



County of Fairfax, Virginia

June 10, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-HM-091

HUNTER MILL DISTRICT

APPLICANT: Shelley Daniel, Freetown Friends School, LLC

OWNERS: Shelley Daniel
Scott Daniel

SUBDIVISION: Reston

STREET ADDRESS: 2487 Freetown Dr., Reston, 20191

TAX MAP REFERENCE: 25-4 ((5)) (1) 15

LOT SIZE: 16,600 square feet

ZONING DISTRICT: PRC

ZONING ORDINANCE PROVISIONS: 8-305, 6-303, 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 0.7 feet from a side lot line and 8.5 feet from a rear lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-HM-091 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.

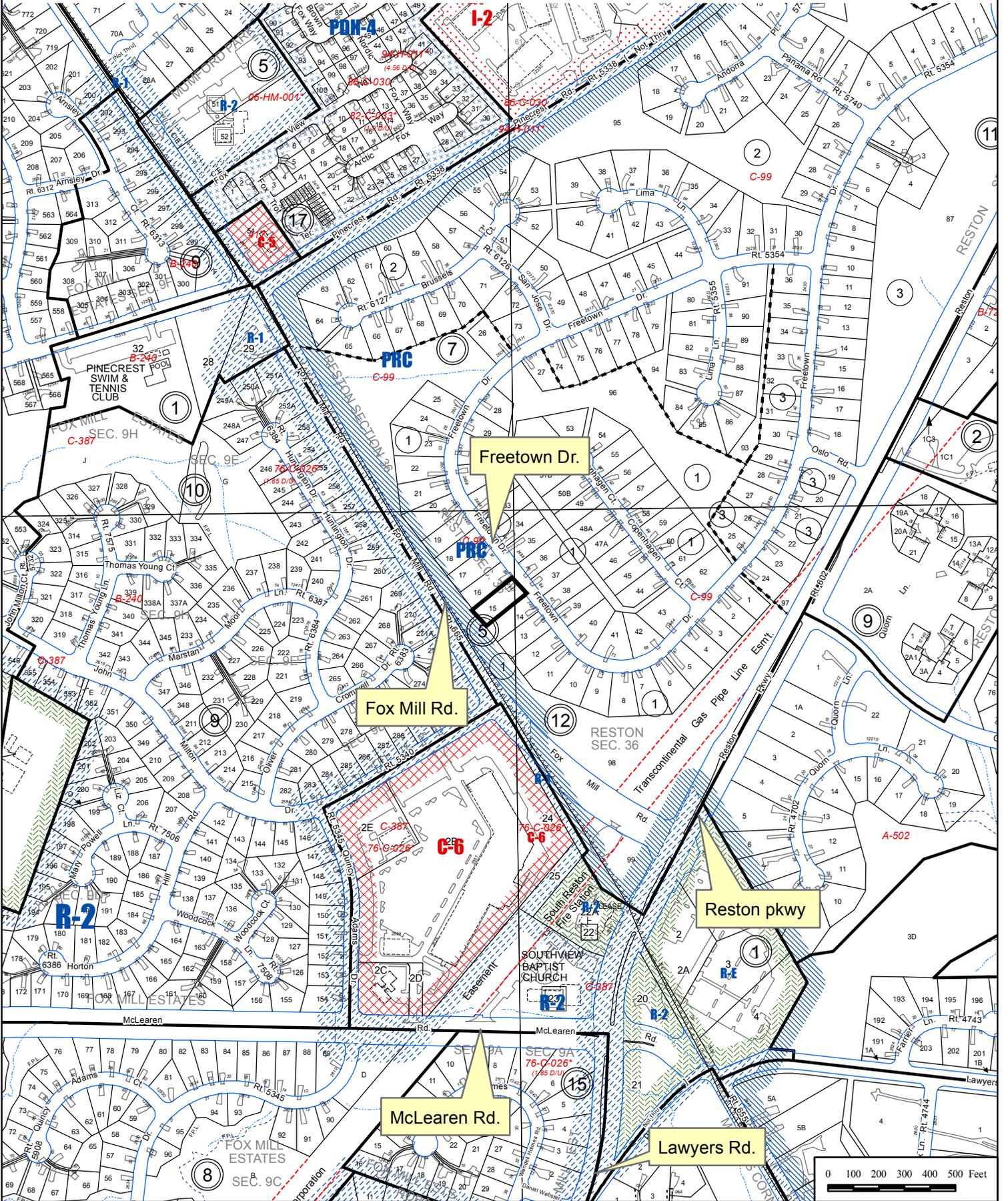
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-HM-091

FREETOWN FRIENDS SCHOOL, LLC, SHELLEY DANIEL



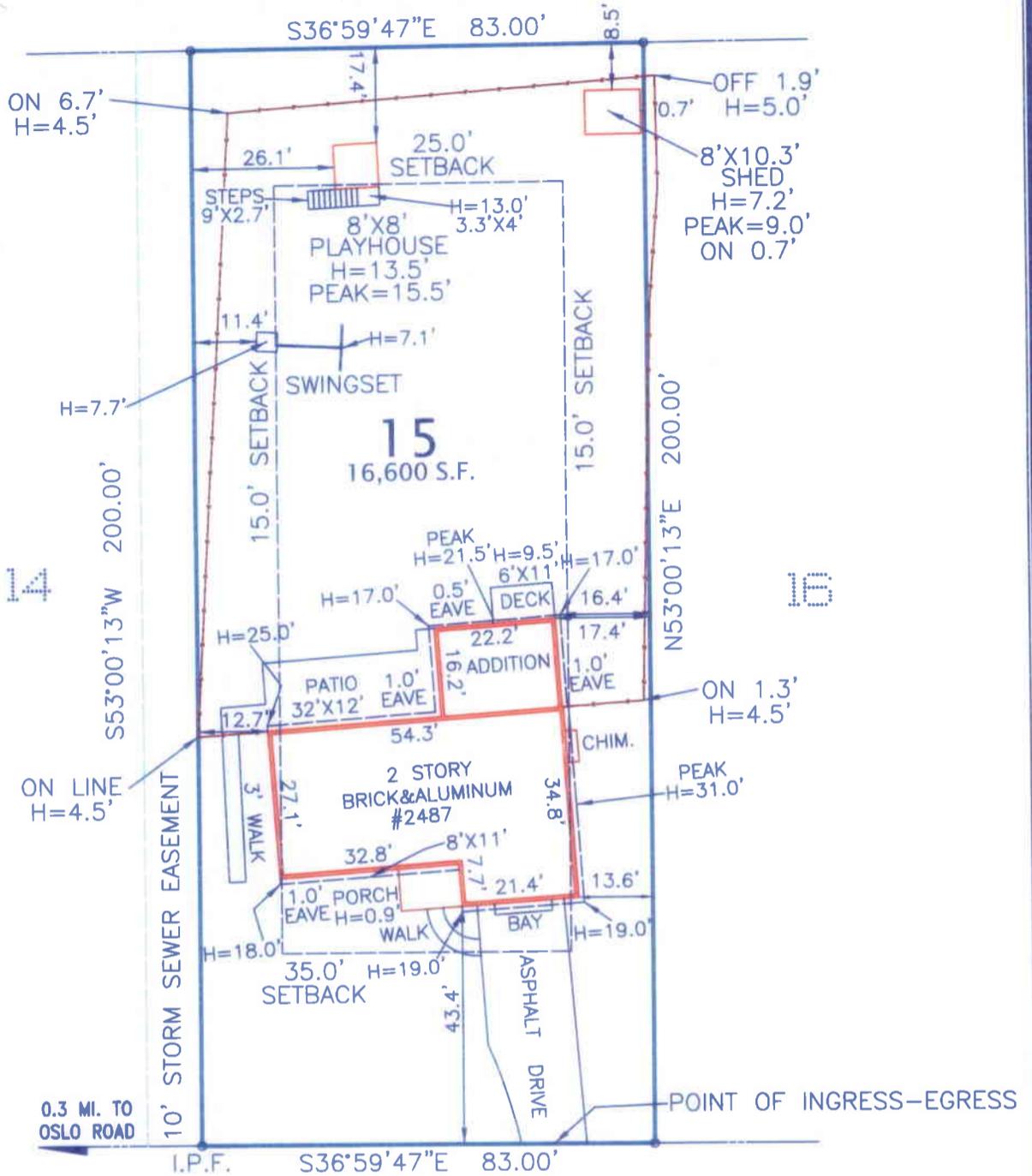


PARCEL 98

NOTES:

- (1) PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
- (2) THERE ARE NO GRAVES OR PLACE OF BURIAL ON LOT.
- (3) SITE DOES NOT CONTAIN FLOOD PLAIN RPA.
- (4) THERE ARE NO MAJOR EASEMENTS 5 FEET OR GREATER ON LOT.
- (5) TAX MAP# 0254 05010015

ZONE:PRC
REAR=25.0'
FRONT=35.0'
SIDE=15.0'



FREETOWN DRIVE

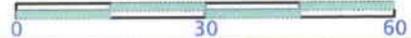
50' R/W

PLAT
SHOWING SPECIAL PERMIT PLAT ON
LOT 15 BLOCK 1 SECTION 36
RESTON
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' JANUARY 23, 2015

RECEIVED
Department of Planning & Zoning
MAR 26 2015
Zoning Evaluation Division

CASE NAME:

GRAPHIC SCALE



BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

REQUESTED BY:

SHELLEY DANIEL

ALEXANDRIA SURVEYS, LLC

1229 GARRISONVILLE ROAD SUITE 104 STAFFORD, VA 22556
TEL. NO. 703-636-1313 FAX NO. 703-736-4266

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 0.7 feet from a side lot line and 8.5 feet from a rear lot line.

A copy of the special permit plat, titled "Freetown Drive, Plat Showing Special Permit Plat on Lot 15, Block 1, Section 36," prepared by Michael L. Flynn, L.S., dated January 23, 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 detached dwelling. An asphalt driveway extends to Freetown Drive, and a concrete walkway leads to a porch and the main entrance of the dwelling and of the child care facility. The rear yard contains two playsets, a patio, a deck, and a shed. These structures are surrounded by a fence 4 feet in height. Existing mature vegetation provides screening of the rear yard.



Figure 1: House location

The subject property and surrounding are zoned PRC and developed as single family detached homes.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1978 and purchased by the owner in 2003.

On February 17, 1987, a building permit was issued for the rear addition and the construction of an open deck. Final inspections were completed March 18, 1987. In addition, the applicant applied for a building permit to finish the basement on March 2, 2004. This permit was finalized and passed all applicable inspections on July 13, 2004. Copies of these building permits are included in Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 9:00 a.m. and 12:45 p.m., Monday through Friday. A development conditions has been included requiring the applicant to amend her state license to match the aforementioned hours of operation. The applicant has a staggered drop-off and pick-up time for the children. 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 January 7, 2017. The license permits a capacity of twelve children, ages 1 year, 6 months through 4 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement of the dwelling, which contains two large play areas. As the child care is a part-time facility, there is no napping that takes place. However, because the state licesnse allows children as young as 1 year and 6 months old, a development condition is proposed requiring adequate egress in the event that the applicant begins to care for younger children. 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 0.7 feet from a side lot line and 8.5 feet from a rear lot line. According to the applicant's statement of justification, she was unaware of the Ordinance location regulations pertaining to accessory structures. With the 15 foot side yard setback and the 25 foot rear yard setback required in this district, the applicant seeks reductions of 14.3 feet and 16.5 feet, respectively.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Reston Community Planning Sector (UP5)
Plan Map: Residential Planned Community: Min. of 750 contiguous acres

Zoning District Standards

| Bulk Standards (PRC) | | |
|----------------------|----------------|---------------------|
| Standard | Required | Provided |
| Lot Size | No requirement | 16,600 sf. |
| Lot Width | No requirement | 83 feet |
| Building Height | 35 feet max. | Figure not provided |
| Front Yard | Min. 35 feet | 43.4 feet |
| Side Yard | Min. 15 feet | 12.7 feet* |
| Rear Yard | Min. 25 feet | >25 feet |

*The location of the dwelling has remained unchanged since 1978. As it has been taxed in this location for more than 15 years, it is deemed to be vested 12.7 feet from a side lot line.

On-Site Parking and Site Circulation

The existing driveway is able to accommodate four 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 from an asphalt driveway from Freetown Drive. A walkway connects to the driveway and provides direct access to the main entrance of the home child care.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, the inspector 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, two playsets are located in the rear yard. Both of these playsets meet the Zoning Ordinance requirements. An at-grade patio is also located in the rear yard; its encroachment of less than five feet into the

minimum required side yard meets the Zoning Ordinance requirements.

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 PRC 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>This application will not effect the prescribed open space requirement in the PRC 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 vested location of the side yard and the error in building location for the accessory storage structure, the property meets the lot size and bulk regulations for the PRC 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)

| | |
|--|--|
| Standard 1 Maximum of 12 Children & Non-Resident Employee | The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees. |
| Standard 2 Access and Parking | Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood. |
| Standard 3 Landscaping/Screening | There is existing vegetation in the rear and side yards that provides screening to the outdoor play area. |
| Standard 4 Submission Requirements | The application meets all submission requirements for a home child care facility. |
| Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17 | The applicant has a valid home child care license through January 7, 2017. |

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

| | |
|--|---|
| Part A Maximum Number of Children | The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time. |
| Part B Licensed Provider/Primary Residence | The applicant is a state licensed home child care provider and the subject property is the provider's primary residence. |
| Part C No Exterior Evidence Except Play Equipment | There is no exterior evidence of the proposed use. |
| Part D Non-Resident Employee | The applicant is proposing two non-resident employees. |
| Part E Provider is a Resident | The provider is a resident. |
| Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17 | Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license. |

| | |
|--|---|
| <p style="text-align: center;">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-HM-091 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-HM-091****June 10, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-091 located at Tax Map 25-4 ((5)) (1) 15 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 0.7 feet from a side lot line and 8.5 feet from a rear lot line pursuant to Section 8-305, 6-303, 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, Shelley Daniel, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2487 Freetown 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, "Freetown Drive, Plat Showing Special Permit Plat on Lot 15, Block 1, Section 36," prepared by Michael L. Flynn, L.S., dated January 23, 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 9:00 a.m. to 12:45 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (9:00 a.m. to 12:00 p.m.) until granted a revised license approving the requested hours of operation (9:00 a.m. to 12:45 p.m.).
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.

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.

Shelley Daniel
2487 Freetown Dr
Reston, VA 20191
703-860-8910
happygal34@hotmail.com

RECEIVED
Department of Planning & Zoning
FEB 28 2014
Zoning Evaluation Division

September 28,2013

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 810
Fairfax, VA 22035

Re: Special Permit Application

Applicant: Shelley Daniel
Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map#:2054 05010015
Zoning District : PRC
Lot Size : 16,600 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 single family detached home at 2487 Freetown Drive in Reston, VA with my husband and 5 children. The property is zoned PRC and I understand I need to seek approval of a special permit in order to operate a child care facility in my home. I am currently licensed by the State of Virginia to care for 12 children in my home. Below is the information about my child care facilities operation:

Hours. The childcare is open Monday- Friday from 8:45am- 12:45pm

Number of Children: I care for up to 12 children. This number does not include my own 5 children, but 4 of them attend school during the hours I am open for business.

Employees. I have one assistant who works during business hours.

Arrival Schedule. All children arrive by car between 8:45 am and 9:00am.

Departure Schedule. The majority of the children leave at 11:45am, with 2-4 children staying until 12:45pm. (See Attachment 1)

Area Served. The children in my care live in and around the Reston area. None of my current students live in my neighborhood, and all arrive by car. Parents park on the street and walk their children down my walkway and enter through the rear of my home.

Operations. As I stated, my home is a single family detached dwelling. It has a walk-out basement which is where the children spend all of their time when inside. Attached is a floor plan that indicates where the child care is located. Most of our time is spent in a 855 square foot play room. We also use the 66 square foot bathroom, and an additional play area that is 168 square feet. (See attachment for floor layout and interior photos)

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

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

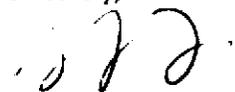
Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 8,300 square feet, and there are numerous very mature large trees. There is a swing set with slide, sandbox, and appropriate toys enclosed in a fenced yard. There is also a tree house on the property which is not used for the children in care, but rather for children in our family. I have drawn to scale the swing set, sandbox, tree house, a shed, and fence on my most recent house location plat which is included. In addition to the trees in our yard, the neighbors on either side have tree filled natural yards as well which makes for a very secluded and quiet area to play and not disturb others.

Parking. I use my garage to park my family car. My driveway provides enough parking for four cars as it is more than 51 feet long and holds two cars side by side at the top. In addition, ample parking is available along the street in front of my home for the parents and my employee.

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

In conclusion, I am proposing no changes to the 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, employee, 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,



Shelley Daniel

owner of Freetown Friends School, LLC

Arrival Schedule and Departure Schedule

Arrival Schedule

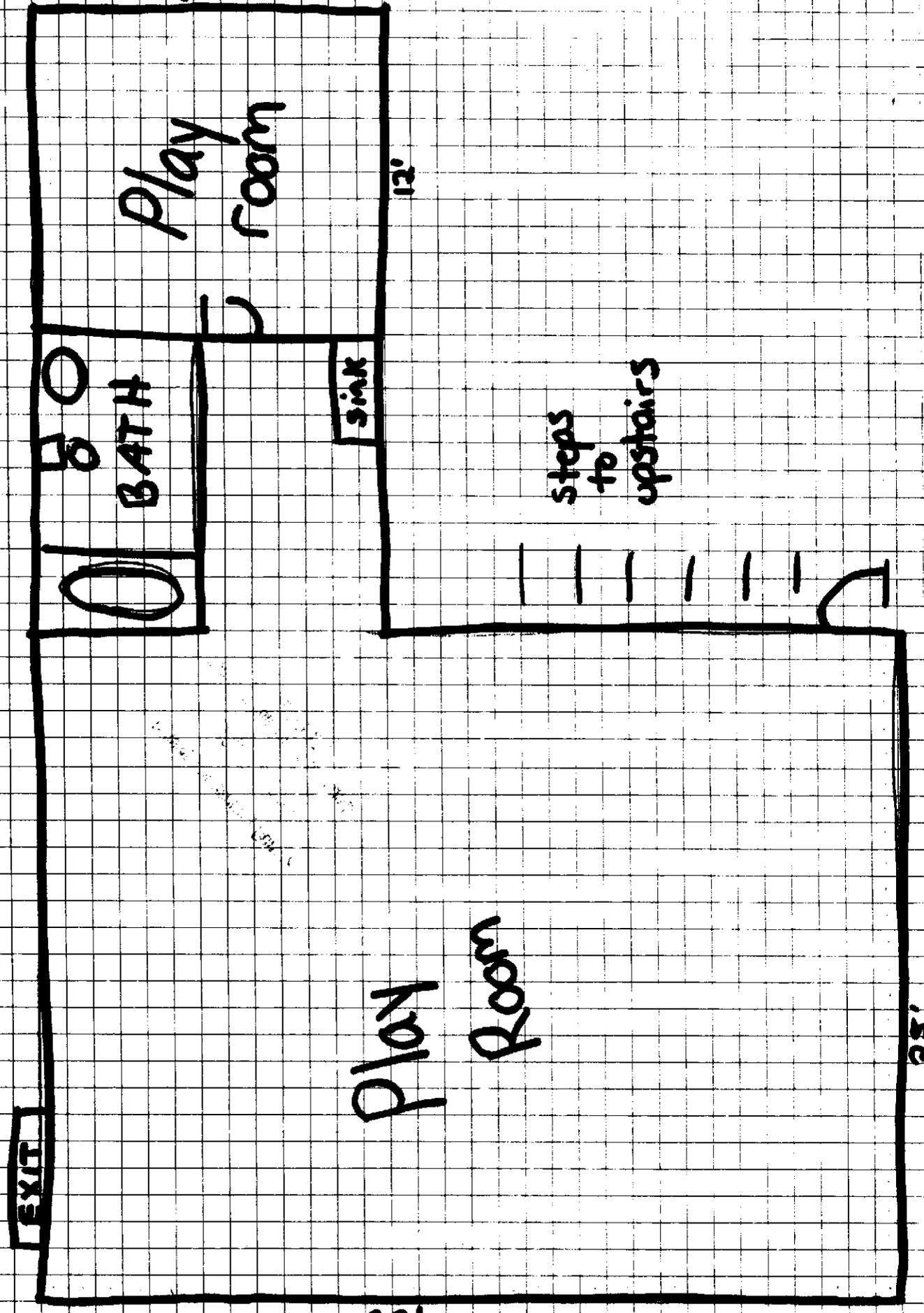
| Child | 8:45-9:00 am |
|-------|--------------|
| 1 | x |
| 2 | x |
| 3 | x |
| 4 | x |
| 5 | x |
| 6 | x |
| 7 | x |
| 8 | x |
| 9 | x |
| 10 | x |
| 11 | x |
| 12 | x |

Departure Schedule

| Child | 11:45 | 12:45 |
|-------|-------|-------|
| 1 | x | |
| 2 | x | |
| 3 | x | |
| 4 | x | |
| 5 | x | |
| 6 | x | |
| 7 | x | |
| 8 | x | |
| 9 | x | |
| 10 | | x |
| 11 | | x |
| 12 | | x |

--- Rooms used for day care

Back yard



Play Room

Play room

BATH

sink

steps to upstairs

EXIT

32'

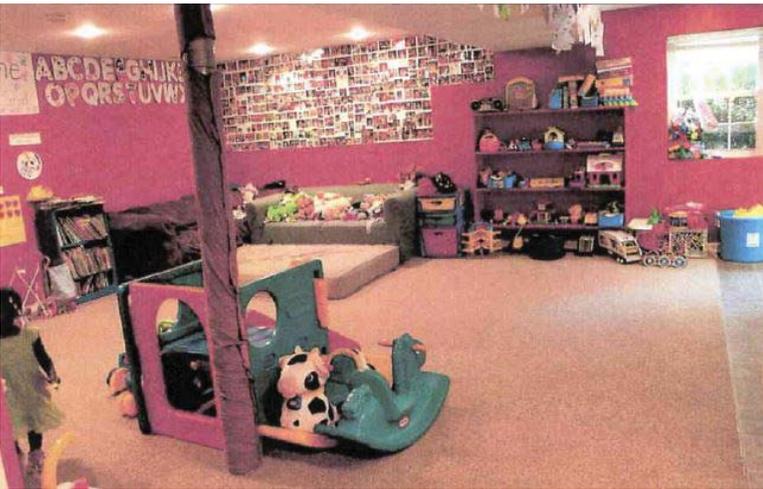
25'

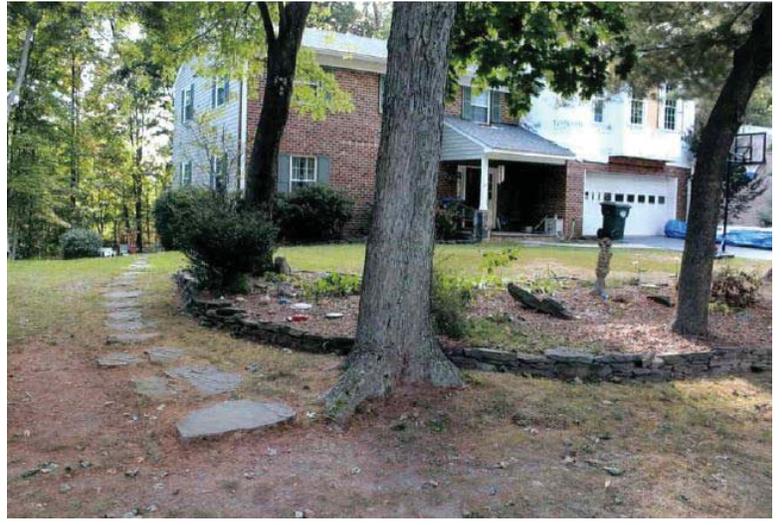
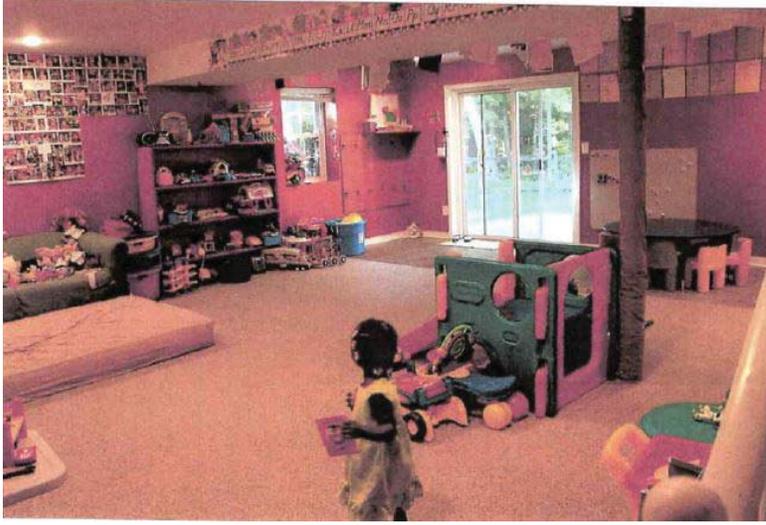
12'

Statement of Justification

- b. The error exceeds 10% of the measurement involved because the shed is .7' from property line when built and should be 9' do to its height and also is 8.5' from rear property line when it should be 15'.
- c. The noncompliance was done in good faith without the knowledge that a building permit was needed to build a shed.
- d. Such reduction will not impair the purpose and intent of this ordinance because having the shed in this place does not take away from back yard or intrude on neighbors fully treed lot.
- e. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, as this is a very wooded area on all sides.
- e. It will not create an unsafe condition with respect to both other property and public.
- f. To force compliance with the minimum yard requirements would cause unreasonable hardship because we would have to deconstruct the shed, then move it to an area that hampers the use of the back yard.
- g. The modification will not result in an increase in density or floor area ratio because the shed is already there.

RECEIVED
Department of Planning & Zoning
MAR 26 2015
Zoning Evaluation Division







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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/2/14
(enter date affidavit is notarized)

124592

I, Freetown Friends School, LLC, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|--|---|
| Shelley L. Daniel | 2487 Freetown Drive Reston VA 20191 | Title owner |
| Scott J. Daniel | 2487 Freetown Drive Reston VA 20191 | Title owner |
| Freetown Friends School, LLC | 2487 Freetown Drive Reston VA 20191 | Applicant |

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

CAB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/2/14
(enter date affidavit is notarized)

124592

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)

Freetown Friends School, LLC
2987 Freetown Drive
Reston VA 20191

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)

NIA

(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: 5/2/14
(enter date affidavit is notarized)

124592

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/2/14
(enter date affidavit is notarized)

124592

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: 5/2/14
(enter date affidavit is notarized)

124592

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:

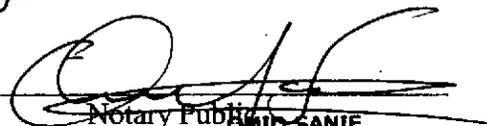
(check one)

[X] Applicant [] Applicant's Authorized Agent

Shelley L Daniel, title owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2nd day of May 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: May 31, 2017



Notary Public **BRID SANIE**
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: MAY 31, 2017
NOTARY REGISTRATION NUMBER: 7526001

CRB



Land Development Information History: FIDO - ADDITION R - 82410240

Permit Information

Permit Number: 82410240
Permit Type: RESIDENTIAL ADDITION
Job Address: 002487 FREETOWN DR
 RESTON , VA 20191-2527
Permit Status: Finalized
Work Description: build two story addition and deck no steps no hot tub

Land Development Information History: FIDO - ADDITION R - 131480164

Permit Information

Permit Number: 131480164
Permit Type: RESIDENTIAL ADDITION
Job Address: 002487 FREETOWN DR
 RESTON , VA 20191-2527
Permit Status: Finalized
Work Description: sfd/build one story addition on top of garage and family room//cb

Land Development Information History: ISIS - Building Permit - 04062B1150

Permit Information

Permit Id: 04062B1150
Job Address: 002487 FREETOWN DR
Application Date: 2004-03-02
Tax Map: 025-4 ((05)) (01) 0015
Permit Status: Initial/Approved (IA)
Work Description: SFD/FIN BSMT W/BED RM,NO 2ND KIT,NO W/BAR
Type Work: Finish Basement-Residential (R27)

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Shelly Daniel**

2487 Freetown Drive

RESTON, VA 20191

(703) 860-8910 Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Jan. 7, 2017Business Hours: 9:00 am - 12:00p.m.
Monday - Friday

Capacity: 12

Ages: 1 year 6 months - 4 years 11 months

Inspector: Cynthia Ford
(703) 479-4679 



County of Fairfax, Virginia

MEMORANDUM

Date: December 8, 2014

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector *BM*
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Exception # SP 2014-HM-091

Applicant: Freetown Friends School, LLC, Shelley Daniel
2487 Freetown Drive, Reston VA 20191
RESTON, LT 15 BK 1 SEC 36
Tax Map #: 25-4 ((5)) (1) 15
Zoning District: PRC
ZIB # 2014-HM-0469

An inspection was conducted on November 4, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied Staff Coordinator Casey Gresham and the Applicant.

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.
- An operable smoke alarm shall be provided outside (or inside) 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.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 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

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

- 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.
- Structures comply with the Zoning Ordinance.

Please note that the following findings are based on the partially hand drawn plat provided in the application. The distances of the accessory structures to the rear and side lot lines are not accurately depicted on the plat and those distances to the rear lot line may be greater than those distances measured during the field inspection. A plat showing all improvements and their distances to the lot lines that is prepared by a design professional recognized by the Commonwealth of Virginia is advised.

Comment: A freestanding accessory storage structure (shed) containing the dimensions of 8' x 10' and a height of 9' is located approximately 2' 2" from the side lot line and 2' from the rear lot line and may be in violation of Par. 10E of Sect. 10-104 and is in violation of Par. 10D of Sect. 10-104 of the Fairfax County Zoning Ordinance as follows:

An accessory storage structure which exceeds eight and one half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

Comment: There is also a child's playhouse 15'10" in height to the highest point, and 7'9" to the bottom of the floor deck and located 8 feet to the rear lot line, 16 feet from the side lot line, occupying an area of approximately 103 square feet.

In addition, there is a swing set that is 9' 8" in height and 6'8" to the side lot line and over 40 feet to the rear lot line and occupying an area of approximately 86 square feet.

The playhouse and play equipment is located in violation of Par. 5 of Sect. 10-102, and Par. 12D of Sect. 10-104 and the shed is located in violation of Par. 10D and may be in violation of Par. 10E of Sect. 10-104 of 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.

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