



County of Fairfax, Virginia

March 4, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MA-149

MASON DISTRICT

APPLICANT: Karla Talavera
OWNERS: David M. Talavera
SUBDIVISION: Edsall Park
STREET ADDRESS: 6806 Hopewell Ave., Springfield, 22151
TAX MAP REFERENCE: 80-2 ((2)) 45
LOT SIZE: 10,500 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-MA-149 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.

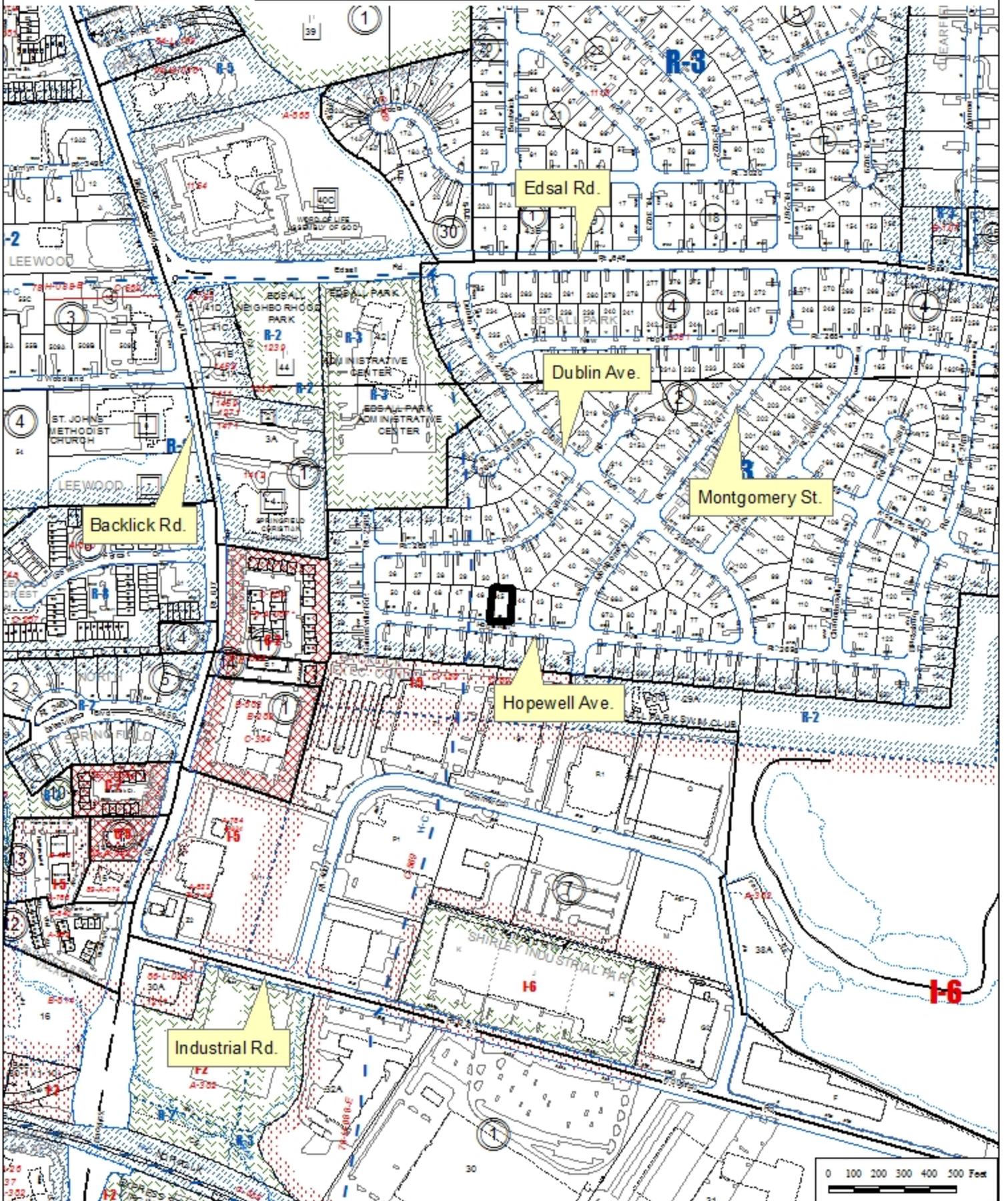
It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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.**

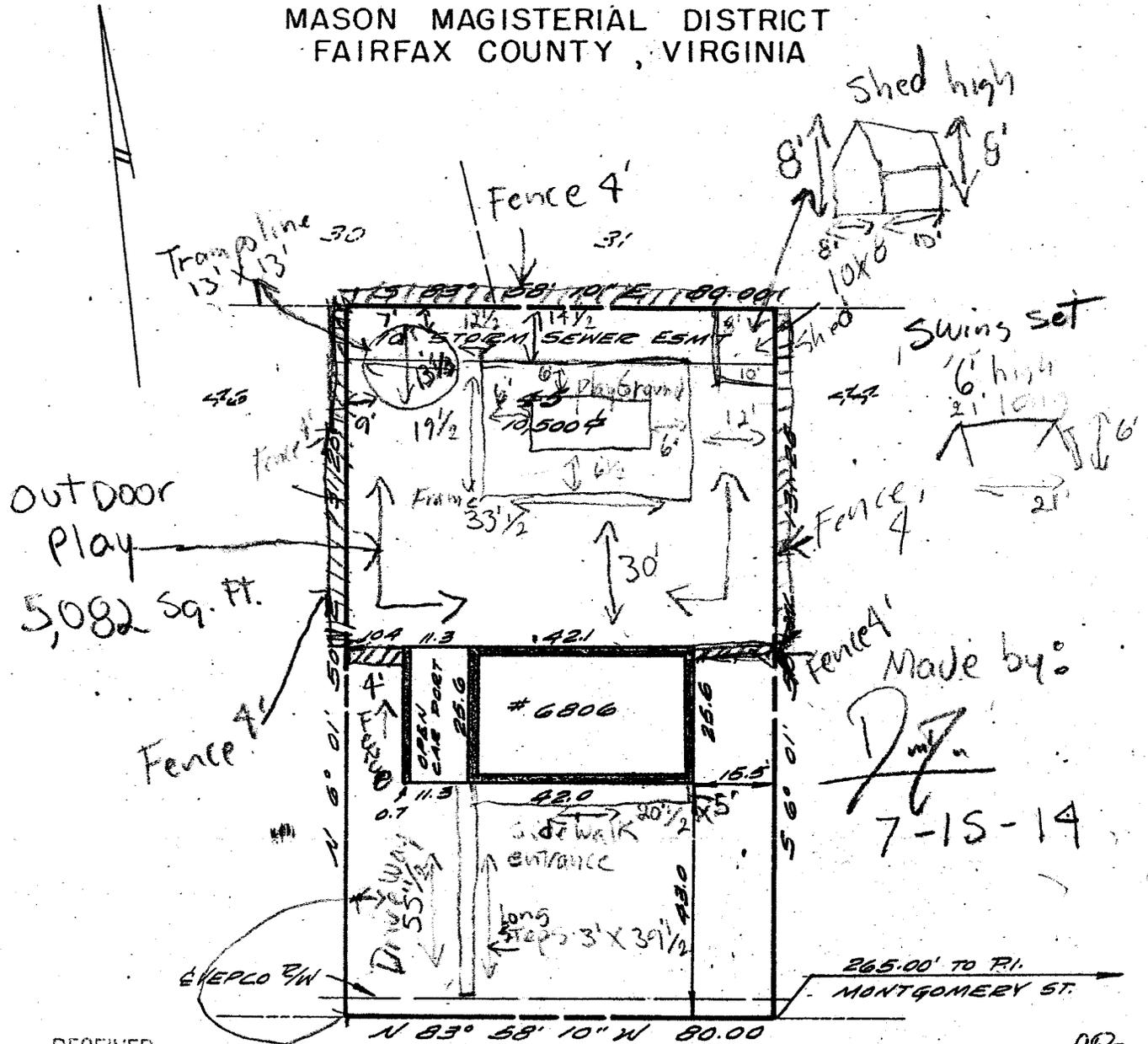
Special Permit
SP 2014-MA-149
KARLA VANESSA TALAVERA



MAR 27 2014

Zoning Evaluation Division

HOUSE LOCATION SURVEY
LOT 45 SEC 2
EDSALL PARK SUBDIVISION
MASON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA



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Department of Planning & Zoning
JUL 24 2014
Zoning Evaluation Division

APPROVED
[Signature]
ZONING ADMINISTRATOR
DATE: AUG. 20. 1957

CERTIFIED CORRECT: <i>Norman L. Johnson</i> CERTIFIED LAND SURVEYOR 8/9 1957	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1" = 30'	DATE 8/9/57
		DRAWN BY: <i>B</i>	CK'D. BY: <i>M</i>
		JOB No. 7AF119	FIELD BK. No. 100

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 Hopewell Avenue in the Springfield area. A copy of the special permit plat titled, “House Location Survey, Lot 45, Sec 2, Edsall Park Subdivision,” as revised by David Talavera, through July 15, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story, single-family detached dwelling. A concrete driveway provides access to the dwelling from Hopewell Avenue. A walkway leads from the driveway to the front door and around the east side of the house to the basement entrance of the home child care facility. A storm sewer easement runs across the rear yard of the property. A mulch playground area and an accessory storage structure are located in the rear yard in the area of the easement. A fence 4 feet in height encloses the rear yard.

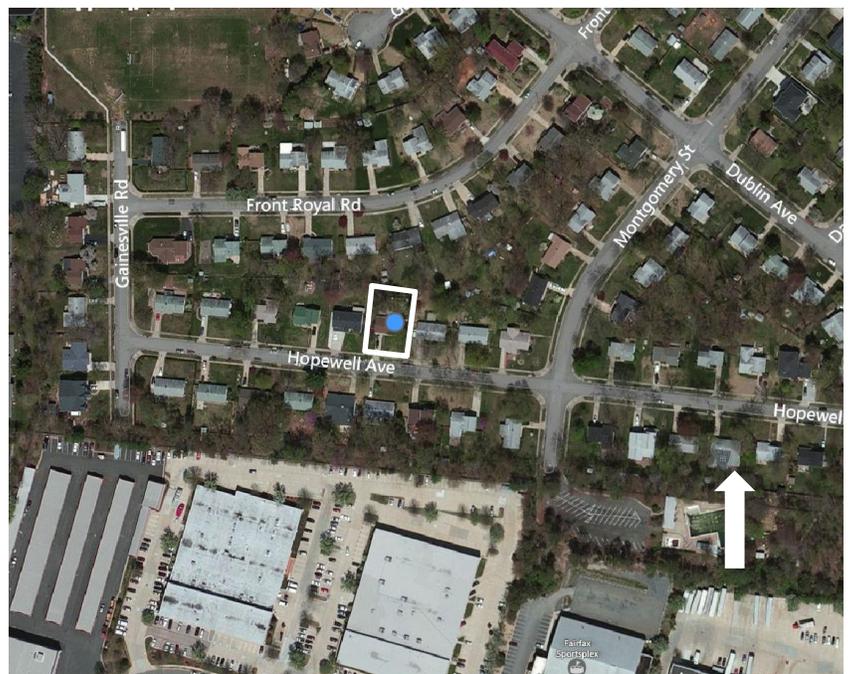


Figure 1- Aerial View of Subject Property

The property is located north of I-495 and south of Braddock Road in the Edsall Park subdivision. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1957 and purchased by the property owners in 2005.

Records indicate that one other special permit application relating to a home child care

has been heard by the Board of Zoning Appeals (BZA) in the surrounding area. In addition, one home child care located at 6810 Hopewell Avenue has been scheduled for a later hearing date with the BZA for a home child care. This information is included in Appendix 4.

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 5:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Currently, there is one full-time assistant. 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 March 23, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, from 2 months through 10 years 11 months of age. A copy of the license information is included as Appendix 5.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale Planning District
Planning Sector: Edsall Community Planning Sector (A4)
Plan Map: Residential, 3-4 du/ac

On-Site Parking and Site Circulation

The existing driveway can accommodate approximately two vehicles. Staff believes that the driveway provides sufficient room for pick up and drop off of children. Staff has also found that most parents park their vehicles and walk their children around the house to the basement entrance of the child care facility. However, most of the eastern side yard does not have a paved walkway. Development conditions are proposed to require pick up and drop off of children in the driveway and that a paved walkway be provided for the path from the driveway to the basement entrance of the child care facility.

Zoning Inspection Branch Comments (Appendix 6)

Staff found that the open carport was enclosed on all sides by lattice making it an addition to the principal dwelling. The carport addition is located 10.4 feet from the

western side lot line. The required minimum side yard for the R-3 zone is 12 feet. Therefore, the carport addition is encroaching 1.6 feet into the required side yard. A condition has been included requiring conformance with the Ordinance or the filing of a new Special Permit or Variance application to address this encroachment.

Staff found an inoperable vehicle parked next to the enclosed carport. The vehicle was under a cover, but in an inoperable condition.

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 by bringing the carport into conformance, the relocation of an inoperable vehicle, and the maintenance of a 36-inch clearance around utilities. 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 7)

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

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 prescribed 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 adding pavers and bringing the carport into conformance.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
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 one full-time non-resident employee.
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	The applicant is a state licensed home child care provider and

Licensed Provider/Primary Residence	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 one non-resident employee.
Part E Provider is a Non-Resident	The provider is a resident owner of the property. This part is not applicable.
Part F 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.
Part G Increase in Children or Non-Resident Employee	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.

CONCLUSION/RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance Provisions. Staff recommends approval of SP 2014-MA-149 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. Similar Case History
5. State Family Day Home License Information
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-MA-149

March 4, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-149 located at Tax Map 80-2 ((2)) 45 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, Karla Vanessa Talavera, and is not transferable without further action of the Board, and is for the location indicated on the application, 6806 Hopewell Avenue, 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, “House Location Survey, Lot 45, Sec 2, Edsall Park Subdivision,” as revised by David Talavera, through July 15, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:30 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 one non-resident employee, whether paid or not for their services, may be involved in the home child care facility from 7:00 a.m. to 5:30 p.m.
8. All pick-up and drop-off of children shall take place within the driveway.
9. There shall be no signage associated with the home child care facility.
10. A minimum of 36 inches of clearance shall be maintained around the furnace and water heater.
11. The location of the accessory storage structure, the shed, is subject to the terms and conditions of the storm sewer easement specifications.

12. 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.
13. Within 12 months of approval, the inoperable vehicle shall be removed from the property or repaired and placed in a proper vehicle location.
14. Within 12 months of approval, the enclosed carport shall be brought into conformance with the Zoning Ordinance (through the removal of lattice) or a separate special permit or variance shall be applied for and diligently pursued.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

STATEMENT OF JUSTIFICATION FOR HOME CHILD CARE FACILITY

Karla Talavera
6806 Hopewell Avenue
Springfield, VA 22151
571-421-4723
karlatelleria@hotmail.com

RECEIVED
Department of Planning & Zoning
MAR 27 2014
Zoning Evaluation Division

March, 23, 2014

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

Re: Special Permit Application

Applicant: Karla Talavera

Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards

Tax Map #: 0802 02 0045

Zoning District: R-3

Lot Size: 10,500 square feet

To whom it may concern:

Please accept the following as my statement of justification for a special permit for a home child care facility within my home. I live in a single-family detached dwelling at 6806 Hopewell Avenue in Springfield, VA with my husband (David Talavera), and my two children, (Sebastian Talavera, who is sixteen, and Darla Talavera, who is ten). The property is zoned as "R-3" and I recognize that I need to seek approval of a special permit in order to have and operate a child care facility within the confines of my home. I am currently licensed by the State of Virginia to have a maximum of twelve children in my child care facility at my home. Below is the information that corresponds to my child care facilities operations:

Hours: The child care is open from 7:00 a.m. to 5:30 p.m., and is open Monday through Friday.

Number of Children: I care for up to a maximum of twelve children at any given time. This number does not include my two children who live with me.

Employees: I have one assistant who works full-time named Juana Itzep

Arrival Schedule: Two children arrive from 7:00 - 7:30 a.m., seven children arrive from 8:00 - 9:30

a.m., and the final child arrives from 10:00 - 10:30 a.m.

Departure Schedule: Three children depart between 4:00 - 4:30 p.m., one departs at 5:00 p.m., and the remaining children all leave at 5:00 - 5:30 p.m.

Area Scoped: Eight children live within the general vicinity of my neighborhoods, the remaining two are a fair distance from the child care facility (both live in Alexandria). All children are driven to the daycare by their parents.

Operations: As aforementioned, my house is a single-family detached dwelling. It has a walk-out basement, and the basement as where the children spend all of their time. I utilize the kitchen area (which is located a floor above the basement) to prepare meals and snacks. Attached to this is a floor plan that indicates the areas where the child care facility is located. The house has an area of 10,500 square feet. The area of the kitchen is approximately 264 square feet

Hazardous and/or Toxic Substances: The house and both yards are free from hazardous and toxic materials. No hazardous or toxic materials will be generated, utilized, stored, treated, or disposed onsite.

Outdoor Play Area: I utilize the backyard of my home as an outdoor play area for the children. The area of this playground is approximately 2,000 square feet. There is a swing set accompanied with a slide, and the entire area of the playground is boxed in. In the far left corner of my backyard is a trampoline, which is out of reach to the children and strictly off-limits. Both of these are included with the attached plan of my house.

Parking: My driveway provides sufficient parking space for two cars, as it is over eighteen feet in length. The streets adjacent to my house also provides a more than suitable amount of parking space for the parents.

Due to these reasons, I do not believe that my proposed family child care facility would negatively impact my neighbors, nor the neighborhood as a whole.

In conclusion, An adequate amount of parking space is available for my family and the parents, without causing any disturbance to my surrounding neighbors. For these aforementioned reasons, I do not believe that by having this proposed day care that it would negatively impact my neighbors.

Sincerely,

Karla Talavera

Arrival Schedule:

	7:00 - 7:30 a.m.	8:00 - 9:30 a.m.	10:00 - 10:30 a.m.
Child 1	x(s)		
Child 2	x(s)		
Child 3		x(s)	
Child 4		x(s)	
Child 5		x(s)	
Child 6		x(s)	
Child 7		x	
Child 8		x	
Child 9		x	
Child 10			x

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Department of Planning & Zoning
MAR 27 2014
Zoning Evaluation Division

x - denotes a child

(s) - denotes children that are siblings

Departure Schedule

	4:00 - 4:30 p.m.	5:00 p.m.	5:00 - 5:30 p.m.
Child 1	x(s)		
Child 2	x(s)		
Child 3	x		
Child 4		x	
Child 5			x(s)
Child 6			x(s)
Child 7			x(s)
Child 8			x(s)
Child 9			x
Child 10			x

x - denotes a child

(s) - denotes children that are siblings

Karla Talavera

6806 Hopewell Avenue

Springfield, VA 22151

571-421-4723

karlatelleria@hotmail.com

To whom it may concern,

I swear that the proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards. If any waiver, exception or variance will be sought by me, the applicant, and shall be specifically noted with a stated justification for such modification.

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Department of Planning & Zoning

JUL 24 2014

Zoning Evaluation Division

Karla Talavera

6806 Hopewell Avenue

Springfield, VA 22151

571-421-4723

karlatelleria@hotmail.com

To whom it may concern,

I propose to use my property as a child care facility. The area of my house is 2,184 sq. ft., and this is the house that I plan to use for my home child care facility. I am currently licensed by the State of Virginia to have a maximum of twelve children in my child care facility at my home, and I wish to be able to continue being able to care a maximum of twelve children. I plan to have the daycare open on weekdays from 7:30 a.m. - 5:30 p.m..

Day Care located in basement

Basement

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Department of Planning & Zoning

MAR 27 2014

Zoning Evaluation Division

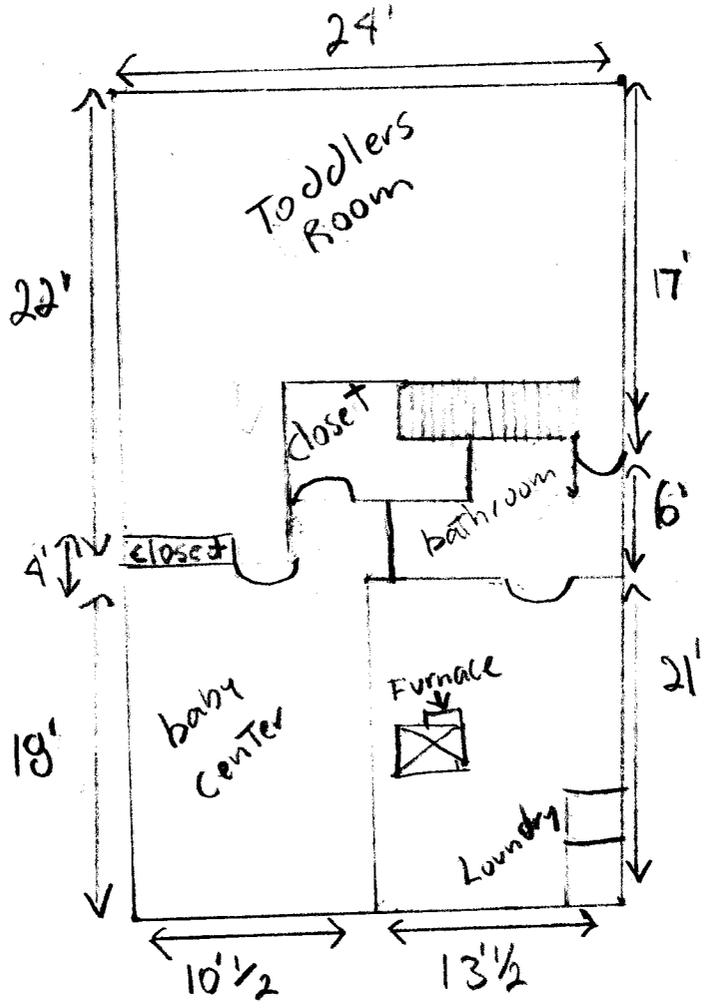




Photo taken across the street of dwelling 3/23/2014



Photo of driveway belonging to dwelling 3/23/2014



Photo taken from Right side of property
3/23/2014



photo taken from left side of property 3/23/2014



Photo taken from the left side of the property
3/23/2014



Photo taken from Right side of property
3/23/2014



photo of outdoor play area 3/23/2014



photo of outdoor play area 3/23/2014



Photo of baby room interior 3/23/2014



photo of baby Room interior 3/23/2014



photo of baby Ram interior

3/23/2014

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Department of Planning & Zoning
MAR 27 2014
Zoning Evaluation Division



Photo of daycare interior 3/23/2014



photo of daycare interior 3/23/2014



Photo of daycare interior 3/23/2014



photo of daycare interior 3/23/2014



Photo of playground equipment 3/23/2014

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Department of Planning & Zoning

MAR 27 2014

Zoning Evaluation Division



Application No.(s): SP 2014-MA-149
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124932

DATE: 1/6/2015
(enter date affidavit is notarized)

I, Karla Vanessa Talavera, 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)
Karla Vanessa Talavera	6806 Hopewell Ave Springfield VA 22151	Applicant/ spouse
David M. Talavera	6806 Hopewell Ave Springfield VA 22151	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).



Special Permit/Variance Affidavit Package

Please read carefully

On July 10, 2006, the Board of Supervisors of Fairfax County, Virginia, adopted revisions to the land use affidavit forms to be used with rezoning, special exception, special permit, and variance applications. The Planning Commission adopted its reaffirmation procedures on April 4, 2002. On February 24, 2003, the Board of Supervisors approved amendments to its "Reaffirmation Procedure for Affidavits."

Important! The adopted Affidavits and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

Contents

1 Special Permit/Variance Affidavit	1 Attachment to Par. 1(c)
1 Attachment to Par. 1(a)	1 Attachment to Par. 2
1 Attachment to Par. 1(b)	1 Attachment to Par. 3

Instructions

For your convenience, the *Date* and *Application Number(s)* need only be entered once and will automatically duplicate on each page of this document. Additional copies of the Affidavit and its Attachments can be downloaded as a complete package or individually at www.fairfaxcounty.gov/dpz/affidavits/.

Please note: Acrobat Reader will NOT allow you to save changes made to this document. Any information you enter in the form fields will be lost when the PDF file is closed; therefore, be sure to print and review your document before closing.

If you have a complete version of Acrobat installed on your computer, your changes may be saved for later use.

Support

If you are unsure as to which form to use, please call:
County of Fairfax, Department of Planning and Zoning at 703-324-1290, TTY 711.

For further information or additional forms:
www.fairfaxcounty.gov/dpz/affidavits/

Application No.(s): SP 2014-MA-149
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/2015
(enter date affidavit is notarized)

124932

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): SP 2014-MA-149
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/2015
(enter date affidavit is notarized)

124932

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.

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/2015
(enter date affidavit is notarized)

124932

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-MA-149
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/2015
(enter date affidavit is notarized)

124932

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

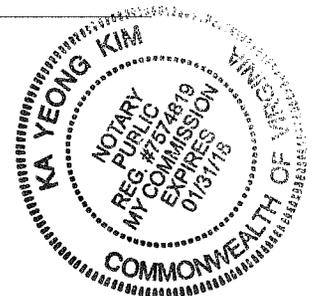
Applicant [] Applicant's Authorized Agent

Karla V. Takoverm
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6th day of January 20 15, in the State/Comm. of Virginia, County/City of Fairfax.

Kim Ka
Notary Public

My commission expires: 01/31/18



Similar Case History

Group: 2014-MA-051

SP 2014-MA-051

[STAFF REPORT](#)

APPLICANT: ROSA FLORES D/B/A ROSA'S DAYCARE AND CRE CORPORATION
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/30/2014
ZONING DISTRICT: R-3
DESCRIPTION: HOME CHILD CARE FACILITY
LOCATION: 5404 DANVILLE STREET, SPRINGFIELD, VA 22151
TAX MAP #S:
 0802 02 0192

Temporary ID	Application Number	Life Cycle Status	Applicant Name
SP 2014-0260	SP 2014-MA-177	ASSIGNED	FABIOLA CANEDO - HAPPY KIDS HOME DAY CARE



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Karla Talavera

6806 Hopewell Ave

SPRINGFIELD, VA 22151

(703) 863-4289 [📞](#)Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): March 23, 2015Business Hours: 6:30 AM - 5:30 p.m.
Monday - Friday

Capacity: 12

Ages: 2 months - 10 years 11 months

Inspector: Derek Acosta
(703) 554-4995 [📞](#)



County of Fairfax, Virginia

MEMORANDUM

Date: February 4, 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-MA-149

Applicant: Karla Talavera
6806 Hopewell Avenue, Springfield, Virginia 22151
Edsall Park, Lot 45 Sec 2
Tax Map# 80-2 ((02)) 0045
Zoning District: R-3
Magisterial District: Mason
ZIB # 2015- 0028
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.)
***The infant’s sleeping area (baby center noted on floor plan) is lacking the required emergency egress. Sill height exceeded 44 inches from the finished floor to the bottom of the clear opening.**
- 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.
- 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.
*** This property contained one (1) inoperable motor vehicles that was parked in the side yard of this residentially zoned property.**

*** The property has a carport that is located approximately 10 feet from the side lot line, which was partially enclosed with lattice on two sides for screening.**

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.