



APPLICATION ACCEPTED: January 11, 2015  
BOARD OF ZONING APPEALS: April 1, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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March 25, 2015

## STAFF REPORT

SPECIAL PERMIT NO. SP 2015-MV-003

### MOUNT VERNON DISTRICT

**APPLICANT:** Maria Luisa Encinas  
d/b/a Little Dreamers, LLC

**OWNER:** Hermogenes Jimenez

**SUBDIVISION:** Emmett D. Quander

**STREET ADDRESS:** 2304 Emmett Drive, Alexandria, 22307

**TAX MAP REFERENCE:** 93-1 ((3)) 2

**LOT SIZE:** 15,018 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 3-403, 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MV-003 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.

Kelly M. Atkinson, AICP

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

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

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

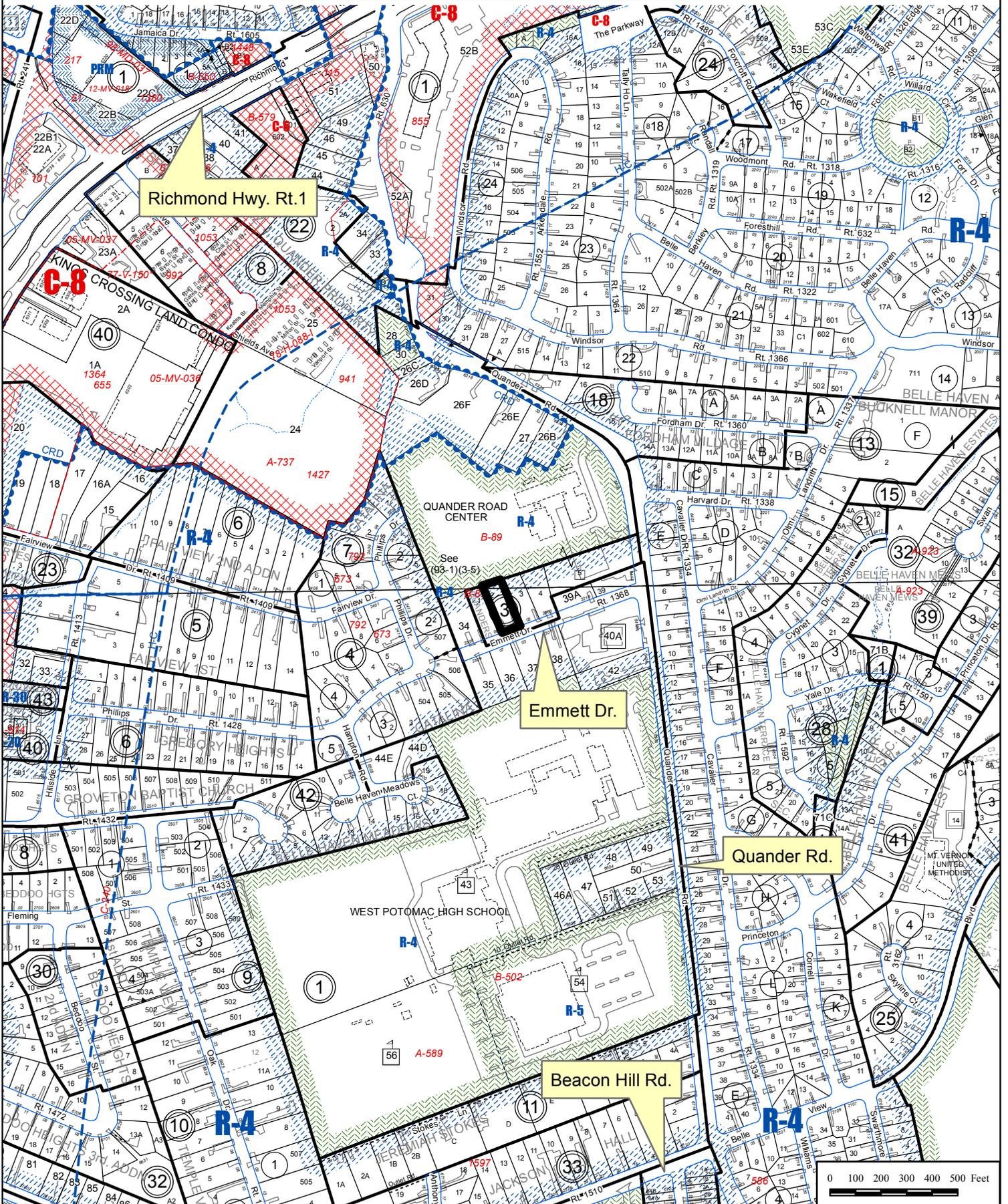


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2015-MV-003

MARIA LUISA ENCINAS - LITTLE DREAMERS LLC





## 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 drawn by Maria Encinas on December 20, 2014, for Emmett D. Quander, Et Ux, Lot 2, 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 15,018 square foot interior lot is developed with a two-story, single-family detached dwelling. A concrete walkway and stoop are located at the front of the dwelling. Two gravel driveways located on either side of the dwelling and extend to Emmett Drive. Two sheds and a play area surrounded by a chain link and wood frame fence are located in the rear yard.



The property and those to the south, east and west are zoned R-4 and contain single family detached houses. Property to the north is zoned R-4 and contains the Quander Road Center. The property is located on Emmett Drive in the Belle Haven area of Alexandria.

Figure 1: Subject Property, Source: Fairfax County Pictometry 2013

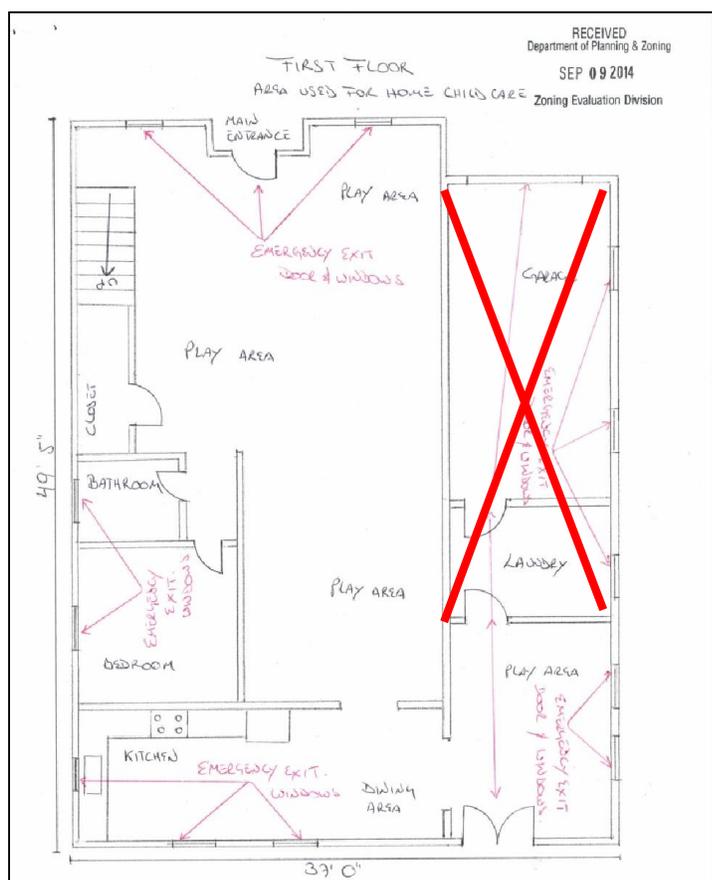
## Background and History

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1951 and remodeled with an addition in 2009. Copies of the finalized permits are located in Appendix 4. The owner purchased the property in 2008 and the applicant is currently renting the property. There are no complaints related to the property in Fairfax County files. County databases indicate that there are no similar special permit requests related to home child care located on nearby properties.

### Description of the Proposed Use

The applicants request 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 6:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Six children arrive between 6AM-8AM and six children arrive between 8AM-10AM. Six children are picked up at 4PM and the remaining six children are picked up between 4PM and 6PM. Currently, there are two assistants. One of these assistants is a resident and one is a non-resident. The Applicant requests a second non-resident assistant as part of this request.

The applicant holds a current Family Day Home License, valid through August 8, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 7 children, from 3 months through 7 years, 11 months of age. A copy of the license is included as Appendix 5.



The home child care facility is operated in the first floor of the dwelling in an open floor plan which includes the living room, bedroom, dining room and kitchen. The first floor has two methods of egress; one is a doorway to the front yard and the other is a sliding glass door to the rear yard. The older children sleep in this room on mats during nap time. The one bedroom is used for infants, when infants are on site. This room has adequate means of emergency egress via a window.

The play area is located in the rear yard of the property. Pictures provided by the applicant show a swing set surrounded by a chain link and wood frame fence.

Figure 2: Home child care layout, Source: Applicant

**Analysis**

<b>Figure 3: Bulk Standards R-3</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Area	8,400 SF	15,018 SF
Minimum Lot Width	70 feet (interior)	76 feet
Maximum Building Height	35 feet	< 35 feet
Front	30 feet	42.1 feet
Side	10 feet	20 feet (west), 19.2 feet (east)
Rear	25 feet	98 feet

**Figure 4: Bulk Standards for Accessory Structures**

<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Existing Location</b>	<b>Permit Status</b>
Shed #1	Side	If storage structure is less than eight and one-half feet in height, it may be located in any part of any side yard (10 feet).	5 feet	n/a
Shed #2	Rear	If storage structure is greater than eight and one-half feet in height, it shall not be located closer than a distance equal to its height to the rear lot line and or closer than a distance equal to the minimum required side yard (10 feet).	20 feet to rear and 18 feet and 48 feet to sides.	n/a

**Comprehensive Plan Provisions**

**Plan Area:** IV  
**Planning District:** Mount Vernon  
**Plan Sector:** Belle Haven Community Planning Sector, MV3  
**Plan Map:** Residential, 3-4 du/acre

### 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)

<b>Standards 1 and 2</b> 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.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. An outdoor play area with play equipment exists in the rear yard of the property. In staff's opinion, the proposed home child care use will not hinder or discourage use or development of neighboring properties or value.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition requiring the driveway be made available for the home child care use. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	There is existing vegetation and fencing that screens the play area from neighbors.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement in the R-4 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the minimum lot size and bulk requirements for the R-4 district. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The applicant requests two non-resident employees and one resident employee. These are full time employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered with pick up and drop off provided by the parents. Parking is available in the driveways. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation and a fence in the rear yard that provide screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant met all the submission requirements for a home child care facility.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license. This license is currently for 7 children and will need to be amended upon approval of this special permit.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except movable play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant requests two non-resident employees and one resident employee. These are full time employees.
<b>Part E</b> Provider is a Non-Resident	The provider is a resident.
<b>Part F</b> 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. This license is currently for 7 children and will need to be amended in the event this special permit is approved.

<p style="text-align: center;"><b>Part G</b> Increase in Children or Non-Resident Employees</p>	<p>The maximum number of children permitted by-right at any one time is 7 in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident employees.</p>
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### **On-Site Parking and Site Circulation**

Vehicular access to the site is provided by driveways from Emmett Drive. A concrete walkway connects the driveways to the front door of the dwelling, which is the main entrance to the home child care facility.

The subject property contains two existing gravel driveways located on the east and west side of the dwelling. These driveways can accommodate 4-5 vehicles total. The driveway on the east side is also a shared driveway with adjacent Lot 3. Staff has included a development condition that at least one driveway shall remain open for parking by parents and any parking by parents shall not preclude access to the portion of the shared driveway belonging to Tax Map 93-1 ((3)) Parcel 3. The applicant parks the family vehicle in the garage and the assistant parks along Emmett Drive.

### **Zoning Inspection Branch Comments (Appendix 6)**

On February 19, 2015, a site visit was conducted by the Zoning Evaluation and Zoning Inspection Branches. At the time, Staff was unable to access the garage and basement to view the electrical panel and furnace/water heater due to inclement weather. Since that time, the Applicant has provided photographs of this area that indicate compliance with all applicable codes. All comments have been addressed and the Zoning Inspections Branch has no further comments.

### **Conclusion/ Recommendation**

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

Staff recommends approval of SP 2015-MV-003 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 and Select File Photographs
3. Applicant's Affidavit
4. Finalized County Permits for Addition
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MV-003****March 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-003 located at Tax Map 93-1 ((3)) 2, to permit a home child care facility pursuant to Sects. 3-403 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, Maria Encinas, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2304 Emmett Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat drawn by drawn by Maria Encinas on December 20, 2014, for Emmett D. Quander, Et Ux, Lot 2 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 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two nonresident employees and one resident employee, whether paid or not for their services, may be involved in the home child care facility, during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. A minimum of one of the two driveways on the property shall remain open to permit all pick up and drop off of children in the driveway. Parking for the home child care shall not impede access to the portion of the shared driveway used by the owners of Tax Map Parcel 93-1 ((3)) 3.
9. Arrival and departure of children shall be staggered to ensure that the driveway will be available to accommodate pick-up/drop-off of children.

10. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. There shall be no signage associated with the home child care facility.
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. The accessory storage structures shall remain locked during the hours of operation of the home child care facility.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

RECEIVED  
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JAN 09 2015

Zoning Evaluation Division

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

Name: MARIA LOISA GONZALEZ - LITTLE DREAMERS LLC

Address: 2304 EMMETT DR.

ALEXANDRIA VA 22307

Tax Map #: 0931 03 0002

Phone #: 571-575-0249

E-mail address: Katrina90@live.com

Date: 12/20/14

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

Re: Special Permit Application

Applicant: MARIA LOISA GONZALEZ - LITTLE DREAMERS LLC

Zoning Ordinance Section 8-305 for Home Child Care Facility

Section 9-006 of General Standards

8-305

Tax Map #: 09103 0002

Zoning District: MT VERNON DIST. #1

Lot Size: 15,010

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a SINGLE FAMILY DETACHED dwelling at 2304 EMMETT DR. in Fairfax, Virginia with my HUSBAND AND THREE CHILDREN. The property is zoned R4 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 5 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours. The proposed child care facility is to be open from 6:00 AM TO 6:00 PM MONDAY - FRIDAY

Number of Children. I propose to care for a maximum of 12 children at any one time. This number does not include my own THREE children.

Employees. I propose to have ONE assistant(s) who will work FULL TIME

Arrival Schedule. SIX of the children are proposed to arrive between 6:00 AM and 8:00 AM. SIX CHILDREN WILL ARRIVE BETWEEN 8:00AM AND 10:00AM.

Departure Schedule. Six of the children are proposed to be picked up at 4:00 PM.  
SIX OF THE CHILDREN WILL LEAVE BETWEEN 4:00PM AND 6:00PM

Parking. I propose to use my GARAGE to park my family car. My parents will park IN  
MY DRIVEWAY, MY DWELLING HAS TWO DRIVWAYS ON BOTH SIDES OF THE HOUSE  
ONE SIDE IS 46 FEET LONG THE OTHER SIDE IS 55 FEET LONG BOTH DRIVEWAYS PROVIDES  
ENOUGH PARKING FOR SIX CARS (SEE HOUSE PLAT) IN ADDITION AMPLE PARKING IS AVAILABLE  
ALONG THE STREET IN FRONT OF THE HOUSE.

Area Served. CURRENTLY MOST OF THE CHILDREN LIVE IN THE GENERAL VICINITY OF  
MY NEIGHBORHOODS. MANY OF THE CHILDREN LIVE IN NEIGHBORHOOD OF ALEXANDRIA  
THESE PARENTS DRIVE THEIR CHILDREN TO MY DAY CARE.

Operations. As I stated, my house is a SINGLE FAMILY DETACHED DWELLING. It has TWO FLOORS.  
I USE THE GROUND LEVEL FOR MY DAY CARE OPERATION, I USE THE LIVING ROOM, FOR PLAYING,  
READING AND ACTIVITIES, I USE THE KITCHEN AND DINING AREA FOR MEALS AND SNACKS, APPENDIX 2  
IS A FLOOR PLAN/LAYOUT, THAT INDICATES THE AREAS WHERE THE DAYCARE IS OPERATING. THE HOUSE  
HAS 1831 SQUARE FEET, THE LIVING ROOM, THE KITCHEN, DINING, AND PLAYING ROOM AREA, WHERE I CONDUCT MY  
DAY CARE IS APPROXIMATELY 1490 SQUARE FEET IN TOTAL (SEE APPENDIX 2 FOR THE FLOOR LAYOUT AND INTERIOR PHOTOS  
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.

Outdoor Play Area. I propose to use my BACK yard for outdoor play for the children. The area is  
approximately 1440 square feet. There is A SWING SET AND FENCE AROUND THIS AREA  
I HAVE DRAWN THE SWING SET AND FENCE ON MY RECENT HOUSE LOCATION PLAT.  
WHICH IS INCLUDED. I HAVE SIGNED AND DATED THIS REVISED AND UPDATED HOUSE LOCATION PLAT.  
Application conforms to the provisions of all applicable ordinances, regulations, and standards  
For these reasons, I believe that my proposed home day care facility will not impact my neighbors in  
any negative way.

In conclusion, I am proposing NO CHANGES TO THE OUTSIDE APPEARANCE OF MY STUCCO  
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,

MARIA L. ESCOBAR  
Owner of LITTLE DREAMERS LLC

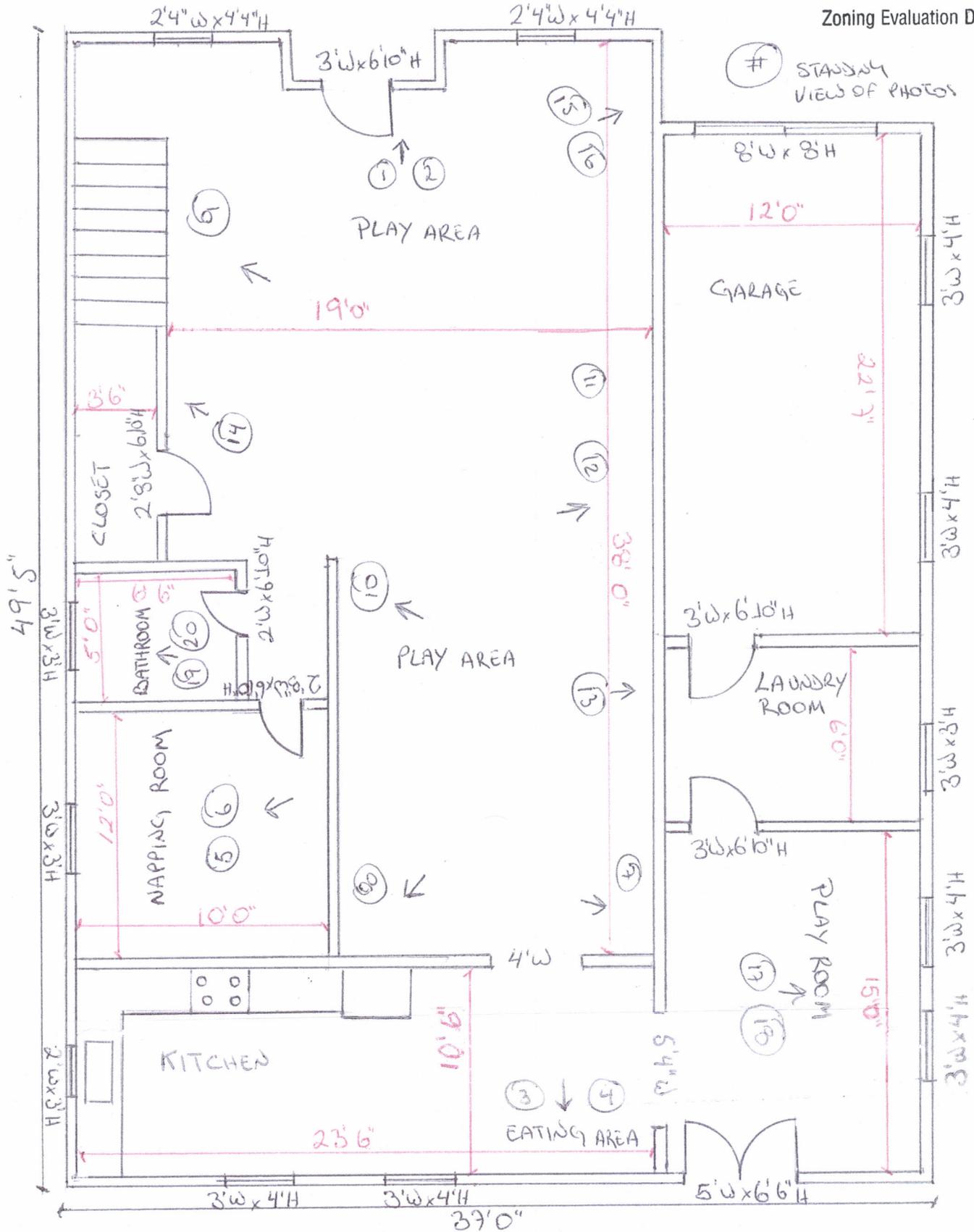
# INTERIOR OF HOME CHILD CARE

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Zoning Evaluation Division

## FIRST FLOOR PLAN



05/20/14

**FRONT ENTRANCE DROP-OFF AND PICK UP AREA**



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**EATING AREA**



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**SLEEP AREA FOR INFANTS AND TODDLER**



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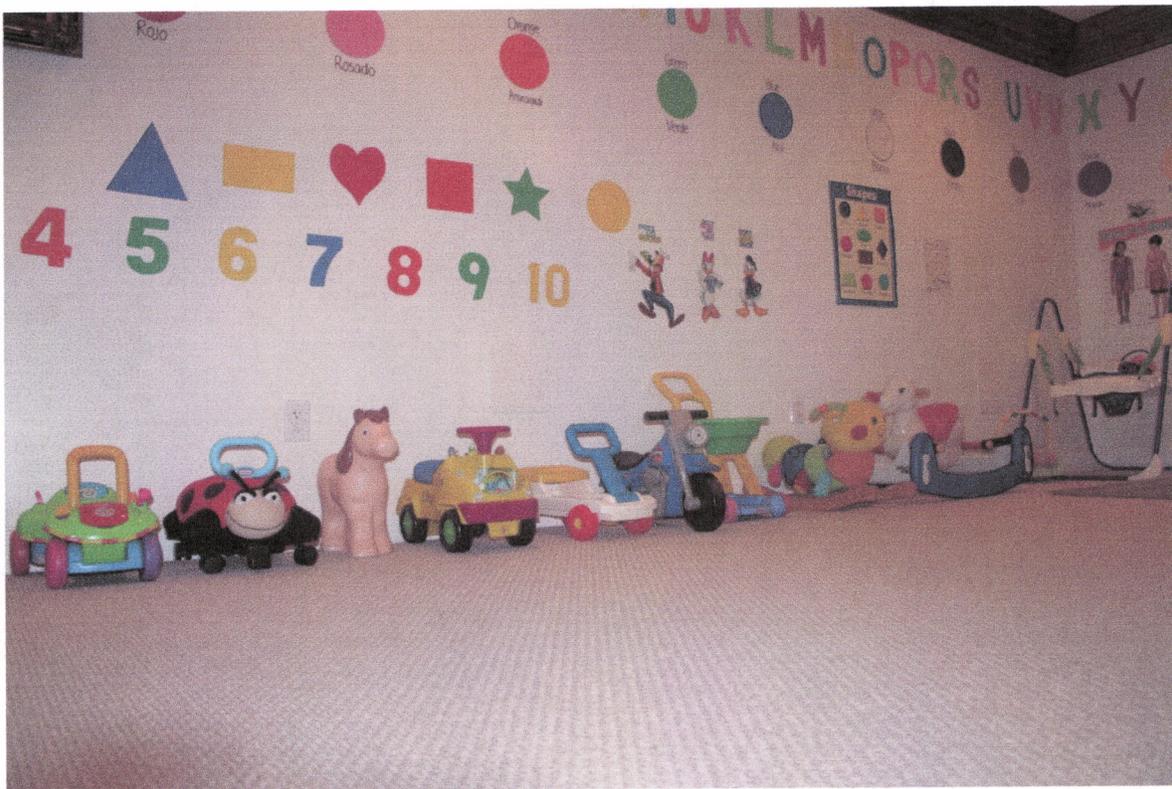
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**PLAY AREA**

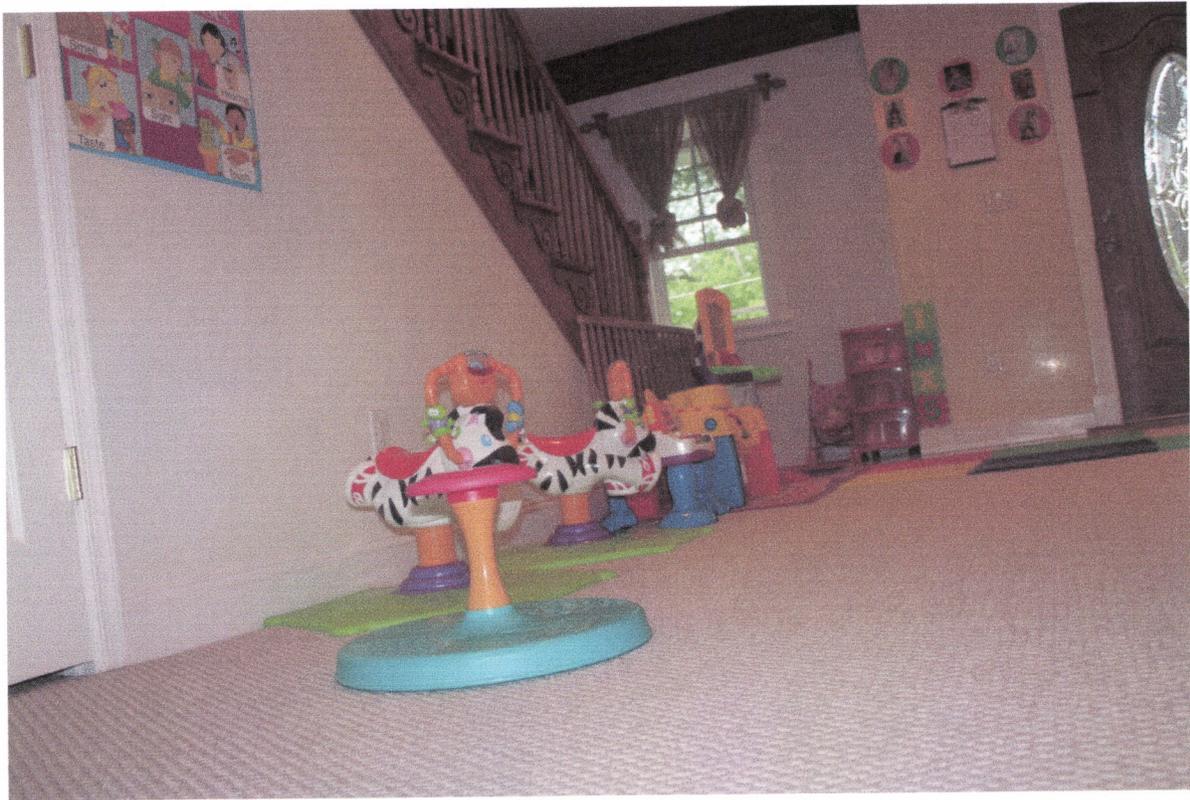


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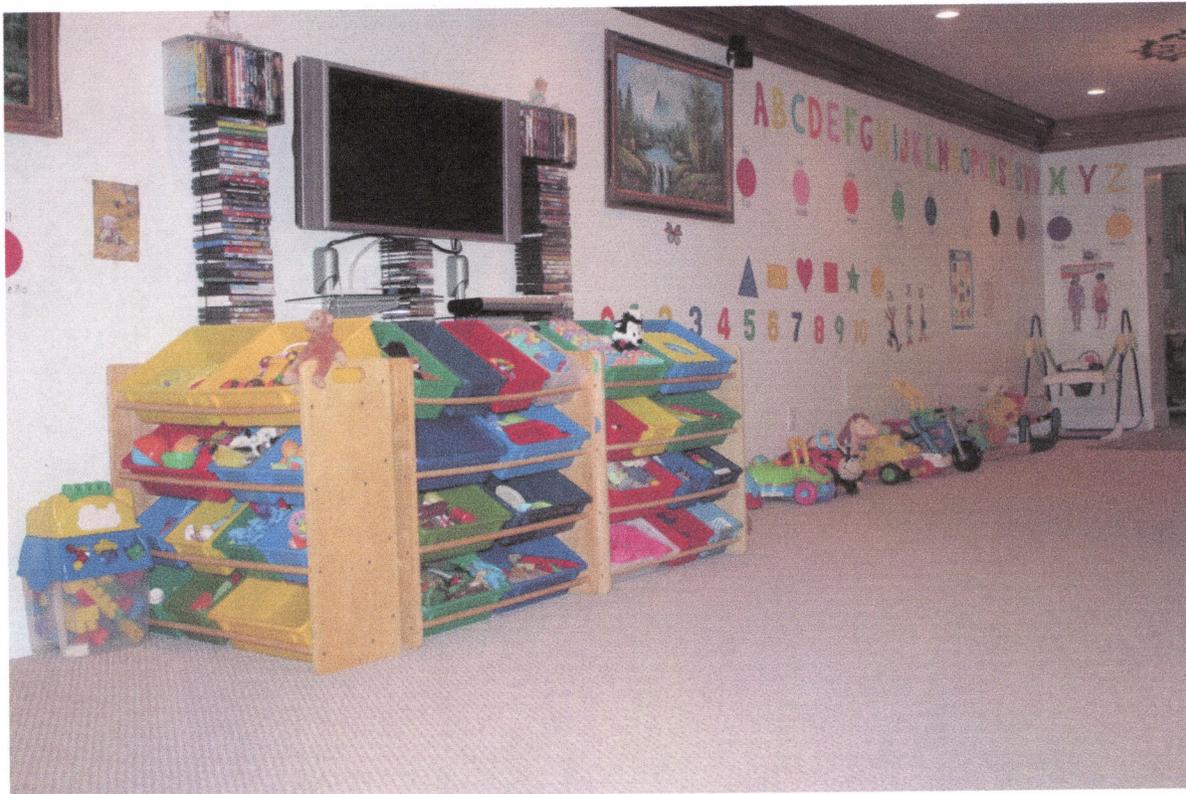
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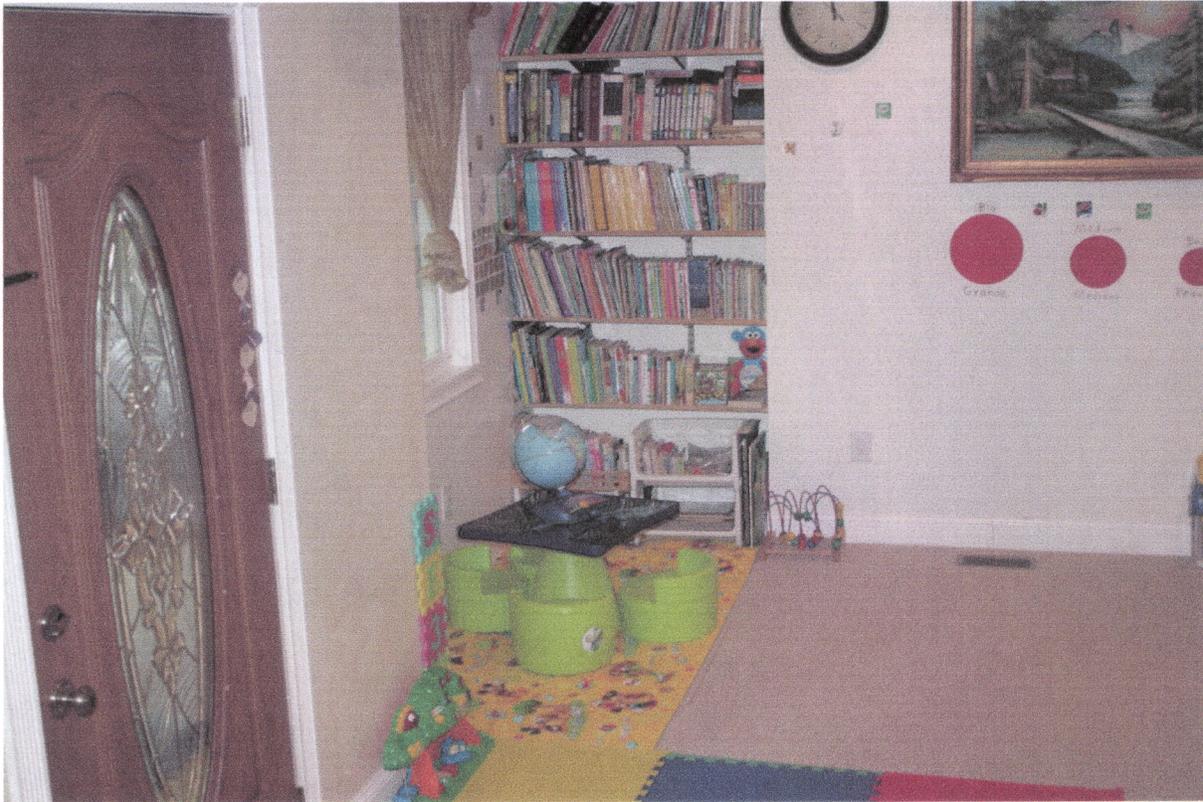
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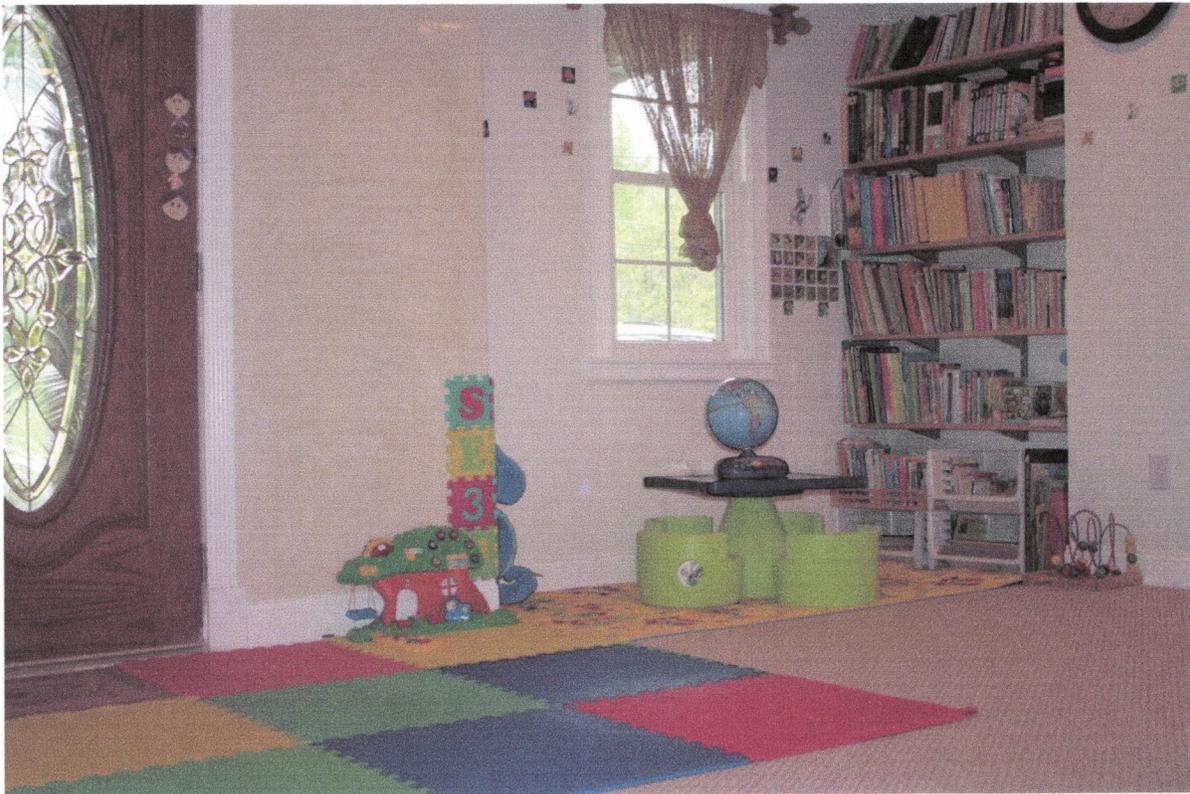
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**READING AREA**



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### ARTS AND CRAFTS AREA



17



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**BATHROOM AREA**



19



20

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05/20/14



Property viewing from the front door(right and left side)



05/20/14



3

Viewing from the front door



4

05/20/14



5

Property right side viewing



6

05/20/14



Property viewing from front



8

05/20/14



9

Property viewing from the back side



10

05/20/14



11

Playground



12

05/20/14



Playground



05/20/14



15

Property viewing from left side



16

www.fox.com

05/20/14



17

Property viewing from the back side (right)



18

05/20/14



19

Property viewing form the back side (left)



20

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MAY 22, 2014  
 (enter date affidavit is notarized)

126950

I, MARIA LUISA ENCINAS - LITTLE DREAMERS 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:

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
MARIA L. ENCINAS	2304 EMMETT DR. ALEXANDRIA VA 22307	APPLICANT/LESSEE
LITTLE DREAMERS LLC	2304 EMMETT DR. ALEXANDRIA VA 22307	CO APPLICANT
JUAN C. JIMENEZ	2304 EMMETT DR. ALEXANDRIA VA 22307	LESSEE
HERMOGENES JIMENEZ	2304 EMMETT DR. ALEXANDRIA VA 22307	OWNER. (deceased)

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

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

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MAY 22, 2014  
(enter date affidavit is notarized)

126950

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)

LITTLE DREAMERS LLC

**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)

MARIA L. ENCINAS - OWNER

(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: MAY 22, 2014  
(enter date affidavit is notarized)

126950

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**)

(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: MAY 22, 2014  
(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:

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MAY 22, 2014  
(enter date affidavit is notarized)

126950

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

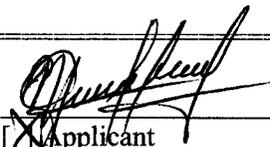
**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(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)



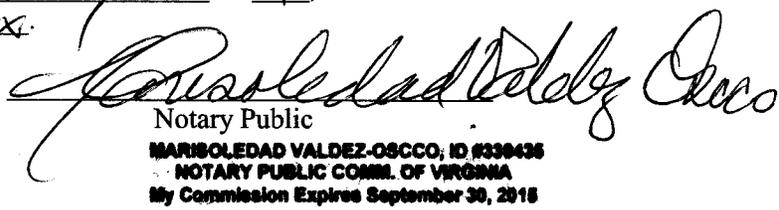
Applicant

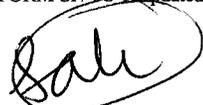
Applicant's Authorized Agent

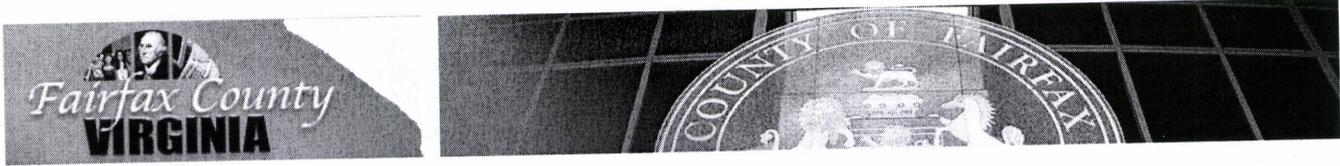
MARIA LUISA ENCINAS  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of MAY 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 9-30-2015

  
Notary Public  
MARISOLEDAD VALDEZ-OSCCO, ID #338436  
NOTARY PUBLIC COMML OF VIRGINIA  
My Commission Expires September 30, 2015





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### Property Browser

Please note: If your browser is Internet Explorer 11 (IE11) and you cannot view our permit records on this site, it may be due to an issue with your browser. If so, we apologize for the inconvenience and we are working to upgrade our system to accommodate the newest version of IE11. In the meantime, using IE11 you can still access our records following a few alternate viewing steps

Search By \*  Address  Parcel Street Number 2304 Street Name \* Emmett

Total: 1 records

- 2304 EMMETT DR.ALEXANDRIA
  - Parcels
    - 0931 03 0002
  - Permits/Licenses
    - # 050687450 ADDITION R
    - # 72000227 ADDITION R
    - # 72050164 ELECTRIC R
    - # 72050166 PLUMBING R
    - # 72050167 MECH/GAS R
    - # 19312 FPCP OFC

2304 EMMETT DR,ALEXANDRIA

▶ Permit # 050687450

Permit

Permit Type : RESIDENTIAL ADDITION  
 Permit Name : NA  
 Plan # : R-05-00300  
 Site Location : 2304 EMMETT DR ALEXANDRIA, VA 22307-1003  
 Description : **SFD/2 ND STORY ADDITION/ 2 STORY GARAGE**  
 Type of Work : ROOM ADDITION  
 Occupancy Type : SINGLE FAMILY DWELLING  
 Declared Valuation : 80000  
 Status : **FINALIZED**  
 Priority : IR00  
 Date Processed : 03/09/2005 09:38  
 Date Issued : 07/14/2005 14:56  
 Date Final : 08/13/2009 13:13 BY JPENDL  
 Date Expires : 07/14/2007

Applicants

Applicant/Contact : FRANZ  
 Additional Contacts : JUAN JIMENEZ  
 2304 EMMETT DR , ALEXANDRIA, VA 22307  
 FRANZ CARRETERO  
 2304 EMMETT DR NA, ALEX, VA 223090000  
 Additional Contractors : OWNER IS CONTRACTOR

Use the Property Browser form to view a graphical representation of all records in your database associated with specific addresses or parcels. Records that can be associated with addresses or parcels include permits, licenses, cases, customer service calls, and other parcels or addresses.

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Property Browser

Please note: If your browser is Internet Explorer 11 (IE11) and you cannot view our permit records on this site, it may be due to an issue with your browser. If so, we apologize for the inconvenience and we are working to upgrade our system to accommodate the newest version of IE11. In the meantime, using IE11 you can still access our records following a few alternate viewing steps.

Search By \*  Address  Parcel Street Number 2304 Street Name \* Emmett Search

Total: 1 records

2304 EMMETT DR,ALEXANDRIA

- 2304 EMMETT DR,ALEXANDRIA
  - Parcels
    - 0931 03 0002
  - Permits/Licenses
    - # 050687450 ADDITION R
    - # 72000227 ADDITION R
    - # 72050164 ELECTRIC R
    - # 72050166 PLUMBING R
    - # 72050167 MECH/GAS R
    - # 19312 FPCP OFC

Permit # 72000227

Permit

Inspection

Review

Permit Type : RESIDENTIAL ADDITION  
 Permit Name :  
 Plan # : R-05-00300  
 Site Location : 2304 EMMETT DR ALEXANDRIA, VA 22307-1003  
 Description : **amend # 050687450 to add larger porch**  
 Type of Work : ADDITIONAL STORIES  
 Occupancy Type : SINGLE FAMILY DWELLING  
 Declared Valuation : 3000  
 Status : **FINALIZED**  
 Priority : IR03  
 Date Processed : 07/19/2007 14:29 BY NOLSON  
 Date Issued : 03/07/2008 15:08 BY SSAIN1  
 Date Final : 08/14/2009 11:04 BY JMARKH  
 Date Expires : 08/13/2008

Applicants

Applicant/Contact : JIMENEZ JUAN C  
 2304 EMMETT DR , ALEXANDRIA, VA 22307  
 Additional Contractors : OWNER IS CONTRACTOR

Use the Property Browser form to view a graphical representation of all records in your database associated with specific addresses or parcels. Records that can be associated with addresses or parcels include permits, licenses, cases, customer service calls, and other parcels or addresses.

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Technical Questions: Web Administrator

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# VIRGINIA DEPARTMENT OF SOCIAL SERVICES



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## Search for Child Day Care

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**Maria Encinas**  
2304 Emmett Drive  
ALEXANDRIA, VA 22307  
(571) 575-0249

Facility Type: [Family Day Home](#)  
License Type: [Conditional](#)  
Expiration Date: Aug. 8, 2015  
Business Hours: 8:00 AM - 6:00 PM  
Monday - Friday  
Capacity: 7  
Ages: 3 months - 7 years 11 months  
Inspector: Sarah Marbert  
(703) 479-4678



# County of Fairfax, Virginia

## MEMORANDUM

Date: February 26, 2015

To: Kelly Atkinson, Staff Coordinator  
Zoning Evaluation Division

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MV-003

Applicant: Maria Luisa Encinas – Little Dreamers LLC  
2304 Emmet Drive, Alexandria, Virginia 22307  
Emmett Quander, Lot 2  
Tax Map# 93-1 ((03)) 2  
Zoning District: R-4  
Magisterial District: Mount Vernon  
ZIB # 2015-0066  
Date of Inspection: February 19, 2015

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

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

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

**\*The utilities were not inspected at the time of the inspection due to weather conditions (ice & snow). The utilities were located in the cellar of the home which access is gained by an outside entrance to the machine room which is noted on the floor plan provided by the applicant.**

**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.