson*

05-19-2014

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 3, BLOCK 24, SECTION 11

RECEIVED  
Department of Planning & Zoning  
MAY 22 2014  
Zoning Evaluation Division

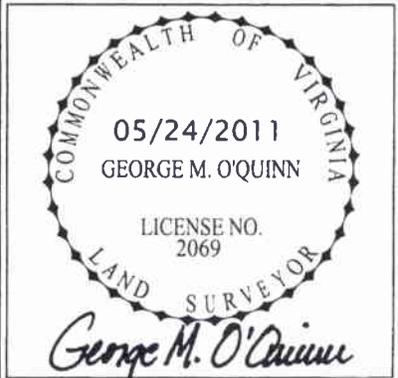
**MOUNT VERNON VALLEY**

(DEED BOOK 3735, PAGE 701)  
FAIRFAX COUNTY, VIRGINIA  
MOUNT VERNON DISTRICT  
SCALE: 1" = 30' MAY 24, 2011

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



ORDERED BY:  
NICOLE FERGUSON

**DOMINION** Surveyors Inc.  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412

ATTACHMENT FOR DIMENSIONS

- Grass play area: 22' x 25'
- 2. Oval above ground pool: 18' x 33' x 52" high
- 3. Deck: 11'9" x 17'4" x 4" high
- 4. Play area: 32' x 22'
- 5. Swing set: 5' high, 10' long and 4' wide
- 6. Basketball court: 18' x 19'
- 7. Shed: 12' x 12' x 12' high at top of roof
- 8. Flagstone ground cover
- 9. Fence xxx [cedar planks with pine posts] 6' high

RECEIVED  
Department of Planning & Zoning  
MAY 22 2014  
Zoning Evaluation Division

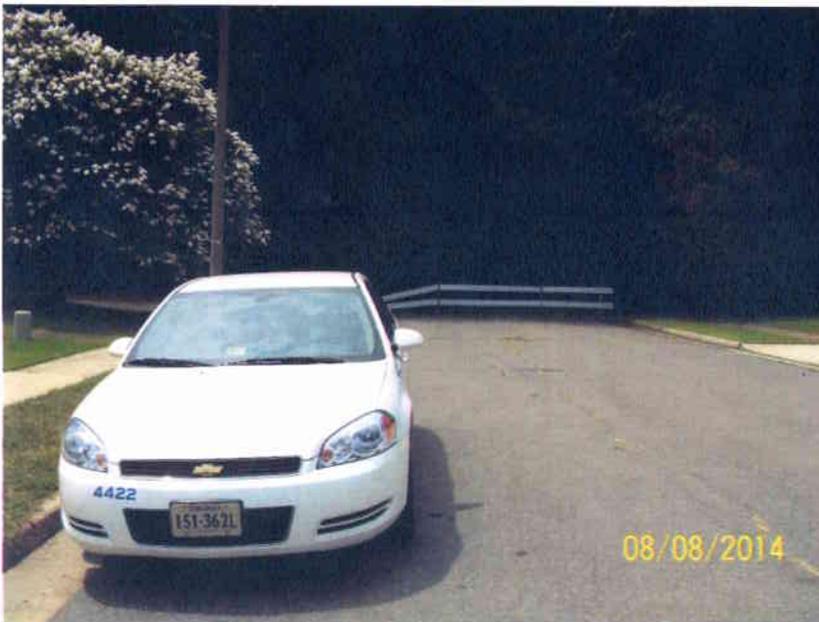
Photos by DPZ Staff



Front of house



Driveway



Steadman Street facing west



Steadman Street facing east

Photos by DPZ Staff



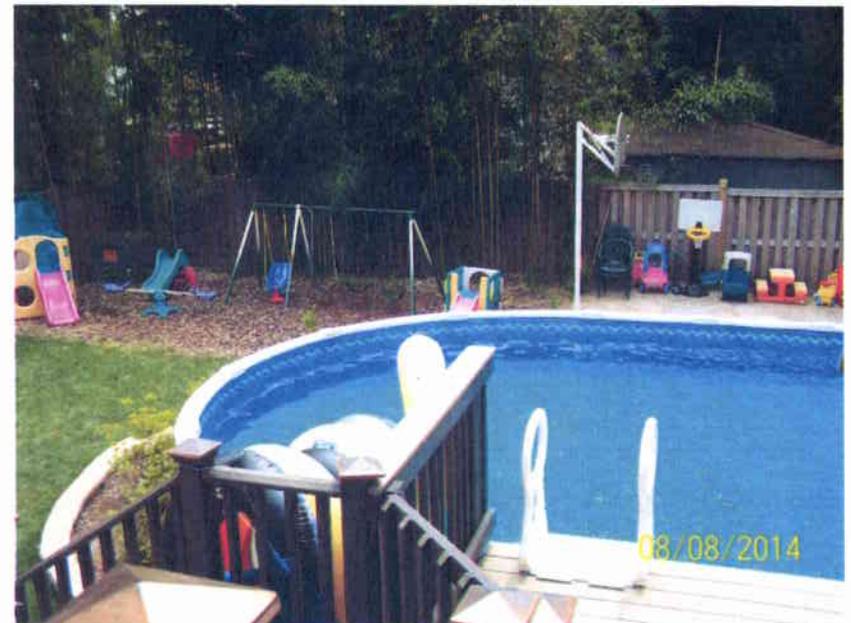
Child care



Sleeping room without emergency egress



Rear yard play area

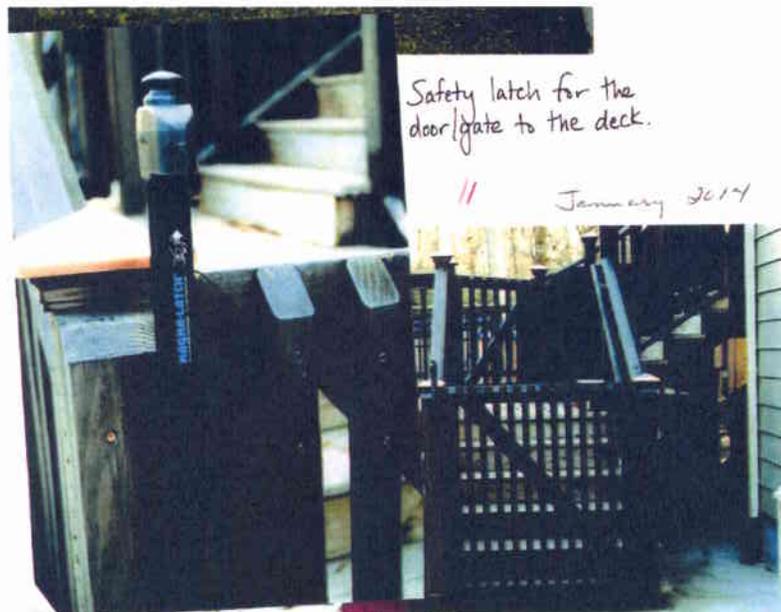


Rear yard – pool deck

Photos provided by applicant



Rear yard - pool



Pool deck gates



Photos provided by applicant



Lower level family room



Play room; sleeping room without emergency egress



Rear yard – grass play area



Rear yard – basketball, shed

## SPECIAL PERMIT REQUEST

The applicant requests approval of a Special Permit for a home child care facility for up to 12 children at any one time within an existing single family detached dwelling.

A copy of the Special Permit Plat, titled "Plat Showing House Location On Lot 3, Block 24, Section 11 Mount Vernon Valley" prepared by Dominion Surveyors Inc., dated May 24, 2011, with annotations by the applicant dated May 19, 2014, and photographs are included at the front of this report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,400-square foot subject property is located on Steadman Street in the Alexandria area. The property and the immediate vicinity are zoned R-3 and developed under the cluster provisions of the Zoning Ordinance.



Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

### BACKGROUND

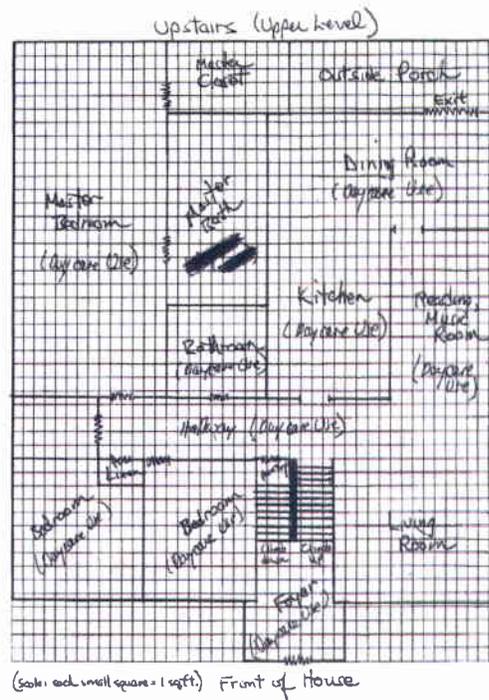
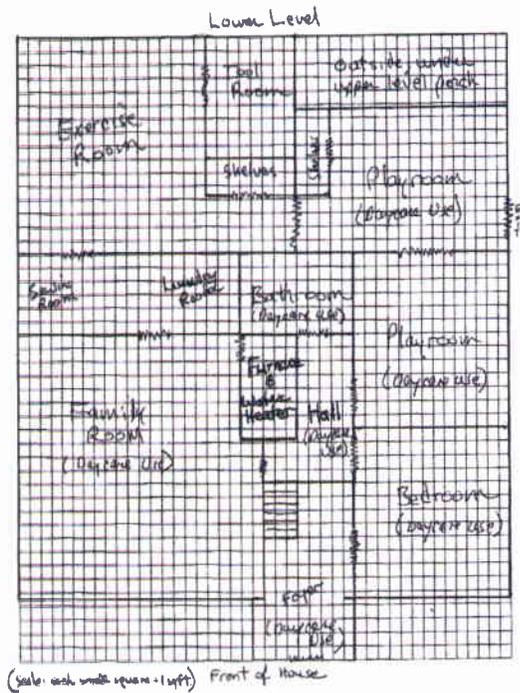
The dwelling was built in 1974, and the applicant purchased the property in 1985. The existing pool and deck were permitted and inspected in 2011/2012.

The applicant is an existing licensed family day home provider. Her license expires December 27, 2014, and permits up to 12 children, ages birth to 12 years, 11 months, from 6:00 a.m. to 5:30 p.m., Monday through Friday.

### DESCRIPTION OF THE REQUEST

The applicant requests approval of a Special Permit for a home child care facility for up to 12 children at any one time, with two assistants. The hours of operation, as described in the application, are from 7:00 a.m. to 5:30 p.m., with staggered drop-off and pick-up. The applicant's state license includes business hours from 6:00 a.m. to 5:30 p.m. Parking is available in the driveway which accommodates approximately three vehicles, and on the adjacent public street.

The child care operates in most areas of the split-foyer dwelling, including the walk-out basement. Outdoor play occurs in the fenced rear yard. Access to the above-ground pool is restricted by locked gates, and the children do not use the pool. The door from the dining room to the deck is alarmed.



## ANALYSIS

### Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon Planning District,  
Woodlawn Community Planning Sector (MV8)  
Plan Map: Residential, 2-3 du/ac

### Zoning Ordinance Requirements

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 6:

- Sect. 8-006, General Standards
- Sect. 8-303, Standards for All Group 3 Uses
- Sect. 8-305, Additional Standards for Home Child Care Facilities
- Sect. 10-103, Par. 6, Use Limitations for Home Child Care Facilities

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 6. Subject to development conditions, this special permit must meet these standards.

### On-site Parking and Site Circulation

Vehicular access to the site is provided from Steadman Street, located north of Richmond Highway and south Huntley Meadows Park. The parents park in the driveway or on the public street in front of the dwelling and bring their children to the front door. Drop-off occurs from 7:00 a.m. to 9:30 a.m., and pick-up is from 2:45 to 5:30 p.m. The subject property is located one lot from the end of Steadman Street, which is a dead-end street with little traffic. A proposed condition is included requiring all drop-off and pick-up of children to take place in the driveway.



### Zoning Inspection Analysis

During the site inspection of August 8, 2014, it was noted that the lower level rooms used for sleeping do not meet emergency egress requirements due to the sill heights, and that the location of the shed is not in conformance with Sect. 10-104 (10E) of the Zoning Ordinance. In addition, rear yard coverage exceeds 30 percent, which is not in

conformance with Sect. 10-103 (3) of the Zoning Ordinance. To address the emergency egress issue, the applicant has agreed that the identified rooms will not be used for sleeping unless the windows are appropriately modified. A condition is proposed addressing this issue. Proposed conditions are included requiring the applicant to bring the shed and rear yard coverage into conformance with the Zoning Ordinance within 12 months of approval of the special permit. No complaints have been filed with the Department of Code Compliance.

## **STAFF CONCLUSIONS AND RECOMMENDATION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the proposed development conditions in Appendix 1.

Staff recommends approval of SP 2014-MV-083 for the home child care facility, subject to the proposed conditions set forth in Appendix 1.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. State License Information
5. Zoning Inspection Branch Comments
6. Applicable Zoning Ordinance Provisions

## Proposed Development Conditions

SP 2014-MV-083

October 22, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-083 located at 7892 Steadman Street, Tax Map 101-1 ((5)) (24) 3, to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This approval is granted to the applicant only, Nicole Ferguson, and is not transferable without further action of the Board, and is for the location indicated on the application, 7892 Steadman Street, Alexandria, and is not transferable to other land.
2. This Special Permit is granted only for the home child care use indicated on the plat titled "Plat Showing House Location On Lot 3, Block 24, Section 11 Mount Vernon Valley" prepared by Dominion Surveyors Inc., dated May 24, 2011, with annotations by the applicant dated May 19, 2014, and approved with this application, as qualified by these conditions.
3. A copy of this Special Permit **shall be posted in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve.
7. The maximum number of assistants for the home child care shall be two.
8. There shall be no signage associated with the home child care facility.
9. All pick-up and drop-off of children shall take place in the driveway.
10. The gates to the pool shall remain locked and the door alarm shall remain functioning during the hours of operation of the home child care.

11. The lower level shall not be used for sleeping or napping without the provision of emergency egress as demonstrated to the satisfaction of the Zoning Inspections Branch, Department of Planning and Zoning.
12. The applicant shall bring the rear yard into conformance with Sect. 10-103 (3) of the Zoning Ordinance within 12 months of this special permit approval.
13. The applicant shall bring the accessory storage structure into conformance with Sect. 10-104 (10E) of the Zoning Ordinance within 12 months of this special permit approval.

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 1, 2014  
(enter date affidavit is notarized)

I, Nicole Ferguson, do hereby state that I am an  
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Nicole Ferguson	7892 Steadman St., Alexandria, VA 22309	<b>Applicant, Title owner</b>
Larry N. Ferguson	7892 Steadman St., Alexandria, VA 22309	<b>Title Owner</b>

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

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

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

CMB 124593

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 1, 2014  
(enter date affidavit is notarized)

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

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 1, 2014  
(enter date affidavit is notarized)

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

124593

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 1, 2014  
(enter date affidavit is notarized)

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

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

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

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

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

*None*

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 1, 2014  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

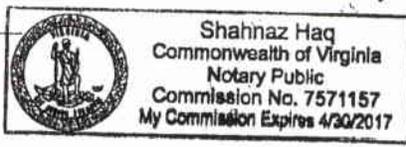
(check one)  Applicant *Nicole Ferguson* [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 1st day of MARCH 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 4/30/2017

*[Signature]*  
Notary Public



CAB 124953

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

Page \_\_\_\_ of \_\_\_\_

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

**(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.)

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

(check if applicable)

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

**RECEIVED**  
Department of Planning & Zoning  
**MAR 04 2014**  
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILDCARE FACILITY

Nicole Ferguson  
7892 Steadman St  
Alexandria, VA 22309  
703-780-2719  
quebecmaman1@hotmail.com

RECEIVED  
Department of Planning & Zoning  
MAY 22 2014  
Zoning Evaluation Division

March 3, 2014

Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, suite 801

Re: Special Permit Application  
Applicant: Nicole Ferguson  
Zoning Ordinance Section 8-305 for Home Child Care Facility  
Section 8-004 of General Standards  
Tax Map#101105240003  
Zoning District: R-3C  
Lot Size: 8,400 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home childcare facility in my home. I own and live with my husband in a single-family detached dwelling at 7892 Steadman St, Alexandria, Virginia. The property is zone R-3C and I understand I need to seek approval for a special permit in order to operate a childcare facility within my home. I am currently licensed (and have been for many years) by the State of Virginia to have 12 children in my home childcare facility. I wish to receive approval by Fairfax County to continue to care for up to 12 children. Below is the required information about my childcare facility operations:

**A. Hours of Operation:** We are open from 7:00 AM to 5:30 PM, Monday through Friday

**B. Number of Children:** I care for (and propose to continue to care for) up to 12 children at any one time. My own children are adults and no longer live in my home.

**C. Employees:** I have one assistant who works full-time and another who works part-time. I propose to continue with these two employees.

**D. Arrival and Departure Schedules:** Four of the children arrive between 7:00 AM and 7:30 AM; five children arrive 7:30 to 8:00AM; three children arrive 8:15 to 9:30 AM. Three children are picked up by their parents between 2:45 PM and 4:00 PM; one child

4:00 to 4:30 PM; four children 4:45 to 5:00 PM; and four children between 5:00 to 5:30 PM. This schedule is depicted in the tables below.

**Arrival Schedule**

Child	7:00- 7:00AM	7:30-8:00AM	8:00-9:30AM	
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**

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

**E. Area Served:** Just a few children live in the general vicinity of my neighborhood. Most of them come from farther away (e.g., from Woodbridge, Springfield, Beacon Mall areas).

**F. Getting to Daycare and Parking:** All my parents drive to my home to drop off and pick up their children. They either park in my driveway or on the street directly in front of my home. I use my driveway to park our family cars. Since my husband is at work when the children arrive and leave, there is room for one car for drop-off and pick-up, and ample room on the street in front of my house for parking for employees and parents. Our house is one house away from a dead-end, so the traffic flow is very minimal (usually none at all) in front of my house throughout the daycare hours of operation. The parents' drop-off and pickup of their children is normally the only traffic we have in those hours.

**G. Dwelling and Daycare Operations:** My house is a single-family detached dwelling. It has a walkout basement in which the children spend most of their time. I use the kitchen and dining area of the house (upstairs) for meals and snacks. Also upstairs, I use the three bedrooms for

naptime, and the kids use the hall bathroom and the bathroom in the master bedroom. Attached is two-floor plan that indicates the areas where the daycare is located. The house has approximately 3540 square feet. I conduct the daycare operations in the rooms noted in the floor plans, which amounts to 2980 square feet of the house. (See attachment 1 for floor layouts and interior photos.) 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. *RF May 16, 2014*

**H. Zoning Ordinance Compliance.** My house and surrounding yard in which I conduct daycare operations 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. *RF May 16, 2014*

**I. Outdoor Play Area:** I use my fully fenced-in backyard for outdoor play for the children. The fence is six feet high and made of vertical cedar planks; the fence blocks the view of my play area from neighbors' yards. The area is approximately 2700 square feet. There is a swing set, three slides of different sizes, a concrete and flagstone patio area to ride tricycles or toy cars and play basketball; and a movable plastic playhouse. There is also an above ground pool accessible from the gated deck that meets Fairfax County zoning and child safety requirements.

In conclusion, I am proposing no changes to the outside appearance of my brick and Hardie Plank-sided home. I propose no addition and no signs regarding the daycare. Adequate parking is available for my parents, employees, and my family. For these reasons, I believe that my home daycare facility will not impact my neighbors in any negative way.

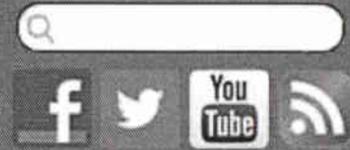
Sincerely,

*Nicole Ferguson*  
Nicole Ferguson

*RF May 16, 2014*



# VIRGINIA DEPARTMENT OF SOCIAL SERVICES



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

Adult & Child Care



Child Care



Child Day Care



Search for Child Day Care



Certified Preschools (CP)



Child Day Centers (CDC)



Family Day Homes (FDH)



Family Day System (FDS)/Homes



Religiously Exempt Child Day Centers (REDCDC)



Voluntarily Registered Family Day Homes (VRFDH)



## Search for Child Day Care

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

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

### Nicole Ferguson

7892 Steadman Street

ALEXANDRIA, VA 22309

(703) 780-2719

Facility Type: Family Day Home

License Type: Three Year

Expiration Date: Dec. 27, 2014

Business Hours: 6:00 am - 5:30 pm  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Mayasah Thomas  
(703) 359-1135



# County of Fairfax, Virginia

APPENDIX 5

## MEMORANDUM

Date: August 22, 2014

To: Carmen Bishop, Staff Coordinator  
Zoning Evaluation Division

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

Subject: Home Child Care Facility, Special Permit # SP 2014-MV-083

Applicant: Nicole Ferguson  
7892 Steadman Street, Alexandria, Virginia 22309  
MT VERNON VALLEY, SEC 11, BLK 24, LT 3  
Tax Map #: 101-1 ((5)) (24) 3  
Zoning District: R-3C  
Mail Log # 2014-MV-0307

An inspection was conducted of the above-referenced property on August 8, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by Staff Coordinator Carmen Bishop and representatives of the applicant.

*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.)

Comment: The lower level windows that are located in the rooms used for sleeping purposes have sill heights of 46 inches and 55-1/2 inches (current requirement is no higher than 44") and openable areas in excess of 5.7 square feet (with inward folding sashes). The house was constructed in 1974 and would have been subject to the requirements of the 1973 Virginia Uniform Statewide Building Code (BOCA).

- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- Structures comply with the Zoning Ordinance.

Comment: The following accessory structures or uses are not in compliance with the referenced Zoning Ordinances Sections:

- The freestanding accessory storage structure in the rear yard is approximately 13 feet 2 inches in height and is located 12 inches from the rear property line and 2 feet 6 inches from the side property line. This structure is not in compliance with Par 10E of Sect. 10-104 of the Zoning Ordinance that states:
  - E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The following photographs depict the condition of the property at the time of the inspection:

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

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

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

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

**8-305**

**Additional Standards for Home Child Care Facilities**

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

**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.