



County of Fairfax, Virginia

February 25, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-BR-140

BRADDOCK DISTRICT

APPLICANT: Martha F. Burrell
d/b/a Senora Martha Home Child Care

OWNERS: Martha F. Burrell
Walter I. Burrell

SUBDIVISION: Prospect Knolls

STREET ADDRESS: 6161 Lucas Pond Ct., Burke, 22015

TAX MAP REFERENCE: 78-3 ((20)) 12

LOT SIZE: 9,072 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 3-303, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-BR-140 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

Erin M. Haley

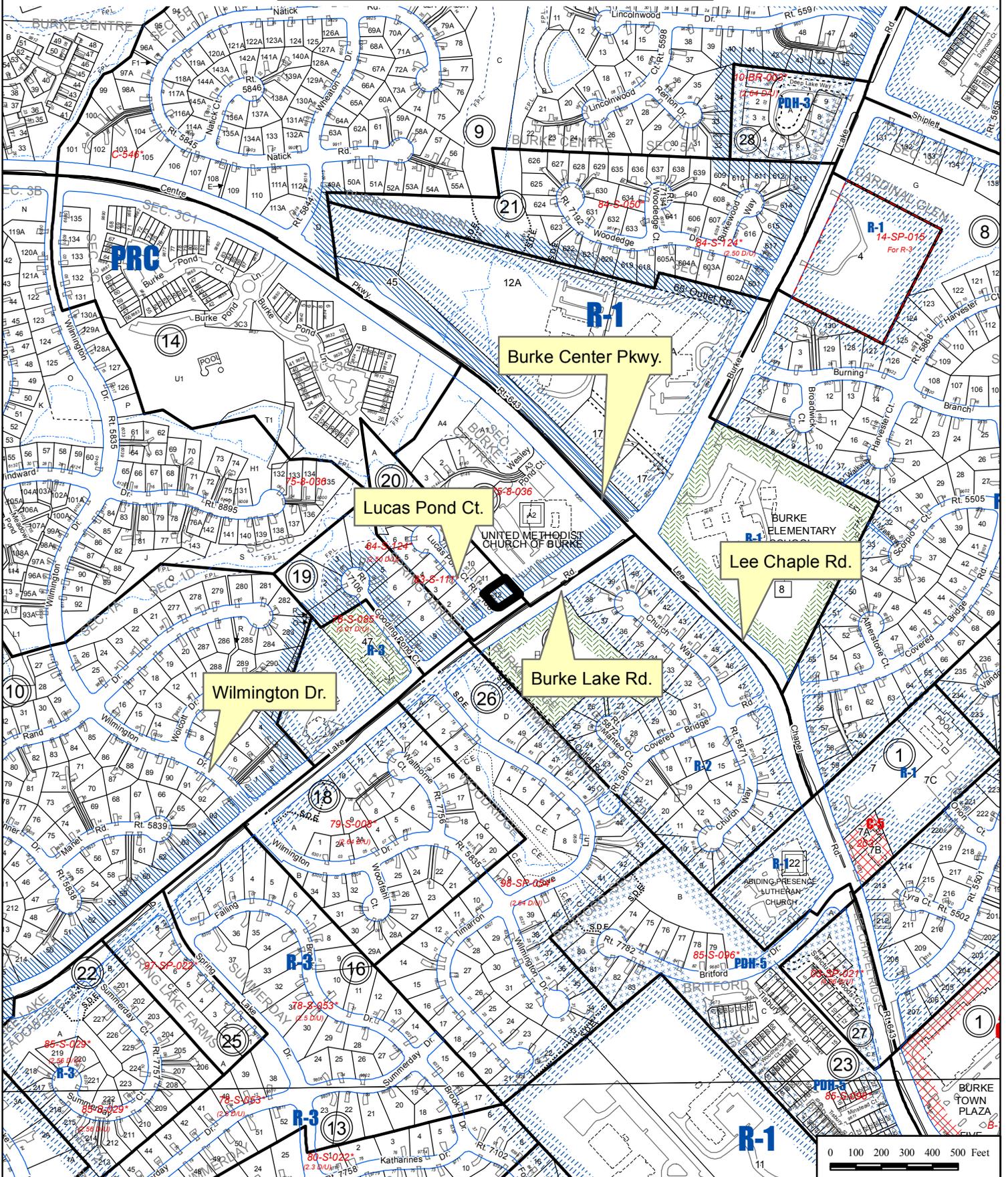
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

Special Permit

SP 2014-BR-140

MARTHA F. BURRELL D/B/A SEÑORA MARTHA
HOME CHILD CARE



Burke Center Pkwy.

Lucas Pond Ct.

Lee Chaple Rd.

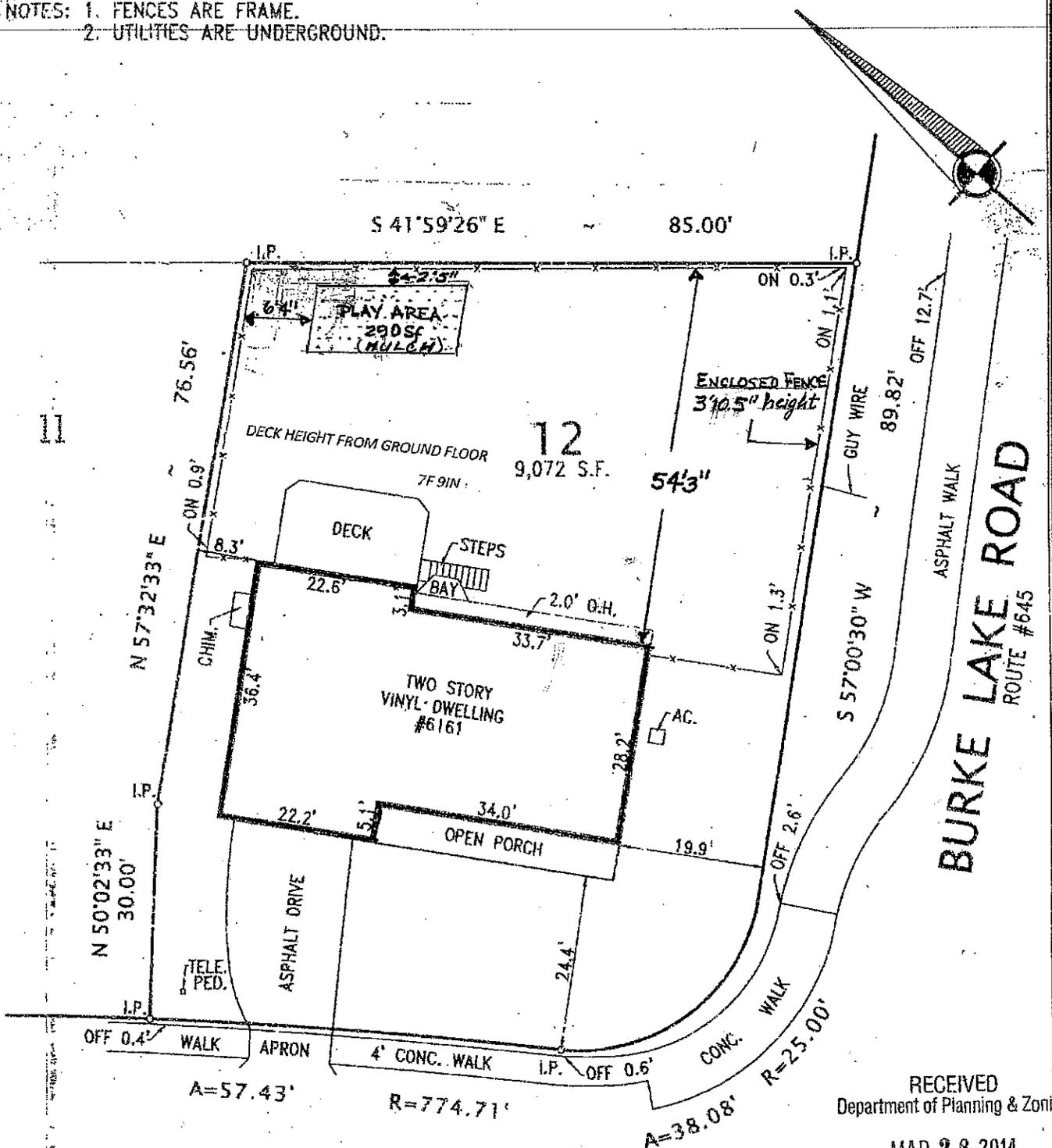
Burke Lake Rd.

Wilmington Dr.



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NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.



LUCAS POND COURT

50' R/W

PLAT
SHOWING HOUSE LOCATION ON
LOT 12

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

Prepared by: Walter Ivan Burrell
Date: 2/6/2015
Signature: *[Signature]*

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children in a detached dwelling on the corner of Burke Lake Road and Lucas Pond Court in the Burke area. A copy of the special permit plat titled, "Plat Showing House Location on Lot 12," as revised by Walter Ivan Burrell, through February 6, 2015, 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 provides access to the dwelling from Lucas Pond Court. A walkway leads from the driveway to the front porch. A deck 7.75 feet in height is located at the rear of the house. A mulch playground area is located in the northwest corner of the rear yard. A fence 3.9 feet in height encloses the rear yard.



Figure 1- Aerial View of Subject Property

The property is located southwest of Burke Centre Parkway on a corner lot adjacent to Burke Lake Road in the Prospect Knolls subdivision. The subject property and properties to the northwest and west are zoned R-3 and developed with single family detached dwellings. The property to the northeast is zoned PRC and developed with the United Methodist Church. The property to the south is zoned R-2C and is parkland.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1985 and purchased by the property owners in 2002.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:00 a.m. and 5:45 p.m., Monday through Friday. The applicant has a 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 walk-out basement of the dwelling. The play area is located in the rear yard of the property. Pictures provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License valid through June 19, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, from 1 month through 12 years 11 months of age. A copy of the license information is included as Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Middle Run Community Planning Sector (P6)
Plan Map: Residential, 3-4 du/ac

On-Site Parking and Site Circulation (Appendix 5)

The existing driveway can accommodate approximately two vehicles and the applicant keeps her family vehicles in the two car garage. Staff believes that the driveway provides sufficient room for pick up and drop off of children. During a site visit, staff observed parents parking in the middle of the driveway, which required other parents to park on the street. Some parents also parked very near the intersection with Burke Lake Road, which may pose a sight distance issue. The applicant has agreed to direct parents to only conduct pick up and drop off in the driveway. Development conditions are proposed to require pick up and drop off of children in the driveway and to require the applicant to provide all parents with information about how to conduct pick up and drop off in a safe manner.

Zoning Inspection Branch Comments (Appendix 6)

Staff found that the front step riser leading from the walkway to the front porch has a height of 11.5 inches. Step risers may not exceed a maximum height of 8.25 inches. Also, staff found that the utility room contained storage that surrounded both the furnace and the hot water heater. Clearance of a minimum of 36 inches should be maintained

around the furnace and water heater. The applicant has agreed to address these issues. Staff has proposed development conditions in Appendix 1 to address these concerns. There were no other issues identified during the inspection of the home child care facility.

Zoning Ordinance Requirements (Appendix 6)

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

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility for up to 12 children as an accessory use with special permit approval.
Standard 3 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 property value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be used for pick up and drop off of children. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing vegetation and fencing that screens the play area from neighbors. Staff is not aware of any complaints from neighbors about the existing home child care use.
Standard 6 Open Space	There is no open space requirement for conventional subdivisions in the R-3 District.
Standard 7 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.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property conforms to lot size and bulk regulations for the R-3 district. No exterior modifications are proposed with this application aside from the applicant adjusting the front step to bring the riser height into conformance.
Standard 2 Performance	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.

Standards	
Standard 3 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)

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The applicant has two full-time non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking will be made available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is existing vegetation and a fence in the rear yard that provide screening to the outdoor play area.
Standard 4 Submission Requirements	The applicant met the submission requirements for a home child care facility.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license.

Use Limitations (Par. 6 of Sect. 10-103)

Part A 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 12 children at any one time.
Part 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.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except play equipment and toys.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees.
Part E Provider is a	The provider is a resident owner of the property. This part is not applicable.

Non-Resident	
<p style="text-align: center;">Part F</p> <p>Code of Virginia, Title 63.2, Chapter 17</p>	<p>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.</p>
<p style="text-align: center;">Part G</p> <p>Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident employees.</p>

CONCLUSION/RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance Provisions. Staff recommends approval of SP 2014-BR-140 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-140

February 25, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-140 located at Tax Map 78-3 ((20)) 12 to permit a home child care facility pursuant to Sects. 3-103 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, Martha F. Burrell, Senora Martha Home Child Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 6161 Lucas Pond Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat Showing House Location on Lot 12," as revised by Walter Ivan Burrell through February 6, 2015, 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 5:45 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility from 7:00 a.m. to 5:45 p.m.
8. All pick-up and drop-off of children shall take place within the driveway.
9. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
10. There shall be no signage associated with the home child care facility.
11. Within 12 months from the date of this hearing, the front steps to the dwelling shall be altered so that no riser exceeds 8.25 inches in height.

12. A minimum of 36 inches of clearance shall be maintained around the furnace and water heater.
13. No vehicles associated with the home child care use shall be parked within 20 feet from the intersection of Burke Lake Road and Lucas Pond Court.
14. Parents shall receive written notice from and provide written agreement to the applicant with respect to parking, drop-off, and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements with the parents and make them available at the request of Fairfax County.
15. 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.

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.

March, 22nd 2014

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

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

Ref.: Special Permit for Home Child Care Facilities

Applicant: Martha F. Burrell

Zoning Ordinance Section 8-305 for Home Child Care Facility

Section 8-004 of General Standards

Tax Map # 0783200012

Zoning District: R-3

Lot Size: 9,072 Square Foot

Dear Sir or Madam,

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 detached dwelling at 6161 Lucas Pond Court, Burke Virginia 22015.

I have been a child care provider serving Fairfax County for the past 16 years. I first held a county permit that allowed me to care for 5 children. Throughout those years I was able to pursue my education in Early Childhood Development from our community college. After my studies, I decided that I was capable of serving more children, and it wasn't until then that I pursued to get my state license to care for twelve children. Ever since 2,008, I operate a facility that helps twelve children get ready for school in all areas of development. I've always been full to my capacity and in addition I have a waiting list of families that are seeking my professional help for the care of their children.

The property is zoned R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. As I mentioned before, I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours: The child care is open from 7:00 AM to 5:45 PM

Number of Children: I care for up to 12 children at any one time. This number does not include my 6 years old son.

Employees: I have 2 assistants who work full time. My kind neighbor Burke United Methodist Church has offered me to help with parking if it is ever needed.

Arrival Schedule: 12 of the children arrive between 7:00 AM and 9:30 AM. Please see schedule attached.

Departure Schedule: 12 of the children are picked up between 4:00 PM and 5:45 PM. Please see schedule attached.

Areas Served: Burke, Springfield, Annandale, Fairfax.

As I stated, my house is a single-family detached dwelling with 3,000 square feet. It has two floors and a walk-out basement. I operate my child care facility in my basement, which I use in its entirety, except for the storage and mechanical rooms, totaling 888.5 square feet total. Please see pictures attached.

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. My licensing inspector makes sure that I don't have any of these type of materials.

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 spacious, fenced backyard for outdoor play for the children. The area is approximately 2,402 square feet. the outdoor play area consists of: balls, doll house, picnic table, ride on cars, sand and water table, and climbers that no higher than 18 inches. Equipment, which is always check by my licensing inspector to be operating properly.

Parking: I use my two car garage to park our families cars. My families park in my driveway, which holds space for two cars. All of my families are very aware, conscientious and respectful of my neighbors. I, also, often serve families with multiple children, so not necessarily I have twelve families coming in a given day. Again, please see schedule attached.

My home is part of a great association called Burke Centre Conservancy, and I was told by them that I'm able to operate my child care facility without any restrictions other than no postings commercial signs. I've attached a copy of their standards.

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

Sincerely,


Martha Burrell

Senora Martha Home Child Care

Statement of Justification -
Mr

Martha Bunnell
 03/22/14
 6101 Sycor Road Court
 BURKE, VA 22015 7/323-9063

(Attachment 1)

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 - 6:00 PM
1		X		
2		X		
3		X		
4		X		
5			X	
6			X	
7			X	
8				X
9				X
10				X
11				X
12				X

RECEIVED
 Department of Planning & Zoning
 MAR 28 2014
 Zoning Evaluation Division

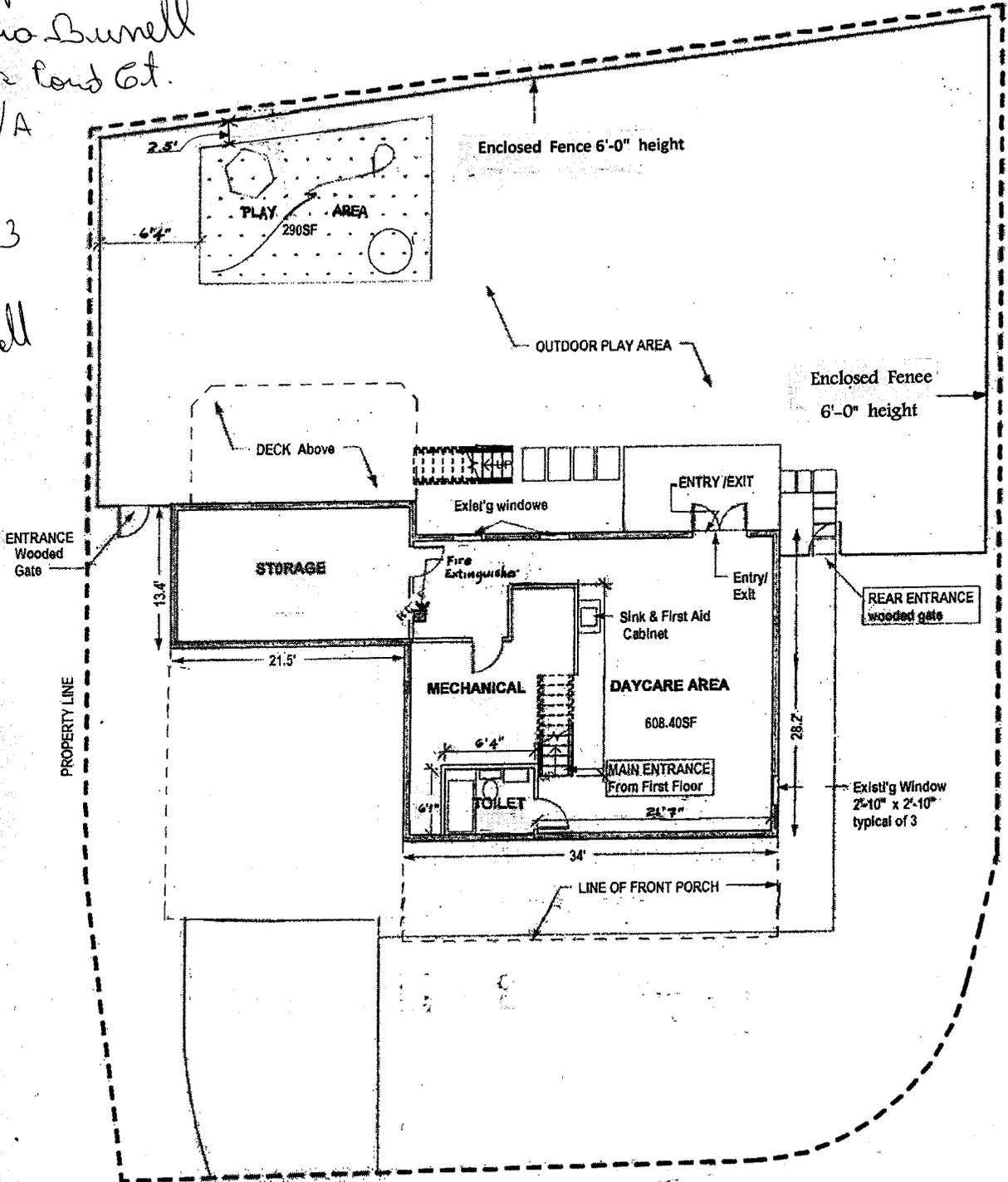
Interior of Home Child Care Facility

Without pictures
Name: Martha Burrell
6161 Sugar Loaf Ct.
Buncombe, VA
22015

703-323-9063

Prepared by:
Walter Burrell

3/24/14



RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

BASEMENT FLOOR PLAN

SCALE: NOT TO SCALE

Prepared by: Walter Ivan Burrell
Date: 03/24/2014
Signature: *Walter Burrell*

14) Front view of lot



1) Bathroom



2) Bathroom



3) Top of staircase



Label here

4) BATHROOM
ENTRANCE



5) Bottom of staircase



6) Part of bathroom door, dramatic play area, part of science area and table area.



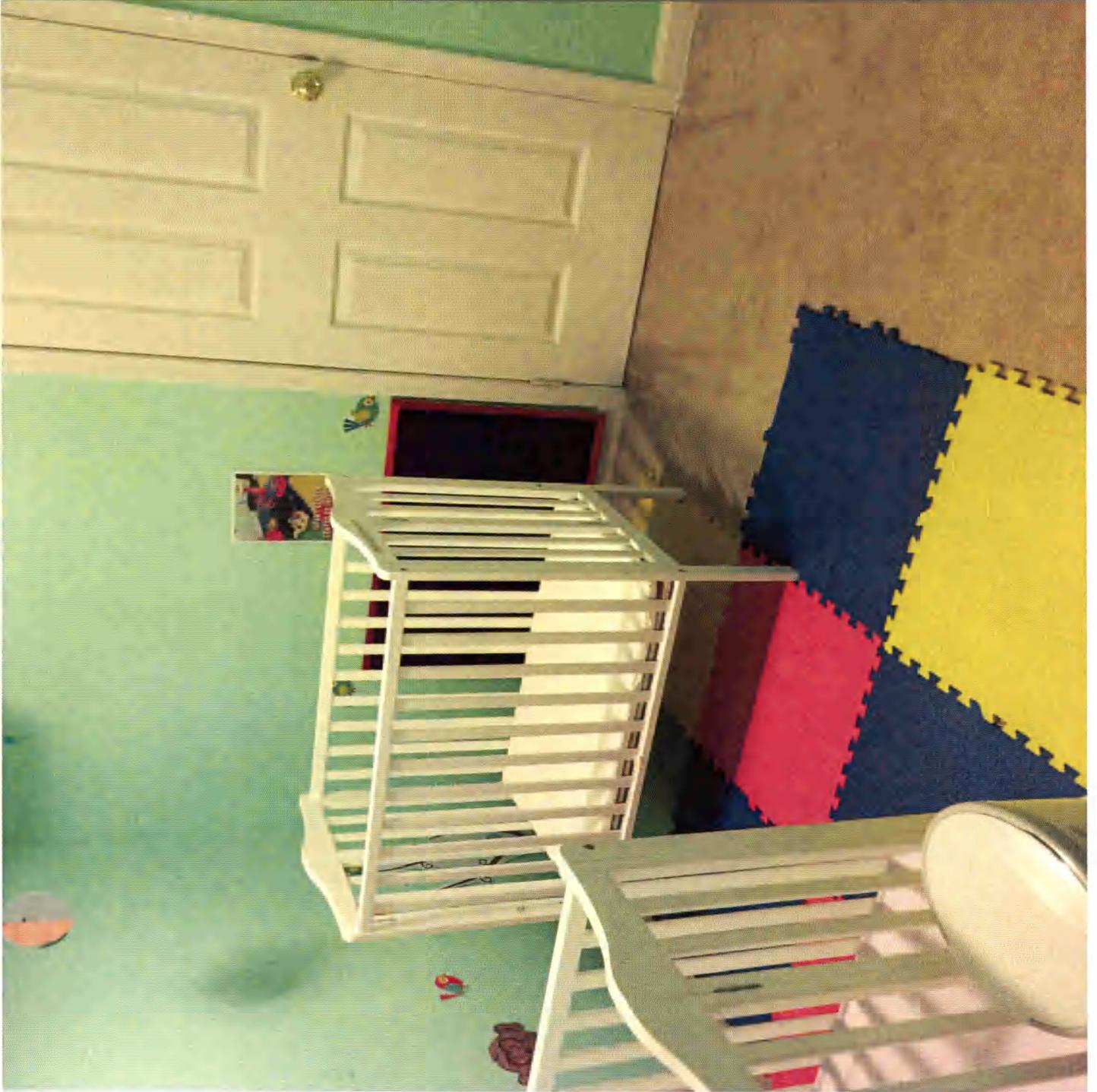
7) Dramatic, library, computer and Als Pals areas



8) Manipulative
Area



9)Baby
Sleeping Area



10) Hallway leading to baby sleeping area, toddler's library, dramatic and manipulative areas



11) Sink, shelves, toddler's eating and activity table, also toddler's library



12) View of Children's Activity Board, infant and toddler table, toddler kitchen and toddler manipulative area

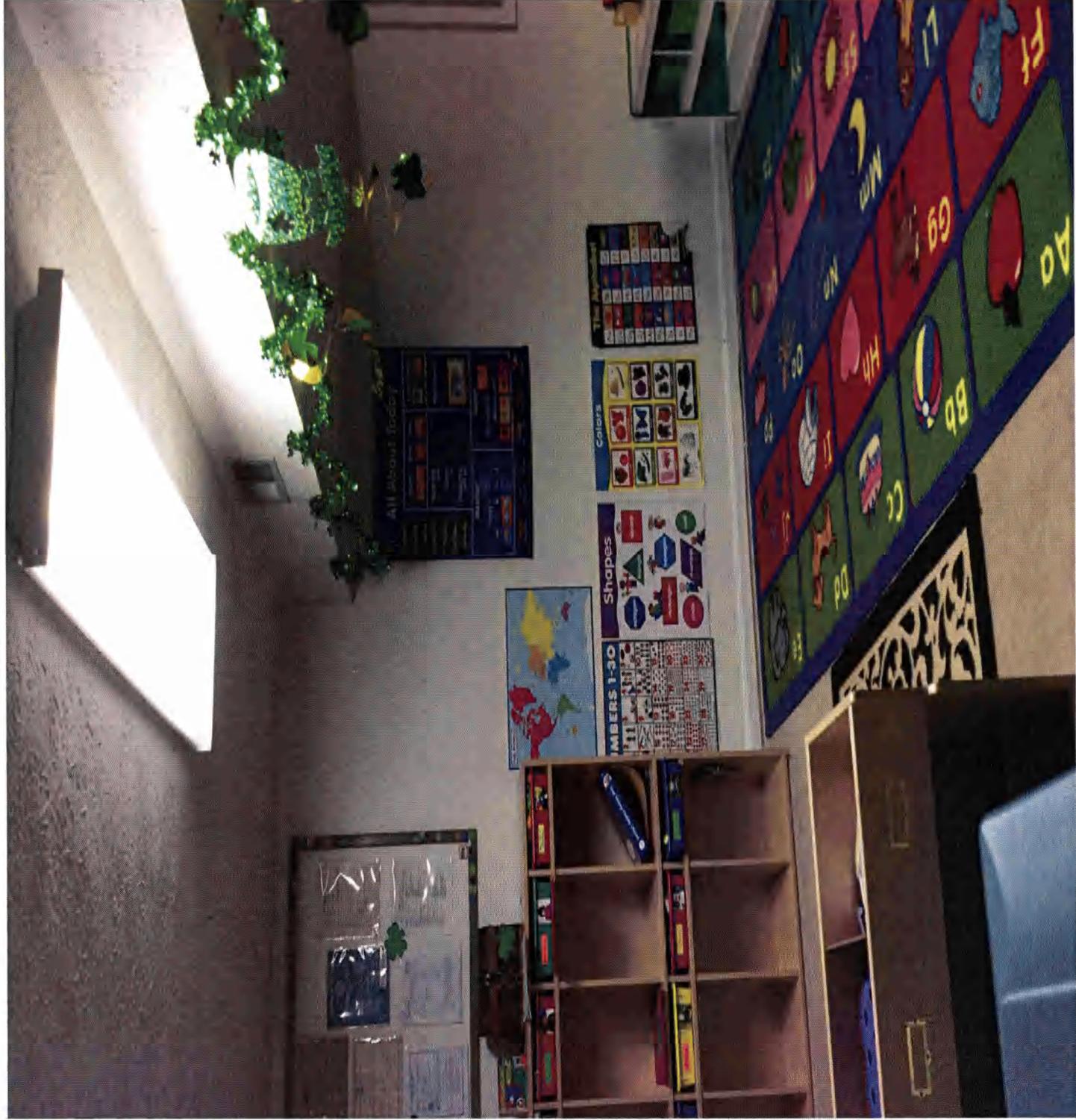


12) View of entrance



13)Cubby Area, Bulletin board





14) Circle Time Carpet

15) Work and eating tables area, bigger table for preschoolers, smaller table for infants and toddlers.



LUCAS POND COURT

PLAT
SHOWING HOUSE LOCATION ON
LOT 12

Prepared by: Walter Ivan Burrell

Date: 03/24/2014

Signature: *[Signature]*

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

BURKE LAKE ROAD

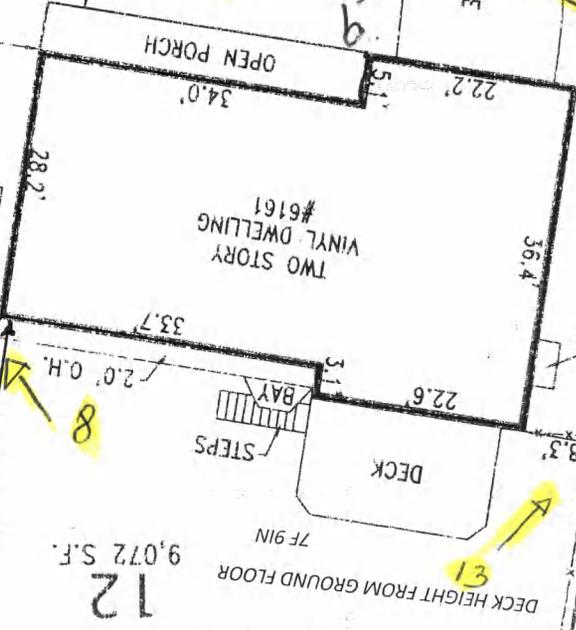
ROUTE #645

ASPHALT WALK

CONC. WALK
R=25.00'
A=38.08'

R=774.77'
A=57.43'

ASPHALT DRIVE
APRON
WALK
OFF 0.4'



ENCLOSED FENCE
6'0" height
GUY WIRE
ON 1.7'
ON 1.1'
ON 0.3'

S 57°00'30" W

N 50°02'33" E
30.00'

N 57°32'33" E

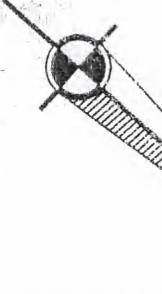
85.00' 541°59'26" E

9,072 S.F.
12

Notes: North of Burrell
6161 Lucas Pond Ct
Burke, VA 22015
7/323-9063
Survey taken by
Walter Burrell
3/24

5 STANDING
VIEW OF PHOTO
NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.

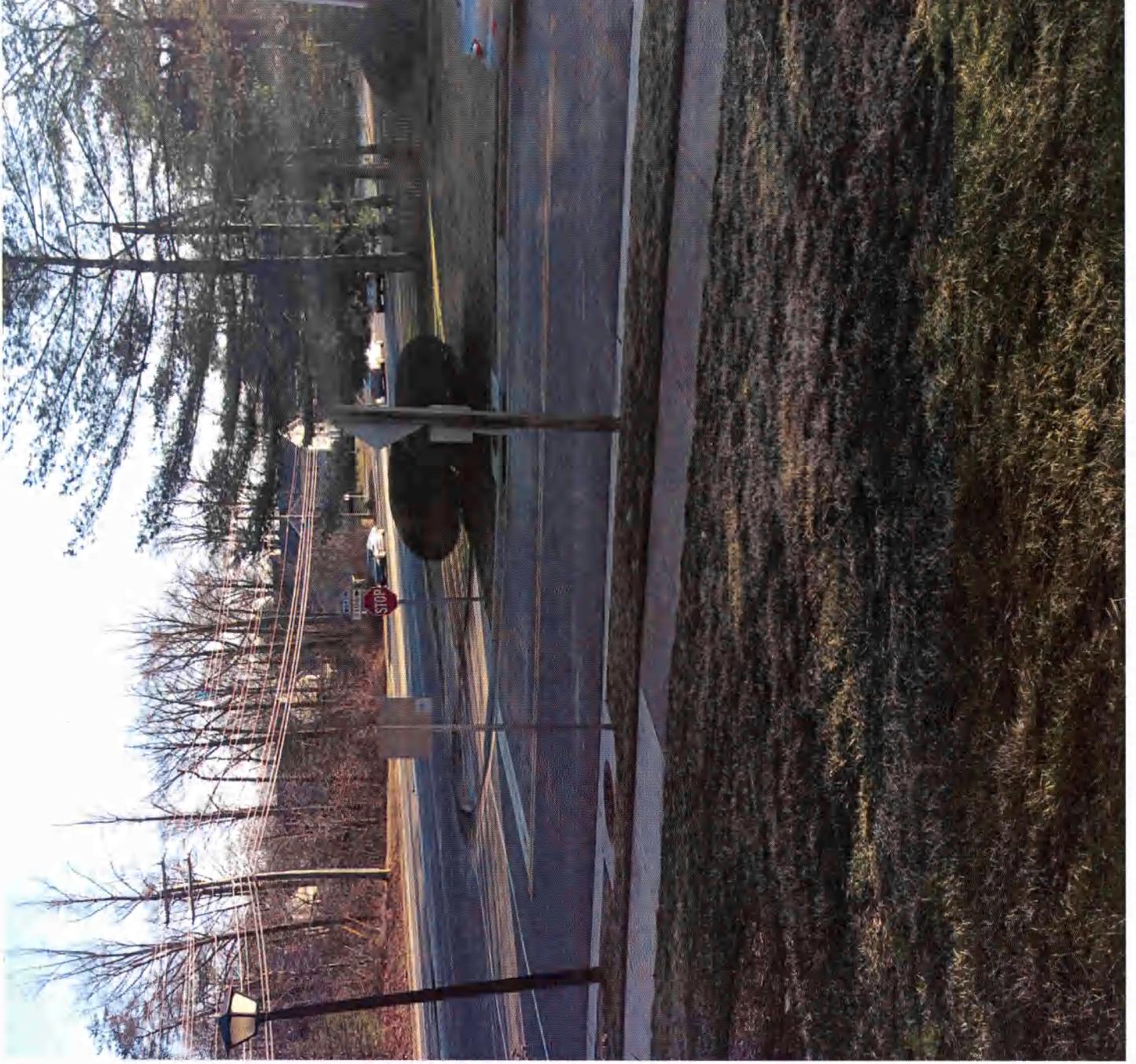
Statement of Intention



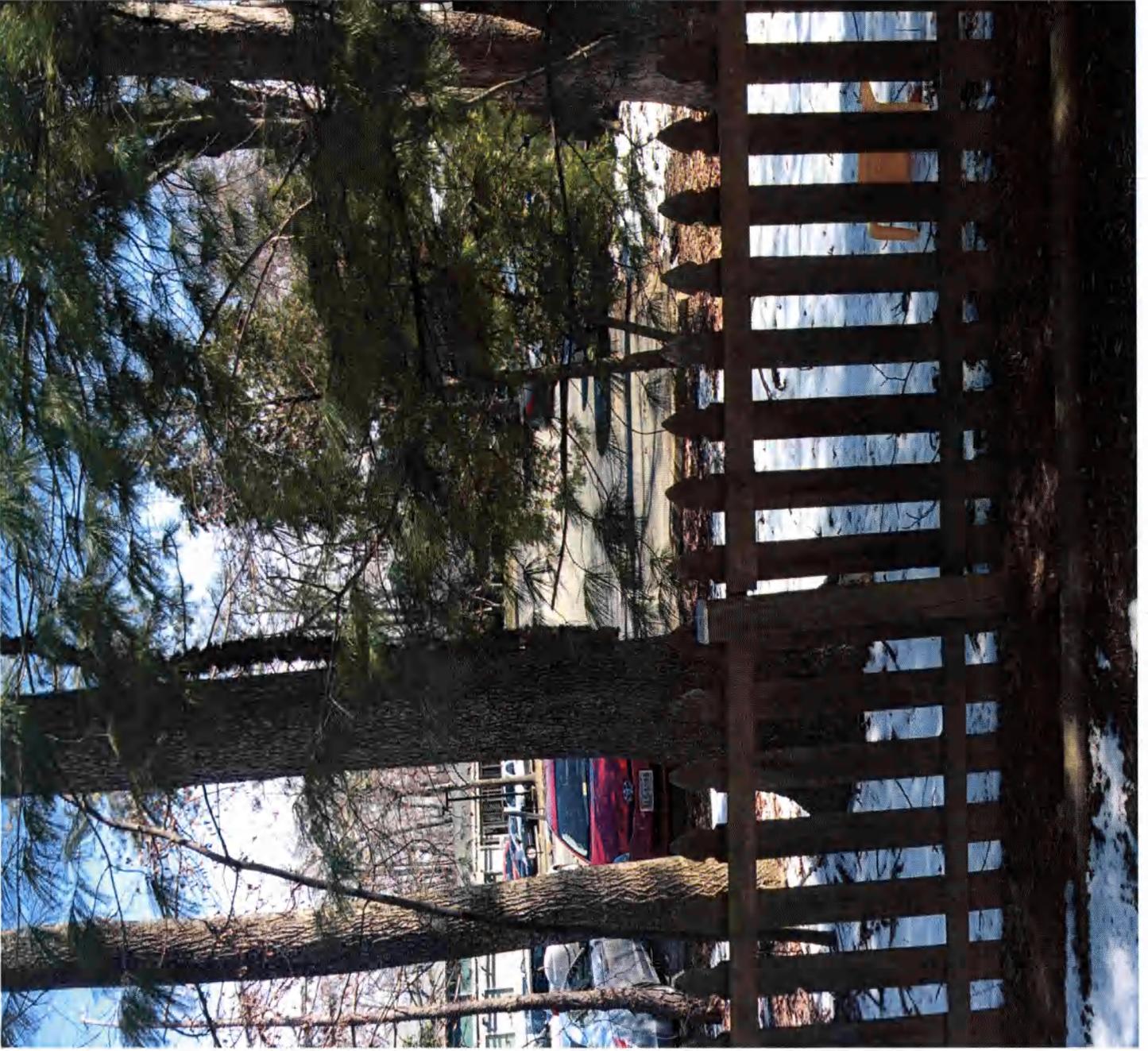
1) Property across the from
6161 Lucas Pond Court,
standing south .



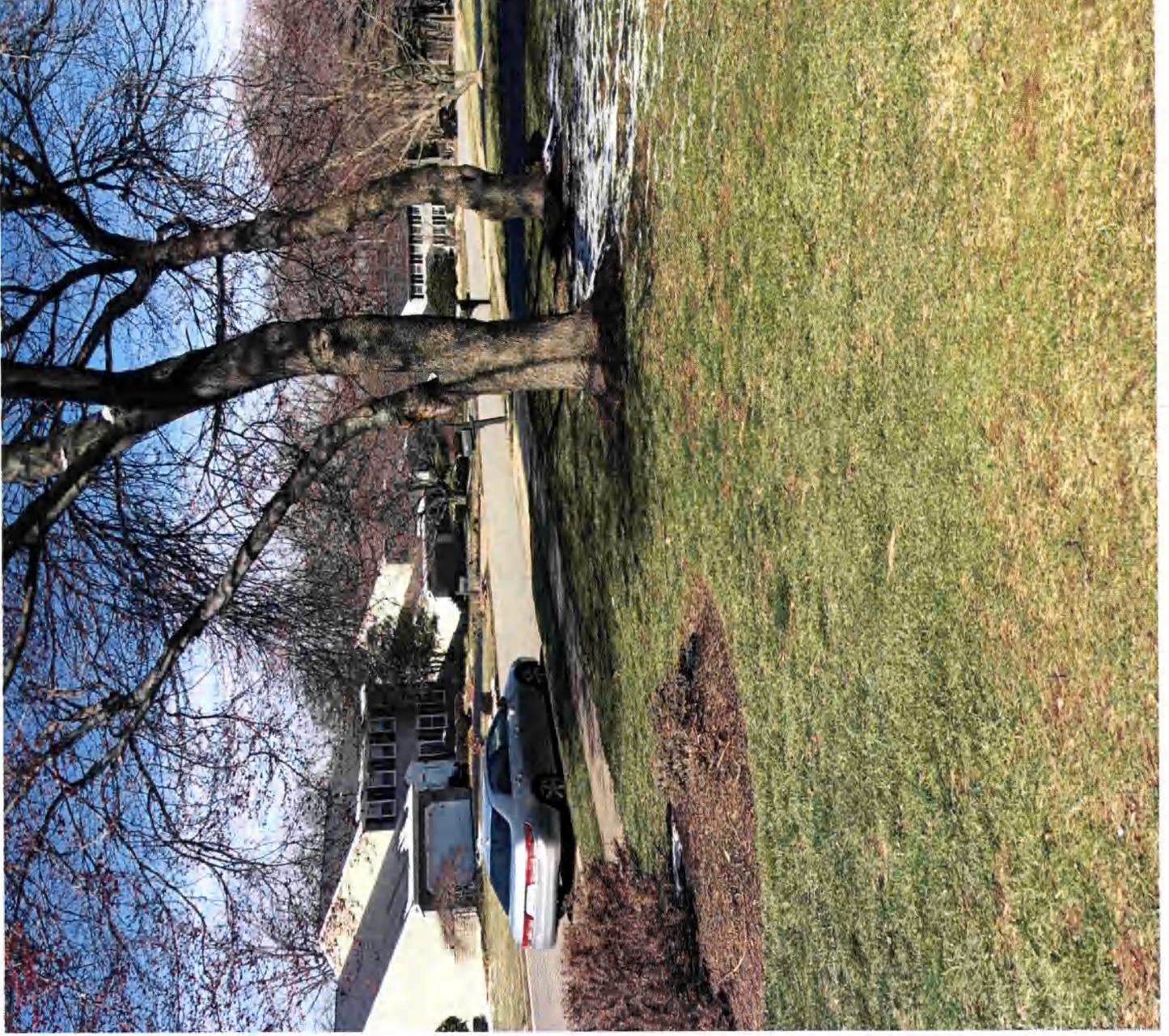
11) Corner of Lucas Pond Court and Burke Lake Road, standing south at the left of 6161 Lucas Pond Court



4)View of parking lot and church facility from back of property



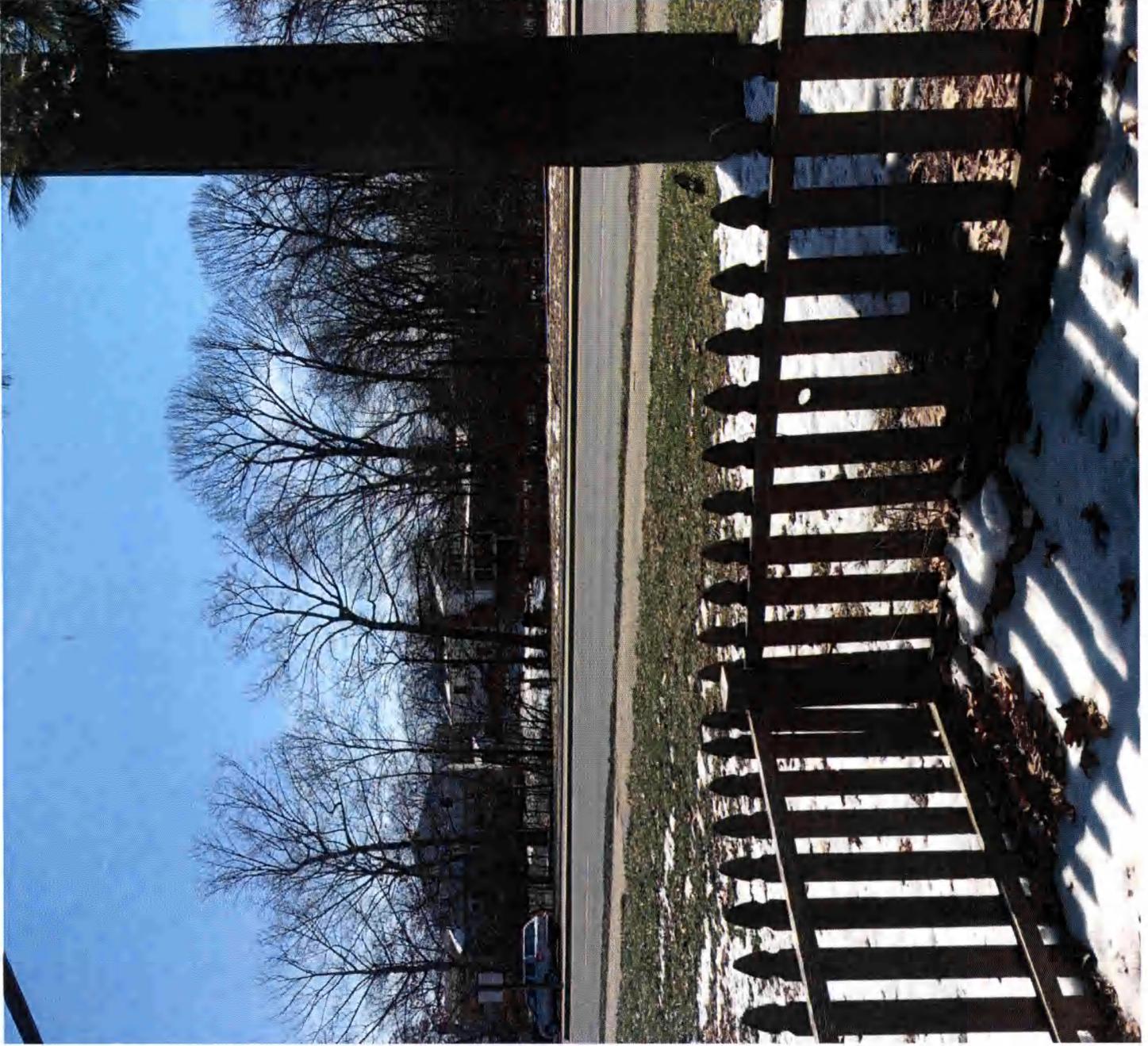
2)Northeast view of
Lucas Pond Court



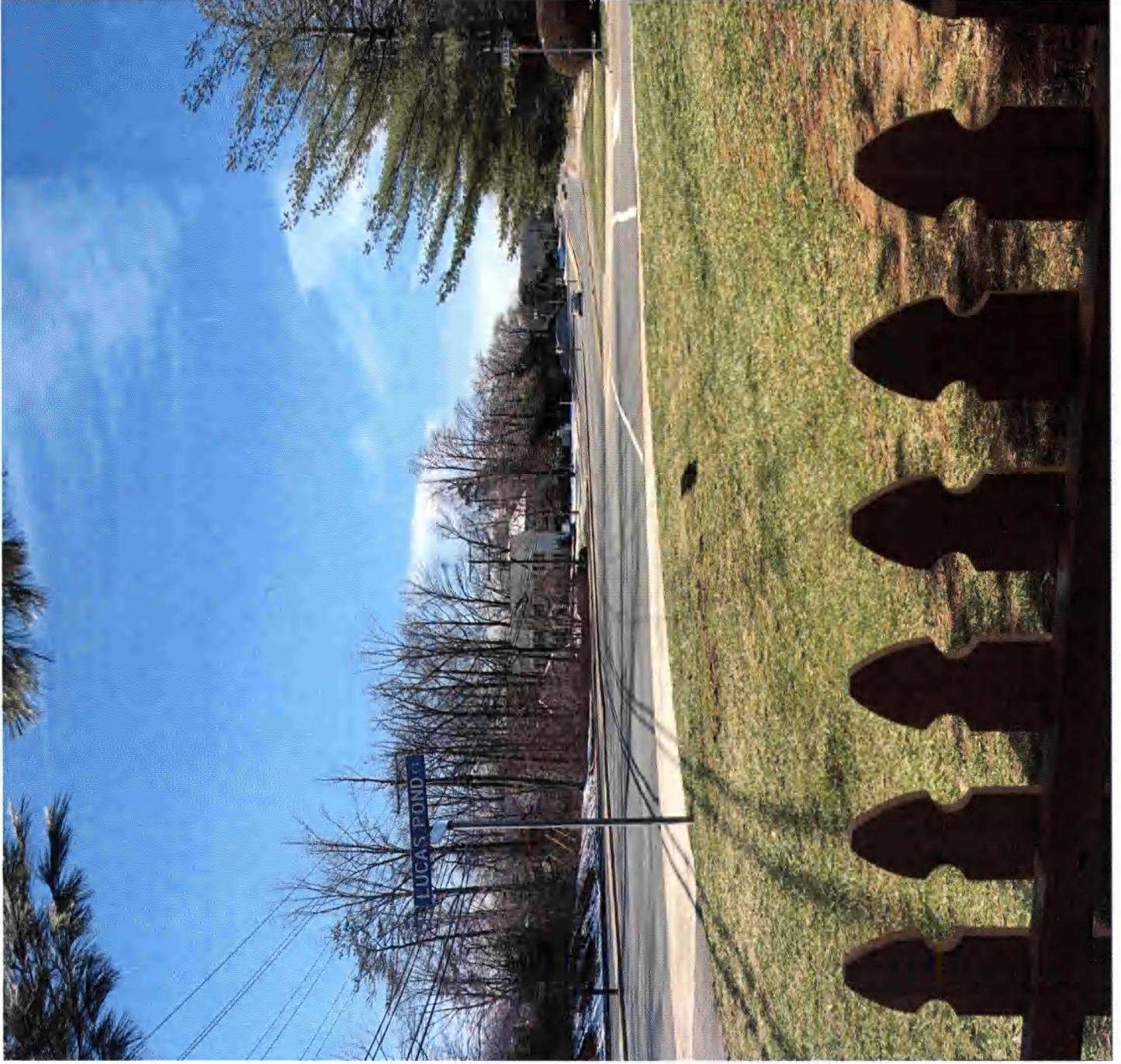
3) Left corner back view of property showing Burke United Methodist Church Parking Lot.



5)View of Burke Lake Road North from back right corner of property.



6)View of the corner of Lucas Pond Court and Burke Lake Road

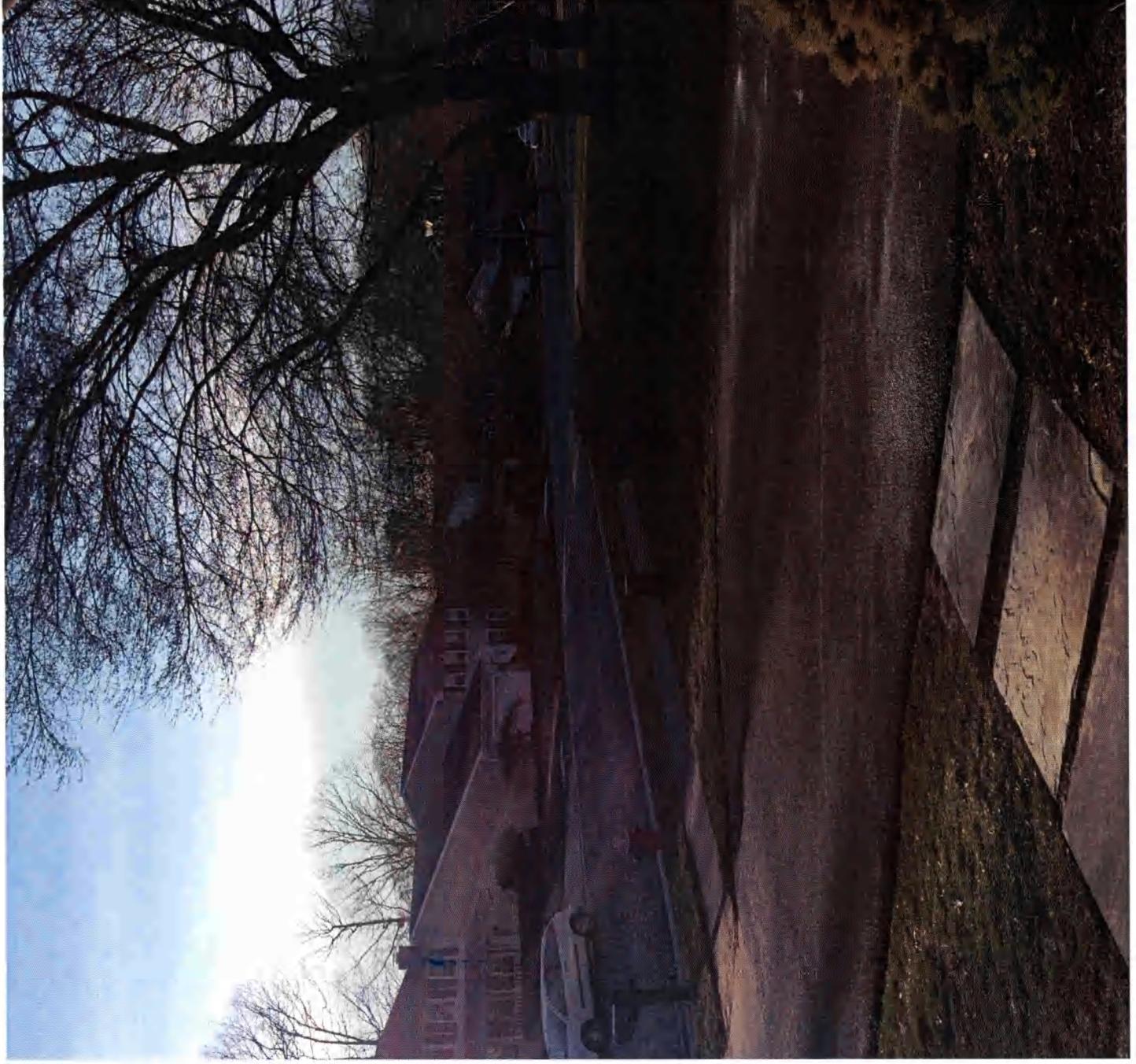


7) View of Burke
Lake Road from side
of property



8) Right gate, fence, and corner of Burke Lake Road and Lucas Pond Court, standing south east inside property





9) View of the right side of property, standing northwest of 6161 Lucas Pond Court.

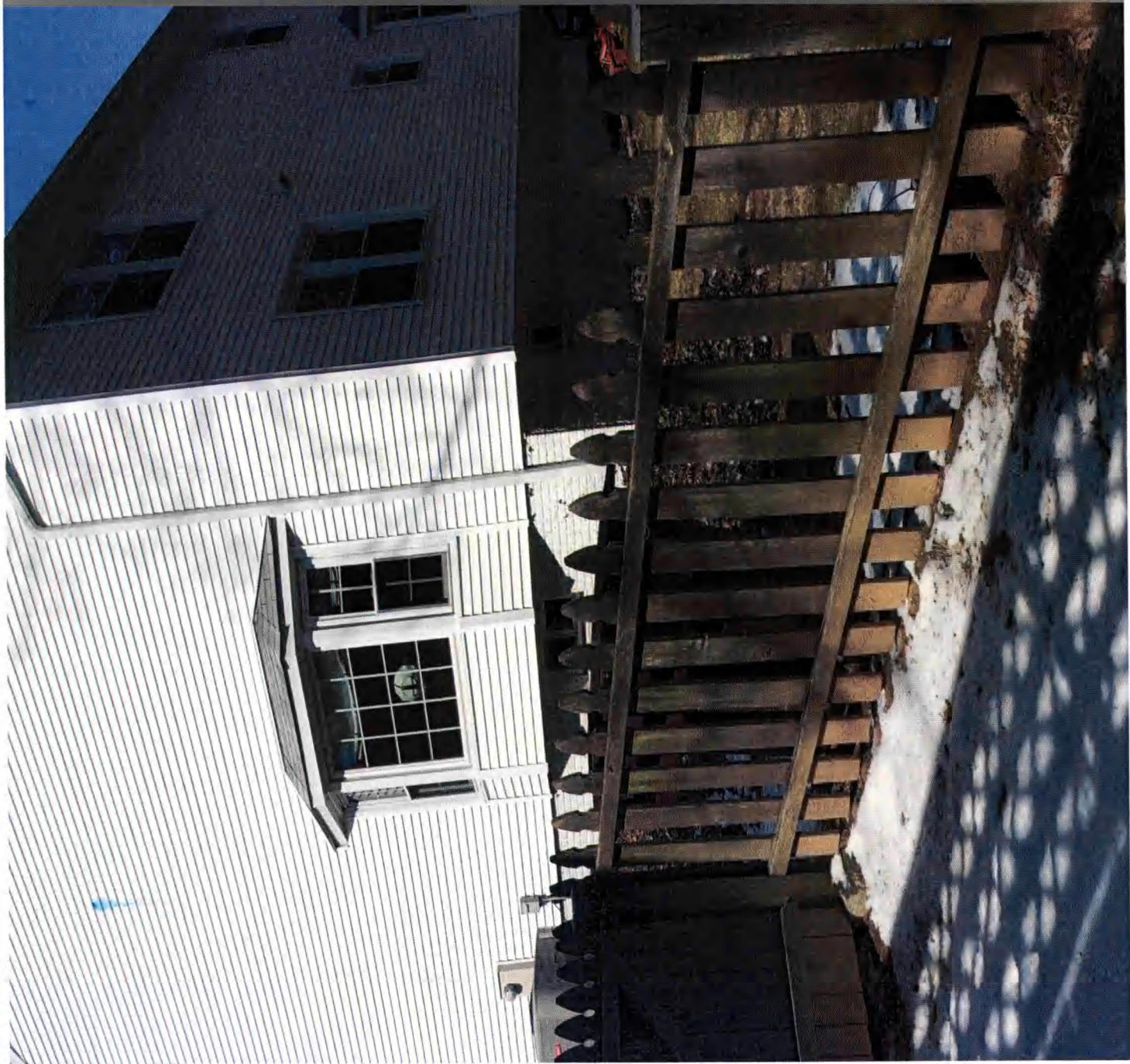
10) Across the street
from property, standing
south of 6161 Lucas Pond
Court



12) Southeast view of Lucas
Pond Court



13) Left gate of property .



14) Neighboring property on left side of the lot



LUCAS POND COURT

SHOWING HOUSE LOCATION ON
LOT 12

PLAT

50' R/W

Prepared by: Walter Ivan Burrell

Date: 03/24/2014

Signature: *[Handwritten Signature]*

Zoning Evaluation Division

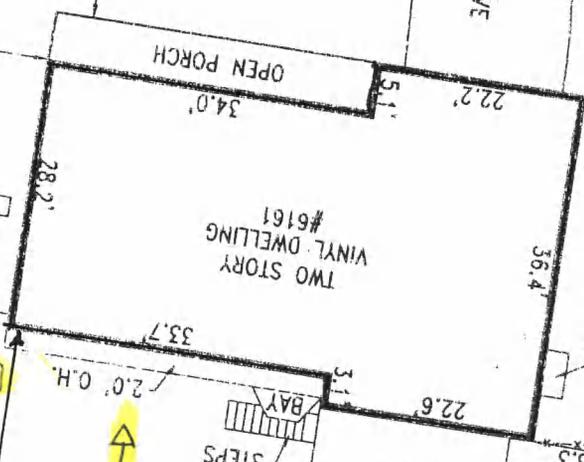
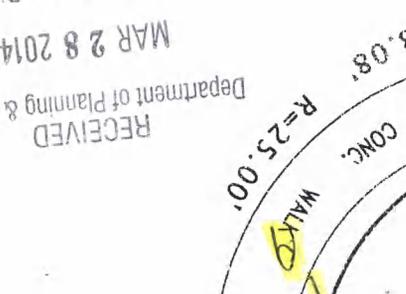
MAR 28 2014

RECEIVED
Department of Planning & Zoning

BURKE LAKE ROAD
ROUTE #645

ASPHALT WALK

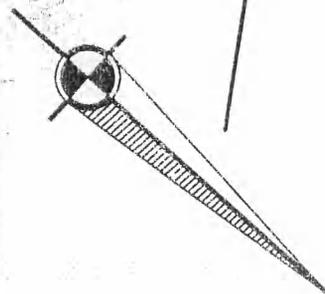
ASPHALT DRIVE



03/24/14
Walter Burrell
Please follow
71523-9063
Burke, VA 22015
6161 Lucas Pond Ct.
Name: Walter Burrell

Stamping
View of Photo
Name: Walter Burrell
Burke, VA 22015
6161 Lucas Pond Ct.
71523-9063
Please follow
03/24/14
Walter Burrell

Statement of
Authentication



NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.

1) Backyard view from left side of lot



2) Backyard view from left side of lot



3) Backyard view from left side of lot





4) Left side view of the lot

5) Backyard view from right side of lot



6) Backyard view from
back side of lot



7) Back entrance



8) Backyard view from back side of lot



9) Right side view of lot



10) Right side view of lot



11) Right side view of lot



12) Backyard view from right side of lot and showing gate



13) Front view of lot



15) Property Driveway



16) Neighboring property on left side of the lot



Application No.(s): SP 2014-BR-140
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/20/2014 125008
(enter date affidavit is notarized)

I, MARTHA FRANCISCA BURRELL, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MARTHA F. BURRELL D/B/A SEÑORA MARTHA HOME CHILD CARE	6161 LUCAS POND COURT BURKE, VA 22015	APPLICANT/TITLE OWNER
WALTER I. BURRELL	6161 LUCAS POND COURT BURKE, VA 22015	CO-TITLE OWNER

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

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

Om

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/20/2014
(enter date affidavit is notarized)

125008

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/20/2014
(enter date affidavit is notarized)

125008

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/20/2014
(enter date affidavit is notarized)

126008

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/20/2014
(enter date affidavit is notarized)

125008

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)

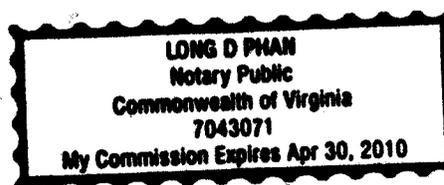
[Signature]
 Applicant [] Applicant's Authorized Agent

MARTHA F. BURRELL - APPLICANT-TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of July, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 04/30/2018



Qm

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Martha Burrell**

6161 Lucas Pond Court
BURKE, VA 22015
(703) 323-9063 

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): June 19, 2016

Business Hours: 7:00AM - 06:30PM
Monday - Friday

Capacity: 12

Ages: 1 month - 12 years 11 months

Inspector: Erika Gibson
(703) 479-4686 



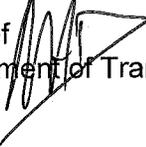
County of Fairfax, Virginia

MEMORANDUM

DATE: February 2, 2015

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

CC: Erin Haley, Staff Coordinator
Zoning Evaluation Division, Department of Planning & Zoning

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

FILE: SP 2014-BR-140

SUBJECT: SP 2014-BR-140 Martha F. Burrell (Señora Martha Home Childcare)
6161 Lucas Pond Court, Burke, VA 22015
Tax Map: 78-3 ((20)) 0012

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

- The applicant should provide information to clients and employees regarding the use of driveway for drop-off and pick-up of children which may reduce safety concerns of parking on the street. Such as:
 - Clients should not park within 20 feet of the Burke Lake Road intersection which may lead to unsafe maneuvering when other vehicles may be turning onto Lucas Pond Court;
 - Clients should not park in the middle of the double-wide driveway, which does not provide ample space for second vehicle to park during drop-off and pick-up.

MAD/RP



County of Fairfax, Virginia

MEMORANDUM

Date: February 5, 2015

To: Erin Haley, Senior Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP 2014-BR-140

Applicant: Martha Burrell
6161 Lucas Pond Court, Burke, Virginia 220151
Prospect Knolls LT 12
Tax Map# 78-3 ((20)) 0012
Zoning District: R-3
Magisterial District: Braddock
ZIB # 2015- 0027
Date of Inspection: January 29, 2015

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

- 1. 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.)
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. 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.
- ✓ 4. 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/



***The front step riser exceeded the maximum riser height of 8 ¼ inches. Actual riser height was 11 ½ inches.**

- 5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 6. 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.
- 7. 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.

***The utility room contained storage that surrounds both the furnace and hot water heater. 36" clearance should be maintained around the furnace and water heater.**

- 8. Structures comply with the Zoning Ordinance.

8-006 General Standards

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

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

8-303 Standards for all Group 3 Uses

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

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

8-305 Additional Standards for Home Child Care Facilities

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

Sect. 10-103 Use Limitations

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

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

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

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

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