

SPECIAL PERMIT

Application Information
for Home Child Care Facilities



ZONING EVALUATION DIVISION
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway,
Suite 801
Fairfax, VA 22035
703-324-1290
www.fairfaxcounty.gov/dpz

July 19, 2013



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703)324-1334 Or TTY 771 (Virginia Relay Center).

In Fairfax County, you may care for up to five (5) children (in addition to your own) in your townhome or apartment, or you may care for up to seven (7) children (in addition to your own) in your single family house by right and, in either case, have one helper.

If you would like to have more children and/or helpers, you may request approval of a special permit to allow you to care for up to twelve (12) children (in addition to your own) and/or additional helpers. To request approval of a special permit, you must submit an application to the Department of Planning and Zoning and appear before the Board of Zoning Appeals.

Regardless of how many children you care for in your townhome, apartment or house, there are a few basic rules you must follow in Fairfax County. They are as follows:

- 1. You must live in the townhome, apartment or dwelling that is used to care for other children.**
- 2. You must be licensed by the State of Virginia or have a county Home Child Care Facilities Permit, and follow all state laws and local county laws governing home child care facilities including Chapter 30 of the Fairfax County Code.**
- 3. There cannot be any exterior appearance or signs, other than play equipment, that show that a home child care facility is being operated within the townhome, apartment or house.**
- 4. One helper is allowed and they are limited to the hours of 7:00 am to 6:00 pm daily, unless a special permit is granted to allow additional helpers and/or hours.**

The following packet explains the information you must submit to request approval of a special permit for a home child care facility.

Special permit application packages may be submitted by mail or in person to:

**Fairfax County Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035**

SUBMISSION CHECKLIST FOR A SPECIAL PERMIT FOR HOME CHILD CARE FACILITIES

A special permit application must meet all of the submission requirements as outlined in the Zoning Ordinance in order to be accepted and scheduled for a public hearing before the Board of Zoning Appeals. The submission requirements are listed below. Complete application packages containing all 8 items must be submitted. If the application package is not complete, the applicant or their agent will be notified. Once an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and the applicant/agent will be notified.

To help you in submitting all the information needed for a complete application, please check the boxes provided below for each item included in your application.

REQUIREMENT	SUBMITTED
<p>1. Four (4) copies of the Special Permit Application Form completed and signed by the applicant or authorized agent. The applicant or authorized agent should use the form included as Attachment 1 to this Application Package or on the County web site at www.fairfaxcounty.gov/dpz/zoning/applications. In order to fill out the application form, the Department of Tax Administration records at icare.fairfaxcounty.gov may be used to search by property address to find the tax map number, subdivision name, Magisterial District and zoning district.</p>	
<p>2. Ten (10) copies of a plan drawn to scale, which may be drawn by the applicant. The plan must include the following information:</p> <ul style="list-style-type: none"> a. The dimensions, boundary lines and area of the property. b. The location, dimensions and height of the dwelling and all other structures on the property, whether existing or proposed. c. The distance from all property lines to the existing or proposed dwelling, fences, and any of the structures or additions, measured in feet. d. The dimensions and size of all outdoor recreation space and the location of the space in relation to all lot lines. e. The plan must be signed and dated by the preparer. <p><i>(A house location plat or similar plan may be used with revisions made by the applicant. Examples of plans are shown on the bottom of the second page of Attachment 3).</i></p>	
<p>3. One (1) copy of the current Fairfax County Zoning Map, showing the subject property and an area of at least a 500 foot radius around the property. If more than one (1) Zoning Map sheet is required to cover the area, the sheets must be combined to create a single readable map. The boundaries of the subject property must be outlined in red.</p> <p>Official Zoning Map Fairfax County Sheet(s) may be obtained from Maps and Publications at 12000 Government Center, Fairfax, VA., any Fairfax County local or regional library, or from the web at www.fairfaxcounty.gov/gisapps/pdfviewer/ by selecting Zoning Map and the appropriate map grid (e.g., 045-2).</p>	

REQUIREMENT	SUBMITTED
<p>4. Photographs of the entire application property showing all existing structures including the house, driveway, sheds, fences, and play equipment, the yard and vegetation as viewed from all lot lines of the application property and interior photos of the home child care facility. Pictures from each lot line of adjacent properties. The photographs need to be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred in which case a disk containing those digital photographs can also be provided.</p>	
<p>5. A written statement describing the proposed use, including the proposed number of children, hours of operation, number of employees, traffic impact, etc. (<i>an outline of the information needed in the written statement is included as Attachment 2.</i>) In addition a statement telling how you believe the application meets the general and special standards in the Zoning Ordinance is required. (<i>Copies of these standards are included as Attachment 3.</i>)</p>	
<p>6. A notarized affidavit completed and signed by the applicant or the applicant’s authorized agent. If the applicant’s authorized agent completes the application or affidavit on the applicant’s behalf, a certified statement from the applicant must be submitted authorizing the agent to complete the affidavit on the applicant’s behalf. The affidavit must be updated if there are any changes in the information up to the time of the public hearing. All affidavits are reviewed by the Office of the County Attorney for completeness and accuracy. <i>A copy of the affidavit form is included as Attachment 4 and is also available on the Fairfax County website at www.fairfaxcounty.gov/dpz/affidavits. For questions regarding the affidavit, please contact the Office of the County Attorney at (703) 324-2421, TTY 711. During the public hearing on the application, the applicant or authorized agent is required to verify (reaffirm) verbally that the affidavit is still correct.</i></p> <p><i>Generally pages 1 through 5 of the affidavit are the only pages in the affidavit the owners of home child care facilities need to fill out.</i></p>	
<p>7. A statement telling who owns the application property and the applicant’s interest in the property; <i>whether the applicant is the owner, renter, or lessee of the property.</i> If the applicant is not the owner of the property, a letter from the owner must be submitted giving permission for the applicant to file the application and use the property as proposed.</p>	
<p>8. A check written to the County of Fairfax in the amount of \$435 for the application fee.</p>	

A more detailed description of the special permit process is included as Attachment 5 to this application package. Attachment 5 includes “Helpful Hints” to help you in filing your special permit applications.



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)

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME
	MAILING ADDRESS
	PHONE HOME () WORK ()
	PHONE MOBILE () EMAIL
PROPERTY INFORMATION	PROPERTY ADDRESS
	TAX MAP NO. SIZE (ACRES/SQ FT)
	ZONING DISTRICT MAGISTERIAL DISTRICT
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION
	PROPOSED USE
AGENT/CONTACT INFORMATION	NAME
	MAILING ADDRESS
	PHONE HOME () WORK ()
	PHONE MOBILE () EMAIL
MAILING	Send all correspondence to (check one): <input 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>	
TYPE/PRINT NAME OF APPLICANT/AGENT	SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

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

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

In order for the Board of Zoning Appeals to assess the proposed home child care against the Zoning Ordinance's standards for home child care facilities (which are provided in Attachment 3), you will need to provide a written statement describing the proposed home child care, and other necessary information, including specifically:

- A. Hours of operation (*for example – 7AM to 6PM, Monday through Friday*).
- B. Estimated number of children and largest number present at any one time, excluding the provider's own children.
- C. Proposed number of employees/attendants/teachers/etc. Indicate whether the employees work part-time or full-time (if part-time, please include their hours).
- D. Estimated drop-off and pick-up schedule and largest number of drop-offs and pick-ups at any one time (*for example, three children arrive at 7:15 AM while one child arrives at 8:00 AM*).
- E. Describe the general area or neighborhood which will be served by your child care (*do they live in your neighborhood, or come from outside areas?*).
- F. Describe how parents get to the child care (do they drive, walk or take a bus?) and where they may park (if they drive).
- G. Describe the dwelling and how the use will operate within the dwelling, including square footage dedicated to the home child care facility. Include a floor plan to show what areas of the dwelling will be used for the child care.
- H. Describe the outdoor play areas in order to supplement the information provided on the plat. If outdoor play areas are not located on the property, provide information about where the outdoor play will be provided and how the children will get to those playgrounds.
- I. If your neighborhood has a homeowners' association and you have received approval from them for your use, please include a copy of that approval.

Please be sure to read the General Standards; Sections 8-006 of the Zoning Ordinance (found on page 1 of Attachment 3) and the Special Standards for Home Child Care Facilities; Section 8-305 of the Zoning Ordinance (found on page 2 of Attachment 3). Take special care to ensure your statement addresses these standards. *Remember your statement of justification is your first impression to the Board of Zoning Appeals.*

ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL PERMIT

All special permit uses must satisfy the following general standards outlined in Section 8-006 of the Zoning Ordinance in order for the Board of Zoning Appeals to approve the application. These Standards should be addressed in written form, describing how the particular applicant meets the 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 Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.
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, Signs, in the Zoning Ordinance; however, the Board of Zoning Appeals may impose more strict requirements for a given use than those set forth in this Ordinance.

In addition to the general standards outlined above, home child care facilities also have specific standards which must be met. These specific standards can be found on the next page, and in Article 8 of the Zoning Ordinance, which is available on the County's web site at www.fairfaxcounty.gov/dpz/zoningordinance. How the particular application meets these standards must also be addressed in written form.

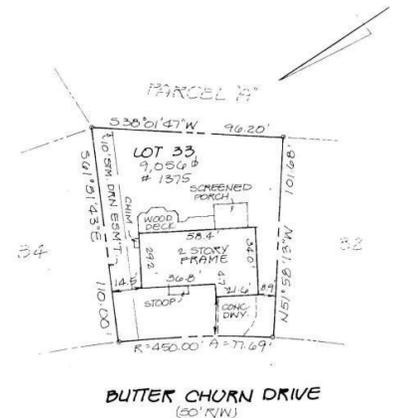
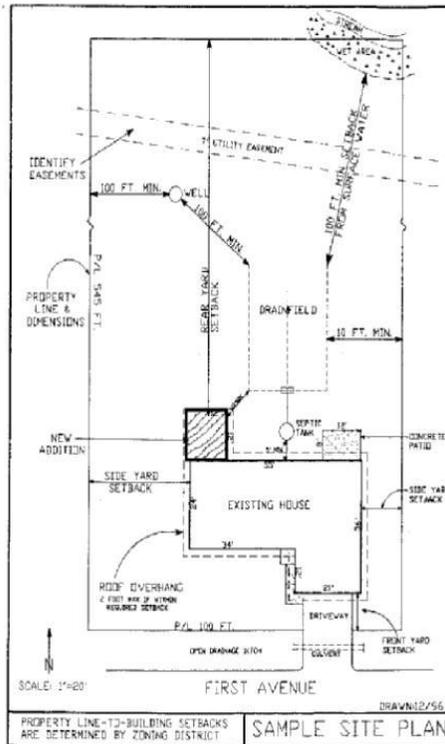
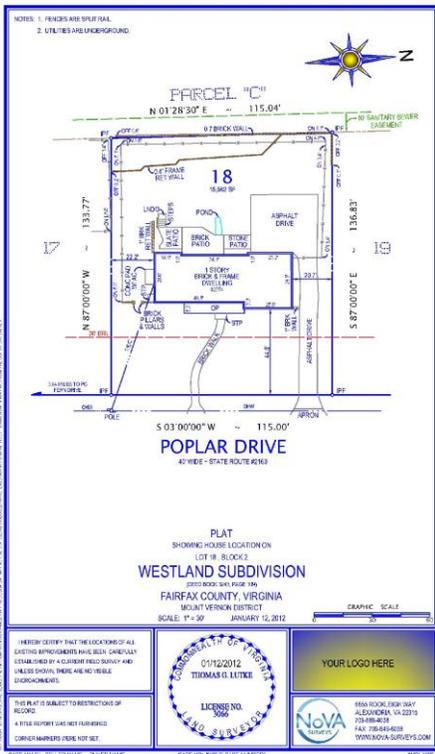
ZONING ORDINANCE ADDITIONAL STANDARDS FOR A HOME CHILD CARE FACILITY

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. *(Par. 6A of Sect. 10-103 refers to the maximum number of children permitted without special permit approval, which is five children in a multiple family, mobile home or townhouse dwelling (single family attached), and seven children in a single family detached dwelling.)*

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. *(Two to three parking spaces are required for the residents of the home, one parking spaces for each helper and one or two parking space for parents picking up and dropping off children)*

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. *(Article 13 refers to screening, generally in the form of shrubs, trees and/or fences to screen the use from surrounding properties.)*

4. 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 and must be signed and dated by the applicant:
 - a. The dimensions, boundary lines and area of the lot or parcel.
 - b. The location, dimensions and height of any building, fences, 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. *(Applicants may want to update a house location plat of their property which should have been received at the time of property settlement when the house was purchased.)*



Examples of a house location survey, site plan and a plat.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, 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	ADDRESS	RELATIONSHIP(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in BOLD above)

(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: _____
(enter date affidavit is notarized)

=====

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)

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(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.)

(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

DATE: _____
(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.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a “Special Permit/Variance Attachment to Par. 3” form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

(check one) Applicant Applicant’s Authorized Agent

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

Subscribed and sworn to before me this _____ day of _____ 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

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

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
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(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

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

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

=====

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

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

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

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

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

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

Page _____ of _____

Special Permit/Variance Attachment to Par. 2

DATE: _____
(enter date affidavit is notarized)

(check if applicable)

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a “Special Permit/Variance Attachment to Par. 2” form.

Special Permit/Variance Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a “Special Permit/Variance Attachment to Par. 3” form.

SPECIAL PERMITS APPLICATION INFORMATION

This Attachment includes more detailed information on the processing of special permit applications in Fairfax County. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Zoning, or from the County's web site at www.fairfaxcounty.gov/dpz/zoning/applications.

SPECIAL PERMIT: Section 8-001 of the Fairfax County Zoning Ordinance states that there are certain uses which by their nature or design can impact or be incompatible with other surrounding land uses. These uses, described as special permit uses in the Zoning Ordinance (ZO), may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special permit approved by the Board of Zoning Appeals (BZA). A home child care facility is one type of special permit use outlined in the ZO.

The BZA can only approve a special permit when it concludes that the proposed use complies with all standards as outlined in the ZO, including the standards that the use will be compatible with existing and/or planned development in the area. When approving a special permit, the BZA normally imposes conditions and restrictions to ensure that the standards will be met. When the BZA believes the standards for the use outlined in the ZO cannot be met, the BZA must deny the special permit.

In order to request consideration of a special permit by the BZA, an application must be filed with the County by the owners, lessee, or contract purchasers of the land, or their designated agents. A special permit must meet specific submission requirements, including the provision of a fee and an affidavit, as set forth in the ZO.

BOARD OF ZONING APPEALS: The BZA is made up of Fairfax County citizens who are appointed by the Circuit Court. There are 7 members, with each member serving in an at-large capacity for a term of 5 years. The BZA has the authority, among other powers, to approve special permits. The powers of the BZA are defined by the ZO and the State Code of Virginia.

The BZA may approve, deny, or approve-in-part, a special permit application. The BZA may approve a special permit only if they find that the request meets all of the General Standards for Special Permits (Sect. 8-006 of the ZO), which apply to all special permit uses. In addition, for a home child care facility, the use must meet all the Additional Standards for Home Child Care Facilities (Sect. 8-305 of the ZO.). *Copies of the general standards and additional standards for home child care facilities are found in Attachment 3 of this package.*

SUBMISSION REQUIREMENTS: A summary of the submission requirements for the application is included on pages 3 and 4 of this package in a checklist format to provide a convenient way to ensure that all required items of the application package are submitted. In general, the submission requirements include an application form, a plan or plat of the property showing all features on the property, a zoning section sheet, photographs of the property, an affidavit disclosing ownership and other interest in the property, a written statement describing the proposed use, a written statement describing how the standards are being met, owner acknowledgement of the application and a fee.

ASSISTANCE: For assistance in filing a special permit application, information on the application process, clarification of these instructions, or to set up a presubmission meeting to discuss a potential submission or for help with a submission, please call the Zoning Evaluation Division at (703) 324-1290 and request to speak with one of the home child care facilities ombudspersons.

HELPFUL HINTS: The following “Helpful Hints” are provided to assist in the filing of a special permit application:

- Each application is considered a “package” which must include all required elements when submitted. Applications will not be reviewed for acceptance until a complete package is submitted.
- Each applicant should designate a “single point of contact” that will be responsible for the application. This may be the applicant, agent, attorney, engineer, property owner, or other person designated by the applicant.
- The application package should be reviewed for correctness and completeness prior to submission and to ensure that all parts are coordinated.
- Submitted special permit plats should be folded so that they fit into an overall application package.
- All information, including any supplemental information which may be submitted, should be clearly marked to reference the specific application.

PROCESSING OF THE SPECIAL PERMIT APPLICATION

STEP 1 - SUBMISSION OF THE APPLICATION: A complete special permit application package, containing all of the required items, must be submitted by mail or in person to the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ). The office is open Monday through Friday from 8:00 a.m. to 4:30 p.m.

STEP 2 - APPLICATION ACCEPTANCE: The application will be reviewed for acceptance only when a complete application package that contains all required submission items is submitted. The Applications Acceptance Section of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter will be sent to the applicant or authorized agent regarding deficiencies that must be corrected. The special permit application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the special permit application has been accepted, a letter will be sent to the applicant/agent verifying the acceptance. If you have any questions about your application prior to filing or acceptance, please call (703) 324-1290, TTY 711.

STEP 3 – SPECIAL PERMIT BRANCH: After the special permit application is accepted, it is forwarded to the Special Permit Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Board of Zoning Appeals (BZA) will be scheduled and a staff coordinator will be assigned to the application. A letter will be sent to the applicant/agent confirming this information. By State law, the public hearing date must be held within 90 days after the application is accepted,

unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call the assigned staff coordinator at 703-324-1280, TTY 711.

STEP 4 – STAFF REVIEW PROCESS: Upon acceptance of the special permit application, the application will be reviewed by staff for compliance with the Zoning Ordinance Standards and for its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by the staff coordinator who is the primary point of contact for the application. The staff coordinator will transmit requests for additional information needed to review the application, provide staff comments/issues on the request, facilitate the resolution of any issues which may be identified, and respond to question/inquiries about the application. A written staff report will be prepared documenting the analysis of the application, and presenting a recommendation to the BZA. The staff report is published one week before the public hearing, at which time it is mailed to the applicant/agent, delivered to the BZA, and made available to the public. The staff report is available on-line the week prior to the public hearing at ldsnet.fairfaxcounty.gov/ldsnet.

STEP 5 - NOTIFICATION: Between 30 and 40 days prior to BZA public hearing, a package will be sent to the applicant/agent, by certified mail, outlining the procedures for notifying surrounding property owners of the public hearing on the special permit request. Providing notification is a State and County legal requirement. The applicant/agent **must follow the directions contained in the notice package** including sending the specified written notice to a minimum of 10 different property owners abutting, across the street from, and/or in the immediate vicinity of the property.

A public hearing cannot be conducted unless the notification process is completed correctly and within the mandated timeframe. Failure to adhere to the procedures contained in the notification package will jeopardize the scheduled public hearing date. If you have questions regarding the legal notification, please call (703) 324-1290, TTY 711.

Between 21 and 14 days prior to the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be moved or removed from the property. After the public hearing, the sign boards will be removed by County staff.

STEP 6 - PUBLIC HEARING: BZA public hearings are open to the public and are held on most Wednesday mornings beginning at 9 a.m. in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. The BZA agenda can be found on the County's web site at www.fairfaxcounty.gov/dpz/bza/weeklyagenda. If you have any questions regarding the public hearing, please call (703) 324-1280, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all BZA meeting live. For program listings, check the viewing guide at www.fairfaxcounty.gov/cable or call (703) 324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway, call (703) 324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call (703) 324-3151, TTY 711.

Conduct of Public Hearings: Typically public hearings are conducted as follows:

- The Chairman of the BZA will call the application to be heard.
- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and address and to reaffirm the affidavit.
- Staff will describe the location of the property and the request, and present other pertinent information.
- The applicant/agent will present the justification for the special permit request, including how the application meets the Zoning Ordinance standards for the Special Permit.
- The BZA will open the public hearing for testimony in support of, or in opposition to, the request. Anyone wanting to speak at the public hearing may do so or may submit written testimony to the Clerk to the BZA.
- At any time during the public hearing, a member of the BZA may ask questions of the applicant/agent, staff or a speaker.

The BZA makes its determination based on whether it finds that the application meets **all of the Zoning Ordinance Required Standards for a Special Permit** as found in Attachment 3 of this publication, as well as other relevant Zoning Ordinance provisions. The BZA usually imposes conditions on the special permit, as it deems necessary, such as identifying the maximum hours the home child care facility can operate, maximum number of children permitted, etc.

- The BZA will close the public hearing and may make a motion to approve the application, deny it, or approve it in-part; continue the hearing to another date if it needs additional information; or, defer decision to a later date.

STEP 7 - LETTER OF DECISION: The Clerk to the BZA will mail a letter containing the final decision of the BZA and a copy of the adopted Resolution to the applicant/agent after the final decision date. If the BZA denies a special permit request, a new special permit application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the BZA.

STEP 8 – IMPLEMENTATION: A special permit virtually always has conditions which must be met prior to the establishment or continuation of the use. Whenever a special permit is approved by the BZA, the activity approved must be established within the time the BZA specified in the approval (an example could be fencing the play area for the home child care facility.) If the use has not been established within the time period approved, the special permit automatically expires, without notification by the County, pursuant to Par. 1 of Section 8-015 of the Zoning Ordinance, unless additional time is approved by the BZA.

Please Note: The approval of a special permit does not interfere with or void any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.