



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of December 15, 2007**

**DATE:** November 28, 2007

**SUBJECT:** U-3187-07-1 USE PERMIT for an increase in home day care capacity to nine (9) children at 813 South 22<sup>nd</sup> Street (RPC #36-026-013).

**Applicant:**

Luisa A. Cottle  
813 South 22<sup>nd</sup> Street  
Arlington, Virginia 22202

**C.M. RECOMMENDATION:**

Approve, subject to all previously approved conditions and one (1) new condition, and with a review by the County Board in one (1) year (December 2008).

**ISSUES:** None

**SUMMARY:** The applicant is requesting a use permit to expand day care from five (5) to nine (9) children. The applicant is in compliance of use permit conditions under U-2583-88-1 as well as local child care ordinances, except that on two (2) occasions the applicant exceeded the licensed number of children by two (2) and was in violation of the use permit and a local child care code. The home has adequate space available for the proposed number of children and staff anticipates no adverse impact on adjacent properties. Therefore, staff recommends that this use permit be approved with a review by the County Board in one (1) year (December 2008).

**BACKGROUND:** The applicant has been providing home day care services in the County since 1985 originally under a Certificate of Occupancy for three (3) children. In April 1988, use permit U-2583-88-1 was approved to provide child care for a maximum of five (5) children. Subsequent use permit reviews found the applicant to be in compliance of use permit conditions.

**DISCUSSION:** The home day care facility provides child care from 7:30 a.m. to 6 p.m. Mondays through Fridays. The children in care range in age from infants to 13 years. The

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

Staff: Robert Ruiz, CPHD

PLA-4840

program is administered by two (2) staff persons, the applicant and a longtime assistant.

Pickup and drop-off parking is provided by a graveled driveway on the west side of the property. No parking related complaints have been reported by neighbors of this home day care. The applicant's driveway provides adequate parking for pickup and drop-off.

The applicant has secured written support from parents of children currently and previously under the applicant's care. The Aurora Highlands Civic Association commented in writing that it is not opposed to the application.

Prior to the applicant's request for a use permit to expand day care from five (5) to nine (9) children, Child and Family Services cited the applicant for exceeding the number of children under her care by two (2) children on two (2) occasions under the provisions of the licensing agreement. The Licensing Specialist from Child and Family Services assigned to the applicant nonetheless recommends approval of the use permit because the applicant is (1) a caring provider; (2) has a keen understanding of the developmental stages of the children, this is reflected in the age appropriate materials available to the children; (3) regularly attends trainings; (4) is First Aid certified and will soon attend CPR training; and (5) the child care space within her home is sizable enough to meet the needs of nine (9) children. The proposed increase in the day care home operation presents no adverse impacts on surrounding properties.

**Since the Last County Board Review (October 10, 1992):**

Use Permit Conditions: The applicant has on two (2) occasions exceeded the licensed number of children by two (2) under the conditions of use permit U-2583-88-1. The applicant is in compliance of all other April 1988 use permit conditions.

Community Code Enforcement, Fire Marshal's Office, and Police Department: These County agencies have not expressed any concerns regarding the subject use.

Civic Associations: The subject property is located in the Aurora Highlands Civic Association boundary. The association responded in writing that it does not oppose the use permit request.

**CONCLUSION:** The applicant seeks a use permit to increase home day care capacity to nine (9) children. The home day care center operates in compliance with all use permit conditions under U-2583-88-1 as well as local child care ordinances, except that in two (2) occasions the applicant exceeded the number of children under her care by two (2) children in violation of the use permit and a local child care code. The proposed increase in the day care home operation presents no adverse impacts on surrounding properties. Therefore, staff recommends approval of the use permit amendment, subject to all previously approved conditions and one (1) new condition, and with a review in one (1) year (December 2008).

New Condition:

5. The home day care will have a maximum of nine (9) children, infants to 13 year olds.

Approved Conditions (U-2583-88-1)

April 16, 1988 - Page 143

AN ORDINANCE PURSUANT TO APPLICATION U-2583-88-1 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 813 - 22ND STREET SOUTH.

After a duly advertised hearing at which the public spoke, on motion by Mrs. Bozman, seconded by Mr. Eisenberg and carried by a vote of 5 to 0, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2583-88-1 on file in the office of the Zoning Administrator for a use permit for family home day care for five children, ages infants to 13 years old, from 7:00 a.m. to 6:30 p.m., seven days per week, for the parcel of real property known as 813 - 22nd Street South, approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions stated below and review in six months:

1. The wooden railing leading to the front entrance shall be repaired prior to the issuance of a child care license.
2. The applicant shall meet the requirements of the Child Care Ordinance, the Community Inspections Office, the Environmental Health Bureau and the Fire Marshal.
3. The driveway shall not be used beyond one car length nor shall car horns be used for the discharge and pick-up of children.
4. The use shall be limited to five days per week, Monday through Friday.

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October 1, 1988 - Page 432

AN ORDINANCE PURSUANT TO APPLICATION U-2583-88-1 TO GRANT RENEWAL OF A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 813 - 22ND STREET SOUTH.

After a duly advertised hearing at which the public spoke, on motion by Mr. Milliken, seconded by Mrs. Whipple and carried by a vote of 5 to 0, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2583-88-1 on file in the office of the Zoning Administrator for renewal of a use permit for family home day care for five children, infants to 13 year olds, from 7:00 a.m. to 6:30 p.m., seven days per week, operating only five days per week, for the parcel of real property known as 813 - 22nd Street South, approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the previous conditions, except for the deletion of condition number one and review in one year.

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AN ORDINANCE PURSUANT TO APPLICATION U-2583-88-1 TO GRANT RENEWAL OF A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 813 - 22ND STREET SOUTH.

After a duly advertised public hearing at which there were no speakers, on motion by Mr. Milliken, seconded by Mr. Eisenberg and carried by a vote of 5 to 0, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2583-88-1 on file in the office of the Zoning Administrator for renewal of a use permit for family home day-care for five children, infants to 13 years of age, seven days per week with the home operating only five days per week, from 7:00 a.m. to 6:30 p.m. for the parcel of real property known as 813 - 22nd Street South, approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the previous conditions and review in three years.

PREVIOUS COUNTY BOARD ACTIONS:

- April 16, 1988                      Approved a use permit (U-2583-88-1) for a family day care for a maximum of 5 children, five day a week, with a review in six months.
- October 1, 1988                      Continued use permit (U-2583-88-1) for a family day care for a maximum of 5 children, five days a week, with a review in one year.
- October 7, 1989                      Continued use permit (U-2583-88-1) for a family day care for a maximum of 5 children , five days a week, with a review in three years.
- October 10, 1992                      Continued use permit (U-2583-88-1) for a family home day care for 5 children, ages infants to 13 years, five days a week, with a review in five years (five year review was not done in 1997).