



APPLICATION ACCEPTED: March 3, 2015  
BOARD OF ZONING APPEALS: July 8, 2015  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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June 30, 2015

## STAFF REPORT

SPECIAL PERMIT SP 2015-SU-043

### SULLY DISTRICT

**APPLICANT:** Mehrangiz Izadi  
(Mary and Children)

**OWNERS:** Mehrangiz Izadi  
Gholam H. Atashbarghi

**SUBDIVISION:** Villeneuve Property

**STREET ADDRESS:** 10423 Lawyers Road, Vienna, 22181

**TAX MAP REFERENCE:** 27-4 ((01)) 34

**LOT SIZE:** 1.92 acres

**ZONING DISTRICT:** R-E

**ZONING ORDINANCE PROVISIONS:** 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SU-043 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.

*Sharon Williams*

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**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A more detailed description of the proposal is provided on page two.

A copy of the special permit plat, titled "Plat Showing House Location on the property located at 10423 Lawyer's Road" prepared by George O'Quinn on February 10, 2015, is included in the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a single family detached dwelling. Vehicular access to the dwelling is provided via Lawyers Road, and there is ample parking on the driveway in front of the home. Small, moveable play equipment is present in the rear yard surrounded by a 4 foot tall fence.

The property is located to the west of the intersection of Lawyers Road and Hunter Mill Road.

The subject property and surrounding properties are zoned R-E and are developed with single-family detached dwellings.

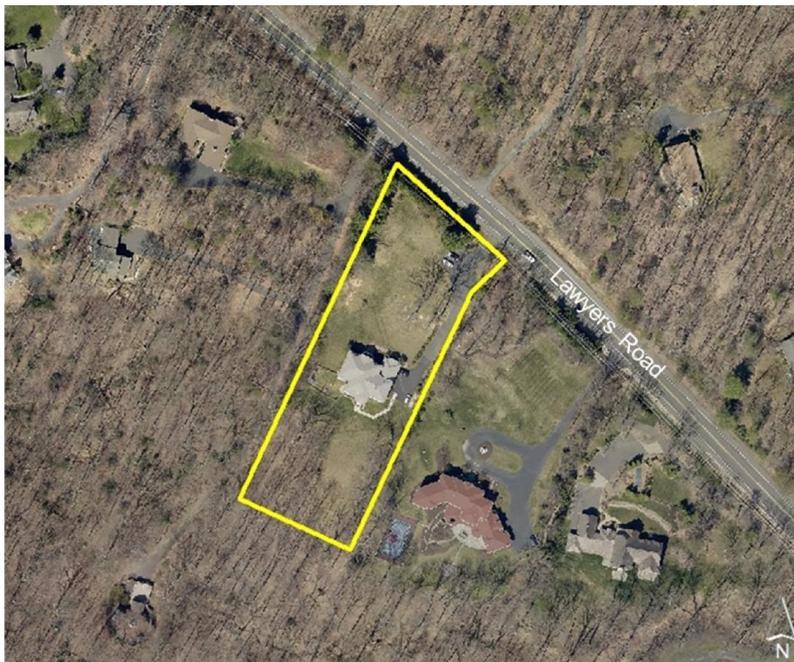


Figure 1: Aerial View

## BACKGROUND

Fairfax County Tax Records indicate that the applicant purchased the property in 2005 and constructed a new dwelling in 2008 after demolishing the previous dwelling on-site.

## 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, with two assistants. The hours of operation are from 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. Parking is provided in the driveway, which can accommodate a total of seven cars at any one time.

The applicant holds a current Family Day Home License, valid through September 23, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, birth through 5 years, 11 months of age. If approved, the applicant will need to amend her state license to allow a capacity of 12 children. A copy of the license is included as Appendix 4.

The home child care facility is operated in the basement of the dwelling, which consists of two bedrooms, a media room, a service room, and an open recreational room with a wet bar. The bedroom on the west side of the basement and the recreational room are both used for napping; both rooms have adequate egress. The service area is not accessible to the children; however, it is used for food preparation.

The parents and children enter on the basement level at the rear of the house. The walkout basement provides access to the rear and side yard, which is designated as the outdoor play area. Pictures provided by the applicant show toys and movable play equipment located in this area.

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** Area II, Fairfax Planning District  
**Planning Sector:** Fox Lake Community Planning Sector (F4)  
**Plan Map:** Private Open Space

### Zoning District Standards

Bulk Standards (R-E)		
Standard	Required	Provided
Lot Size	75,000 sf.	1.92 acres (83,635 sf.)
Lot Width	Interior: 200 feet	~202.99 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 50 feet	208.2 feet
Side Yard	Min. 20 feet	38.7 feet
Rear Yard	Min. 25 feet	~178 feet

**On-Site Parking and Site Circulation**

The existing driveway and garage can accommodate up to ten vehicles; three in the garage and seven in the driveway. The applicant currently parks her family vehicles in the garage. Therefore, seven driveway spaces are available for drop-off and pick-up of children.

Vehicular access to the site is provided from Lawyers Road. As previously discussed, the parents and children enter the home child care at the rear of the dwelling.

**Zoning Inspection Branch Report**

The Zoning Inspections Branch report is included in Appendix 5. At the time of the inspection there was storage in front of the electrical service panel and other storage adjacent to the hot water heater and furnace. The applicant has since corrected these deficiencies and provided photographs (Appendix 6).

**Zoning Ordinance Requirements (Appendix 7)**

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

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

<p><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-E District permits a home child care facility as an accessory use with special permit approval.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> 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><b>Standard 5</b> Landscaping/Screening</p>	<p>The property boundary is lined with mature vegetation that provides screening to the adjacent properties.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement in the R-E District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. The driveway is used for parking</p>

<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.
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**Standards for all Group 3 Uses (Sect. 8-303)**

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

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions propose up to two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and adequate 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.
<b>Standard 3</b> Landscaping/Screening	The property boundary is lined with mature vegetation that provides screening to the adjacent properties.
<b>Standard 4</b> Submission Requirements	The application meets all submission requirements for a home child care facility.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license.

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

<b>Part A</b> 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.
<b>Part B</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.

<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> 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.
<b>Part G</b> 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 to 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 two 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-SU-043 for the home child care facility with the 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. Photos of Updated Conditions Since ZIB Inspection
7. Applicable Zoning Ordinance Provisions

