



APPLICATION ACCEPTED: January 22, 2015
BOARD OF ZONING APPEALS: August 5, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

July 29, 2015

STAFF REPORT

SPECIAL PERMITSP 2015-MV-011

MOUNT VERNON DISTRICT

APPLICANT: Laura Toledo
a/k/a Laura Toledo de Mendoza
Laura's Family Child Care Inc.

OWNERS: Laura Toledo
Jose Penalosa

SUBDIVISION: Saratoga

STREET ADDRESS: 7803 Braemar Way,
Springfield, 22153

TAX MAP REFERENCE: 98-2 ((6)) 25

LOT SIZE: 13,413 square feet

ZONING DISTRICT: R-3 (cluster)

ZONING ORDINANCE PROVISIONS: 8-305, 3-303

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MV-011 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 applica*nt/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Erin M. Haley

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**

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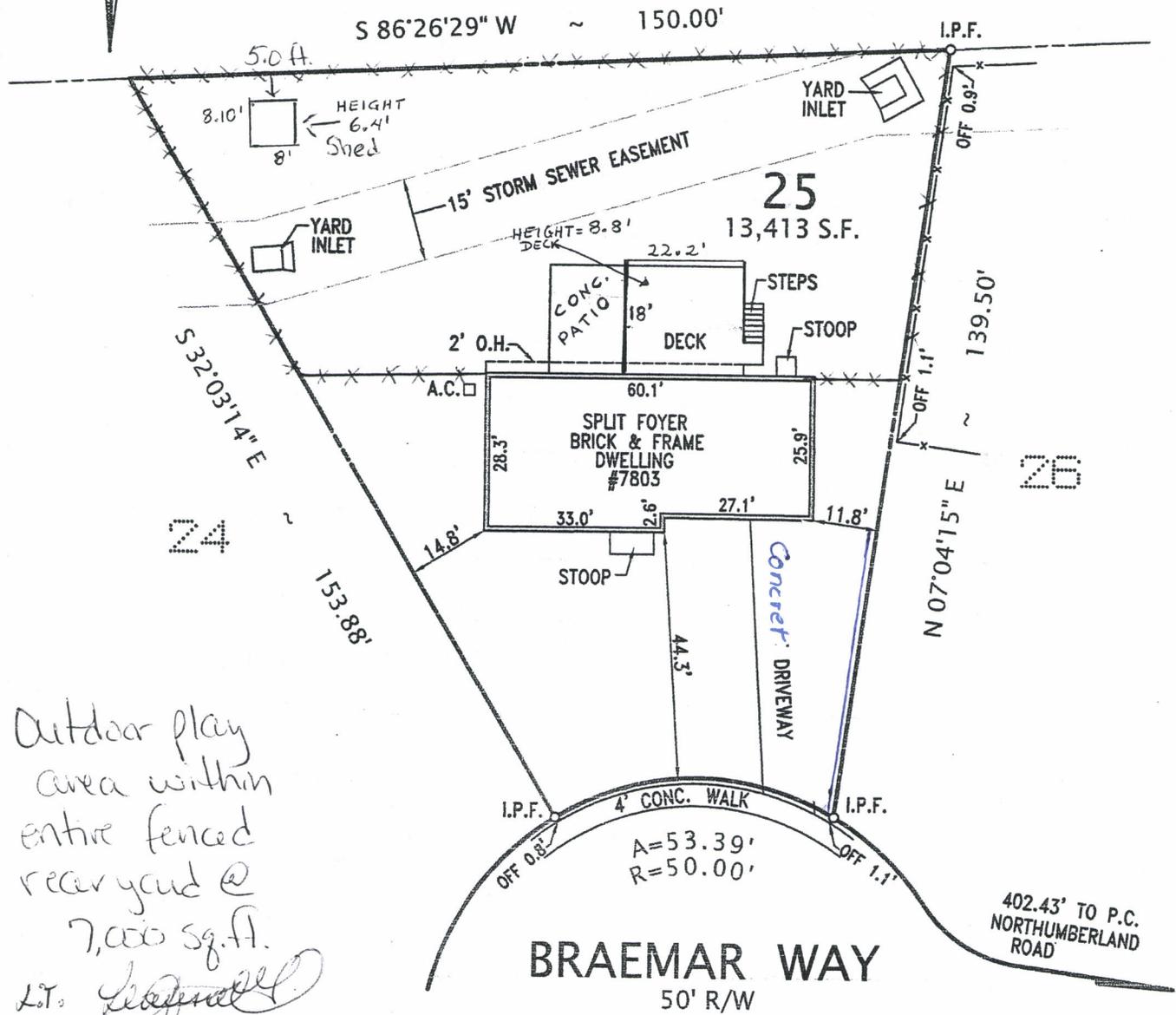
NOTES: 1. UTILITIES ARE UNDERGROUND.
2. FENCES ARE FRAME.

NOTE: SOME IMPROVEMENTS MAY NOT HAVE BEEN VISIBLE
BECAUSE OF SNOW AND MAY NOT BE SHOWN.



PARCEL "A-1"

x = fence
6' high wood



Outdoor play
area within
entire fenced
rear yard @
7,000 sq.ft.
L.T. *[Signature]*
01-22-15

RECEIVED
Department of Planning & Zoning
JAN 22 2015
Zoning Evaluation Division

PLAT
SHOWING HOUSE LOCATION ON
LOT 25 SECTION 1
SARATOGA
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' FEBRUARY 15, 2007

[Signature]

01-16-15

CASE NAME:

DIDYDAD - DENIALOZA

GRAPHIC SCALE

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, "Plat Showing House Location on, Lot 25 Section 1, Saratoga," as revised by Laura Toledo through January 22, 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 split level single-family detached dwelling. Vehicular access is provided by a concrete driveway to a one car garage. An elevated deck 8.8 feet in height and a concrete patio are located at the rear of the house. The applicant has a playset in the rear yard for the children. A shed 8.5 feet in height is located in the southeastern corner of the rear yard. A storm sewer easement 15.0 feet in width runs across the width of the rear yard. Two yard inlets are located within this easement, one in each corner of the yard. The applicant has currently covered the inlet openings with lattice, but has agreed to install fencing around each inlet. A development condition has been proposed to require that the applicant ensure that access to the inlet openings is restricted at all times without blocking the flow of water or creating ponding. The rear yard is enclosed by a wood fence 6.0 feet in height.



Figure 1: House Location

The subject property and surrounding properties are zoned R-3C. Properties to the north, east and west are developed as single family detached dwellings. The property to the south is Saratoga Elementary School.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1971 and purchased by the current owners in 2007.

The applicants obtained a permit and final inspection for the rear deck in January 2014. All relevant building permit information is included as Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The applicant employs two full-time assistants, one of whom is her husband.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through September 30, 2015. The license permits a capacity of 12 children, ages birth through 12 years, 11 months. The state approved hours of operation are 6:00 a.m. to 6:00 p.m., Monday through Friday. A summary of the state home child care licence information is included as Appendix 5.

The home child care facility is operated in the lower level of the house. There is a main child care room, an infant napping room, and a bathroom. Older children nap in the main child care room with direct access outside which provides adequate emergency egress. The infant room has emergency egress through a window that meets the Virginia Uniform Statewide Building Code specifications for an emergency escape and rescue opening. Parents drop the children off and pick them up at the front entrance. The rear yard is used for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3C)		
Standard	Required	Provided
Lot Size	8,500 s.f.	13,413 s.f.

Bulk Standards (R-3C)		
Standard	Required	Provided
Lot Width	Interior lot: no requirement	53.39 ft.
Building Height	35 ft.	Not provided
Front Yard	20 ft.	44.3 ft.
Side Yard	8 ft., but a total minimum of 20 ft.	14.8 ft. (eastern side yard) 11.8 ft. (western side yard)
Rear Yard	25 ft.	> 25 ft.

On-Site Parking and Site Circulation

The applicant has a one car garage and a driveway with room for approximately six parking spaces that she utilizes for drop-off and pick-up of children. In addition, Braemar Way has on-street parking available. A condition has been included to ensure the driveway remain available during drop-off and pick-up times.

Zoning Inspection Report

During the site visit, staff found that the utility room contained storage that surrounded both the furnace and water heater (Appendix 6). The applicant has since cleared out her utility room and provided staff with photographic proof.

Stormwater Yard Inlets

An Inspector from the Fairfax County Maintenance and Stormwater Management Division visited the site to inspect the yard inlets. The Inspector recommended that a chain link or wrought iron fence with a gate be installed a minimum of 3.0 feet around each inlet structure. The applicant has agreed and a development condition has been proposed to address this issue.

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)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends a residential use as part of a planned community, and the property is developed in accordance with the plan recommendation. The R-3C District permits a home child care facility as an accessory
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	use by-right for up to seven children in a detached dwelling. An increase to 12 children is permitted with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space required on individual lots in the R-3C District,
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility. The adoption of the proposed development conditions would ensure the applicant would not impede the flow of water through the existing storm sewer easement and through the yard inlets.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

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

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.

<p>Standard 3 Landscaping/Screening</p>	<p>There is existing vegetation and a wood fence in the rear and side yardsthat provides screening to the outdoor play area.</p>
<p>Standard 4 Submission Requirements</p>	<p>The applicant met all submission requirements for a home child care facility.</p>
<p>Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant holds a valid home child care license.</p>

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

<p>Part A 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 permit a maximum of 12 children at any one time.</p>
<p>Part 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>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing one resident and one non-resident employee.</p>
<p>Part E Provider is a Resident</p>	<p>The provider resides in the application property.</p>
<p>Part F 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.</p>
<p>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of 12 children at any one time and one non-resident employee.</p>

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2015-MV-011 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MV-011****July 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-011 located at Tax Map 98-2 ((6)) 25 to permit a home child care facility pursuant to Section 8-305 and 3-305 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, Laura Toledo, a/k/a Laura Toledo de Mendoza, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 7803 Braemar Way, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat Showing House Location on, Lot 25 Section 1, Saratoga," as revised by Laura Toledo through January 22, 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 and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two non-resident employees, 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., Monday through Friday
8. There shall be no signage associated with the home child care facility.
9. 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.

10. The applicant shall eliminate access by children to the mouth of the two rear yard stormwater inlets. Subject to the approval of the Department of Public Works and Environmental Services' (DPWES) Maintenance and Stormwater Management Division (MSMD), the applicant shall provide a chain link or wrought iron fence with a gate a minimum of 3.0 feet around each stormwater inlet that does not impede the flow of water under the fence and does not cause water to pond upstream on neighboring properties.
11. 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.
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.

RECEIVED
Department of Planning & Zoning

MAR 28 2014

Zoning Evaluation Division

LAURA'S FAMILY CHILD CARE INC.

Owner: Laura Toledo de Mendoza

7803 Braemar Way

Springfield, Va. 22153

Lauratodo@hotmail.com

RECEIVED
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Va, 22305

Re: Special Permit Application
Applicant: Laura Toledo de Mendoza
Zoning Ordinance Section 8-305 For Home Child Care Facility and
Section 8-0004 Of General Standars
Tax Map # 0982 06 0025
Zoning Distric R-3C
Lot Size 13.413 Square Feet

To Whom it my concern,

Please accept the following as my statement of justification for Special Permit for a Home Child Care Facility in my Home, I live in a single family detached dwelling at 7803 Braemar Way, Springfield, Va, 22153 with my husband and my four boys. The property is zoned R-3C and I understand I need to seek approval of a Special Permit in order to operate a Child Care Facility in my home. I am currently licensed by the State of Virginia to have 12 Children in my Child Care Facility in my home. Below is the information about my Home Child Care Facility operations:

Hours: The Child Care is open from 6:00am to 6:00pm, Monday through Friday.

Number of Children: I care for up 12 children at any one time. The numbers does not include my own four children, this moment I take care 12 children.

Staff: I have two assistant, my husband Marcelo Mendoza and Marina Cosio who live in the neighborhood (two blocks), she walk every day.

Arrival Schedule:

	6:00am to 7:30am	8;00am to 9:30am	10:00am to 11:00am
Child 1	x		
Child 2	x		
Child 3	x(*)		
Child 4	x(*)		
Child 5	x		
Child 6		x(*)	
Child 7		x(*)	
Child 8		x(*)	
Child 9		x(*)	
Child 10			x
Child 11			x
Child 12			x

(*) Siblings

Departure Schedule

	2:00pm to 2:45pm	3:00pm to 4:30pm	5:00pm to 6:00pm
Child 1		x	
Child 2		x(*)	
Child 3		x(*)	
Child 4		x	
Child 5		x	
Child 6	x		
Child 7			x(*)
Child 8			x(*)
Child 9			x(*)
Child 10			x(*)
Child 11			x
Child 12			x

(*) Siblings

Area Served: I have parents who lived in the neighborhood and I have military parents who lived in Lorton and Springfield.

Operation Place: The children spend most of their time in the basement where is the place area for them, I use the kitchen in the ground floor just for cook but everything is serving in the basement area. Attached the floor plan.

Hazards or Toxic Substances: The house and the backyard are free from hazardous or toxic substances, we have a house storage for all the house tools to keep in safe area where the children can't reach or tough.

Outdoor Play Area: The backyard is fenced, we have different parks and attractions according to the ages of the children for play area. That's why I believe my Home Daycare is safe and I don't cause any problem with any of my neighbors. Attached Pictures.

Parking: I use my garage to parking my family car, in addition parking is available in my garage too, also parking is available in the street in front of my house for my parents. One more reason to believe that my home daycare facility is not going to be a problem for any of my neighbors.

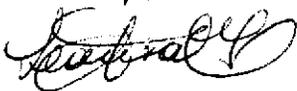
Conclusion: I am proposing no change to the outside appearance of my house, no addition and no signs to regarding my Home Daycare. My parking is adequate and available for my parents. I believe that my proposed Home Daycare Facility will not impact my neighbors in any negative way.

Sincerely,



Laura Toledo de Mendoza
Owner of Laura's Family Child Care Inc.

Proposed development conforms to the provisions of all applicable ordinances, regulations. L.T.

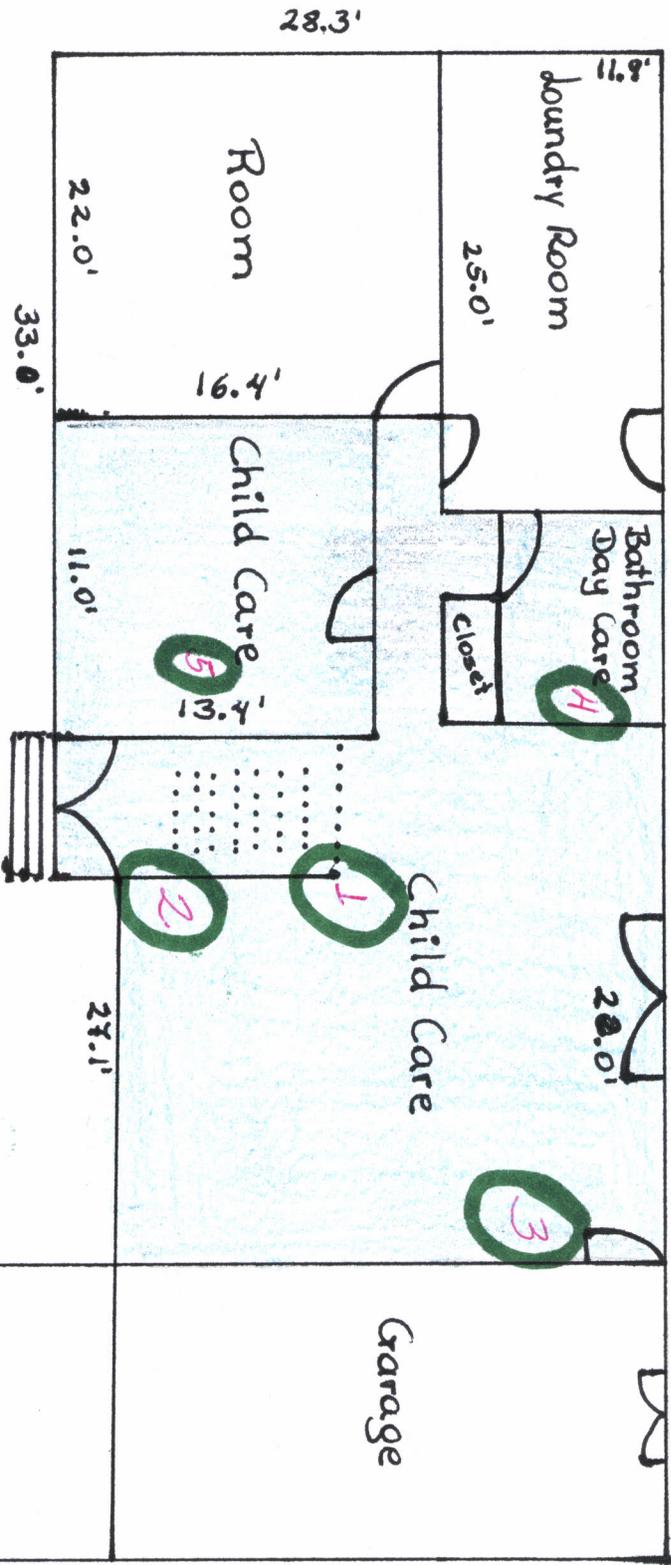


01-22-15

Jaura's Family Child Care

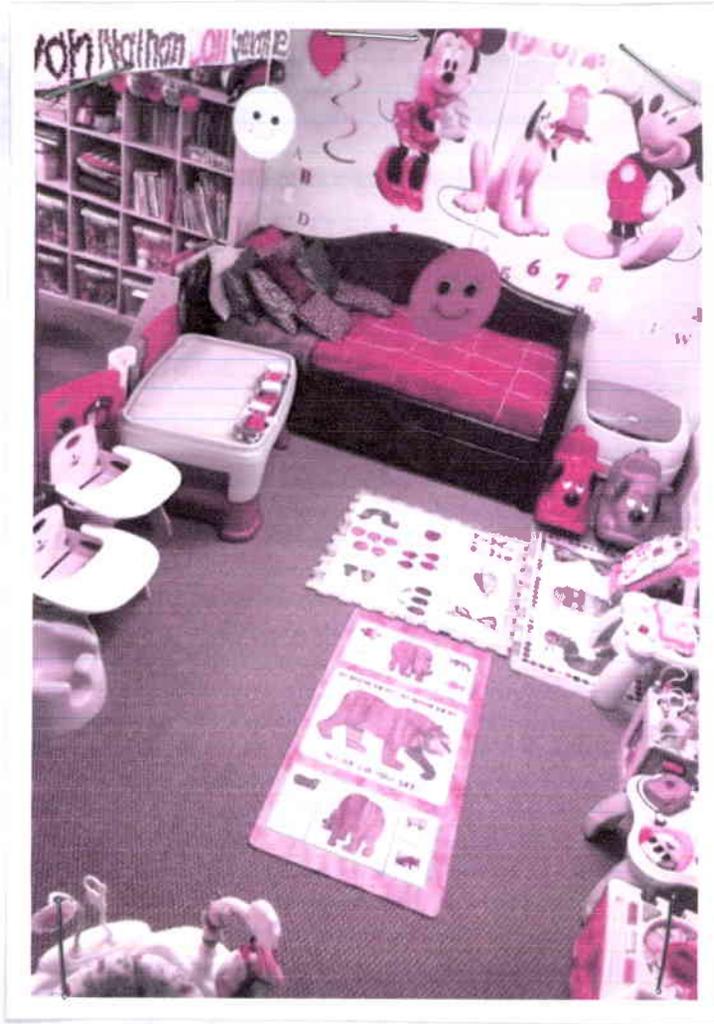
Back Yard

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



7803 Braemar Way

1



2



3



4



5



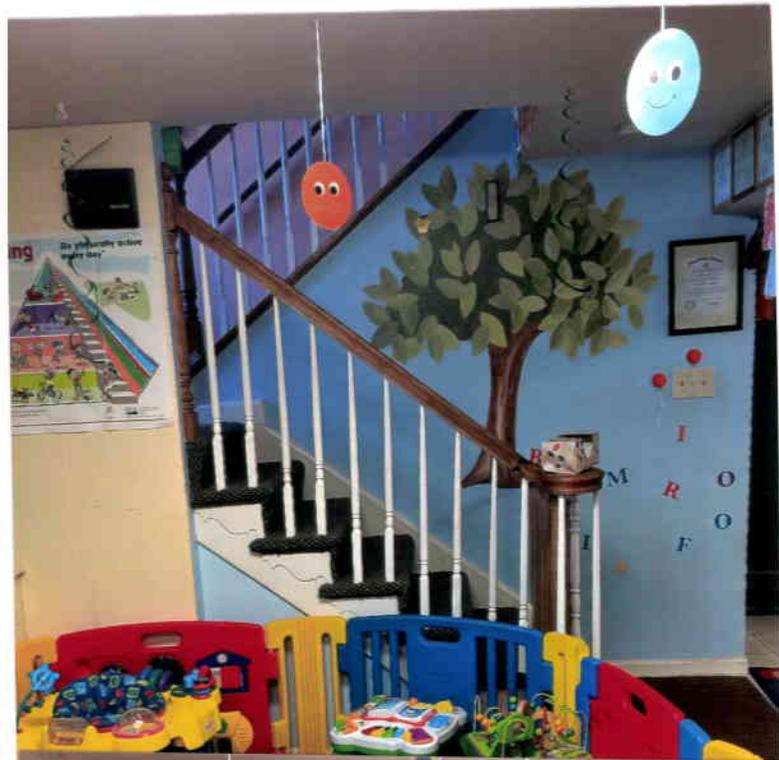
Sleeping Area



Sleeping Area



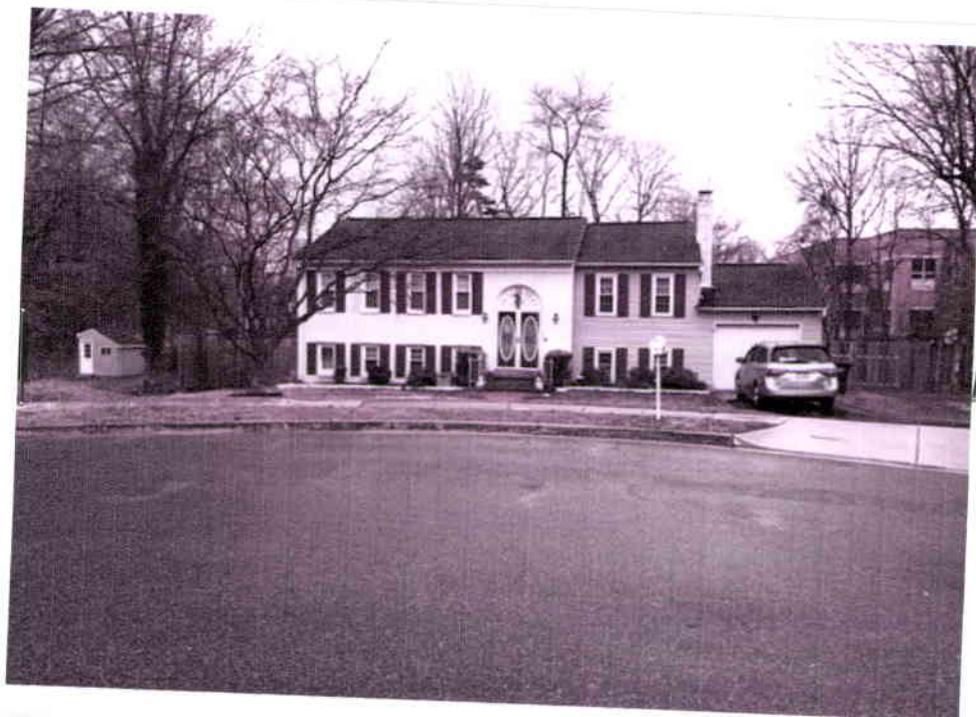




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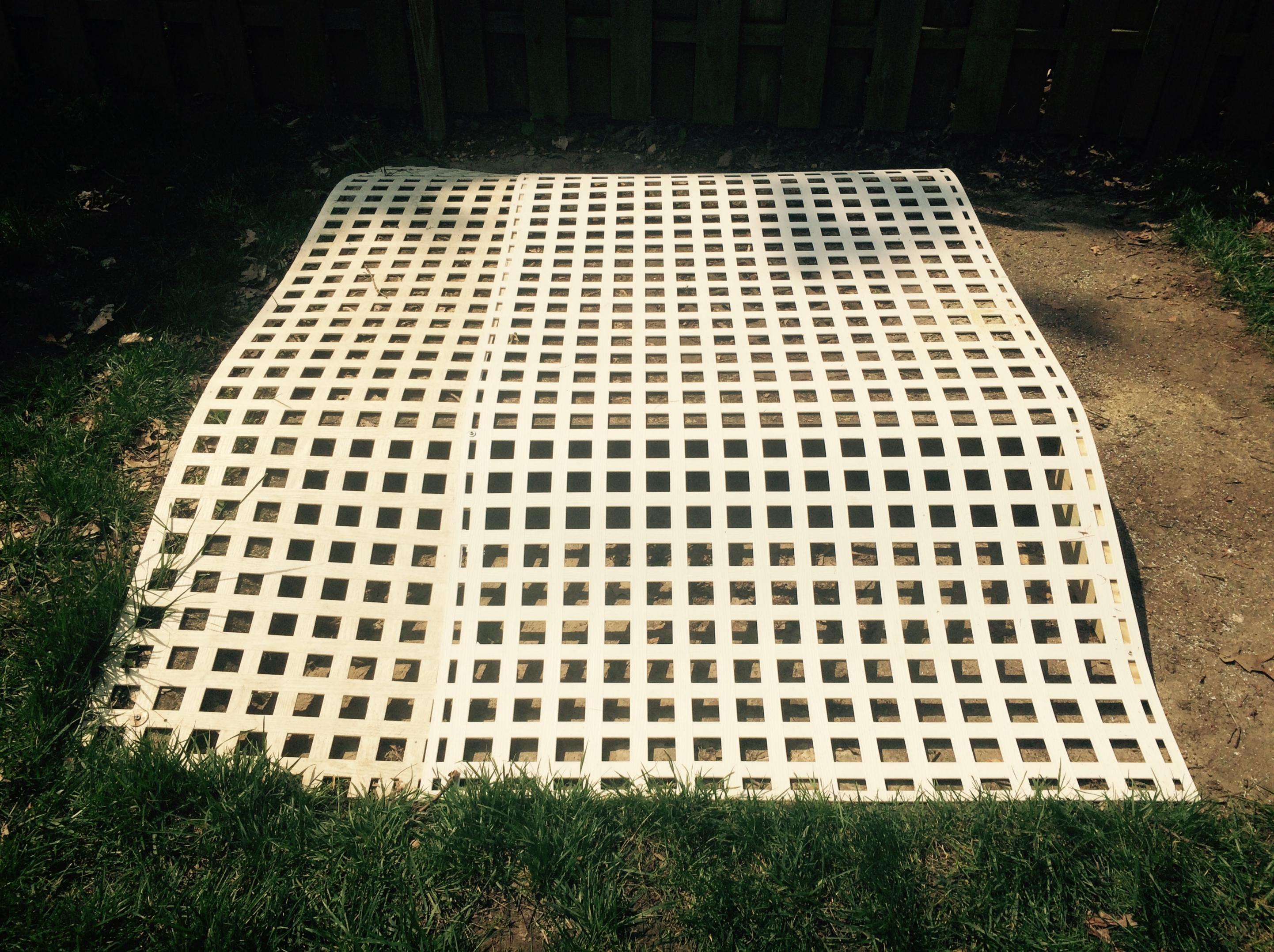


6















ENERGYGUIDE

For More Info Call
1-800-471-2547

Goodman

SP 2015-MV-011

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01-23-15
 (enter date affidavit is notarized)

128290

I, Laura Toledo A/K/A Laura Toledo de Mendoza/
Laura's Family Child Care 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)
Laura's Family Child Care Inc./	7803 Braemar Way Springfield, Va, 22153	Applicant.
Laura Toledo	7803 Braemar Way Springfield, Va, 22153	Co-Applcant-Title Owner
Jose Peñaloza	7803 Braemar Way Springfield, Va, 22153	Title Owner

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

128290

DATE: 01-23-15
(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)

Laura's Family Child Care Inc.
7803 Braemar Way
Springfield, Va, 22153

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)

Laura Toledo A/K/A Laura Toledo de Mendoza

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

128290

DATE: 01-23-15
(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)

N/A

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

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

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

128290

DATE: 01-23-15
(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

128 290

DATE: 01-23-15
(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

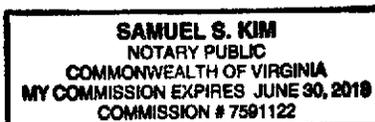
Applicant's Authorized Agent

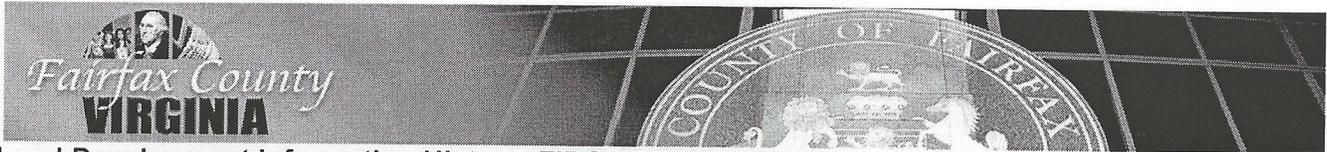
Laura Toledo de Mendoza
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of January 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Samuel S. Kim
Notary Public

My commission expires: 06-30-2018




Land Development Information History: FIDO - DECK - 133370198
Permit Information

Permit Number:	133370198	Application Date:	
Permit Type:	DECK	Tax Map:	098-2 ((06)) 0025
Job Address:	007803 BRAEMAR WY SPRINGFIELD , VA 22153-2901	Permit Status:	Finalized
		Bldg:	Floor: Suite:
Location:		Permit Fee:	
Subdivision:	SARATOGA		
Magisterial District:	MOUNT VERNON		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	deck with steps no hot tub per plans		
Type of Work:	DECK		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR09 - IRC 2009		
Plan Number:	W-13-6549		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

 Link to FIDO record : [133370198](#)
Owner Information

Owner:	PENALOZA JOSE
Address:	7803 BRAEMAR WAY

City: SPRINGFIELD State: VA
Zip: 22153

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant: MENDOZA

Address: 7803 BRAEMAR WAY

City: SPRINGFIELD State: VA
Zip: 22153 /

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections**Inspection - R FINAL - FINAL INSPECTION - 6251262**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-01-15	JACK SMITH	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 6228543

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-01-14	JACK SMITH	N	Failed	NO	missing railing post brackets and proper attachment of diagonal bracing to posts and beams - return ends of graspable handrail

Inspection - R FOOTING - FOOTING INSPECTION - 6228544

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2013-12-20	JACK SMITH	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6228545

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2013-12-20	JACK SMITH	N	Passed	NO	

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2285321

Review - BUILDING - (BUILDING REVIEW) - 2285311

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-12-13	SHAINA ABNEY	Y	Approved

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-12-03	SHAINA ABNEY	Y	Failed

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2285245

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2013-12-03	ALYSIA GASKINS	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2285244

Review Type	Review Date	Reviewer	Started	Status
ZONING	2013-12-03	NATALIE KNIGHT	Y	Approved

Contact Us: General (Office of Public Affairs) | **Technical** (Web Administrator) | **Directed Inquiries** (County Agencies)
Phone:County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | **County Phone Listing**

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Laura Toledo de Mendoza**

7803 Braemer Way
SPRINGFIELD, VA 22153
(703) 372-2755

Facility Type: [Family Day Home](#)
License Type: [One Year](#)
[Expiration Date](#): Sept. 30, 2015
Business Hours: 6:00 am - 6:00 pm
Monday - Friday
Capacity: 12
Ages: Birth - 12 years 11 months
Inspector: Dolores Casseen
(703) 479-4709



County of Fairfax, Virginia

MEMORANDUM

Date: May 7, 2015

To: Erin Haley, Planner III
Zoning Evaluation Division

From: Amy Moxley
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MV-011

Applicant: Laura Toledo de Mendoza,
7803 Braemar Way, Springfield VA 22153
Saratoga Lot 25, Sec 1
Tax Map# 98-2 ((06)) 25
Zoning District: R-3C
Magisterial District: Mt. Vernon
ZIB # 2015-0196
Date of Inspection: April 30, 2015

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

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

- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. 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.
- 6. 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. The applicant will remove the items and provide photos of the work to Erin Haley.
- 7. 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.)
- 8. Structures comply with the Zoning Ordinance.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

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.