



County of Fairfax, Virginia

April 22, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-191

LEE DISTRICT

APPLICANT: Surisa Phumtim

OWNERS: Surisa Phumtim
Patpong Phumtim
Pornpenn Phumtim
Pornphan Phumtim

SUBDIVISION: Franconia Forest

STREET ADDRESS: 6251 Marcy Court,
Alexandria, 22310

TAX MAP REFERENCE: 81-3 ((25)) 14

LOT SIZE: 8,992 square feet

ZONING DISTRICT: R-3, HC

ZONING ORDINANCE PROVISIONS: 8-305, 3-303

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-LE-191 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.

Erin M. Haley

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.

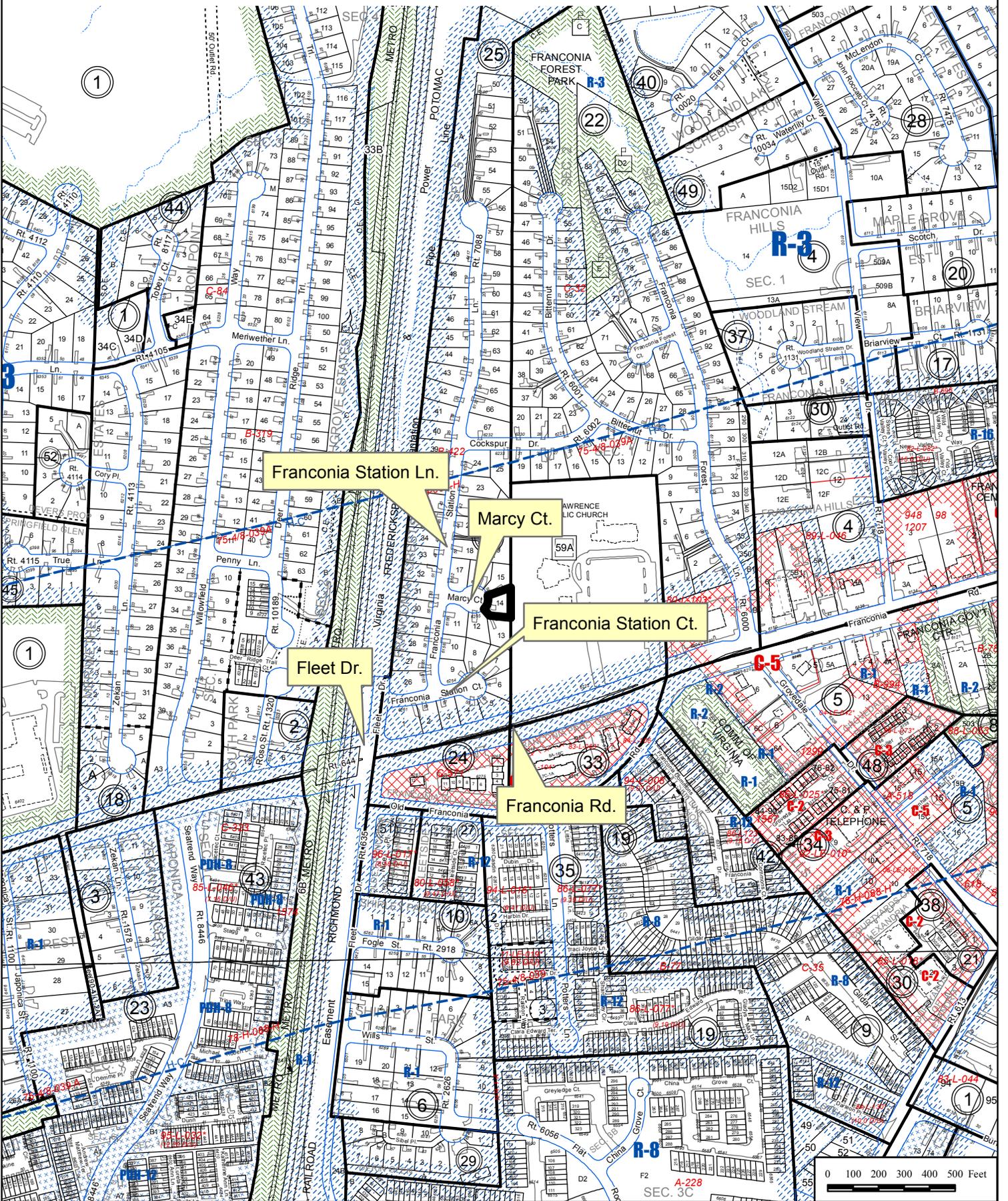
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

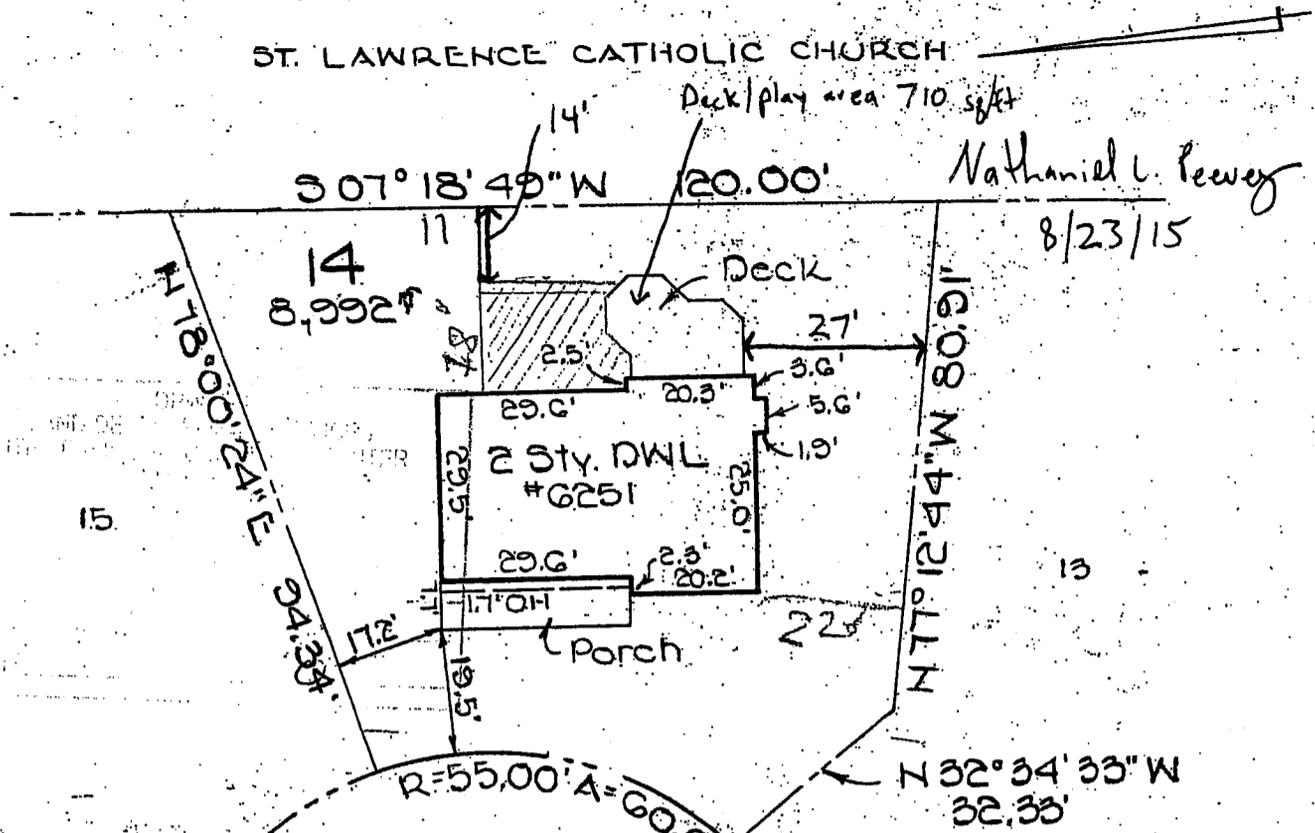
Special Permit

SP 2014-LE-191
SURISA PHUMTIM

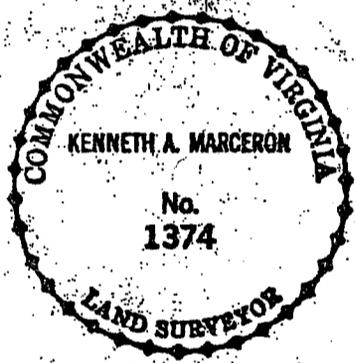


HOUSE LOCATION SURVEY

THIS LOT IS IN AN AREA SHOWN ON HUD FLOOD HAZARD BOUNDARY & FLOOD INSURANCE RATE MAP H&I-24 REVISED DATE MAY 14, 1976 DESIGNATED AS ZONE C- AREA OF MINIMAL FLOOD HAZARD.



Nathaniel C. Peewey
8/23/15



MARCY COURT
(50' Wide)

POSTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

OPEN DECK APPROVED
NO Privacy screening,
railing, plant hanger, trellis, or arbor
Nothing above the rail and nothing
below the deck flooring

LOT 14
FRANCONIA FOREST
SECTION FOUR
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

Scale - 1" = 30' | Date - Aug. 23, 1989 | Certified Correct *John R. DiGiulian*

John R. DiGiulian
Certified Land Surveyor - Springfield, Virginia

NO TITLE REPORT FURNISHED

TM: 81-3-25-0014

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

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, "House Location Survey, Lot 14, Franconia Forest," prepared by John P. DiGiulian, Certified Land Surveyor, on August 23, 1989, as revised by Nathaniel Peevey through August 23, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family detached dwelling. Vehicular access is provided by an asphalt driveway to a two-car garage. A covered porch is located at the front of the house and an open deck 2 feet in height and approximately 710 square feet in size is located at the rear of the house. The applicant has play equipment on the deck for the children. A shed 7.5 feet in height is located in the rear yard.

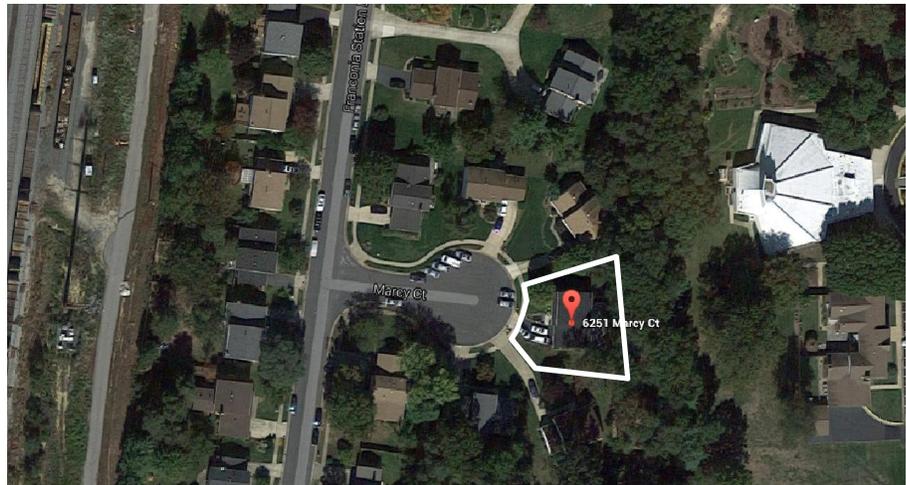


Figure 1: House Location
For illustrative purposes only

The subject property and surrounding properties are zoned R-3. Properties to the north, south and west are developed as single family detached dwellings. The property to the east is the Saint Lawrence Catholic Church.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1982 and purchased by the current owners in 1988.

The applicant has received a final building permit and inspection for the existing deck; this permit information is included as Appendix 4.

Records indicate that no other special permit applications relating to a home child care facility 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 7:30 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The applicant employs two full-time assistants.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through May 20, 2015. The license permits a capacity of twelve children, ages birth through 12 years, 11 months. Information about the state license indicates that her approved hours of operation are 7:30 a.m. to 5:30 p.m. A development condition has been proposed to require the applicant to align her state-approved hours of operation to those approved with this special permit. A copy of the state home child care licence information is included as Appendix 5.

The home child care facility is operated primarily in the first floor family room of the dwelling with eating occurring in the breakfast room. Napping occurs in the rooms labeled Bonus Area and Bedroom 3 on the floor plan provided with the applicant’s Statement of Justification. The applicant also keeps cribs in the Master Bedroom and Bedroom 4 for when children occasionally need to have private nap areas. All of these rooms contain adequate emergency egress. Parents drop the children off and pick them up at the front entrance. The deck at the rear of the house is utilized for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Franconia Community Planning Sector (RH1)
Plan Map: 2-3 dwelling units/acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided*
Lot Size	11,500 s.f.	8,992 s.f.
Lot Width	80 ft.	115.62 ft.
Building Height	35 ft.	Not provided
Front Yard	30 ft.	19.5 ft.

Bulk Standards (R-3)		
Standard	Required	Provided*
Side Yard	12 ft.	17.2 ft. (northern side yard) 22 ft. (southern side yard)
Rear Yard	25 ft.	22 ft.

*The subject parcel was created prior to the advent of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405

On-Site Parking and Site Circulation

The applicant has a two car garage and a driveway with room for two parking spaces that she utilizes for drop-off and pick-up of children. In addition, Marcy Court has on-street parking available. A condition has been included to ensure the driveway remain available during drop-off and pick-up times.

Zoning Inspections Branch Report (Appendix 6)

During the site visit, staff found keyed locks on four doors (Appendix 6). The applicant has stated that these locks will be changed before the hearing date and photos provided as proof of the change.

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 a residential use, and the property is developed in accordance with the plan recommendation. The R-3 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with small play equipment is found on the rear deck. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5	There is existing vegetation in the rear and side yards that

Landscaping/Screening	provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space required in the R-3 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property does not meet the lot size and bulk regulations for the R-3 District; however, the lot was created prior to the adoption of the current Zoning Ordinance. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
Standard 4 Submission Requirements	The applicant met all submission requirements for a home child care facility.
Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant holds a valid home child care license.

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

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a
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	maximum of 12 children at any one time.
Part B Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider’s primary residence.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees.
Part E Provider is a Resident	The provider resides in the application 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.
Part G Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and two non-resident employees.

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2014-LE-191 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant’s Statement of Justification and Select File Photographs

3. Applicant's Affidavit
4. Applicable Building Permit
5. State Family Day Home License Information
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-LE-191****April 22, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-191 located at Tax Map 81-3 ((25)) 14 to permit a home child care facility pursuant to Section 8-305 and 3-305 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, Surisa Phumtim, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6251 Marcy Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "House Location Survey, Lot 14, Franconia Forest," prepared by John P. DiGiulian, Certified Land Surveyor, on August 23, 1989, as revised by Nathaniel Peevey through August 23, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:00 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 applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 7.
9. All pick-up and drop-off of children shall take place within the driveway.
10. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.

11. There shall be no signage associated with the home child care facility.
12. 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.
13. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

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

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

MAR 27 2014

Zoning Evaluation Division

Surisa Phumtim
6251 Marcy Ct.
Alexandria, VA 22310

Statement of Justification for a Home Childcare Facility (Requirement #5)

March 11, 2014

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

Re: Special Permit Application

Applicant: Surisa Phumtim

Authorized Agent: Nathaniel Peevey (VA Lic. #81507)

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

Tax Map #: 0813-25-0014

Zoning District: R-3

Lot Size: 8,992 ft²

To Zoning Evaluation Division Staff:

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 two-story, single-family detached dwelling at 6251 Marcy Ct., in Alexandria, Virginia with my husband, Patpong Phumtim, and one nephew. I have successfully operated a home childcare facility at this address for the past twenty-one years. The property is zoned R-3 and I understand I need to seek approval of a special permit in order to continue to operate a childcare facility within my home. I am currently licensed by the State of Virginia to care for up to 12 children in my home. My license number is FDH 1106219-L107. Below is specific information regarding my childcare facility operations:

Hours: The facility is open from 7:30 a.m. to 6:00 p.m., Monday through Friday.

Number of Children: I care for up to 12 children at any time, although it is rare for there to be that many children in the facility at one time. I often have one or two openings, and due to the family's vacations and personal schedules, it is common for a child to not be present from time to time. On a typical day, I have between seven to ten children in the facility.

New families learn of my facility through referrals. I have never used advertising or outdoor signage in any way.

Employees: I have two assistants who work full-time. Their schedules are slightly staggered, with one coming in first thing in the morning and another staying until the end of the day. This allows for maximum assistance during the busiest mid-day period.

Arrival/Departure Schedule: Please see the attached arrival/departure schedule. All children are dropped off by their families in personal vehicles.

Area Served: Currently and historically, most of the children live within a five-mile radius of my home.

Operations: My home is a two-story, single-family detached dwelling with a rear deck. It is located at the end of a cul-de-sac. It has approximately 2,480 square feet of living area, although not all of this is part of the childcare facility. I estimate approximately 1,100 square feet are used by the facility, which does not include the kitchen or outdoor deck area. The children are dropped off and picked up in the front entryway. There is a large main living area on the first floor where the children spend most of their time. I use the kitchen area (which is off-limits to the children) for preparation of meals, which are served in the adjoining dining area.

Upstairs, there is a large napping room with several cribs. These are used in the afternoons and are monitored with a closed-circuit video camera system. One crib is also kept in an additional bedroom upstairs, used for infant napping.

Outdoor Play Area: Right off the back door is a large enclosed deck. During appropriate times of the year and weather permitting, the children play there with assorted play equipment. There is no swingset, slide, or large play structure present. While the property does include grassy areas in the back and side yards, the children are limited to playing in the enclosed deck area.

Please see the attached floor plans and CD, which contains photographs of the childcare facility.

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 and use conforms to the provisions of all applicable ordinances, regulations and adopted standards. The proposed use is, and shall continue to be, in harmony with the general purpose and intent of the applicable zoning district regulations.

Parking: My vehicle is parked in the double-car driveway. The driveway provides enough parking for two cars because it is more than 28 feet long and holds two cars side-by-side. Ample parking is available along the cul-de sac. My two assistants park their vehicles up the street, leaving room for approximately four vehicles (one in the driveway plus three in the street).

Due to the staggered drop-off and pick-up times, it is rare for there to be more than two parents present at any one time. Parking has never been a concern, either for the parents or my neighbors. Pedestrian and vehicular traffic does not conflict with existing and anticipated traffic in the neighborhood.

Homeowners Association: The neighborhood is governed by a homeowner's association, of which I am a member. My childcare facility and the HOA have co-existed peacefully and without incident for as long as I have operated my facility. For these reasons, I believe that my proposed home daycare facility will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the operation of my home childcare facility, either in appearance or operation. In fact, I simply seek to continue operations as I have done for years, in peaceful cohabitation with my neighbors and neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Surisa Phumtim".

Surisa Phumtim

Proposed Arrival and Departure Schedule for: Surisa Phumtim

Address: 6251 Marcy Ct Alexandria VA 22310

Proposed Arrival Schedule

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

Proposed 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	
2			X	
3			X	
4			X	
5			X	
6			X	
7				X
8			X	X
9				X
10				X
11				X
12				X

Appendix 1

RECEIVED
 Department of Planning & Zoning
 AUG 01 2011
 Zoning Evaluation Division

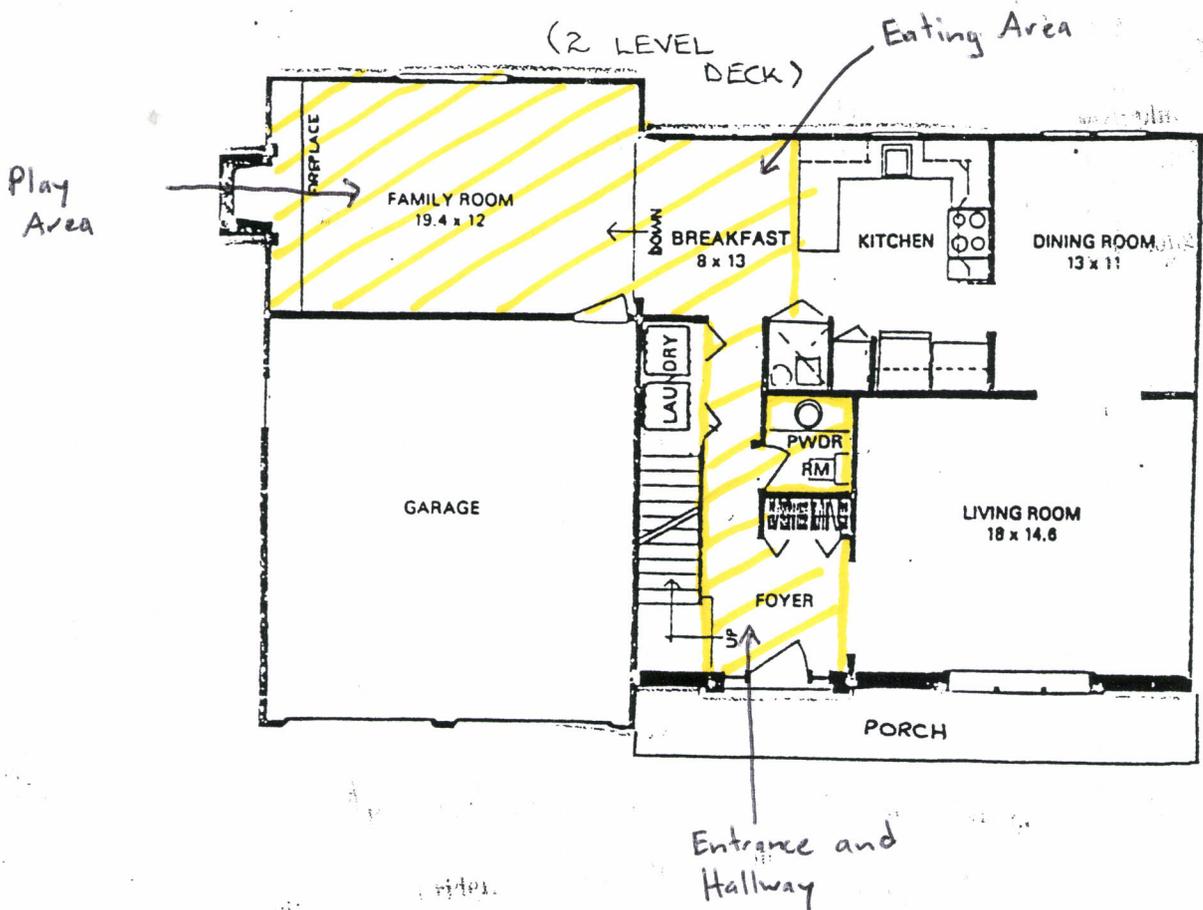
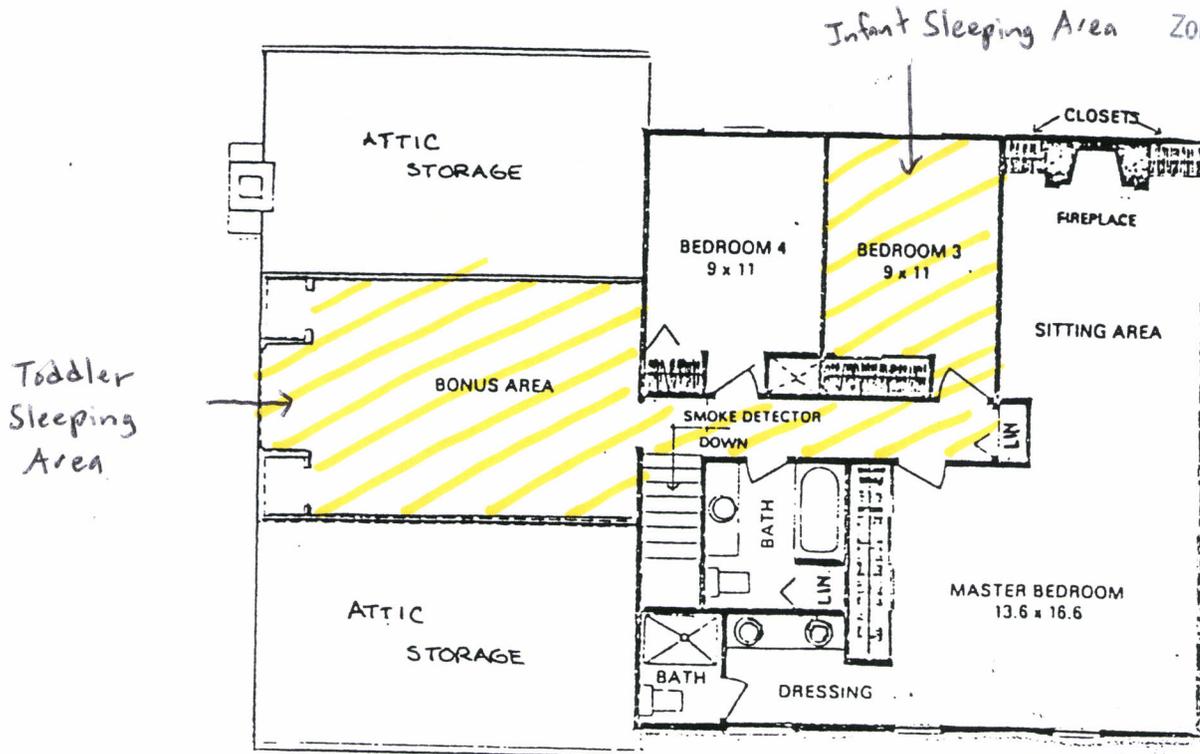
6251 Marcy Court
Alexandria, VA 22310

RECEIVED
Department of Planning & Zoning

AUG 01 2014

Zoning Evaluation Division

(REVERSE PLAN)



























Application No.(s): SP 2014-LE-191
(county-assigned application number(s), to be entered by County Staff)

124943

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/10/14
(enter date affidavit is notarized)

I, Nathaniel Pevey, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Surisa Phumtim	6251 Marcy Ct. Alexandria, VA 22310	Applicant/Title Owner
Patpong Phumtim	6251 Marcy Ct. Alexandria, VA 22310	Title Owner
Pornpeng Phumtim	6251 Apt. 4720 Center Blvd. Ph. 12 New York, NY 11109	Title Owner
Pornphon Phumtim	6964 Ellinsham Cr. Unit E Alexandria, VA 22315	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).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/10/14
(enter date affidavit is notarized)

124743

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/10/14
(enter date affidavit is notarized)

124943

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/10/14
(enter date affidavit is notarized)

124943

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: 6/10/14
(enter date affidavit is notarized)

124743

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

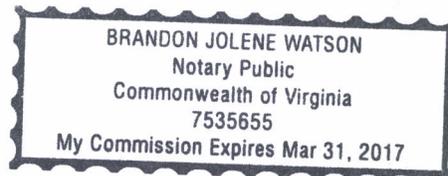
[x] Applicant's Authorized Agent

Nathaniel Louis Pevey, Authorized Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of June, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Brandon J. Watson
Notary Public

My commission expires: March 31, 2017



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

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(a)

DATE: 6/10/14
(enter date affidavit is notarized)

(NOTE): All relationships to the application are to 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)
Nathaniel L. Peevey	7604 Gifford Court Alexandria, VA 22315	Attorney/Agent

(check if applicable)

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

AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, Surisa Phuntim, the undersigned title owner(s) of the property identified below, do hereby authorize Nathaniel Peevey of Alexandria, Virginia, to act as my/our agent(s) in the furtherance of an application for a Home Childcare Facility on my/our property located (Enter type of application)

at: 6251 Marcy Ct, Alexandria, VA 22310
Tax Map No. 0813-25-0014

Thank you in advance for your cooperation.

Date: 10-23-13 By: Surisa Phuntim

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 26th day of October, 2013, by Surisa Phuntim.
(Name of Owner)



[Signature]
Notary Public (Signature)
Notary Registration No. 7390863
My Commission Expires: 06/30/2015

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

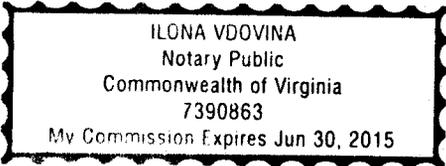
I/We, as Title Owners of the undersigned title owner(s) of the property identified below, do hereby authorize Nathaniel Peevey, Esquire in his capacity as Agent, to act as my/our agent(s) in the furtherance of an application for a variance on my/our property located at: 6251 Marcy Court, Alexandria, VA 22301: Tax Map Nos. 0813-((25)) parcel 0014.

Thank you in advance for your cooperation.

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

Date: 5-28-14 By: P. Phumtim
Patpong Phumtim/Title Owner

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:
The foregoing instrument was acknowledged before me this 28th day of May, 2014, by Patpong Phumtim/Title Owner



[Signature]
Notary Public (Signature) 739086.3
Notary Registration No. 06/30/2015
My Commission Expires: 06/30/2015

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

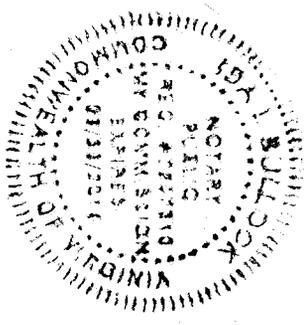
OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

Page 2 of 3

Date: 5/30/2014 By: PPub
Pornphan Phumtim/Title Owner

COMMONWELATH/STATE OF: Virginia
CITY/COUNTY OF: Arlington . TO WIT:

The foregoing instrument was acknowledged before me this 30th day of May, 2014, by Pornphan Phumtim/Title Owner



Ida L. Bullard
Notary Public (Signature)
Notary Registration No. 7207310
My Commission Expires: 9/30/2016

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

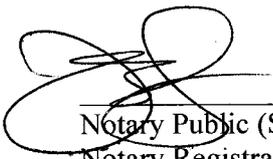
Page 2 of 3

Date: 28 MAY 2014 By: 
Pornpenn Phumtim/Title Owner

COMMONWELATH/STATE OF: NEW YORK
CITY/COUNTY OF: NEW YORK . TO WIT:

The foregoing instrument was acknowledged before me this 28 day of MAY.
20 14 by Pornpenn Phumtim/Title Owner

ANUJ D. DESAI
Notary Public, State of New York
Qualified in New York County
No. 01DE6278926
My Commission Expires 04-01-2017


Notary Public (Signature)
Notary Registration No. 01DE6278926
My Commission Expires: 4/1/17

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ON OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Zip: 22310

Contractor Information

Phone: (703)971-9333 x

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Phone: (999)999-9999 x0000

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Phone:

Other Contact Information

Contact:

Address:

City: State: Zip:

Phone:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 5109964

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2010-09-08	JOHN PENDLETON	N	Passed	NO	ALSO FINAL APPROVAL FOR 10189B0232 AND 102100092

Inspection - R FOOTING - FOOTING INSPECTION - 5109965

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2010-08-27	CRAIG LEECH	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 5109966

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2010-08-27	CRAIG LEECH	N	Passed	NO	

Reviews

Review - ZONING - (ZONING REVIEW) - 1933233

Review Type	Review Date	Reviewer	Started	Status
ZONING	2010-06-24	MATTHEW MERTZ	Y	Approved

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 1933234

Review - BUILDING - (BUILDING REVIEW) - 1943290

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2010-07-29	CYNTHIA GRACE	Y	Approved

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City: ALEXANDRIA State: VA
Zip: 22310

Phone: (703)971-9333 x

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Phone: (999)999-9999 x0000

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Phone:

Other Contact Information

Contact:

Address:

City: State: Zip:

Phone:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 5138260

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	Auto Finalization

Inspection - R FINAL - FINAL INSPECTION - 5172215

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2010-09-08	JOHN PENDLETON	N	Passed	NO	

Inspection - R FOOTING - FOOTING INSPECTION - 5138261

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2010-08-09	CRAIG LEECH	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 5138262

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2010-08-25	CRAIG LEECH	N	Failed	NO	MUST DOUBLE BEAMS

Inspection - R FRAMING - FRAMING INSPECTION - 5162079

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING			N	None	NO	Auto Finalization

Reviews**Review - ZONING - (ZONING REVIEW) - 1943136**

Review Type	Review Date	Reviewer	Started	Status
ZONING			N	Incomplete

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 1943137

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT			N	Incomplete

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County of Fairfax, Virginia

MEMORANDUM

Date: April 16, 2015

To: Erin Haley, Planner II
Zoning Evaluation Division

From: Amy Moxley
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2014-LE-191

Applicant: Surisa Phumtim,
6251 Marcy Ct, Alexandria, Virginia 22310
Franconia Forest , Lot 14, Sec. 4
Tax Map# 81-3 ((25)) 14
Zoning District: R-8
Magisterial District: Lee
ZIB # 2015-0122
Date of Inspection: April 14, 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.

At the time of inspection, the front door, bonus room, bedroom 3, and master bedroom had keyed locks. Applicant was advised to remove keyed locks to allow free egress, and to replace

with a thumb lock, or similar, that meets building code. Applicant will provide photos to the staff coordinator after this work has been completed.

- 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.

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.