



APPLICATION ACCEPTED: October 30, 2014
BOARD OF ZONING APPEALS: January 6, 2016
@ 9:00 AM

County of Fairfax, Virginia

December 30, 2015

STAFF REPORT

APPLICATION SP 2014-SP-228

MOUNT VERNON DISTRICT

APPLICANT: Dilshad Begum d/b/a Kid's 1st Care

LOCATION: 8340 Reddick Avenue

PARCEL: 101-4 ((7)) 11

LOT SIZE: 18,242 square feet

ZONING: R-2: Residential, Two Dwelling Units/Acre

PLAN MAP: Residential; 2-3 du/ac

ZONING ORDINANCE PROVISIONS: 8-305 & 8-923

PROPOSAL: To permit a home child care facility for up to 12 children and to permit a fence greater than 4 feet in height to remain in a front yard

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-SP-228 for the home child care facility, subject to the proposed conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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

Nick Rogers, AICP

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



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recommendation 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 this application

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

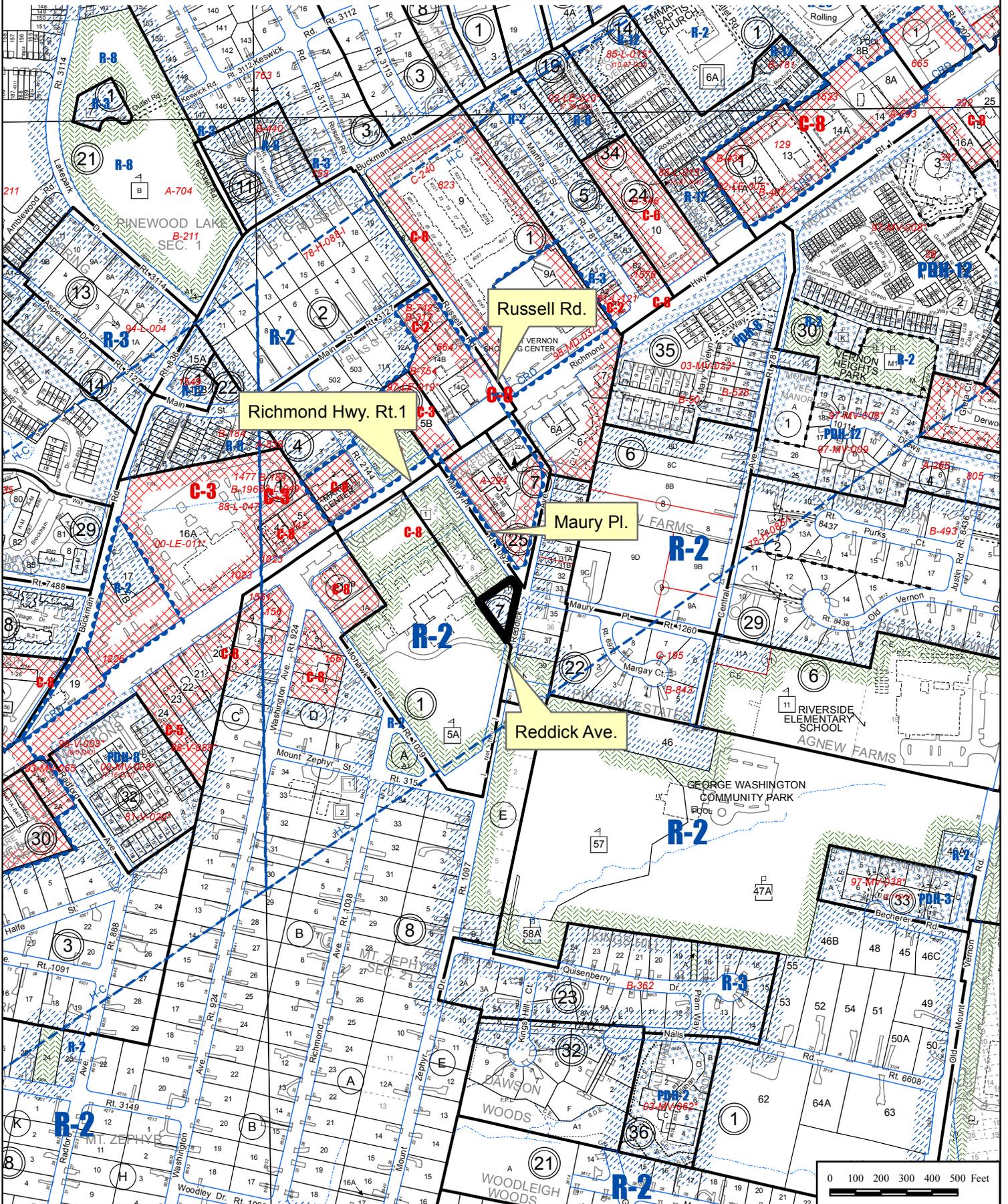
Board of Zoning Appeals meetings are held in the Board Auditorium of the Government Center (12000 Government Center Parkway, Fairfax, VA 22035)



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

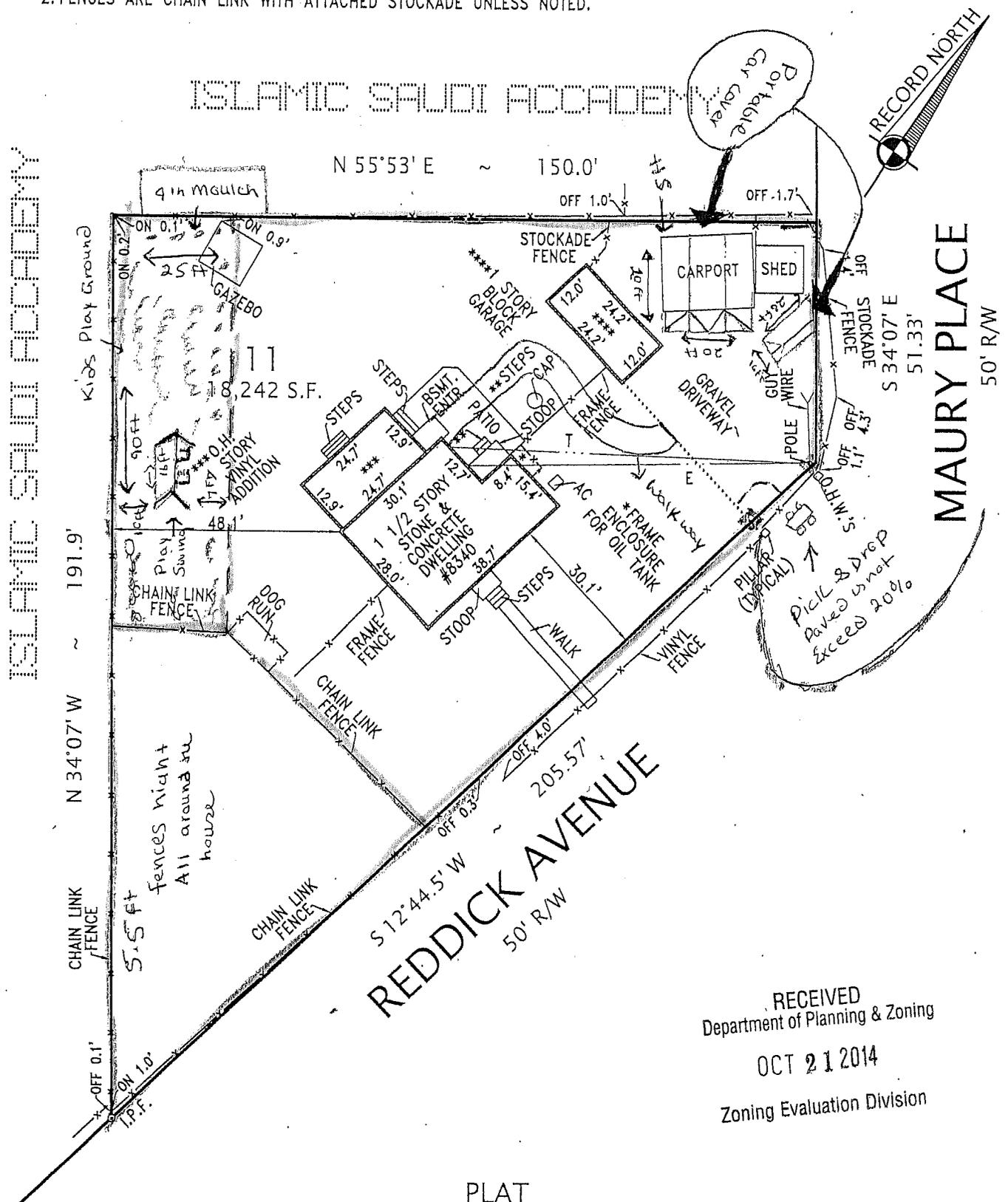
SP 2014-MV-228
DILSHAD BEGUM D/B/A KID'S 1ST CARE



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NOTES: 1. PILLARS ARE 1.6' SQUARE STONE.
2. FENCES ARE CHAIN LINK WITH ATTACHED STOCKADE UNLESS NOTED.

ISLAMIC SAUDI ACADEMY

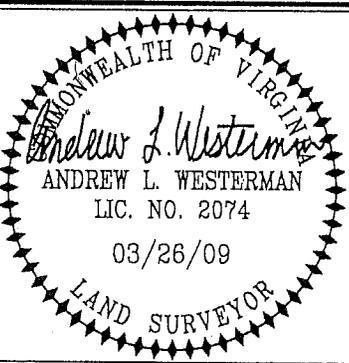
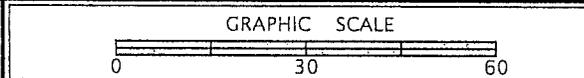


RECEIVED
Department of Planning & Zoning
OCT 21 2014
Zoning Evaluation Division

PLAT
SHOWING HOUSE LOCATION ON
LOT 11 SECTION ONE
MT. ZEPHYR
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' MARCH 24, 2009

D. Shahad Beg
10/10/2014

CASE NAME: BEGUM/KHAN ~ PIRZADA



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

REQUESTED BY:
BANGSTAR TITLE

ALEXANDRIA SURVEYS INTERNATIONAL, LLC
6210 NORTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22303
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

SPECIAL PERMIT REQUEST

The applicant, Dilshad Begum (doing business as Kid's 1st Care), requests approval of a Special Permit for a home child care facility with up to 12 children at 8340 Reddick Avenue. For properties zoned R-2, home child care facilities may be established by-right with up to 7 children in a single-family detached structure. An applicant may increase this maximum to 12 children with an approved Special Permit from the Board of Zoning Appeals.

The applicant also requests an increase in fence height for the existing 5.5 foot tall fence in the applicant's front yard. Per Section 10-104, Paragraph B of the Zoning Ordinance, a fence not exceeding 4 feet in height is permitted in any front yard. An increase in fence height of up to 6 feet may be permitted with an approved Special Permit in accordance with Section 8-923 of the Zoning Ordinance.

A reduced copy of the Special Permit Plat (SP Plat) is included in the front of the staff report. Copies of the draft development conditions, the statement of justification with file photographs, and the affidavit are included in Appendices 1, 2, and 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is located in the Mount Zephyr neighborhood south of Richmond Highway. The site borders property owned by the Fairfax County Board of Supervisors and currently occupied by the Islamic Saudi Academy of Washington. The existing dwelling is approximately 2,023 square feet, which includes an approximately 318 square foot addition. A gravel driveway provides surface parking on site, and a concrete walkway connects the driveway to a rear yard entrance to the dwelling's basement.

Other site features include the following:

- A 400 square foot detached carport;
- A 290 square foot detached garage;
- A 100 square foot shed;
- A 3,800 square foot existing dog run for one dog;
- A 5.5 foot tall fence along the property's rear yard lot line and a portion of the front yard lot line, with additional fencing to enclose the dog run; and,
- An approximately 2,200 square foot outdoor play area in the rear yard.

The residential properties to the east are similarly zoned R-2 and are developed with single-family detached dwellings. The Board owned property is predominantly zoned R-2, but is split zoned with C-8 along its Richmond Highway frontage. The site and surrounding area are shown in Figure 1.

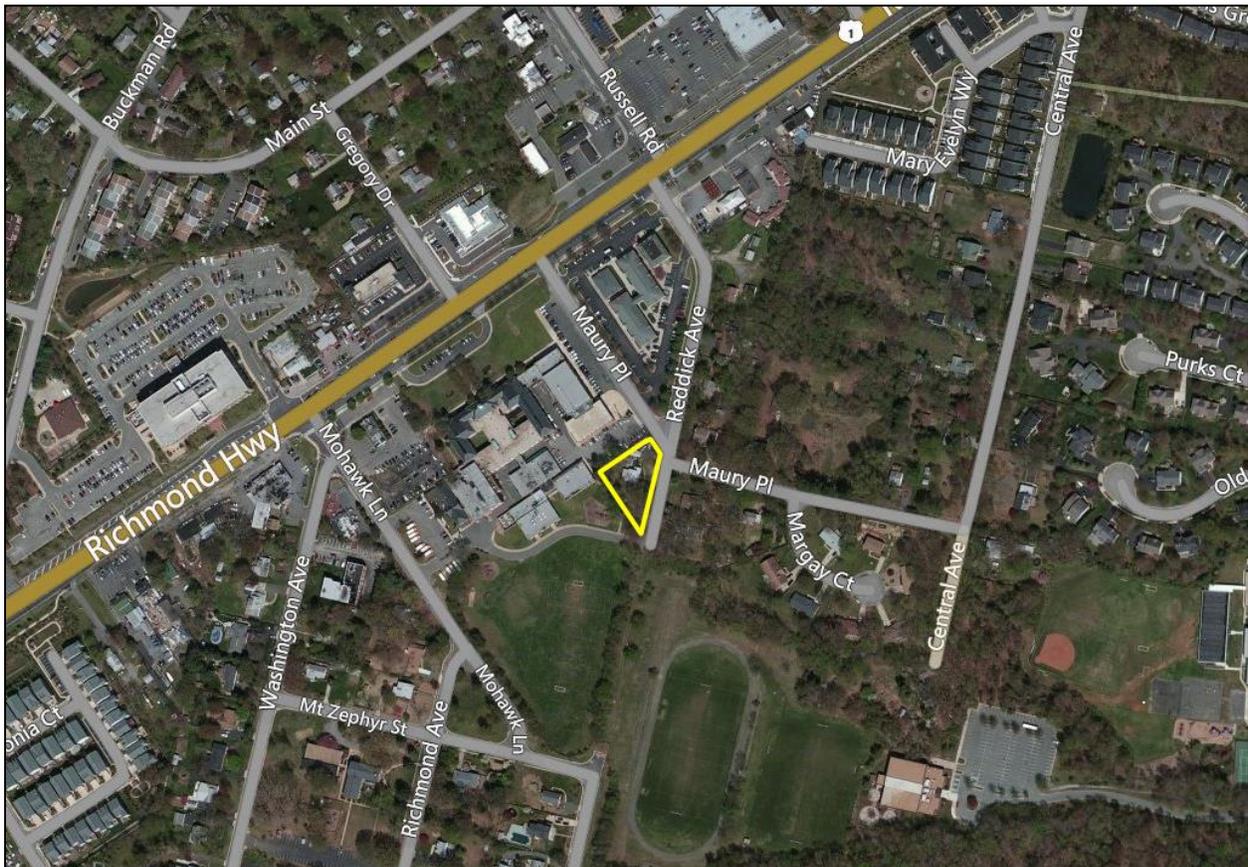


Figure 1: The subject property is located on the corner of Maury Place and Reddick Avenue (Source: Fairfax County DPZ GIS and 2015 aerial photography)

BACKGROUND AND HISTORY

According to the Department of Tax Administration's records, the dwelling was constructed in 1948. The applicant has lived at the property and operated a home child care facility at this location since 1998. County records do not indicate the date for when the addition to the house was constructed.

A Notice of Violation (NOV) was issued on June 2, 2008 for having signs posted on neighborhood utility poles advertising the home child care facility. The NOV was closed on August 20, 2008 when County inspectors verified that the signs had been removed.

Fencing

Staff field verified the height of the existing fence enclosing the existing dog run along the site's Reddick Avenue frontage. The dog run fence exceeded the 4-foot maximum permitted by the Zoning Ordinance. The applicant requested an increase in fence height for the fence sections within the front yard which enclose the dog run; that analysis is incorporated into this staff report.

In addition, staff requested removal of fencing shown on the SP Plat that was located within the public right-of-way. The applicant removed the fence sections from the right of way.

Temporary Portable Storage Containers

Staff determined that three canvas tents being used to store vehicles on site were considered temporary portable storage containers. Paragraph 12C of Section 10-104 of the Zoning Ordinance limits the use of temporary portable storage containers to no more than 30 consecutive days within a 6-month period. The containers also exceeded the maximum square footage and maximum height permitted by the aforementioned Zoning Ordinance section. At the request of staff, the applicant removed the canvas tents from the subject property.

Vested Rights Determination

Staff determined that an existing detached garage, existing carport, and existing shed were each located within the front yard of the subject property. These improvements were shown on the SP Plat. These accessory structures are not permitted within a front yard per Paragraph 10B of Section 10-104 of the Zoning Ordinance.

Staff consulted with the Zoning Administration Division (ZAD) to determine whether any of these existing features could be vested as legal and allowed to remain under §15.2-2307 of the Code of Virginia. Based on real estate assessment records and air photo analysis, ZAD determined that the carport, shed, and garage were vested and could remain. This vested rights determination is included as Appendix 4 of the staff report.

Building Permit Review and Inspection

After conducting research on the 318-square foot addition to the rear of the dwelling, staff was unable to locate building permit records which demonstrated that either the applicant or previous owners had received building permit approval or final approved inspections for the addition. At staff's request, the applicant submitted building permit and electrical permit applications to DPWES, which were inspected and received final approvals.

Based on research conducted in collaboration with the Department of Public Works and Environmental Services (DPWES), the dwelling's finished basement was inspected and approved with the construction of the dwelling. However, modifications to install a wetbar in the basement had not been permitted or inspected. At staff's request, the applicant submitted building and plumbing permit applications to DPWES for review and approval. At the time of the staff report's writing, the applicant was undertaking

alterations in response to initial DPWES inspections, with the intent of receiving final approval with a follow up inspection prior to the January 6th public hearing.

DESCRIPTION OF THE APPLICATION

Home Child Care Facility

The applicant proposes to continue operating a home child care facility with up to 12 children at any one time in accordance with the provisions of the facility's Family Day Home License. Issued by the Virginia Department of Social Services, the applicant's license is valid through September 2, 2016 and permits a capacity of 12 children from birth to 12 years, 11 months. The applicant employs two full-time assistants. A copy of the state license information is included in Appendix 5.

The applicant would continue to operate the facility seven days a week from 7:00am to 7:00pm. Children arrive in a staggered schedule from 7:00am to 9:15am. Afternoon departure is also staggered and ranges from 3:45pm to 6:45pm. The applicant's arrival and departure schedule is enclosed in Appendix 2.

According to the applicant, parents primarily use the applicant's driveway for arrival and departure. The driveway has space for a minimum of four cars available for parked cars excluding those already parked by the applicant and her family. Upon arrival, parents walk their children from the driveway along the concrete walkway to a basement entrance to the dwelling. The applicant parks her car within the garage. The applicant's assistants do not drive to the dwelling, and do not park on site.

The majority of the home child care services are provided in the approximately 643-square foot basement. Snacks and meals are served in an approximately 112-square foot room served by a sink and microwave. The applicant identifies an approximately 177 square foot area labelled for free play and activity on the submitted floor plan. At the initial filing of the application, the applicant was using the approximately 321 square foot Room 1 as the sleeping area for children. This area was deemed to not have direct egress to the exterior of the building by the Zoning Inspections Branch (ZIB) in its initial inspection. In response to staff comments, the applicant relocated all sleeping areas to the Free Play/Activity Area since it has two exits inspected by staff and determined to meet the applicable ingress/egress requirements. These exits include a stairwell leading up to the first floor of the house and a door leading to a stairwell and the aforementioned concrete walkway.

The SP Plat identifies an approximately 2,200 square foot outdoor play area within the rear yard. The applicant has provided a swing set within this play area, along with a variety of toys and movable play equipment. The rear yard is enclosed with a fence, and additional fencing separates the existing dog run from the outdoor play area.

Increase in Fence Height

The applicant has also requested permission to allow a fence greater than four feet in height to remain in the front yard. The 5.5 foot tall chain link fence with mesh screening encloses the existing dog run located in the functional side yard of the property, but within the technical front yard adjacent to Reddick Avenue. The applicant’s desire is to maintain the existing fence as a suitable enclosure for the applicant’s son’s dog.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
Planning District: Mount Vernon Planning District
Planning Sector: Richmond Highway Corridor Area
 South County Center Community Business Center; Sub-unit B-2
Plan Map: Residential development at 2 to 3 dwelling units per 1 acre

Zoning District Standards

Table 1: Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	18,000 sf.	18,242 sf.
Lot Width	125 feet	≈85 feet – Maury Place ¹ ≈205 feet – Reddick Avenue
Building Height	35 feet max.	≈20 feet
Front Yard	Min. 35 feet	≈55 feet – Maury Place ² 30.1 feet – Reddick Ave.
Side Yard	Min.15 feet	≈40 feet
Rear Yard	Min. 25 feet	≈40 feet

1 The subject parcel was created prior to the adoption of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405.

2 Legally constructed in 1948 prior to the adoption of the Zoning Ordinance

On-Site Parking and Site Circulation

The applicant’s driveway can accommodate a minimum of two parked vehicles side by side. According to the applicant’s statement of justification and staff’s visual observations from the site inspection, the applicant’s vehicles are parked within the garage and underneath the carport in a manner that keeps the driveway clear for arrival and departure of parents’ vehicles.

Zoning Inspections Branch Report (Appendix 7)

Staff conducted an initial site visit with members of the Zoning Inspections Branch (ZIB) in January 2015. Staff identified a number of concerns, including structures that did not comply with the Zoning Ordinance as well as modifications to the dwelling that had not received building permits or inspections. The ZIB inspections analysis is enclosed as Appendix 4. All required smoke alarms were installed. As previously discussed, the applicant has relocated the sleeping areas to the Free Play/Activity Area which has direct egress to the dwelling’s exterior. The applicant has the requisite number of smoke alarms installed.

Zoning Ordinance Requirements (Appendix 8)

The applicant’s request must meet the standards of the following Zoning Ordinance Sections:

- Sect. 8-006: General Special Permit Standards;
- Sect. 8-303: Standards for all Group 3 Uses;
- Sect. 8-305: Additional Standards for Home Child Care Facilities;
- Sect. 10-103, Par. 6: Use Limitations for Home Child Care Facilities; and,
- Sect. 8-923: Provisions for Increase in Fence and/or Wall Height in Any Front Yard.

General Special Permit Standards (Sect. 8-006):

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential use for the subject property, and the property is developed residentially using the R-2 District. Home child care facilities with up to 7 children are permitted by right, but require Special Permit approval to have up to 12 children. Staff finds the proposed increase in children to be harmonious with the Comprehensive Plan and the general purpose and intent of the R-2 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed with this application. The subject property is adjacent to other identically zoned residences. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>

<p>Standard 4 Pedestrian/ Vehicular Traffic</p>	<p>The applicant’s proposal would continue to stagger the arrival and departure times of the children. With adequate on-site parking, the proposed increase in children would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/ Screening</p>	<p>There is an existing fence enclosing the yard behind the house that provides screening for outdoor play.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement for individual lots in the R-2 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>An increase in children for the existing home child care facility would not create impacts on the existing public facilities serving the subject property. The available parking in the garage and driveway would be sufficient to accommodate the proposed use.</p>
<p>Standard 8 Signs</p>	<p>Article 10, Section 10-103 of the Zoning Ordinance specifically prohibits signs for home child care facilities.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>Since the subject property was created as a legal lot prior to the adoption of the 1978 Zoning Ordinance, and since the dwelling was constructed in 1948, it is considered a legal lot under Section 2-405 of the Zoning Ordinance despite the fact that it is nonconforming with respect to lot width and front setback. No building additions or site modifications are proposed in the applicant’s request.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 Maximum of 12 Children & Non-Resident Employee</p>	<p>The applicant requests a maximum of 12 children. The applicant would continue to employ two assistants, with one assistant being her son who lives at the subject property. In staff’s opinion, 12 children and 2 employees would not create adverse impacts on the surrounding neighborhood.</p>
<p>Standard 2 Access and Parking</p>	<p>In staff’s opinion, the access and parking are sufficient to accommodate the proposed increase in children.</p>

Standard 3 Landscaping and Screening	In staff's opinion, no additional landscaping is required for this location to accommodate the proposed increase in children.
Standard 4 Submission Requirements	The submission requirements were reviewed and satisfied with the acceptance of the application for review.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant is subject to state licensing and registration procedures, and presently holds a license for 12 children through September 2, 2016.

Use Limitations for Home Child Care Facilities (Sect. 10-103, Par. 6):

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is 7 in a single-family detached dwelling. The applicant requests approval for 12 children in a single family detached dwelling.
Part B Licensed Provider / Primary Residence	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
Part C No Exterior Evidence Except Play Equipment	In staff's opinion, there is no exterior evidence of the home child care facility other than the outdoor play equipment.
Part D Non-Resident Employee	The applicant employs one nonresident employee involved with the home child care facility during the facility's hours of operation. Should the applicant employ a second nonresident assistant at a future date, this employee would not create adverse impacts on the surrounding neighborhood.
Part E Provider is a Resident	The dwelling is the primary residence of the home child care provider
Part F Code of Virginia, Title 63.2, Chapter 17	The applicant is subject to state licensing and registration procedures, and presently holds a license through September 2, 2016
Part G Increase in Children or Non-Resident Employee	The applicant requests approval for an increase in the maximum number of children and employees permitted for a single family detached dwelling. In staff's opinion, a maximum of 12 children and 2 nonresident employees would be appropriate for the subject property.

Provisions for Increase in Fence in Any Front Yard (Sect. 8-923):

Standard 1 Fence Shall Not Exceed 6 Feet in Height	The SP Plat plat indicates that the existing fence is 5.5 feet high. The tallest point of the fence does not exceed six feet in height.
Standard 2 Meet Sight Distance Requirements	The existing fence is not located in an area that would restrict sight distance.
Standard 3 Proposed Fence Height is Warranted	The property has two front yards along Maury Place and Reddick Avenue. The applicant has requested the increased fence height to allow the existing fence to remain which encloses the outdoor dog run, shields the dog run from the view of the neighboring residential properties, and shields the subject property from the adjacent school. Due to the shape and orientation of the subject property, a significant portion of the southern end of the site is considered a front yard.
Standard 4 Fence is in Character with On-site and Off-site Uses	Similar fencing exists extends from the subject property along the adjacent school's property boundary and encloses the school's outdoor soccer field. To ensure maintenance of the mesh screening used along the fence, staff has proposed a development condition that requires the applicant to keep it in an undamaged state.
Standard 5 Fence Will Not Adversely Impact Other Properties	In staff's opinion, the fence will not adversely impact other properties.
Standard 6 Board of Zoning Appeals May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 7 Submission Requirements	The submission requirements were reviewed and satisfied with the acceptance of the application for review.
Standard 8 Architectural Depictions Provided	Pictures of the existing fence have been included in Appendix 7.

CONCLUSIONS AND RECOMMENDATIONS

The applicant's request would conform to the applicable provisions in the Zoning Ordinance and would be harmonious with the Comprehensive Plan. The subject property can support the increased number of children due to an ample rear yard, a

location at the end of a local street with low traffic, and adequate space in the driveway and on the street to facilitate arrival and departure.

Staff recommends approval of SP 2014-MV-228 for a home child care facility, subject to the proposed conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation 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 this application

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photos
3. Affidavit
4. Vested Rights Determination
5. State Family Day Home License
6. Existing Fence Pictures
7. Zoning Inspection Branch Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 2014-SP-228****December 30, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-228 located at Tax Map 101-4 ((7)) 11 to permit a home child care facility and a fence in a front yard, pursuant to Sections 3-203, 8-305, and 8-923 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, Dilshad Begum, Kid's 1st Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 8340 Reddick Avenue, and is not transferable to other land.
2. This Special Permit is granted only for the home child care facility use and the fence in the front yard over four feet in height as indicated on the plat entitled "Plat Showing House Location on Lot 11, Section One | Mt. Zephyr | Fairfax County, VA," prepared by Andrew L. Westerman, L.S., dated March 26, 2009 as modified by Dilshad Begum on October 10, 2014, 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 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 approved hours of operation, 7:00am to 7:00pm, seven days a week.
5. The dwelling that contains the home child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on site at any one time shall not exceed 12.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00am to 6:00pm, Monday through Friday.
8. All pick-up and drop-off of children shall occur on-site in the driveway. The driveway shall be kept clear during the hours of operation of the home child care facility.

9. The existing garage and the existing carport shall not be converted to any use which would preclude the parking of vehicles, and shall be kept clear at all times in order to accommodate parking for the dwelling and the home child care provider.
10. There shall be no signage associated with the home child care facility.
11. 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.
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 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.
14. The applicant shall maintain the mesh screening used along the Reddick Avenue front yard fence in undamaged condition, free of holes and tears.

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 Section 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

Begum Dilshad
Kids 1st Daycare
8340 Reddick Avenue Alexandria, VA 22309
703-619-1016

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

March 26, 2014

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

Re: Special Permit Application

Applicant: Begum Dilshad

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

Tax Map #: 1014-07-0011

Zoning District: R-2

Lot Size: 18,242 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I rent and live in a single-family detached dwelling at 8340 Reddick Avenue in Alexandria, Virginia with one child. The property is zoned R-2 and I understand that 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 childcare facility in my home. Below is information about my child care facilities operations:

Hours: The childcare is open from 7:00 AM to 7:00 PM, seven days a week.

Number of Children: I currently care for 10 children. I propose to care for a maximum of 12 children at any one time. This number does not include my own child.

Employees: I have one assistant who works full time. My son also works with me as an assistant full time.

Arrival Schedule: Two of the children will arrive between 7:00 AM and 7:45 AM. Five children will arrive between 7:45 AM and 8:15 AM. Three children will arrive between 8:15 AM and 8:45 AM. Two of the children will arrive between 8:45 AM and 9:15 AM. Five children will be provided pick up service from their residence to my child care using our own car.

Departure Schedule: One child will be picked up between 3:45 PM and 4:30 PM. Four children will be picked up between 4:30 PM and 5:30 PM. Five children will be dropped off back to their residence between 5:30 PM and 6:00 PM. Two of the children will be picked up between 6:00 PM and 6:45 PM. *(Please see my page 4 or appendix 1 with my proposal Arrival and Departure Schedule for all proposed 12 children).*

Parking: I use my garage to park my family car. My driveway provides enough parking for two cars because the driveway is more than 28ft long and holds two cars side by side. In addition, ample parking is available along the streets in front of my house for the parents and employees.

Area Served: Currently, most of the children live in the general vicinity of my neighborhoods. Many children live within 5 miles of my house and their parents drive their children to my house. As I noted, five of the children are being provided pick and drop service by my son in our own car.

Operations: As I stated, my house is a single-family detached dwelling. It has a walk-out basement which is where the children spend most of their time. I have a separate eating area with a sink which is located in the basement where kids eat their snacks/meals and wash their hands. Appendix 2 is a floor plan/layout that indicates the areas where the daycare is operating. The house has 1705 square feet. The basement area where I conduct the daycare consist of approximately 643 square feet in total. *(See the forth page or Appendix 2 for the floor layout and interior photos of each room used for the day care)*

Hazardous 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 justification for such modification.

Outdoor Play area: I use Vernon Heights Park for outdoor play for the children, which is a close public community park a mile away from the daycare. Transportation will be provided in my own car.

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

Sincerely,

A handwritten signature in cursive script that reads "Dilshad Begum".

Begum Dilshad

Owner of Kids 1st Childcare

Proposed Arrival and Departure Schedule for:

Dilshad Begum
Kids 1st Daycare
8340 Reddick Avenue
Alexandria VA 22309

Proposed Arrival Schedule

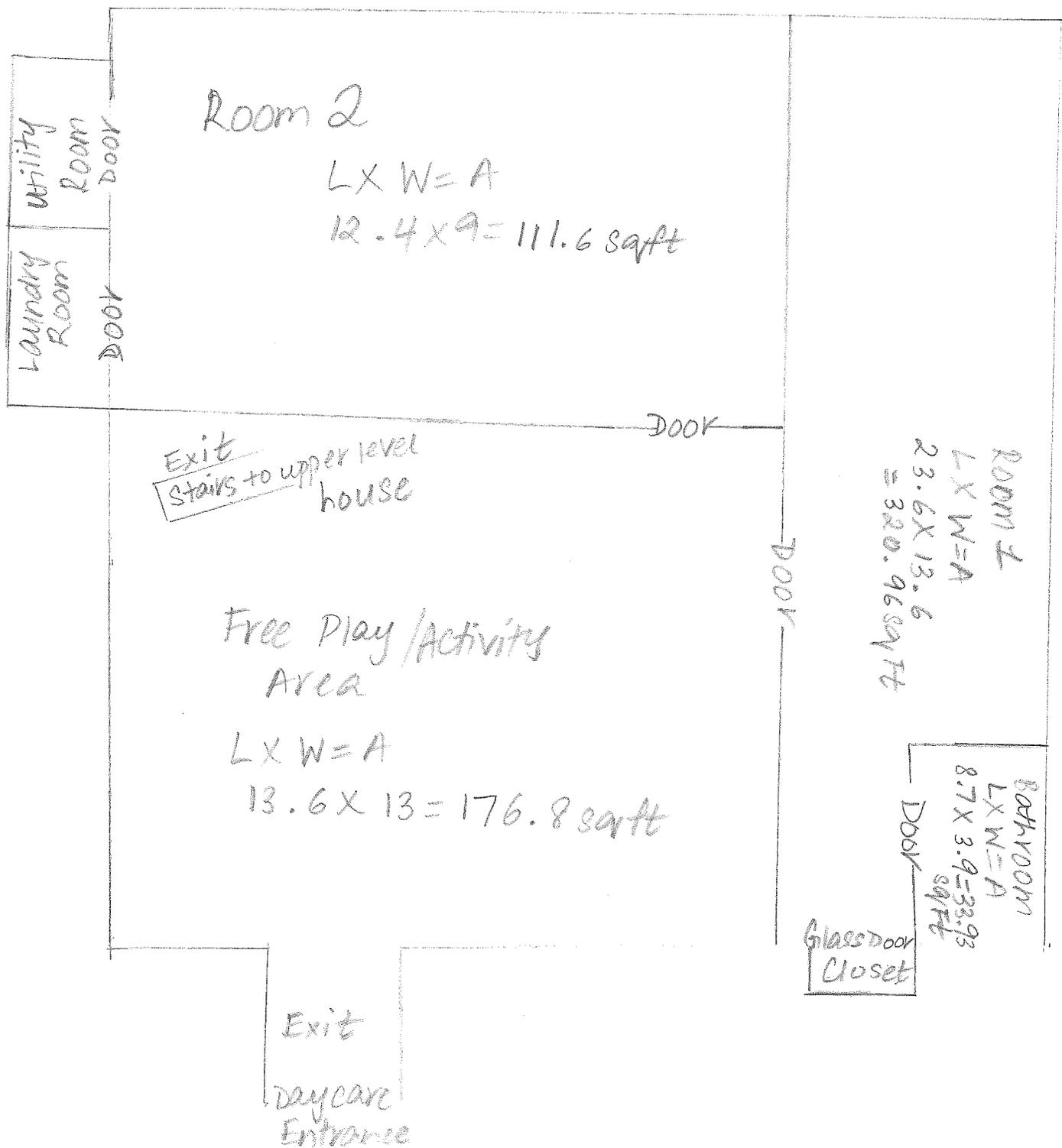
CHILD	7:00 AM- 7:45 AM	7:45 AM- 8:15 AM	8:15 AM- 8:45 AM	8:45 AM- 9:15 AM
1	X			
2	X			
3		X		
4		X		
5		X		
6		X		
7		X		
8			X	
9			X	
10			X	
11				X
12				X

Proposed Departure Schedule

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

Appendix 1

Daycare Layout



Kid's 1st Daycare
8340 Reddick Avenue,
Alexandria VA 22309

703-619-1016

Appendix 2

CHECKLIST REPORT

PAGE 3 OF 4

Dear honorable Deborah Lesko:

Here's the answer of Deficient / Comment:

(305.22) The Portable Carport Canopy's: - height and distances from lot lines is 5.5 ft. There are 3 portable cover 10x20 / 8.5 ft tall.

1- Chain link Fences is all around the house: - Height is 5.5 ft.

2- Gravel is located in driveway and pick/ drop area. Car parking paved is not exceeding more then 20%.

(305.23) Distances of all structures from lot lines is 5.5 ft.

(305.24) Local Park is not being use for outdoor play area. We have made the outdoor play area in the backyard of the house, that encourage kids to spend time outdoors and it's safer then community playground. Size is 90ft x 25ft with 3-inch soft Mulch all-around play area. Headstrom swing set made in USA, it's very safe. The measurement are 16ft x 7ft / 7ft tall and distance from lot lines is 10ft. with is 5.5ft privacy fence.

I'm also attaching House plat map, with highlights and drawn. I did best of my knowledge, I hope this will help.

Thanks D. Begum

(703) 619-1016

RECEIVED
Department of Planning & Zoning

OCT 21 2014

Zoning Evaluation Division





Application No.(s): SP 2014-MV-228
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

132518

DATE: 10-21-2015
 (enter date affidavit is notarized)

I, Dilshad Begum, 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)
Dilshad Begum d/b/a Kids 1st Care	8340 Reddick Avenue, Alexandria VA 22309	Applicant/Lessee
Yasmin Pirzada	8401 Osman Drive Alexandria, VA 22309	Title Owner
Amir M. Khan	8340 Reddick Avenue, Alexandria, VA 22309	Co-Title Owner.
Sehrish Pirzada	8210 Lakepark Drive Alexandria, VA 22309	Agent.

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2014-MV-228
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-21-15
(enter date affidavit is notarized)

132518

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-MV-228
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-21-15
(enter date affidavit is notarized)

132518

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): SP 2014-MV-228
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-21-15
(enter date affidavit is notarized)

132518

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-MV-228
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-21-15
(enter date affidavit is notarized)

132518

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Shrisha Pirzada

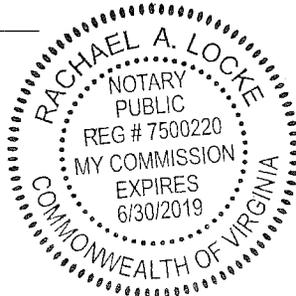
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21st day of October, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Rachael A. Locke

Notary Public

My commission expires: 6/30/2015





County of Fairfax, Virginia

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

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	101-4 ((7)) 11
Property Address:	8340 Reddick Avenue
Requestor's Name:	Nick Rogers
Requestors Address: (if different than above)	Zoning Evaluation Division (ZED)
Requestor's Contact Information:	703.324.1226; Nicholas.Rogers@fairfaxcounty.gov
Current Zoning:	R-2
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Mt. Zephyr, Section 1, Lot 11

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

An application for a special permit for a home child care facility, SP 2014-MV-228, has been received and is currently under review on the subject property; it is scheduled for a hearing before the Board of Zoning Appeals on July 22, 2015. Included with that application is a plat, dated October 10, 2014 and titled "Plat, Showing House Location on Lot 11, Section One, Mt. Zephyr, Fairfax County, Virginia," on which this determination is based.

The property is a corner lot zoned to the R-2 District, and is approximately 18,242 square feet in size. The lot is developed with a single-family detached dwelling with an attached patio at its northwest corner. The dwelling includes a 12.9 foot by 24.7 foot rear addition, which is the subject of this vested rights determination. In addition, the property includes several detached accessory structures, including a garage, carport and shed, all of which are located in the northwest corner of the property within the front yard adjacent to Maury Place; these structures are also the subject of this request. Furthermore, there are three temporary "portable car covers" located in the front yard: two within the carport itself, and a third located south of the shed and directly on the property line adjacent to Maury Place.

Pursuant to the Fairfax County Zoning Ordinance, the minimum required yards for a corner lot in the R-2 district are 35 feet for each front yard, 15 feet for the side yard and 15 feet for the rear yard. In addition to the minimum required yards as measured from the property line, the Ordinance also establishes a front yard, which is that area extending across the full width of a lot and lying between the front lot line and the principal building. Based on these provisions, the following applies to the subject property and the identified existing structures:

- Regarding the portable car covers, pursuant to Par. 28 of Sect. 10-102, temporary portable storage containers, while allowed in any yard of any lot containing a dwelling, shall not remain longer than 30 consecutive days within a six-month period. Furthermore, such containers shall not exceed a cumulative gross floor area of 130 square feet, nor a height of 8 ½ feet. The three portable car covers on this lot are in violation of these provisions.
- Pursuant to Par. 10B of Sect. 10-104 of the Ordinance, accessory storage structures, such as the shed, shall not be located in any minimum required front yard, or within any front yard on a lot containing less than 36,000 square feet. The shed, therefore, is in violation of this provision.
- Pursuant to Par. 12C of Sect. 10-104, accessory structures such as garages shall not be located in any minimum required front yard, or within any front yard on a lot containing less than 36,000 square feet. The garage, which is in the front yard, is therefore in violation of this provision. The carport, insofar as it is detached from the dwelling, fails to meet the definition of a carport as set forth in the Ordinance. Therefore, it is considered an accessory structure and, given its location in the front yard beside the garage, is also in violation of this provision.
- The rear addition to the dwelling meets the minimum required setbacks for the R-2 District and is, therefore, in compliance.

Analysis

Pursuant to §15.2-2307 of the Code of Virginia, if (a) local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (b) the owner of the building has paid taxes for the structure for more than 15 years, the structure is not illegal and may remain.

According to Fairfax County's estate assessment records, the original dwelling and the three subject detached accessory structures were all constructed in 1948, and taxes have been paid on these structures for at least fifteen years. The rear addition first appears in the assessment records in 2009, and the attached patio first appears in 2014. There is no building permit record for the rear addition or the three accessory structures that are the subject of this request. Based on the information contained in County records, Virginia Code §15.2-2307 is applicable to the three subject accessory structures and, therefore, they may remain. Regarding the rear addition to the residence, since it meets all applicable setbacks, it requires no vesting pursuant to Virginia Code §15.2-2307. However, it does not appear to have been constructed in accordance with any building permit, as required, and one should be obtained. Information on building permits may be obtained by calling The Department of Public Works and Environmental Services (DPWES) at 703.222.0801.

Lastly, while not the subject of this request, as discussed above, the portable car covers are in violation of the Fairfax County Zoning Ordinance. Therefore, these temporary structures must be removed in order to be in compliance.

Background Summary (check all that are applicable):

- A Building Permit has been issued for the structure(s).
- A Building Permit was not located for any of the detached accessory structures.

- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the structure has been taxed for at least 15 years.
- Department of Tax Administration records indicate that the three detached accessory structures have been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable for the structures, and so they may remain. These structures may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.
- §15.2-2307 of the Code of Virginia is applicable for the structure(s) and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
- §15.2-2307 of the Code of Virginia is not applicable for the structure(s).

Reviewer's Signature: _____ **Date:** _____
Zoning Administration Division
Department of Planning and Zoning

cc: Howard Goodie, Assistant Real Estate Director, Real Estate Division, DTA
Leslie B. Johnson, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch

Commonwealth of Virginia



DEPARTMENT OF

SOCIAL SERVICES

FAMILY DAY HOME LICENSE

Issued to: Dilshad Begum, d.b.a. Kid's 1st Care

Address: 8340 Reddick Avenue, Alexandria, Virginia 22309

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:

<u>CAPACITY</u>		
12		
<u>GENDER</u>	<u>AGE</u>	
Both	Birth through 12 years	

This license is not transferable and will be in effect September 1, 2015 through September 2, 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 1106429-L110
LICENSE NUMBER

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By
James J. Parcelli

Title LICENSING ADMINISTRATOR

Date September 2, 2015









County of Fairfax, Virginia

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

Date: January 9, 2015

To: Nick Rogers, Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Child Care Facility SP 2014-MV-228

Applicant: Dilshad Begum d/b/a Kids 1st Care
8340 Reddick Avenue, Alexandria, Virginia 22309
Mount Zephur, Section 1, Lot 11
Tax Map #: 101-4 ((7)) 11
Zoning District: R-2

*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.
- *The child care facility in this single family dwelling is below grade. There are (2) windows located in the room in which children sleep. These windows are approximately 32" x 15" or an openable area of approximately 0.22 square feet. The windows are 57" from the floor to bottom the openable window area. Rooms used for sleeping purposes must provide two means of egress, including one means of egress that leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. This area should not be used for sleeping purposes until proper ingress/ egress is achieved.*
- 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.

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/

8340 Reddick Avenue
January 9, 2015

- 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.
 - *There was exposed wiring running along and affixed to the ceiling/wall area above the entrance and exiting at an exterior window that faces the garage.*
- 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.
 - *Protective treatment missing on the both sets of rear steps leading to the interior of the dwelling and the fascia boards in the rear of the dwelling.*
- Structures comply with the Zoning Ordinance.
 - *Accessory fence, in excess of four (4) feet, is located in the front yard.*
 - *Five (5) accessory storage structures are located in the front yard of this corner lot.*
 - *The addition located at the rear of the dwelling was completed without the proper trade permits.*
 - *The plat indicates an accessory dog run in the left side of the property. Although there were no dogs present, if this area is to be used as a dog run, it must be in conformance with the Zoning Ordinance.*

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.

10-103 Use Limitations

- 1.
- 2.
- ...

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.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) 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. 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. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, 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 a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - 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. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.