

To: Board of Zoning Appeals

From: Michael Gelb, Chairman Planning Commission

Date: May, 28, 2019

Re: Request for Conditional Use Permit for home day care center at 305 Jade Court, NW

At its May 22, 2019 meeting, the Planning Commission (PC) considered a request from Zeinab Salem for a Conditional use permit to expand her existing day care service and care for up to 12 children at 305 Jade Court NW. The applicant has previously been approved for a home occupation permit to operate a daycare service for a maximum of seven children. That permit was issued administratively by the Department of Planning and Zoning in October 2017. Currently, the applicant provides care with the assistance of her husband. Expanding the business to care for more than seven children will require another employee in order to comply with Fairfax County and state rules. Under Vienna Code, home occupancy permits do not allow for additional employees outside of the home or use of more than 25 percent of livable space of the home for the business. Conditional Use Permits for a family day home do not have a limitation on employees or percentage of the home used for the business.

The current day care center operates between 7 am and 6 pm, Monday through Friday. There is no record of complaints from neighbors about the center and the applicant produced signed letters from every household on the Jade Court cul-de-sac in support of the expansion. However, one neighbor testified before the Planning Commission and expressed some concern about the possible impact of additional traffic on Jade Court and the possibility that parents might park illegally in the neighborhood to drop off or pick up children. The neighborhood is posted for permit parking during the week. Applicant says that clients park in her driveway, which is large enough for two cars, during drop off and pick up. Applicant provided documentation of actual drop-off and pick-up times for a two-week period in January and February of this year to demonstrate that there is little overlap and that there should not be a parking issue.

Planning Commissioners were comfortable with expansion of the center to accommodate more children, but had some concern about the impact of additional traffic and vehicles on the neighborhood. Therefore, Commissioners believed that the CUP should be time limited in order to observe the actual impact. One Commissioner suggested a longer time limit of 18 months to fully gauge the impact of expansion because it might take some time until the center reached its enlarged capacity. But the Commission voted to recommend that BZA approve the CUP for a 12-month period. The vote was 7-0 with one absence.