



**APPLICATION ACCEPTED:** June 13, 2014  
**ADMINISTRATIVELY MOVED AT APPL. REQUEST**  
**BOARD OF ZONING APPEALS:** January 28, 2015  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

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**January 21, 2015**

## **STAFF REPORT**

**SPECIAL PERMIT NO. SP 2014-BR-111**

### **BRADDOCK DISTRICT**

**APPLICANT:** Ana Francisca Vargas

**OWNERS:** Alberto Estrella  
Gabino E. Vargas  
Ana C. Chavez

**SUBDIVISION:** Westview Hills, Section 3

**STREET ADDRESS:** 7803 Harwood Place, Springfield, 22152

**TAX MAP REFERENCE:** 89-2 ((5)) 290

**LOT SIZE:** 16,457 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-BR-111 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.

*Laura Arseneau*

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.

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

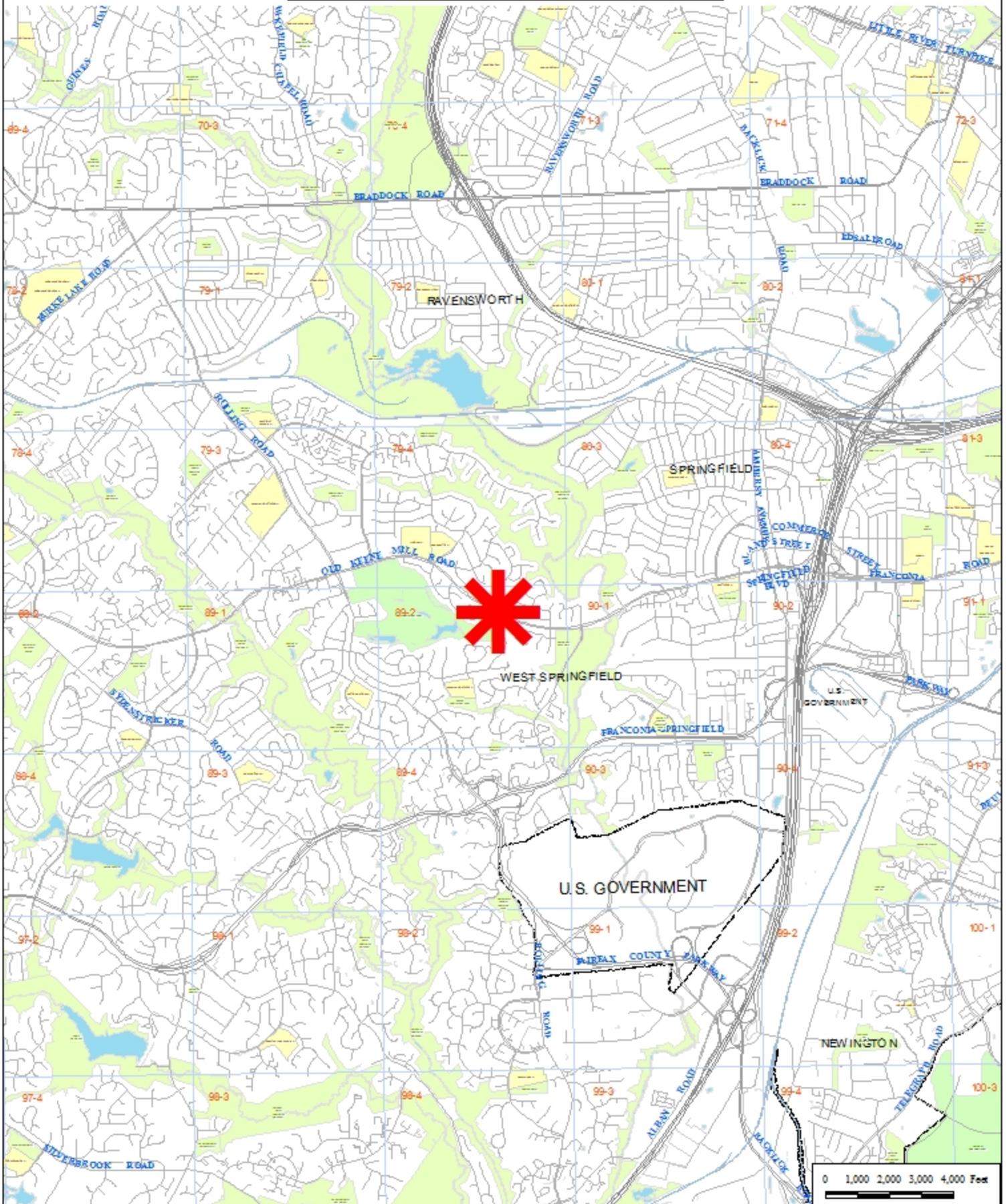
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



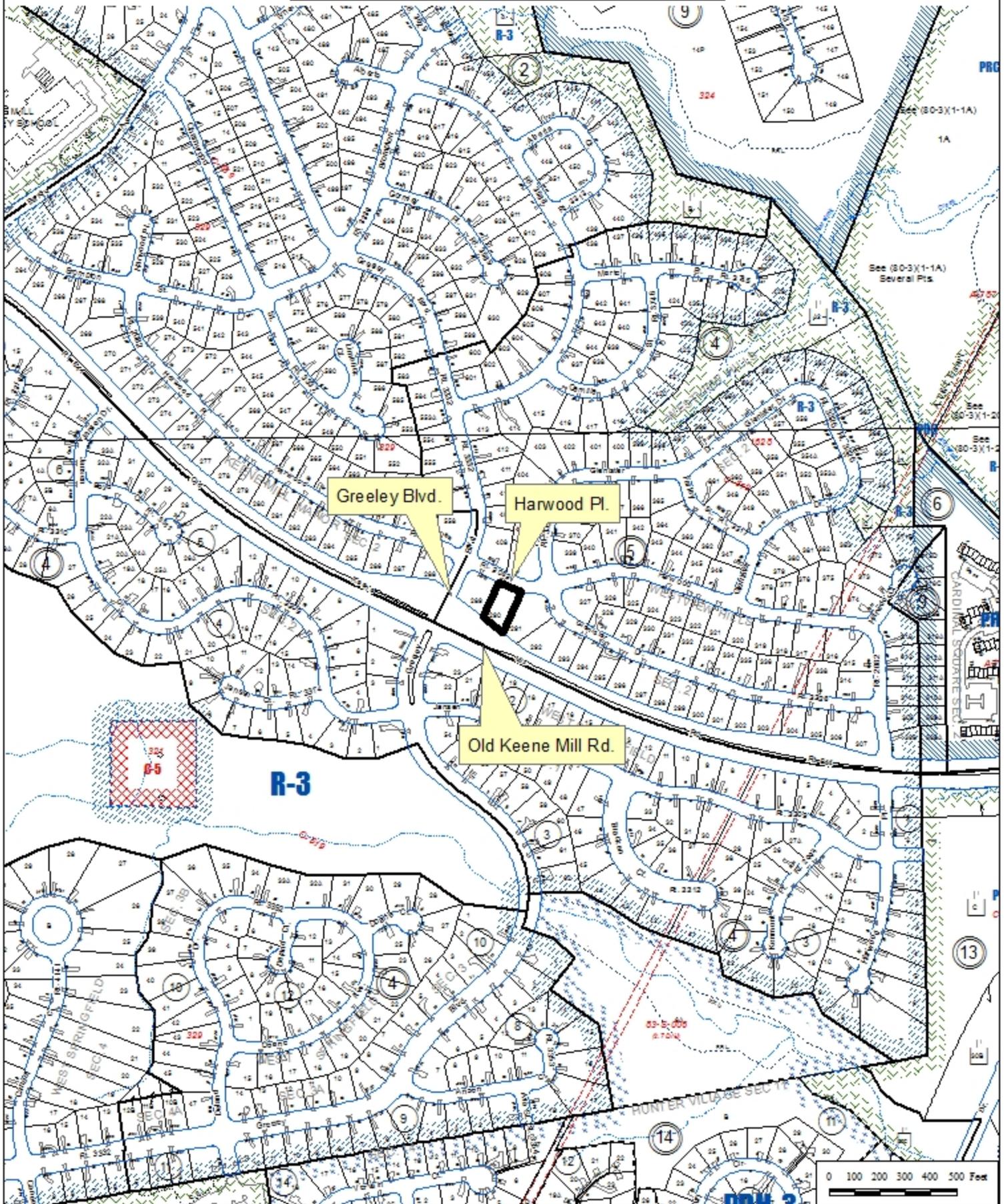
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

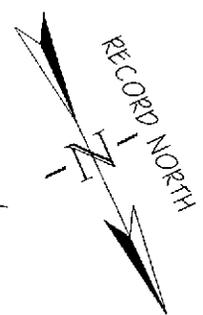
# Special Permit

SP 2014-BR-111  
ANA FRANCISCA VARGAS

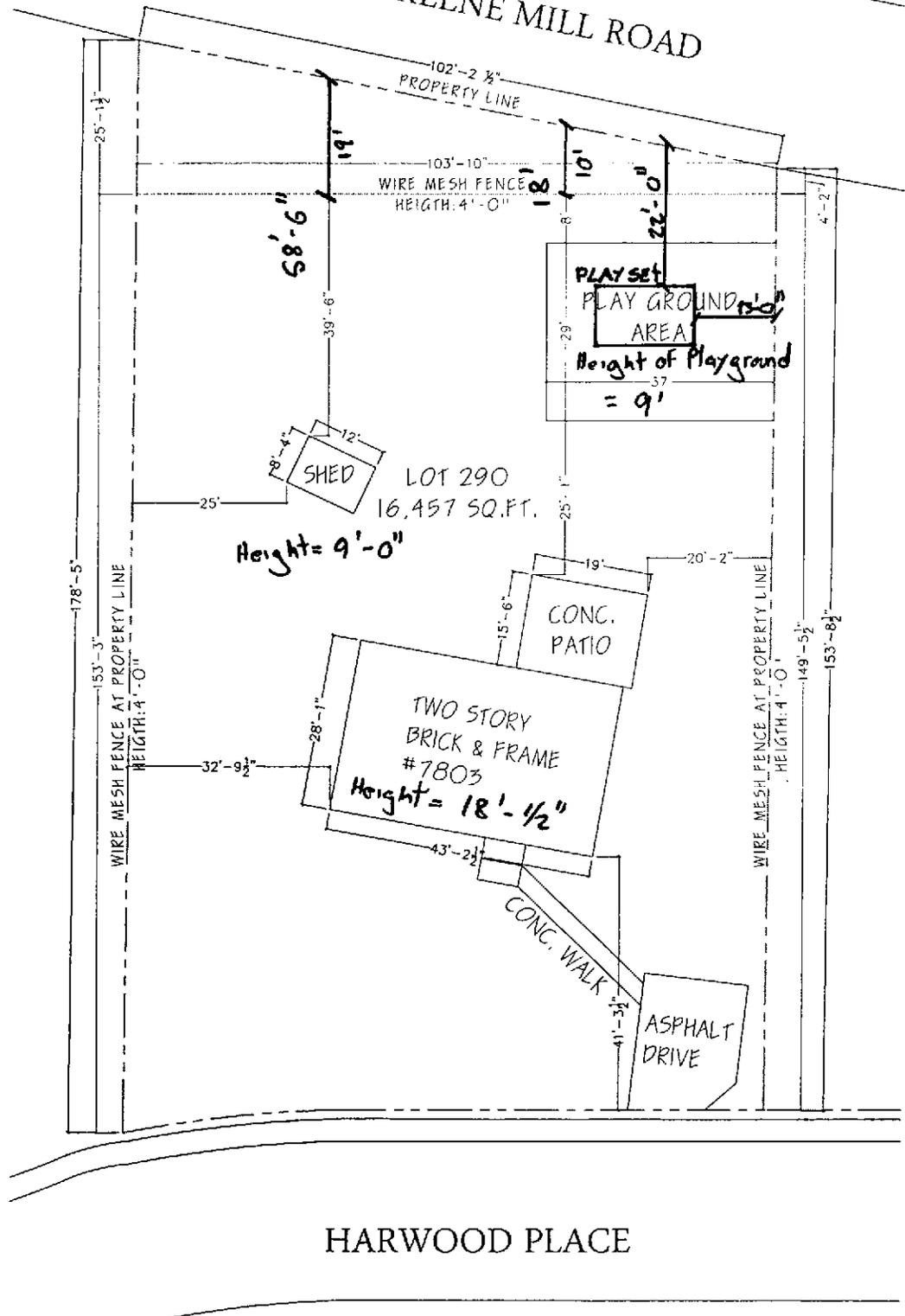


**Special Permit**  
**SP 2014-BR-111**  
**ANA FRANCISCA VARGAS**





OLD KEENE MILL ROAD



HARWOOD PLACE

						PROJECT: LOT # 290	DRAWN BY: EDUARDO VARGAS
						DRAWING: LOT PLAT	DATE: 06/21/2013
						SCALE: 1/8" = 1'-0"	7803 HARWOOD PLACE
							SPRINGFIELD, VA 22152
MARK	QTY	LENGTH	MARK	QTY	LENGTH	APPROVED BY: <i>[Signature]</i>	10/3/13

## 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 drawn by Eduardo Vargas on June 21, 2013, for 7803 Harwood Place, Springfield, Virginia, 22152, as revised through October 3, 2013, is included in the front of the staff report.

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

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split level, single-family detached dwelling. A concrete walkway and stoop exist to the north of the dwelling. An asphalt driveway exists to the northwest of the dwelling and extends to Harwood Place. A concrete patio, shed and playground exist to the south of the dwelling. A chain link fence exists along the eastern and western property lines.

The rear property line abuts Old Keene Mill Road but there is no vehicular access.

The property is located southeast of the intersection of Greeley Boulevard and Old Keene Mill Road. The subject property and surrounding properties are zoned R-3 and 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 1963 and purchased by the property owners in 2006. The applicant has been renting the property for approximately five years.

A Notice of Violation (NOV) was issued for this property on December 12, 2006 for violations relating to outdoor storage in the front yard (Appendix 4). This issue has been resolved.

A number of complaints have been issued on the property from 2008 to 2013. The complaints include grass height, vehicles parking on the grass and a business in a residential district. A list of these complaints is included in Appendix 5 and have been closed by the Department of Code Compliance.

A second NOV was issued for the property on May 15, 2012 and is related to the complaint about a business in the residential district (Appendix 6). The violations related to the presence of a home child care facility where 13 or more children are being cared for and for outdoor storage. This NOV was filed before the change in the zoning ordinance regarding the number of children allowed in the home child care by special permit. The NOV is still open and under investigation, and is awaiting the outcome of this special permit application. The applicant is now requesting 12 children maximum for the home child care with this application.

Another complaint for a business in a residential district was filed on May 16, 2014. This violation is for a home child care and is being addressed with the submittal of this application.

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

## **DESCRIPTION OF THE PROPOSED USE**

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

The applicant holds a current Family Day Home License, effective for one year and expires on December 11, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, from birth through 12 years, 11 months of age. A copy of the license is included as Appendix 7.

The home child care facility is operated in the basement of the dwelling in an open floor plan which includes the play room, a dining area, a bathroom and a nap area with cribs and a changing table. The basement has two methods of egress; one is an interior set of stairs to the upstairs of the house and the other egress is a doorway which accesses the side yard of the property. Therefore, the basement area has adequate emergency egress.

The play area is located in the rear yard of the property. Pictures provided by the applicant show toys and play equipment located in this area.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area IV, Springfield Planning District  
**Planning Sector:** Cardinal Forest Community Planning Sector (S1)  
**Plan Map:** Residential, 2-3 du/ac

**On-Site Parking and Site Circulation**

The existing driveway appears to be able to accommodate two vehicles. The applicant and the assistants park their vehicles along Harwood Place. Therefore, the two driveway spaces are available to be used for drop-off and pick-up of children.

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

**Zoning Inspection Branch Comments (Appendix 8)**

Staff found that the existing sleeping/napping area did not have adequate emergency egress. A door did exist that accessed the side yard of the property but was blocked and taped shut. The applicant has removed the tape and provided clear access to the door. Staff has included a proposed development condition in Appendix 1 of the staff report to ensure that the door is kept unblocked for emergency egress.

**Zoning Ordinance Requirements (Appendix 9)**

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

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

<p><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is proposed in the rear yard of the property. In staff’s opinion, the proposed home child care use will not</p>

	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.
<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> 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 is proposing a maximum of 12 children at any one time. The applicant requests two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available 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 met all the submission requirements for a home child care facility.

<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license.
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**Use Limitations (Par. 6 of Sect. 10-103)**

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

**CONCLUSION/ RECOMMENDATION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-BR-111 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 and Select File Photographs
3. Applicant's Affidavit
4. Notice of Violation dated December 12, 2006
5. Complaint History
6. Notice of Violation dated May 15, 2012
7. State Family Day Home License
8. Zoning Inspections Branch Comments
9. Applicable Zoning Ordinance Provisions

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**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-BR-111****January 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-111 located at Tax Map 89-2 ((5)) 290, 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, Ana Francisca Vargas, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 7803 Harwood Place, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat drawn by Eduardo Vargas on June 21, 2013, for 7803 Harwood Place, Springfield, Virginia, 22152, as revised through October 3, 2013, 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 7:00 a.m. to 7:00 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 twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick up and drop off of children shall take place in 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. There shall be no signage associated with the home child care facility.

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11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
  12. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.

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.

Ann F. Flores  
7803 Harwood Place  
Springfield, VA 22152

June 9, 2014 (AF)

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

RECEIVED  
Department of Planning & Zoning  
JUL 19 2013  
Zoning Evaluation Division

Re: Statement of Justification

To Whom It May Concern:

The purpose of this letter is for it to be included with my application for special permit according to Zoning Ordinance section 8-305.

The proposed use of the home is a childcare facility located in the basement of the property.

The hours of operation would be from 7:00 am to 7:00 pm. I estimate to have a total of 12 children or fewer. I currently work myself as a provider. I have a full time assistant as well as an occasional part time assistant as needed.

All the children are not at the facilities from 7:00 am to 7:00 pm. Their arrival and departure times vary depending on their parents' schedules. For example 5 of my children typically arrive at 7:00 am, some arrive at 7:30 am, and some at 8:00 am. The ones who are dropped off earlier get picked up earlier by the parents and the ones who come a little later are picked up sometimes picked up at 7:00 pm. The traffic impact in my neighborhood is not that severe given that the kids tend to arrive at various times.

The Development/property conforms to the provisions of all applicable ordinances, regulations and adopted standards. The parents of the children I care for come either from Springfield or Burke, VA.

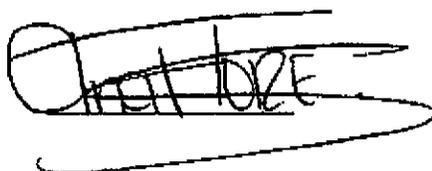
My house is a split-level single family home, with a very large back yard and a big yard in the front as well. I have gates at the top and bottom of the stairs. I have a wide long drive way area where 4 cars can easily be parked at once (note: we don't have that many cars parked there any given time).

To the best of my knowledge there are no known hazardous or toxic substances in the property.

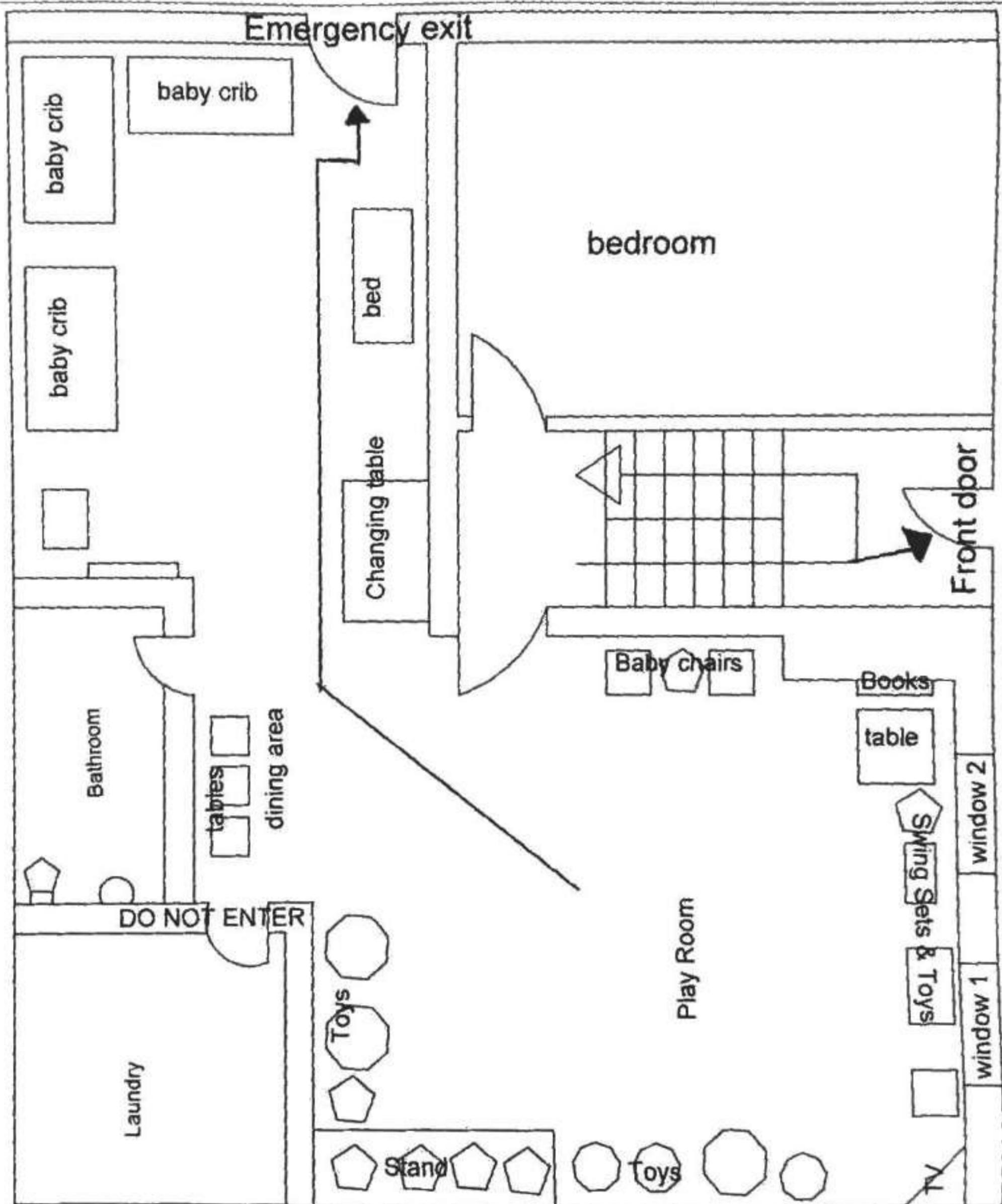
To the best of my knowledge the proposed property conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Please feel free to contact me at (703) 599-1791 or (703) 599-1364 if you should have any questions regarding my application.

Thank you,



RECEIVED  
Department of Planning & Zoning  
JUN 13 2014  
Zoning Evaluation Division





HOUSE VIEW ①

STREET VIEW ②





Driveway view

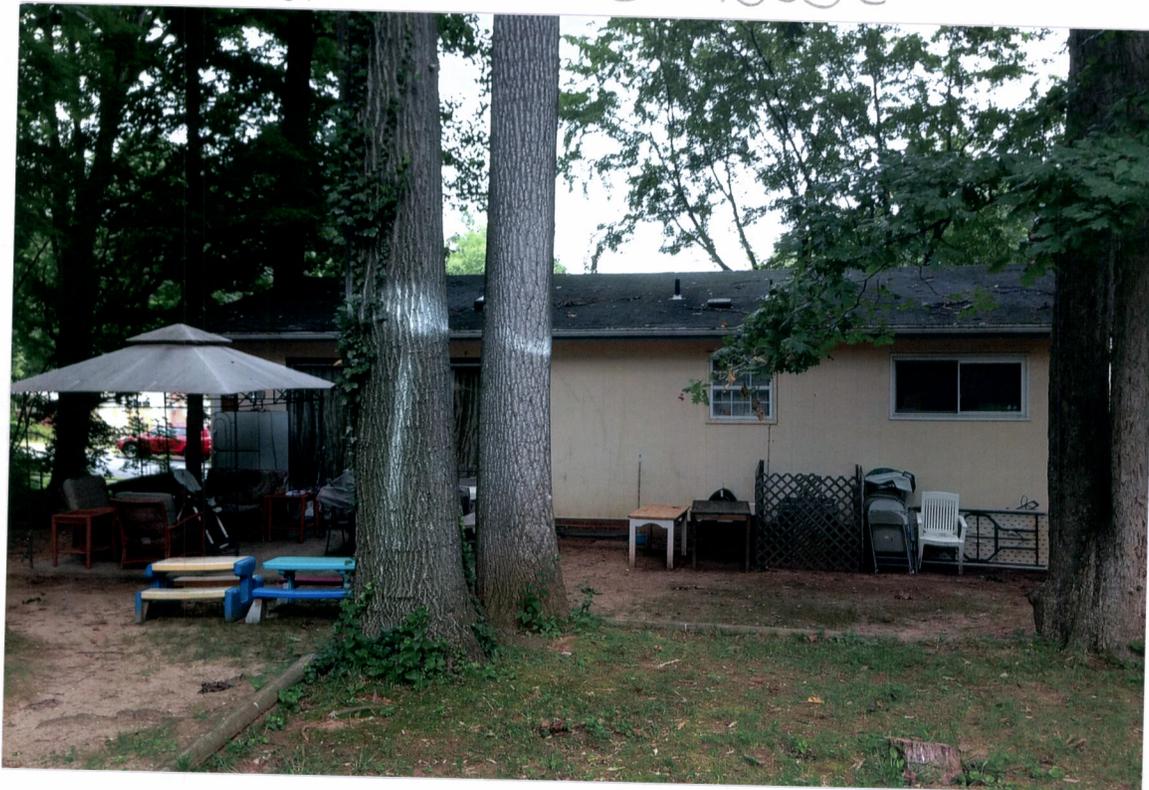
Driveway view (street side)

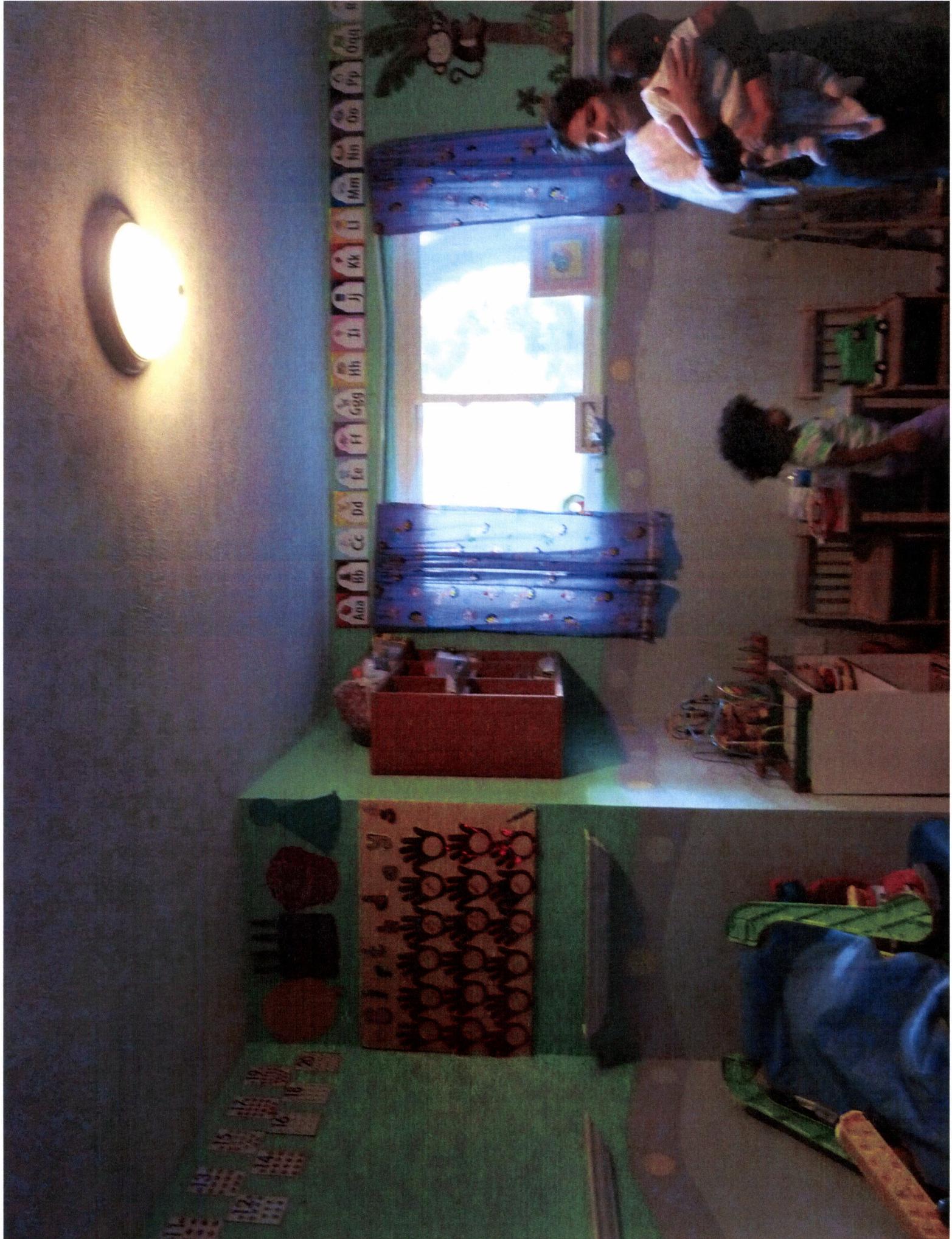




Playground location

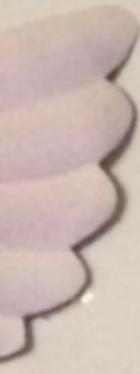
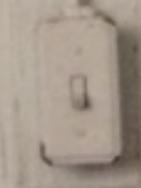
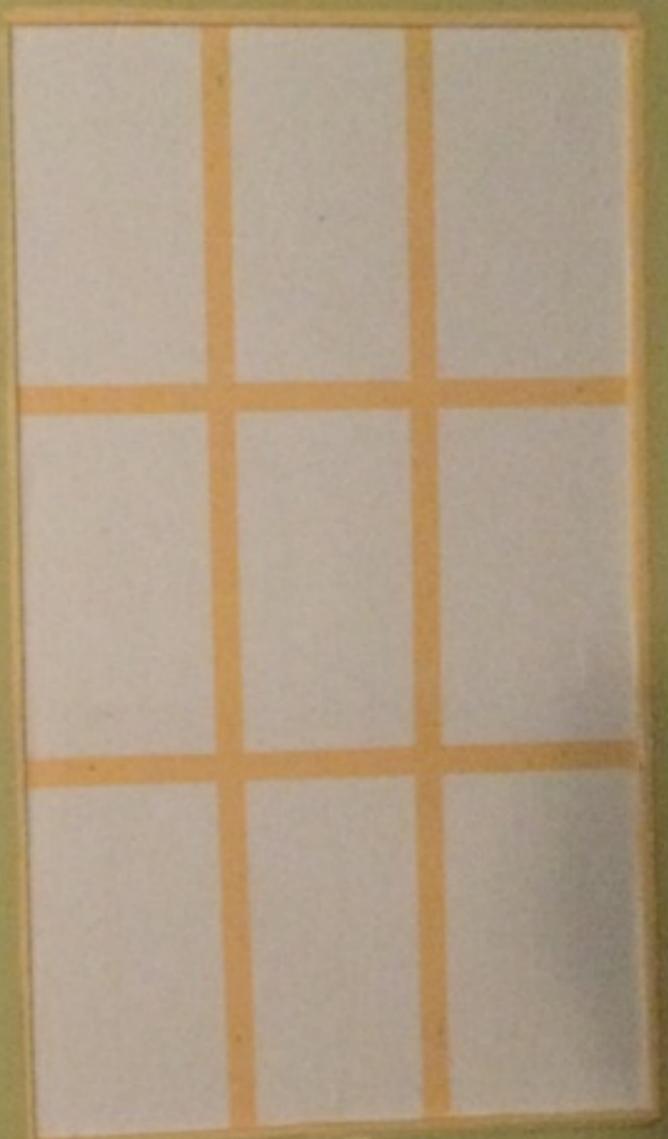
Back of the House







**EMERGENCY**  
**Exit**  
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Application No.(s): SP 2014-BE-111  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/23/14  
(enter date affidavit is notarized)

127716

I, Ana Vargas, 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)
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Ana F Vargas	7803 Harwood Pl Springfield VA 22152	
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Alberto Estrella Gabino E. Vargas Ana C. Chavez	12542 Sweet Leaf Terrace, Fairfax VA 22033 c/o Alberto Estrella, address above c/c Alberto Estrella, address above	
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(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).

*Sal*

Application No.(s): SP 2014-BR-111  
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DATE: 11/23/14  
(enter date affidavit is notarized)

127714

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)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

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

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

Application No.(s): SP 2014-BR-111  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/23/14  
(enter date affidavit is notarized)

127714

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)

N/A

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

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

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

Application No.(s): SP 2014-BE-111  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/23/14  
(enter date affidavit is notarized)

127716

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): SP 2014-BR-111  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/23/14  
(enter date affidavit is notarized)

127714

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: Ana Vargas  
(check one)  Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 23 day of November 2014, in the State/Comm. of Fairfax, County/City of Fairfax, Virginia

My commission expires: January 31, 2017  
Madia R. Fernandez  
Notary Public



dat

Street File ✓



# County of Fairfax, Virginia

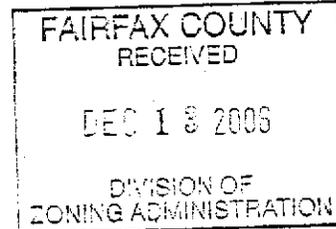
To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 12, 2006

## NOTICE OF VIOLATION

### SHERIFF'S LETTER

Alberto Estrella  
7803 Harwood Place  
Springfield, VA 22152



Re: 7803 Harwood Place  
Subdivision: Westview Hills, Sect. 3, Lot 290  
Tax Map Ref: 89-2 ((5)) 290  
Zoning District: R-3

Dear Mr. Estrella:

Zoning inspections of the above-referenced property between December 8, 2006 and December 11, 2006 have revealed the storage of the following items located in the front yard of the above referenced property. This includes but is not limited to:

A refrigerator, mirror, cardboard, a wooden plank, and other miscellaneous items

This outdoor storage is not in accordance with Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Enforcement Branch  
12055 Government Center Parkway, Suite 82  
Fairfax, Virginia 22035-5500  
Phone 703-324-1300 FAX 703-324-1340  
[www.fairfaxcounty.gov/dp](http://www.fairfaxcounty.gov/dp)

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of receipt of this Notice.

Compliance can be accomplished by the following:

- Relocating the storage to the rear half of the lot; and
- Screening it from view from the first story window of any neighboring dwelling; and
- Limiting it to a total area not exceeding 100 square feet; or
- Removing all storage from the front yard in its entirety.

A follow-up inspection will be made at the expiration of this time period. Failure to comply with this Notice shall result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1398 or (703) 324-1300.

Sincerely,

  
Bridget A. Merz  
Senior Zoning Inspector

BAM/seg

## Complaint History

# Record	Status	Date
1 FIDO - DCC - Complaint 78808 Project Name: WESTVIEW HILLS Address: 007803 HARWOOD PL	Closed	Closed: 2013-09-23
2 FIDO - DPZ - Complaint 43113 Project Name: WESTVIEW HILLS Address: 007803 HARWOOD PL	Closed	Closed: 2009-02-05
3 FIDO - DPW - Complaint 34113 Project Name: WESTVIEW HILLS Address: 007803 HARWOOD PL	Closed	Closed: 2008-06-19
4 <u>FIDO - DCC - Complaint 105137</u> Project Name: WESTVIEW HILLS Address: 007803 HARWOOD PL	Under Investigation	No Date In Record

### Complaint Details

Complaint #	78808
Street Address	007803 HARWOOD PL
Magisterial District	Braddock
Complaint Description	Business In A Residential District
Agency	DCC
Status	Closed
Opened Date	2011-12-14
Closed Date	2013-09-23
Disposition	Compliance
Inspector Assigned	Charles Fitzhugh
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

### Complaint Details

Complaint #	43113
Street Address	007803 HARWOOD PL
Magisterial District	Braddock
Complaint Description	Vehicle - Park On Grass
Agency	DPZ
Status	Closed
Opened Date	2009-01-06
Closed Date	2009-02-05
Disposition	Compliance
Inspector Assigned	Bridget Merz
Notice of Violation and/or Corrective Work Order	No
Litigation	No

**Complaint Details**

Complaint #	34113
Street Address	007803 HARWOOD PL
Magisterial District	Braddock
Complaint Description	Grass Height In Excess 12 Inches On Property <= 1/2 Acre
Agency	DPW
Status	Closed
Opened Date	2008-06-03
Closed Date	2008-06-19
Disposition	Compliance
Inspector Assigned	Joseph Farrar
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

**Complaint Details**

Complaint #	105137
Street Address	007803 HARWOOD PL
Magisterial District	Braddock
Complaint Description	Business In A Residential District
Agency	DCC
Status	Under Investigation
Opened Date	2014-05-16
Closed Date	
Disposition	
Inspector Assigned	Charles Fitzhugh
Notice of Violation and/or Corrective Work Order	No
Litigation	No



# County of Fairfax, Virginia

Return Copy

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** May 15, 2012

### SHERIFF'S LETTER

**CASE #:** 201108339 **SR#:** 78808

**SERVE:** Alberto Estrella  
 Gabino E. Vargas  
 Ana C. Chavez  
 7803 Harwood Pl.  
 Springfield, VA 22152

**LOCATION OF VIOLATION** 7803 Harwood Pl.  
 Springfield, VA 22152-1910  
 Tax Map Ref.#: 89-2 ((5)) 290  
 Zoning District: R-3

Dear Property Owner(s):

Inspections of the above referenced property between March 6, 2012 and May 11, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

**§ 10-103 (6) Home Child Care Facilities**  
**§ 2-302 (6) Accessory Use must comply with Article 10:**

The presence of a home child care facility wherein thirteen (13) or more children are being cared for. The home child care facility is located in a single family detached dwelling. This use is permitted in the R-3 District, subject to the use limitations outlined in Par. 6 of Sect. 10-103 of the Fairfax County Zoning Ordinance which states:

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:

---

**Department of Code Compliance**  
 12055 Government Center Parkway, Suite 1016  
 Fairfax, Virginia 22035-5508  
 Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

- (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.
- 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 Sect. 63.1-196 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.

Alberta Estrella  
Gabino E. Vargas  
Ana C. Chavez  
May 15, 2012  
Page 3

Therefore, since you are conducting a day care facility with more than 7 children at this location, you are not operating the home child care facility in conformance with the use limitations outlined above, and therefore in violation of Par. 6 of Sect. 10-103 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Fully complying with the use limitations for a home child care facility as outlined above; or
- Applying for and ultimately obtaining approval of a Special Exception from the Fairfax County Board of Supervisors to operate a home child care facility in excess of the use limitations outlined herein.

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**§ 10-102 (24) Outdoor Storage**

**§ 2-302 (6) Accessory Use must comply with Article 10:**

An inspection has determined that you are allowing the storage in the front, side, and rear yards of, but not limited to, the following:

Automobile parts, furniture, lawn equipment and related materials, miscellaneous trash and debris.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not located in the rear half of the lot, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Alberta Estrella  
Gabino E. Vargas  
Ana C. Chavez  
May 15, 2012  
Page 4

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

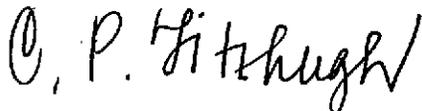
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A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1395.

Sincerely,



Charles P. Fitzhugh  
Code Compliance Investigator II

Virginia.gov Agencies | Governor Search Virginia.Go



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES



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

## Ana Vargas

7803 Harwood Place

SPRINGFIELD, VA 22152

(703) 644-1593

Facility Type: [Family Day Home](#)

License Type: [One Year](#)

[Expiration Date](#): Dec. 11, 2015

Business Hours: 5:30 am - 11:00 pm  
Monday - Sunday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Erika Gibson  
(703) 479-4686



# County of Fairfax, Virginia

## MEMORANDUM

Date: September 25, 2014

To: Laura Gumkowski, Planner II  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care

Applicant: Ana Flores Garcia  
7803 Harwood Place, Springfield, Virginia 22152  
Westview Hills, Lot 290, Sec 3  
Tax Map# 89-2 ((05)) 0290 Zoning District: R-3(Residential 3 DU/AC)  
Magisterial District: Braddock  
Mail Log # 2014-0404  
Date of Inspection: September 23, 2014

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

- ✓ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)

*\* The baby's sleeping area is lacking the required emergency egress. The room has a door which is blocked and taped shut.*

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

- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- Structures comply with the Zoning Ordinance.

**8-006 General Standards**

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

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

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

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

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

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

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

**Sect. 10-103 Use Limitations**

6. The following use limitations shall apply to home child care facilities:

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

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.