



County of Fairfax, Virginia

July 1, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-BR-004

BRADDOCK DISTRICT

APPLICANT: Gail Gordon D/B/A Koalaty House, Inc.
OWNER: Gail Gordon
SUBDIVISION: Somerset, Sec. 1
STREET ADDRESS: 4110 Whitacre Rd., Fairfax, 22032
TAX MAP REFERENCE: 58-3 ((12)) 1
LOT SIZE: 26,110 square feet
ZONING DISTRICT: R-2C
ZONING ORDINANCE PROVISIONS: 8-305, 3-203
SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-BR-004 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.

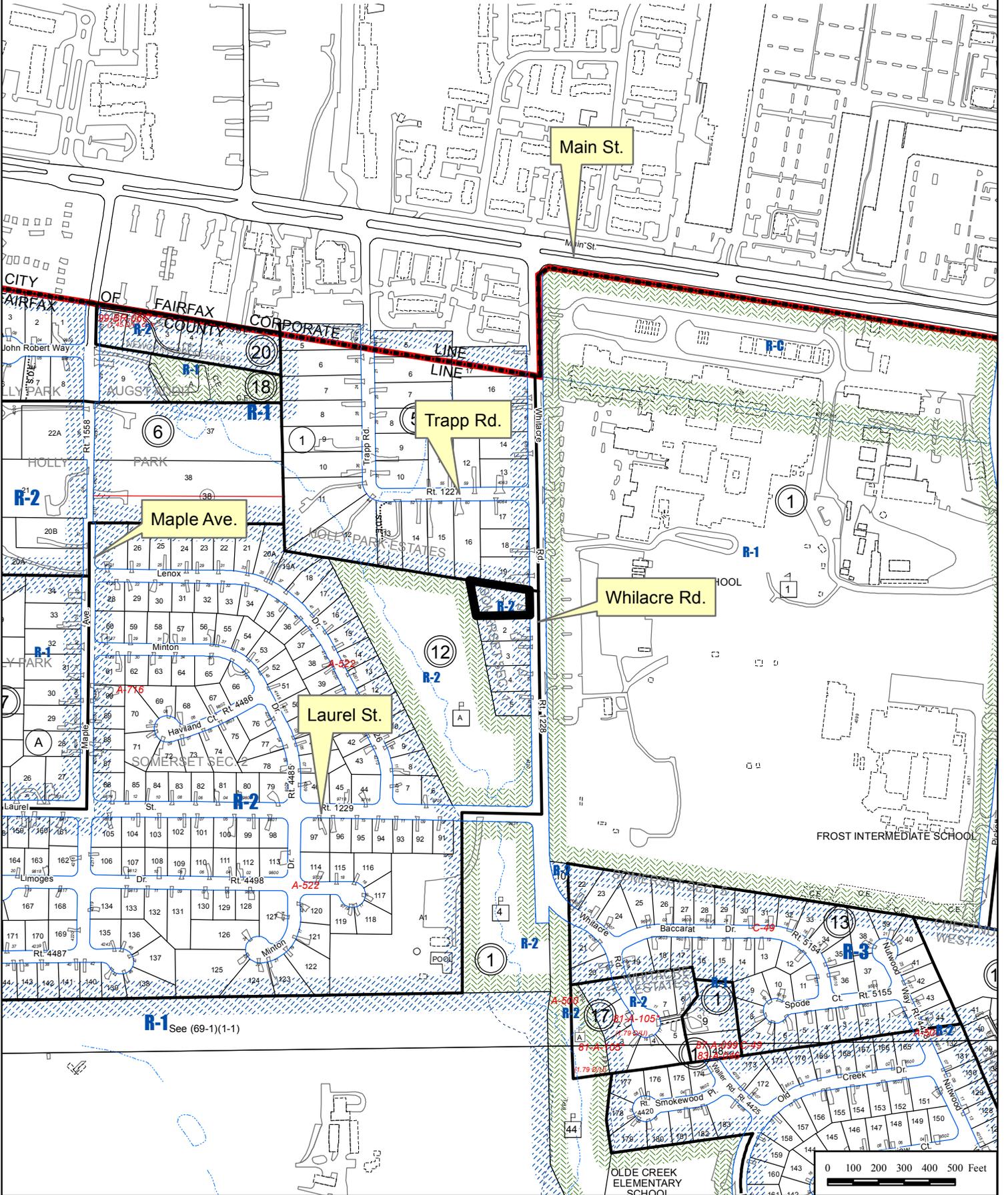
Casey V. Gresham

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 2015-BR-004
GAIL GORDON D/B/A KOALATY HOUSE, INC.



Main St.

Trapp Rd.

Maple Ave.

Laurel St.

Whilacre Rd.

R-1 See (69-1)(1-1)

0 100 200 300 400 500 Feet

JAN 08 2015

Zoning Evaluation Division



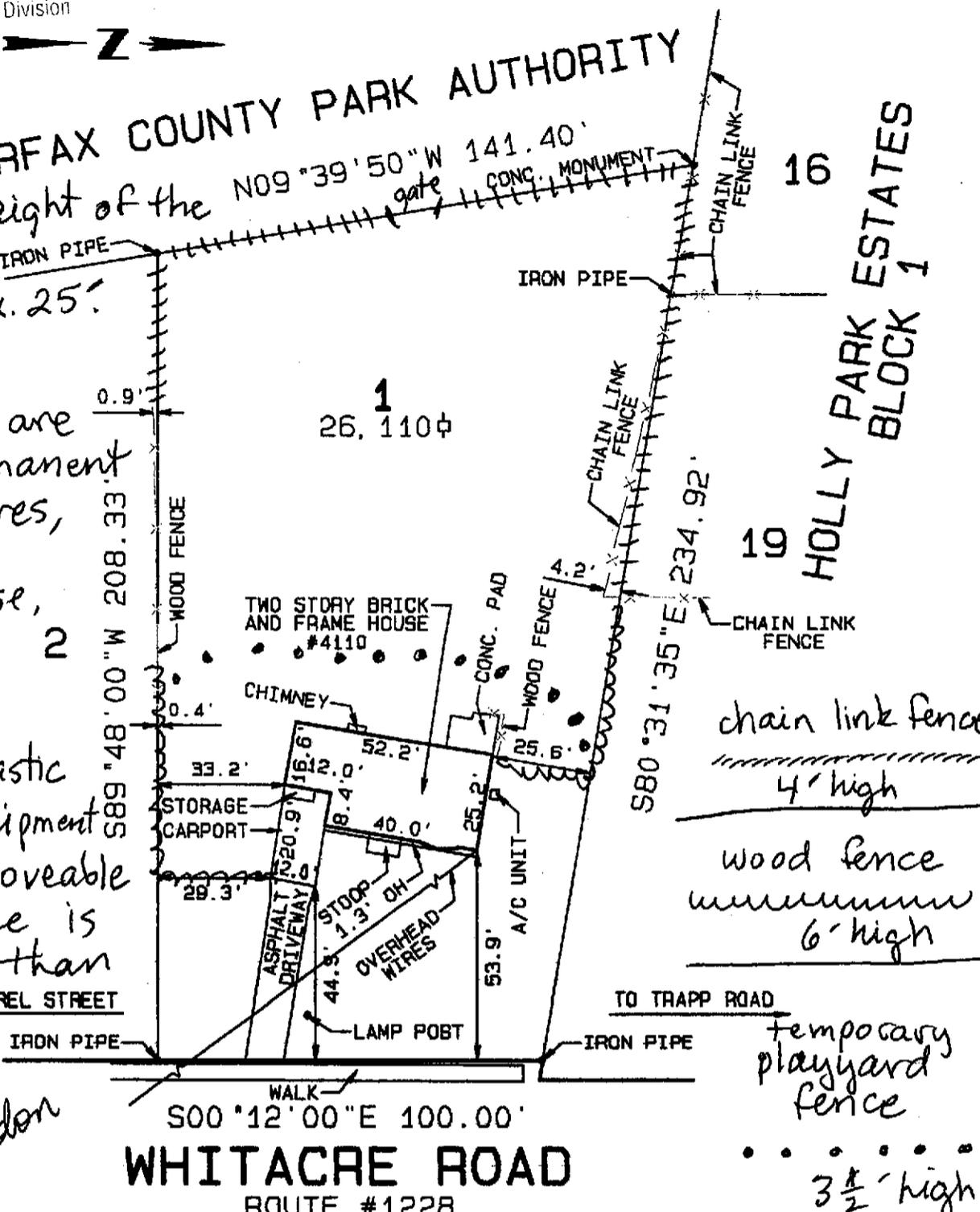
FAIRFAX COUNTY PARK AUTHORITY

* The height of the house is approx. 25'

* There are no permanent structures, play or otherwise, in the yard.

* The plastic play equipment is all moveable and none is higher than 4'

Gail Gordon
 1-5-15



WHITACRE ROAD
 ROUTE #1228

outdoor playyard approx.
 50' x 120'

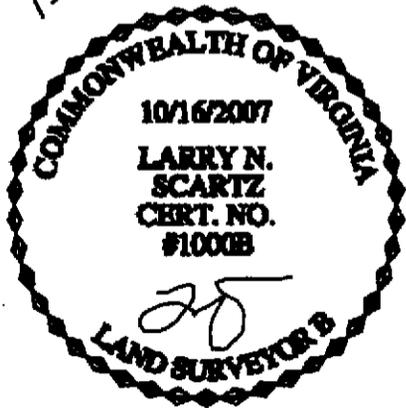
HOUSE LOCATION SURVEY

LOT 1, SECTION 1

SOMERSET

BRADDOCK MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=40' DATE: OCTOBER 16, 2007



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.

I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING
 IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY
 A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN,
 THERE ARE NO ENCRDACHMENTS EITHER WAY ACROSS
 THE PROPERTY LINE

CERTIFIED LAND SURVEYOR

CASE NAME: BONNER TO GORDON/CHESNUTT (07-253)
 J. MICHAEL BURKE, P.C.

LARRY N. SCARTZ
 CERTIFIED LAND SURVEYOR
 WOODBRIDGE, VIRGINIA

TELEPHONE WOODBRIDGE (703) 484-4181
 METRO (703) 690-4835
 FAX (703) 690-3888

20072591

MN

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 1, Section 1, Somerset," prepared by Larry N. Scartz, L.S., dated October 16, 2007, and revised by the applicant, Gail Gordon, through January 5, 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 Whitacre Road and connects to a former carport, that was converted to living space, which serves as the main entrance of the child care facility. The rear yard contains moveable play equipment and is enclosed by a chainlink fence 4 feet in height. Existing mature vegetation provides screening of the rear yard.



Figure 1: House location

The subject property and surrounding properties to the north is zoned R-1 and to the south is zoned R-2C and developed as single family detached dwellings. The property

immediately east is zoned R-1 and developed with Woodson High School; the property immediately west is zoned R-2C and is the site of Smokewood Park.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1964 and purchased by the owner in 2007.

On May 22, 2015, a final building permit was issued to the applicant for the enclosure of a carport. All final inspections were completed, and a copy of the building permit is included as Appendix 4.

Records indicate that no other special permit applications for 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. Two assistants currently work at the facility.

The applicant who operates the home child facility does not reside at the home. However, three of the children live at this location are being cared for at the home child care. Section 10-103. 6 E of the Zoning Ordinance states, "a child care provider may care for the maximum amount of children 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." A development condition has been included requiring conformance with this regulation.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through November 18, 2015. 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 on the main level of the dwelling, which contains large play areas, napping rooms, and an eating area. 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 II, Fairfax Planning District
Planning Sector: Braddock Community Planning Sector (F1)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

| Bulk Standards (R-2C) | | |
|-----------------------|---------------------------------------|------------------------|
| Standard | Required | Provided |
| Lot Size | 13,000 sf. | 26,110 sf. |
| Lot Width | No Requirement | 100 feet |
| Building Height | 35 feet max. | Figure not provided |
| Front Yard | Min. 25 feet | 44.9 feet |
| Side Yard | Min. 8 feet (total side yard 24 feet) | 25.6 feet (54.9 total) |
| Rear Yard | Min. 25 feet | >25 feet |

On-Site Parking and Site Circulation

The existing driveway can accommodate four vehicles. The assistants park on the streets using parking permits, and parents conduct drop-off and pick-up activities at staggered times. A condition has been included to require drop-off and pick-up to occur in the applicant’s driveway.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, it was noted that no building permits were on record for the carport conversion, and inappropriate storage of materials was blocking the furnace and hot water heater. Since this inspection, all noted violations have been corrected; building permits have been obtained and are included in Appendix 4, and photos of the removed storage are included in Appendix 7.

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)

| | |
|---|---|
| <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-2 Cluster 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-2C 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>The property meets the lot size and bulk regulations for the R-2C 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 three non-resident employees.</p> |
| <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> |

| | |
|---|---|
| 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 November 18, 2015. |

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 three non-resident employees. |
| Part E Provider is a Resident | The provider is a not a resident; however, as previously described, the provider meets the required qualifications of a home child care under Section 10-103.6E. |
| 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 2015-BR-004 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 2015-BR-004****July 1, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-004 located at Tax Map 58-3 ((12)) 1 to permit a home child care facility pursuant to Section 8-305 and 3-203 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, Gail Gordon , only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4110 Whitacre Road., 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 1, Section 1, Somerset," prepared by Larry N. Scartz, L.S., dated October 16, 2007, and revised by the applicant, Gail Gordon, through January 5, 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 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The approval of this use is contingent upon conformance with Section 10-103 of the Zoning Ordinance. If the provider ceases to care for the resident children and no longer qualifies under sub-paragraph E, she must cease the home child care use or become the primary resident of the dwelling.
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 three 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 portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency

escape and rescue openings shall be of the dimension and size specified 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. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".

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.

Revised Special Permit Statement of Justification—Revision Date September 19, 2014

- Type of Operation: Family Day Care Home, operating since 1993
- Hours of Operation: 7:30am-5:30pm Monday - Friday
- Estimated Number of Children: 12
- Number of Employees: Myself and up to two assistants
- Estimated Drop Off Schedule: See attached arrival and departure schedule
Drop off varies between 7:30am and 9:30am;
Pickup varies throughout the afternoon, last pickup at 5:30;
Usually no more than two families at a time for drop off or pickup;
Drop offs and pickups are usually only 5-10 minutes in duration
- Vicinity or General Area to be Served: Fairfax, Annandale, Vienna
- Operations: My house is a single family detached dwelling. The childcare is operated on the entire main level with an approximate square footage of 1000 square feet (See floor plan).
- The zoning ordinance requires that the dwelling that contains the child care facility is the primary residence of at least one of the children in my care. I own the home and my friend and her three children live upstairs. I care for her children and use the main level for child care. (According to the Zoning Ordinance Use Limitations for Home Care Facilities Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations Section 10-103, Use Limitations #6, Section E: Notwithstanding the provisions of Paragraph B, a child care provider may care for the maximum number of children permitted in Paragraph A 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.)
- Utilities: water, sewage, and gas connected
- Statement of Proposed Use: Have been providing daycare for more than 20 years and in current location for six years.
- Parking: I have a doublewide driveway to provide parking for at least four cars. Whitacre Road has parking on either side of the two-way travel lanes. There is seldom more than two vehicles dropping off or picking up children at one time. In fact, some children have even been walked to the facility by their parents so no cars were involved.
- 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.
- I propose to use my rear yard for outdoor play for the children. The entire fenced rear yard is approximately 15,000 square feet and the actual play area of approximately 5,000 square feet

is further enclosed by a nonpermanent interior fence set up to designate the area where the children play. This area and fencing can be seen in the photographs. The porch is also used for play.

In conclusion, I believe that my in-home day care facility will continue to comply with the county and the state regulations and will remain a positive addition to my neighborhood. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards. To my knowledge no waivers are needed.

Gail Gordon d/b/a Koalaty House, Inc.

(See Page 2 for How This Use Satisfies the General Standards for a Special Permit Application.

Jane Kelsey, President, Jane Kelsey & Associates, for Gail Gordon, President, Koalaty House, Inc.

Gail Gordon d/b/a Koalaty House

Typical Arrival Schedule AM Times

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

Typical Departure Schedule PM Times

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

*Child #8 and #9 are siblings and arrive and depart in one car.

RECEIVED
 Department of Planning & Zoning
 NOV 03 2014
 Zoning Evaluation Division

Jane Kelsey & Associates, Inc.

Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030-5168
703-385-4687 (Phone)
703-385-8760 (FAX)
jckelse@aol.com

President
Jane Kelsey

Vice-President
Donald E. Lucas

November 2, 2014

Ms. Debbie Pemberton
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22055

RE: Gail Gordon d/b/a Koalaty House, Inc.

Dear Ms. Pemberton:

Attached is the Revised Statement of Justification dated September 19, 2014. The changes have been underlined. Along with the Statement is the Typical Arrival Schedule in the format your office requested.

I plan to be in your office tomorrow, Monday, November 3, 2014 to make the changes to the application form.

I apologize for the delay. Ms. Gordon revised the statement and sent to me in September. It was lost in my email in-box. It was not until she sent a second email asking if I had received and sending another copy, did I realize I had it all along. I am emailing you this letter and will bring the hard copy when I come to the office.

Thanks for the reminder.

Sincerely,


Jane Kelsey

Cc: Ms. Gail Gordon

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Department of Planning & Zoning

NOV 03 2014

Zoning Evaluation Division

Attachment to Revised Special Permit Statement with Revision Date September 19, 2014

Additional Standards for Home Child Care Facilities

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

Sub Par. A: Answer: The Special Permit requests a maximum of 12 children as stated in the Revised Statement dated September 19, 2014 and in the original statement.

Sub Par. B Answer: The facility is currently and will be operated by a licensed home child care provider within the dwelling.

However, **Sub Par. E** states that “Notwithstanding the provisions of Par B above, a child care provider may care for the maximum number of children permitted in Par A 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 Para D.

This was justified in the Revised Statement under bullet 8 stating that the provider owns the home and at least one of the resident’s children is cared for by the home owner and applicant. In fact, the provider has been caring for at least one or all of the three children who reside in the home since they were born.

Sub Par. C. There is no exterior evidence that the property is used in any other way other than as a dwelling, except for play equipment which is allowed.

Sub Par. D. The non-resident person who is the provider is on the property while the resident parent is at work, therefore, there is only one such person on the property at any one time. The proposed hours are from 7:30 a.m. until 5:30 p.m. Monday through Friday, as stated in the Revised Statement dated September 19, 2014 and the original .Statement.

Sub Par. E is addressed above as part of Sub Par B.

F. All uses that are subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia and to the best of our knowledge are in compliance. A recent inspection by the State confirmed there were no violations.

G. This application does request an increase in the number of children from the number permitted by right and is for a maximum of 12 as stated above as is allowed under Part 3 of Article 8, Special Permits. This application also requests more than one nonresident person as permitted under Par. D above in accordance with the provisions of Part 3 of Article 8. The total number including the applicant is three.

Attachment Prepared by Jane Kelsey, Jane Kelsey & Associates, Inc. dated January 12, 2015.

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Department of Planning & Zoning
JAN 12 2015
Zoning Evaluation Division

Jane Kelsey & Associates, Inc.

**Land Use Consultants
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jckelse@aol.com**

**President
Jane Kelsey**

**Vice-President
Donald E. Lucas**

March 7, 2014

Department of Planning & Zoning
Zoning Evaluation Division
Special Permit & Variance Branch

RECEIVED
Department of Planning & Zoning
MAR 10 2014
Zoning Evaluation Division

RE: Application for Home Child Care Facility Special Permit
Koalaty House, Inc., 4110 Whitacre Road
Fairfax, VA 22032, Tax Map 58-3 ((12)) 0001

Attached is an application package for a home child care facility for Koalaty House, Inc. It is noted within the statement that Ms. Gail Gordon has operated a home child care facility for more than 20 years, six years at this location. The statements from her closest neighbors on either side show that there have never been any problems with the operation of this facility. In fact, they even support having a home child care facility in the neighborhood.

The property is directly across from Woodson High School's athletic fields and parking lots. It is noted that while the double wide driveway can accommodate all vehicles that might be onsite at any one time, the public street has a wide area for parking on either side of the two way travel lanes. That area is primarily used for vehicles when backing out of the driveway. On the rare occasions that parents choose to park on the street, they are still required to personally bring their child(ren) into the home child care facility. Therefore, we request that this practice continue to be permitted. The reality is there is rarely more than one extra car in the driveway at any one time due to the parents varying drop off and pick up schedule. In fact, some children have even been walked to the facility by their parents so no cars were involved. The facility is open Monday through Friday 7:30 am to 5:30 pm.

As can be seen from the pictures, there is a large fenced-in yard. Since the back yard is spacious, there is a nonpermanent interior fence set up to designate the area where the children play. The remainder of the yard is a large wooded area which backs to parkland.

Ms. Gordon is requesting the special permit for 12 children. Ms. Gordon is fully qualified and the location of this facility is more than accommodating for this number of children. The ample street, the welcoming neighbors and the courteous parents allow for this facility to run smoothly.

Let us know if you need any additional information.

Sincerely,



Jane Kelsey

Attachment: Application Package

*Zoning Ordinance Use Limitations for Home Child Care Facilities
Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations
Section 10-103, Use Limitations*

RECEIVED
Department of Planning & Zoning
MAR 10 2014
Zoning Evaluation Division

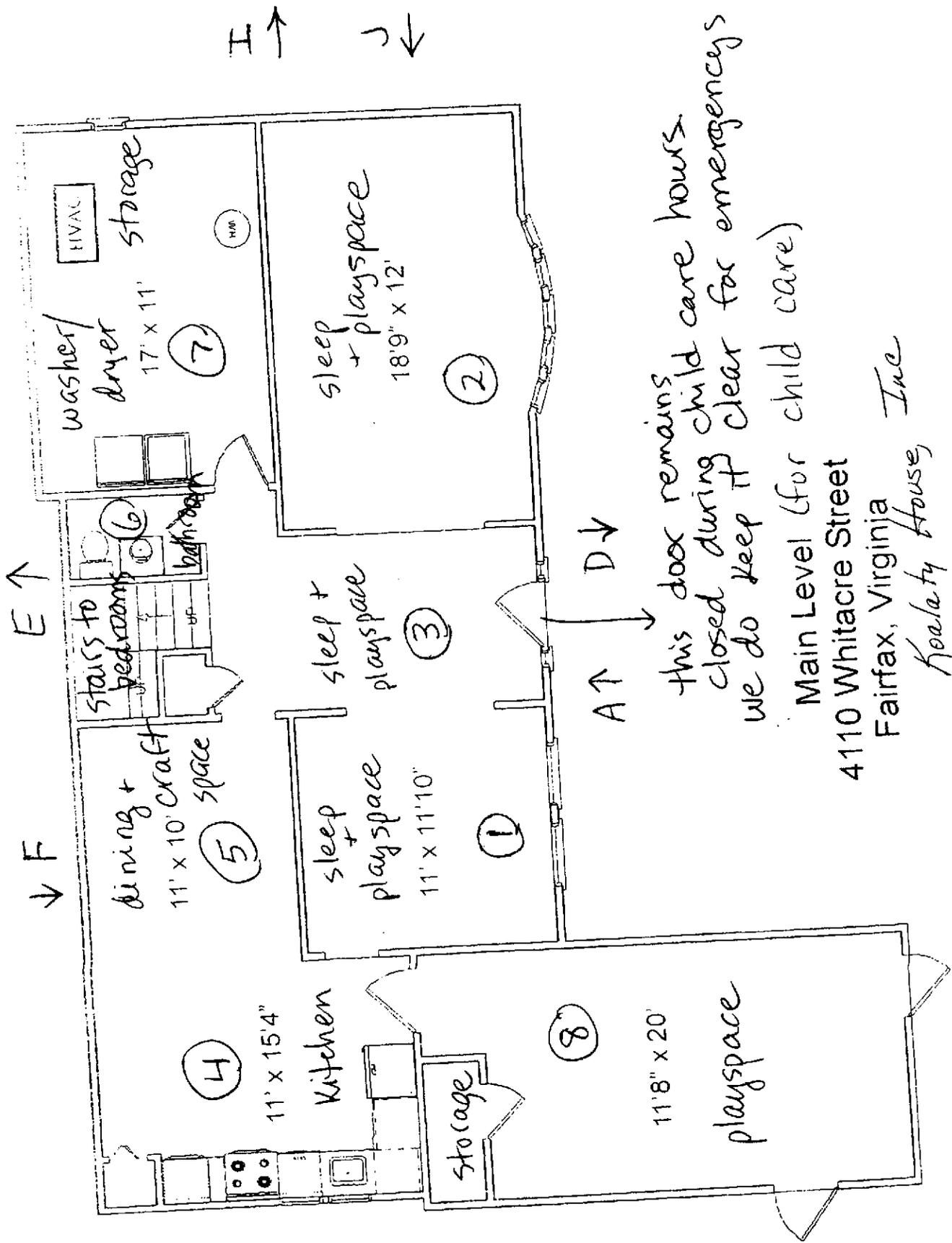
6. The following use limitations shall apply to home child care facilities:

- 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.
- 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.

Andrew Hushour
202-324-1314 '12
Deputy Zoning Admin.



this door remains closed during child care hours we do keep it clear for emergencies

Main Level (for child care)
 4110 Whitacre Street
 Fairfax, Virginia
 Quality House, Inc

Photos A-J correspond to the ^{Koalaty House, Inc.} letters on the floor plan



A

front of house, from street



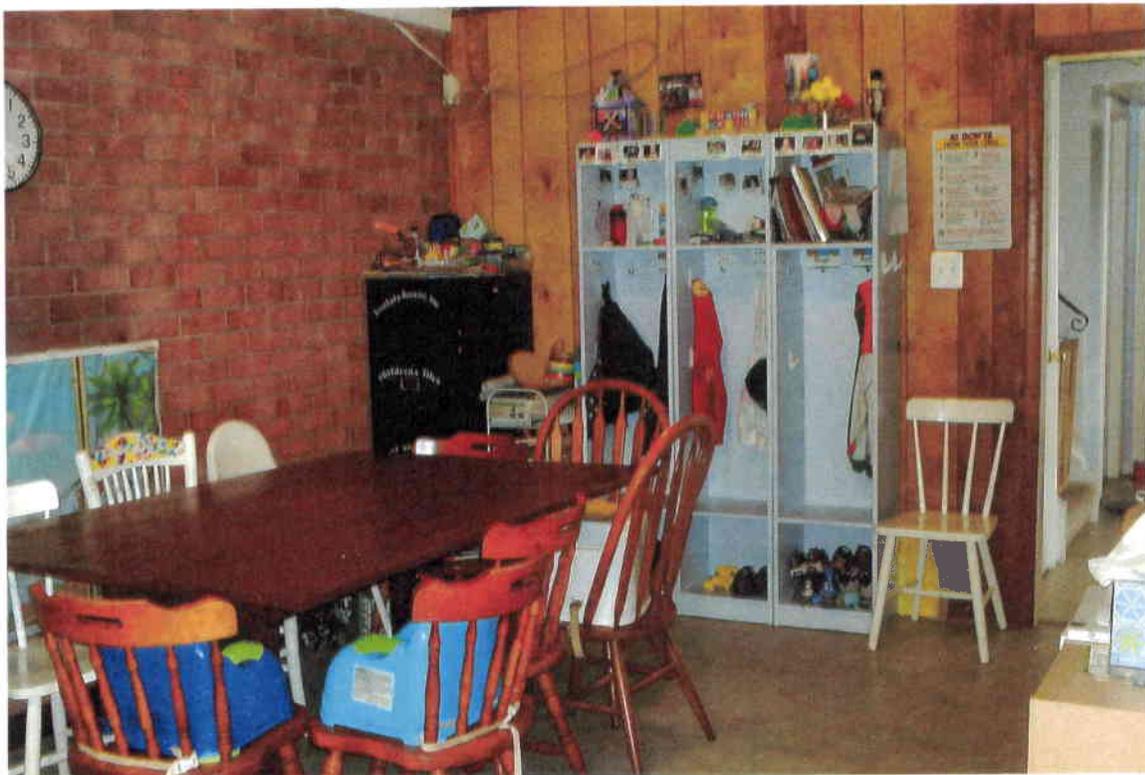
B

driveway, from street



4

Kitchen, from dining room



5

dining room, from kitchen



C

from front end of driveway towards the street



D

from the front door towards the street

Koalaty House Inc



(G)

from left side of yard to left side of house.



6'
wooden
fence

(H)

from left side of house towards neighbors house



I

from right side of house, to neighbors house



J

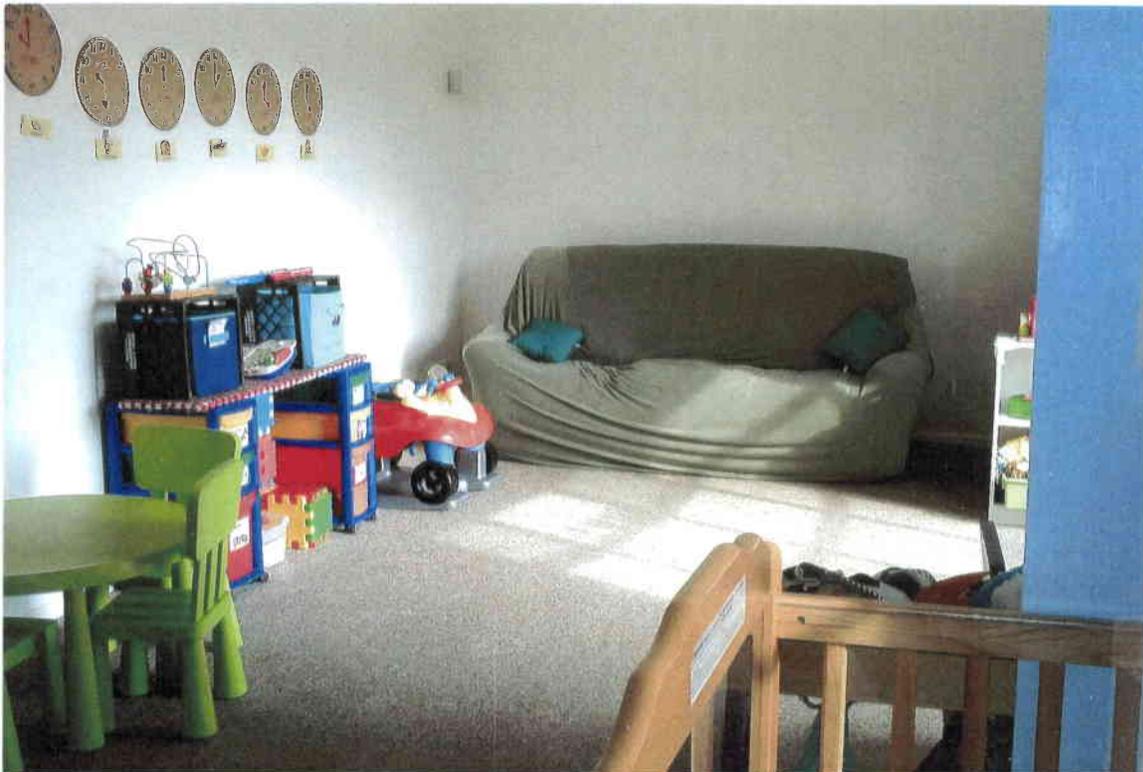
from right side yard to right side of house

Photos 1-8 correspond to the numbers on the floor plan. Koelaty House, Inc



①

small playroom



②

big playroom



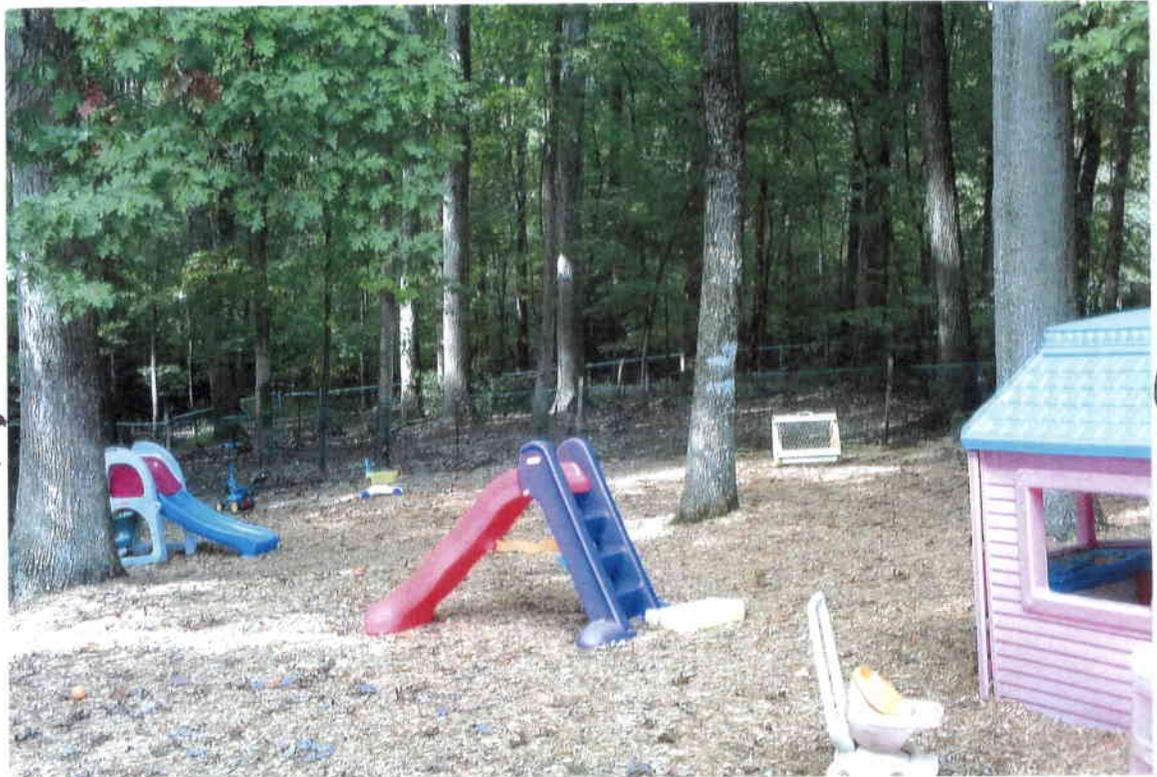
3

hallway



2,3,1

view from big playroom thru hallway to small



chain link fence

back of property

non permanent play yard fence

(E)

from back of house to rear lot



play yard fence

(F)

from back of property toward back of house



8

screened porch, from driveway

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 4, 2014
(enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., 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) |
|--|---|--|
| Koalaty House, Inc. | 4110 Whitacre Road Fairfax, VA 22032 | Applicant |
| Gail L. Gordon | 4110 Whitacre Road Fairfax, VA 22032 | Agent for Applicant President, Koalaty House, Inc. and Title Property Owner of Tax Map No. 058-3((12))0001 |
| Jane Kelsey & Associates, Inc. | 4041 Autumn Court Fairfax, VA 22030 | Agent for Applicant |
| Jane Kelsey | " | Agent for Applicant |
| Bruce E. Kelsey | " | Agent for 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).

124753

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 4, 2014
(enter date affidavit is notarized)

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)
Koalaty House, Inc.
4110 Whitacre Road
Fairfax, VA 22032

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)
Gail L. Gordon

(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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 4, 2014
(enter date affidavit is notarized)

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)
Not Applicable - Not a partnership

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

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

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

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

124753

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 4 2014
(enter date affidavit is notarized)

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: March 4 2014
(enter date affidavit is notarized)

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

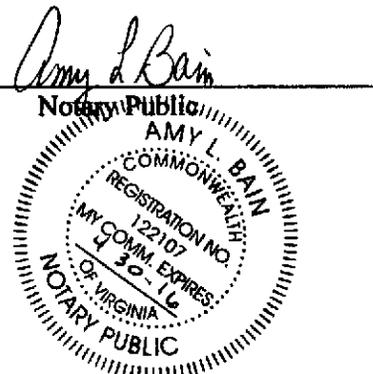
[x] Applicant's Authorized Agent

Jane Kelsey, Jane Kelsey & Associates, Inc.

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

Subscribed and sworn to before me this 4th day of March 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 4/30/16



124753
CAB

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

Page 6 of 6

Special Permit/Variance Attachment to Par. 1(b)

DATE: March 4 2014
(enter date affidavit is notarized)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Jane Kelsey

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

124753

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We the undersigned title owner(s) of the property identified below and the only stockholder of Koalaty House, Inc. do hereby authorize Jane Kelsey & Associates, Inc. to act as agent(s) in the furtherance of a Special Permit application for a home child care facility on my property located at 4110 Whitacre Road, Fairfax, VA 22032, Tax Map 58-3 ((12)) 0001.

Gail L. Gordon

2-27-14

Gail L. Gordon, Title owner and Stockholder, Koalaty House, Inc.

Date

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this 27th day of February, 2014, by Gail L. Gordon by Gail L. Gordon.

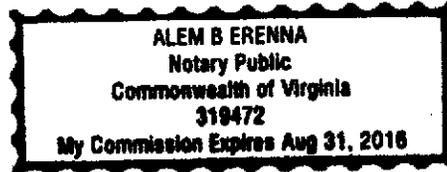
ALEM B ERENNA

Notary Public (Signature)

Notary Registration No. 319472

My Commission Expires Aug 31, 2016

AFFIX NOTARY SEAL/STAMP



All Title Owners Must Sign in Presence of Notary, if there is more than one owner, signatures may continue on next page. (No other owners)

124753

OWNER CONSENT FOR CORPORATION TO FILE AND OPERATE HOME CHILD CARE FACILITY

To Whom It May Concern:

I, the undersigned title owner of the property identified below and the only stockholder of Koalaty House, Inc. do hereby authorize Koalaty House, Inc. and its sole stockholder to apply for a Special Permit for a home child care facility on our property located at 4110 Whitacre Road, Fairfax, VA 22032, Tax Map 058-3 (12) 0001.

TITLE OWNER

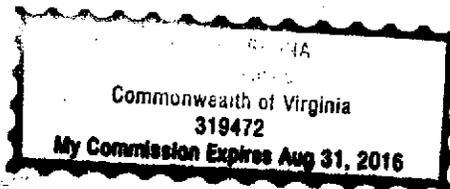
BY: Gail L. Gordon 2-27-14
Gail L. Gordon Date

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this 27th day of February, 2014, by Gail L. Gordon by Gail L. Gordon.

Heather B. Ennis
Notary Public (Signature)
Notary Registration No. 319472
My Commission Expires: Aug, 31/2016

AFFIX NOTARY SEAL/STAMP



All Title Owners Must Sign in Presence of Notary. If There is More Than One Owner, Signatures May Continue On Next Page. (No other owners)

124753



Land Development Information History: FIDO - ADDITION R - 151420072

Permit Information

Permit Number: 151420072
Permit Type: RESIDENTIAL ADDITION
Job Address: 004110 WHITACRE RD
FAIRFAX , VA 22032-1144
Permit Status: Finalized
Work Description: enclosed existing carport per county detail



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Gail Gordon

4110 Whitacre

FAIRFAX, VA 22032

(703) 272-7336 [📞](#)Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Nov. 18, 2015Business Hours: 7:30 am - 5:30 pm
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Dolores Casseen
(703) 479-4709 [📞](#)



County of Fairfax, Virginia

MEMORANDUM

Date: May 12, 2015

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-BR-004

Applicant: Gail Gordan, Koalaty House, Inc.
4110 Whitacre Road, Fairfax, Virginia 22032
Somerset, Lot 1, SEC 1
Tax Map# 58-3 ((12)) 1
Zoning District: R-2C
Magisterial District: Braddock
ZIB# 2015-0212
Date of Inspection: May 7, 2015

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

- 1. 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.)
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. 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.

- 4. 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.
- 5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 6. 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.
- 7. 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.
*The utility room contained storage that surrounds both the furnace and hot water heater. 36" clearance should be maintained around the furnace and water heater.
- 8. Structures comply with the Zoning Ordinance.
* This Home Child Care had an existing carport that is approximately 252 square feet. The carport had been enclosed. No building permits were found in FIDO for the modifications.



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