



APPLICATION ACCEPTED: July 10, 2015
BOARD OF ZONING APPEALS: October 28, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

October 13, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-106

DRANESVILLE DISTRICT

APPLICANT: Maria E. Camacho
(Great Falls Daycare, LLC)

OWNERS: Maria E. Camacho
Pablo Camacho

SUBDIVISION: Colvin Run

STREET ADDRESS: 1121 Walker Road, Great Falls, 22066

TAX MAP REFERENCE: 12-4 ((1)) 19

LOT SIZE: 43,640 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-DR-106 for the home child care facility for a maximum of ten children, 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.

Sharon Williams

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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**



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 REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A more detailed description of the proposal is provided on page two.

A copy of the special permit plat, titled "Plat Showing House Location on The Property Located at 1121 Walker Road," prepared by Jack M. Wilbern, as revised by the applicant Maria Camacho on June 12, 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 site is developed with a single family detached dwelling. Vehicular access to the dwelling is provided via a pipestem driveway off of Walker Road. A large gravel driveway is located to the southeast of the dwelling which provides parking for 10 vehicles. A portion of the rear yard is surrounded by a 4 foot tall wire fence. Small, moveable play equipment is present in the fenced portion of the rear yard.

The property is located north of Leesburg Pike and south of Park Royal Drive. The subject property and surrounding properties are zoned R-1 and are developed with single-family detached dwellings.



Figure 1: Aerial View

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1998 and purchased by the applicant in 2004.

The applicant has been operating the home child care in its current location for approximately 11 years with no complaints. The applicant previously cared for 10 children and was licensed for up to 12 until April 11, 2015; however, her license was reduced from 12 children to seven due to the fact that she had not yet filed a Special Permit application with the County.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, with two assistants. The hours of operation are from 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children. Parking is provided in the driveway, which can accommodate a total of ten vehicles at any one time.

The home child care facility is operated in the basement of the dwelling, which consists of a recreation area, an eating area, a library, two bedrooms and a bathroom. The home child care facility utilizes the entire basement for its operation. The two bedrooms in the basement do not have adequate emergency egress. As such, the applicant has agreed to relocate the nap areas into the recreation room. The recreation room has adequate emergency egress via a walkout exterior door.

The children and parents enter through the walkout entrance to the basement which provides access to the rear and side yard of the house. Pictures provided by the applicant show toys and movable play equipment located in the rear and side yards of the house.

The applicant currently cares for seven children and she holds a current Family Day Home License, valid through April 11, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, birth through 12 years, 11 months of age. A copy of the license is included as Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Hickory Community Planning Sector (UP3)
Plan Map: Residential, .2-.5 du/ac

Zoning District Standards

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 sf.	43. 640 sf.
Lot Width	Interior: 150 feet	~280 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 40 feet	59.2 feet
Side Yard	Min.20 feet	92 feet
Rear Yard	Min. 25 feet	100 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Shed	Rear	10 feet	30 feet	n/a

On-Site Parking and Site Circulation

There is a gravel driveway with 10 parking spots available and a three-car garage. The applicant uses the garage for family vehicles. Therefore, there is enough room for 10 cars to pick-up and drop-off at any one time.

Vehicular access to the site is provided from the pipstem driveway off of Walker Road. As previously discussed, the parents and children enter the home child care at the side of the dwelling to the walk-up basement.

FCDOT Comments (Appendix 5)

Due to the narrow access and limited site distance off of the pipestem driveway from Walker Road, staff is recommending a maximum of ten children at any one time for the home child care.

Although there is ample parking in the applicant’s driveway, the pipestem driveway from Walker Road is very long and narrow at 10 feet wide. Passing another vehicle along it may be difficult, especially in inclement weather. The access at Walker Road is also very narrow and there is a hill to the south that limits sight distance. As such, staff recommends that the applicant be limited to 10 children to reduce potential conflicts between vehicles exiting and entering concurrently.

Staff has proposed a development condition to ensure that the applicant will obtain a revised state license for a maximum of ten children, that conforms to the requested hours of operation (7:00 a.m. to 6:00 p.m.) from Monday through Friday.

Zoning Inspection Branch Report (Appendix 6)

The Zoning Inspections Branch report is included in Appendix 6. During a site visit, it was determined that both of the rooms located in the basement utilized for sleeping did not meet acceptable emergency egress standards. The applicant has agreed to relocate the sleeping area to the recreation room where stairs provide access to the rear and side yard. During the site visit, storage was observed in the utility room surrounding both the furnace and the water heater. Additionally, the closet where the electrical panel is located also contained storage items obstructing access. Since the inspection, the applicant cleared and corrected these deficiencies and provided photographs as proof. (Appendix 7)

Zoning Ordinance Requirements (Appendix 8)

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

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>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.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and with the proposed development conditions limiting the applicant to 10 children, it will not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is an existing 4' tall fence in the rear yard that provides screening to the outdoor play area.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement in the R-1 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. The driveway is used for parking</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)

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-1 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, which does not exceed the maximum. The applicant requests two assistants. Staff is recommending a maximum of 10 children due to the narrow access and limited site distance.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and adequate parking is available in the driveway. In staff's opinion, if the applicant is limited to a maximum of 10 children, the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing 4' tall fence in the rear yard 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 Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through April 11, 2016 for 7 children from 6:00 a.m. to 6:00 p.m., Monday through Friday.

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. Due to the narrow access and limited sight distance, staff is recommending a maximum of 10 children.
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.

<p>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use except for play equipment and toys.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees.</p>
<p>Part E Provider is a Resident</p>	<p>The provider is a resident.</p>
<p>Part F 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 to 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 two non-resident employees. Due to the narrow access and limited sight distance off of the pipestem, staff is recommending limiting the maximum number of children to 10.</p>

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-DR-106 for the home child care facility for a maximum of ten children 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 and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. FCDOT Memo
6. Zoning Inspections Branch Comments
7. Photos of Updated Conditions Since ZIB Inspection
8. Applicable Zoning Ordinance Provisions

