



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of May 16, 2009**

**DATE:** May 7, 2009

**SUBJECT:** U-2730-92-1 USE PERMIT RENEWAL: family day care at 6015 Lee Hwy. (Julio and Magda Torrico) (RPC# 01-058-009)

**Applicant:**

Julio and Magda Torrico  
6015 Lee Highway  
Arlington, Virginia 22205

**C. M. RECOMMENDATION:**

Renew, subject to all previous conditions, with an administrative review in six (6) months (November 2009), and a County Board review in one (1) year (May 2010).

**ISSUES:** This is a use permit renewal of an existing family day care. Code Enforcement reports violations on the property, and the owner is working with the Code Enforcement Office to correct these violations. The Child Care Office has completed a recent inspection of the use, reports no concerns with the applicant's Child Care license, and will continue to monitor the use.

**SUMMARY:** This is a scheduled review of a use permit for a family day care located at 6015 Lee Highway. During this review period the Code Enforcement Office reported external violations related to construction, and internal violations relating to improper storage of materials, and improper ventilation in one bathroom. The applicant will work with Code Enforcement to come into compliance and the Child Care Office, who reports no issues with the applicant's child care license, will continue to monitor the use. An administrative review in six (6) months and a County Board review in one (1) year is recommended to ensure the property remains free of violations. Therefore, staff recommends renewal of the family day care use permit, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009), and a County Board review in one (1) year (May 2010).

**BACKGROUND:** The family day care home has operated under use permit since 1992. The use permit has been renewed several times between March 1993 and May 2006, when it was last renewed by the County Board. An administrative review completed in May 2007 showed compliance with all use permit conditions.

County Manager: \_\_\_\_\_

Staff: Melanie Wellman, DCPHD, Planning Division  
Dianna Irving, DHS, Child Care

PLA-5266

**DISCUSSION:** The family day care currently provides care for up to nine (9) children. There is a play area in the back of the home. A driveway to the east of the house allows access to the day care from Lee Highway, and leads to an alley behind the home, for egress only.

**Since the last review (May 20, 2006):**

Use Permit Conditions: The applicant is working to come into compliance with condition #1 regarding compliance with the Community Inspections Office, but is in compliance with all other use permit conditions.

County Child Care Office: The Child Care Office reports that an inspection of the family day care has been completed on May 7, 2009, and that the applicant is in compliance with the requirements of the Child Care office.

Community Code Enforcement: The Code Enforcement Office notes some external and internal violations on the site. Generally, the external violations relate to construction at the day care, including altering the home without a current building permit. The internal violations relate to improper storage of materials in the furnace/water heater area, and improper ventilation in one bathroom, as the window does not open to the outside, but to another room. Code Enforcement cases have been initiated and the applicant is working with the Code Enforcement Office to come into compliance. Code Enforcement states that the applicant has agreed to remove the items from the furnace/water heater area, apply for updated building permits to continue construction, and work with Code Enforcement to guide bathroom ventilation pipes through the roof, which will remedy the ventilation issue.

Police Department: The Police Department has not reported any issues regarding the continuation of this use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any issues regarding the continuation of this use.

Civic Association: The subject use permit is located within the Leeway Overlee Civic Association. The Leeway Overlee Civic Association has been contacted, and responds that there are no concerns with the continuation of the use permit.

**CONCLUSION:** The family day care remains closely monitored by the Child Care Office, and the applicant is working with the Code Enforcement Office to correct violations. There are no land use issues, and the Child Care Office reports no issues with the applicant's Child Care license requirements. An administrative review in six (6) months and a County Board review in one (1) year is recommended to ensure the property remains free of violations. Therefore, it is recommended that the use permit be renewed, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and a County Board review in one (1) year (May 2010).

PREVIOUS COUNTY BOARD ACTIONS:

March 7, 1992	Approved use permit (U-2730-92-1) for a family home day care for up to nine (9) children.
March 10, 1993	Renewed use permit (U-2730-92-1) with a review in one (1) year.
March 12, 1994	Renewed use permit (U-2730-92-1) with a review on April 23, 1994.
April 23, 1994	Renewed use permit (U-2730-92-1) with a review in one (1) year.
April 1, 1995	Renewed use permit (U-2730-92-1) with a review in three (3) years.
October 17, 1998	Renewed use permit (U-2730-92-1), subject to all previous conditions and with a review in three (3) years (October 2001).
October 13, 2001	Deferred use permit (U-2730-92-1) for one (1) month to the November 17, 2001 County Board.
November 17, 2001	Renewed use permit (U-2730-92-1), subject to all previous conditions and with an administrative review in six (6) months (May 2002) and a review by the County Board in one (1) year following the administrative review (May 2003).
May 17, 2003	Renewed use permit (U-2730-92-1), subject to all previous conditions and with a review by the County Board in three (3) years (May 2006).
May 20, 2006	Renewed use permit (U-2730-92-1), subject to all previous conditions and with an administrative review in one year (May 2007), and a County Board review in three (3) years (May 2009).

Approved Conditions:

1. The applicant shall meet the requirements of the Child Care Ordinance, Community Inspections Office, Environmental Health Bureau, and Fire Marshal's Office, including the installation of smoke detectors.
2. Prior to issuance of a certificate of occupancy, the applicant shall verify residency at 6015 Lee Highway through mail receipts, site visits, and/or third party statements.
3. Prior to issuance of a certificate of occupancy, the applicant shall provide plans showing complete fencing of the rear yard.
4. The applicant shall inform all parents and patrons that there shall be no parking in the alley located at the rear of the property. Patrons shall access the property through the driveway on Lee Highway for dropping off and picking up children and for other visits to the property. The alley shall be used for egress only.