




STAFF REPORT COVER SHEET

June 21, 2017

Address:	715 Marshall Rd SW	Case Number:	PF-36-17-CP
Public Meeting Date:	6/28/2017	Applicant:	Aseeka Lamichhane
Board/Commission:	Planning Commission	Owner:	Chinta Lamichhane
Existing Zoning:	RS-16	Existing Land Use:	Low Density Residential
Brief Summary of Request:	Recommendation to the Board of Zoning Appeals for approval of a conditional use permit for a Family Day Home Care of maximum twelve (12) children		
Site Improvements:	n/a		
Size of Property:	14,007 sf (0.3 acre)		
Staff Recommendation			
APPROVE			
Brief Analysis			
<p>PROPERTY HISTORY</p> <p>The mother (Lalita Lamichhane) of the applicant (Aseeka Lamichhane) has been operating a family day home with a max. 7 children per the approved Home Certificate of Occupancy on October 6, 2016.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>Staff believes that this is part of economic development strategies in the 2015 Comprehensive Plan update, including following indicator (p55), 'Growth in business licenses, including home businesses'.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposal is not compatible with the current zone (RS-16). Therefore Town requires CUP approval for a family day home operation, serving maximum 12 children.</p>			
Attachments:	Site Plan/Plat <input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Justification Statement <input checked="" type="checkbox"/> Supporting letter from the neighbors <input checked="" type="checkbox"/>		
Reviewed By:	Hyojung Garland	Date:	6/21/2017
Approved By:	Choose an item.	Date:	Click or tap to enter a date.
Last Updated By:	Choose an item.	Date:	Click or tap to enter a date.

Introductory Comments & Current Proposals:

The property was purchased on August, 2016 and the mother of the applicant has been operating family day home since October, 2016, under home occupation provision. Recently, the business transitioned to the applicant, the daughter of the business owner on May, 2017. Since the current business is limited up to maximum of 7 children and the operation may be limited under the home occupation provision (see below code section), the applicant is seeking CUP approval to operate family day home, serving maximum 12 children. Once the CUP is approved, when the enrollment is increased, the applicant is planning to hire employee(s).

Sec. 18-173. - Home occupation.

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 conditions:

- A. Is operated in its entirety within the single unit dwelling and only by the person maintaining a dwelling therein.
- B. Does not display or create outside the building any external evidence of the home occupation, including any method of advertisement other than a dwelling nameplate as permitted in [section 18-185](#).
- C. Does not utilize more than 25 percent 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. Provided, however, that in the event any such family member so employed in any home occupation dies or becomes physically incapacitated, and such incapacitation is certified by a medical doctor as preventing said family member from performing such employment thereby causing a hardship to the proper conduct of said home occupation, the board of zoning appeals may grant a variance to permit temporary employment of not more than one person for a period not to exceed six months following a public hearing, pursuant to [section 18-234](#).

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The targeted age group to serve is infant (as early as 6 weeks) through 5 years old. The operating hours is Monday-Friday 7:45am – 6:00pm. Arrivals/drop-offs is staggered. The staggered schedule for pick-up and dismissal time has already been standard procedure. The applicant will require parents to park in their driveway as much as possible. The letter of support from the neighbors has been obtained by the applicant stating that their understanding of the business details and their support of using on-street parking spaces.

Required Commission/Board approvals:

A June 2013 Zoning Administrator's determination found that the family day home serving up to 12 children does not meet the home occupancy provision as established at § [18-173-Home occupation](#) of the Vienna Town Code and a conditional use permit is required (in accord with the provisions of § [18-31](#)—and by reference from § [18-13](#)). Review of the application (as established at §§ [18-209:216](#) of the Vienna Town Code) requires initial consideration and recommendation by the Planning Commission and a subsequent public hearing with sworn testimony before the Board of Zoning Appeals where the application will be acted upon.

Staff Recommendations:

Cons

- 1) Family Day Home Operation is Expanding-Our general concerns with any application for family day home use is about the possible deleterious impacts upon surrounding residences (specifically the introduction of a day care business into the Town's residential neighborhoods with an attendant rise in the overall intensity of use from 7 children up to 12). As such, we advise both the Planning Commission and Board of Zoning Appeals to carefully review all aspects of this request to determine if "a level of comfort" can be reached for approval.

Pros

- 1) Neighbors Support the Existing Family Day Home - The existing family day home operation has received no complaints from the neighbors and they support the applicants request to expand the current operation.
- 2) Neighbors Support Proposed On-Street Parking- When supported by the neighbors, on-street parking is considered a positive alternative to discourage large asphalt parking areas on the home site. In addition, the unique nature of family day home operations with limited need for all day parking and short morning and evening drop off windows both limit the parking impacts and argues for an alternative such as on-street parking. To alleviate potential concerns about parking, the applicant secured letters of support from the neighbors who live on the same street and cul-de-sac in support of the applicants desire to meet parking needs during drop-off and pick up time utilizing public parking available on the street. (Letters of support from neighbors are included in your packet).

Staff believes that the Planning Commission should recommend to the BZA approval of this CUP application for expansion of an existing family day care facility from 7 children up to 12 children and additional staff member(s). The applicant is already operating with staggered drop off and pick-up times and the business has demonstrated that she can operate the family day home in harmony with her surrounding neighbors. Those same neighbors also support the expansion of the family day home and use of on-street parking.