



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 19, 2012

DATE: May 11, 2012

SUBJECT: U-3338-12-1 USE PERMIT for family day care for up to nine (9) children at Martha's Day Care; located at 4511 6th Street South (RPC# 23-013-031).

Applicant:

Martha C. Howard
4511 6th Street South
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Approve the subject use permit for a family day care for up to nine (9) children, subject to the conditions of the staff report, and with a County Board review in one (1) year (May 2013).

ISSUES: This is a request for a family day care for up to nine (9) children and no issues have been identified.

SUMMARY: The applicant requests approval of a use permit to increase the existing day care home from five (5) children to a total of nine (9) children. County Child Care staff has monitored the day care for five (5) children and supports the continuation and expansion of the family day care home. Expansion of the use by four (4) children will have no undue adverse impact on adjacent uses and would provide a desired service in the community. Standard administrative practice has been to apply the parking standards for a nursery school to a family daycare, which require one (1) space per staff member. However, the definition of a nursery school specifically excludes family daycare uses. Therefore, staff recommends approval of the family day care for nine (9) children, subject to the conditions of the staff report, and with a County Board review in one (1) year (May 2013).

County Manager:

BMD/GA

County Attorney:

CCW

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6198

15.

BACKGROUND: This is a request to expand an existing day care operation from five (5) children (which does not require use permit approval in the “R-6” zoning district) to nine (9) children. The proposed increase is supported by the Child Care Office.

The following provides additional information about the site and location:

Site: The site is approximately 6, 250 sq. ft. and is bounded on the south by 6th Street South, and S. Wakefield Street to the west. The proposed use is surrounded on all sides by residential uses, and is in close proximity to the Barcroft Elementary School.

Zoning: The site is zoned “[R-6](#),” which anticipates single-family dwellings on lots of a minimum of 6,000 sq. ft.

General Land Use Plan: The area is designated as Low Residential (1-10 units/acre) on the [General Land Use Plan](#).

Neighborhood: The site is located in the Barcroft Civic Association. The Civic Association has responded that they have no comments regarding the proposed expansion of use.



Source: Bing Maps

DISCUSSION: The applicant currently operates a family day care and is licensed for five (5) children, the maximum allowed in the “R-6” zoning district without a use permit, and is now requesting to increase the maximum number of children to nine (9). The applicant had been previously authorized for nine (9) children (U-3023-01-1), which was approved in January 2002. In 2004, the applicant decided to scale back the use to five (5) children and the use permit was discontinued. There were no issues with the previous use permit for nine (9) children, and the use likely would have been recommended for renewal in 2004 if the applicant had not decided to

scale back. The applicant has continued to work closely with the Child Care office, and the Child Care office supports the increased number of children.

The family day care use currently operates between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday, and the applicant is not planning to change the hours. Parents use either the zoned, residential on-street parking while they drop off and pick up their children from the use, or parents live in the neighborhood and walk their children to and from the family day care. There are no reported issues with this, as there is adequate parking available during pick up and drop off times.

It has been standard administrative practice and interpretation to park a family daycare according to the Ordinance requirement for a nursery school of one (1) space per employee, which cannot be modified. However, family daycares are specifically excluded from the definition of a Nursery School ([ACZO Section 1](#)). Two (2) of the three (3) employees are residents of the house where the proposed family daycare is located. The neighborhood is subject to zoned residential parking restrictions. A site visit confirmed that there is ample on-street parking available during the day. Therefore, granting relief of the parking requirements will not cause an undue adverse impact on the surrounding residences or the larger neighborhood.

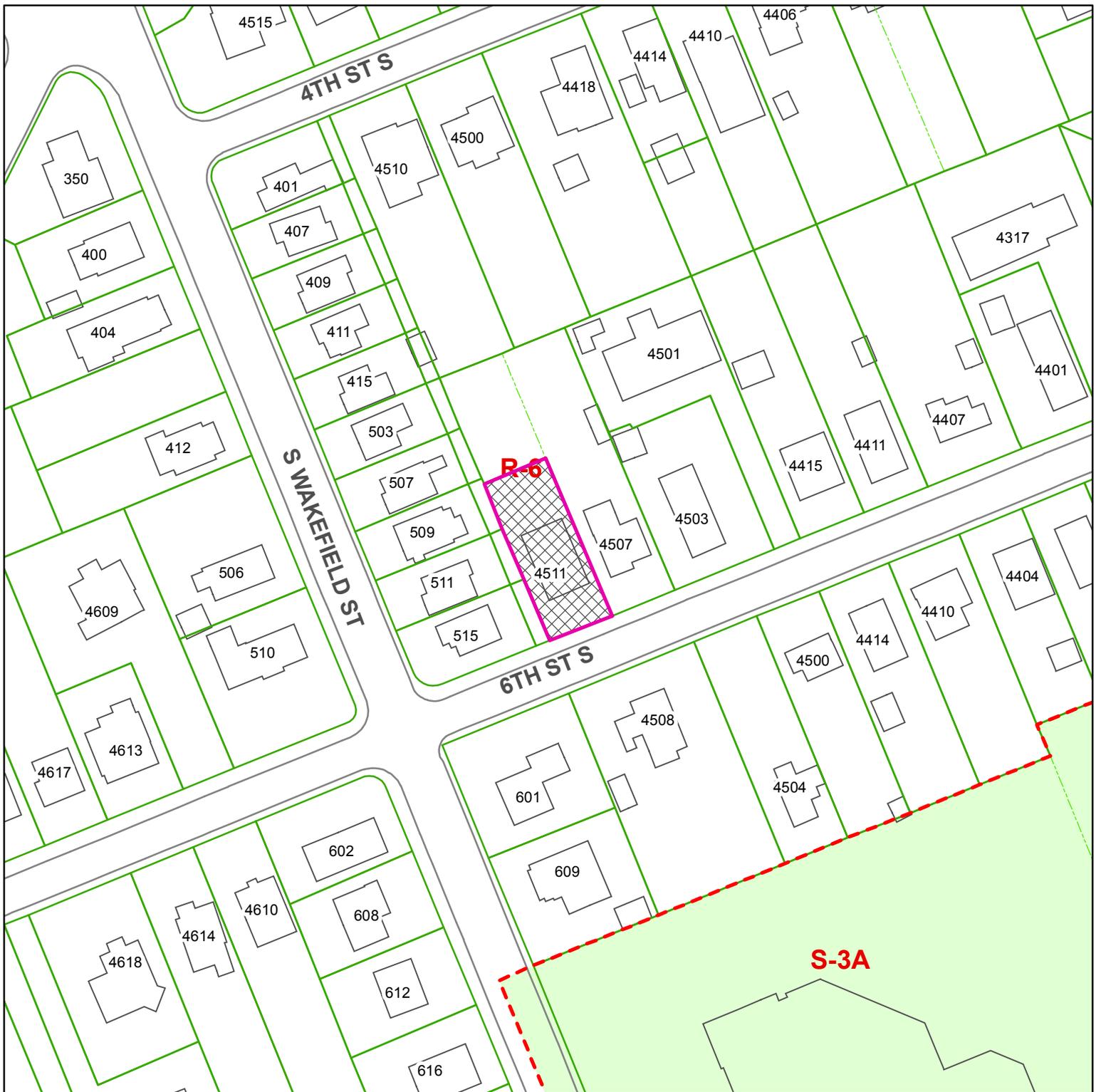
CONCLUSION: The proposed increase from five (5) to nine (9) children will not have an undue adverse impact on adjacent properties or residents. Therefore, staff recommends approval of the subject use permit for a family day care for up to nine (9) children, subject to the conditions in the staff report, and with a County Board review in one (1) year (May 2013).

Conditions:

1. The applicant agrees to comply, throughout the life of the use permit, with all requirements of the Child Care Office, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including the installation of smoke detection devices.
2. The applicant agrees to limit the number of children in care to nine (9) children.
3. The applicant agrees that the ages of children in care shall be from infants to five (5) years of age.
4. The applicant agrees to not use the front yard as a play area.
5. The applicant agrees that the hours of operation of the family day care home shall occur only between 7:30 a.m. and 5:30 p.m., Mondays through Fridays.

PREVIOUS COUNTY BOARD ACTIONS:

- January 26, 2002 Approved use permit (U-3023-01-1) for a special exception for a use permit for operation of a family day care home for nine children, ages infants and toddlers, weekdays, 7:30 a.m. to 5:30 p.m., for the parcel of real property known as 4511 South 6th Street, subject to conditions in the staff report with a review in one (1) year (January 2003).
- January 17, 2003 Deferred use permit (U-3023-01-1) to February 8, 2003 County Board meeting.
- February 8, 2003 Continued use permit (U-3023-01-1) for operation of a family day care home for nine children, subject to all previous conditions, with a review in one (1) year (February 2004).
- February 7, 2004 Discontinued use permit (U-3023-01-1) because the applicant decided to scale back the use to five (5) children, which does not require a use permit.



U-3338-12-1

4511 6th St. S.

RPC# 23-013-031

Note: These maps are for property location assistance only.
They may not represent the latest survey and other information.



 Case Location(s)
Scale: 1:1,200