



# County of Fairfax, Virginia

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September 16, 2015

## STAFF REPORT

**SPECIAL PERMIT SP 2015-PR-047**

### PROVIDENCE DISTRICT

**APPLICANT:** Maria Metzger (Metzger Academy)

**OWNER:** Delbert Norvel Bostick

**SUBDIVISION:** Oak Dale Woods

**STREET ADDRESS:** 9908 Oak Branch Dr., Vienna, 22181

**TAX MAP REFERENCE:** 38-3 ((34)) 15

**LOT SIZE:** 21,495 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-203

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-047 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

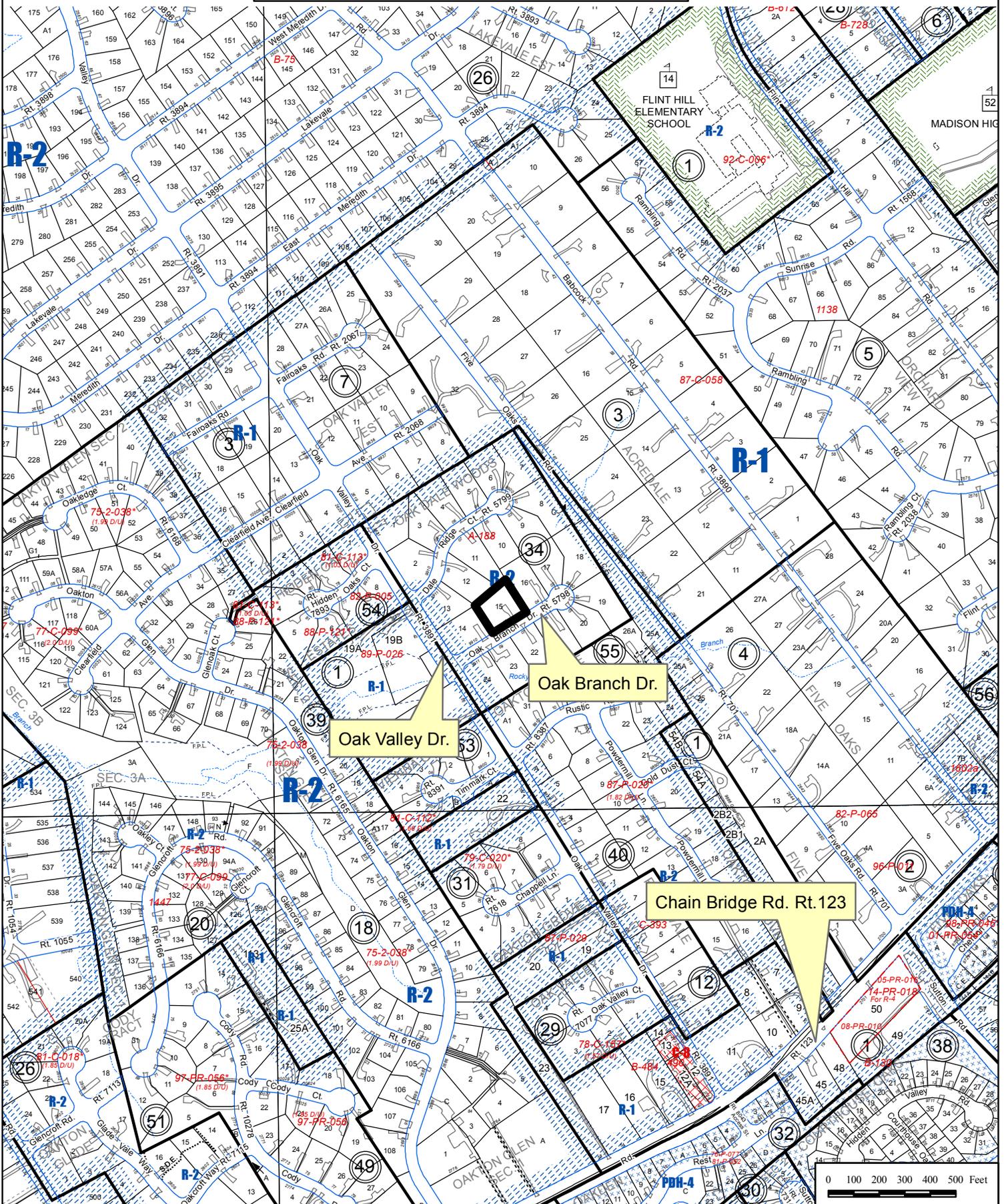
*Casey V. Gresham*

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

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

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

**Special Permit**  
**SP 2015-PR-047**  
**MARIA METZGER (METZGER ACADEMY)**



File number: SP2014-0252

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Department of Planning & Zoning

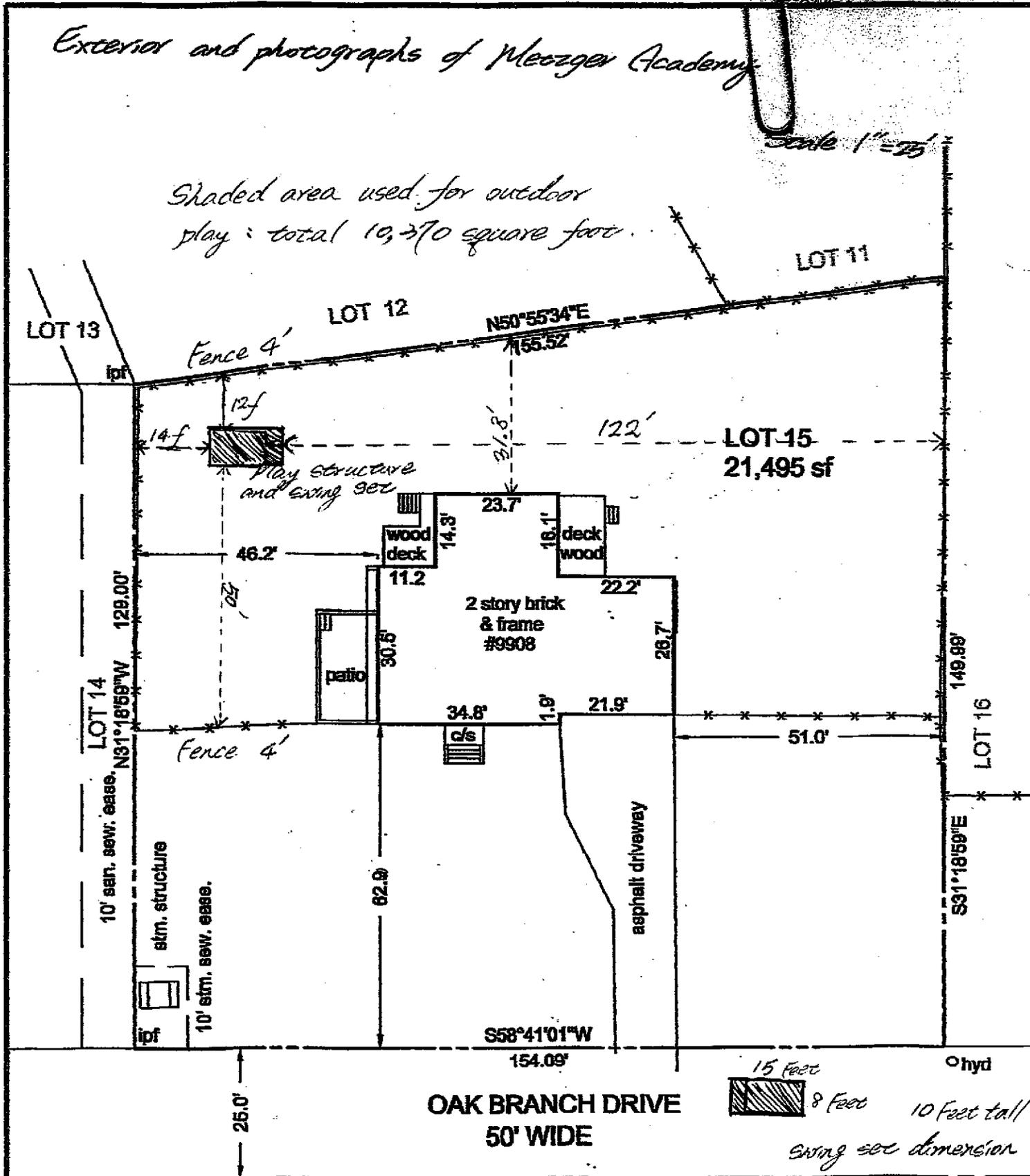
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Zoning Evaluation Division

# Exterior and photographs of Meozger Academy

Scale 1" = 25'

Shaded area used for outdoor play: total 10,370 square feet.



Revised. Prepared by Norvel Bostick February 13, 2015

## 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, Oak Branch Drive, Lot 15," prepared by the homeowner, Norvel Bostick, dated February 13, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two-story single-family detached dwelling. An asphalt driveway extends to Oak Branch Drive, and a walkway connects to the main entrance of the home, which also serves as the main entrance of the child care facility. The rear yard contains play equipment and is enclosed by a fence 4 feet in height. Existing mature vegetation provides screening of the rear yard.



Figure 1: House location

The subject property and surrounding properties to are zoned R-2 and developed as single family detached dwellings.

## BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1976 and

purchased by the owner in 2004.

On July 27, 2000, a final building permit was issued to the applicant for the construction of a deck. All final inspections were completed, and a copy of the building permit is included as Appendix 4.

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

## DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 6:30 a.m. and 6:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. Two assistants currently work at the facility.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through September 16, 2015. The license permits a capacity of twelve children, ages birth through 12 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement of the dwelling, which contains large play areas, a napping area, and an eating area. The rear yard is utilized for outdoor play. Photographs provided by the applicant show toys and play equipment located in this area.

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Piney Branch Community Planning Sector (V4)  
**Plan Map:** Residential, 2-3 du/ac

### Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	21,495 sf.
Lot Width	Interior: 100 feet	151.09 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 35 feet	62.9 feet

<b>Bulk Standards (R-2)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Side Yard	Min. 15 feet	46.2 feet
Rear Yard	Min. 25 feet	31.8 feet

**On-Site Parking and Site Circulation**

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

**Zoning Inspection Report**

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, it was noted that napping activities were taking place in an area without proper emergency egress. It was recommended to the applicant that she relocate to an area with emergency egress, and she has since done so (see photos included in Appendix 7). In addition, storage was blocking a door and surrounding the water heater at the time of inspection. Since this inspection, all noted violations have been corrected, and photos of the removed storage are included in Appendix 7.

**Zoning Ordinance Requirements (Appendix 8)**

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

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

<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-2 District permits a home child care facility as an accessory use with special permit approval.
<b>Standard 3</b> 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.
<b>Standard 4</b> 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.

<b>Standard 5</b> Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement for individual lots in the R-2 District.
<b>Standard 7</b> 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.
<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 meets the lot size and bulk regulations for the R-2 District. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
<b>Standard 2</b> 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.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The application meets all submission requirements for a home child care facility.
<b>Standard 5</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through September 16, 2015.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
<b>Part G</b> Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and three non-resident employees.

**CONCLUSION / RECOMMENDATION**

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

Staff recommends approval of SP 2015-PR-047 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 Permits
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Corrected Photos of ZIB Violations
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-PR-047****September 16, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-047 located at Tax Map 38-3 ((34)) 15 to permit a home child care facility pursuant to Section 8-305 and 3-203 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Maria Metzger , only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9908 Oak Branch Dr., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat, Oak Branch Drive, Lot 15," prepared by the homeowner, Norvel Bostick, dated February 13, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of three nonresident employees at a time, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
12. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".

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

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

**STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY**

Maria Metzger  
 Metzger Academy  
 9908 Oak Branch Drive  
 Vienna, VA 22181  
 (703)281-2378  
 metzger\_academy@yahoo.com

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

Re: Special Permit Application  
 Applicant: Maria Metzger  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 9-006 of General Standards  
 Tax Map#: 0383 34 0015  
 Zoning District: R-2  
 Lot size: 21,495 square feet

To Whom It May Concern:

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I live in a single-family detached dwelling, owned by my son, at 9908 Oak Branch Drive in Vienna, Virginia. The property is zoned R-2, and I understand that I need to seek approval of a special permit in order to operate a child care facility with a capacity of up to 12 children within my home.

Below is information about my child care facilities operation:

**A. Hours:** The child care is open from 6:30am to 6:30pm, Monday through Friday.

**B. Number of Children:** I currently care for 8 children. I propose to care for a maximum of 12 children at any one time. There are no children living in the home.

**C. Employees:** I have one full-time assistant who works from 6:30am to 4:30pm. A resident of the house assists me from 4:30pm to 6:30pm and at other times throughout the day. We also have part-time teachers who come throughout the week to teach specialized classes. They stay for about an hour arriving usually between 9:00am and 11:00am, Monday through Friday, depending on the class and time of year.

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**D. Arrival Schedule:** Approximately 8 of the children arrive between 6:30am to 8:30am. Parents drop-off quickly; we usually never have more than 1-2 families here at a time. We usually have three children arrive around 7:00am, another two around 7:30am, two around 8:00am, and one around 8:30am.

**D. Departure Schedule:** One child is picked up at 4:00pm. Approximately 4 children are picked up between 4:30 and 5:30pm. 2 children are picked up at 6:00pm. 1 child is picked up at 6:30pm. This schedule can vary depending on the parents' work schedules though. Children are more than welcome to stay until our stated closing time.

**E. Area Served:** Most children come from the Providence district. Many of the children live in the near-by metro townhouses. Several families live further out around Oakton. We are on the way to work for most families as they either head to the Vienna metro or down Route 123 from my house to their places of employment. All families come from Fairfax County.

**F. Method of Transportation:** All parents arrive by car. The driveway can hold up to 4 vehicles at a time, so most parents park there. The side street/edge of my property can hold another 4 vehicles. Parents will park there if someone is already in the driveway to avoid blocking that car in since the drop-off/pick-up process is rather quick. There is also ample side street parking through the neighborhood where they *could* park, though they rarely ever do unless there is weather issues/etc. To date my home daycare has not had appeared to have a traffic impact on the area.

**G. Dwelling:** As mentioned previously, the house is a single-family detached dwelling. It has a walk-out basement with three bedrooms and one large play area. This is where the children spend most of their time. I use the kitchen to cook meals on the main floor. Ballet class is offered in the "dining room" area on the main floor. There is also a sitting room on the main floor that is used for piano lessons and a few other activities throughout the week. The top floor of the house is not used for the daycare at all. The square footage of the daycare areas is 1600. A floor plan is included as an attachment to this letter.

**H. Outdoor Play:** I use my backyard for outdoor play when the weather is appropriate. There is a swing set with a slide, and I have indicated its location on the plat. Sometimes we will also have picnic lunches outside. Heavy greenery and trees line the property which decreases any impact on the surrounding neighbors. There is no signage on the property to indicate the presence of a home daycare facility.

**I. Hazardous or Toxic Substances:** The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

**J. Zoning Ordinance Compliance:** The proposed development conforms to the provisions of all applicable ordinances, regulations and 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.

**K. Home Owners Association:** There is no homeowners' association in my neighborhood. I have talked to all direct neighbors about my home daycare and everyone appears to be fine with the arrangement.

In conclusion, I am proposing no changes to the appearance of my home or to how my daycare is run. Metzger Academy has been in this neighborhood for many, many years with no issues. It is in harmony with all intended uses of the neighborhood. Adequate parking is available for my parents and employees. For these reasons, I believe that my proposed home daycare facility will continue to not impact my neighbors in any negative way.

Sincerely,

Maria Metzger  
Owner of Metzger Academy

Attachment: Daycare Floor Plan with Square Footage  
Arrival Schedule and Departure Schedule

## Arrival Schedule and Departure Schedule

### Arrival Schedule

Child	6:30 – 7:00 AM	7:00 – 7:30 AM	7:30 – 8:00 AM	8:00 -8:30 AM
1	X			
2	X			
3			X	
4				X
5			X	
6		X		
7	X			
8		X		

### Departure Schedule

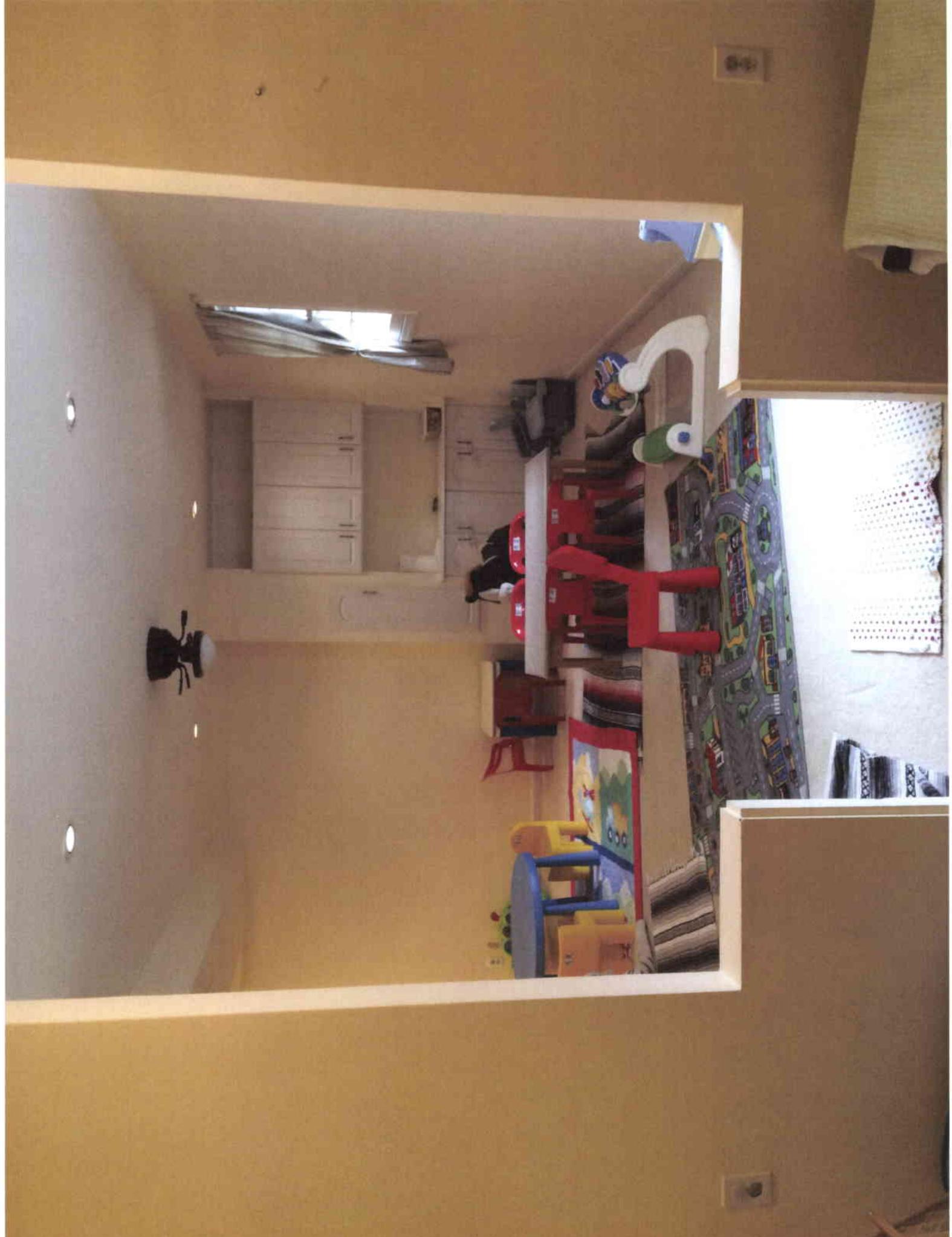
Child	4:00 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM	5:30 -6:00 PM	6:00 – 6:30 PM
1				X	
2			X		
3		X			
4					X
5				X	
6	X				
7			X		
8		X			







11



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 23, 2014  
 (enter date affidavit is notarized)

I, Maria Metzger, 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: 12.5069

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)
Maria E. Metzger d/b/a Metzger Academy	9908 Oak Branch Dr., Vienna, VA 22181	Applicant
Norvel D. Bostick	9908 Oak Branch Dr., Vienna, VA 22181	Title Owner, Home Owner/Maria's son

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

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

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

CAB

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 23, 2014  
(enter date affidavit is notarized)

125069

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)

N/A

**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)

N/A

(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)

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 23, 2014  
(enter date affidavit is notarized)

125069

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**

DATE: October 23, 2014  
(enter date affidavit is notarized)

125069

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

125069

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)

Maria Metzger  
[ ] Applicant  Applicant's Authorized Agent

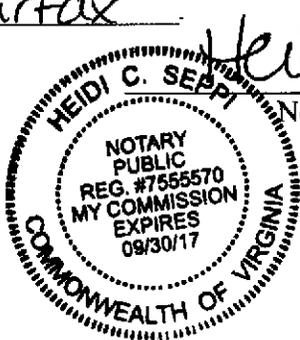
Maria E. Metzger

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

Subscribed and sworn to before me this 23 day of October 23 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:

9/30/2017



Heidi C. Seppi  
Notary Public

CAB



## Land Development Information History: ISIS - Building Permit - 00053B0421

### Permit Information

<b>Permit Id:</b>	00053B0421
<b>Job Address:</b>	009908 OAK BRANCH DR
<b>Applicant Name:</b>	RICHARD MARTIN
<b>Application Date:</b>	2000-07-27
<b>Tax Map:</b>	038-3 ((34)) 0015
<b>Permit Status:</b>	Amended/Approved (AA)
<b>Work Description:</b>	ADD DECK NO HOT TUB
<b>Type Work:</b>	Exterior Addition (A02)

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Maria Metzger**

9908 Oak Branch Drive

VIENNA, VA 22181

(703) 281-2378 Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): Sept. 16, 2015Business Hours: 6:30am - 6:30pm  
Monday - Friday

Capacity: 12

Ages: 2 months - 11 years 11 months

Inspector: Pernille Brandt  
(703) 203-8659 



# County of Fairfax, Virginia

## MEMORANDUM

Date: August 26, 2015

To: Casey Gresham, Staff Coordinator  
Zoning Evaluation Division

From: Mavis Stanfield *ms*  
Chief Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-PR-047

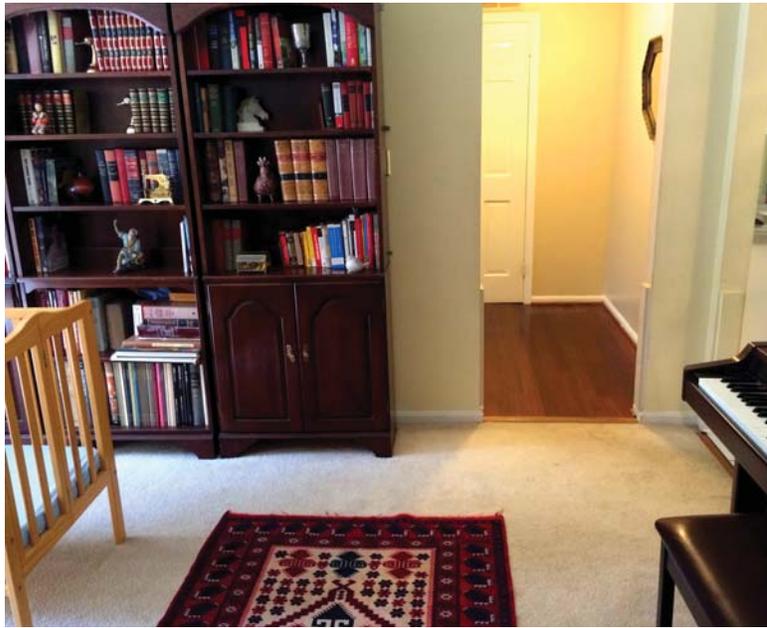
Applicant: Maria Metzger “Metzger Academy”  
9908 Oak Branch Drive, Vienna, Virginia 22181  
Oak Dale Woods, Lot 15  
Tax Map# 38-3 ((34)) 15  
Zoning District: R-2  
Magisterial District: Providence  
ZIB # 2015-0369  
Date of Inspection: August 19, 2015

During the inspection conducted on August 19, 2015, the applicant was not present. Staff was escorted by her “agent”.

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.)
  - There were no windows in a room used for infant napping. The cribs should be relocated to an area with appropriate egress.
- 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.
  - The door leading to the outdoors from the HCC was blocked with furniture at the time of the inspection. The exit should be kept clear of obstacles.
- 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 was used for extensive storage around the appliances. A sink has been installed located 13 inches from the electrical panel. All obstructions should be cleared to provide 36 inches of clearance in this room.
- 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.

#### **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