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## Memorandum

To: Board of Zoning Appeals  
From: Jessica Plowgian, Chair of the Planning Commission *JPP*  
Meeting Date: April 10, 2024  
Re: Planning Commission Recommendation on Conditional Use Permit for a Family Day Home at 100 Battle St. SE

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### Overview

The applicant is seeking a Conditional Use Permit (CUP) for a Family Day Home at 100 Battle St. SE for up to 12 children. The application states that it would serve children ages 0-5, but the applicant indicated during the Planning Commission's consideration that their intent is to only serve children ages 0-2, as further discussed below.

One Town resident attended the meeting and spoke in favor of the application. The Planning Commission (PC) received two letters from residents who are neighbors of the applicant. These letters cited concerns about the applicant's proposal due to anticipated noise from the outdoor play area, pedestrian safety on the surrounding sidewalks, and the increased traffic associated with the daycare. At the meeting, the applicant provided several letters it had collected in support of the daycare.

### PC Discussion and Concerns

The Comprehensive Plan is supportive of home businesses, including daycares. Previous owners of this house obtained a Certificate of Occupancy for a daycare for up to 8 children in 1992, though the Certificate of Occupancy expired several years ago.

PC members discussed several concerns about the possible noise generated by the outdoor play area. While the property has a six-foot fence surrounding the backyard, the outdoor play area is on a deck that is located above the top of the fence. The fence would not mitigate noise created by the children. However, the applicant clarified that their intent is to only enroll children between the ages of 0-2. This clarification mitigated many of the PC members' concerns (given the type of play engaged in by children in that age range). As indicated below, our recommendation is conditioned upon the CUP being limited to children between the ages of 0-2. The PC also believes that the applicant should add landscaping to help mitigate any noise.

PC members also discussed the impact of increased traffic and street parking arising from the operation of the daycare. The house sits at the corner of Center Street and Battle Street. It is a very busy intersection used by young students walking to Vienna Elementary School and pedestrians

walking to the center of Town. PC members raised concerns about the impact of this business on pedestrians, especially if parents do not abide by parking restrictions that prohibit blocking sidewalks

and parking within certain distances of intersections and stop signs. We discussed whether the additional street parking by parents in the morning might impede motorist and pedestrian visibility and safety. The PC concluded that approving a smaller enrollment for the daycare and recommending use of a staggered drop off would minimize the number of cars at the house at any specific time.

Many PC members raised concerns about the stability of the gate on the deck that blocks access to the stairs leading to the pool. Preventing the children's access to the pool is extremely important. We discussed whether the Town should address this issue in the CUP process or whether it should be addressed by the county and/or state authorities who regulate the operation of the daycare. Ultimately, the PC did not propose a condition to the CUP related to this matter, but the PC strongly believes that the security of the pool should be improved by adding an additional gate at the top of the stairs to prevent any access by the children.

A PC member raised concerns about the safety of having a daycare in such a high visibility location and the Director of Planning and Zoning noted that if this CUP is approved, he will notify the Vienna Police Department of the existence of the new daycare center.

#### **PC Recommendation**

Commissioner Miller made a motion to recommend to the Board of Zoning Appeals approval of the Conditional Use Permit for a Family Day Home at 100 Battle Street SE with the condition that the daycare will have no more than 8 children between the ages of 0-2 years old.

While not recommended as a condition to the CUP, the PC requests that the applicant agree to (i) utilize a staggered drop-off of the children and (ii) take steps to mitigate noise on the deck by either adding planters on the deck or planting trees along the shared fence line with their neighbor on Battle Street SE.

2nd: Commissioner Kenney

Roll Call Vote: 7-0

Jessica Plowgian, Chair	Aye
Matthew Glassman, Vice Chair	Aye
Deepa Chakrapani	Aye
Keith Aimone	Aye
Stephen Kenney	Aye
David Miller	Aye
Douglas Noble	Aye