



APPLICATION ACCEPTED: June 20, 2014  
BOARD OF ZONING APPEALS: January 14, 2015  
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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January 7, 2015

## STAFF REPORT

SPECIAL PERMIT NO. SP 2014-DR-121

### DRANESVILLE DISTRICT

**APPLICANT:** Rosa E. Avellaneda DBA Zebration Tots  
**OWNER:** Isabel C. Avellaneda de Arellano  
**SUBDIVISION:** Pimmit Hills, Section 6  
**STREET ADDRESS:** 1802 Peabody Drive, Falls Church, 22043  
**TAX MAP REFERENCE:** 30-3 ((3)) 413  
**LOT SIZE:** 10,665 square feet  
**ZONING DISTRICT:** R-4  
**ZONING ORDINANCE PROVISIONS:** 8-305, 3-403  
**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-DR-121 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.

*Megan Duca*

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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.**

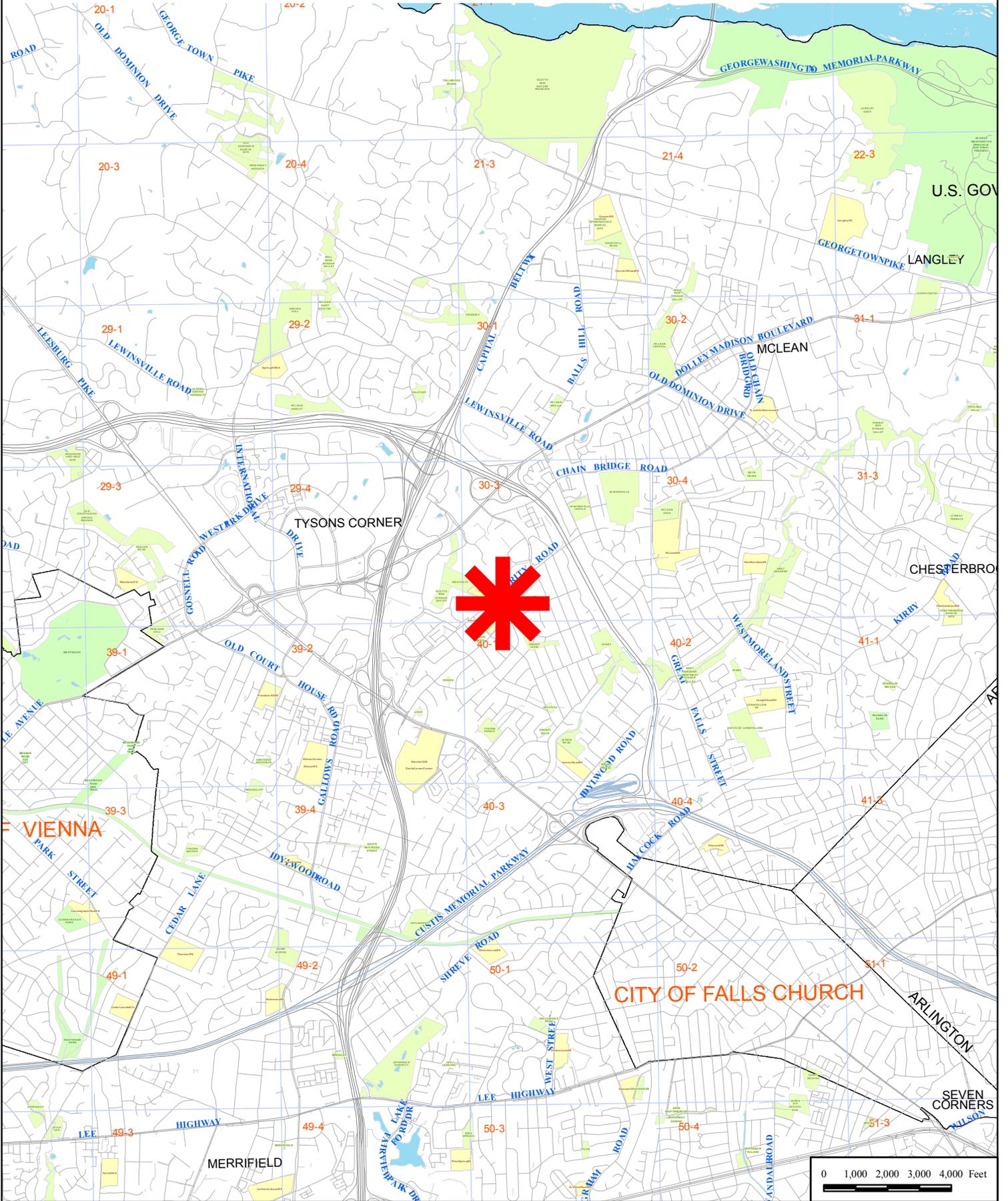


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

## SP 2014-DR-121

ROSA E. AVELLANEDA DBA ZEBRALATION TOTS





WITH REVISIONS  
54 ROSA AVELLANEDA

03/03/14  
05/08/14

OUTDOOR PLAY AREA

70' x 70' = 4,900

PLAY AREA

RECEIVED  
Department of Planning & Zoning

MAR 10 2014

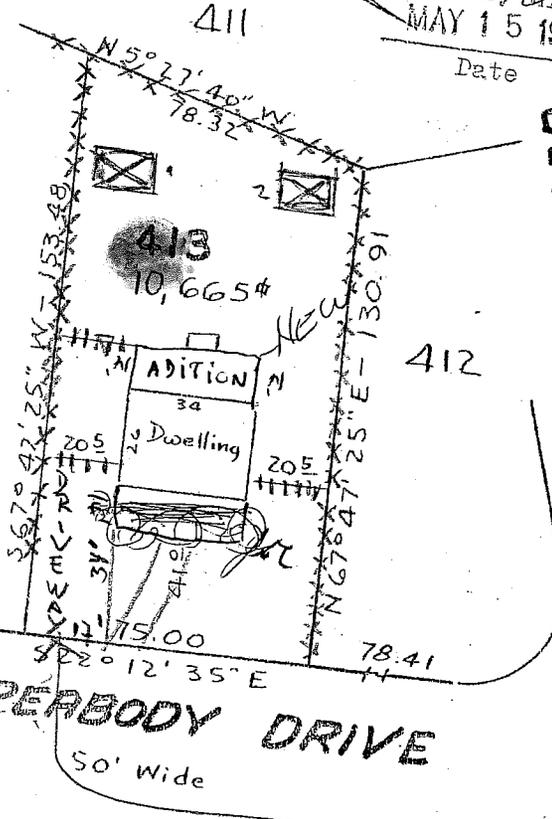
Zoning Evaluation Division

414

Approved for proposed  
location of building as  
shown. Final approval  
subject to wall check.

MAY 15 1970

Date  
*J. Woodson*  
Zoning Administrator



MAY 15 1970  
Date

Director of County Development  
By *[Signature]*  
His Agent

Department of County Development  
Fairfax County, Virginia  
Application Number G-5713  
I hereby certify that this plot plan  
and structure shown hereon conform  
to the requirements of Section 113.10  
of The Fairfax County, Virginia  
Building Code.

FENCE  
XXX = 4' TALL  
FENCE IIII = 6' TALL

SHED 1  
8x7'  
10'

SHED 2  
8x7'  
10'

DRIVEWAY =  
34' x 17'

House Location Survey  
413 SECTION SIX  
PERRYVILLE MILLS  
PROVIDENCE MAGISTRAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Dec. 13, 1952

HARRY OWEN WRIGHT, JR

Professional Engineer and

Surveyor - Fairfax, Virginia

*Harry Owen Wright, Jr*

RECEIVED  
Department of Planning & Zoning

MAY 08 2014

Zoning Evaluation Division

APPROVED  
*[Signature]*  
Zoning Administrator  
Date... DEC 17 1952

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A more detailed description of the proposal is provided on page two.

A copy of the special permit plat, prepared by Harry Otis Wright, Jr., as revised by the applicant through May 8, 2014, is included in the front of the staff report. The proposed development conditions, applicant's statement of justification with select file photographs, and affidavit are contained in Appendices 1 to 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a single family detached dwelling. A concrete driveway provides access to the property from Peabody Drive. A concrete walkway connects the driveway to a porch at the front of the dwelling where the children enter the child care facility. A fence encloses the rear yard of the property. A shed that is 7.8 feet in height is located in the southwestern corner of the property. An additional shed that is 8.5 feet in height is located in the northwestern corner of the site. These sheds meet the setback requirements.



Source: Fairfax County GIS with added graphics

The subject property and surrounding properties are zoned R-4 and developed with single-family detached dwellings as shown in the image. The table below contains a summary of the Zoning District and uses of the surrounding parcels.

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-4	Single Family Detached Dwelling
<b>East</b>	R-4	Single Family Detached Dwelling
<b>South</b>	R-4	Single Family Detached Dwelling
<b>West</b>	R-4	Single Family Detached Dwelling

## **BACKGROUND**

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1953 and purchased by the current property owner in 2007. The applicant leases the property from the property owner.

Permits and inspections for the existing addition to the rear of the dwelling were approved in 1970. Appendix 4 of this report contains a copy of the approved plat and permit for the addition.

A copy of information outlining similar Special Permit application requests for a home child care facility is contained in Appendix 5.

## **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 7:30 a.m. and 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children. The applicant requests the approval of one nonresident assistant. The applicant has an additional assistant who is a resident of the dwelling.

The applicant holds a current Family Day Home License valid through April 18, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children from two months through five years and 11 months of age (Appendix 6).

The home child care facility is operated in the rear portion of the single-story dwelling. A copy of the floor plans submitted by the applicant is included in Appendix 2 with the Statement of Justification. The outdoor play area is located in the rear yard of the dwelling.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area II, McLean Planning District  
**Planning Sector:** Pimmit Community Planning Sector (M2)  
**Plan Map:** Residential, 3-4 du/ac

**On-Site Parking and Site Circulation**

Access to the site is provided via a driveway from Peabody Drive. A walkway connects the driveway to the front of the dwelling where the children enter the home child care facility. Parking is available in the driveway, which can accommodate approximately four vehicles. Staff believes sufficient parking exists to accommodate parking for the dwelling, any employees who may drive, and for the pick-up and drop-off of children for the home child care use.

**Zoning Inspection Branch Report (Appendix 7)**

On November 20, 2014, staff from the Zoning Inspections Branch conducted a site visit on the application property. This site visit revealed several issues. First, storage shelves were blocking access to the mechanical room. In addition, the sleeping area did not have a smoke detector present and did not have a clear path through the room to the egress window. In the outdoor play area, an accessory structure greater than 7 feet in height was located in the minimum required side yard. Finally, staff noted that there appeared to be outdoor storage in excess of 100 square feet within the rear yard of the property. A follow-up site visit was conducted on December 5, 2014. This site visit revealed that the applicant resolved the issues regarding the mechanical room, smoke detector and clear path in the sleeping area, and the accessory structure. The outdoor storage was still present on the follow-up site visit. Staff has proposed a development condition that would require the applicant to reduce the outdoor storage to 100 square feet or less as required by Section 10-102.24 of the Zoning Ordinance within 180 days of approval of the Special Permit. The Zoning Inspections Branch report is included in Appendix 7.

**Zoning Ordinance Requirements (Appendix 8)**

- 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 Use Limitations

**General Standards for Special Exception 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-4 District permits a home child care facility for 12 children as an accessory use with special permit approval. Staff finds that the proposed use is in harmony with the Comprehensive Plan and the general purpose and</p>
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	intent of the R-4 District.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. An outdoor play area is located in the existing fenced-in rear yard. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered. Parking is available for pick-up and drop-off 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 5</b> Landscaping/Screening	There is an existing fence in the rear yard where the outdoor play area is located. There are no transitional screening or barrier requirements for this application.
<b>Standard 6</b> Open Space	There is no open space requirement in the R-4 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> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	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.
<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's request for 12 children meets this standard. The applicant requests approval for one nonresident employee.
<b>Standard 2</b> Access and Parking	Staff finds that access and parking are sufficient to accommodate the use.
<b>Standard 3</b> Landscaping/Screening	There is an existing fence in the rear yard of the property where the outdoor play area is located. Staff finds that no additional landscaping is required for this location.
<b>Standard 4</b> Submission Requirements	The submission requirements allow the use of a house location survey in lieu of the SP Plat.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid Family Day Home License from Virginia through April 18, 2015, to care for up to 12 children from two months through five years and 11 months of age.

**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 the approval of a special permit to permit a maximum of 12 children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a licensed home child care provider and the subject property is the provider's primary residence. The applicant rents the dwelling as her primary residence and has submitted a letter from the property owner permitting the home child care use in the dwelling.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except for play equipment.
<b>Part D</b> Non-Resident Employee	This application requests approval for one nonresident employee.
<b>Part E</b> Provider is a Non-Resident	The dwelling is the applicant's primary residence.
<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 home child care license through April 18, 2015, to care for up to 12 children.
<b>Part G</b> 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 the approval of a special permit to permit 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-DR-121 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 Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Similar Case History
6. State Family Day Home License
7. Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-DR-121****January 7, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-121 located at Tax Map 30-3 ((3)) 413 to permit a home child care facility pursuant to Sections 8-305 and 3-403 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, Rosa E. Avellaneda DBA Zebration Tots, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 1802 Peabody 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 prepared by Harry Otis Wright, Jr., as revised by the applicant through May 8, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:30 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. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of non-resident assistants on-site at any one time shall be one.
8. All pick-up and drop-off of children shall take place in the driveway.
9. The accessory storage structures shall remain locked during the hours of operation of the home child care facility.
10. Approval of this use is contingent upon maintenance of a state license for the home child care facility for the children on-site for the home child care.
11. Within 180 days of the approval of the Special Permit, the applicant shall bring the outdoor storage into compliance with Article 10 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. 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

Name: ROSA E AVELLANEDA  
 Address: 1802 PEABODY DR. FALLS CHURCH  
VA 22043  
 Phone #: 703 442 4704  
 E-mail: ROSESTERMER @ HOTMAIL.COM

Date 02-20-14

RECEIVED  
 Department of Planning & Zoning  
 MAR 10 2014  
 Zoning Evaluation Division

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

Re: Special Permit Application  
 Applicant: ROSA E. AVELLANEDA  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 0303030413  
 Zoning District: R-4  
 Lot Size: 10,665

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 1802 PEABODY DR. FALLS CHURCH VA 22043 (your address). The property is zoned R-4 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 7.30 AM TO 6p.m MONDAY THROUGH FRIDAY

Number of Children. I care for up to 12 children at any one time. This number does not include my own 0 child/children.

Employees. I have 0 assistant(s) who work part-time and 2 assistant(s) who work full-time.

Arrival Schedule.

<u>2</u>	of the children arrive between	<u>7.30</u>	AM and	<u>8.30</u>	AM.
<u>4</u>		<u>8.30</u>		<u>9.00</u>	
<u>4</u>		<u>9.00</u>		<u>9.30</u>	
<u>2</u>		<u>9.30</u>		<u>10.00</u>	

Departure Schedule. 2 of the children are picked up at 3.45 PM. 4 p.m  
4 4.00 4.30  
3 4.30 5.00  
3 5.00 6 p.m

Area Served. Pimmit Hills, McLean.  
*(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):*

I USE THE ENTRANCE, THE DINNING ROOM FOR LUNCH, THE KITCHEN FOR MEALS, ONE BEDROOM FOR NAPS, AND THE ADDITION FOR PLAYROOM.

The house has 1,326 square feet. The following rooms are where I conduct the day care: THE DINNING ROOM, THE KITCHEN, ONE BEDROOM AND THE ADITION (476')  
These rooms are 819' 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 4,900 square feet. The outdoor play area consists of: THERE ARE SOME OUTDOORS TOYS, LIKE PICNIC TABLE, AND SMALLS MOBILE TOYS.

Parking. I use my DRIVE WAY to park my family car(s). My parents park IN MY DRIVE WAY. THERES ENOUGH PARKING FOR 4 CARS. MY ASSISTAND #1 LIVE WITH ME (MY HUSBAND) AND THE ASSISTAND #2 TAKE THE BUS.

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 VINYL SIDE HOME. I PROPOSE NO ADDITIONS AND NO SIGNS REGARDING THE DAYCARE. I WANT TO KEEP MY ACTUAL NUMBER OF CHILDREN, (I TAKE CARE, JUST LITTLE BABIES (24-1 YEAR)) I HAVE ADEQUATE PARKING FOR MY PARENTS, AND WILL NOT IMPACT MY NEIGHBORS IN ANY NEGATIVE WAY.

Sincerely,

Rosa E. Avellaneda

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

## 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	X	
7			X	
8			X	
9			X	
10				X
11				X
12				

### Departure Schedule

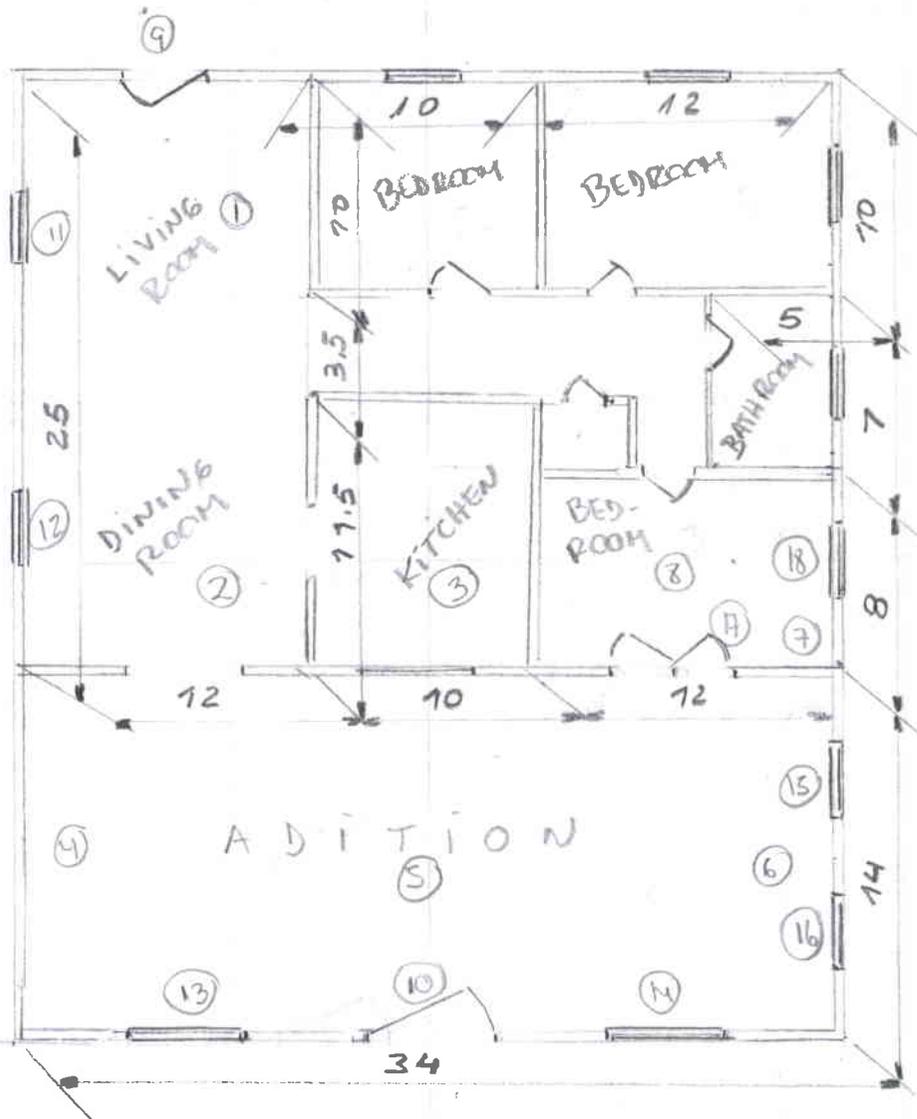
Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1		X		
2	X			
3		X		
4		X		
5			X	
6	X			
7		X		
8			X	
9				X
10				X
11				X
12				

RECEIVED  
Department of Planning & Zoning

MAR 10 2014

Zoning Evaluation Division

# ROOMS USED FOR HOME CHILD CARE FACILITY



RECEIVED  
 Department of Planning & Zoning  
 MAR 10 2014  
 Zoning Evaluation Division



rosa avellaneda  
 1802 peabody dr  
 falls church VA 22043

ESCALA 1:10



1



2



rosa avellaneda  
1802 peabody dr  
falls church VA 22043

DATE: 03.08.14



9

DATE: 03.08.14



10



rosa avellaneda  
1802 peabody dr  
falls church VA 22043

DATE: 03.07.14



5

DATE: 03.07.14



6



**rosa avellana**  
1802 peabody dr  
falls church VA 22043

DATE: 03.07.14



13

DATE: 03.07.14



14



**rosa avellaneda**  
1802 peabody dr  
falls church VA 22043

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06-28-2014  
 (enter date affidavit is notarized)

I, ROSA E. AVELLANEDA, 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)
ROSA E. AVELLANEDA	1802 PEABODY DR. FALLS CHURCH VA 22043	APPLICANT / LESSEE
ISABEL C. AVELLANEDA DE ARELLANO	1804 PEABODY DR. FALLS CHURCH VA 22043	TITLE OWNER / LESSOR
ZEBRA KATION TOTS, LLC		CO-LESSEE

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

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

CAB

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06-28-2014  
(enter date affidavit is notarized)

124746

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)

ZEBRA LATION Tots, LLC  
1802 PEABODY DR FALLS CHURCH VA 22043

**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)

ROSA E. AVELLANEDA  
ISABEL AVELLANEDA

(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: 06-28-2014  
(enter date affidavit is notarized)

124746

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**)

N/A

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06-28-2014  
(enter date affidavit is notarized)

124746

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: 06-28-2014  
(enter date affidavit is notarized)

124746

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

Applicant's Authorized Agent

Ross E AVELLO

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

Subscribed and sworn to before me this 28 day of June, 2014, in the State/Comm. of VA, County/City of FAIRFAX.

Notary Public

My commission expires: 2/28/2015



Department of County Development  
Fairfax County, Virginia  
Application Number G-5713

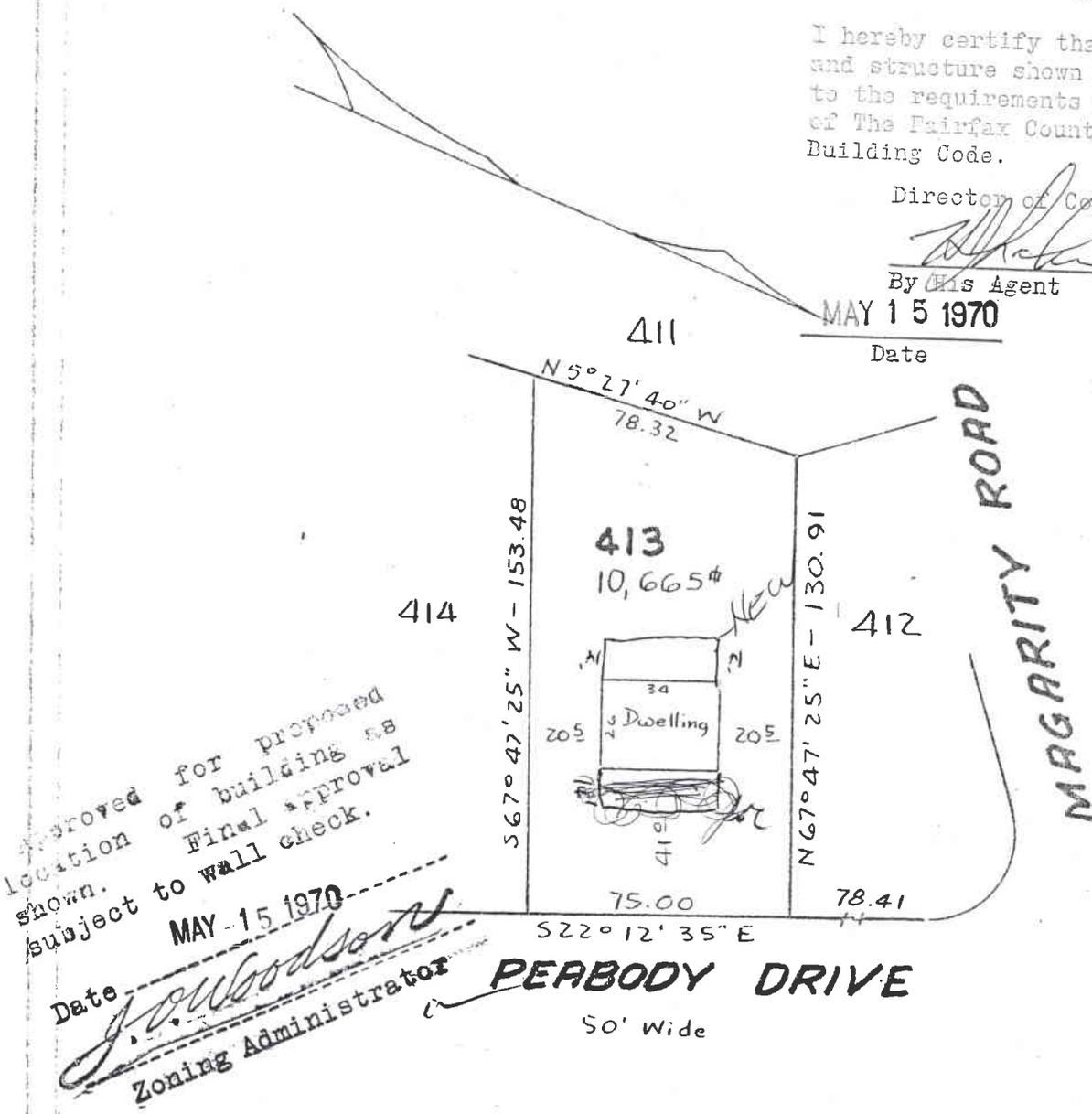
I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of County Development

By His Agent

MAY 15 1970

Date



Approved for proposed location of building as shown. Final approval subject to wall check.

Date MAY 15 1970  
*J. Woodson*  
Zoning Administrator

House Location Survey  
LOT 413 SECTION SIX  
**PIMMIT HILLS**  
PROVIDENCE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Scale 1" = 50' Dec. 13, 1952

HARRY OTIS WRIGHT, JR.  
Certified Civil Engineer and  
Land Surveyor - Fairfax, Virginia  
*Harry Otis Wright Jr*

*J. Woodson*  
APPROVED  
Zoning Administrator  
Date DEC 17 1952

# COUNTY OF FAIRFAX, VIRGINIA

SITE PLAN

APPLICATION FOR BUILDING PERMIT  
AND CERTIFICATE OF OCCUPANCY  
DEPARTMENT OF COUNTY DEVELOPMENT  
DIVISION OF INSPECTION SERVICES

MAP REFERENCE			
Plat Number	Subd. Des.	Blk. or Sec.	Parcel or Lot
203	3		413

APPLICATION NO. 15413	PERMIT NO. 865817
DATE	

**IMPORTANT - Applicant to complete ALL items. Mark where applicable**

I. LOCATION OF BUILDING	STREET 1802 PEARBOY DRIVE					DEPARTMENTAL USE ONLY PLAN APPROVAL	
	LOT NO. 413	BLOCK	SECTION SIX	SUBDIVISION PIMMIT HILLS	MAP DIST. Revised	Use Group of Building L-3	Type of Construction 1-B
	LEAVE BLANK FOR NEW CONSTRUCTION PRESENT USE					Area of Bldg. @ _____	

II. TYPE AND COST OF BUILDING - Please check appropriate box		Total Fee \$ 5.00	
A. TYPE OF IMPROVEMENT	D. PROPOSED USE	Approved by Building Inspector James D. Caldwell, J.D.	
1. <input type="checkbox"/> New Structure	(For "Wrecking" show most recent use)	DATE APPROVED 5/15/70	
2. <input checked="" type="checkbox"/> Addition (if residential, enter number of new housing units added, if any, in Part D-2)	RESIDENTIAL	E. Is this structure part of a larger complex such as a hospital, university, industrial plant, shopping center, office building complex, etc.	
3. <input type="checkbox"/> Alteration (See 2 above)	1. <input checked="" type="checkbox"/> One-family (incl. Semi-detached, row, town)	<input type="checkbox"/> YES (enter principal activity of the complex, e.g. Hospital, University, etc.)	
4. <input type="checkbox"/> Repair	2. <input type="checkbox"/> Two or more family	<input checked="" type="checkbox"/> NO	
5. <input type="checkbox"/> Wrecking	No. of dwelling units _____	ZONING—Identify use for which land is zoned, for example: residential, commercial, industrial, other.	
6. <input type="checkbox"/> Moving (relocation)	3. <input type="checkbox"/> Transient hotel, motel or dormitory	RESIDENTIAL	
7. <input type="checkbox"/> Foundation Only	4. <input type="checkbox"/> Garage	NON-RESIDENTIAL—Describe in detail proposed use of buildings, e.g. laundry building at hospital, elementary school, parking garage — or department store, rental office building or office building at industrial plant. If use of existing building is being changed, enter proposed use.	
8. <input type="checkbox"/> Other _____	5. <input type="checkbox"/> Carport		
B. OWNERSHIP	6. <input type="checkbox"/> Mobile Homes		
Public	7. <input checked="" type="checkbox"/> Other—Specify Rec Room		
1. <input type="checkbox"/> Federal	NON-RESIDENTIAL		
2. <input type="checkbox"/> State	8. <input type="checkbox"/> Amusement, recreational		
3. <input type="checkbox"/> County	9. <input type="checkbox"/> Church, other Religious		
4. <input type="checkbox"/> City or Town	10. <input type="checkbox"/> Industrial		
5. <input type="checkbox"/> Other (International)	11. <input type="checkbox"/> Parking garage		
Please Specify _____	12. <input type="checkbox"/> Service Station, Repair Garage		
C. COST (Estimate)	13. <input type="checkbox"/> Hospital, Institutional		
Cost of improvement to be installed but not included in the above cost	14. <input type="checkbox"/> Office, Bank, Professional		
a. Electrical 400.00	15. <input type="checkbox"/> Public utility		
b. Plumbing 100.00	16. <input type="checkbox"/> School		
c. Heating, air conditioning 100.00	17. <input type="checkbox"/> Stores, Mercantile		
d. Other (elevator, etc.) 3500	18. <input type="checkbox"/> Tanks, Towers		
TOTAL COST OF IMPROVEMENT 3500	19. <input type="checkbox"/> Other—Specify _____		
	20. <input type="checkbox"/> Structures other than buildings		

DESCRIPTION & REMARKS:

### III. SELECTED CHARACTERISTICS OF NEW BUILDINGS, ADDITIONS OR ALTERATIONS ONLY (Leave blank for repairs, wrecking, etc.)

G. PRINCIPAL TYPE OF FRAME	K. TYPE OF MECHANICAL	M. NUMBER OF OFF STREET PARKING SPACES
1. <input type="checkbox"/> Masonry (wall bearing)	AIR CONDITIONING	Enclosed 0 Outdoors 0
2. <input checked="" type="checkbox"/> Wood frame	1. <input type="checkbox"/> Central-elec. 2. <input type="checkbox"/> Central-gas	N. RESIDENTIAL (Complete only for new bldg.)
3. <input type="checkbox"/> Structural Steel	3. <input type="checkbox"/> Individual room air conditioner	Single Family
4. <input type="checkbox"/> Reinforced concrete	4. <input checked="" type="checkbox"/> None	Total Single Family Units _____
5. <input type="checkbox"/> Other—Specify _____	INCINERATOR	Total No. of Bedrooms _____
H. PRINCIPAL TYPE OF HEATING FUEL	1. <input checked="" type="checkbox"/> None	Bathrooms _____
1. <input type="checkbox"/> Gas	Incinerator with air-pollution control	Full _____
2. <input type="checkbox"/> Oil-Grade No. (circle) 1, 2, 3, 4, 5, 6	2. <input type="checkbox"/> Settling chamber 3. <input type="checkbox"/> Precipitator	Half _____
3. <input checked="" type="checkbox"/> Electricity	4. <input type="checkbox"/> Scrubber 5. <input type="checkbox"/> Other _____	Multi-family:
4. <input type="checkbox"/> Coal	6. <input type="checkbox"/> Incinerator without air-pollution control	Total No. Kitchens _____
5. <input type="checkbox"/> Other—Specify _____	ELEVATOR(s)	Bathrooms: _____
I. TYPE OF SEWAGE DISPOSAL	Enter number (0, 1, 2, etc.) _____	Full _____
1. <input checked="" type="checkbox"/> Public	L. DIMENSIONS	Half _____
2. <input type="checkbox"/> Private (septic tank, etc.)	No. of Stories above street level ONE	Total Other Rooms _____
J. TYPE OF WATER SUPPLY	Basement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Total No. of Buildings _____
1. <input checked="" type="checkbox"/> Public or Privately owned company	Height of Construction, Ft. 12'	Total No. apartments by no. of bedrooms:
2. <input type="checkbox"/> Individual, well, cistern	Width 34' Depth 14'	0 (efficiency) _____
	Total floor area, sq.ft. incl. bsmt. 476	1 _____
	(All floors based on exterior dimensions)	2 _____
	Total Land Area, Sq. Ft. _____	3 _____
		4 _____
		5 or more-specify _____
		Total No. Apartments _____

Name	Mailing address - Number, street, city, and state	ZIP code	Tel. No.
Owner JAMES D. CALDWELL	1802 PEARBOY DR. FALLS CHURCH Va.	22043	893-7406
Contractor N/A (COUNCIL)			
Architect N/A			
Engineer			

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will conform to the regulations in the Building Code, the Zoning Ordinance, or private building restrictions, if any, which may be imposed on the above property by deed.

James D. Caldwell Date 5-15-70  
(Signature of Owner or Authorized Agent)  
1802 Peabody Dr. Falls Ch. Va. 22043  
Address

4-7-6

APPLICANT: DO NOT WRITE BELOW THIS LINE									
ROUTING	OFFICE	FLOOR	APPROVED BY	DATE	OFFICE	FLOOR	APPROVED BY	DATE	
	✓ Land Office	4	BC	5/15/70	Design & Review	7	[Signature]	5/15/70	
	✓ Zoning Administrator	6	EN	5/15/70	Health Officer	ANNEX			
	Sanitary Engineer	8			Housing & License	6	c	5/15/70	

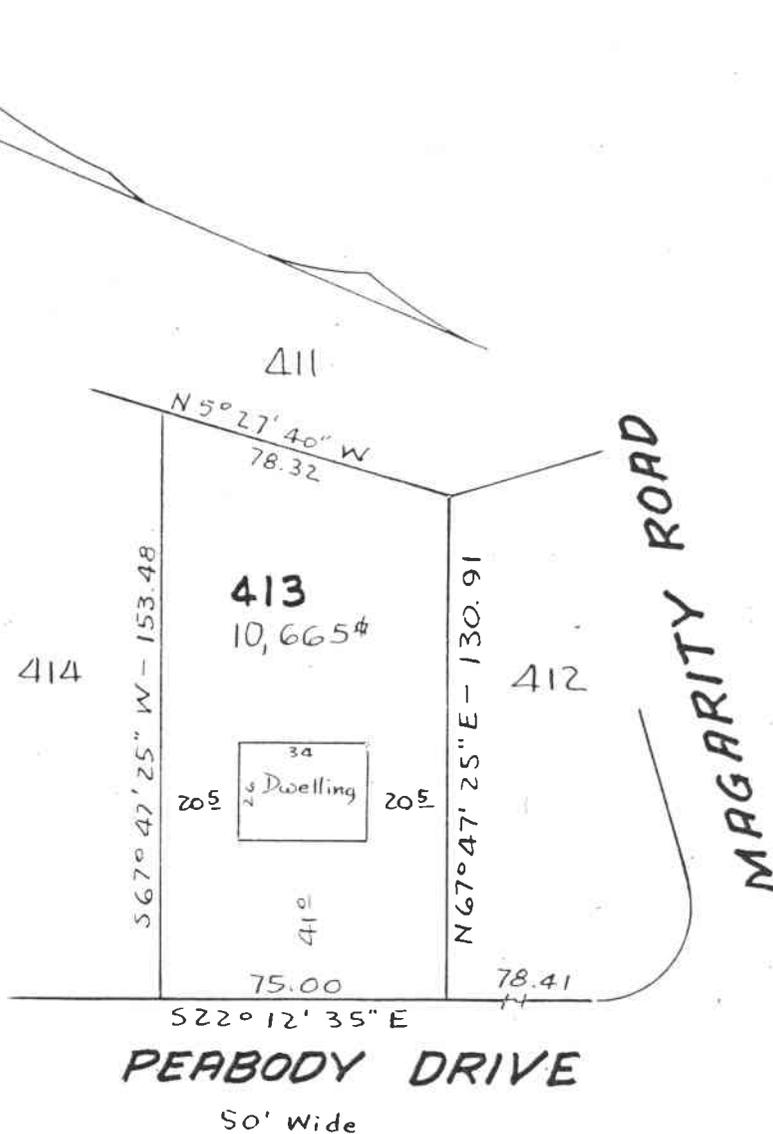
I hereby certify to the following statement:  
 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date 5-15-70 19 James A. Caldwell Property Owner By [Signature] Authorized Agent

Supervisor of Assessments \_\_\_\_\_  
 Property is listed in name of James A. Caldwell  
 Magisterial District Danversville Deed Book Reference 3155-242  
 Supervisor: John W Ferguson BC

Subdivision Pine Hills Lot No. 413 Block \_\_\_\_\_ Section 6 Zone R-10  
 Street Address 1802 Pentecost DR  
 Use of Bldg. Rec. Room ON REAR Use after Alteration \_\_\_\_\_ No. Families \_\_\_\_\_  
 BZA \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
 Set Back: Front NC Rt. Side 10 Left Side 10 Rear 25 Zoning Administrator [Signature]

RETURN THIS COMPLETED APPLICATION TO THE BUILDING INSPECTOR'S OFFICE FOR ISSUANCE OF BUILDING PERMIT.



House Location Survey

LOT 413 SECTION SIX

**PIMMIT HILLS**

PROVIDENCE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Scale 1" = 50'      Dec. 13, 1952

HARRY OTIS WRIGHT, JR

Certified Civil Engineer and  
Land Surveyor—Fairfax, Virginia

Certified *Harry Otis Wright Jr*

*J. F. Schumann, Jr.*  
APPROVED.....  
Zoning Administrator  
Date..... **DEC 17 1952**

# Similar Case History

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## Group: 2014-DR-045

### SP 2014-DR-045

[STAFF REPORT](#)

**APPLICANT:** LUCIA ALBARRACIN  
**STATUS:** BZA DECISION  
**STATUS/DECISION DTE:** 07/23/2014  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** HOME CHILD CARE FACILITY  
**LOCATION:** 7603 LISLE AVENUE, FALLS CHURCH, VA 22043  
**TAX MAP #S:**  
 0401 03 0238

## Group: 2014-DR-028

### SP 2014-DR-028

[STAFF REPORT](#)

**APPLICANT:** ISABEL C. AVELLANEDA DE ARELLANO / ZEBRALATION.MOM  
**STATUS:** BZA DECISION  
**STATUS/DECISION DTE:** 06/18/2014  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** HOME CHILD CARE FACILITY  
**LOCATION:** 1804 PEABODY DRIVE, FALLS CHURCH, VA 22043  
**TAX MAP #S:**  
 0303 03 0414

## Group: 96-D -027

### SP 96-D -027

**APPLICANT:** ALBARRACIN, LUCIA  
**STATUS:** WITHDRAWN  
**STATUS/DECISION DTE:** 08/13/1996  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** HOME CHILD CARE FACILITY  
**LOCATION:** 7603 LISLE AVENUE  
**TAX MAP #S:**  
 0401 03 0238



# VIRGINIA DEPARTMENT OF SOCIAL SERVICES



- HOME
- ABOUT US
- ABUSE & NEGLECT
- ADOPTION & FOSTER CARE
- ADULT & CHILD CARE
- ASSISTANCE
- COMMUNITY SUPPORT
- CHILD SUPPORT
- CAREERS

- Adult & Child Care ↑
- Child Care ↑
- Child Day Care ↑
- Search for Child Day Care →
- Certified Preschools (CP) →
- Child Day Centers (CDC) →
- Family Day Homes (FDH) →
- Family Day System (FDS)/Homes →
- Religiously Exempt Child Day Centers (RECDC) →
- Voluntarily Registered Family Day Homes (VRFDH) →

## Search for Child Day Care

Help Opening Files
 Print Version
 E-mail Page

[Return to Search Results](#) | 
 [New Search](#) |

**Rosa Avellaneda**  
 1802 Peabody Drive  
 FALLS CHURCH, VA 22043  
 (703) 442-4704 ☎

Facility Type: [Family Day Home](#)  
 License Type: [Two Year](#)  
[Expiration Date](#): April 18, 2015  
 Business Hours: 7:30am - 6:00pm  
 Monday - Friday  
 Capacity: 12  
 Ages: 2 months - 5 years 11 months  
 Inspector: Pamela Sneed  
 (703) 479-4704 ☎



## County of Fairfax, Virginia

## MEMORANDUM

Date: December 16, 2014

To: Megan Duca, Staff Coordinator  
Zoning Evaluation Division

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

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2014-DR-121

Applicant: Rosa E. Avellaneda, dba ZEBRALATION TOTS  
1802 Peabody Drive, Falls Church, VA 22043  
Pimmit Hills, Sec. 6, Lot 413  
Tax Map #: 30-3 ((3)) 413  
Zoning District: R-4  
ZIB # 2014-0544

An inspection was conducted on November 20, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by the Staff Coordinator Megan Duca and the Applicant and a subsequent inspection conducted by Inspector Miller on December 5, 2014 to confirm corrective action taken by the applicant.

The following are the findings indicating deficiencies found on November 20, 2014 with the status of the deficiencies as of December 5, 2014 indicated in bold italics.

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

Comment: A smoke alarm must be installed in one room used for sleeping purposes.

***Comment: The required smoke alarm had been installed as of December 5, 2014.***

- 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.

Other Maintenance Issues:

Comment: The access to the mechanical equipment cannot be obstructed by furniture or storage.

***Comment: The furniture was relocated and the mechanical room was accessible on December 5, 2015***

Structures comply with the Zoning Ordinance.

Comment: A freestanding accessory structure "shade house" containing a height of eight (8) feet six (6) inches is located five (5) feet six (6) inches from the side lot line in violation of Par. 12D of Sect. 10-104 of the Fairfax County Zoning Ordinance as follows:

No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

***Comment: The shade house has been relocated such that it is 17 feet from the side lot line (Minimum Side Yard for this property is 10 feet.)***

Comment: Outdoor storage that is located in the rear half of the yard exceeds 100 square feet in area. Some of the storage is not screened from the view from the first story window of any neighboring dwelling.

***Comment: The outdoor storage remains in violation as of December 5, 2014.***

The attached photographs were taken by Inspector Bruce Miller at the times and dates of the inspections (as labeled).

**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.