



County of Fairfax, Virginia

September 23, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-HM-143

HUNTER MILL DISTRICT

APPLICANT: Tanida Poovatana

OWNERS: Tanida Poovatana
Chookiat Poovatana

SUBDIVISION: Sunnybrook

STREET ADDRESS: 1800 Clovermeadow Dr., Vienna 22182

TAX MAP REFERENCE: 27-2 ((7)) 1

LOT SIZE: 25,565 square feet

ZONING DISTRICT: R-1C

ZONING ORDINANCE PROVISIONS: 8-305, 3-103

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-HM-143 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

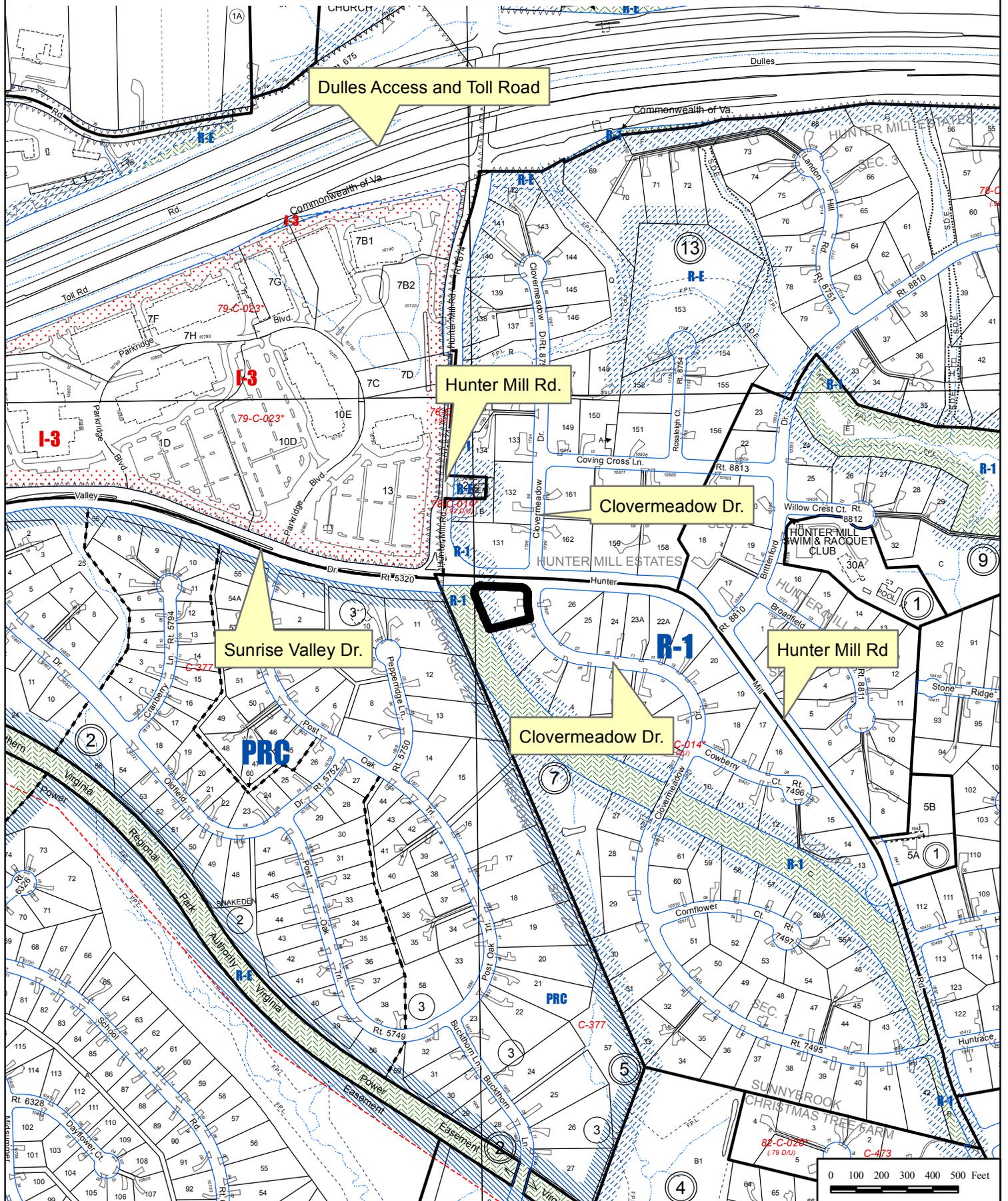
A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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 2014-HM-143
TANIDA POOVATANA



SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled "House Location, Lot 1, Section 1, Sunnybrook," prepared by Chookiat Poovatana, dated July 16, 2014, 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 Clovermeadow Drive, and a walkway provides access to the main entrance of the basement and home child care facility. The rear yard contains a playset and a wooden deck. These structures are surrounded by a wooden fence ranging from 3 to 6 feet in height. Existing mature vegetation provides screening of the rear yard.



Figure 1: House location

The subject property and surrounding properties are zoned R-1C and developed as single family detached homes.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1980 and purchased by the owner in 1996.

On March 20, 2015, the applicant was issued a building permit for the exterior sunroom addition and deck. This permit was finalized and passed all applicable inspections on June 10, 2015. A copy of this building permit is included in Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. Three 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 April 16, 2016. 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 a large play area and sleeping areas. 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 III, Upper Potomac Planning District
Planning Sector: Reston Community Planning Sector (UP5)
Plan Map: Residential, 1-2 du/ac

Zoning District Standards

Bulk Standards (R-1 Cluster)		
Standard	Required	Provided
Lot Size	25,000 sf.	25,565 sf.
Lot Width	No requirement	76.14 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 30 feet	38.6 feet
Side Yard	Min. 12 feet (Total of 40 feet)	14.0 feet (Total of 44 feet)
Rear Yard	Min. 25 feet	>25 feet

On-Site Parking and Site Circulation

The existing driveway is able to accommodate approximately five vehicles. The assistants do not park in the driveway and utilize public street parking or take public transportation, and parents conduct drop-off and pick-up activities at staggered times. A condition has been included to require the drop-off and pick-up of children to occur in the applicant's driveway.

Vehicular access to the site is provided from a concrete driveway from Clovermeadow Drive. A walkway connects to the driveway and provides direct access to the main entrance of the home child care.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, four rooms were utilized as napping rooms that did not have acceptable emergency egress and did not meet the size requirements for habitable space. The applicant has since relocated the napping activities to be in a room with emergency egress, and the four rooms have been converted to storage closets for the home child care. In addition, during the site visit, a shed was observed to be located in a front yard. This shed has since been removed. Lastly, it was determined that an enclosed sunroom addition and deck did not have applicable building permits or final inspections. The applicant has since applied for and received all permits and inspections. All of the above issues were corrected by the applicant, and photos are included in Appendix 7.

Accessory Structures On-Site

A playset is located on-site that meets the location regulations of the Zoning Ordinance.

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)

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-1 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space requirement for individual lots in the R-1 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

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

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
Standard 4 Submission Requirements	The application meets all submission requirements for a home child care facility.
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 April 16, 2016.

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 permit 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.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees.
Part E Provider is a Resident	The provider is a resident.
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.

<p style="text-align: center;">Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and three non-resident employees.</p>
--	---

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2014-HM-143 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 2014-HM-143****September 23, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-143 located at Tax Map 27-2 ((7)) 1 to permit a home child care facility pursuant to Section 8-305 and 3-103 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, Tanida Poovatana, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 1800 Clovermeadow 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, "House Location, Lot 1, Section 1, Sunnybrook," prepared by Chookiat Poovatana, dated July 16, 2014, 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 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 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 child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards."
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children and ages being cared for at the home child care facility.

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

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

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: TANIDA POOVATANA
 Address: 1800 CLOVERMEADOW DRIVE
VIENNA VA. 22182
 Phone #: (703) 255-5145
 E-mail: tthanant@verizon.net

Date 03/18/2014

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

RECEIVED
 Department of Planning & Zoning
MAR 26 2014
 Zoning Evaluation Division

Re: Special Permit Application

Applicant: TANIDA POOVATANA
 Zoning Ordinance Section 8-305 for Home Child Care Facility
 Section 8-004 of General Standards

Tax Map #: 0272 07 001
 Zoning District: R1
 Lot Size: 27,093

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 own and live in a attached (detached) (circle one) dwelling at 1800 Clovermeadow Drive Vienna Va 22182 (your address). The property is zoned R1 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 8:00 AM through 6:00 PM
 (currently 8 children)

Number of Children. I care for up to 12 children at any one time. This number does not include my own N/A child/children.

Employees. I have 2 assistant(s) who work part-time and 2 assistant(s) who work full-time.

Arrival Schedule. 8 of the children arrive between 8:00 AM and 11:00 AM.

Departure Schedule. 8 of the children are picked up at 4:30 PM. 6:00 PM

Area Served. Vienna, Reston, Herndon, Centerville,
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached / detached (circle one) dwelling. It has (explain the general layout of the house):

1800 Clovermeadow Dr. is a single-family detached home
with 3 levels walkout basement 4 bed, 4 bath. 2800 sq-ft.
of living spaces.

The house has 4500 square feet. The following rooms are where I conduct the day care:
the entire basement areas (walk-out)

These rooms are 1500 square feet total.

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.

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

Outdoor Play Area. I use my back yard for outdoor play for the children. The area is approximately _____ square feet. The outdoor play area consists of: all fenced.
large plastic potable slide and climbing play equipments
an ample spaces for children to play and run around.
the back yard area is approximately 12,284 square feet.

Parking. I use my Garage to park my family car(s). My parents park on the
adequate drive way of 1,000 square feet.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the day care. The ample of parking spaces are available for my parents and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,



Owner of 1800 Clovermeadow Dr. Vienna, Va. 22182

Tanida Poovatana
1800 Clovermeadow Drive
Vienna, Virginia 22182
703-255-5145
tthananant@verizon.net

RECEIVED
Department of Planning & Zoning
MAR 26 2014
Zoning Evaluation Division

March 18, 2014

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

Re: Special Permit Application

Applicant: Tanida Poovatana

Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards

Tax Map #: 0272 07 0001

Zoning District: R-1

Lot Size: 27,093 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 own and live in a single-family detached dwelling at 1800 Clover meadow Drive, Vienna Virginia. The property is zoned R-1 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home.

Below is information about my child care facilities operations:

Hours: The Day care is operation from 8:00 AM to 6:00 PM. Monday through Friday.

Number of Children: I am license to care for 12 Children at any one time. As currently I care for 8 Children.

Employees: I have 2 assistants who are currently work full time.

Arrival Schedule: Eight of the children arrive in between the hours of 8:00 AM to 11:00 AM.

Departure Schedule: Eight of the children are picked up between 4:30 PM and 6:00 PM

Area served: Currently, most of the children live in the neighborhoods of Vienna, Reston, Herndon, Centerville areas. These parents drive their children to my home day care.

Operations: My house is a 3 levels single-family detached dwelling. It has a walk-out basement. Which is where the children spend most of their time. Attached is a floor plan that indicates the areas where they day care is located. The house has 4,500 square feet. The basement area consists of several play areas, eating area, table activity area, nap area, reading area, computer area, changing station, cleaning area and bathroom. The total area is approximately 1,500 square feet, which I conduct to the daycare facility (See attachment for floor layout and interior photos).

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

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

Outdoor Play Areas: I use backyard for outdoor play for the children. The area is approximately 12,284 square feet. There is a potable large slide, climbing and outdoor activity play set. The back yard area has fence on my most recent house location plat which is included.

Parking: I use garage to park my family care. My driveway provide enough parking for 6 cars because the driveway is more than 1,900 square feet long and hold 4 cars parking side by side parallel and 2 cars vertical (in front of the garage). In addition, there is an ample parking is available along the streets in front of my house for the parents.

For these reasons. I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion. I am proposing no changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the day care. The ample parking spaces are available for my parents, and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,



Tanida Poovatana

Owner of Home Child Care

1800 Clovermeadow Drive

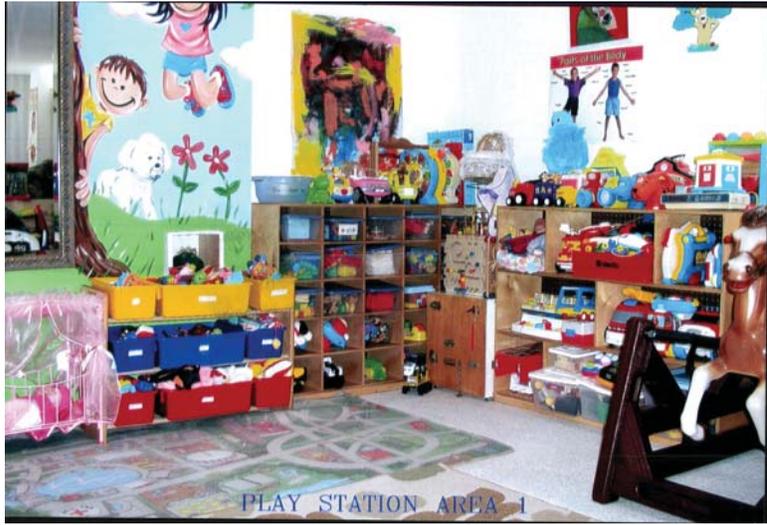
Arrival Schedule and Departure Schedule

Arrival Schedule *operation hours from 8:00 AM - 6:00 PM*

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

Departure Schedule

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





2. PROPERTY PHOTO TAKEN ACROSS STREET
AT CLOVERMEADOW DR FRONT OF DWELLING



COMPUTER STATION



BABY STORAGE



BABY DIAPERS CHANGE AREA

Application No.(s): SP 2014- HM- 143
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 27 2014
 (enter date affidavit is notarized)

I, TANIDA POOVATANA, 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)
TANIDA POOVATANA	1800 CLOVERMEADOW DR. VIENNA, VA. 22182	APPLICANT / TITLE OWNER
CHOOKIAT POOVATANA	1800 CLOVERMEADOW DR. VIENNA, VA. 22182	TITLE OWNER

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

- * In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP2014-HM-143
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 27 2014
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

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

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)

(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 2014-HM-143
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 27 2014
(enter date affidavit is notarized)

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

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

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

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

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

" NONE "

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

Application No.(s): SP 2014-HM-143
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 27 2014
(enter date affidavit is notarized)

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

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

"NONE"

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

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

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

WITNESS the following signature:
(check one) Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 27 day of MAY, 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: march 31, 2017





Land Development Information History: FIDO - ADDITION R - 150680298

Permit Information

Permit Number: 150680298
Permit Type: RESIDENTIAL ADDITION
Job Address: 001800 CLOVERMEADOW DR
VIENNA , VA 22182-1801
Tax Map: 027-2 ((07)) 0001
Permit Status: Finalized

Work Description: build 16x16 sunroom/ 27x16 deck with stairs no hot tub per plans
Type of Work: ADDITIONAL STORIES



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Tanida Poovatana

1800 Clovermeadow Drive

VIENNA, VA 22182

(703) 255-5145 Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): April 16, 2016Business Hours: 8:00a.m. - 6:00p.m.
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Kelly Patterson-Savittiere
(703) 479-4746 



County of Fairfax, Virginia

MEMORANDUM

Date: February 5, 2015

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector *BM*
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2014-HM-143

Applicant: Tanida Poovtana
1800 Clovermeadow Drive, Vienna, Virginia 22182
Legal Description: Sunnybrook, Sec. 1, Lt. 1
Tax Map Ref: 27-2 ((7)) 1
Zoning District: R-1
Lot Size: 27,093 square feet
ZIB# 2015-0010

On January 15, 2015, an inspection was conducted by Zoning/Property Maintenance Inspector Bruce Miller of the property located at 1800 Clovermeadow Drive, Vienna, Virginia 22182. The Inspector was accompanied by Staff Coordinator Casey Gresham and the applicant, Ms. Poovtana.

*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.
 - Comment: There are four rooms possessing closable doors that are used or intended for use as sleeping rooms (each contain a crib) with the approximate area of each room less than 30 square feet in area and none of the four rooms possess the required number of exits.
- 2. An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.
 - Comment: The four rooms used or intended for use as sleeping rooms referenced above each lack the required smoke alarm.
- 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

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpzi



obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

- 5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 6. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- 7. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- 8. Other Building Code issues:
 - Comment: The four rooms used or intended for use as sleeping rooms with the approximate area of each room less than 30 square feet in area and none of the four rooms possess the required number of exits and without the required smoke alarms installed do not meet the minimum 70 square feet of habitable space per person nor the minimum dimension of 7 feet in any direction. (VMC 404.2 and VMC 404.4.1).
 - There is no record of an approved Building Permit for the attached enclosed addition that is constructed on top of the deck and no record of any construction safety inspections for this addition.
- 9. Structures comply with the Zoning Ordinance.
 - Comment: The freestanding accessory storage structure (shed) is located within the Hunter Mill Road front yard. The shed is 12'3" in length and 8'6" in width with an addition that is 2'2" in width by the length of the structure therefore the shed has an overall area of 130.66 square feet and a height of 9'6" and does not comply with Par. 10B of Sect. 10-104 of the Zoning Ordinance that states:
 - B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.
 - There is no record of an approved Building Permit for the attached enclosed addition that is constructed on top of the deck and therefore the addition is in violation of Sect. 18-601 of the Zoning Ordinance that states:



County of Fairfax, Virginia

MEMORANDUM

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

Photographs attached.



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