



APPLICATION ACCEPTED: April 9, 2015
BOARD OF ZONING APPEALS: June 8, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

June 1, 2016

STAFF REPORT

SPECIAL PERMIT NO. SP 2015-MA-062

MASON DISTRICT

APPLICANT/OWNER: Patricia Martinez D/B/A Isha's Day Care

SUBDIVISION: Donahue's Addition to Ravenswood Park

STREET ADDRESS: 3128 Patrick Henry Drive, Falls Church, 22044

TAX MAP REFERENCE: 51-3 ((41)) 4

LOT SIZE: 12,461 s.f.

ZONING DISTRICT: R-3, HC

ZONING ORDINANCE PROVISIONS: 3-303, 8-305, and 8-914

SPECIAL PERMIT PROPOSAL: To permit a home child care facility, and to permit reductions in minimum yard requirements based on errors in building locations to allow an accessory structure (playset) to remain 10.8 feet from a side lot line, an addition to remain 18.0 feet from a rear lot line and a roofed deck to remain 28.8 feet from a front lot line.

STAFF RECOMMENDATIONS:

Staff recommends approval of SP 2015-MA-062 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.

Laura B. Arseneau

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

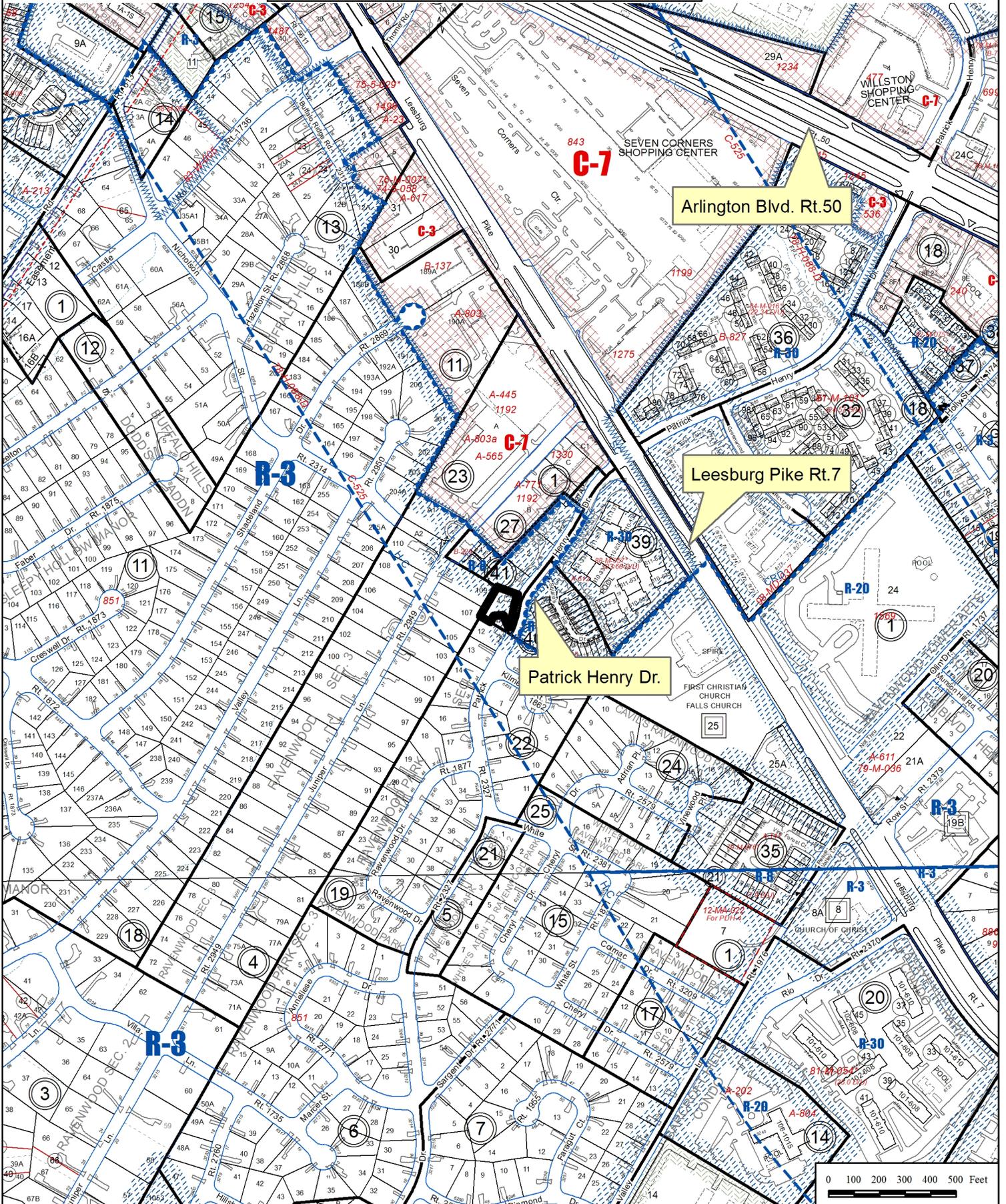
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

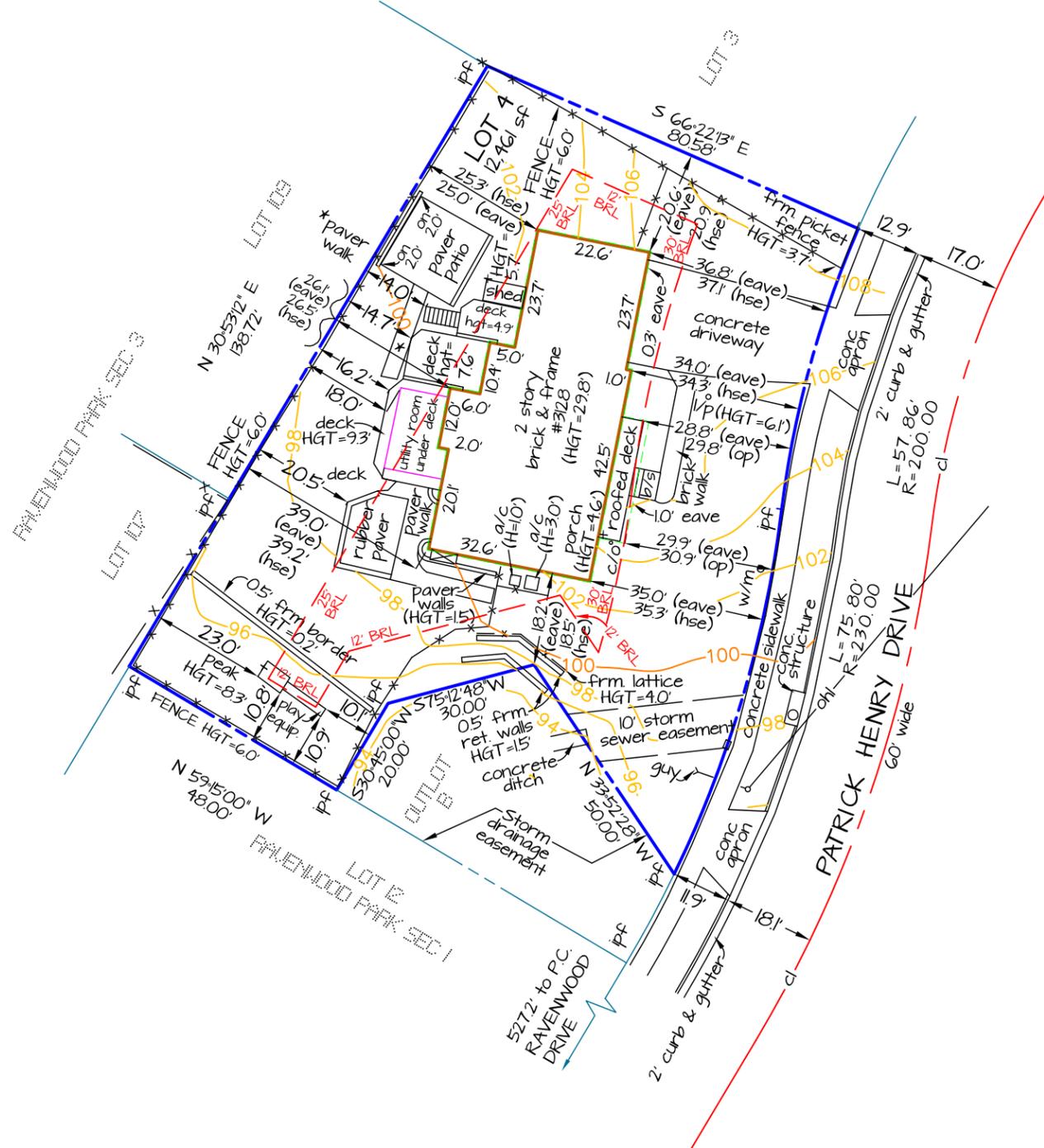
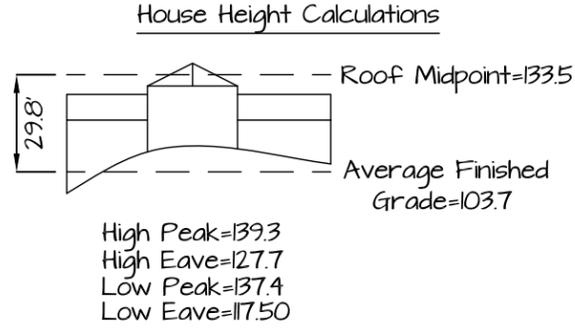
SP 2015-MA-062
PATRICIA F. MARTINEZ (ISHA'S DAYCARE)



Notes:

1. The property shown here on is located on Fairfax County Tax Map No. 051-3-41-0004 and is zoned R-3 (Residential 3 DU/AC).
2. This property is serviced by public water and public sewer.
3. There are no trails proposed on the comprehensive plan in this area.
4. There are no easements 25' or larger or major underground easements affecting this property.
5. There is no Flood Plain or Resource Protection Area on this site.
6. There is no evidence of any burial sites on this property.
7. Proposed use is child care.
8. SWM plans will be submitted at such time as a grading plan is required.
9. Topography field shot. Elevations are assumed.
10. Title report not furnished.
11. All fences are frame unless noted.
12. All eaves are 0.3' unless noted.
13. This plat is subject to restrictions of record.
14. No corner markers set.

OWNER:
Hopewell Mortgage Solutions, LLC
8180 East Kaiser Boulevard
Anaheim, California 92808
Deed Book 24030, Page 1506



- *Key
- a/c air conditioner
 - b/s brick stoop
 - c/o clean out
 - conc. concrete
 - eave
 - ipf iron pipe found
 - lp light pole
 - ohl over head lines
 - Utility room under deck
 - w/m water meter

The locations of all the existing improvements have been established by a transit and tape or EDM survey and unless otherwise noted there are no encroachments. This plat does not purport to show underground utilities. This plat is not to be used for construction of fences.



SPECIAL PERMIT PLAT

LOT 4 DONOHUE'S ADDITION TO RAVENWOOD PARK

- FEBRUARY 08, 2016
- MARCH 08, 2016 (REVISED)
- MARCH 22, 2016 (REVISED)
- APRIL 11, 2016 (REVISED)

SULLY DISTRICT FAIRFAX COUNTY, VIRGINIA



5240 Port Royal Road, Suite 213
Springfield, Virginia 22151
703-866-1236

SCALE: 1"=30'
JOB #: 16-0029SP

SPECIAL PERMIT REQUESTS

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 home child care proposal is provided on page two.

The applicant is also seeking a special permit to allow an existing accessory structure, a playset, 8.3 feet in height, to remain 10.8 feet from a side lot line and an addition (underneath a permitted deck) to remain 18.0 feet from the rear lot line.

A copy of the special permit plat entitled “Special Permit Plat, Lot 4, Donohue’s Addition to Ravenwood Park,” prepared by Guy H. Briggs, dated February 8, 2016, as revised through March 22, 2016, consists of one sheet and is provided at the front of this staff report.

Copies of the proposed special permit development conditions, the statement of justification with select file photographs for the special permit, 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. An open porch, brick walkway and concrete driveway are located in the front yard of the dwelling. An addition, under the permitted deck is attached to the rear façade of the dwelling. A playset and mulched play area, three decks, an addition (under the permitted deck), a shed and two patios are located in the rear yard of the property. An asphalt walkway leads from the front sidewalk to the 6.0 foot high fence that encloses the rear yard. A 10 foot wide stormwater easement is located on the southeastern corner of the property. See Figure 1 below.

The property is located south of the intersection of Leesburg Pike and Patrick Henry Drive. The subject property and surrounding properties to the north, west and south are zoned R-3 and are developed with single family detached dwellings. Outlot B to the immediate south is zoned R-3 and is a stormwater detention facility owned by the Barcroft Ridge Homeowners Association. The properties to the east, across Patrick Henry Drive are zoned R-20 and are developed with single family attached dwellings.



Figure 1- Aerial View of Subject Property

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 2006, the same year that owner purchased the property.

On April 18, 2006, a building permit was approved and a final inspection was completed for the construction of the large deck in the rear yard with no steps (Appendix 4).

There are no building permits or inspections in county records related to the two other decks or for the enclosed addition located beneath the largest deck. A proposed development condition will require the applicant to obtain all relevant permits and inspections before these areas can be used as part of the home child care operation.

From county aerial imagery and discussions with the applicant, both decks in the rear yard and the roofed deck in the front yard were constructed when the house was built in 2006. The addition under the large deck was constructed in 2015 by a family friend.

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, between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. Currently, there are two assistants.

The home child care facility is operated in the basement of the dwelling. The napping area has adequate emergency egress via a door to the rear yard. The play area is located in the rear of the property and contains a playset. The property conforms to the 30 percent rear yard coverage limitation.

The applicant holds a current Family Day Home License, effective for one year that expired on April 1, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, with the hours of operation from 7:00 a.m. through 6:00 p.m., Monday through Friday. The license permits children from 3 months through 8 years 11 months of age. A copy of the license is included as Appendix 5.

Since the home child care license has expired the applicant is currently in the license renewal process with the state. A renewal inspection has already taken place at the home child care and an updated license will be distributed to the Board of Zoning Appeals before the public hearing date.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Barcroft Community Planning Sector (B5)
Plan Map: Residential, 2-3 dwelling units/acre

Staff believes that the application meets the Comprehensive Plan Provisions as the property is already developed as R-3 and no new construction is being proposed.

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	12,461 sf.
Lot Width	Interior: 80 feet	138.72 feet
Building Height	35 feet max.	29.8 feet
Front Yard	Min. 30 feet	35.0 feet
Side Yard	Min. 12 feet	20.6 feet, 18.2 feet
Rear Yard	Min. 25 feet	18.0 feet*

*The unpermitted addition is the subject of this application.

Accessory Structure Setback Standards				
Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Paver patio	Rear	N/A	2.0 feet	N/A
Shed	Rear	N/A	Approx. 21 feet	N/A
Deck w/ stairs	Rear	13.0 feet ¹	14.0 feet	Permits and inspections to be obtained
Deck	Rear	13.0 feet ¹	14.7 feet	Permits and inspections to be obtained
Deck	Rear	13.0 feet ¹	16.2 feet	Finalized
Rubber paver patio	Rear	N/A	20.5 feet	N/A
Playset	Rear	25.0 feet	23.0 feet ²	N/A
	Side	12.0 feet	10.8 feet ²	N/A

1. According to Sect. 2-412, an open deck over 4 feet in height can extend 12 feet into the minimum required rear yard.
2. The location of this structure is the subject of the error in building location portion of this application.

On-Site Parking and Site Circulation

The existing driveway can accommodate at least four vehicles. The applicant parks their car in the garage or on Patrick Henry Drive. The assistants park on the street.

Vehicular access to the site is provided by a concrete driveway from Patrick Henry Drive. A walkway connects the sidewalk to the basement entrance on the rear of the dwelling, which is the main entrance to the home child care.

Zoning Inspection Branch Comments (Appendix 6)

Staff found a number of concerns on the property. Firstly, a napping room did not have proper emergency egress. The applicant has relocated the sleeping area to an open space adjacent to the basement exit to the rear yard and therefore has adequate emergency egress. In addition, the utility room contained storage around the furnace and the hot water heater and there was more storage in front of the electrical panel. The applicant has removed these items and has provided updated photographs.

Staff also noted that the floor plan submitted with the Special Permit was not accurate and should be revised. The applicant has provided a new floor plan (See Appendix 2).

Special Permit Zoning Ordinance Requirements (Appendix 7)

- 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. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 10-103 Par. 6 Location Regulations

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

<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 R-3 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. 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 staff has proposed a development condition for the driveway to be made available for the home child care use. 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>There is existing fencing and landscaping that separates the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement in the R-3 District.</p>
<p>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 driveway would be used for parking for the home child care use.</p>
<p>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>Standard 1 Lot Size and Bulk Regulations</p>	<p>The lot size and width was established in conformance with the requirements with the development of the lot. The main house meets bulk regulations of height and setbacks of the front and rear yards. The applicant is requesting a modification of the minimum setback with this application to permit an addition to remain 18.0 feet from the rear lot line. Additional errors in building location are requested for a front deck and a playset. No exterior modifications are proposed with this application.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 Maximum of 12 Children & Non-Resident Employee</p>	<p>The applicant is proposing a maximum of 12 children at any one time. The applicant requests two non-resident employees.</p>
<p>Standard 2 Access and Parking</p>	<p>Arrival and departure times of the children are staggered and parking is available on the driveway. 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 3 Landscaping/Screening</p>	<p>There is an existing fence that provides screening of the outdoor play area.</p>
<p>Standard 4 Submission Requirements</p>	<p>The applicant submitted a special permit plat.</p>
<p>Standard 5 Code of Virginia, Title 63.2, Chapter 17</p>	<p>Since the home child care license has expired the applicant is currently in the license renewal process with the state. A renewal inspection has already taken place at the home child care and an updated license will be distributed to the Board of Zoning Appeals before the public hearing date. A development condition is proposed that the applicant must continue to meet state license requirements.</p>

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

Staff does not make recommendations on errors in building location; therefore, a staff recommendation is not provided. The applicant is seeking approval of a special permit to allow an existing accessory structure, a playset, 8.3 feet in height, to remain 10.8 feet from a side lot line and an addition (underneath a permitted deck) to remain 18.0 feet from the rear lot line.

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

<p>Part A Maximum Number of Children</p>	<p>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 allow a maximum of twelve children at any one time.</p>
<p>Part B Licensed Provider/ Primary Residence</p>	<p>The applicant is a state licensed home child care provider and the subject property is the provider’s primary residence.</p>
<p>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use except play equipment and toys.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees.</p>
<p>Part E Provider is a Non-Resident</p>	<p>The provider is a resident and owns the property.</p>
<p>Part F Code of Virginia, Title 63.2, Chapter 17</p>	<p>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 and a development condition is proposed to ensure the applicant maintains their state license.</p>
<p>Part G Increase in Children or Non-Resident Person</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to twelve children with special permit approval. The applicant requests special permit approval to allow a maximum of twelve children at any one time with two-nonresident assistants.</p>

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2015-MA-062 for the home child care facility and the location of the playset 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 Special Permit Development Conditions
2. Applicant's Statement of Justification for Special Permit with Select File Photographs
3. Applicant's Affidavit
4. Building Permit for deck
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MA-062****June 1, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-062 located at Tax Map 51-3 ((14)) 4, to permit a home child care facility, and to permit reductions in minimum yard requirements based on errors in building locations to allow an accessory structure (playset) to remain 10.8 feet from a side lot line, an addition to remain 18.0 feet from a rear lot line and a roofed deck to remain 28.8 feet from a front lot line, pursuant to Sect. 3-303, 8-305 and 8-914 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, Patricia Martinez D/B/A Isha's Day Care and is not transferable without further action of the Board, and is for the location indicated on the application, 3128 Patrick Henry Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use, the playset to remain 10.8 feet from a side lot line, the addition to remain located 18.0 feet from the rear lot line and the roofed deck to remain 28.8 feet from the front lot line as indicated on the plat entitled "Special Permit Plat, Lot 4, Donohue's Addition to Ravenwood Park," prepared by Guy H. Briggs, dated February 8, 2016, as revised through March 22, 2016, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The applicant shall continue to operate with the approved hours of operation, 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.

-
8. All pick-up and drop-off of children shall take occur in the driveway.
 9. There shall be no signage associated with the home child care facility.
 10. 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.
 11. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
 12. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards".
 13. The applicant shall file for all building and trade permits within 30 days and pass final inspections within 180 days of the date of the BZA approval for all unpermitted decks (2 in the rear and 1 in the front), and the addition.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

**STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY**

RECEIVED
Department of Planning & Zoning
MAR 16 2015
Zoning Evaluation Division

Name: PATRICIA MARTINEZ
Address: 3128 PATRICK HENRDR
Falls Church VA 22044
Tax Map #: 0513 41 0004
Phone #: (571) 481-6453
E-mail address: ISHAS DAY CARE@AOL.COM

Date: 3/10/2015

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

Re: Special Permit Application

Applicant: Patricia Martinez
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 9-006 of General Standards

Tax Map #: 0513 41 0004
Zoning District: R-3
Lot Size: 12,461 sq ft

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a single family dwelling at 3128 Patrick Henry Dr., Falls Church in Fairfax, Virginia with my family. The property is zoned R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours. The proposed child care facility is to be open from 7:00 AM TO 6:00 PM.

Number of Children. I propose to care for a maximum of 12 children at any one time. This number does not include my own 1 children.

Employees. I propose to have 2 assistant(s) who will work Full Time and same times. Part time.

Arrival Schedule. 12 of the children are proposed to arrive between 7:00 AM AM and 8:30 AM.

Departure Schedule. 1/2 of the children are proposed to be picked up at 3:45 PM. 6:00 PM
Same times early

Parking. I propose to use my street to park my family car. My parents will park
same times my driveway

Area Served. Falls Church Area

Operations. As I stated, my house is a single family home. It has 3,812
sq ft. I w. 850 sq ft for my day
care

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

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

Outdoor Play Area. I propose to use my back yard for outdoor play for the children. The area is approximately 3,400 square feet. There is

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

In conclusion, I am proposing

Sincerely,

X
Owner of Tisha Day Care

Proposed Arrival and Departure Schedule for: 1sthasDay Care - Open 7:AM
TO 6:00 PM

Address: 3128 PATRICK HENRY DR FALLS Church VA 22044

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	7:30			
2	7:30			
3		8:00		
4		8:00		
5		7:45		
6		7:45		
7		8:00		
8			8:15	
9			8:30	
10			8:30	
11			8:00	
12			8:15	

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	3:45			
2	5:00			
3	3:00			
4		4:30		
5		4:50		
6		4:50		
7		5:15		
8			5:00	
9			5:15	→
10			5:30	→
11			5:20	→
12			5:40	→

Appendix 1

RECEIVED
 Department of Planning & Zoning

MAR 16 2015
 Zoning Evaluation Division

Subj:
Date:
From:
To:

Jrdg
3/31/2014 12:30:27 P.M. Eastern Daylight Time



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

Sent from my iPhone

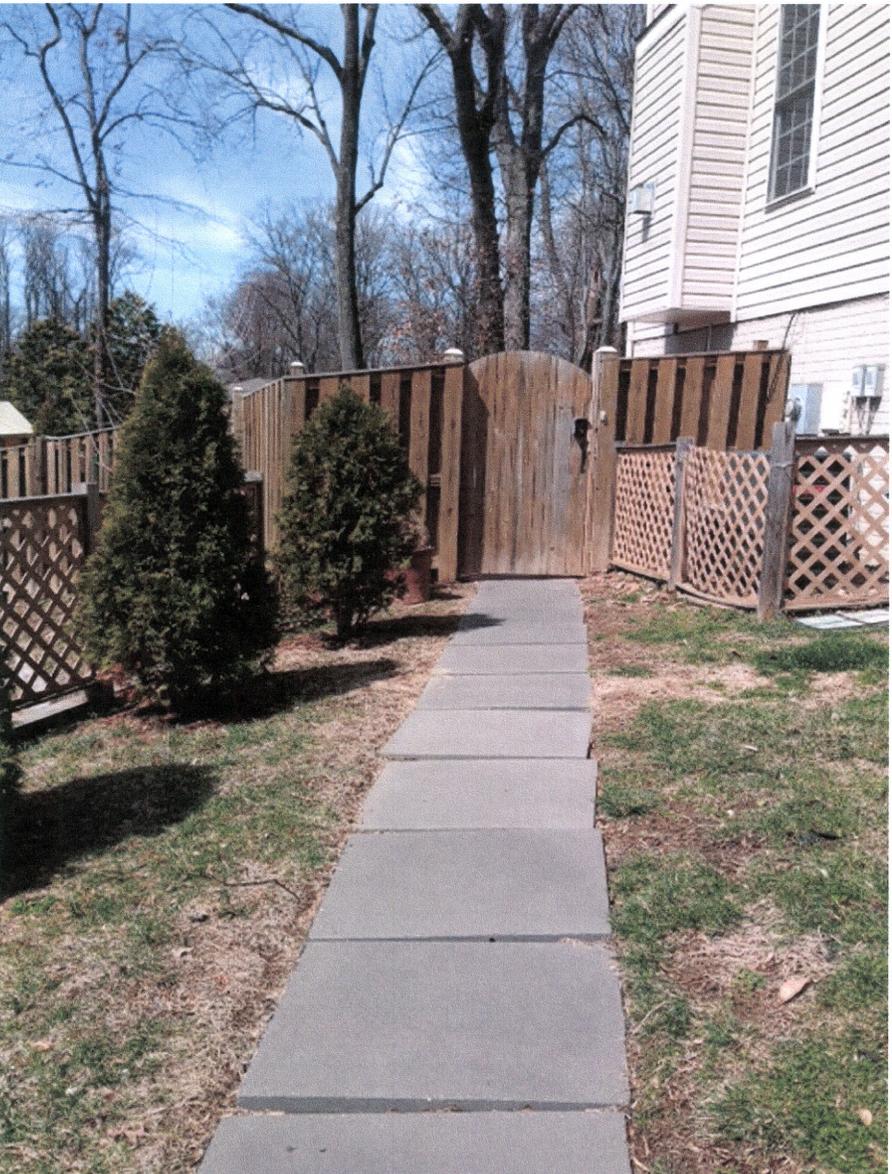
Monday, March 31, 2014 AOL: IshaDayCare

Subject: Jhchik
Date: 3/31/2014 12:31:23 P.M. Eastern Daylight Time
From: [REDACTED]
To: [REDACTED]

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division



Sent from my iPhone

Monday, March 31, 2014 AOL: IshasDayCare





Subj: **G**
Date: 3/31/2014 11:52:52 A.M. Eastern Daylight Time
From: shasdaycare@aol.com
To: shasdaycare@aol.com



Sent from my iPhone

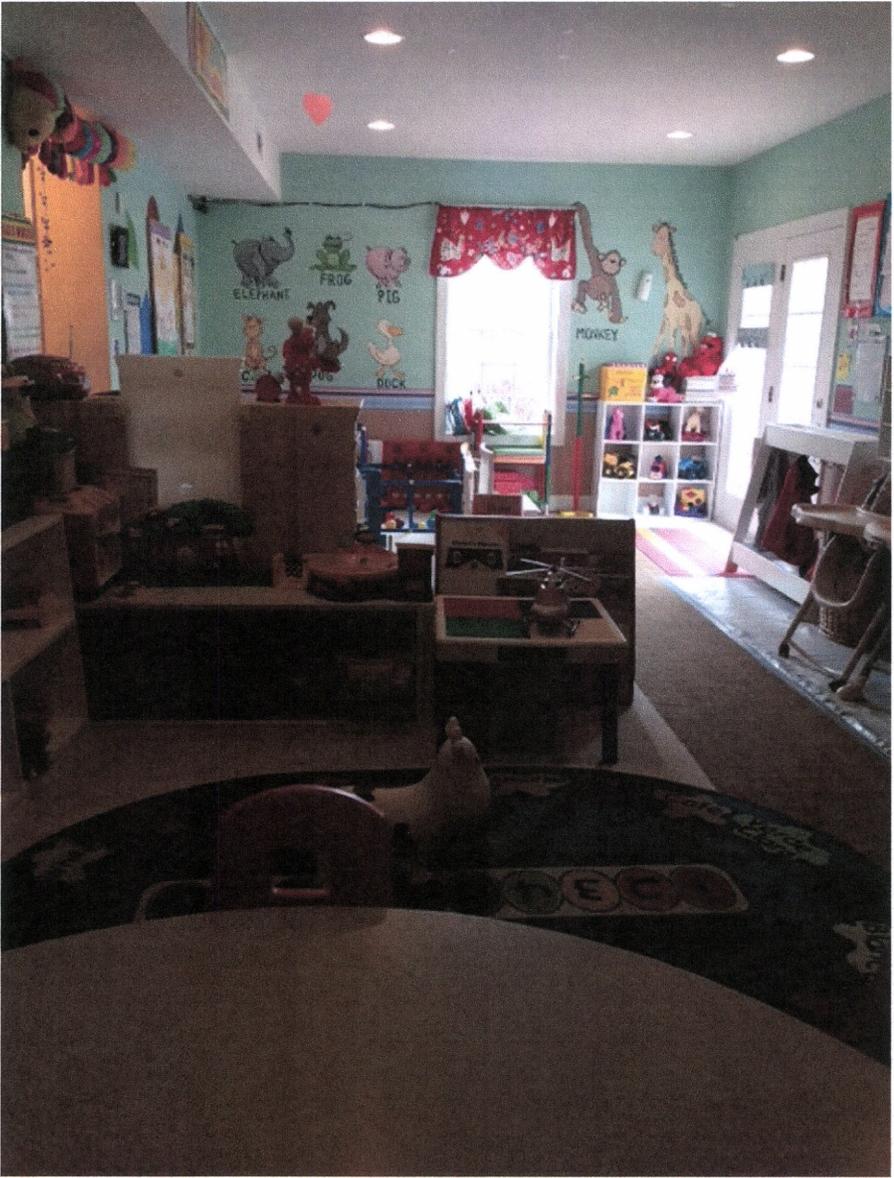


RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

Monday, March 31, 2014 AOL: ShasDayCare

Subj:
Date:
From:
To:

(no subject)
3/31/2014 11:53:27 A.M. Eastern Daylight Time



Sent from my iPhone

ROOMZ



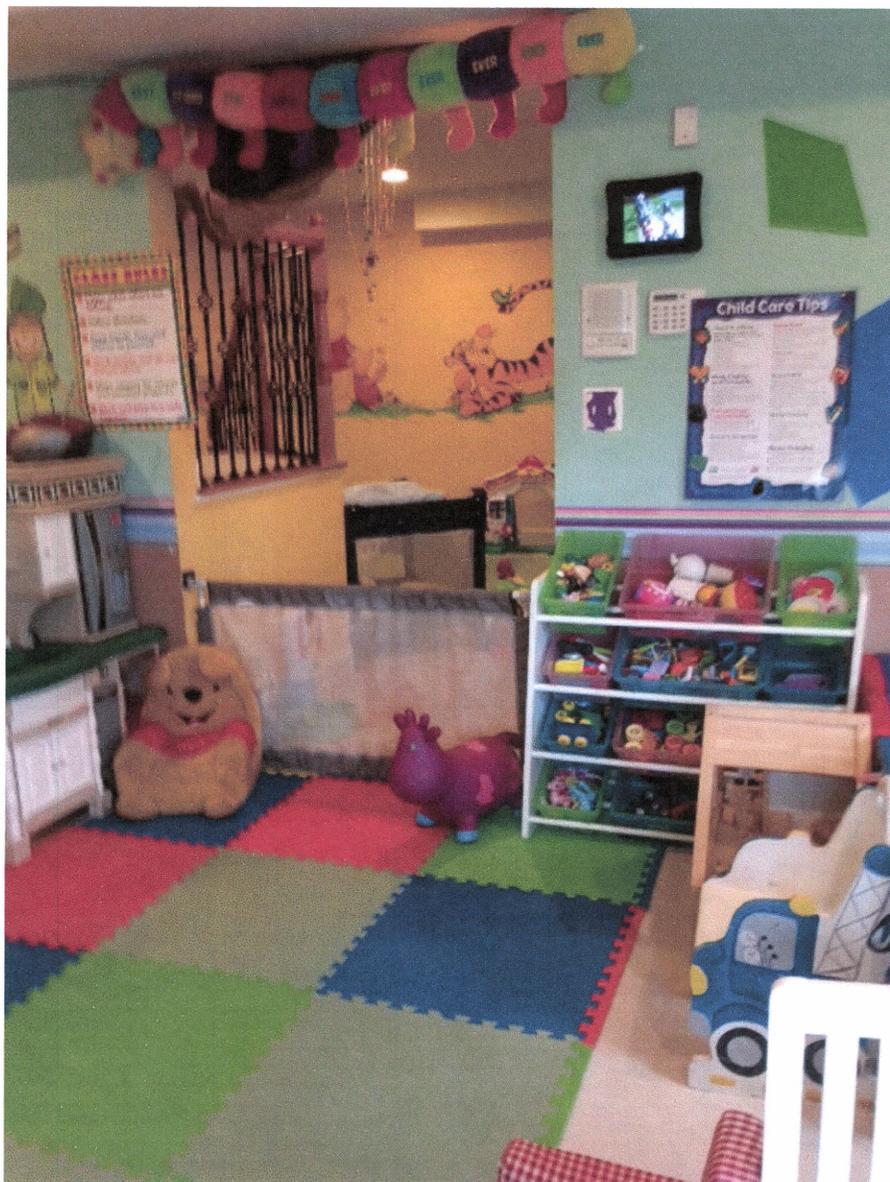
RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

Monday, March 31, 2014 AOL: IshasDayCare

Subj:
Date:
From:
To:

BFF
3/31/2014 12:49:59 P.M. Eastern Daylight Time

IshasDayCare@aol.com
IshasDayCare@aol.com



Sent from my iPhone

Room # 2

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

Monday, March 31, 2014 AOL: IshasDayCare

Application No.(s): SP 2015-MA-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/7/2015
(enter date affidavit is notarized)

125051

I, PATRICIA MARTINEZ, 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)
---	--	---

<u>PATRICIA MARTINEZ</u>	<u>3128 PATRICK DRIVE</u>	<u>Applicant / Title Owner</u>
<u>D.B.A. Ishas DayCare</u>		

(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).

Sel

Application No.(s): SP 2015-MA-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/7/2015
(enter date affidavit is notarized)

125051

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

N/A

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

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)

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

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

Application No.(s): SP 2015-MA-062
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/7/2015
(enter date affidavit is notarized)

125051

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

PARTNERSHIP INFORMATION

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

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

N/A

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**)

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

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

Application No.(s): SP 2015-MA-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/7/2015
(enter date affidavit is notarized)

125051

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

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

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

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

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

NONE

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

Application No.(s): SP 2015-MA-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/7/2015
(enter date affidavit is notarized)

125051

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)

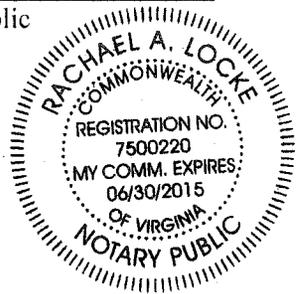
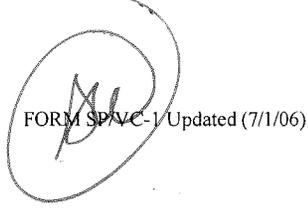
Applicant [Signature] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 7th day of April, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Rachael Ayure
Notary Public

My commission expires: 6/30/15





Land Development Information History: FIDO - DECK - 053439264

Permit Information

Permit Number:	053439264	Application Date:	
Permit Type:	DECK	Tax Map:	051-3 ((41)) 0004
Job Address:	003128 PATRICK HENRY DR FALLS CHURCH , VA 22044- 0000	Permit Status:	Finalized
		Bldg:	Floor: Suite:
		Permit Fee:	\$65.00
Location:			
Subdivision:	RAVENSWOOD PARK		
Magisterial District:	MASON		
Subcensus Tract:			
AP (Tenant) Name:	NA		
Work Description:	SFD/BUILD DECK NO/STEPS NO/HT PER CO DETAILS		
Type of Work:	DECK		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR00 - IRC 2000		
Plan Number:	N-05-18691		
Parent Permit:	NA		
ISIS Permit:	05343B0020		
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [053439264](#)

Owner Information

Owner: MANUAL ROY
Address: 3128 PATRICK HENRY DR
City: FALLS CHURCH **State:** VA
Zip: 22102

Contractor Information

Name: AN EXTERIOR INC
Address: 14522 C LEE ROAD
City: CHANTILLY **State:** VA **Zip:** 20151-0000
BPOL License:
State License:
Trade Reg.:

Trade Name:

Applicant Information

Applicant: KASEY PETERSON
Address:
City: **State:** **Zip:**

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections**Inspection - R FINAL - FINAL INSPECTION - 2900931**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-04-18	THOMAS SEKINGER	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 2900931

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-04-18	THOMAS SEKINGER	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 2899846

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-04-17	THOMAS SEKINGER	N	Failed	NO	RIM BRD ATTCH. FTG CERT

Inspection - R FINAL - FINAL INSPECTION - 2899846

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2006-04-17	THOMAS SEKINGER	N	Failed	NO	RIM BRD ATTCH. FTG CERT

Inspection - R FINAL - FINAL INSPECTION - 2901219

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	Auto Finalization

Inspection - R FOOTING - FOOTING INSPECTION - 2904676

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2005-12-12	BERNADETTE GRIFFIN	N	Passed	NO	deck - 33999

Inspection - R FRAMING - FRAMING INSPECTION - 2515579

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2005-12-14	JAMES MAKELY	N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

Inspection - R ROUTINE - ROUTINE INSPECTION - 2515580

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE	2005-12-29	RONALD BLADEN	Y	Cancelled	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

Inspection - R ROUTINE - ROUTINE INSPECTION - 2515581

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE	2006-04-17	THOMAS SEKINGER	N	Cancelled	NO	

Inspection - R ROUTINE - ROUTINE INSPECTION - 2515581

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE	2006-04-17	THOMAS SEKINGER	N	Cancelled	NO	

Inspection - R ROUTINE - ROUTINE INSPECTION - 2901216

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE			N	None	NO	Auto Finalization

Reviews**Review - SITEPERMIT - (SITE PERMITS REVIEW) - 655189**

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2005-12-09		Y	Approved

Review - REALESTATE - (REAL ESTATE REVIEW) - 655190

Review Type	Review Date	Reviewer	Started	Status
REALESTATE	2005-12-09		Y	Approved

Review - ASSESSMENT - ASSESSMENT REVIEW - 655191

Review Type	Review Date	Reviewer	Started	Status
ASSESSMENT	2005-12-09		Y	Approved

Review - ZONING - (ZONING REVIEW) - 655192

Review Type	Review Date	Reviewer	Started	Status
ZONING	2005-12-09		Y	Approved

Review - STATELICEN - (STATE LICENSING REVIEW) - 655193

Review Type	Review Date	Reviewer	Started	Status
STATELICEN	2005-12-09		Y	Approved

Contact Fairfax County: [Phone, Email or Twitter](#) | **Main Address:** [12000 Government Center Parkway](#), Fairfax, VA 22035
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<http://ldip.fairfaxcounty.gov/page/detail?uri=%2Fdocs%2Ffido%2Fpermit-787253.xml&searchaddress=31...> 2/8/2016

Commonwealth of Virginia
DEPARTMENT OF SOCIAL SERVICES



FAMILY DAY HOME LICENSE

Issued to:

Patricia Martinez, d.b.a. Isha's Daycare

Address:

3128 Patrick Henry Drive, Falls Church, Virginia 22044

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

<u>CAPACITY</u>		
	12	
<u>GENDER</u>	<u>AGE</u>	
Both	3 months through 8 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

DH 1107673-L116
LICENSE NUMBER

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By

James J. Parcelli
James J. Parcelli

Title

LICENSING ADMINISTRATOR

Date

May 28, 2015



County of Fairfax, Virginia

MEMORANDUM

Date: August 13, 2015

To: Laura Arsenau, Planner II
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MA-062

Applicant: Patricia Martinez, Isha's Day Care
3128 Patrick Henry Drive, Falls Church, Virginia 22044
Donohues Add'n to Ravenwood Park, Lot 4
Tax Map# 51-3 ((41)) 4
Zoning District: R-3
Magisterial District: Mason
ZIB # 2015-0362
Date of Inspection: August 11, 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 the emergency egress. We discussed with the applicant about relocating the infants sleeping area to an area within the day care with proper egress or relocate to an upstairs bedroom, also discussed installation of an egress window, which the applicant was receptive to do, less disruption to the day care.
- ☐ 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.

*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.

*The property had storage located in front of the electrical panel.

- ✓ 8. Structures comply with the Zoning Ordinance.

*Mulched play area & patio area may exceed the 30 percent of the minimum required rear yard coverage.

*The floor plan submitted with the Special Permit is not accurate and should be revised.

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.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
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, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

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

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

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

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

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

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

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

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.