



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of September 13, 2008

**DATE:** August 25, 2008

**SUBJECT:** U-2961-99-1 USE PERMIT REVIEW for a family day care for nine (9) children; located at 2345 N. Dickerson St. (RPC #08-001-110)

**APPLICANT:**

Mabel Espinoza  
2345 N. Dickerson St.  
Arlington, Virginia 22204

**CM RECOMMENDATION:**

Renew, subject to the conditions in the staff report, with an administrative review in one (1) year (September 2009) and a review by the County Board in five (5) years (September 2013).

**ISSUES:** This is a review of a family day care for nine (9) children and no issues have been identified.

**SUMMARY:** The use permit for a family day care for nine (9) children was approved by the County Board on May 1999. During a scheduled five (5) year review in May 2008, the Office of Community Code enforcement found that the applicant had been operating the family day care in a structure without the proper building permit, a violation of the Virginia Uniform Statewide Building Code. Subsequently, the use permit was deferred for an additional two (2) months to allow the applicant additional time to come into compliance with the state building code. The applicant is now in compliance with the Virginia Uniform Statewide Building Code. Therefore, staff recommends renewal of the family day care use permit, subject to all previous conditions, and with an administrative review in one (1) year (September 2009) and a County Board review in five (5) years (September 2013).

**BACKGROUND:** The applicant has operated a family day care at this location for nine (9) children for the past nine (9) years. Prior to being licensed to provide day care for nine (9) children, the applicant provided day care services for five (5) children under a Certificate of Occupancy for six (6) years. The applicant is permitted to care for children from infants to 13 year olds, but is currently only caring for children under 2½ years of age. The hours of operation of the family day care are from 7 a.m. to 6 p.m., Monday through Friday.

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

Staff: Roberto Ruiz, DCPHD, Planning Division

PLA-5073

**DISCUSSION:** The family day care occupies approximately six rooms. Five of those rooms are located in a converted parking garage with an upstairs addition—a play room for older children, an infant area with cribs and changing tables on the first level and a quiet activity room and two napping rooms on the second level. The sixth room, an eating area, is located in the principal house structure and has direct access to the play room in the converted garage. Exits from the play room and the eating area on the ground floors lead to fenced outdoor play areas located on the north and south sides of the house. The play room also has access to a fenced back yard for outdoor recreation activities. The cul-de-sac location of the home provides adequate parking for the safe drop-off and pick-up of children. Child Care staff has inspected the subject family day care on various occasions and reports that the applicant is in compliance with County child care codes.

During a scheduled five (5) year review of the family day care facility in May 2008, the Office of Community Code enforcement found that the applicant had been operating the family day care from a converted garage without the proper building permit, a violation of the Virginia Uniform Statewide Building Code. The applicant built the garage with a second level unit in 1994 with the permits to build the structure, but the applicant failed to secure a final building inspection. As a consequence, the use permit review was deferred for two (2) months (July 2008) in the expectation that this would allow the applicant enough time to arrange for a final building inspection. The applicant was still working on securing a final building inspection at the conclusion of the two (2) month deferral period and the use permit review was again deferred by an additional two (2) months (September 2008). The final building inspection has been completed, and Community Code Enforcement has verified that the applicant is now in compliance with all state building codes.

**Since Use Permit Approval (May 22, 1999):**

Use Permit Conditions: The family day care home operates in compliance with all use permit conditions.

County Child Care Office: The County Child Care Office reports that the applicant is in compliance with County child care codes.

Community Code Enforcement: The Community Code Enforcement office reports that all issues regarding the continuation of this use have been resolved.

Police Department: The Police Department has not expressed any issues with this use permit.

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

Civic Association: The Yorktown Civic Association is not opposed to the continuation of the use permit (see attached).

**CONCLUSION:** This family day care home currently operates in compliance with the approved use permit conditions and has come into compliance with the Virginia Uniform Statewide Building Code. The cul-de-sac location of the family day care provides adequate pick-up and drop-off areas and the fenced backyard and side outdoor area provide space for recreation. The County's Child Care staff reports that the use is operating in compliance with County child care codes. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions, with an administrative review in one (1) year (September 2009) and a County Board review in five (5) years (September 2013).

PREVIOUS COUNTY BOARD ACTIONS:

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|---------------|---|
| May 22, 1999  | Approved use permit (U-2961-99-1) for a family day home day care for nine (9) children with a review in one (1) year (May 2000).              |
| May 20, 2000  | Continued use permit (U-2961-99-1) for a family day home day care for nine (9) children with a review in three (3) years (May 2003).          |
| May 17, 2003  | Continued use permit (U-2961-99-1) for a family day home day care for nine (9) children with a review in five (5) years (May 2008).           |
| May 17, 2008  | Deferred use permit (U-2961-99-1) review for a family day care for nine (9) children by the County Board for two (2) months (July 2008).      |
| July 19, 2008 | Deferred use permit (U-2961-99-1) review for a family day care for nine (9) children by the County Board for two (2) months (September 2008). |

Approved Conditions:

1. The applicant shall meet the 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.