



APPLICATION ACCEPTED: June 6, 2014  
BOARD OF ZONING APPEALS: March 4, 2015 @ 9:00 a.m.  
ADMIN. MOVED AT APPLICANTS REQUEST

# County of Fairfax, Virginia

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February 25, 2015

## STAFF REPORT

**SPECIAL PERMIT NO. SP 2014-PR-095**

### PROVIDENCE DISTRICT

**APPLICANTS/OWNERS:** Thomas B. Lee (Kids Child Care Inc.)  
and Sarita Figueroa

**SUBDIVISION:** Boulevard Estates

**STREET ADDRESS:** 9130 Arlington Boulevard, Fairfax, 22031

**TAX MAP REFERENCE:** 48-4 ((4)) 1

**LOT SIZE:** 21, 352 square feet

**ZONING DISTRICT:** R-1

**ZONING ORDINANCE PROVISIONS:** 3-103, 8-305, 8-923

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility and to permit a fence over four feet in height in a front yard.

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-095 for the home child care facility and a fence in a front yard over four feet in height with the adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

*Laura Arseneau*

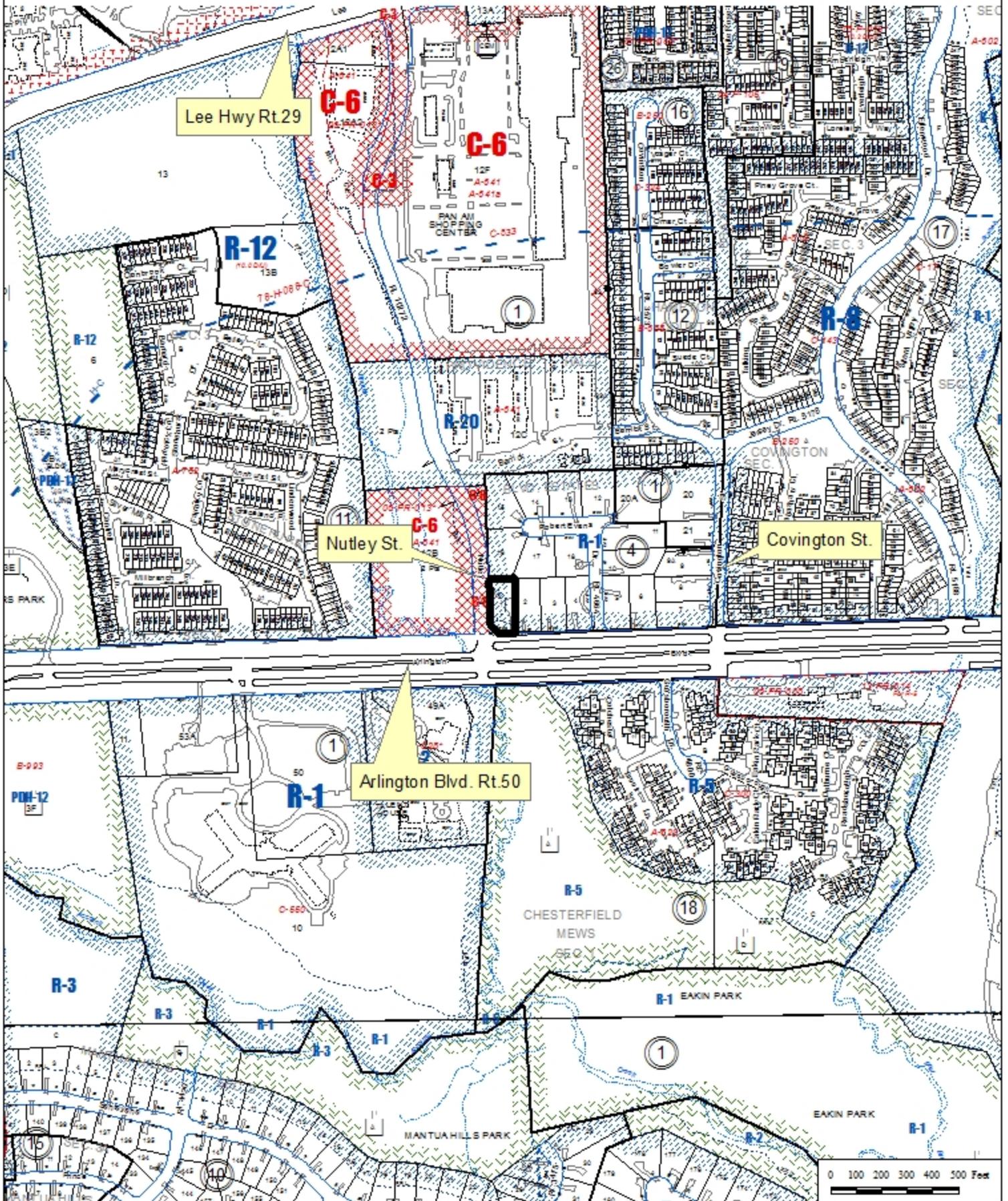
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-PR-095  
THOMAS B. LEE (KIDS CHILD CARE)

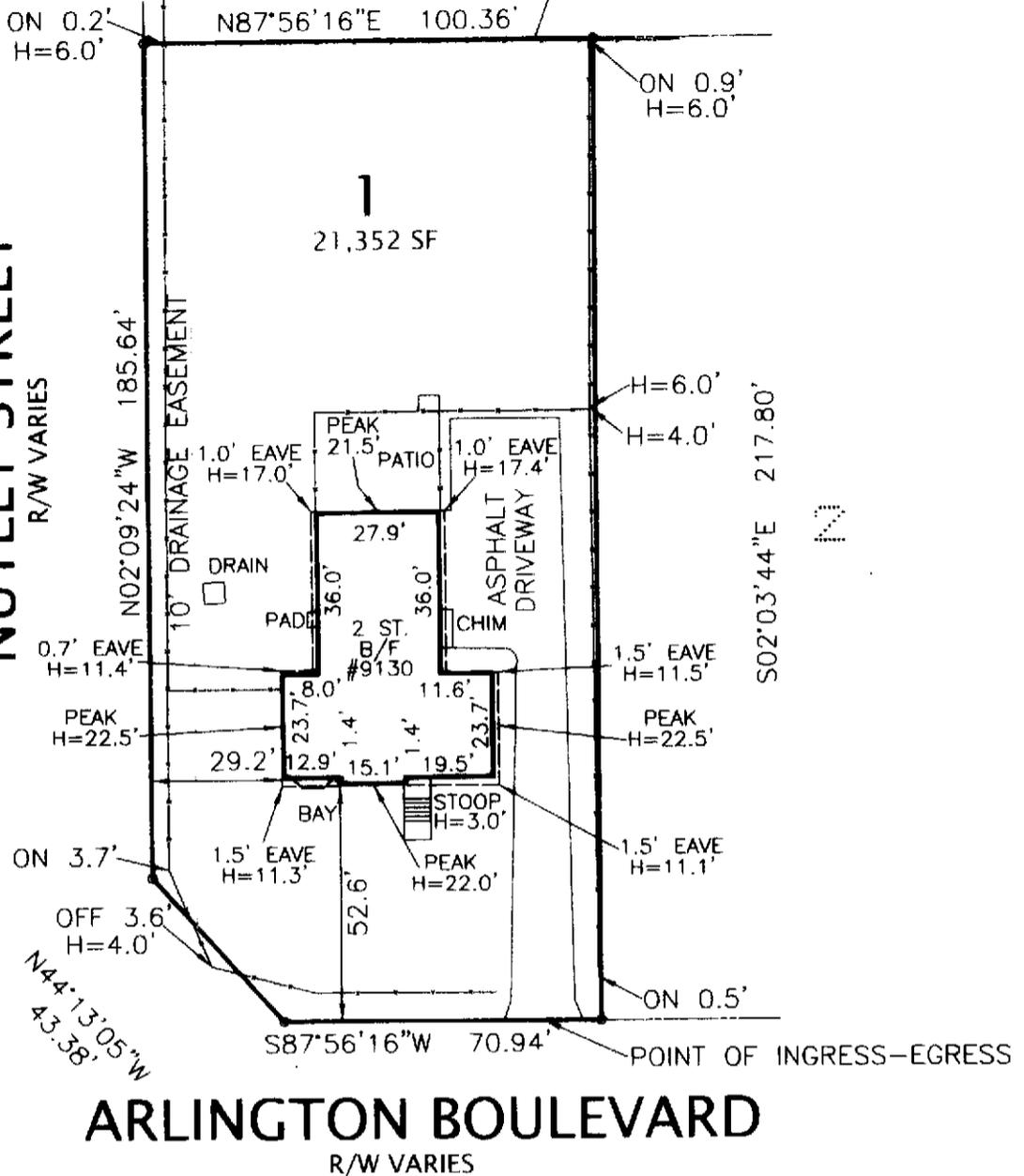


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Zoning Evaluation Division



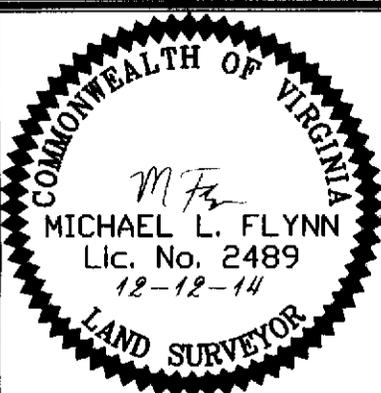
NUTLEY STREET  
R/W VARIES



PLAT  
SHOWING SPECIAL PERMIT PLAT ON  
LOT 1  
**BOULEVARD ESTATES**  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 40'      DECEMBER 12, 2014

CASE NAME:

GRAPHIC SCALE



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET.  
BOUNDARY SURVEY NOT PERFORMED.  
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

REQUESTED BY:

THOMAS LEE

**ALEXANDRIA SURVEYS, LLC**

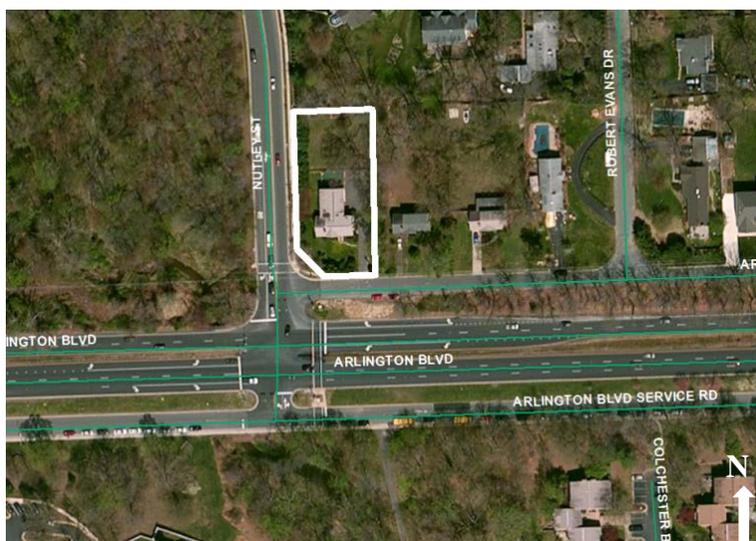
1229 GARRISONVILLE ROAD SUITE 104 STAFFORD, VA 22556  
TEL. NO. 703-636-1313 FAX NO. 703-736-4266

## SPECIAL PERMIT REQUEST

The applicant are seeking a special permit to allow a home child care facility for up to 12 children and to allow a fence in a front yard over four feet in height along Nutley Street. A copy of the special permit plat, titled "Plat, Showing Special Permit Plat on Lot 1, Boulevard Estates," by Michael Flynn, L.S., of Alexandria Surveys, LLC dated December 12, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statements 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. A two story addition with a garage is located on the northern side of the dwelling. An asphalt driveway accesses the Arlington Boulevard service road. A play area and patio are located to the north of the dwelling. A four foot high wood fence encloses the play area. A separate six foot high wood fence runs along a portion of the western property line, the northern property line, and along the eastern property line. A four foot fence runs along a portion of the western property line and in the front yard of the dwelling.



The property is located north of Arlington Boulevard and east of Nutley Street. The subject property and surrounding properties to the north and east are zoned R-1 and developed with single family detached dwellings. The property to the west is zoned C-6 and is vacant. The property to the south across Arlington Boulevard is zoned R-5 and is owned by the Fairfax County Park Authority.

## BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1953, with an addition constructed in 1990 and remodeled in 2009. The property was purchased by the applicants in 2013.

On October 11, 2013, a building permit was issued for the installation of a new egress window in the basement (Appendix 4). A final building inspection took place and the building permit was approved on November 11, 2013.

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

Records indicate that no other special permit or variance applications relating to a home child care or a fence in a front yard over four feet 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 6:00 p.m., Monday through Friday. There is an existing staggered drop-off and pick-up schedule for the children. Currently, there are two full-time assistants.

The home child care facility is operated in the basement and first floor of the dwelling. The basement has a window that meets emergency egress requirements. The enclosed play area is located in the rear yard and north of the main dwelling. Pictures provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for two years, which expires on September 14, 2015, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 7:00 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of twelve children, from birth through 4 years, 11 months of age. A copy of the license is included as Appendix 5.

The applicant is also requesting approval of an existing white vinyl fence six feet in height that is located in the front yard along Nutley Street.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Lee Community Planning Sector (V1)  
**Plan Map:** Residential, 1-2 du/ac

**On-Site Parking and Site Circulation**

The driveway can accommodate approximately four vehicles. The applicant parks their car in their garage. One assistant parks their vehicle on the Arlington Boulevard service drive and one takes public transportation.

Vehicular access to the site is provided by an asphalt driveway from the Arlington Boulevard Service Drive. A door near the driveway on the east side of the dwelling provides access to the home child care.

**Transportation Comments (Appendix 6)**

Staff recommends that any on-street service drive parking should not occur in front of the site or on the landscaped median between the service drive and Arlington Boulevard. Staff also recommends that the drop-off and pick-up of the children only occur at the rear of the driveway where the maneuvering/parking area is greater. Additionally, the applicant should provide information to each parent regarding the drop-off and pick-up and parking procedures to reduce vehicle conflict onsite. Proposed development conditions have been included to address these concerns in Appendix 1 of the staff report.

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

Staff found that a vinyl fence over four feet in height existed in the front yard along Nutley Street. The applicant has included the fence as part of this special permit application to bring it into compliance with the ordinance.

**Zoning Ordinance Requirements (Appendix 8)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 8-923 Provisions for Increase in Fence in Any Front Yard
- 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-1 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-1 District.</p>
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<b>Standard 3</b> Adjacent Development	No new construction is proposed. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect 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 fencing that separates the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement in the R-1 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 and development conditions are included to address county staff's transportation concerns.
<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 property conforms to the lot size and bulk regulations of the R-1 district. No exterior modifications are proposed with this application.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employees	The applicant is proposing a maximum of 12 children at any one time, which complies with the ordinance requirements. The applicant requests two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times are staggered and parking is available on the driveway and on the street. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood with the addition of the proposed development conditions recommended by county transportation staff in Appendix 1.

<b>Standard 3</b> Landscaping/Screening	There is an existing fence in the rear yard that provides screening of the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.
<b>Standard 5</b> Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through September 14, 2015 for 12 children from 7:00 a.m. to 6:00 p.m., Monday through Friday.

### Provisions for Increase in Fence in Any Front Yard (8-923)

<b>Standard 1</b> Fence Shall Not Exceed 6 feet in Height	The tallest point of the fence does not exceed six feet in height.
<b>Standard 2</b> Meet Sight Distance Requirements	The six foot high fence is not located in any areas that may affect sight distance.
<b>Standard 3</b> Proposed Fence Height is Warranted	The property has a front yard along Route 50 and a front yard along Nutley Street, both of which are considered arterial roadways with high traffic volumes. The fence increases the safety of the children of the home child care.
<b>Standard 4</b> Fence is in Character with On-site and Off-site Uses	A similar white fence exists on other property lines. A similar white, six foot high vinyl fence extends from the subject property to properties to the north along Nutley Street.
<b>Standard 5</b> Fence Will Not Adversely Impact Other Properties	Staff believes the fence will not adversely impact other properties as the property across Nutley Street is vacant.
<b>Standard 6</b> BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
<b>Standard 7</b> Meet Submission Requirements	A copy of the plat is included in the beginning of this report.
<b>Standard 8</b> Architectural Depictions Provided	Pictures of the existing fence have been included in Appendix 2.

**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 play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees and they shall only be at the home child care between 7:00 a.m. to 6:00 p.m., Monday through Friday.
<b>Part E</b> Provider is a Resident	The provider is a resident of the property.
<b>Part F</b> Code of Fairfax, Chapter 30 and 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. A development condition has been added in Appendix 1 to ensure the home child care will continue to meet state license requirements.
<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 assistants.

**CONCLUSION/ RECOMMENDATION**

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

Staff recommends approval of SP 2014-PR-095 for the home child care facility and the fence in a front yard with the adoption of the proposed development conditions contained in Appendix 1.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-PR-095****February 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-095 located at Tax Map 48-4 ((4)) 1 to permit a home child care facility pursuant to Sects. 3-303 and 8-305 and to permit a fence in a front yard pursuant to Sect. 8-923 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. The special permit approval for the home child care use is granted to the applicants, Thomas B. Lee (Kids Child Care, Inc.) and Sarita Figueroa, and is not transferable without further action of the Board, and is for the property located at 9130 Arlington Boulevard and indicated on the plat entitled "Plat, Showing Special Permit Plat on Lot 1, Boulevard Estates," by Michael Flynn, L.S., of Alexandria Surveys, LLC dated December 12, 2014, and is not transferable to other land.
2. This special permit is granted for the location of a fence in a front yard over four feet in height located at 9130 Arlington Boulevard and as indicated on the plat entitled "Plat, Showing Special Permit Plat on Lot 1, Boulevard Estates," by Michael Flynn, L.S., of Alexandria Surveys, LLC dated December 12, 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 will be from 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 non-resident employees may be involved in the home child care facility, limited to 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 occur in the rear part of the driveway where maneuverability and parking is greater.

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. All on-street service drive parking shall not occur directly in front of the site or on the landscaped median between the service drive and Arlington Boulevard.
12. The applicants shall provide information to each parent/guardian regarding the drop-off and parking procedures to reduce vehicle conflict.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

RECEIVED  
Department of Planning & Zoning

MAY 19 2014

Zoning Evaluation Division

**STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY**

SARITA FIGUEROA

9130 ARLINGTON BOULEVARD

FAIRFAX, VA 22031

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 single-family home at 9130 Arlington Boulevard, Fairfax, VA. 22031 with my husband and two children. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operations:

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

Number of Children: I care for up to 12 children. This number does not include my own two children.

Employees: I have 2 employees who work full time.

Arrival Schedule: Eight of the children arrive between 7:00 AM and 9:00 AM. Four children arrive between 9:00 AM and 10:00 AM.

Departure Schedule: Seven children are picked up between 4:00 PM and 5:00 PM. Five children are picked up between 5:00 PM and 6:00 PM.

Area Served: The children are from all over, Fairfax, Vienna and Oakton.

Operations: My home is on a corner and is very private and well fenced. We have separate areas for the toddlers and babies. The toddlers area is located in the basement off the first floor. The babies are in a separate room on the first floor. Both areas are well gated and have escape routes. We have a concrete patio in the back yard for a play area that is approximately 25 ft by 34 ft and fenced in. The play area is equipped with plastic toys, cars and trucks.

Hazardous or Toxic Substances: The house and yard are free from hazardous or toxic substances.

Parking: I use my garage to park my family cars. My driveway provides enough parking for 5 cars or more at one time, and we have more parking in front of the house on the service road. We have a Christmas party every year and parking has never been a problem for the parents.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way, and I feel we have adequate parking for parents employees and family.

Sincerely,

Sarita Figueroa

Kids Child Care

## Arrival Schedule and Departure Schedule

### Arrival Schedule

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

### Departure Schedule

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

JAN 27 2015

SPECIAL PERMIT &  
VARIANCE BRANCH

## Kids Child Care, Inc.

9130 Arlington Blvd, Fairfax, VA 22031

- 1) The proposed fence does not exceed 6ft.
- 2) The proposed fence does meet the sight distance requirements.
- 3) The proposed fence does not adversely impact the use and enjoyment of other properties in the immediate vicinity.
- 4) The proposed fence is in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
- 5) The proposed fence height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principle structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

To whom it may concern:

My family and I moved into this property sometime around July 2010. We were renting for 3 years with option to buy. Our family loves the house and location. At our previous house my wife started Kids Child Care. She continued the child care at our new home. It is perfect for daycare. When it was time for inspection Martha Pauly came to our house and saw our new home and daycare, she was very impressed but pointed out some issues about our 6ft wooden fence we have along Nutley Street. It was an old fence that was falling down and had some rather large holes in it and it was dangerous for the toddlers. We immediately did what we could to prop the fence up and repair the holes.

My husband and I also saw some problems with the back yard. We had very little grass and a lot of rocks everywhere and was not safe for the toddlers to

JAN 27 2015

SPECIAL PERMIT &  
VARIANCE BRANCH

play. We decided if we bought this house we would do what we could to make it safe for the kids.

When the 3 years was up we decided to try to purchase this property. In 2013 we were able to purchase this property and we were so happy. Immediately we started making changes to the property. First was to take down the 3 large trees in the back yard these were old and very dangerous. Next, my husband called Fairfax County and asked if we needed a permit to replace the 6ft wooden fence with a 6ft vinyl fence, they told him no, if we are just replacing the fence then a permit is not needed, so we replaced the fence. We then had someone come in and flatten the back yard and plant new grass. These 3 projects cost a lot of money, but was important for us, we wanted to make it safe for the toddlers. Now they can play in the back yard without us worrying for their safety.

Now we found out that we may need to change the 6ft fence to a 4ft fence. I pray this is not so. I feel that a 4ft fence will not give the toddlers the safety they need. We have a lot of pedestrians walking up and down the sidewalk that is next to the fence. Someone could easily reach over a 4ft fence and snatch one of the children, or ever one of our own children. Also, it would not be safe for the pedestrians, the toddlers could throw a toy over the fence and hit someone or even a car on Nutley Street. We made all these changes to our property to make it safe for the toddlers at Kids Child Care.

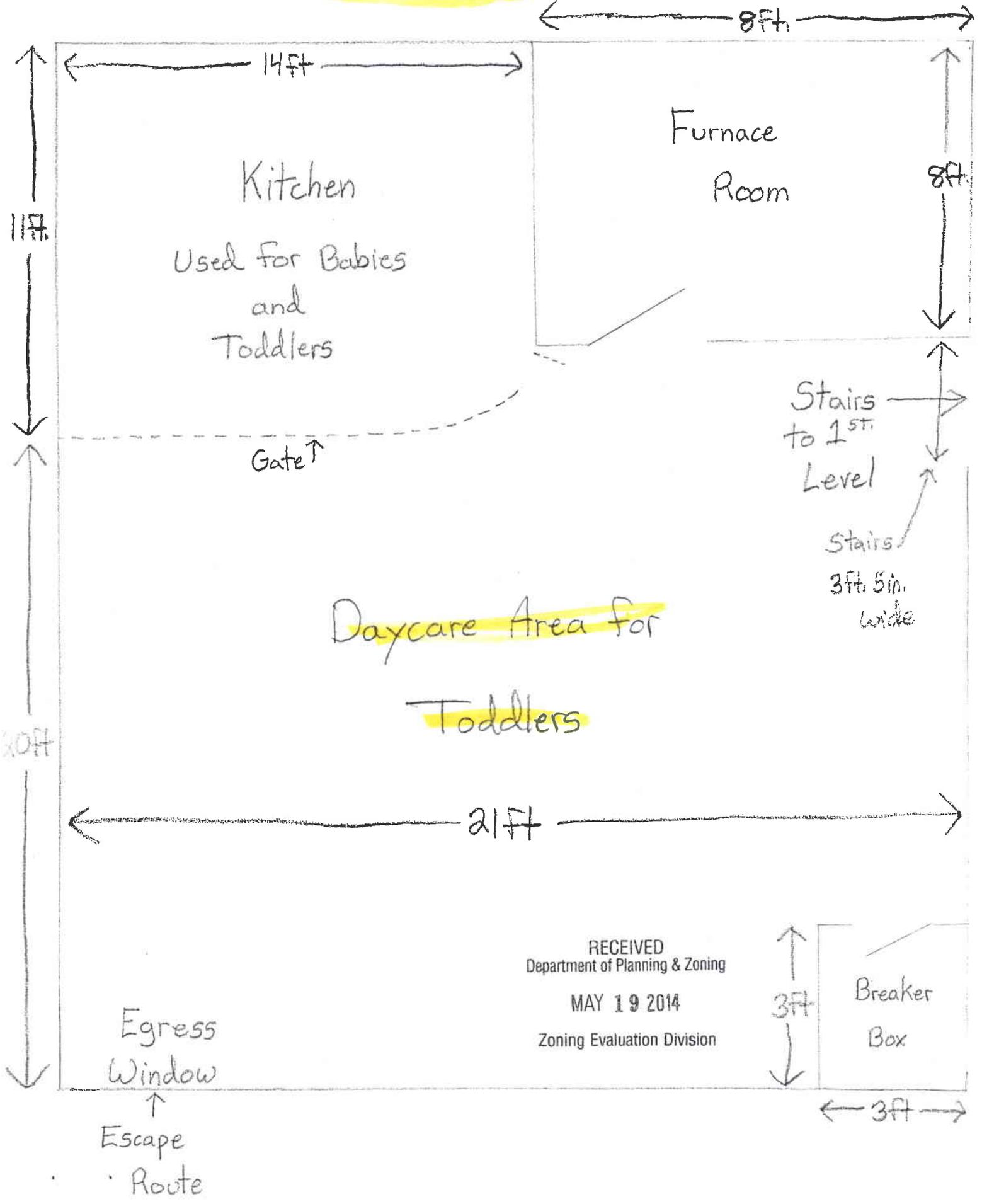
Please allow us to keep this 6ft Vinyl fence along Nutley Street.

Thank you,

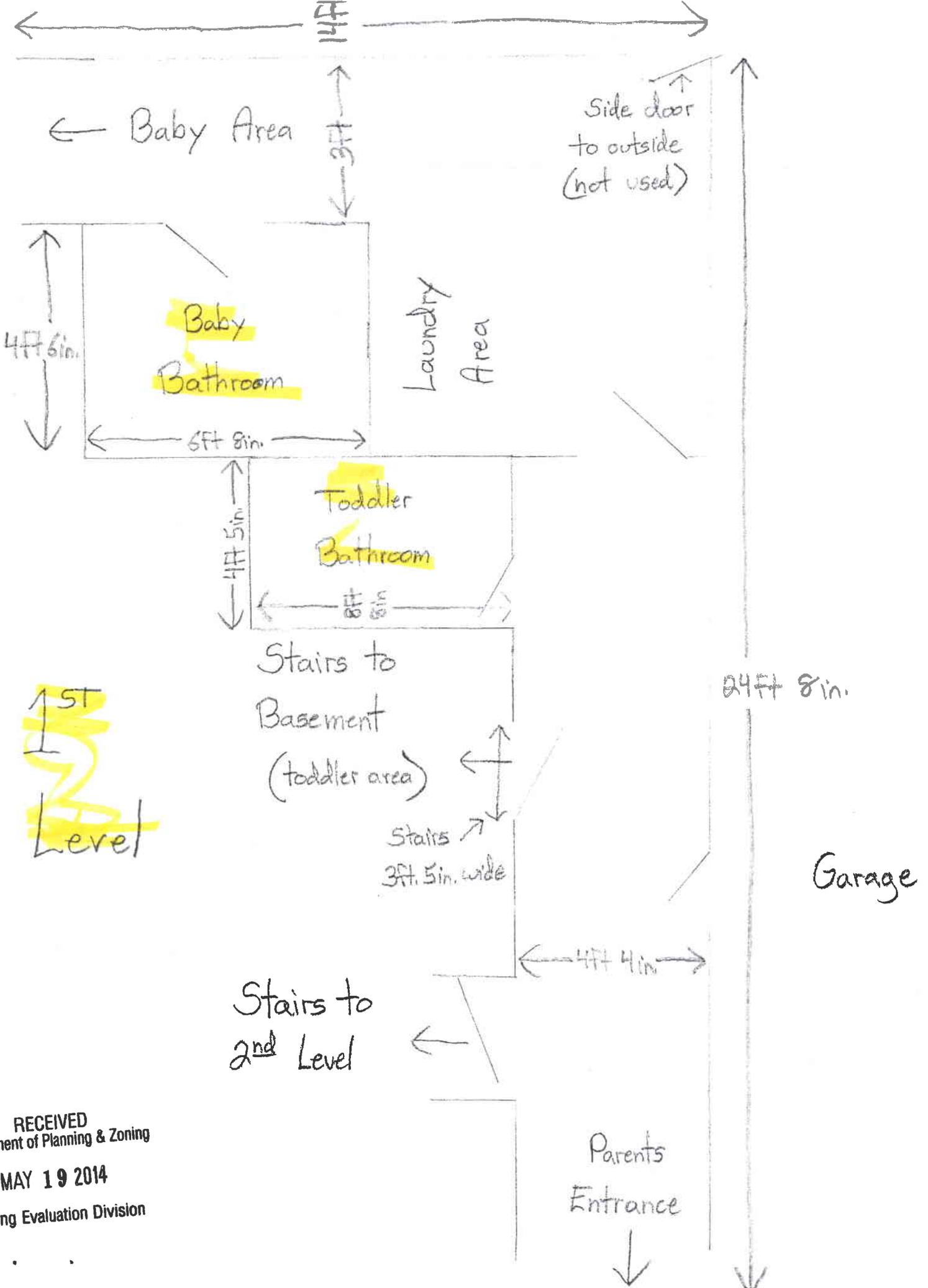
Sarita Figueroa

Kids Child Care, Inc.

# Basement



RECEIVED  
Department of Planning & Zoning  
MAY 19 2014  
Zoning Evaluation Division



RECEIVED  
 Department of Planning & Zoning  
 MAY 19 2014  
 Zoning Evaluation Division

Application No.(s): SP 2014-PR-095  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10-14-14  
 (enter date affidavit is notarized)

I, Thomas B. Lee and SARITA FIGUEROA, do hereby state that I am an  
 (enter name of applicant or authorized agent)

127114

(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)
Sarita Figueroa	9130 Arlington Blvd. Fairfax, Va. 22031	Co-Title Owner
Thomas B. Lee	9130 Arlington Blvd. Fairfax, Va. 22031	Applicant/Co-Title Owner
Kids Child Care Inc.	9130 Arlington Blvd. Fairfax, Va. 22031	Co-Applicant

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

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

Application No.(s): SP 2014-PR-095  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10-14-14  
(enter date affidavit is notarized)

127114

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)  
Kids Child Care Inc.  
9130 Arlington Blvd. Fairfax, Va 22031

**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)  
Thomas B. Lee Director

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

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

Application No.(s): SP 2014-PR-095  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10-14-14  
(enter date affidavit is notarized)

127114

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)

NA

(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)

NA

(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 - PR-095  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10-14-14  
(enter date affidavit is notarized)

127114

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 - PR - 095  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10-14-14  
(enter date affidavit is notarized)

127114

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Thomas B. Lee / Sarita H. Figueroa  
 Applicant  Applicant's Authorized Agent

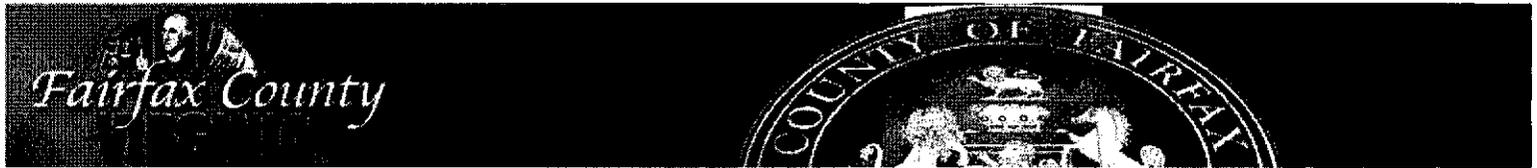
Thomas B. Lee / SARITA H. FIGUEROA  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of October, 2014, in the State/Comm. of VA, County/City of FAIRFAX.

[Signature]  
Notary Public

My commission expires: 9/30/2017

**FARID MOHAJER-VAGHARI**  
Notary Public  
Commonwealth of Virginia  
Reg. # 7563777  
My Commission Expires September 30, 2017



## Land Development Information History: FIDO - MISC R - 132770189

### Permit Information

Permit Number:	132770189	Application Date:	
Permit Type:	MISCELLANEOUS BUILDING WK RES	Tax Map:	048-4 ((04)) 0001
Job Address:	009130 ARLINGTON BV FAIRFAX , VA 22031-2619	Permit Status:	Finalized
Location:		Bldg:	Floor: Suite:
Subdivision:	BLVD. ESTATES	Permit Fee:	
Magisterial District:	PROVIDENCE		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	INSTALLING NEW EGRESS WINDOW IN UNFINISH BASEMENT AS PER PLANS		
Type of Work:	MISCELLANEOUS		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR09 - IRC 2009		
Plan Number:	W-13-5789		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [132770189](#)

### Owner Information

<http://ldip.fairfaxcounty.gov/page/detail?uri=%2Fdocs%2Ffido%2Fpermit-1780725.xml&searchgrid=48...> 2/11/2015

Owner:

Address:

City:

**Contractor Information**

Name: AQUAGUARD WATERPROOFING CORPOR BPOL License:  
 Address: 6820 DISTRIBUTION DR State License:  
 City: BELTSVILLE State: MD Trade Reg.:  
 Zip: 20705-0000

Trade Name:

**Applicant Information**

Applicant: GAMIL  
 Address: 1302 CARROLL ROAD  
 City: SEVERNA PARK State: MD  
 Zip: 21146

**Other Contact Information**

Contact:  
 Address:  
 City: State: Zip:

**Inspections****Inspection - R FINAL - FINAL INSPECTION - 6168517**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2013-11-05	DONALD BOLT	N	Passed	NO	

**Reviews****Review - BUILDING - (BUILDING REVIEW) - 2269155**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-10-11	CHRISTIANNA RABER	Y	Failed

**Review - BUILDING - (BUILDING REVIEW) - 2271258**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-10-11	CHRISTIANNA RABER	Y	Approved

**Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2269156**

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2013-10-11	ALYSIA GASKINS	Y	Approved

**Review - ZONING - (ZONING REVIEW) - 2269157**

Review Type	Review Date	Reviewer	Started	Status
ZONING			N	Incomplete

**Contact Us:** [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)  
**Phone:** [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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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

## Search for Child Day Care



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### **Sarita Figueroa**

9130 Arlington Blvd

FAIRFAX, VA 22031

(703) 984-9213

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Sept. 14, 2015

Business Hours: 7:00 A.M. - 6:00 P.M.  
Monday - Friday

Capacity: 12

Ages: Birth - 4 years 11 months

Inspector: Martha Pauly  
(703) 359-6786



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 8, 2014

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, Department of Planning & Zoning

**FROM:** Michael A. Davis, Interim Chief   
Site Analysis Section, Department of Transportation

**FILE:** SP 2014-PR-095

**SUBJECT:** SP 2014-PR-095 Thomas B. Lee (Kids Child Care)  
9130 Arlington Blvd., Fairfax VA 22031  
Tax Map: 48-4 ((4)) 001

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated May 19, and May 24, 2014.

The application is a request for a Special Permit to allow a home child care facility. The applicant has a state license for 12 children and employs two assistants full-time.

- Any on-street service drive parking should not occur directly in front of the site or on the landscaped median between the service drive and Arlington Boulevard. This would keep the service drive's intersection with Nutley Street clear of parked vehicles.
- Drop-off and pick-up of children should only occur at the rear of the driveway where maneuvering/parking area is greater; the driveway width may not safely permit two vehicles to pass side-by-side. Thus, the applicant's use of staggered drop-off and pick-up procedures should limit the number of vehicles onsite at any one time.
- Applicant should provide information to each parent/guardian regarding the drop-off/pick-up and parking procedures to reduce vehicle conflict onsite, as well as on the service drive.

MAD/RP

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877-5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)





# County of Fairfax, Virginia

## MEMORANDUM

Date: September 15, 2016

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: Thomas Lee  
9130 Arlington Boulevard Fairfax, Virginia 22031  
Boulevard Estates, Lot 1  
Tax Map# 48-4 ((04)) 0001 Zoning District: R-1(Residential 1 DU/AC)  
Magisterial District: Providence  
Mail Log # 2014-0384  
Date of Inspection: September 11, 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.)
- 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.
- \* The 6' vinyl fence is located in the front yard.
  - A Special Permit is needed to allow the 6' fence to remain per Par 3B of Section 10-103

**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.

**8-923      *Provisions for Increase in Fence and/or Wall Height in Any Front Yard***

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. If applicable, existing gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.