



County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2015-LE-058

LEE DISTRICT

APPLICANT: Francisca Poly
Grace and Love Day Care

OWNERS: SBS Properties, LLC
Mr. Samba Barrie

SUBDIVISION: Groveton Heights, Section 3

STREET ADDRESS: 3424 Memorial Street, Alexandria, 22306

TAX MAP REFERENCE: 92-2 ((15)) 91

LOT SIZE: 19,350 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 3-203, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-LE-058 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

Laura Arseneau

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.**

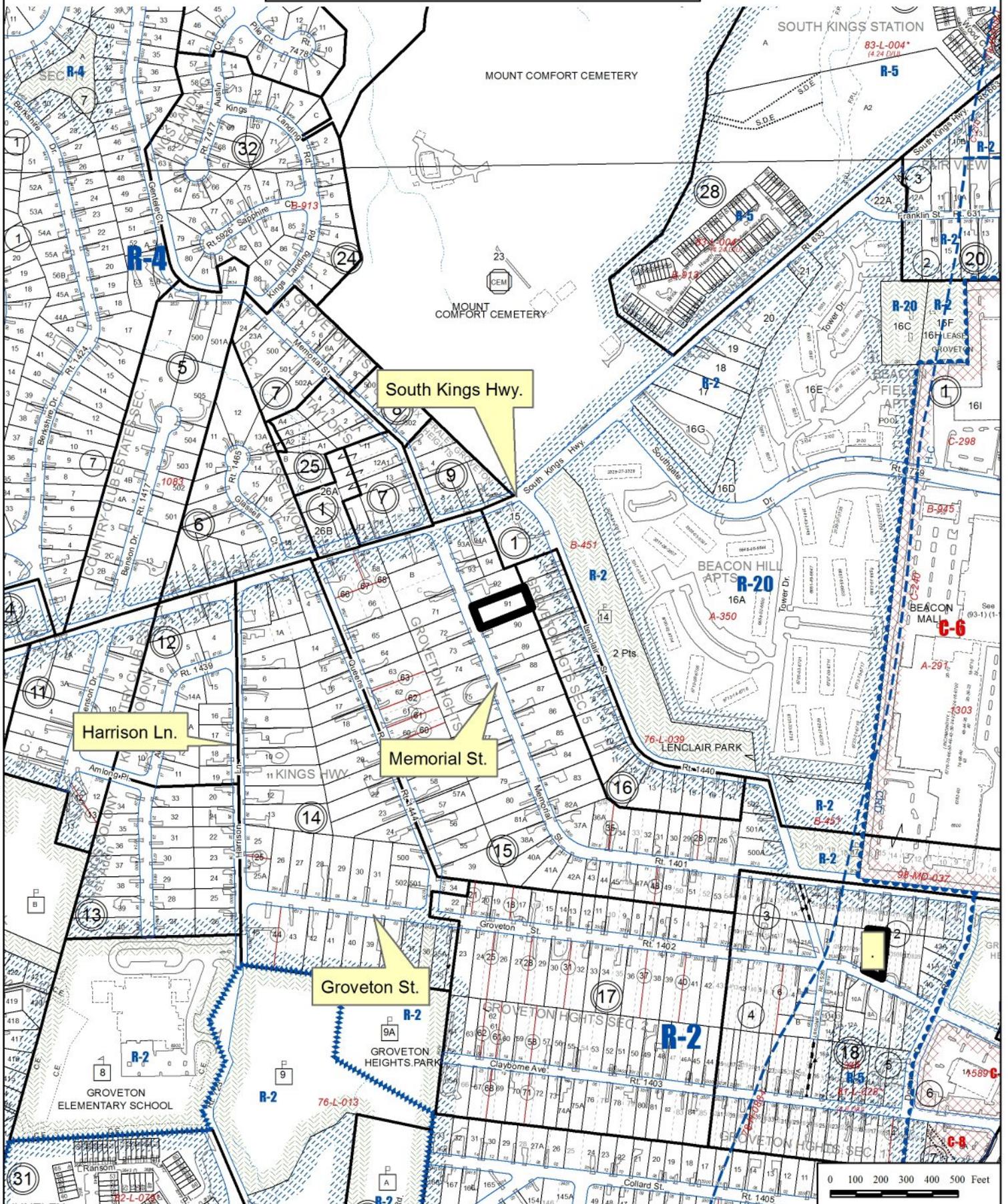


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

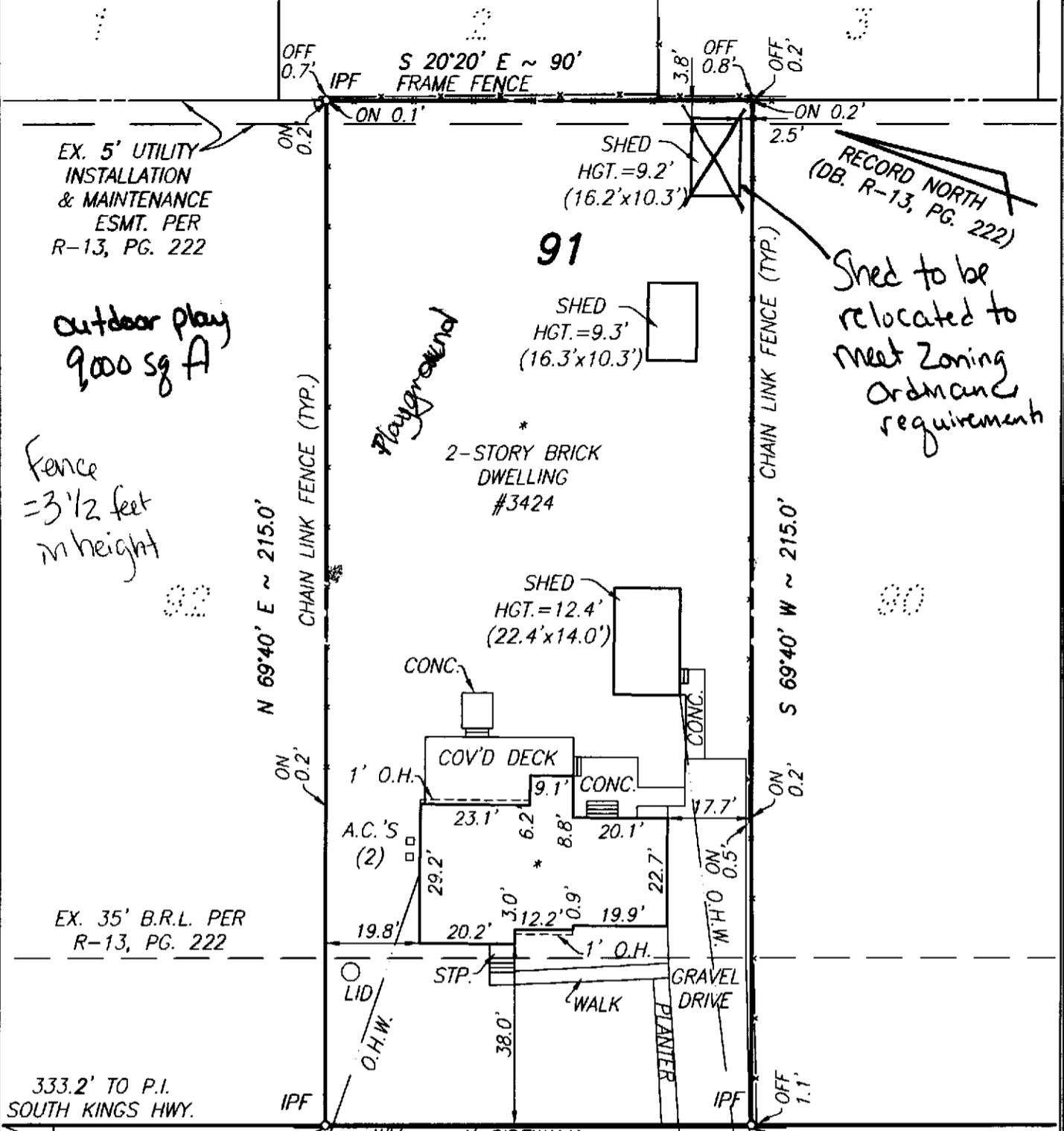
Special Permit

SP 2015-LE-058

FRANCISCA POLY / GRACE AND LOVE DAY CARE



NOTE: TAX ASSESSMENT MAP NUMBER: 092-2-15-0091 LOT AREA = 19,350 S.F.
 PROPERTY SUBJECT TO 8' SIDE B.R.L. PER DB, R-13, PG. 222



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 Department of Planning & Zoning
 MAR 09 2015
 Zoning Evaluation Division

333.2' TO P.I. SOUTH KINGS HWY.
 4' SIDEWALK
 WM APR. C&G
 U.P.
MEMORIAL STREET
 50' R/W
PLAT
 SHOWING PHYSICAL IMPROVEMENT SURVEY
 LOT 91, SECTION 3
GROVETON HEIGHTS
 (DB, R-13, PG. 222)
FAIRFAX COUNTY, VIRGINIA

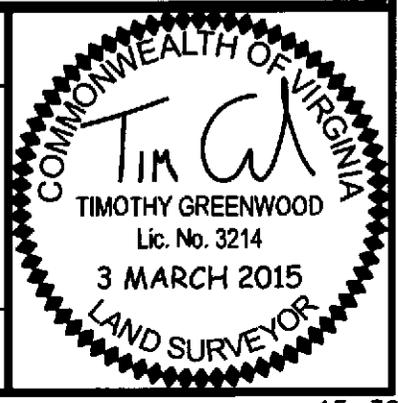
SCALE: 1" = 30'
 DATE: MARCH 3, 2015
 DEED BOOK REF.: 20749/1076
 PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 TITLE REPORT NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.

CASE NAME: MICHAEL BUABENC
 SBS PROPERTIES, LLC.

ROF **FIELDS**
 & ASSOCIATES, INC.

ENGINEERING • LAND SURVEYING • PLANNING

730 S. Washington Street www.rofasso.com
 Alexandria, Virginia 22314 (703) 549-6422



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND/OR WITH CALIBRATED ELECTRONIC DISTANCE MEASURING EQUIPMENT AND, UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

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 Physical Improvement Survey, Lot 91, Section 3, Groveton Heights," prepared by Timothy Greenwood, L.S., on March 3, 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 two story single family detached dwelling. A two story addition is located in the side yard of the property. An asphalt driveway, concrete walkway and stoop are located in the front yard of the property. Three sheds, a covered deck and a concrete patio are located in the rear yard. The rear yard is enclosed by a chain link fence.

There is a five foot wide utility easement located along the rear property line.

The site is located south of the intersection of South Kings Highway and Memorial Street. The subject property and surrounding properties are zoned R-2 and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1950. The property was purchased by the property owners in 2009. The applicant is currently renting the property.

On February 25, 1969, the Board of Zoning Appeals approved Special Permit S 22-69 to permit a



Figure 1- Aerial View of Property

beauty shop as a home occupation in the “guest house” as located on the special permit plat (Appendix 4).

On February 20, 2009, a complaint was received by the Department of Code Compliance for water supply and/or sewage issues. The complaint was determined to be unfounded and the case was closed on March 5, 2009 (Appendix 5).

On August 19, 2010, a complaint was received for a business in a residential district. The complaint was determined to be unfounded and the case was closed on August 25, 2010 (Appendix 5).

On May 16, 2005, a final inspection was completed for a building permit for a 8 foot by 6 foot exterior addition to the rear of the dwelling (Appendix 6).

There are no building permits for the addition or for the covered deck to the rear of the dwelling. A proposed development condition will require the applicant and/or property owner will obtain all relevant permits and inspections related to the construction of the addition and the covered deck.

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 5:00 a.m. and 11:30 p.m., Monday through Friday. The applicant is also requesting 3 children between the hours of 5:00 a.m. and 11:30 p.m. Saturday and Sunday. This is a reduction from 24 hours a day and seven days a week that was listed in the statement of justification. Staff discussed these revised hours with the applicant, and the applicant is in agreement. There is an existing staggered drop-off and pick-up schedule for the children. Currently, there is one assistant that lives at the residence.

The home child care facility is operated in the main floor of the dwelling, which has adequate emergency egress. The enclosed play area is located in the rear yard. Photographs provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for one year and which expires on December 11, 2015, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 24 hours a day Monday through Sunday. A proposed development condition is included to limit the hours of operation, as discussed. The license also permits a capacity of 7 children, from birth through 12 years, 11 months of age. A copy of the license is included as Appendix 7.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon Planning District
Planning Sector: Hybla Valley Community Planning Sector (MV2)
Plan Map: Residential, 2-3 du/ac

On-Site Parking and Site Circulation

The existing driveway can accommodate approximately four cars. The applicant parks their one car in the driveway. On-street parking is available along Memorial Street.

Vehicular access to the site is provided by a driveway from Memorial Street. A concrete walkway and patio connects the driveway to the rear door of the dwelling which is the main entrance of the home child care.

Zoning Inspection Branch Comments (Appendix 8)

During the inspection, staff found two inoperable smoke detectors. Staff also found some hardwiring concerns with the electrical service panel and also noticed that the electrical panel did not have adequate access. The applicant was made aware of these concerns and will provide staff with updated photographs once the repairs are made prior to the public hearing.

In addition, staff found an accessory storage structure (shed) did not meet the setback requirements. The applicant has noted on the plat that the shed will be relocated and staff has proposed a development condition to ensure the applicant moves the shed within 90 days of approval of this application.

Staff also found that a detached accessory structure in the rear yard appeared to have a satellite dish, window air conditioning unit and other items that indicated it could possibly be an accessory dwelling unit. In conversations with the applicant it was determined that this structure is used as a private office by the landlord and is not an accessory dwelling unit.

Zoning Ordinance Requirements (Appendix 9)

- 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

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	19,350 sf.
Lot Width	Interior: 100 feet	90 feet ¹
Building Height	35 feet max.	Not provided
Front Yard	Min. 35 feet	38.0 feet
Side Yard	Min. 15 feet	19.8 feet, 17.7 feet
Rear Yard	Min. 25 feet	> 25 feet

1. The subject parcel was created prior to the adoption of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405.

Accessory Structure Setback Standards				
Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Shed #1	Side	15 feet	2.5 feet ¹	n/a
	Rear	9.2 feet	3.8 feet ¹	n/a
Shed #2	Side	12.0 feet	12 feet	n/a
Shed #3	Side	12 feet	Approx. 15 feet	n/a
Covered Deck	Side	12 feet	Approx. 21 feet	To be obtained with development conditions

1-This shed is to be relocated after approval.

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

Standards 1 and 2 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.
Standard 3 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.
Standard 4 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.
Standard 5 Landscaping/Screening	There is existing fencing that separates the play area from the neighbors.

Standard 6 Open Space	There is no prescribed open space requirement in the R-2 District.
Standard 7 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.
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 conforms to the lot size and bulk regulations of the R-2 district. No exterior modifications are proposed with this application.
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 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 one resident employee .
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing fence and landscaping in the rear yard that provides screening of the outdoor play area.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.
Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through December 11, 2015, for 7 children 24 hours a day and 7 days a week. Staff has proposed a development condition that would reduce the hours of operation during the week for 12 children and limit hours and number of children on the weekend.

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

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

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2015-LE-058 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. Approved prior Special Permit
5. Building Complaints
6. Building Permit
7. State Family Day Home License
8. Zoning Inspections Branch Comments
9. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-LE-058****September 16, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-058 located at Tax Map 92-2 ((15)) 91 to permit a home child care facility pursuant to Sects. 3-103 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, Francisca Poly/ Grace and Love Daycare and is not transferable without further action of the Board, and is for the location indicated on the application, 3424 Memorial 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 entitled "Plat, Showing Physical Improvement Survey, Lot 91, Section 3, Groveton Heights," prepared by Timothy Greenwood, L.S., on March 3, 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 operate with up to 12 children between the hours from 5:00 a.m. and 11:30 p.m., Monday through Friday only. The applicant shall operate no more than 3 children from 5:00 a.m. to 11:30 p.m. Saturday and Sunday.
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. The accessory structures shall remain locked during the hours of operation of the home child care facility.
12. 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.
13. 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 applicant shall relocate the accessory storage structure (shed) to meet all provisions of the Zoning Ordinance within 90 days.
14. The applicant and/or property owner shall obtain all relevant permits and inspections for the covered deck and addition to the dwelling within 90 days. Until the final inspections are completed the covered deck and the addition shall not be used for the home child care.

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.

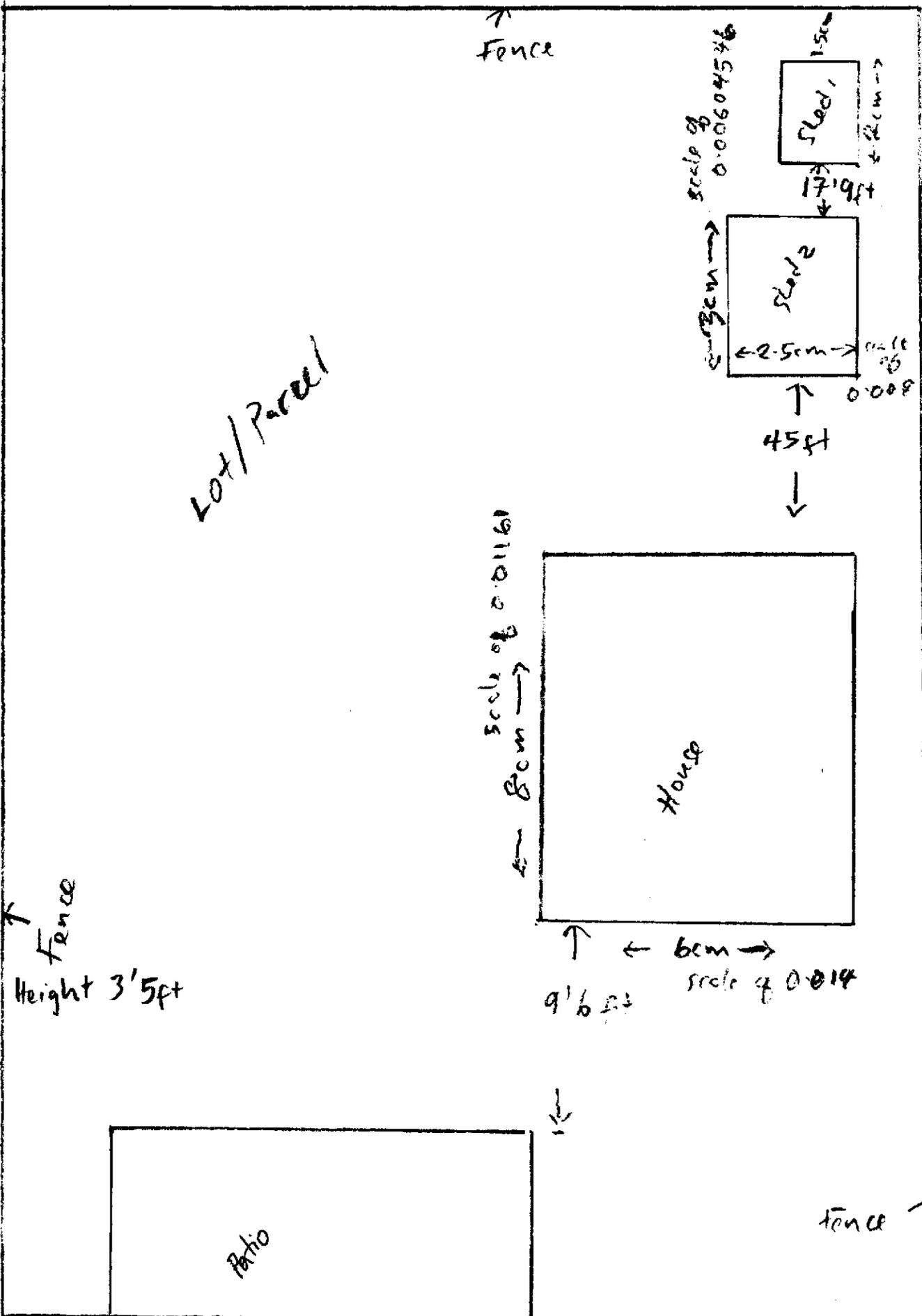
01/28/15

Statement Describing Grace & Love Daycare

Dear Sir or Madam,

I Mrs. Francisca Poly by this day December 23rd 2014, through this written statement will describe my home childcare. This gives the details of everything concerning the day care. I operate 24 hours a day, which start from Monday through Sunday. Normally the number of children that attends my home childcare is 12. I currently have one employee who works a full time position. Parents drop their children accordingly to their work schedule. Usually it would be 2 to 3 children being dropped off at a particular time; the time schedules of pick up and drop off vary from 5 a.m. through midnight everyday. Presently, I have children that attend my daycare that do not live around my neighborhood. Their parents commute from their neighborhood to drop off their children. The house that I work in is a single family home which has a large drive way where 2 to 4 cars can park at the same time. Behind the house is a large backyard, where a playground is prepared for the children to play. The house has 2 floors and 2 living rooms. I use the larger living room which is in the 1st floor for daycare use. The other living room is also in the 1st floor but that is for the use of those house residents and their guest. I have a separate bath room close to the work area prepared for the children, my employee and I to use and a separate bedroom for the children to rest or their daily nap time.

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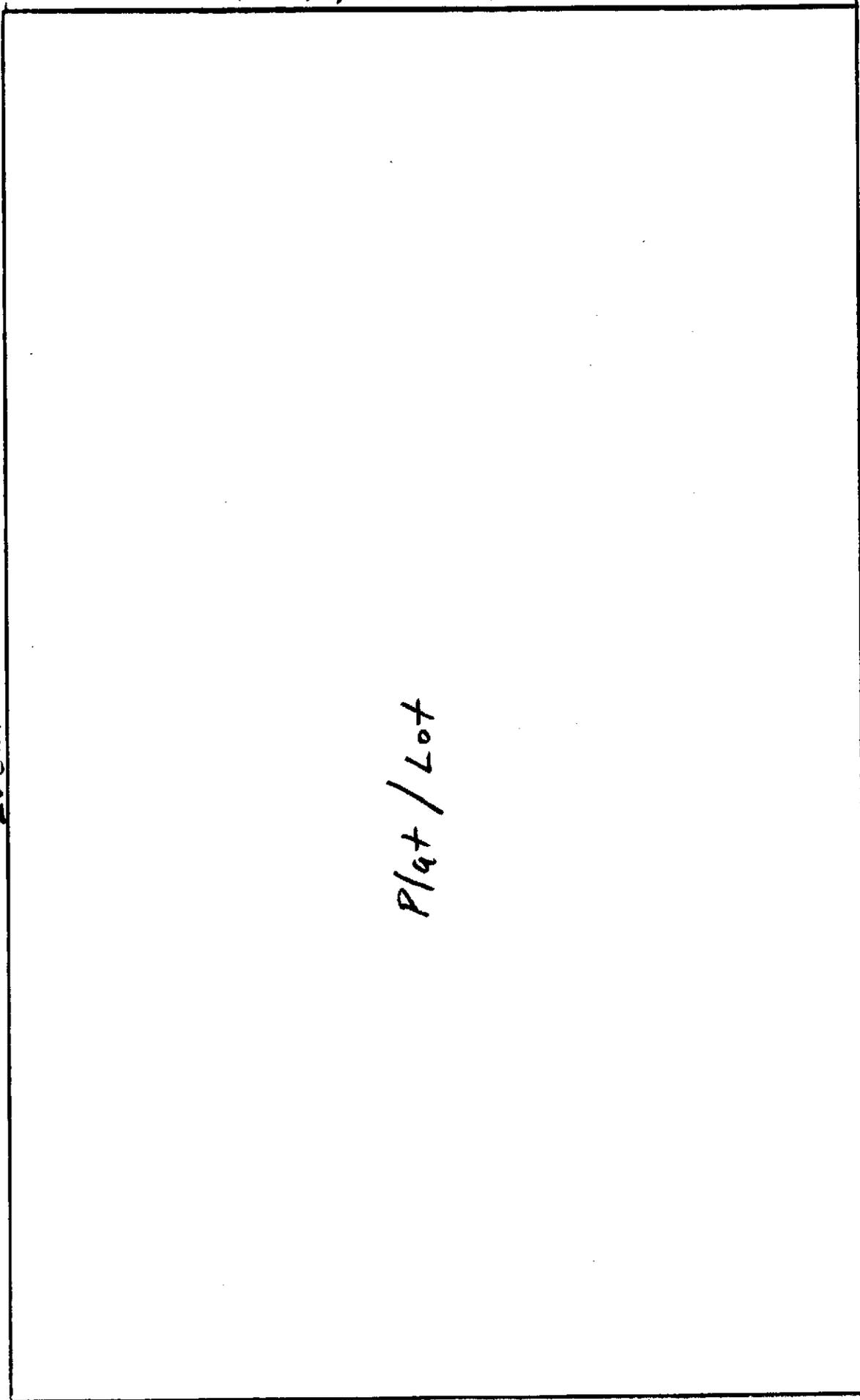
143'6ft
 4326.9234
 97286.9234
 Reduced to scale
 0.005727
 117500.0

FEB 05 2015

Zoning Evaluation Division

Reduced Height Scale factor by 0.00565662 cm

← 90ft = 2743.2 cm (15.5cm) →



Plot / Lot

← 145ft = 4419.6 cm
2.5cm →

Reduced Height Scale factor by 0.00565662 cm

FEB 05 2015

Zoning Evaluation Division

GRACE AND LOVE DAY CARE

3424 Memorial St
Alexandria, VA. 22306

ARRIVAL AND DEPARTURE SCHEDULE

ARRIVAL SCHEDULE

CHILD	5:30aa – 8:15a	7a – 8:15a	8:15a – 10a	10a – 3:45pm
1	5:30a			
2	5:30a			
3	6:45a - 8:15a			
4		7:00a – 8:15a		
5				1:30p
6			9:30a	
7				
8				3:45pm
9				
10				
11				
12				

DEPARTURE SCHEDULE

CHILD	12p – 1p	1p – 3:45p	3:45p – 5p	5p – 11pm
1		2:00p		
2		2:00p		
3			3:45p – 6p	
4			3:45p – 6p	
5				11:00p
6				7pm
7				11pm
8				
9				
10				
11				
12				

[Type here]

Dimensions of Deck

- Height of finished ground to the highest point of deck 11ft
- Height of finished floor above the finished ground 1'5ft
 - Width of deck: 14'3ft
 - Length: 29'9ft

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Dimensions of Shed and House 2

1. SHED 1

- a. Width : 10.3ft
- b. Length : 16.3ft
- c. Height : 10'5ft

2. SHED 2

- a. WIDTH : 10.3ft
- b. Length : 16.3ft
- c. Height : 10'5ft

3. House 2

- a. Width : 14ft
- b. Length : 22.6ft
- c. Height : 15ft

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Dimensions of Fence

Height: 3'5ft

Length: 143'6ft

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Dimensions of the Lot/parcel

- Length : 143'6ft
- Width : 90ft

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List of Hazardous Chemicals

- 1gal Clorox Bleach and is stored in the laundry area by the kitchen which is not accessible by the kids.

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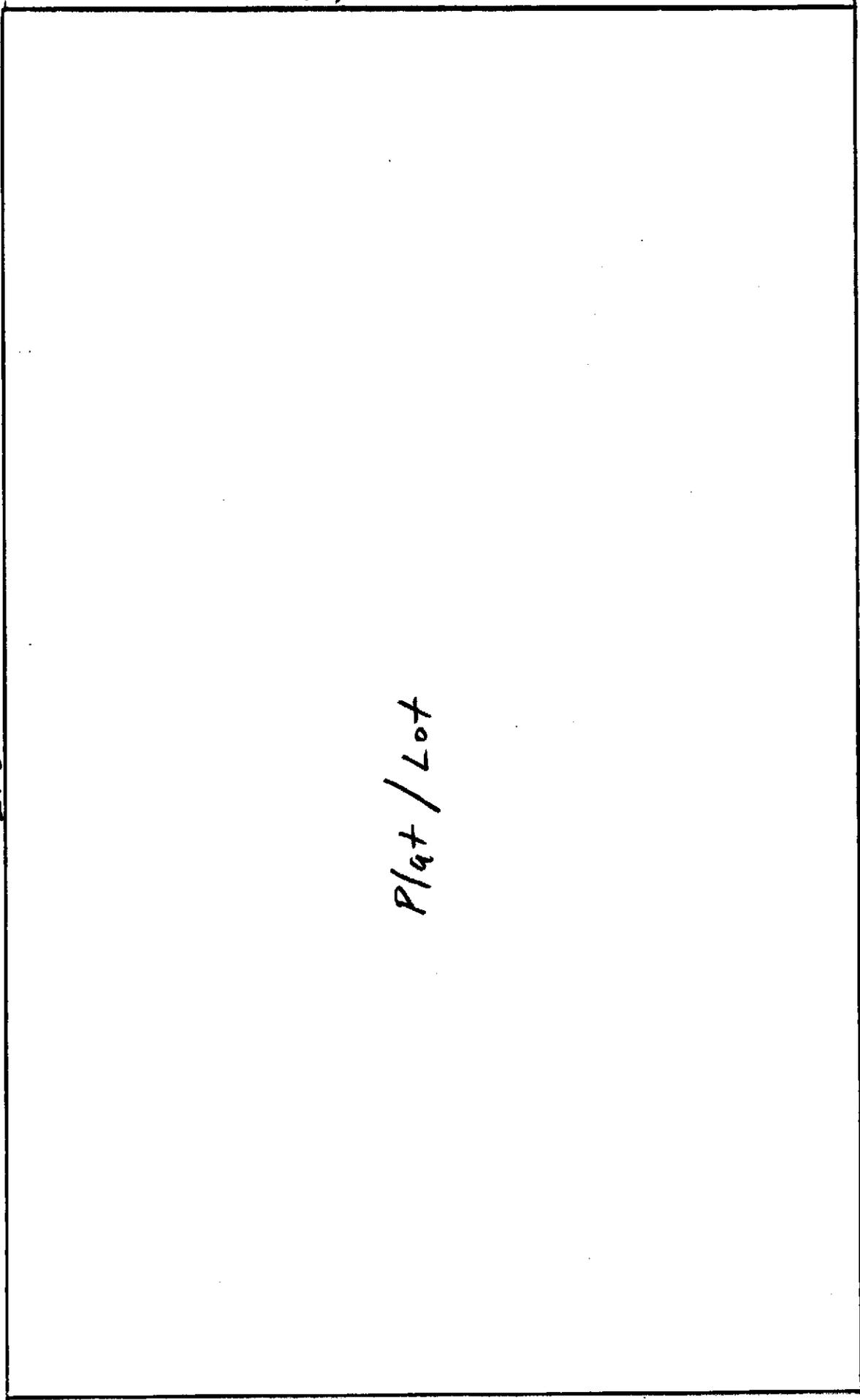
FEB 05 2015

Zoning Evaluation Division

FEB 05 2015

Zoning Evaluation Division

← 90ft = 2743.2 cm (15.5cm) →



← 145ft = 4419.6 cm →
25cm

Reduced with scale factor by 0.00565662 cm

Reduced Height Scale factor by 0.00565662 cm

Daycare Room



Changing Station

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Nap Room



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Main Entrance



Daycare Room

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Driveway



front of house

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Front Entrance



Driveway

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Daycare Area



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Daycare Bathroom



Kitchen

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ty lines

lines (approximate)



itled layer

Property line





Changing Area

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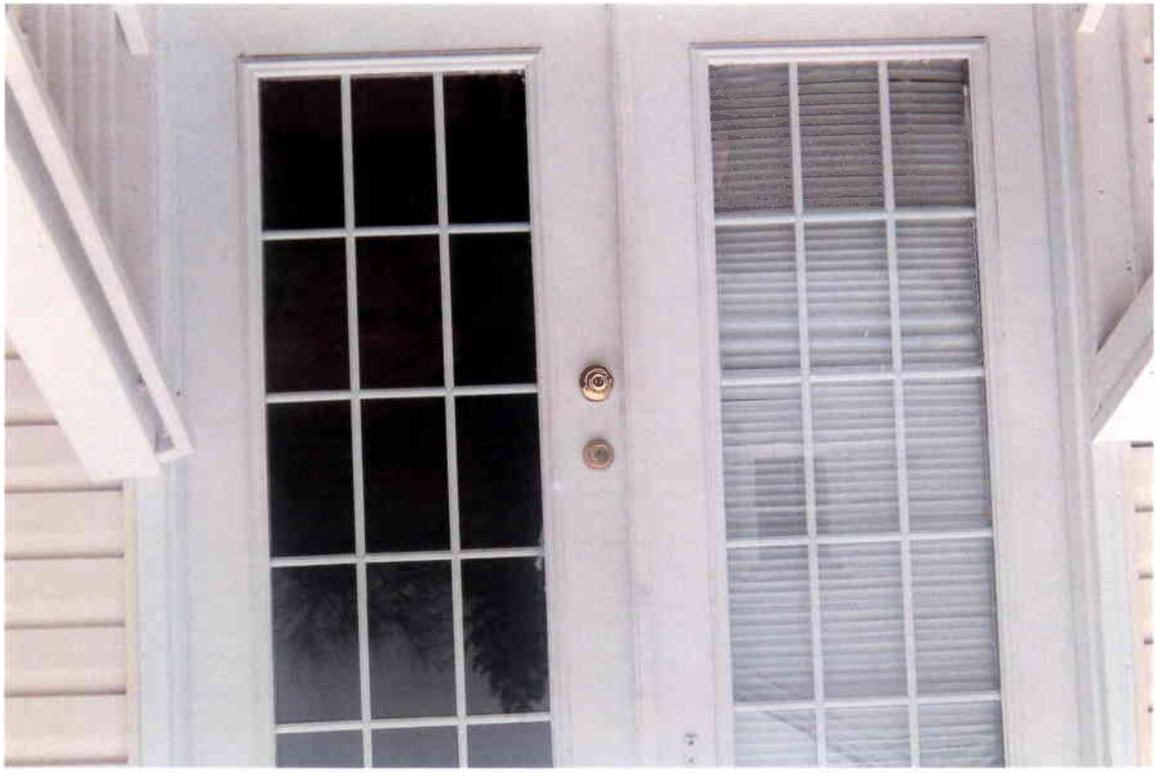
Plot / Flat / turf

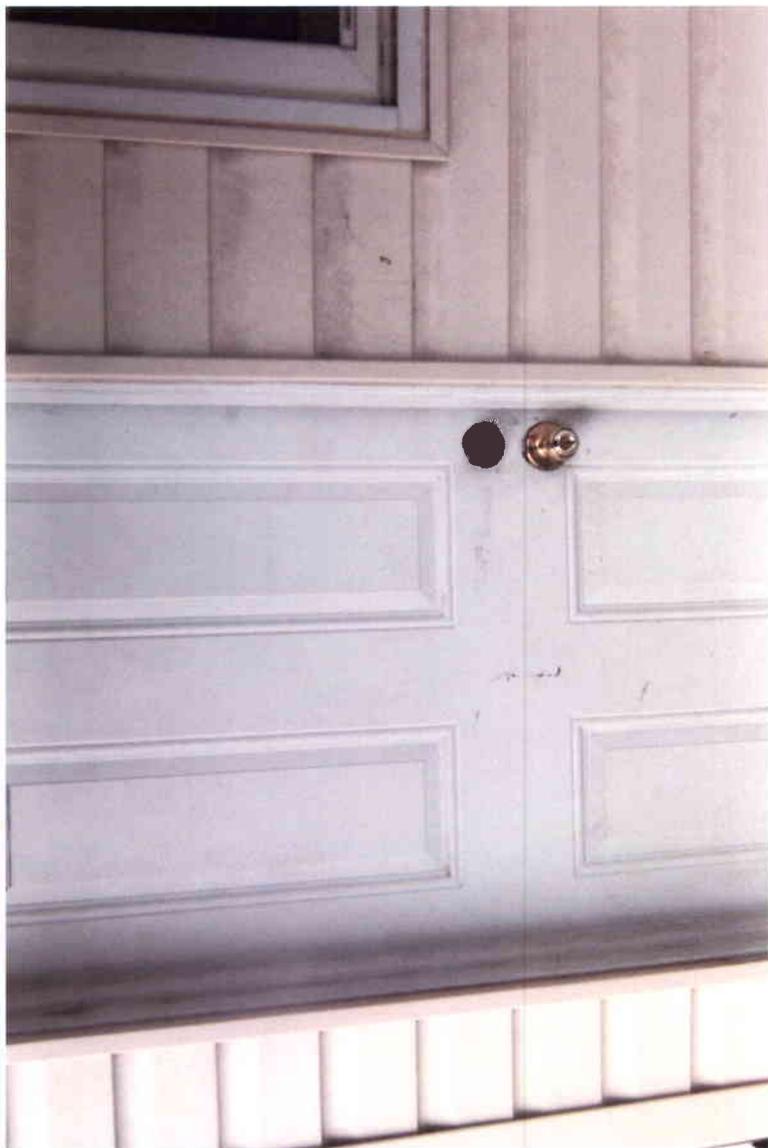
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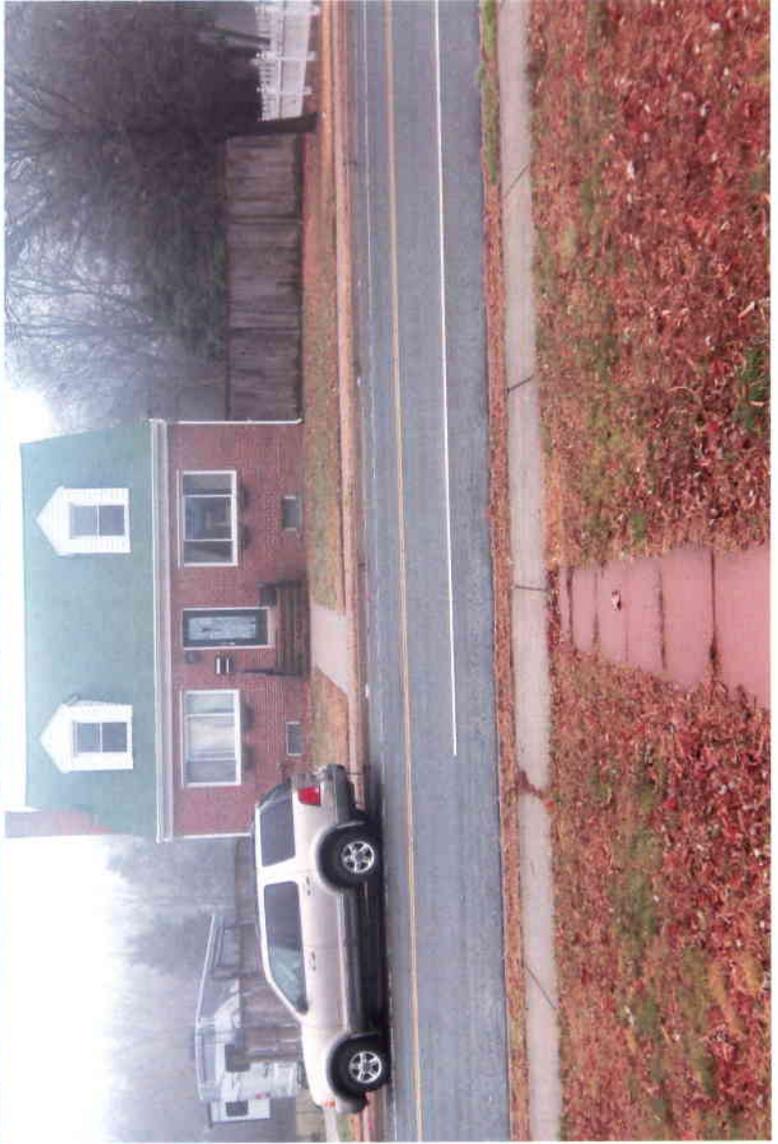
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FEB 05 2015

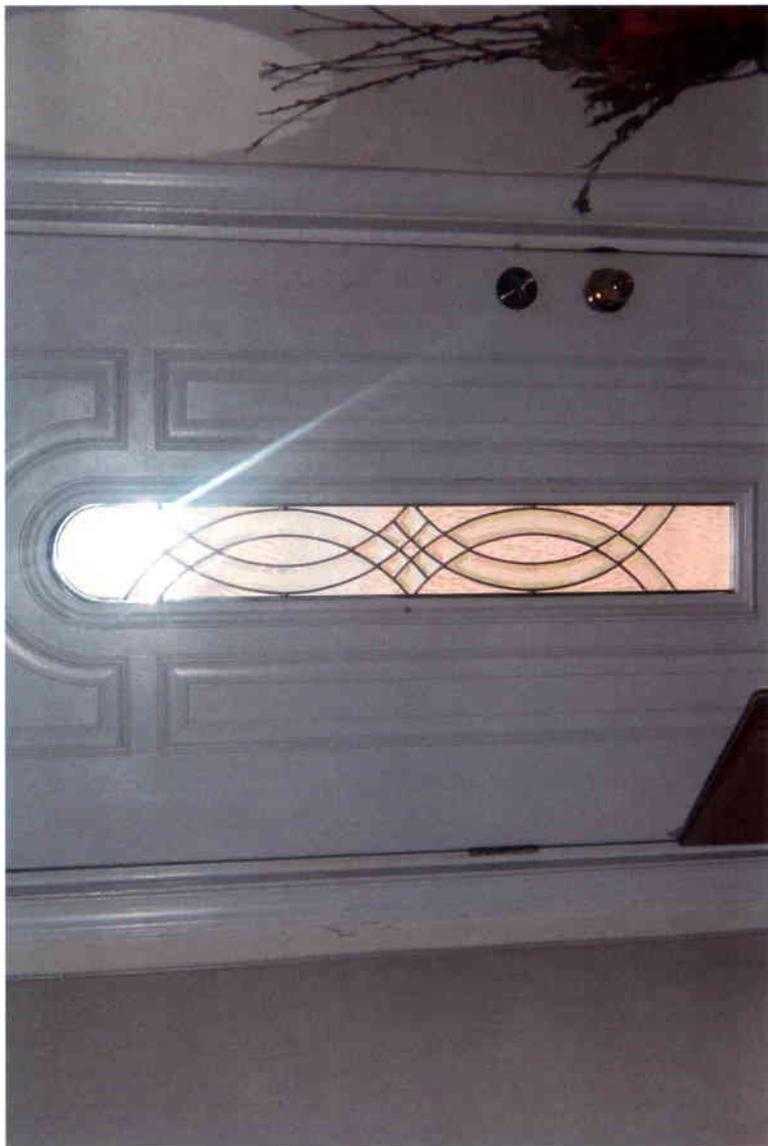
Zoning Evaluation Division

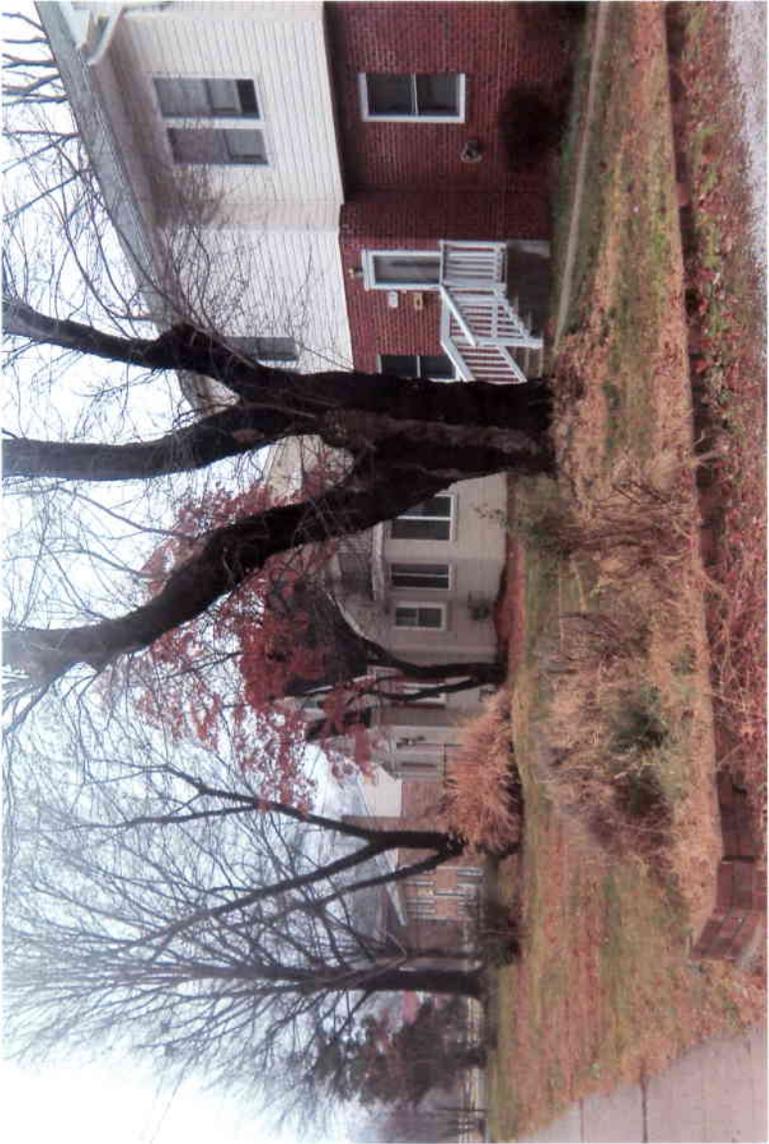












Application No.(s): SP 2015-LE-058
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/10/15 128051
 (enter date affidavit is notarized)

I, FRANCISCA POLY, 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)
FRANCISCA POLY d/b/a	3424 MEMORIAL ST ALEXANDRIA VA. 22306	Applicant/Lessee
GRACE AND LOVE DAY CARE	SAME	SAME
SBS PROPERTIES LLC Mr. SAMBA BARRIE	SAME	Title Owner/Lessor

(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-LE-058
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02 / 10 / 15
(enter date affidavit is notarized)

128051

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)
SBS Properties, LLC
3424 Memorial St., Alexandria, VA 22306

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)
1) Mr. Samba Barrie

(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-LE-058
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02 / 10 / 15
(enter date affidavit is notarized)

128051

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)

NONE

(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**)

NONE

(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 (h) 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-LE-058
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DATE: 02/10/15
(enter date affidavit is notarized)

1280857

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: 02/10/15
(enter date affidavit is notarized)

128051

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. Sec 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 *Francisca Poly* [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 10th day of February 2015, in the State/Comm. of Virginia, County/City of Fairfax

Joseph Rainey
Notary Public

My commission expires: January 31, 2018

JOSEPH ANDREW RAINEY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2018
COMMISSION # 7594178

Handwritten initials



Land Development Information History: FIDO - DCC - Complaint 64320

Complaint Details

Complaint #	64320
Street Address	003424 MEMORIAL ST
Magisterial District	Lee
Complaint Description	Business In A Residential District
Agency	DCC
Status	Closed
Opened Date	2010-08-19
Closed Date	2010-08-25
Disposition	Compliance
Inspector Assigned	James Ciampini
Notice of Violation and/or Corrective Work Order	No
Litigation	No

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Land Development Information History: FIDO - DPZ - Complaint 44221

Complaint Details

Complaint #	44221
Street Address	003424 MEMORIAL ST
Magisterial District	Lee
Complaint Description	Water Supply Or Sewer Issues
Agency	DPZ
Status	Closed
Opened Date	2009-02-20
Closed Date	2009-03-05
Disposition	Unfounded (No Problem Found)
Inspector Assigned	Michael Adams
Notice of Violation and/or Corrective Work Order	No
Litigation	No

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Land Development Information History: ISIS - Building Permit - 05021B0270

Permit Information

Permit Id:	05021B0270	Application Date:	2005-01-21	Time:	11:44:38
Job Address:	003424 MEMORIAL ST	Tax Map:	092-2 ((15)) 0091		
Subdivision:	GROVETON HEIGHTS	Permit Status:	Initial/Approved (IA)		
Trade Name:	NA	Subobj:	181	R/C:	R
Applicant Name:	ANASTASIOS	Bldg:	NA	Floor:	NN
		Suite:	AA		

Work Description: SFD/BUILD 1 STORY ADD/REPLACE ROOF//EDF

Type Work: Exterior Addition (A02)

Building Use: Single-Family, Detached Or Semi-Detached (010)

Standard: IR00

Plan Number: **Use Group:** R5 **Bldg Permit:** NA

Permit Hold Date: **By:** QNO: W-05-00293 **POF:**

Hold Release Date: **By:** **Proffer:** **Pre-Const Meeting:** **Date:**

Comments: PERMIT AUTH ATTACHED

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Real Estate:	2005-01-21	RSLT:	APP	BY:	EDF
Applied Date:	2005-01-21	Building Plan Review:	2005-01-24	RSLT:	APP	BY:	JAJ
Issued Date:	2005-01-24	Zoning:	2005-01-24	RSLT:	APP	BY:	SHO
Paid Date:	2005-01-24	Grading / Drainage:	2005-01-24	RSLT:	APP	BY:	TA
Inspection Date:	2005-05-16	Final Inspection:	2005-05-16	RSLT:	A	BY:	MNC
Expiry Date:	2005-07-24						

Owner Information

Leasee:		Corp:	
Owner:	CRYPEOS ANASTASIOS	Job Magisterial Dist:	Lee
Address:	03424 MEMORIAL ST	Planning Dist:	Mount Vernon
City:	ALEXANDRIA	State:	VA

Zip: 22306

Subcensus Tract: 214.01

Phone:

Contractor Information

Name: OWNER

Master:

Address: 00000

BPOL Licnese: 0

City: State: Zip: 0

State License: 0

Phone:

Trade Reg.: 0

Building Permit

Building Plan Review

Estimated Cost: 35000

Sewer Water Code: 1

Use Group: (01) R5

Sewer Shed: A1

Type Const: (01) Combustible/Unprotected (5B)

Model Group:

Plan Received: 2005-01-21

Review Time: 00:00:00

Review Started: 2005-01-21

Results: APP

Review Completed: 2005-01-24

Engineer: JAJ

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	96	0.054

Total	96
Filing Fee	56.00
Total Fee	56.00
Amount paid	56.00

Real Estate Review

Building

Units: 0

Kitchens: 0

Baths: 0

Half Baths: 0

Bedrooms: 0

Rooms: 0

Stories:

Basement:

Ext Walls:

Int Walls:

Roofing:

Flooring:

Base Fin:

Fuel/Heat:

Fuel System:

Building Height: 0 **Fireplace:** 0

Building Area: 0

Owner of Record: MAHARRY LAWRENCE W

Review Data

Date To: 2005-01-21

Date From: 2005-01-21

Results: APP

Reviewer: EDF

Comments: VERIFIED THRU ICARE//EDF

Zoning Review

Review Data

Date To: 2005-01-24

Date From: 2005-01-24

Results: APP

Reviewer: SHO

Comments:

Grading / Drainage Review

Review Data

Date To: 2005-01-24

Date From: 2005-01-24

Results: APP

Reviewer: TA

Comments:

Inspections

Inspection - FTGH - 999998

Req Taken: 2005-02-07

Phone:

Time: 22:31:36

Floor: NN

Sched For: 2005-02-08

Suite/Area: AA

Assigned To: A51

Comments: ADDITION

Branch: 4

Req Taken By: VR2

Requested By: FROM VRU

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGH		2005-02-08	MNC	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999997

Req Taken: 2005-03-03 **Phone:**
Time: 23:20:11 **Floor:** NN
Sched For: 2005-03-04 **Suite/Area:** AA
Assigned To: A51 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-03-04	MNC	C	R	N					00:00:00	00:00:00	00:00:00	3

Inspection - FRM - 999996

Req Taken: 2005-03-08 **Phone:**
Time: 19:43:27 **Floor:** NN
Sched For: 2005-03-09 **Suite/Area:** AA
Assigned To: A51 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-03-09	MNC	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - RTNB - 999995

Req Taken: 2005-03-10 **Phone:**
Time: 23:18:08 **Floor:** NN
Sched For: 2005-03-11 **Suite/Area:** AA
Assigned To: A51 **Comments:** INSULATION
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
RTNB		2005-03-11	MNC		R						00:00:00	00:00:00	00:00:00	1

Inspection - RTNB - 999994

Req Taken: 2005-03-13 **Phone:**
Time: 11:23:13 **Floor:** NN
Sched For: 2005-03-14 **Suite/Area:** AA
Assigned To: A51 **Comments:** INSULATION
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
RTNB		2005-03-14	MNC		C	N					00:00:00	00:00:00	00:00:00	0

Inspection - RTNB - 999993

Req Taken: 2005-03-17 **Phone:**
Time: 14:05:14 **Floor:** NN
Sched For: 2005-03-18 **Suite/Area:** AA
Assigned To: A51 **Comments:** INSULATION
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
RTNB		2005-03-18	JRV		A						00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999992

Req Taken: 2005-05-15 **Phone:**
Time: 17:28:05 **Floor:** NN
Sched For: 2005-05-16 **Suite/Area:** AA
Assigned To: A51 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
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Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		2005-05-16	MNC	C	A	N					00:00:00	00:00:00	00:00:00	1

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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

Francisca Poly

3424 Memorial Street

ALEXANDRIA, VA 22306

(703) 768-0926

Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date:](#) Dec. 11, 2015Business Hours: 6:00am - 5:59am
Monday - Sunday

Capacity: 7

Ages: Birth - 12 years 11 months

Inspector: Erika Gibson
(703) 479-4686



County of Fairfax, Virginia

MEMORANDUM

Date: August 21, 2015

To: Laura Arseneau, Staff Coordinator
Zoning Evaluation Division

From: Amy Moxley
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-LE-058

Applicant: Francisca Poly, Grace and Love Day Care
3424 Memorial St, Alexandria, Virginia 22306
Groveton Heights, Lot 91, Section 3
Tax Map# 92-2 ((15)) 91
Zoning District: R-2
Magisterial District: Lee
ZIB # 2015-0352
Date of Inspection: August 18, 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.
At the time of inspection there was not an operable smoke alarm. The applicant was informed of the requirement and will inform the Staff Coordinator when she has installed a working smoke alarm.
- 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.

A filler plate is required for the blank spaces in the electric service panel. The applicant was advised of this requirement. An inspection, and any modification, must be completed by a qualified electrician, recognized by the Commonwealth of Virginia.

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.

At the time of inspection access to the electric service panel was blocked by the storage of beverages. The Applicant will remove items and provide photos demonstrating the area has been cleared.

An inspection of the hot water heater and furnace was not completed.

7. Structures comply with the Zoning Ordinance.

A shed located near the rear property line is 9.2' tall (per applicant provided plat) and does not meet the rear yard setback.

A detached structure resembling an accessory dwelling unit, with a satellite dish, window air conditioning unit, electrical service, stoop and stair, sky light window, and outdoor light were observed in the back yard. No trade permits were found in FIDO for this structure. The applicant advised that this structure is utilized as her landlord's office. A follow up inspection should be made to determine if the structure is utilized as an accessory dwelling unit.

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.