



APPLICATION ACCEPTED: June 16, 2014
BOARD OF ZONING APPEALS: February 4, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 28, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MA-115

MASON DISTRICT

APPLICANT: Rohina Nasher
d/b/a Rohina Nasher Day Care

OWNERS: Rohina Nasher
Shahab S. Nasher

SUBDIVISION: Sunrise at Sunset

STREET ADDRESS: 4900 Sunset Lane, Annandale, 22003

TAX MAP REFERENCE: 71-3 ((23)) 5

LOT SIZE: 17,520 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 3-203, 8-305

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

STAFF RECOMMENDATION:

Staff recommends denial of SP 2014-MA-115.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2014-MA-115, staff recommends that such approval be conditioned upon 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.

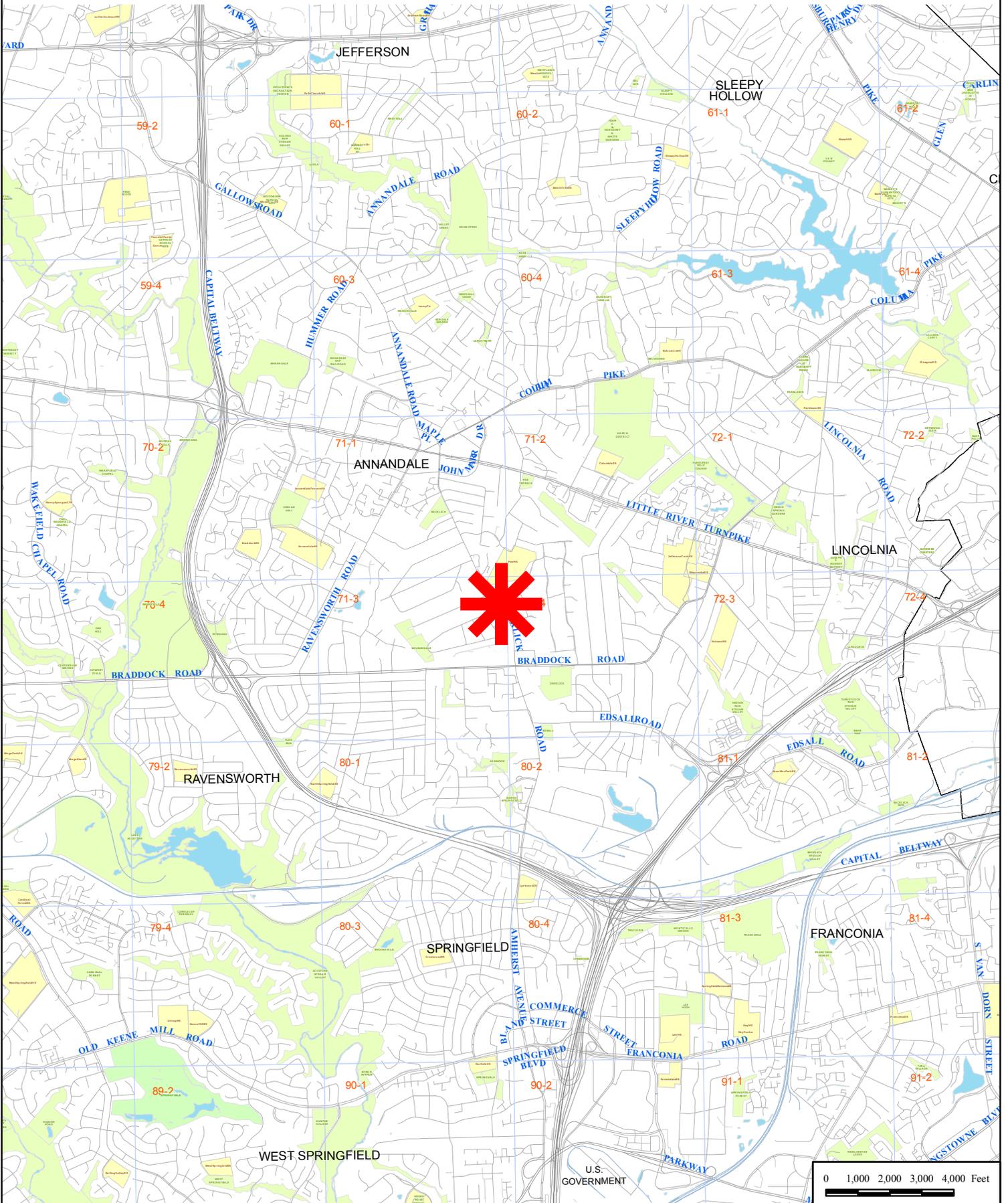


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-MA-115

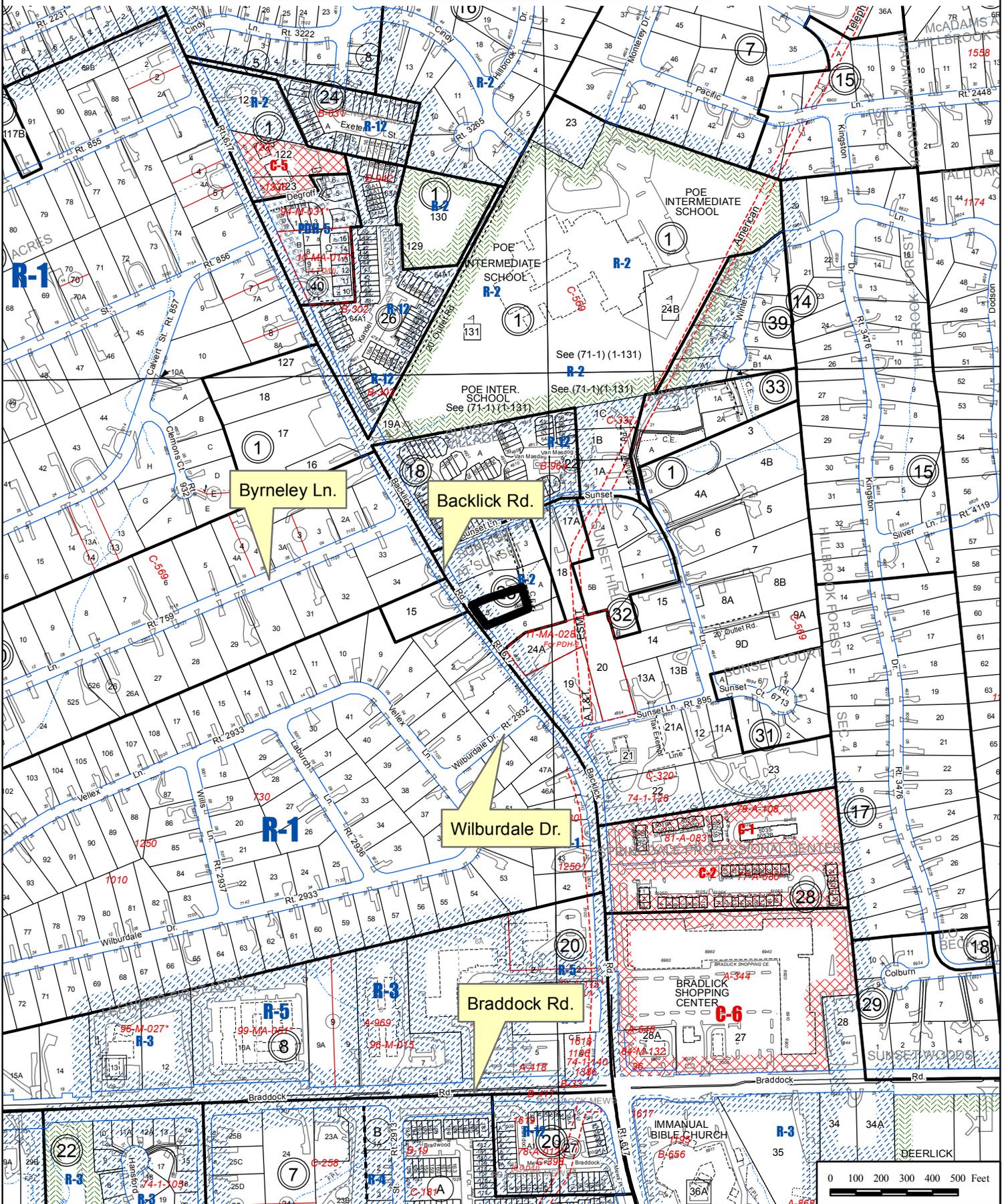
ROHINA NASHER D/B/A ROHINA NASHER DAY CARE



Special Permit

SP 2014-MA-115

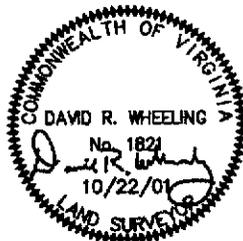
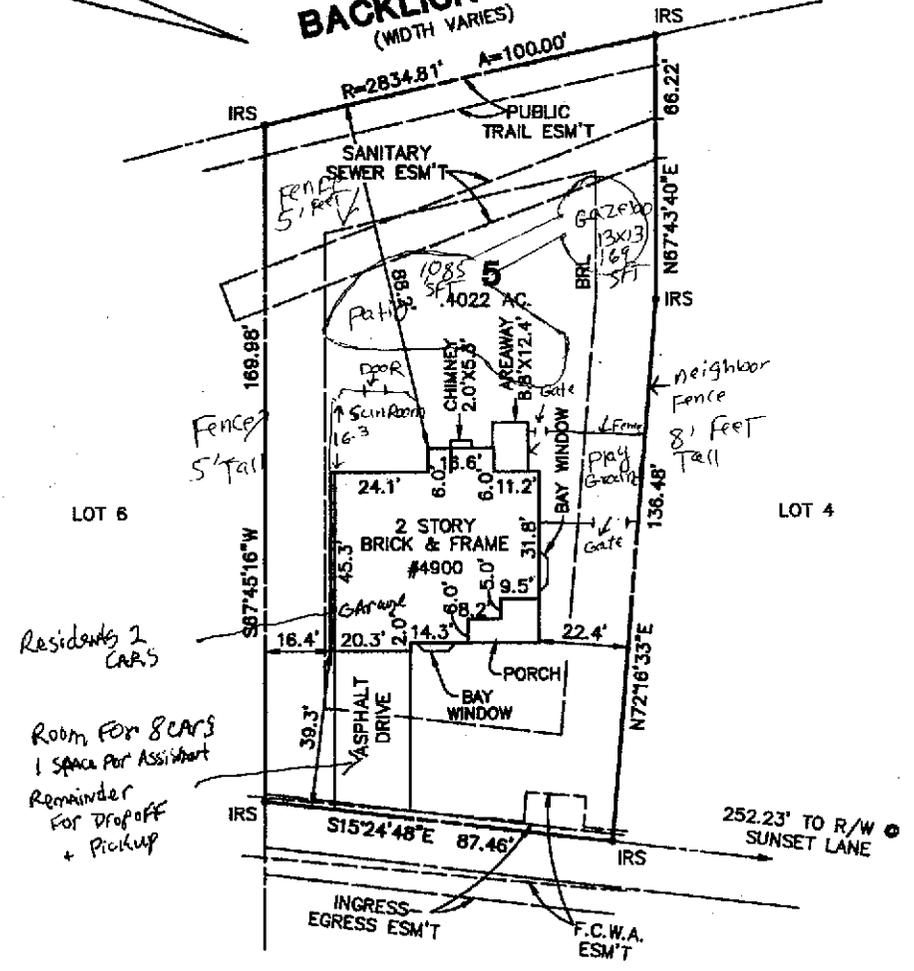
ROHINA NASHER D/B/A ROHINA NASHER DAY CARE





BACKLICK ROAD

(WIDTH VARIES)



OUTLOT "A"
RECEIVED
Department of Planning & Zoning
JUN 13 2014
Zoning Evaluation Division

Rolanda Hunter
6/5/14

PHYSICAL IMPROVEMENT SURVEY
LOT 5
SUNRISE AT SUNSET
FAIRFAX COUNTY, VIRGINIA



TARGET SURVEYS, INC.

8807 SUDLEY ROAD, SUITE 201
MANASSAS, VIRGINIA 20110
TEL: (703)368-8828 FAX: (703)365-7998

FINAL: OCTOBER 22, 2001

NO TITLE REPORT FURNISHED

SCALE: 1"=30'

DATE: JANUARY 23, 2001

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, titled “Physical Improvement Survey, Lot 5, Sunrise at Sunset,” prepared by David R. Wheeling, L.S., of Target Surveys, Inc., dated October 22, 2001, and revised by the applicant, Rohina Nasher, on June 5, 2014, 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 two story, single-family detached dwelling. An asphalt driveway located to the east of the dwelling provides vehicular access to a pipestem. A sunroom addition, basement entrance and a patio are located to the west of the dwelling. A 169 square foot gazebo, over 7 feet in height, is located to the northwest of the dwelling. A fenced in play area for the home child care is located to the north of the dwelling.

A sanitary sewer easement and a public trail easement exist to the west of the dwelling. The through lot property abuts Backlick Road, but does not have direct vehicular access.

The property is east of Backlick Road and north of Braddock Road. The subject property and surrounding properties to the north, east, and south are zoned R-2 and are developed with single family detached dwellings. The properties to the west, across Backlick Road, are zoned R-1 and developed with single family detached dwellings.



Figure 1- Aerial View of Subject Property; Source Fairfax County GIS

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed and purchased by the property owner in 2001.

On April 29, 2005, a building permit was approved for the conversion of an existing deck into a sunroom addition to the west of the dwelling (Appendix 4). A final inspection took place on July 19, 2005.

On January 25, 2006, a building permit was approved for a finished basement with a wet bar (Appendix 4). Staff can not find evidence that a final building inspection took place. Therefore, a development condition has been included in Appendix 1 to address this concern.

There are no complaints filed on the property related to the current property owner.

Records indicate that no other special permit applications relating to a home child care have been approved by the Board of Zoning Appeals (BZA) in the surrounding area. However, SP 2014-MA-085, also a home child care requesting twelve children, was deferred by the BZA to April 2015 and is located north of this application at the corner of Sunset Lane and Backlick Road.

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. There are staggered arrival and departure times for the children. All of the children arrive between 7:15 a.m. and 9:30 a.m. and depart between 1:00 p.m. and 6:00 p.m. According to the current schedule, as submitted in the statement of justification, the children arrive and depart the property as follows:

Arrival:

- 7:00 a.m.- 7:45 a.m. 3 children
- 7:45 a.m. – 8:00 a.m. 3 children
- 8:00 a.m. – 8:30 a.m. 2 children
- 8:30 a.m.- 9: 15 a.m. 4 children

Departure:

- 2:45 p.m. – 4:15 p.m. 6 children
- 4:15 p.m. – 4:30 p.m. 3 children
- 4:30 p.m. – 5:00 p.m. 2 children
- 5:00 p.m. – 5:30 p.m. 1 child

The home child care facility is operated in the basement of the dwelling. The fenced in play area is located in the side yard of the property and north of the main dwelling. Pictures provided by the applicant show toys and play equipment located in this area. Currently, there are two full time assistants.

The applicant holds a current Family Day Home License, effective for one year and expires on June 14, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, from birth through 12 years 11 months of age. A copy of the license is included as Appendix 5.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale Planning District
Planning Sector: Indian Run Community Planning Sector (A3)
Plan Map: Residential, 1-2 du/ac

Zoning Inspection Branch Comments (Appendix 6)

Staff found that a basement room is set up as a nap area for the home child care and does not have adequate emergency egress. The applicant noted that this area was storage for the cribs. However, staff advised that the cribs must be collapsed to be stored in this area and that any napping of the children must occur in the large open play area which has adequate emergency egress.

Additionally staff found that there was inadequate clearance in front of a service panel and that an accessory structure (gazebo) did not appear to meet minimum required side yard setbacks for the R-2 zoned property. The applicant was made aware of these concerns and will relocate the fridge. Also, staff has provided a development condition to allow the applicant to return to the Board of Zoning Appeals within 12 months to apply for a special permit for the accessory structure that is in violation.

Zoning Ordinance Requirements (Appendix 7)

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

This special permit application must satisfy the requirements contained in the zoning ordinance sections outlined above.

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.*

The Comprehensive Plan recommends residential uses and the property is developed with a residential use.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The R-2 District permits a home child care facility as an accessory use with special permit approval.

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.*

No new construction is proposed.

The home child care is located at the end of a pipestem off of Sunset Lane. The driveway can accommodate four vehicles, however the vehicular maneuverability when entering and exiting the driveway is severely limited. Due to the close proximity of the neighbor to the southeast, the shallow driveway of the subject property and the limited area to back out of the home child care on to the pipestem, an allowance of twelve children would severely inhibit the use of the other residential properties on this pipestem.

In staff's opinion, the proposed use of a home child care located at this property on this pipestem would hinder and/or discourage use or development of neighboring properties or value because of an increase in traffic on a private, limited sized vehicle thoroughfare. The large amount of traffic that will be entering and leaving the home child care every day would impact any potential by-right use of the property immediately to the southeast. If the adjacent property owner desired a by-right use such as a home child care with seven children the amount of traffic at the applicant's location would negatively

impact a potential use at the neighboring property by possibly inhibiting a by-right use.

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.*

On staff's site visit, there were two cars parked in the driveway. Staff parked behind one of the cars and the tail end of the county car was barely within the edge of the driveway. Additionally, upon leaving the site visit, a car was parked directly behind the driveway on the shoulder of the pipestem (which is on Lot A, owned by the homeowners association). Staff had a difficult time exiting the driveway of the home child care and avoiding the cars in the driveway, the car parked along the pipestem and the mailbox.



There is currently no vehicular turn around area at the end of the pipestem that are located on public property. There are however, two turn around areas located on private property. One is partially located on the subject property to the south of the dwelling, but would not aid the current issues of entering and leaving the site due to its location. The other turn around area is located on the neighboring property to the south east of the dwelling. Furthermore, the pipestem terminates at the driveway of the property to the southeast of the subject property.

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.*

There is existing fencing that separates the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

Open space is not required in an R-2 District.

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.*

Staff believes that adequate utility and drainage exist on the site for the use. However, staff does not believe that there is adequate parking and loading space for the home child care.

The applicant indicated in the statement of justification that they park their personal cars in their two car garage. The applicant also indicated that the two assistants park along Sunset Lane, a public street. There is no on-street parking directly in front of this property and therefore in turn forces the assistants to park on the street in front of neighbors properties, which is not supported by staff.

Staff is concerned that if more than two cars related to the home child care arrive at any time the vehicle maneuverability of the parents vehicles would be difficult. The pipestem is narrow in width and any additional vehicles that arrive to drop-off or pick-up children will have to line up, effectively blocking the pipestem for exiting. On other home child care applications that the Board of Zoning Appeals has approved, the cuing of cars to drop off children typically takes place in front of the house. Cars would then back out into a public road and not block other parents in this particular scenario from exiting.

While some home child care applications on pipestems have been approved, staff does not believe the layout of the pipestem, the turn around area or width of the pipestem are adequate to allow a home child care with twelve children without creating a hazardous traffic situation.

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.*

Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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.*

Staff believes that the lot size and bulk regulations for the dwelling and the subject property were previously satisfied with the development of the property. No exterior modifications are proposed with this application.

2. *All uses shall comply with the performance standards specified for the zoning district in which located.*

The use complies with the performance standards set forth in Article 14 of the Zoning Ordinance.

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.*

Home child care facilities are not 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.*

The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests two non-resident employees.

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.*

Staff believes that while the number of parking spaces may be sufficient for the site, the driveway and pipestem limit the amount maneuverability for the parents to enter and exit the site. There is no on-street parking near the driveway of the property and there are no alternative drop-off or pick-up areas near the property.

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.*

There is an existing fence in the rear yard that helps provide screening to the outdoor play area.

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.*

The applicant met the submission requirements for the home child care facility.

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.*

The applicant has a valid home child care license issued by the State of Virginia.

Sect. 10-103 Use Limitations

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.

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. *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.*

The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.

- 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.*

There is no exterior evidence of the proposed use except play equipment and toys.

- 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.

The applicant is proposing two non-resident employees. A development condition has been included in Appendix 1 to limit the hours of the employees from 7:00 a.m. – 6:00 p.m. 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.*

The provider is a resident of the property.

- 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.*

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.

- 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.*

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 twelve children at any one time. The applicant requests two non-resident employees.

CONCLUSION/ RECOMMENDATION

Staff does not believe that the subject application is in conformance with the applicable Zoning Ordinance provisions. Staff believes the maneuverability of vehicles related to the home child care use is limited by the site conditions and may negatively affect the neighboring properties. In staff's opinion, the use does not meet the special permit provisions as outlined in the zoning ordinance.

Staff recommends denial of SP 2014-MA-115.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2014-MA-115, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-115****January 28, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-115 located at Tax Map 71-3 ((23)) 5 to permit a home child care facility pursuant to Sects. 3-203 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, Rohina Nasher d/b/a Rohina Nasher Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 4900 Sunset Lane, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled "Physical Improvement Survey, Lot 5, Sunrise at Sunset," prepared by David R. Wheeling, L.S., of Target Surveys, Inc., dated October 22, 2001, and revised by the applicant, Rohina Nasher, on June 5, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two nonresident employees may be involved in the home child care facility and limited to the hours of 7:00 a.m. to 6:00 p.m.
8. All pick up and drop off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.

10. 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.
11. Any portions of the dwelling associated with the home child care facility that are 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.
12. Within 12 months from the date of this hearing, the accessory structure to the west of the dwelling (a gazebo) shall be moved to be in compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.
13. The applicant shall ensure that the area in front of the service panel provides 36 inches of working space.
14. A final building inspection shall take place for the construction related to the finished basement permit that was approved on January 25, 2008.

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, 12 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: Rohin Nasher
 Address: 4900 Sunset Lane, Annandale VA
22003
 Phone #: 703-354-6292
 E-mail: Rohina.Nasher@yahoo.com

Date 3-5-2014

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

Re: Special Permit Application
 Applicant: Rohina Nasher
 Zoning Ordinance Section 8-305 for Home Child Care Facility
 Section 8-004 of General Standards

Tax Map #: 0713 23 0005
 Zoning District: R-2 DV/AC
 Lot Size: Land Area 17,520

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 4900 Sunset Lane, Annandale, VA 22003 (your address). The property is zoned R-2 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 Mon-Fri 7AM - 6pm.

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

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

Arrival Schedule. All of the children arrive between 7:15 AM and 9:30 AM.

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 Department of Planning & Zoning
 MAY 21 2014
 Zoning Evaluation Division

Departure Schedule. All of the children are picked up at 1 PM. - 6pm

Area Served. Fairfax County VA
(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):

My house is 3 story house (including basement) 5 bedroom, 4 full bathrooms & 1 half bathroom. kitchen in the main floor. Front Porch, Back yard & side yard.
The house has 4,187 square feet. The following rooms are where I conduct the day care:

These rooms are _____ 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 Side yard for outdoor play for the children. The area is approximately _____ square feet. The outdoor play area consists of: Grass, ~~Small trees~~ small trees and outdoor toys.

Parking. I use my Garage to park my family car(s). My parents park In front of my Garage in my driveway. My Drive way has the space for 4 midsize cars.

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 My day care facility will benefit Fairfax County because provide care for professionals who work in the neighborhood. Nearby neighbors are happy with my day care because - need I have created a kid friendly environment. There is enough space between my home & the neighbor around the parking space I have is not overtaking the neighbors parking. I keep around the house clean and green.

Sincerely,

Rohina Nasher
Owner of Rohina Nasher Day Care.

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Department of Planning & Zoning

MAY 21 2014

Zoning Evaluation Division

Arrival Schedule and Departure Schedule

Arrival Schedule

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

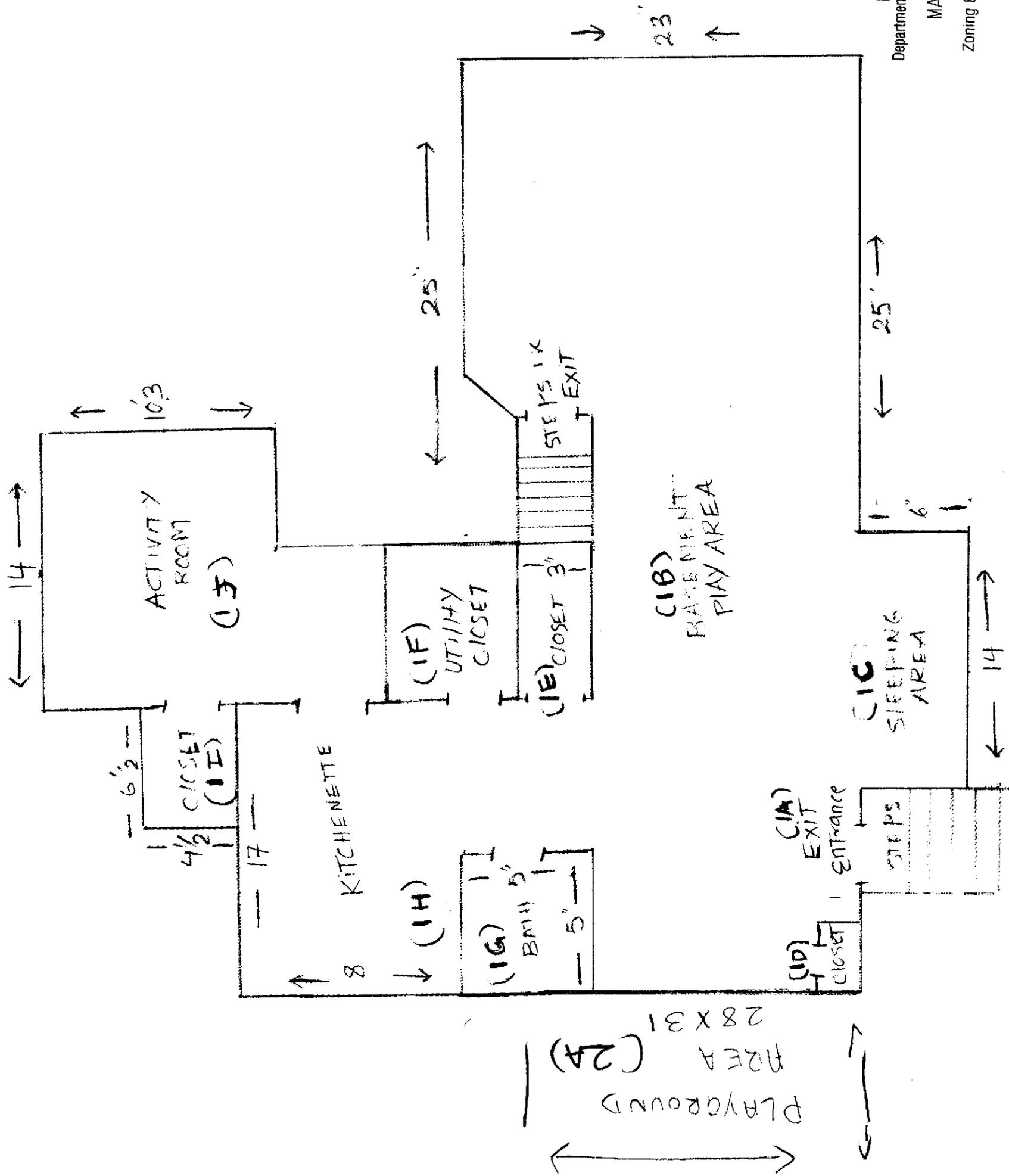
Departure Schedule

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

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Department of Planning & Zoning

MAY 21 2014

Zoning Evaluation Division



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MAY 21 2014

Zoning Evaluation Division

To Fairfax County Planning and Zoning Department,

RE: Description of Building Façade and architecture of proposed new building and conditions

Rohina Nasher
4900 Sunset Lane
Annandale, Virginia 22003-6050

The attached floor plan includes square footage of my home child care facility. My day care facility operates out of the basement of my home. Below is a bullet list of how each space is used. The labels are coordinated with the floor plan. Square footage is on the illustrated floor plan

- ⊕ 1A: The entrance/exit starts from the exterior of the home. Parents drop their kid(s) off here.
- ⊕ 1B: Upon entering the basement there is a basement play area. I use this spacious place for my day care children to engage in various activities which include playing, eating and reading books. For nap time, the area is cleaned up and cots are prepared for my toddlers. This space allots space for up to eight toddlers.
- ⊕ 1C: For nap time, the sleeping area has windows and can space up to four infants. This space is solely used for infants.
- ⊕ 1D: This closet space is used to store jackets and shoes
- ⊕ 1E: Closet: This closet is used to store bed cots and napping equipment
- ⊕ 1F: Utility Closet: This closet is for utility purposes
- ⊕ 1G: Bath: This bathroom space is where toddlers potty train, adjacent to the bathroom space there is a diaper changing area
- ⊕ 1H: Kitchenette: The kitchen has a sink, an oven, and a refrigerator. The first aid kit is located in this space and is placed in one of the high cabinets.
- ⊕ 1I: Closet: This closet space is used to store containers, the first aid kit, and other kitchen accessories
- ⊕ 1J: Activity Room: This room is used for activities include playing with blocks, reading and etc.

Outdoors:

- ⊕ 2A: Playground Area: This playground area houses a swing set, kid friendly bikes, and outdoor playing equipment.

Parking: The parking space is located in the front of the house. My driveway fits up to four cars and additional parking space allows for up to eight cars. Pick up time for each child varies as each child has a different pick up and drop off schedule. Very rarely are all spaces used up.

RECEIVED
Department of Planning & Zoning

MAY 21 2014

Zoning Evaluation Division

To Fairfax County Department of Planning and Zoning,

I have been a daycare provider in the Northern Virginia area for the past 24 years. During these years I have served many members of the community. My clients include military members, teachers, cops and individuals who help better society. Similarly to my clients I believe in the future of our kids and Fairfax County's future which is why I made the decision to join this profession two decades ago. My unrelenting passion with early childhood development is what drives me to provide my daycare services. Currently in my daycare, most of my clients are elementary school teachers. The elementary school principal knows me through word of mouth because of the services that my daycare provides. I strive to continue to provide that service.

For the past decade, at my current home residency my staff and I have built strong community relationships with the surrounding neighborhood. My surrounding neighborhood is happy of my services and supports my decision to have a daycare facility. My home day care presence helps the environment's image of being kid friendly. As more families move to Fairfax County due to its excellent school system there will be a continued need for day-care services in the Northern Virginia area. I want to use my passion and experience to continue providing services. I want to provide my personal story to give Fairfax county board members one story out of the thousands of stories out there.

Sincerely,

Rohina Nasher

RECEIVED
Department of Planning & Zoning

MAY 21 2014

Zoning Evaluation Division

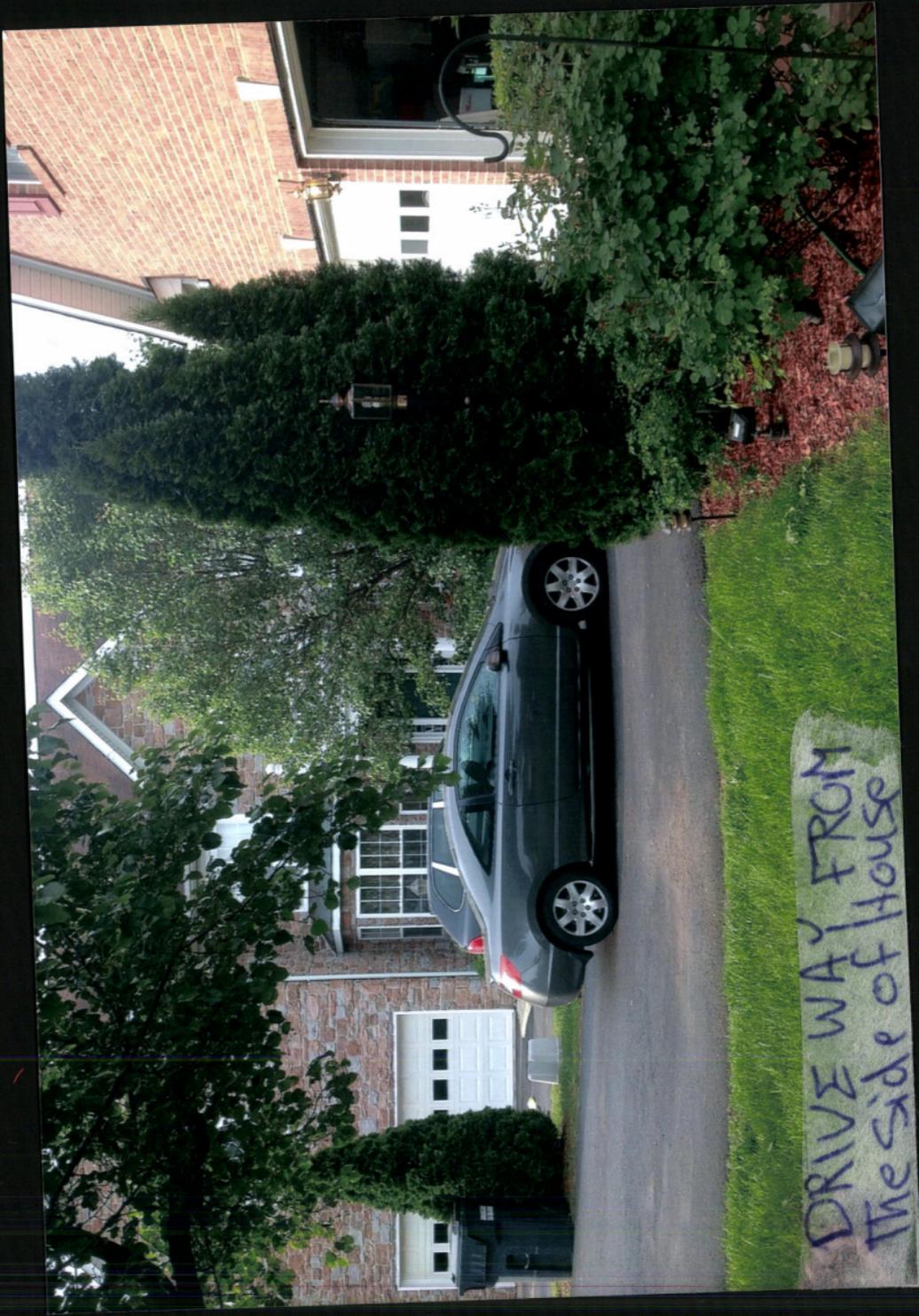
FRONT OF THE HOUSE



DRIVE WAY FOR
SIX CARS



DRIVE WAY FROM
The side of House







KIDS PLAY
AREA





Handwritten text on the wall, possibly a name or date, which is mostly illegible due to blurring and low resolution.



Handwritten text on the left side of the page, possibly a date or page number.

Handwritten text in the middle of the page, possibly a name or title.

Handwritten text on the right side of the page, possibly a list or notes.



**AN AFFIDAVIT FOR THIS CASE
HAS NOT BEEN APPROVED BY THE
OFFICE OF THE COUNTY ATTORNEY
AT THE TIME OF PUBLISHING**


Land Development Information History: ISIS - Building Permit - 05119B0270
Permit Information

Permit Id: 05119B0270 **Application Date:** 2005-04-29 **Time:** 11:27:50
Job Address: 004900 SUNSET LA **Tax Map:** 071-3 ((23)) 0005
Subdivision: SUNRISE AT SUNSET **Permit Status:** Initial/Approved (IA)
Trade Name: NA **Subobj:** 181 R/C: R
Applicant Name: FRED **Bldg:** NA **Floor:** NA **Suite:** NA
Work Description: SFD/CONVERT EXIST DECK INTO SUNROOM//EDF
Type Work: Exterior Addition (A02)
Building Use: Single-Family, Detached Or Semi-Detached (010)
Standard: IR00
Plan Number: **Use Group:** R5 **Bldg Permit:** NA
Permit Hold Date: **By:** QNO: W-05-02425 **POF:** J
Hold Release Date: **By:** Proffer: **Pre-Const Meeting:** **Date:**
Comments: PERMIT AUTH ATTACHED

Permit Status Summary

Permit Status: Initial/Approved (IA) **Real Estate:** 2005-04-29 **RSLT:** APP **BY:** EDF
Applied Date: 2005-04-29
Issued Date: 2005-05-09 **Building Plan Review:** 2005-05-02 **RSLT:** APP **BY:** KGA
Paid Date: 2005-05-09 **Zoning:** 2005-05-02 **RSLT:** APP **BY:** TEM
Inspection Date: 2005-07-19
Expiry Date: 2005-11-09 **Final Inspection:** 2005-07-19 **RSLT:** A **BY:** TPS

Owner Information

Leasee: **Corp:**
Owner: NASHER SHAHAB SN **Job Magisterial Dist:** Mason
Address: 04900 SUNSET LN XX **Planning Dist:** Annandale
City: ANNANDALE **State:** VA **Subcensus Tract:** 521.03
Zip: 22003
Phone:

Contractor Information

Name: OWNER Master:
 Address: 00000 BPOL Licnese: 0
 City: State: Zip: 0 State License: 0
 Phone: Trade Reg.: 0

Building Permit

Building Plan Review

Estimated Cost: 20000 Sewer Water Code: 1
 Use Group: (01) R5 Sewer Shed: A1
 Type Const: (01) Combustible/Unprotected (5B)

Model Group:

Plan Received: 2005-04-29 Review Time: 00:00:00
 Review Started: 2005-04-29 Results: APP
 Review Completed: 2005-05-02 Engineer: KGA

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	748	0.054

Total	748
Filing Fee	56.00
Total Fee	56.00
Amount paid	56.00

Real Estate Review

Building Units: 0 Basement:
 Kitchens: 0 Ext Walls:
 Baths: 0 Int Walls:
 Half Baths: 0 Roofing:
 Bedrooms: 0 Flooring:
 Rooms: 0 Base Fin:
 Stories: Fuel/Heat:
 Building Height: 0 Fuel System:
 Building Area: 0 Fireplace: 0

Owner of Record: NASHER SHAHAB SN

Review Data

Date To: 2005-04-29

Date From: 2005-04-29

Results: APP

Reviewer: EDF

Comments:

Zoning Review

Review Data

Date To: 2005-05-02

Date From: 2005-05-02

Results: APP

Reviewer: TEM

Comments:

Grading / Drainage Review

Review Data

Date To:

Date From:

Results: NRQ

Reviewer: HF

Comments:

Inspections

Inspection - FRM - 999998

Req Taken: 2005-06-14

Phone:

Time: 22:53:05

Floor: NA

Sched For: 2005-06-15

Suite/Area: NA

Assigned To: A47

Comments:

Branch: 4

Req Taken By: VR2

Requested By: FROM VRU

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-06-15	TPS		C	N		N			00:00:00	00:00:00	00:00:00	0

Inspection - RTNB - 999995

Req Take
Time:
Sched Fc
Assignec
Branch:
Requeste

Phone:

Floor: NA

Suite/Area: NA

Comments:

Req Taken By:

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
RTNB		2005-06-21	TPS		A			N			00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999997

Req Taken: 2005-06-20

Phone:

Time: 22:06:09

Floor: NA

Sched For: 2005-06-21

Suite/Area: NA

Assigned To: A47

Comments:

Branch: 4

Req Taken By: VR2

Requested By: FROM VRU

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-06-21	TPS	C	A	N		N			00:00:00	00:00:00	00:00:00	1

Inspection - SLBS - 999996

Req Taken:

Phone:

Time:

Floor: NA

Sched For:

Suite/Area: NA

Assigned To:

Comments:

Branch:

Req Taken By:

Requested By:

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBS		2005-06-21	TPS	C	A	N		N			00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999994

Req Taken: 2005-07-18 **Phone:**
Time: 23:14:36 **Floor:** NA
Sched For: 2005-07-19 **Suite/Area:** NA
Assigned To: A47 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		2005-07-19	TPS	C	A	N					00:00:00	00:00:00	00:00:00	1

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Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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Land Development Information History: ISIS - Building Permit - 06025B0770

Permit Information

Permit Id: 06025B0770 **Application Date:** 2006-01-25 **Time:** 12:48:44
Job Address: 004900 SUNSET LA **Tax Map:** 071-3 ((23)) 0005
Subdivision: SUNRISE AT SUNSET **Permit Status:** Initial/Approved (IA)
Trade Name: NA **Subobj:** 181 **R/C:** R
Applicant Name: SHAHAB NASHER **Bldg:** NA **Floor:** NA **Suite:** NA

Work Description: SFD/FIN BSMT N/BR,N/2ND KITCHEN,WWB PER

Type Work: Finish Basement-Residential (R27)

Building Use: Single-Family, Detached Or Semi-Detached (010)

Standard: IR00

Plan Number: **Use Group:** R5 **Bldg Permit:** NA

Permit Hold Date: **By:** QNO: W-06-00411 **POF:**

Hold Release Date: **By:** Proffer: **Pre-Const Meeting:** **Date:**

Comments: PLANS//SSS

Permit Status Summary

Permit Status: Initial/Approved (IA)	Building Plan Review: 2006-01-25 RSLT: APP BY: MNC
Applied Date: 2006-01-25	Real Estate: 2006-01-25 RSLT: APP BY: SSS
Issued Date: 2006-01-25	Zoning: 2006-01-25 RSLT: APP BY: JBE
Paid Date: 2006-01-25	
Expiry Date: 2006-07-25	

Owner Information

Leasee:	Corp:
Owner: NASHER SHAHAB SN	Job Magisterial Dist: Mason
Address: 04900 SUNSET LN XX	Planning Dist: Annandale
City: ANNANDALE State: VA	Subcensus Tract: 521.03
Zip: 22003	
Phone:	

Contractor Information

Name: OWNER **Master:**
Address: 00000 **BPOL Licnese:** 0
City: **State:** **Zip:** 0 **State License:** 0
Phone: **Trade Reg.:** 0

Building Permit

Building Plan Review

Estimated Cost: 8400 **Sewer Water Code:** 1
Use Group: (01) R5 **Sewer Shed:** N1
Type Const: (01) Combustible/Unprotected (5B)
Model Group:
Plan Received: 2006-01-25 **Review Time:** 00:00:00
Review Started: 2006-01-25 **Results:** APP
Review Completed: 2006-01-25 **Engineer:** MNC

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	0	0.060

Total	0
Filing Fee	65.00
Total Fee	65.00
Amount paid	65.00

Real Estate Review

Building **Basement:**
Units: 0 **Ext Walls:**
Kitchens: 0 **Int Walls:**
Baths: 0 **Roofing:**
Half Baths: 0 **Flooring:**
Bedrooms: 0 **Base Fin:**
Rooms: 0 **Fuel/Heat:**
Stories: **Fuel System:**
Building Height: 0 **Fireplace:** 0
Building Area: 0

Owner of Record: NASHER SHAHAB SN

Review Data**Date To:** 2006-01-25**Date From:** 2006-01-25**Results:** APP**Reviewer:** SSS**Comments:****Zoning Review****Review Data****Date To:** 2006-01-25**Date From:** 2006-01-25**Results:** APP**Reviewer:** JBE**Comments:****Grading / Drainage Review****Review Data****Date To:****Date From:****Results:** NRQ**Reviewer:** MCJ**Comments:****Inspections**

There were no inspections.

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES



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

Rohina Nasher

4900 Sunset Lane

ANNANDALE, VA 22003

(703) 354-6292

Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): June 14, 2015Business Hours: 7:00am - 6:00pm
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Anailim Dally
(703) 577-0270



County of Fairfax, Virginia

MEMORANDUM

Date: December 16, 2014

To: Laura Arseneau, 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-MA-115

Applicant: Rohina Nasher d/b/a Rohina Nasher Day Care
4900 Sunset Lane, Annandale VA 22003
Sunrise at Sunset, Lot 5
Tax Map #: 71-3 ((23)) 5
Zoning District: R-2
ZIB # 2014-MA-0511

An inspection was conducted on October 16, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by the Staff Coordinator Casey Gresham and the Applicant.

KEY: A "✓" mark in a box indicates that the item was deficient.

An unmarked box indicates that no violation was found.

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

Comment: One basement room is set up for sleeping purposes that does not have the required emergency escape opening.

- An operable smoke alarm shall be provided outside (or inside) 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.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



- 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.

Comment: The service panel is located beside a refrigerator/freezer that does not provide for 36 inches of working space.

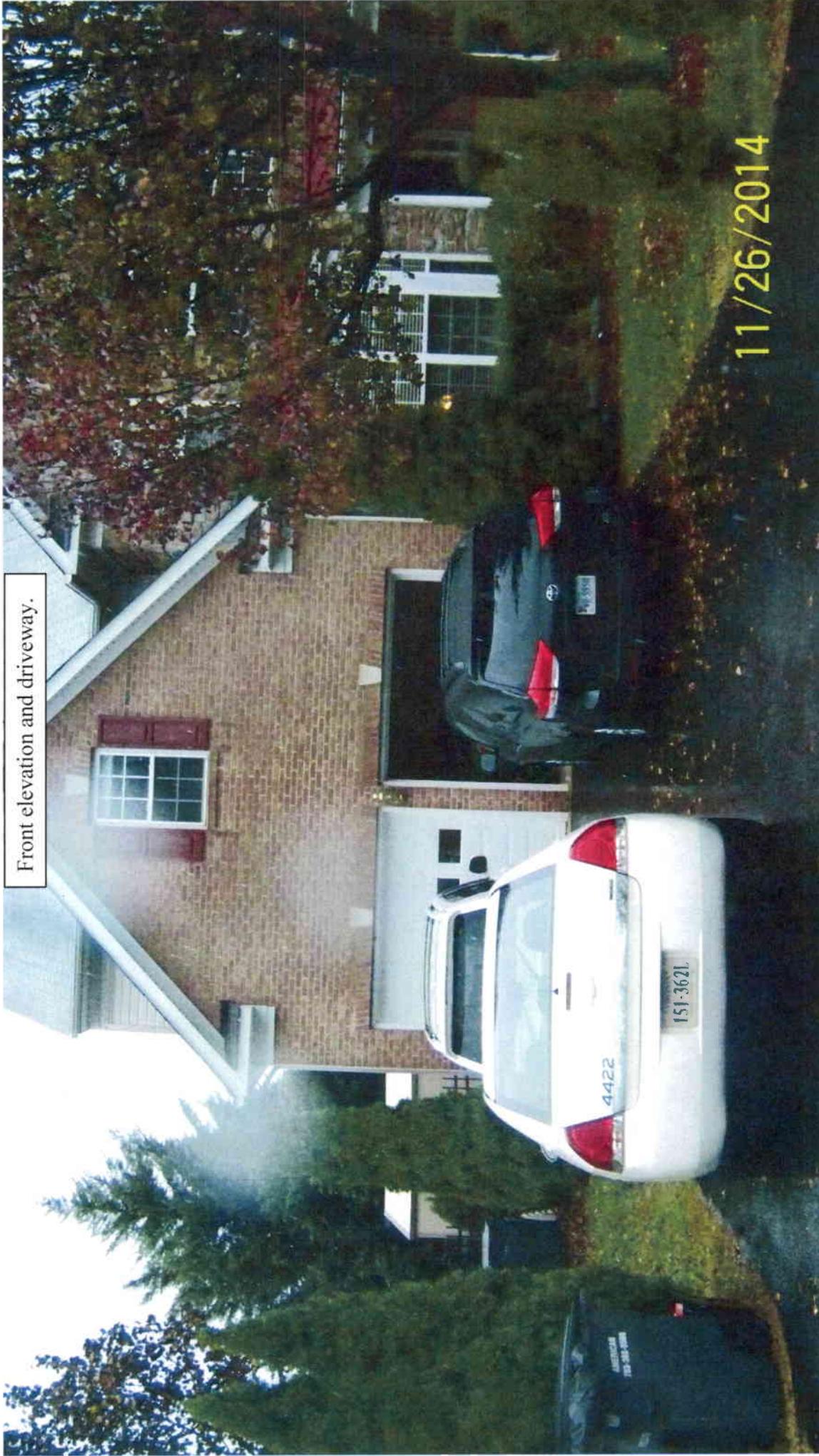
- Other Maintenance Issues:

- Structures comply with the Zoning Ordinance.

Comment: A freestanding accessory structure (Gazebo) may not meet the location regulations for the minimum required side yard (the gazebo is shown hand drawn on a plat not drawn to scale and lot lines were not found).

The following photographs were taken by Inspector Bruce Miller at the time of the inspection.

Front elevation and driveway.



Date (Time): November 26, 2014 (9:55 a.m.)

Address: 4900 Sunset Lane

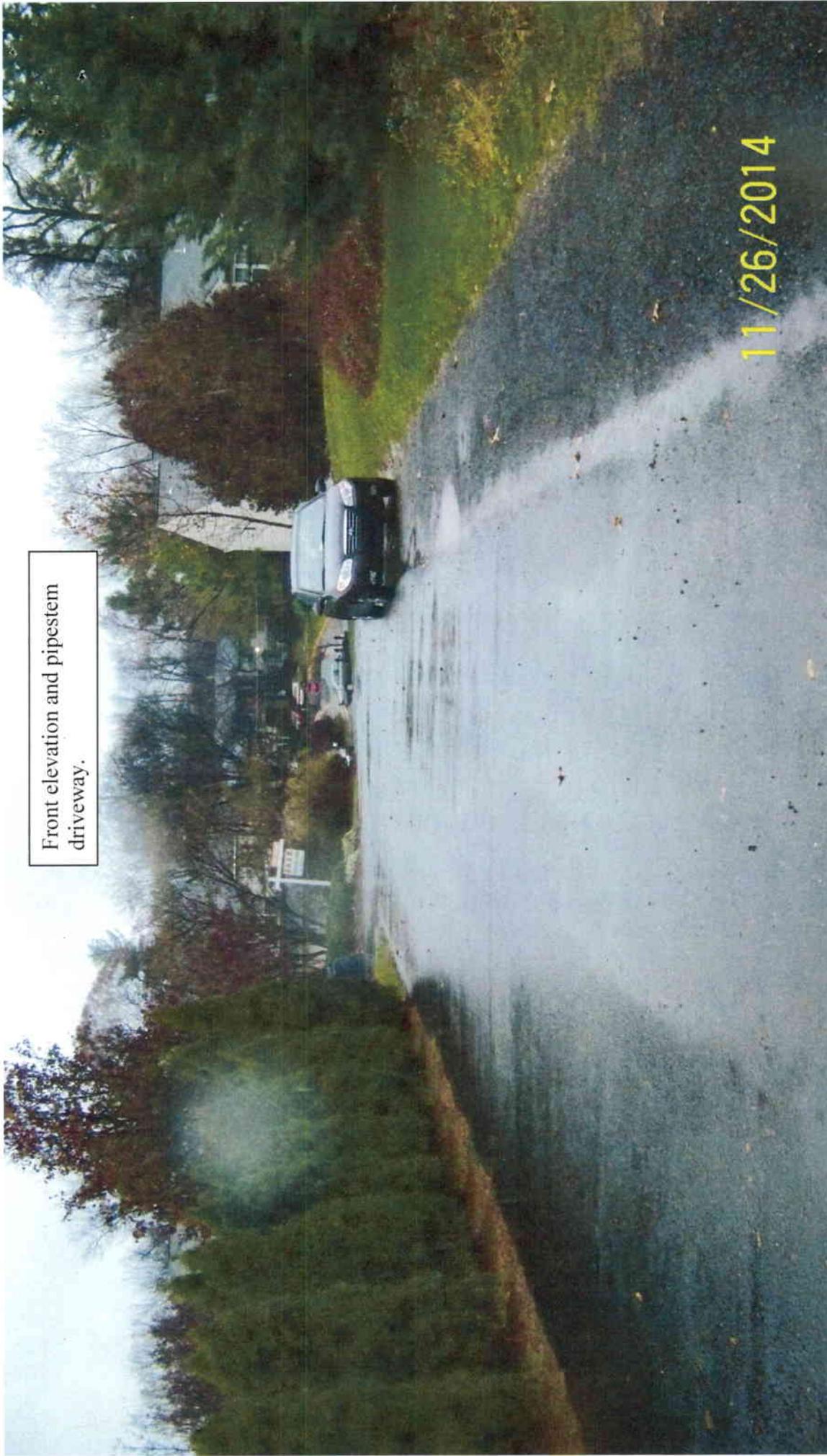
Annandale VA 22003

Tax Map Ref: 71-3 ((23)) 5

Zoning District: R-2

Photographer: *Bruce Miller*
Bruce Miller, Zoning/Property Maintenance Inspector

Front elevation and pipestem driveway.



Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
Bruce Miller, Zoning/Property Maintenance Inspector

Side yard.



Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
Bruce Miller, Zoning/Property Maintenance Inspector

Gazebo located in the rear yard may not comply with location regulations for minimum required side yard.

11/26/2014

Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
 Bruce Miller, Zoning/Property Maintenance Inspector



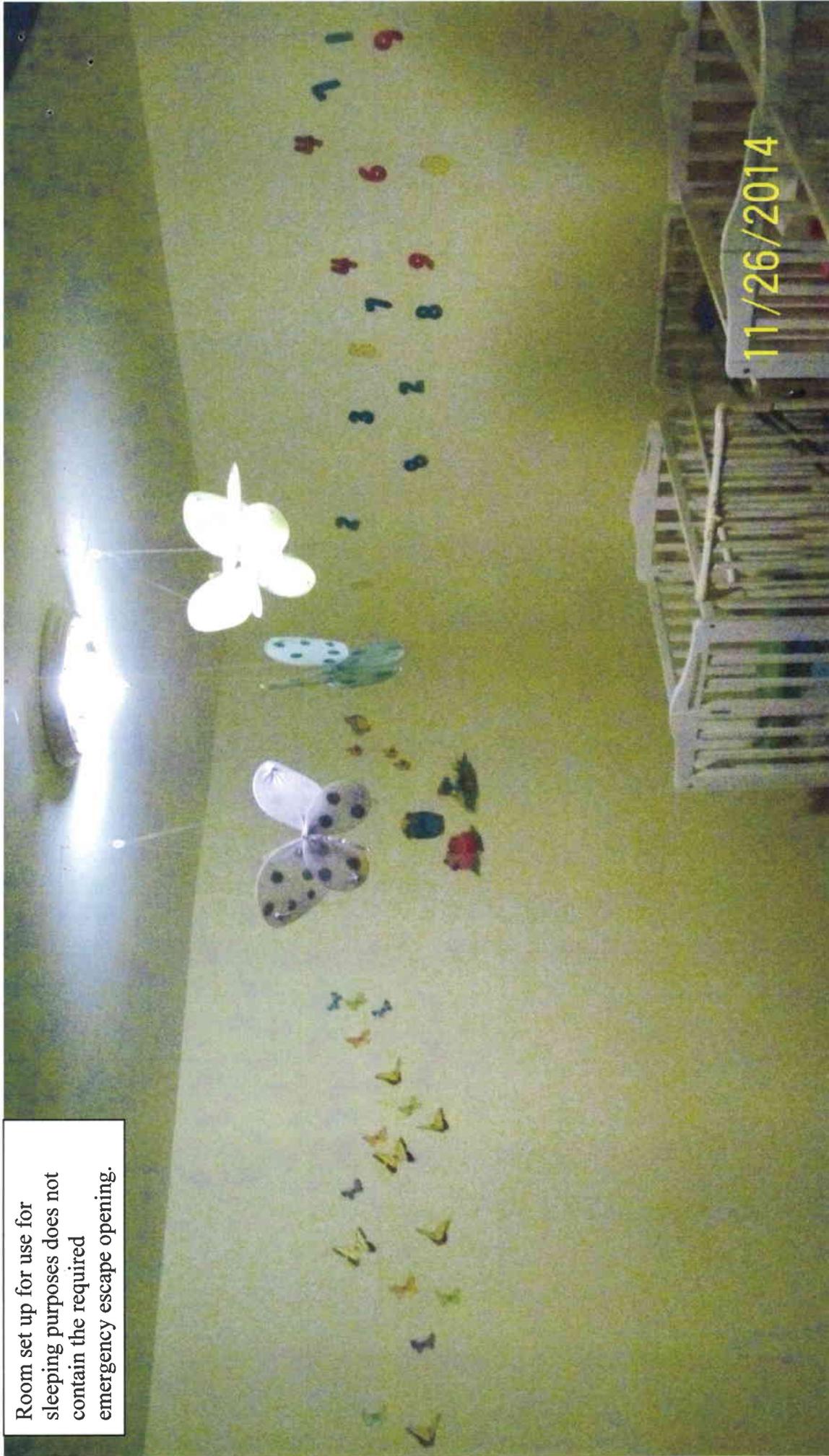
The Service Panel is located beside the refrigerator freezer. There is not the required 3 feet of working space for the Service Panel.



Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
 Bruce Miller, Zoning/Property Maintenance Inspector

Room set up for use for sleeping purposes does not contain the required emergency escape opening.



Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
 Bruce Miller, Zoning/Property Maintenance Inspector

Room set up for use for sleeping purposes does not contain the required emergency escape opening.



Date (Time):	November 26, 2014 (9:55 a.m.)
Address:	4900 Sunset Lane Annandale VA 22003
Tax Map Ref:	71-3 ((23)) 5
Zoning District:	R-2

Photographer:
Bruce Miller
Bruce Miller, Zoning/Property Maintenance Inspector

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.