



REVISED APPLICATION ACCEPTED: May 30, 2014
BOARD OF ZONING APPEALS: November 5, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 29, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-086

DRANESVILLE

APPLICANT: Nidia Retamal

OWNERS: Peter C. Oh
Eunice Y. Oh

SUBDIVISION: Cliff Edge

STREET ADDRESS: 12495 Cliff Edge Drive, Herndon, 20170

TAX MAP REFERENCE: 5-4 ((10)) 5

LOT SIZE: 12,832 square feet

ZONING DISTRICT: R-3, Cluster

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-086 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

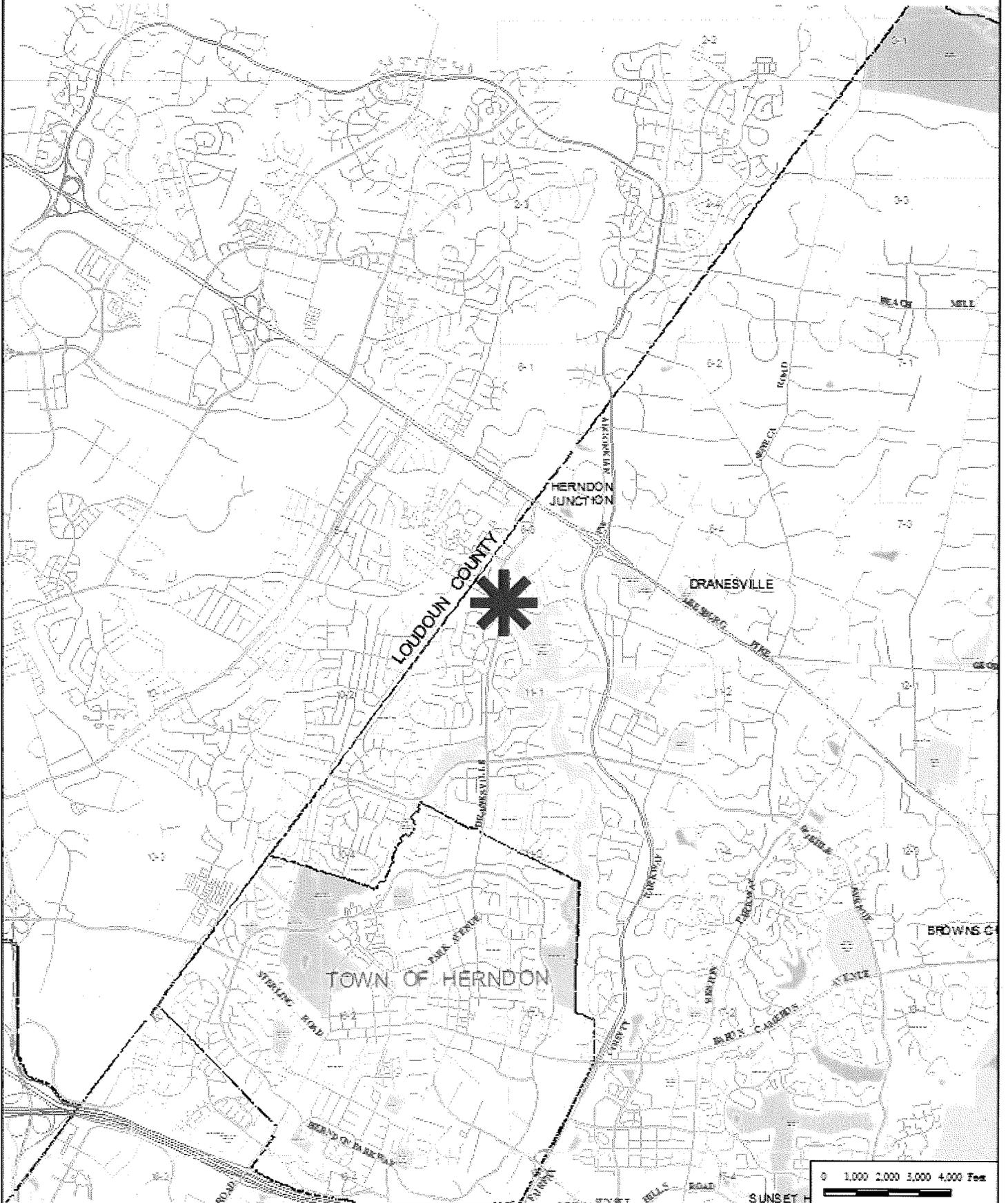


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-DR-086

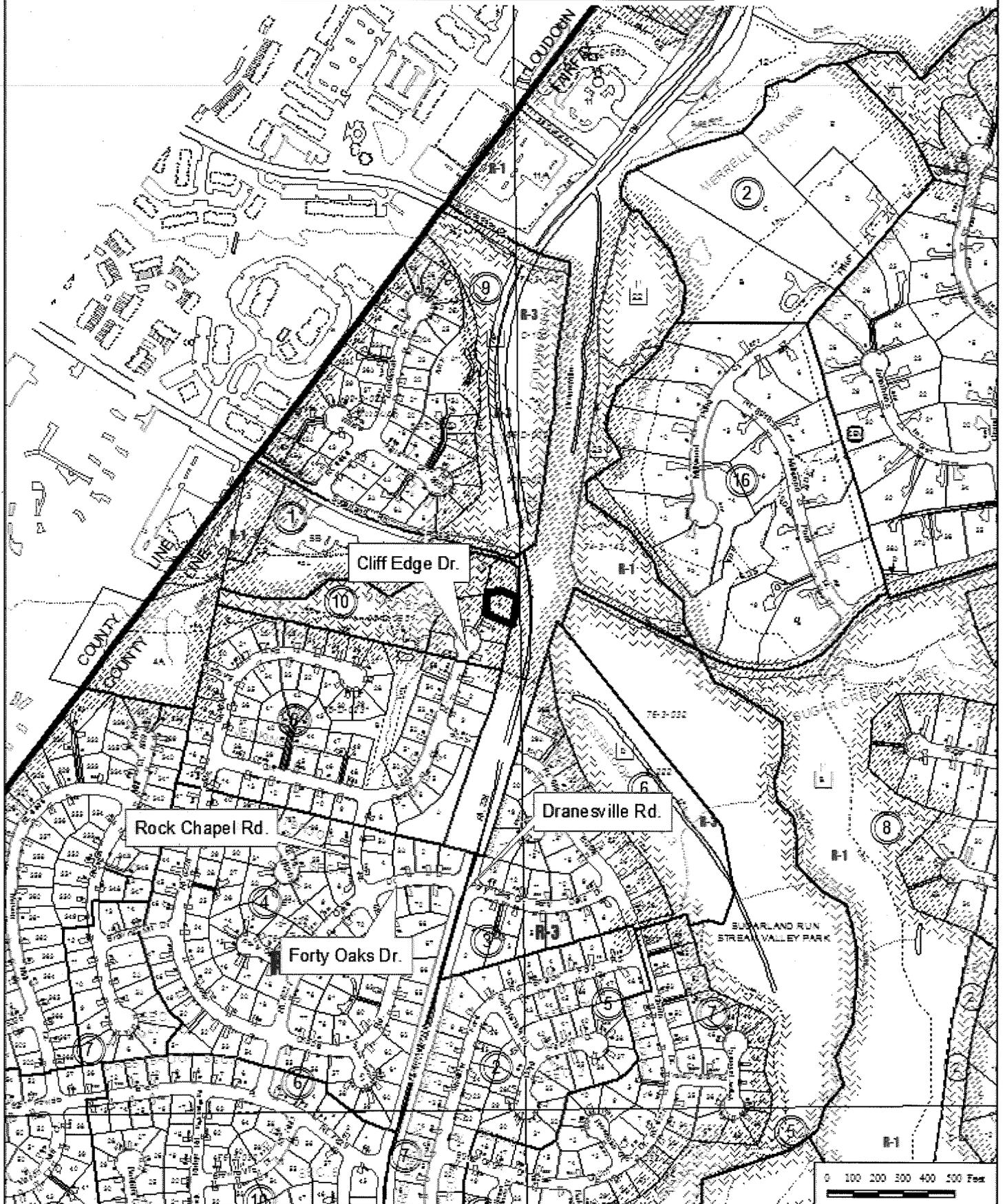
NIDIA RETAMAL



Special Permit

SP 2014-DR-086

NIDIA RETAMAL



LEGEND:
 L.P.F. DENOTES IRON PIPE FOUND
 -X- DENOTES FENCE LINE
 --- BENDS/EDGE OF ASPHALT DRIVE

LIMITS OF
 BUSINESS-EGRESS/ESMT

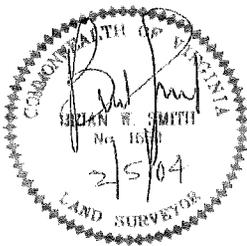
10' SAN LATERAL ESMT

15' FAIRFAX COUNTY
 WATER AUTHORITY ESMT

INGRESS-EGRESS ESMT

(CI) RAD = 55.00'
 ARC = 0.04'
 CH = N 89° 01' 15" W
 0.05'

10' SAN. NEW ESMT



10' SAN. NEW ESMT
 BUTTER CHAIRN DR.
 CHISEL POINT FOUND IN ASPHALT

CLIFF EDGE DRIVE
 (50' R/W)

HOUSE LOCATION SURVEY
LOT 5
CLIFF EDGE
 DRANESVILLE MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

M.I.H. # C/J0401033 OIL/HOLMES

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
 MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

D/E: R.D.P.

CHK: A.M.S.

NO TITLE REPORT FURNISHED

SCALE = 1" = 25'

FIELD CREW: D. ARMSTRONG

JULY 20040206

DATE: 02/05/04

LOT 5
 12,832 SQ. FT.
 OR
 0.2945 ACRE

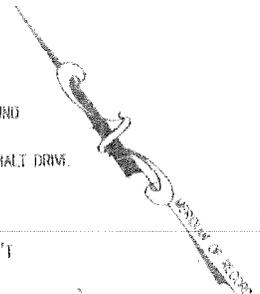
2 STORY DWELLING #12495

OUT DOOR PLY AREA

* Fence closing back yard
 update on this plat by
 Sergio Retamal on
 May 14 2014

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 2) THE LOT SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN, AS SHOWN ON F.L.M.A. MAP # 515525-0050-D (EFFECTIVE DATE: MARCH 5, 1990)
 - 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES, (INCLUDING FENCES)
 - 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP
 - 5) PROPERTY OWNERS NOT SET PER WATER REQUEST
 - 6) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 005-4-10-0025
 - 7) EASEMENTS, EASES & MERIDIAN, IF SHOWN HEREON, ARE AS DEPICTED ON PLAT RECORDED IN DEED BOOK 12,580, PAGE 2113 (UNLESS NOTED OTHERWISE)
 - 8) SIGNIFICANT GROUND COVER OF SNOW EXISTED DURING TIME OF FIELD SURVEY

DRANESVILLE ROAD
 (NACADE WIDE)
ROUTE 228

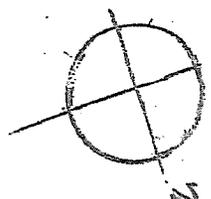
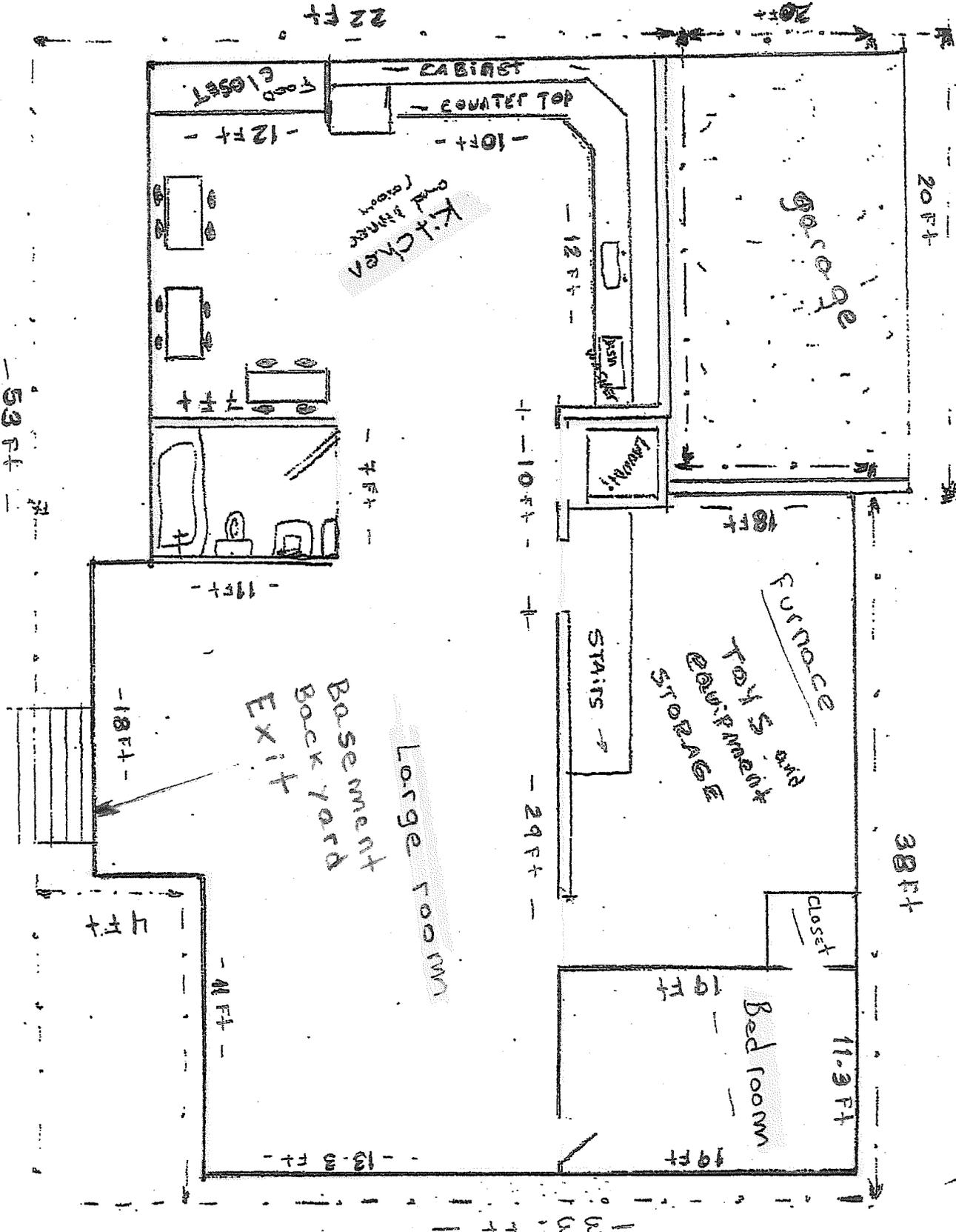


RECEIVED
Department of Planning & Zoning

MAR 18 2014

Zoning Evaluation Division

Basement



RECEIVED
Department of Planning & Zoning

MAR 18 2014

Zoning Evaluation Division

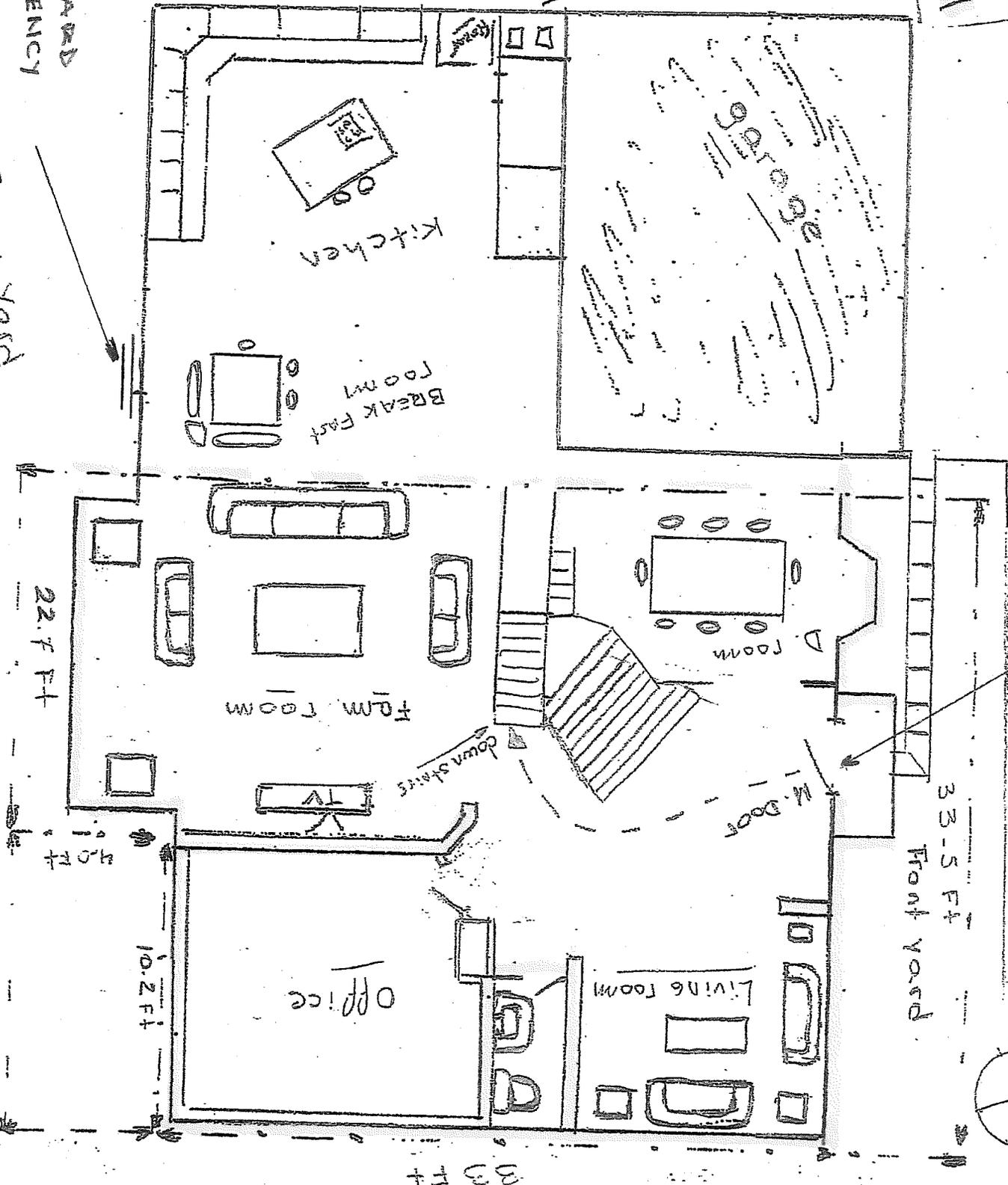
First Floor

Main Level

DRIVEWAY

EMERGENCY EXIT

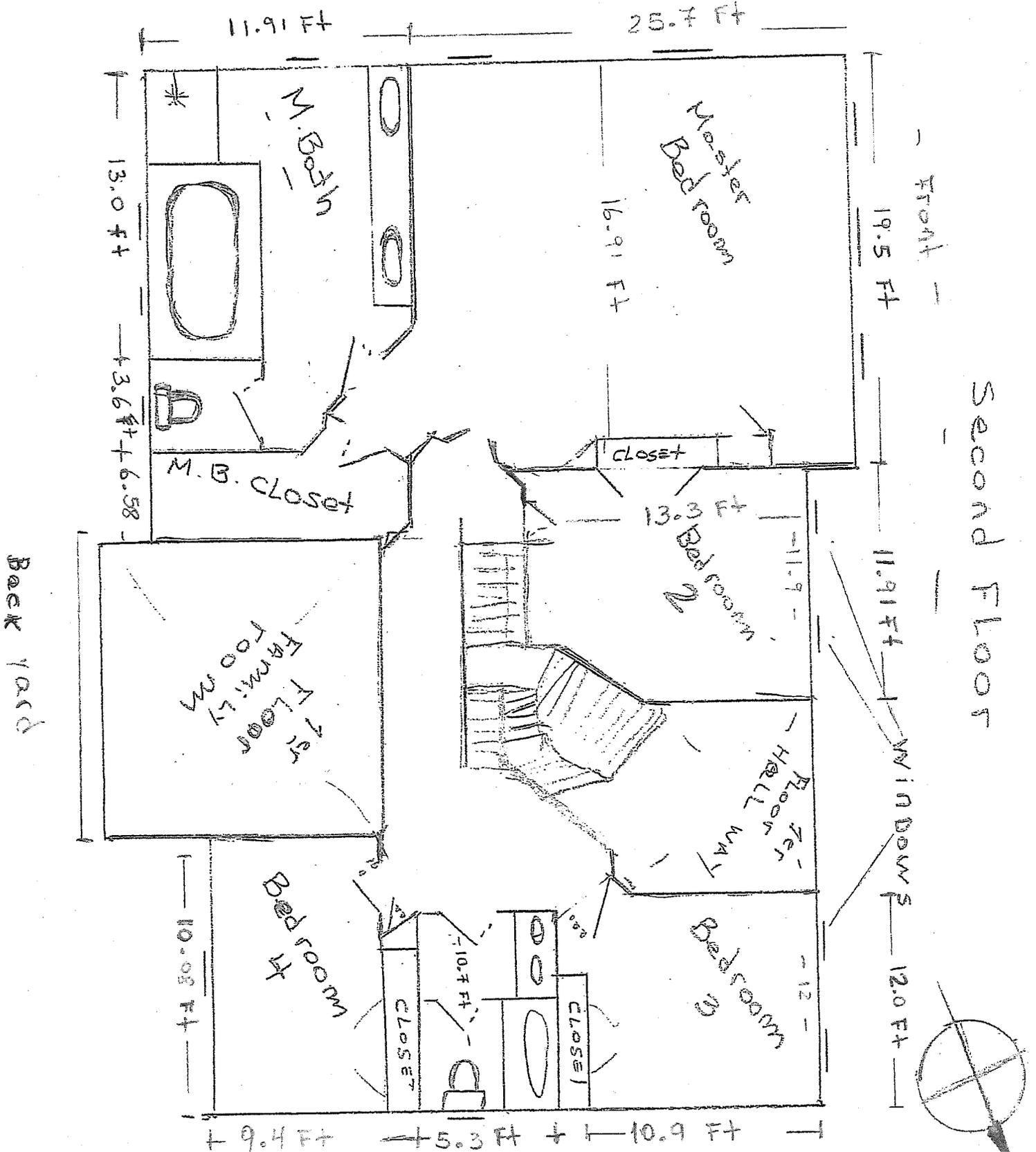
BACK YARD
EMERGENCY
Exit
Back Yard

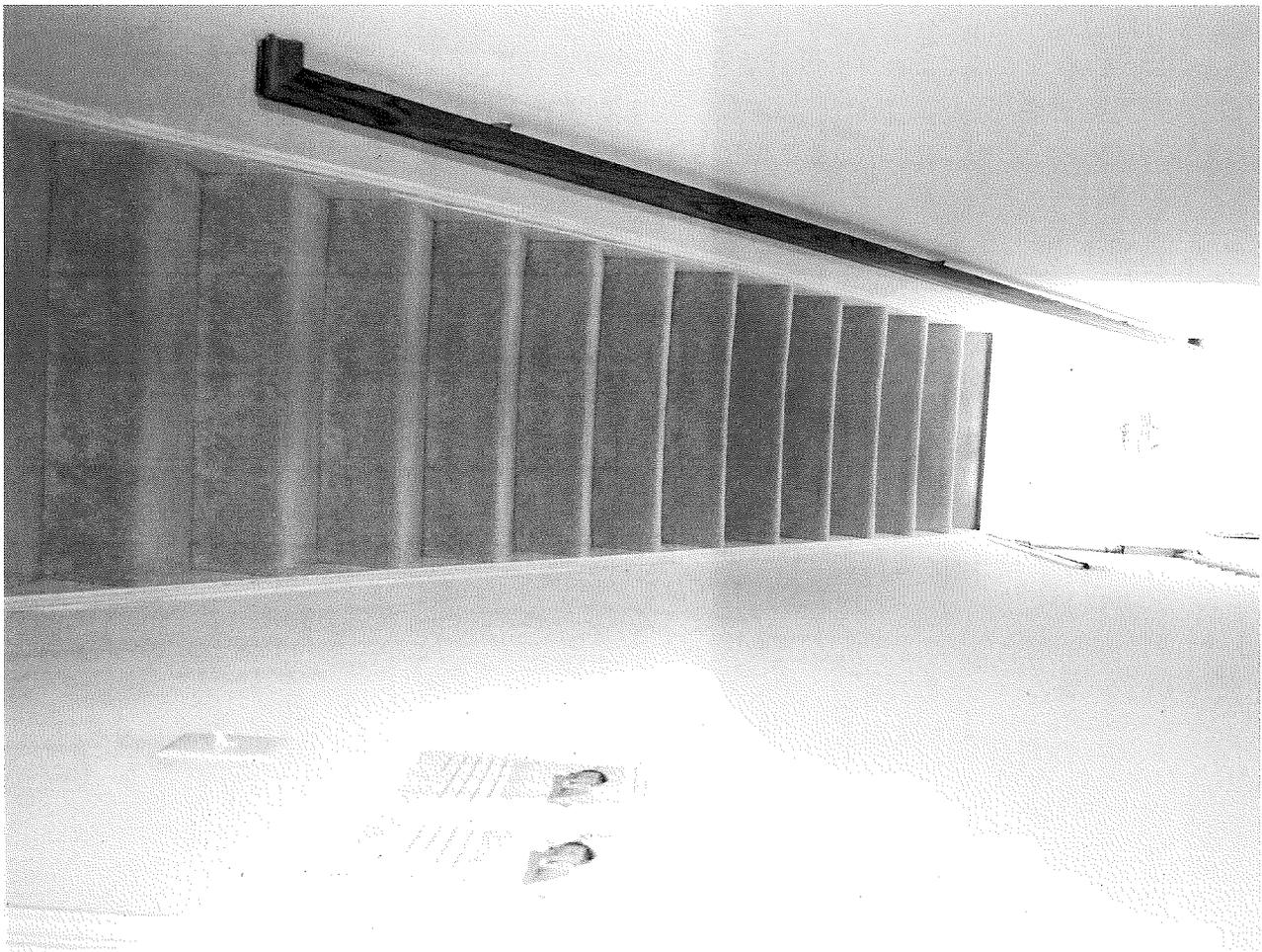


RECEIVED
Department of Planning & Zoning

MAR 18 2014

Zoning Evaluation Division





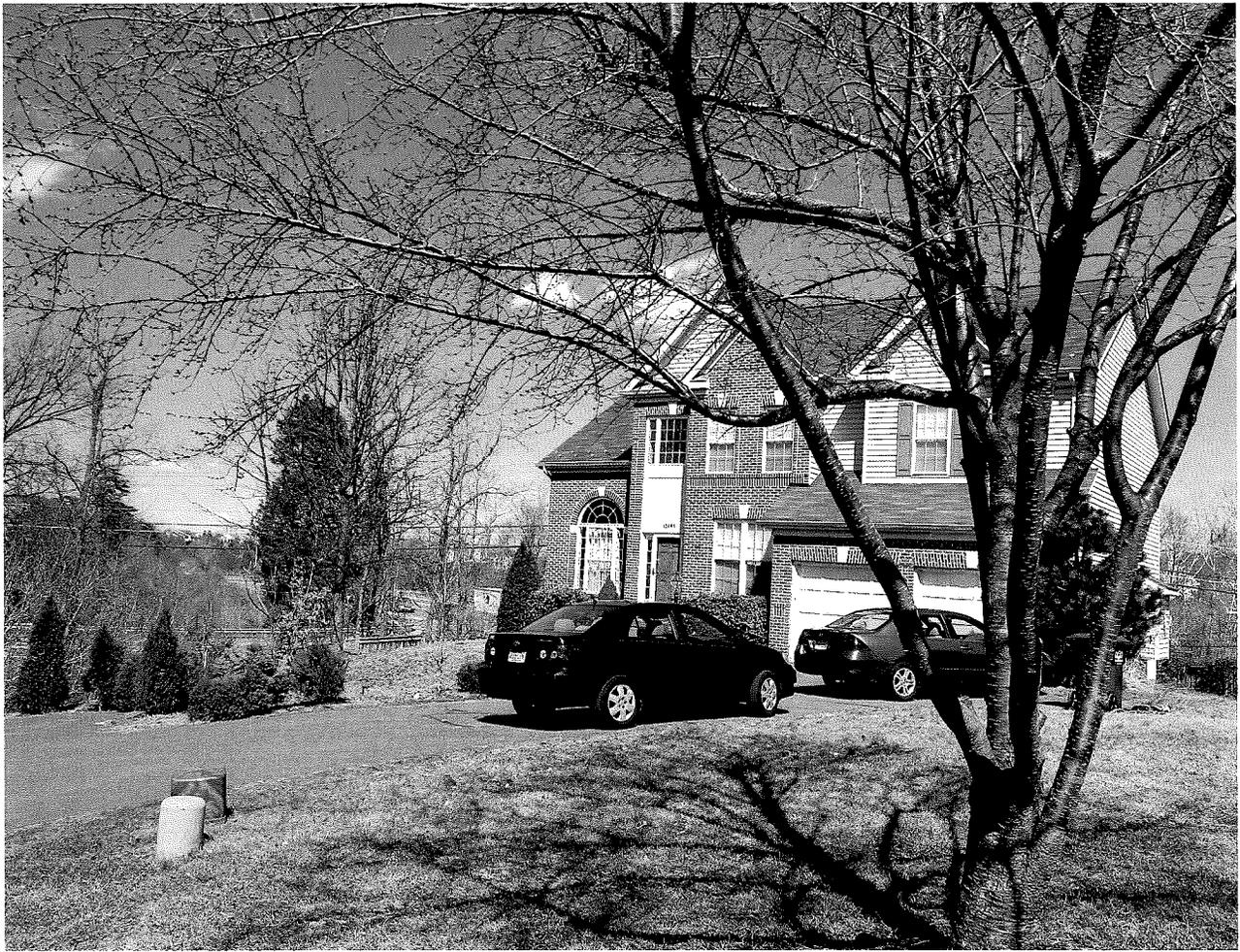




















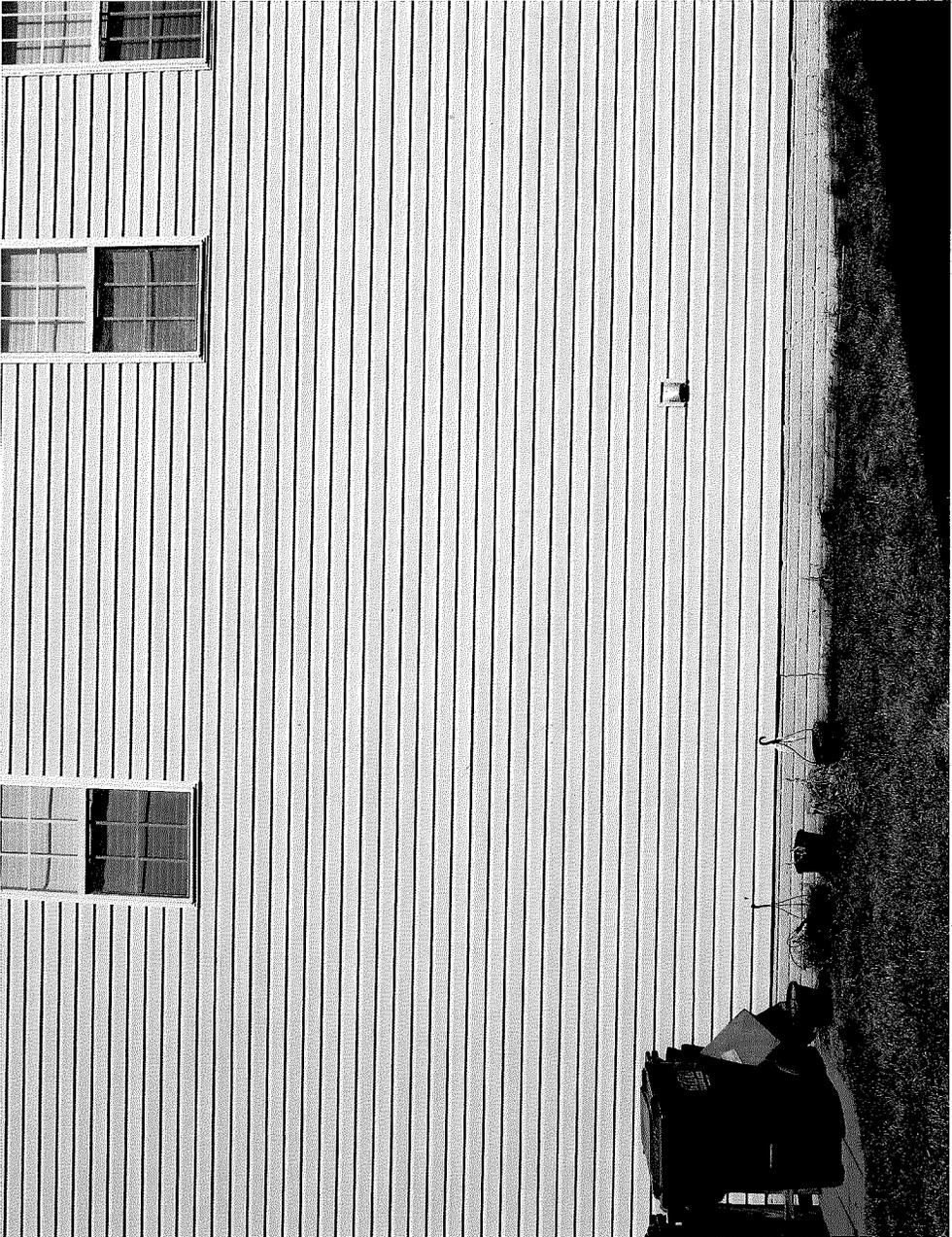


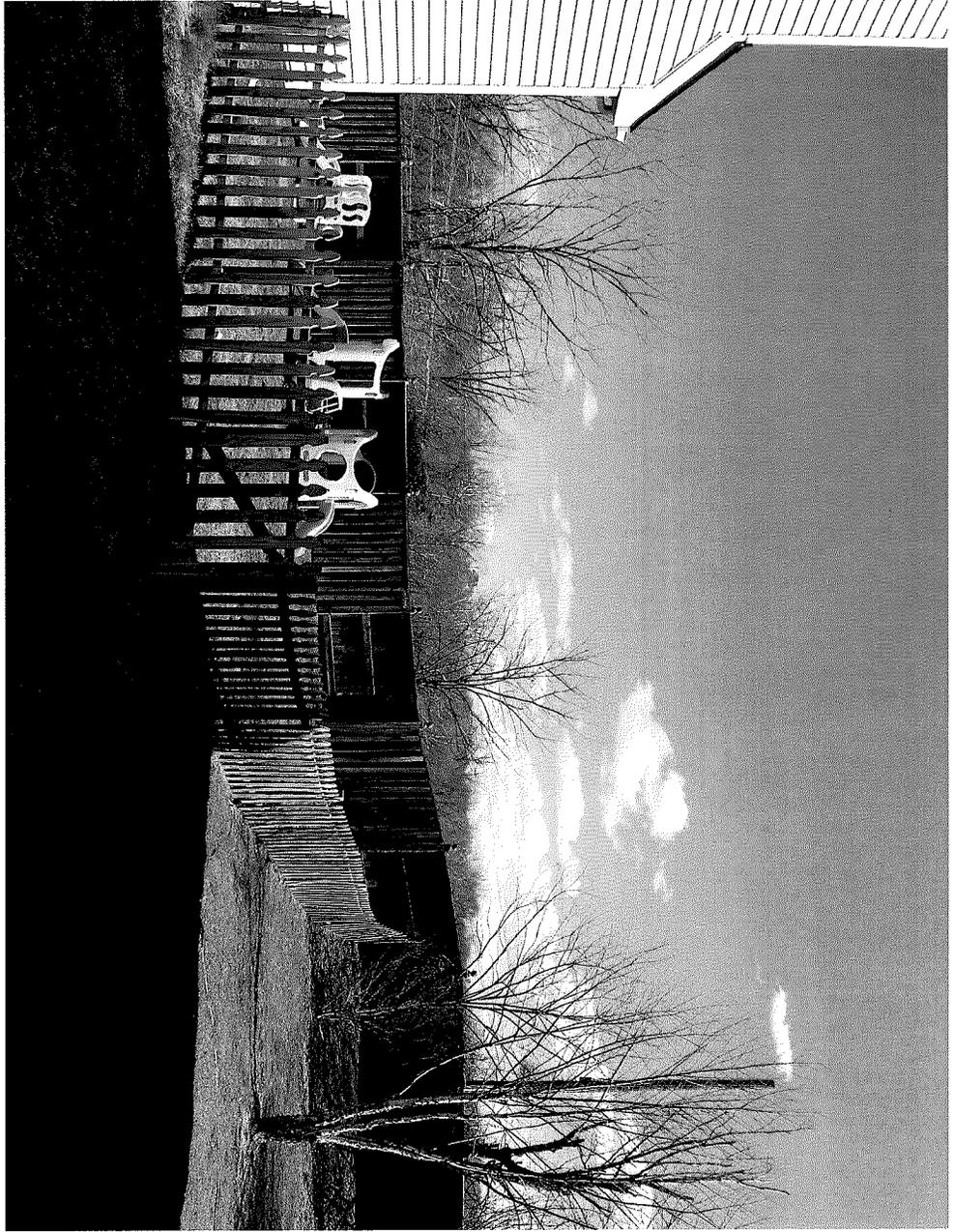




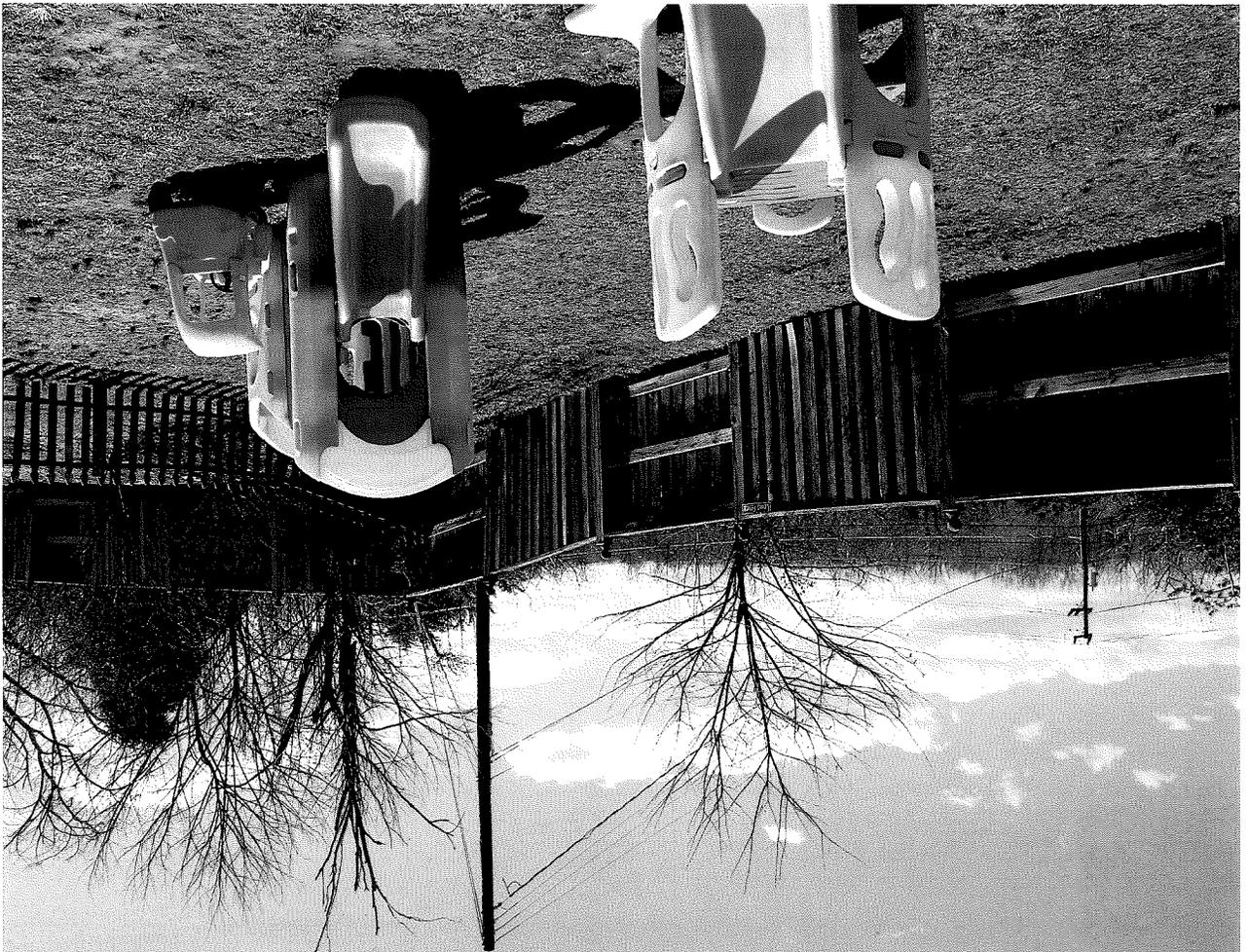






















SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for a home child care facility for 12 children at any one time within an existing dwelling. A detailed discussion of the request is included on page two.

A copy of the plat titled "House Location Survey, Lot 5, Cliff Edge," prepared by Brian W. Smith, Land Surveyor, dated February 5, 2004, as revised by Nidia Retamal, May 14, 2014 is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 12,832 square foot lot is developed with a brick and vinyl two story single family dwelling with 3,563 square feet of floor area. The dwelling contains a full basement and a two-car garage and is located on lot with access from a pipestem driveway. The driveway extends from the Cliff Edge Court cul-de-sac and is shared with two additional homes. The rear yard is surrounded by a wood fence varying in height between 3.5 feet and 6 feet, with the 6 foot high fence located within the rear yard parallel to Dranesville Road. A play area of approximately 2,159 square feet is available within the fenced rear yard for the home child care facility, with access from an areaway stepping up from the basement.

An asphalt driveway with a capacity for parking two vehicles is located at the front of the garage. A concrete walkway leads from the driveway to the front door. With the garage, the property can accommodate approximately four cars.

As shown below, the site is surrounded by residential lots, zoned R-3, and developed with single family dwellings under the cluster subdivision provisions of the Zoning Ordinance. Dranesville Road and Sugarland Run Stream Valley Park is located on the east side of the subdivision. The Loudon County line is located west of the Cliff Edge subdivision.

SP 2014-DR-086



BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 2002. The current owner of the home purchased the property in February 2004, and rents the home to the applicant. The applicant operates a home child care facility and holds a current license, which is valid until August 3, 2016 from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of twelve children, ages birth through 11 years 11 months. Information about the applicant's state license is included as Appendix 5.

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

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children at any one time, to operate between the hours of 5:00 a.m. and 12:00 a.m., Monday through Saturday. Drop-off and pick-up of children is staggered between two shifts; half of the children arrive and depart between 5:20 am and 5:30 pm, and half arrive and depart between 3:40 pm and 11:30 pm. Employees include the applicant, one part time assistant and two full-time assistants.

Parents bring their children to the facility from the driveway to the front door, then downstairs to the basement. Parking is provided in the driveway on the lot, or at the end of the cul-de-sac adjacent to the pipestem driveway. Staff believes sufficient parking exists in the driveway to accommodate the drop-off and pick-up of children for the home child care use.

SP 2014-DR-086

The home child care facility is primarily operated in the basement of the dwelling, which includes: a large play room, a dining space for the children with cooking facilities, a bathroom and a bedroom. Emergency egress for the play room and dining area is provided by an exit with french double doors leading to the rear yard.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Greater Herndon Community Planning District (UP4)
Plan Map: Residential use at 2-3 dwelling units per acre (du/ac)

Zoning Ordinance Requirements

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

This special permit is subject to the sections of the Zoning Ordinance outlined in the previous page, a copy of which is included in Appendix 7. Subject to the development conditions, the special permit must meet these standards.

On-Site Parking

The subject property has a pipestem driveway that serves a total of three lots, with the applicants property located in the middle of the three homes that utilize the driveway. The applicant states that the parents can park in the driveway when space is available, or on the cul-de-sac, and walk on the sidewalk to the driveway. According to the arrival and departure schedule provided by the applicant, the bulk of arrivals and departures occur between 3:30 pm and 5:30 pm. (7 children), followed by pick-up at the end of the day between 10:30 and 11:30 pm. (6 children). In order to ensure that the pick-up and drop-off of children does not interfere with access to the two adjoining homes, a development condition has been proposed to limit pick-up and drop-off to the driveway on the lot or within the cul-de-sac so that the shared driveway remains clear. The applicant has provided letters from the neighbors that also use the pipestem to access their properties acknowledging that they are aware of the applicant's home child care facility and stating that they have no objections to the requested use. These letters are included in Appendix 3.

Site Inspection

During a site inspection, staff noted that the room in the basement used for sleeping did not provide the required emergency escape opening. This issue can be addressed by limiting all sleeping to the main play area adjacent to emergency egress in the basement. A development condition is included to ensure that emergency egress is provided in accordance with the 2009 Statewide Uniform Building Code Requirements, so sleeping areas are located with access to proper emergency egress.

In addition, no records for permits and inspections have been found for the cooking facilities in the basement. On the original building permit for the dwelling, only one kitchen was approved and there have been no further building permits issued for the property. This information has been included as Appendix 4. A development condition has been included to ensure that all permits and inspections must be obtained for the cooking facilities in the basement prior to establishing the use under this special permit.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-DR-086, subject to the Proposed Development Conditions dated October 1, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit information
5. Virginia State License information
6. Zoning Inspection Report, dated September 2, 2014
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-086****October 29, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-086 located at Tax Map 5-4 ((10)) 5 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Nidia Retamal only and is not transferable without further action of the Board, and is for the location indicated on the application, 12495 Cliff Edge Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care facility indicated on the special permit plat titled "House Location Survey, Lot 5, Cliff Edge," prepared by Brian W. Smith, Land Surveyor, dated February 5, 2004, as revised by Nidia Retamal May 14, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 5:00 a.m. to 12:00 a.m., Monday through Saturday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants on site at any one time shall be limited to two.
7. All pick-up and drop-off of children shall take place in the driveway, or on the Cliff Edge Drive cul-de-sac. The shared pipestem driveway shall remain clear of parked vehicles.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.
9. There shall be no signage associated with the home child care facility.

10. Prior to establishment of the use for 12 children at any one time, the applicant shall obtain all necessary permits and inspections of the cooking facilities in the basement.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2014 - DR - 086
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14 2014
 (enter date affidavit is notarized)

I, NIDIA RETAMAL, 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: 124830

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
NIDIA RETAMAL	12495 CLIFF EDGE DR HERNDON VA 20170	APPLICANT / LESSEE
EUNICE OH	47642 RAULSEN SQ. POTOMAC FALLS STERLING VA 20165	TITLE OWNER
PETER OH	47642 RAULSEN SQ. POTOMAC FALLS STERLING VA 20165	TITLE OWNER

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

CAB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14 2014
(enter date affidavit is notarized)

124830

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

(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: May 14 2014
(enter date affidavit is notarized)

124830

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)

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14 2014
(enter date affidavit is notarized)

124830

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.)

NR
~~N/A~~
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: May 14 2014
(enter date affidavit is notarized)

124830

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.)

N/A
NONE

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

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

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

WITNESS the following signature:



(check one)

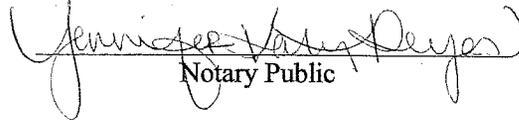
Applicant

Applicant's Authorized Agent

NIDIA RETAMAL

(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 14 day of May 2014, in the State/Comm. of Virginia, County/City of Loudoun.


Notary Public

My commission expires: January 31, 2016

Jennifer Katy Reyes
Notary Public 7517953
Commonwealth of Virginia
My Commission Expires 01-31-2016

CAB

OWNER CONSENT OF RENTER AS
HOME CHILD CARE FACILITY APPLICANT

NIDIA RETAMAL
12495 Cliff Edge Dr.
HERNDON, VA. 20170
703-707-1642 /CELL 571-283-3365
nretamal@msn.com

TAX MAP # 0054 10 0005

Ownership of the above-referred property is Mrs. Eunice Oh. . This property is the subject of a Special Permit application submitted by Mrs. Nidia Retamal, as renter of the property, to Fairfax County for approval of a home childcare facility.

This is evidence that the owner, Mrs. Eunice Oh. And Mr. Peter Oh , is giving consent that Mrs. Nidia Retamal may apply for the Special Permit Application for a home childcare facility to operate on her property.

With the Notary below I have verify that I agree to this request of my property.

By: Peter C Oh, Eunice Y. Oh
Owner of the Property

The foregoing is instrument was acknowledge before me this 14 day of May, 2014, By Peter C Oh, Eunice Y. Oh of said property.

Jennifer Katy Reyes
Notary Public 7517953
Commonwealth of Virginia
My Commission Expires 01-31-2016

Jennifer Katy Reyes
Notary Public

My Commission Expires January 31, 2016

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

RECEIVED
Department of Planning & Zoning

MAR 18 2014

Zoning Evaluation Division

NIDIA RETAMAL
12495 Cliff Edge Dr.
HERNDON, VA. 20170
703-707-1642 /CELL 571-283-3365
nretamal@msn.com

March 15, 2014

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

Re: Special Permit Application
Application: Nidia Retamal
Zooning Ordinance Section 8-8-305 for Home Child Care Facility
8-004 of General Standards.
Tax Map # 0054 10 0005
Zoning District: R-3C
Lot Size: 0.2945 Acres / 12.832 SQ.FT.

To Whom It My Concern:

Please accept the following as my statement of jurisdiction for special permit for a home child care facility in my home. I rent and live in a single family detached dwelling at 12495 Cliff Edge Dr., in Herndon, VA with my husband and three children. The property is zoned R-3 and I understand that I need to seek approval of a special licensed by the State of Virginia to have 12 children in my care facility at home. Bellow is the information about my childcare facility operations:

- HOURS: The childcare is open from: 5:00 am to 12:00 am, Monday to Saturday.
- NUMBER OF CHILDREN: I care for up to 12 children at home at any one time. This number does not include my own three children.
- EMPLOYEES: I have 1 assistant who work part-time and 2 assistants who work full time. (Monday through Friday)

- OPERATIONS:** As I stated before, we are in a single-family home, with no homes connected to. I have a front driveway, with up to 4 cars capacity. The house has a total of 3,563 SF.FT, and the total are designated to the home day care are has a total of 2,159SG.FT.

The daycare families use the front door for access and check in. additionally, we use the living room and family room at drop & pick times, to ease the transition (all located on the ground level).

The basement is the main location of the Home Daycare, which includes a bathroom, kitchen area, large room and a bedroom. In addition, the backyard is used as part of the daycare. *(See ATTACHMENT #1, for floor plan Layout and interior photos)*
- HAZARDOUS OF TOXIC SUBSTANCES:** The house and yard are free from hazardous o toxic substances. No hazardous will be generated, stored, treated, and/or disposed on or near the site.
- ZONING ORDINANCE COMPLIANCE:** The proposed development conforms to the provisions of all applicable, 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.
- OUT DOOR PLAY AREA:** Located in the backyard, as part of the house, it is for use only for children that we serve.

Has a total of 3,784SQ.FT. It is completely fenced, with one access door from the basement. This door is lock from the inside and can be only opened by an adult. There no trees or bushes; however, there is a small garden for the children as learning instrument and plant little plants. Additional, there are three low slides, few jungle gyms, different sizes cars and bikes for children to play only in the backyard. *(See ATTACHMENT #2, for plat of the property and photos)*
- PARKING:** As we mentioned before, I use my front driveway to park my family cars. For my parents parking, we have many options; if my driveway is empty they can park briefly in the spaces available, especially in bad weather. Moreover, we also have abundant street parking spaces, right outside the home, where is perfectly legal to park, without affecting our neighbors' parking areas. *(See ATTACHMENT #3, for photos of the area)*

For these reason, I truly believe that my proposed Home Daycare Facility will not impact my neighbors in any negative way.

Sincerely,



NIDIA RETAMAL

MAR 18 2014

Zoning Evaluation Division

• Arrival Schedule:

CHILD	5:20 -6:50AM	6:50- 7:45AM	3:40PM- 5:30PM	5:45-6:00PM
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	2:30 -3:30PM	3:30- 5:00PM	10:30-11:30 PM
1	X		
2	X		
3	X		
4	X		
5		X	
6		X	
7			X
8			X
9			X
10			X
11			X
12			X

- AREA SERVED: Currently, most of the children live in the general area of Herndon, VA. However, none of the families are living within a walking distance to our home. These parents drive the children to my house

To Whom This May Concern,

I VENKATESAN RADHAN am aware that my neighbor Nidia Retamal is a home child care provider and that she is applying for zoning to care for up to 12 children. I have no objections to this.

Thanks,

B. S. Venkatesan
Signature

03/12/2014
Date

Address:

12493 CLIFF EDGE DR
HERNDON, VA 20170

RECEIVED
Department of Planning & Zoning
MAR 18 2014
Zoning Evaluation Division

To Whom This May Concern,

I Jagdish Pannala am aware that my neighbor Nidia Retamal is a home child care provider and that she is applying for zoning to care for up to 12 children. I have no objections to this.

Thanks,

P. Jagdish Pannala
Signature

3/12/2014
Date

Address:

12497 Cliff Edge Dr
Herndon, VA 20170

RECEIVED
Department of Planning & Zoning
MAR 18 2014
Zoning Evaluation Division

To Whom This May Concern,

I Razia Sahai am aware that my neighbor Nidia Retamal is a home child care provider and that she is applying for zoning to care for up to 12 children. I have no objections to this.

Thanks,

Razia Sahai
Signature

3-12-12
Date

Address:

12498 Cliff Edge Dr
Herndon VA 20170

RECEIVED
Department of Planning & Zoning
MAR 18 2014
Zoning Evaluation Division

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504 Telephone: 703-222-0801
 Web site: http://www.co.fairfax.va.us/dpwes

PERMIT # 02017130130
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 12495 Cliff Edge
 LOT # 5 BUILDING
 FLOOR SUITE
 SUBDIVISION Cliff Edge
 TENANT'S NAME

OWNER INFORMATION OWNER TENANT
 NAME D.R. HORTON INC
 ADDRESS 416 MAPLE AVE. W SUITE #200
 CITY VIENNA, VA 22180
 TELEPHONE 703-338-5050 ZIP

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME DR Horton, Inc.
 ADDRESS
 CITY Souders STATE ZIP
 TELEPHONE
 STATE CONTRACTORS LICENSE # 035794
 COUNTY BPOL # 21-8616

APPLICANT Diana Trader

DESCRIPTION OF WORK
 SFD

HOUSE TYPE 1075 James Madison
 ESTIMATED COST OF CONSTRUCTION 100,000
 BLDG AREA (SQ FT OF FOOTPRINT)
 USE GROUP OF BUILDING R4
 TYPE OF CONSTRUCTION SB
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME Fidelity National Title Ins. Co.
 ADDRESS 10705 Eaton Pl. #200
 Fairfax, Va. 22030
 NONE DESIGNATED PHONE 091-9508

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	1	EXTER. WALLS	UF
# BATHS	3	INTER. WALLS	BW
# HALF BATHS	1	ROOF MATERIAL	OT
# BEDROOMS	4	FLOOR MATERIAL	CP
# OF ROOMS	8	FIN. BASEMENT	0%
# STORIES	2+	HEATING FUEL	GA
BUILDING HEIGHT	32+	HEATING SYSTEM	HA
BUILDING AREA		# FIREPLACES	1
BASEMENT	BF		

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # K-00-01309
 TAX MAP # 5-4-10-0025

ROUTING	DATE	APPROVED BY
LICENSING	1-17-02	ATF
ZONING	1/17/02	Paul
SITE PERMITS	1/17/02	
HEALTH DEPT.	1/17/02	
BUILDING REVIEW	1/17/02	JAMES
SANITATION	1-17-02	PAUL
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$
 FILING FEE - \$
 AMOUNT DUE = \$ 378.81

BUILDING PLAN REVIEW
 REVIEWER # OF HOURS
 REVISION FEES \$
 FIRE MARSHAL FEES \$
 FIXTURE UNITS PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT) BY DATE 1/17/02

ZONING REVIEW
 USE SFD-02
 ZONING DISTRICT R-3C HISTORICAL DISTRICT
 ZONING CASE #
 GROSS FLOOR AREA OF TENANT SPACE

YARDS: GARAGE 1 2 3
 FRONT OPTIONS YES NO
 FRONT 32' REMARKS
 L SIDE 29'
 R SIDE 14'
 REAR 45'

GRADING AND DRAINAGE REVIEW
 SOILS # A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)
 PLAN # 0770-SA-01 APPR. DATE

STAMPS
 (See reverse side of application)

REMARKS 0201130220
 7015

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Diana Trader 1-4-02
 Signature of Owner or Agent Date

Diana Trader Agent
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)

State (or territory or district) of _____
 County (or city) of _____, to wit:

I, _____
 a Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

(Notary Signature)

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Nidia Retamal**

12495 Cliff Edge Drive

HERNDON, VA 20170

(703) 707-1642

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: Aug. 3, 2016Business Hours: 5:00 am - 12:00 am
Monday - Saturday

Capacity: 12

Ages: Birth - 11 years 11 months

Inspector: Brenda Kuhlman
(703) 359-6777



County of Fairfax, Virginia

MEMORANDUM

Date: September 2, 2014

To: Erin Haley, Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2014-DR-086

Applicant: Nidia Retamal
12495 Cliff Edge Drive, Herndon, Virginia 20170
Cliff Edge, Lot 5
Tax Map #: 5-4 ((10)) 5
Zoning District: R-3
Development Type: Cluster
Mail Log # 2014-DR-0347

An inspection was conducted on August 13, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by the Staff Coordinator Erin Haley and the Applicant Nidia Retamal.

*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: One basement room used for sleeping purposes does not provide the required emergency escape opening.

- 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.

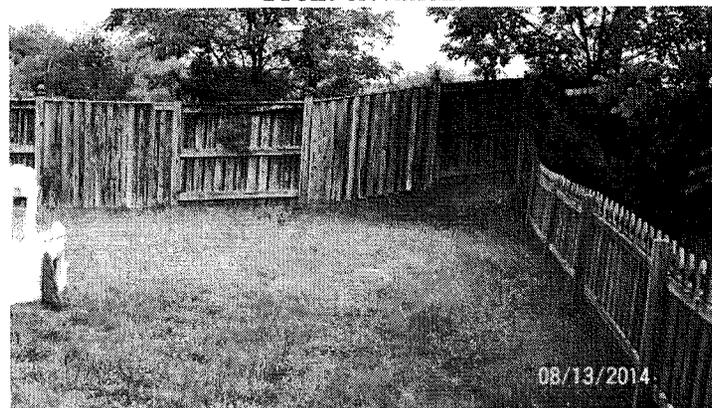
Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



- 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.



Front elevation.



Fenced rear yard.

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.