



Home Child Care Facilities

Special Permit & Special Exception

Review Processes

Special Permit – Board of Zoning Appeals Process

Residential (R) & PRC Districts

- One public hearing, meet in Board Room most Wednesday mornings starting at 9:00 am;
- Board of Zoning Appeals (BZA) consists of seven members;
- Appointed by the Circuit Court;
- Serve at-large (not based on supervisory districts).
- Webpage – www.fairfaxcounty.gov/dpz/bza

Special Exception – Planning Commission/Board of Supervisors Process

PDH, PDC, PRM & PTC Districts

- Two public hearings – one hearing before Planning Commission (PC); one hearing before Board of Supervisors (BOS);
- PC members are appointed by the BOS;
- 12 Commissioners, one for each Supervisory District, two at-large;
- Meet in the Board Room most Wednesday/Thursday evenings starting at 8:15 pm.
- Webpage – www.fairfaxcounty.gov/dpz/bza

Special Exception (con't)

- 2nd public hearing is held by the Board of Supervisors (BOS);
- Ten BOS members, one for each Supervisory District;
- BOS members are elected by Fairfax County citizens;
- Meet in the Board Room two times per month, public hearings held in afternoon generally starting at 3:30 pm.
- Webpage – www.fairfaxcounty.gov/government/board

Once Application is Forwarded to Special Permit or Special Exception Branch . . .

- A Public Hearing date is scheduled;
- Application is assigned to a Staff Coordinator;
- Application is distributed to other reviewing agencies in the County – reviewing agencies generally include:
 - ❖ Planning Division – review for “land use” impacts such as noise and compatibility with and impact on, surrounding neighborhood;
 - ❖ Fairfax County (FDOT) and Virginia (VDOT) Departments of Transportation – review for traffic impact to surrounding streets and parking; and,
 - ❖ Health Department – if property is on septic field.

Once Application is Forwarded (con't) . . .

- Staff Coordinator meets with staff members from other reviewing agencies to discuss application (called pre-staffing and staffing meetings);
- Staff Coordinator talks/meets with applicant (and/or their agent) to discuss questions about and/or changes needed to application based on comments from reviewing agencies;
- Applicant has time to make changes/modifications to application.

Staff Report

- Staff Coordinator writes a staff report which includes:
 - ❖ Explanation of request;
 - ❖ Information submitted by applicant including pictures, statement of justification, affidavit, etc. (if your neighborhood has a Homeowners Association (HOA), you should contact HOA to see if they have any regulations that pertain to home business and provide a copy of HOA approval with your application);
 - ❖ Staff Analysis – were there any issues identified, were they addressed by applicant;
 - ❖ Proposed Development Conditions which outline approved hours of operation, number of children, etc.;
 - ❖ Staff Recommendation to BZA/PC/BOS.



APPLICATION ACCEPTED: September 1, 2013
BOARD OF ZONING APPEALS: November 27, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 20, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SP-100

SPRINGFIELD DISTRICT

APPLICANT: Susan Langdon
SUBDIVISION: Fairfax Acres
STREET ADDRESS: 1000 Fairfax Acres Drive, Fairfax 22030
TAX MAP REFERENCE: 65 ((3)) (29) 11
LOT SIZE: 10,000 square feet
ZONING DISTRICT: R-3
ZONING ORDINANCE PROVISIONS: 8-301
SPECIAL PERMIT PROPOSAL: To permit home child care

STAFF RECOMMENDATION: Staff recommends approval of [REDACTED] 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.



Staff Report Cover

Staff report published one week before public hearing for special permits & two weeks before the PC public hearing for special exceptions. A copy of the staff report is sent to the applicant (or agent).



Sample of Development
Conditions

PROPOSED DEVELOPMENT CONDITIONS
November 20, 2013

If it is the intent of the Board of Zoning Appeals to approve SP 2013-SP-100 located at Tax Map 65-4 ((3)) (29) 11 for a home child care facility pursuant to Section(s) 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 applicant, (*Applicant's name*), only and is not transferable without further action of the Board, and is for the location indicated on the application, (*Applicant's address*), and is not transferable to other land.
- 2.
3. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat (*Name and date on submitted plat*), and approved with this application, as qualified by these development conditions.
4. A copy of this Special Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
6. The maximum number of children on site at any one time shall be twelve (12), excluding the applicant's own children.
7. The applicant and assistants shall use on-street parking during the hours of operation of the child care facility. Pick up and drop off of children shall take place in the driveway.
8. The maximum number of employees shall be limited to one on-site at any one time in addition to the applicant.
9. The dwelling that contains the child care facility shall be the primary residence of the applicant.
10. There shall be no signage associated with the home child care facility.

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 automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Legally Required Notification to the Public

Three ways public is notified about public hearing

Written Notice

- Approximately 20 days before the public hearing, **County Staff** will send letters to a minimum of 10 adjacent neighbors (for special permits) and 25 adjacent neighbors (for special exceptions) to notify them of your request.

LEGAL NOTICE

BOARD OF ZONING APPEALS PUBLIC HEARING

7/9/13
DATE

RE:

Dear Property Owner:

You are listed in the current real estate tax assessment records of Fairfax County, Virginia, as the owner of a parcel of land in the vicinity of the property which is the subject of the above-referenced application. In accordance with the provisions of the Fairfax County Zoning Ordinance, you are hereby notified of the scheduled public hearing on this application at which time you may present either written or verbal comment.

The Fairfax County Board of Zoning Appeals will hold a public hearing on this application on August 7, 2013 at 9:00 A.M. in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia.

The location of this application is shown on the attached map. Other information regarding this application follows:

A copy of this application is available for examination at the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505. If you have any questions regarding the details of this application, you may direct them to the Zoning Evaluation Division, Variance and Special Permit Branch at 703-324-1280.

If you desire to be placed on the speakers' list for the public hearing, call the Clerk to the Board of Zoning Appeals at 703-324-1280.



Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

Attachment: A/S



American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) 48 hours in advance of the meeting to make the necessary arrangements.



Description of Application

Notification to the Public

Property Posted

- Approximately 15 to 20 days before the public hearing, **County Staff** posts a sign on your property.



PUBLIC HEARING FAIRFAX COUNTY

BOARD OF ZONING APPEALS
June 06, 2012 9:00 A.M.

SP: [REDACTED]

To permit reduction to the minimum yard requirements based on error in building location to permit roofed deck to remain 9.6 ft. from side lot line and to permit an accessory dwelling unit in an existing dwelling.
Located at ESH [REDACTED] Annandale, 22003
Zoned R-3 [REDACTED] approx. 11,904 sq. ft.

CALL 703-324-1280

WWW.FAIRFAXCOUNTY.GOV/DPZ
BOARD ROOM, GOVERNMENT CENTER
12000 GOVERNMENT CENTER PARKWAY

Reasonable accommodation is available upon 7 days advance notice.
For additional information, call above number.

**DO NOT REMOVE OR DEFACE
UNDER PENALTY OF LAW**

05/18/2012

Notification to the Public

Newspaper

- **County Staff** will run an ad in a local newspaper twice before the public hearing.

Public Hearing

- Public hearing(s) take place in Board Room (the room you are currently in);
- Speakers are sworn in (by BZA);
- Staff Coordinator explains application to the Board(s);
- Applicant speaks to the Board(s) about their application;
- Neighbors in support or opposition may speak;
- Applicant may speak again if any neighbor opposes application.

Public Hearing - Decision

- PC makes a recommendation of approval or denial of the application to BOS;
- BZA/BOS votes to approve, deny, or approve-in-part your application; or,
- BZA/BOS may defer the decision if they feel they need additional information before making a final decision.

After Public Hearing

- Applicant will receive a letter from the Clerk to the BZA or BOS explaining the Board's decision;
- If any changes/additions to property are required by the BZA/BOS (such as fencing the play area, planting trees to screen the neighbors, etc.) the applicant must complete these requirements;
- SP/SE use for the home child care is then considered established.



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