APPLICATION ACCEPTED: August 11, 2014
BOARD OF ZONING APPEALS: April 8, 2015 @: 9:00 a.m.

County of Fairfax, Virginia

April 1, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-BR-173

BRADDOCK DISTRICT

APPLICANT/OWNER:	Mariella Marin Mariella's Day Care Services LLC
SUBDIVISION:	Lakepointe, Section 2
STREET ADDRESS:	9921 Whitewater Drive, Burke, 22015
TAX MAP REFERENCE:	78-1 ((12)) 40
LOT SIZE:	1,520 square feet
ZONING DISTRICT:	R-8 Cluster
ZONING ORDINANCE PROVISIONS:	3-803, 8-305
SPECIAL PERMIT PROPOSAL:	To permit a home child care facility.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-BR-173 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

Laura Arseneau

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

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

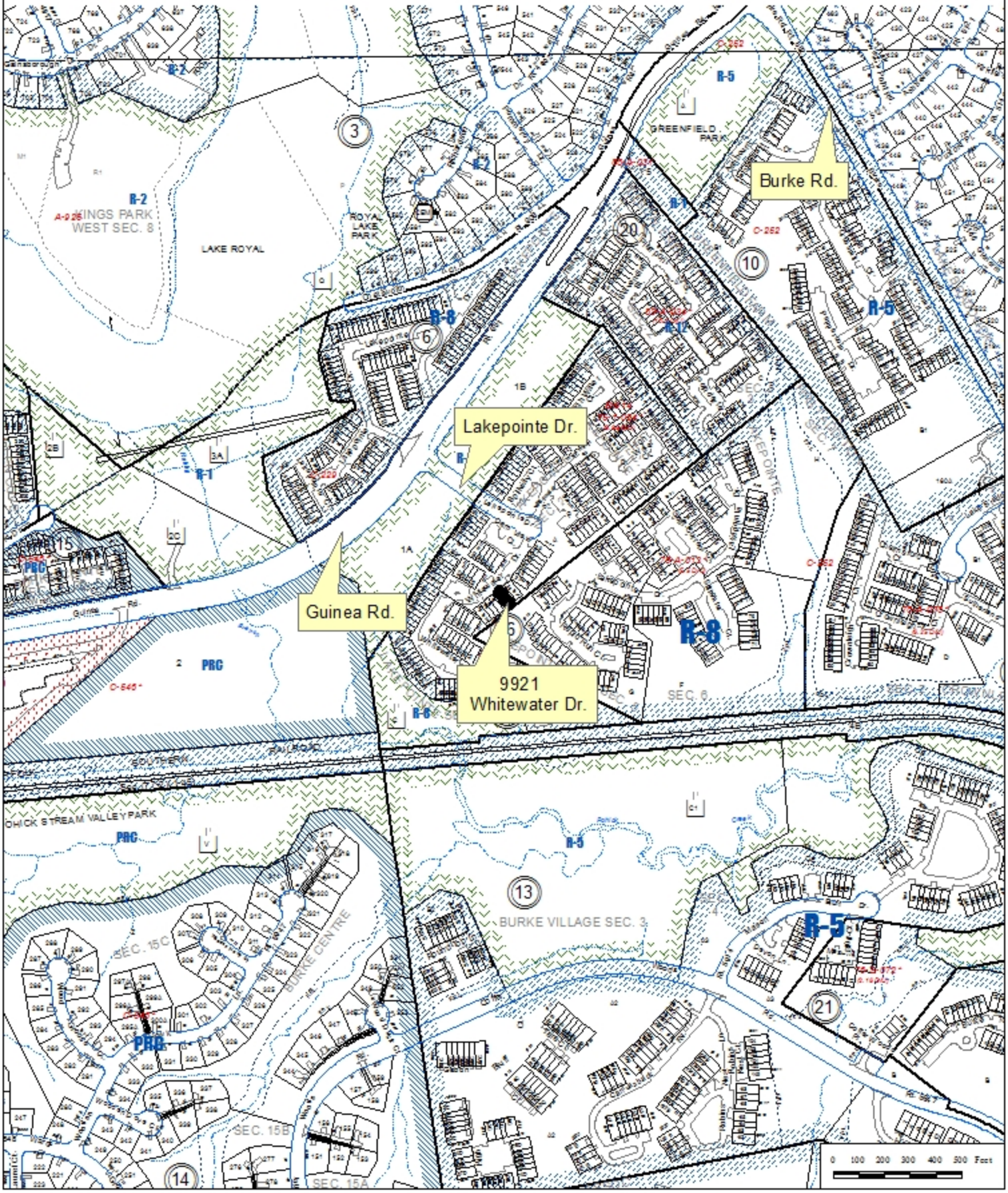
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

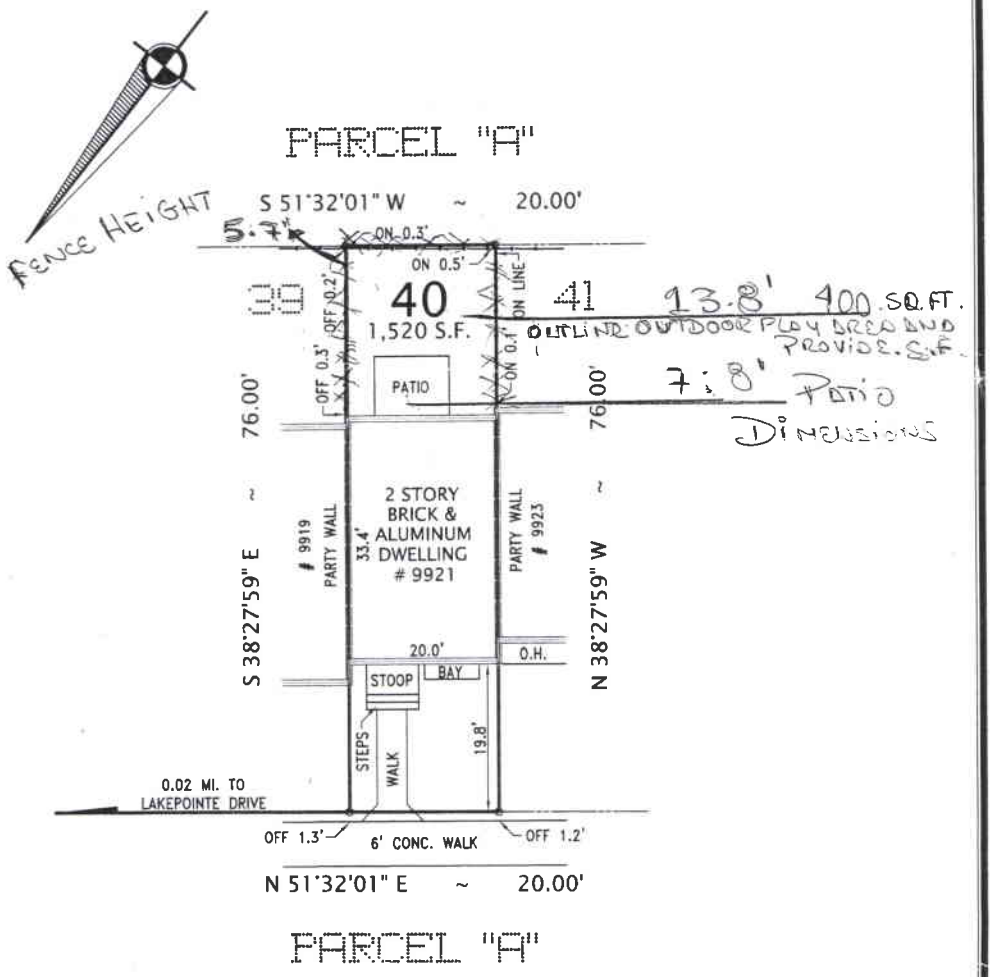
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-BR-173

MARIELLA I. MARIN / MARIELLA'S DAYCARE SERVICES, LLC





8/11/2014.

5.7' FENCE H.

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

PLAT
SHOWING LOCATION SURVEY ON
LOT 40 SECTION 2
LAKEPOINTE
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' MARCH 24, 2014

CASE NAME:

GRAPHIC SCALE
0 20 40

COMMONWEALTH OF VIRGINIA
MICHAEL L. FLYNN
Lic. No. 2489
03-24-14
LAND SURVEYOR

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

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

REQUESTED BY:
MARIELLA MARTIN

ALEXANDRIA SURVEYS, LLC
3949 PENDER DRIVE, STE #120 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-636-1313 FAX NO. 703-636-4266

#14-1068

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 Location Survey on Lot 40, Section 2, Lakepointe," as drawn by Michel L. Flynn, L.S., on March 24, 2014, and revised by the applicant, Mariella Marin on August 11, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a single-family attached dwelling. A stoop and walkway exist in the front (northwest) yard of the dwelling. The rear (southeast) yard is enclosed by a 5.7 foot fence and contains a patio. The dwelling has one dedicated parking spot in the front yard along Whitewater Drive.

The property is located southeast of Guinea Road and west of Burke Road. The subject property and surrounding properties are zoned R-8 Cluster and developed with single family attached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1977, purchased by the applicant in 2005.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. There is an existing staggered drop-off and pick-up schedule for

the children. Currently, there are two assistants.

The home child care facility is operated in the walk-out basement of the dwelling. The applicant uses the open space owned by the homeowner's association for the play area. The applicant has submitted a letter from the New Lakepointe Townhomes Homeowner's Association that acknowledges the operation of the home child care at the subject property (Appendix 4).

The applicant holds a current Family Day Home License, effective for two years and expires on May 4, 2016, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 7:30 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of seven children, from birth through 10 years, 11 months of age. A copy of the license is included as Appendix 5. A development condition has been included to that the applicant abides by the state approved hours of operation until they are granted a new state license approving the requested hours of operation.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential, 8-12 du/ac

Zoning District Standards

Bulk Standards (R-8) for Single Family Attached Dwellings		
Standard	**Required**	**Provided**
Lot Size	No requirement for attached single family dwelling	1,520 square feet
Lot Width	18 feet	20 feet
Building Height	35 feet max.	Figure not provided
Front Yard[1]	Min 5 feet w/ 15 ABP*	13 feet to front stoop
Side Yard	Min. 10 feet w/ 15 ABP	None (interior townhome)
Rear Yard	Min. 20 feet w/ 30 ABP	22 feet
Privacy Yard	Min. 200 s.f.	460 s.f.

*ABP = Angle of Bulk Plane

On-Site Parking and Site Circulation

There is a parking spot dedicated to the townhouse property. An additional six visitor parking spaces are located directly across the street from the subject unit. The applicant leaves the reserved parking space open during home child care hours of operation.

A concrete walkway connects the sidewalk and parking area to the front door of the dwelling. A set of interior stairs lead to the home child care area in the basement.

Zoning Inspection Branch Comments (Appendix 6)

Staff found that there was no smoke detector in the lower level of the home child care facility. Additionally staff found that there was not adequate clearance around the furnace and hot water heater. The applicant has corrected these issues and provided photo documentation in an email to staff which is included in Appendix 6.

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-8 (Cluster) District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be 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.
Standard 5 Landscaping/Screening	There is no prescribed open space requirement for individual lots in the R-8 Cluster District.
Standard 6 Open Space	Open space is not required in an R-8 Cluster District.

Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the assigned and visitor parking will be used for the pick-up and drop-off of children.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property conforms to the lot size and bulk regulations of the R-8 Cluster district. No exterior modifications are proposed with this application.
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 Employees	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking is available in the dedicated spot belonging to the property and also in nearby visitor parking. The applicant has provided a letter from the Homeowners Association acknowledging the operation of the home child care. 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	The applicant uses the common area owned by the Homeowners Association for the play area. There have been no complaints from the neighbors about the existing home child care use.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special exception plat, which is a permissible alternative.
Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through May 4, 2016 for 12 children from 7:30 a.m. to 6:00 p.m. A development condition has been included to ensure the applicant will operate under the currently licensed hours of operation until they receive a revised state license with the new hours of operation.

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 five in a single family attached dwelling. The applicant requests special permit approval to allow 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 except play equipment and toys.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees and they shall only be at the home child care between 7:00 a.m. to 6:00 p.m., Monday through Friday.
Part E Provider is a Resident	The provider is a resident of the property.
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. A development condition has been added in Appendix 1 to ensure the home child care will continue to meet state license requirements.
Part G Increase in Children or Non-Resident Employees	The maximum number of children permitted by-right at any one time is 5 in a single family attached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident assistants.

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2014-BR-173 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-173

April 1, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-173 located at Tax Map 78-1 ((12)) 40 to permit a home child care facility pursuant to Sects. 3-803 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, Mariella Marin/ Mariella's Day Care Services, LLC and is not transferable without further action of the Board, and is for the location indicated on the application, 9921 Whitewater 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 entitled "Plat, Showing Location Survey on Lot 40, Section 2, Lakepointe," as drawn by Michel L. Flynn, L.S., on March 24, 2014, and revised by the applicant, Mariella Marin on August 11, 2014, and approved with this application, as qualified by these development conditions.

3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. The applicant shall continue to operate with the approved hours of operation, 7:30 a.m. to 6:00 p.m., until granted a revised state license approving the requested hours of operation. After receipt of the state license, the applicant shall operate with the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday.

5. The dwelling that contains the child care facility shall be the primary residence of the applicant.

6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.

7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.

8. All pick-up and drop-off of children shall occur in the driveway.

9. There shall be no signage associated with the home child care facility.

10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

11. Any portions of the dwelling associated with the home child care facility that are 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.

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. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

APPENDIX 2

STATEMENT OF JUSTIFICATION

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

Mariella's Child Home Care

9921 Whitewater Drive

Burke , Virginia 22015

(703) 323-0462

salazarmariella@hotmail.com

March 21, 2014

Fairfax County Department of Planning and Zoning

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035

Re: Special Permit Application

Applicant: Mariella I Marin

Zoning Ordinance: Section 8-305 for Home Child Care Facility and

Section 8-004 of General Standards

Tax Map #: 0781120040

Zoning District: R-8C

Lot Size: 1,520 square feet

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

To whom it may concern,

Please accept the following as my statements of justification for a special permit for a home child care facility in my home. I own and live in a townhome attached dwelling at 9921 Whitewater Dr. in burke, Virginia, and two children, Brissette and Felix. I have an older daughter, Brissette , who attends Liberty University and comes home for one weekend a month and on breaks. The property is zoned R-8C and I understand that 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 7:00 AM to 5:30 PM, Monday through Friday.

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

Employees: I have one full-time assistant who works from 7:30 AM to 5:30 PM, Monday through Friday. Another part-time assistant works from 7:30 AM to 3:30 PM, Monday through Friday.

Arrival Schedule: three of the children arrive between 7:00 AM and 7:45 AM (two children live in my neighborhood). Three of the children arrive between 7:45 AM and 8:00 AM (one child lives in my neighborhood). Three of the children arrive between 8:00 and 8:30 AM. Three of the children arrive between 9:00 and 9:15AM (two children live in my neighborhood).

Departure Schedule: Three children are picked up between 2:45 PM and 4:15 PM (one child lives in my neighborhood) . Three children are picked up between 4:15 PM and 4:30 PM (two children live in my neighborhood) . Three children are picked up between 4:30 PM and 5:00 PM. Three children are picked up between 5:00 PM and 5:30 PM (two children live in my neighborhood . (See Attachment 1).

Area Served: Currently, most of the children live within a four mile radius of my neighborhood. These parents drive their children to my house. I have five children living in my neighborhood that parents do not need to drive to leave the kids in day care, (Burke, Fairfax).

Operations: I run my daycare center from the basement of my townhome attached home. It has a walk-out basement, which leads to the recreation area and area of learning, where the children spend most of their day. This area is also used for nap time, refrigeration, washer/drier, a half bathroom, a storage room (where we store learning and

playing materials, seasonal activities), and a locked utility closet. In the basement I have a room where infants sleep ; this room is accessible to the children and is separated by a wall and divider door from area children use. Attachment 2 is a floor plan that indicates the area that the daycare is located in. The house has total of 1,520 square feet living area; the day care operating area consists of approximately 250 square feet in total. (See Attachment 2 for daycare floor plan).

Outdoor Play Area: I use my fenced backyard as an outdoor play area for the children. The area is approximately 5.7 square feet, most of the yard is with carpet, it has some mulched area. There is also some patio area 18.7 sq ft / 22 sq ft that the children use for outdoor activities similar to painting drawing and chalk. On the mulched area there is a swing set, climb-n-crawl caterpillar, climb-n-slide set. The carpet area has playhouse, seasonal sand box and water table, picnic table, car roller there is also a boxed area that is used for gardening with the children. All the play equipment belongs to the daycare and this is the only outdoor area that the children play in. also I have a fence around the air conditioning unit this also is inaccessible to the children as well and we also have a large yard behind the house .

Parking: My parking is number 40 , on the right side I have two parking without number, and left side I have one parking without number in front the parking I have four parking without number . In addition, ample parking is located along the street of my house for parents. (see the picture).

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 provision 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.

In conclusion, I am proposing no changes regarding our neither home nor

daycare (interior or exterior).

Sincerely,

Mariella I Marin

Owner of Mariella's Child Home Care

ATTACHMENT 1

Arrival Schedule and Departure Schedule

Arrival Schedule

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

(N) NEIGHBOR.

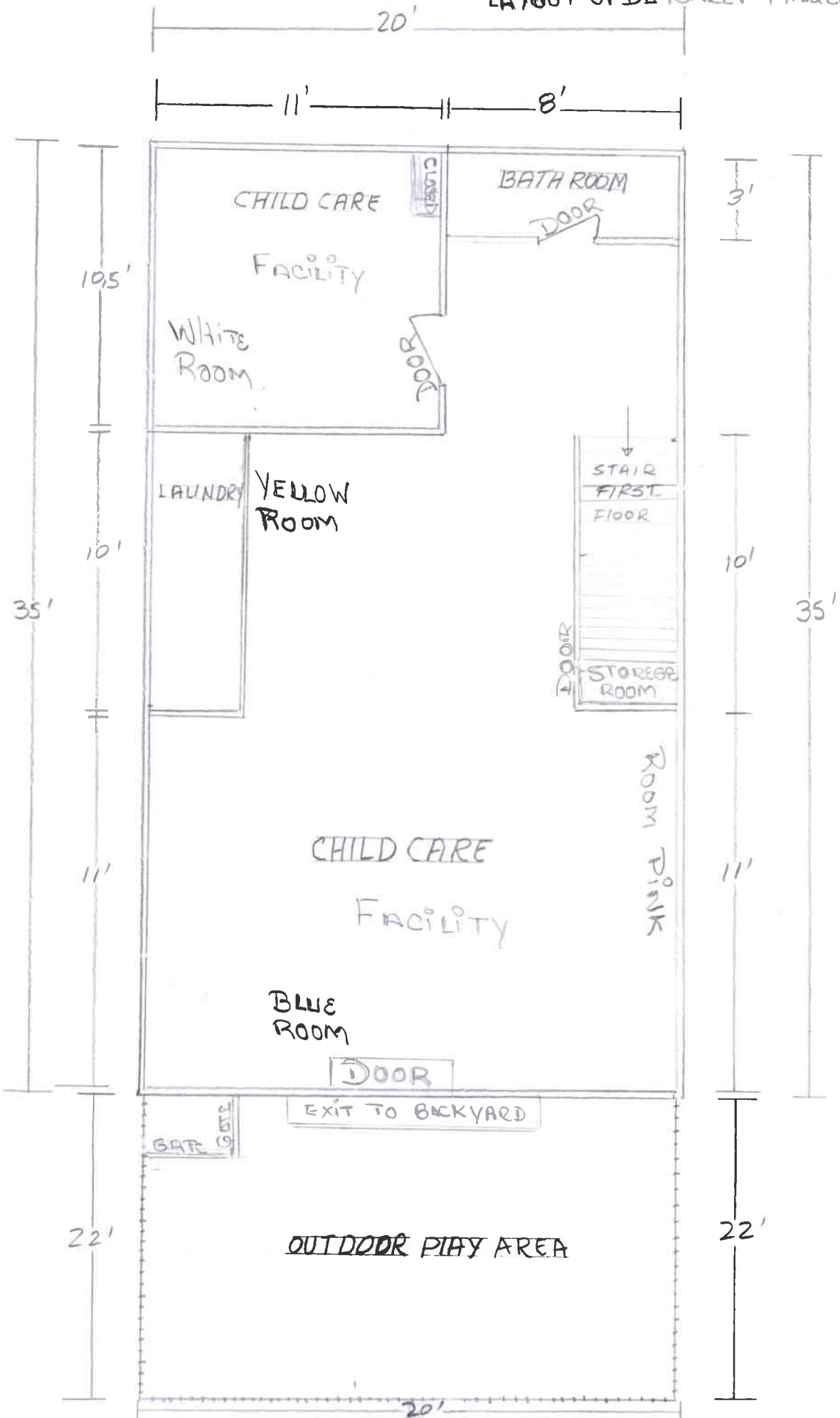
Departure Schedule

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

(N) NEIGHBOR.

BASEMENT

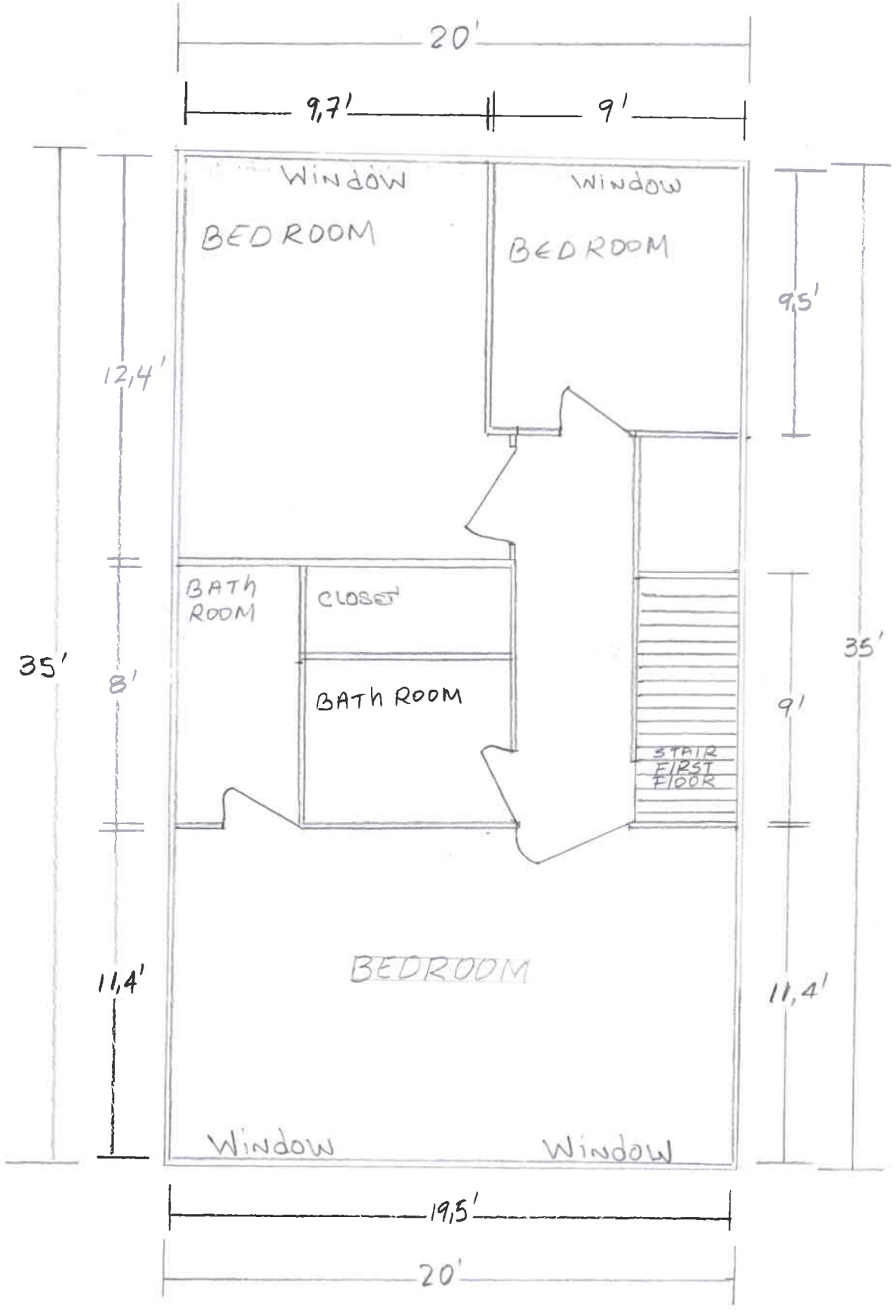
ATTACHMENT 2 FOR FLOOR LAYOUT OF DAYCARE: MARICELLA I. MARIN



FIRST FLOOR

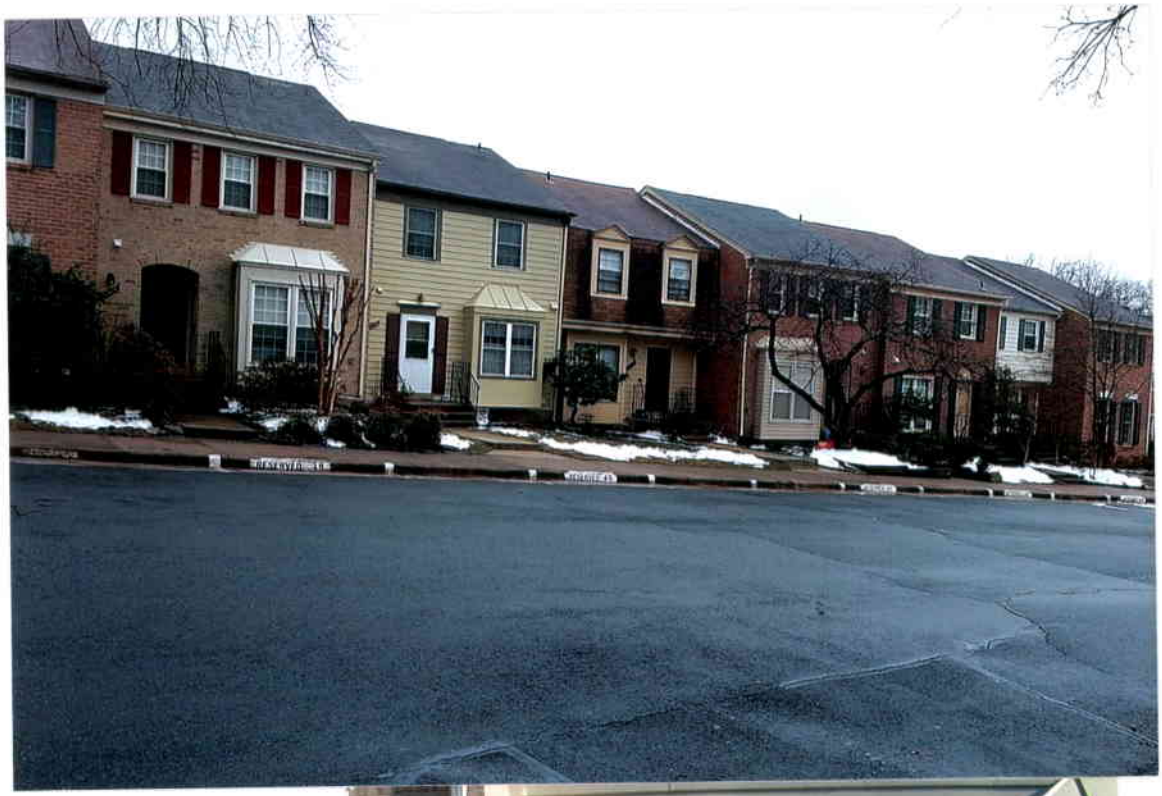
20'
11'
4.5'
3.5'
MAIN ENTRADA DOOR
Window
Window
BATH ROOM
6.5'
KITCHEN
CHILD CARE FACILITY
11.5'
STAIR SECOND FLOOR
12.5'
35'
35'
STAIR BASEMENT
21.5'
LIVING ROOM
11'
Window
Window
19

SECOND FLOOR



PHOTOGRAPHS OF SURROUNDING PROPERTIES

1- 9921 WHITEWATER DR
ACROSS STREET.



2- THE MAIN ENTRANCE THE HOUSE

PHOTOGRAPHS OF SURROUNDING PARKING SPACE

LEFT SIZE ONE PARKING SPACE / RIGHT TWO PARKING SPACE

CROSS THE STREET / IN FRONT OF THE PARKING
FOUR PARKING SPACE. (VISITOR PARKING)

PHOTOGRAPHS OF SURROUNDING BACKYARD

OUTDOOR PLAY AREA

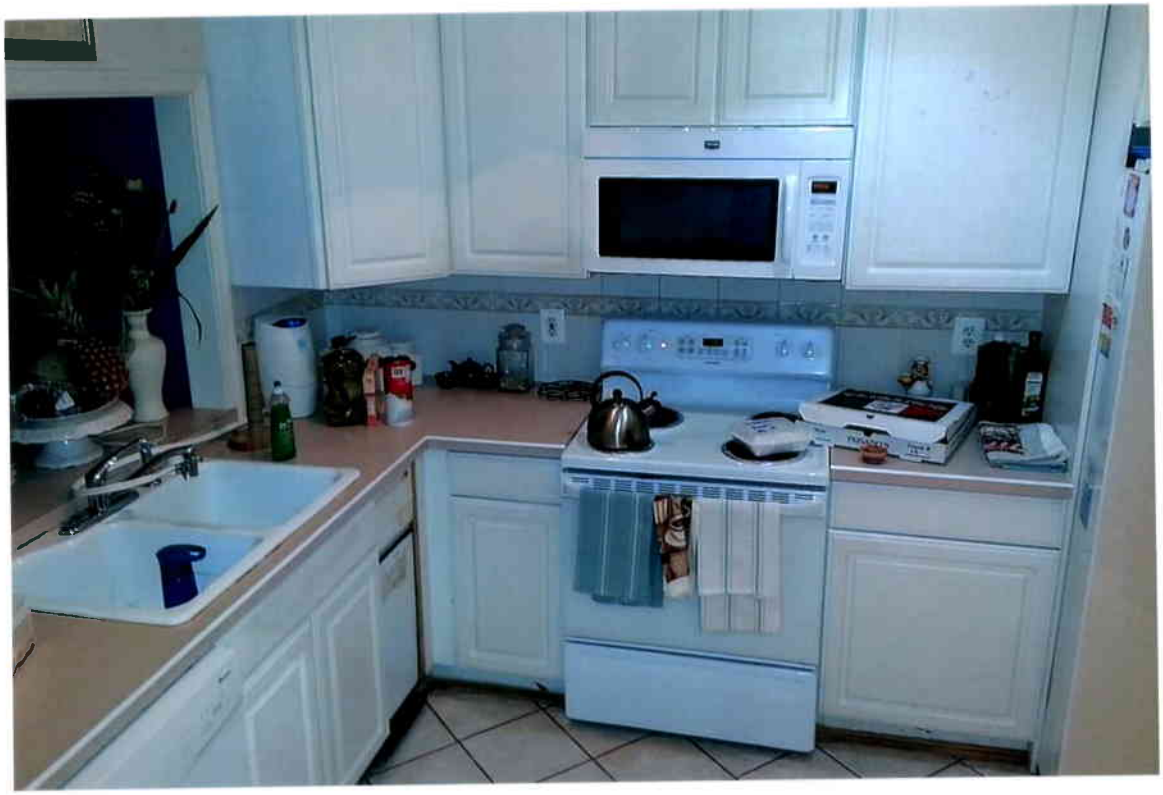
OUTDOOR PLAY AREA

PHOTOGRAPHS OF SURROUNDING BACKYARD

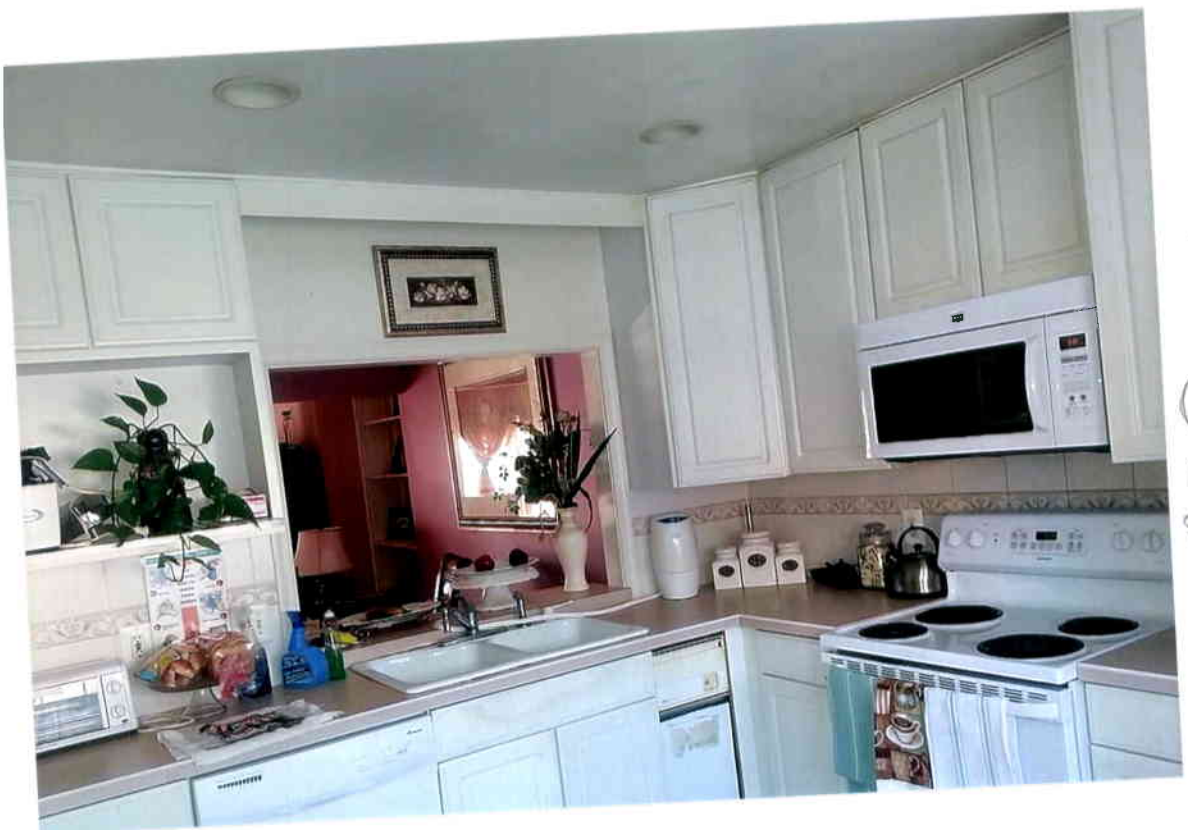
OUTDOOR PLAY AREA (BACKYARD)
FRONT LEFT SIZE THE HOUSE.

OUTDOOR PLAY AREA (BACKYARD)
FRONT RIGHT SIZE THE HOUSE

PHOTOGRAPHS OF SURROUNDING KITCHEN



THE KITCHEN AREA (LOCATED FIRST FLOOR



THE KITCHEN AREA.

(LOCATED FIRST FLOOR)

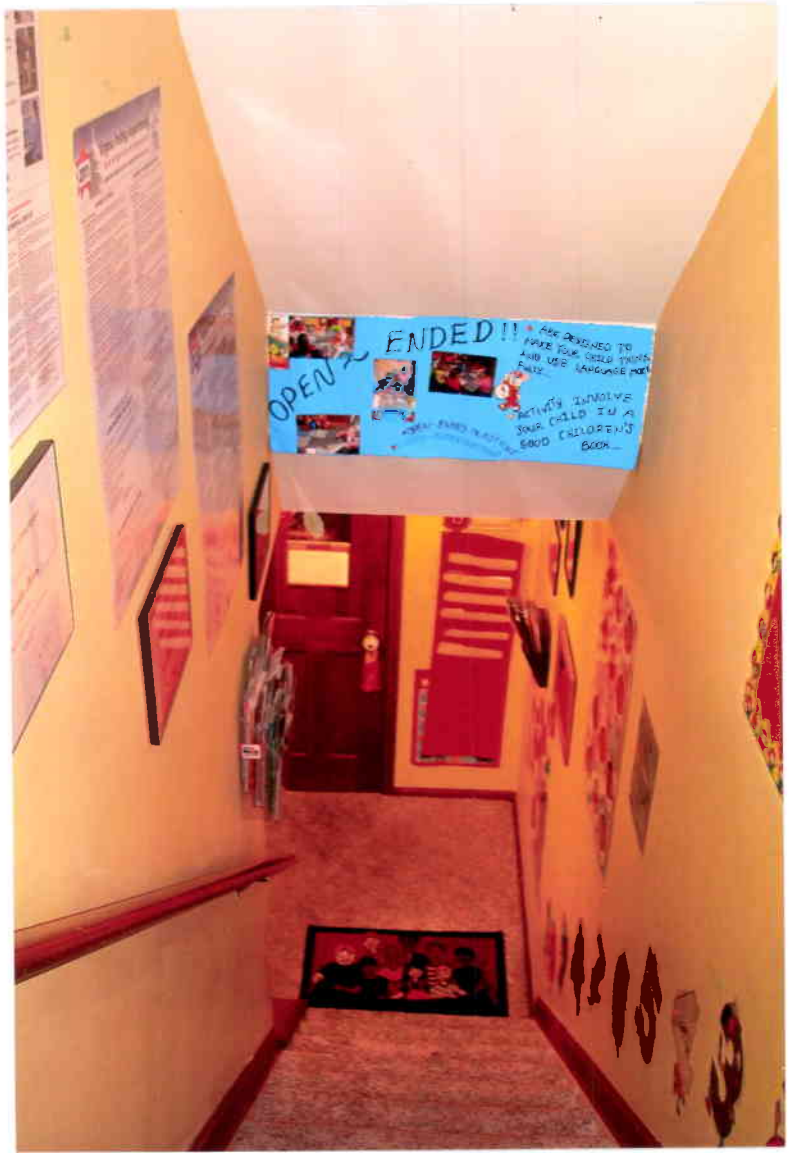
FROM LEFT SIDE OF THE KITCHEN.

PHOTOGRAPHS OF SURROUNDING CHILD CARE

REQUIREMENT 4

INTERNAL PHOTOGRAPHS.

THE MAIN ENTRANCE OF (CHILD CARE).

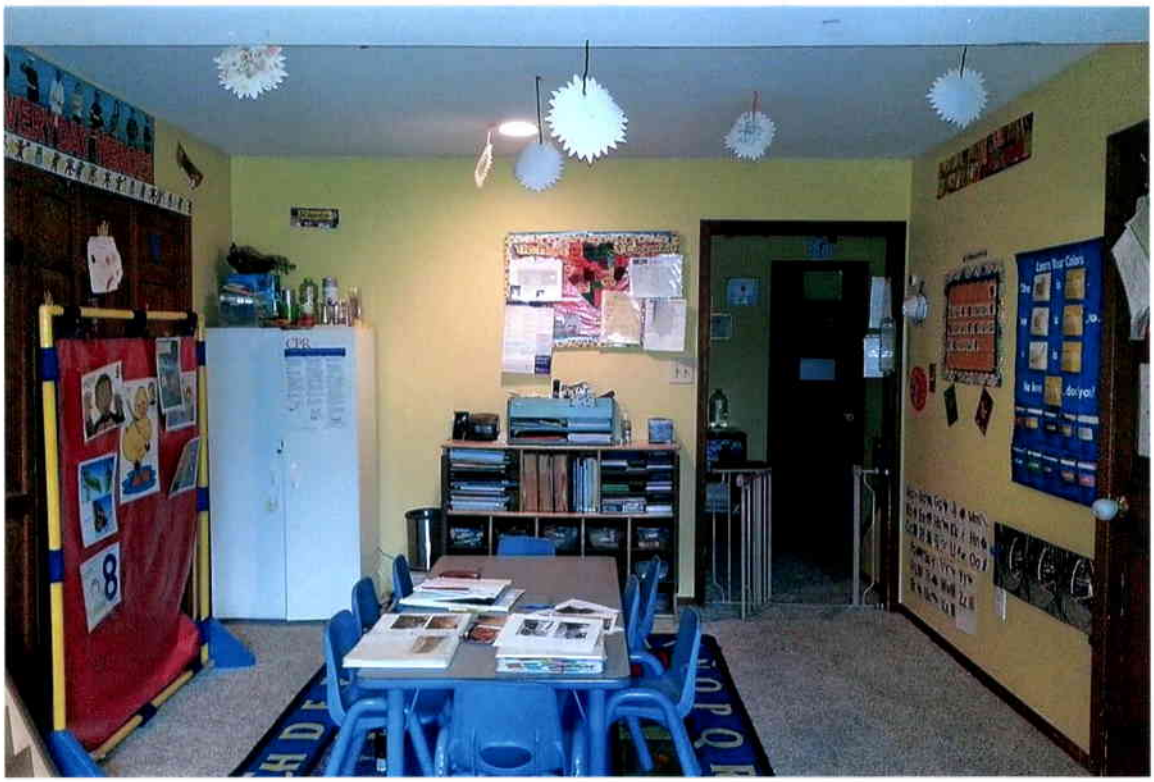


THE STAIRCASE LEADING TO THE BASEMENT.

(CHILD CARE).

REQUIREMENT 4

PHOTOGRAPHS OF SURROUNDING CHILD CARE FACILITY



LOCATION: YELLOW ROOM, FACING NORTH TOWARDS

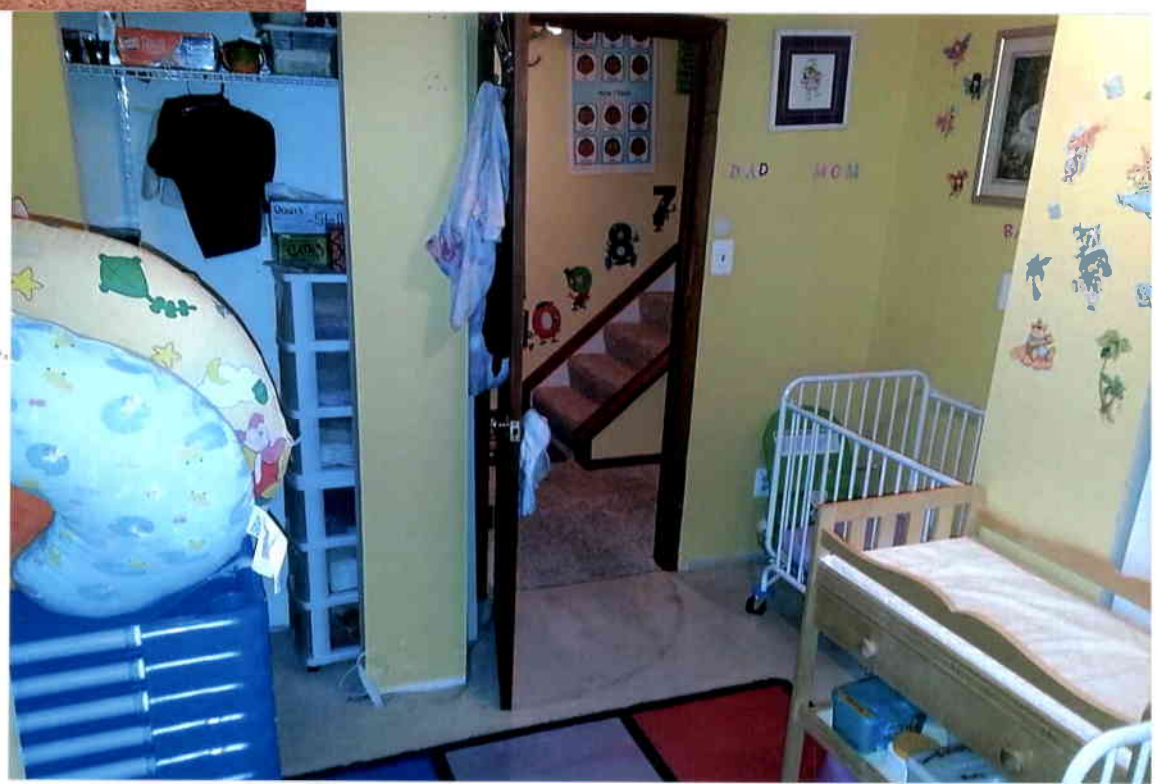
LOCATION: BLUE ROOM, FACING SOUTH TOWARDS.

PHOTOGRAPHS OF SURROUNDING CHILD CARE

REQUIREMENT 4

LOCATION: BLUE ROOM, EAST TOWARDS.

LOCATION:
YELLOW ROOM
(BABY ROOM)
FACING NORTH TOWARDS.



PHOTOGRAPHS OF SURROUNDING CHILD CARE

REQUIREMENT 4
INTERNAL PHOTOGRAPHS
LOCATION:
PINK ROOM, WEST TOWARDS.

INTERNAL PHOTOGRAPHS.

ENTRANCE TO THE BATHROOM

Application No.(s): SP 2014-BR-173
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/5/14
(enter date affidavit is notarized)

I, Mariella T. Marin, d/b/a Mariella's Day Care Services LLC do hereby state that I am an
(enter name of applicant or authorized agent)

124941

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in **BOLD** above)
Mariella T Marin d/b/a Mariella's Day Care Services LLC	9921 Whitewater Dr Burke Va 22015.	Applicant / 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).

FORM SP/VC-1 Updated (7/1/06)

m

Application No.(s): SP 2014-BR-173
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/5/14
(enter date affidavit is notarized)

124921

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)

MARIELLA'S DAY CARE SERVICES LLC
9921 WHITEWATER DR
BURKE VA 22015

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

Application No.(s): SP 2014-BR-173
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(enter date affidavit is notarized)

124921

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:

[X] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE.

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2014-BR-173
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124921

DATE: 6/5/14
(enter date affidavit is notarized)

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

Horiella E Morin d/b/a Horiellios Day Care Services LLC
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of June 20 14, in the State/Comm. of Virginia, County/City of Fairfax.

Cheryl Lynette Foddrell
Notary Public

My commission expires: Sept. 30, 2017

CHERYL LYNETTE FODDRELL NOTARY PUBLIC MY COMMISSION NUMBER 355056 COMMONWEALTH OF VIRGINIA

New Lakepointe Community
3020 Hamaker Court
Fairfax, VA. 22031
703 499-4750

www.newlakepointe.net

March 02, 2015

To whom it may concern:

This letter represents the approval by the **New Lakepointe Townhomes Homeowner's Association** of the operation of a day care business, **Mariella's Daycare**, within the New Lakepointe Community by Mariella Marin of 9921 Whitewater Dr. Burke, VA. 22015

This letter has the authorization of the board members of the New Lakepointe Community, given at the board meeting held on March 02, 2015.

For your reference, if needed, I am the Property Manager of the Association, Brian Heisler, and I can be contacted at 703 499-4750.

With sincere regards,

Brian Heisler

Brian Heisler, Property Manager, NLCA

Mariella Marin
9921 Whitewater Drive
BURKE, VA 22015
(703) 323-0462

Facility Type:	Family Day Home
License Type:	Two Year
Expiration Date:	May 4, 2016
Business Hours:	7:30am - 6:00pm Monday - Friday
Capacity:	12
Ages:	0.0 years 0.0 months - 10.0 years 11.0 months
Inspector:	Pamela Sneed (703) 479-4704

County of Fairfax, Virginia

MEMORANDUM

Date: February 20, 2015

To: Laura Arsenau, Planner II
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2014-BR-173

Applicant: Mariella Marin
9921 Whitewater Drive, Burke, Virginia 22015
Lakepointe, Lot 40, Sec 2
Tax Map# 78-1 ((12)) 0040
Zoning District: R-8C
Magisterial District: Braddock
ZIB # 2015-0036
Date of Inspection: February 5, 2015

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

☐ 1. Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)

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

*Lacking a smoke detector in the lower lever home child care facility at the time of the inspection. The applicant has provided pictures via email dated 2-16-18 to Laura Arsenau with new smoke detector installed. Not tested.

☐ 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/

- ☐ 4. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

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

- ☐ 6. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

- ☐ 7. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

  *The utility room contained storage that surrounds both the furnace and hot water heater at the time of the inspection. The applicant has cleared all storage and has provided pictures via email dated 2-16-18 to Laura Arsenau. No longer an issue.

- ☐ 8. Structures comply with the Zoning Ordinance.

8-006 General Standards

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

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

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.

2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.

3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:

   A. The dimensions, boundary lines and area of the lot or parcel.

   B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.

   C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

   D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

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

A. The maximum number of children permitted at any one time shall be as follows:

(1) Seven (7) when such facility is located in a single family detached dwelling.

(2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

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

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

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