

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Conditional Use Permit (CUP) to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone. Application filed by Tania Giviani-Faris and Kambiz Faris, owners.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on October 16, 2019 for a CUP pursuant to § 18-209 to 216 of the Vienna Town Code. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. The property was purchased by the applicants in July 2008 and they have been operating a family day home business at this location since 2009. The applicant received a home occupation permit in March 2013 to care for seven (7) children plus one (1) preschooler that is off premises for some portion of the week. The applicants received approval for a conditional use permit to operate a family day home caring for up to ten (10) children on November 13, 2018, with the condition of renewal required within one (1) year.
- B. The applicants expanded their driveway by an area 9 feet wide by 30 feet long to increase the available parking on site from three cars to five in August 2018, which is reflected on the plat. Since the Conditional Use Permit approval, the applicants expanded the driveway again to accommodate an additional three (3) vehicles behind a gate. The applicants' park their personal vehicles behind the gate, leaving the expanded driveway in front open for parents dropping off and picking up children. The plat has not been updated to show the expanded driveway, however, pictures showing the expansion are included as an attachment to the staff report.
- C. The childcare operation is primarily located in the lower level of the split-level home with a full bathroom and small wet bar area immediately adjacent to the play area for use for the daycare. The total indoor space used for the home childcare is 1,200 square feet. The property has a large fenced back yard, 15,000 – 20,000 square feet, with play equipment for the childcare.
- D. The applicants stated the drop-offs and pick-ups are staggered from 7:30 am to 6:00 pm. The applicants identified seven (7) to eleven (11) available parking spaces for short term parking between the driveway and on-street parking on the cul-de-sac.

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- E. There are currently two employees assisting the homeowner with the business at different times. One employee assists the applicant between 7:30 am and 3:00 pm and the other is part-time working 3:00 pm to 6:00 pm.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:


The Board voted 5-0 to approve the request for a CUP Conditional Use Permit (CUP) to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone, with the following conditions:

- I. The CUP will expire upon the transfer of title to the real estate.

If the terms and conditions are not met, then this order may be revoked per the Town Code § 18-209 to 216.

The home daycare use appears to be permitted in the residential zone. The record over the last year indicates the additional children does not seem to have any additional adverse effect on the neighbors.

IT IS, THEREFORE, ORDERED, this 21ST day of OCTOBER, 2019 that the application, requesting to establish a family day home up to ten (10) children on property located at 108 Yeonas Circle SE, in the RS-10, Single-Family Detached Residential zone application filed by Happy Younglings Family Daycare, Tania Giviani-Faris and Kambiz Faris business owners, be and here is approved.



George J Creed

Board of Zoning Appeals, Vice-Chairman
Town of Vienna



Town of Vienna
Certificate of Occupancy
Article 22 Chapter 18, Town Code

Permit Number: 15585

A Certificate of Occupancy is hereby granted for the following firm, business, establishment or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia.

Occupant Name: Happy Younglings LLC

Street Address: 108 Yeonas Cir SE

Zoning District: RS-10, Single-Family Detached

Legal Description: Vienna Woods Lt 2618 Sec 15 0393 13 2618

Permitted Uses: Conditional Use Permit (CUP) to establish a family day home up to ten (10) children. The CUP expires upon the transfer of title to the real estate § 18-209 to 216.

Approved for Issuance of Certificate:


Planning & Zoning

2/5/2020
Date

This certificate does not take the place of any license required by law, nor does it authorize the use of boilers, motors, machinery or any signs. Any change in the use or occupancy of this structure or upon the subject property shall require a new certificate of occupancy.

This Certificate Shall Be Conspicuously Posted At All Times

VA State Code Use Group: R-5

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**TOWN OF VIENNA, VIRGINIA
CERTIFICATE OF OCCUPANCY
ARTICLE 22, CHAPTER 18, TOWN CODE**

NUMBER: **13464**

A Certificate of Occupancy is hereby granted for the following firm, business, establishment, or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia:

OCCUPANT NAME: **HAPPY YOUNGLINGS LLC**

STREET ADDRESS: **108 YEONAS CIRCLE SE**

SUITE: -

FLOOR: -

ZONING DISTRICT: **RS-10, RESIDENTIAL SINGLE FAMILY**

LEGAL DESCRIPTION: **39-3 ((13)) 2618**

IF PLATTED: LOT: **2618**

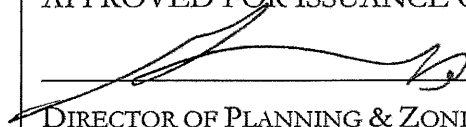
BLOCK: -

SECTION: **15**

SUBDIVISION: **VIENNA WOODS**

PERMITTED USES: **OCCUPANCY FOR A HOME CHILDCARE TO ALLOW SEVEN (7) CHILDREN PLUS ONE (1) PRESCHOOLER NOT TO EXCEED EIGHT (8) CHILDREN – PRESCHOOLER MEANING TO BE INVOLVED IN SOME OTHER SCHOOLING PROGRAM THAT IS OFF THE PREMISES DURING SOME PORTION OF THE WORK WEEK**

APPROVED FOR ISSUANCE OF CERTIFICATE:



DATE: March 1, 2013

DIRECTOR OF PLANNING & ZONING AND ZONING ADMINISTRATOR

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- A. The property was purchased by the applicants in July 2008 and they have been operating a family day home business at this location since 2009. The applicant received a home occupation permit in March 2013 to care for seven (7) children plus one (1) preschooler that is off premises for some portion of the week. The applicants received approval for a conditional use permit to operate a family day home caring for up to ten (10) children on November 13, 2018, with the condition of renewal required within one (1) year.
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George J Creed

Board of Zoning Appeals, Vice-Chairman
Town of Vienna

**TOWN OF VIENNA, VIRGINIA
CERTIFICATE OF OCCUPANCY
ARTICLE 22, CHAPTER 18, TOWN CODE**

NUMBER: **13464**

A Certificate of Occupancy is hereby granted for the following firm, business, establishment, or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia:

OCCUPANT NAME: **HAPPY YOUNGLINGS LLC**

STREET ADDRESS: **108 YEONAS CIRCLE SE**

SUITE: -

FLOOR: -

ZONING DISTRICT: **RS-10, RESIDENTIAL SINGLE FAMILY**

LEGAL DESCRIPTION: **39-3 ((13)) 2618**

IF PLATTED: LOT: **2618**

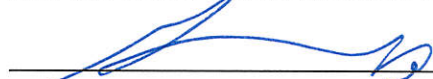
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SECTION: **15**

SUBDIVISION: **VIENNA WOODS**

PERMITTED USES: **OCCUPANCY FOR A HOME CHILDCARE TO ALLOW SEVEN (7) CHILDREN PLUS ONE (1) PRESCHOOLER NOT TO EXCEED EIGHT (8) CHILDREN – PRESCHOOLER MEANING TO BE INVOLVED IN SOME OTHER SCHOOLING PROGRAM THAT IS OFF THE PREMISES DURING SOME PORTION OF THE WORK WEEK**

APPROVED FOR ISSUANCE OF CERTIFICATE:



DATE: March 1, 2013

DIRECTOR OF PLANNING & ZONING AND ZONING ADMINISTRATOR

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TOWN OF VIENNA, VIRGINIA
APPLICATION FOR CERTIFICATE OF OCCUPANCY

MAR - 1 2013

HOME OCCUPATION
(TYPE OR PRINT IN INK)

APPLICANT NAME: Tania Giviani-Faris DATE: 3/1/2013
STREET ADDRESS: 108 Yeonas Cir. SE Vienna, VA 22180 PHONE: (716) 606-5562 / (716) 606-3365
BUSINESS NAME (IF APPLICABLE): Happy Younglings LLC
PROPOSED USE: OFFICE ☐ DAYCARE ☒ WORKSHOP ☐ STORAGE ☐
DESCRIBE—IN DETAIL—THE NATURE OF THE PROPOSED HOME OCCUPATION: Family Daycare
Eight children the one is going to special school part time (pre-school)
LIST ALL EMPLOYEES AND THEIR RELATION TO YOU: _____

TOTAL GROSS FLOOR AREA OF DWELLING (INCLUDING BASEMENT): 1450 x 2 = 2900
AREA TO BE USED FOR HOME OCCUPATION (INCLUDING STORAGE): 1450
HOURS OF OPERATION: 7:30 - 6:30 TOTAL HORSEPOWER USED: _____
NUMBER OF DAILY CUSTOMER VISITS: 8 NUMBER OF DAILY DELIVERY/PICKUPS: 8

OWNER NAME: Tania Giviani-Faris PHONE: (716) 606-5562

OWNER ADDRESS: 108 Yeonas Cir. SE Vienna, VA 22180

E-MAIL ADDRESS (for "Contact Person"): Kambiz777@yahoo.com / tania.faris@yahoo.com

DO YOU OWN THE DWELLING? YES ☒ NO ☐ **NOTE:** IF YOU DO NOT OWN THE SUBJECT PROPERTY, YOU ARE REQUIRED TO SUBMIT—ALONG WITH THIS APPLICATION—A LETTER FROM THE PROPERTY OWNER (INCLUDING THE OWNER'S NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS—IF KNOWN) STATING THAT THEY HAVE NO OBJECTIONS TO THE PROPOSED BUSINESS BEING CONDUCTED IN THE RESIDENCE.

OFFICE USE ONLY

Permit No.: 13464 Receipt No.: _____
Zoning District: RS-10 Legal Description: 39-3((15)) 2618
If Platted: Subdivision: Vienna Woods Section: 15 Block: - Lot: 2618
Use Limitations: Home childcare for seven (7) children plus one (1) preschooler with a total of eight (8) children. BB

APPROVED BY: BB

Director of Planning & Zoning

Town Manager

Date

Date

* 7 children plus 1 preschooler child with eight (8) total.
Preschooler.
BB Pre-schooler means to be involved in some other schooling program off the premises during some portion of the workweek.

SECTION 18-4 AND 18-173: HOME OCCUPATION RESTRICTIONS:

A Home Occupation is defined in Section 18-4 of the Vienna Town Code as follows: "Any accessory use of a dwelling unit in addition to occupancy (See Sec. 18-173 for Supplemental Regulations). A boarding house, tourist home, or real estate office shall not be deemed a home occupation."

Section 18-173 of the Vienna Town Code states the following: In any residential zone a home occupation is permitted including the use of the home as an office, provided that the occupation complies with all the following:

- A. Is entirely operated within the single dwelling unit and only by the residents maintaining a dwelling therein.
- B. Creates no external evidence of the home occupation, including any advertisement other than a dwelling name plate no larger than 1.5 square feet in area.
- C. Does not utilize more than 25% of the gross livable floor area including the basement.
- D. No person is employed other than a member of the immediate family residing on the premises.
- E. Does not use any internal combustion engine as a power source and does not use more than a total of three horsepower in fractional horsepower electric motors (other than normally used for domestic use).
- F. Will not involve the emission of any sounds, odors, or smoke beyond the property in excess of normal single family dwelling use.
- G. No commodity or good may be sold on the premises.
- H. Customers or Clients may come to the premises only by appointment.
- I. Will not constitute a nuisance due to sidewalk or street traffic.
- J. Will not tend to adversely affect the use and development of adjoining properties in the immediate neighborhood.
- K. All equipment and/or merchandise may only be stored inside the principal residential structure.
- L. All commercial deliveries, either to or from the premises, may only be made between 8:00 AM to 6:00 PM.

A boarding house, tourist home, massage therapist or massage therapy establishment, or principal office of a real estate business shall not be deemed a home occupation.

ADDITIONAL NOTE: PROHIBITED HOME OCCUPATIONS also include Hair Salons, Nail Salons and Food Services that use the home kitchen for goods sold to the public (home-based catering, bakery, etc., are also prohibited by Fairfax County Health Department Regulations).

I, Tania Giviani-Faris, CERTIFY THAT I UNDERSTAND THE HOME OCCUPATION RESTRICTIONS AND ORDINANCE, SECTIONS 18-4 AND 18-173 OF THE TOWN CODE, AND A VIOLATION OF SUCH RESTRICTIONS MAY RESULT IN THE REVOCATION OF MY HOME OCCUPATION PERMIT. I ALSO UNDERSTAND THAT THIS CERTIFICATE DOES NOT TAKE THE PLACE OF ANY OTHER LICENSES THAT MAY BE REQUIRED.

SIGNATURE: _____



DATE: 3/1/13

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Revised 1/5/2011

**TOWN OF VIENNA, VIRGINIA
CERTIFICATE OF OCCUPANCY
ARTICLE 22, CHAPTER 18, TOWN CODE**

NUMBER: 12568

A Certificate of Occupancy is hereby granted for the following firm, business, establishment, or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia:

OCCUPANT NAME: HAPPY YOUNGLINGS, LLC

STREET ADDRESS: 108 YEONAS CIRCLE, SE

SUITE: -

FLOOR: -

ZONING DISTRICT: RS-10, RESIDENTIAL SINGLE FAMILY

LEGAL DESCRIPTION: 39-3-((13))-2618

IF PLATTED: LOT: 2618

BLOCK: -

SECTION: 15

SUBDIVISION: VIENNA WOODS

PERMITTED USES: OCCUPANCY FOR A HOME DAYCARE – PLEASE NOTE THAT OUTSIDE EMPLOYEES ARE PROHIBITED – NO MORE THAN FIVE (5) CHILDREN WILL BE ALLOWED IN ADDITION TO THE CAREGIVERS OWN CHILDREN – CHILDCARE CANNOT EXCEED EIGHT (8) CHILDREN IN TOTAL PER ARTICLE 3, SECTION 30-3-1 OF THE TOWN CODE FOR FAIRFAX COUNTY – THE BUSINESS MUST MEET ALL HOME OCCUPANCY REGULATIONS AS SET FORTH IN SECTIONS 18-4 AND 18-173 OF THE TOWN CODE

APPROVED FOR ISSUANCE OF CERTIFICATE:



DIRECTOR OF PLANNING & ZONING AND ZONING ADMINISTRATOR

DATE: November 17, 2009

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