



APPLICATION ACCEPTED: July 9, 2014
PLANNING COMMISSION: November 13, 2014
BOARD OF SUPERVISORS: November 18, 2014 @ 4:30 pm

County of Fairfax, Virginia

October 31, 2014

WS

STAFF REPORT

APPLICATION SE 2014-SU-042

SULLY DISTRICT

APPLICANT: Montessori Mansion / Naima Qadir Dar

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

PARCEL: 44-2 ((20)) 32

LOCATION: 14018 Rose Lodge Place

SITE AREA: 8,793 square feet

PLAN MAP: Residential, 2-3 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-042, 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

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.

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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).

**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).

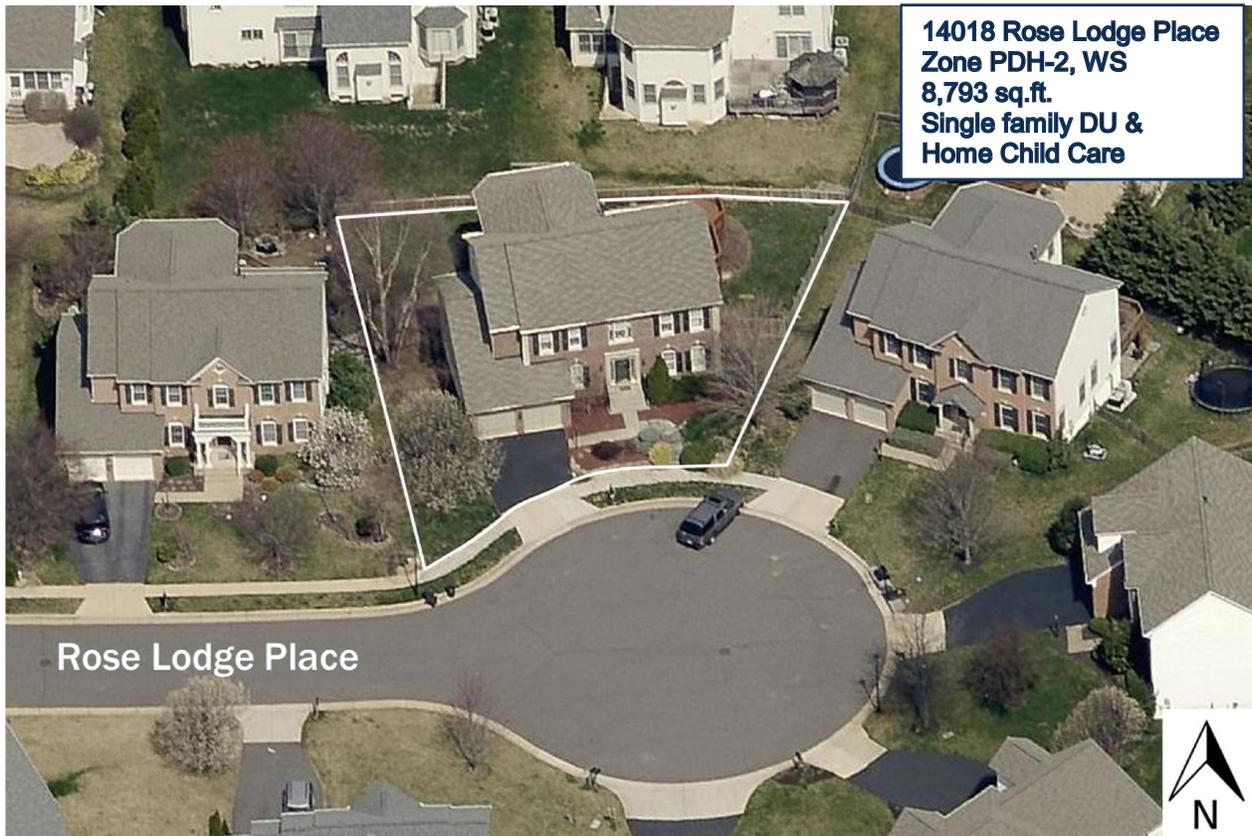


Figure 1: Subject Property, Source: Fairfax County Pictometry, 2013 Imagery.

The subject property is located on Rose Lodge Place in Chantilly, east of Walney Road and south of Route 50, in a large neighborhood of single-family homes zoned PDH-2. The five-bedroom, 3,600 square-foot home includes a large basement area that would be used for the home child-care use.

Other details about the application:

- This would be a new home child-care facility, and has not yet begun to operate.
- Requests maximum of two assistants.
- Hours of operation: 6:30 a.m. to 6:00 p.m., Monday through Friday; staggered drop-off and pick-up.
- Child-care occupies large walk-out basement with open floor plan, featuring two large play/nap rooms, a separate smaller bedroom, bathroom and storage areas.
- Two parking spaces in the two-lane driveway, and ample street parking. Attached garage is available for owner and an assistant to park.
- Fenced 3,600-square-foot grassed back yard play area accessible from basement (deck would not be used by children).

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



Figure 2: Rear yard play area.

ZONING BACKGROUND

The subject property is Lot 32 of Section 1 of the 76-acre Walney Road development, which was rezoned to the PDH-2 District on October 30, 1995 (RZ 94-Y-006), and is subject to a Final Development Plan (FDP 94-Y-006) approved on September 6, 1995.

Proffers associated with RZ 94-Y-006 (dated August 18, 1995) list permitted uses in the rezoning area, including “*Child care facilities with a maximum daily enrollment of 150 children*” (Proffer No. 3), which would be intended for commercial child-care centers and not necessarily home-based businesses. No other proffers would appear to affect the current proposal. There are two development conditions associated with FDP 94-Y-006, neither of which would affect the current application.

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, and additional General Special Exception Standards (Sect. 9-006). Therefore, the current application, located in a PDH-2 District, requires a Special Exception for the requested maximum of 12 children.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Bull Run Planning District,
BR4 Stringfellow Community Planning Sector

Plan Map: Residential, 2-3 du/ac, Medium Density Single Family

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. The Inspections Report noted several minor items (shattered glass door,

clutter in front of an electrical panel, and combustibles stored in mechanical room), all of which have subsequently been addressed by the applicant.

TRANSPORTATION AND PARKING (Appendix 6)

Rose Lodge Place is a dead-end public street, accessed from Walney Road via neighborhood connecting streets. The applicant's property is located on the street's eastern cul-de-sac, with ample street parking available nearby. The driveway can accommodate two vehicles at one time, and a two-car garage is available for the owner and/or assistants' vehicles. The applicant indicates that drop-off times for the children are staggered from 7:00 a.m. to 9:15 a.m., and pick-up is from 2:45 to 5:30 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.

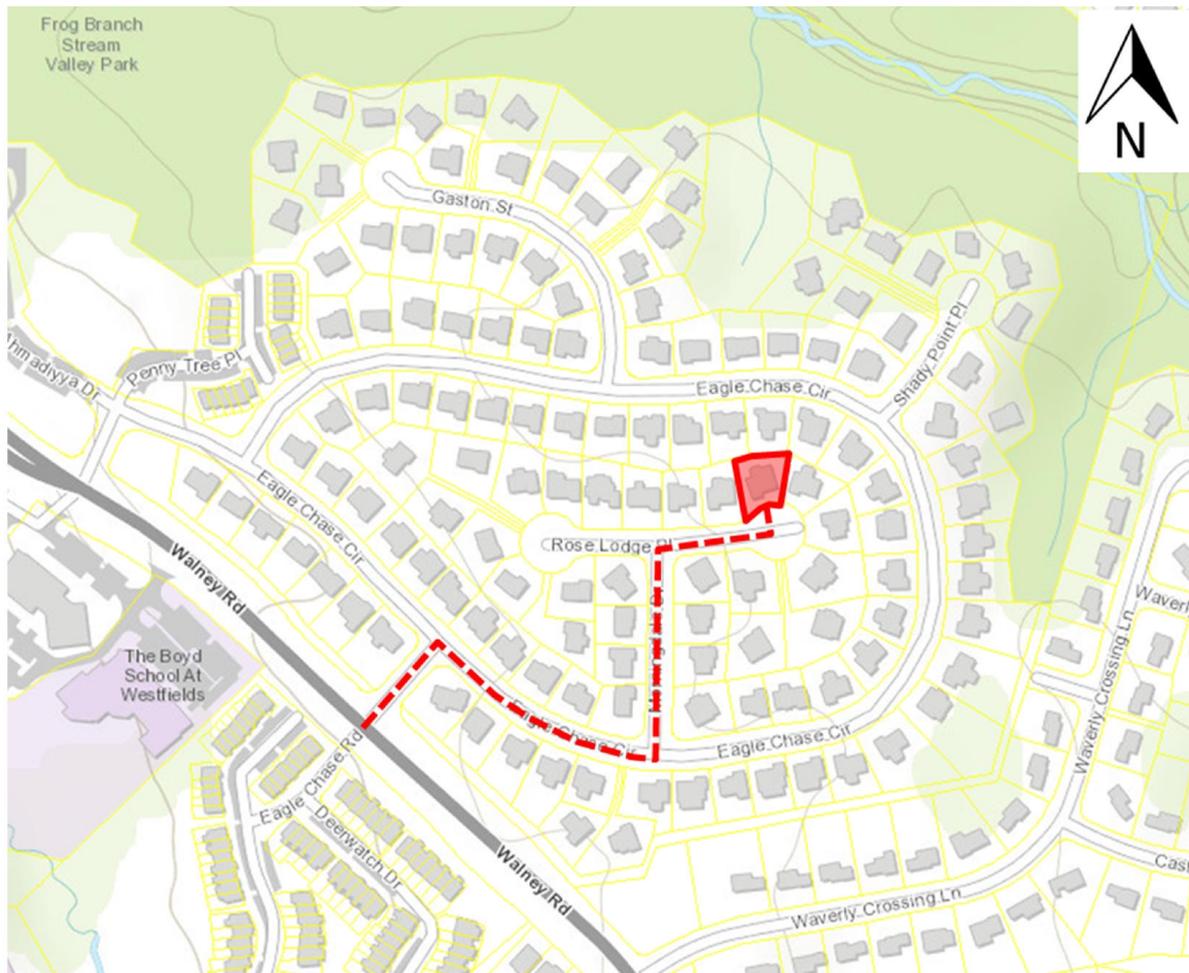


Figure 3: Vehicular access to property.

APPLICABLE EVALUATION CRITERIA (Appendix 4)General Standards for Special Exceptions (Sect. 9-006)

Standards 1 and 2 <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.
Standard 3 <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.
Standard 4 <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.
Standard 5 <i>Landscaping/Screening</i>	No additional landscaping is required for the proposed use.
Standard 6 <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.
Standard 7 <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.
Standard 8 <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)

Standard 1 <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.
Standard 2 <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
Standard 3 <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)

Standard 1 <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 non-resident employees.
Standard 2 <i>Access and Parking</i>	Staff finds that access and parking are sufficient to accommodate the use.
Standard 3 <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
Standard 4 <i>Submission Requirements</i>	The submission requirements allow the use of a house location survey in lieu of the SE Plat.
Standard 5 <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures but has not yet obtained a valid state license, which she will be required to obtain a before commencing operations.

Use Limitations for Home Child-Care Facilities (Sect. 10-103, Paragraph 6)

Part A <i>Max. Children</i>	This application requests approval for 12 children in a single family detached dwelling.
Part B <i>Licensed provider/ primary residence</i>	The applicant will be required to obtain a valid license from the Virginia Department of Social Services for a Family Day Home prior to commencing operations. The dwelling is her primary residence.
Part C <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.
Part D <i>Nonresident person</i>	This application requests approval for two nonresident employees to be involved, and with the hours of 6:30 a.m. to 6:00 p.m.
Part E <i>Primary residence of nonresident person</i>	Not applicable. The dwelling is the primary residence of the home child care provider.
Part F <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures but has not yet obtained a valid state license, which she will be required to obtain a before commencing operations.
Part G <i>Increase in children or nonresident person</i>	The provisions of Part 3 of Article 8 are addressed above.

CONCLUSIONS 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-042, 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