



APPLICATION ACCEPTED: October 8, 2014  
BOARD OF ZONING APPEALS: May 20, 2015 @: 9:00 a.m.

# County of Fairfax, Virginia

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May 13, 2015

## STAFF REPORT

SPECIAL PERMIT NO. SP 2014-PR-221

### PROVIDENCE DISTRICT

**APPLICANT:** Norma E. Sanchez-Budhu  
d/b/a Okla Corporation and Okla Kids Childcare

**OWNERS:** Norma E. Sanchez-Budhu  
John C. Budhu

**SUBDIVISION:** Westchester, Section 2

**STREET ADDRESS:** 9238 Okla Drive, Fairfax, 22031

**TAX MAP REFERENCE:** 58-4 ((10)) 25

**LOT SIZE:** 29,192 square feet

**ZONING DISTRICT:** R-1

**ZONING ORDINANCE PROVISIONS:** 3-103, 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-221 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*

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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/](http://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.

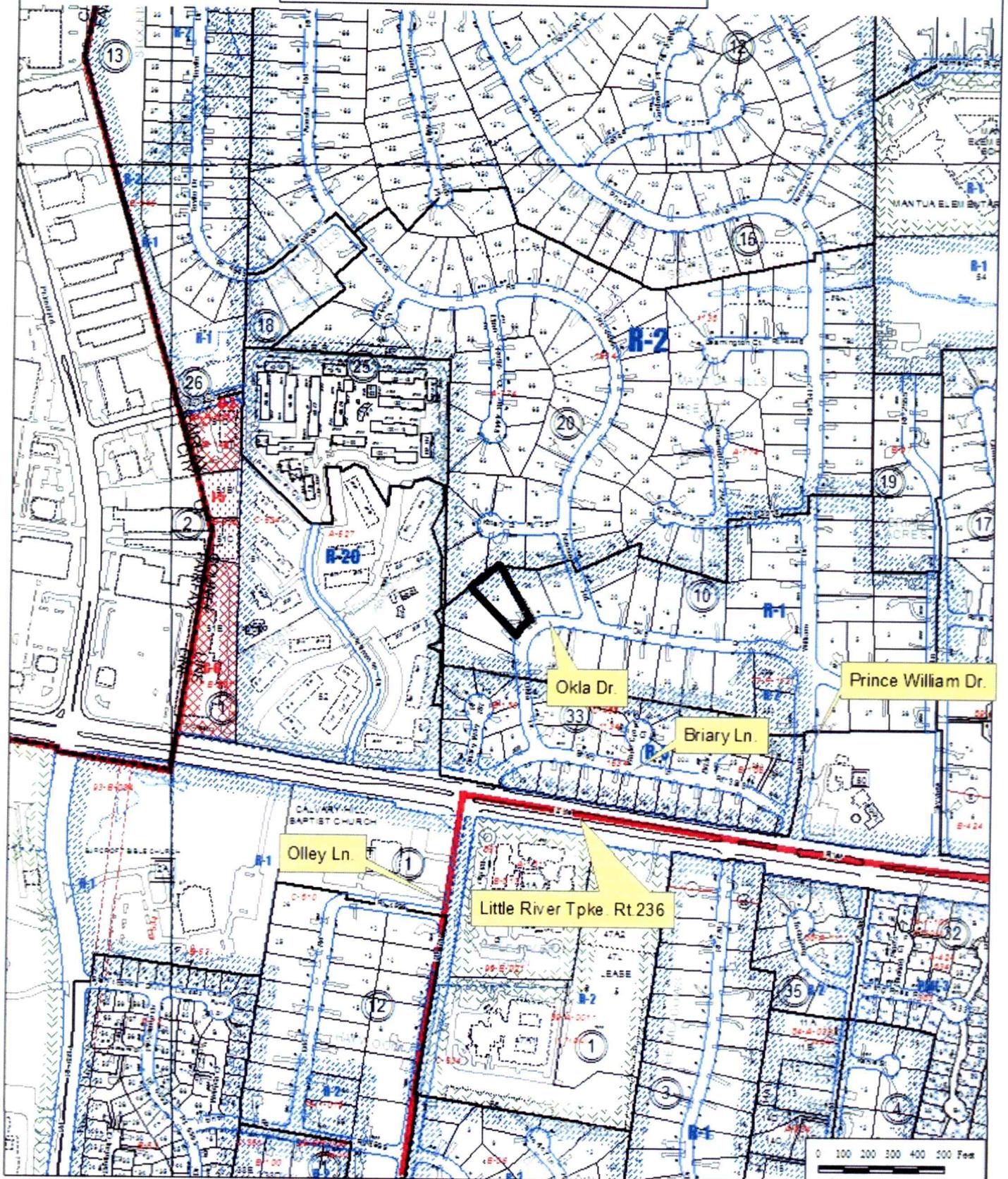
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

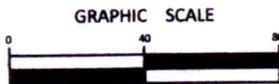
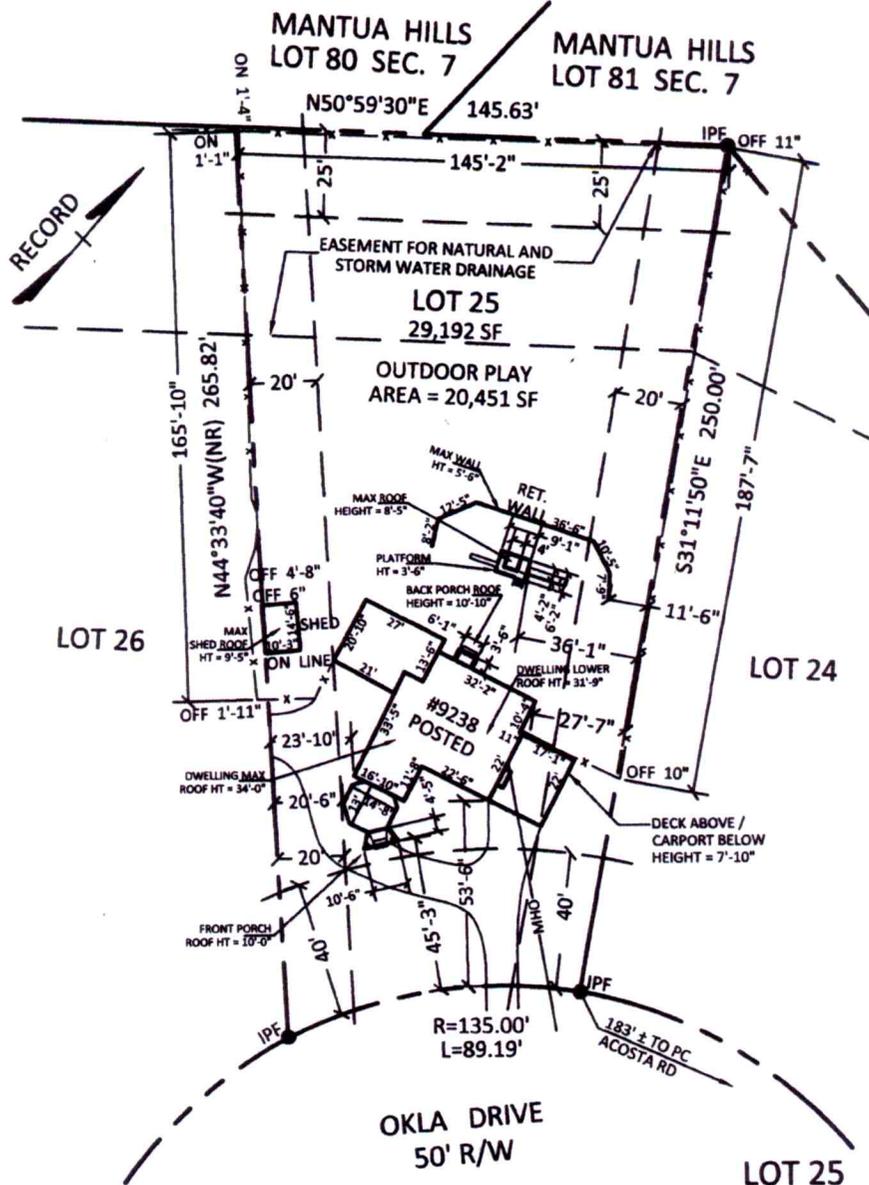
# Special Permit

SP 2014-PR-221  
NORMAE. SANCHEZ-BUDHU D B A OKLA  
CORPORATION AND OKLA KIDS CHILDCARE



**NOTES:**

- 1) BOUNDARY BY OTHERS
- 2) LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY OWNERSHIP. FENCE HEIGHT THROUGHOUT PROPERTY = 4 FT.
- 3) OUTDOOR PLAY AREA IS DEFINED AS THE AREA ENCLOSED BY THE BOUNDARIES OF THE BACK OF THE DWELLING AND THE FENCE SURROUNDING THE LOT
- 4) ROOF HEIGHTS TAKEN FROM ASSUMED GRADE
- 5) NOT FOR CONSTRUCTION (INCLUDING FENCES)
- 6) NO SUBSURFACE UTILITY INVESTIGATION



LOT 25  
SECTION 2  
WESTCHESTER  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
TAX MAP #058-4-10-0025

**HOUSE LOCATION**

DATE: 07/29/2014  
DRAWN BY: DC  
8 1/2 x 11 REDUCTION  
CHECKED BY: NES-B

9238 OKLA DRIVE  
FAIRFAX, VIRGINIA 22031  
(703) 978-4204

NORMA E. SANCHEZ-BUDHU  
OKLA CORPORATION  
DBA. OKLA KIDS CHILD CARE  
OT3-2127

## 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, Lot 25, Section 2, Westchester," drawn by DC on July 29, 2014, as revised by the applicant is included in the beginning of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single family detached dwelling. A carport and deck are located east side yard of the property. A semicircular driveway is located in the front yard of the property. A two car garage and an accessory storage structure (shed) are located to the west side of the dwelling. A set of stairs and a playset are located in the rear yard. The rear yard is enclosed by a fence, approximately 5 feet in height and a storm water drainage easement runs along the rear property line.

The site is located north of Little River Turnpike and west of Prince William Drive. The subject property and surrounding properties to the east, south and west are zoned R-1 and developed with single family detached dwellings. The property to the north is zoned R-2 and developed with a single family detached dwelling.



Figure 1- Aerial View of Property

## BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1956 with an addition constructed in 2006. The property was purchased by the property owners in 2013.

Staff found that the carport with a deck on top attached to the east side of the dwelling has existed on the property since 1997. Therefore the carport and associated deck are non-conforming but vested, since they have existed and been taxed for over 15 years.

On September 13, 2004, a building permit was issued for the construction of a two story, addition, a second level addition and a one story garage (Appendix 4). A final inspection was obtained on July 12, 2006.

## **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 from 7:00 a.m. and 6:00 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 main floor of the dwelling, which has adequate emergency egress. The enclosed play area is located in the rear yard. Photographs provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for two years and which expires on December 15, 2015, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 24 hours a day Sunday through Saturday. A proposed development condition is included to limit the hours of operation from 7:00 a.m. to 6:00 p.m. The license also permits a capacity of 12 children, from 1 month through 12 years, 11 months of age. A copy of the license is included as Appendix 5.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area II, Fairfax Planning District  
**Planning Sector:** Mantua Community Planning Sector (F2)  
**Plan Map:** Residential, 1-2 du/ac

### **On-Site Parking and Site Circulation**

The existing two car garage and driveway can accommodate approximately 5 cars. The applicant parks their car in the garage. On-street parking is available along Okla Drive.

Vehicular access to the site is provided by a driveway from Okla Drive. A concrete walkway connects the driveway to the front door of the dwelling.

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

During the inspection, staff found that an accessory storage structure, located to the west side of the dwelling did not meet minimum required side yard setbacks. The applicant was made aware of this concern and has agreed to reduce the height of the shed. A proposed development condition has been included to address this concern.

**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

<b>Bulk Standards (R-1)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	36,000 sf.	29,192 s.f. <sup>1</sup>
Lot Width	Interior: 150 feet Corner: 175 feet	145.63 feet
Building Height	35 feet max.	34 feet
Front Yard	Min. 40 feet	45.25 feet
Side Yard	Min. 20 feet	18.4 feet <sup>2</sup>
Rear Yard	Min. 25 feet	> than 25 feet

1. The subject parcel was created prior to the adoption 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

2. Staff found that the structure has existed since 1997 and is a vested nonconforming structure.

**Tables for Accessory Structures**

<b>Accessory Structure Setback Standards</b>				
<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Existing Location</b>	<b>Permit Status</b>
Shed	Side	12.0 feet	0.0 feet	n/a
Playset	n/a	12.0 feet	> 12 feet	n/a

**General Standards for Special Permit Uses (Sect. 8-006)**

<p><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District permits a home child care facility as an accessory use with special permit approval.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>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.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>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.</p>
<p><b>Standard 5</b> Landscaping/Screening</p>	<p>There is existing fencing that separates the play area from the neighbors.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement in the R-3 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking.</p>
<p><b>Standard 8</b> Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

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

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

<p><b>Standard 1</b> Maximum of 12 Children &amp; Non-Resident Employees</p>	<p>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.</p>
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<p><b>Standard 2</b> Access and Parking</p>	<p>Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 3</b> Landscaping/Screening</p>	<p>There is an existing fence and landscaping in the rear yard that provides screening of the outdoor play area.</p>
<p><b>Standard 4</b> Submission Requirements</p>	<p>The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.</p>
<p><b>Standard 5</b> Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant has a valid home child care license through December 15, 2015, for 12 children from 7:00 a.m. to 6:00 p.m.</p>

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

<p><b>Part A</b> Maximum Number of Children</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.</p>
<p><b>Part B</b> Licensed Provider/ Primary Residence</p>	<p>The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.</p>
<p><b>Part C</b> No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use except play equipment and toys.</p>
<p><b>Part D</b> Non-Resident Employee</p>	<p>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.</p>
<p><b>Part E</b> Provider is a Resident</p>	<p>The provider is a resident of the property.</p>
<p><b>Part F</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>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.</p>

<p><b>Part G</b> Increase in Children or Non-Resident Employees</p>	<p>The maximum number of children permitted by-right at any one time is 7 in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident assistants.</p>
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## **CONCLUSION/ RECOMMENDATION**

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

Staff recommends approval of SP 2014-PR-221 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. Building Permit History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

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**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-PR-221****May 13, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-221 located at Tax Map 58-4 ((10)) 25 to permit a home child care facility pursuant to Sects. 3-103 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Norma E. Sanchez-Budhu d/b/a Okla Corporation and Okla Kids Childcare and is not transferable without further action of the Board, and is for the location indicated on the application, 9328 Okla 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 "House Location, Lot 25, Section 2, Westchester," drawn by DC on July 29, 2014, as revised by the applicant 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, 7:00 a.m. to 6:00 p.m.
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. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
12. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
13. The applicant shall reduce the height of the accessory storage structure (shed) to meet all provisions of the Zoning Ordinance within 90 days.

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

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

RECEIVED  
Department of Planning & Zoning

OCT 06 2014

Zoning Evaluation Division

Norma E. Sanchez-Budhu  
9238 Okla Dr., Fairfax, VA 22031  
TE: 703-978-4204  
e-mail: norma\_e\_sanchez@yahoo.com

March 17, 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: Norma E. Sanchez-Budhu "D/B/A OKLA CORPORATION AND OKLA KIDS CHILD CARE"  
Zoning Ordinance Section 8-305 for Home Child Care Facility  
Section 8-004 of General Standards

Tax Map #: 0584100025

Zoning District: R1

Lot Size: 29,192 SQ FT (0.67 Acres)

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a detached dwelling at 9238 Okla Dr. in Fairfax, Virginia with my husband, three children and my older daughter's fiancée.

The children are as follow: Denise Chanfreau, 25 years old, single but engaged to Christopher Beckley, who also live with us. They are going to get married on July 5, 2014. Denise and Christopher are full time student at George Mason University, but when they are home, they are also helpers at daycare as family members.

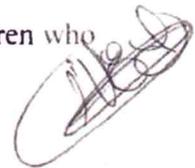
Agustin Chanfreau, 23 years old, single, and full time student at Columbia University in New York. When he is on vacation at home, he is also a helper at daycare.

Natalie Chanfreau, 19 years old, single, and full time student at Duke University in North Carolina. When she is on vacation at home, sometimes she helps at daycare.

The property is zoned R1 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my childcare facility in my home. Below is information about my child care facility operations.

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

Number of Children: I care for up to 12 children at any one time. I do not have minor children who belong to my family in my home.



Employees: Beside my family, I do have 1 full time employee, who works from 9:00 AM to 5:00 PM. Monday to Friday, all year round. I have 1 seasonal employee, who works from 8:00 AM to 4:00 PM, Monday to Friday, from the end of August to Christmas time and from the end of January to middle of May. My helpers and I clean the daycare constantly to keep it well disinfected and organized. I finish the cleaning after hours from 6:00 PM to 8:00 PM. I do deep cleaning during the weekends.

Arrival Schedule:

- Three children arrive between 7:00 AM and 7:30 AM
- Two children arrive between 7:30 AM and 8:00 AM
- Four children arrive between 8:00 AM and 8:30 AM
- One child arrive between 8:30 AM and 9:00 AM
- One child arrive between 9:00 AM and 9:30 AM
- One child arrive between 9:30 AM and 10:00 AM

Departure Schedule:

- One child is picked up between 2:30 PM and 3:00 PM
- One child is picked up between 3:30 PM and 4:00 PM
- Three children are picked up between 4:30 PM and 5:00 PM
- Four children are picked up between 5:00 PM and 5:30 PM
- Three children are picked up between 5:30 PM and 6:00 PM

Area Served: Currently, most of the children live in the vicinity of my neighborhood.

- Five children live in Mantua. One of them walks one block to my home, and the rest drive.
- One child lives in Burke. \*
- Three children live in Camelot.
- One child lives in Oakton. \*
- One child lives in Arlington. \*
- One child lives in Fairfax.

\* Parents who live farther from my home work as teachers for the surrounding schools, Mantua Elementary School, Woodson High School, and Frost Middle School.

Operations: As I stated, my house is a single family detached dwelling. It has a large area in the first floor, about five rooms, one half bath, and the kitchen, that I use for daycare pre-school activities, meals, naps, changing the children, and playing. I also use part of the rest of the house for cleaning-laundry, office purposes, and storage of toys and furniture, arts and crafts materials, and food storage. Attached is a floor plan that indicates the areas where the day care is located. The house has about 415 Sq. Ft in the basement, and about 2,869 Sq. Ft. for the rest of the house. I believe that I use about 50% of the house for daycare. (See Attachments for floor layout and interior photos).

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

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



Outdoor Play Area: I use my backyard for outdoor play for the children. The place is very large. There are two levels of the area. Up the hill, and next to the house equipped with toys and a playground, and down the hill, equipped with another playground and enough space to run, slide in snow days, play tag, looked for birds, insects for science projects, and leaves for fall activities. There is a double fence all around the playing area. (Please see the most recent plat and pictures for details).

Parking: I use my garage and carport under the deck to park my family cars. My driveway shape looks like a large "Y", and provides enough parking for 8 to 9 cars depending of the size (9 compacts, or 8 minivans). In addition, ample parking is available along the street in front of my house for the parents only, since the employees do not drive (they may get dropped off from friends or relatives, or use the bus to get to or leave from work).

The following statement is part of our policy and agreement with parents regarding parking:

**..”At departure time, we also expect you to pick your child along with his/her belongings, the daily report, and leave at last at the time pre-arranged in our contract. For example: if your departure time is 5 PM, you should arrive 5 minutes in advance, so you leave by 5 PM. If you feel that you cannot leave by 5 PM, you need to extend your departure time in our contract.**

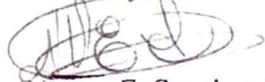
**If you are a parent who have been part of Okla Kids at least for one month, please be very brief in dropping and/or picking up your child, so we can continue taking care of other children during our busy schedule. Avoid daily games with your children, which keep our attention away from the children who would leave at a later time.”...**

**...”Please park only in our property, and be as respectful as possible to our neighbors. This is not a commercial area, and some of our neighbors may not like to be blocked in their driveway. Please, put yourself in the same situation, to understand their rights. Parents dropping/picking their children should take between 5 and 10 minutes, at last, to park, pick your child, and leave. Remember that other parents may be arriving and/or leaving while you are parked. Other parents have the same rights that you have to park in our driveway. If we notice that you take more than 10 minutes to leave, and happens almost everyday or very frequently, we will request you to extend your contract as well.”...**

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

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

Sincerely,



Norma E. Sanchez-Budhu  
Owner of Okla Kids Childcare (www.oklakids.com)

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Department of Planning & Zoning

OCT 06 2014

Zoning Evaluation Division

## 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)	(1) 7 <sup>00</sup> AM			
(2)		(1) 7 <sup>45</sup> AM		
(3)		(1) 7 <sup>45</sup> AM		
(4)	(1) 7 <sup>15</sup> AM			
(5)		(1) 7 <sup>45</sup> AM		
(6)			(1) 8 <sup>45</sup> AM	
(7)	(1) 7 <sup>30</sup> AM			
(8)		(1) 8 <sup>00</sup> AM		
(9)				(1) 9 <sup>00</sup> AM
(10)				(1) 9 <sup>15</sup> AM
(11)	(1) 7 <sup>30</sup> AM			
(12)	(1) 7 <sup>15</sup> AM			
<b>TOTAL:</b>	5	4	1	2

### Departure Schedule

Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 5:30 PM	6 PM
(1)					↓ 6 <sup>00</sup> PM
(2)	↓ 4 <sup>00</sup> PM				
(3)			↓ 5 <sup>00</sup> PM		
(4)	↓ 3 <sup>00</sup> PM				
(5)			↓ 5 <sup>00</sup> PM		
(6)				↓ 5 <sup>30</sup> PM	
(7)				↓ 5 <sup>15</sup> PM	
(8)			↓ 5 <sup>00</sup> PM		
(9)					↓ 5 <sup>45</sup> PM
(10)				↓ 5 <sup>30</sup> PM	
(11)				↓ 5 <sup>00</sup> PM	
(12)					↓ 6 <sup>00</sup> PM
	2		3	4	3

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DAYCARE STORAGE

DAYCARE  
INFANTS

DAYCARE  
CRAPS

KITCHEN

DAYCARE ACTIVITIES  
TODDLERS

DAYCARE  
1/2 BATH

DAYCARE  
ACTIVITIES/NAPS

DAYCARE  
RECEPTION

# Main Levels 1 & 2

LAUNDRY

DAYCARE  
OFFICE/STORAGE



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OCT 06 2014

Zoning Evaluation Division

# Lower Level

*All Dimensions S*

DAYCARE STORAGE

2-Car Garage  
25 x 28

DAYCARE  
INFANTS

DAYCARE  
NAPS  
18 x 9

KITCHEN

DAYCARE ACTIVITIES  
TODDLERS  
Dining/Banquet Hall  
22 x 12

Deck  
28 x 17  
Holds 2-Car Carport

DAYCARE  
1/2 BATH

Living Room  
15 x 12

DAYCARE  
ACTIVITIES/NAPS

DAYCARE  
RECEPTION  
Foyer  
14 x 13

Main Levels  
1 & 2

LAUNDRY

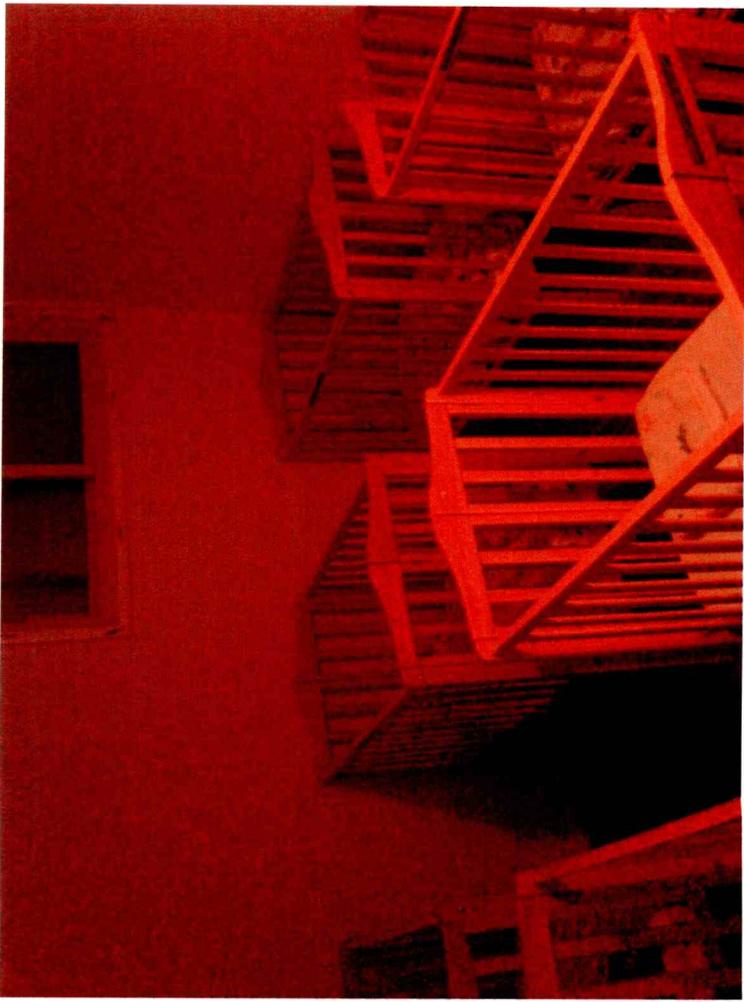
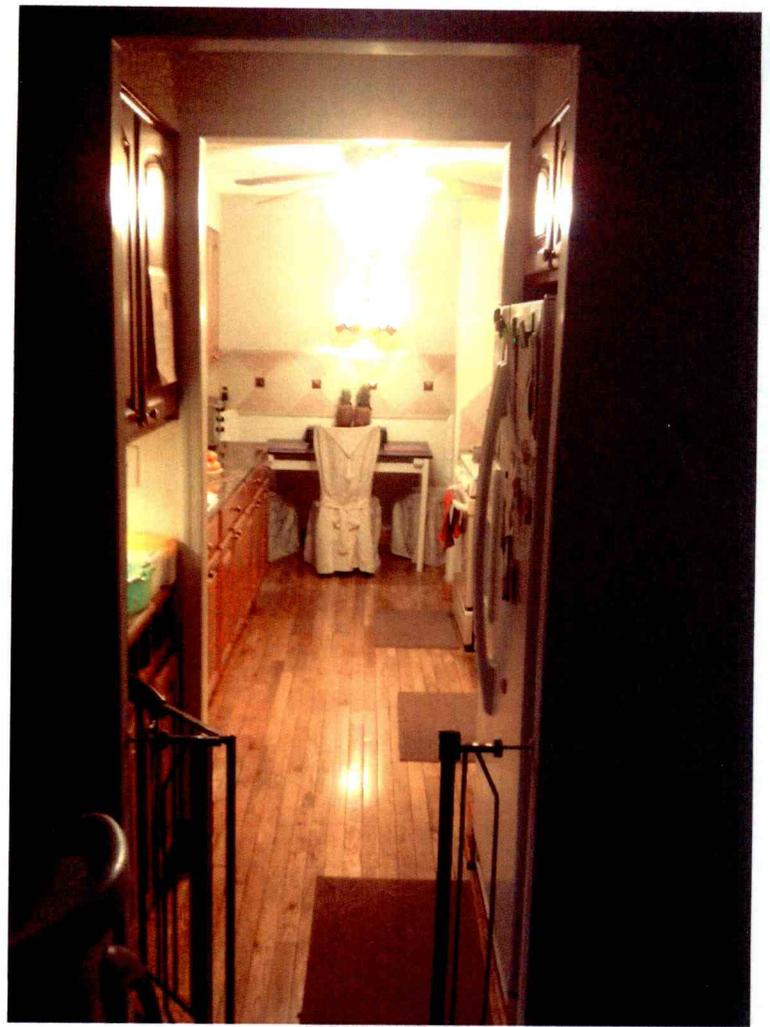
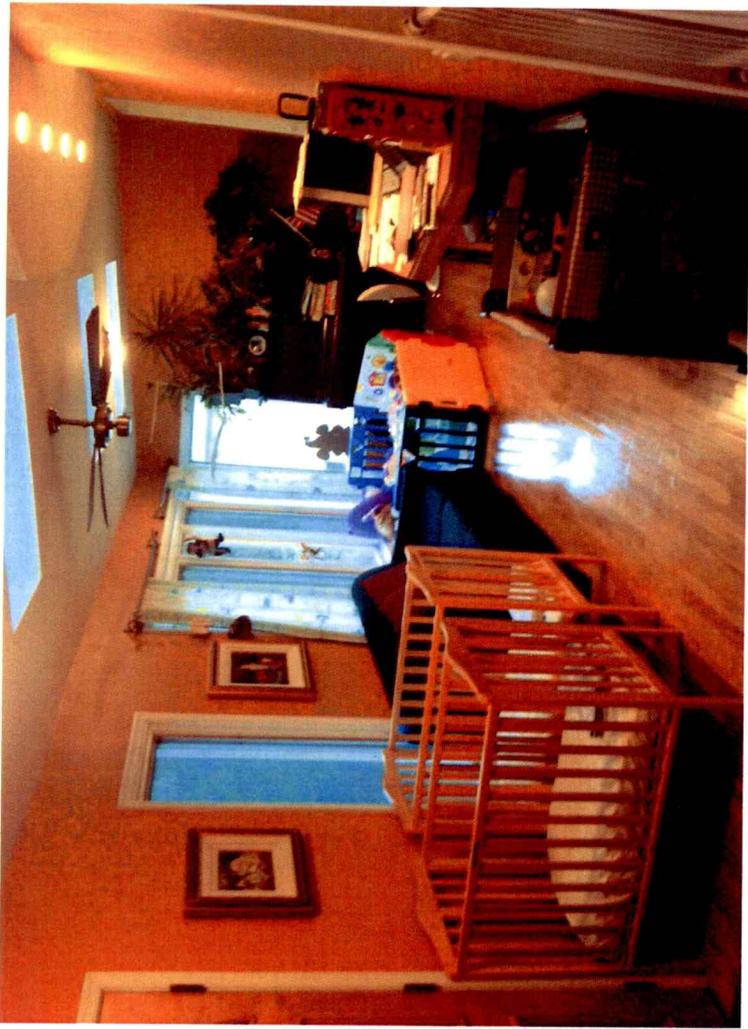
DAYCARE  
OFFICE/STORAGE  
Recreation Room  
22 x 12

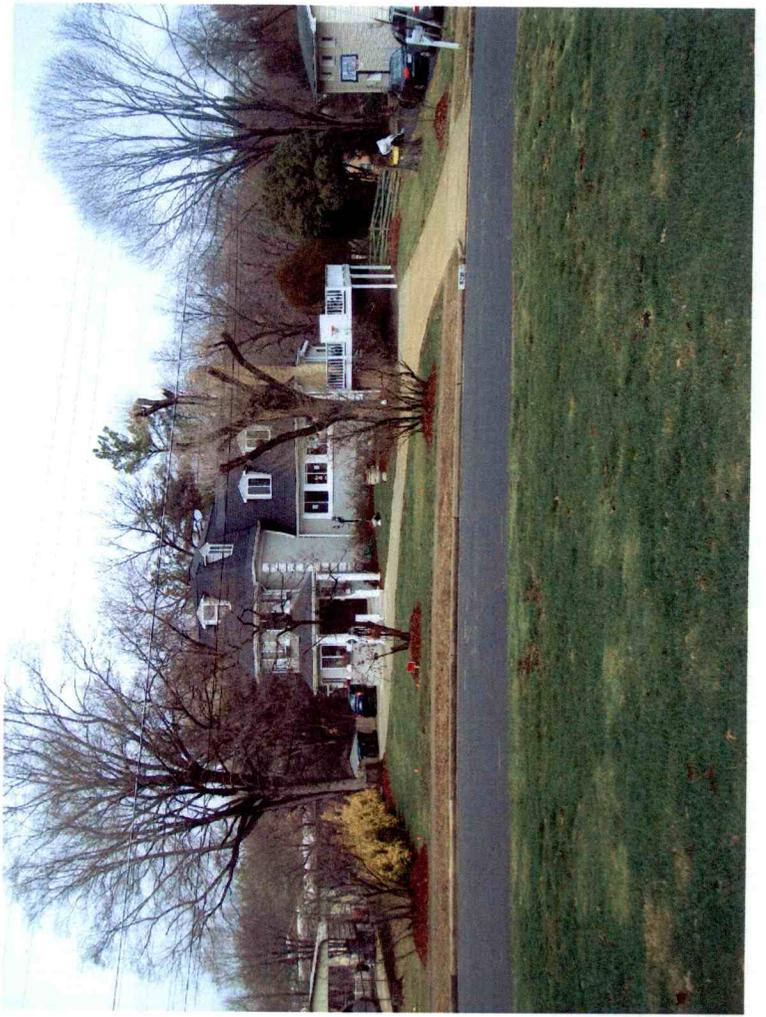
2-Car Carport  
21 x 18

Lower  
Level

RECEIVED  
Department of Planning & Zoning  
OCT 06 2014  
Zoning Evaluation Division

All Dimensions S







Application No.(s): SP 2014-PR-221  
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/17/2014  
(enter date affidavit is notarized)

I, NORMA E. SANCHEZ-BUDHU, 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: 124870

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
• NORMA E. SANCHEZ-BUDHU d/b/a OWLA CORPORATION AND OWLA KIDS CHILDCARE	9238 OKLA DR. FAIRFAX, VA 22031	WIFE
• JOHN C. BUDHU	9238 OKLA DR. FAIRFAX, VA 22031	HUSBAND

(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).

CAB

Application No.(s): SP 2014-PR-221  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/17/2014  
(enter date affidavit is notarized)

124870

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)

OKLA CORPORATION 9238 OKLA DR., FAIRFAX, VA 22031

**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)

NORMA E. SANCHEZ-BUDHU

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

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

Application No.(s):

SP 2014-PR-221  
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/17/2014  
(enter date affidavit is notarized)

124870

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

PARTNERSHIP INFORMATION

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

N/A

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

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

(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):

SR 2014-PR-221

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5/17/2014

(enter date affidavit is notarized)

124870

1(d). One of the following boxes must be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

N/A

[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-PR-221

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/17/2014  
(enter date affidavit is notarized)

124870

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:

*[Handwritten Signature]*

(check one)

[ ] Applicant

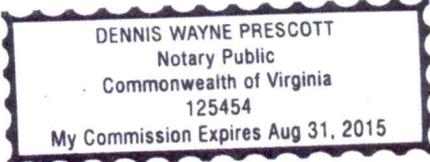
[ ] Applicant's Authorized Agent

NORMA E. SANCHEZ-BUDHO OWNER  
(type or print first name, middle initial, last name, and title of signee)

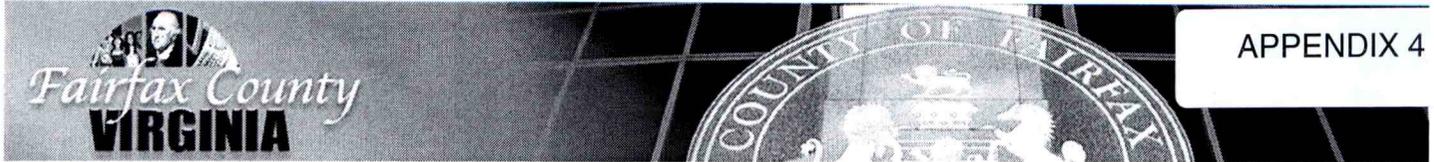
Subscribed and sworn to before me this 17th day of MAY 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

*[Handwritten Signature]*  
Notary Public

My commission expires: August 31, 2015



CAB



## APPENDIX 4

**Land Development Information History: FIDO - ADDITION R - 042571711****Permit Information**

Permit Number:	042571711	Application Date:	
Permit Type:	RESIDENTIAL ADDITION	Tax Map:	058-4 ((10)) 0025
Job Address:	009238 OKLA DR	Permit Status:	Finalized
	FAIRFAX , VA 22031-3851	Bldg:	Floor: Suite:
Location:		Permit Fee:	\$151.63
Subdivision:	WESTCHESTER		
Magisterial District:	PROVIDENCE		
Subcensus Tract:			
AP (Tenant) Name:	NA		
Work Description:	SFD//BUILD 2STORY,2ND LEVEL & 1STORY GARAGE S1 ADDITIONS		
Type of Work:	ROOM ADDITION		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR00 - IRC 2000		
Plan Number:	R-04-01440		
Parent Permit:	NA		
ISIS Permit:	04257B0170		
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [042571711](#)

**Owner Information**

Owner: CHANFREAU ALBERTO

**Contractor Information**

Address: 9238 OKLA DR  
 City: FAIRFAX State: VA Zip: 22031

Name: OWNER IS CONTRACTOR  
 Address:  
 City: State: VA Zip:  
 Trade Name:

BPOL License:  
 State License:  
 Trade Reg.:

**Applicant Information**

Applicant: NORMA CHANFREAU  
 Address:  
 City: State: Zip:

**Other Contact Information**

Contact: NORMA CHANFREAU  
 Address:  
 City: State: Zip:

**Inspections**

**Inspection - R FINAL - FINAL INSPECTION - 2972859**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-06-26	PETER DURYE	N	Failed	NO	BEDROOM EGRESS, HANDRAIL RETURNS, GFCI OUTLETS

**Inspection - R FINAL - FINAL INSPECTION - 2972859**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-06-26	PETER DURYE	N	Failed	NO	BEDROOM EGRESS, HANDRAIL RETURNS, GFCI OUTLETS

**Inspection - R FINAL - FINAL INSPECTION - 2974945**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-07-12	STEVEN CLAYBORN	N	Passed	NO	

**Inspection - R FINAL - FINAL INSPECTION - 2974945**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-07-12	STEVEN CLAYBORN	N	Passed	NO	

**Inspection - R FINAL - FINAL INSPECTION - 2990319**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-07-11	WILLIAM DOUGHERTY	N	Cancelled	NO	C BUNDLE INSPECTIONS

**Inspection - R FINAL - FINAL INSPECTION - 2990319**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-07-11	WILLIAM DOUGHERTY	N	Cancelled	NO	C BUNDLE INSPECTIONS

**Inspection - R FINAL - FINAL INSPECTION - 2990320**

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

**Inspection - R FRAMING - FRAMING INSPECTION - 2458357**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-06-16		Y	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FRAMING - FRAMING INSPECTION - 2458358**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-09-21		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FRAMING - FRAMING INSPECTION - 2458359**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-09-23		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FRAMING - FRAMING INSPECTION - 2458360**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-09-28		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FRAMING - FRAMING INSPECTION - 2458361**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-09-30		N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FTGHOUSE - 2458362**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGHOUSE	2005-01-11		N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R ROUTINE - ROUTINE INSPECTION - 2458363**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE	2005-06-21	RICKY ANTONOWICS	Y	Failed	NO	INSULATION Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R ROUTINE - ROUTINE INSPECTION - 2458364**

**Inspection - R ROUTINE - ROUTINE INSPECTION - 2458365**

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

**Inspection - R SLABBSMT - 2458366**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R SLABBSMT	2005-03-07		N	Passed	NO	ADDITION Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Reviews****Review - BUILDING - (BUILDING REVIEW) - 447774**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2004-10-05	BRYANT WILKERSON	Y	Failed

**Review - BUILDING - (BUILDING REVIEW) - 447775**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2004-12-06	BRYANT WILKERSON	Y	Failed

**Review - BUILDING - (BUILDING REVIEW) - 447776**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2005-01-06	BRYANT WILKERSON	Y	Conditional Approval

**Review - MECHANICAL - (MECHANICAL REVIEW) - 447777**

Review Type	Review Date	Reviewer	Started	Status
MECHANICAL	2005-09-12		Y	Approved

**Review - SITEPERMIT - (SITE PERMITS REVIEW) - 447778**

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2004-09-27		Y	Approved

**Review - REALESTATE - (REAL ESTATE REVIEW) - 447779**

Review Type	Review Date	Reviewer	Started	Status
REALESTATE	2004-09-13		Y	Approved

**Review - ZONING - (ZONING REVIEW) - 447780**

Review Type	Review Date	Reviewer	Started	Status
ZONING	2004-09-27		Y	Approved

**Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)  
**Phone: County Main Number** - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)**

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**Norma Sanchez-Budhu**

9238 Okla Drive

FAIRFAX, VA 22031

(703) 978-4204

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Dec. 15, 2015

Business Hours: 24 hours - 24 hours  
Sunday - Saturday

Capacity: 12

Ages: 1 month - 12 years 11 months

Inspector: Pamela Sneed  
(703) 479-4704



# County of Fairfax, Virginia

## MEMORANDUM

Date: February 18, 2015

To: Laura Arsenau, Planner II  
Zoning Evaluation Division

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2014-MA-163

Applicant: Dipshika Basnet  
6223 Yellowstone Drive, Alexandria, Virginia 22312  
Parklawn, Lot 22, Block N, Sec 2  
Tax Map# 61-4 ((06)) (N) 0022  
Zoning District: R-3  
Magisterial District: Mason  
ZIB # 2015-0037  
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.
- 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/](http://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.
- 8. Structures comply with the Zoning Ordinance.  
\*The property contained one accessory structure, which is in excess of 8' 6" in height.

**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.