



County of Fairfax, Virginia

December 2, 2015

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2014-LE-138

LEE DISTRICT

APPLICANTS/OWNERS: Angel Whisenant

STREET ADDRESS: 6616 Cimarron Street, Springfield, 22150

SUBDIVISION: Springfield Estates, Section 1

TAX MAP REFERENCE: 80-4 ((5))(10) 17

LOT SIZE: 11,087 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 3-203, 8-305 and 8-914

SPECIAL PERMIT PROPOSAL: To permit a home child care facility, and to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-LE-138 for the home child care subject to the approval of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on errors in building location.

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

Laura Arseneau

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

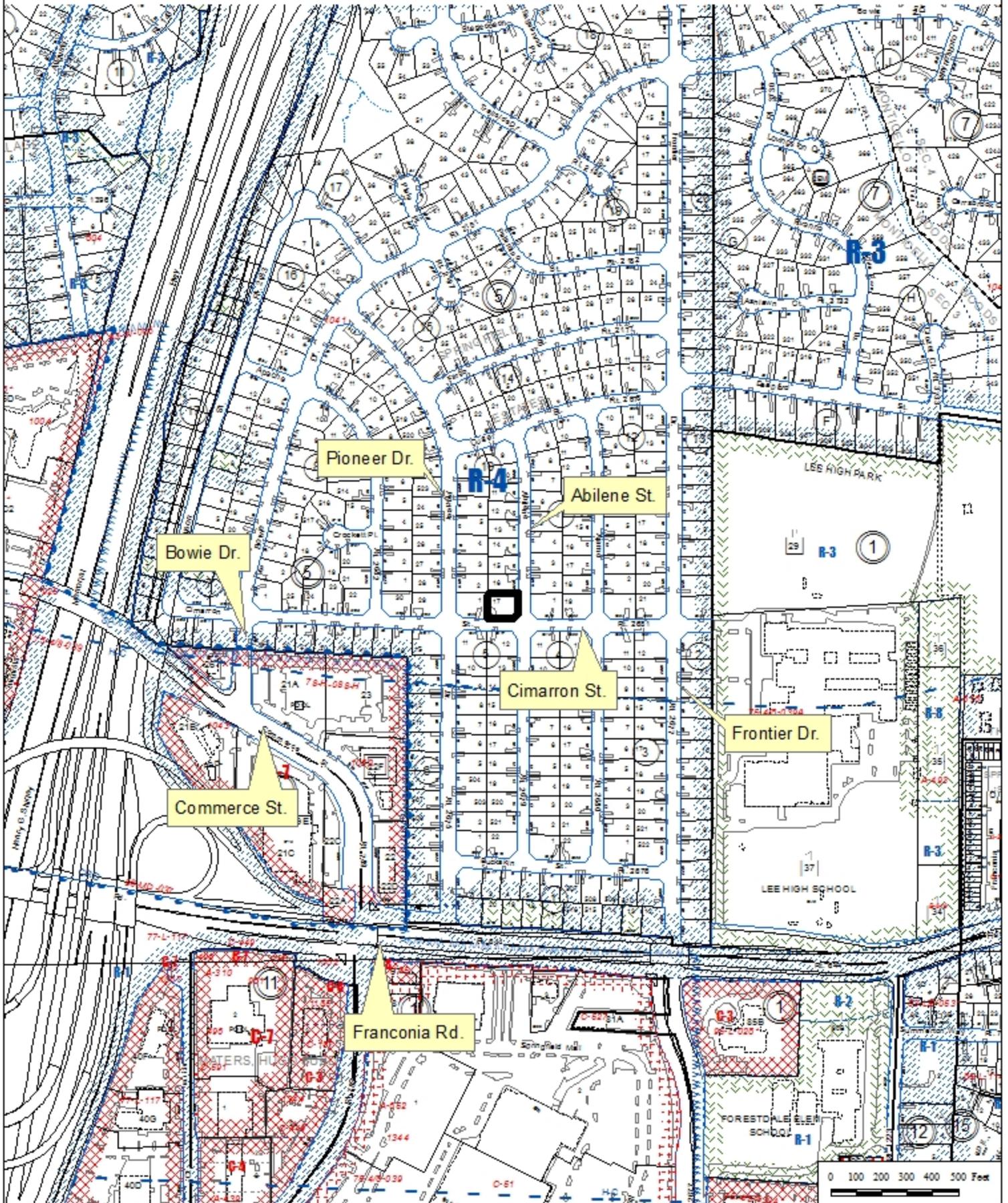
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

SP 2014-LE-138
ANGEL WHISENANT



SPECIAL PERMIT REQUESTS

The applicants request special permit approval to permit a home child care facility with up to 12 children at any one time and to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from the side lot line.

A copy of the special permit plat entitled "Special Permit Plat, Lot 17, Block 10, Section One, Springfield Estates," prepared by Kevin D. Vaughn, L.S., dated November 3, 2015, consists of one sheet and is provided at the front of this staff report. A copy of the applicants' statement of justification with relevant photographs and affidavit are provided as Appendices 2 and 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,087-square foot subject property is developed with a one-story single family detached dwelling with a screen porch and two sheds to the rear of the dwelling. The entrance to the home child care facility is located on the south side of the dwelling with a porch and a sidewalk leading to the entrance from the paved parking area. The property has a 3 foot high chain link fence which encloses the rear, side and front yards. Figure 1 provides an aerial view of the subject property and surrounding area.

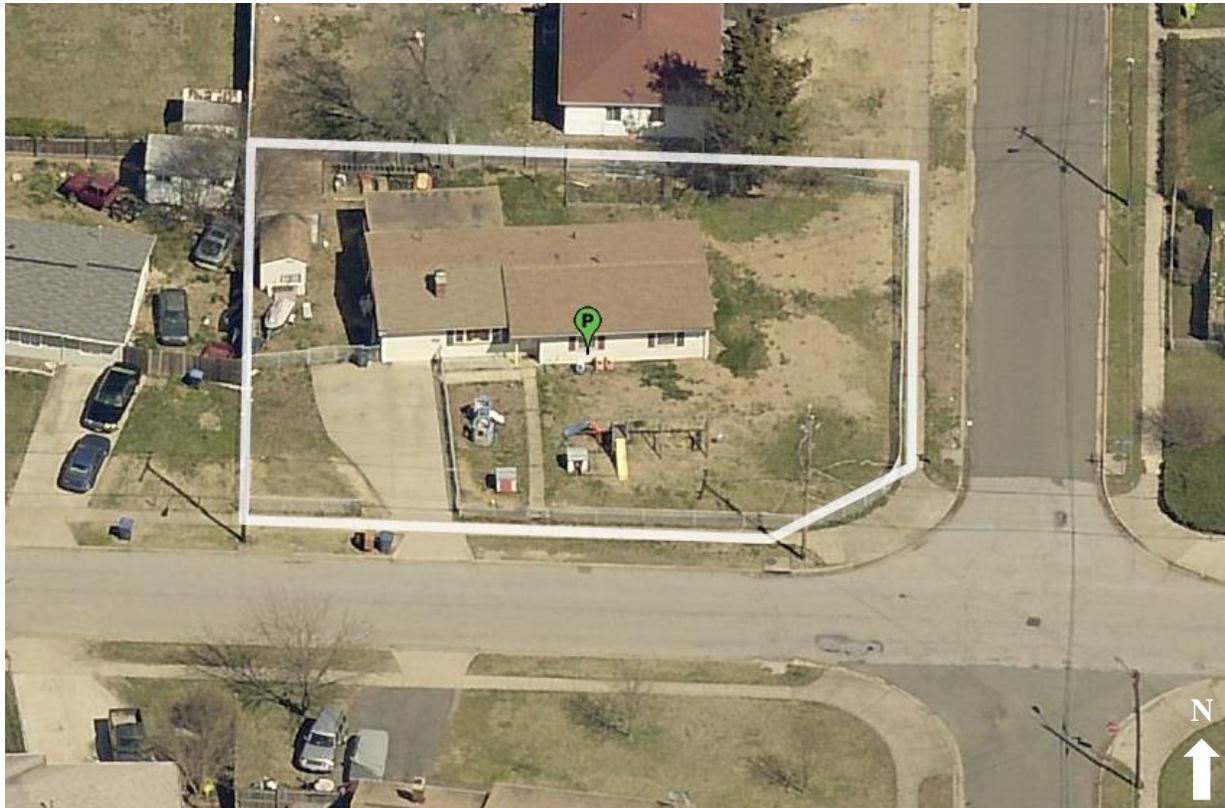


Figure 1: Subject property, Source: Fairfax County Pictometry, 2015

As depicted on the special permit plat, the northernmost shed is 8 feet in height and is 18.1 feet by 12.0 feet (on the exterior) or approximately 217.2 square feet. According to the Sect. 10-102 of the zoning ordinance no accessory storage structure can be over 200 square feet in size. However, in consultation with the Zoning Administration Division and with previous zoning interpretations, the 200 square foot limit is determined from the "interior faces of the exterior walls." The interior of the shed measures at approximately 11.25 by 17.25 or 194 square feet. Therefore the northernmost shed meets the zoning standards.

The subject property is located north of Franconia Road and west of Frontier Drive. The subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings.

BACKGROUND

According to Fairfax County tax records, the dwelling was constructed in 1956 and purchased by Angel J. Whisenant in 1992.

On February 6, 1986, a building permit was approved for the enclosure of a carport. County records indicate that a final inspection took place on March 11, 1986 and was approved (Appendix 4).

On July 7, 2010 a complaint was received by the Department of Code Compliance (DCC) for a business in a residential district. DCC investigated and the problem was unfounded (Appendix 4).

On June 27, 2011, a complaint was received by DCC for a vehicle parked on the grass. A Notice of Violation (NOV) was issued but the property owner complied and the complaint was closed on September 6, 2011 (Appendix 4).

On May 7, 2014, a complaint was received by the DCC for a vehicle parked on the grass. A Notice of Violation (NOV) was issued on May 16, 2014; the property owner complied and the complaint was closed on June 13, 2014. A copy of the NOV and the complaint are included in Appendix 4.

There are no building permits in county records related to the screen porch. A proposed development condition will ensure the applicant obtains all relevant permits for the screen porch addition.

DESCRIPTION OF THE APPLICATION

The applicants request special permit approval to permit a home child care facility with up to 12 children at any one time.

The home child care facility is located on the main level of the single family detached dwelling and consists of bedrooms, playroom, back porch, dining room, kitchen and

bathroom. The bedrooms and the playroom have adequate emergency egress through windows that meet building code standards for an emergency egress.

The hours of operation are from 4:30 a.m. to 5:00 p.m., Monday through Friday with staggered drop-off and pick-up. The applicants currently have one full time assistant. Parking is provided on-site and there are three available parking spaces for drop-off and pick-up. Parking also is available along the Cimmaron Street. The applicants indicate that one family vehicle is parked in the driveway, but that two parking spaces are left available for the pick-up and drop-off. An approximately 900 square foot enclosed outdoor play area is located in the side and front yards of the property.

Angel Whisenant has a state issued family day home license, which permits care for up to 12 children from birth to 12 years 11 months in age between the hours of 5:30 a.m. and 5:30 p.m., Monday through Friday. The applicant's license expires on February 2, 2016. A copy of the state license is provided as Appendix 5. A proposed development condition will ensure the applicant operates at her currently approved state license hours until a new state license is obtained with her revised hours of 4:30 a.m. to 5:00 p.m.

In addition, the applicants request special permit approval to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 from the rear lot line. The shed is deemed to be an accessory use in accordance with Par. 25 of Sect. 10-102, which states "[s]torage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area." The existing storage structure is accessory to the single family detached dwelling located in the R-4 District and contains 102.85 square feet. As such, Par. 10E of Sect. 10-104 of the Zoning Ordinance also is applicable and states that "[a]n accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be... located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line." Since the existing shed is located in the minimum required 25 foot rear yard and is 12 feet in height, it should be located 10 feet from the side lot line, but is located 1.7 feet from the side lot line. Special permit approval for a reduction in the minimum yard requirements based on an error in building location is required for the shed to remain in its existing location. A comparison of the minimum required yard, permitted extension into the side yard, and proposed reduction is provided in Table 1.

Special Permit Request	Structure	Yard	Minimum Required Side Yard	Existing Extension into MRV*	Proposed Reduction	Percent of Requested Reduction
	Shed	Rear	10 feet	1.7 feet	8.3 feet	83 %

Table 1: Minimum yard requirement and proposed reduction

ANALYSIS

Comprehensive Plan Provisions

Plan Area and Planning District: Area IV and Springfield Planning District
Planning Sector: Monticello Woods Community Planning Sector (S8)
Plan Map: Residential, 3-4 dwelling units per acre

Zoning Inspection Branch Comments (Appendix 6)

During the site inspection staff found a number of zoning violations including play equipment in the front yard, two accessory storage structures in the minimum required side yard setback and an enclosed porch that may encroach into the minimum required yard setback. The applicant was made aware of these violations, removed the play set in the front yard (photographs in Appendix 6) and added the error in building location to this application for the one shed that was in the minimum required side yards. The other shed is under 8.5 feet in height and meets setback regulations. Additionally staff determined that the screen porch did not encroach into the minimum required side yards.

Furthermore, staff found a number of property maintenance issues which included concerns with an electrical cord, insect screens, protective shields on the dryer duct, and protective treatment on the porch and a window. The applicant has corrected all these issues and updated pictures are provided in Appendix 6.

ZONING ORDINANCE REQUIRMENTS (Appendix 7)

The subject property is zoned R-4 and the lot size and bulk regulations for the R-4 District are provided in Table 2.

Bulk Standards (R-4)		
Standard	Required	Provided
Lot Size	8,400 sf.	11,087 sf.
Lot Width	Corner: 90 feet	95 feet
Building Height	35 feet max.	12 feet
Front Yards	Min. 30 feet	35.3 feet, 40.7 feet
Side Yards	Min. 10 feet	23 feet, 21.6 feet

Table 2: Lot size and bulk regulations

Accessory Structure Setback Standards				
Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Shed #1	Side	Under 8.5 feet in height	3.3 feet	To be obtained
	Side	Under 8.5 feet in height	0.8 feet	To be obtained
Shed #2	Side	10 feet	1.7 feet ¹	To be obtained
Screen porch	Side	10 feet	13.3 feet	To be obtained

1. The applicant is requesting an error in building location for this shed as part of this application.

This special permit application is subject to the following provisions of the Zoning Ordinance and is provided as Appendix 7. Subject to the development conditions, the special permit must meet these standards.

- General Standards (Sect. 8-006)
- Standards for all Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)
- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)
- Location Regulations (Par. 6 of Sect. 10-103)

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a home child care facility with up to 12 children at any one time and to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from the side lot line.

General Standards (Sect. 8-006)

Standards 1 & 2 Comprehensive Plan & Zoning Ordinance	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The purpose and intent of the R-4 District is to provide single family detached dwellings and other selected uses. The subject property is developed with a single family detached dwelling unit.
Standard 3 Adjacent Development	The applicants have operated a home child care facility at the subject property since 1992 with drop-off and pick-up occurring on-site. No new construction is proposed. The proposed home child care facility and shed are not anticipated to hinder or discourage development of adjacent or nearby land.
Standard 4 Pedestrian/ Vehicular Traffic	As previously discussed, drop-off and pick-up are staggered with three on-site parking spaces available with additional parking available along Cimarron Street. Staff has proposed a development condition that the parking areas shall be available to the home child care facility use during the hours of operation. With the proposed development condition, vehicular traffic associated with the home child care facility is not anticipated to be hazardous to pedestrian and vehicular traffic in the neighborhood.

Standard 5 Landscaping/Screening	An existing fence surrounds the outdoor play area and shed. No additional landscaping or screening is proposed with the use.
Standard 6 Open Space	The special permit proposal has no effect on open space at the property. Furthermore, there is no prescribed open space requirement in the R-4 District.
Standard 7 Utilities, Drainage, Parking, and Loading	The proposal does not impact the existing utilities, drainage, and parking at the subject property. No loading space is located at the property. Parking is in accordance with the provisions of Article 11.
Standard 8 Signs	No signs are proposed with the uses.

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

Standard 1 Lot Size and Bulk Regulations	As shown in Table 2, the subject property meets the lot size and bulk regulations for the R-4 District.
Standard 2 Performance Standards	The uses will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	A site plan is not required for the home child care facility and shed.

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicants are proposing a maximum of 12 children at any one time, which is the maximum permitted by special permit approval. The applicants request approval to permit one non-resident employee.
Standard 2 Access and Parking	The children's arrival and departure times are staggered; two parking spaces are available on-site; and additional parking is available on Cimarron Street. In staff's opinion and as previously discussed, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	No transitional screening or barrier is required with the proposed use.
Standard 4 Submission Requirements	The applicant met the submission requirements prior to acceptance.
Standard 5 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 state issued family day home license, which permits care for up to 12 children from birth through 12 years 11 months in age between the hours of 5:30 a.m. and 5:30 p.m., Monday through Friday. The applicant's license expires on February 2, 2016; A copy of the state license is included in Appendix 5. A proposed development condition ensures that the application operates by the approved state license hours until the newly requested hours are approved by the state.

Provision for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)

Staff does not make recommendations on errors in building location; therefore, a staff recommendation is not provided. The applicants request special permit approval to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from the side lot line.

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 applicants request special permit approval to permit a maximum of 12 children at any one time.
Part B Licensed Provider/Primary Residence	The subject property is owned by Angel Whisenant who resides on the property. Ms. Whisenant is a state licensed child care provider.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
Part D Non-Resident Employee	The applicant is proposing one non-resident employee.
Part E Provider is a Non-Resident	The dwelling is the applicants' primary residence.
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 state issued family day home license, which permits care for up to 12 children from birth to 12 years 11 months in age between the hours of 5:30 a.m. and 5:30 p.m. The applicant's license expires on February 2, 2016. A proposed development condition ensures that the application operates by the approved state license hours until the newly requested hours are approved by the state.
Part G Increase in Children or Non-Resident Person	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 12 children at any one time with one non-resident assistant.

CONCLUSIONS/RECOMMENDATIONS

In staff's opinion, the proposed home child care facility for up to 12 children at any one time with one non-resident assistant would not adversely impact the surrounding properties, neighborhood traffic, or parking. Staff finds that the proposed home child care facility to be in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions.

As previously stated, staff does not make recommendations on error in building location; therefore, a staff recommendation is not provided for the request to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from the side lot line.

Staff recommends approval of SP 2014-LE-138 for the home child care, subject to 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 of Zoning Appeals, in adopting any conditions, relieve the applicants/owners 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.

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.

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification and Photographs
3. Affidavit
4. Building Permit and Complaint History
5. Family Day Home License
6. Zoning Inspection Branch Comments
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-LE-138****December 2, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-138 located at Tax Map 80-4 ((5)) (10) 17 to permit a home child care facility pursuant to Sects. 3-203 and 8-305 and to permit an a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.7 feet from the side lot line pursuant to Sect. 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Zoning Appeals condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Angel Whisenant, and is not transferable without further action by the Board of Zoning Appeals, and is for the location indicated on the application, 6616 Cimarron Street, and is not transferable to other land.
2. This special permit is granted only for the home child care use and to permit an a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) as shown on the plat entitled "Special Permit Plat, Lot 17, Block 10, Section One, Springfield Estates," prepared by Kevin D. Vaughn, L.S., dated November 3, 2015, consists of one sheet, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The applicant shall continue to operate with the state approved hours of operation, 5:30 a.m. to 5:30 p.m., Monday through Friday, until a revised and approved state license is obtained for the requested hours of 4:30 a.m.- 5:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicants.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of one non-resident employee may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.

8. All pick up and drop off of children shall occur on-site in the driveway and parking shall be available on-site for the home child care use during the hours of operation.
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 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".
13. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
14. The applicant shall obtain all applicable building permits and final inspections for the sheds and screen porch. The screen porch shall not be used in any way for the home child care use, including but not limited to use as a play area or for access to the rear yard until approval of the final inspection.

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

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: Angel Whisenant
 Address: 6616 Cimarron St.
Springfield, VA 22150
 Phone # (703) 719-5447 (571) 212-2322
 E-mail: AngelWhisenant@yahoo.com

Date 2-1-14

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

Re: Special Permit Application

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

Tax Map #: 0804 05100017
 Zoning District: R-4
 Lot Size: 11,087 sq. ft.

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached (detached) (circle one) dwelling at 6616 Cimarron St, Springfield, VA. 22150 (your address). The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 4:30 a.m. to 5:00 p.m.

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

Employees. I have _____ assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. 5-6 of the children arrive between 4:30AM and 6:00 AM.
4 arrive by 7:30. 2 are b/a school only

Departure Schedule. 5 of the children are picked up at 3:00 PM. 5 are
picked up by 5:00 p.m.

Area Served. 10 of the children live in Springfield Estates,
within 4 blocks. (what neighborhood/general area do the children live in?)

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

5 bedrooms, 2 full baths, living room, dining room +
kitchen. It is a rambler.

The house has 1689 square feet. The following rooms are where I conduct the day care:

Entire house, plus a 345sq. ft. back porch.
These rooms are 1689 square feet total.

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

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

Outdoor Play Area. I use my front yard for outdoor play for the children. The area is
approximately 2000 square feet. The outdoor play area consists of: A large swing
set, slides, a large plastic play set + various
yard toys.

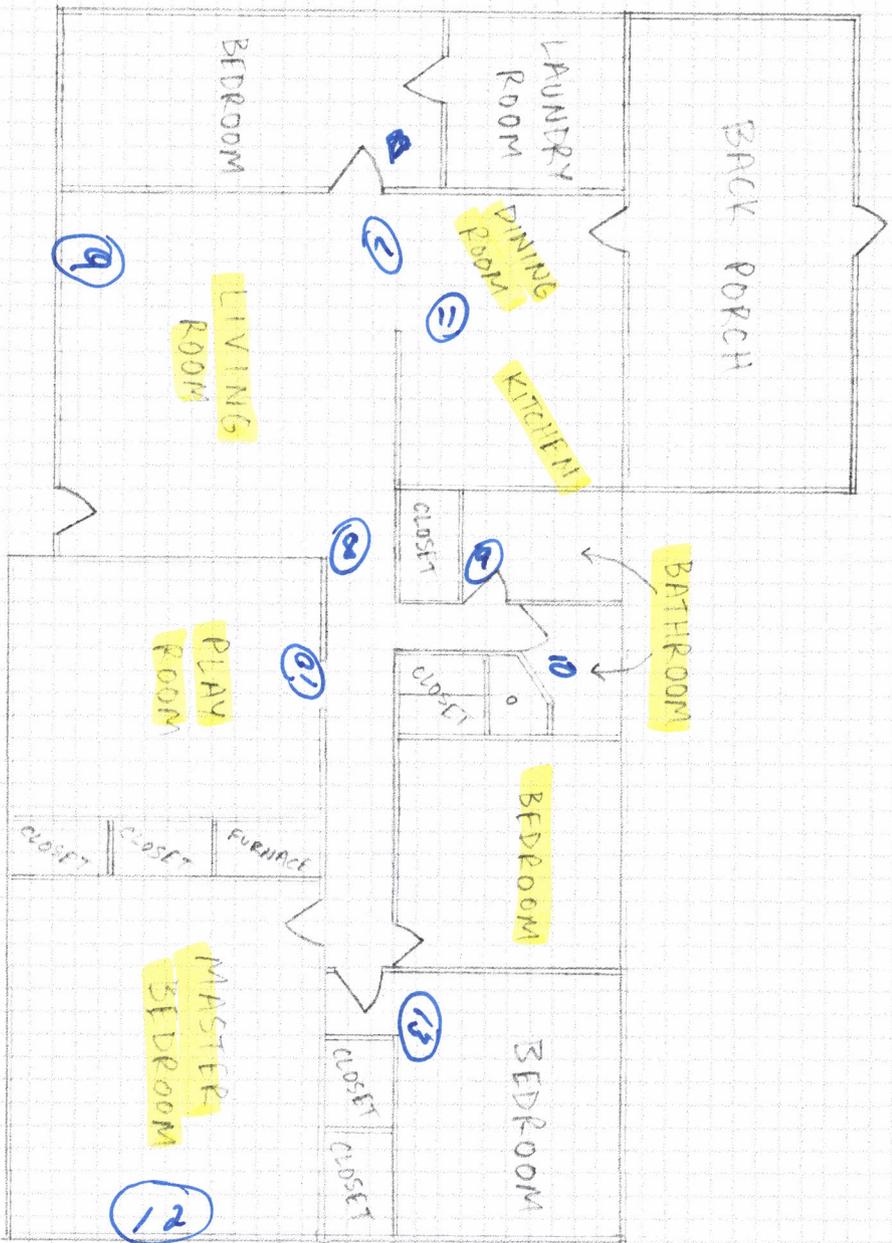
Parking. I use my driveway to park my family car(s). My parents park in the
driveway or street.

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

In conclusion, I am proposing _____

Sincerely,

A. Whinnant
Owner of 4616 Cimarron St, Spgfld, Va. 22150



1000 sq ft
used for
childcare

RECEIVED
Department of Planning & Zoning

MAR 25 2014

Zoning Evaluation Division

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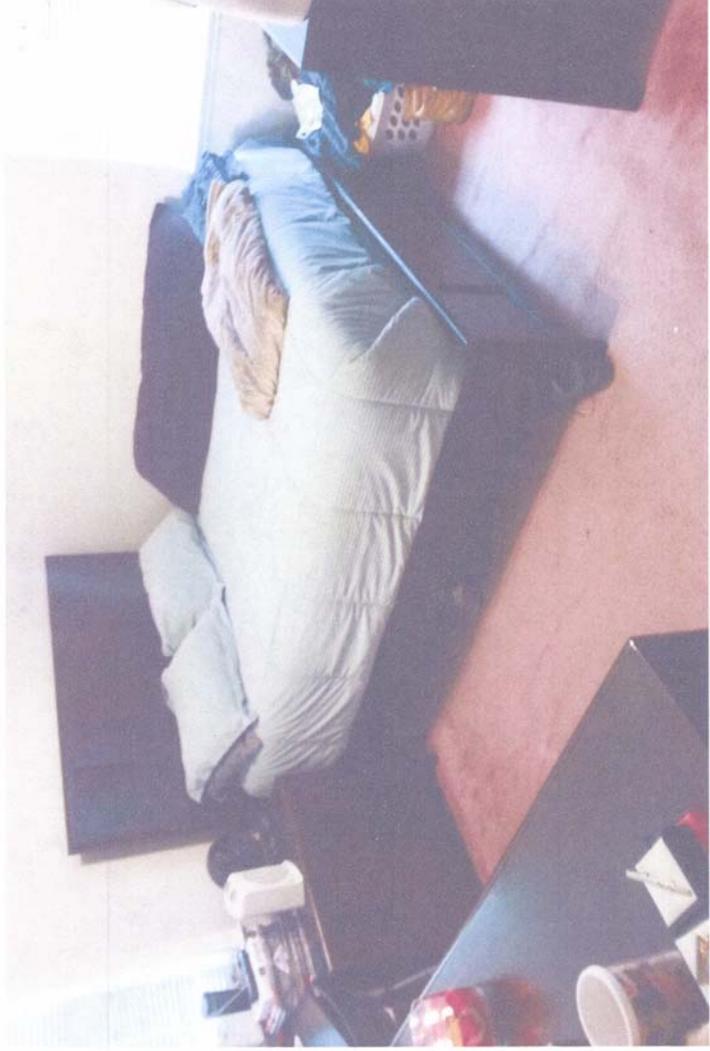


Kitchen



~~Here~~
View of backyard

Bedroom
Games
& movie



Bedroom

Sleeping
area



~~4#~~
Living
room



2 No
Bathroom



Living
room



Bathroom



playroom



Dining room



Side
View



Side
View



Front of house



Front of house





Front of house



Front of house



shed



side yard



Sheds



Back yard

Application No.(s): SP 2014-LE-138
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124880

DATE: September 14, 2013
(enter date affidavit is notarized)

I, Angel S.E. Whisenant, 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)
Angel S.E. Whisenant	6616 Cimarron St. Springfield, VA 22150	Applicant / 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).

124880

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 14, 2013
(enter date affidavit is notarized)

124880

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):

SP 2014-LE-138

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 14, 2013
(enter date affidavit is notarized)

124880

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.

124880

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124880

DATE: September 14, 2013
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

Application No.(s):

SP 2014-LE-138

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 14, 2013
(enter date affidavit is notarized)

124880

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)

Angel Whisenant

[] Applicant

[] Applicant's Authorized Agent

Angel Whisenant

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

Subscribed and sworn to before me this 14th day of September 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Erin Michelle Haley
Notary Public

My commission expires: June 30, 2015



CAS 124880

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

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

124880

(NOTE): All relationships to the application are to 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	ADDRESS	RELATIONSHIP(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in BOLD above)

RECEIVED
Department of Planning & Zoning
MAR 25 2014
Zoning Evaluation Division

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



- Home
- Living Here
- Doing Business
- Visiting
- Departments & Agencies

Search Site:

homepage > land development information history > search > isis - building permit - 86037b0520

Links

- < Back to Search
- My Neighborhood
- Real Estate Assessment

Life Cycle

Applied:	1986-02-06
Issued:	1986-02-06
Paid:	1986-02-06
Inspection:	1986-03-11
Expiry:	1986-08-06

Table of Contents

- Permit Information
- Permit Status Summary
- Owner Information
- Contractor Information
- Building Permit
 - Building Plan Review
 - Totals Fee Area
- Real Estate Review
- Zoning Review
- Grading / Drainage Review
- Inspections
 - Inspection - FINB - 999998

Land Development Information History: ISIS - Building Permit - 86037B0520

Printer Friendly Size Text Only

Permit Information

Permit Id: 86037B0520
Job Address: 006616 CIMARRON ST
Subdivision: SPRINGFIELD ESTATES
Trade Name: NA
Applicant Name: LINDA
Application Date: 1986-02-06 **Time:** 13:48:10
Tax Map: 080-4 ((05)) (10) 0017
Permit Status: Initial/Approved (IA)
Subobj: 181 **R/C:** R
Bldg: NA **Floor:** NA **Suite:** NA

Work Description:

ENCLOSE EXISTING CARPORT
 Exterior Addition (A02)
 Single-Family, Detached Or Semi-Detached (010)
 0181

Type Work:
Building Use:
Standard:

Plan Number:

Use Group: R3 **Bldg Permit:** NA

Permit Hold Date:
Hold Release Date:

By: QNO: R-86-00831 **POF:**
By: Proffer: **Pre-Const Meeting:** **Date:**

Comments:

HOMEOWNER DAYTIME #922-5492

Permit Status Summary

Permit Status: Initial/Approved (IA)	Building Plan Review: 1986-02-06 RSLT: APP BY: JAT
Applied Date: 1986-02-06	Real Estate: 1986-02-06 RSLT: APP BY: DMQ
Issued Date: 1986-02-06	Zoning: 1986-02-06 RSLT: APP BY: JB
Paid Date: 1986-02-06	Grading / Drainage: 1986-02-06 RSLT: APP BY: MLC
Inspection Date: 1986-03-11	Final Inspection: 1986-03-11 RSLT: A BY: LSG
Expiry Date: 1986-08-06	

Owner Information

Leasee:
Owner: MASON RONALD W
Address: 06616 CIMARRON ST
City: SPRINGFIELD **State:** VA **Zip:** 22150
Phone:
Corp:
Job Magisterial Dist: Lee
Planning Dist: Springfield
Subcensus Tract: 201.01

Contractor Information

Name: OWNER
Address: 00000
City: **State:** **Zip:** 0
Phone:
Master:
BPOL Licnese: 0
State License: 0
Trade Reg.: 0

Building Permit

Building Plan Review

Estimated Cost: 1000	Sewer Water Code: 1
Use Group: (01) R3	Sewer Shed: I3
Type Const: (01) Other (4B)	
Model Group:	
Plan Received: 1986-02-06	Review Time: 00:00:00
Review Started: 1986-02-06	Results: APP
Review Completed: 1986-02-06	Engineer: JAT

Comments:

Totals Fee Area

Type of Construction Fee Fee Rate

Other (4B)	80	0.020
------------	----	-------

Total	80
Filing Fee	21.00
Total Fee	21.00
Amount paid	21.00

Real Estate Review

Building		Basement:	
Units:	0	Ext Walls:	
Kitchens:	0	Int Walls:	
Baths:	0	Roofing:	
Half Baths:	0	Flooring:	
Bedrooms:	0	Base Fin:	
Rooms:	0	Fuel/Heat:	
Stories:		Fuel System:	
Building Height:	0	Fireplace:	0
Building Area:	0		

Owner of Record: MASON RONALD W

Review Data

Date To: 1986-02-06
 Date From: 1986-02-06
 Results: APP
 Reviewer: DMQ
 Comments:

Zoning Review

Review Data

Date To: 1986-02-06
 Date From: 1986-02-06
 Results: APP
 Reviewer: JB
 Comments:

Grading / Drainage Review

Review Data

Date To: 1986-02-06
 Date From: 1986-02-06
 Results: APP
 Reviewer: MLC
 Comments:

Inspections

Inspection - FINB - 999998

Req Taken:	1986-03-10	Phone:	
Time:	10:23:51	Floor:	NA
Sched For:	1986-03-11	Suite/Area:	
Assigned To:	CHM	Comments:	
Branch:		Req Taken By:	WW
Requested By:	RONALD	Ovrd:	
		Rpt Br:	4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1986-03-11	LSG	C	A	N					00:00:00	00:00:00	00:00:00	1



Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
 Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DCC - Complaint 63000

Complaint Details

Complaint #	63000
Street Address	006616 CIMARRON ST
Magisterial District	Lee
Complaint Description	Business In A Residential District
Agency	DCC
Status	Closed
Opened Date	2010-07-19
Closed Date	2010-08-11
Disposition	Unfounded (No Problem Found)
Inspector Assigned	Laura Ferramosca
Notice of Violation and/or Corrective Work Order	No
Litigation	No

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Land Development Information History: FIDO - DCC - Complaint 73290

Complaint Details

Complaint #	73290
Street Address	006616 CIMARRON ST
Magisterial District	Lee
Complaint Description	Vehicle - Park On Grass
Agency	DCC
Status	Closed
Opened Date	2011-06-27
Closed Date	2011-09-06
Disposition	Compliance
Inspector Assigned	
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

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Land Development Information History: FIDO - DCC - Complaint 104531

Complaint Details

Complaint #	104531
Street Address	006616 CIMARRON ST
Magisterial District	Lee
Complaint Description	Vehicle - Park On Grass
Agency	DCC
Status	Closed
Opened Date	2014-05-07
Closed Date	2014-06-13
Disposition	Compliance
Inspector Assigned	Danny Forshee
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: May 16, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Angel J E Whisenant
ADDRESS: 6616 Cimarron Street
Springfield, Virginia 22150

LOCATION OF VIOLATION: 6616 Cimarron Street
Springfield, Virginia 22150-1620

TAX MAP REF: 80-4 ((5))(1) 17

ZONING DISTRICT: R- 4

CASE #: 201402947 **SR #:** 104531

ISSUING INVESTIGATOR: Charles D. Forshee, (703)324-1348

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§11.102.8	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on May 14, 2014 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 11-102 (8) **Parking In the Grass:**

The inspection revealed that you are parking a black Dodge, tax # WTB-7081 on unsurfaced areas of the front yard at the above-referenced property which contains 11,087 square feet in area. This property is located in a residential community and is zoned R-4. Par. 8 of Sect. 11-102 of the Fairfax

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

County Zoning Ordinance specifically limits off-street parking as follows:

For single family detached dwellings on lots containing 36,000 square feet or less in the R-1, R-2, R-3 and R-4 Districts, all parking for vehicles or trailers in a front yard shall be on a surfaced area, provided, however, that this shall not be deemed to preclude temporary parking on an unsurfaced area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning or repair of vehicles or trailers.

Therefore, the parking of vehicles on unsurfaced areas in the front yard of this property is in violation of this aforementioned Zoning Ordinance provision.

You are hereby directed to clear this violation of Par. 8 of Sect. 11-102 within 24 hours of receipt of this Notice. Compliance can be accomplished by the following:

- Ceasing, on permanent basis, the parking of vehicles on the lawn or other unsurfaced areas in the front yard at this property, and
- Taking whatever action is necessary to ensure continued compliance with Par. 8 of Sect. 11-102 of the Zoning Ordinance.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within ten (10) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807

Angel J E Whisenant
May 16, 2014
SR 104531
Page 3

Fairfax, Virginia 22035

Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1348. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature

Charles D. Forshee
Code Compliance Investigator III
(703)324-1348
CharlesDanny.Forshee@fairfaxcounty.gov

Virginia.gov Agencies | Governor Search Virginia.Go



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES



HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE CHILD SUPPORT COMMUNITY SUPPORT CAREERS

Angel Whisenant
6616 Cimarron Street
SPRINGFIELD, VA 22150
(571) 212-2322

Facility Type: [Family Day Home](#)
License Type: [One Year](#)
[Expiration Date](#): Feb. 2, 2015
Business Hours: 5:30 AM - 5:30 PM
Monday - Friday
Capacity: 12
Ages: Birth - 12 years 11 months
Inspector: Anailim Dally
(703) 577-0270



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Date: January 6, 2015

To: Laura Arseneau, Staff Coordinator
Zoning Evaluation Division

From: Chuck Cohenour, Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility SP 2014-LE-138

Applicant: Angel Whisenant
6616 Cimarron Street, Springfield, Virginia 22150
Part Hope Park
Tax Map #: 80-4 ((5)) (10) 17
Zoning District: R-4
ZIB Log #: 2014-526

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

- 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.
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 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.
- 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.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 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.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 82
Fairfax, Virginia 22035-5500
Phone 703-324-4300 FAX 703-324-1344
www.fairfaxcounty.gov/dp

6616 Cimarron Street
January 6, 2015

- 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.
- Other.

While the following are violations of the Virginia Maintenance Code, the overhead service drop constitutes the most significant life - safety issue and it is recommended that it be corrected prior to any approvals.

- *Overhead service drop for the electrical service connection is pulling the fascia board away from the structure of the house.*

The remaining violations should be corrected within a specific time period determined by the BZA.

- *Unprotected electrical cord in the front yard terminating at the swing set.*
- *Required protective insect screens on various windows are torn or missing.*
- *Required protective shield on clothes dryer duct work requires replacement.*
- *Protective treatment missing on all rear trim, and enclosed rear porch.*
- *Missing window trim on one rear window and parts of the enclosed porch.*

- Structures comply with the Zoning Ordinance.

- *Accessory structure, swing set / slide play / equipment in the front yard.*
- *Accessory storage structure, 18' 2" x 12' 3" or 223 square feet in area, in the left side/rear yard that is in excess of 8' 6" in height and is not in accordance to with the location requirements of Article 10.*
- *Enclosed porch may encroach into the minimum required rear yard.*

cc: street files









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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.