



APPLICATION ACCEPTED: June 6, 2014
BOARD OF ZONING APPEALS: December 3, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 26, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-BR-098

BRADDOCK DISTRICT

APPLICANT: Luisa Londono
DBA Luisa's Daycare

OWNERS: Jaime E. Fajardo
Luisa F. Londono

SUBDIVISION: Fairfax Villa

STREET ADDRESS: 11103 La Messa Dr., Fairfax, 22030

TAX MAP REFERENCE: 57-3 ((7)) 373

LOT SIZE: 10,507 square feet

ZONING DISTRICT: R-3, WS

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-098 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.

Erin M. Haley

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



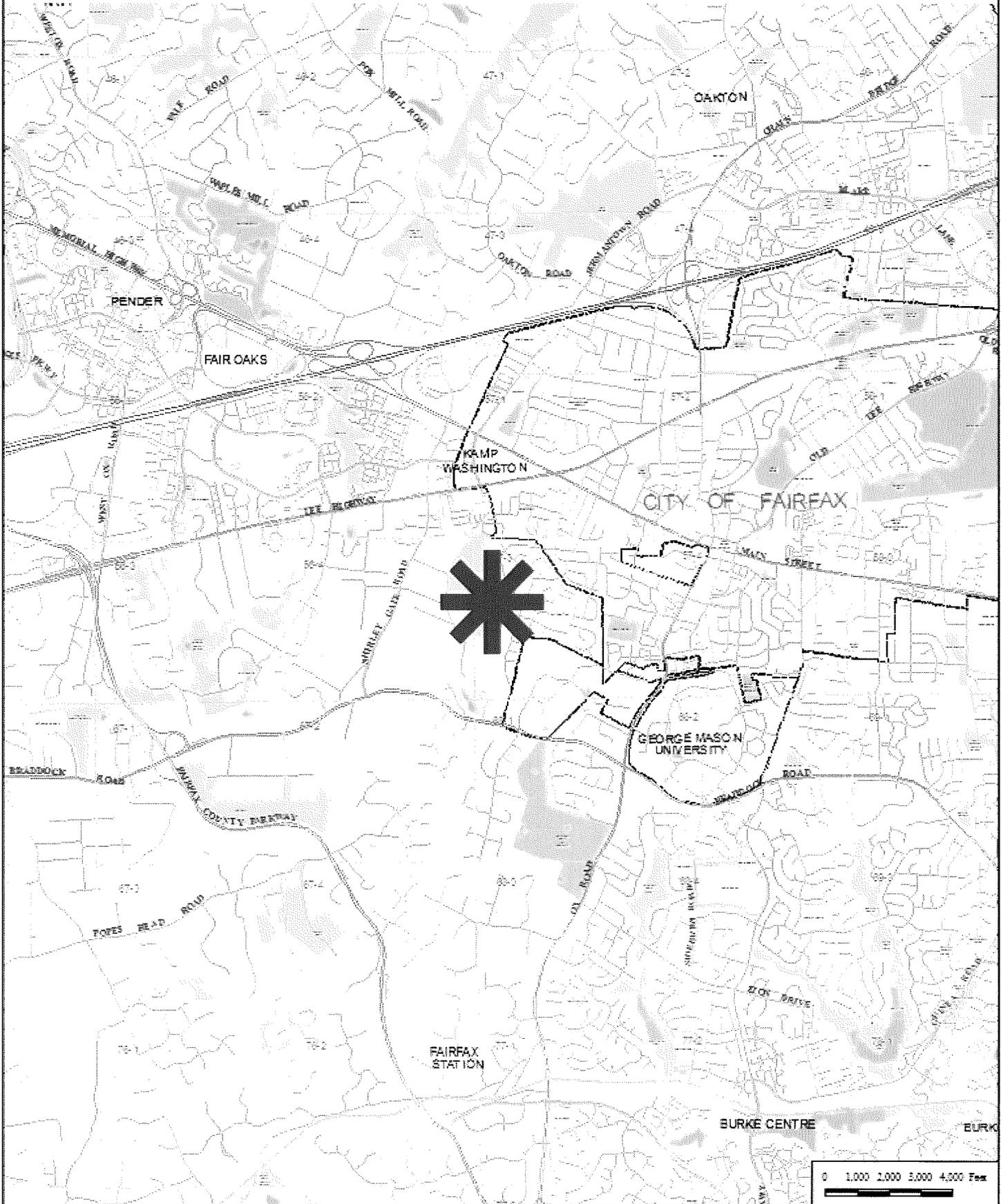
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**



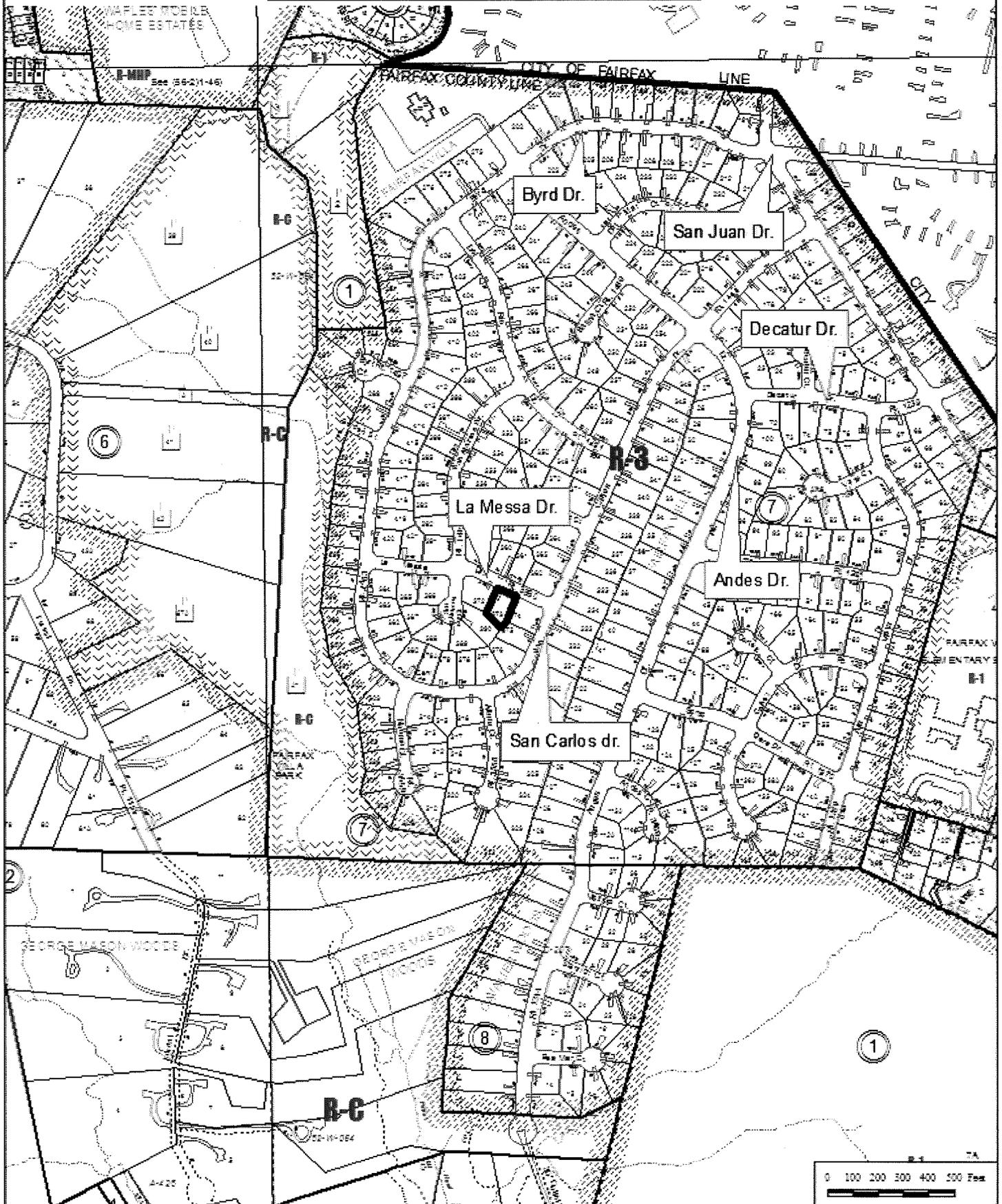
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-BR-098
LUISA LONDONO DBA LUISA'S DAY CARE



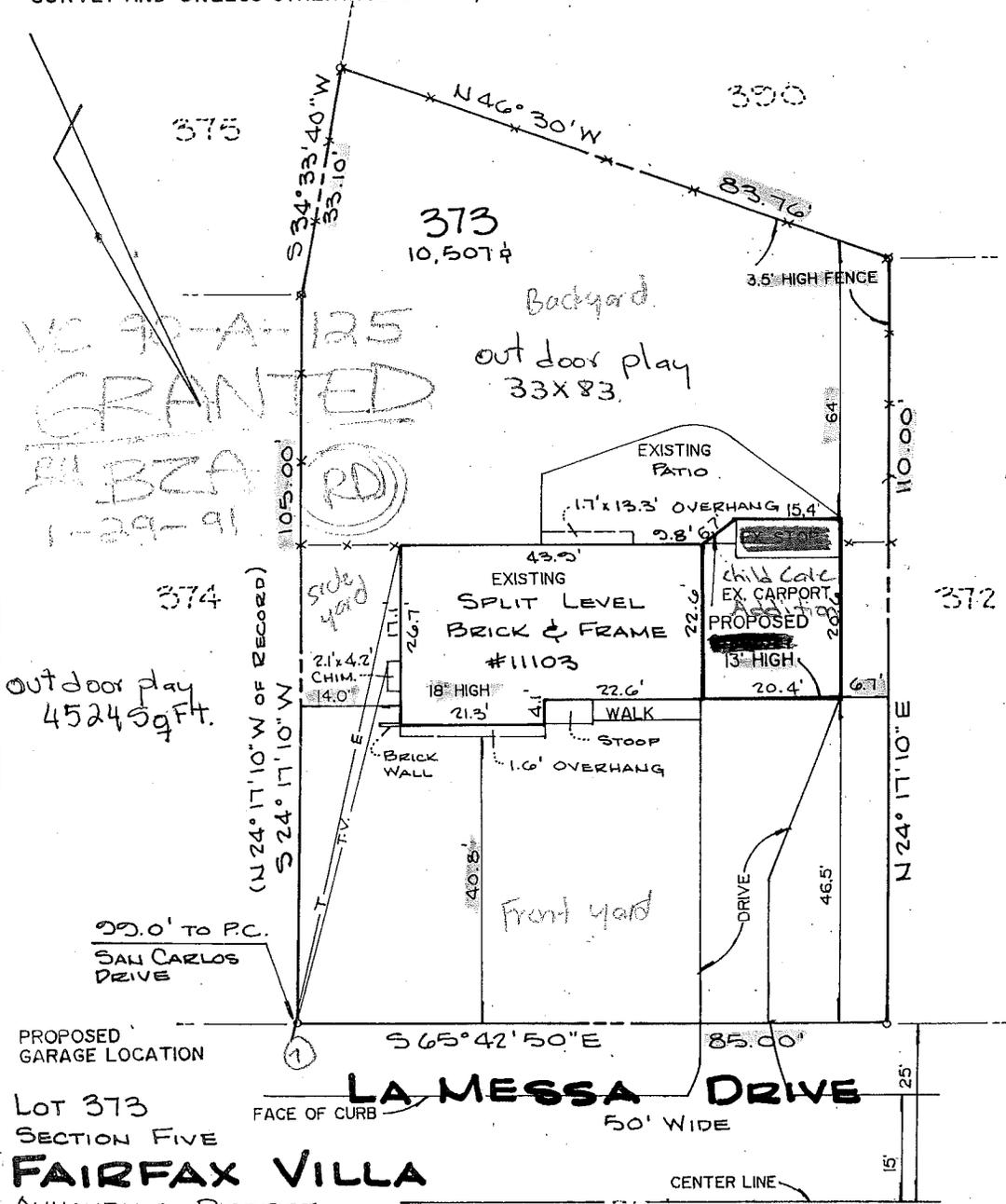
Special Permit

SP 2014-BR-098
LUIA LONDONO DBA LUISA'S DAY CARE



HOUSE LOCATION SURVEY

NOTE: I HEREBY CERTIFY THAT THE POSITION OF THE EXISTING IMPROVEMENTS ON THE BELOW DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.



PROPOSED GARAGE LOCATION

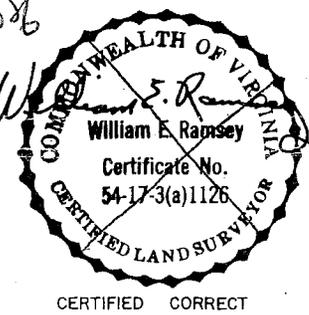
LOT 373
SECTION FIVE
FAIRFAX VILLA
ANNANDALE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

NOTE: ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, COMMUNITY NO. 515525C, ON SHEET 17, THIS PROP. IS SHOWN TO BE ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

RECERTIFIED 6-23-86 WCR
DATE: 8-16-85

Just
RECEIVED
Department of Planning & Zoning
FEB 07 2014
Zoning Evaluation Division
OCT. 17, 1990
SCALE: 1" = 20'

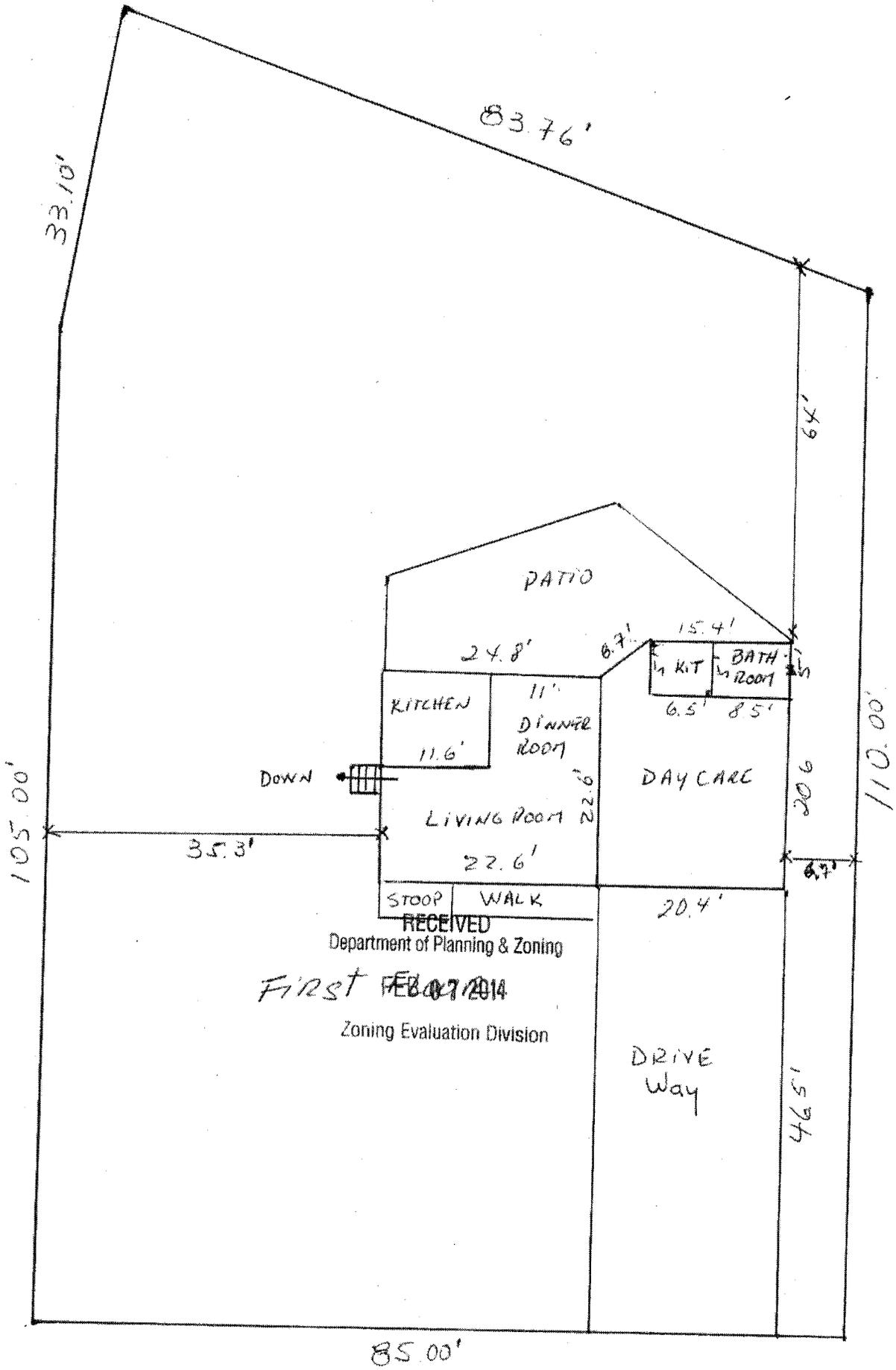


TITLE REPORT NOT FURNISHED.

FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA

FOR: DANIELS



RECEIVED
 Department of Planning & Zoning

FIRST FEB 07 2014

Zoning Evaluation Division

DRIVE
 Way

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

A copy of the special permit plat, titled, "House Location Survey, Lot 373, Section Five, Fairfax Villa," prepared by William E. Ramsey, L.S., as revised by the applicant, Luisa Londono, on September 14, 2013, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split-level, single-family, detached dwelling. A concrete patio is located at the rear of the dwelling. A concrete driveway provides access to the property from La Messa Drive. A walkway extends from the driveway to a covered stoop and the front door. A chain link fence 3.5 feet in height encloses the rear yard. The property is level and contains manicured lawn and mature vegetation.



Figure 1- Aerial photo of subject property

The subject property and surrounding properties are zoned R-3 and developed with single-family, detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1963 and purchased by the property owners in 2012.

A building permit was issued in 1971 for the construction of an open carport 6.8 feet from the western side lot line. In 1991, the Board of Zoning Appeals approved variance application VC 90-A-125 to allow the carport to be enclosed and used as a garage. In 2012, the property owners obtained a building permit to convert the garage into livable space, which is where the applicant now conducts the home child care. Information

about the building permit history is included as Appendix 4.

Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Currently, there is one full-time assistant and one part-time assistant.

The applicant holds a current Family Day Home License, effective for one year and expires on November 1, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, 1 month through 5 years 11 months of age. A copy of the license is included as Appendix 5.

The home child care facility is operated in the area of the house that is the converted garage. It has one main room, which is also used as the nap room, and has a bathroom. The fenced rear yard is used as the play area. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Fairfax Planning District
Planning Sector: Braddock Community Planning Sector (FA1)
Plan Map: Residential, 3-4 du/ac

On-Site Parking and Site Circulation

The existing driveway appears to be able to accommodate four vehicles. The applicant parks their personal car in the driveway. The current assistants are either dropped off or take public transportation and do not park on-site. Staff believes that there is sufficient space in the driveway available to be used for drop-off and pick-up of children.

Zoning Inspection Branch Comments

Staff found no issues on the site visit inspection. The Zoning Inspections Branch report is included in Appendix 6.

Zoning Ordinance Requirements (Appendix 7)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

General Standards for Special Permit Uses (Sect. 8-006)

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is proposed on the existing patio. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be made available for the home child care use. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is existing vegetation that screens the patio from the adjacent neighbors. There have been no complaints from the neighbors about the existing home child care use.</p>
<p>Standard 6 Open Space</p>	<p>The proposed use will not encroach or impact the existing open space.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking for the home child care use.</p>
<p>Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The lot size and bulk regulations for the subject property were previously satisfied with the development of the property. No new construction or exterior modifications are proposed.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p>

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing fence in the rear yard and existing trees that provide screening to the outdoor play area.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special exception plat, which is a permissible alternative.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license as outlined in a previous section.

Use Limitations (Par. 6 of Sect. 10-103)

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.
Part B Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except movable play equipment and toys.
Part D Non-Resident Employee	The applicant is proposing two non-resident persons paid or unpaid. Staff is proposing a development condition to allow two non-resident employees.
Part E Provider is a Non-Resident	The provider is a resident.
Part F Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
Part G Increase in Children or Non-Resident Person	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of twelve children at any one time.

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-BR-098 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1 of the staff report.

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 Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-BR-098****November 26, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-098 located at Tax Map 57-3 ((7)) 373 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, Luisa Londono, Luisa's Daycare, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 11103 La Messa Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 373, Section Five, Fairfax Villa," prepared by William E. Ramsey, L.S., as revised by the applicant, Luisa Londono, on September 14, 2013, 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 hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:00 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, excluding the applicant's own children.
7. The driveway shall be made available for the pick-up and drop-off of children during the hours of operation.
8. There shall be no signage associated with the home child care facility.
9. Approval of the use is contingent upon maintenance of a Family Day Home License from the Commonwealth of Virginia, Department of Social Services for the proposed number of children.

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, 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.

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

APPENDIX 2

Name: Luisa F. Londono H
Address: 11103 La Messa Dr
Fairfax Va. 22030
Phone #: 703 267 2524
E-mail: _____

RECEIVED
Department of Planning & Zoning
FEB 07 2014
Zoning Evaluation Division

Date 09-14-13

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

Re: Special Permit Application

Applicant: Luisa F. Londono H.
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards

Tax Map #: 0573070373
Zoning District: R-3
Lot Size: 10.507

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached / (detached) (circle one) dwelling at _____ (your address).

The property is zoned R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:30am - 5pm

Number of Children. I care for up to 12 children at any one time. This number does not include my own 2 child/children.

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

Arrival Schedule. _____ of the children arrive between _____ AM and 9.00 AM.

Please See arrival schedule form.

Departure Schedule. _____ of the children are picked up at _____ PM. _____

Please See Departure Schedule form.

Area Served. Annandale, Centreville, Fairfax, Burke, Manassas (what neighborhood/general area do the children live in?)

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

The children are in the righth side addition. They eat their meals in the child care, please see interior lay out enclosed.

The house has 1118 square feet. The following rooms are where I conduct the day care:

Addition

These rooms are 400 square feet total.

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

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

Outdoor Play Area. I use my back yard for outdoor play for the children. The area is approximately 2739 square feet. The outdoor play area consists of: Dolls, Sand box, Toys, Picnic table, Doll house, Strollers, Wagons, and Open space

Parking. I use my Driveway to park my family car(s). My parents park in my driveway and on the street.

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

In conclusion, I am proposing No changes to the outside of the house and I won't impact my neighbors in any way

Sincerely,

Luisa E London #6
Owner of Luisa's home Child Care

RECEIVED
Department of Planning & Zoning
FEB 07 2014
Zoning Evaluation Division

Arrival Schedule and Departure Schedule

Arrival Schedule

Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM
1	X			
2	X			
3	X			
4		X		
5		X		
6		X		
7			X	
8			X	
9				X
10				X
11				X
12				X

Departure Schedule

Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1	X			
2	X			
3	X			
4	X			
5		X		
6		X		
7		X		
8		X		
9			X	
10			X	
11			X	
12			X	



Front of my house

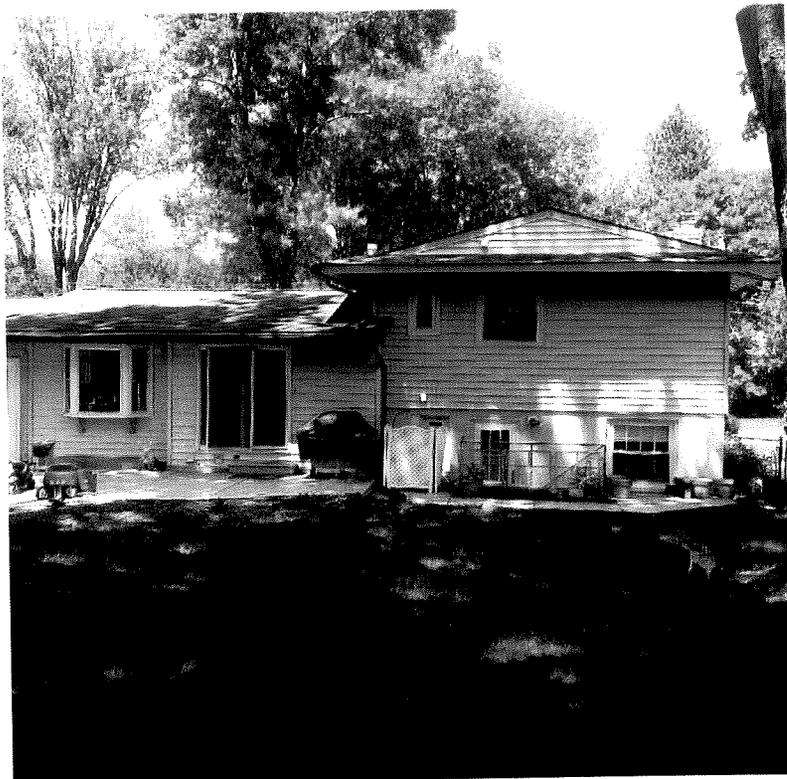
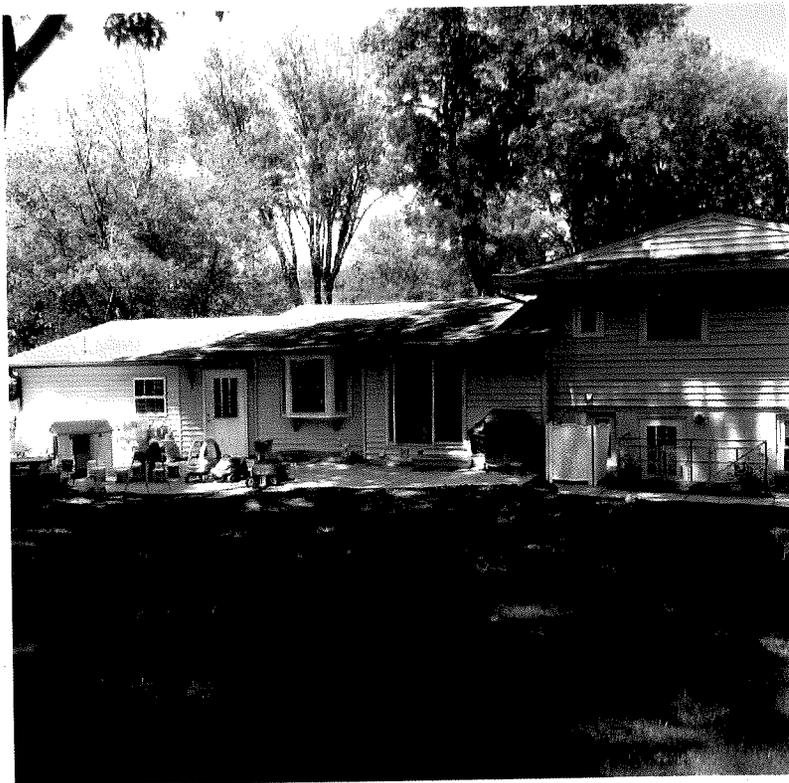


Showing Day care
entrance

MAY 20 2014

Zoning Evaluation Division

Back of house





Main Kitchen





Front exit door



Back exit door





Play Area



Sleeping Area

Play Area



Front Corner Exhibit Area

Application No.(s): SP 2014-BR-098
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 30-2014
 (enter date affidavit is notarized)

I, Luisa F. Londono H., 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:

124447

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)
LUISA F. LONDONO	11103 La MESSA Dr d/b/a Luisa's Daycare Fairfax Va 22030	Applicant/ Owner
JAIMÉ E. FAJARDO	11103 LA MESSA DRIVE FAIRFAX, VA 22030	AGENT/ CO-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).

418

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20 - 2014
(enter date affidavit is notarized)

12447

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20 2014
(enter date affidavit is notarized)

12447

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20 2014
(enter date affidavit is notarized)

12447

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: May 20 - 2014
(enter date affidavit is notarized)

124447

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:

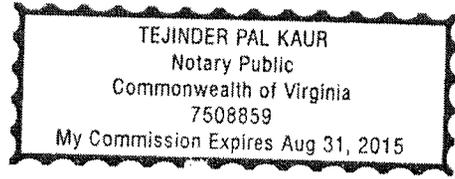
(check one) Applicant Luisa F. Londono Applicant's Authorized Agent

Luisa F. Londono
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of MAY 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

Tejinder Kaur
Notary Public

My commission expires: 08/31/2015



AB

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize JANE FASARDO, to act as agent(s) in the furtherance of an application for a special permit on property located at: 11103 LA MESSA DRIVE, FAIRFAX VA 22030

Thank you in advance for your cooperation.

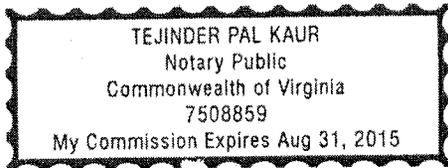
APPLICANT/TITLE OWNER

Date: 05/19

By: [Signature]
[Name]
d/b/a Gina's Day Care

COMMONWEALTH/STATE OF: VIRGINIA
CITY/COUNTY OF: FAIRFAX, TO WIT:

The foregoing instrument was acknowledged before me this 19th day of MAY, 2014, by Baruna Rana, LUISA F LENDOEN HURTADO



[Signature]
Notary Public (Signature)
Notary Registration No. 7508859
My Commission Expires: 8/31/2015

AFFIX NOTARY SEAL/STAMP

orig

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF N IF THERE IS MORE THAN
ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Group of Family 9-21-71 BT

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
1113	5		223

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit
and Certificate of Occupancy

APPLICATION NO.	1113-5-223
DATE	AUG 24 1971
PERMIT NO.	P77926

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION	Street <u>1103 LA MESSA DRIVE</u>	DESCRIPTION	For: <u>OPEN CASPORT</u>
	Lot No. <u>373</u> Block <u>5</u> Section <u>5</u>		
OWNER	Subdivision <u>FAIRFAX VILLA</u>	No. of Bldgs. _____ Est. Const. Cost \$ <u>750.00</u>	No. of Units _____ No. of Stories _____
	Corp. Name <u>EDWARD R. MOORE JR</u>	No. of Kitchens _____ Penthouse _____	No. of Baths _____ Ht. of Bldg. _____ ft.
ARCHITECT ENGINEER	Name <u>NONE</u>	No. of Rooms _____ Bldg. Area _____ sq. ft.	(Exclude Kit. & Bath)
	Address <u>1103 LA MESSA DRIVE</u>	Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> Soil; Solid <input type="checkbox"/> Fill <input type="checkbox"/>	
CONTRACTOR	City <u>FAIRFAX</u> Telephone Number <u>273-0844</u>	Ftg: Concrete <input checked="" type="checkbox"/> Pile <input type="checkbox"/> Caisson <input type="checkbox"/>	Ext. Walls: Wood <input type="checkbox"/> Metal <input type="checkbox"/> Brick <input type="checkbox"/>
	Name _____	Int. Walls: Plaster <input type="checkbox"/> Drywall <input type="checkbox"/> Panel <input type="checkbox"/>	Roof: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/>
	Address <u>NONE</u>	Roofing: Built-up <input type="checkbox"/> Shingle <input checked="" type="checkbox"/> Roll <input type="checkbox"/>	Heat: Oil <input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/>
	City _____ State Reg. No. _____	Equipment: Boiler <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Air Cond. <input type="checkbox"/>	Sewage: Public <input checked="" type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> None <input checked="" type="checkbox"/>
	Name _____	Water: Public <input checked="" type="checkbox"/> Individual Well <input type="checkbox"/> None <input checked="" type="checkbox"/>	Remarks: _____
	Address <u>NONE</u>		
	City _____ State Reg. # _____		

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 291-3200 Date Aug 24, 71 Signature of Owner or Auth. Agent [Signature]

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL	Use Group of Building <u>1-3</u> Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
	Type of Construction <u>4-15</u> @ _____ \$ _____
	Fire District _____ @ _____ \$ _____
	Date Checked <u>8-24-71</u> 19 _____ By <u>[Signature]</u> TOTAL FEE \$ <u>10.00</u>

Approved by Building Inspector [Signature]

ROUTING	OFFICE	FLOOR	DATE	APPROVED BY	OFFICE	FLOOR	DATE	APPROVED BY
		Land Office	4th	8-24-71	[Signature]	Fire Marshall	B Level	
	Zoning Administrator	8th	8/24/71	[Signature]	Design Review	7th	8-24-71	[Signature]
	Sanitation	8th			Housing & License	6th	8/24/71	[Signature]
	Health Dept.	Annex						

I hereby certify to the following statement:

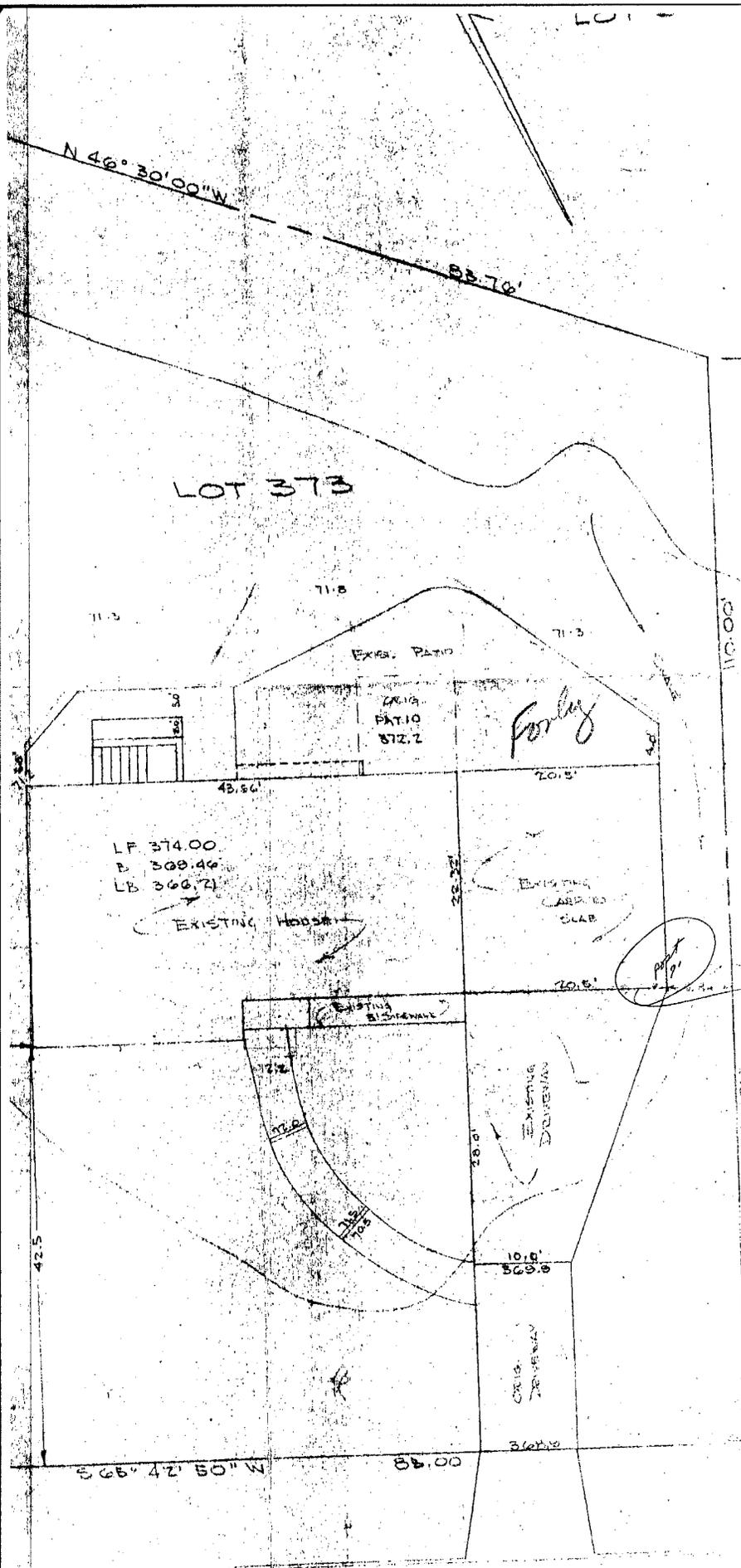
- All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
- All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date Aug 24 19 71 By [Signature] Property Owner Authorized Agent

Supervisor of Assessments

Property is listed in name of [Signature]
Magisterial District _____ Deed Book Reference 244-538
Supervisor: [Signature]

ZONING	Subdivision <u>Fairfax Villa</u> Lot No. <u>373</u> Block <u>5</u> Section <u>5</u> Zone <u>R-125</u>
	Street Address <u>1103 La Messa Drive</u>
	Use of Bldg. <u>Adjoining App</u> Use after Alteration <u>Plot attached</u> No. Families _____
	BZA _____ SITE PLAN _____ Set Back: Front <u>[Signature]</u> Rt. Side <u>[Signature]</u> Left Side <u>[Signature]</u> Rear <u>25ft</u> Zoning Administrator



LOT 373

LF 374.00
 B 300.46
 LB 360.71

PATIO
 872.2

Forley

Fairfax Villa

57-3(1) 373

Approved for proper
 location of building as
 shown. Final approval
 subject to plan check.

Date 06 24 1971

J. Woodson

Zoning Administrator

P-77926

OKAY
 9-21-71 - JAL

*Zoned
 R-105*

LA MESSA DRIVE

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 90-A-125 by CAROLYN E. DANIELS, under Section 18-401 of the Zoning Ordinance to allow addition 6.7 ft. from side lot line, on property located at 11103 LaMessa Dr., Tax Map Reference 57-3((7))373, Mrs. Harris moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 29, 1991; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 10,507 square feet.
4. Review of the plat indicates that the house and carport are situated in such a way that there is no other reasonable place to put the enclosed garage on the property.
5. The applicant is simply proposing to enclose an existing structure.
6. The proposed use is not of so general or recurring a nature as to require action by the Board of Supervisors.
7. Strict application of the Ordinance would create a hardship because the foundation is there, the roof is there, and the applicant merely proposes to enclose the area.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

1. This variance is approved for the location and the specific addition shown on the plat included with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction.

Under Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, twenty-four (24) months after the approval date* of the variance unless construction has started and is diligently pursued, or unless a request for additional time is approved by the BZA because of the occurrence of conditions unforeseen at the time of approval. A request for additional time must be justified in writing and shall be filed with the Zoning Administrator prior to the expiration date.

Mr. Ribble seconded the motion which carried by a vote of 5-0. Mr. Kelley was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on February 6, 1991. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:



Geri B. Bepko, Deputy Clerk
Board of Zoning Appeals

City: FAIRFAX State: VA Zip: 22030

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections

There were no inspections.

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2145584

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2012-08-06	NORM CARLSON	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2145627

Review Type	Review Date	Reviewer	Started	Status
ZONING			N	Incomplete

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Luisa Londono**

11103 La Messa Drive

FAIRFAX, VA 22030

(703) 267-2524 ☎

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: Nov. 1, 2015Business Hours: 7:00am - 5:00pm
Monday - Friday

Capacity: 12

Ages: 1 month - 5 years 11 months

Inspector: Pamela Sneed
(703) 934-1507 ☎



MEMORANDUM

Date: November 7, 2014

To: Erin Haley, Senior Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP 2014-BR-098

Applicant: Luisa Londono
11103 La Messa Drive, Fairfax, Virginia 22030
Fairfax Villa, Lot 373, Sec, 5
Tax Map# 57-3 ((07)) 0373
Zoning District: R-3(Residential 3 DU/AC)
Magisterial District: Braddock
Mail Log # 2014- 0453
Date of Inspection: November 7, 2014

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

- 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.

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.

Sect. 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.