APPLICATION ACCEPTED: June 9, 2014
BOARD OF ZONING APPEALS: June 17, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

June 10, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-101

LEE DISTRICT

APPLICANT:	Jay E. Weszelovszky d/b/a Rose Hill Child Day Care
OWNERS:	Jay E. Weszelovszky Andreas Weszelovszky
SUBDIVISION:	Sunny Ridge Estates
STREET ADDRESS:	4604 Eaton Pl., Alexandria, 22310
TAX MAP REFERENCE:	82-3 ((17)) (D) 21
LOT SIZE:	10,500 square feet
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISIONS:	8-305, 3-303
SPECIAL PERMIT PROPOSAL:	To permit a home child care facility.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-LE-101 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

Casey V. Gresham

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

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

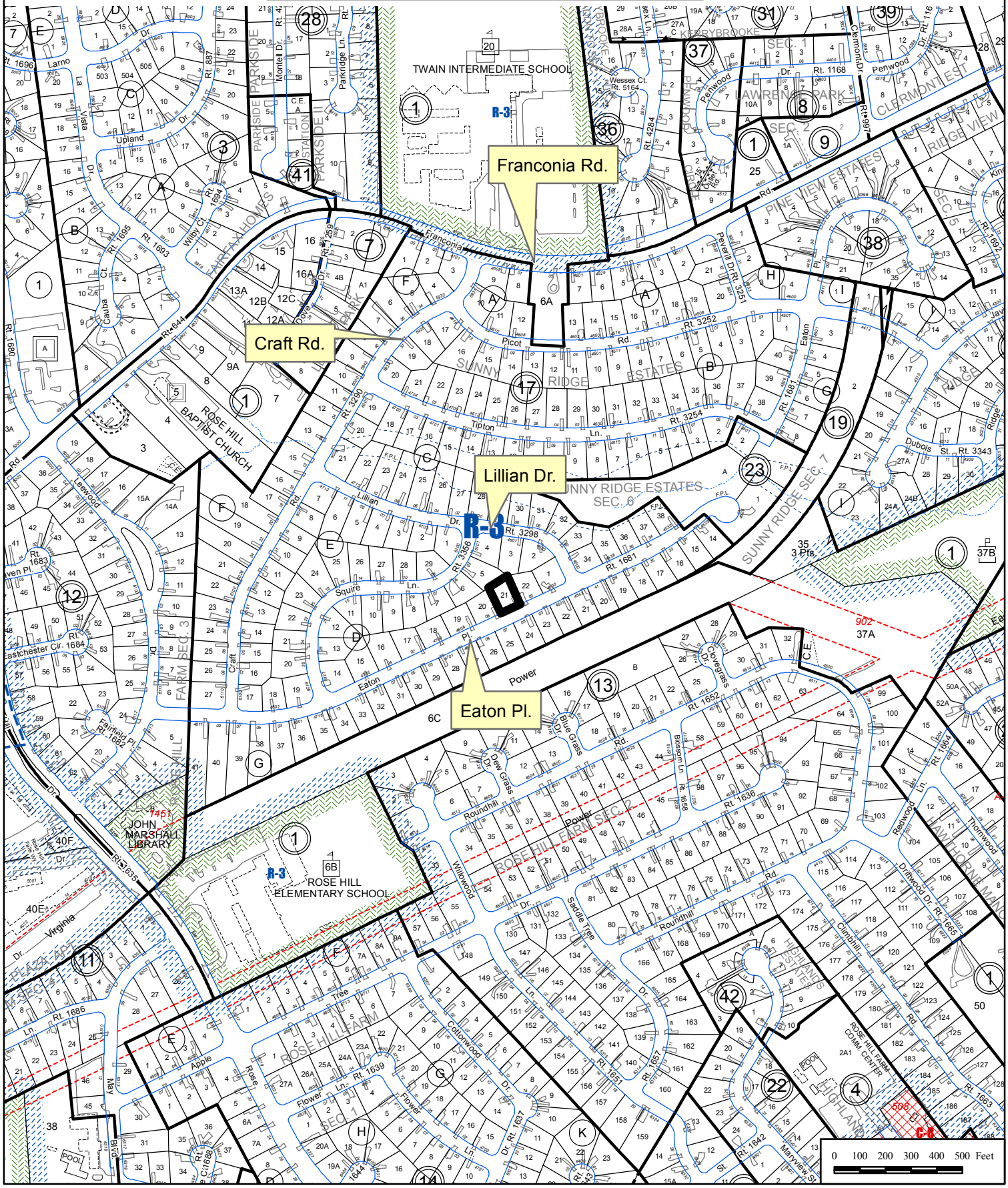
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

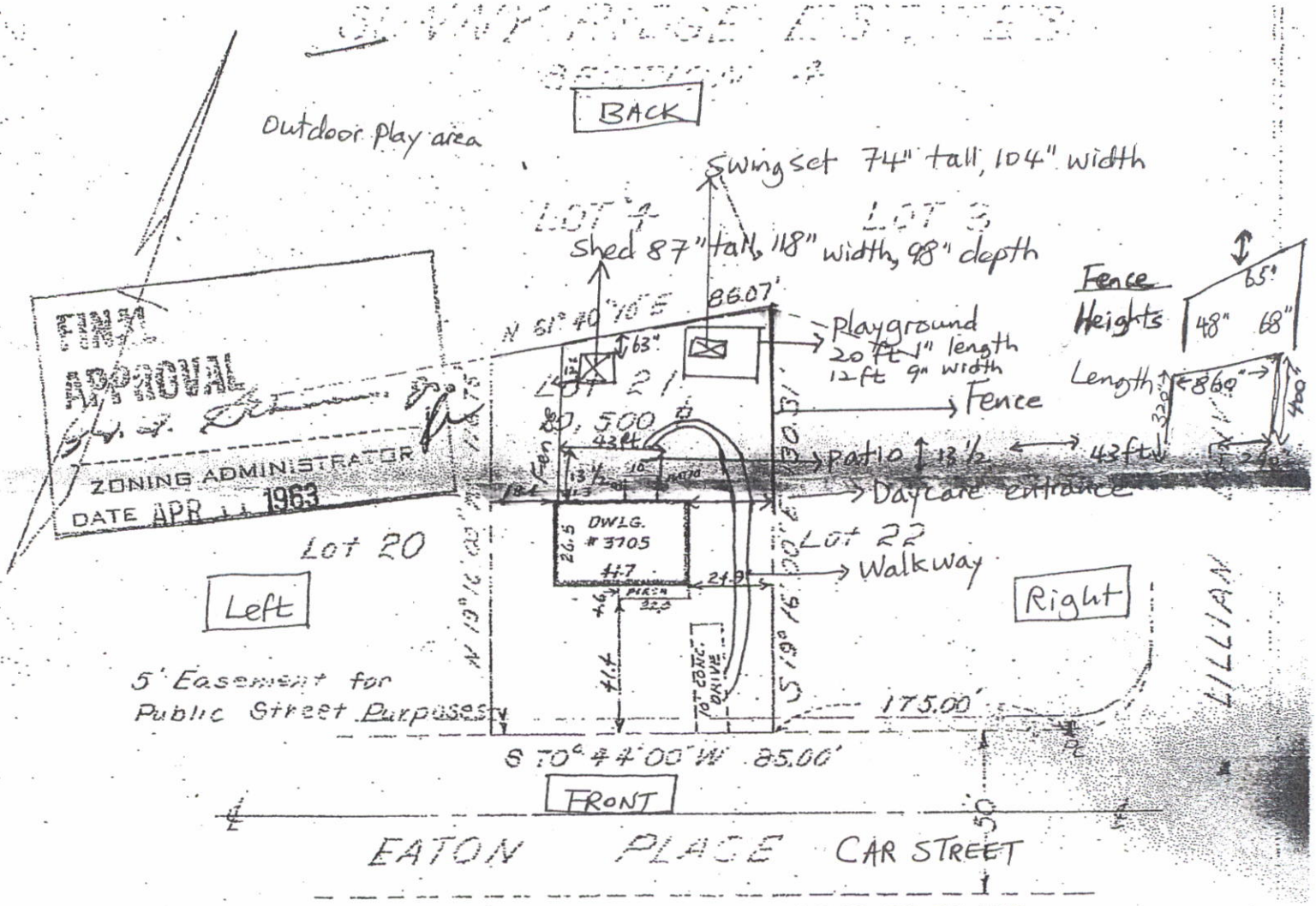
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

Special Permit

SP 2014-LE-101

JAY WESZELOVSZKY D/B/A ROSE HILL CHILD DAY CARE





WE HEREBY CERTIFY THAT THE RECORDED EASEMENTS DO NOT EXTEND INTO SUBJECT PROPERTY, EXCEPT AS SHOWN, MORE THAN 10' FROM THE PROPERTY LINE AND DO NOT INTERFERE WITH ANY IMPROVEMENTS

HOUSE LOCATION SURVEY

Lot 21, BLOCK D, SECTION FIVE

SUNNY RIDGE ESTATES

LEE MAGISTERIAL DISTRICT

Fairfax County, Virginia

Scale: 1" = 50' Date: 11-9-62

Patton & Kelly

Fairfax, Virginia

Certified correct: George E. Ford

RECEIVED
Department of Planning & Zoning
JUN 04 2014
Zoning Evaluation Division

Indoor daycare space 975 sq. aprox.
Outdoor daycare space 3,264 sq aprox.
Total: 7,503 sq

5/12/14

5/12/14

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled "House Location Survey, Lot 21, Block D, Section Five, Sunny Ridge Estates," prepared by Patton & Kelly, dated November 9, 1962, and revised by the applicant, Jay Weszelovszky, through May 12, 2014, 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 one-story single-family detached dwelling. A concrete driveway extends to Eaton Place, and a concrete walkway leads to the main entrance of the child care facility, located in the rear of the dwelling. The rear yard contains moveable play equipment, a shed, and a deck. These structures are surrounded by a wood fence. 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 dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1962 and purchased by the owner in 2005.

The applicant is currently pursuing final permits and inspections for her deck that was constructed by the previous homeowner. The deck is not utilized by the home child care, but a condition has been included prohibiting use of the area beneath the deck until all final permits and inspections have been obtained.

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 7:30 a.m. and 5:30 p.m., Monday through Friday. 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 February 29, 2016. The license permits a capacity of twelve children, ages birth through 12 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 a large play area, a nappping room, and an eating room. The rear yard is utilized for outdoor play. Photographs provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Wilton Woods Community Planning Sector (RH5)
Plan Map: Residential, 3-4 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	**Required**	**Provided**
Lot Size	10,500 sf.	10,500 sf.
Lot Width	Interior: 80 feet	85 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 30 feet	41.4 feet
Side Yard	Min.12 feet	18.4 feet
Rear Yard	Min. 25 feet	>25 feet

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 from a concrete driveway from Eaton Place. 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, it was recommended to the applicant to provide direct emergency egress to the outside from the napping room. An emergency egress window was installed, and photos of this window are included in Appendix 7.

Accessory Structures On-Site

The shed located in the rear yard is less than 8.5 feet in height and meets all Ordinance location requirements.

Zoning Ordinance Requirements (Appendix 8)

- 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)

Standards 1 and 2 Comprehensive Plan/ Zoning District	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.
Standard 3 Adjacent Development	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.
Standard 4 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.
Standard 5 Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space requirement for individual lots in the R-3 District.
Standard 7 Utilities, Drainage, Parking, and Loading	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.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-3 District. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 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)

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 February 29, 2016.

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.
Part G Increase in Children or Non-Resident Employee	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.

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2014-LE-101 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. Corrected Photos of ZIB Violations
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-LE-101

June 10, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-101 located at Tax Map 82-3 ((17)) (D) 21 to permit a home child care facility pursuant to Section 8-305 and 3-303 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, Jay Weszelovszky , only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4604 Eaton Pl., and is not transferable to other land.

2. This special permit is granted only for the home child care use indicated on the plat entitled, “House Location Survey, Lot 21, Block D, Section Five, Sunny Ridge Estates,” prepared by Patton & Kelly, dated November 9, 1962, and revised by the applicant, Jay Weszelovszky, through May 12, 2014, 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 7:30 a.m. to 5:30 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 area beneath the deck shall not be used by the home child care until all final permits and inspections are obtained for the deck.

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.

APPENDIX 2

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

STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Mrs. Jay Weszelovszky
4604 Eaton Place
Alexandria, VA 22310
571-275-0955
rosehillchilddaycare@yahoo.com

January 18, 2014

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

Re: Special Permit Application
Applicant: Jay Weszelovszky
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards
Tax Map #: 0823 17D 0021
Zoning District: R-3
Lot Size: 10,500 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 dwelling at 4604 Eaton place in Alexandria, Virginia with my husband and two children. The property is zoned R-3 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 the information about my child care facilities operations:

Hours: The child care is open from 7:30am to 5:30pm, Monday through Friday.

Number of Children: I care for up 10-12 children at any one time. This number does not include my own two children.

Employees: I have one assistant who works full time.

Arrival Schedule: Two children arrive between 7:30am-7:45am, two children arrive between 7:45am-8:00am, three children arrive between 8:00am-9:00am, two children arrive between 9:00am-10:00am.

Departure Schedule: Two children are picked up between 4:00pm-4:30pm. Two children leave between 4:30pm- 5:00pm, two children leave between 5:00om-5:15pm, three children leave between 5:15pm-5:30pm. (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 off Telegraph Road, Van Dorn Street and one of the children live in Fairfax Parkway. These parents drive their children to my house.

Operations: As I stated, my house is a single-family detached dwelling. It has a concrete walk-way from driveway to the rear entrance which is used as a daycare entrance and all the way to the drop off and pick up entrance. The gate is colored in white, yellow and blue. It has a walk-out basement on the same level of and also facing to the backyard, which is where the children spend most of their time. I use the bedroom, bathroom, kitchen, storage, play room, the entire ground floor of the house for daycare. Attached is a floor plan that indicates the areas where day care is located. The house has 10,500 square feet. The basement area where I conduct the dare care consist of approximately, 975 square feet in total. (See Attachment 2 for 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 fenced backyard for outdoor play for the children. The area is approximately 3,264 square feet. The outdoor play area consists of a swing set with slide, clime and slide, kitchen, riding toys, and small open playhouse in a recently built in playground certified rubber mulching and rubber bordered area. Also a wide concrete floor area where children can ride toddler bicycles, play with lawn mowers and wheel toys. I have drawn the details on my most recent house location plat which is included.

Parking: I use my driveway to park my car. My employee park her car on her sister's house driveway (also a neighbor) and walk to the daycare. My driveway provides enough parking for two cars so parents park on the driveway and also use ample parking along the streets in front of my house.

For these reasons, I believe that my proposed home day care facility will not impact my neighbor in any negative way and has never been.

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 neighbor in any negative way.

Sincerely,

Jay Weszelovszky

Mrs. Jay Weszelovszky

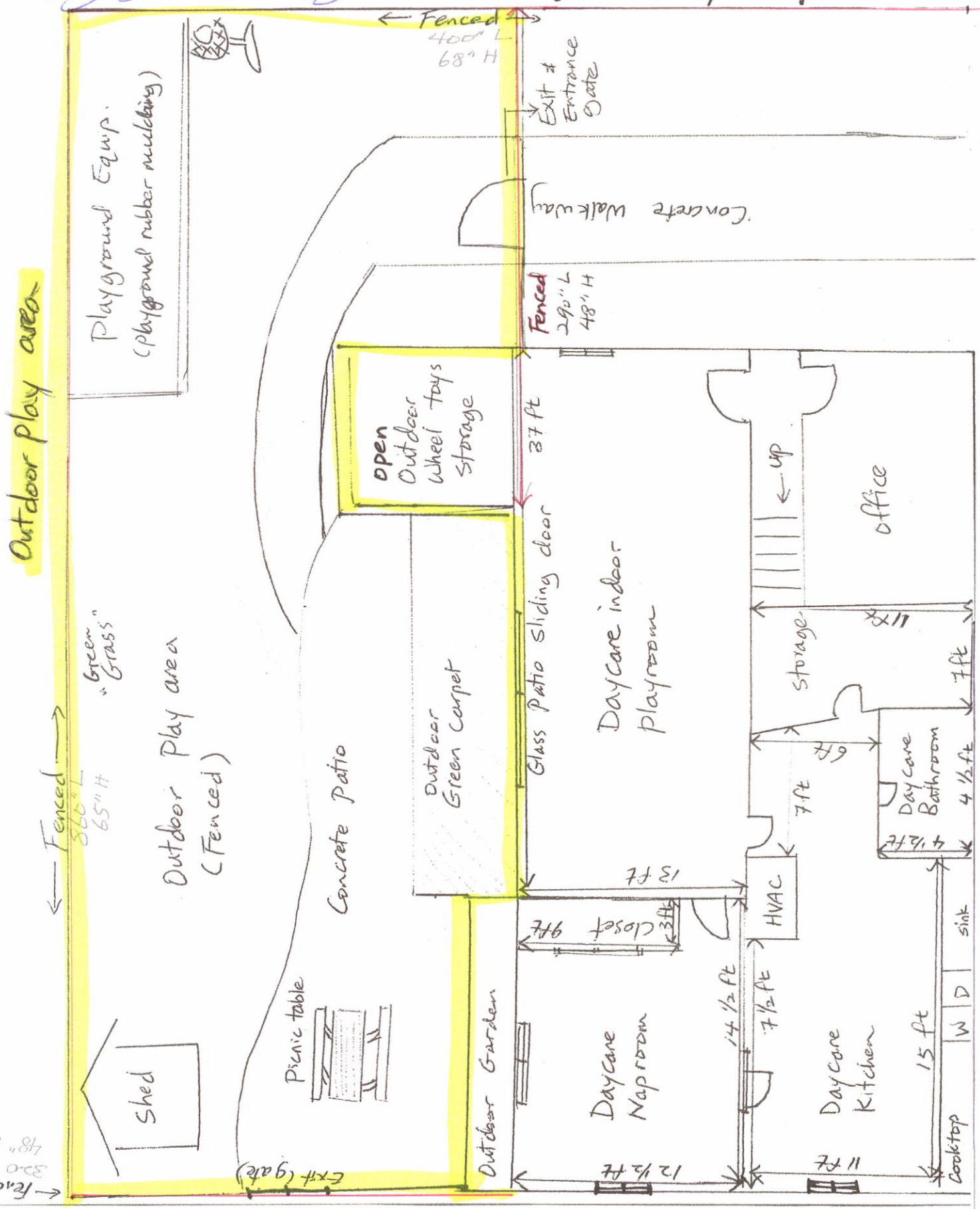
Owner of Home Child Care at 4604 Eaton Place

(page 1 of attachment 2)

Rooms used for Home child care facility

5/12/14 [signature]

Total est. 975sq indoor daycare space



1. Across street at Eaton Place. (neighbor across)

2. Front view of the house and side walkway to the day care entrance.

3. Back view of the house and day care entrance to indoor playroom.

4. Playground Equipment

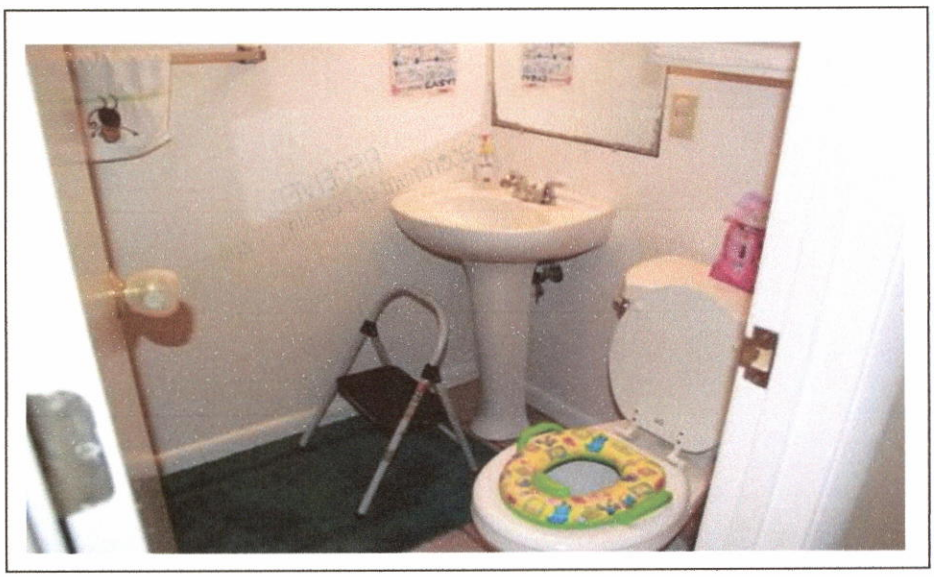
5. Concrete floor for riding toys and additional grass area for playing balls and running.

6. View from the day care entrance to left rear view of the backyard.

9. Indoor playroom.

10. Nap room. Picture taken from the view of the bedroom entrance.

11. Kitchen also used as preschool art craft area.



12. Bathroom

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/12/14
(enter date affidavit is notarized)

I, Jay Eun Weszelovszky (d/b/a Rose Hill Child Day Care), 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

124840

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)
Jay Eun Weszelovszky d/b/a Rose Hill Child Day Care	4604 Eaton Place, Alexandria, VA 22310	Owner/Applicant
Andreas Weszelovszky	4604 Eaton Place, Alexandria, VA 22310	Co-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).

CAB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/12/14
(enter date affidavit is notarized)

124 840

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

PARTNERSHIP INFORMATION

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

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

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner)**
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: 5/12/14
(enter date affidavit is notarized)

124840

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: 5/12/14
(enter date affidavit is notarized)

124840

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

Jay E, Weszelovszky
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of May 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: Mar 31, 2013

RAKESH BABBAR
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAR. 31, 2017
COMMISSION # 7264517

FORM SP/VC-1 Updated (7/1/06)

CMB

Virginia.gov Agencies | Governor

VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Jay Weszelovszky
4604 Eaton Place
ALEXANDRIA, VA 22310
(571) 275-0955

Facility Type:	Family Day Home
License Type:	One Year
Expiration Date:	Feb. 29, 2016
Business Hours:	7:30 am - 5:30pm Monday - Friday
Capacity:	12
Ages:	Birth - 12 years 11 months
Inspector:	Pamela Sneed (703) 479-4704

County of Fairfax, Virginia

MEMORANDUM

Date: October 24, 2014

To: Casey Gresham
Zoning Evaluation Division

From: Chuck Cohenour
Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility Application SP 2014-LE-101

Applicant: Jay Weszelovsky
4604 Eaton Place, Alexandria, Virginia 22310
Sunny Ridge Estates, Lot 21, Block D, Section 5
Tax Map Ref.#: 82-3 ((17)) (D) 21
Mail Log # 2014-LE-0432

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.

The sleeping room in the basement child care facility contains two windows that were found to be 35' x 39" (9.5 square feet in area) and 47" x 39" (12.7 square feet in area) with both having a sill height of 48 ". While the two windows exceeds the required operable area, the window sills exceed the required 44" height and are not in accordance with the USBC.

☐ 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.

☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

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

DEPARTMENT OF PLANNING & ZONING

- ☐ 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.

- ☐ 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.

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