



APPLICATION ACCEPTED: November 6, 2015
BOARD OF ZONING APPEALS: February 3, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

January 27, 2016

STAFF REPORT

SPECIAL PERMIT SP 2015-PR-146

PROVIDENCE DISTRICT

APPLICANT: Maria Carmen Falcon
(Bright & Happy Beginners, LLC)

OWNER: Maria Carmen Falcon

SUBDIVISION: Wedderburn Heights

STREET ADDRESS: 8316 Second Avenue, Vienna, 22182

TAX MAP REFERENCE: 39-3 ((11)) (C) 42

LOT SIZE: 10,000 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-146 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

Sharon Williams

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

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

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

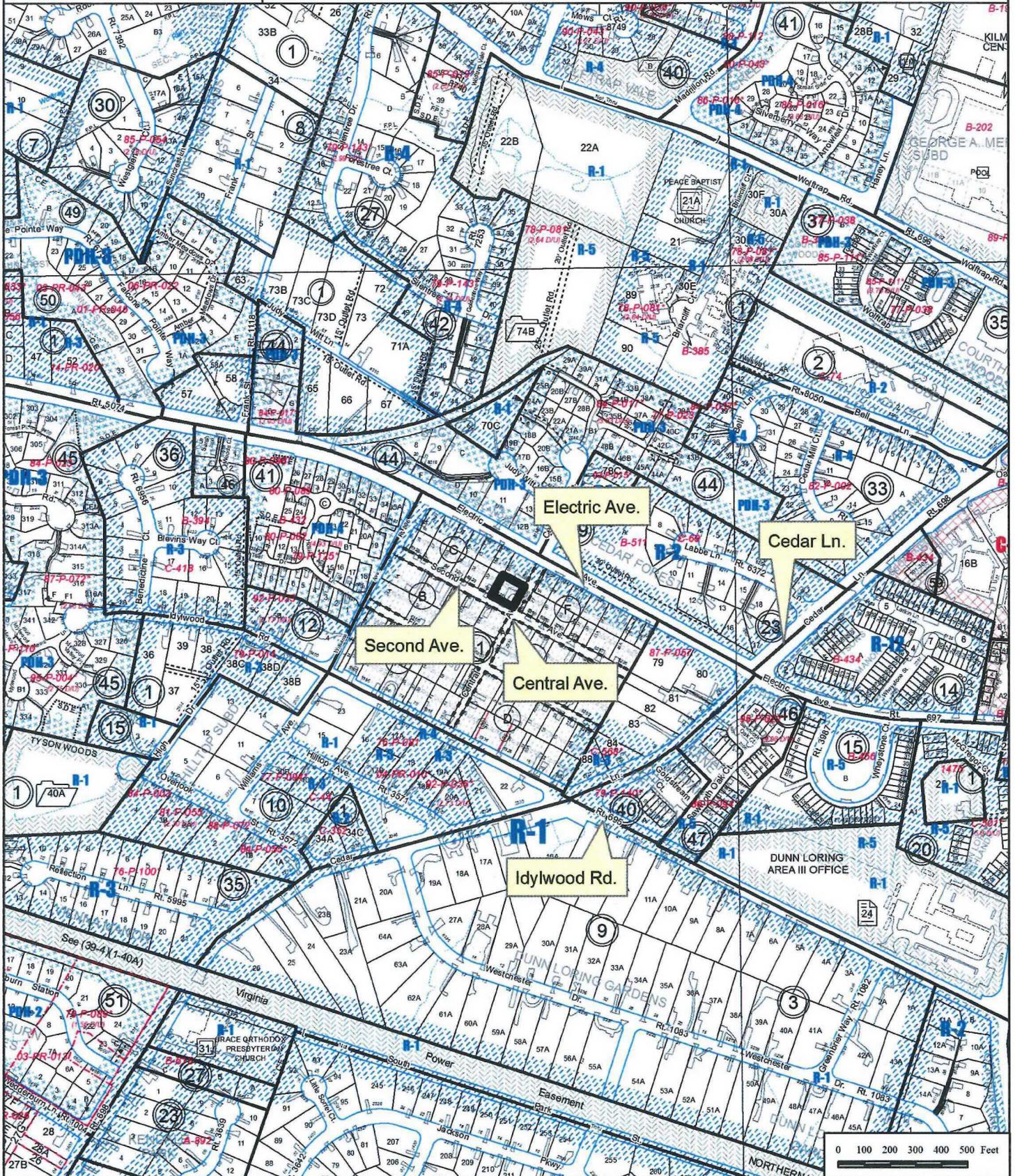


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



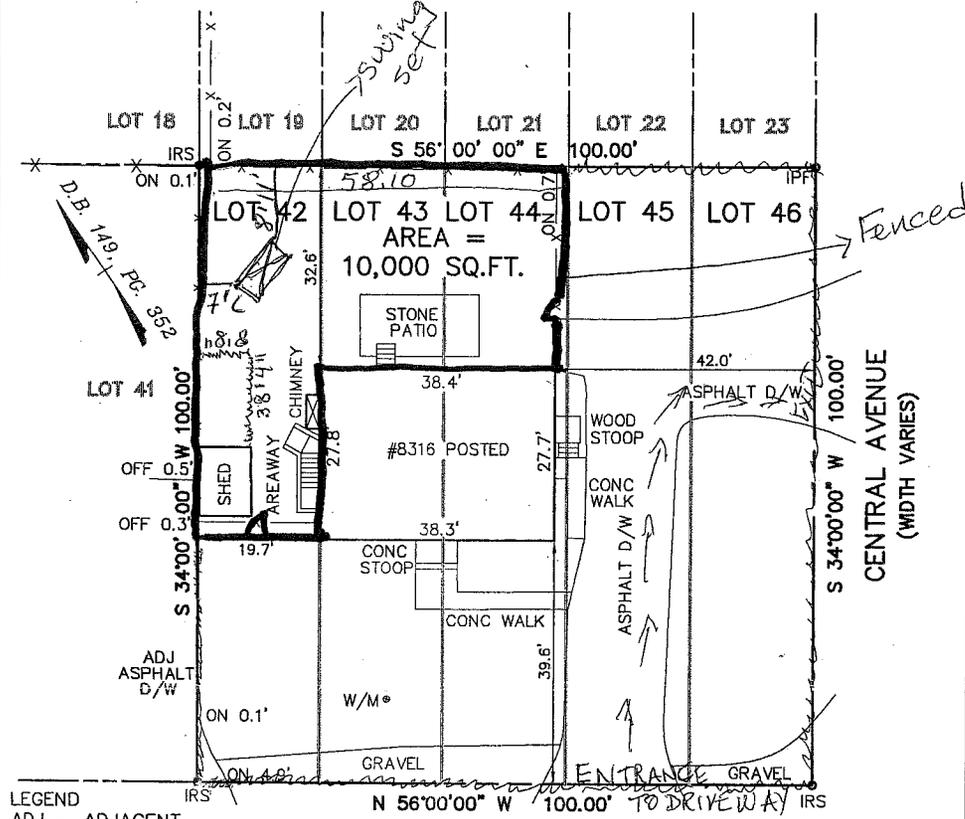
Special Permit SP 2015-PR-146

MARIA CARMEN FALCON / BRIGHT & HAPPY BEGINNERS, LLC



NOTES:

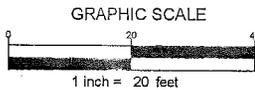
- 1) THIS BOUNDARY SURVEY IS BASED ON INFORMATION OBTAINED FROM PUBLIC RECORDS AND A FIELD RUN SURVEY BY RICE ASSOCIATES CONDUCTED ON AUGUST 16, 2004.
- 2) NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST ON THE PROPERTY AND ARE NOT SHOWN HEREON.
- 3) THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF MARIA CARMEN FALCON BY DEED RECORDED IN D.B. 16035, PG. 118 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VA.
- 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY OWNERSHIP.
- 5) THE SUBJECT BUILDING IS LOCATED IN F.I.R.M. ZONE 'X', AS SHOWN ON COMMUNITY PANEL NUMBER 515525 0100 D, DATED MARCH 5, 1990.
- 6) NO SUBSURFACE UTILITY INVESTIGATION.
- 7) NO CEMETERY SITES WERE OBSERVED ON THE SUBJECT PROPERTY.
- 8) THIS PLAT WAS FORWARDED ELECTRONICALLY IN READ ONLY FORMAT. ANY ATTEMPT AT ALTERATION INVALIDATES THE SEAL AND SIGNATURE. AN ORIGINAL HARD COPY REMAINS ON FILE AT RICE ASSOCIATES.



- LEGEND
- ADJ - ADJACENT
 - CONC - CONCRETE
 - D/W - DRIVEWAY
 - IPF - IRON PIPE FOUND
 - IRS - IRON ROD SET
 - R.O.W. - RIGHT-OF-WAY
 - W/M - WATER METER

SECOND AVENUE
(30' R.O.W.)

BOUNDARY SURVEY OF
LOTS 42, 43,
44, 45 & 46
BLOCK C
WEDDERBURN HEIGHTS
D.B. 149, PG. 352
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
TAX MAP #039-3-11-C-0042



DATE: 08/16/04 SCALE: 1" = 20'
DRAWN BY: TNA CHECKED BY: JEK

RICE ASSOCIATES

4001 WESTFAX DRIVE SUITE 100
CHANTILLY, VIRGINIA 20151
(703) 968-3200 FAX (703) 968-2705

FALCON
SELF

H1004515

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
NOV 09 2015

LEGEND / NOTES

- PROPERTY TOTAL \square 10,000
- HOUSE TOTAL \square 3,078
- HOUSE / DWELLING HEIGHT 30 FT.
- SHED HEIGHT 8 FT.
- SWING SET 6 FT. Distance from fenced 8'11 + 7'6
- FENCE 6 FT
- OUTDOOR PLAY 32.60 x 58.10 = 1,894.06 Sq feet

PREPARED BY: Maria Carmen Falcon

@falcon 10/31/15

SPECIAL PERMIT REQUEST

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

A copy of the special permit plat, titled "Boundary Survey of Lots 42, 43, 44, 45, & 46, Block C, Wedderburn Heights," prepared by John E. Krobath on August 17, 2004, as revised by the applicant Maria Carmen Falcon on October 31, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two-story single-family detached dwelling. Vehicular access to the property is provided via Second Avenue; the asphalt driveway extends from Second Avenue to Central Avenue. A concrete walkway and a stoop are located in the front yard on Second Avenue. The rear yard is enclosed by a 6 foot tall wood privacy fence. Small, moveable play equipment is present in the fenced portion of the rear yard.

The property is located northwest of Idylwood Road and south of Electric Avenue. The subject property and surrounding properties are zoned R-1 and are developed with single-family detached dwellings.

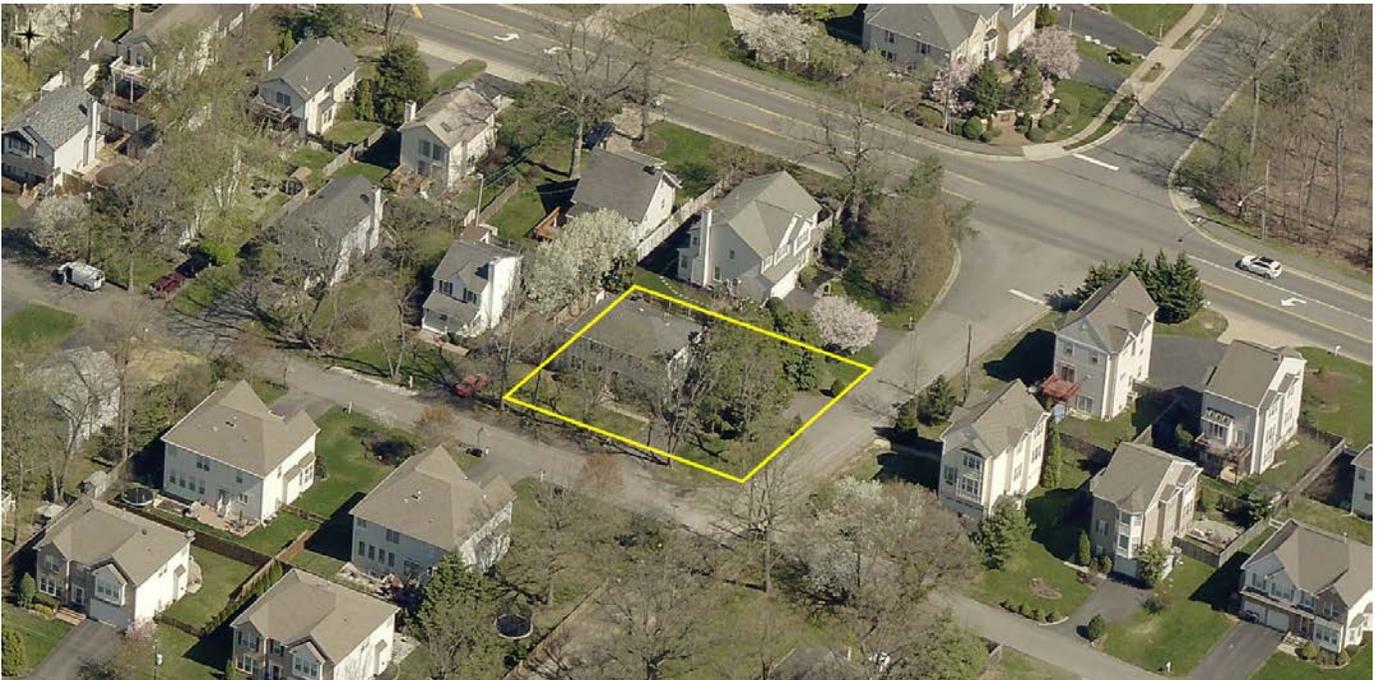


Figure 1: Aerial View

BACKGROUND

The application property and adjacent properties (lots 16-23 and 39-46) previously consisted of small, subdivided lots that were recorded prior to March 1, 1941. Those lots were later consolidated into larger lots in 1994, and as such, in accordance with Article 2-405 of the Zoning Ordinance they were allowed to be developed and used for the single-family detached use shown even though the lot size and width do not meet the minimum R-1 District requirements (Appendix 5). Fairfax County Tax Records indicate that the dwelling was constructed in 1994 and purchased by the applicant in 2003.

The applicant has been operating the home child care in its current location for approximately 2 years with no complaints on file with the county.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, with two assistants. The hours of operation are from 7:30 a.m. to 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children which currently occurs in the driveway. The driveway is utilized as a one-way driveway which enters from Second Avenue and exits onto Central Avenue; up to 6 cars can be parked there at one time. Currently, there is one assistant, but the applicant is requesting two.

The applicant currently cares for seven children and she holds a current Family Day Home License, valid through April 24, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, 2 months through 5 years, 11 months of age. A copy of the license is included as Appendix 4.

The home child care facility is mainly operated in the basement of the dwelling, which consists of a play area, an eating area, an activity area, and a sleeping area. The basement was permitted as part of the construction of the house in 1994. The home child care facility utilizes the entire basement for its operations. The napping area has been relocated from the sleeping area in the basement to the living room in the first floor of the dwelling as a result of inadequate egress.

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

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District

Planning Sector: Cedar Community Planning Sector (BR6)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

| Bulk Standards (R-1) | | |
|----------------------|--------------|------------------------|
| Standard | Required | Provided |
| Lot Size | 36,000 sf | 10,000 sf ¹ |
| Lot Width | 150 feet | 100 feet ¹ |
| Building Height | 35 feet max. | Not provided |
| Front Yard | 40 feet | 39.6 feet ² |
| Side Yard | 20 feet | 19.7 feet ² |

¹Lot undersized but it is a legal buildable lot pursuant to Sect. 2-405 of the Zoning Ordinance

²The dwelling passed final inspection and received a residential use permit in 1994 and is vested.

On-Site Parking and Site Circulation

The existing driveway is a one-way driveway that enters from Second Avenue and exits onto Central Avenue. The driveway can accommodate up to six vehicles. The applicant’s family vehicle is normally utilized during the day and is not on-site. The applicant’s assistant currently parks her car on Williams Avenue, where there is ample on-street parking available. Therefore, six driveway spaces are available for drop-off and pick-up of children.

Vehicular access to the site is provided from Second Avenue. As previously discussed, the parents and children enter the home child care at the side of the dwelling through the walk-out basement.

Zoning Inspection Branch Report (Appendix 6)

The Zoning Inspections Branch report is included in Appendix 6. During a site visit, it was determined that the room located in the basement utilized for sleeping did not meet acceptable emergency egress standards. The applicant has relocated the sleeping area to the living room on the first floor where there is direct access to the rear yard via a doorway and stairs. Additionally, the stairway to the basement from the inside of the dwelling did not have a railing on either side. Since the inspection, the applicant has corrected these deficiencies and provided photographs. (Appendix 7)

Zoning Ordinance Requirements (Appendix 8)

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

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

| | |
|--|--|
| Standards 1 and 2 Comprehensive Plan/ Zoning District | The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District permits a home child care facility as an accessory use with special permit approval. |
| Standard 3 Adjacent Development | No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or value. |
| Standard 4 Pedestrian/Vehicular Traffic | Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and with the proposed development conditions, staff believes the use will not conflict with existing and anticipated traffic in the neighborhood. |
| Standard 5 Landscaping/Screening | There is an existing six foot tall privacy fence in the rear yard that provides screening to the outdoor play area. |
| Standard 6 Open Space | There is no prescribed open space requirement in the R-1 District. |
| Standard 7 Utilities, Drainage, Parking, and Loading | There are no changes to the utilities and drainage serving the property or use. The driveway is used for parking. |
| Standard 8 Signs | Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities. |

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

| | |
|---|--|
| Standard 1 Lot Size and Bulk Regulations | The property is undersized for the R-1 District; however, it was allowed to develop under the provisions of Sect. 2-405 of the Zoning Ordinance. No new construction or exterior modifications are proposed. |
| Standard 2 Performance Standards | The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance. |
| Standard 3 Site Plan | Home child care facilities are not subject to the provisions of Article 17, Site Plans. |

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

| | |
|--|---|
| Standard 1 Maximum of 12 Children & Non-Resident Employee | The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum children at any one time. The applicant requests two assistants. |
|--|---|

| | |
|--|--|
| Standard 2 Access and Parking | Arrival and departure times of the children are staggered and adequate parking is available in the driveway. In staff's opinion, the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood. |
| Standard 3 Landscaping/Screening | There is an existing six foot tall privacy fence in the rear yard that provides screening to the outdoor play area. |
| Standard 4 Submission Requirements | The application meets all submission requirements for a home child care facility. |
| Standard 5 Code of Virginia, Title 63.2, Chapter 17 | The applicant has a valid home child care license through April 24, 2016 for 7 children from 7:30 a.m. to 6:00 p.m., Monday through Friday. |

Use Limitations (Par. 6 of Sect. 10-103)

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

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-PR-146 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. Grading Plan for lots 39-41 & 42-46
6. Zoning Inspections Branch Comments
7. Photos of Updated Conditions Since ZIB Inspection
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-146****January 27, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-146 located at Tax Map 39-3 ((11)) (C) 42 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Maria Carmen Falcon, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 8316 Second Avenue, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Boundary Survey of Lots 42, 43, 44, 45, & 46, Block C, Wedderburn Heights," prepared by John E. Krobath on August 17, 2004, as revised by the applicant Maria Carmen Falcon on October 31, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's driveway.
5. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed twelve.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas shall be located in a room with an operable exterior window, door, or similar device that provides for a means of

escape and access for rescue in the event of an emergency. Such emergency escape shall be of the dimension and side specified by the Virginia Uniform Statewide Building Code.

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

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Maria Carmen Falcon
Bright and Happy Beginners LLC
8316 Second Avenue
Vienna, Virginia 22182

October 3, 2015

RECEIVED
Department of Planning & Zoning

Fairfax County Department
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22182

OCT 09 2015
Zoning Evaluation Division

Re: Special Permit Application
Applicant: Maria Carmen Falcon
Zoning Ordinance: Section 8-30 Home Child Care Facility
Tax Map#: 0393 11C 0042
Zoning Description: R-1
Lot size: 10,000 square feet

To whom it may concern:

Please accept the following as my statement of justification for a special permit for my home child care facility in my home. I own and live in a single-family detached dwelling at 8316 Second Avenue in Vienna, Virginia with my husband. The property is zone R-1 and my understanding is 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 7 children in my child care facility in my home. Bellow is information about my child care facilities operations:

Hours of operation: The childcare is open from 7:30 AM to 6:00 PM, Monday through Friday.

Number of children: I currently care for 7 children. I propose to care for a maximum of 12 children at any one time.

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

Arrival Schedule: 3 of the children will arrive between 7:30 AM and 8:00 AM. 3 of the children will arrive 8:00 AM and 8:30 AM. 4 of the children will arrive between 8:30 and 9:00 AM. 2 of the children will arrive between 9:00 AM to 9:30 AM.

Departure Schedule: 3 of the children will be picked up between 3:30 PM and 4:30 PM. 4 of the children will be picked up between 4:30 PM and 5:00 PM. 3 of the children will be picked up between 5:00 PM and 5:30 PM. 2 of the children will be picked up between 5:30 PM and 6:00 PM.

Parking: I propose to use part of my side driveway to park my family car. My parents will go through my "L" shape two entrance side driveway, since my property is located in a corner lot.

Area Served: Vienna, Mclean, Falls Church, Fairfax, and Dunn Loring.

Operations: As I stated, my house is a single-family detached dwelling. It has a walk out basement, where childcare activities are provided for children. The Day Care entrance faces the playground. The house has 3,192 square feet. The following rooms are where I conduct the day care. These rooms are 1,064 square feet total.

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

Outdoor Play Area: I propose to use my fenced back yard for outdoor for the children. The area is approximately 2,447 square feet. The outdoor play area consists of: fenced playground with toys for preschool age children.

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

In conclusion, I am proposing that I be granted with the special license for 12 children. My house and playground are free of all hazardous materials and meets all requirements of licensing office.

Sincerely,



Carmen Falcon

Bright and Happy Beginners LLC

703-628-4330

Proposed Arrival and Departure Schedule for:

Bright and Happy Beginners LLC

8316 Second Avenue, Vienna VA 22182

Hours of operation: 7:30 AM – 6:00 PM

RECEIVED
Department of Planning & Zoning

OCT 09 2015

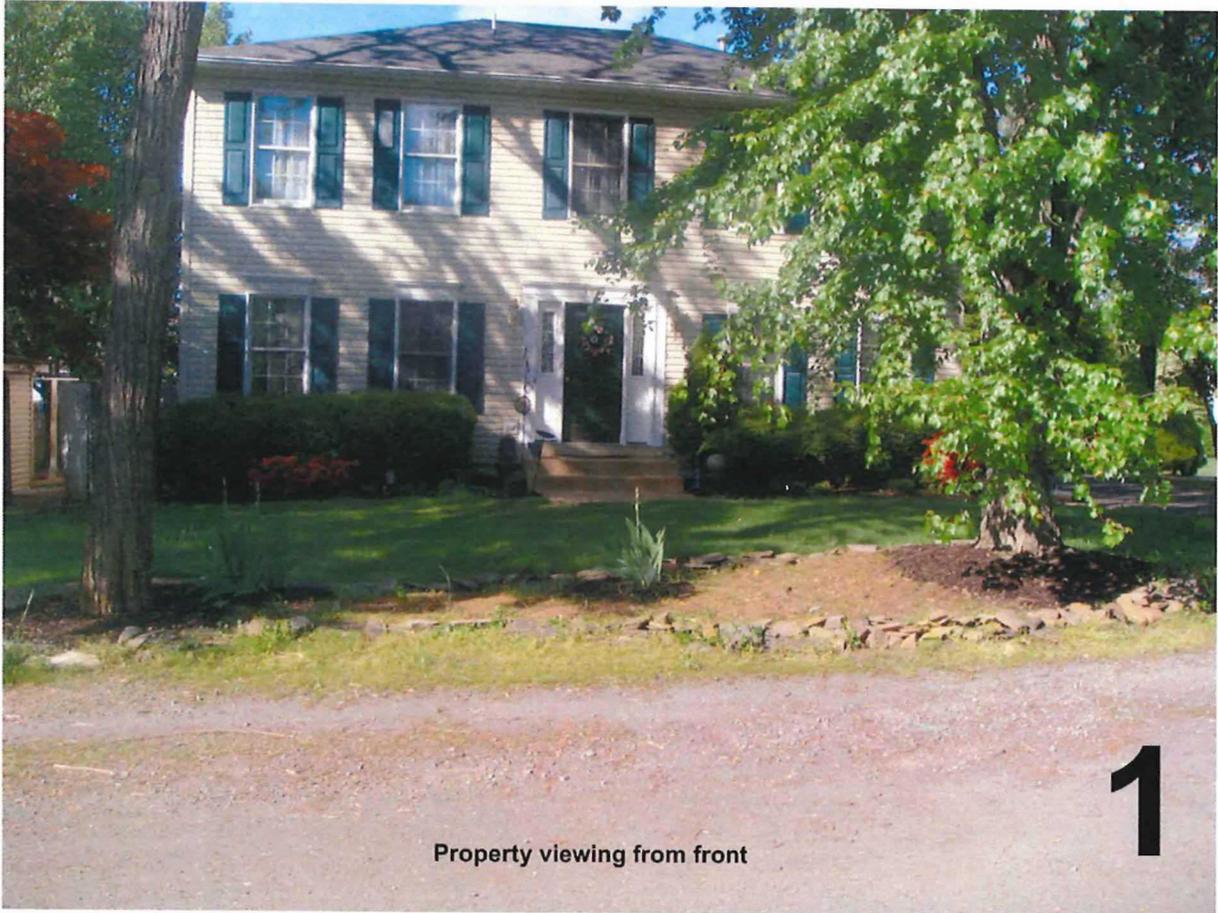
Zoning Evaluation Division

Proposed Arrival Schedule:

| Child | 7:30-8:00 AM | 8:00-8:30 AM | 8:30-9:00 AM | 9:00-9:30 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 | 3:30-4:30 PM | 4:30-5:00 PM | 5:00-5:30 PM | 5:30-6:00 PM |
|-------|--------------|--------------|--------------|--------------|
| 1 | X | | | |
| 2 | X | | | |
| 3 | X | | | |
| 4 | | X | | |
| 5 | | X | | |
| 6 | | X | | |
| 7 | | X | | |
| 8 | | | X | |
| 9 | | | X | |
| 10 | | | X | |
| 11 | | | | X |
| 12 | | | | X |





Driveway area



Driveway area



**Shed
Located on the left front corner**

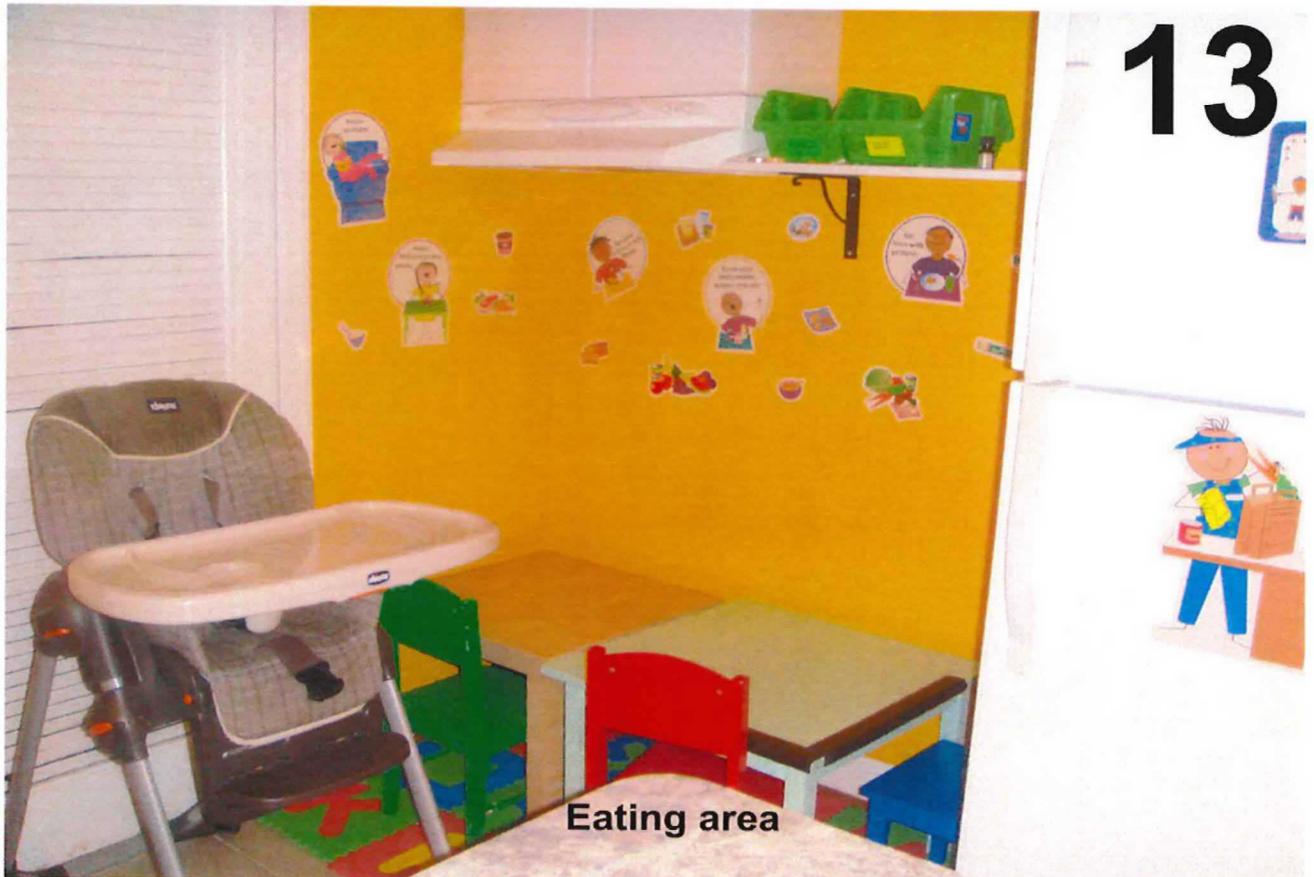


Playground with swing set



Eating area

12



Eating area

13



Playroom

#4.00

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/2/15
(enter date affidavit is notarized)

132545

I, Maria Carmen Falcon / Bright + Happy Beginners LLC, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|--|---|
| Maria C. Falcon | 8316 Second Avenue Vienna, VA 22182 | Applicant/ title owner |

Bright and Happy Beginners, LLC
8316 Second Ave
Vienna, VA 22182

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/2/15
(enter date affidavit is notarized)

132505

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)

Bright and Happy Beginners LLC
8316 Second Avenue
Vienna, VA - 22182

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)

Mania Carmen Falcon Solo members

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/2/15
(enter date affidavit is notarized)

132565

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/2/15
(enter date affidavit is notarized)

132565

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/3/15
(enter date affidavit is notarized)

B2565

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

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

Subscribed and sworn to before me this 3rd day of November 20 15, in the State/Comm. of VA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: SEP/30/2017

AHMED FAROUK
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPT. 30, 2017
COMMISSION # 7114683

FAMILY DAY HOME LICENSE

Issued to: M. Carmen Falcon, d.b.a. Bright and Happy Beginners

Address: 8316 Second Avenue, Vienna, Virginia 22182

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> | | |
| 7 | | |
| <u>GENDER</u> | <u>AGE</u> | |
| Both | 2 months through 5 years | |

This license is not transferable and will be in effect April 2, 2015 through April 1, 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

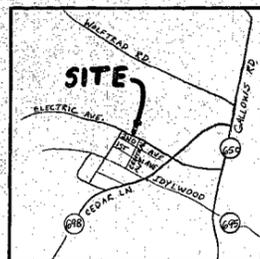
FDH 1108782-L112
 LICENSE NUMBER

MARGARET ROSS SCHULTZE
 COMMISSIONER OF SOCIAL SERVICES

By James J. Parcelli

Title LICENSING ADMINISTRATOR

Date April 23, 2015



VICINITY MAP
SCALE: 1"=2000'



AREA TOPOGRAPHY
SCALE: 1"=500'



SOIL MAP
SCALE: 1"=500'

WETLANDS STATEMENT

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO LAND DISTURBING ACTIVITIES.
 WJW
 AGENT 3-2-94
 DATE

I HEREBY CERTIFY THAT THE LOTS 16-23 AND 39-46 SHOWN HEREON WERE RECORDED PRIOR TO MARCH 1, 1941 AND THAT, IN ACCORDANCE WITH ZONING ORDINANCE ARTICLE 2-405, THEY MAY BE USED FOR THE SINGLE FAMILY DETACHED USE SHOWN EVEN THOUGH THE LOT SIZE AND WIDTH DO NOT MEET THE MINIMUM R-1 DISTRICT REQUIREMENTS.

GREGORY J. BUDNIK, P.E. DATE 3-22-94

EXISTING UTILITY NOTE

THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND FOR ANY DAMAGES WHICH OCCUR BY HIS FAILURE TO LOCATE OR PRESERVE THESE UNDERGROUND UTILITIES. IF, DURING CONSTRUCTION OPERATIONS, THE CONTRACTOR ENCOUNTERS UTILITIES OTHER THAN THOSE INDICATED BY MISS UTILITY & MEMBER UTILITY COMPANIES, HE SHALL IMMEDIATELY NOTIFY THE ENGINEER AND OWNER AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE FACILITY AND ASSURE THE CONTINUANCE OF SERVICE.

THE CONTRACTOR IS REQUIRED BY LAW TO NOTIFY MISS UTILITY (1-800-257-7777) AT LEAST 48 HOURS IN ADVANCE OF ANY WORK ON THIS PROJECT.

LEGEND

| | | | |
|------|--------------------|-------|------------------------------|
| 97.5 | EX. SPOT ELEVATION | +97.5 | PROP. SPOT ELEVATION |
| 64 | EX. 10' CONTOURS | 64 | PROP. CONTOURS |
| --- | EX. 2' CONTOURS | --- | PROP. SANITARY SEWER |
| --- | EX. TREE LINE | --- | PROP. STORM SEWER |
| --- | EX. SAN. SEWER | --- | PROP. EDGE OF PAVEMENT |
| --- | EX. STM. SEWER | --- | PROP. CURB & GUTTER |
| --- | EX. U/G GAS MAIN | --- | LIMITS OF CLEARING & GRADING |
| --- | EX. U/G WATER MAIN | --- | SILT FENCE |
| --- | EX. EDGE OF PAV'T | --- | SEDIMENT TRAP |
| --- | EX. CURB & GUTTER | --- | OUTLET PROTECTION |
| --- | FLOW ARROW | --- | INLET PROTECTION |
| --- | | --- | CHECK DAM |

GENERAL NOTES

- THE DEVELOPMENT MAY BE SUBJECT TO PRIVATE CONVEYANCES RECORDED IN THE FAIRFAX COUNTY LAND RECORDS.
- ALL CONSTRUCTION SHALL CONFORM TO FAIRFAX CO. AND VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS WHERE APPLICABLE.
- TO THE BEST OF THIS FIRM'S KNOWLEDGE, NO GRAVE-SITES EXIST ON THE PROPERTY WITHIN THE PROPOSED LIMITS OF CLEARING AND GRADING.
- PROPERTY TAX MAP 39-3 (U1) (C) 39-41, 42-46
- STREET ADDRESS LOTS 39-41, 8318 SECOND AVENUE
- TOTAL PROPERTY ACREAGE LOTS 39-41: 0.1377 AC LOTS 42-46: 0.2348 AC
- TOTAL DISTURBED AREA 0.28 AC
- SOILS REPORT REQUIRED: YES NO
- PROFFERED SITE: YES NO
- 10A. PUBLIC WATER YES NO
- 10B. INDIVIDUAL WELL YES NO
- 11A. PUBLIC SEWER YES NO
- 11B. INDIVIDUAL SEWAGE DISPOSAL YES NO
- BOUNDARY BY: WILLIAM E. RAMSEY, L.S. DATE: 2-8-94
- TOPO BY: WILLIAM E. RAMSEY, L.S. DATE: 2-8-94
- TOPO DATUM: FAIRFAX COUNTY
- CONSTRUCTION LOCATED WITHIN:

| | | |
|------------------------------|---|--|
| HIGHLY ERODIBLE SOILS | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| HIGHLY PERMEABLE SOILS | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| SLOPES OVER 15% | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 100' OF AN R.P.A. (PROPERTY) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| R.P.A. | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| R.M.A. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| PROTECTION OVERLAY DISTRICT | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| WETLANDS | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

TREE COVER COMPUTATIONS

| PROPERTY ZONING | LOTS 39-41 | LOTS 42-46 |
|--------------------------|------------|------------|
| R-1 | 6,000 SF | 10,000 SF |
| DEDUCTIBLE AREA | 18,550 SF | 18,550 SF |
| ADJUSTED GROSS SITE AREA | 0 SF | 0 SF |
| EXCEPTIONS/MODIFICATIONS | 0 SF | 0 SF |
| REQUIRED PERCENTAGE | 20% | 20% |
| TREE COVER PROVIDED | 0 SF | 0 SF |
| TREE COVER RETAINED | 500 SF | 2,296 SF |
| 125% CREDIT | 625 SF | 2,870 SF |
| SUPPLEMENTAL LANDSCAPING | 0 SF | 0 SF |
| TREE COVER PROVIDED | 625 SF | 2,870 SF |
| EXCESS COVER PROVIDED | 625 SF | 2,870 SF |

ON-SITE SEWAGE

DISPOSAL SYSTEM INFORMATION

- INVERT AT HOUSE FOUNDATION:
- INVERT IN AT SEPTIC TANK:
- INVERT OUT AT SEPTIC TANK:
- INVERT IN AT PUMP CHAMBER:
- INVERT AT FLOW DIVERSION VALVE:
- INVERT AT UPPER DISTRIBUTION BOX:
- INVERT AT LOWER DISTRIBUTION BOX:
- SEPTIC TANK SPECIFICATIONS:

C-BAY COMPUTATIONS

| IMPERVIOUSNESS | LOTS 39-41 | LOTS 42-46 |
|--------------------------|------------|----------------------------|
| House | 540 SF | 1026 SF |
| Driveway | 444 SF | 480 SF |
| Sidewalk | 75 SF | 105 SF |
| Total | 1059 SF | 1611 SF |
| Total lot area = 6000 SF | | Total lot area = 10,000 SF |
| Lot is 17.6% impervious. | | Lot is 16.1% impervious. |

Since the proposed impervious area for each lot is less than 18%, water quality controls are not required under Section 118-3-2(1)(1) of the Chesapeake Bay Preservation Ordinance.

SOIL TECH INC.
14630-F FLINT LANE ROAD
CHANTILLY, VIRGINIA 22021
(703) 631-9617
(703) 631-2156 FAX

Greg Budnik, P.E.
GJB Engineering, Inc.
8445 Canyon Oak Drive
Springfield, VA 22153

re: Soil Study
TN39-3-0011-0-16-23, 39-46
Fairfax County, Virginia

Dear Mr. Budnik,

Soil studies indicate the occurrence of Beltsville soil types on the referenced tract. These soils generally have perched seasonal water tables above a relatively impervious layer at 2 to 6 feet below the surface. Foundation drainage systems should be incorporated into the construction plans to prevent groundwater from collecting under the slab, foundations and saturating the backfill against basement walls. Site grading should be such that positive flow of surface water occurs away from the structure.

Very truly yours,
William E. Ramsey, P.G.
Professional Engineer

APPROVED FOR GRADING
March 2, 1994
for lots 39-41 and 42-46

ONLY
DATE 3/23/94

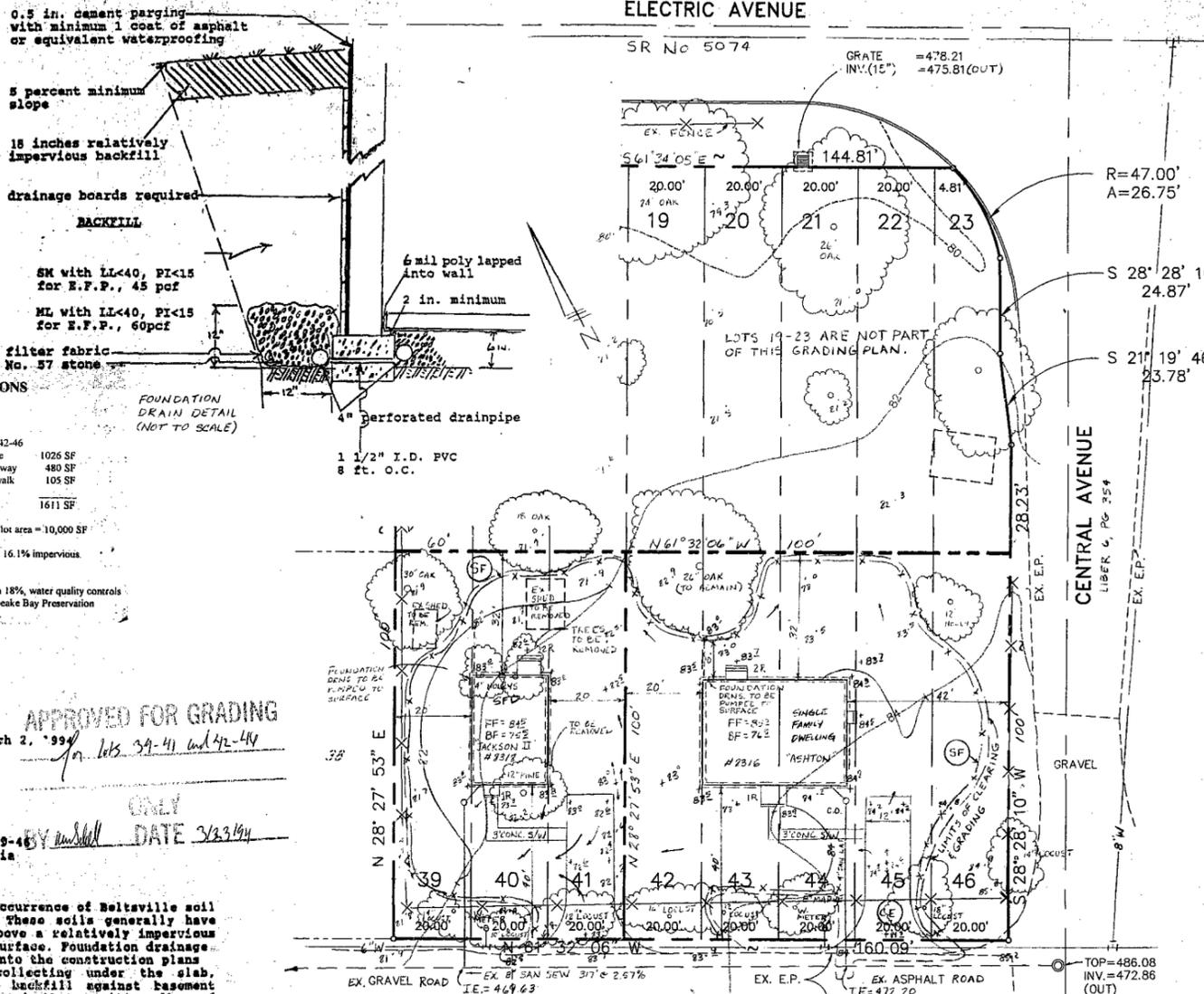
Professional Engineer
No. 13520
Normal

UNIFORM PRO RATA SHARE ASSESSMENT ANALYSIS

WEDDERBURN HEIGHTS BLOCK C LOTS 39-41, 42-46 3-94
 SITE NAME DATE
 SITE LOCATION IS WITHIN THE DIFFICULT R-1 DRAINAGE SHED(S)
 PRO RATA SHARE ASSESSMENT IS REQUIRED FOR INCREASED IMPERVIOUS AREA FROM THE SITE DUE TO DEVELOPMENT.
 IMPERVIOUS ACREAGE ASSESSMENT RATE (\$) PER IMPERVIOUS ACRE INCREASE:
 IMPERVIOUS PRO RATA SHARE ASSESSMENT IS COMPUTED FROM SPECIFIC INCREASE IN IMPERVIOUS ACRES OF THE DEVELOPED SITE.
 IMPERVIOUS ACREAGE ASSESSMENT AMOUNT (\$) (RATE X INCREASE IN IMPERVIOUS ACRES)
 INCREASE IN IMPERVIOUS ACRES _____ ACRES
 TOTAL ASSESSMENT AMOUNT \$ _____ DUE
 PRO RATA SHARE REVIEWER DATE

IMPERVIOUS ACREAGE ANALYSIS

| SITE AREA IN ACRES | COMPOSITE RATIONAL C FACTOR | DEVELOPMENT LEVEL | | IMPERVIOUS AC. COMPUTATIONS | |
|--------------------|-----------------------------|-------------------|-------|-----------------------------|-------|
| | | PRE | POST | PRE | POST |
| A | 0.158 | 0.230 | 0.157 | 0.230 | |
| C1 | 0.35 | 0.35 | 0.47 | 0.45 | |
| H | 0.12 | 0.150 | 0.104 | 0.109 | |
| A X H | A X C1 | 0.21 | 0.35 | 0.43 | 0.46 |
| (A X C2) - (A X H) | | | | 0.22 | 0.19 |
| LOTS | | 39-41 | 42-46 | 39-41 | 42-46 |



DRAINAGE NOTE
DUE TO THE FLAT NATURE OF THIS PROPERTY THE CONTRACTOR SHALL TAKE CARE TO ACCURATELY FOLLOW THE DRAINAGE PATTERNS AND SHALL ELEVATIONS SHOWN ON THIS PLAN. FAILURE TO DO SO COULD RESULT IN PONDING WATER.

I Doug Booth give Mike Stall permission to do grading on my property according to grading plan.

I Mike Stall give Doug Booth permission to do grading on my property according to Grading plan.

Thank you,
Doug Booth

Thank you
Michael Stall

DESIGNATED PLANS EXAMINER CERTIFICATE
REVIEWED AND RECOMMENDED FOR APPROVAL
DATE 3/7/94
GREGORY J. BUDNIK, P.E. DATE
DPE CERTIFICATE #008

REVISIONS
DATE DESCRIPTION

THIS DOCUMENT WAS MICROFILMED
SEP 13 1994
BY COMMUNICATION DIVISION MICROGRAPHICS CENTER

Brewer, Budnik & Ramsey, P.C.
Civil Engineering Surveying Land Planning
3861 Plaza Drive, Fairfax, Virginia 22030 (703) 362-7111

PROJECT: WEDDERBURN HEIGHTS, LOTS 16-23, 39-46
TITLE: GRADING PLAN
DISTRICT: PROVIDENCE
DATE: 02/18/94 ACREAGE: 0.7279
SCALE: 1"=20' TAX MAP: 29-3 (U1) (C) 39-41, 42-46
ZONE: R-1 PLAN NO.: SHEET 1 OF 1

WJS 94069 B0740 94069 B0190



County of Fairfax, Virginia

MEMORANDUM

Date: November 24, 2015

To: Sharon Williams, Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-PR-146

Applicant: Maria Falcon, Bright and Happy Beginners
8316 Second Avenue, Vienna, Virginia 22182
Wedderburn Heights Block C Lots 42-46
Tax Map# 39-3 ((11)) (C) 42
Zoning District: R-1
Magisterial District: Providence
ZIB# 2015-0519
Date of Inspection: November 24, 2015

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

- ✓ 1. Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
*The infant’s sleeping area is lacking emergency egress.
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

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

Maria Carmen Falcon/Bright and Happy Beginners, LLC SP 2015-PR-146

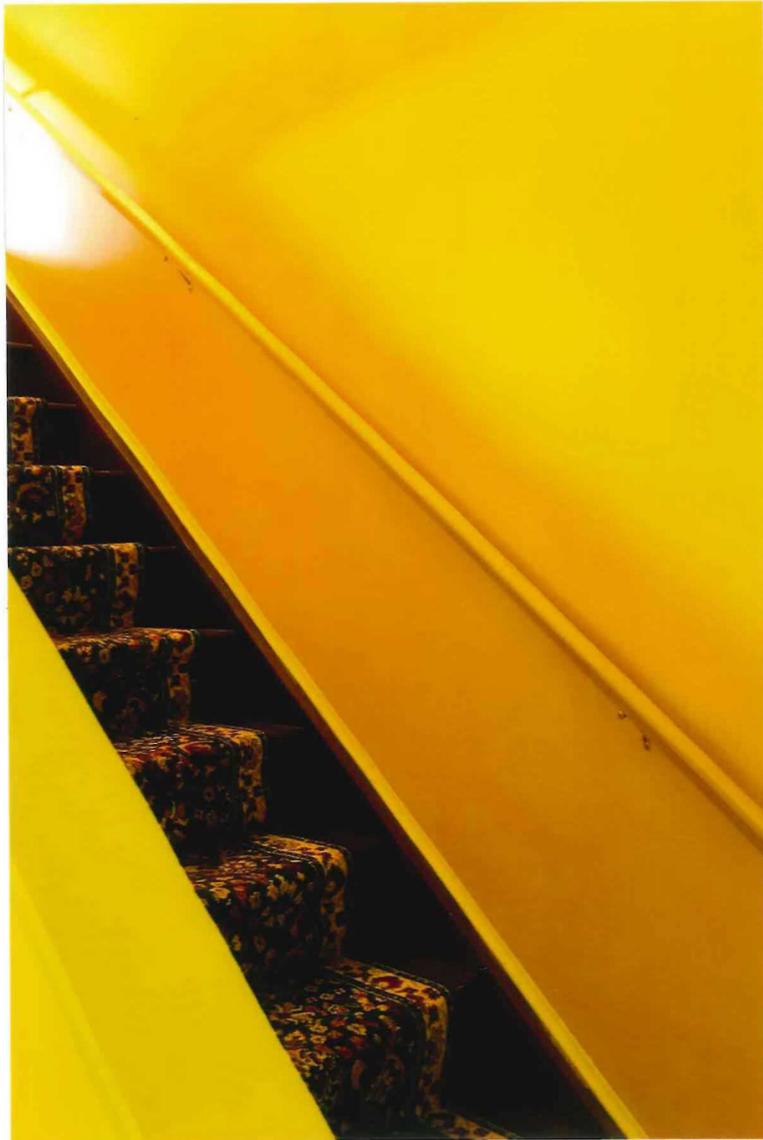


Sleeping Area Taken: 1/6/16



Sleeping Area Taken: 1/6/16

Maria Carmen Falcon/Bright and Happy Beginners, LLC SP 2015-PR-146



Railing for the stairs Taken: 1/6/16

RECEIVED
Department of Planning & Zoning

JAN 7 2016

SPECIAL PERMIT &
VARIANCE BRANCH

8-006 General Standards

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

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

8-303 Standards for all Group 3 uses

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

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

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - a. The dimensions, boundary lines and area of the lot or parcel.
 - b. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code of Title 63.2, Chapter 17 of the Code of Virginia.

10-103 Use Limitations

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

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.