



County of Fairfax, Virginia

September 23, 2015

STAFF REPORT

SPECIAL PERMITSP 2015-MA-063

MASON DISTRICT

APPLICANT: Maria Exanora Mairena
Maria's Family Day Care

OWNERS: Maria E. Mairena
Guillermo A. Mairena, Sr.

SUBDIVISION: Parkhaven

STREET ADDRESS: 3406 Glen Carlyn Drive,
Falls Church, 22041

TAX MAP REFERENCE: 61-2 ((15)) 17

LOT SIZE: 11,250 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-305, 3-303

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-063 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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.

Erin M. Haley

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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

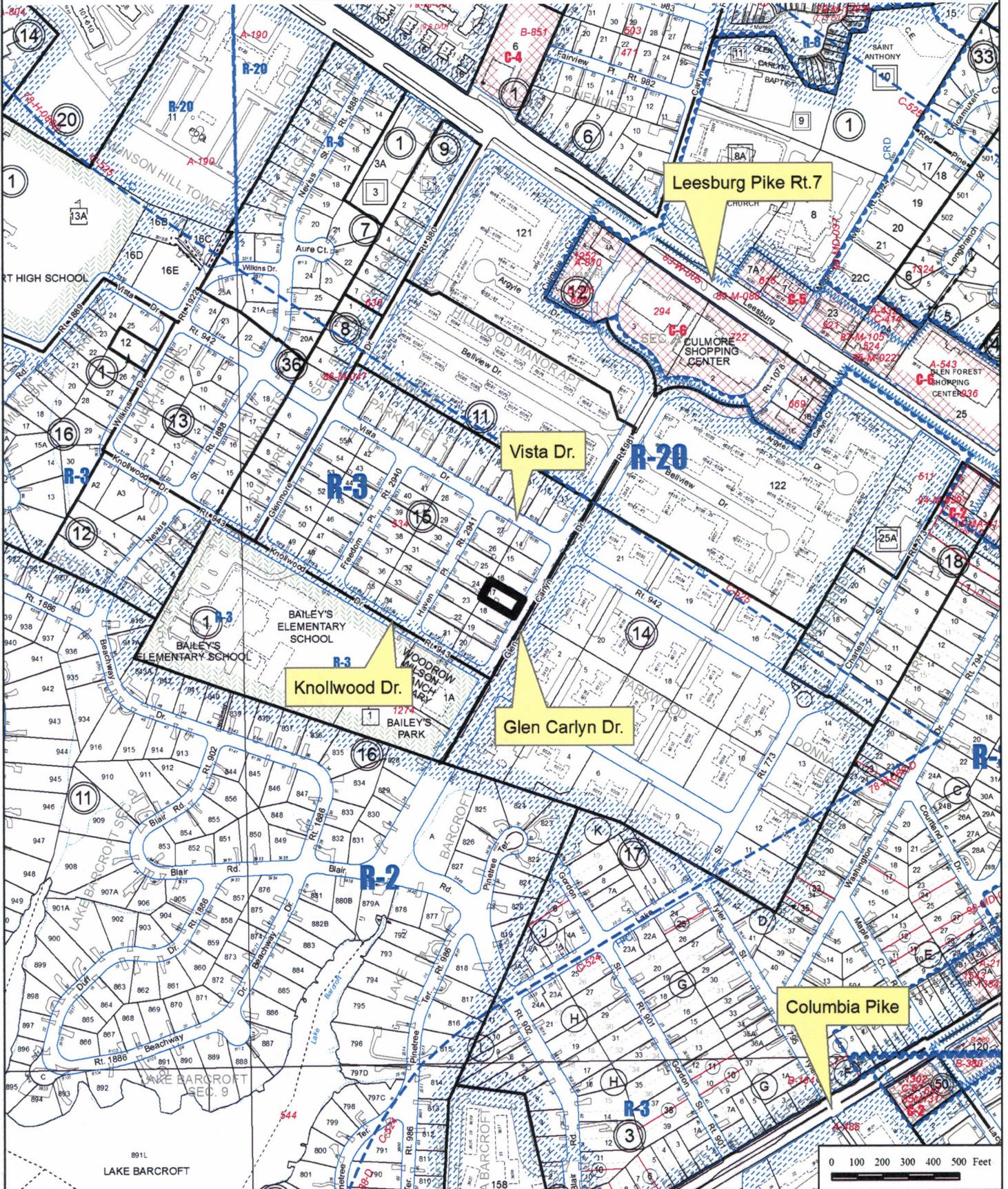
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

Special Permit

SP 2015-MA-063

MARIA EXANORA MAIRENA / MARIA'S FAMILY DAY CARE



Leesburg Pike Rt. 7

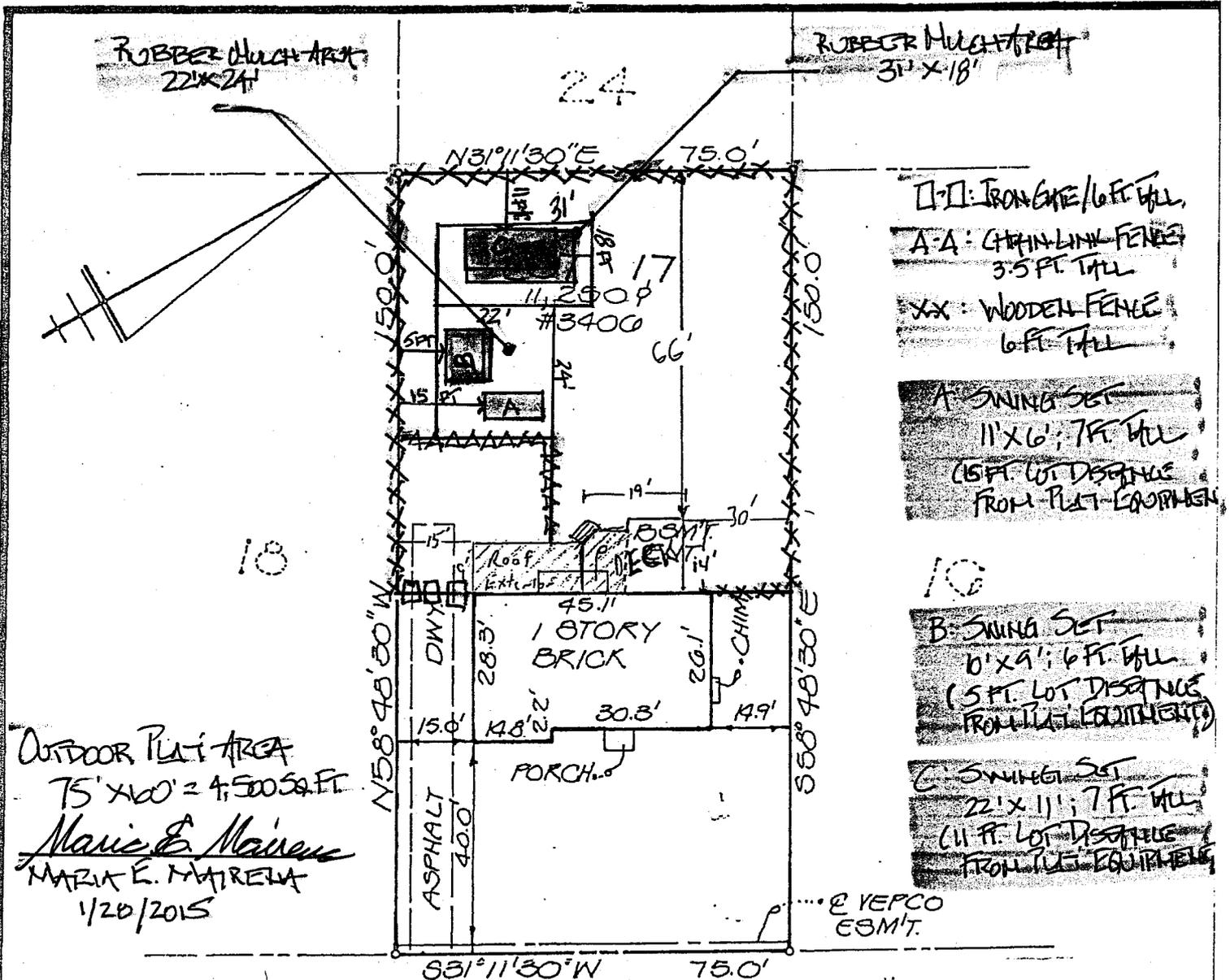
Vista Dr.

Knollwood Dr.

Glen Carlyn Dr.

Columbia Pike





OUTDOOR PLANT AREA
 75' X 100' = 4,500 SQ. FT.
 MAIRENA & MAIRENA
 MARIA E. MAIRENA
 1/20/2015

GLEN CARLYN DRIVE

(WIDTH VARIES)

Inspection Services
 APPROVED FOR
 DECK

PURCHASER: MAIRENA

DATE: 6/23/94

HOUSE LOCATION SURVEY
 LOT 17
PARKHAVEN

MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 APPROVED

RECEIVED
 Department of Planning & Zoning

JAN 30 2015

Zoning Evaluation Division

ALL UTILITIES AND METERS MUST BE PLACED
 IN COMPETENT MATERIAL



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 Survey, Lot 17, Parkhaven," as revised by Maria E. Mairena through January 28, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a one story, single-family detached dwelling. Vehicular access is provided by an asphalt driveway with room for approximately four vehicles. An elevated deck approximately 2 feet in height and an asphalt patio are located at the rear of the house. The patio area is enclosed by a chain link fence 3.5 feet in height. The applicant has three playsets and a mulch play area surrounded by lawn in the rear yard for the children. The rear yard is enclosed by a wood fence 6.0 feet in height.



Figure 1: House Location

The subject property and surrounding properties to the north, south, and west are zoned R-3 and developed as single family detached dwellings. The properties to the east are zoned R-20 and developed as apartments. The property is located on Glen Carlyn Road, just south of Leesburg Pike.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1952 and purchased by the current owners in 1993.

The applicants obtained a permit and final inspection for the rear deck and a roof extension in June, 1994. All relevant building permit information is included as Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The applicant employs one full-time assistant.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through November 30, 2016. The license permits a capacity of seven children, ages birth through 12 years, 11 months. The state approved hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday. A summary of the state home child care licence information is included as Appendix 5.

The home child care facility is operated in the walk-out basement of the house. There is a main child care room, an eating area, a storage and play room, and a bathroom. The children will nap in the main child care room which has emergency egress through the door to the outside that meets the Virginia Uniform Statewide Building Code specifications for an emergency escape and rescue opening. Parents drop the children off and pick them up at the basement entrance. The rear yard is used for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Barcroft Community Planning Sector (B5)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	11,250 sf.
Lot Width	Interior: 80 feet	75 feet*
Building Height	35 feet	Not provided
Front Yard	30 feet	40 feet

Bulk Standards (R-3)		
Standard	Required	Provided
Side Yard	12 feet	Northern: 14.9 feet Southern: 15 feet
Rear Yard	25 feet	66 feet

* The subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance

On-Site Parking and Site Circulation

The applicant has a driveway with room for approximately four vehicles that she utilizes for drop-off and pick-up of children. Glen Carlyn Drive has restricted on-street parking available by permit only. A condition has been included to ensure the driveway remain available during drop-off and pick-up times.

Zoning Inspection Report

During the site visit, staff found that the room used for napping did not contain adequate egress (Appendix 6). The applicant has since moved all napping to the main child care room that does contain adequate egress via a door to the outside and provided staff with photographic proof.

Zoning Ordinance Requirements (Appendix 7)

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

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed in accordance with the plan recommendation. The R-3 District permits a home child care facility as an accessory use by-right for up to seven children in a detached dwelling. An increase to 12 children is permitted with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard which is enclosed by a fence six feet in height. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.

<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered. Although on-street parking requires a permit, staff believes that there is sufficient space in the driveway to accommodate parking for pick up and drop off. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space required on individual lots in the R-3 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>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.</p>
<p>Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The property meets most of the lot size and bulk regulations for the R-3 District with the exception of lot width. The subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance. No new construction or exterior modifications are proposed.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p>

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

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

<p>Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant holds a valid home child care license.</p>
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Use Limitations (Par. 6 of Sect. 10-103)

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

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2015-MA-063 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MA-063****September 23, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-063 located at Tax Map 61-2 ((15)) 17 to permit a home child care facility pursuant to Section 8-305 and 3-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Maria Exanora Mairena, d/b/a Maria's Family Day Care, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3406 Glen Carlyn Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "House Location Survey, Lot 17, Parkhaven," as revised by Maria E. Mairena through January 28, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday
8. There shall be no signage associated with the home child care facility.
9. All pick-up and drop-off of children shall take place within the driveway of the subject property.
10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency

escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

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

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

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

RECEIVED
Department of Planning & Zoning

NOV 05 2014

Zoning Evaluation Division

Maria E. Mairena
3406 Glen Carlyn Drive
Falls Church, VA 22041
703-931-8134

November 1, 2014

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

Re: Special Permit Application
Applicant: Maria E. Mairena
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards
Tax Map#: 0612-15-0017
Zoning District: R-3
Lot Size: 11,250 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 3406 Glen Carlyn Drive, Falls Church, VA with my husband. The property is zoned R-3 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 child care is open from 7:00 AM to 6:00 PM, Monday through Friday.

Number of Children: I care for up to 12 children at one time. However at this time I am only caring for 10 children.

Employees: I have one assistant who works full-time.

Arrival Schedule: Six of the children arrive between 7:00 AM and 8:00 AM. Four of the children arrive between 8:00 AM to 8:30 AM.

Departure Schedule: Seven of children are picked up between 4:00 PM and 5:30 PM. Three of the children leave between 5:30 PM and 6:00 PM. (See Attachment 1).

Area Served: Nine of the children live in the Northern Virginia Area. One lives in the Bailey's Crossroads Area. These parents drive their children to my house.

Operations: As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. I use the kitchen in the upstairs to prepare the meals and serve the meals in the dining area of the house (located in the basement) for meals and snacks. Attached is a floor plan that indicates where the areas where the daycare is located. The house has 2,400 square feet. The fully furnished basement is where I conduct the daycare and consists of approximately 900 square feet in total. (See Attachment 2 for floor layout.)

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 backyard for outdoor play for the children. The area is approximately 4,500 square feet. There is a large swing set with slide and a small swing set with slide. The swing sets are located in their respective areas which have mulch on the ground. I have drawn the swing sets and fence on my most recent house location plat which is included.

Parking: My driveway is more than 55 feet long and can hold up to 4 cars. In addition, ample parking is available along the street in front of my house for parents.

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

Sincerely,



Maria E. Mairena
Owner of Maria's Family Day Care

Arrival Schedule and Departure Schedule

(Attachment 1)

Arrival Schedule

Child	7:00 - 7:30 AM	7:30 - 8:00 AM	8:00 - 8:15 AM	8:15 - 8:30 AM
1	X			
2	X			
3	X			
4		X		
5		X		
6		X		
7			X	
8			X	
9				X
10				X

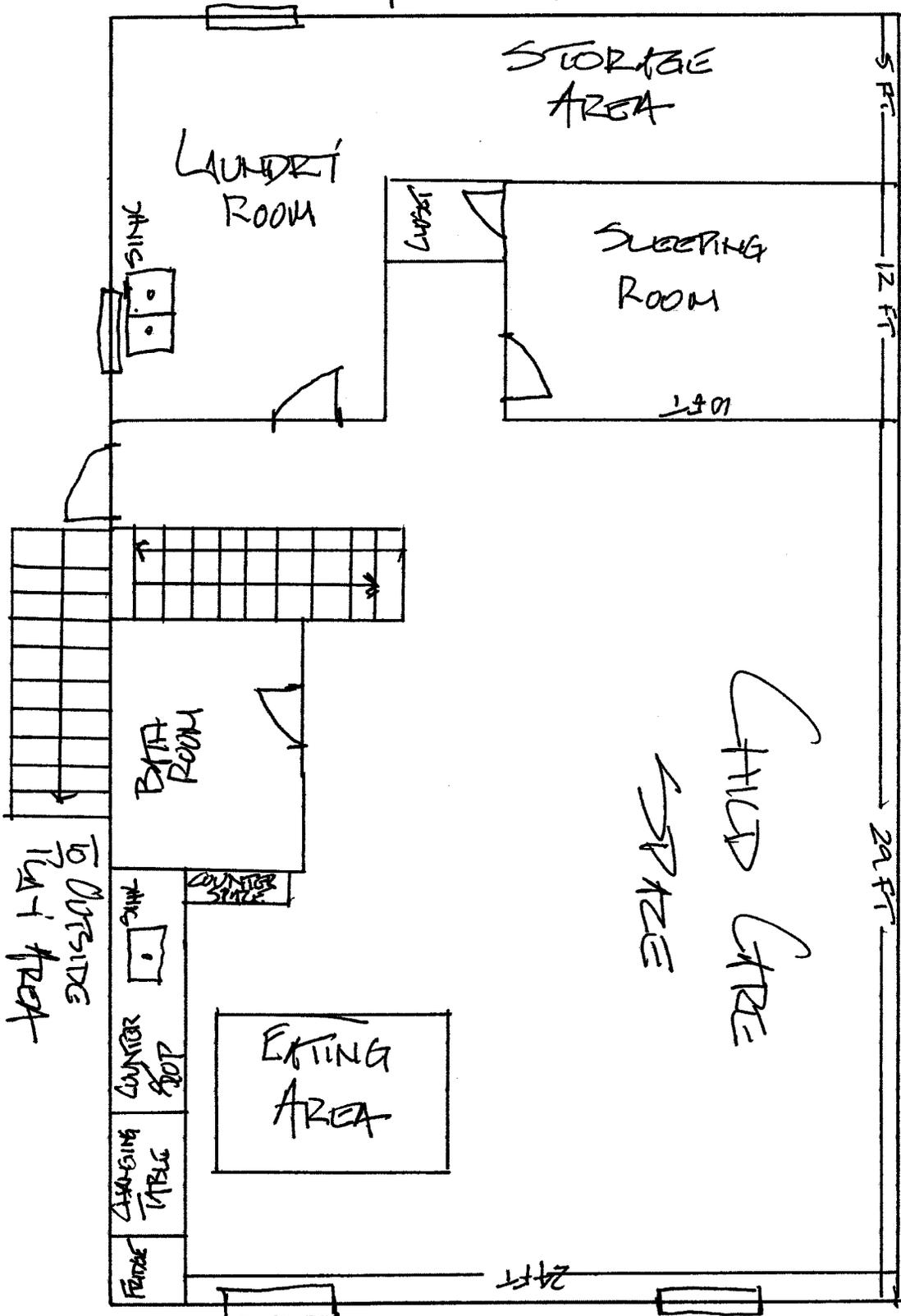
Departure Schedule

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

BASEMENT LEVEL AREA USED FOR CHILD CARE FACILITY

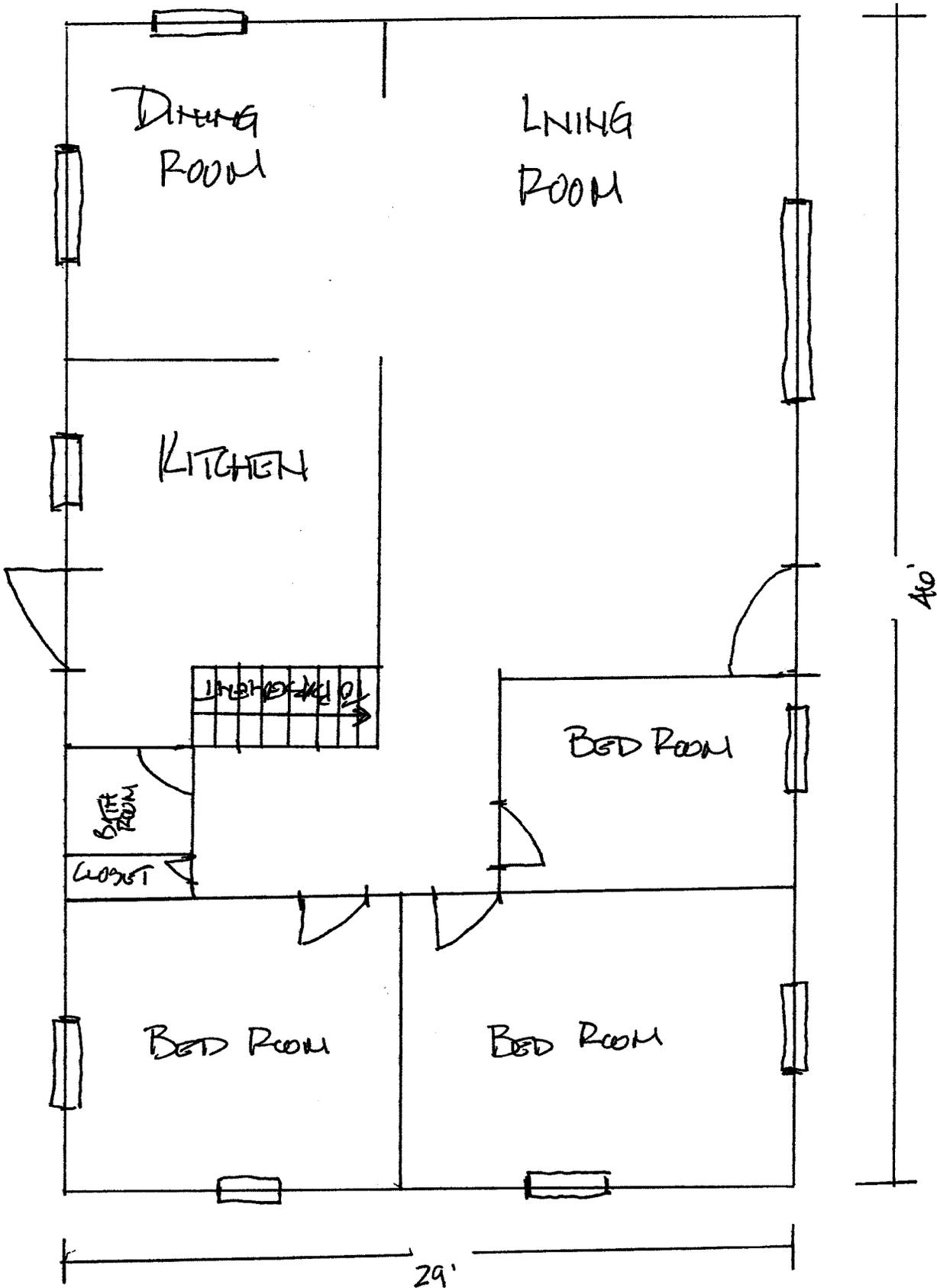
900 square feet

(Page 1 of Attachment 2)



UPPER LEVEL

(Page 2 of Attachment 2)





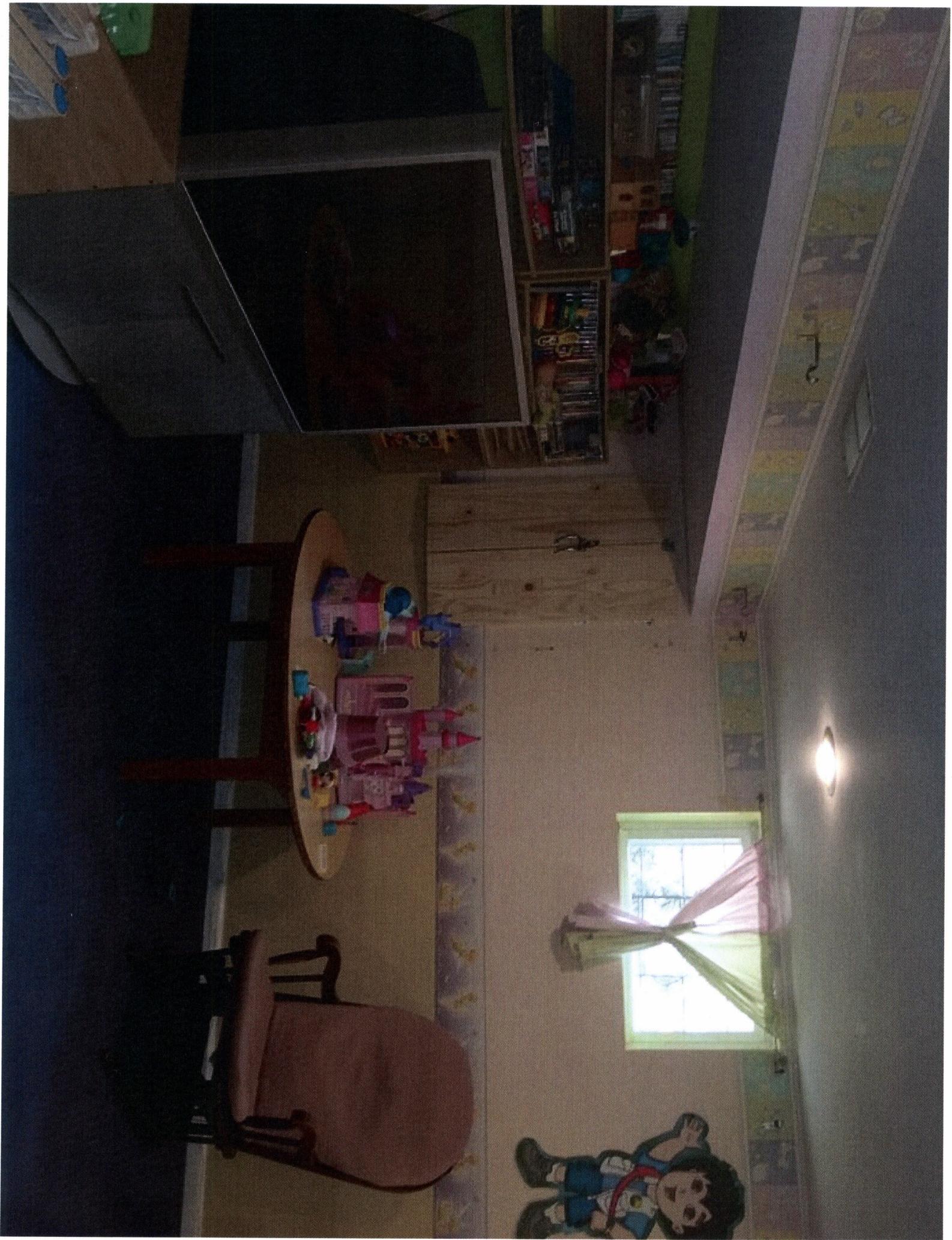


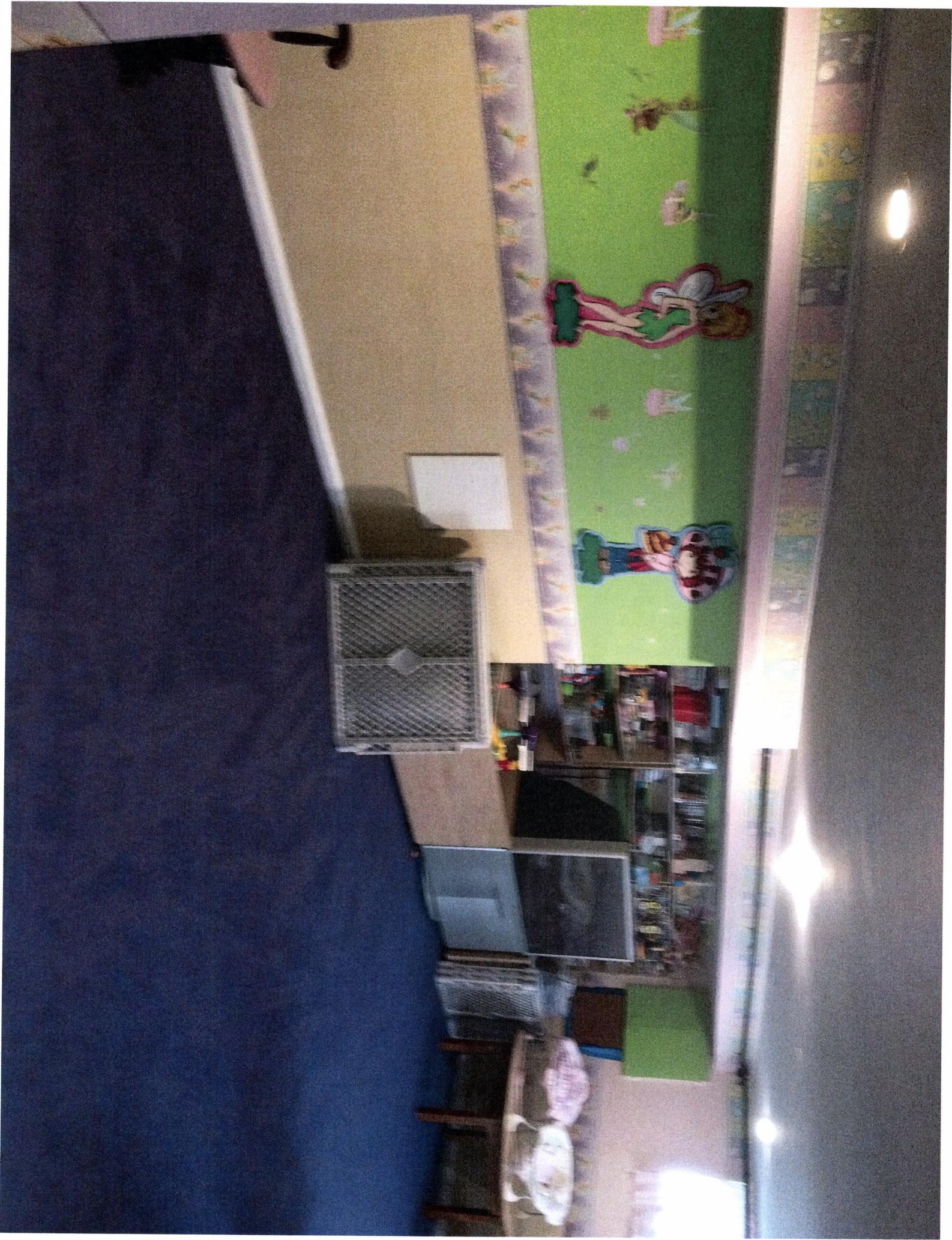


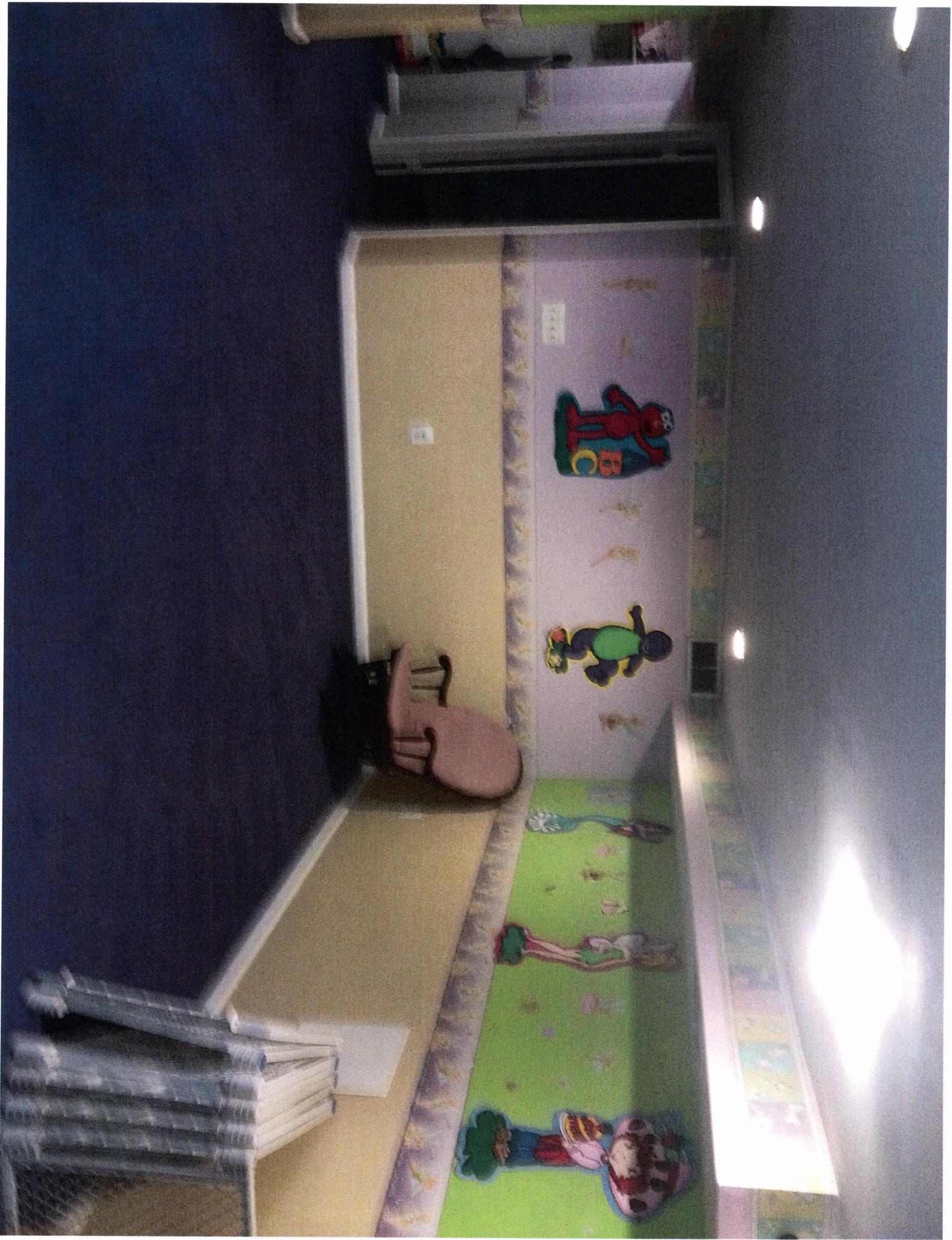


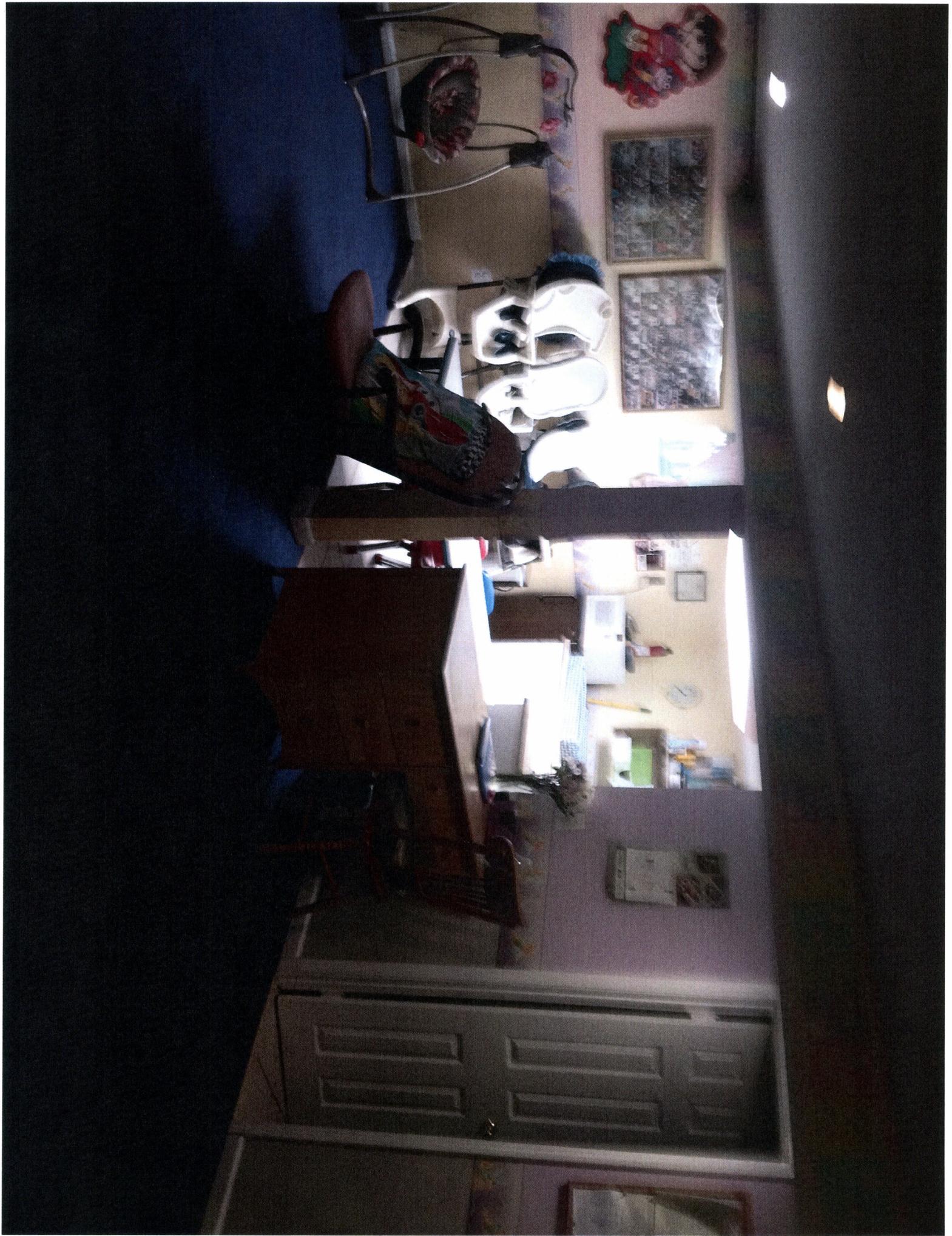




























Application No.(s): SP 2015-MA-063
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Janaury 30, 2015
(enter date affidavit is notarized)

128868

I, Maria Exanora Mairena, 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)
Maria E. Mairena <i>Maria's Family Day Care</i>	3406 Glen Carlyn Drive Falls Church, VA 22041	Owner
Guillermo A. Mairena	3406 Glen Carlyn Drive Falls Church, VA 22041	Owner
Douglas D. Mairena	3105 Collie Lane Falls Church, VA 22044	Agent

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 30, 2015
(enter date affidavit is notarized)

1288068

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 30, 2015
(enter date affidavit is notarized)

128868

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Janaury 30, 2015
(enter date affidavit is notarized)

128868

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: January 30, 2015
(enter date affidavit is notarized)

128868

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

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

None

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

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

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

WITNESS the following signature:

(check one) X Maria E. Mairena
[X] Applicant [] Applicant's Authorized Agent

Maria Exanora Mairena
(type or print first name, middle initial, last name, and title of signer)

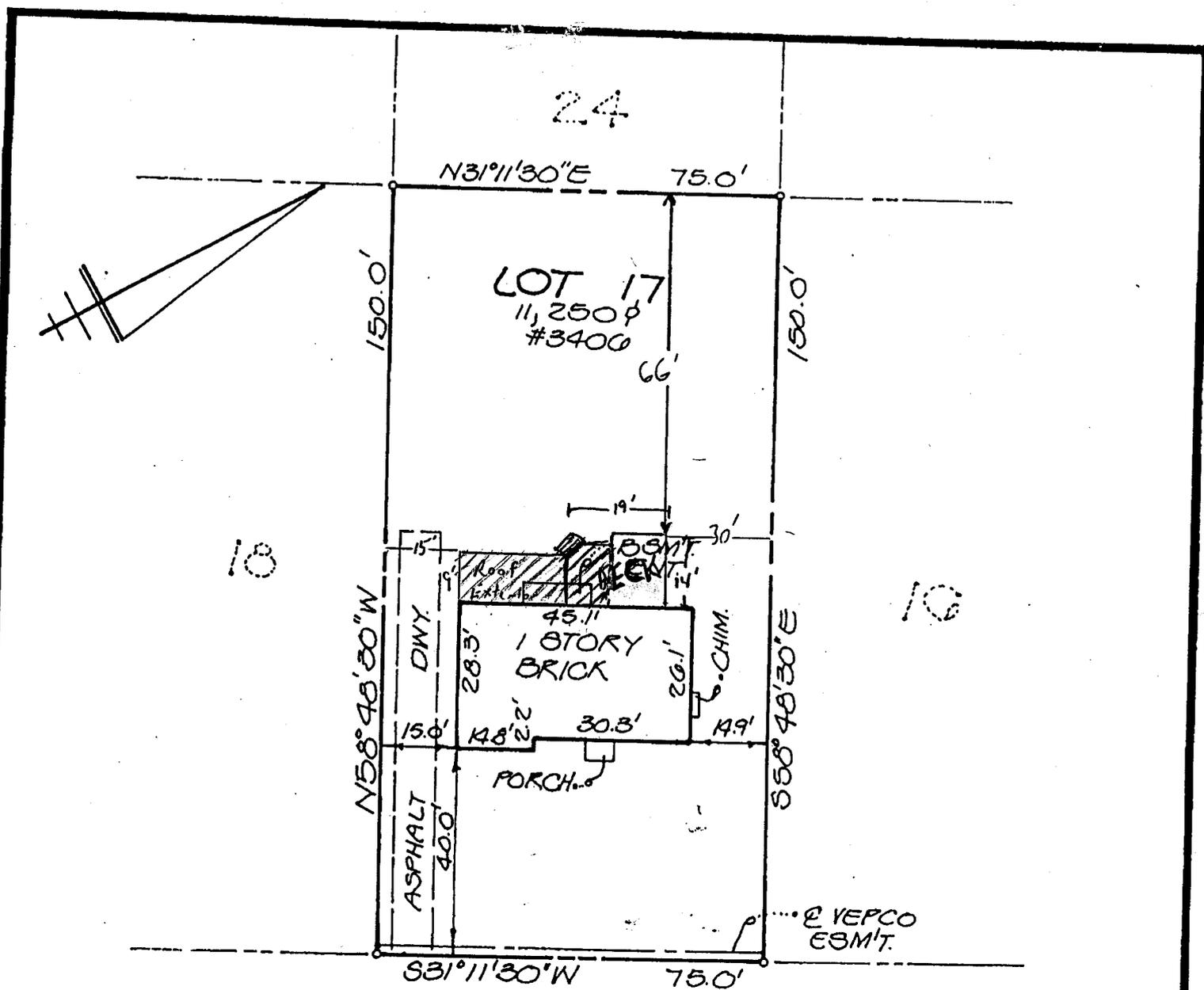
Subscribed and sworn to before me this 30th day of January 2015, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 12/31/2018

[Signature]
Notary Public



su



GLEN CARLYNE DRIVE

(WIDTH VARIES) Division of
Inspection Services
Approved for

DECK

PURCHASER: MAIRENA

By: Bh

Date: 6/23/94

HOUSE LOCATION SURVEY
LOT 17

PARKHAVEN

MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA
APPROVED

6-23-94

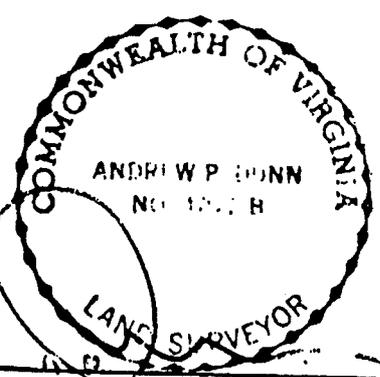
James W. Garrison

Zoning Administrator

This property is not located
in a flood hazard area.

FOOTINGS AND PIERS MUST BE PLACED
ON COMPETENT MATERIAL

Andrew P. Dunn

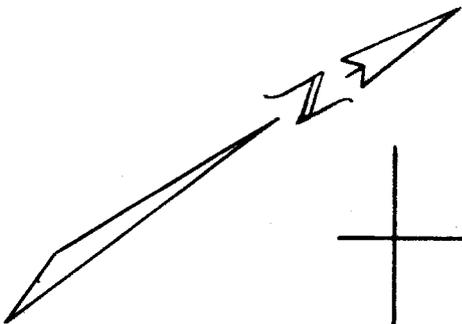


Certified Correct

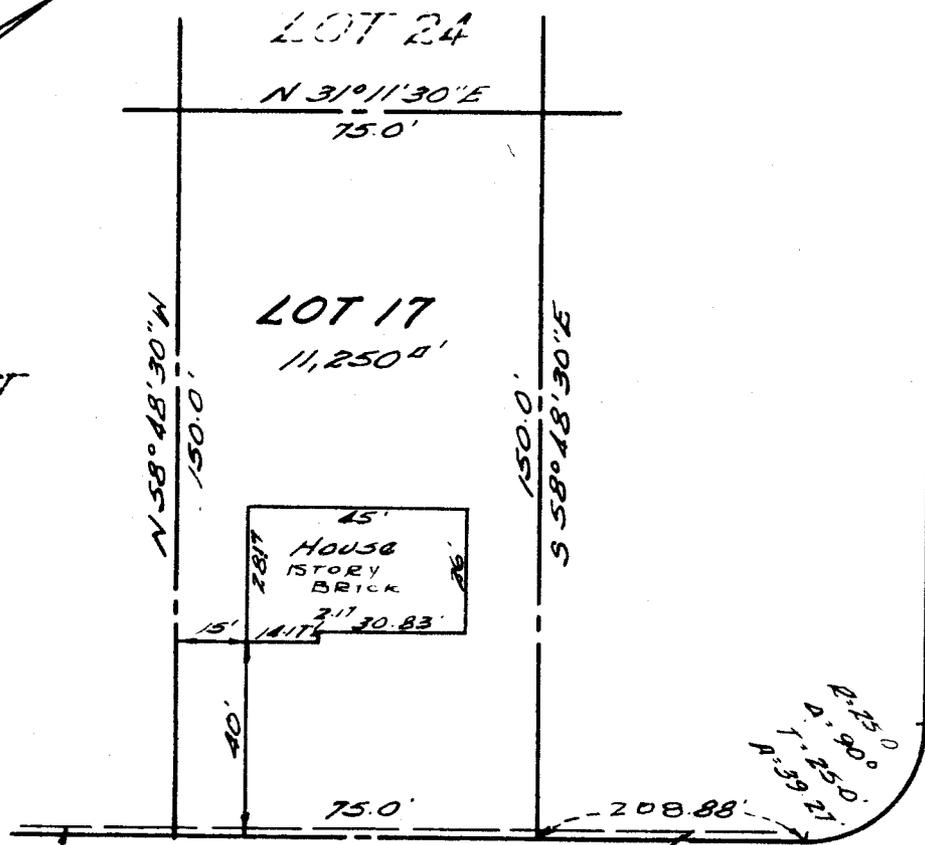
Date: 1-5-93

Scale: 1" = 30'

ANDREW P. DUNN
LAND SURVEYING-PLANNING
P.O. BOX 1279
HERNDON, VIRGINIA 22070
703-437-1136



LOT 18



VISTA DRIVE
50' WIDE

S 31°11'30"W
 VIRGINIA ELECTRIC POWER CO. EASEMENT
GLEN CARLYN DRIVE
 50' TO E

J. J. Schumann, Jr.
 APPROVED.....
 Zoning Administrator
 Date..... NOV 28 1951.....

PLAT

SHOWING HOUSE LOCATION ON
LOT 17

PARKHAVEN

FALLS CHURCH MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 40' NOV. 24, 1951.

P.R. RUPERT, CERTIFIED SURVEYOR

CERTIFIED CORRECT:—

P. R. Rupert

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Maria Mairena**

3406 Glen Carlyn Drive
FALLS CHURCH, VA 22041
(703) 931-8134 

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Nov. 30, 2016

Business Hours: 7 a.m. - 6 p.m.
Monday - Friday

Capacity: 7

Ages: Birth - 12 years 11 months

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



County of Fairfax, Virginia

MEMORANDUM

Date: August 25, 2015

To: Erin Haley, Planner III
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MA-063

Applicant: Maria Exanora Mairena – Maria’s Family Day Care
3406 Glen Carlyn Drive, Falls Church, Virginia 22041
Parkhaven, Lot 17
Tax Map# 61-2 ((15)) 17
Zoning District: R-3
Magisterial District: Mason
ZIB # 2015-0383
Date of Inspection: August 24, 2015

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

- ✓ 1. Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
*The child care is located in the lower level of the property. The sleeping room noted on the floor plan which has been provided by the applicant, will be relocated to the main child care area.
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

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/dpz/



- 4. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- 5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 6. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- 7. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- 8. Structures comply with the Zoning Ordinance.

8-006 General Standards

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

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

8-303 Standards for all Group 3 Uses

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

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

8-305 Additional Standards for Home Child Care Facilities

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

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

- A. The maximum number of children permitted at any one time shall be as follows:
- (1) Seven (7) when such facility is located in a single family detached dwelling.
 - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.