



APPLICATION ACCEPTED: April 28, 2015  
BOARD OF ZONING APPEALS: July 29, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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July 22, 2015

## STAFF REPORT

**SPECIAL PERMIT NO. SP 2015-MA-073**

### MASON DISTRICT

**APPLICANT:** Sandra Vergara/  
ABC Daycare, Inc.

**OWNERS:** Ken G. Fox  
Betty Fox

**SUBDIVISION:** Ravensworth Grove, Section 5

**STREET ADDRESS:** 7707 Erie Street, Annandale, 22003

**TAX MAP REFERENCE:** 70-2 ((6)) 132

**LOT SIZE:** 10,981 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 3-303, 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-073 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.

*Laura Arseneau*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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

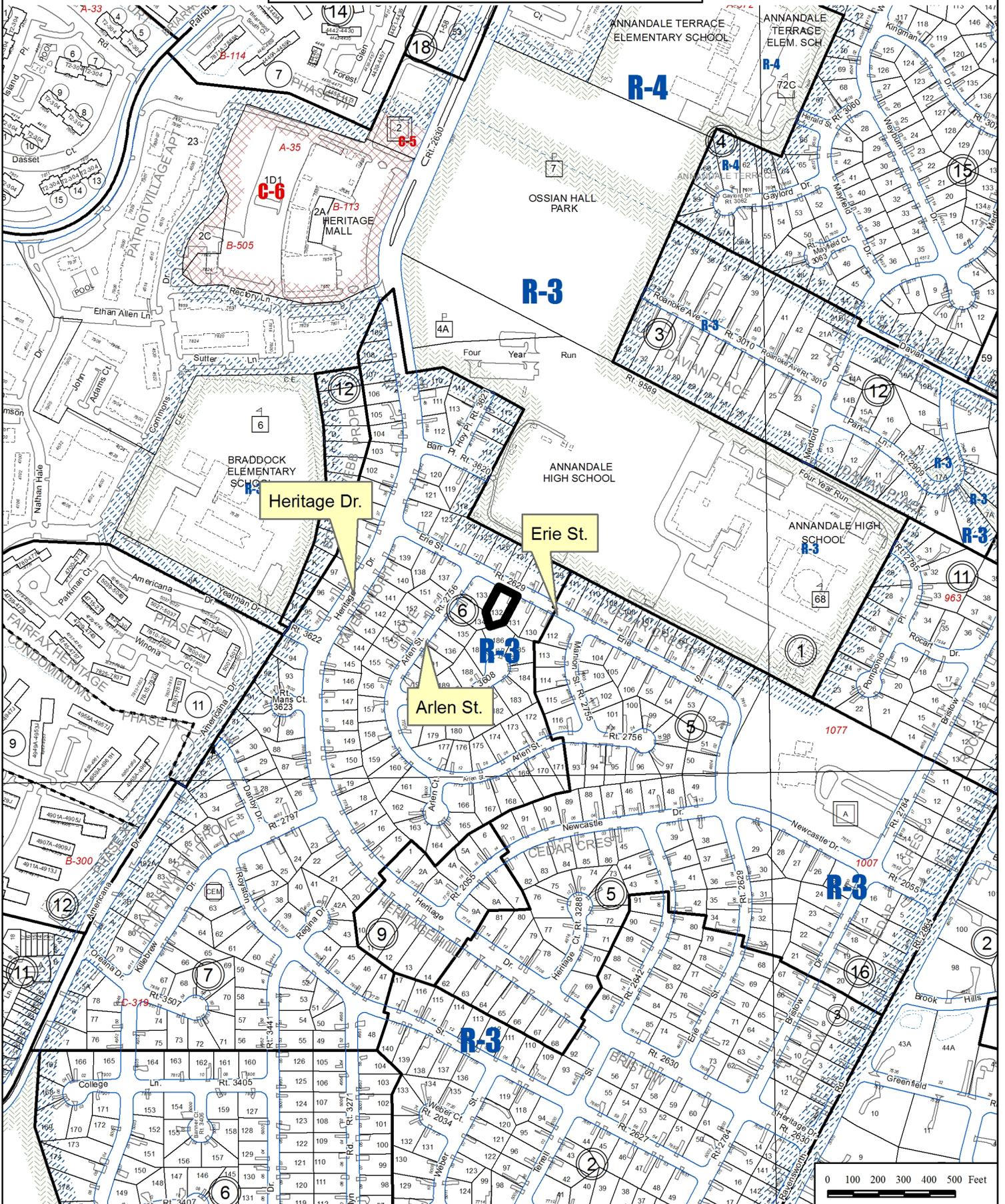


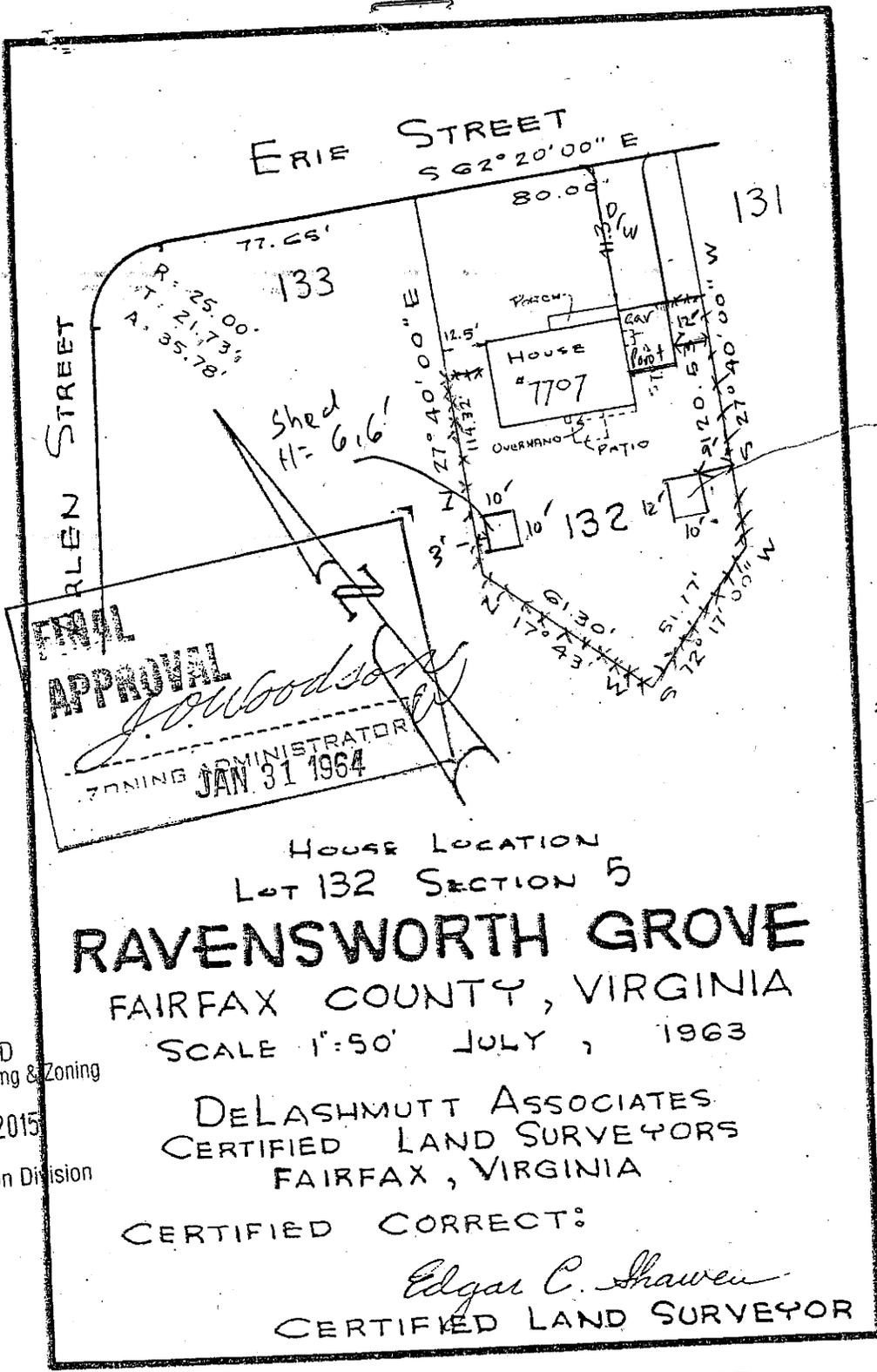
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2015-MA-073

SANDRA VERGARA / ABC DAYCARE, INC.





**FINAL APPROVAL**  
*J. Woodson*  
 ZONING ADMINISTRATOR  
 JAN. 31 1964

HOUSE LOCATION  
 LOT 132 SECTION 5  
**RAVENSWORTH GROVE**  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE 1"=50' JULY, 1963

DELASHMUTT ASSOCIATES  
 CERTIFIED LAND SURVEYORS  
 FAIRFAX, VIRGINIA

CERTIFIED CORRECT:  
*Edgar C. Shawen*  
 CERTIFIED LAND SURVEYOR

Play Equipment

XXXX =  
 Chain link fence  
 - H= 4'

Outdoor play =  
 fenced area  
 approx. 2000 sq. ft.

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 Department of Planning & Zoning  
 APR. 17 2015  
 Zoning Evaluation Division

HL 2/110

*Sandra Vargan*  
 04/15/15

## 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, Lot 132, Section 5, Ravensworth Grove,” prepared by DeLashmutt Associates in July 1963, as revised by the applicant, Sandra Vergara, on April 15, 2015, is included in the beginning 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 site is developed with a one story level single family detached dwelling with a basement. A concrete driveway, open porch and walkway are located in the front yard. A carport is located in the southeastern side yard. A patio, a walkway to the rear basement entrance, a 7 foot tall playset and a 6.5 foot tall shed are located in the rear yard. A 4 foot high chain link fence encloses the rear yard.



Figure 1- Aerial View of Property

The property is located west of Ravensworth Road and east of Heritage Drive. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings. The property is located south of Annandale High School.

## BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1963 and purchased by the property owners in 2009.

On June 11, 1964, a building permit was obtained and approved for the construction of a carport (Appendix 4). Staff confirmed through county aerial photography that the carport has existed in its current location since at least 1997.

Another special permit application for a home child care for up to 12 children was approved by the BZA on May 20, 2015, on the same street (Appendix 5). The approved application (SP 2014-MA-220) is located at 7622 Erie Street (Lot 107) about 7 houses

down from the subject property and on the opposite side of the street. Staff believes that this previously approved home child care will not affect the proposed home child care.

## **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 from 7:00 a.m. and 5:30 p.m., Monday through Friday. There is an existing staggered drop-off and pick-up schedule for the children. Currently, there is one assistant but the applicant is requesting two.

The home child care facility is operated in the basement of the dwelling. The napping area has adequate emergency egress through an existing window that accesses the rear yard.

The applicant holds a current Family Day Home License, effective for one year and which expires on October 29, 2015, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours 7:00 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of 7 children, from 1 month through 12 years 11 months of age. Staff has proposed a development condition to have the applicant limit hours of operation on the state license as requested with this application. A copy of the license is included as Appendix 6.

It should be noted that the applicant was operating a home child care with 12 children, but submitted an application after the grace period of March 31, 2014. Therefore, she was not allowed to continue to operate with 12 and was reduced to seven children by the state. However, staff is recommending approval of the request for a maximum of 12 children, due to the fact the applicant has operated with 12 children with no complaints and has adequate interior and exterior space.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area I, Annandale Planning District  
**Planning Sector:** Ossian Hall Community Planning Sector (A10)  
**Plan Map:** Residential, 3-4 du/ac

### **On-Site Parking and Site Circulation**

The existing driveway can accommodate approximately three cars and there is adequate on-street parking. The applicant and the assistants park their personal cars along Erie

Street. The main entrance for the home child care is through the carport, and around the side of the house to the basement entrance in the rear.

**Zoning Inspection Branch Comments (Appendix 7)**

During the inspection, staff observed that household items were stored near the hot water heater and also blocked the electrical panel. The applicant has removed the storage items near the water heater and cleared a path to the electric panel. Updated photos are provided in Appendix 7.

In addition, staff found that a napping area did not have adequate emergency egress. Staff recommended that the applicant relocate the napping area to another room in the basement and the applicant complied by moving the sleeping area to the “play area” as indicated on the interior floor plan (updated photos included in Appendix 7). The play area has an emergency egress window that meets building code requirements. A development condition has been included to ensure that all napping areas will continue to have adequate emergency egress.

**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

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	10,500 sf.	10,981 sf.
Lot Width	Interior: 80 feet	80 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 30 feet	41.3 feet
Side Yard	Min. 12 feet	12 feet, 12.5 feet
Rear Yard	Min. 25 feet	Approx. 45 feet

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

<b>Standards 1 and 2</b> 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.
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<b>Standard 3</b> Adjacent Development	No new construction is proposed. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be made available for the home child care use. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	Existing neighboring fencing and landscaping separates the play area from the neighbors.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement in the R-3 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property conforms to the lot size and bulk regulations of the R-3 District. No exterior modifications are proposed with this application.
<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 Employees	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available for approximately three cars 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	An existing fence and landscaping in the rear yard provides screening of the outdoor play area.

<p><b>Standard 4</b> Submission Requirements</p>	<p>The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.</p>
<p><b>Standard 5</b> Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant has a valid home child care license through October 29, 2015, for seven children from 7:00 a.m. to 6:00 p.m., Monday through Friday. A proposed development condition will require the applicant to obtain an updated license with the updated number of children and with the requested hours of operation.</p>

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

<p><b>Part A</b> Maximum Number of Children</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of 12 children at any one time.</p>
<p><b>Part B</b> Licensed Provider/ Primary Residence</p>	<p>The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.</p>
<p><b>Part C</b> No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use except play equipment and toys.</p>
<p><b>Part D</b> Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees and who may be at the home child care between 7:00 a.m. to 6:00 p.m., Monday through Friday.</p>
<p><b>Part E</b> Provider is a Resident</p>	<p>The provider is a resident of the property.</p>
<p><b>Part F</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license. A development condition has been added (Appendix 1) to ensure the home child care will continue to meet Fairfax County Code provisions and state license requirements.</p>
<p><b>Part G</b> Increase in Children or Non-Resident Employees</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident assistants.</p>

## **CONCLUSION/ RECOMMENDATION**

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

Staff recommends approval of SP 2015-MA-073 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 with Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Similar Case History
6. State Family Day Home License
7. Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

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**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MA-073****July 22, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-073 located at Tax Map 70-2 ((6)) 132 to permit a home child care facility pursuant to Sects. 3-303 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Sandra Vergara, and is not transferable without further action of the Board, and is for the location indicated on the application, 7707 Erie Street, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat "House Location, Lot 132, Section 5, Ravensworth Grove," prepared by DeLashmutt Associates in July 1963, as revised by the applicant, Sandra Vergara, on April 15, 2015, as revised by the applicant and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions 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 applicant shall continue to operate within the approved hours of operation, 7:00 a.m. to 6:00 p.m., Monday through Friday with a maximum of seven (7) children, until a revised state license is obtained with the requested hours of operation of 7:00 a.m. to 5:30 p.m., Monday through Friday and a maximum of 12 children.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.

10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
11. 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.
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".
13. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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Department of Planning & Zoning

APR 17 2015

Zoning Evaluation Division

**Statement of Justification**

Sandra Vergara – ABC Daycare

7707 Erie st. Annandale V.A.22003

I, Sandra Vergara started this business twelve years ago (2002) to put in practice all my knowledge in Early Childhood Education that I studied back in my country (Peru) for 6 years.

For this reason I decided to open my own business with the following features:

**A- HOURS OF OPERATION**

The hours of operation are Monday-Friday from 7:00am – 5:30pm.

**B- NUMBER OF CHILDREN**

I would like to have a special permit for 12 children because we have a lot of experience working with kids, and also we have the enough space and equipment for them.

Now we are working under the Virginia State License for 7 children, working with 7 children present at any one time, some days we have less number of children since 2 of them are only part time.

**C- NUMBER OF EMPLOYEES**

We are two people working full time but in the case that we increase the number of children we will hire a extra person working full time as well.

#### **D- DROP OFF/ PICK UP SCHEDULE**

We are open from 7:00am to 5:30pm and the children have different schedules, two of them come at 8:00am four arrives between 9:00am – 10:00am and one come after 10:00am.

In the afternoon three are been picked up between 3:00pm – 4:00pm. other three around 5:00pm and the last children usually goes home at 5:30pm.

#### **E- GENERAL AREA/ NEIGHBORHOOD**

We are located in a single house that has a drive way with is used for parents parking services and also the house is consider to be in a corner witch give us a lot of space for parking, we can said that is easily 5 parking spaces available at one time.

The areas that we served are Annandale, Fairfax, Falls Church and Burke.

The communities that the children come from are: Strathmade Square , Camelot, Ravensworth and Burke Communities.

The total square footage of home is 2,500 sq ft.

The total square footage of home used for home child care is 1000 sq ft.

#### **F- HOW PARENTS GET TO THE CHILDCARE**

All the children come from outside of the neighborhood, using their own transportation, and they may use our drive way and the street parking.

**G- The area used for the Daycare** is the baseman with is a 42 x 25 sq feet, with 2 big rooms , one use as a sleep area and one play area for infants. We have another big area use as a toddler room, also we have a full bathroom and a space for storage.

## **H- OUTDOOR PLAY AREA**

We use the backyard for a outdoor free activities for the children with 62 x 59.5 sq. feet , an individual door connect the daycare with the outdoor area in this area we have toys, a playground for the children, and is all fence and with a gate for parents to come to drop off and pick their kids.

## **I- OWNER LETTER**

I (Sandra Vergara ) rent this house, and I have a letter from the owner Mr. Ken Fox who allow me to run a daycare in his property.

**If you need more information feel free to contact me at (703) 785-4436**

**Sandra Vergara**

ABC Daycare

7707 Erie st.

Annandale VA. 22003

Proposed Arrival and Departure Schedule for:

Sandra Vergara

Address:

7707 Erie St. Annandale

Proposed Arrival Schedule

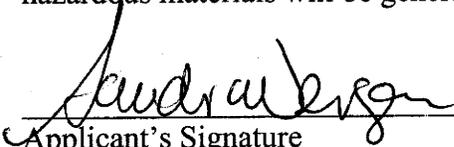
Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM
1	X			
2		X		
3		X		
4			X	
5			X	
6				X
7				X
8				
9			X	
10		X		
11		X		
12			X	

Proposed Departure Schedule

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

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

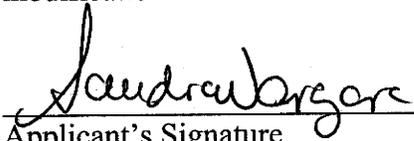
Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

  
Applicant's Signature

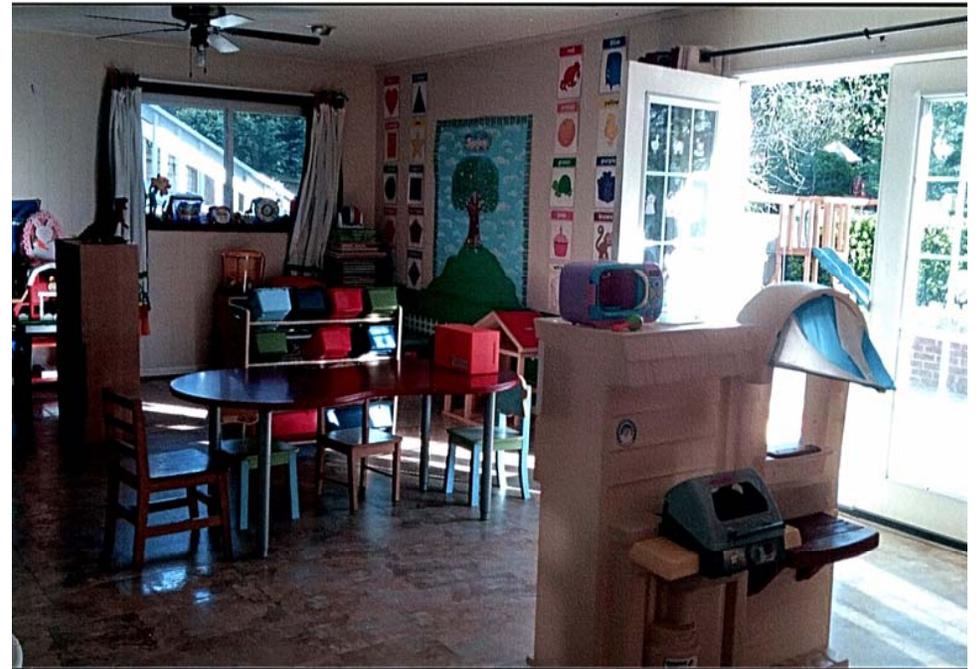
4/13/15  
Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

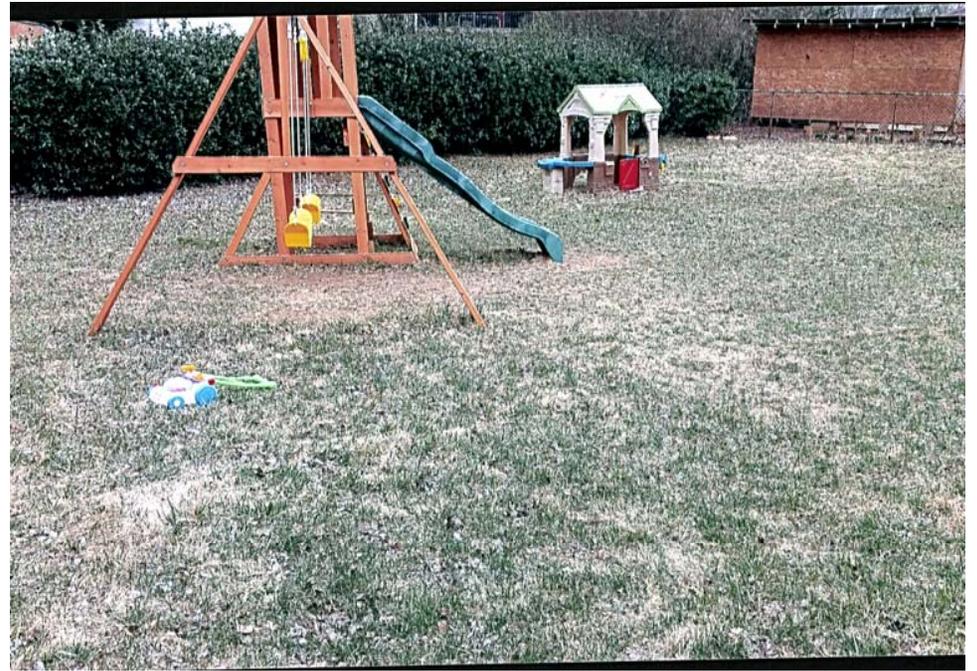
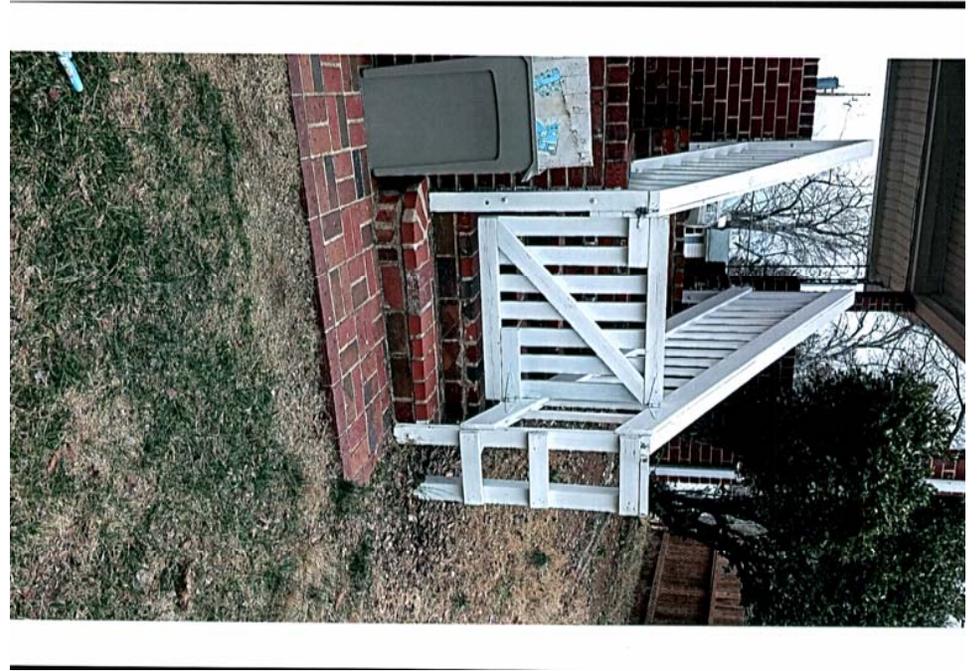
Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

  
Applicant's Signature

4/13/15  
Date

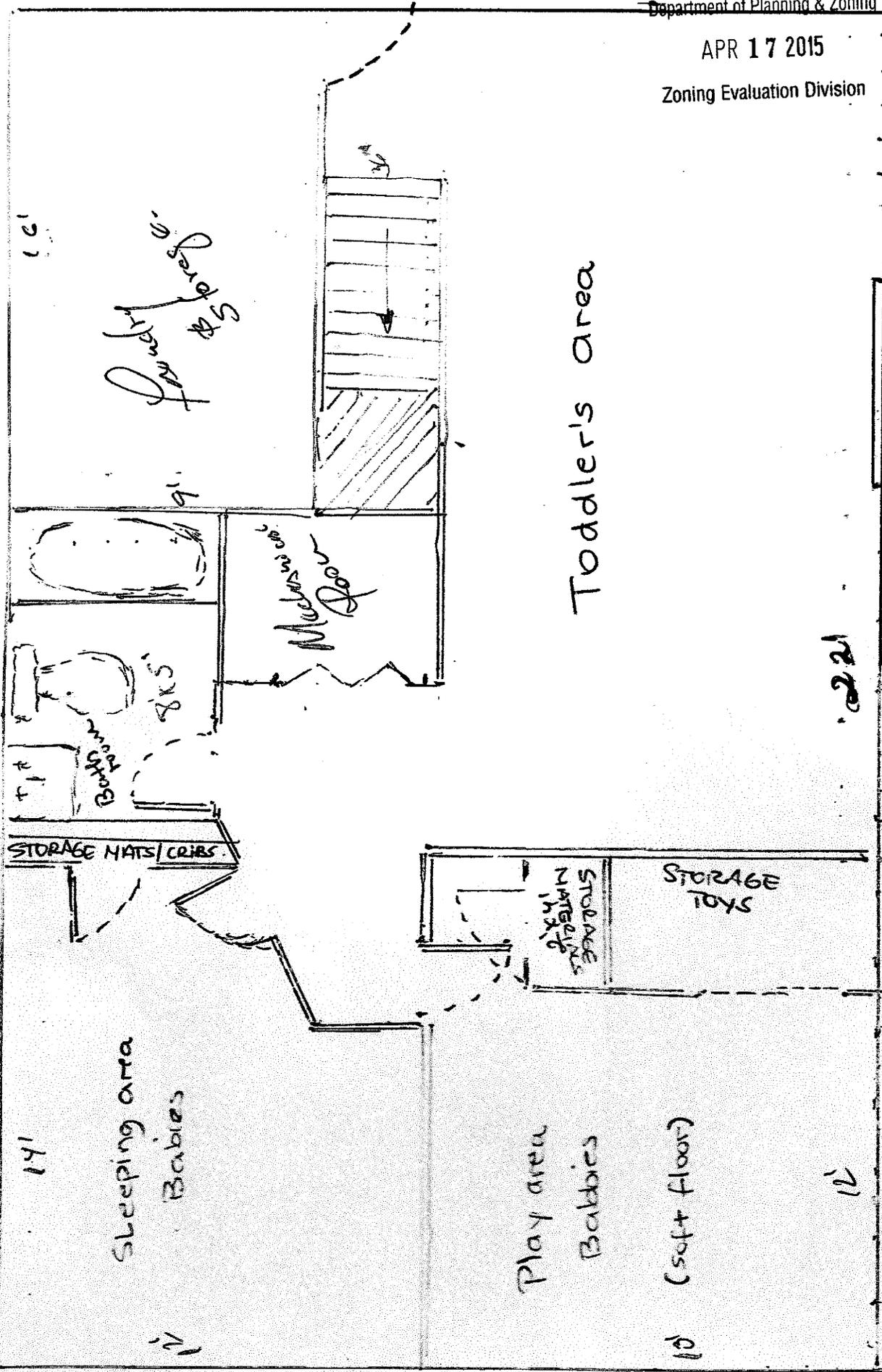






APR 17 2015

Zoning Evaluation Division



Toddler's area

Exit Door

Scale 1/4" = 8'

Application No.(s): SP 2015-MA-073  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 04/17/15  
 (enter date affidavit is notarized)

128968

I, Sandra Vergara, ABC Daycare, 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 <b>BOLD</b> above)
Ken G. Fox	55 Massie Dr. Christiansburg, VA 24073	THE OWNER
Betty Fox	55 Massie Dr. Christiansburg, VA 24073	CO-TITLE OWNER.
Sandra Vergara	7707 Erie ST Annandale, VA 22003	APPLICANT/ LESSEE
ABC Daycare INC	7707 Erie ST Annandale, VA 22003	CO-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).

Application No.(s):

SP 2015-MA-073

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

04/17/15

(enter date affidavit is notarized)

128968

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)

ABC Day Care INC  
7707 Erie ST  
Annandale, VA 22003

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)

Sandra Vergara

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

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

Application No.(s): SP 2015-MA-073  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 04/17/15  
(enter date affidavit is notarized)

120968

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

**PARTNERSHIP INFORMATION**

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

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

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

N/A

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

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

Application No.(s): SP 2015-MA-073  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 04/17/15  
(enter date affidavit is notarized)

128968

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):

SP 2015-MA-073

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/17/15 (enter date affidavit is notarized)

128968

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[X] Applicant [ ] Applicant's Authorized Agent

Sandra Vergara

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

Subscribed and sworn to before me this 17 day of April 20 15, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 9-30-2017



Notary Public

**OWNER CONSENT/AGENT AUTHORIZATION STATEMENT**

To Whom It May Concern:

We, Ken G. and Betty Fox, the undersigned title owners of the property identified below, do hereby authorize Sandra Vergara, and ABC Daycare, Inc., to act as agent in the furtherance of an application for a special permit on the property located at: 7707 Erie Street, Annandale, VA 22003. Tax Map No.: 070-2-((06))-0132.

Thank you in advance for your cooperation.

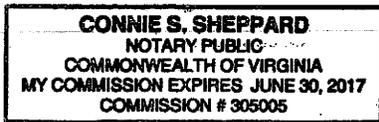
TITLE OWNER/LESSOR

Date: 4/13/2015

By: Ken G. Fox  
Ken G. Fox

COMMONWEALTH/STATE OF: VIRGINIA  
CITY/COUNTY OF: Montgomery, TO WIT:

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of April, 2015, by Ken G. Fox.



Connie S. Sheppard  
Notary Public (Signature)  
Notary Registration No. 305005  
My Commission Expires: June 30 2017

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.**

OWNER CONSENT AGENT AUTHORIZATION STATEMENT  
Page 2 of 2

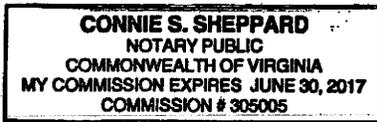
CO-TITLE OWNER/LESSOR

Date: 4/13/2015

By: Betty Fox  
Betty Fox

COMMONWEALTH/STATE OF: VIRGINIA  
CITY/COUNTY OF: Montgomery, TO WIT:

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of April, 2015,  
by Betty Fox.



Connie S Sheppard  
Notary Public (Signature)  
Notary Registration No. 305005  
My Commission Expires: June 30 2017

AFFIX NOTARY SEAL/STAMP

Map OK 4-1-65 Wg 112-210-28-139

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

M.P. REFERENCE		
FLAT NUMBER	Subd. No.	BLK. OF SEC.
7012	6	132
PARCEL OR LOT		

CENSUS TRACT NO.	19	P91897
DATE		PERMIT NO.

To: BUILD  Alter or Repair  Add to  Demolish  Move

**JOB LOCATION**  
 C2637 DIRECTIONS  
 Route \_\_\_\_\_  
 Street: Eric St. 7707  
 Lot No. 132  
 Subdivision: Ravenwood Grove Block 5 Section \_\_\_\_\_

**OWNER**  
 Name: Robert M. Fravel  
 Address: 7707 Eric St.  
 City: Annandale 9414241 Tel. No. \_\_\_\_\_

**ARCHITECT ENGINEER**  
 Name: Robert M. Fravel  
 Address: 7707 Eric St.  
 City: Annandale, Va. State Reg. No. \_\_\_\_\_

**CONTRACTOR**  
 Name: Robert M. Fravel  
 Address: 7707 Eric St.  
 City: Annandale, Va. State Reg. No. \_\_\_\_\_

**DESCRIPTION**

For: Residential  Institutional   
 Commercial  Industrial

No. of Bldgs. \_\_\_\_\_ Type Car port  
 No. of Units \_\_\_\_\_ Est. Const. Cost \$1200.00  
 No. of Kitchens \_\_\_\_\_ No. of Stories \_\_\_\_\_  
 No. of Baths \_\_\_\_\_ Ht. of Building \_\_\_\_\_ Ft.  
 No. of Rooms \_\_\_\_\_ Total Area \_\_\_\_\_  
 (Exclude Kit. & Bath)

Basement  Slab  Crawl  FILL  Soil   
 SOLID

Footing Size \_\_\_\_\_ Depth from Finish Grade \_\_\_\_\_ Ft.

Material of Exterior Walls \_\_\_\_\_  
 Basement \_\_\_\_\_ 1st Floor \_\_\_\_\_  
 2nd Floor \_\_\_\_\_ Other \_\_\_\_\_

Material of Interior Walls \_\_\_\_\_

HEAT: Gas  Oil  Hot Air  Hot Water   
 Boiler  Air Conditioner  Sprinkler

ROOF: Flat  Pitch  Shed

SEWAGE: Public  Community  Septic Tank  Pit Privy  None   
 WATER: Public  Individual Well  None

Remarks: \_\_\_\_\_

**AUTHORIZATION**

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

941-4241 Phone No. 6-12-64 Date Robert M. Fravel Signature of Owner or Auth. Agent

**PLAN APPROVAL**

Use Group of Building L-3 Area of Bldg. @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
 Type of Construction H-B Area of Bldg. @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
 Fire District \_\_\_\_\_ Total Each Bldg. \$ \_\_\_\_\_  
 Date Checked 6-11, 1964 By DPB TOTAL FEE \$ 5.00  
 Approved by Building Inspector Charles Wood

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
<input checked="" type="checkbox"/>	Land Office	112	6-11-64	MR	
<input checked="" type="checkbox"/>	Zoning Administrator	210	6-11-64	MR	
	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
	Sanitary Engineer	Bsmt			
<input checked="" type="checkbox"/>	Finance Office	120			
<input checked="" type="checkbox"/>	Building Inspector	203			Return to secure Bldg. Permit

**CERTIFICATION**

Supervisor of Assessments

Property is listed in name of Robert M. Fravel  
 Magisterial District 150 Deed Book Reference 1123394604  
 Authorization: [Signature]

**ZONING**

Subdivision Ravenwood Grove Lot No. 132 Block 5 Section 5 Zone R-1.5  
 No. Acres or Sq. Ft. \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 LOT SIZE: Front \_\_\_\_\_ Right Side \_\_\_\_\_ Left Side \_\_\_\_\_ Rear \_\_\_\_\_  
 Use of Bldg. Carport Use after Alteration \_\_\_\_\_ No. Families None  
 Set Back: Front 4.2 Rt. Side \_\_\_\_\_ Left Side 17.4 Rear 35.1 Authorization [Signature]

RETURN THIS COMPLETED APPLICATION TO THE BUILDING INSPECTOR'S OFFICE FOR ISSUANCE OF BUILDING PERMIT.

Approved & signed by  
6-11-64



Home Living Here Doing Business Visiting Departments & Agencies

Search Site:

[help](#)

**ZAPS Overview**

LDSnet Overview--[SP 2014-MA-220]

Tuesday, July 07, 2015

**Select a Topic or Document:**

---

[Existing Zoning District and Area Established Use/Term Limit](#)

---

[Tax Map Numbers](#)  
[Participants](#)  
[Related Applications](#)  
[Submission Requirements](#)  
[Event Chronology](#)

---

**Imaged Documents**  
[Staff Report](#)  
[Development Condition Statement](#)

---

[View GIS Map](#)  
[View Full Report PDF](#)

Application Number	Area	Unit Of Measure	LifeCycle Status
SP 2014-MA-220	10520.00	SQ FEET	BZA DECISION

**Applicant Name:**

LEEANN FLETCHER - FLETCHER FAMILY CHILD CARE

**Application Description:**

HOME CHILD CARE FACILITY

**Hearing Information:**

Event	Date Type	Date	Time	Mtg Type	Recommendation /Action
BZA HEARING	A	05/20/2015	09:00 AM	H	APPROVE

**Milestones Information:**

Event	Date Type	Date	Recommendation /Action
FINAL BZA STAFF REPORT PUBLICITN	S	05/12/2015	
PUBLISH #2 AD FOR BZA HEARING	A	05/06/2015	
POST BZA HEARING SIGN	A	05/01/2015	
PUBLISH #1 AD FOR BZA HEARING	A	04/29/2015	

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Questions? Call Zoning Evaluation Division, Department of Planning and Zoning, 703-324-1290.

Contact Fairfax County: [Phone, Email or Twitter](#) | Main Address: 12000 Government Center Parkway, Fairfax, VA 22035  
 Technical Questions: [Web Administrator](#)

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VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES



HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE CHILD SUPPORT COMMUNITY SUPPORT CAREERS

**Sandra Vergara**

7707 Erie Street

ANNANDALE, VA 22003

(703) 879-2919

Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): Oct. 29, 2015Business Hours: 7:00 a.m. - 6:00 p.m.  
Monday - Friday

Capacity: 7

Ages: 1 month - 12 years 11 months

Inspector: Derek Acosta  
(703) 554-4995



# County of Fairfax, Virginia

## MEMORANDUM

Date: June 25, 2015

To: Laura Arsenau, Planner II  
Zoning Evaluation Division

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MA-073

Applicant: Sandra Vergara, ABC Daycare, Inc.  
7707 Erie Street, Annandale, Virginia 22003  
Ravensworth Grove, Lot 132, Sec 5  
Tax Map# 70-2 ((06)) 132  
Zoning District: R-3  
Magisterial District: Mason  
ZIB # 2015-0278  
Date of Inspection: June 23, 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.)  
\*The infant’s sleeping area is lacking the emergency egress. Recommended the applicant should relocate the infants sleeping room to play area for babies w/soft floor. Applicant will provide a picture to Laura Arsenau, Planner, once the rooms have been switched.
- 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 around the hot water heater. 36" clearance should be maintained around the water heater. The applicant stated the storage will be removed and a picture will be sent to Laura Arsenau, Planner.

\*Storage was found in front of the electrical panel. The applicant stated the storage will be removed and a picture will be sent to Laura Arsenau, Planner.

- 8. Structures comply with the Zoning Ordinance.



oodman

WARNING  
DANGER  
CAUTION

WARNING  
DANGER  
CAUTION

WARNING  
DANGER  
CAUTION

Installed  
7-2009  
by parts  
man

BRADFORD WHITE  
CORPORATION  
**DEFENDER**  
SAFETY SYSTEM  
ELECTRICAL  
PRODUCTS ONLY FOR PROFESSIONALS



ENERGYGUIDE  
Model No. 290

**⚠ DANGER**  
AUTOMATIC STORAGE WATER HEATER  
DO NOT ATTEMPT TO REPAIR OR SERVICER THIS UNIT. ONLY QUALIFIED SERVICE PERSONNEL SHOULD ATTEMPT TO REPAIR OR SERVICER THIS UNIT. CONTACT THE MANUFACTURER'S SERVICE DEPARTMENT FOR ASSISTANCE.  
**⚠ WARNING**  
FIRE AND EXPLOSION HAZARD  
Do not store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other electrical product. Storage of gasoline or other flammable vapors and liquids in the vicinity of this or any other electrical product can result in fire or explosion and cause property damage, personal injury or death.

**FOR YOUR SAFETY**  
OPERATING INSTRUCTIONS  
FOR YOUR SAFETY  
DO NOT TOUCH THE ELEMENTS









**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.

**Sect. 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.