



County of Fairfax, Virginia

November 9, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-079

LEE DISTRICT

APPLICANT: Marone Abagobez/St. Marry Child Care

OWNER: Medhanit DeJene and Tamrat Asrat

SUBDIVISION: D'evereux West, Section 3, Lot 138

STREET ADDRESS: 5215 Harbor Court Drive, Alexandria 22315

TAX MAP REFERENCE: 91-2 ((9)) 138

LOT SIZE: 1,500 square feet

ZONING DISTRICT: R-5

ZONING ORDINANCE PROVISIONS: 8-305, 3-503

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2016-LE-079 for the home child care facility with 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.

Heath Eddy, AICP

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**

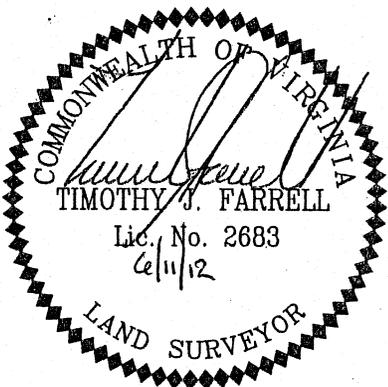
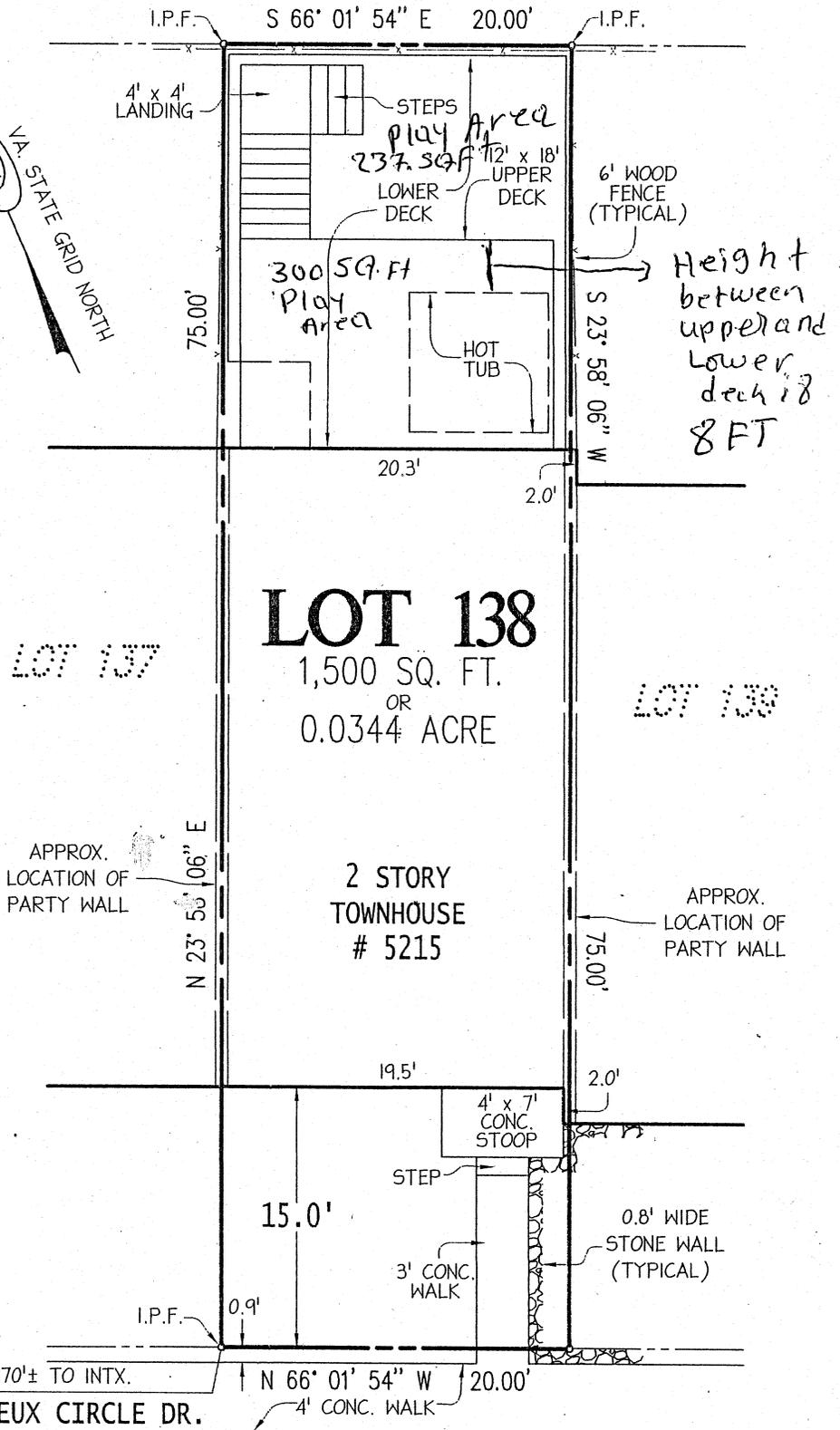


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

PARCEL "E"
HOMEOWNERS ASSOCIATION

NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0295E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
- 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 091-2-09-0138
- 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
- 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 5608, PAGE 1881 (UNLESS NOTED OTHERWISE).



HOUSE LOCATION SURVEY
LOT 138
SECTION THREE
D'EVEREUX WEST
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

HARBOR COURT DRIVE
(PRIVATE)
INGRESS/EGRESS ESM'T.

RECEIVED
Department of Planning & Zoning
AUG 05 2016
Zoning Evaluation Division

PARCEL "E"

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
- X- DENOTES FENCE LINE

matoneA 8-4-16

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. ARMSTRONG

JOB# 20121722

DATE: 6/11/12

DFT: R.D.R.

CHK: M.K.S.

NO TITLE REPORT FURNISHED

SCALE= 1" = 10'

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled “House Location Survey Lot 138 – Section Three D’evereux West,” prepared by Timothy J. Farrell, L.S., dated June 11, 2012, as modified by the applicant August 4, 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 subject property is a 1,500-square foot townhouse lot located in the middle of a group of 5 townhouses in the D’evereux West development located at the northwest intersection of South Van Dorn Street and Telegraph Road. The property is located in the northern end of the development, just south of South Van Dorn Street. The townhouse was constructed in 1983, and includes a two-story deck and hot tub in the rear yard, with a 6-foot high fence surrounding the yard.



Figure 1: House location overhead view (the middle unit of the five shown). Source: Pictometry

The subject property and surrounding properties are zoned R-5 and has parking available in the shared parking area accessed by D’evereux Circle Drive. All the units in the development are similar in size, with the end units slightly wider and larger in scale. The interior townhouses are all approximately 1,500 square feet in size on 1,500 square foot lots.

BACKGROUND

Fairfax County Tax Records indicate that the townhouse was constructed in 1983 and purchased by the owner in 2012. The property has two decks on the rear yard accessed by standard sliding patio doors. The decks are two-story, with a stairway connecting the two at the northern corner of the rear yard. As mentioned, the lot lines are marked by six-foot high board-on-board fences, with a large gate (with a locking mechanism) enabling access to the common area behind the rear yard. This gate is kept closed during the home child care facility hours of operation. The lower deck also features a hot tub, which was in place when the current owners purchased the property. Review of County files has failed to provide evidence that building permits were issued for either the decks or the hot tub. The property owner is proceeding to expeditiously remedy this situation.

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 between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children and proposes to have 4 full-time assistants (currently has two full-time assistants). The applicant has two parking spaces assigned for the unit, and these are kept open for parental access during home child care facility hours of operation. When staff visited the property, the current assistants were family members who required no parking. There is available parking on D'evereux Circle Drive.

The applicant holds a Conditional Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through March 31, 2017. The applicant was licensed by the County for home child care prior to the State lowering the number of children allowed without State permit. The applicant currently has 4 children, all babies, in her care. The license permits a capacity of 5 children, ages birth through 12 years, 11 months. The applicant is requesting up to 12 children between the ages of 3 months and 6 years. A copy of the conditional license is included as Appendix 4.

The home child care facility is operated on the first floor and basement level of the two-story townhouse, with the applicant's family residing on the second floor. The first floor is devoted to care for children from 3 months up to 1 year of age. This level has a closed half-bath, a closet, and access to the kitchen, which is secured with baby gates. All activities, including eating and napping, occur within the same general room, though the changing area is within what would be considered a dining room.

The basement level is intended for children from 1 year up to 6 years of age. There is a single bedroom on this level which is secured with a closed door and not a part of the home child care facility. There is also a secured laundry room where the mechanical equipment is located. This level has some toys and materials for use by children,

although there are no children currently at this age. The images provided by the applicant show that part of this level houses office equipment for the home child care. There is also a small kitchenette-type area on this level for some food preparation, with a sink and some storage. The bulk of the materials and toys in use for the facility are on the first floor. The total area of the home child care facility is 690 square feet.

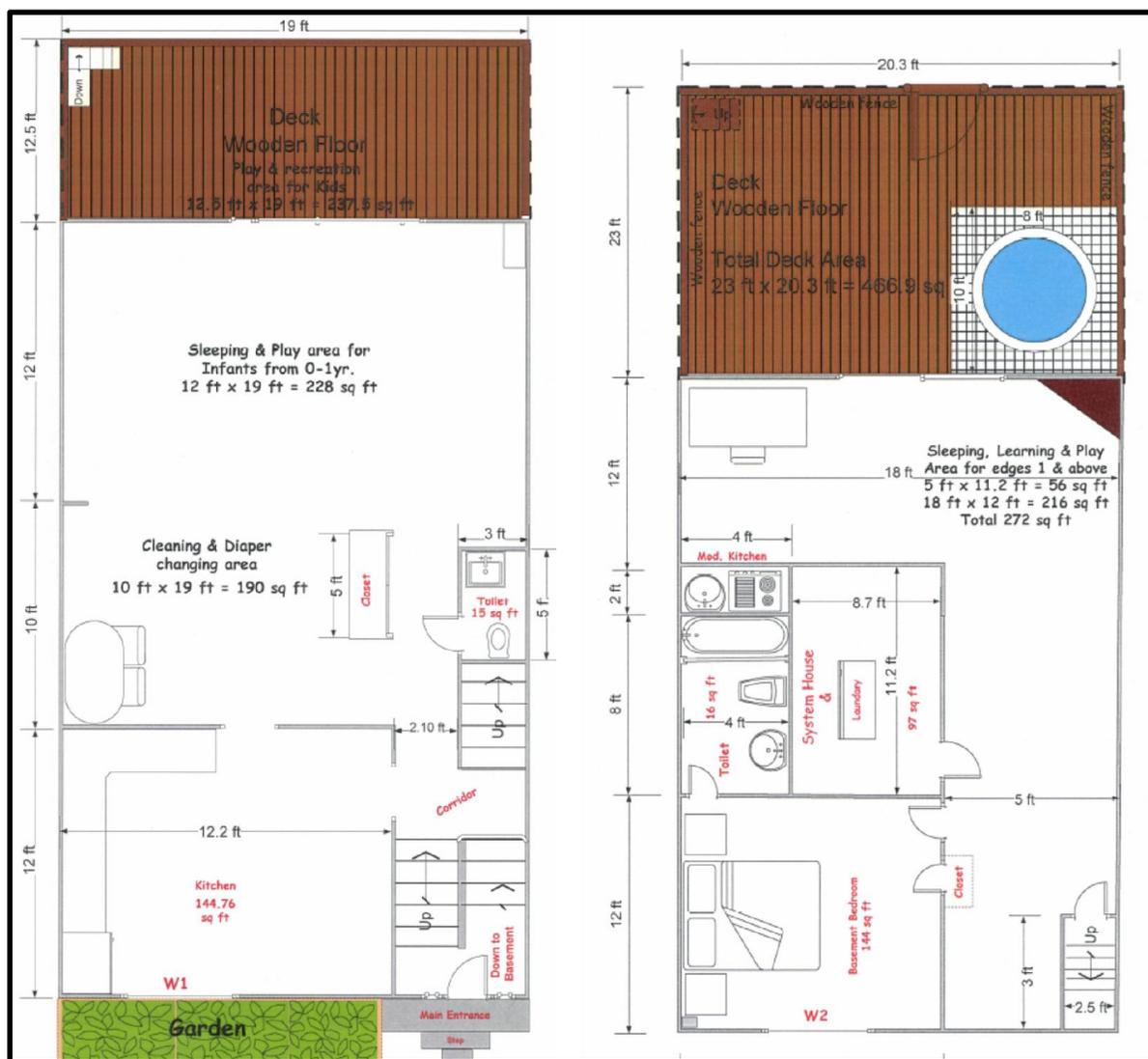


Figure 2: Floorplan for existing home child care facility and proposed expansion. The first floor (left) is the existing facility and the basement level (right) is the proposed expansion, which is all one room. Source: Applicant.

As mentioned above, the property has two decks, which the applicant states will not be used for outdoor play. The decks cannot be used for any use pending final inspections, though on a site visit to review the facilities, staff noted that the decks appeared to be extremely well constructed.

The applicant states that there are four small park areas within walking distance of the subject property that can be utilized when the weather permits. These parks are managed by the homeowners association, which has granted the applicant permission to use them for the children under her care.

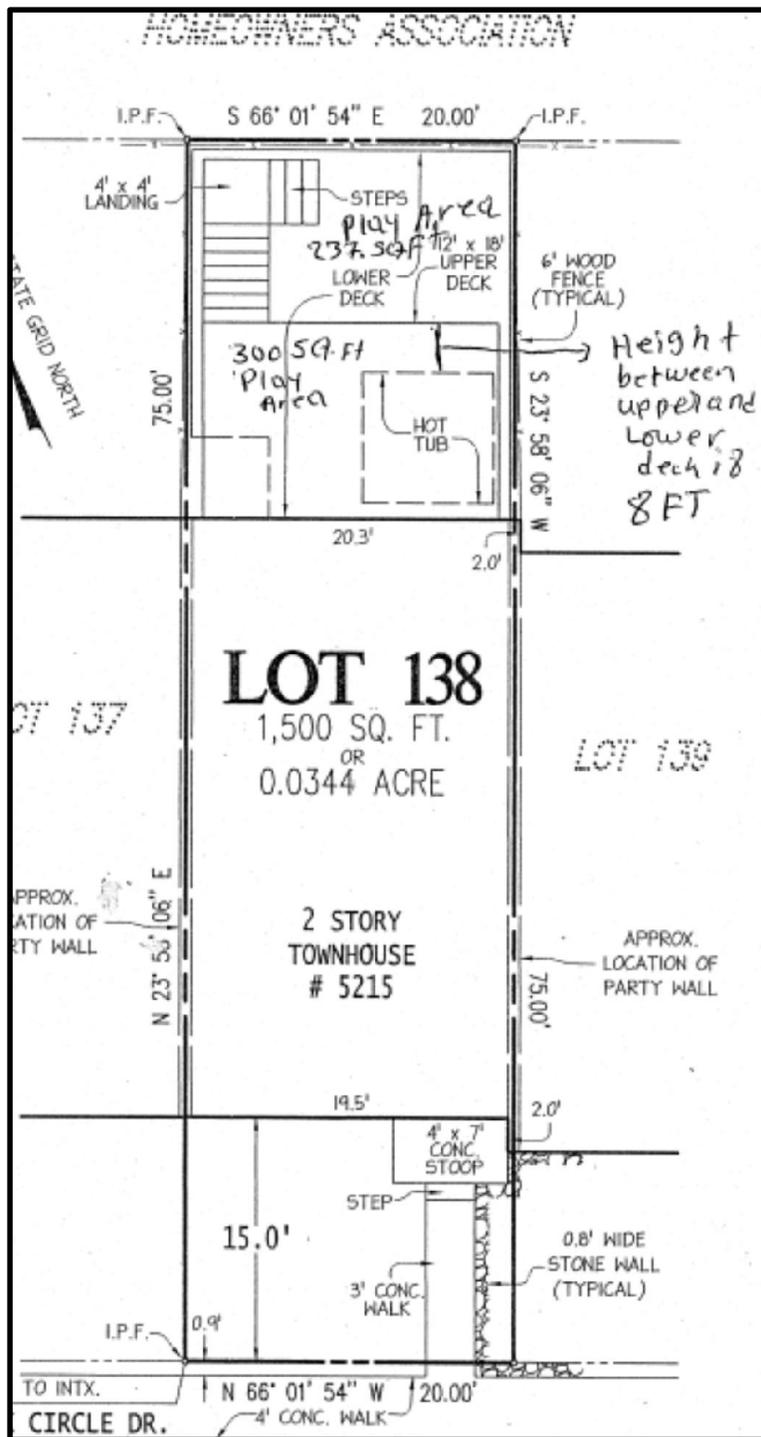


Figure 3: Special Permit Plat, partial. Source: Applicant.

Staff has included development conditions to address the building permit requirements for the decks and the hot tub. Part of the process will include relocated the stairs as shown to comply with the minimum rear yard requirement. The property owner is working through this process as of this writing.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
Planning District: Rose Hill
Planning Sector: Lehigh (RH4)
Plan Map: Residential

The Comprehensive Plan does not provide specific recommendations for the subject property or its surroundings, but notes that any infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Zoning District Standards

The subject property is in the R-5 District, and as part of a single family attached development is subject to the single family attached standards, as shown below.

Bulk Standards (R-5 Single Family Attached)		
Standard	Required	Provided
Minimum Lot Size	No Requirement	1,500 sf
Minimum Lot Width	18 feet	20 feet
Maximum Building Height	35 feet max.	Figure not provided
Minimum Front Yard	15°ABP/8 feet	15 feet
Minimum Side Yard	No Requirement	None
Minimum Rear Yard	30°ABP/20 feet	23 feet

On-Site Parking and Site Circulation

The assigned parking for the subject property are two parking spaces (#137 and #138 in Figure 4, below) located about 60 feet from the unit entrance, with a sidewalk connection. This parking is left open for parents during facility hours. Parents conduct drop-off and pick-up activities at staggered times, and a condition has been included to require the drop-off and pick-up of children to occur in the assigned parking. Staff notes that FCDOT found no issue with the available parking both in the parking lot as well as available parking on D'evereux Circle Drive (see Appendix 5). The applicant states that the assistants do not drive, though parking would be available for assistants on the street.



Figure 4: Subject property driveway. Source: Applicant.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 5. Staff found only one deficiency which was corrected, involving storage too close to the heating unit in the laundry room. Otherwise all code requirements, including working smoke detectors, were met. Staff reviewed the decks and hot tub subsequently and found no building permits; however, these structures demonstrated no problems or deficiencies. The hot tub was securely covered to prevent access by children.

Zoning Ordinance Requirements (Appendix 7)

All home child care special permit applications must comply with the following standards.

- 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

Below is staff's analysis of the applicant's request for a home child care facility for up to 12 children at any one time at the subject property.

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-5 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. A small outdoor play area for children up to age 6 is provided on the lower deck. The upper deck is reserved for outdoor access for babies up to age 1. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	The subject property is part of a unified townhouse development with pedestrian access to D'evereux Circle Drive, and has sidewalk access to the assigned parking for the unit. Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	The outdoor play area is surrounded by 6-foot high fence on all lot lines, which should provide a suitable screening for outdoor use.
Standard 6 Open Space	There is no prescribed open space requirement for individual lots in the R-5 District. The open space for the development is maintained by a homeowners association.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the assigned parking for this unit would be used for parking for the home child care facility.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities. No signage is proposed.

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

Standard 1 Lot Size and Bulk Regulations	The subject property complies with the R-5 standards for single family attached units.
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. The development conditions allow up to 4 non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and 2 drop-off parking spaces are available in the parking lot. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	The existing fencing along all lot lines provide sufficient 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 Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid conditional State home child care license through March 31, 2017.

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 5 in a single family attached dwelling. The applicant requests special permit approval to permit a maximum of 12 children at any one time. In staff's opinion, the applicant's facility is large enough to support up to 10 children at this time, reflecting that the applicant currently has 4 babies under her care and has not experienced working with older children at this location.
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.
Part D Non-Resident Employee	The applicant is proposing 4 non-resident employees. On staff's site visit, 2 assistants were present who were relatives of the applicant but not staying on-site. D'evereux Circle Drive has parking space available for employees to park.
Part E Provider is a Resident	The subject property is the provider's primary residence.

<p>Part F Code of Fairfax, Chapter 30 and 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.</p>
<p>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is 5 in a single family attached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of 12 children at any one time and 4 non-resident employees.</p>

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions. The subject property appears to be suitable for a home child care facility with up to 10 children.

RECOMMENDATION

Staff recommends approval of SP 2016-LE-079 for the home child care facility with 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, Original Floorplan, and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Building Permit Records
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-079****November 9, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-079 located at Tax Map 91-2 ((9)) 138 to permit a home child care facility pursuant to Section 8-305 and 3-503 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, Marone Abagobez dba St. Marry Child Care, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5215 Harbor Court Drive, 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 17 – Section 1 Little Vienna Estates," prepared by Richard D. Townsend, L.S., dated April 24, 2015, as modified by the applicant April 26, 2016, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be made available to all departments of the County of Fairfax during the hours of operation.
4. The hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. Excluding the applicant's own children, the maximum number of children on site at any one time shall be ten (10).
6. A maximum of four (4) nonresident 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 6:00 p.m.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up activities shall occur in the applicant's assigned parking.
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. 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. 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".
12. The back gate shall be closed and locked during home child care facility hours of operation.
13. The applicant shall apply for and receive building permits for the hot tub within 30 days and for the two decks within 60 days of approval of this special permit. The applicant shall pass final inspections within 90 days of approval of this special permit.

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

Zoning Evaluation Division

Executive Summary

ST Marry Child Care is a family oriented home care that provides day care services in Alexandria, VA, Fairfax County. This small child care facility serves children from 3 months to 6 years of age. The services are safe and secure, providing parents with an excellent place for their children to be taken care of in a family setting environment. We currently have 4 children enrolled and are requesting an additional 8, totaling 12 children.

1.1 Mission

ST Marry Child Care offers safe and secure child care services. We provide close personal attention to each child that comes to our home care. Our mission is provide each child a quality experience at all times, ensuring sufficient care giver to child ratio in a clean and safe environment.

1.2 Hours of Operation

ST Marry Child Care offers child care services for ages 3 months to 6 years old. Hours of operation are from **6:00 am to 6:00 pm, Monday through Friday**. Estimated drop of time is between **6:00 am to 8:00 am** and estimated pick up time is **4:00 pm to 6:00 pm**.

1.3 Employees

ST Marry Child Care currently has two full-time care givers. When our application is approved, we plan to hire an additional two full-time care givers so that we have a 4 child to 1 employee ratio.

1.4 Number of Children

ST Marry Child Care is requesting to provide home care for up to 12 children. We currently have 4 full-time children enrolled. In addition to these 4 children, the care givers have two elementary school children of their own who are in school during school hours.

1.5 Company Location and Facilities

ST Marry Child Care is located in a 1,500 sq. ft. house in a quiet, residential neighborhood that has been approved by the homeowners association. Child care services are situated on the first floor as well as the basement level of the home. These two floors provide separate areas based on age group for teaching purposes. The back yard is fully fenced, to ensure no one can either come in or wander away. The yard is furnished with children's toys. There are two assigned parking spaces available in front of the residence, as well as additional parking for parents when dropping off or picking up their children.

1.5.1 Child Care Facility Size

ST Marry Child Care is located in a 1,500 sq. ft. house, of which 690 sq. ft. will be used for child care purposes to include the living area and basement.

1.5.2 Playgrounds

ST Marry Child Care is located in nice and safe neighborhood where there are 4 playground areas within a short walking distance within the community. Playground areas are easily accessible via the sidewalks and are visited when weather conditions are favorable.

1.5.3 Outdoor Play Area

ST Marry Child Care uses two decks, one upper and one lower with a combined 537 sq. ft., for outdoor play as weather permits.

Proposed Arrival and Departure Schedule for:

AUG 05 2016
Zoning Evaluation Division

Address:

5215 Harbor Court Dr Alexandria, VA 22315

Proposed Arrival Schedule

6:00-7:00 → 7:00-7:45

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

Proposed Departure Schedule

6:00 pm

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

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

McAfee A
Applicant's Signature

8-4-16
Date

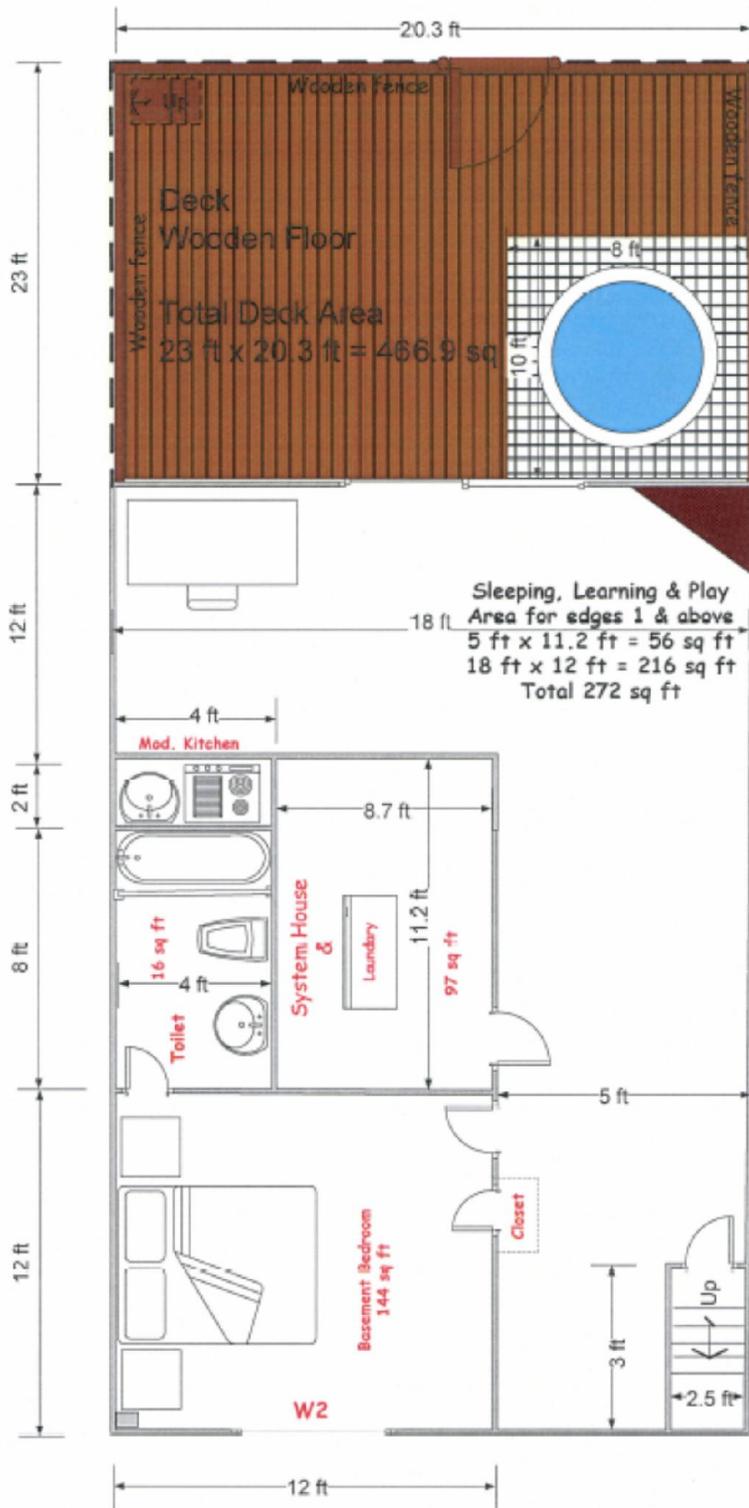
- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

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.

McAfee A
Applicant's Signature

8-31-16
Date

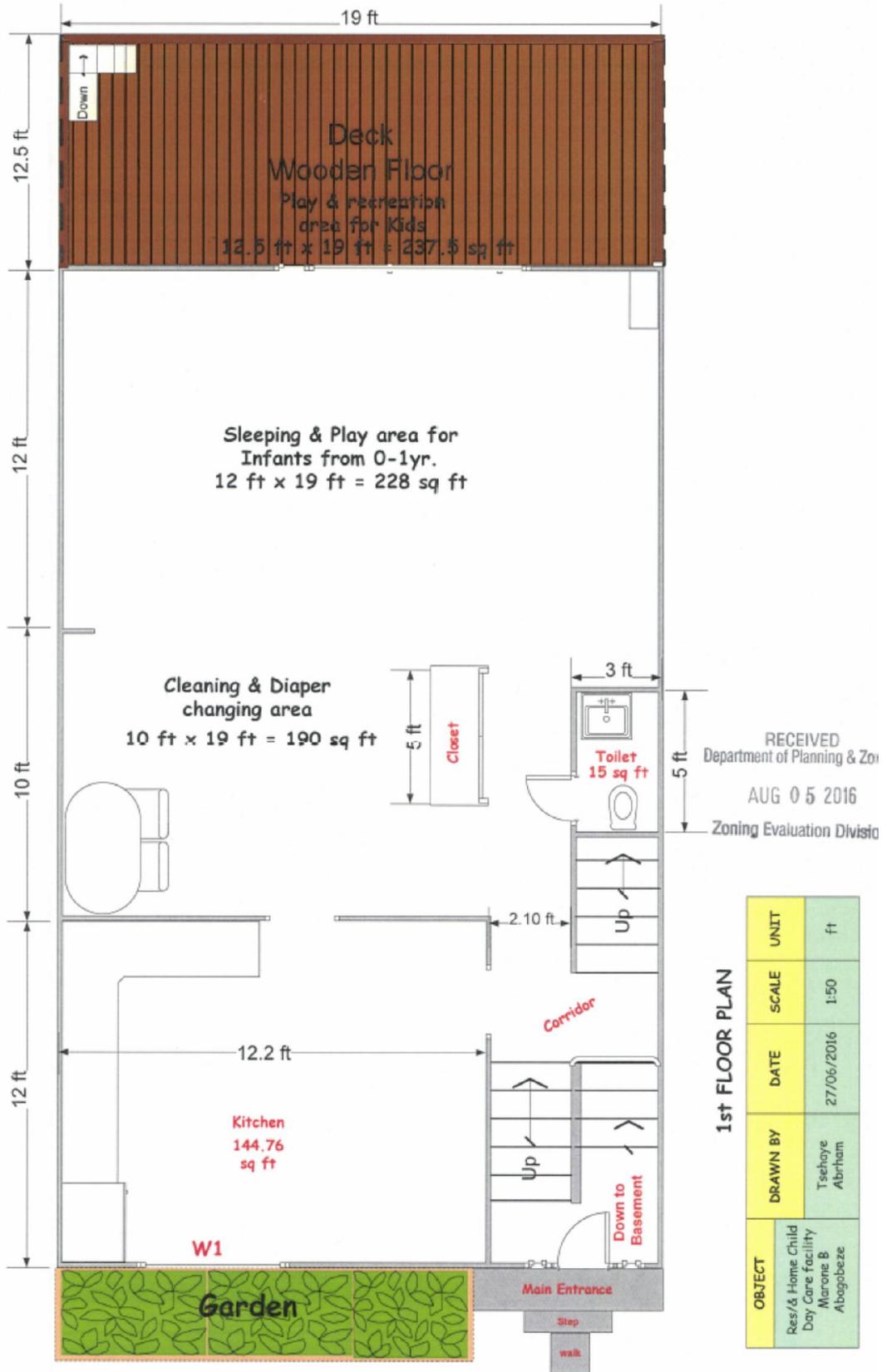
Floor Plans for Existing Residence and Home Child Care (Existing and Proposed)



RECEIVED
Department of Planning & Zoning
AUG 05 2016
Zoning Evaluation Division

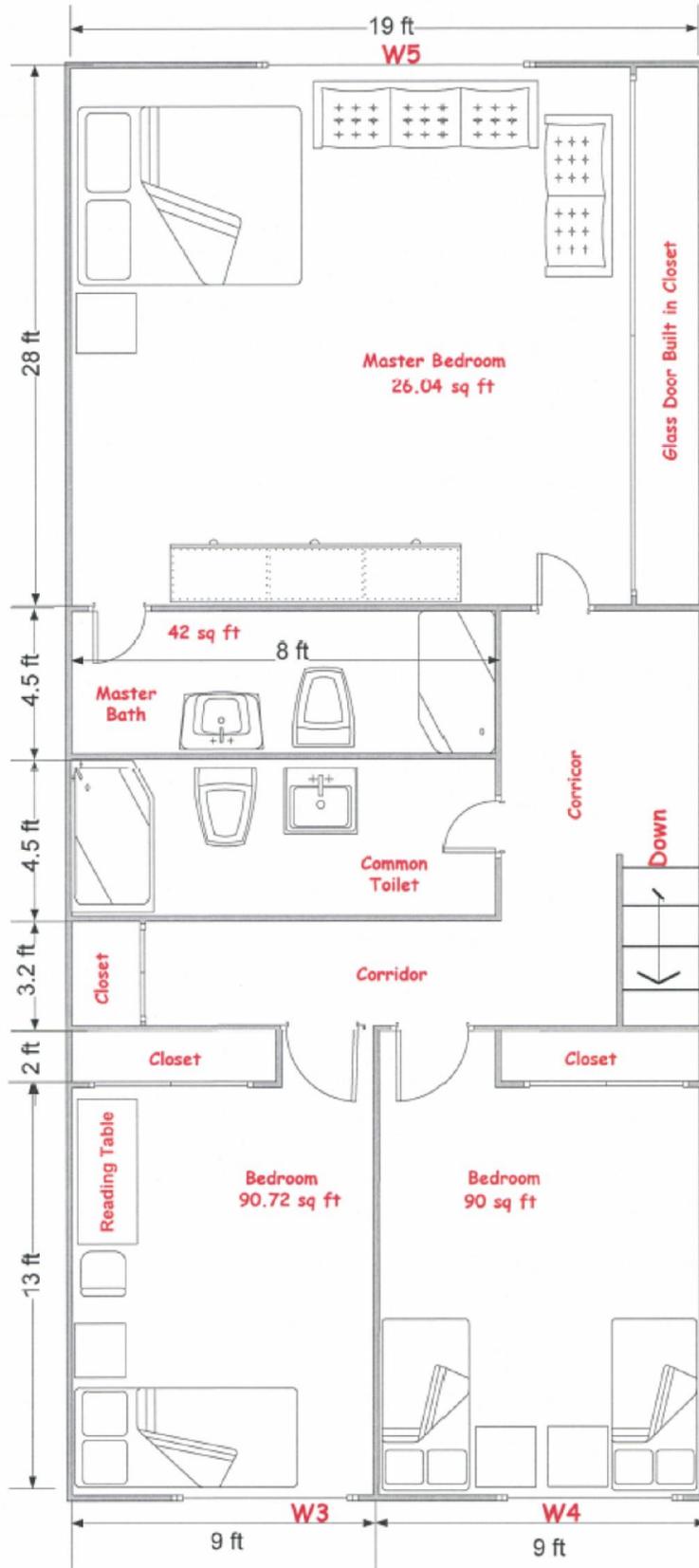
BASMENT AND BACK YARD
FLOOR PLAN

OBJECT	DRAWN BY	DATE	SCALE	UNIT
Bas/ & Home Child Day Care Facility Monroe B Alouette	Tschoye Abrham	27/06/2016	1:50	ft



1st FLOOR PLAN

OBJECT	DRAWN BY	DATE	SCALE	UNIT
Res/ & Home Child Day Care facility Marlene B Abogobezze	Tsehaye Abraham	27/06/2016	1:50	ft



RECEIVED
 Department of Planning
 AUG 05 2011
 Zoning Evaluation D#

2nd FLOOR PLAN

OBJECT	DRAWN BY	DATE	SCALE	UNIT
Res/ & Home Child Day Care Facility Marone B Abagobeze	Tsehaye Abraham	27/06/2016	1:50	ft

Select Photographs Provided by Applicant



Image 1: Panoramic view from front stoop.



Image 2: Panoramic view of Harbor Court Drive townhouse block. Subject property in center of image.



In Front of the house view 08-01-2016

Image 3: Front view of subject property.

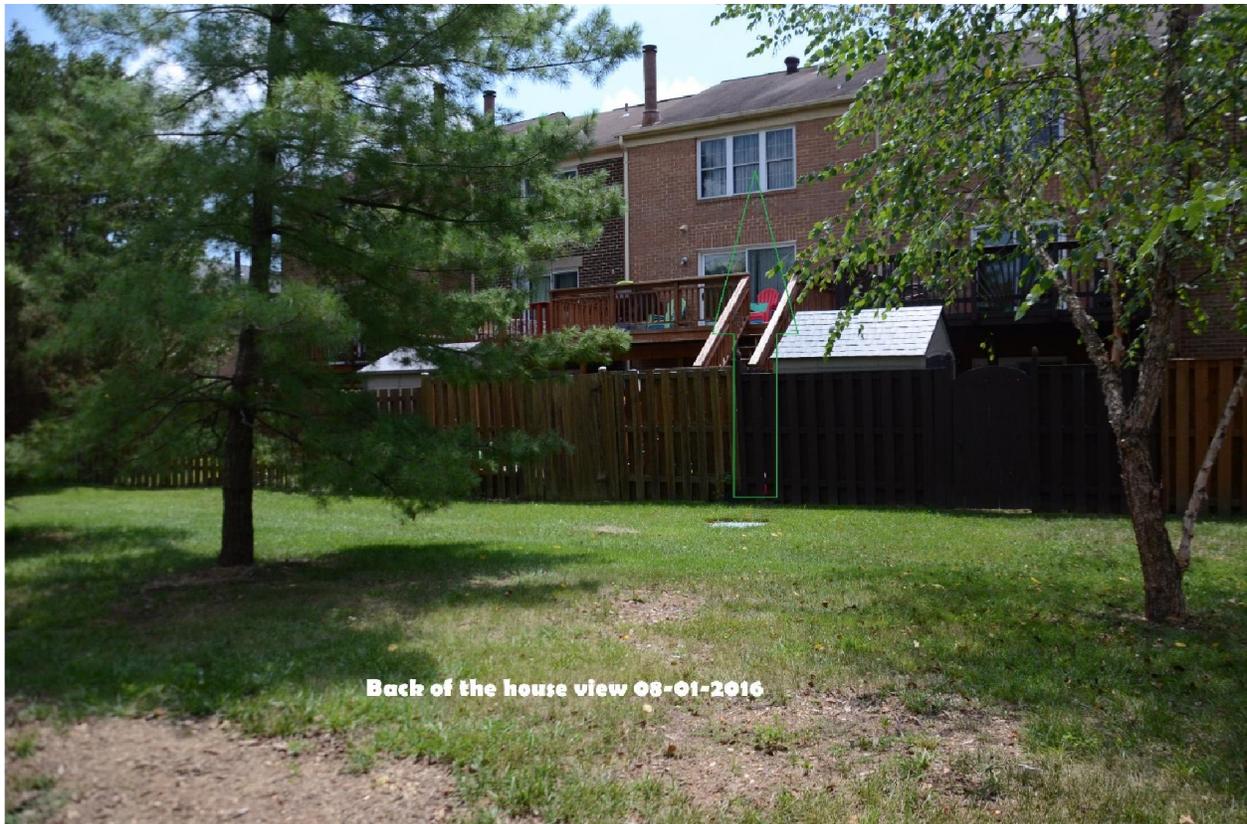


Image 4: Back view of subject property. Applicant has marked it with an arrow.

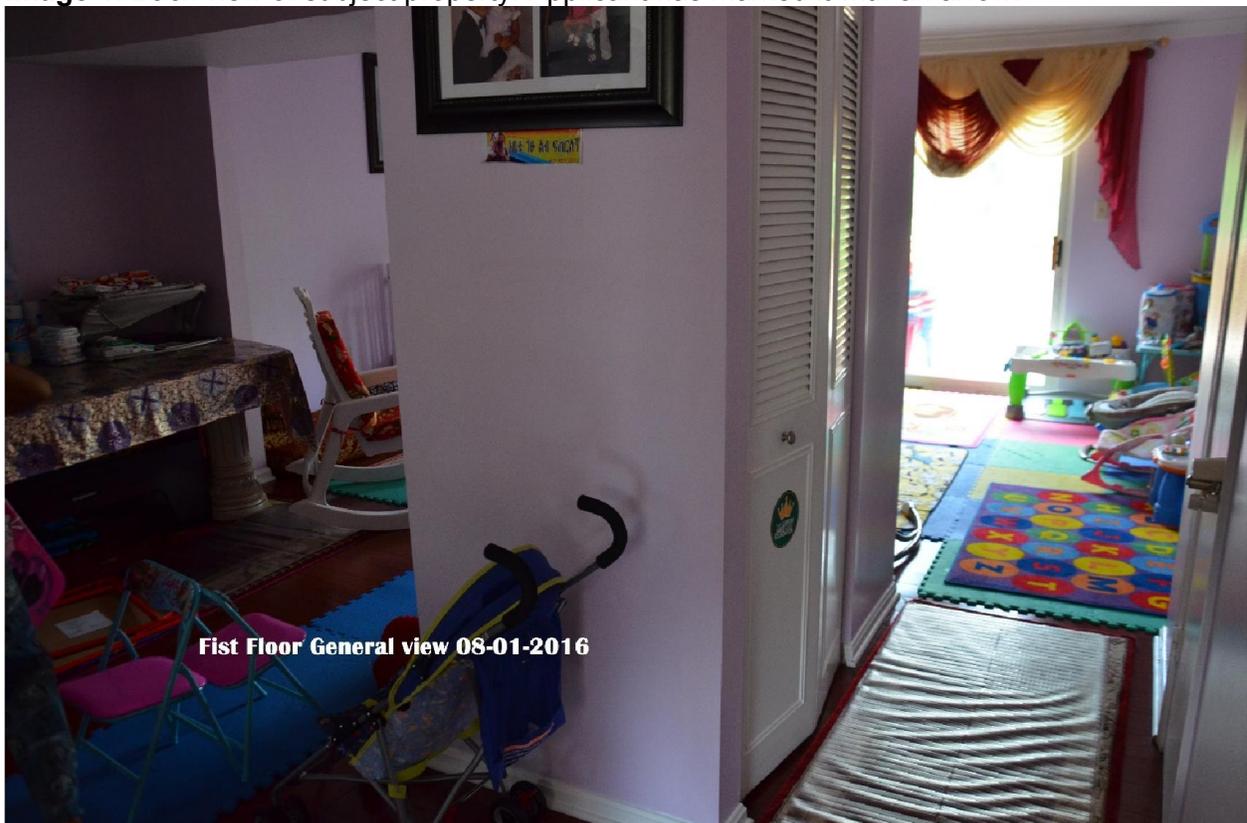


Image 5: General view of first level, area of existing facility.

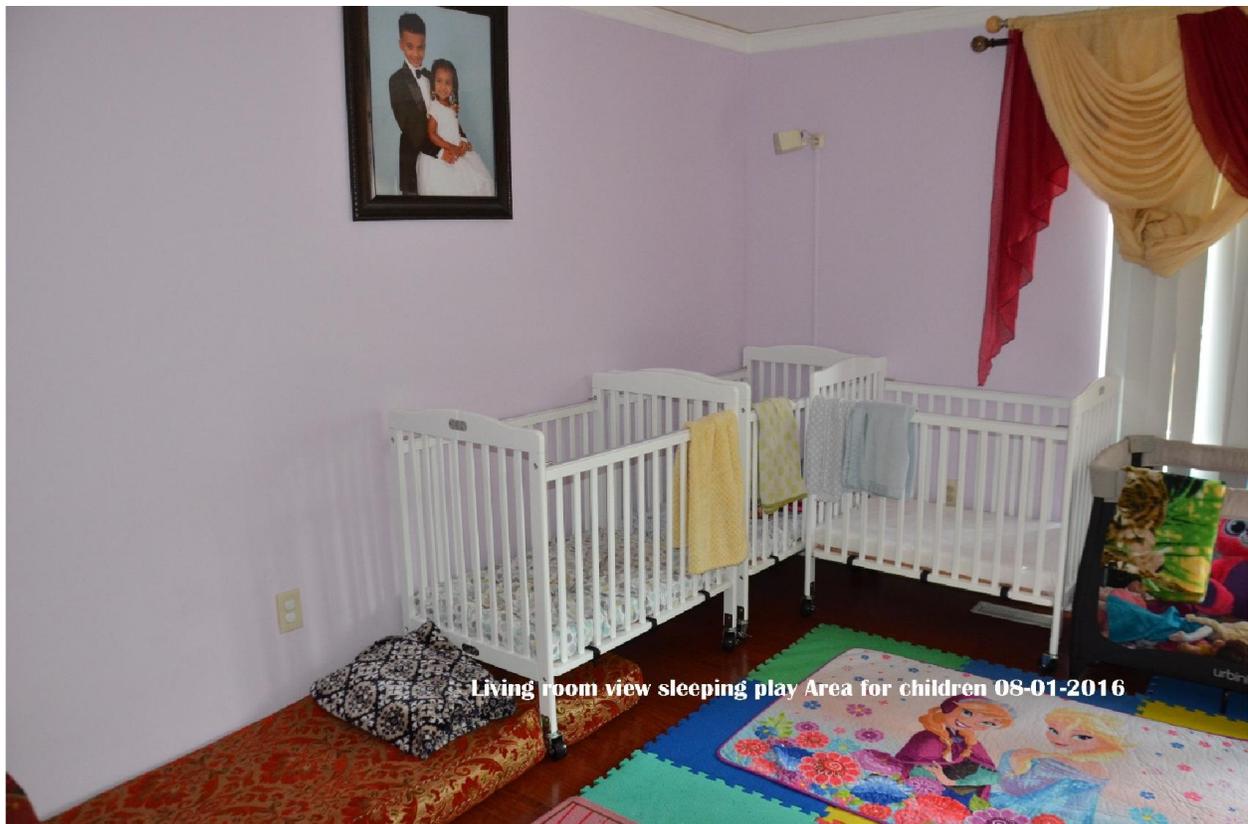


Image 6: View of sleeping area for babies.

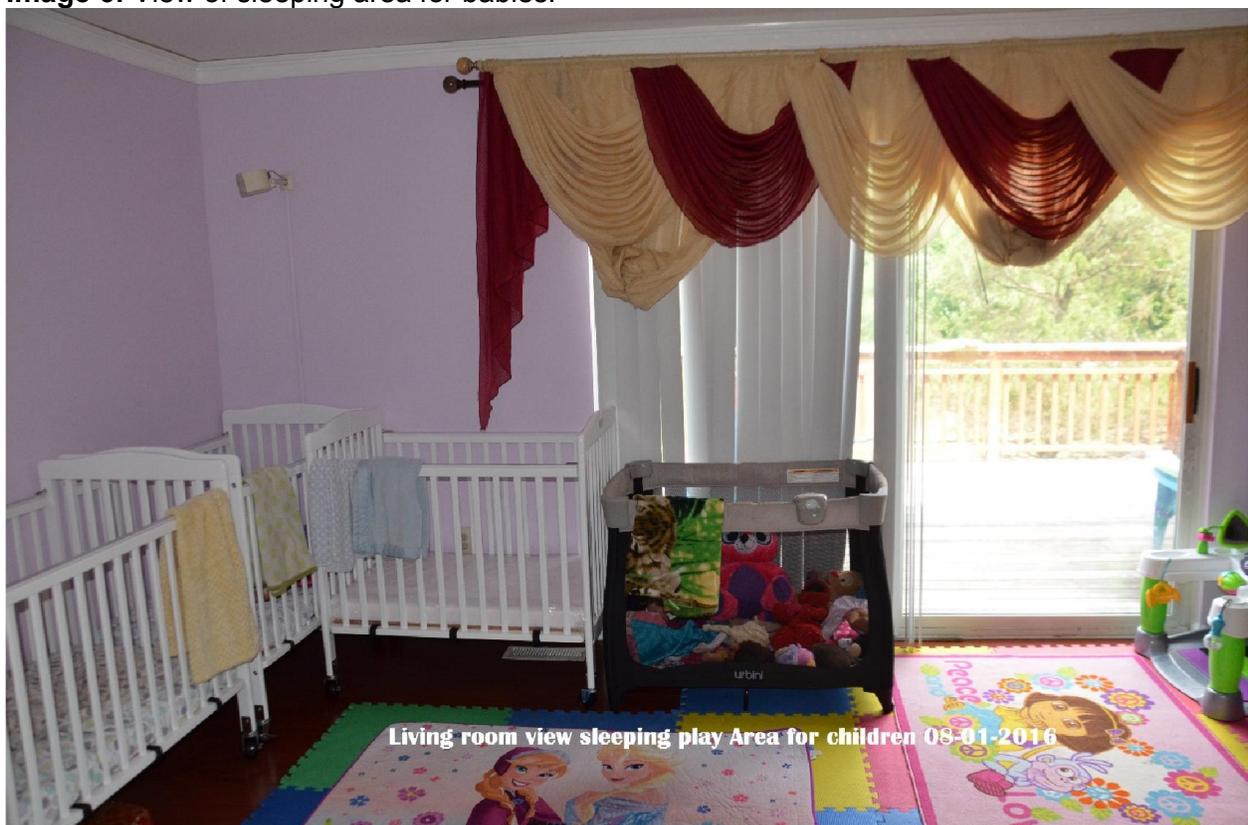


Image 7: View of sleeping area near door to outdoor deck.



Image 8: View of changing area, with kitchen in back.



Image 9: Play equipment for children.



Image 10: Reverse view of hallway leading to front door (back).



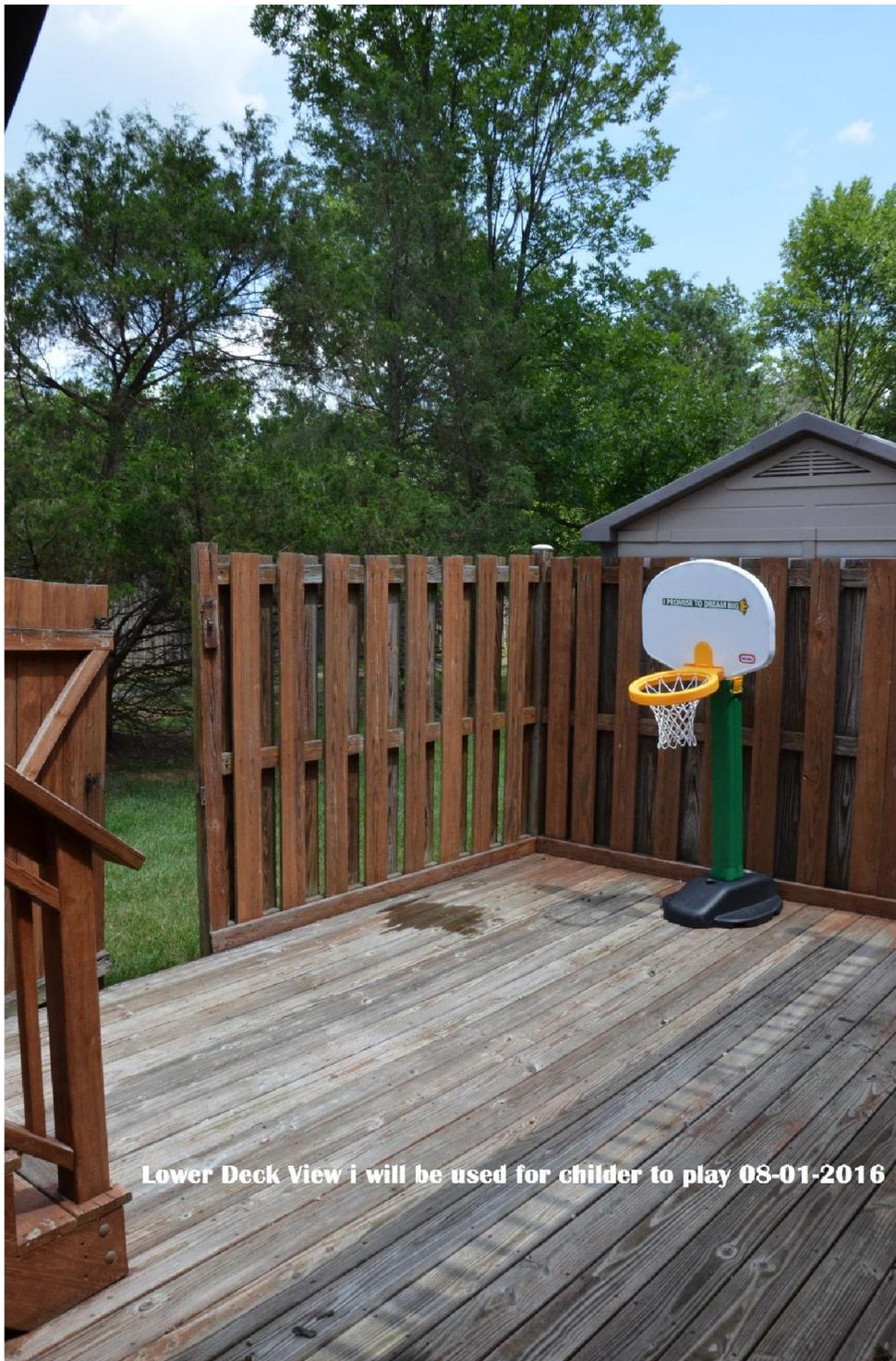
Image 11: View of upper deck.



Image 12: View of deck with seating.



Image 13: The stairway to the basement level entry. Stairs left go to first level.



Lower Deck View i will be used for childer to play 08-01-2016

Image 14: Lower deck for older children outdoor play. Gate is closed during facility hours.

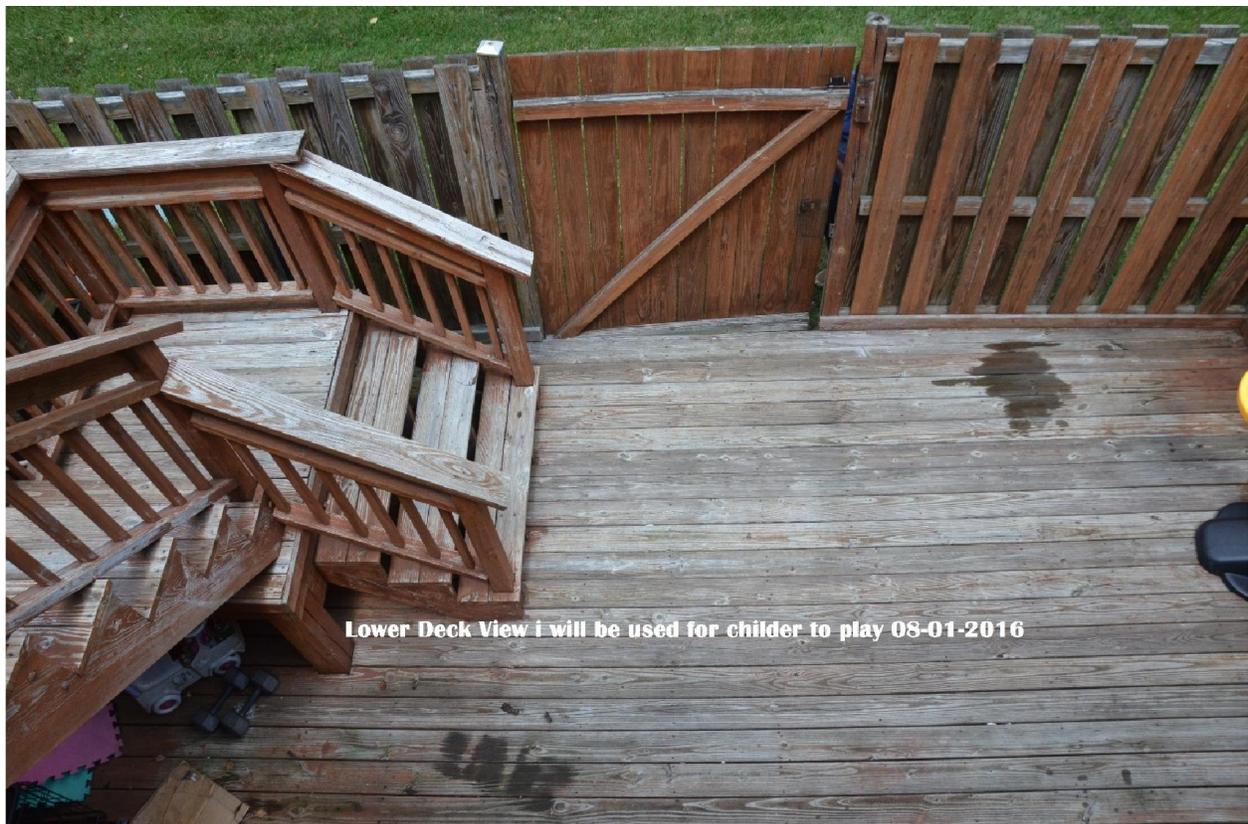


Image 15: View of lower deck from upper deck.

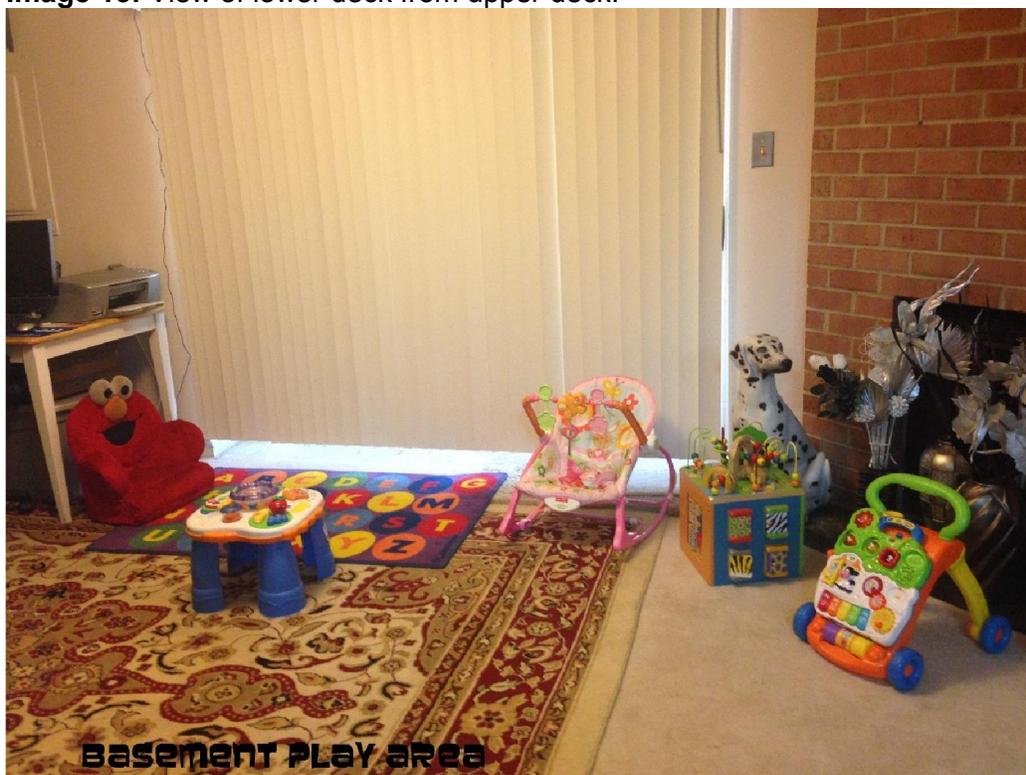


Image 16: Basement level materials/furnishings.



Basement Hall Way

Image 17: Hallway and room for basement level portion of facility.



Image 18: The two reserved spaces for use by parents dropping off and picking up children.



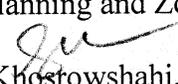
County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 16, 2016

TO: Heath Eddy, Staff Coordinator
Applications Acceptance Section
Zoning Evaluation Division
Department of Planning and Zoning

FROM:  Sepideh Aflaki-Khosrowshahi, Paralegal
Office of the County Attorney

SUBJECT: BZA Affidavit
Temporary Application No. SP 2016-0203

REF.: 136265

RECEIVED
Department of Planning & Zoning
SEP 19 2016
Zoning Evaluation Division

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant

Affidavit Date of Oath

Marone Abagobez d/b/a St. Marry Child Care

8/9/16

Attachment

OWNER CONSENT STATEMENT

To Whom It May Concern:

I, TAMRAT ASRAT, the undersigned title owner of the property identified below, do hereby authorize MARONE ABAGOBEZ to apply for a Home child care License on my property located at: 5215 Harbor Ct Dr Alexandria, VA 22315 Tax Map No. 091-2-09-0138.

Thank you in advance for your cooperation.

TITLE OWNER

Date: 7/28/16

By: [Signature] (Signor)

COMMONWEALTH/STATE OF: VA CITY/COUNTY OF: FAIRFAX, TO WIT:

The foregoing instrument was acknowledged before me this 28th day of July, 2016, by [Signature] (Signor)

[Signature] Notary Public (Signature) Notary Registration No. 257108 My Commission Expires: 12-31-2018

AFFIX NOTARY SEAL/STAMP

Owner Consent for
Home Child Care Facility

Name: Medhanit Desene
Address: 5215 Harbor Court Dr
Alexandria, VA 22315
Tax Map #: 091-2-09-0138
Phone #: 571-215-4796
E-mail address: asmelash@hotmail.com

Date: 08-02-2016

Ownership of the above-referenced property is Medhanit Desene. This property is the subject of a Special Permit Application submitted by MARDNE Abagobez, a renter of the property, to Fairfax County for approval of a home child care facility.

This is evidence that the owner, Medhanit Desene, is giving consent that to apply operate home child care may apply for the Special Permit Application for a home child care facility to operate on this property.

Sworn to and subscribed before me, in my presence
this 2nd day of August, 2016. A Virginia
Notary Public, in and for the State at Large.

[Signature]
Notary Public

By: [Signature] 8-2-16

Signature of owner of the property



TYLER JOHN DURFEY
Notary Public
Commonwealth of Virginia
My Commission Expires September 30, 2020
Registration 7683602

136265



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: _____
(Staff will assign)

RECEIVED
Department of Planning & Zoning

AUG 05 2016

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

Zoning Evaluation Division

APPLICANT	NAME	Marone Abagobez St. Mary Child Care	
	MAILING ADDRESS	5215 Harbor court Dr Alexandria, VA 22315	
	PHONE HOME (703) 268 4126	WORK (703) 622 6424	
	PHONE MOBILE (703) 622 6424	EMAIL	asmelash@hotmail.com
PROPERTY INFORMATION	PROPERTY ADDRESS	5215 Harbor court Dr Alexandria, VA 22315	
	TAX MAP NO.	091-2-09-0138	SIZE (ACRES/SQ FT) 1500 SQ FT
	ZONING DISTRICT	RS	MAGISTERIAL DISTRICT Lee District
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	N/A	
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION	8-305	
	PROPOSED USE	Home child care	
AGENT/CONTACT INFORMATION	NAME		
	MAILING ADDRESS		
	PHONE HOME ()	WORK ()	
	PHONE MOBILE ()	EMAIL	
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact		
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>			
<u>Marone Abagobez</u> TYPE/PRINT NAME OF APPLICANT/AGENT		<u>marone A.</u> SIGNATURE OF APPLICANT/AGENT	

SP2016-0203

DO NOT WRITE IN THIS SPACE

Date Application accepted: _____ Application Fee Paid: \$ _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

136 265

DATE: 09-13-2016
(enter date affidavit is notarized)

I, Marone Abagobez (ST Mary child care) 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)
Marone B. Abagobez	5215 Harbor Court Dr Alexandria, VA 22315	Applicant/ Lessee
D/b/a ST Mary child care		
Medhanit M. Dejene	5215 Harbor Court Dr Alexandria, VA 22315	Owner/ Lessor
Tamrat H. Asrat	4801 Kenmore Ave #520 Alexandria, VA 22304	Owner/ Lessor

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09-13-2016
(enter date affidavit is notarized)

136265

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: 09-13-2016
(enter date affidavit is notarized)

136265

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09-13-2016
(enter date affidavit is notarized)

136265

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

136265

DATE: 09-13-2016
(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 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)

Marone B. Abagobtz / Marone A.
 Applicant Applicant's Authorized Agent

Tyler John Durfey, Notary Public
(type or print first name, middle initial, last name, and title of signee)

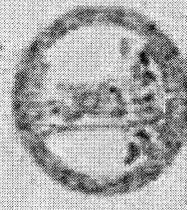
Subscribed and sworn to before me this 13th day of September 2016, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 09/30/2020

[Signature]
Notary Public



Commonwealth of Virginia



DEPARTMENT OF SOCIAL SERVICES

CONDITIONAL LICENSE

FAMILY DAY HOME

Marlene Abagohez, d.b.a. St Marry Home Care

5215 Harbor Ct. Drive, Alexandria, Virginia 22315

Issued to:

Address:

This **CONDITIONAL** 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>	
5	
<u>Gender</u>	<u>Age</u>
Both	Birth through 12 year

- This conditional license is issued to allow for the licensee to demonstrate compliance with sections of the standards, which could not be determined, because the facility is not yet fully operational.
 - This conditional license is issued because the licensee is temporarily unable to comply with the following section(s) of standards: 22 VAC 40-111-00 B, 70.A, 400.D, 770 and 800; 22 VAC 40-191-40.C.1.a and D.1.a
- This license is not transferable and will be in effect September 13, 2016 through March 12, 2017 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) 934-1595

MARGARET ROSS SCHULTEZ
 COMMISSIONER OF SOCIAL SERVICES

By: *Margaret Ross Schulte*
 Margaret R. Schulte

Title: LICENSING ADMINISTRATOR

Date: September 23, 2016

FDH-1109215-1-120
 LICENSE NUMBER



County of Fairfax, Virginia

MEMORANDUM

Date: September 16, 2016

To: Heath Eddy, Senior Staff Coordinator
Zoning Evaluation Division

From: *Mavis* Mavis Stanfield
Deputy Zoning Administrator/Chief Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care - SP 2016-LE-079, Marone Abagobez, St. Marry Child Care

Reference: 5215 Harbor Court Drive, Alexandria, Virginia 22315
Devereux West, Section 3, Lot 138
Tax Map Ref.: 91-2 ((9)) 138
Zoning District: R-5
Magisterial District: Lee
ZIB Ref.: 2016-0270
Date of Inspection: September 16, 2016

No zoning or property maintenance violations were observed during the inspection of the subject property that were not subsequently addressed by the applicant. Please see the attached photographs demonstrating compliance. I note that the applicant tested the smoke detectors located on each level of the dwelling and all were in working order.

**BUILDING
 PERMIT APPLICATION**

APPLICATION NO
 19
 Date

JOB LOCATION
 Street 5215 Harbor Ct. Drive
 Building _____ Floor _____ Suite _____
 Subdivision Devereux West Sec 3
 Tenants Name Unit 138

DO NOT WRITE IN THIS SPACE
 Permit No. 831301B 1250
 Map Reference 091-2-09-0138
 Building Permit No. _____ Control No. _____
 Std. 0181 Mag. LE Plan RH Census 209.02

OWNER
 Name Lozell / IMG TARRA INC
 Address (Mailing) 8930 Route 108
 City Chesapeake State MD Zip 21045
 Telephone 410-782-1828

CONTRACTOR
 Company Name Lozell / IMG TARRA INC
 Master _____
 Address 2454 World Trade Center
 City Bethesda State MD Zip 20814
 Telephone 301-270-0070 License No. _____
 State Contractors License No. 21996
 County Business Account No. 1/9645

Description
 For Town House
 Model/Use CONSTON (TYPE 2)
 Sewage: Public Community Septic Tank None
 WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

REMARKS:

BUILDING DESCRIPTION	QUANTITY
# Units	<u>1</u>
# Stories	<u>2</u>
# Rooms	<u>4</u>
# Bedrooms	<u>2-3</u>
# To be Added	
# Baths	<u>2</u>
# Half Baths	<u>1</u>
# Kitchens	
# Fireplaces	<u>By Sale</u>
Basement	<u>1</u>
% Basements to Finish	<u>By Sale</u>

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
	X	=	
	X	=	
	X	=	
	X	=	

YARDS Front _____ Front _____ Left Side _____ Right Side _____ Rear _____
See P a g e s

REMARKS hot 138
2880 #
and L out from

FOR COUNTY USE ONLY:

Date 5-12-83 By MW
 Approved for Issuance of Building Permit

Fee 51.84
 Filing Fee _____
 Amount Due _____

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.

I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

Maps Mc New Spaulding Date 5/9/83
 Signature of Owner or Agent Notary Signature Date

APP NO. 006235

COUNTY OF FAIRFAX, VIRGINIA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF DESIGN REVIEW
RESIDENTIAL USE PERMIT
01/24/84

STREET NUMBER STREET NAME ST TY ACT NO. LEVEL UNIT ACT NO.
05215 HARBOR COURT DR 001 01

LOT NUMBER SUBDIVISION NAME MAP REFERENCE NUMBER INSP AREA
00138 D'EVEREUX WEST, SEC 003 091-2- /09/ /0138- 4

INSPECTED BY DATE

ELECTRICAL FERGUSON 1-6-84
PLUMBING DUNSTON 1-25-84
MECHANICAL SHERTZER 1-17-84
BUILDING MULLINS 1-20-84
PUBLIC UTILITIES NICHOLSON 1-26-84
APPROVED R. Nicholson 1-26-84
REMARKS

THE FOLLOWING REQUIREMENTS, IF CHECKED, ARE BEING WAIVED IN ACCORDANCE WITH CHAPTER 112 ARTICLE 18 PART 704 OF THE FAIRFAX COUNTY CODE TO OBTAIN A RESIDENTIAL USE PERMIT:

- FINAL GRADING, SODDING, SEEDING OF LOT
- COMPLETION OF LANDSCAPING AND SCREENING REQUIREMENTS
- COMPLETION OF SIDEWALKS
- BITUMINOUS CONCRETE STREET/DRIVEWAY SURFACE
- ADEQUATE STAND OF GRASS

ATTENTION
NO TREES OR SHRUBS MAY BE PLANTED IN THE DEDICATED RIGHT-OF-WAY WITHOUT FIRST OBTAINING A PERMIT FROM FAIRFAX COUNTY. FOR FURTHER INFORMATION CALL 691-3431. WHEN EXCEPTIONS FOR FINAL GRADING, SODDING AND/OR SEEDING ARE GRANTED DURING THE WINTER, THE BUILDER IS OBLIGATED TO COMPLETE THIS WORK BY THE FIRST DAY OF MAY.

HOMEOWNER
BUILDER
ZONING

Zoning Ordinance Provisions

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 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.