



County of Fairfax, Virginia

September 14, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MV-061

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Carla Maldonado

SUBDIVISION: Saratoga Townhouses

STREET ADDRESS: 8080 Tributary Court, Springfield

TAX MAP REFERENCE: 98-2 ((8)) 67

LOT SIZE: 2,586 square feet

ZONING DISTRICT: R-8

ZONING ORDINANCE PROVISIONS: 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-MV-061 for the home child care facility, with the adoption of the proposed development conditions contained in Appendix 1.

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

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

Sharon Williams

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

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

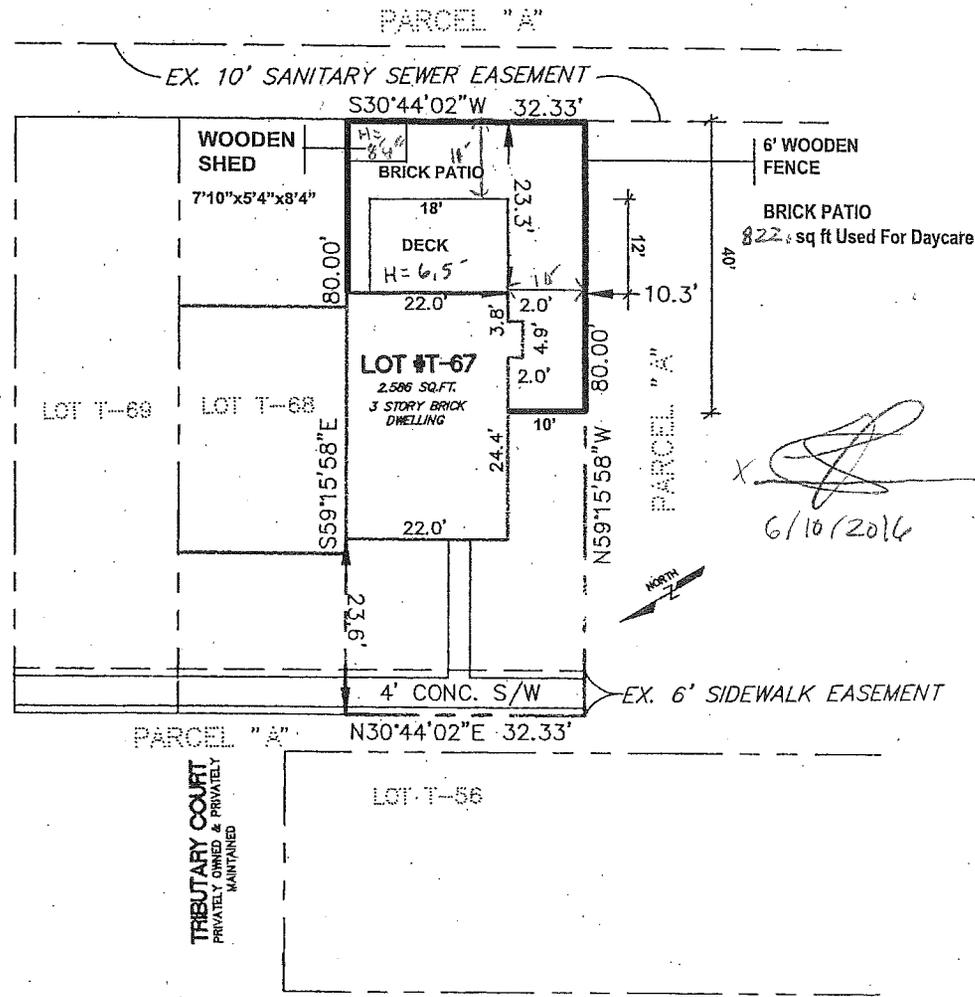
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

152330153

NOTE:
NO Construction



HOUSE LOCATION SURVEY
 LOT # T-67
 SECTION TWO
SARATOGA TOWNHOUSES

APPROVED
 08/28/15
Shari B. Johnson
 Zoning Administrator

SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' DATE: 05/10/2004

NO. TITLE REPORT FURNISHED, EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
 CORNER MONUMENTATION NOT SET AS PART OF THIS SURVEY, IN ACCORDANCE WITH § 54.1 - 407.1 OF THE CODE OF VIRGINIA.
 THIS PROPERTY APPEARS IN ZONE "C" AS DEPICTED ON FIA FLOOD HAZARD MAP.
 I HEREBY CERTIFY THAT THE LOCATIONS OF EXISTING IMPROVEMENTS SHOWN ON THIS PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT / TAPE SURVEY AND UNLESS SHOWN, THERE ARE NO ENCROACHMENTS. FENCES, IF SHOWN, ARE GRAPHIC AND DO NOT NECESSARILY INDICATE BOUNDARY LINES. I/PF DENOTES IRON PIPE FOUND. IPS DENOTES IRON PIPE SET. C/L DENOTES CENTER LINE. N/F DENOTES NOW OR FORMERLY.



LESLIE C. SCHUERMAN
 LAND PLANNING LAND SURVEYING SUBDIVISION DESIGN
 201 NORTH ALDER AVENUE STERLING, VIRGINIA 20164
 PHONE: (703) 593-9434 FAX: (703) 444-5312. EMAIL: lschuermann@Adelphia.net

SPECIAL PERMIT REQUEST

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

A copy of the special permit plat, titled "House Location Survey, Lot T-67," prepared by Leslie C. Schuermann on May 10, 2015, as revised by the applicant Carla Maldonado on June 10, 2016, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a three-story single-family attached townhouse. Vehicular access to the townhouse is provided via Tributary Court. A walkway and a covered concrete stoop are located in the front yard on Tributary Court. The 736 square foot rear yard is enclosed by a six foot tall wood privacy fence. Small, moveable play equipment is present in the fenced portion of the rear yard. An 8.4 foot tall shed is located in the northeastern corner of the rear yard. There is also a 6.5 foot tall permitted deck that extends from the second story of the dwelling over a portion of the rear yard.

The property is located south of Edinburgh Drive and west of Northumberland Road and Rolling Road. The subject property and surrounding properties are zoned R-8 and are developed with single-family attached dwellings.



Figure 1: Aerial View

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1974 and purchased by the applicant in 2004.

The applicant has been operating the home child care with five children in its current location for over a decade with no complaints on file with the county.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, with two assistants. The hours of operation are from 6:00 a.m. to 5:30 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children which currently occurs on Tributary Court in the two reserved parking spaces in front of the townhouse. Street parking is also available on Edinburgh Court. Parents can walk their children on the sidewalks that connect Edinburgh Court to the applicant's dwelling. Currently, there are two assistants and the applicant would like to keep two.

The home child care facility is operated in the first floor of the dwelling, which is 728.2 square feet consisting of a play area, a sleeping area, and a bathroom. The home child care facility utilizes the entire first floor for its operations, excluding the utility room. The napping area is located in the northern corner of the first floor and it has adequate emergency egress through an egress window.

The applicant currently cares for five children and she holds a current conditional Family Day Home License, valid through February 11, 2017, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of five children, one month through ten years, 11 months in age. A copy of the license is included as Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential, 8-12 du/ac

Zoning District Standards

Bulk Standards (R-8)		
Standard	Required	Provided
Lot Size	No Requirement	2,586 sf
Lot Width	18 feet	32.3 feet
Building Height	35 feet max.	<35 feet
Front Yard	Min. 5 feet, w/ 15 ABP	23.6 feet
Side Yard	Min. 10 feet, w/ 15 ABP	10.0 feet
Rear Yard	Min. 20 feet, w/ 30 ABP	23.3 feet

On-Site Parking and Site Circulation (Appendix 5)

The applicant lives in a single-family townhouse with two reserved parking spaces for parents to use. There is also ample street parking nearby on Edinburgh Court. For these reasons, the Fairfax County Department of Transportation (FCDOT) has no issues with the proposed expansion of the home child care.

Zoning Inspection Branch Report (Appendix 6)

The Zoning Inspections Branch report is included in Appendix 6. During a site visit, staff found that there were no zoning or building code violations.

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. 10-103 Par. 6 Location Regulations

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-8 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and with the proposed development conditions, staff believes the use will not conflict with existing and anticipated traffic in the neighborhood.

Standard 5 Landscaping/Screening	There is an existing six foot tall privacy fence in the side yard that provides screening to the outdoor play area.
Standard 6 Open Space	There is no prescribed open space requirement in the R-8 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. One parking space is used for pick-up and drop-off.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-8 District with cluster provisions. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum children at any one time. The applicant requests two assistants.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and adequate parking is available in the driveway. In staff's opinion, the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing six foot tall privacy fence in the side yard that provides screening to the outdoor play area.
Standard 4 Submission Requirements	The application meets all submission requirements for a home child care facility.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through February 11, 2017 for five children from 6:00 a.m. to 5:30 p.m., Monday through Friday.

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

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

CONCLUSION / RECOMMENDATION

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

Staff believes the proposal for twelve children is acceptable in this case based on the provisions in the Ordinance and FCDOT comments. As such, staff recommends approval of SP 2016-MV-061 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. FCDOT Memo
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MV-061****September 14, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-061 located at Tax Map 98-2 ((8)) 67 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicants, Carla Maldonado, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 8080 Tributary Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot T-67," prepared by Leslie C. Schuermann on May 10, 2015, as revised by the applicant Carla Maldonado on June 10, 2016, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur the applicant's reserved parking spaces.
5. The hours of operation of the home child care facility shall be limited to 6:00 a.m. to 5:30 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed twelve, limited to children aged one month through ten years, eleven months.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 6:00 a.m. to 5:30 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas shall be located in a room with an

operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape shall be of the dimension and side specified by the Virginia Uniform Statewide Building Code.

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

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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

**Carla Maldonado
8080 Tributary Ct.
Springfield, VA 22153
703-455-4453**

Carlamadonado1979@hotmail.com

RECEIVED
Department of Planning & Zoning
JUN 10 2016
Zoning Evaluation Division

March 22, 2016

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

Re.: Special Permit Application

Applicant: Carla Maldonado

Zoning Ordinance Section 8-006 General Special Permit Standars

Section 8-305 for Home Child Care Facility

Section 8-004 of General Standards

Section 10-103 Par. 6 Location Regulations

Tax Map # 0982 08 0067

Zoning District R-8

Lot Size 2586 Square Feet

To whom it may concern,

Please accept the following as my statement of justification for a Special Permit for a Home Child Care Facility in my home, I own and I live in a detached dwelling at 8080 Tributary Ct, Springfield, VA 22153 with my three children's. The property is zoned R-8C and I understand I need to seek approval of a Special Permit in order to operate a Child Care Facility within my home. I'm currently having HOME CHILD CARE PERMIT to have 5 children in my home, but I already applied for the State License to let me have 12 Children's. I'll use the first floor Inside door (488 Sq Feet) and the backyard out side door (822 Sq Feet). **TOTAL AT HOME 1,452 Sq.**
Below is my proposal about my Home Child Care Facility operations:

Hours: The Child Care Facility is open from 6am to 6pm, Monday through Friday

Number of Children: I will care for up to 12 children at any one time. This number does not include my own three children.

Employees: I have two assistant one full time, one part time.

Arrival Schedule: 12 children's arrive between 6:00 am to 9:15 am.

Departure Schedule: 12 of the children's are picked up at 2:45 to 5:30 pm

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	<u>X</u>			
2		<u>X</u>		
3	<u>X</u>			
4			<u>X</u>	
5				<u>X</u>
6		<u>X</u>		
7			<u>X</u>	
8				<u>X</u>
9			<u>X</u>	
10	<u>X</u>			
11		<u>X</u>		
12				<u>X</u>

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	<u>X</u>			
2		<u>X</u>		
3	<u>X</u>			
4			<u>X</u>	
5				<u>X</u>
6		<u>X</u>		
7			<u>X</u>	
8				<u>X</u>
9			<u>X</u>	
10	<u>X</u>			
11		<u>X</u>		
12				<u>X</u>

Area Served I have parents who lives in the neighborhood, some of them live in the next neighborhood as well another families live around Lorton, Springfield and Alexandria.

Operations As I started my house is a detaches dwelling, it has three floors, The Daycare "First Floor" is where the children spend most of their time, I use the kitchen "Second Floor" just to cook but everything is serving on the "First Floor" where is the Daycare . Attached you can see the floor plan that indicate the area where the Daycare is located.

Hazards or Toxic Substances The house and the backyard are free from hazardous or toxic substances, all tools we are using, after we finish they're stored, treated and/or disposed or keep in safe area where the children can't reach or touch.

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 the backyard for outdoor play for the children. There is a play house, fence all around with door, if the parents coming they can see their kids are in safe areas and they can get in and see. Plenty of cars and tricycles, balls to keep them busy when we playing outside. That's why I believe my Daycare is safe and don't cause any problem with any of my neighbors, all of them know what I'm doing and I never have any problem with any of them. (Attached map and pictures)

Parking The parents can park in front of the townhouse; I have two parking designated for the parents, or on the street where they have free plenty parking. One more reason and believe my Daycare facility is not going to be a problem for any of my neighbors.

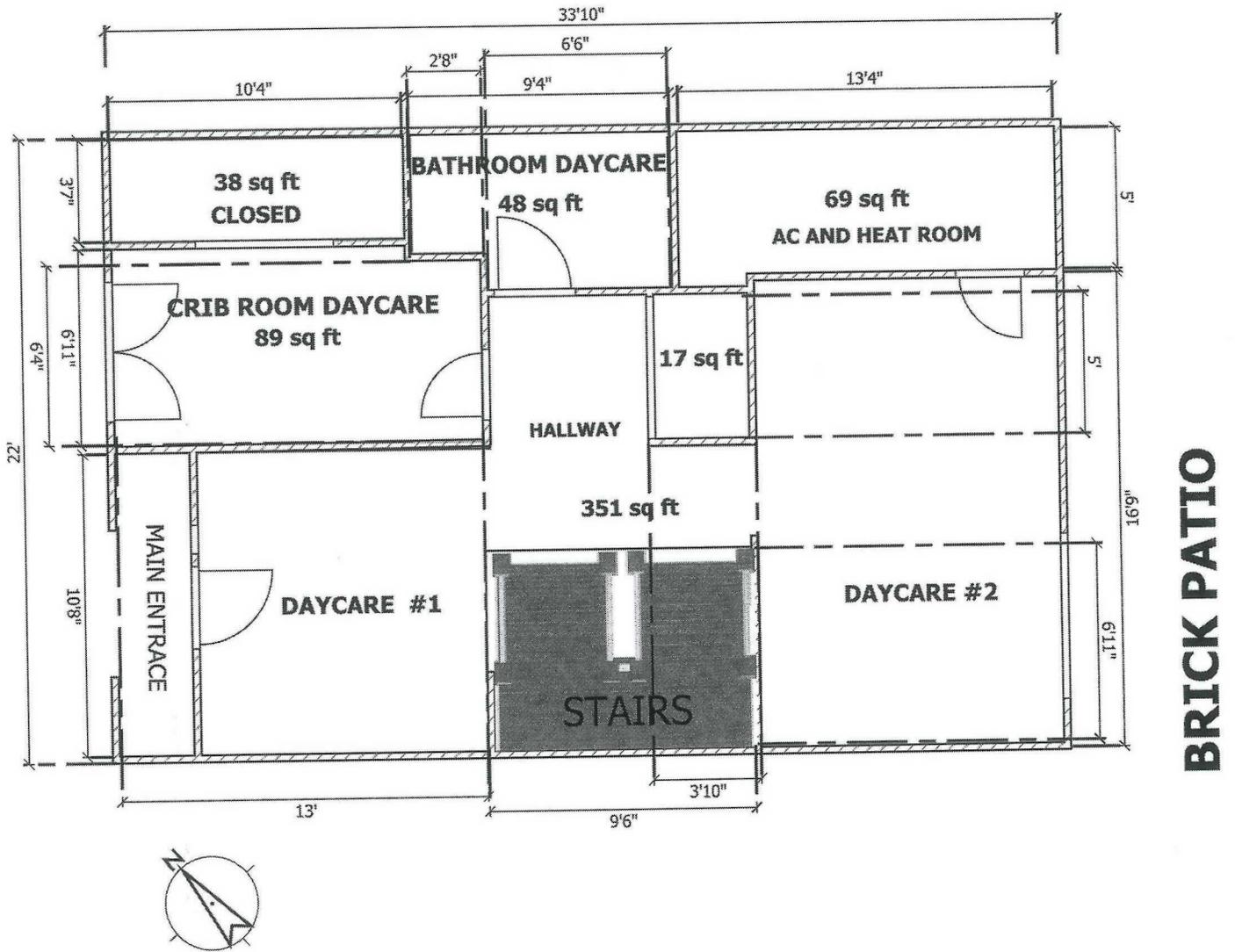
Conclusion I'm proposing no changes to the outside appearance of my house. I propose no addition and no signs regarding the Daycare. My parking is adequate parking and available for my parents, for these reason. I'm proposing to have 12 Children's in my home day care with special permit approval.

I believe that my proposed home daycare facility will not impact my neighbors in any negative way.

Sincerely,


Carla Maldonado

NAME: CARLA MADONADO
ADDRESS: 8080 TRIBUTARY CT, SPRINGFIELD, VA 22153



ROOMS USED FOR HOME CHILD CARE FACILITY

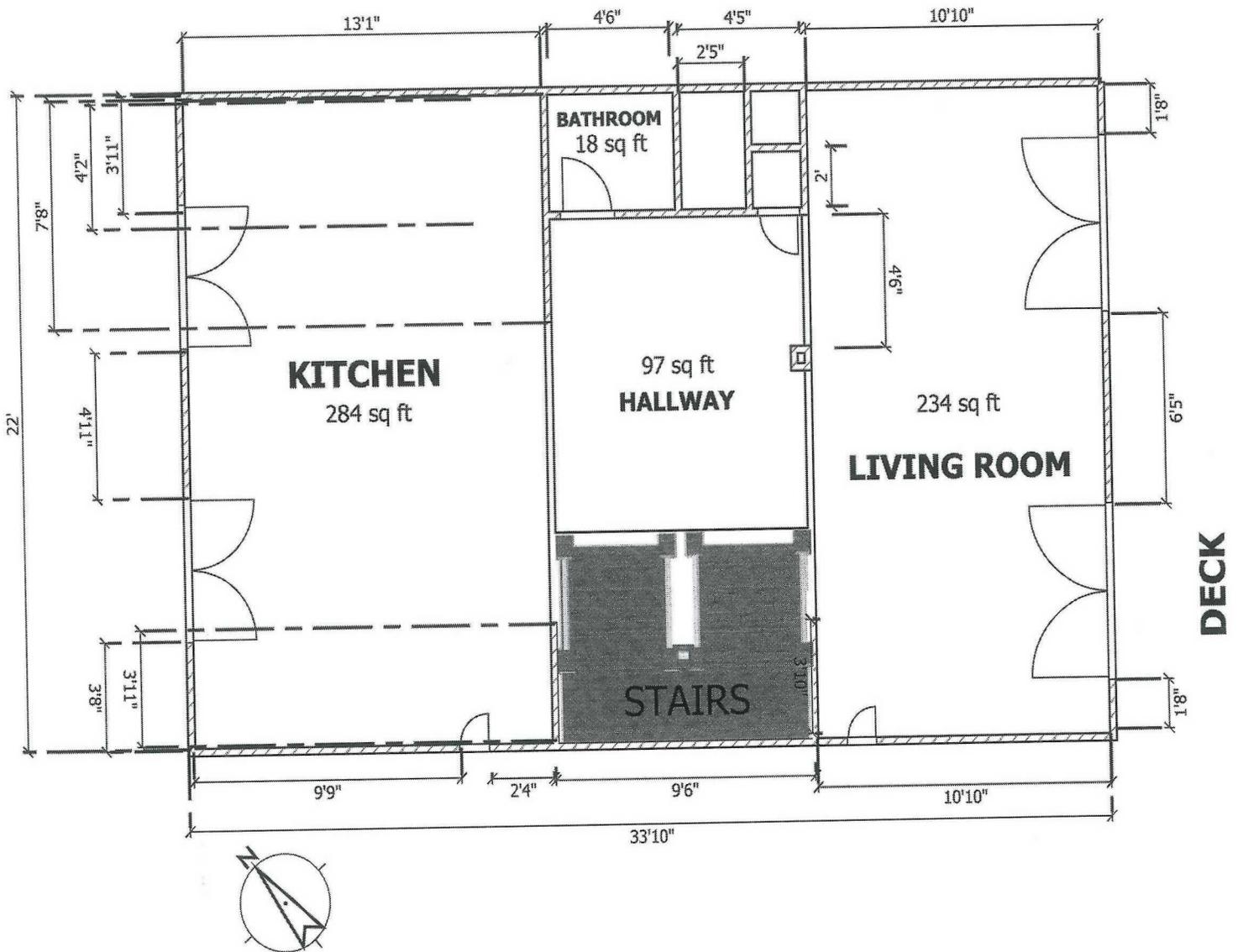
FIRST FLOOR PLAN

RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

NAME: CARLA MADONADO
ADDRESS: 8080 TRIBUTARY CT, SPRINGFIELD, VA 22153



ROOMS NOT USED FOR HOME CHILD CARE FACILITY

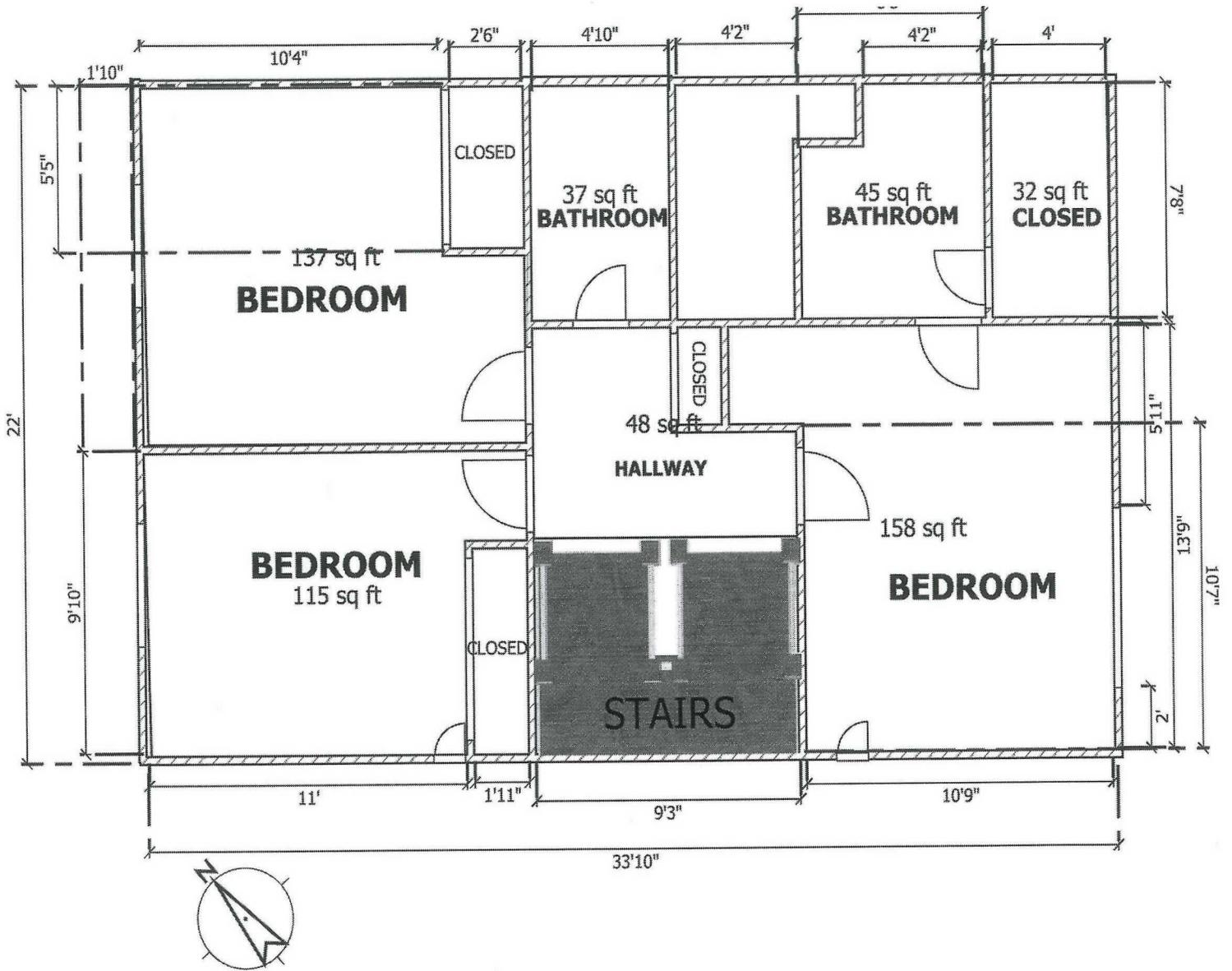
SECOND FLOOR PLAN

RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

NAME: CARLA MADONADO
ADDRESS: 8080 TRIBUTARY CT, SPRINGFIELD, VA 22153



ROOMS NOT USED FOR HOME CHILD CARE FACILITY

THIRD FLOOR PLAN

RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

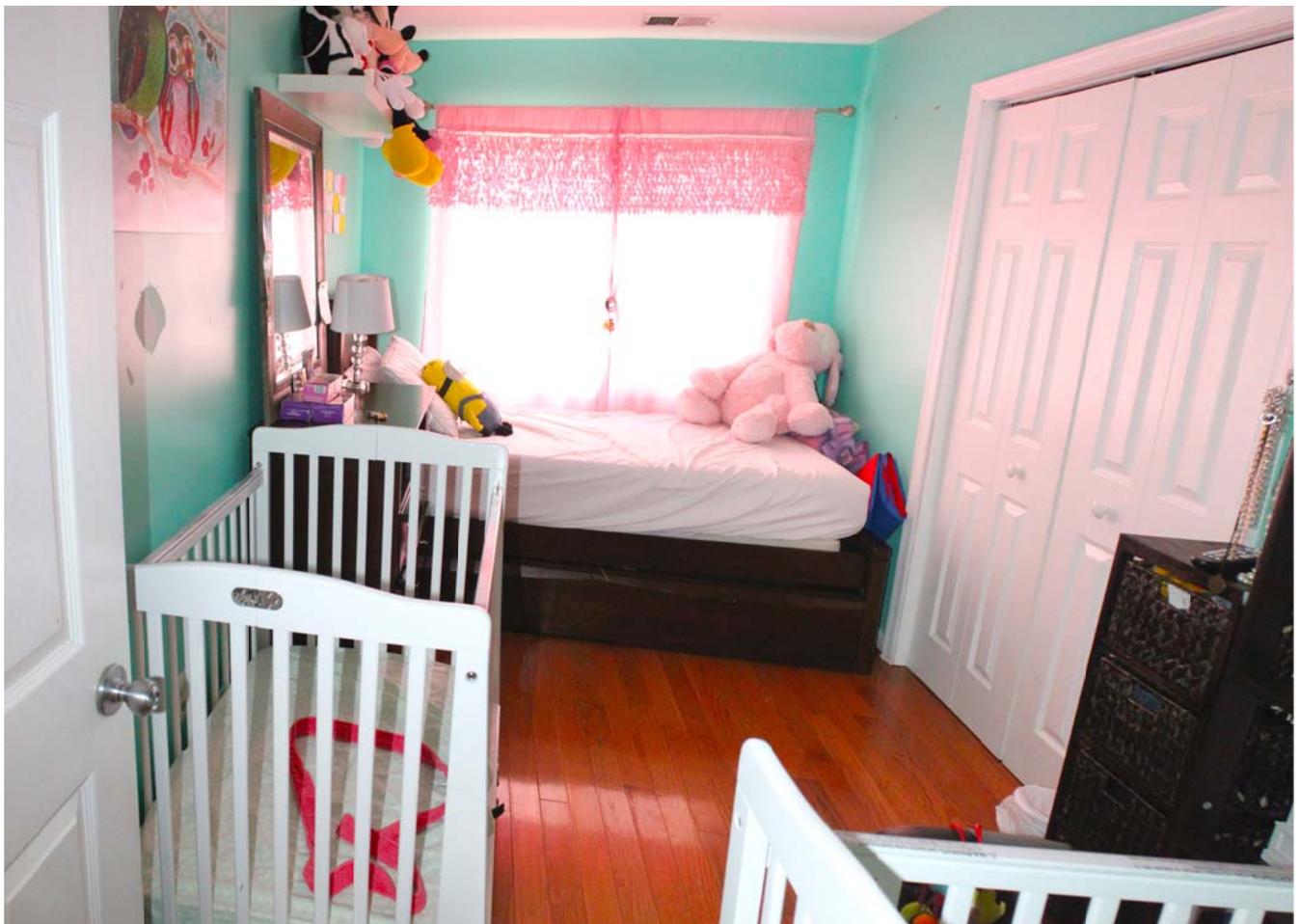
PHOTO #1



PHOTO #3







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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/21/2016 135180
(enter date affidavit is notarized)

I, CARLA MALDONADO, 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)
CARLA MALDONADO	8080 Tributary Ct., Springfield, VA, 22153	OWNER <i>Applicant</i>

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/21/2016
(enter date affidavit is notarized)

135180

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/2/2016
(enter date affidavit is notarized)

135180

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

135180

DATE: 6/2/2016
(enter date affidavit is notarized)

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/02/2016
(enter date affidavit is notarized)

135180

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) [X] Applicant [Signature] [] Applicant's Authorized Agent

CARLA MALDONADO

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

Subscribed and sworn to before me this 2nd day of June 2016, in the State/Comm. of Virginia, County/City of Fairfax.

Rachael A. Locke
Notary Public

My commission expires: 6/30/2019



[Signature]



Carla Maldonado 8080 Tributary Court SPRINGFIELD, VA 22153 (703) 455-4453	Facility Type: Family Day Home License Type: Conditional Expiration Date: Feb. 11, 2017 Business Hours: 6am, 7am - 10pm, 1pm, M-F, S Capacity: 5 Ages: 1 month - 10 years 11 months Inspector: Jessica Nalls: (703) 479-4706
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County of Fairfax, Virginia

MEMORANDUM

DATE: July 19, 2016

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

FROM: Michael A. Davis, Acting Chief *JCD for MAD*
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2016-MV-061)

SUBJECT: Transportation Impact

REFERENCE: SP 2016-MV-061; Carla Maldonado
Land Identification: 98-2 ((8)) 67

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated May 10, 2004, and revised through June 10, 2016. The application is to permit a home child care center for up to twelve (12) children. Hours of operation are Monday through Friday from 6:00 a.m. to 6:00 p.m. There is one full-time assistant and one part-time assistant. She currently has a permit for 5 children.

The applicant has two assigned parking spaces for her townhouse and there is street parking located nearby. This Department has no transportation issues with this application.

MAD/LAH/lah

cc: Sharon Williams, DPZ



County of Fairfax, Virginia

MEMORANDUM

Date: July 13, 2016

To: Sharon Williams, Staff Coordinator
Zoning Evaluation Division

From: Amy Moxley
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2016-MV-061

Applicant: Carla Maldonado
8080 Tributary Court, Springfield, Virginia 22153
Saratoga Townhouses, Section 2, Lot T-67
Tax Map Ref.: 98-2 ((08)) 67
Zoning District: R-8
Magisterial District: Mount Vernon
ZIB Ref.: 2016-0179
Date of Inspection: July 7, 2016

No zoning or building code violations were observed during the inspection of the subject property.

8-006 General Standards

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

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

8-303 Standards for all Group 3 uses

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

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

8-305 Additional Standards for Home Child Care Facilities

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

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

10-103 Use Limitations

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

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

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

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