



**APPLICATION ACCEPTED:** June 6, 2014  
**BOARD OF ZONING APPEALS:** January 7, 2015  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

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**December 31, 2014**

## **STAFF REPORT**

**SPECIAL PERMIT NO. SP 2014-MV-094**

### **MOUNT VERNON DISTRICT**

**APPLICANT:** Rita David, Rita's Daycare LLC

**OWNERS:** Viraj David  
Vikram David

**SUBDIVISION:** Stratford on the Potomac, Block 5, Section 3

**STREET ADDRESS:** 2607 Stirrup Lane, Alexandria, 22308

**TAX MAP REFERENCE:** 102-3 ((11)) (5) 12

**LOT SIZE:** 10,691 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-303

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

### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2014-MV-094 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.

*Jonathan Buono*

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.

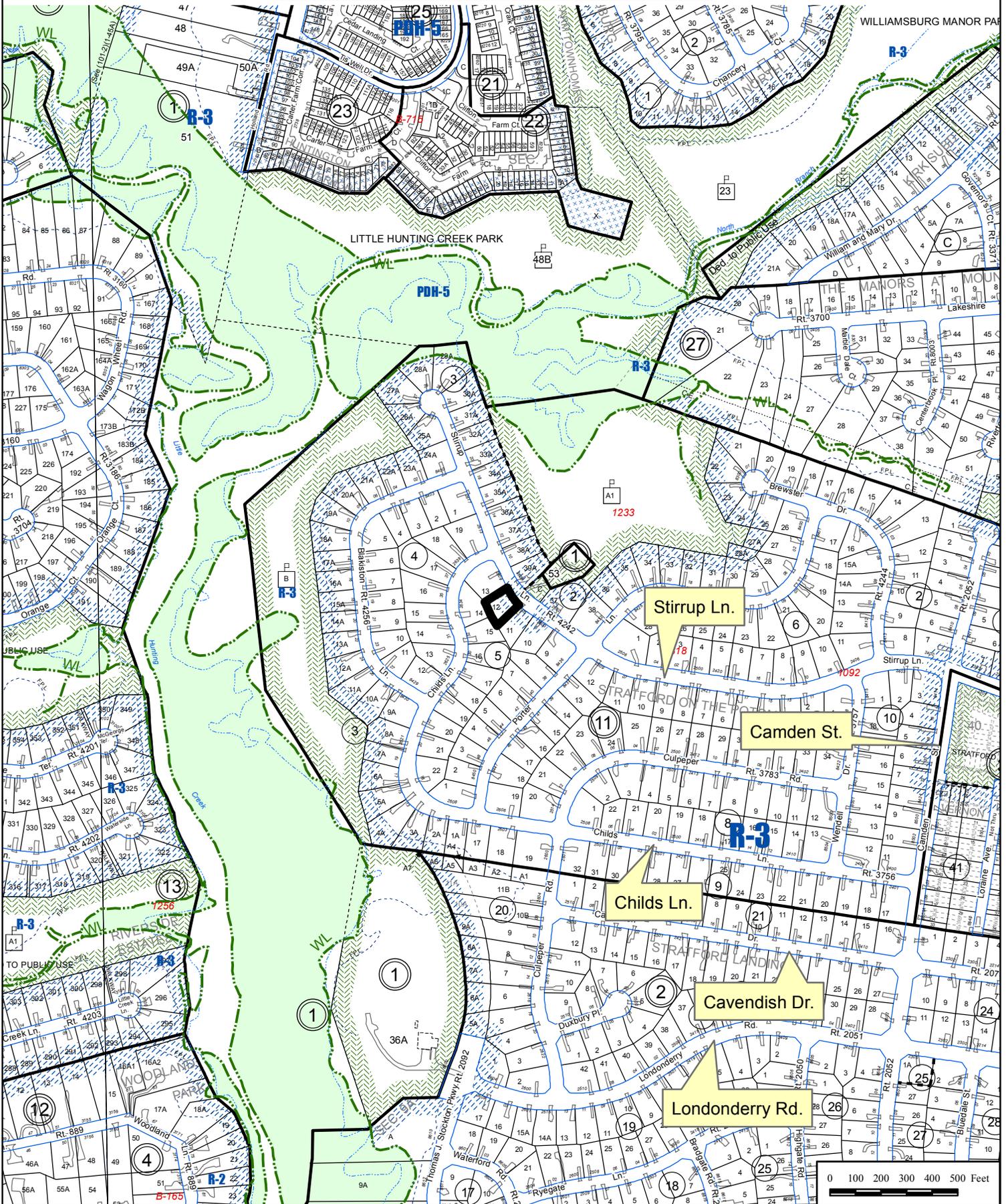
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

**Special Permit**  
**SP 2014-MV-094**  
**RITA DAVID, RITAS DAYCARE LLC**



# Special Permit

SP 2014-MV-094  
RITA DAVID, RITAS DAYCARE LLC



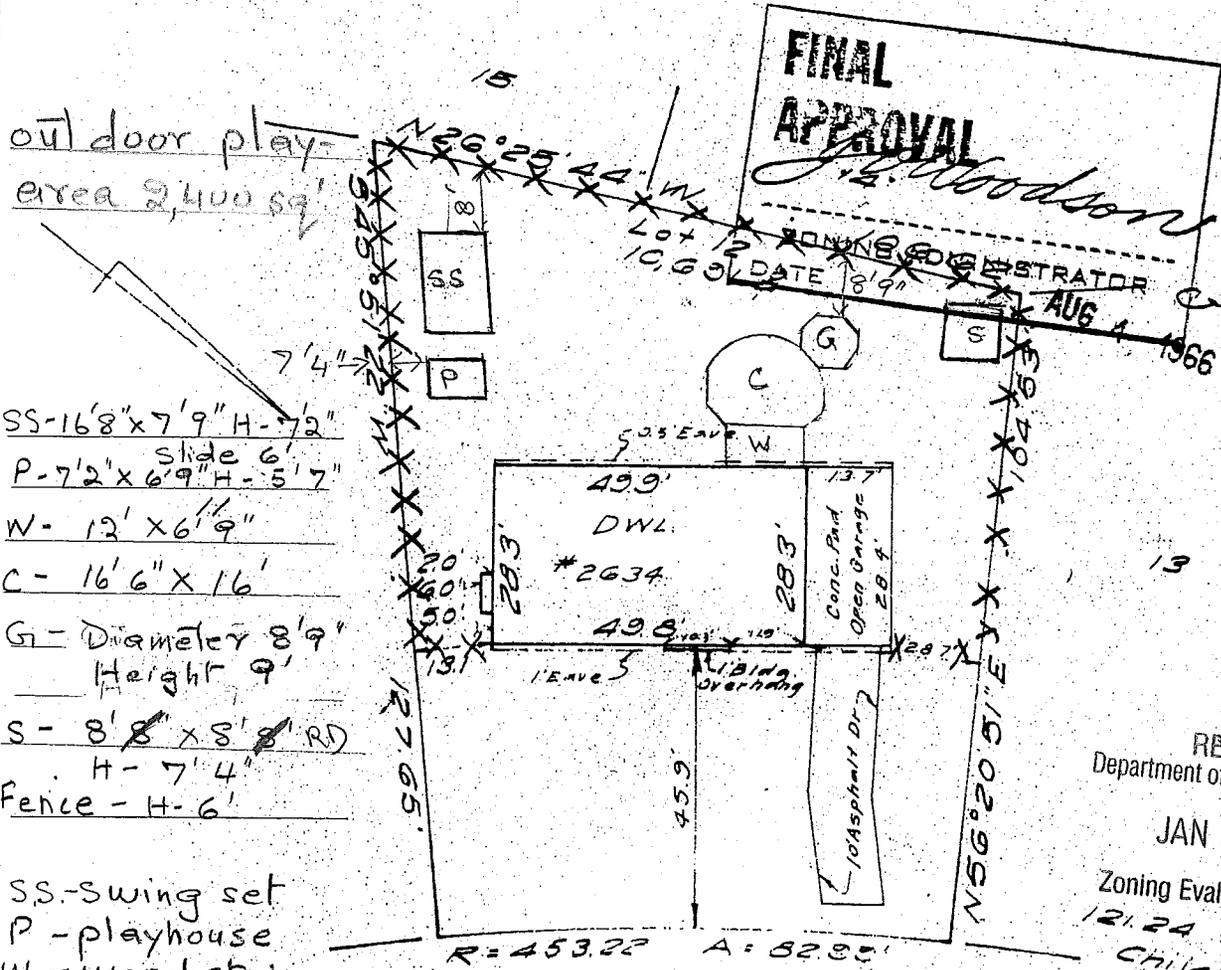
HOUSE LOCATION SURVEY

Lot 12 Sec. 3 B1K. 5

**STRATFORD ON THE POTOMAC**

Mount Vernon Magisterial District

FAIRFAX COUNTY, VIRGINIA



CERTIFIED CORRECTOR <i>Fernando J. Woodson</i> CERTIFIED LAND SURVEYOR 11-22-65	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1"=35'	DATE 11-22-65
		DRAWN BY: R.	CK'D. BY: J.
		JOB NO. 1012245	FIELD BK. 242

Rita David  
01/28/14

## 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 drawn by Springfield Surveys on November 22, 1965, for 2607 Stirrup Lane, Alexandria, Virginia 22308, as revised on January 28, 2014, by Rita David, 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 one and a half story, single-family detached dwelling. Vehicular access to the site is provided from Stirrup Lane by an asphalt driveway northeast of the dwelling. The rear yard contains a gazebo, shed, brick patio, swing set, and playhouse. Stairs at the rear of the dwelling provide an exit from the basement child care facility to the rear yard. The perimeter of the rear and side yards are screened with a six foot high wood fence.

The property is located south of Little Hunting Creek and west of Stratford Landing Elementary School. 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 1965. The dwelling was purchased by the applicant's sons in 1998.



*Figure 1- Aerial View of Subject Property*

## **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 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Currently, there are two full-time assistants.

The applicant holds a current Family Day Home License, effective for one year, which expires on November 28, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, from birth through 10 years, 11 months of age. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement rooms of the dwelling, which includes the play room, a dining room, a bathroom and a baby room. The basement has a set of stairs to the upstairs of the house, a rear exit to stairs that access the rear yard, and wells for the windows that face the front yard. Therefore, the basement area has adequate emergency egress.

The play area is located in the rear yard of the property, which includes a swing set, slide, and playhouse.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area IV, Mount Vernon Planning District  
**Planning Sector:** Fort Hunt Community Planning Sector (MV6)  
**Plan Map:** Residential, 2-3 du/ac

### **On-Site Parking and Site Circulation**

The existing driveway can accommodate two vehicles. The applicant parks her vehicle along Stirrup Lane. The applicant's two staff members do not drive to the site. Therefore, the two driveway spaces are available to be used for drop-off and pick-up of children.

Vehicular access to the site is provided by the driveway from Stirrup Lane. A concrete walkway connects the driveway to the front door of the dwelling, which is the main entrance to the home child care.

### **Zoning Inspection Branch Comments (Appendix 6)**

Upon initial inspection, staff found that the basement child care facility did not have adequate emergency egress. At staff's recommendation, the applicant installed window

wells for two basement windows facing the front yard. The window installation was inspected by DPWES, and a permit was issued on November 17, 2014. On December 16, 2014, a follow-up Zoning Inspection Branch inspection concluded that the newly installed window wells provide adequate emergency egress for the basement.

**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><b>Standards 1 and 2</b> 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><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is proposed in the rear yard of the property. In staff’s opinion, the proposed home child care use will not hinder or discourage use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> 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><b>Standard 5</b> Landscaping/Screening</p>	<p>There is existing fencing that screens the play area from the neighbors.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no open space requirement for an R-3 zoned district.</p>
<p><b>Standard 7</b> 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><b>Standard 8</b> 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><b>Standard 1</b> 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>
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<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> 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.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is an existing fence in the rear yard that provide screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant submitted a revised house location survey in lieu of a special permit plat, which is a permissible alternative.
<b>Standard 5</b> 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)**

<b>Part A</b> 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.
<b>Part B</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.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except movable play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.

<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> 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.
<b>Part G</b> Increase in Children or Non-Resident Person	The maximum number of children permitted by-right at any one time is 7 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 12 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-MV-094 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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 with Select File Photographs
3. Applicant's Affidavit
4. Owner's Consent
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-MV-094****December 31 , 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-094 located at Tax Map 102-3 ((11)) (5) 12 to permit a home child care facility pursuant to Sections 8-305 and 3-303 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, Rita David, Rita's Daycare LLC, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2607 Stirrup Lane, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat drawn by Springfield Surveys on November 22, 1965, for 2607 Stirrup Lane, Alexandria, Virginia 22308, as revised on January 28, 2014, by Rita David, 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 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall exceed twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. All pick-up and drop-off of children shall take place in the driveway.
9. Arrival and departure of children shall be staggered to ensure that the driveway will be available to accommodate pick-up/drop-off of children.
10. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. There shall be no signage associated with the home child care facility.

12. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
13. All applicable permits and inspections for the basement facility shall be obtained within 3 months of the Special Permit approval.

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.

RECEIVED  
Department of Planning & Zoning

JAN 31 2014

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Rita David  
2607 Stirrup Lane  
Alexandria, VA 22308  
703-360-5263  
ritadavid@gmail.com

January 27, 2014

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

Re: Special Permit Application  
Applicant: Rita David  
Zoning Ordinance Section 8-305 for Home /child Care Facility and  
Section 8-004 of General Standards  
Tax Map #: 1023-11050012  
Zoning District R-3  
Lot Size: 10,691 square feet

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 live in a single family detached dwelling, which is owned by my two sons, at 2607 Stirrup Lane in Fairfax County, Virginia with my husband. 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 facilities operations.

Hours. The child care is open from 7:00 AM to 6:00 PM, Monday through Friday.

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

Employees. I have two assistants who work full-time.

Arrival Schedule. Four of the children arrive between 7:00 AM and 7:45 AM. One child arrives between 7:45 AM and 8:00AM. Five children arrive between 8:00 AM and 8.30 AM. The last child arrives between 9:00 AM and 9:30 AM. Three of the children walk a block with their parent to our house.

Departure Schedule. Two children are picked up between 4:00 PM and 4:30 PM. Five of the children leave between 4:30 PM and 5:00 PM. Four children stay, and they are picked up between 5:00 PM and 6:00 PM. (See Attachment 1).

Area Served. Currently, most of the children live in the general vicinity of my neighborhood. Many of the children live in neighborhoods off Stirrup Lane. These parents drive their children to my house. As I noted, three of the children live in the immediate area. Their parents walk them to the day care.

Operations. As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. There is a dining area/room in the basement with provision for meals and snacks. Attached is a floor plan that indicates the areas where the day care is located. The house has 2663 Square feet. The basement area, Kitchen and dining rooms where I conduct the daycare consist of approximately 1000 square feet in total. See attachment 2 for floor layout and interior photos).

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 backyard which is fully enclosed for outdoor play for the children. The area is approximately 2400 square feet. There is a swing set with slide, and a play house. I have drawn the swing set with slide, play house and fence on my most recent house location plat which is included.

Parking. My driveway and the frontage of our house provide 5/6 parking spaces. Two cars can easily fit on my driveway and four car parking spaces exist along the road in front of my house. The employees who work in my daycare don't utilize parking spaces. They are dropped off and picked up. 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 appearance of my brick and wood sided home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

*Rita David 01/27/2014*

Rita David

Owner of Rita's Home Child Care

## 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

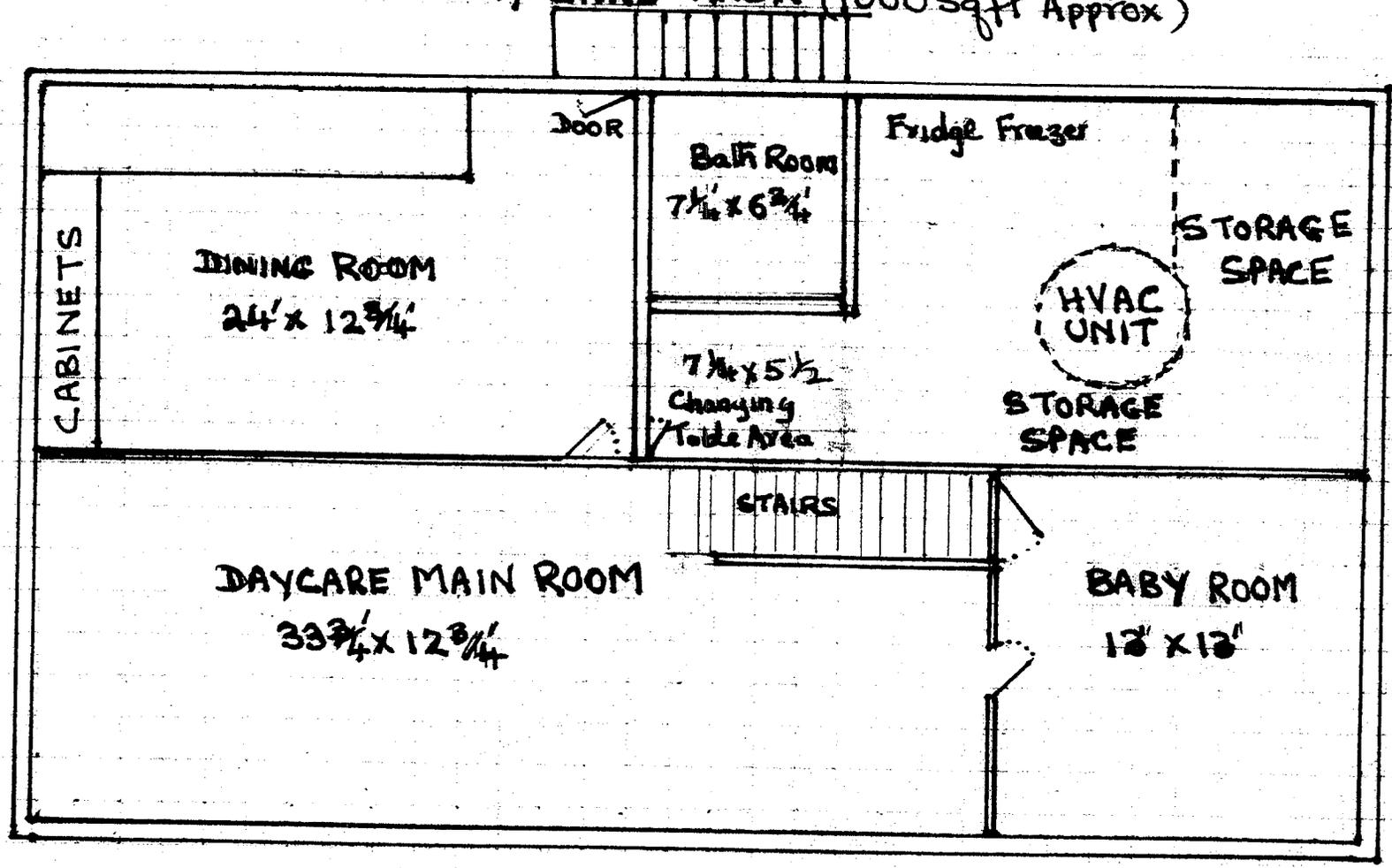
Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1		X		
2		X		
3			X	
4			X	
5				X
6			X	
7			X	
8				X
9				X
10				X
11			X	
12		X		

3 children walk to and from Daycare

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

04/22/2014

# FLOOR PLAN BASEMENT [1222 sq ft] DAY CARE AREA (1000 sq ft Approx)



RECEIVED  
Department of Planning & Zoning

JAN 31 2014

Zoning Evaluation Division

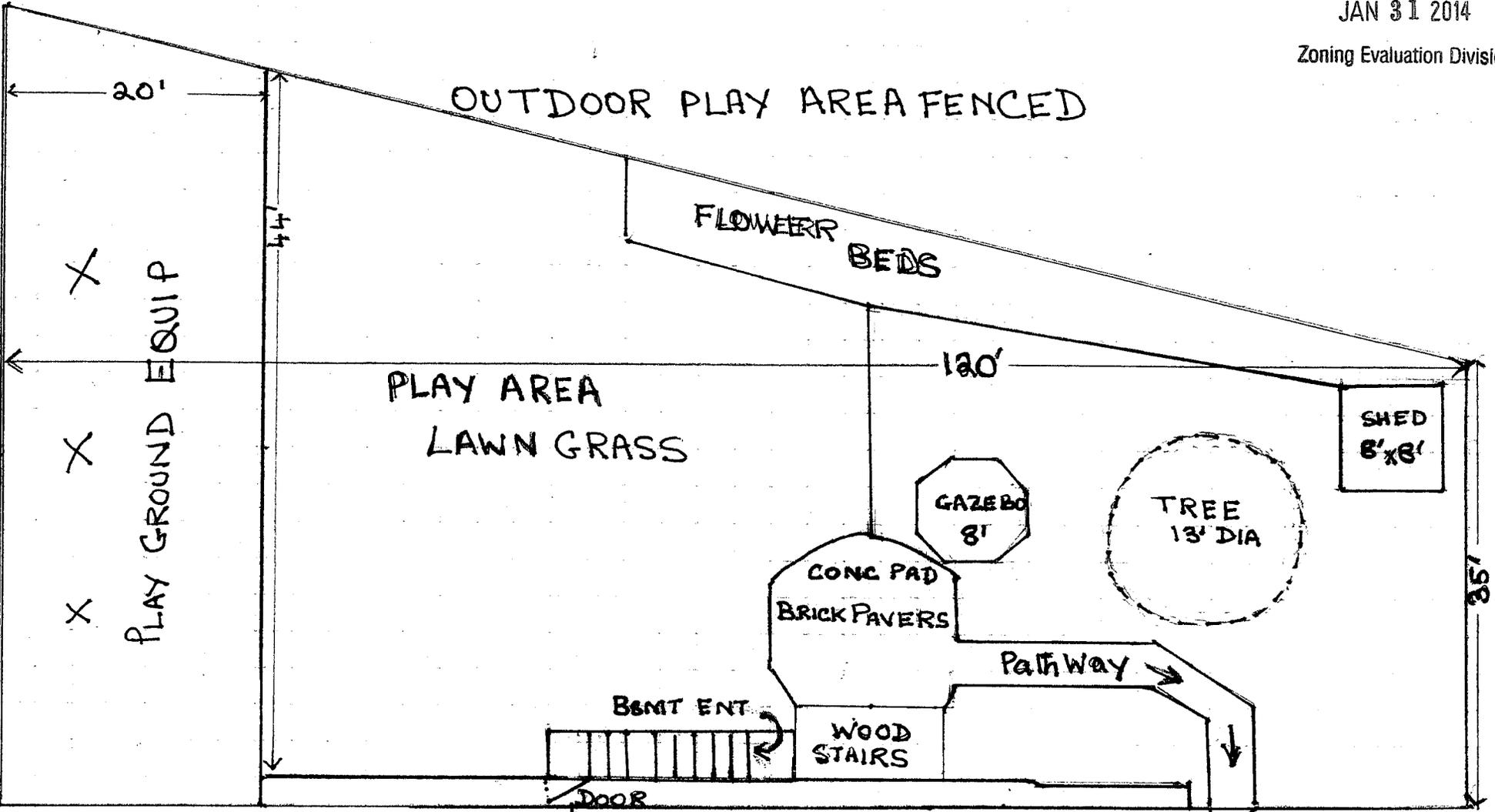
SCALE: 1" = 6'

DATE: 01/28/14

Rita David

JAN 31 2014

Zoning Evaluation Division

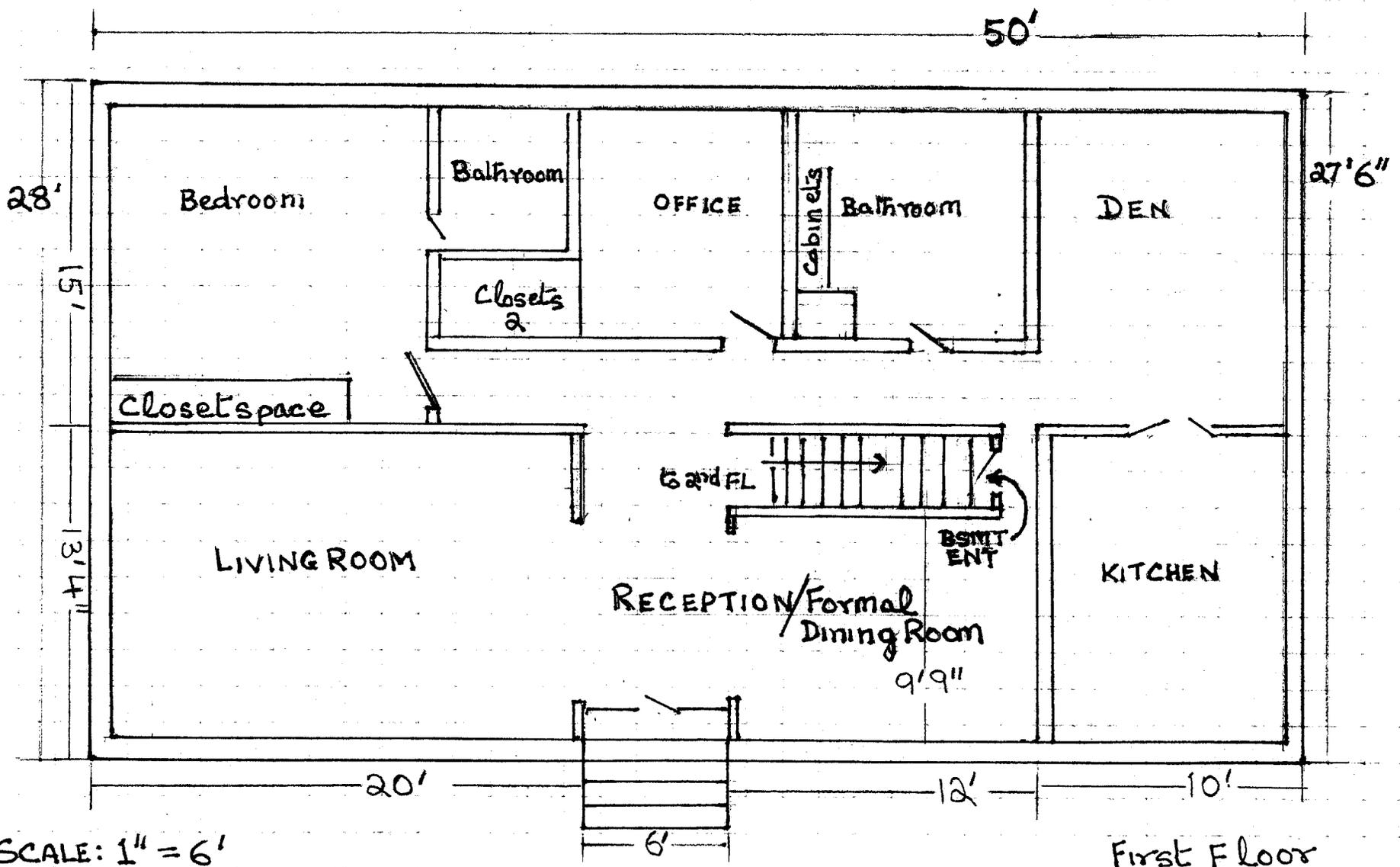


DAYCARE ENTRANCE AT  
BASEMENT LEVEL

SCALE: 1" = 12'  
DATE: 01/28/14  
Rita David

JAN 31 2014

Zoning Evaluation Division

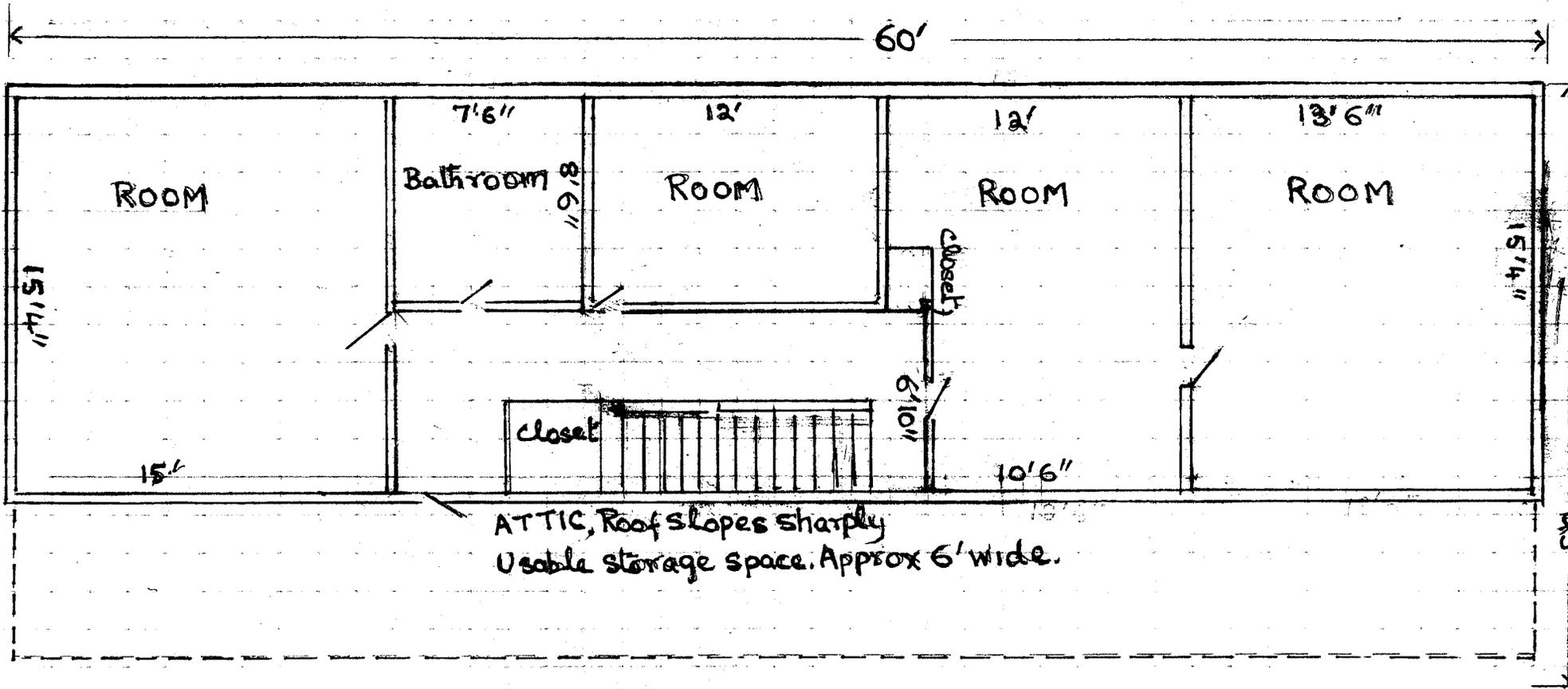


SCALE: 1" = 6'  
 Date: 01/28/14  
 Rita David

First Floor

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

# SECOND FLOOR PLAN



SCALE: 1" = 6'

Photographs of the Property - contd.



6

Rita David

04/22/2014



7

Rita David

04/22/2014

3



Back

01/23/14

4



SIDE

01/23/14

MAY 07 2014

Zoning Evaluation Division

# Day care area



①

Rita David

04/22/2014



②

Rita David

04/22/2014

Daycare Area contd.



Rita David

04/22/2014

③



Rita David

04/22/2014

④

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

124238

DATE: 05/05/2014  
 (enter date affidavit is notarized)

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

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
RITA DAVID	2607 STIRRUP LANE ALEXANDRIA, VA, 22308	<b>APPLICANT/LESSEE</b>
RITA'S DAYCARE LLC	2607 STIRRUP LANE ALEXANDRIA, VA, 22308	<b>CO APPLICANT</b>
VIRAJ DAVID	8122 STACY ROAD ALEXANDRIA, VA, 22308	<b>CO TITLE OWNER/ LESSOR</b>
VIKRAM DAVID	8220 CRESTWOOD HEIGHTS DR., #1602 MCLEAN, VA, 22102	<b>CO TITLE OWNER/ LESSOR</b>

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/05/2014  
(enter date affidavit is notarized)

124238

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)

RITA'S DAYCARE LLC      2607 STIRRUP LANE  
ALEXANDRIA, VA, 22308

**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)

RITA DAVID      DIRECTOR

(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: 05/05/2014  
(enter date affidavit is notarized)

124238

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)

NONE

(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: 05/05/2014  
(enter date affidavit is notarized)

124238

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: 05/05/2014  
(enter date affidavit is notarized)

124238

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.)

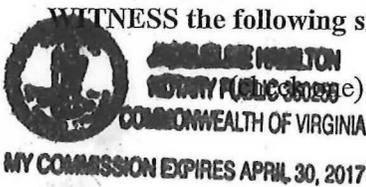
NONE

(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:



Rita David

Applicant [ ] Applicant's Authorized Agent

RITA DAVID Director  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Jacqueline Hamilton  
Notary Public

My commission expires: April 30, 2017

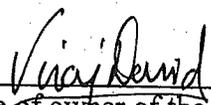
Owner Consent for  
Home Child Care Facility

Name: VIRAJ DAVID  
 Address: 8122 STACY ROAD  
ALEXANDRIA, VA, 22308  
 Phone #: 202-247-5656  
 E-mail address: viraj@viraj.net

Tax Map #: 1023 11050012

Ownership of the above-referenced property is VIRAJ DAVID.  
 This property is the subject of a Special Permit Application submitted by RITA DAVID  
RITA'S DAYCARE LLC, a renter of the property, to Fairfax County for  
 approval of a home child care facility.

This is evidence that the owner, VIRAJ DAVID, is  
 giving consent that RITA DAVID and RITA'S DAYCARE LLC may apply for  
 the Special Permit Application for a home child care facility to operate on this property.

By:   
 Signature of owner of the property

RECEIVED  
 Department of Planning & Zoning

MAY 07 2014

Zoning Evaluation Division

## Search for Child Day Care

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**Rita David**

2607 Stirrup Lane

ALEXANDRIA, VA 22308

(703) 360-5263 

Facility Type: [Family Day Home](#)

License Type: [One Year](#)

[Expiration Date](#): Nov. 28, 2015

Business Hours: 7:00 am - 6:00 pm

Monday - Friday

Capacity: 12

Ages: Birth - 10 years 11 months

Inspector: Erika Gibson

(703) 479-4686 



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 17, 2014

**TO:** Jonathan Buono, Staff Coordinator  
Zoning Evaluation Division

**FROM:** Chuck Cohenour, Senior Zoning Inspector  
Zoning Inspections Branch

**SUBJECT:** Amended Home Child Care Inspection Report 2014-SP-094

**APPLICANTS:** Rita David  
2607 Stirrup Lane, Alexandria, Virginia 22308  
Stratford on the Potomac, Section 3, Block 5, Lot 12  
Tax Map Ref #: 102-3 ((2)) (5) 12  
Zoning District: R-3  
ZIB: 2014-0546

An inspection on December 16, 2014 found that the applicant has installed two egress windows in the basement child care facility that would allow a direct and unobstructed access to the exterior. The egress windows were installed with the benefit of Building Permit number 143210180 and received the final inspection on December 2, 2014.

The Applicant advised that the hand rail leading from the basement child care facility entrance to ground level has not been repaired.

The 30% rear yard coverage is not an issue.

N:\Child Care Inspections\2607 Stirrup Lane reinspection.docx

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Inspections Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-4300  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



**8-006 General Standards**

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

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

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

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

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

**8-305 Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

### **10-103 Use Limitations**

6. The following use limitations shall apply to home child care facilities:
  - A. The maximum number of children permitted at any one time shall be as follows:
    - (1) Seven (7) when such facility is located in a single family detached dwelling.
    - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play

equipment and other accessory uses and structures permitted by this Part shall be allowed.

- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.