



County of Fairfax, Virginia

June 10, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-077

LEE DISTRICT

APPLICANT: Sandra Veronica Berganza DBA Reaching for Las Estrellas, LLC

OWNERS: Jason Tackill

SUBDIVISION: York Manor

STREET ADDRESS: 6407 Kroy Dr., Springfield, 22150

TAX MAP REFERENCE: 81-3 ((15)) 39

LOT SIZE: 11,360 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-305, 3-303, and 8-914

SPECIAL PERMIT PROPOSAL: To permit a home child care facility and to permit a reduction in yard requirements based on error in building location to permit an accessory storage structure to remain 3.1 feet from a side lot line and 2.7 feet from a rear lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-LE-077 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.

Casey V. Gresham

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.

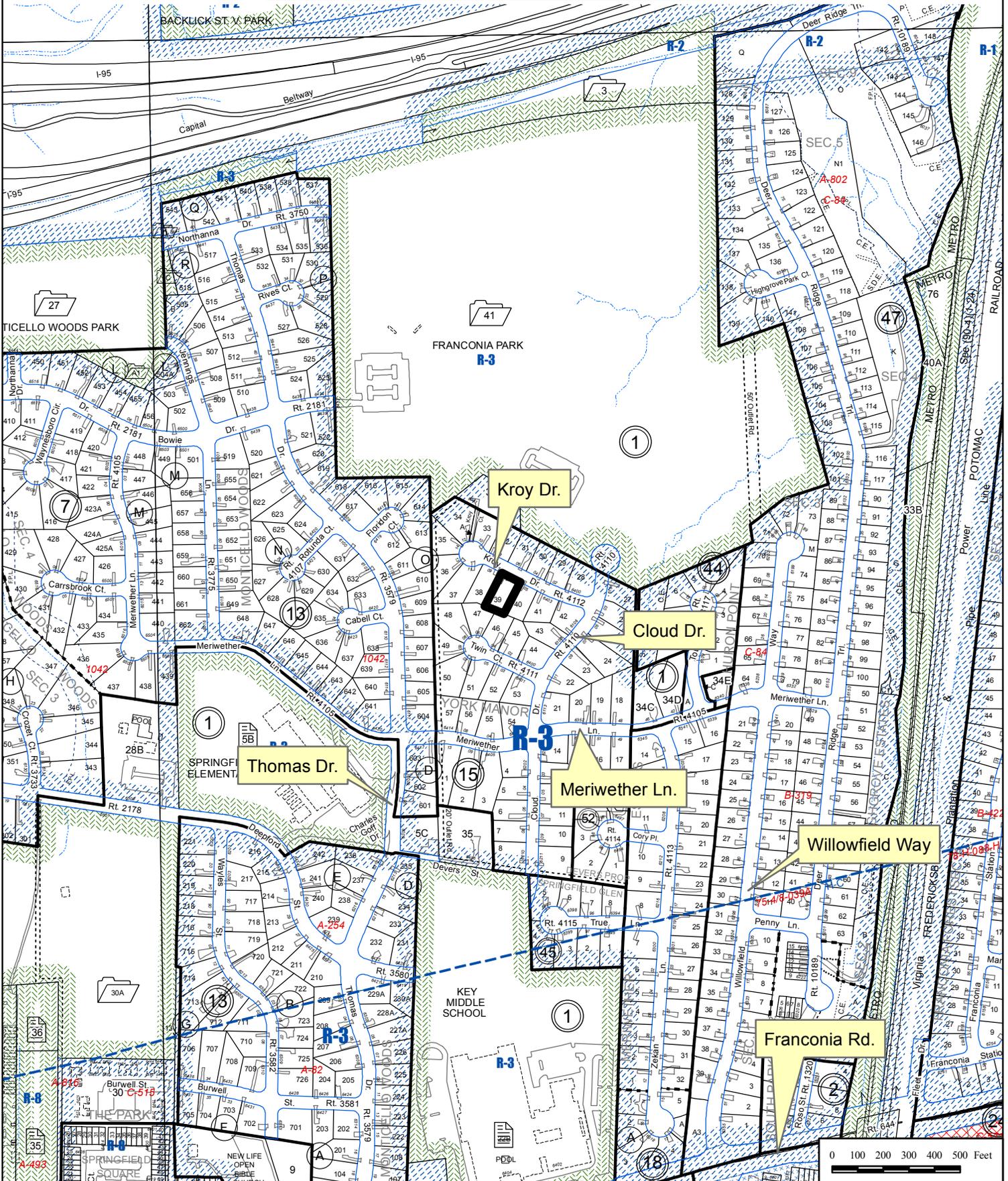
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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**

Special Permit

SP 2014-LE-077

SANDRA VERONICA BERGANZA D/B/A
REACHING FOR LAS ESTRELLAS LLC



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

1. TAX MAP #081-3-15-0039
2. PROPERTY SHOWN HEREON IS ZONED R-3 (RESIDENTIAL 3 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-3
FRONT: 30'
SIDE: 12'
REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0295E EFFECTIVE DATE, SEPTEMBER 17, 2010.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY FOUND WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.

8. FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 1,100 SQ. FT.
EXISTING GROSS FLOOR AREA CAR PORT 256 SQ. FT.
TOTAL 1,356 SQ. FT.

FLOOR AREA RATIO: 0.12

HEIGHT TABLE

HEIGHT OF HOUSE: 15.8'

GRAPHIC SCALE 1"=30'



CASE NAME:

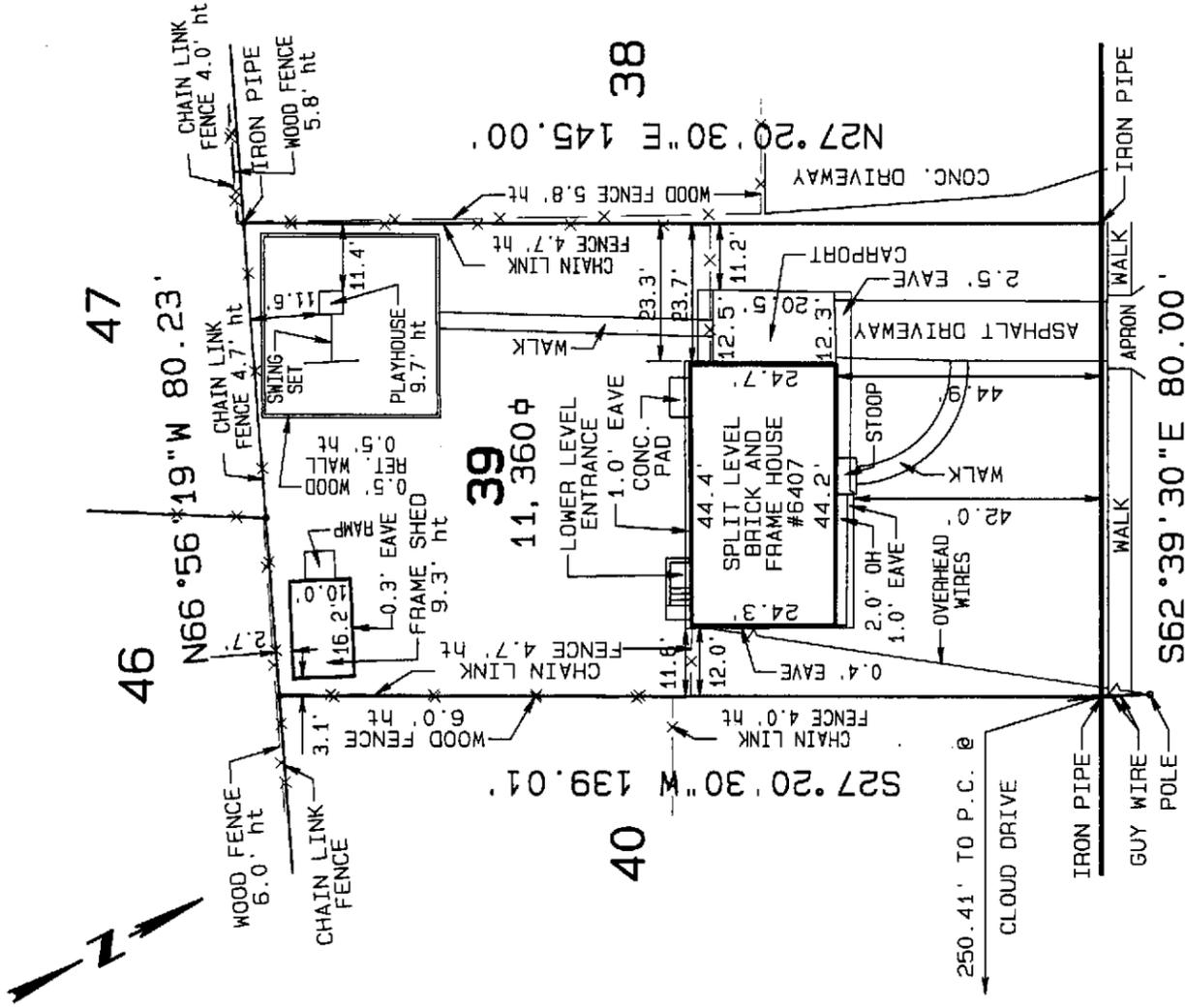
JASON TACKILL

NO TITLE REPORT FURNISHED.

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181
CERTIFIED LAND SURVEYOR FAX (703) 494-3330
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



KROY DRIVE
ROUTE #4112 - 50' R/W
SPECIAL PERMIT PLAT

LOT 39

YORK MANOR

LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: FEBRUARY 6, 2015

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. The applicant also seeks a special permit to permit a reduction in yard requirements based on error in building location to permit an accessory storage structure to remain 3.1 feet from a side lot line and 2.7 feet from a rear lot line.

A copy of the special permit plat, titled "Kroy Drive, Special Permit Plat, Lot 39, York Manor," prepared by Larry N. Scartz, L.S., dated February 6, 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 split-level single-family detached dwelling. An asphalt driveway extends from a carport to Kroy Drive, and a walkway provides direct access to the main entrance of the child care facility, which is the front entrance to the home. The rear yard contains a playhouse and a shed. These structures are surrounded by a wood fence 6 feet in height. Existing mature vegetation provides screening of the rear yard.



Figure 1: House location

The subject property and surrounding properties are zoned R-3 and developed as single family detached homes.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1965 and purchased by the owner in 2010.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. One assistant currently works at the facility, and the applicant would like to request up to two assistants in the future.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through October 2, 2015. The license permits a capacity of twelve children, ages 1 month through 12 years, 11 months. A copy of the license is included as Appendix 4.

The home child care facility is operated in the basement and the main level of the dwelling, which contain large play areas, an eating area, and a napping room. The rear yard is utilized for outdoor play. Photographs provided by the applicant show toys and play equipment located in this area.

In addition, the applicant requests approval for a reduction in yard requirements based on error in building location to permit an accessory storage structure (shed) to remain 3.1 feet from a side lot line and 2.7 feet from a rear lot line. According to the applicant's statement of justification, the homeowners were unaware of the Ordinance location regulations pertaining to accessory structures. With the 12 foot side yard setback and the 25 foot rear yard setback required in this district, the applicant seeks reductions of 8.9 feet and 22.3 feet, respectively.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Springfield Planning District
Planning Sector: Monticello Woods Community Planning Sector (S8)
Plan Map: Residential, 3-4 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	11,360 sf.
Lot Width	Interior: 80 feet	80 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 30 feet	42.0 feet
Side Yard	Min. 12 feet	11.2 feet*
Rear Yard	Min. 25 feet	>25 feet

*Per Sect. 2-412 of the Zoning Ordinance, a carport can extend up to 5 feet into required minimum side yard setbacks.

On-Site Parking and Site Circulation

The existing driveway is able to accommodate three vehicles. The assistants do not park in the driveway, and parents conduct drop-off and pick-up activities at staggered times. A condition has been included to require the drop-off and pick-up of children to occur in the applicant's driveway.

Vehicular access to the site is provided via an asphalt driveway from Kroy Drive. A walkway connects to the driveway and provides direct access to the main entrance of the home.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 5. During the site visit, it was noted that the rear basement door was blocked by storage. Since this inspection, the applicant has corrected the violation. Photos of the correction are included in Appendix 6. The inspector also noted the zoning violation associated with the accessory storage structure that is included with this application.

Accessory Structures On-Site

In addition to the shed included in this application, a playset surrounded by mulch is located in the rear yard. This timbered mulched area exceeds the 30 percent impervious coverage requirement of the Zoning Ordinance. A condition has been included for the applicant to bring this coverage into compliance with the ordinance within six months of BZA approval.

Zoning Ordinance Requirements (Appendix 7)

- Sect. 8-006 General Special Permit Standards

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

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility as an accessory use with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>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.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement for individual lots in the R-3 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.</p>
<p>Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

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

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

<p>Standard 1 Maximum of 12 Children & Non-Resident Employee</p>	<p>The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.</p>
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<p>Standard 2 Access and Parking</p>	<p>Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 3 Landscaping/Screening</p>	<p>There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.</p>
<p>Standard 4 Submission Requirements</p>	<p>The application meets all submission requirements for a home child care facility.</p>
<p>Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant has a valid home child care license through October 2, 2015.</p>

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

<p>Part A Maximum Number of Children</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.</p>
<p>Part 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>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees.</p>
<p>Part E Provider is a Resident</p>	<p>The provider is a resident.</p>
<p>Part F 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>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and three 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 2014-LE-077 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
5. Zoning Inspections Branch Comments
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-LE-077****June 10, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-077 located at Tax Map 81-3 ((15)) 39 to permit a home child care facility and to permit a reduction in yard requirements based on error in building location to permit an accessory storage structure to remain 3.1 feet from a side lot line and 2.7 feet from a rear lot line pursuant to Section 8-305, 3-303, and 8-914 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, Sandra Berganza, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6407 Kroy Dr., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Kroy Drive, Special Permit Plat, Lot 39, York Manor," prepared by Larry N. Scartz, L.S., dated February 6, 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 of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The 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 dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees at a time, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. Any portion of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.

11. 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.
12. All sheds shall remained locked during the hours of operation of the home child care facility.
13. The rear yard coverage shall be brought into conformance with the Zoning Ordinance within six (6) months of Special Permit approval.

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

Name: Sandra Berganza
 Address: 6407 Kroy Dr
Springfield VA 22150
 Phone #: 703-870-6351
 E-mail: sandra_berganza@yahoo.com

Date 03/15/2014

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

RECEIVED
 Department of Planning & Zoning
 MAR 19 2014
 Zoning Evaluation Division

Re: Special Permit Application
 Applicant: Sandra Berganza
 Zoning Ordinance Section 8-305 for Home Child Care Facility
 Section 8-004 of General Standards

Tax Map #: 0813 15 0039
 Zoning District: York Manor LEE Magisterial
 Lot Size: 11360 Square Ft.

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 attached / detached (circle one) dwelling at 6407 Kroy Dr, Springfield VA 22150 (your address). The property is zoned residential and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:00 Am to 6:00 PM.

Number of Children. I care for up to 10 children at any one time. This number does not include my own 2 child/children.

Employees. I have assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. of the children arrive between AM and AM.
See attached schedule.

Departure Schedule. _____ of the children are picked up at _____ PM. _____

See attached schedule

Area Served. Most children live within a 5 mile radius of my home
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached (detached) (circle one) dwelling. It has (explain the general layout of the house):

The house has a kitchen, living room, dining room, basement 2/3 finished 1/3 utility area, 3 bedrooms and 2 full bathrooms

The house has 1364 square feet. The following rooms are where I conduct the day care:

Basement, 1 bedroom, kitchen, dining room, living room, and 1 bathroom
These rooms are 550 square feet total.

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

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

Outdoor Play Area. I use my back yard for outdoor play for the children. The area is approximately 5600 square feet. The outdoor play area consists of: 9 30'x30' mulched play ground area with a playset (2 swings, slide, rock wall)

Parking. I use my carport + driveway to park my family car(s). My parents park in the driveway and on street in front of my house

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 My home and land are adequate to handle 12 children, and that my business will not effect my neighbors / community negatively in any way. I also want to add that my home is located on a dead end streets. We do not experience through traffic.

Sincerely,



Owner of daycare at 6407 Kroy Dr Springfield MA 22150

Arrival Schedule and Departure Schedule

Arrival Schedule

Child	7:00 - 7:45 AM	7:45 - 8:00 AM	8:00 - 8:30 AM	9:00 - 9:15 AM
1	X			
2	X			
3	X			
4		X		
5		X		
6			X	
7			X	
8			X T-Th only	
9				X M-w - Th only
10				X M-w - Th only
11				
12				

Assistant

X

Departure Schedule

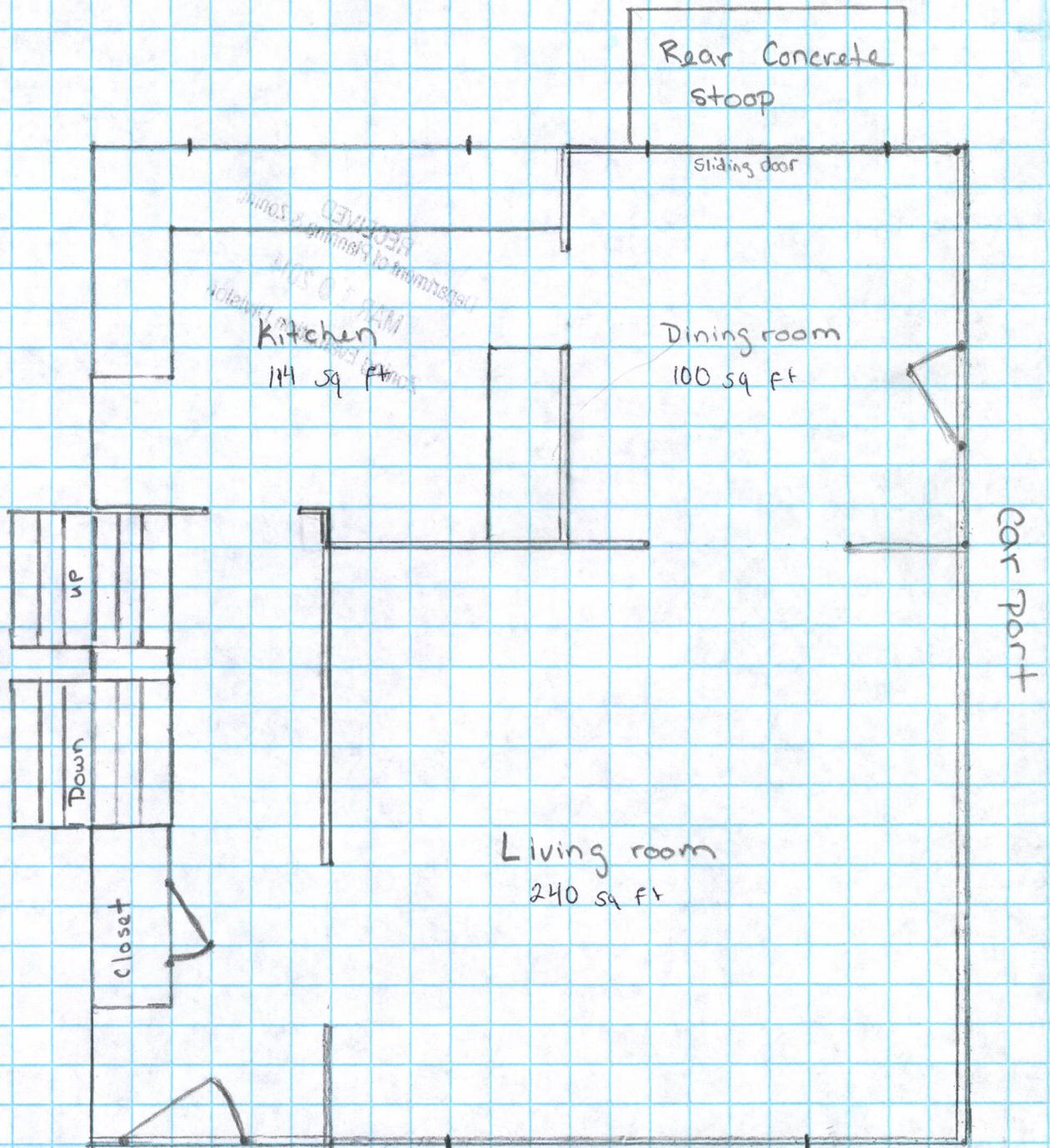
Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 6:00 PM
1		X		
2			X	
3			X	
4			X	
5				X
6				X
7				X
8				X
9				X
10				X
11				
12				

RECEIVED
Department of Planning & Zoning

MAR 19 2014

Zoning Evaluation Division

Fenced Play Area

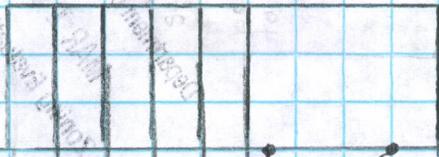


Scale $\frac{1}{4}'' = 1'$

1st Floor

Fenced Play Area

stairs from
basement to
backyard



Utility Room

shower

Toilet

Sink

Supply closet

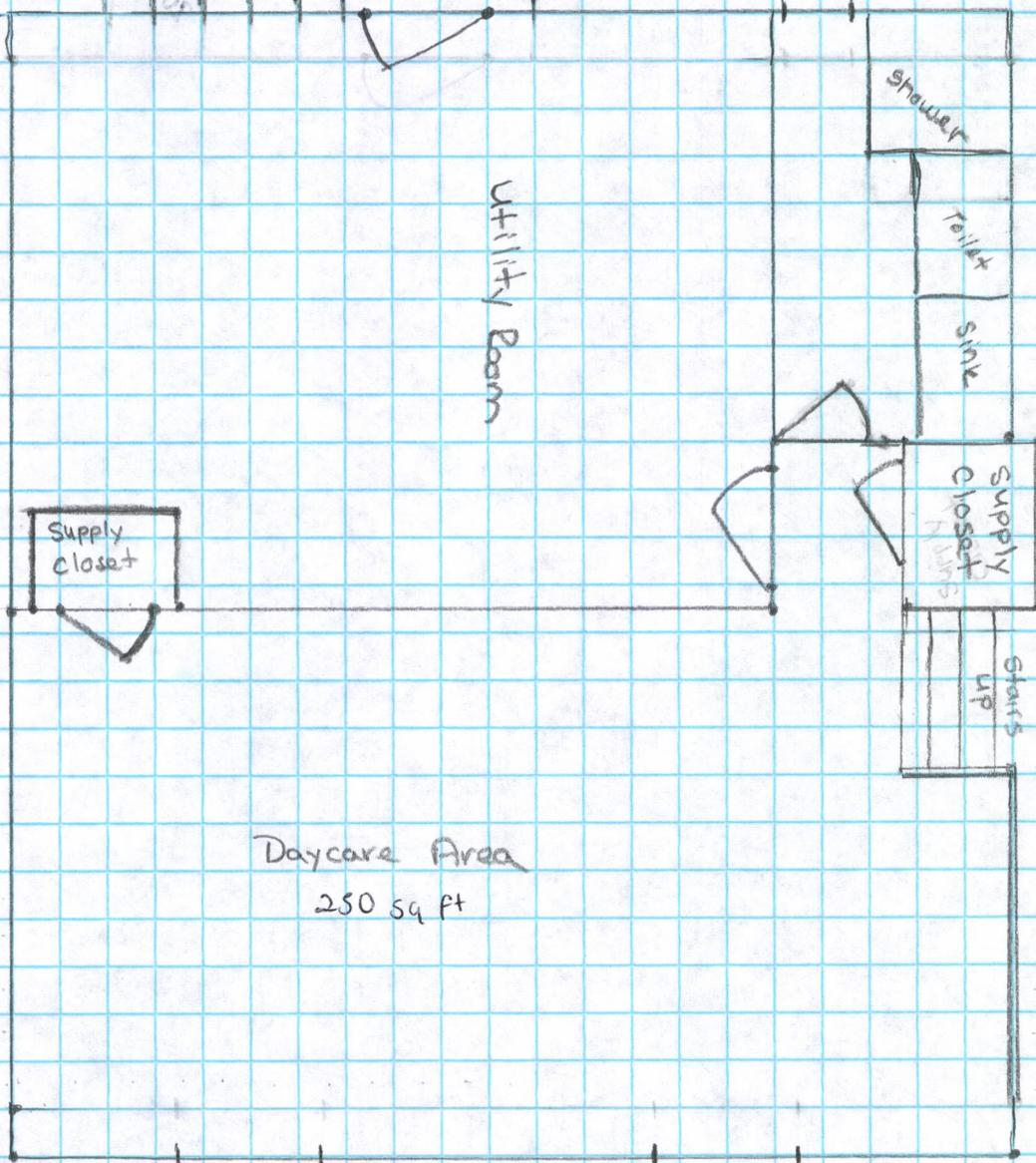
Supply closet

stairs up

Daycare Area
250 sq ft

scale 1/4" = 1'

Basement



To Whom It May Concern

My name is Jason Tackill. I live at 6407 Kroy Dive in Springfield, Virginia. In July 2011 I purchase a shed that was built on site. I was aware that the structure had to be less than 200 square feet. The shed is 10'X16' (160 square feet). This is why I chose the size that I did. I was unaware of any regulations about height requirement. My shed is 9.5ft tall, I understand that my options for fixing the situation are moving the shed or lowering it by 1ft. Moving the shed the proper distance away from the fence severely restricts the ability for me to utilize my yard, and would dramatically affect the resale value of my home. In an attempt to comply with the regulation I consulted a contractor to see what it would cost to lower the roof. I was informed that the cost to do so would be very close to the cost of a new shed. I originally purchased the shed for \$3500.

Having the shed in its current location does not impact any of my neighbors or public streets. I did speak to my neighbors before building the shed, and none of them had an issue with it. The neighbor that is directly behind me has a privacy fence and trees that block his view of my shed.

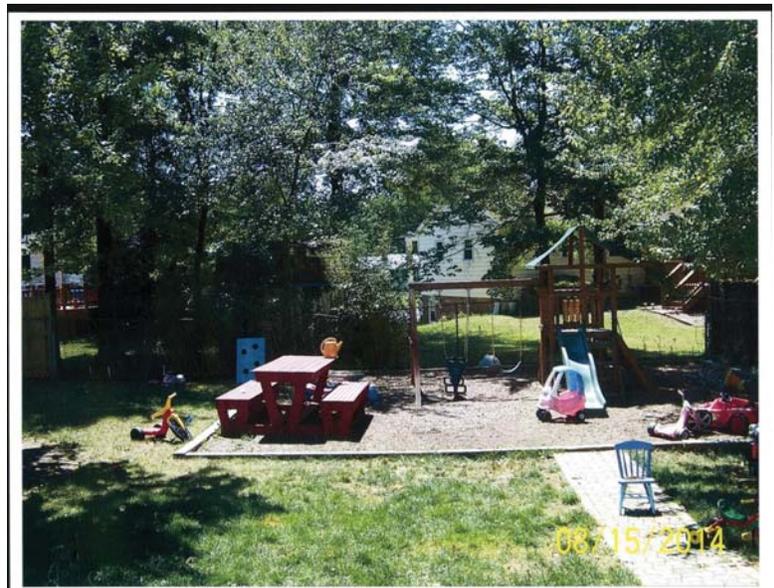
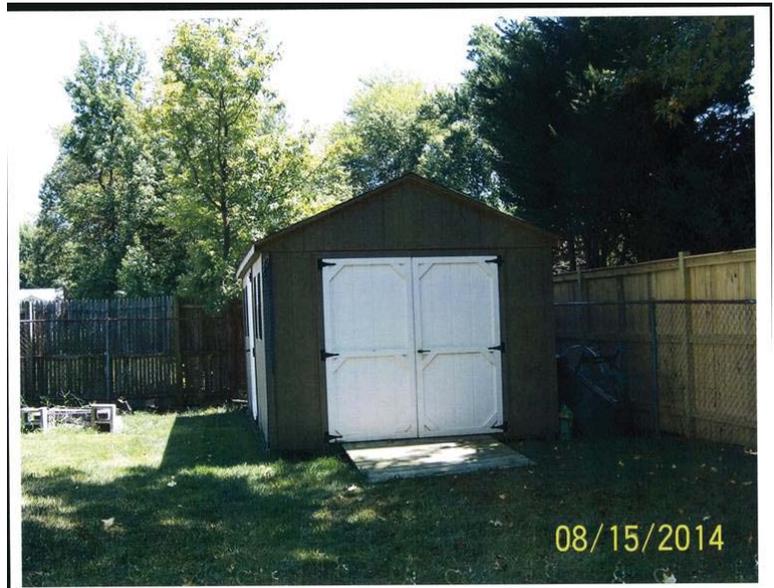
Given the information that I have submitted, I humbly request a Special Permit to keep my shed in its current location.

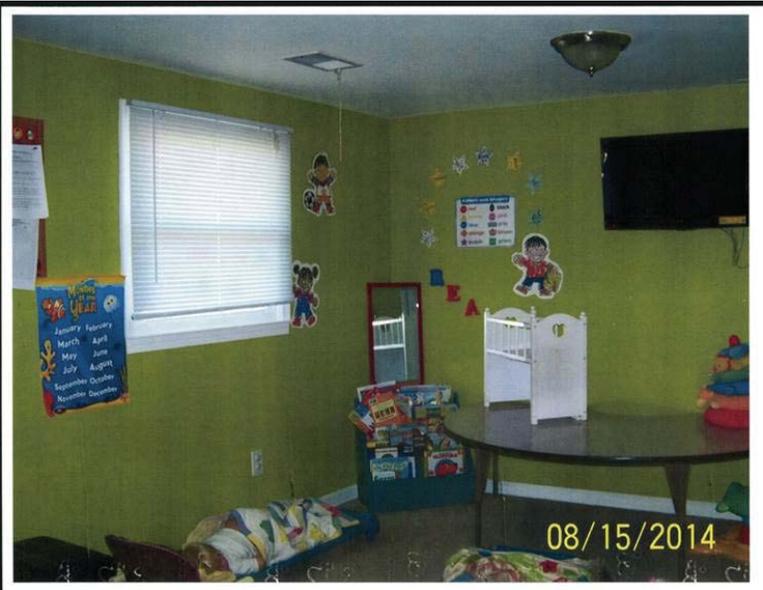
Sincerely,



Jason Tackill

RECEIVED
Department of Planning & Zoning
MAY 1 2015
SPECIAL PERMIT &
VARIANCE BRANCH





THE ATTACHED AFFIDAVIT
HAS NOT BEEN APPROVED
BY THE OFFICE OF THE COUNTY ATTORNEY

Virginia.gov

Agencies | Governor

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Sandra Berganza**

6407 Kroy Drive

SPRINGFIELD, VA 22150

(703) 310-4297 Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): Oct. 2, 2015Business Hours: 6am - 6pm
Monday - Friday

Capacity: 12

Ages: 1 month - 12 years 11 months

Inspector: Mayasah Thomas
(703) 309-9307 



MEMORANDUM

DATE: August 18, 2014

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

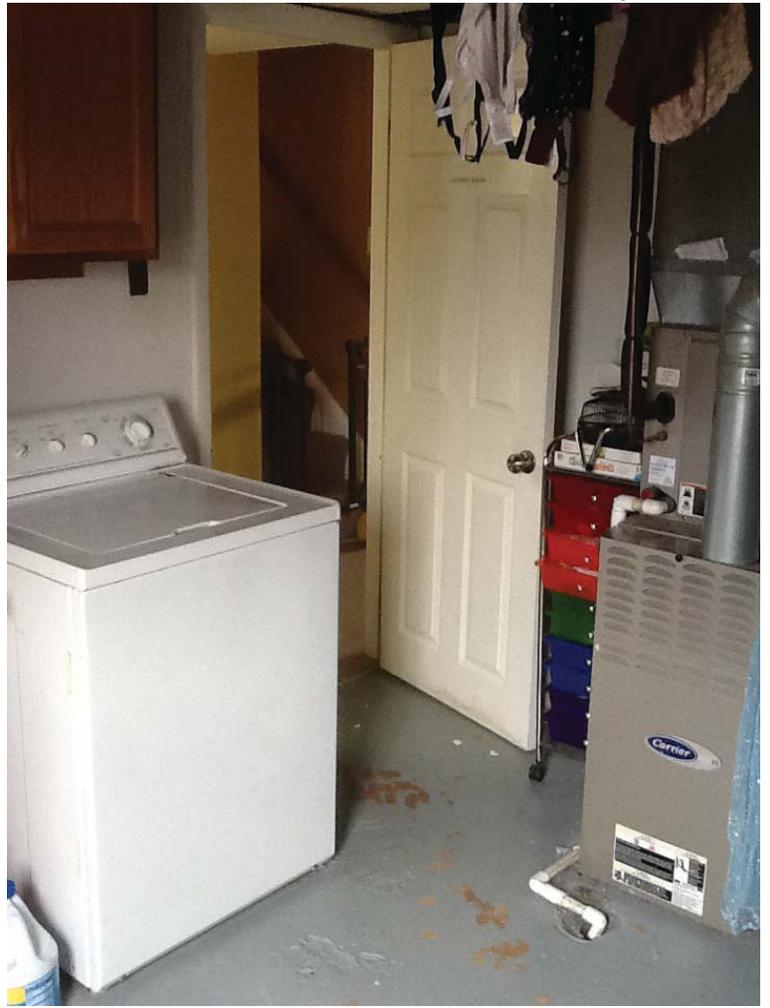
FROM: Chuck Cohenour
Senior Zoning Inspector
Zoning Inspections Branch

SUBJECT: Home Child Care Application

APPLICANT: 6407 Kroy Drive, Springfield, Virginia
Tax Map Ref #: 81-3((15)) 39
York Manor, Lot 39
Zoning District: R-3
Mail Log Assignment: 2014-LE-0325

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

- 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.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 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.
- 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.
 - *The rear basement door, indicated upper section of the on the floor plan as "BASEMENT", is blocked, both inside and out, by various items of storage. This door is an egress door.*
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.



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.

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