



County of Fairfax, Virginia

August 30, 2016

STAFF REPORT

SPECIAL EXCEPTION SE 2016-MV-008

MOUNT VERNON DISTRICT



APPLICANT: Constance K. Basoah
Constance Daycare Center

ZONING: PDH-8 (Planned Development Housing District,
Eight Dwelling Units Per Acre)
HC: Highway Corridor Overlay District

PARCEL: 101-3 ((32)) 18

SITE AREA: 2,881 square feet

PLAN MAP: Residential, 5-8 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 2016-MV-008, 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.

Angelica P. Gonzalez

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).

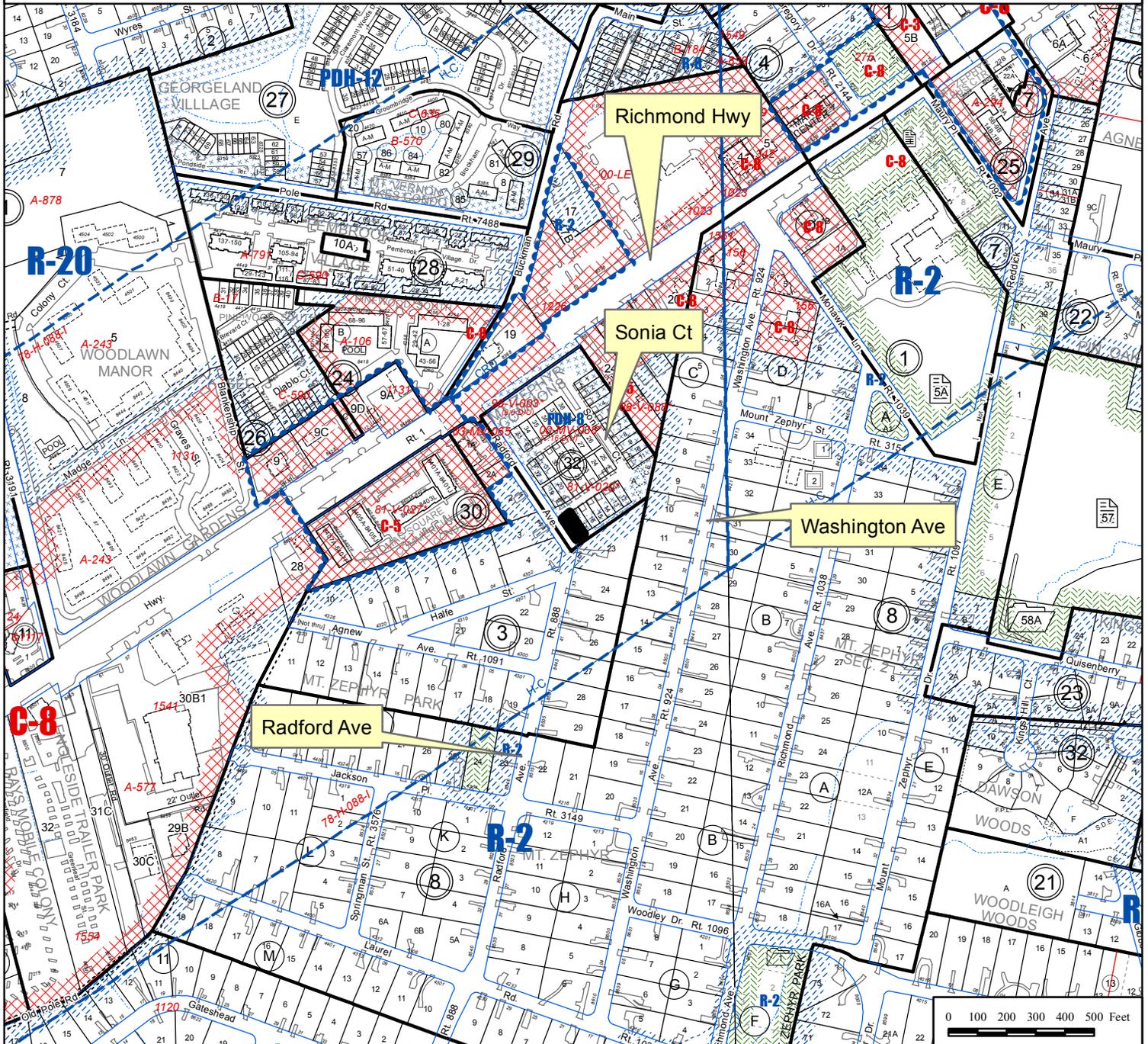
Special Exception

SE 2016-MV-008



Applicant: CONSTANCE K. BASOAH / CONSTANCE DAYCARE CENTER
Accepted: 04/20/2016
Proposed: HOME CHILD CARE FACILITY
Area: 2881 SF OF LAND; DISTRICT - MOUNT VERNON

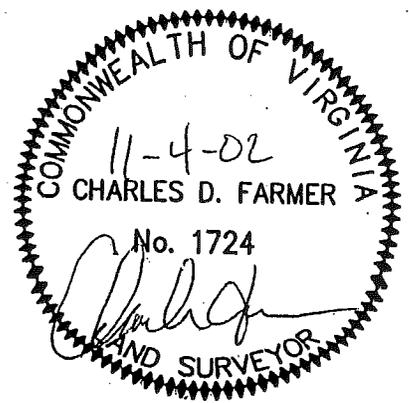
Zoning Dist Sect: 06-0105
Located: 4201 SONIA CT., ALEXANDRIA, VA 22309
Zoning: PDH- 8
Plan Area: 4,
Overlay Dist: HC
Map Ref Num: 101-3- /32/ /0018



0 100 200 300 400 500 Feet

HOUSE LOCATION SURVEY
MOUNT ZEPHYR COMMONS
LOT 18

#4201 SONIA COURT
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA



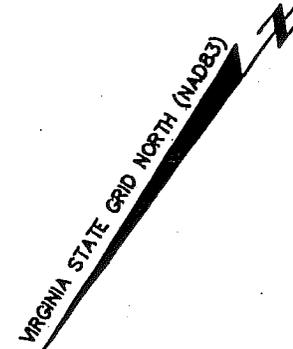
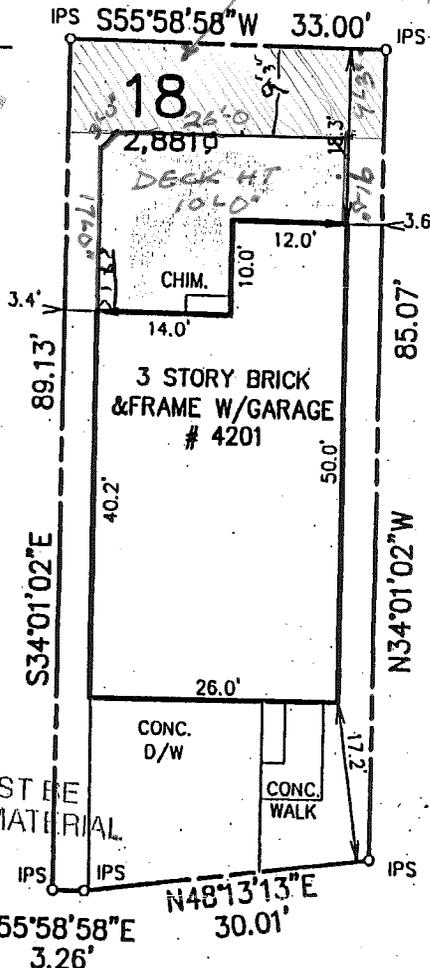
J. Banerjee
 04/10/2016

OPEN DECK APPROVED
 NO Privacy screening.
 Lattice, plant hanger, trellis, or arbor
 (Nothing above the rail and nothing
 below the deck flooring)

PARCEL "A"

SHADED AREA INDICATE
 OUTDOOR PLAY AREA
 = 305.25 SQ. FT.

APPROVED
 6/7/04 SS
William P. ...



PARCEL "A"

RECEIVED
 Department of Planning & Zoning
 MAR 31 2016
 Zoning Evaluation Division

RECEIVED
 Department of Planning & Zoning
 APR 12 2016
 Zoning Evaluation Division

DPW&ES
 Office of Building
 Code Services
 Approved for

Build on Deck
 By: *[Signature]*
 Date: *9/2/04*

PARCEL "A"

SONIA COURT
 (PRIVATE STREET)

THIS PROPERTY LIES WITHIN A H.U.D.
 DESIGNATED "X" FLOOD HAZARD AREA
 DETERMINED TO BE OUTSIDE A 500 YEAR
 FLOOD PLAIN, AS DELINEATED ON COMMUNITY
 MAP NO. 515525 136D DATED MARCH 5, 1990.

IPS DENOTES IRON PIPE SET
 ALL EASEMENTS ARE RECORDED
 IN D.B.13105 AT PG. 835 UNLESS
 OTHERWISE NOTED.

THIS PROPERTY IS ZONED PDH-8

WALL CHECK Date: 8/13/02	Drn. By: JJS Chk By: SDD	FINAL SURVEY Date: 11/1/02	Drn. By: JJS Chk By: JAD	RECERT Date:	Drn. By: Chk By:
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SURVEYOR'S CERTIFICATE

I hereby certify that the position of all existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no encroachments and no title report has been furnished.

CPJ Charles P. Johnson & Associates, Inc.
 PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS
 3959 PENDER DRIVE SUITE 210 FAIRFAX, VIRGINIA 22030 (703)345-7555
 SILVER SPRING, MD FAX(703)273-8595

Reference D.B. 13105 PG. 835	Scale 1" = 20'	File No. 00-536-72
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DESCRIPTION OF THE APPLICATION

The applicant, Constance K. Basoah/Constance Daycare Center, requests special exception (SE) approval to operate a home child care facility for up to 10 children at any one time between the ages of one month and 13 years old in a single-family detached dwelling with one non-resident assistant. Without SE approval, the applicant would be limited to a maximum of seven children at any one time and one non-resident assistant during the hours of 7:00 a.m. to 6:00 p.m.

The 2,881 square foot subject property is developed on a lot with a single-family detached dwelling with an attached two-car garage. The property, located in the Mount Zephyr Commons subdivision, is located off Sonia Court in Alexandria. The surrounding uses to the north and east are zoned PDH-8 and developed with single-family detached dwellings. The property to the south and west, across Radford Avenue are zoned R-2 and also developed with single-family detached dwellings. Figure 1 below depicts the subject property and the surrounding area.



Figure 1: Aerial of 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 full time 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 patio in 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 also uses the rear yard with play equipment as the outdoor play area for the home child care.
- The hours of operation are from 6:30 a.m. to 7:00 p.m., Monday through Friday with staggered drop-off and pick-up. Children arrive between 6:30 a.m. and 12:00 p.m. and depart between 2:30 p.m. to 7:00 p.m.
- The 19 foot long driveway is used for drop-off and pick-up. The applicant leaves these spaces open during the home child care operations. The applicant parks the family vehicles in her two-car garage and the assistant will park along Radford Avenue, a public street.
- The applicant is licensed by Fairfax County for a home child care for four children in the basement and the license expires on September 30, 2016 which the applicant is currently in the process of extending.

The proposed development conditions, the applicant's statement of justification, and affidavit are provided as Appendices 1 through 3, respectively.

BACKGROUND

On January 8, 2001, the Board of Supervisors approved Rezoning RZ/FDP 2000-MV-038 with proffered conditions to rezone 5.3 acres from the C-2, C-8 Districts and Highway Corridor Overlay District to the PDH-8 District and Highway Corridor Overlay District to permit development of 38 single-family detached dwellings. Additional information is available at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=RZ&seq=4010138>.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area IV
Planning District:	Mount Vernon Planning District
Planning Sector:	MV7 – Mount Vernon Planning Sector
Plan Map:	Residential: 5-8 Dwelling Units Per Acre

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT (SE PLAT)

The Special Exception Plat, entitled "House Location Survey, Mount Zephyr Commons, Lot 18," prepared by Charles P. Johnson & Associates, Inc., as revised by the applicant, Constance K. Basoah on April 10, 2016, depicts a 2,881-square foot lot containing a three-story single-family detached dwelling with a front stoop leading to the sidewalk

and an attached garage. The open deck is located in the rear yard which was permitted in 2004. At the rear of the subject property there is a 305 square foot rear yard that is utilized as the play area as shown in the SE Plat. The play area is adjacent to Home Owners Association (HOA) open space that is not separated by a fence, however there is a serpentine wall located just outside of the western property line and a fence located just outside of the rear of the property line.

STAFF ANALYSIS

Parking, Drop-Off and Pick-Up

Parking for drop-off and pick-up is available in the driveway of the subject property which is approximately 19 feet wide and 19 feet deep which allows two vehicles to use the driveway at once as stated in the statement of justification. The applicant parks the family vehicles in the attached two-car garage. Additional parking is available on Radford Avenue, a public street. The assistant will park on a public street. Fairfax County Department of Transportation (FCDOT) has no issues with this application (Appendix 4). A proposed development condition ensures that the driveway remains available during the home child care operations.

Drop-off and pick-up for the home child care facility is staggered and occurs in the driveway as stated in the applicant's statement of justification. 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 5)

On May 10, 2016, staff conducted a zoning inspection of the home child care facility. Staff found that the patio in the rear yard required a guard rail since it was greater than 30 inches in height pursuant to the Virginia Uniform Building Code under Sect. R312.1.1. In addition, the eastern side of the patio was enclosed with wooden lattice, which is not permitted under the approved open deck permit as shown in the special exception plat located at the front of this report. Subsequent to the zoning inspection, the applicant demonstrated to staff's satisfaction that a guard rail was installed to the patio and the lattice was removed. There are no outstanding issues.

Zoning Ordinance Provisions (Appendix 6)

Par. 6A of Sect. 10-103 of the Zoning Ordinance provides that home child care facilities caring for more than seven children in a single-family detached 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 6.

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-8 and this district permits a home child care facility as an accessory use with special exception approval. In staff's opinion, the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-8 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed and there is no exterior evidence of the proposed use. An outdoor play area with play equipment is located in the rear yard. 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 driveway and on surrounding public streets. Staff has proposed a development condition for the driveway to be used for 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.</p>
<p>Standard 6 Open Space</p>	<p>Open space for the development was previously provided with the approval of RZ/FDP 2000-MV-038. The proposed use will not encroach on the existing open space.</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 applicant parks her family vehicles in the two-car garage, the driveway is used for drop-off and pick-up for the home child care use, and there is adequate nearby parking for the assistant to park on Radford Avenue, a public street.</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 bulk regulations for the subject property were previously satisfied with the development of the property. No new construction or exterior modifications are proposed.</p>
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Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 10 children at any one time. The applicant requests approval to permit one non-resident employee.
Standard 2 Access and Parking	The children's arrival and departure times are staggered; two spaces are available on the driveway; 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.
Standard 3 Landscaping/Screening	No transitional screening or barrier is required with the proposed use.
Standard 4 Submission Requirements	The applicant met the submission requirements prior to acceptance.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	Staff has proposed a development condition in which the approval of this use is contingent upon issuance of a state license for the home child care facility to care for up to 10 children.

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

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single-family detached dwelling. The applicant requests special exception approval to permit a maximum of 10 children at any one time.
Part B Licensed Provider/Primary Residence	The applicant is a County licensed home child care provider and the subject property is the provider's primary residence.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
Part D Non-Resident Employee	The applicant is proposing one full time non-resident employee.

<p>Part E Provider is a Non-Resident</p>	<p>As previously discussed, the dwelling is the applicant's primary residence.</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. Staff has proposed a development condition in which the approval of this use is contingent upon issuance of a state license for the home child care facility for up to 10 children.</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 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 full time non-resident assistant.</p>

CONCLUSIONS AND RECOMMENDATION

In staff's opinion, the proposed home child care facility for up to 10 children at any one time with one non-resident 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 2016-MV-008, 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. Fairfax County Department of Transportation Memo

5. Zoning Inspections Branch Inspection Memo
6. Zoning Ordinance Provisions

DEVELOPMENT CONDITIONS
SE 2016-MV-008
August 30, 2016

If it is the intent of the Board of Supervisors to approve SE 2016-MV-008 located at 4201 Sonia Court, Tax Map 101-3 ((32)) 18, for a home child care facility with up to 10 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, entitled "House Location Survey, Mount Zephyr Commons, Lot 18," prepared by Charles P. Johnson & Associates, Inc., as revised by the applicant, Constance K. Basoah on April 10, 2016, and approved with this application, 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 be 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 6:30 a.m. and 7:00 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 10.
6. A maximum of one non-resident employee, 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 drop-off and pick-up of children shall take place in the driveway, which shall be reserved exclusively for that purpose during hours of operation of the home child care facility.
8. Approval of this use is contingent upon issuance and maintenance of a state license for the home child care facility for up to 10 children and subject to the number and ages of children allowed by the State. The number of children shall not be increased beyond four until the applicant has acquired a state license.

9. 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.
10. There shall be no signage associated with 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.

STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Constance K. Basoah
Constance Daycare Center
4201 Sonia Ct
Alexandria, VA 22309
571-314-7737
consko68@gmail.com

July 20, 2016

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

Re: Special Exception Application
Applicant: Constance Basoah
Zoning Ordinance: Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map #: 1013 32 0018
Zoning District: PDH-8
Lot Size: 2881 Square Feet

To whom it may concern,

I would like to submit the following as my statement of justification for a Special Exception for a family childcare facility in my home. I live in a single-family detached property at 4201 Sonia Ct in Alexandria, Virginia with my husband and daughter. I currently have a Fairfax County Family Day Care license which allows me to care for up to four children at my home. I am submitting an application for a Virginia State License to enable me care for more than seven children which is requiring me to submit a Special Exception Application to your office for review and approval before my application can be approved. Please find below, the operation information about my business.

Hours of Operation: 6:30 AM to 7:00 PM, Monday through Friday.

Number of Children: I care for up to 4 children at any one time. This number does not include my daughter who is 14 years old. I am proposing to increase the number of children cared for to 10 if this Special Exception Application is approved. The age range of the children I care for and those I am proposing to care for is 1 month to 13 years old.

Employees: I do not have an assistant now but I intend to hire a full-time assistant to help me from 8am to 5pm, and Monday through Friday.

Arrival Schedule: Two of the children will arrive between 6:30 AM and 8:00 AM. Three children arrive between 8:00 and 10:00 AM with one child walking a block with her parent to the house who will come in at 10.15 AM. Four children will arrive between 10:30 and 12:00 PM. All the kids will leave at times during the day described in the departure schedule below.

Departure Schedule: Three children will be picked up between 2:30 PM and 4:30 PM. Two of the children will leave between 4:30 PM and 5:30 PM. Two more children will leave 5:30 PM and 6:30 PM with the last three children will stay until 7:00 PM when they leave (Please see page 4 or Appendix 1 with my proposed Arrival and Departure Schedule for all proposed 10 children).

Parking: I use my 2-car garage to park our family cars. My driveway provides enough parking for two cars because the driveway is more than 19 feet long and holds two cars side by side. In addition, ample parking is available along the streets by my house for the parents and my assistant.

Area Served: Currently, most of the children live in the general vicinity of my neighborhoods. Many of the children live in neighborhoods around Mount Zephyr and Mount Vernon. These parents drive their children to my house. As I noted, one of the children live in the immediate area. Her parent walks her to the childcare.

Operations: As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. I use the kitchen and dining area of the house (located on the first floor) for meals and snacks. Attached is a floor plan that indicates the areas where the day care is located. The house has 2,320 square feet. The area used for the child care is approximately 445.5 sq ft in size.

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

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

Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 305 square feet. There is a slide and a mini playhouse outside for the kids. There is a fence around the play area. I also have a basement deck with a 3ft high Guardrail around where children can also play.

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

Sincerely,



Constance K. Basoah
Proprietor, Constance Daycare Center

Proposed Arrival and Departure Schedule for:

Constance Basoah
Constance Daycare Center
4201 Sonia Ct
Alexandria, VA 22309

Proposed Arrival Schedule

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

Proposed Departure Schedule

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 28, 2016
 (enter date affidavit is notarized)

133367

I, Constance K. Basoah/Constance Daycare Center, 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 2016 - MV - 008
 (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 (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)
Constance K. Basoah Constance Daycare Center	4201 Sonia Ct Alexandria, VA 22309	Applicant/ Title Owner
Francis K. Basoah	4201 Sonia Ct Alexandria, VA 22309	Co-Title Owner/Agent

(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).

SPECIAL EXCEPTION AFFIDAVIT

133367

DATE: April 28, 2016
(enter date affidavit is notarized)

for Application No. (s): SE 2016- MV - 008
(enter County-assigned application number(s))

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)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

N/A

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Special 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: April 28, 2016
(enter date affidavit is notarized)

133367

for Application No. (s): SE 2016-MV-008
(enter County-assigned application number(s))

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)

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

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

N/A

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special 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: April 28, 2016
(enter date affidavit is notarized)

133367

for Application No. (s): SE 2016-MV-008
(enter County-assigned application number(s))

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.

Application No.(s): SE 2016-MV-008
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

133367

DATE: April 28, 2016
(enter date affidavit is notarized)

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) [x] Applicant [] Applicant's Authorized Agent

CONSTANCE K. BASOAH/CONSTANCE DAYCARE CENTER
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 28 day of April, 2016, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 03-31-2018



[Signature]
Notary Public

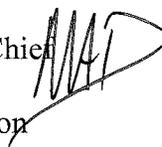


County of Fairfax, Virginia

MEMORANDUM

DATE: June 7, 2016

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2016-MV-008)

SUBJECT: Transportation Impact

REFERENCE: SE 2016-MV-008: Constance K. Basoah – Constance Daycare Center
Identification Map: 101-3 ((32)) 18

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat dated November 2, 2002, and revised through April 10, 2016. The applicant, who has 5 children in care now, seeks approval to operate a home childcare facility for 12 children. There would be one assistant. The hours of operation are 6:30 a.m. to 11:00 p.m. Monday–Friday and every other weekend.

There is parking in the driveway and also along the adjacent street. This department has no transportation issues with this application.

MAD/LAH/lah

cc: Angelica Gonzalez, DPZ



County of Fairfax, Virginia

MEMORANDUM

Date: August 3, 2016

To: Angelica Gonzalez, Planner II
Zoning Evaluation Division

From: Austin Gastrell
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SE 2016-MV-008, Constance K. Basoah, Constance Daycare Center

Reference: 4201 Sonia Ct., Alexandria, Virginia 22309
Tax Map# 101- 3 ((32)) 18
Zoning District: PDH-8
Magisterial District: Mount Vernon
ZIB Ref.: 2016-0108
Date of Inspection: May 10, 2016

This memorandum is a follow up to an inspection conducted on May 10, 2016. The following violations were identified at the time of inspection. (See attached pictures)

1. Deck in rear yard has been enclosed with wooden lattice, which is inconsistent with the approved open deck permit.
2. The patio in the rear yard is in violation of Sect. R312.1.1 of the Virginia Uniform Building Code. The patio exceeds 30 inches in height and currently does not have any installed safety guards. (See attached pictures) Which is in violation of Sect. R312.1.1 which states:

“Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect Screening shall not be considered as a guard.”

Angelica Gonzalez

August 3, 2016

Page 2

The applicant was made aware of the violations following the May 10, 2016 inspection. An email was received July 5, 2016 with pictures (see attached) that demonstrate that the violations have been resolved. Guard rails have been constructed in conformance with Sect. R312.1.1 of the Virginia Uniform Building Code, and the lattice which previously enclosed part of the existing patio has been removed.



Picture of patio enclosed with
lattice- 5/10/2016



Picture of patio- 5/10/2016



Picture of patio- 5/10/2016



Picture of installed guard rail-
7/5/2016



Picture of installed guard rail-
7/5/2016



Picture of installed guard rail and removed lattice - 7/5/2016

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.