



# County of Fairfax, Virginia

---

June 3, 2015

## STAFF REPORT

**SPECIAL PERMIT SP 2015-BR-050**

### BRADDOCK DISTRICT

**APPLICANT:** Kawthar Abdulla

**OWNERS:** Kawthar Abdulla  
Fuad Maolud  
Dakhil Elias  
Mubad Hassan Rashow

**SUBDIVISION:** Kings Park West

**STREET ADDRESS:** 4833 Carriagepark Road,  
Fairfax, 22032

**TAX MAP REFERENCE:** 68-2 ((5)) 1941

**LOT SIZE:** 1,700 square feet

**ZONING DISTRICT:** R-20

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-2003

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-BR-050 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

---

*Erin M. Haley*

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

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

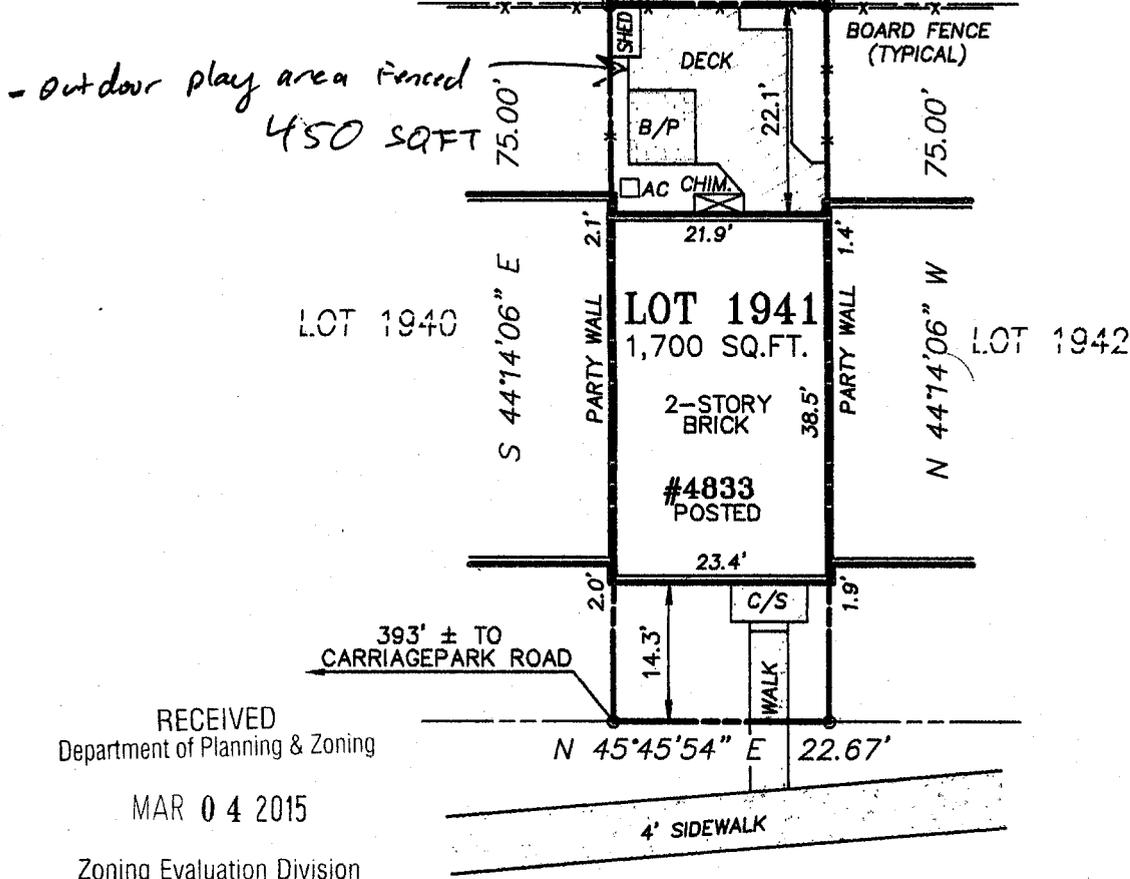
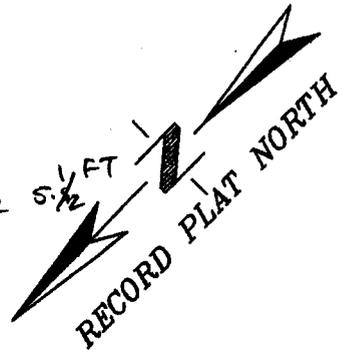
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



**NOTE**

WAIVER OF MONUMENTATION GRANTED.  
THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY. THERE IS AN INGRESS & EGRESS EASEMENT OVER ALL PRIVATELY OWNED STREETS.

- BASEMENT CEILING HEIGHT 9 FT
- FENCE HEIGHT = From outside 7 FT From inside 5 1/2 FT
- SHED HEIGHT = 7 FT (5' x 3')
- DECK HEIGHT 0 FT



RECEIVED  
Department of Planning & Zoning  
MAR 04 2015  
Zoning Evaluation Division

**CARRIAGEPARK ROAD**  
(PRIVATE STREET)

*[Handwritten signature]*

PARCEL "B"

03-03-2015

**HOUSE LOCATION SURVEY**  
**LOT 1941-SECTION 27**  
**KINGS PARK WEST**  
(PLAT SHOWN IN DEED BOOK 5536, AT PAGE 185)  
BRADDOCK DISTRICT  
FAIRFAX COUNTY, VIRGINIA

**THE ENGINEERING GROUPE, INC.**  
•D/B/A•  
**ABSOLUTE SURVEYS**  
121 SOUTH ALFRED STREET #1  
ALEXANDRIA, VIRGINIA 22314  
PHONE: (703)-684-7003 FAX: 684-7013

**LEGEND**  
C/S = CONCRETE STOOP  
B/P = BRICK PATIO  
AC = AIR CONDITIONER  
CHIM. = CHIMNEY  
○ IPF = IRON PIPE FOUND

TAX MAP # 0682-05-1941
CASE # VA052004144
WORK ORDER # AB604-2804
OWNER: KIWAN
PURCHR: DAKHILL
DATE: 06/02/04
SCALE: 1" = 20'

COMMONWEALTH OF VIRGINIA  
06/05/04  
NED A. MARSHALL  
NO. 2015  
*Ned A. Marshall*  
LAND SURVEYOR

DRAFTED BY: JT

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 10 children. A copy of the special permit plat, titled, "House Location Survey, Lot 1941 – Section 27, Kings Park West," prepared by Ned A. Marshall, Land Surveyor, on June 5, 2004, as revised by Kawthar Abdulla through March 3, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family attached townhouse. The unit is assigned two permanent parking spaces and one visitor space located on Carriagepark Road. A concrete walkway leads to the front of the house and an open wood deck covers most of the rear yard except a small planting area and a small area of brick pavers. The applicant has play equipment on the deck for the children. A shed 7.0 feet in height is located in the southeast corner of the rear yard. A wood fence 5.5 feet in height encloses the rear yard.

The subject property and surrounding properties are zoned R-20 and developed as single family attached dwellings.



Figure 1: House Location  
For illustrative purposes only

## BACKGROUND

Fairfax County records indicate that the townhouse and deck were permitted and constructed in 1982 and purchased by the current owners in 2004.

There is a current open investigation by the Department of Code Compliance for a violation on the property. The current state license allows the applicant to have up to five children in the child care facility, but at the time of the complaint she had six. The complaint was filed on March 3, 2015; however, since the applicant for this special permit filed her application on January 22, 2015, the investigation was stayed until a decision is made by the BZA at the public hearing.

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

**DESCRIPTION OF THE PROPOSED USE**

The applicant requests approval of a special permit for a home child care facility for up to 10 children on-site at any one time between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children with the parents instructed to use the two parking spaces assigned to the applicant’s townhome. The applicant parks her car in the assigned visitor parking space using a parking pass issued by the homeowners’ association. The applicant has provided a resolution issued by the homeowners’ association indicating that there is no objection to the home child care facility so long as all necessary permits are obtained and that there shall be no use of the association’s common areas. A copy of this resolution is included in Appendix 2. The applicant employs one full-time assistant who parks her vehicle in on-street parking available on nearby Roberts Road.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through March 12, 2016. The license permits a capacity of five children, ages birth through 12 years, 11 months. Information about the state license indicates that her approved hours of operation are 7:00 a.m. to 6:59 a.m. A development condition has been proposed to require the applicant to update her state license hours of operation to align them with hours of operation approved with this special permit. A copy of the state home child care licence information is included as Appendix 4.

The home child care facility is operated primarily in the walk-out basement of the dwelling. Napping occurs in an upstairs room that contains adequate emergency egress. Parents drop the children off and pick them up at the front entrance. The deck at the rear of the house is utilized for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area III, Pohick Planning District  
**Planning Sector:** Main Branch Community Planning Sector (PO2)  
**Plan Map:** 5-8 dwelling units/acre

**Zoning District Standards**

Bulk Standards (R-12)		
Standard	Required	Provided*
Lot Size	n/a	1,700 s.f.
Lot Width	18 feet	23.4 feet

<b>Bulk Standards (R-12)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided*</b>
Building Height	35 feet max.	Not provided
Front Yard <sup>1</sup>	Min. 5 feet	14.3 feet
Side Yard <sup>2</sup>	Min. 10 feet	N/A (party walls)
Rear Yard <sup>3</sup>	Min. 20 feet	22.1 feet

- <sup>1.</sup> ABP = 15 degree Angle of Bulk Plane
- <sup>2.</sup> ABP = 15 degree Angle of Bulk Plane
- <sup>3.</sup> ABP = 30 degree Angle of Bulk Plane

**On-Site Parking and Site Circulation**

The applicant has a two assigned parking spaces that she utilizes for drop-off and pick-up of children. In addition, the applicant parks her family vehicle in a visitor space using an assigned parking pass. On street parking is also available nearby, where the assistant leaves her vehicle. A development conditions is included requiring that the two assigned spaces remain available during drop-off and pick-up times.

**Zoning Inspections Branch Report (Appendix 5)**

During the site visit, staff found no items of deficiency on the property.

**Zoning Ordinance Requirements (Appendix 6)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

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

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends a residential use, and the property is developed in accordance with the plan recommendation. The R-20 District permits a home child care facility as an accessory use with special permit approval.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. An outdoor play area with small play equipment is found on the rear deck. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.

<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood as long as the applicant keeps her two designated parking spaces available for use during pick-up and drop-off times.
<b>Standard 5</b> Landscaping/Screening	There is an existing fence enclosing the rear yard that provides screening to the outdoor play area.
<b>Standard 6</b> Open Space	There is no prescribed open space required in the R-20 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the assigned parking spaces would be used for parking for the home child care facility.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-20 District. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 10 children at any one time. The development conditions allow up to two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available in the two assigned parking spaces. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is an existing fence in the rear yard that provides screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant met all submission requirements for a home child care facility.

<p><b>Standard 5</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant holds a valid home child care license.</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 five in a single family attached dwelling. The applicant requests special permit approval to permit a maximum of 10 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.</p>
<p><b>Part D</b> Non-Resident Employee</p>	<p>The applicant is proposing one non-resident employee.</p>
<p><b>Part E</b> Provider is a Resident</p>	<p>The provider resides in the application 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.</p>
<p><b>Part G</b> Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is five in a single family attached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of 10 children at any one time and two non-resident employees.</p>

**CONCLUSION / RECOMMENDATION**

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

Staff recommends approval of SP 2015-BR-050 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

## **APPENDICES**

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

***PROPOSED DEVELOPMENT CONDITIONS*****SP 2015-BR-050****June 3, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-050 located at Tax Map 68-2 ((5)) 1941 to permit a home child care facility pursuant to Section 8-305 and 3-2005 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, Kawthar Abdulla, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4833 Carriagepark Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "House Location Survey, Lot 1941 – Section 27, Kings Park West," prepared by Ned A. Marshall, Land Surveyor, on June 5, 2004, as revised by Kawthar Abdulla through March 3, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 4.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 10.
8. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
9. All pick-up and drop-off of children shall take place within the two parking spaces assigned to the subject property.
10. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.

11. There shall be no signage associated with the home child care facility.
12. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
13. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

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

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

## STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Kawthar Abdulla  
4833 Carriagepark Rd  
Fairfax, VA 22032  
703-425-2234  
[kawthara2007@yahoo.com](mailto:kawthara2007@yahoo.com)

January 15, 2015

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

Re: Special Permit Application  
Applicant: Kawthar Abdulla  
Zoning Ordinance Section 8-305 for Home Child Care Facility and  
Section 8004 of General Standards

Tax Map #: 0682 05 1941  
Zoning District: R-20 (Residential 20 DU/AC)  
Lot Size: 1,700 square feet

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 Townhouse at 4833 Carriagepark Rd Fairfax, Virginia with my husband. The Property is zoned R-20 and I understand I need to seek approval of a special permit in order to operate a childcare facility within my home. I am currently licensed by the State of Virginia to have 10 children in my childcare facility. My townhouse total floor is 1748 SQFT, but I only use the basement for the home daycare. The basement total floor area is 882 SQFT. But, I only use 690 SQFT of the basement because of the utility and laundry room is not used for the home daycare. Below is information about my childcare facilities operations:

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

Number of Children. I care for up to 10 children at any one time.

Employees. I have one assistant who works full-time. Another Assistant comes on Mondays and Wednesdays between 8:30 and 11:30 Am to help clean.

Arrival Schedule. Two of the children arrive between 6:30 AM and 8:00 AM. Three of the children arrive between 8:00 and 9:00 AM. Two children arrive between 12:30 and 1:30 PM.

Departure Schedule. Four Children are picked up between 4:00 PM and 5:00 PM. Three of the children leave between 5:00 PM and 6:00 PM. ( See Attachment 1)

Area Served. Currently, most of the children live in the general vicinity of my neighborhoods. Many of the children live in neighborhoods of George Mason University are in Fairfax. These parents drive their children to my house.

Operations. As I stated, my house is a Townhouse. It has a walk-out basement, which is where the children spend most of their time. The basement area where I conduct the day care consists of approximately of 690 square feet.

Outdoor Play Area. I use my backyard for outdoor play for children. The area is approximately 450 square feet. There is a small slide, small plastic playing house and a fence around the area I have provided picture of the back yard with letter.

Parking. We have 2 permanent and one visitor parking assigned to my townhome. One of the 2 permanent parking spot, which is in front of the house, is always is empty for the parents. The parents of the children for dropping and picking their children are using the empty park.

Hazardous Waste: The proposed development has no hazardous or toxic substances as set forth in title 40. Code of federal regulations part 116.4, 302.4, and 355; all hazardous waste as set forth in Commonwealth of Virginia/ Department of Waste Management regulations VR 672-10-1-Virginia hazardous waste management regulation; and/or petroleum products as defined in title 40, code of federal regulations part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

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 in the justification for such modification

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 brick and vinyl sided 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,

Kawthar K. Abdulla

## Arrival Schedule and Departure Schedule

### Arrival Schedule

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

### Departure Schedule

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

RECEIVED  
Department of Planning & Zoning

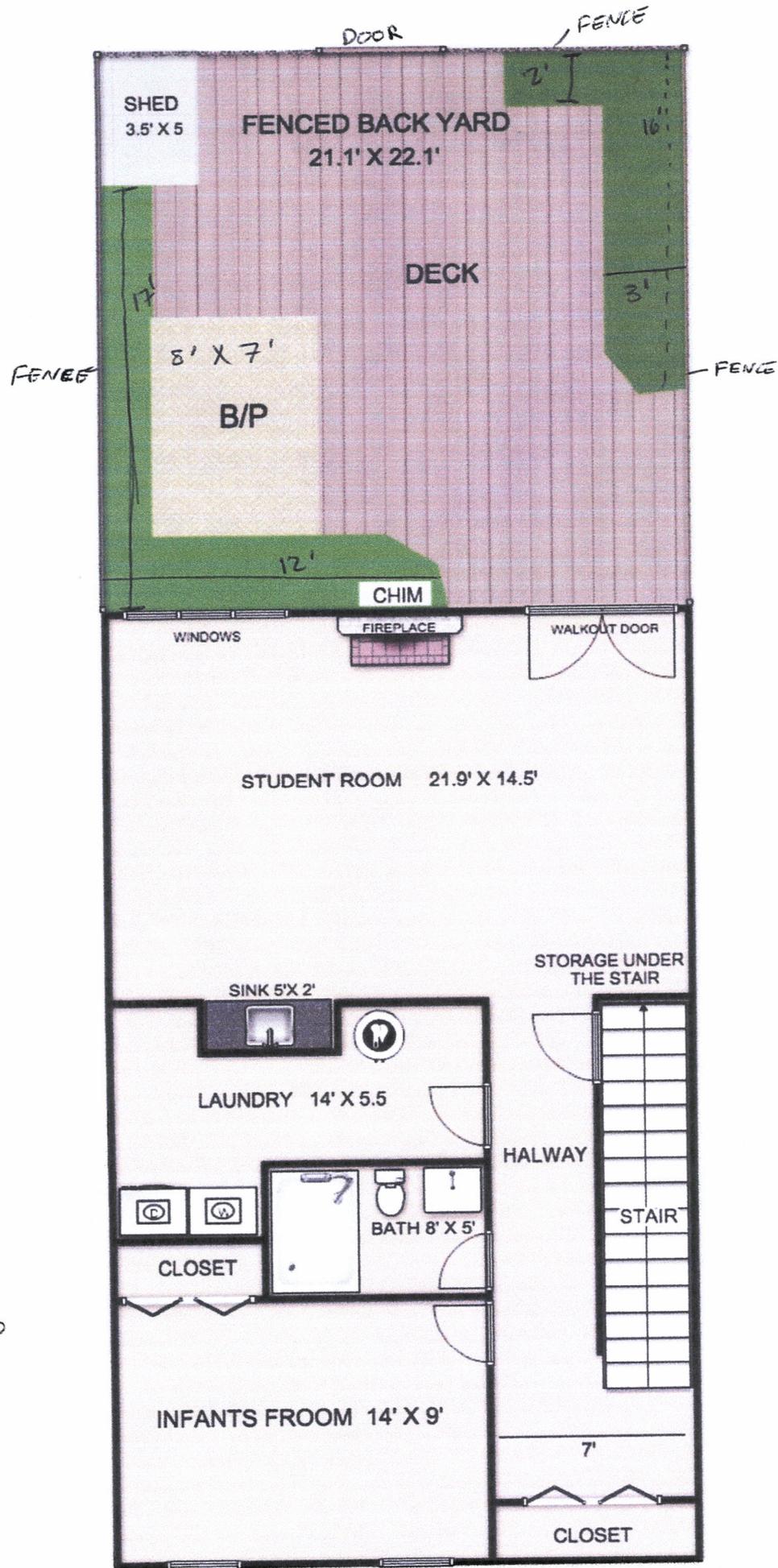
JAN 22 2015

Zoning Evaluation Division

ROOMS USED FOR  
HOME CHILD CARE FACILITY

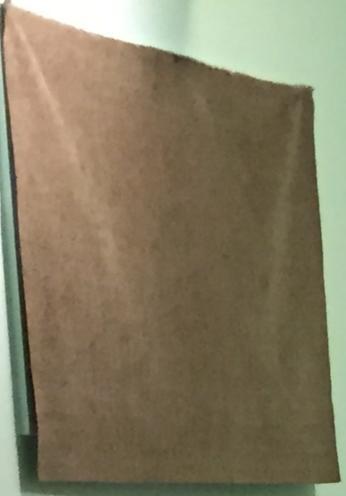
NAME: KANTHAR ABDULLA  
ADDRESS: 4833 CARRIAGEPARK RD  
FAIRFAX VA 22032

Phone: 703-425-3234  
Date: January 20 2015



Basement level







Photograph of the surrounding of the townhouse. Photo taken from the front showing the townhouse with the neighboring houses.



Photograph of the surrounding of the townhome. . Photo taken from the behind showing the backside of the townhouse with the neighboring houses.



Photographs of the surrounding backside of the house showing the walking path from both directions





Photograph of the two empty parking spaces assigned to us. One parking space is empty at all the time during the business hours for the parent of the students.



Photograph of the student room taken from the sink side showing the walk out door



Photograph of the student room showing the sink area and the entrance to the room from the hallway



Photographs of the student room taken from the one corner



Photograph of the student room taken from the hallway entrance.



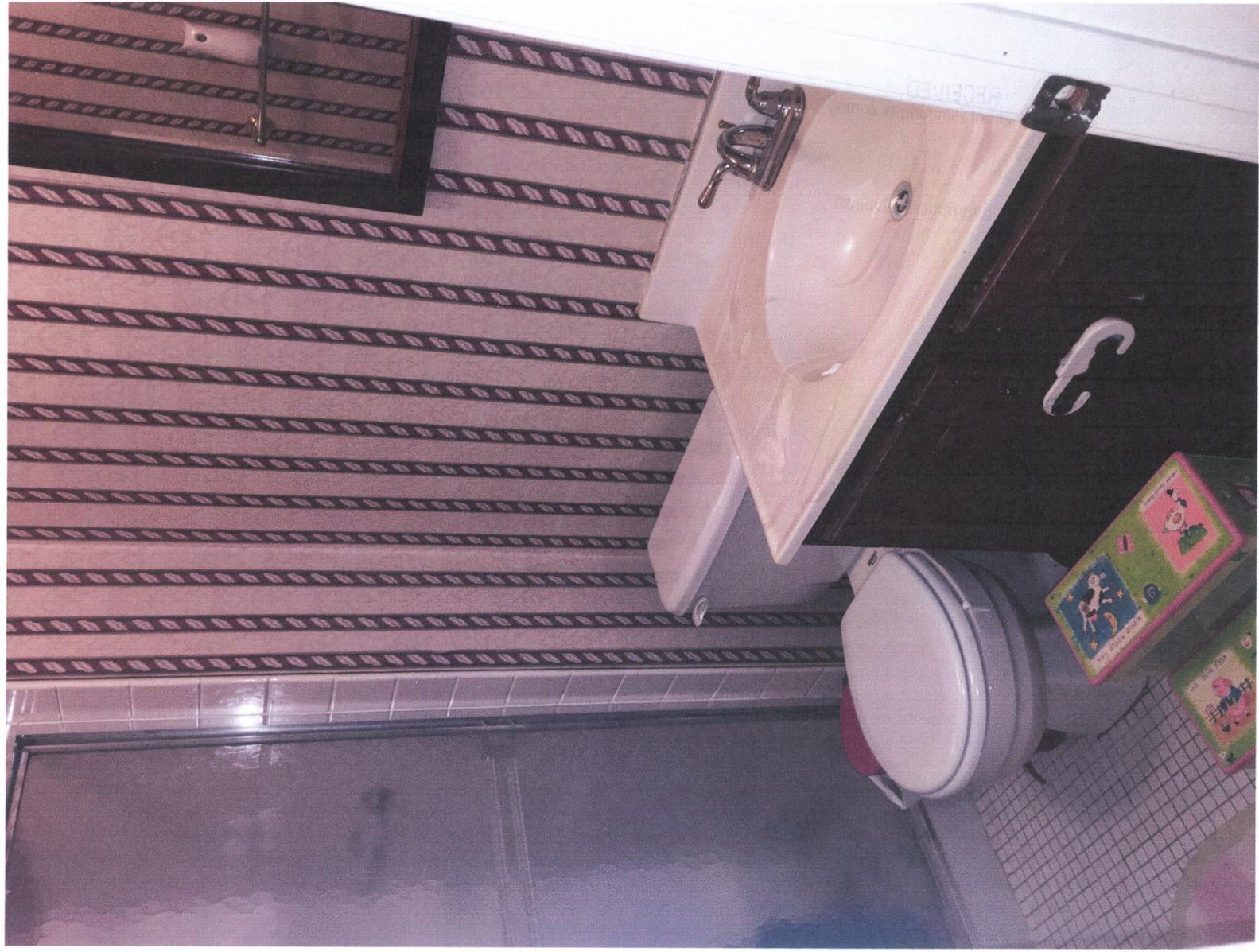
Photographs of the infant from (only the left side)



Photograph of the infant room taken from the door room.



Photograph of the basement bathroom used only for the home day care.



Photograph of the back yard taken from the walkout door of the basement.



Photograph of the back yard taken from the fence door showing the walkout door



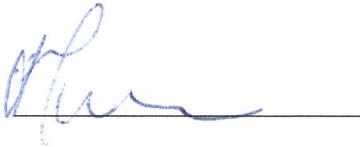
Date: 3/20/2014

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Henry Nang have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4813 Carriagepark.

Sincerely yours,



RECEIVED  
Department of Planning & Zoning  
JAN 22 2015  
Zoning Evaluation Division

Date: 3/20/14

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, JERRY LIN have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4819 Carriagepark Rd.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jerry Lin", written over a horizontal line.

RECEIVED  
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

Date: March 20 14

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, K.P. Porter have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4021.

Sincerely yours,



RECEIVED  
Department of Planning & Zoning  
JAN 22 2015  
Zoning Evaluation Division

Date: 3/20/2014

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Jenna Kim have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4835.

Sincerely yours,

J Kim

RECEIVED  
Department of Planning & Zoning  
JAN 22 2015  
Zoning Evaluation Division

Date: 3/20/14

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Mark Thurston have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4839 Carriagepark Rd

Sincerely yours,

Mark Thurston

RECEIVED  
Department of Planning & Zoning  
JAN 22 2015  
Zoning Evaluation Division

Date: 3/20/2014

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Ryan Lewis have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4829 Carriagepark Rd Fairfax, VA

Sincerely yours,



RECEIVED  
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

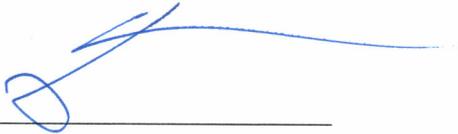
Date: 3/20/14

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Oru McQueen have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4831 Carriagepark.

Sincerely yours,



A handwritten signature in blue ink, consisting of a stylized 'O' followed by a long horizontal stroke, positioned above a solid horizontal line.

RECEIVED  
Department of Planning & Zoning  
JAN 22 2015  
Zoning Evaluation Division

Date: 3/20/14

Park West Community Association  
c/o Capitol Property Management  
3914 Centreville Road, Suite 300  
Chantilly, VA 20151

To Whom This May Concern:

I, Rita Estrada C. have no objection to Mrs. Kawthar Abdulla operating her daycare from her residence at 4833 Carriagepark, Fairfax, VA. I am her neighbor and live at 4837 Carriagepark Rd .  
Fairfax, VA 22032

Sincerely yours,

Rita Estrada Cavallini

RECEIVED  
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

Park West Community Association

c/o Summit Management Services

8405-A Richmond Highway

Alexandria, Virginia 22309

RECEIVED  
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

August 20, 2014

Kawtar Abdulla  
4833 Carriagepark Road  
Fairfax, Virginia 22032

Re: Park West Community Association – Corporation Resolution regarding  
Home Child Day Care Centers

Dear Park West Resident:

At the June 10, 2014 meeting of the Board of Directors, the Association adopted a new resolution in regarding day care centers within the Community. A copy of the Corporation Resolution of Park West Community Association Regarding Policies and Procedures for the Establishment and Regulation of Community Home Child Day Care Centers has been enclosed for your review.

According to **Section 2** of the enclosed Corporate Resolution: *“Such child day care business will obtain and maintain all childcare work permits, licenses, bonds, insurance, and tax requirements, and otherwise ensure full compliance with any and all Federal, State, and County laws and applicable regulations, as well as to provide timely proof of such compliance to the Association upon request.”*

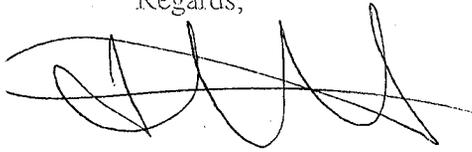
According to **Section 10** of the enclosed Corporate Resolution: *“The proprietor of said child day care business shall be required to obtain all necessary insurance policies as is normally required of such businesses, as well as the Association, and to actively maintain such policies throughout the time during which such child day care business is operated within the community. Such proprietor also shall name the Association as an additional insured on all such applicable policies. Additionally, the Association shall require such proprietor to present and file certificates of insurance with the Association within ten (10) calendar days following the establishment of such child day care business.”*

The Park West Community Association is hereby requesting such required documentation noted in Section 2 and Section 10 be provided within ten (10) calendar days of this letter. The required documentation can be sent as .pdf documents and emailed to the Community Manager, Katie M. Kight, CMCA, at [Katie.Kight@summitmanage.com](mailto:Katie.Kight@summitmanage.com) or by mailing hard copies to 8405-A Richmond Highway, Alexandria, Virginia 22309.

August 20, 2014

Should you have any questions regarding the newly passed resolution, please do not hesitate to contact me via email at [katie.kight@summitmanage.com](mailto:katie.kight@summitmanage.com). On behalf of the Association, I thank you for your prompt attention to this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Katie M. Kight', written over a horizontal line.

Katie M. Kight, CMCA  
Park West Community Manager

Enclosure

**CORPORATE RESOLUTION OF PARK WEST COMMUNITY ASSOCIATION  
REGARDING POLICIES AND PROCEDURES FOR THE ESTABLISHMENT AND  
REGULATION OF COMMUNITY HOME CHILD DAY CARE CENTERS**

I, Curtis McGiffin, President of Park West Community Association ("Association,,"), a non-stock corporation duly organized and existing under the laws of the Commonwealth of Virginia, hereby certify that the following is a true copy of a resolution approved and adopted by the Board of Directors of the Association at a meeting convened and held on June 10, 2014, at which a quorum was present and voting throughout, and that such resolution is now in full force and effect and is in accordance with the provisions of the Declaration of Covenants, Conditions, and Restrictions ("Declaration,,"), and By-Laws of the Association.

**WHEREAS**, Article VI, Section 7 of the Declaration of the Association prohibits the operation of businesses within the residences of the community, other than professional offices that are in strict conformity with the zoning codes of Fairfax County; and

**WHEREAS**, The Association has learned about certain allowances by local jurisdictions regarding home child day care centers as a direct, ancillary use of such residences, and that the Association currently wishes to acquiesce with such allowances; and

**WHEREAS**, The Association is authorized to, and finds it necessary and in the best interests of the Association to establish orderly procedures for the establishment of reasonable regulations, per Code of Virginia Section 55-513.2, and upon advice of Association's counsel, to minimize liability risks to the Association, to minimize the disruption of such establishments toward surrounding residences, and to promote harmony and access within the community;

**NOW, THEREFORE, BE IT RESOLVED THAT** the following policy and procedures are adopted to establish reasonable regulations for the establishment and operation of home child day care center businesses in the community:

1. The proprietors of such child day care business shall be full-time residents of the premises from which such child day care center is operated.
2. Such child day care business will obtain and maintain all childcare work permits, licenses, bonds, insurance, and tax requirements, and otherwise ensure full compliance with any and all Federal, State, and County laws and applicable regulations, as well as to provide timely proof of such compliance to the Association upon request.
3. Such child day care business will take great care to ensure and respect the safety and security of their neighbors' personal/private property.
4. In order to minimize insurance liability risk to the Association, no use of community property shall be used in the commission of said child day care business operations. There shall be no use of the Association's community pool facilities, tot lot, or basketball court; and no walking, hiking, or strolling on the common areas of the community property by the proprietors or customers (i.e., parents and children). Customer's children

are to remain on the private property of the child day care center except during drop off and pick up or emergency evacuation.

5. Said child day care business will obtain approval from the Association's board of directors regarding its planned emergency evacuation plans and muster location(s).
6. In order to minimize insurance liability risk to the Association, and to maintain and ensure harmony with neighbors surrounding the child day care business, the dropping off and picking up of child care customers' children shall only be conducted within the two (2) parking spaces allotted to the residence from which the child day care center is located, and the proprietor shall inform customers dropping off or picking up children to utilize such spaces for parking during drop-off and pickup.
7. All vehicles associated with said child day care business are subject to the Association's parking regulations, and any customer or other related vehicle parked within the community without an officially-appropriated PWCA temporary parking pass is subject to immediate removal at such vehicle owner's expense.
8. Said child day care business is solely responsible for the conduct and behavior of their customers while on Association property. This includes, but is not limited to, inappropriate parking, damage to Association property, and damage to the personal property of residents residing in the Association's community.
9. In order to preserve the harmony and quiet enjoyment of its neighbors, and to ensure that Association's residents are not unduly disturbed by the active operations of the child day care business, said child day care business shall restrict its hours of operation to between 6:00 a.m. and 9:00 p.m.
10. The proprietor of said child day care business shall be required to obtain all necessary insurance policies as is normally required of such businesses, as well as the Association, and to actively maintain such policies throughout the time during which such child day care business is operated within the community. Such proprietor also shall name the Association as an additional insured on all such applicable policies. Additionally, the Association shall require such proprietor to present and file certificates of insurance with the Association within ten (10) calendar days following the establishment of such child day care business.
11. Proprietor fully acknowledges that the Association does not, in any way whatsoever, sanction any business within the community, and does not authorize the use of the "Park West Community Association," "PWCA," or any variation in any advertisements or other promotional materials for said child day care center.

**RESOLVED FURTHER:** That the Secretary of the Corporation is hereby authorized and directed to certify to any interested party that this resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the Declaration and By-Laws of the Corporation.

I further certify that this Corporation is duly organized and existing, and has the power to take the action called for by the foregoing resolution.

Curtis McGiffin

PRESIDENT

June 16, 2014

Date

To Wit:

Joan Murphy

SECRETARY

June 16, 2014

Date

Application No.(s): SP 2015-BR-050  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/05/2015  
(enter date affidavit is notarized) 128298

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

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Dakhil Elias Mubad Hassan Rashaw	13946 Malcolm Jameson way Centreville VA 20120	Title owner Title owner
Kawthar Abdulla Frad Maolud	4833 CARRIAGEPARK RD FAIRFAX VA 22032	Title owner Title owner

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/05/2015  
(enter date affidavit is notarized)

128298

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)

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/05/2015  
(enter date affidavit is notarized)

128298

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/05/2015  
(enter date affidavit is notarized)

120298

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/05/2015  
(enter date affidavit is notarized)

128290

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

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

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Kawthar K Abdulla OWNER  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 05 day of March 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]

Notary Public

My commission expires: January 31, 2018

KHAIRI M SHAMMO  
NOTARY PUBLIC  
REG. #7602375  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JANUARY 31, 2018

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Kawtar Abdulla**

4833 Carriage Park Road

FAIRFAX, VA 22032

(703) 425-2234

Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): March 12, 2016Business Hours: 7:00 AM - 6:59 AM  
Monday - Sunday

Capacity: 5

Ages: Birth - 12 years 11 months

Inspector: Brenda Kuhlman  
(703) 304-9609



**MEMORANDUM**

Date: May 6, 2015

To: Erin Haley, Planner III  
Zoning Evaluation Division

From: Amy Moxley  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-BR-050

Applicant: Kawithar Abdullah,  
4833 Carriagepark Rd, Fairfax, VA 22032  
Kings Park West, Sec 27, Lot 1941  
Tax Map# 68-2 ((5)) 1941  
Zoning District: R-20  
Magisterial District: Braddock  
ZIB # 2015-0180  
Date of Inspection: April 30, 2015

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

- 1. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 2. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 3. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.



- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- 7. 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.)  
*There are (2) windows located in the room labeled "INFANTS ROOM". These windows are approximately 34" x 21". The windows are 65" from the floor to bottom the openable window area. Rooms used for sleeping purposes must provide two means of egress, including one means of egress that leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. This area should not be used for sleeping purposes until proper ingress/ egress is achieved. The applicant was informed of this requirement and will relocate the cribs to a room with appropriate required egress. The applicant will provide photos once this work has been done.*
- 8. Structures comply with the Zoning Ordinance.

**8-006 General Standards**

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

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

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

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

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

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

**Sect. 10-103 Use Limitations**

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

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

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

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

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