



**APPLICATION ACCEPTED:** June 12, 2014  
**BOARD OF ZONING APPEALS:** January 14, 2015  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

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**January 7, 2015**

## **STAFF REPORT**

**SPECIAL PERMIT NO. SP 2014-MV-105**

### **MOUNT VERNON DISTRICT**

**APPLICANT:** Patricia Bellot  
Patricia's Daycare Inc.

**OWNERS:** Andres F. Basto  
Rosario S. Costas

**SUBDIVISION:** Pohick Estates

**STREET ADDRESS:** 8803 Sylvania St., Lorton, 22079

**TAX MAP REFERENCE:** 108-1 ((2)) 234

**LOT SIZE:** 11,550 square feet

**ZONING DISTRICT:** R-3

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

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

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2014-MV-105 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*

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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 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 234 Section 4, Pohick Estates," prepared by Fred T. Wilburn, Jr., Certified Land Surveyor, dated July 23, 1970, as revised by the applicant, Patricia Bellot, on June 3, 2014, is included in the front of the staff report.

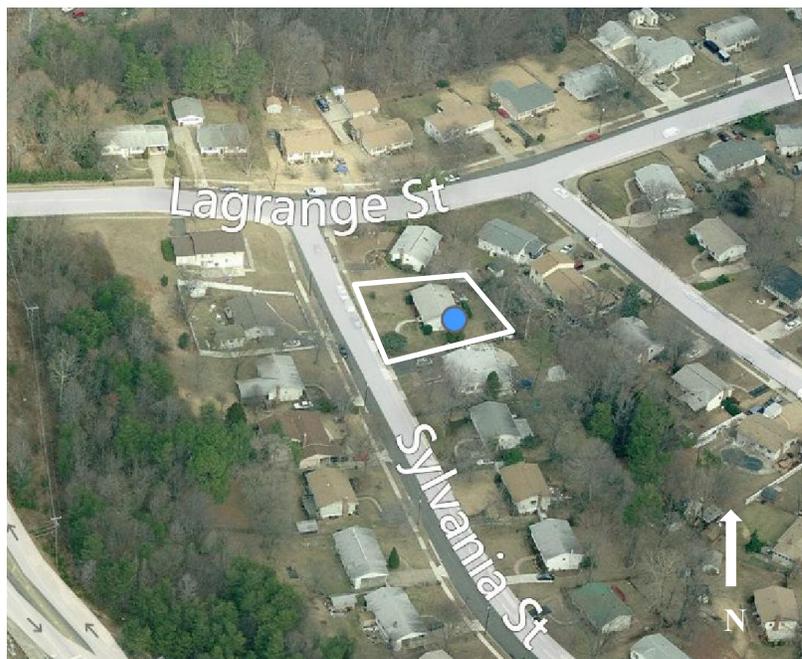
A more detailed description of the proposal is provided on page two.

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 foyer, single-family detached dwelling. A concrete walkway, a front stoop, and an asphalt driveway with a parking area exist to the west of the dwelling. A concrete patio, shed, and the play area for the home child care exist to the east of the dwelling in the rear yard.

The property is located to the southeast of I-95 and east of Pohick Road. The subject property and surrounding properties are zoned R-3 and are developed with single family detached dwellings.



*Figure 1- Aerial View of Subject Property*

## BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1970 and purchased by the property owner in 2003. The applicant is currently renting the property.

There are no currently open complaints filed on the property related to the current property owner and/or renter.

Records indicate that one other special permit application relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area. Information on this application is included as Appendix 4.

## **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 6:00 a.m. and 8:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Currently, there is one assistant who is the applicant's husband. The home child care facility is operated in the walk-out basement of the dwelling with only food preparation occurring in the kitchen on the main floor of the dwelling. The play area is located in the rear yard of the property east of the main dwelling. Pictures provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for two years and expires on October 27, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, from one month through 12 years 11 months of age. A copy of the license information is included as Appendix 5.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area IV, Lower Potomac Planning District  
**Planning Sector:** Fort Belvoir Community Planning Sector (LP4)  
**Plan Map:** Residential, 2-3 du/ac

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

The existing driveway can accommodate one vehicle in the asphalt parking area as designated on the special permit plat. The applicant parks their personal car in the driveway area. Therefore, only on-street parking is currently available to be used for drop-off and pick-up of children. While staff believes that Sylvania Street allows for safe on-street parking, a development condition is included to require the applicant to allow pick-up and drop-off of children in the driveway.

### Zoning Inspection Branch Comments (Appendix 6)

Staff found no smoke detector in one of the sleeping rooms of the child care facility. The applicant maintained that she would fix the smoke alarm. Additionally, staff found that one of the sleeping rooms had inadequate emergency egress with a window sill height 1.0 inch too high. Finally, staff observed that one of the exit doors had a keyed lock which could impede safe egress. At the time of this staff report, the applicant has stated that the window has been fixed to comply with emergency egress regulations and that she has now switched out the locking mechanism but no follow up inspection has yet occurred. Staff has included development conditions in Appendix 1 to address these concerns.

### 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)

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	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 for up to 12 children 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.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	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.
<b>Standard 5</b> Landscaping/Screening	There is existing vegetation and fencing that screens the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.
<b>Standard 6</b> Open Space	Open space is not required in an R-3 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	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.
<b>Standard 8</b>	Sect. 10-103 of the Zoning Ordinance prohibits signs for home

Signs	child care facilities.
<b>Standards for all Group 3 Uses (Sect. 8-303)</b>	
<b>Standard 1</b> Lot Size and Bulk Regulations	The lot size and bulk regulations for the dwelling and the subject property were previously satisfied with the development of the property. No exterior modifications are proposed with this application.
<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 does not currently have any non-resident employees, though up to two would be allowed.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking will be made 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.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation and a fence in the rear yard that provide screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant submitted a house location survey in lieu of a special exception 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	There is no exterior evidence of the proposed use except play equipment and toys.

Except Play Equipment	
<b>Part D</b> Non-Resident Employee	The applicant is not currently proposing any non-resident employees, though up to two would be allowed.
<b>Part E</b> Provider is a Non-Resident	The provider is a resident and is renting the property.
<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/RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance. Staff recommends approval of SP 2014-MV-105 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. Similar Case History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

### SP 2014-MV-105

January 7, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-105 located at Tax Map 108-1 ((2)) 234 to permit a home child care facility pursuant to Sects. 3-303 and 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, Patricia Bellot, Patricia's Daycare Inc., and is not transferable without further action of the Board, and is for the location indicated on the application, 8803 Sylvania Street, 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 234 Section 4, Pohick Estates," prepared by Fred T. Wilburn, Jr., Certified Land Surveyor, dated July 23, 1970, as revised by the applicant, Patricia Bellot, on June 3, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions 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 6:00 a.m. to 8:00 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 not exceed 12.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. The driveway shall be made available for the pick-up and drop-off of the children during the hours of operation. All pick-up and drop-off of children shall take place within the driveway.
9. 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.

10. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
11. There shall be no signage associated with the home child care facility.
12. Approval of this use is contingent upon maintenance of a state license for the home child care facility for the children on site.
13. The applicant shall obtain a home occupation permit for the business office located at the property from the Zoning Administrator and comply with regulations in Sect.10-300 of the Zoning Ordinance.

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.

MAR 20 2014

Zoning Evaluation Division

**PATRICIA'S DAYCARE INC.**

Owner: Patricia Bellot Moreno

8803 Sylvania St.

Lorton VA 22079

[pxbellot@gmail.com](mailto:pxbellot@gmail.com)

March, 19, 2014

Fairfax County Department of Planning &amp; Zoning

Zoning Evaluation division

12055 Government Center Parkway, Suite 801

Fairfax ,VA,22035

Re.: **Special Permit Application****Applicant: Patricia Bellot****Zoning Ordinance      Section 8-305 For Home Child Care Facility and  
Section 8-004 of General Standards****Tax Map #                      1081 02 0234****Zoning District              R-3****Lot Size                        11,550 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 rent and I live in a single family detached dwelling at 8803 Sylvania St, Lorton, Virginia, 22079 with my husband and two daughters (Attach the letter from my owner). 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'm currently licensed by the State of Virginia to have 12 children in my Child Care Facility in my home. Below is the information about my Home Child Care Facility operations:

**Hours:** The Child Care is open from 6am to 6pm, 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, this moment I take care 10 children.

**Employees**              I have one assistant who is my husband, Jaime Costas

**Arrival Schedule**

	6am to 7.30	8am to 8.30	9am to 9.30am	10.30 to 11.00am
Child 1	X			
Child 2	X			
Child 3	X			
Child 4		X (*)		
Child 5		X (*)		
Child 6		X (*)		
Child 7		X		
Child 8			X (*)	
Child 9			X (*)	
Child 10				X

(\*) siblings

**Departure Schedule**

	2.30 pm to 3.00pm	3.30pm to 4.00pm	5pm to 5.30pm	6pm
Child 1	X			
Child 2		X (*)		
Child 3		X (*)		
Child 4		X (*)		
Child 5		X		
Child 6			X	
Child 7			X	
Child 8				X (*)
Child 9				X (*)
Child 10				X

(\*) siblings

**Area Served** I have parents who lives in the neighborhood, some of them live in the next neighborhood as well another 2 families live around Lorton, Springfield and Alexandria

**Operations** As I started my house is a single-family detaches dwelling, it has walk out basement, which is where the children spend most of their time, I use the kitchen in the ground floor just to cook but everything is serving on the basement where is the Daycare . Attached you can see the floor plan that indicate the area where the Daycare is located.

**Hazards or Toxic Substances** The house and the backyard are free from hazardous or toxic substances, all tools we are using, after we finish they're stored, treated and/or disposed or keep in safe area where the children can't reach or touch.

**Outdoor play area** I use the backyard for outdoor play for the children. There is a swing set, sensory table, play house, fence all around with doors in both sides if the parents coming they can see their kids are in safe areas and they can get in and see. Plenty of cars and tricycles, balls to keep them busy when we playing outside. that's why I believe my Daycare is safe and don't cause any problem with any of my neighbors, all of them know what I'm doing and I never have any problem with any of them. (attached map and pictures)

**Parking** I use my garage to parking my family car. In addition, parking is available 60 ft along the street in front of my house for the parents. One more reason and believe my Daycare facility is not going to be a problem for any of my neighbors.

**Conclusion** I'm proposing no changes to the outside appearance of my house. I propose no addition and no signs regarding the Daycare. My parking is adequate parking and available for my parents, for these reason, I believe that my proposed home daycare facility will not impact my neighbors in any negative way.

Sincerely,



Patricia Bellot

Owner of " Patricia's Daycare Inc."

Departure Schedule. \_\_\_\_\_ of the children are proposed to be picked up at \_\_\_\_\_ PM. \_\_\_\_\_

Parking. I propose to use my \_\_\_\_\_ to park my family car. My parents will park \_\_\_\_\_

Area Served. \_\_\_\_\_

Operations. As I stated, my house is a \_\_\_\_\_. It has \_\_\_\_\_

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. \_\_\_\_\_ (initials)

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. P.B. (initials)

Outdoor Play Area. I propose to use my \_\_\_\_\_ yard for outdoor play for the children. The area is approximately \_\_\_\_\_ square feet. There is \_\_\_\_\_

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

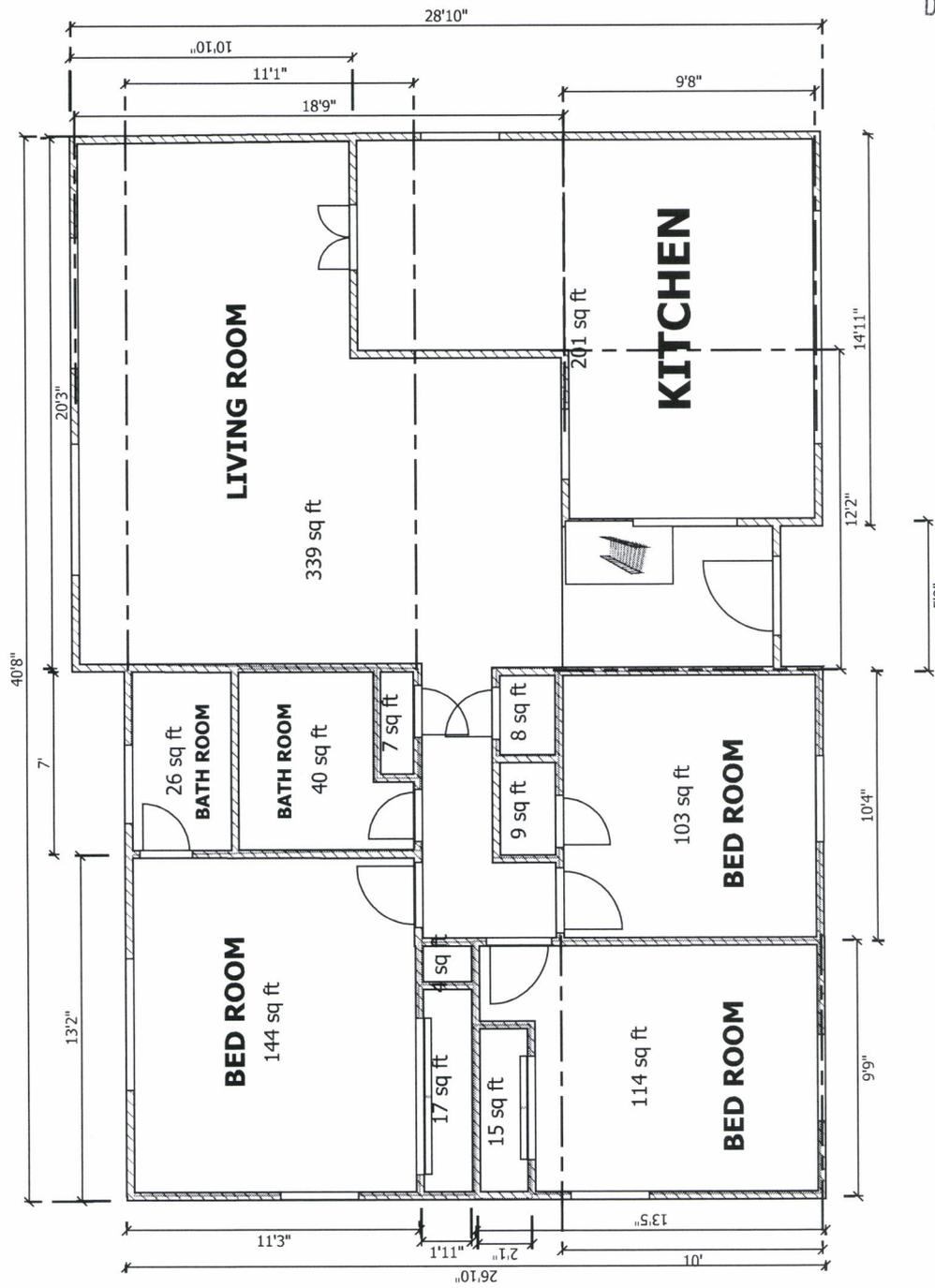
In conclusion, I am proposing \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Owner of \_\_\_\_\_

*Ballot*  
Patricia Ballot  
03/19/14

RECEIVED  
Department of Planning & Zoning  
MAR 20 2014  
Zoning Evaluation Division



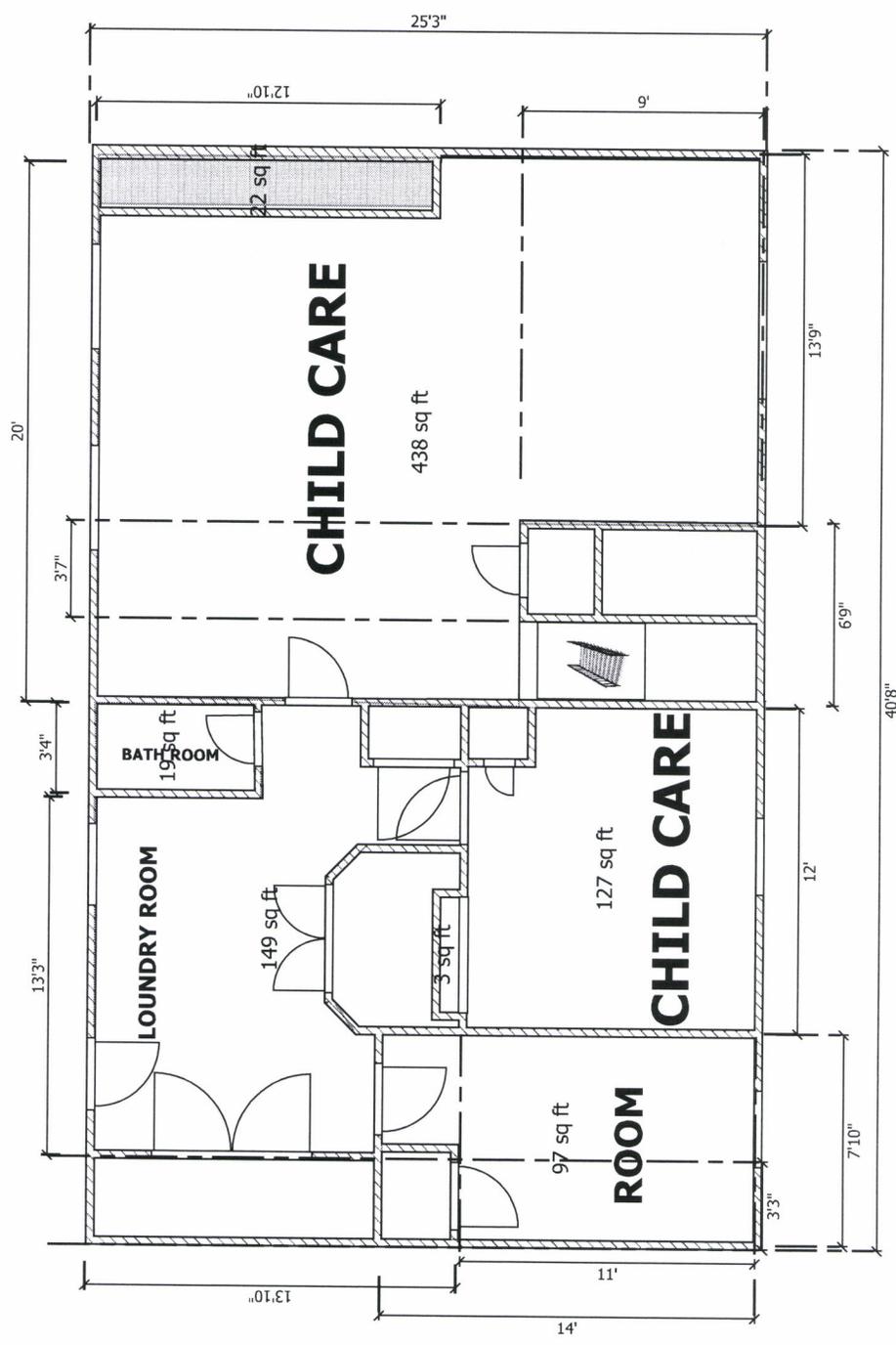
# FIRST FLOOR

*Ballot*  
Patricia Ballot  
03/19/14

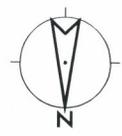
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Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division



**WALK OUT BASEMENT**













Application No.(s): SP 2014-MV-105  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

124819

DATE: 03/18/14  
 (enter date affidavit is notarized)

I, Patricia's Daycare Inc. - Patricia Bellot, 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)
Patricia's Daycare Inc.	8803 Sylvania St., Lorton, VA 22079	Applicant
Agent: Patricia Bellot	8803 Sylvania St., Lorton, VA 22079	Co-Applicant / Lessee
Rosario Costas	8140 Bluebonnet, Lorton, VA 22079	Tittle Owner
Andres Basto	8140 Bluebonnet, Lorton, VA 22079	Tittle 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).

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/18/14  
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124819

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)

Patricia's Daycare Inc.  
8803 Sylvania St. Lorton VA 22079

**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)

Jaime A. Costas Navia

(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.

124819

Application No.(s): \_\_\_\_\_  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/18/14  
(enter date affidavit is notarized)

124819

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.

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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.

124819

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(enter date affidavit is notarized)

124819

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)

*Patricia Bellot*  
[X] Applicant

[ ] Applicant's Authorized Agent

PATRICIA BELLOT  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of March 2014, in the State/Comm. of VA, County/City of Fairfax.

*Mai Shahin*  
Notary Public

My commission expires: 10-31-16

MAI SHAHIN  
NOTARY PUBLIC  
REGISTRATION # 7515120  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
OCTOBER 31, 2016

CAB 124819

# Similar Case History

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Group: 2014-MV-003

**SP 2014-MV-003**

[STAFF REPORT](#)

**APPLICANT:** STACY BENNETT  
**STATUS:** BZA DECISION  
**STATUS/DECISION DTE:** 04/02/2014  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** HOME CHILD CARE FACILITY  
**LOCATION:** 8912 JANDELL ROAD, LORTON, VA 22079  
**TAX MAP #5:**  
1081 02 0049

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Patricia Bellot**

8803 Sylvania Street  
LORTON, VA 22079  
(703) 455-8490 

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Oct. 27, 2016

Business Hours: 6am - 8pm  
Monday - Friday

Capacity: 12

Ages: 0.0 years 1.0 months - 12.0 years 11.0 months

Inspector: Mayasah Thomas  
(703) 309-9307 



**MEMORANDUM**

Date: December 15, 2014

To: Erin Haley, Staff Coordinator  
Zoning Evaluation Division

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

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2014-MV-105

Applicant: Patricia Bellot Dba Patricia's Daycare Inc.  
8803 Sylvania Street, Lorton VA 22079  
POHICK ESTATES, LT 234 SEC 4  
Tax Map #: 108-1 ((2)) 234  
Zoning District: R-3  
ZIB# 2014-MV-0467

An inspection was conducted on November 19, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied Staff Coordinator Erin Haley and the Applicant.

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code.

Comment: Rooms used for sleeping purposes do not contain two compliant means of egress. Sill heights are greater than 44" from floor to clear openable area.

- An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.

Comment: One room used for sleeping purposes must have a functioning smoke alarm installed.

- 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.

Comment: Remove keyed door lock in path of egress.

Patricia Bellot Dba Patricia's Daycare Inc.

8803 Sylvania Street, Lorton VA 22079

December 15, 2014

Page 2

- 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.

Photographs attached.

**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.