



APPLICATION ACCEPTED: August 4, 2015
BOARD OF ZONING APPEALS: November 4, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 20, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-SU-115

SULLY DISTRICT

APPLICANT: Jasbleidy Cruz Pava
(Jasbleidy Home Child Care)

OWNERS: Jasbleidy Cruz Pava
Roberto Jimenez

SUBDIVISION: Heritage Estates

STREET ADDRESS: 14124 Honey Hill Court, Centreville, 20121

TAX MAP REFERENCE: 65-2 ((9)) 129

LOT SIZE: 1,500 square feet

ZONING DISTRICT: R-8

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SU-115 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

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).

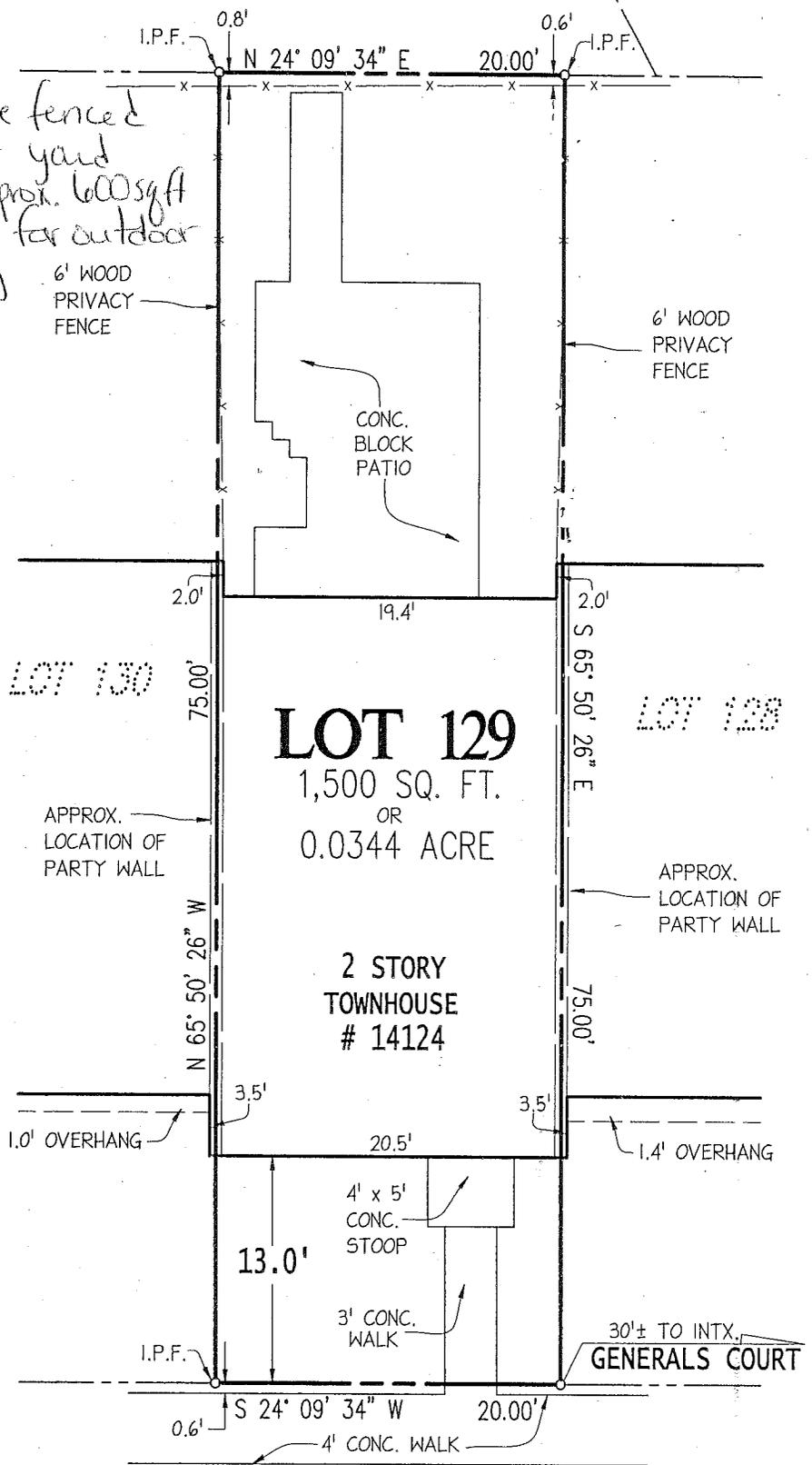
VA. STATE GRID NORTH

PARCEL "B"
HOMEOWNERS ASSOCIATION
PARCEL "E"

Entire fenced rear yard @ approx. 600sqft used for outdoor play

NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0025-D EFFECTIVE DATE: MARCH 5, 1990
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
- 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 065-2-09-0129
- 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
- 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 6481, PAGE 237 (UNLESS NOTED OTHERWISE).



HONEY HILL COURT

(PRIVATE)

INGRESS/EGRESS ESM'T.

RECEIVED
Department of Planning & Zoning

JUN 27 2014

Zoning Evaluation Division

HOUSE LOCATION SURVEY

LOT 129

SECTION 1

HERITAGE ESTATES

SULLY DISTRICT

FAIRFAX COUNTY, VIRGINIA

PARCEL "E"
HOMEOWNERS ASSOCIATION

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
- X- DENOTES FENCE LINE

M.B.H. # MANW1005010

JIMENEZ / FV REO I LLC

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD

JOB# 20101468

DFT: S.Y.A.

CHK: M.K.S.

NO TITLE REPORT FURNISHED

SCALE= 1" = 10'

DATE: 05/13/10

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 "House Location Survey, Lot 129, Section 1, Heritage Estates," prepared by Timothy J. Farrell, as revised by the applicant Jasbleidy Cruz Pava on August 4, 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 two-story single family attached townhouse. Vehicular access to the townhouse is provided via Honey Hill Court. A concrete walkway and a stoop are located in the front yard on Honey Hill Court. The rear yard is enclosed by a 6 foot tall wood privacy fence. Small, moveable play equipment is present in the fenced portion of the rear yard.

The property is located east of Centreville Road and south of Federation Drive.

The subject property and surrounding properties are zoned R-8 and are developed with single-family attached dwellings.



Figure 1: Aerial View

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1987 and purchased by the applicant in 2010.

The applicant has been operating the home child care in its current location for approximately 4 years with no complaints that staff is aware of. The applicant previously cared for and was licensed for up to seven children until August 29, 2015; however, her license was reduced from seven children to five by the Commonwealth due to the fact that she had not yet filed for 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 which currently occurs on Honey Hill Court in the parking spaces in front of the townhouse. There are two reserved parking spaces for the applicant's townhouse; she currently uses one spot for her family vehicles and leaves the other space open for pick-up and drop-off. Currently, there is one assistant, but the applicant is requesting two.

The home child care facility is operated on the main level of the dwelling, which consists of a kitchen, a living room, a bathroom and the recreation room. The home child care is operated in the recreation area of the house. The napping area is located in a bedroom on the second floor. Pictures provided by the applicant show toys and moveable play equipment in the rear yard of the house.

The applicant currently cares for five 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 five 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, Bull Run Planning District
Planning Sector: Centreville Community Planning Sector (BR6)
Plan Map: Residential, 5-8 du/ac

Zoning District Standards

Bulk Standards (R-8) for Single Family Attached Dwellings		
Standard	Required	Provided
Lot Size	No requirements for attached single family dwelling	1,500 sf
Lot Width	18 feet	20 feet
Building Height	35 feet max.	Not provided
Front Yard ¹	Min. 5 feet w/ 15 ABP	13 feet
Side Yard ²	Min. 10 feet w/ 15 ABP	Attached home
Rear Yard ³	Min. 20 feet w/ 30 ABP	30 feet
Privacy Yard	Min. 200 sf	600 square feet

¹. ABP = 15 degree Angle of Bulk Plane

². ABP = 15 degree Angle of Bulk Plane

³. ABP = 30 degree Angle of Bulk Plane

On-Site Parking and Site Circulation (Appendix 5)

Due to the limited parking, staff is recommending a maximum of ten children at any one time for the home child care.

The applicant lives in a single-family townhouse with two reserved parking spaces for parents to use. There are few visitor spaces and these are not always available. For these reasons, the Fairfax County Department of Transportation (FCDOT) originally recommended that the applicant be limited to eight children.

Upon receipt of the original memo, and following subsequent conversations with staff, the applicant clarified that she has two reserved parking spaces and she has since agreed to leave both of her reserved parking spaces open for all pick-up and drop-off activities during the hours of operation of the home child care. As such, 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 the applicant was missing a smoke detector in the bedroom that she uses for napping. In addition, the closet where the mechanical equipment is located contained storage items that were obstructing access. Since the inspection, the applicant has corrected these deficiencies and provided photographs. (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)

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-8 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	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.
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 with the proposed development conditions, limiting the home child care to a maximum of ten children staff believes the use will not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is an existing six foot tall privacy fence in the rear yard that provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space requirement in the R-8 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The driveway is used for parking
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-8 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 children at any one time. The applicant requests two assistants. Staff is recommending a maximum of ten children due to the limited amount of reserved visitor parking.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered; however, the parking is limited. In staff's opinion, if the applicant is limited to a maximum of ten 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 six foot tall privacy 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 August 29, 2016 for 5 children from 7:00 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 five in a single family attached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time. Due to the limited parking, staff is recommending a maximum of ten 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.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except for play equipment and toys.
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 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 five in a single family attached 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 limited parking in the immediate vicinity of the townhouse, staff is recommending limiting the maximum number of children to ten.</p>
--	--

CONCLUSION / RECOMMENDATION

Staff believes that with adoption of the proposed development conditions the subject application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2015-SU-115 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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SU-115****October 20, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-115 located at Tax Map 65-2 ((9)) 129 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Jasbleidy Cruz Pava, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 14124 Honey Hill Court, 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 Survey, Lot 129, Section 1, Heritage Estates," prepared by Timothy J. Farrell, as revised by the applicant Jasbleidy Cruz Pava on August 4, 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 the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's two reserved parking spaces.
5. 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.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed ten.
8. 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.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas 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 shall be of the dimension and side 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 automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

STATEMENT OF JUSTIFICATION FOR
A HOME CHILD CARE FACILITY

Jasbleidy Cruz pava
14124 Honey Hill Ct
Centreville, VA 20121
703-266-0321 or 571-641-0932
Ossy15@gmail.com

RECEIVED
Department of Planning & Zoning
JUN 27 2014
Zoning Evaluation Division

June 25, 2014

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

Re: Special Permit Application

Applicant: Jasbleidy Cruz Pava
Zoning Ordinance: Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map #: 0652090129
Zoning District:
Lote Size: 1500 Sq. Ft.

To Whom It May Concern:

Please accept the following as my statement of justification for special permit for a home child care facility in my home. I own and live in a townhouse at 14124 Honey Hill Ct. Centreville, VA 20121 with my husband and two children. The property is zone R-8 and I understand I need to seek approval of a special permit in order to operate a child care facility in my home. Below is the information about my child care facilities operations. 8/2/15

Hours. The child care is open from 7:00 AM to 6:00 PM, Monday through Friday.

Number of Children. I currently care for 7 children. I propose to care for a maximum of 12 children at any time. This number does not include my own two children.

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

Arrival schedule. Three of the children will arrive between 7:00 AM to 8:30 AM for breakfast then go to school; four between 8:30 AM to 9:15 AM (Who are the full time I take care). Three arrived at 3:30 from school.

Departure Schedule. Two leave at 4:30 PM, the rest leave between 4:30 PM and 6:00 PM

Parking. I use parking space number 236 for parents and 241 to park my family cars and there is three visitors parking available most of the day no farther than 30 feet available for parents and employees, sometimes parents use parking 36 as well

Area Served. Currently most of the children live in the general vicinity of my neighborhood the parents drive their children to my place and I pick up three.

Operations.- As I stated my house is a Townhouse it has a back yard where the playground for the children is located, I have different types of toys such as cars, sliders, and others for them to have fun. I also have the dining area of the house (located in the ground floor) for meals, snacks and the teaching area where I conduct the day care.

Hazardous and 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 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 propose to use my whole yard for outdoor play for the children. The area is approximately 576'18 Sq. Ft. There 2 slides, An Amount of cars and a table For serving the food outside or snack time depending on the weather. Also a little pool use occasional only one day on a warm weather.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way. Also is really help the children in my care, with special needs that at this moment I have a autism kid.

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 daycare. Adequate parking is available for my parents, employees and my family.

Sincerely ,

Owner of Jasbleidy Home child Care





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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-21-2014
 (enter date affidavit is notarized)

126042

I, JASBLEIDY CRUZ PAVA, 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)
JASBLEIDY CRUZ PAVA d/b/a Jasbleidy Home Child Care	14124 Honey Hill Ct Centreville Va 20121	Title Owner.
Robert Jimenez	14124 Honey Hill Ct Centreville Va 20121	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).

Jem

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-21-2014
(enter date affidavit is notarized)

106042

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-21-2014
(enter date affidavit is notarized)

126042

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)

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

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

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-21-2014
(enter date affidavit is notarized)

126042

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: 07-21-2014
(enter date affidavit is notarized)

126042

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)

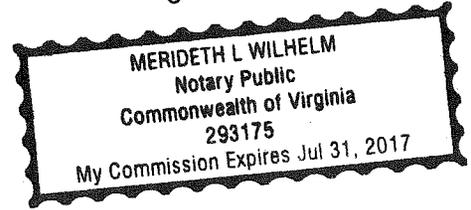
JASBLEIDY CRUZ Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 21st day of July 2014, in the State of Virginia, County/City of Fairfax

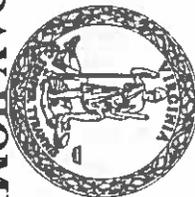
Merideth Wilhelm
Notary Public

My commission expires: July 31, 2017



Jem

Commonwealth of Virginia



DEPARTMENT OF

SOCIAL SERVICES

FAMILY DAY HOME LICENSE

Issued to:

Jasleidy Cruz

Address:

14124 Honey Hill Court, Centreville, Virginia 20121

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

CAPACITY	
5	
GENDER	AGE
Both	Birth through 12 years

This license is not transferable and will be in effect August 25, 2014 through August 24, 2016 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:

Virginia Department of Social Services
Division of Licensing - Fairfax Licensing Office
3701 Pender Drive, Suite 125
Fairfax, VA 22030

Telephone: (703) 934-1505

FDH 1105240-L114
LICENSE NUMBER

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By

James J. Parcelli

Title

LICENSING ADMINISTRATOR

Date

August 29, 2014



County of Fairfax, Virginia

MEMORANDUM

DATE: September 15, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2015-SU-115)

SUBJECT: Transportation Impact

REFERENCE: SP 2015-SU-115; Jasbleidy Cruz Pava – Jasbleidy Home Child Care
Land Identification: 65-2 ((9)) 129

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated May 13, 2010, and revised through August 4, 2015. The application is to permit a home child care center for up to twelve (12) children. Hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m. There is one full-time assistant as she has only 7 children now.

The applicant lives in a small townhouse with one reserved parking space for parents to use. There are a few visitor parking spaces but these are not conveniently located and not always available. For these reasons, this department recommends that the applicant be limited to 8 children.

MAD/LAH/lah

cc: Sharon Williams, DPZ



County of Fairfax, Virginia

MEMORANDUM

Date: October 5, 2015

To: Sharon Williams, Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Child Care Facility
Special Permit Application # SP 2015-SU-115

Applicant: Jasbleidy Cruz Pava / Jasbleidy Home Child Care
14124 Honey Hill Court, Centreville, Virginia 20121
Legal Description: Heritage Estates, Sec. 1, Lot 129
Tax Map Ref: 65-2 ((9)) 129
Zoning District: R-8
Lot Size: 1500 square feet
Year Built: 1987
ZIB# 2015-0422

On September 10, 2015, an inspection was conducted by Zoning/Property Maintenance Inspector Bruce Miller of the property located at 14124 Honey Hill Court, Centreville, Virginia 20121. The Inspector was accompanied by Staff Coordinator Sharon Williams and the applicant.

*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.
- 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: A smoke alarm is required in one of the sleeping rooms.

- 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 4. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice; and should not require a key or special knowledge to open.

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/



5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

Comment: The bathroom light bulb socket either needs a light bulb or a socket cover.

Comment: Electrical wires on the top of the water heater must be enclosed in the service panel provided at the top of the equipment.

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.

Comment: Clear storage from in front of the service panel as described above.

8. Other Building Code issues:

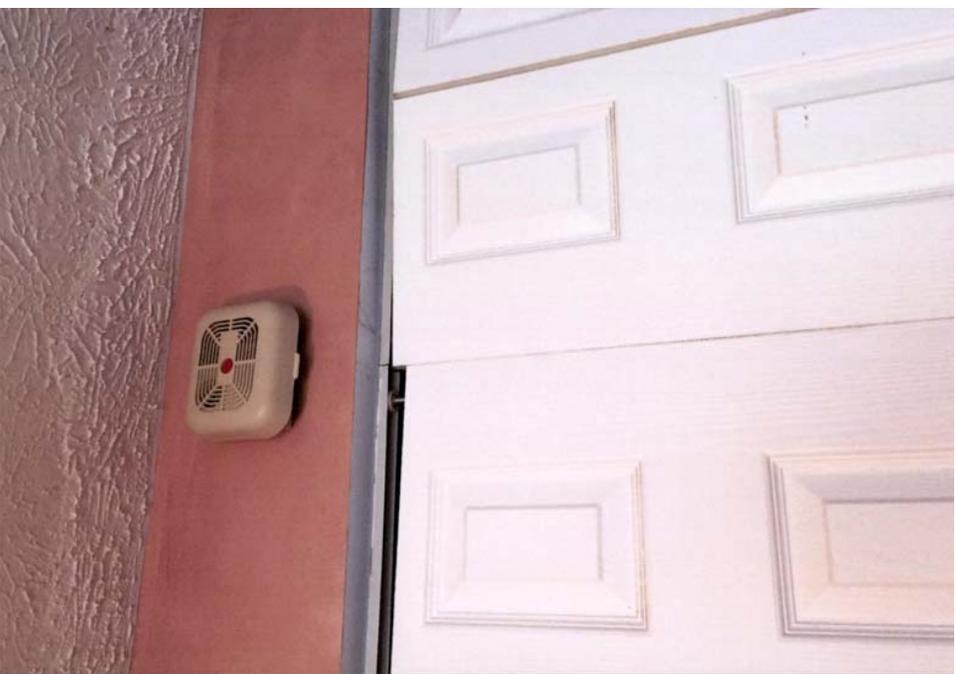
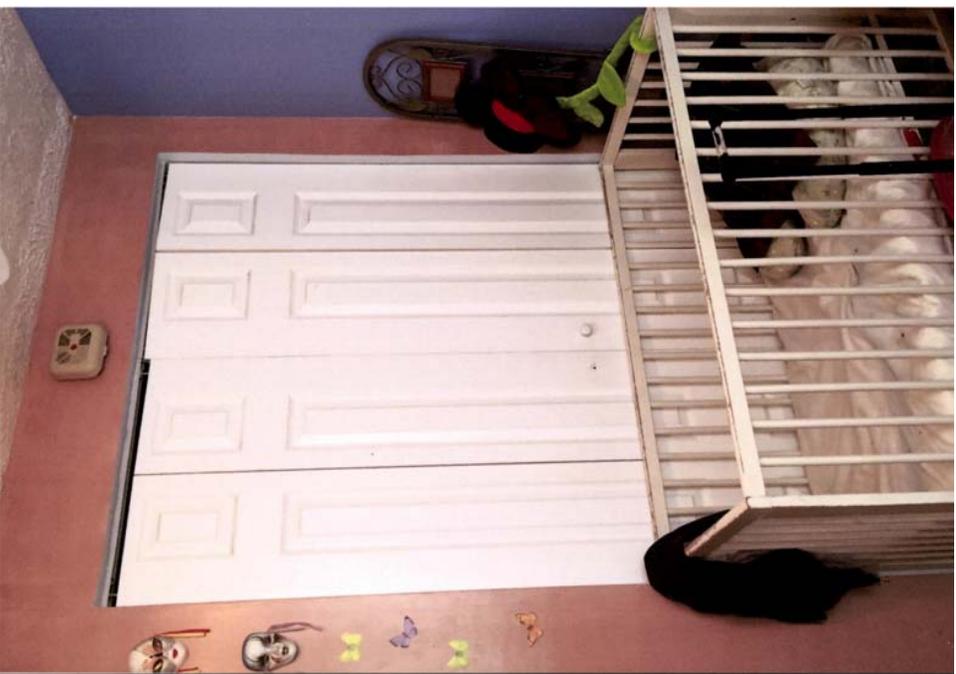
Comment: A clear space in front of the service area of the mechanical equipment must be maintained. Storage must be removed or relocated a minimum of 36 inches from the working area of the equipment.

Comment: Combustible materials must be located a minimum distance of 36 inches from any heat source.

Comment: The bathroom exhaust fan grille requires repair.

9. Structures comply with the Zoning Ordinance.

The following photographs were taken by Inspector Miller at the time of the inspection:



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 of 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 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.