



APPLICATION ACCEPTED: December 1, 2015
PLANNING COMMISSION: April 13, 2016
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

March 29, 2016

STAFF REPORT

SPECIAL EXCEPTION SE 2015-MV-033

MOUNT VERNON DISTRICT



APPLICANT: Olethea Gilmore/ Lee's Home Daycare

ZONING: PDH-3 (Planned Development Housing District,
Three Dwelling Units Per Acre)

PARCEL: 98-1((4)) 802

SITE AREA: 1,500 square feet

PLAN MAP: Residential, 2-3 dwelling units per acre

PROPOSAL: To permit a home child care facility with up to
10 children at any one time and one assistant.

STAFF RECOMMENDATION:

Staff recommends approval of SE 2015-MV-033, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

Laura B. Arseneau

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

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.



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).

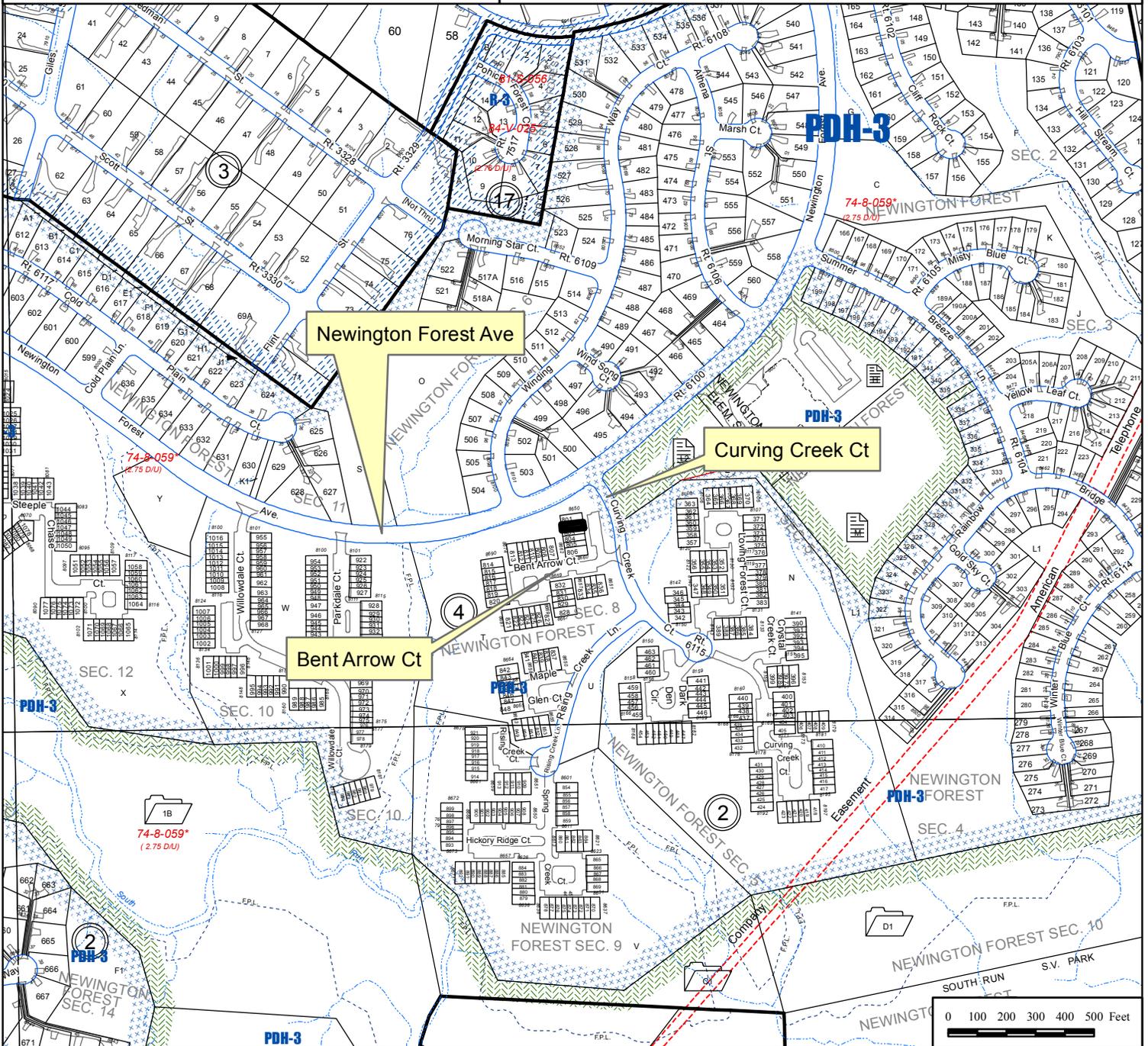
Special Exception

SE 2015-MV-033

Applicant: OLETHEA GILMORE / LEE'S HOME DAYCARE
Accepted: 12/01/2015
Proposed: HOME CHILD CARE FACILITY
Area: 1500 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105
Located: 8652 BENT ARROW COURT, SPRINGFIELD, VA
22153

Zoning: PDH- 3
Plan Area: 3,
Overlay Dist:
Map Ref Num: 098-1- /04/ /0802



DESCRIPTION OF THE APPLICATION

The applicant, Olethea Gilmore/ Lee's Home Daycare, requests special exception (SE) approval to operate a home child care facility for up to 10 children at any one time in a single family attached dwelling with one non-resident assistant. Without SE approval, the applicant would be limited to a maximum of five children at any one time and two non-resident assistants during the hours of 7:00 a.m. to 6:00 p.m.

The 1,500-square foot subject property is developed with a single-family attached dwelling with two assigned parking spaces. The property, located in the Newington Forest subdivision, is located off Curving Creek Court in Springfield. The surrounding uses to the north, west and south are zoned PDH-3 and developed with single family attached dwellings. The property to the south, across Curving Creek Court is also zoned PDH-3 and is an elementary school. Figure 1 depicts the subject property and surrounding area.

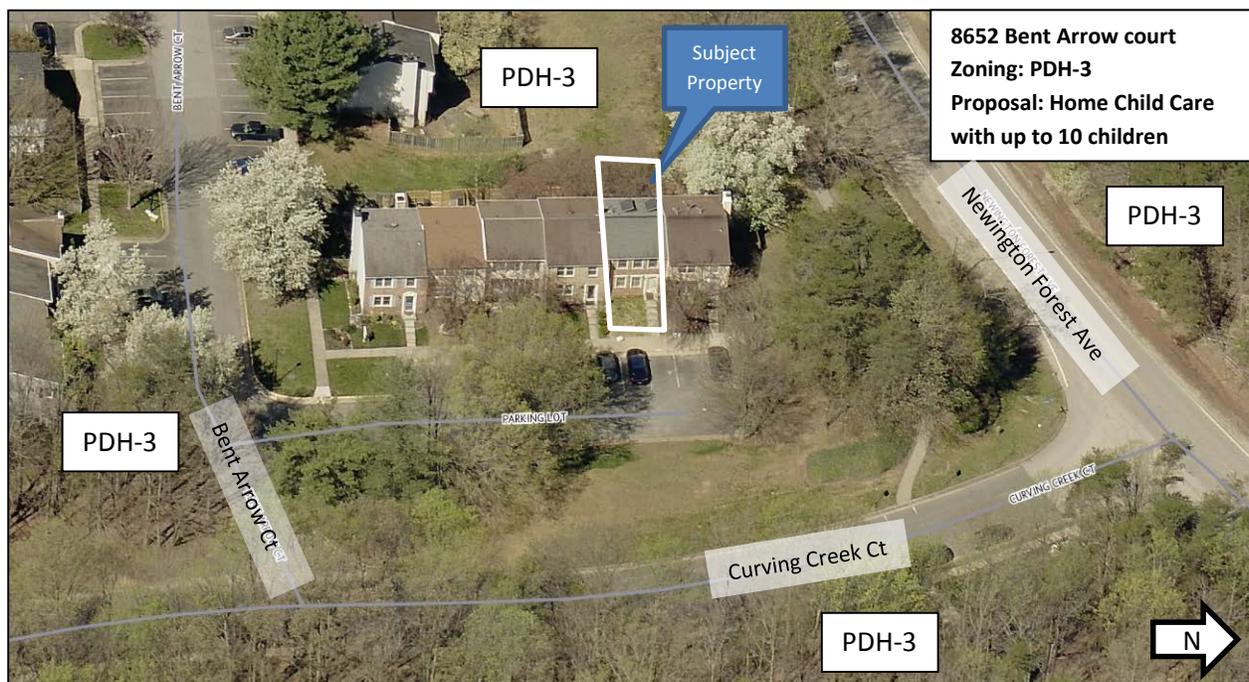


Figure 1: Subject property and surrounding area, Source: Fairfax County Pictometry 2015

The following is a summary of the application:

- The SE application is to permit up to 10 children at any one time and approval for one non-resident assistant. During the case review, the applicant revised her request from 12 children to a maximum of 10 children.
- The home child care facility is located in the basement of the dwelling with an emergency exit to the rear yard.
- Primary access to the home child care facility is from the front door of the dwelling and an interior stairway is used to access the basement.
- Meals are prepared in the kitchen for the home child care.

- The applicant uses the Newington Forest Homeowners Association open space and playgrounds as well as the nearby elementary school as the outdoor play area from the home child care. The applicant has obtained an approval letter from the homeowners association to allow the applicant to use the community amenities for the home child care (included in Appendix 2).
- The hours of operation are from 7:00 a.m. to 6:00 p.m., Monday through Friday with staggered drop-off and pick-up. Children arrive between 7:00 a.m. and 9:00 a.m. and depart between 4:00 p.m. to 6:00 p.m.
- Two parking spaces, which are assigned to the property address, are used for drop-off and pick-up. The applicant leaves these spaces open during the home child care operations. The applicant and assistant would park along Curving Creek Court or Newington Forest Avenue, both public streets.
- The applicant is licensed by the Commonwealth of Virginia to care for 5 children between the ages of 6 weeks to 12 years. The applicant's state license expires on November 24, 2016.

The proposed development conditions, the applicant's statement of justification with photographs of the home child care facility, and affidavit are provided as Appendices 1 through 3, respectively.

BACKGROUND

On February 9, 1976, the Board of Supervisors approved Rezoning RZ/FDP 74-8-059 with proffered conditions to rezone 734.4 acres from the RE-1 District to the PDH-3 District to permit development of a mix of residential dwellings. Additional information is available at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=RZ&seq=3000492>

COMPREHENSIVE PLAN

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, Amended through October 20, 2015, P7- Burke Lake Community Planning Sector, on page 75, states:

1. *Segment between Hooes Road, Pohick Road, and the District of Columbia Department of Corrections Facility. This segment is dominated by the over 700-acre Newington Forest development. The majority of this area is planned for residential use at 2-3 dwelling units per acre. The Chapel Acres subdivision is planned for 1-2 dwelling units per acre. Development coordination and consolidation of parcels where appropriate to allow preservation of environmental features and good internal traffic circulation is a condition for approval of densities above the low-end of the Plan density range as shown on the Plan map.*

SPECIAL EXCEPTION PLAT (located at the front of this report)

The Special Exception Plat as submitted by the applicant, Olethea Gilmore dated November 18, 2015, depicts a 1,500-square foot lot containing a two-story single family attached dwelling with a front stoop and stairs leading to the sidewalk and the two assigned parking spaces. A 224 square foot (16 by 14) wood deck, approximately 1.5 feet in height, is located in the rear yard. Staff research concludes that the deck was most likely constructed and permitted at the same time as the dwelling. A 6 foot tall wood fence encloses the 640 square foot rear yard.

STAFF ANALYSIS**Parking, Drop-Off and Pick-Up**

Parking for drop-off and pick-up is available in the two assigned spaces for the subject property. Additional parking is available on Curving Creek Court and Newington Forest Avenue, both public streets. The applicant has agreed to move all personal vehicles from the assigned spaces during home child care hours of operation. A proposed development condition ensures the parking areas remain available during the home child care operations. After-hours, personal vehicles are parked in the assigned spaces.

Drop-off and pick-up for the home child care facility is staggered and occurs in the assigned spaces. Staff does not believe that there will be any parking or traffic issues associated with the home child care facility.

Home Child Care Inspection (Appendix 4)

On January 7, 2016, staff conducted a zoning inspection of the home child care facility. Staff found that a smoke alarm in the basement needed a new battery. Additionally, staff found an excess of building equipment in the rear yard and asked the applicant to remove the items or property screen them to allow for a clear egress pathway through the rear yard. Staff also found that the utility room contained storage items near to the furnace and the water heater and advised the applicant to remove the items. Lastly, staff found that the deck in the rear yard was in disrepair and the handrails needed to be replaced.

Subsequent to the zoning inspection, the applicant demonstrated to staff's satisfaction that the smoke alarm and deck railing have been fixed and that the rear yard storage and the storage in the utility room have been removed. There are no outstanding issues.

Zoning Ordinance Provisions (Appendix 5)

Par. 6A of Sect. 10-103 of the Zoning Ordinance provides that home child care facilities caring for more than five children in a single family attached dwelling or the involvement of more than one non-resident person may be permitted in accordance with the provisions of Part 3 of Article 8 of the Zoning Ordinance. This section applies to Group 3, Institutional Uses. Further, Sect. 6-105 on Planned Development Districts specifies that Group or Category uses may be permitted with the approval of a special exception when such use is not specifically designated on an approved Final Development Plan (FDP). Since home child care uses are not shown on the approved FDP for this property, this special exception application is required to satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Par. 6 of Sect. 10-103) from the Zoning Ordinance, which are provided as Appendix 5.

General Standards for Special Exception Uses (Sect. 9-006)

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The property is zoned PDH-3 and this district permits a home child care facility as an accessory use with special exception approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-3 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed and there is no exterior evidence of the proposed use. The applicant uses a neighborhood open space and playgrounds as the outdoor play area for the home child care and has received approval from her Homeowners Association. The applicant also uses the playground at a nearby elementary school. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered and adequate parking exists in the assigned spaces and on surrounding public streets. Staff has proposed a development condition for the two assigned parking spaces to be used with drop-off and pick-up. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>No transitional screening or barrier is required with the proposed use. However, there is an existing 6-foot high wood fence that encloses the rear yard.</p>
<p>Standard 6 Open Space</p>	<p>Open space for the development was previously provided with the approval of RZ/FDP 74-8-059. The proposed use will not encroach on the existing open space.</p>

<p align="center">Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the two assigned parking spaces are used for drop-off and pick-up for the home child care use and there is adequate nearby parking for the applicant and the assistant to park on Curving Creek Court and on Newington Forest Avenue.</p>
<p align="center">Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

<p align="center">Standard 1 Lot Size and Bulk Regulations</p>	<p>The lot size and bulk regulations for the subject property were previously satisfied with the development of the property. No new construction or exterior modifications are proposed.</p>
<p align="center">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 align="center">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 align="center">Standard 1 Maximum of 12 Children & Non-Resident Employee</p>	<p>The applicant is proposing a maximum of 10 children at any one time. The applicant requests approval to permit one non-resident employee.</p>
<p align="center">Standard 2 Access and Parking</p>	<p>The children's arrival and departure times are staggered; two assigned parking spaces are available; and additional parking is available on the surrounding public streets. In staff's opinion and as previously discussed, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p align="center">Standard 3 Landscaping/Screening</p>	<p>No transitional screening or barrier is required with the proposed use. However, there is an existing 6-foot high wood fence that encloses the rear yard.</p>
<p align="center">Standard 4 Submission Requirements</p>	<p>The applicant met the submission requirements prior to acceptance.</p>
<p align="center">Standard 5 Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant holds a valid home child care license issued by the State through November 24, 2016, to care for up to five children between the ages of six weeks to 12 years.</p>

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

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is five in a single family attached dwelling. The applicant requests special exception approval to permit a maximum of 10 children at any one time.
Part B Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the applicant has demonstrated to staff's satisfaction that the subject property is the provider's primary residence. The applicant is renting the dwelling and has consent from the property owner.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
Part D Non-Resident Employee	The applicant is proposing one non-resident employee.
Part E Provider is a Non-Resident	As previously discussed, the dwelling is the applicant's primary residence.
Part F Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant holds a valid state home child care license through November 24, 2016, to care for up to five children between the ages of six weeks to 12 years.
Part G Increase in Children or Non-Resident Person	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 exception approval. The applicant requests special exception approval to permit a maximum of 10 children at any one time and one assistant.

CONCLUSIONS AND RECOMMENDATION

In staff's opinion, the proposed home child care facility for up to 10 children at any one time with one assistant at the subject property would not adversely impact the surrounding properties, neighborhood traffic, or parking. Staff finds the application in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Staff recommends approval of SE 2015-MV-033, subject to the proposed development conditions contained in Appendix 1.

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

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.

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 Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Zoning Inspections Branch Inspection Report
5. Zoning Ordinance Provisions

DEVELOPMENT CONDITIONS**SE 2015-MV-033****March 29, 2016**

If it is the intent of the Board of Supervisors to approve SE 2015-MV-033 located at 8652 Bent Arrow Court, Tax Map 98-1 ((4) 802, for a home child care facility with up to ten children at any one time and one assistant, pursuant to Sect. 6-105, 6-106, and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Supervisors condition its approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for the home child care use as indicated on the Special Exception Plat, consisting of an annotated House Location Survey, by the applicant, Olethea Gilmore dated November 18, 2015, and as qualified by these conditions.
2. A copy of the special exception conditions shall be posted in a conspicuous place on the property of the use and made available upon request to all departments of the County of Fairfax during the hours of operation for the permitted use.
3. The hours of operation for the home child care facility shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
4. The dwelling that contains the home child care facility shall be the primary residence of the provider.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed ten.
6. A maximum of one non-resident employees, whether paid or not for the services, may be involved in the home child care facility and limited to the hours of 7:00 a.m. to 6:00 p.m.
7. All pick-up and drop-off of children shall take place in the two assigned parking spaces, which shall be reserved exclusively for that purpose during hours of operation of the home child care facility. Arrival and departure of children shall be staggered to ensure that the assigned parking spaces will be available to accommodate pick-up/drop-off of children.
8. 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.

9. There shall be no signage associated with the home child care facility.
10. The approval of the use is contingent on the applicants' continued right to utilize the community play area, parking spaces or other common amenities necessary for the operation of the home child-care facility.
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.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until they are adopted by the Board of Supervisors.

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

Pursuant to Sect. 9-105 of the Zoning Ordinance, the special exception shall take effect upon approval by the Board of Supervisors.

November 18, 2015

To Whom It May Concern:

I rent and live in a townhouse dwelling located at 8652 Bent Arrow Court in Springfield, Virginia in the county of Fairfax. The property is zoned PDH-3. I understand that I need to seek approval of a special exception in order to operate a child care facility within my home. I am currently licensed by the state of Virginia.

Hours The child care is open from 7:00 am to 6:00 pm, Monday thru Friday. *The home has 1060 square feet of which approximately 700 square feet is used for the child care.*
 Number of Children I currently provide care for up to ~~10~~ ⁵ children, depending on the season. Some of these children are full time, some are part time and some are seasonal. This number does not include my own child. *I wish to care for up to 12 children.*

Employees I do not have any employees at this time.

Arrival Schedule Currently 3 children arrive between 7:00 ~~am~~ ^{to 8:00 am} am. From 8:00 ~~am~~ ^{am} until 9:00 ~~am~~ ^{am} 3 more children are dropped off.

Departure Schedule Typically 3 children are picked up between 4:00 to 5:30. The remaining children are picked up between 5:30 and 6:00 pm.

Area Served Currently all of the children attending my daycare live within one square mile of my home, *in the Newington Forest, Springfield area.*

Operations As stated above, I operate my daycare out of a townhouse that is attached/located between 2 other townhome units. It has a walk-out basement, which is where the children spend most of their indoor time. I use the kitchen dining area located in the main floor of the home for cooking and serving meals. Attached is a floor plan which includes the area where the daycare is located.

Outdoor Play We use the field that is located behind the townhouse row for outdoor games, such as soccer or kickball. We also use the playground that belongs to Newington Forest Elementary School located two blocks from my home. There are other playgrounds that we occasionally visit within Newington Forest community.

Parking We have 2 assigned parking spaces in front of the townhouse. There is also plenty of parking available on Curving Creek Court, the street parallel to my home. There is also a

paved walkway conveniently located from the street, leading to the house.

Should you require anything else, please don't hesitate to contact me at (202 270-7967).

Regards,


Olethea S. Gilmore

Arseneau, Laura

From: ogilmore2 <ogilmore2@yahoo.com>
Sent: Wednesday, February 24, 2016 9:53 PM
To: Arseneau, Laura

Follow Up Flag: Follow up
Flag Status: Completed

I Olethea Gilmore is excepting 10 children to be placed in my daycare.

Sent from my Samsung GALAXY S4™, a Cricket 4G LTE smartphone

Proposed Arrival and Departure Schedule for:

Lee's Home Daycare

Address:

Proposed Arrival Schedule

Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM
1	X			
2	X			
3	X			
4			X	
5			X	
6			X	
7				
8				
9				
10				
11				
12				

Proposed Departure Schedule

Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1		X		X
2				X
3				X
4	X			
5	X			
6				
7				
8				
9				
10				
11				
12				



NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

November 10, 2014

Olethea Gilmore
8652 Bent Arrow Ct
Springfield, VA 22153

RE: Use of Newington Forest Amenities

Dear Olethea Gilmore,

Daycare children in the care of a Newington Forest resident are permitted to use the amenities offered within the community as long as the children are accompanied by the Newington Forest Resident.

Should you have any questions or need additional information, you may contact me at dana@newingtonforest.org or by phone at 703-451-8563.

Sincerely,

Dana Cross
Community Manager

RECEIVED
Department of Planning & Zoning

NOV 25 2014

Zoning Evaluation Division



NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

December 19, 2013

Olethea Gilmore
8652 Bent Arrow Ct
Springfield, VA 22153

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

RE: Childcare as a Home Business in Newington Forest

Dear Olethea,

This letter serves the purpose of stating the rules of the Newington Forest Community Association as they pertain to operating a childcare home business at your property located on Bent Arrow Ct.

The Articles of Incorporation; Declaration of Covenants, Conditions and Restrictions and Reservation of Easements; Bylaws: Article VI- General Restrictions on the Use of Lots and Improvements to be made Thereon, 6.01: Zoning Regulations state:

6.01 Zoning Regulations. No Lot shall be used for any purpose other than as permitted in the Fairfax County Zoning Ordinances or the laws, rules, or regulations, of any governmental authority in force and effect on the date of recording of this Declaration as the same may be hereafter from time to time amended. This restriction shall not apply to any use for which a special exception under the Fairfax County Zoning Ordinances or other governing regulations, as the same may be hereafter from time to time amended, is finally granted provided such use is approved in writing by the Covenants Committee. The right, however, to further limit or restrict the use of a particular Lot is reserved under the provisions hereof.

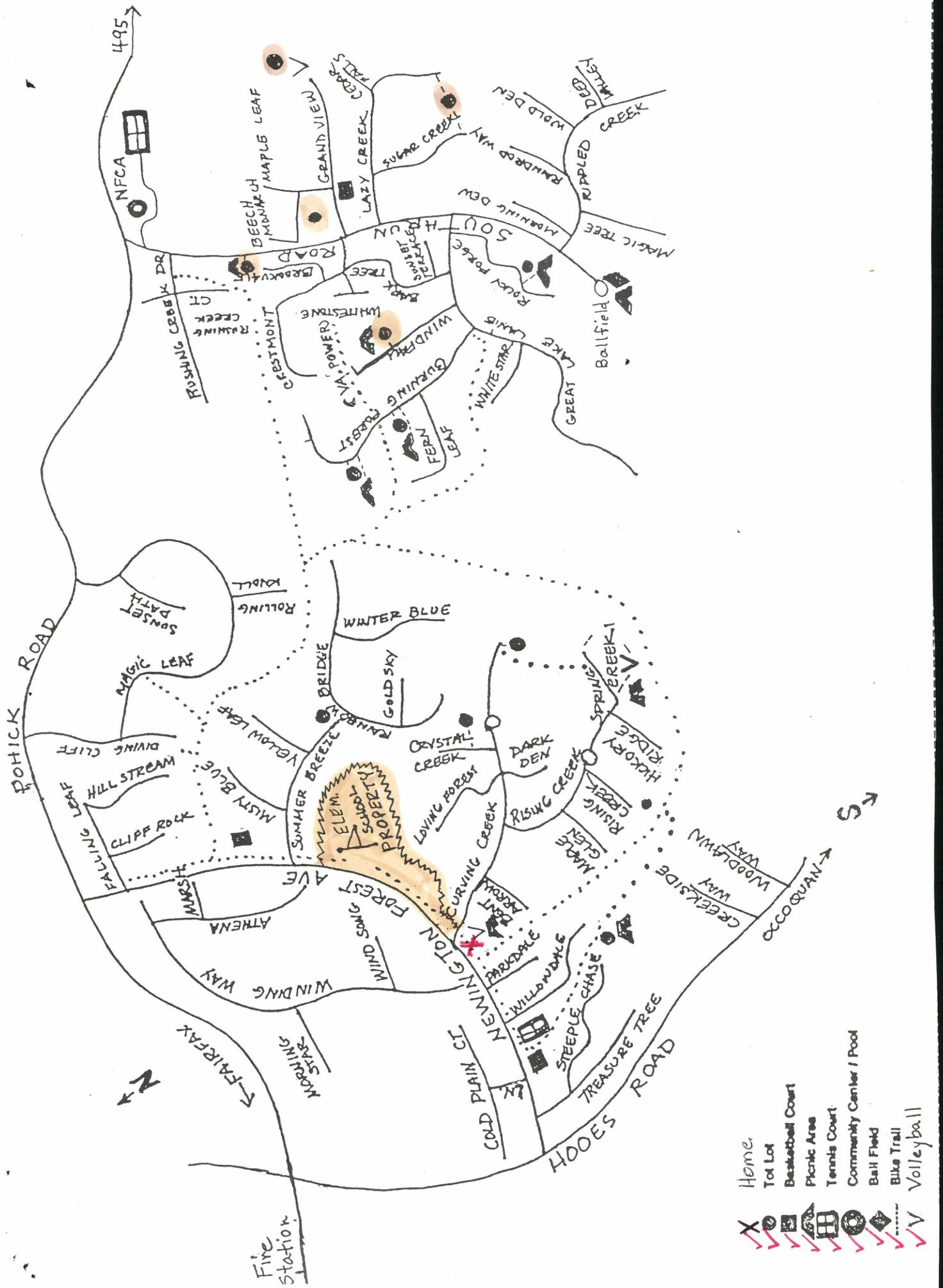
We currently find the Zoning Ordinance for Fairfax County to state that a home child care facility is allowed in the following two ways:

1. As a by right accessory use, if the number of nonresident children does not exceed seven in a single family detached dwelling and five in a single family attached dwelling (townhouse), a multiple family dwelling (apartment) or a mobile home dwelling; and
2. As a special permit use, upon approval by the Board of Zoning Appeals (BZA), for a potential maximum of twelve (12) nonresident children.

As long as you are in compliance with the current zoning ordinance of Fairfax County, you are permitted to do the same in Newington Forest. Please let me know if you need any additional information.

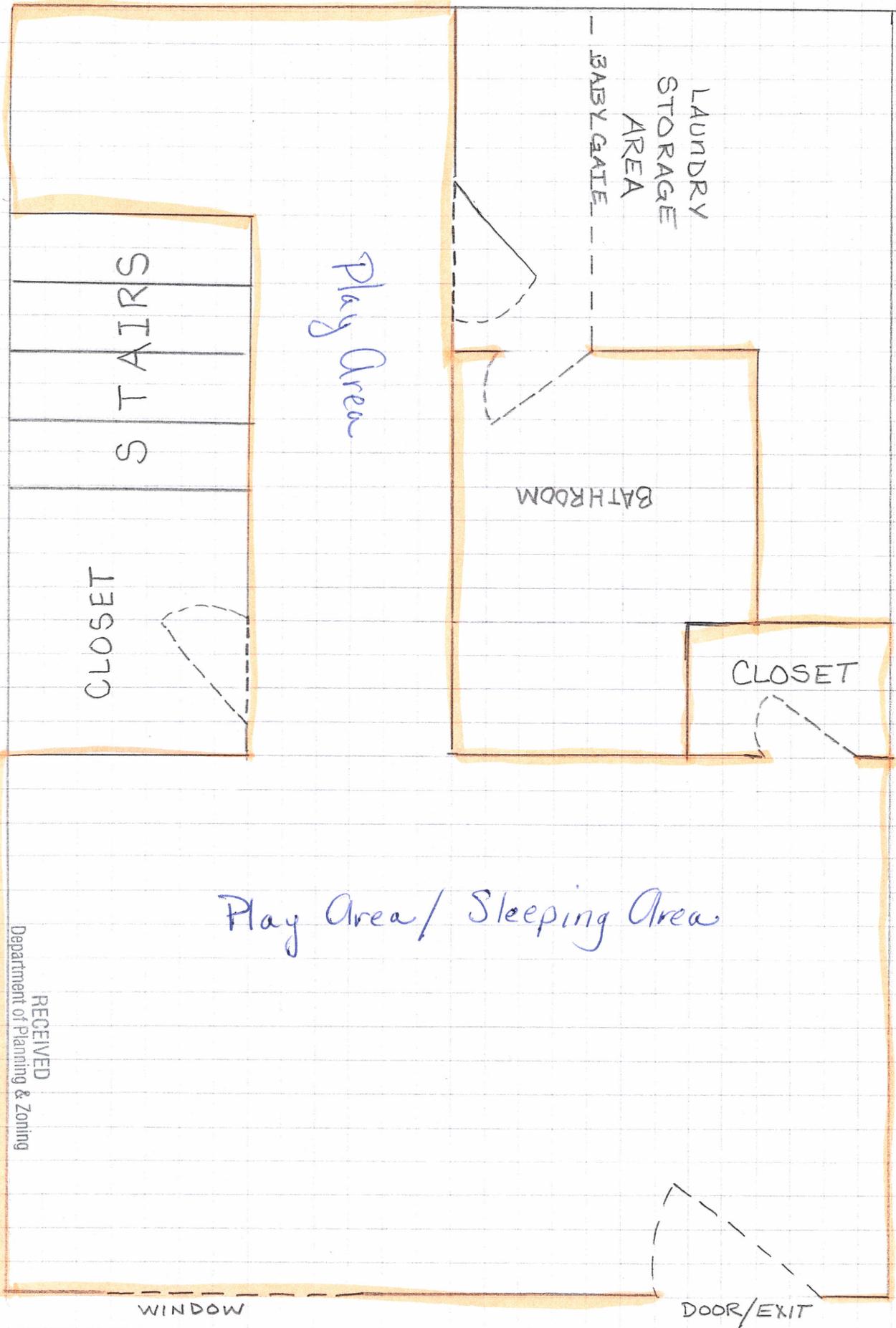
Sincerely,

Dana Mayfield
Community Manager



- X Home
- Tot Lot
- Basketball Court
- Picnic Area
- ⊞ Tennis Court
- ⊞ Community Center / Pool
- ⊞ Ball Field
- ⊞ Bike Trail
- ⊞ Volleyball

BASEMENT LEVEL



OG 9/15/14

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

FRONT
DOOR

WINDOW

MAIN LEVEL

Living RM

TV - VCR - CD
RM

STAIRS

UP AND

DOWN

CLOSET

BATHROOM

DOOR
TO
DOWN

Dining
RM

WINDOW

WINDOW

OG
9/15/14



8654

8652

8654

8652

8652

02.24.2014

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3/18/14
 (enter date affidavit is notarized)

I, Olethea Gilmore, 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

in Application No.(s): SE 2015-MV-033 125057
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME	ADDRESS	RELATIONSHIP(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in BOLD above)
Olethea Spring Gilmore Lee's Home Daycare	8652 Bent Arrow ct Springfield, VA 22153	Applicant - Renter
Jose Francisco Funes	8652 Bent Arrow ct Springfield, VA 22153	Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

CAB

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3/11/14
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-033
(enter County-assigned application number(s))

125057

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 and number, street, city, state, and zip code)

NONE

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)

NONE

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3/11/14
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-033
(enter County-assigned application number(s))

125057

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, and number, street, city, state, and zip code)

NONE

(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)

NONE

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3/11/14
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-033
(enter County-assigned application number(s))

125057

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 Supervisors, 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 Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 11, 2014
(enter date affidavit is notarized)

Application No.(s): SE 2015-MV-033
(county-assigned application number(s), to be entered by County Staff) 125057

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception Attachment to Par. 3" form.

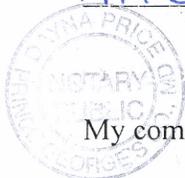
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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

Olethea S. Gilmore Daycare Provider
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 11 day of March 2014, in the State/Comm. of Prince Georges, County/City of Upper Marlboro MD.



DAYNA PRICE
Notary Public, State of Maryland
Prince George's County

My commission expires: 9/29/2014

Day Price
Notary Public

CAS

Olethea S. Gilmore
Lee's Daycare
8652 Bent Arrow Ct.
Springfield, VA 2215

March 11, 2014

Department of Planning and Zoning
12055 Government Center Pkwy, Ste. 801
Fairfax, VA 22035

Dear Sir/Madam

My name is Jose F. Fuentes and I am the homeowner at 8652 Bent Arrow Ct. Springfield VA 22153. I'm writing this letter to inform you that I am aware that the renter, Olethea S. Gilmore, is operating her home daycare center at the address listed above and with my consent.

Should you require anything further, please contact me at (703 863-1540).

Regards,



Jose Fuentes
Homeowner



DAYNA PRICE
Notary Public, State of Maryland
Prince George's County
My Commission Expires 9-29-2014



3/11/14

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Oletha Gilmore as agent(s) in the furtherance of an application for a special permit on property located at: 8652 Bent Arrow Ct
Spring Field, Va 22153

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: June 4, 2014

By: Josef Neute S
[Name]

COMMONWEALTH/STATE OF: Maryland
CITY/COUNTY OF: Prince Georges Co., TO WIT:

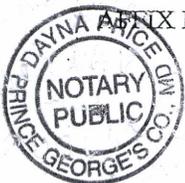
The foregoing instrument was acknowledged before me this 4th day of June, 2014, in the County of Prince Georges, Maryland.
[State]

[Signature]

Notary Public (Signature)

Notary Registration No. 3013434182

My Commission Expires: 9-29-2014



DAYNA PRICE
Notary Public, State of Maryland
Prince George's County
My Commission Expires 9-29-2014

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.



County of Fairfax, Virginia

MEMORANDUM

Date: January 11, 2016

To: Laura Arsenau, Planner III
Zoning Evaluation Division

From: Austin Gastrell
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MV-033

Applicant: Olethea Gilmore/Lee's Home Daycare
8652 Bent Arrow Ct. Springfield, VA 22153
Tax Map# 98- 1 ((4)) 0802
Zoning District: PDH-3
Magisterial District: Mount Vernon
ZIB # 2016-0005
Date of Inspection: January 7, 2016

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

- ✓ 1. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
 - Smoke alarm in basement of structure was inoperable, new battery needed.
- 2. 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.
- ✓3. 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.

- Rear yard must be cleared of all building equipment to include ladders, saws, tool boxes and work benches. Items are to be removed or stored within a screen structure to maintain a clear egress pathway through the rear yard.
- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. 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.
- ✓ 6. 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.
- The utility room contained storage that surrounds both the furnace and hot water heater. 36" clearance should be maintained around the furnace and water heater. Storage all around furnace and water heater, applicant advised to relocate storage to clear area around utilities.
- ✓ 7. Structures comply with the Zoning Ordinance.
- Deck in rear yard was in disrepair, repairs needed on handrail.

ZONING ORDINANCE PROVISIONS

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board 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

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.