



**APPLICATION ACCEPTED:** January 13, 2015  
**PLANNING COMMISSION:** June 10, 2015  
**BOARD OF SUPERVISORS:** June 23, 2015  
@ 3:30 P.M.

# County of Fairfax, Virginia

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**May 27, 2015**

**STAFF REPORT**

**SPECIAL EXCEPTION SE 2015-MV-003**

**MOUNT VERNON DISTRICT**



**APPLICANT:** First Years Learning Center LLC/Claudia Tramontana

**ZONING:** PDH-2 (Planned Development Housing District,  
Two Dwelling Units Per Acre)

**PARCEL:** 99-2 ((17)) 34

**SITE AREA:** 10,488 square feet

**PLAN MAP:** Residential, 1-2 dwelling units per acre

**PROPOSAL:** To permit a home child care facility with up to  
12 children at any one time and two assistants

**STAFF RECOMMENDATION:**

Staff recommends approval of SE 2015-MV-003, subject to the approval 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 of Supervisors, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

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Mary Ann Tsai, AICP

**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/)



For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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 Exception

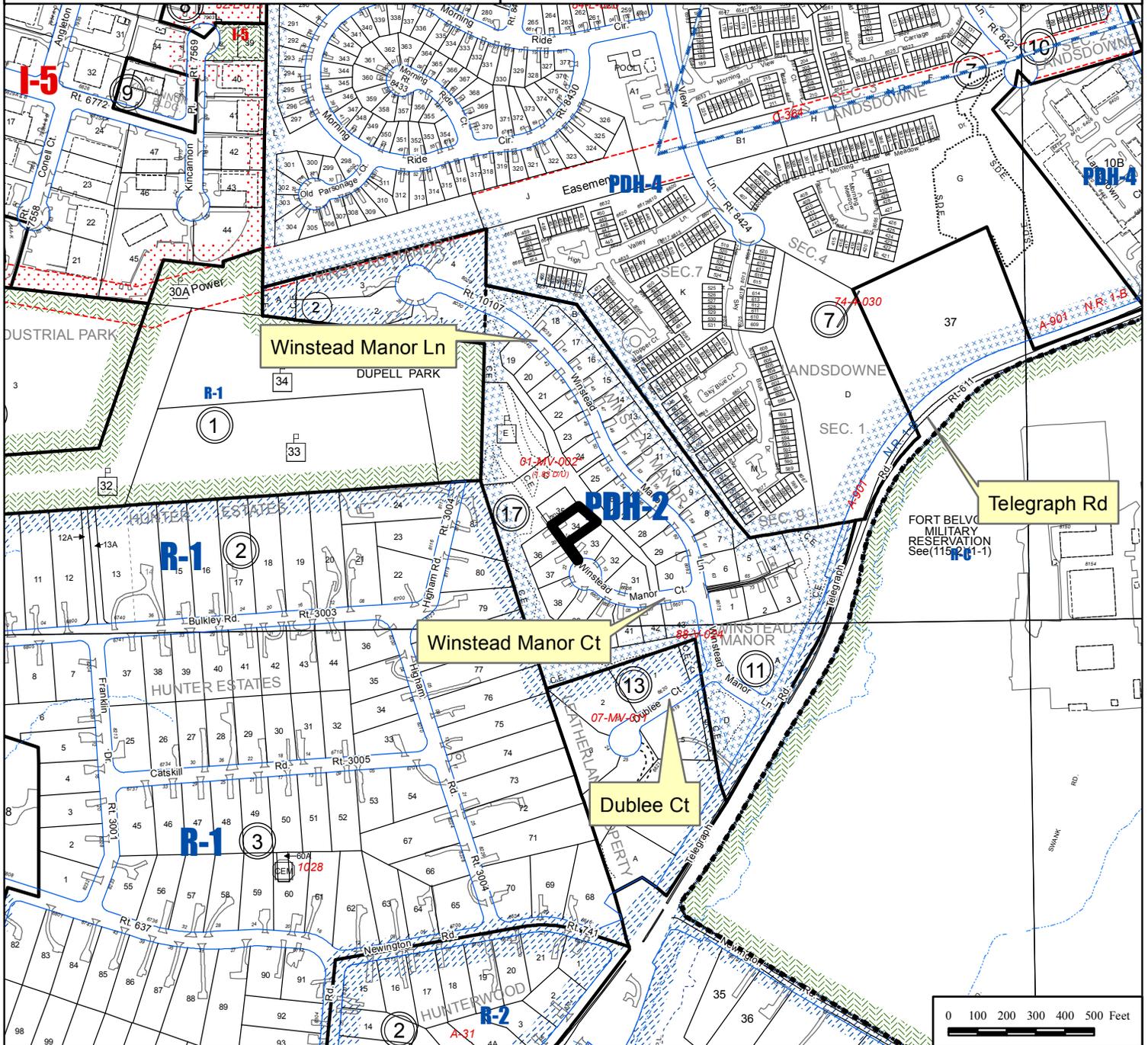
SE 2015-MV-003

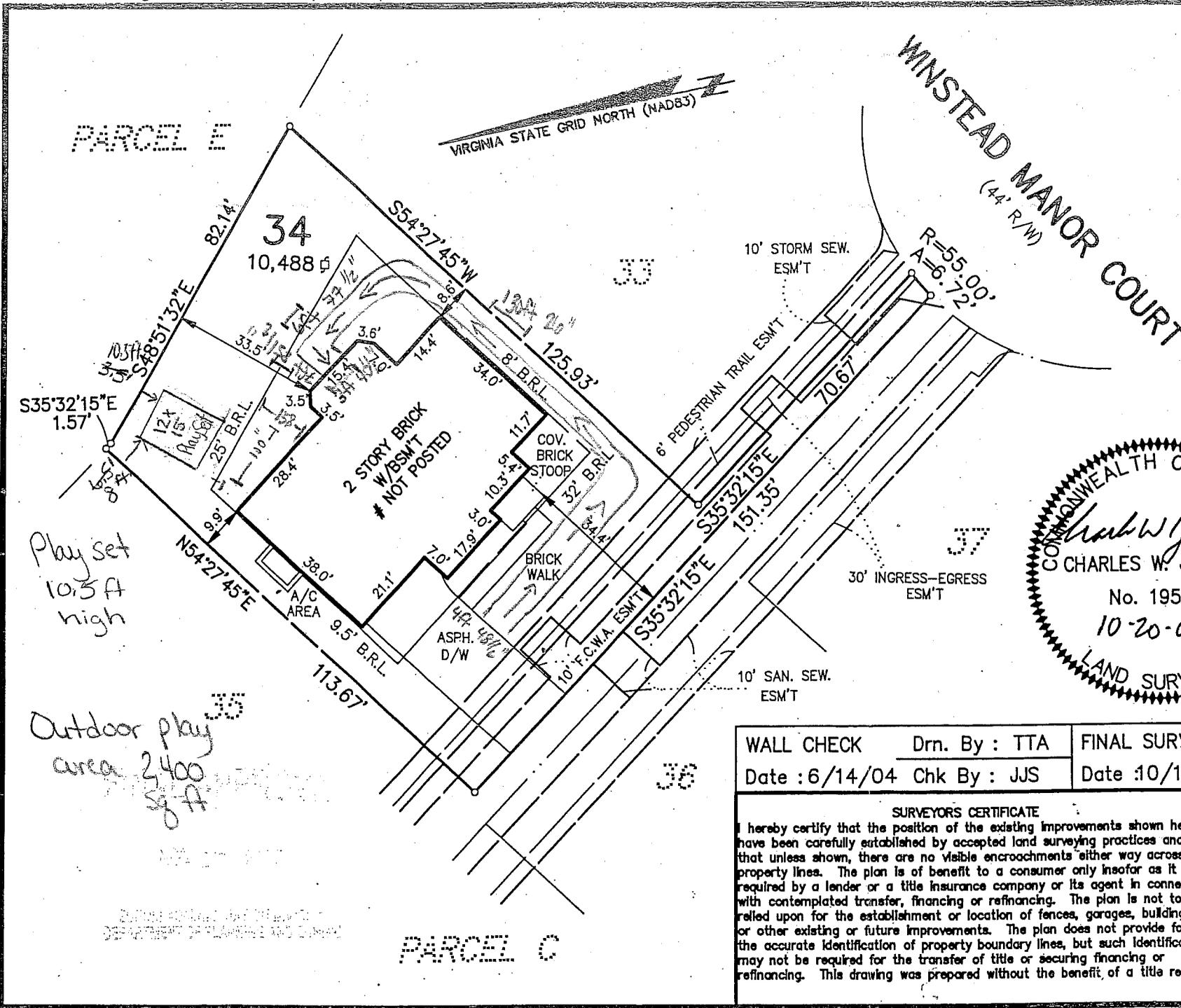


Applicant: FIRST YEARS LEARNING CENTER LLC / CLAUDIA TRAMONTANA  
Accepted: 01/13/2015  
Proposed: HOME CHILD CARE FACILITY  
Area: 10488 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105  
Located: 6614 WINSTEAD MANOR COURT, LORTON, VA 22079

Zoning: PDH- 2  
Plan Area: 4,  
Overlay Dist:  
Map Ref Num: 099-2- /17/ /0034



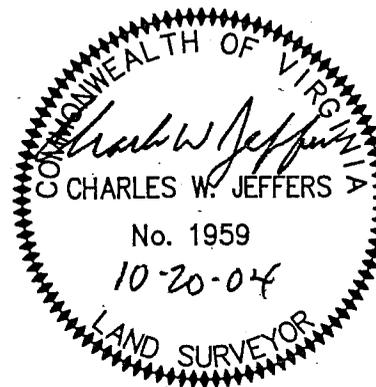


THIS PROPERTY LIES WITHIN A H.U.D. DESIGNATED "X" FLOOD HAZARD AREA DETERMINED TO BE OUTSIDE A 500 YEAR FLOOD PLAIN, AS DELINEATED ON COMMUNITY MAP NO. 515525 0125 D, DATED MARCH 5, 1990.

THIS PROPERTY IS ZONED PDH-2

ALL EASEMENTS ARE RECORDED IN D.B. 13626 AT PG. 164 UNLESS OTHERWISE NOTED.

FINAL PROPERTY CORNERS HAVE NOT BEEN SET.



HOUSE LOCATION SURVEY  
**WINSTEAD MANOR**  
**LOT 34**  
 #6614 WINSTEAD MANOR COURT  
 MOUNT VERNON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

WALL CHECK	Drn. By : TTA	FINAL SURVEY	Drn. By : TTA	RECERT	Drn. By :
Date : 6/14/04	Chk By : JJS	Date : 10/14/04	Chk By : JJS	Date :	Chk By :

**SURVEYORS CERTIFICATE**  
 I hereby certify that the position of the existing improvements shown hereon have been carefully established by accepted land surveying practices and that unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared without the benefit of a title report.

<b>CPI</b> Associates	<b>Charles P. Johnson &amp; Associates, Inc.</b>	
	PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS 3959 PENDER DRIVE SUITE 210 FAIRFAX, VIRGINIA 22030 (703)385-7555 SILVER SPRING, MD FAX(703)273-8595	
Reference	Scale	File No.
D.B. 13626 PG. 164	1" = 30'	00-537-72

*Charles P. Johnson*  
 5/10/2015  
*Charles P. Johnson*  
 12/31/2011  
*Charles P. Johnson*  
 3/10/2011

## DESCRIPTION OF THE APPLICATION

The applicant, First Years Learning Center LLC/Claudia Tramontana, requests special exception (SE) approval to operate a home child care facility for up to 12 children at any one time in a single family detached dwelling with two non-resident assistants. Without SE approval, the applicant would be limited to a maximum of seven children at any one time and one non-resident assistant during the hours of 7:00 a.m. to 6:00 p.m.

The 10,488-square foot subject property is developed with a single-family detached dwelling with an attached two-car garage and a driveway that can accommodate two vehicles. The subject property is one of five dwellings located on a privately maintained pipestem on Winstead Manor Court in the Winstead Manor subdivision. The subdivision is located off Telegraph Road in Lorton. The surrounding uses are residential and developed with single family detached dwellings. Figure 1 depicts the subject property and surrounding area.



Figure 1: Subject property and surrounding area, Source: Fairfax County GIS, 2013

The following is a summary of the application:

- The SE application is to permit up to 12 children at any one time and approval for two non-resident assistants.
- The 1,500-square foot home child care facility is located in the walk-out basement of the dwelling.
- Primary access to the home child care facility is from the walk-out basement entrance at the rear of the dwelling. A brick walkway from the driveway to the basement entrance provides pedestrian access.

- Meals are prepared in the home child care. There is a microwave and refrigerator available for food preparation and storage.
- There is direct access from the child care to the outdoor play area located in the rear of the property.
- The hours of operation are from 6:30 a.m. to 6:30 p.m., Monday through Friday with staggered drop-off and pick-up. Children arrive between 6:30 a.m. and 9:15 a.m. and depart between 4:00 p.m. to 6:00 p.m.
- Two parking spaces are available on the driveway in front of the dwelling for drop-off and pick-up. Additional parking is available on Windstead Manor Court, a public street. Parking in the pipestem is prohibited and posted with such signage.
- The applicant is licensed by the Commonwealth of Virginia to care for 12 children between the ages of one month to 12 years. The applicant's state license expires on July 24, 2015.

The proposed development conditions, the applicant's statement of justification with photographs of the home child care facility, and affidavit are provided as Appendices 1 through 3, respectively.

## **BACKGROUND**

On August 6, 2001, the Board of Supervisors approved Rezoning RZ 2001-MV-002 with proffered conditions to rezone 23.52 acres from the R-1 District to the PDH-2 District to permit development of 43 single-family detached dwellings. Additional information, including the staff report and proffered conditions, is available at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=RZ&seq=4013666>

On April 1, 2014, an investigator from the Department of Code Compliance inspected the subject property and found that the applicant is operating a home child care facility with 10 children. A notice of violation was not issued since the applicant submitted a special exception application to care for up to 12 children within the grace period granted for home child care providers to submit their zoning applications.

## **COMPREHENSIVE PLAN**

The Fairfax County Comprehensive Plan, 2013 Edition Area IV, Springfield Planning District, Amended through October 28, 2014, S6-Newington Community Planning Sector, on page 65, states:

6. *The approximately 35-acre tract (Tax Map 99-2((1))36, 99-4((1))32, 33) west of Telegraph Road and south of the Landsdowne development is planned for clustered, single-family detached residential use at 1-2 dwelling units per acre. The marine clay*

*located on the steep slopes of Parcel 36 should be avoided. Land for a public park, adjacent to existing parkland, should be provided.*

The subject property was developed as part of a larger subdivision that is in conformance with the Comprehensive Plan provision.

### **SPECIAL EXCEPTION PLAT** (located at the front of this report)

The Special Exception Plat entitled "House Location Survey, Winstead Manor, Lot 34," was prepared by Charles P. Johnson & Associates, Inc. and certified on October 20, 2014, and revised on May 8, 2015, by Claudia Tramontana.

The Plat depicts a 10,488-square foot lot containing a two-story brick single family detached dwelling with a walk-out basement and covered front brick stoop. There is a 486-square foot (27 feet x 18 feet) asphalt driveway in front of the dwelling that can accommodate two vehicles parked side-by-side. A 4-foot wide x 130-foot long brick walkway begins at the driveway and continues to a 21-square foot brick patio at the child care entrance in the rear of the property. A 2,400-square foot outdoor play area is located in the rear of the property and located a distance of 10.5 feet from the rear property line and a minimum distance of 8 feet from the side lot line.

### **STAFF ANALYSIS**

#### **Parking, Drop-Off and Pick-Up** (Appendix 4)

Windstead Manor Court is a public street that terminates at a cul-de-sac with a pipestem driveway that provides access to four dwellings. The pipestem is privately maintained and posted with no parking signs. Parking for drop-off and pick-up is available in the driveway, which can accommodate two vehicles parked side-by-side. Additional parking is available on the public street. The applicant indicated that personal vehicles are parked in the garage and in the cul-de-sac during the home child care hours of operation. After-hours, personal vehicles are parked on the driveway. The driveway is available during drop-off and pick-up times. The applicant has one assistant who parks in the cul-de-sac.

On March 17, 2015, from 6:45 a.m. to 9:30 a.m., staff observed the child care drop-off at the home child care without prior notification to the applicant. During this time, both parking spaces on the driveway were available for child care drop-off. The first child staff observed being dropped-off occurred at 7:03 a.m. and the last child was observed being dropped-off at 9:26 a.m. A total of nine children were observed being dropped-off and one child who resides in the area walked. Staff observed that all drop-off occurred on the driveway, no parking occurred on the pipestem, and there was not a need to use the public street for parking by parents/guardians. Drop-off times were observed to be staggered and staff did not observe two vehicles arriving at the same time for drop-off.

On March 25, 2015, from 3:45 p.m. to 6:00 p.m., staff observed the child care pick-up at the home child care without prior notification to the applicant. During this time, both parking spaces on the driveway were available for child care pick-up. The first child staff observed being picked-up occurred at 4:34 p.m. and the last child observed being picked-up was at 5:39 p.m. A total of six children were observed being picked-up. It is noted that two of the children only attend four days a week and one child walks. Staff observed that all pick-up occurred on the driveway; there was not a need to use the public street for parking by parents/guardians; and no parking occurred on the pipestem. Based on staff's observation, there does not appear to be a conflict with neighborhood traffic or parking with the drop-off or pick-up associated with the home child care.

While observing the drop-off and pick-up at the applicant's home child care, staff at the same time observed the drop-off and pick-up at a home child care facility located at 6606 Winstead Manor Court (Lot 31), located three houses down the street from the application property and Lot 31 is identified in Figure 1. The home child care at Lot 31 is the subject of SE 2011-MV-006, which was indefinitely deferred in 2012 and proposed a home child care facility with up to 10 children at any one time. A copy of the staff report is available at <http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4360980.PDF> Drop-off and pick-up were observed to be staggered and occurred on the driveway, which was not occupied by personal vehicles. Personal vehicles were observed to be parked either in the garage or on the public street. The public street provides sufficient space for neighborhood parking and temporary parking for drop-off and pick-up if both parking spaces on the driveway are occupied.

Drop-off and pick-up for both home child care facilities were staggered and occurred on the respective driveways. Staff did not observe neighborhood parking or traffic issues associated with either home child care facilities.

### **Zoning Inspection (Appendix 5)**

On April 3, 2015, staff conducted a zoning inspection of the home child care facility. Subsequent to the zoning inspection, the applicant demonstrated to staff's satisfaction that the smoke detector in the napping room is operable. The play equipment noted in the inspection report has been relocated out of the minimum required yards. There are no outstanding issues.

### **Zoning Ordinance Provisions (Appendix 6)**

Par. 6A of Sect. 10-103 of the Zoning Ordinance provides that home child care facilities caring for more than seven children in a single family detached dwelling or the involvement of more than one non-resident person may be permitted in accordance with the provisions of Part 3 of Article 8 of the Zoning Ordinance. This section applies to Group 3, Institutional Uses. Further, Sect. 6-105 on Planned Development Districts specifies that Group or Category uses may be permitted with the approval of a special exception when such use is not specifically designated on an approved Final

Development Plan (FDP). Since home child care uses are not shown on the approved FDP for this property, this special exception application is required to satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Par. 6 of Sect. 10-103) from the Zoning Ordinance, which are provided as Appendix 5.

### General Standards for Special Exception Uses (Sect. 9-006)

<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 property is zoned PDH-2 and this district permits a home child care facility as an accessory use with special exception approval when the use is not shown on an approved development plan. The home child care use is not shown on the approved development plan and requires special exception approval for up to 12 children at any one time. Neither the Comprehensive Plan recommendations nor the general purpose and intent of the PDH-2 District preclude a home child care use. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-2 District.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed and there is no exterior evidence of the proposed use. An outdoor play area with play equipment is located in the rear yard and there is an approximately 50-foot wide private open space area between the rear yard of the subject property and abutting rear yards of adjacent properties, which provides a buffer between the dwellings, as shown in Figure 1. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered and adequate parking exists on the driveway and on surrounding public streets. Parking is prohibited on the pipestem. Staff has proposed a development condition for the driveway to be available during drop-off and pick-up. 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>No transitional screening or barrier is required with the proposed use. There is an approximately 50-foot wide private open space area between the rear yard of the subject property and the abutting rear yards of adjacent properties, which provides a buffer to the rear yards.</p>
<p><b>Standard 6</b> Open Space</p>	<p>Open space for the development was previously provided with the approval of RZ 2001-MV-002 and the associated final development. In the PDH District, a minimum of 35% of the gross area is required to be provided as landscaped open space. The FDP indicates that this requirement has been met.</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 is used for drop-off and pick-up for the home child care use and there is adequate neighborhood parking on the public street in the event that the two driveway spaces are occupied. Staff has proposed a</p>

	development condition for the driveway to be available during drop-off and pick-up.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities and no signage is proposed.

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

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

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which is the maximum permitted by special exception approval. The applicant requests approval to permit two non-resident employees.
<b>Standard 2</b> Access and Parking	The children's arrival and departure times are staggered; two parking spaces are available on the driveway; and additional parking is available on the surrounding public streets. In staff's opinion and as previously discussed, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	No transitional screening or barrier is required with the proposed use. There is an approximately 50-foot wide private open space area between the rear yard of the subject property and the rear yards of the adjacent properties, which provides a buffer to the rear yards.
<b>Standard 4</b> Submission Requirements	The applicant met the submission requirements prior to acceptance.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license issued by the state through July 24, 2015, to care for up to 12 children between the ages of one month to 12 years, 11 months.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special exception approval to permit a maximum of 12 children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the applicant has demonstrated to staff's satisfaction that the subject property is the provider's primary residence. The applicant's parents are the owners of the dwelling and the applicant resides with them in the dwelling. The applicant submitted a notarized owners' consent letter from the property owners (her parents) permitting the home child care use in the dwelling. In addition, given concerns relayed to

	staff questioning whether the dwelling is the applicant's primary residence, staff inspected the applicant's bedroom, which contained the applicant and her son's clothing, toiletries, and personal effects. In addition, staff reviewed the applicant's driver's license, which indicates the subject property as the home address.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Non-Resident	As previously discussed in Part B, the dwelling is the applicant's primary residence and the owners of the dwelling have granted and submitted written permission to operate the home child care facility in the dwelling.
<b>Part F</b> Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license through July 24, 2015, to care for up to 12 children between the ages between the ages of one month to 12 years, 11 months.
<b>Part G</b> Increase in Children or Non-Resident Person	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special exception approval. The applicant requests special exception approval to permit a maximum of 12 children at any one time and two assistants.

## CONCLUSIONS AND RECOMMENDATION

In staff's opinion, based on staff observations and site visit, the proposed home child care facility for up to 12 children at any one time with two assistants at the subject property would not adversely impact the surrounding properties, neighborhood traffic, or parking. Staff finds the application in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Staff recommends approval of SE 2015-MV-003, subject to 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 of Supervisors, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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 this application.

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 Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Transportation Memo
5. Zoning Inspection Memo
6. Zoning Ordinance Provisions
7. Glossary

**DEVELOPMENT CONDITIONS****SE 2015-MV-003****May 27, 2015**

If it is the intent of the Board of Supervisors to approve SE 2015-MV-003 located at 6614 Winstead Manor Court, Tax Map 99-2 ((17)) 34, for a home child care facility with up to twelve children at any one time, pursuant to Sect. 6-105, 6-106, and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Supervisors condition its approval by requiring conformance with the following development conditions:

1. This Special Exception is granted only for the home child care use as indicated on the Special Exception Plat, consisting of an annotated House Location Survey entitled "House Location Survey, Winstead Manor, Lot 34," was prepared by Charles P. Johnson & Associates, Inc. and certified on October 20, 2014, and revised on May 8, 2015, by Claudia Tramontana and these conditions.
2. A copy of the special exception conditions shall be posted in a conspicuous place on the property of the use and made available upon request to all departments of the County of Fairfax during the hours of operation for the permitted use.
3. The hours of operation for the home child care facility shall be between the hours of 6:30 a.m. and 6:30 p.m., Monday through Friday.
4. The dwelling that contains the home child care facility shall be the primary residence of the provider.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
6. A maximum of two non-resident employees, whether paid or not for the services, may be involved in the home child care facility and limited to the hours of 7:00 a.m to 6:00 p.m.
7. All drop-off and pick-up of children shall take place on the driveway. At no time shall drop-off or pick-up occur on the pipestem. The two parking spaces on the driveway shall be reserved for drop-off and pick-up during the hours of operation. Arrival and departure of children shall be staggered to ensure that the driveway will be available to accommodate pick-up and drop-off of children.
8. The existing two-car garage shall not be converted to any use that would preclude the parking of vehicles and shall accommodate parking for the dwelling.

9. Any portion of the dwelling associated with the home child care facility that is used as a child's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
10. There shall be no signage associated with the home child care facility.
11. All outdoor play equipment shall conform to all applicable County and State regulations and standards.
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until they are adopted by the Board of Supervisors.

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

Pursuant to Sect. 9-105 of the Zoning Ordinance, the special exception shall take effect upon approval by the Board of Supervisors.

Home Child Care  
 6614 Winstead Manor Ct.  
 Lorton, Va. 22079

Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite # 801

RECEIVED  
 Department of Planning & Zoning  
 MAR 31 2014  
 Zoning Evaluation Division

To Whom It May Concern:

I ~~own and~~ live in a single-family detached dwelling at 6614 Winstead Manor Ct. in Lorton, Virginia. The property is zoned PDH-2 and I understand that I need to seek approval of a special exception in order to operate a childcare facility within my home. I am currently licensed by the state of Virginia. Below is information about my child care:

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

Number of Children. I care for up to 10 children. This number includes my one child. Please note that two of the 9 children only come four times a week.

Employees. I have one assistant who works full-time.

Arrival Schedule. One child arrives between 6:30 and 7:00 AM. Three other children arrive between 7:00 and 7:30 AM. Two other children arrive between 7:30-8:00 AM. One other child between 8:00 and 8:30 AM. One other child between 8:30 and 9:00 AM. The last child between 9:00 and 9:30 AM.

Departure Schedule. One of the children is picked up between 4:00 and 4:30 PM. Another child between 4:30 and 5:00 PM. Three other children between 5:00 and 5:30 PM. Four other children between 5:30 and 6:00 PM.

Area served. Currently, most of the children live in the general vicinity of my neighborhood and the Kingstowne Community. These parents drive their children to my house.

*I wish to care for up to 12 children. Two of which will be siblings.*

Operations. As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where my child care is located. Attached is a floor plan that indicates the area used for the daycare. Outdoor Play. I use my backyard for outdoor play for the children. There is a swing set with a slide and I have indicated its location on the plat. Parking. I use my driveway and the common area to park my car. My driveway provides enough parking for four cars. In addition, ample parking is available along the common area/traffic circle before my house. Please note that it's just a short walking distance away. I believe that this parking will be adequate for parents dropping off and picking up their children, as well as for my helper.

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

Sincerely,

A handwritten signature in cursive script that reads "Claudia Tramontana". The signature is written in black ink and is positioned above the printed name and title.

Claudia Tramontana  
Owner of the Child Care

Owner Consent for  
Home Child Care Facility

Name: Carlos Alberto Tramentana Sr.  
Bety Clanssa Tramentana  
Address: 6614 Winstead Honor Ct.  
Lorton, Va - 22079  
Phone #: 703)339-8552  
E-mail address: Claudi415@aol.com

Tax Map #: 99-2(C17)34

Ownership of the above-referenced property is Carlos & Bety Tramentana  
This property is the subject of a Special Permit Application submitted by Claudia  
Carolina Tramentana / First Years Learning Center LLC, a renter of the property, to Fairfax County for  
approval of a home child care facility.

This is evidence that the owner, Carlos Alberto Tramentana Sr. / Bety, is Claudia  
Carolina Tramentana, giving consent that Claudia Carolina Tramentana may apply for  
the Special Permit Application for a home child care facility to operate on this property.

By: [Signature]  
Signature of owner of the property

5/5/15  
Date

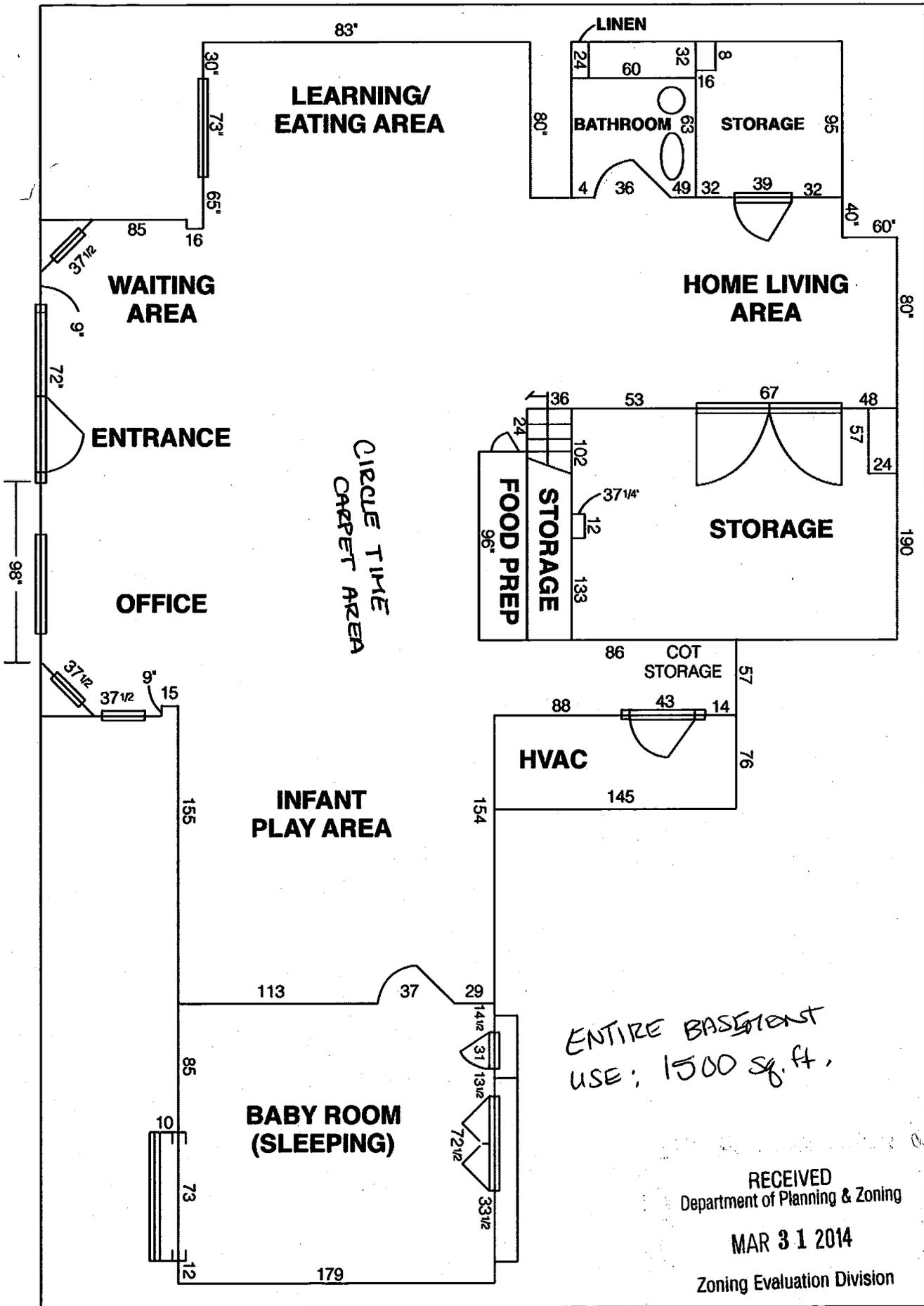
[Signature]  
Bety Tramentana

[Signature] 5/4/15 "Bety C TRAMENTANA" ONLY

[Signature]  
Notary Public

MUHAMMAD IBRAHIM  
NOTARY PUBLIC 7035299  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DEC. 31, 2015

  
RONNY ROIZIN  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2018  
NOTARY REGISTRATION NUMBER - 7621562



RECEIVED  
 Department of Planning & Zoning  
 MAR 31 2014  
 Zoning Evaluation Division

Proposed Arrival and Departure Schedule for: Claudia Tramentana

Address: 6614 Winstead Manor Ct. Lorton, Va. 22079

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

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

Appendix I

RECEIVED  
 Department of Planning & Zoning  
 MAR 31 2014  
 Zoning Evaluation Division

Departure Schedule. \_\_\_\_\_ of the children are proposed to be picked up at \_\_\_\_\_ PM. \_\_\_\_\_

Parking. I propose to use my \_\_\_\_\_ to park my family car. My parents will park \_\_\_\_\_

Area Served. \_\_\_\_\_

Operations. As I stated, my house is a \_\_\_\_\_. It has \_\_\_\_\_

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. GT (initials)

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

Outdoor Play Area. I propose to use my \_\_\_\_\_ yard for outdoor play for the children. The area is approximately \_\_\_\_\_ square feet. There is \_\_\_\_\_

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

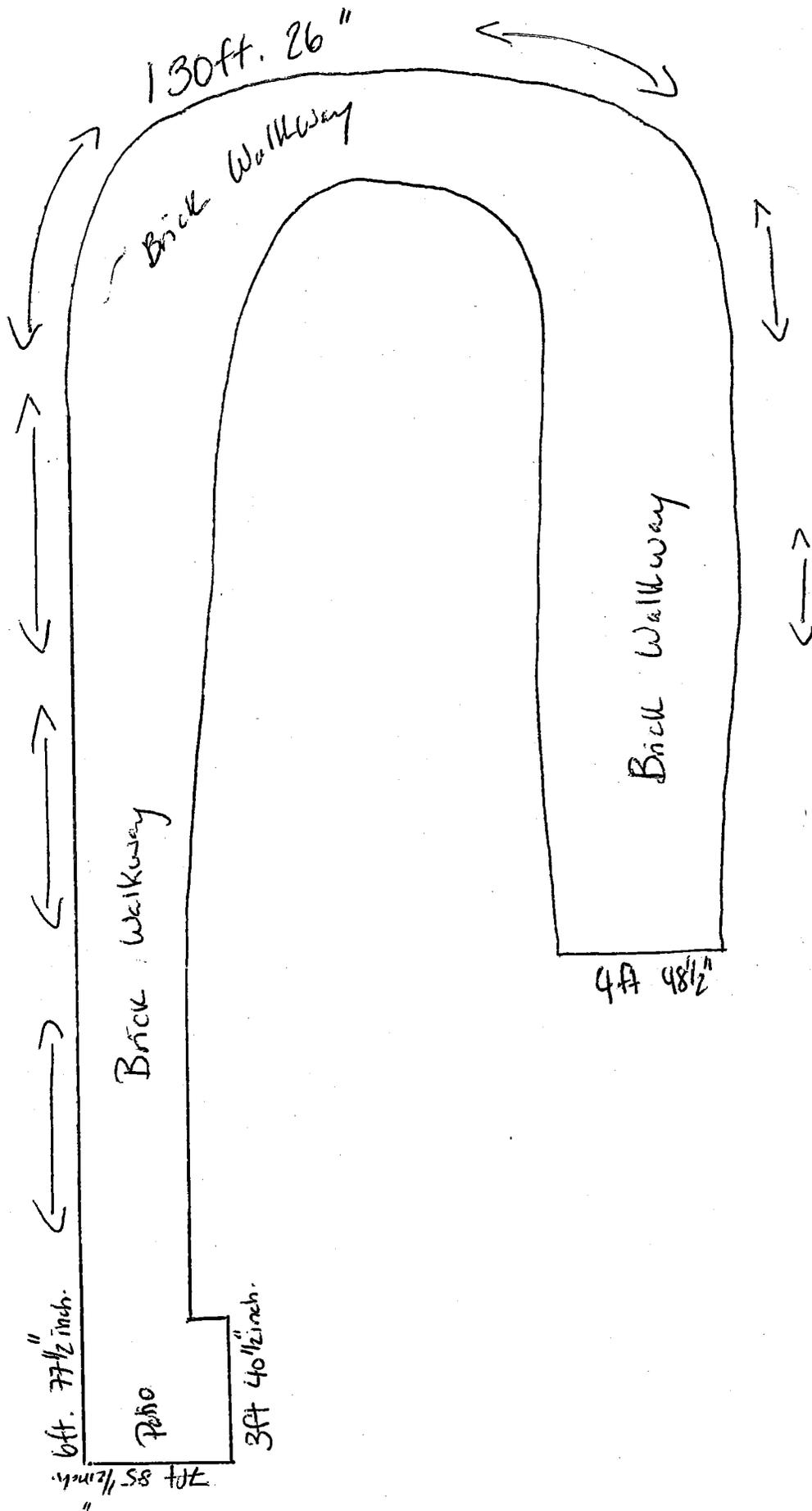
In conclusion, I am proposing \_\_\_\_\_

Sincerely,

Owner of \_\_\_\_\_

7/10/2014  
7/10/2014

# Brick Walkway And Patio Dimensions





Property Location : 6614 Winstead Manor Ct.  
Lorton, Va. 22079

Map # : 0992 17 0034

Tax District : 60000

District Name : MT Vernon

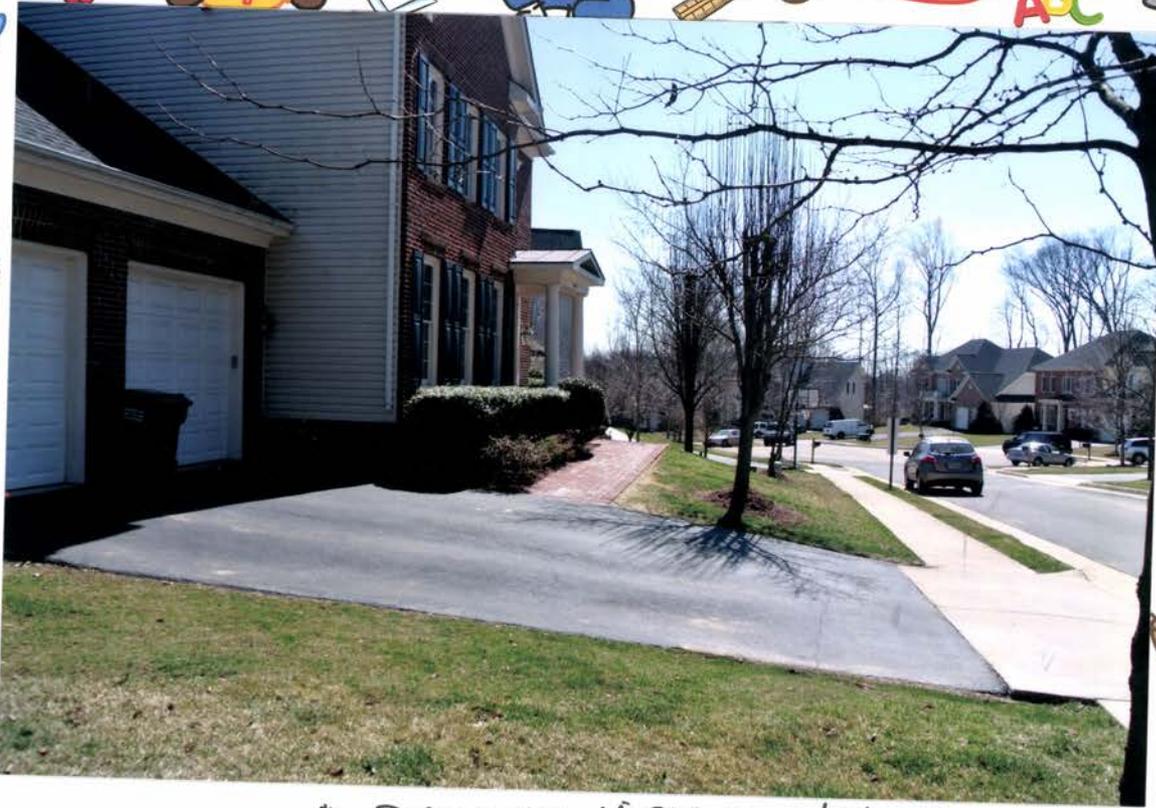
Land Use Code : Single-family, Detached

Land Area (SQFT) : 10,488

ZONING DESCRIPTION : PDH-2 (Residential 2 DU/AC)

RECEIVED  
Department of Planning & Zoning  
MAR 31 2014  
Zoning Evaluation Division

\* Front View \* 3/16/2014



\* Driveway view \* 3/16/2014



\* Aerial view of play equipment \* 3/16/2014

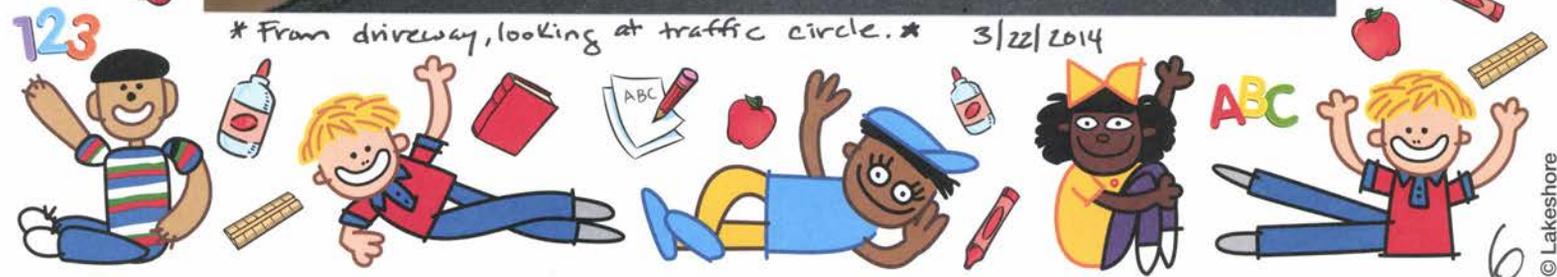




\* Opposite view of traffic circle, additional common area parking \*  
All within a walking distance away  
3/16/2014

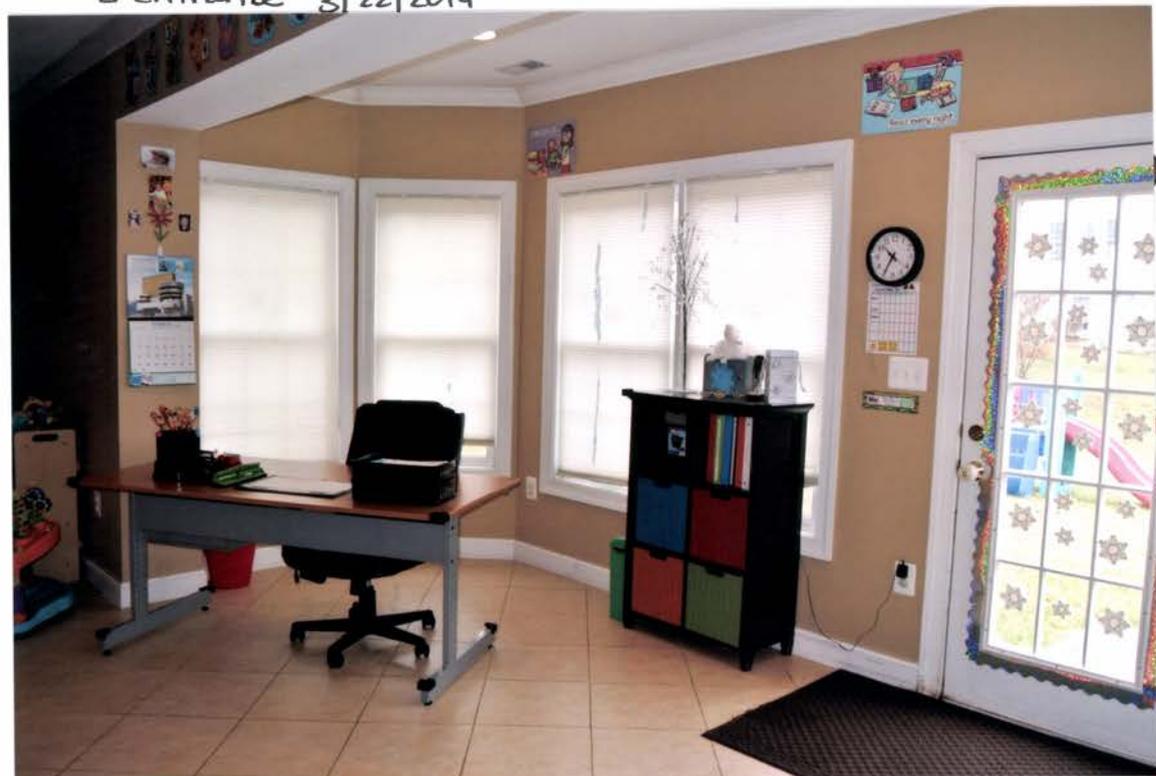


\* From driveway, looking at traffic circle. \* 3/22/2014



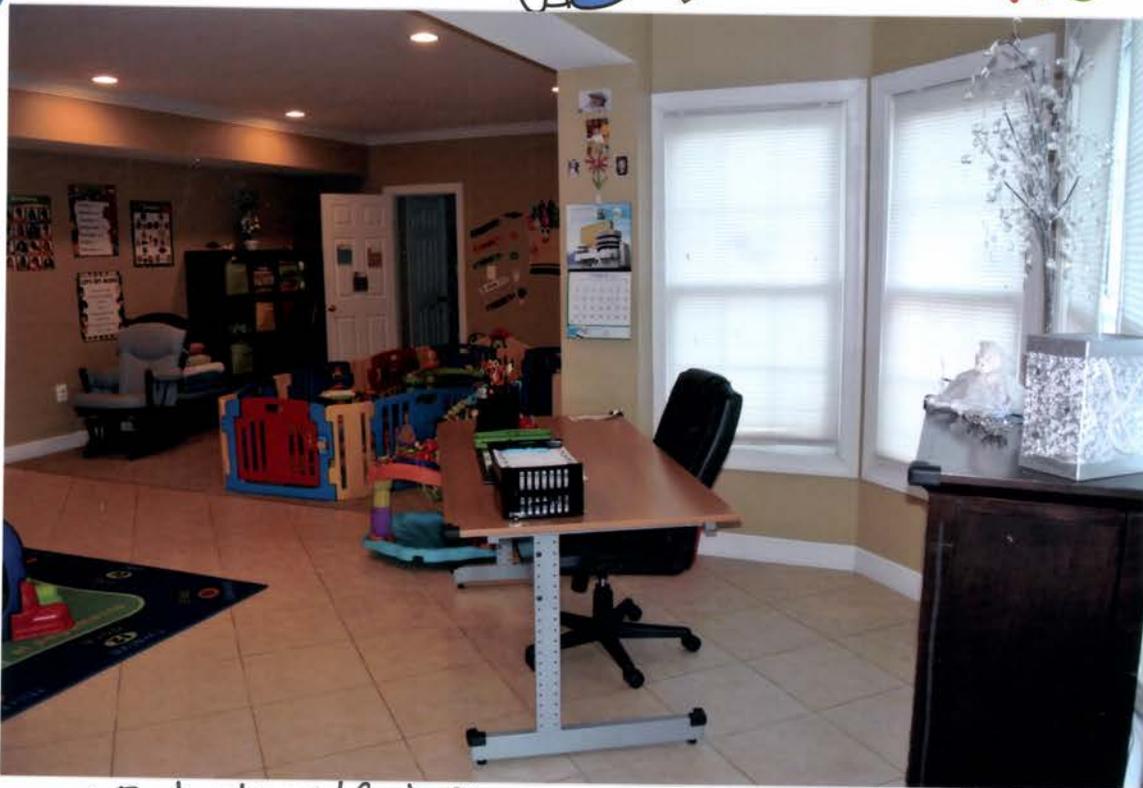


\* From circle time carpet, picture of front waiting area & entrance 3/22/2014



\* From learning area/circle time carpet, picture of front office & main entrance 3/22/14

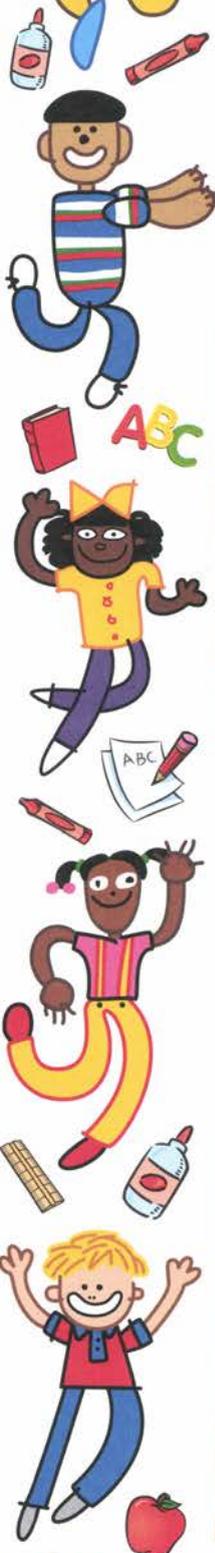


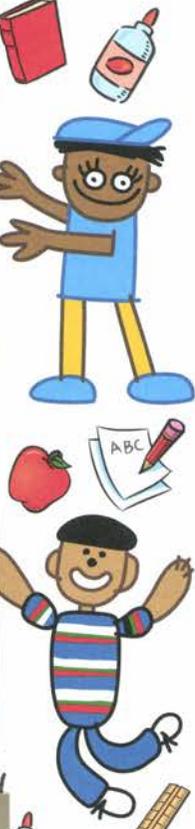


\* Front entrance / front office, view of infant play yard " 3/16/2014



\* close-up of infant play area & entrance leading to baby room \* 3/16/2014





\* Standing in doorway (Baby Room) / Baby sleeping area \* 3/16/14

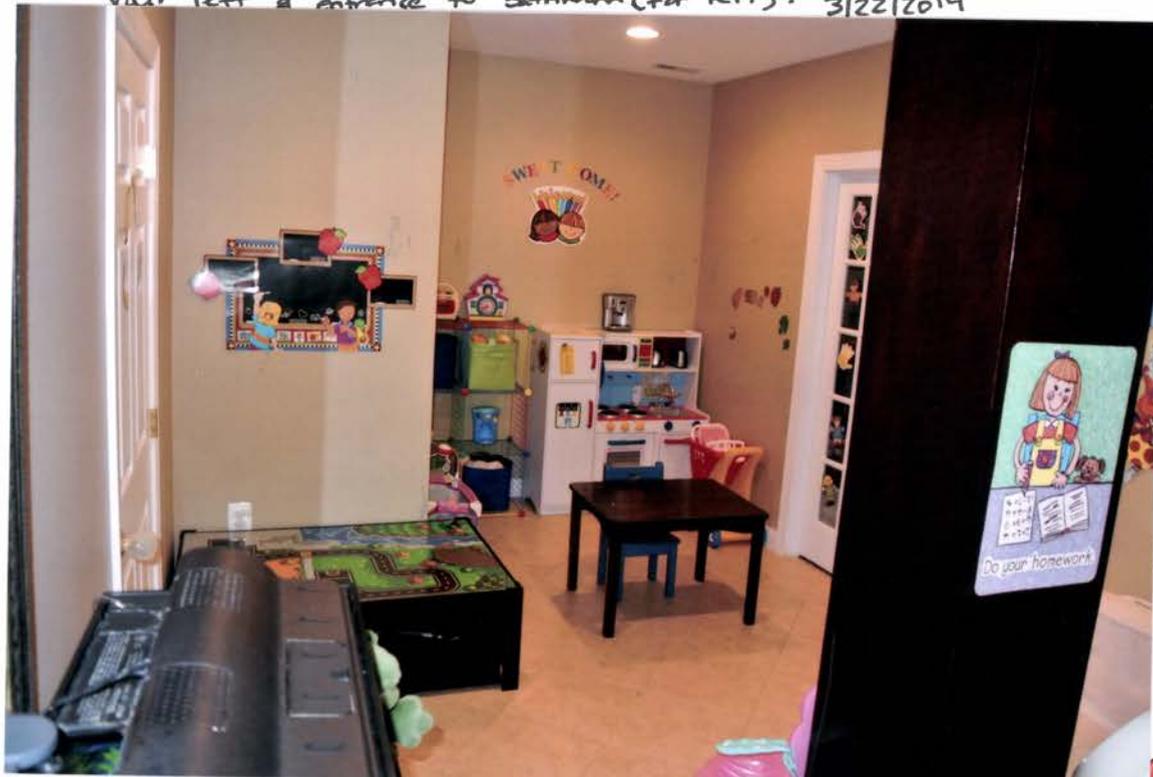


\* From back corner of baby room, entrance to room & storage closets. \* 3/22/14

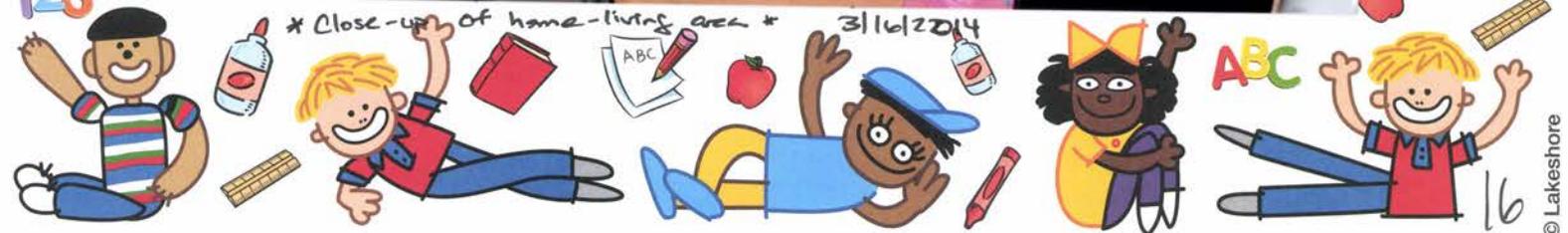


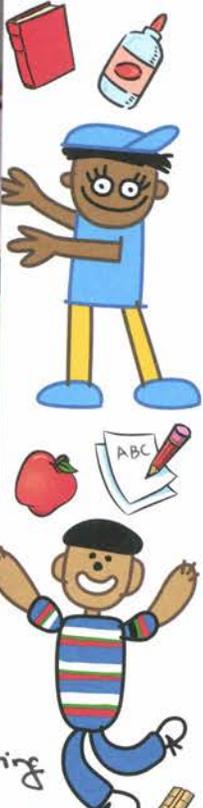


\* Standing at entrance, view of circle time carpet/play area, HVAC room to your right, Food prep - area (straight ahead), home living area to your left & entrance to bathroom (far left). 3/22/2014



\* Close-up of home-living area \* 3/16/2014

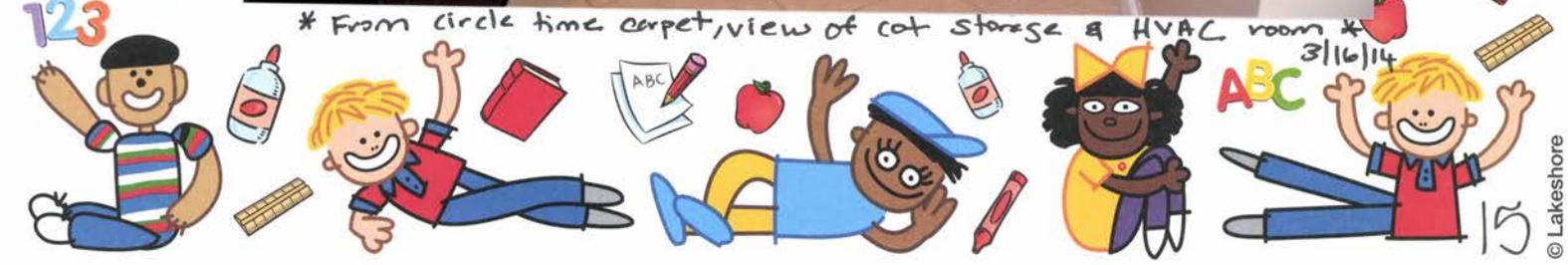




\* From baby room to circle time carpet & for view of learning/feeding area \* 3/16/2014



\* From circle time carpet, view of cot storage & HVAC room \* 3/16/14





\* Continuation with view of rear & vegetation around surrounding properties. \* 3/22/2014



\* From left rear corner of property line, photo facing the adjacent house \* 3/22/2014



**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 05-07-2015  
 (enter date affidavit is notarized)

I, First Years Learning Center LLC / Claudia Tramontana 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

in Application No.(s): SE 2015 - MV - 003  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 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 <b>BOLD</b> above)
• First Years Learning Center LLC	6614 Winstead Manor Ct. Lorton, Va. 22079	"Applicant/Lessee"
• Claudia C. Tramontana	6614 Winstead Manor Ct. Lorton, Va. 22079	"Applicant/Lessee"
• Carlos A. Tramontana	6614 Winstead Manor Ct. Lorton, Va. 22079	"Title Owner/Lessor"
• Bety C. Tramontana	6614 Winstead Manor Ct. Lorton, Va. 22079	"Title Owner/Lessor"
• McCandlish & Lillard Lawrence McClafferty	11350 Ransom Hills Rd. Suite # 500 Fairfax, Va. 22030	"Attorney/Agent"

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 05/07/2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-003  
(enter County-assigned application number(s))

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 and number, street, city, state, and zip code)

McDonlisch & Lillard, a Professional Corporation  
11350 Random Hills Road, Suite # 500  
Fairfax, Va. 22030

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)

Eric J. Berghold	Lawrence J. McLafferty	Ralph M. Tener
John N. Farrell	Stephen C. Price	
Robert H. J. Loftus	Douglas J. Sanderson	
R. Peyton Mahaffay	Adam N. Smith	

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: 05/09/2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-003  
(enter County-assigned application number (s))

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

First Years Learning Center LLC      6614 Winstead Manor Ct,  
Claudia Carolina Tramantana      Lorton, Va - 22079  
(same)

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

Claudia Carolina Tramantana

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

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

(check if applicable)     There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 05/07/2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2015 - MV - 003  
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

N/A

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

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

N/A

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 05/04/2015  
(enter date affidavit is notarized)

for Application No. (s): SE-2015-MV-003  
(enter County-assigned application number(s))

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

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

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

2. That no member of the Fairfax County Board of Supervisors, 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 Exception Attachment to Par. 2" form.

Application No.(s): SE 2015 -MV-003  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 05/07/2015  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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.)

*John Farrell donated in excess of \$100 to Supervisor Foust's campaign within the last twelve months.*

**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 Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

[ ] Applicant's Authorized Agent

*Claudia Carolina Tramontana / First Years Learning Center LLC*  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 7 day of May, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:

5-31-18

Notary Public





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** April 3, 2015

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Michael A. Davis, Acting Chief *MAD*  
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 2015-MV-003)

**SUBJECT:** Transportation Impact

**REFERENCE:** SE 2015-MV-003: Claudia Tramontana – First Years Learning Center LLC  
Land Identification Map: 99-2 ((17)) 34

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat dated June 14, 2004, and revised through December 31, 2014. The applicant, who is licensed by the state, seeks approval to operate a home childcare facility for 12 children. There is one full-time assistant. The hours of operation are 6:30 a.m. to 6:30 p.m. Monday–Friday.

The applicant parks the family cars in the garage. There is parking for parents in the driveway and although there is no parking allowed on the pipestem, parking is also available on the cul-de-sac and the street. This department has no transportation issues with this application.

MAD/LAH/lah

cc: Mary Ann Tsai, DPZ



## County of Fairfax, Virginia

**MEMORANDUM**

Date: April 6, 2015

To: Mary Ann Tsai, Staff Coordinator  
Zoning Evaluation Division

From: <sup>JAB</sup> Joseph Bakos, Chief Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Permit # SE 2015-MV-003

Applicant: Claudia Tramoneana –applicant  
T/A First Years Learning Center, LLC  
6614 Winstead Manor Court, Lorton, Virginia 22079  
Legal Description: Winstead Manor, Lot 34  
Tax Map Ref: 99-2 ((17)) 0034  
Zoning District: PDH-2  
Lot Size: 10, 488 square feet  
ZIB# 2015-0143, (formerly ZIB# 2015-0068)

On April 3, 2015, an inspection of 6614 Winstead Manor Court, Lorton, Virginia was conducted by Joseph A. Bakos, Chief Zoning Inspector, Claudia Tramoneana, the applicant and you for the purpose of acquainting ourselves with this property in preparation for public hearings for a home child care use. Home Child Care services were operating from the basement level of this single family dwelling. Eleven (11) children were being cared for at the time of this inspection not including the applicant's child.

*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 (or inside) of each sleeping area, with at least one such device on each floor.

**Comment: An energized smoke alarm was observed in a room containing several cribs and infants. The alarm displayed a visible green LED indicator light. As the infants and toddlers at this site were sleeping, during this inspection, the test button on this alarm was not activated. The applicant is to contact me and verify that the alarm is operable.**

2. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
3. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Comment: A single combustible item was located within 36 inches of the gas hot water heater. This item was immediately removed and relocated to a safe area following its discovery.

- 7. Other Building Code issues:
- 8. Structures comply with the Zoning Ordinance.

Comment: An accessory structure (a child's combination play fort –swing set and sliding board) approximately 10' 5" in height was positioned in the rear yard of this property 6.5' and 3.5' feet respectively from the side and rear property lines.

## ZONING ORDINANCE PROVISIONS

### 9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### 8-303 Standards for all Group 3 Uses

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

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

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

### **8-305 Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

### **10-103 Use Limitations**

6. The following use limitations shall apply to home child care facilities:
  - A. The maximum number of children permitted at any one time shall be as follows:
    - (1) Seven (7) when such facility is located in a single family detached dwelling.
    - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

**GLOSSARY**

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		