



County of Fairfax, Virginia

March 18, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-156

LEE DISTRICT

APPLICANT: Yesenia de los Angeles Morales
D/B/A Yesenia's Daycare Center, LLC

OWNERS: Yesenia Morales
Carlos Rubianes
Hugo Rubianes

SUBDIVISION: Springfield, Sec. 5

STREET ADDRESS: 6017 Hanover Ave., Springfield, 22150

TAX MAP REFERENCE: 80-3 ((2)) (23) 14

LOT SIZE: 9,243 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305, 3-403

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-LE-156 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.

Casey V. Gresham

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

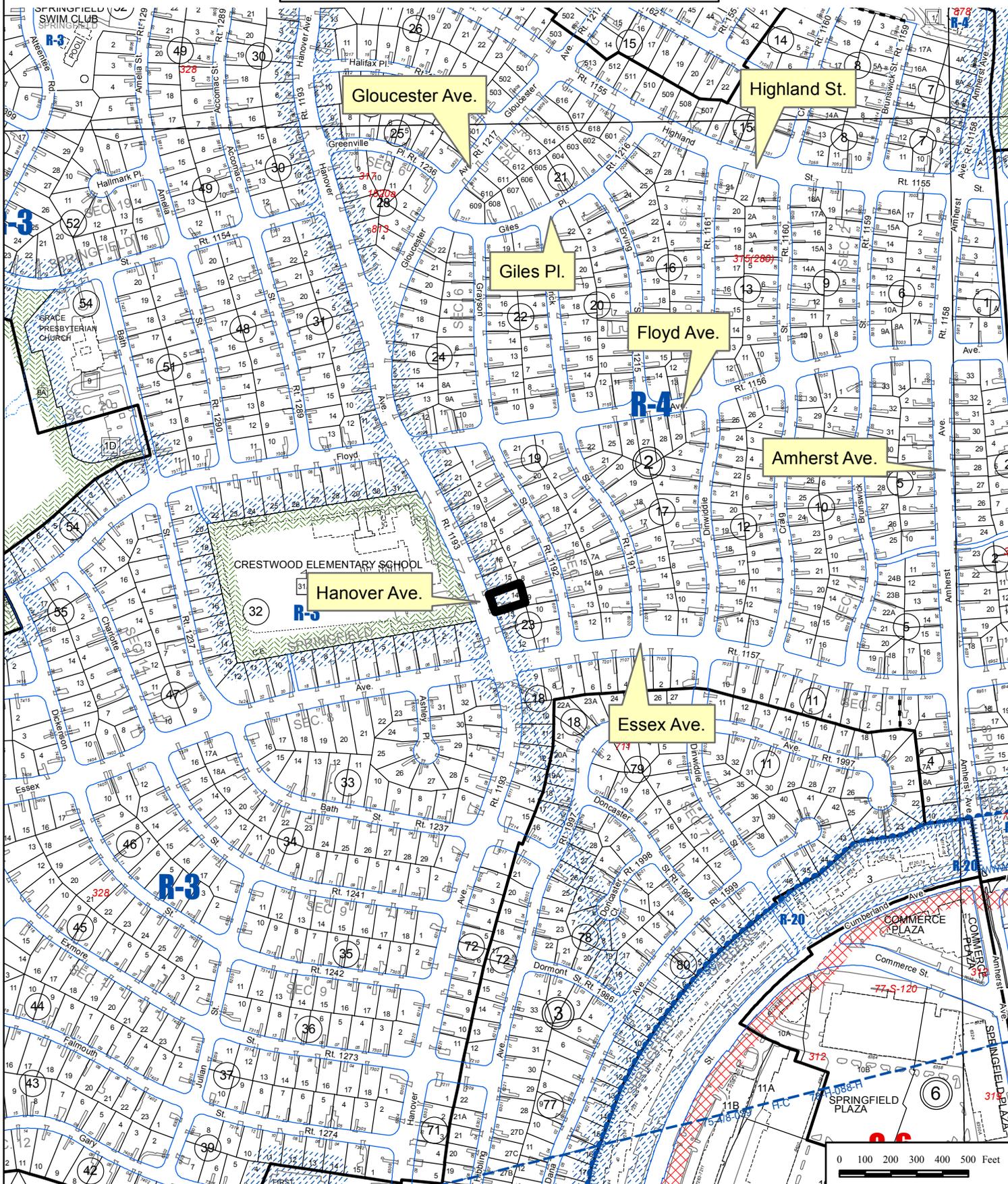
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

Special Permit

SP 2014-LE-156

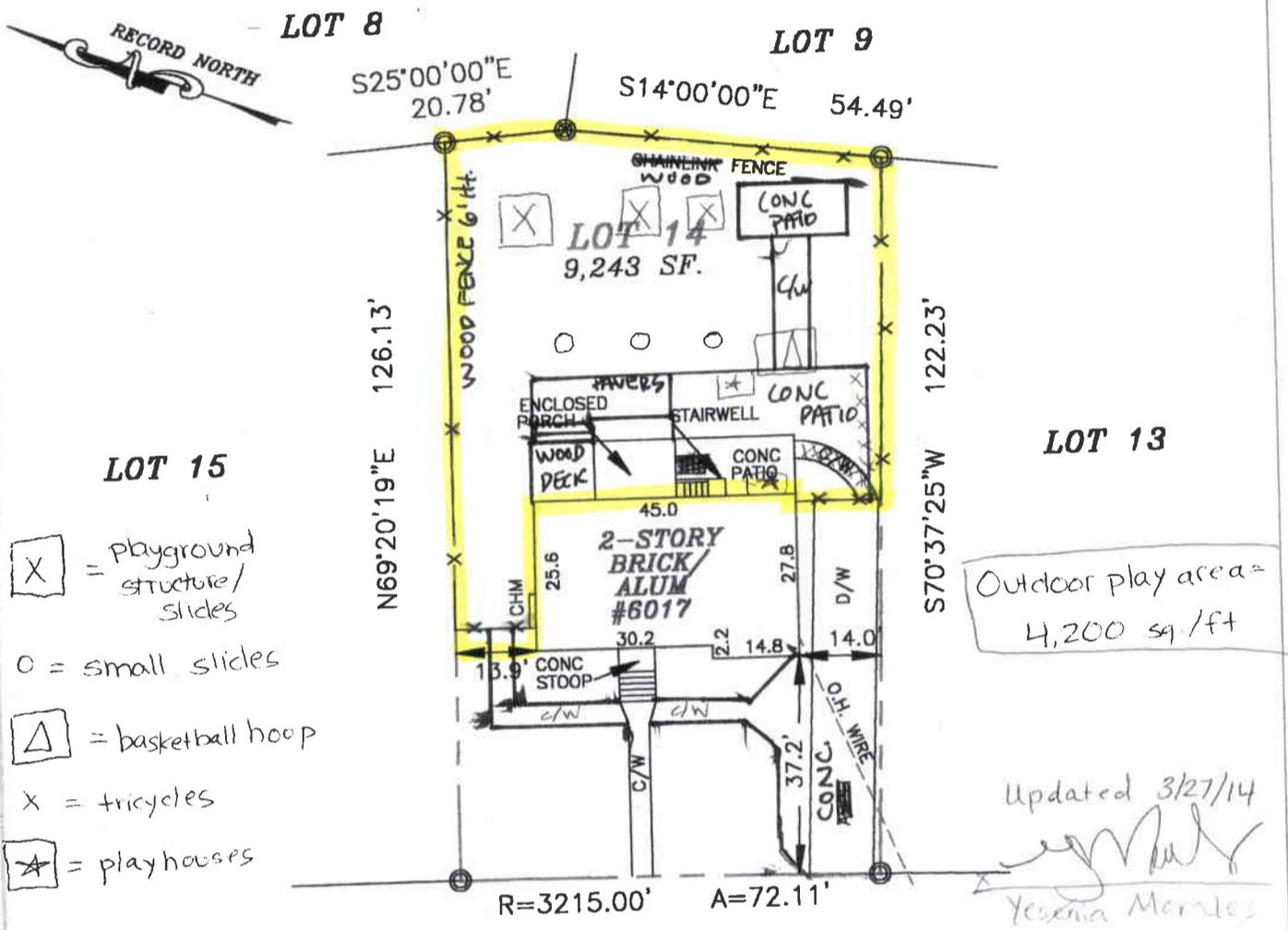
YESENIA DE LOS ANGELES MORALES D/B/A
YESENIA'S DAYCARE CENTER, LLC



RGS TITLE, LLC CASE #NL4-1917

1. NO TITLE REPORT FURNISHED.
2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.

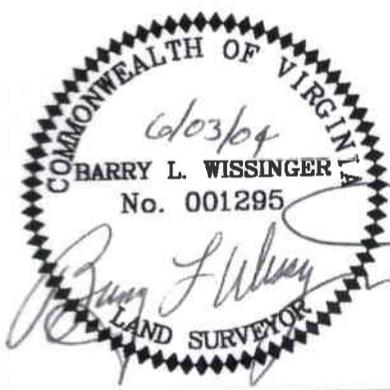
4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 14. ANY FENCES SHOWN ARE APPROXIMATE.
5. NO CORNER MARKERS SET.
6. IMPROVEMENT LOCATIONS ARE BASED ON PHYSICAL EVIDENCE.



HANOVER AVENUE
(80' R/W)

FLOOD NOTE:
THIS LOT CLASSIFIED AS ZONE "X"
AREA DETERMINED TO BE OUTSIDE
OF 500 YEAR FLOODING.

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Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division



PLAT SHOWING
HOUSE LOCATION SURVEY
LOT 14
SECTION 5, BLOCK 23
SPRINGFIELD
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE: "X" PANEL: 100D
COMMUNITY NO: 5155250100D DATE: 3/5/95

DATE: 6/3/04 SCALE: 1"=30' CASE NAME: GLASER / RUBIANNES & MORALES

PLAT SUBJECT TO RESTRICTIONS OF RECORD **SDE** SUBURBAN DEVELOPMENT ENGINEERING

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

ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS •
7777 LEESBURG PIKE, SUITE #405N
FALLS CHURCH, VIRGINIA 22043 703-566-0800
DRAWN BY: S. OUDOM CHECKED BY: BARRY L.

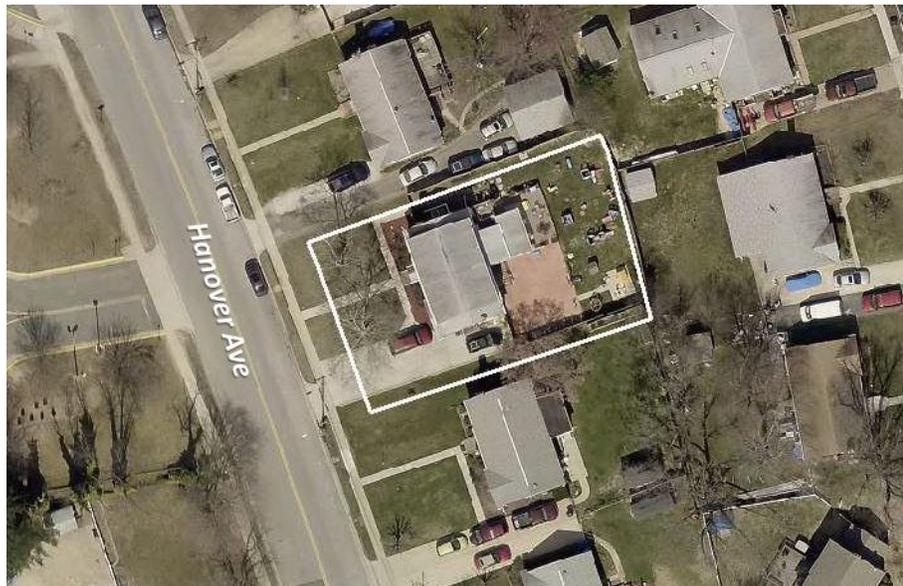
SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled "Plat Showing House Location Survey, Lot 14, Section 5, Block 23," prepared by Barry L. Wissinger, L.S., on June 3, 2004, as revised by Yesenia Morales through March 27, 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 application property is a two story single-family detached dwelling. A concrete driveway extends to Hanover Avenue, and a concrete walkway leads to the main entryway of the home. In addition, a concrete walkway leads from the driveway to an additional entrance accessing the basement in the rear of the dwelling. The rear yard is surrounded by a six-foot wood fence and contains a deck, enclosed porch, concrete patio, and moveable play equipment.

The subject property and surrounding properties to the north, south, and east are zoned R-4 and developed as single family detached homes; the property immediately west is zoned R-3 and contains Crestwood Elementary School.



BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1953 and purchased by the applicant in 2004.

County records indicate that final building permits were not obtained for the existing deck and enclosed porch. Neither of these structures are utilized for the home child care facility. A development condition has been included requiring applicable permits and inspections to be obtained by the applicant.

Another special permit application for a home child care facility located on Essex Avenue has been scheduled for public hearing by the Board of Zoning Appeals (BZA) on June 10, 2015. Additional 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 6:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. Two assistants both walk or take public transportation to the facility. These assistants can only be at the home child care between the hours of 7:00 a.m. and 6:00 p.m.; a development condition is included to address this.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through January 12, 2017. The license permits a capacity of twelve children, ages 3 month through 12 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the main level of the dwelling, and it contains a main playroom, a kitchen area, and an infant sleeping room. The rear yard is utilized for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Springfield Planning District
Planning Sector: Crestwood Community Planning Sector (S2)
Plan Map: Residential, 4-5 du/ac

Zoning District Standards

Bulk Standards (R-4)		
Standard	Required	Provided
Lot Size	8,400 sf.	9,243 sf.
Lot Width	70 feet	73 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 30 feet	39 feet
Side Yard	Min. 12 feet	19 feet

Bulk Standards (R-4)		
Standard	Required	Provided
Rear Yard	Min. 25 feet	62 feet

Accessory Structures On-Site

The at-grade patio present in the rear yard of the application property is located approximately two feet from a side lot line. Per the Zoning Ordinance, patios connected to the main dwelling may extend into the required yards, but they may not extend closer than 5 feet to any lot line. A development condition has been included to require removal of a portion of the patio to meet required zoning regulations.

On-Site Parking and Site Circulation

The existing driveway is able to accommodate approximately four vehicles. The assistants do not drive to the home child care facility, and parents conduct drop-off and pick-up activities at staggered times. A condition has been included to require the drop-off and pick-up of children to occur in the applicant’s driveway.

Vehicular access to the site is provided from a concrete driveway from Hanover Avenue. The driveway provides direct access to the main entrance of the home child care.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, no property maintenance or zoning violations were observed. All required smoke alarms were installed, and all rooms used for napping purposes were in locations with direct egress to the exterior of the building.

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-4 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff’s opinion,

	the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and 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 an existing wood fence in the rear yard that provides screening for the outdoor play area.
Standard 6 Open Space	There is no prescribed open space required in the R-4 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.
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 meets the lot size and bulk regulations for the R-4 District. No new construction or exterior modifications are proposed.
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 development conditions allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in 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 an existing wood fence in the rear yard that provides screening to the outdoor play area.
Standard 4 Submission Requirements	The applicant met all submission requirements for a home child care facility.
Standard 5 Code of Fairfax, Chapter 30 and	The applicant has a valid home child care license.

Code of Virginia, Title 63.2, Chapter 17	
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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 permit a maximum of twelve 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.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees.
Part E Provider is a Resident	The provider is a resident.
Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
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 up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve 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-LE-156 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-LE-156

March 18, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-156 located at Tax Map 80-3 ((2)) (23) 14 to permit a home child care facility pursuant to Section 8-305 and 3-403 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, Yesenia de los Angeles Morales, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6017 Hanover Ave., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat Showing House Location Survey, Lot 14, Section 5, Block 23," prepared by Barry L. Wissinger, L.S. ,on June 3, 2004, as revised by Yesenia Morales through March 27, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:30 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 applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

11. All final inspections and building permits must be obtained and approved for the existing deck and enclosed porch. Until these permits are obtained, the applicant shall not utilize either area for the home child care.
12. Within six months of approval, the applicant shall bring her patio into conformance with the Zoning Ordinance, either through the removal of material or through an application for an error in building location.

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.

Yesenia de los Angeles Morales

6017 Hanover Ave.
Springfield, VA 22150
H. (703) 992-7713
C. (202) 437-7861
morales7622@aol.com

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Department of Planning & Zoning
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Zoning Evaluation Division

March 27, 2014

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

Re: **Special Permit Application**
Applicant: Yesenia de los Angeles Morales
Zoning Ordinance: *Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards*

Tax Map #: 0803 02230014
Zoning District: R-4
Lot Size: 9,243 SF

To Whom It May Concern,

Please accept the following as my statement of justification for a special permit for the home child care facility in my home. I own and live in a single-family detached dwelling at 6017 Hanover Avenue in Springfield, Virginia with my husband and three adult children. The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours. The child care is open from 7:00AM to 6:30PM, Monday through Friday.

Number of Children. I currently care for 12 children. I propose to care for a maximum of 12 children at any one time.

Employees. I have one assistant who works full time. Another assistant picks up and drops off the preschool children we have and also picks up and drops off the after school children we have enrolled.

Arrival Schedule. Two children arrive between 7:00am-7:45am. One child arrives between 7:45am-8:00am. Three children arrive between 8:00am – 8:30am. Four children arrive between 8:30am-9:00am. Two children arrive between 12:00pm-12:30pm.

Departure Schedule. One child will be picked up between 3:30pm-4:00pm. Four children will be picked up between 5:00pm-5:30PM. Three children will be picked up between 5:30pm-

6:00pm. Four children will be picked up between 6:00pm-6:30pm. (Please see my page 3 or Appendix 1 with my proposed Arrival and Departure Schedule for all proposed 12 children.)

Parking. I use my driveway to park my family cars (3). My driveway provides enough parking for five cars. In addition, ample parking is available along the streets in front of my house for the parents.

Areas Served. Currently, nine children live in the general vicinity of my neighborhoods. Two children live in Annandale, VA. One child lives in Alexandria, VA. All of the parents drive their children to the day care.

Operations. As I stated, my house is a single family detached dwelling. It has a walk out basement but my children spend most of their time on the ground floor of my home. I use the kitchen for preparing meals and snacks. Appendix 2 is a floor plan/layout that indicates the areas where the day care is operating. The house has 2,162 square feet. The ground floor area where I conduct the day care consists of approximately 1,152 square feet in total. (See Appendix 2 for the floor layout and interior photos of each room used for the day care).

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

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 4,200 square feet. This area is highlighted on my plat. There are three slide play structures, two playhouses, two picnic tables for the children, three small slides, tricycles/scooters, basketball hoop, concrete patio for playing and a tall wooden fence all around the backyard area. I have drawn all of these things onto the house plat I have included with this application. I have signed and dated this revised and updated house location plat.

In conclusion, I am proposing no changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,



Yesenia de los Angeles Morales

PROPOSED ARRIVAL AND DEPARTURE SCHEDULE FOR:

Yesenia de los Angeles Morales (Home Child Care)
 6017 Hanover Ave.
 Springfield, VA 22150
 H. (703) 992-7713
 C. (202) 437-7861

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Proposed Arrival Schedule:

Child	7:00am-7:45am	7:45am-8:00am	8:00am-8:30am	8:30am-9:00am	12:00pm-12:30pm
1	X				
2	X				
3		X			
4			X		
5			X		
6			X		
7				X	
8				X	
9				X	
10				X	
11					X
12					X

Proposed Departure Schedule:

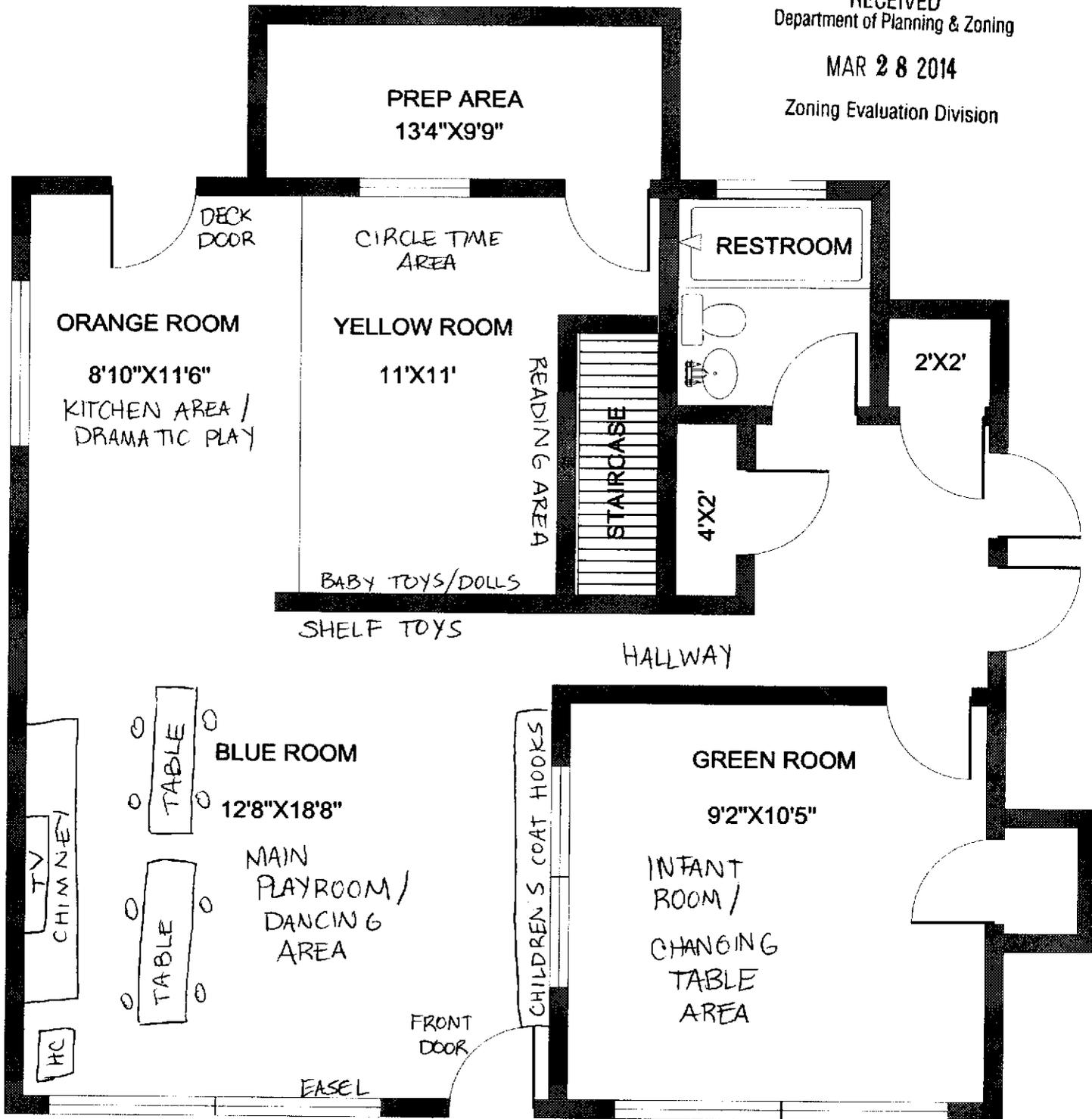
Child	3:30pm-4:00pm	5:00pm-5:30pm	5:30pm-6:00pm	6:00pm-6:30pm
1				X
2			X	
3	X			
4				X
5				X
6		X		
7		X		
8		X		
9		X		
10				X
11			X	
12			X	

* Includes specific home child care areas (same as interior photos)

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Zoning Evaluation Division



HC = highchair

YESENIA'S DAYCARE CENTER

APPROX. 1200 SQ FT

EXTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

FRONT - CENTER (view from street parking)



FRONT - RIGHT (view from
6020 Hanover
Ave.)
(DRIVEWAY)

EXTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

BACKYARD PATHWAY FROM LEFT SIDE FENCE



3/27/14



3/27/14

FRONT- LEFT (view from
6010 Hanover Ave.)

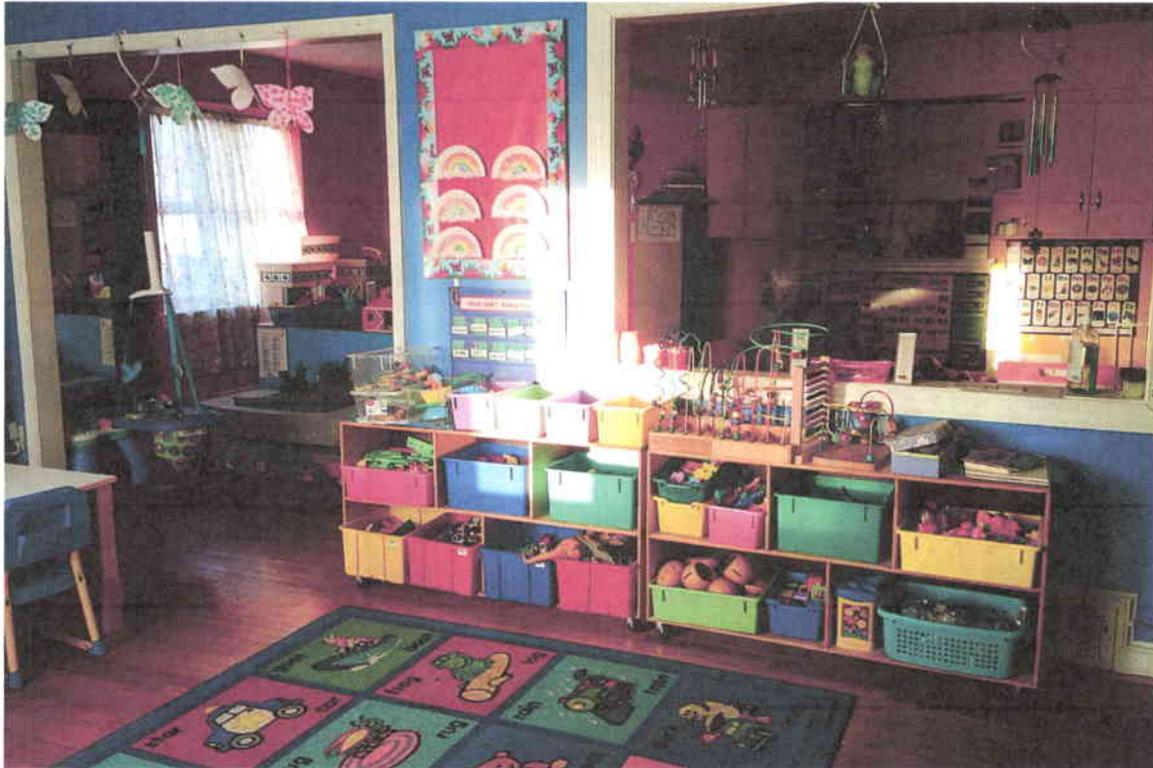
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INTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

APPENDIX 2

Front door view #1

3/27/14



3/27/14



View from table - main playroom

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INTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

APPENDIX 2

Hallway view of main play room 3/27/14



3/27/14



Front door view #2

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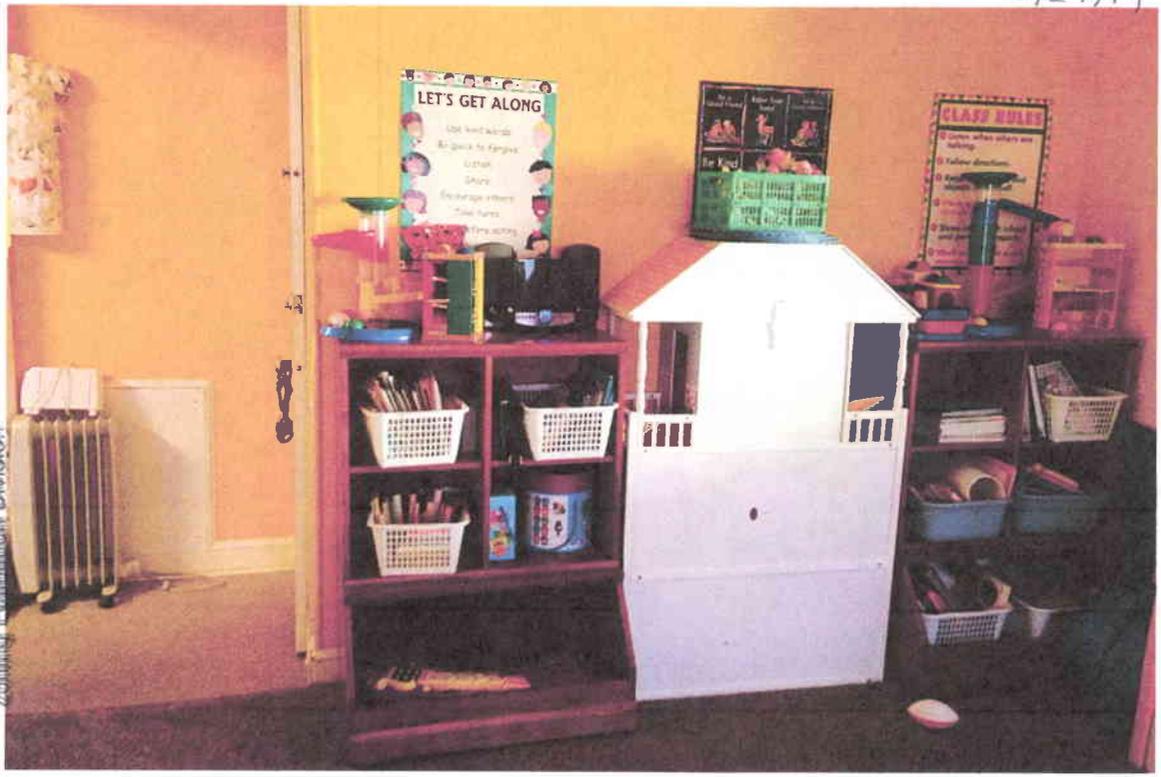
MAR 28 2014

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View of carpeted area, main playroom and hallway
3/27/14



3/27/14



Carpeted area-view of bookshelves

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INTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

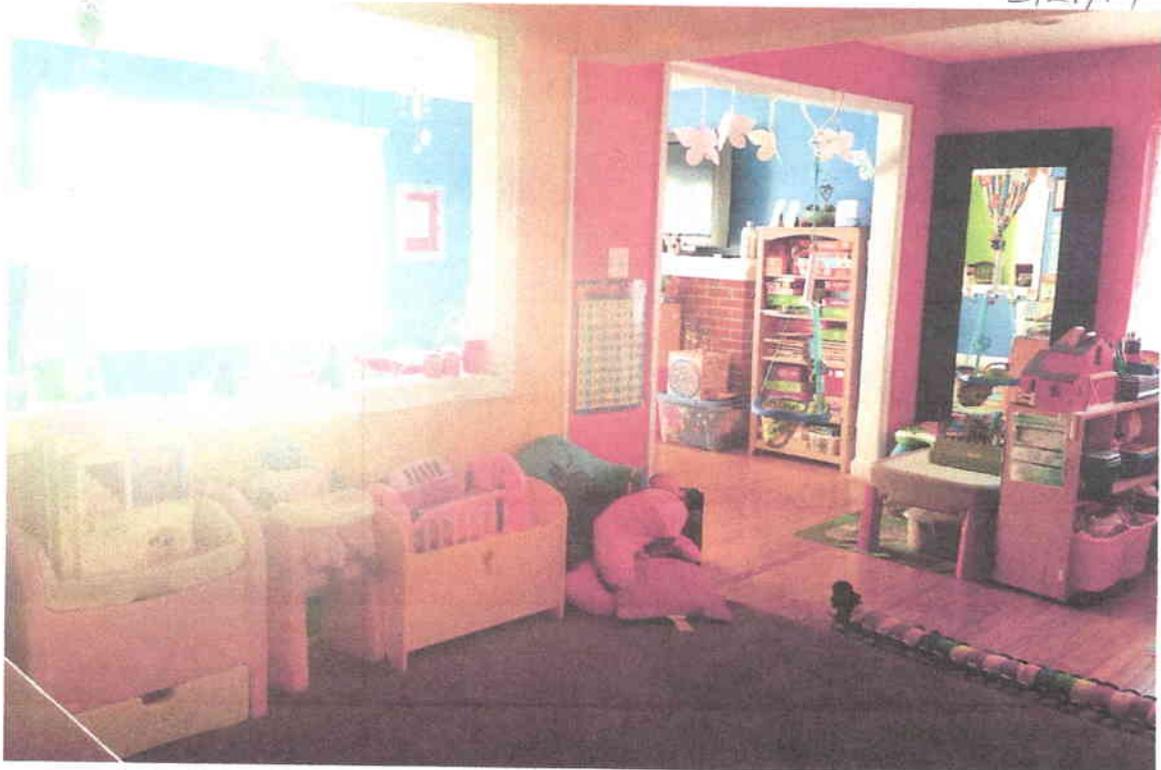
APPENDIX 2

carpeted area view from basement door #1

3/27/14



3/27/14



carpeted area view from basement door #2

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EXTERIOR PHOTOS OF
6017 HANOVER AVE
SPRINGFIELD, VA 22150

BACK PLAY AREA VIEW

3/27/14



3/27/14



DECK STAIRS

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MAR 28 2014

Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/30/14
 (enter date affidavit is notarized)

I, Yesenia de los Angeles Morales d/b/a Yesenia's Daycare Center, LLC., 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: 125026

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)
Yesenia D. Morales	6017 Hanover Ave. Springfield, VA 22150	Applicant / Co-Owner
d/b/a Yesenia's Daycare Center, LLC.	6017 Hanover Ave. Springfield, VA 22150	Co-Applicant
Carlos E. Rubianes	6017 Hanover Ave. Springfield, VA 22150	Co-title owner
Hugo Rubianes	6017 Hanover Ave. Springfield, VA 22150	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).

CRB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/30/14
(enter date affidavit is notarized)

125026

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)

Yesenia's Daycare Center Inc., LLC
6017 Hanover Ave. Springfield, VA 22150
P: (202) 437-7861

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)

Yesenia D. Morales

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/30/14
(enter date affidavit is notarized)

125026

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/30/14
(enter date affidavit is notarized)

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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:
N/A

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.)

~~N/A~~ 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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/30/14
(enter date affidavit is notarized)

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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

Yesenia D. Morales, Applicant / Co-Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30TH day of MAY 2014, in the State/Comm. of VIRGINIA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 05/31/2016

CESAR M. MORALES
Notary Public
Commonwealth of Virginia
7215002
My Commission Expires May 31, 2016

CAB

Similar Case History

Temporary ID	Application Number	Life Cycle Status	Applicant Name
SP 2014-0220	SP 2014-LE-236	ASSIGNED	DEBORAH W. MAYS

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Yesenia Morales**

6017 Hanover Avenue
SPRINGFIELD, VA 22150
(703) 992-7713 [📞](#)

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Jan. 12, 2017

Business Hours: 7:00 AM - 6:30 PM
Monday - Friday

Capacity: 12

Ages: 3 months - 12 years 11 months

Inspector: Erika Gibson
(703) 479-4686 [📞](#)



County of Fairfax, Virginia

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

Date: February 3, 2015

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Chuck Cohenour, Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility SP 2014-LE-156

Applicant: Yesenia De Los Angeles Morales d/b/a Yesenia's Day Care
6017 Hanover Avenue, Springfield, Virginia 22150
Springfield, Section 5, Block 23, Lot 14
Tax Map ref#: 80-3 ((2)) (23) 14
Zone District: R-4
ZIB #: 2015-0049

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code.
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 82
Fairfax, Virginia 22035-5500
Phone 703-324-4300 FAX 703-324-1340
www.fairfaxcounty.gov/dp

6017 Hanover Avenue

February 3, 2015

- 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.
- Other
- 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.

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