



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 20, 2018

DATE: October 11, 2018

SUBJECT: U-3503-17-1 USE PERMIT REVIEW for a family day care home for up to nine (9) children (Akter Family Day Care Home); located at 5614 7th Place S. (RPC# 22-007-011).

Applicant:

Farjana Akter
5614 7th PL S
Arlington, VA 22209

C.M. RECOMMENDATION:

Renew the use permit for a family day care home for up to nine (9) children, subject to all previously approved conditions, and with a County Board review in one (1) year (October 2019).

ISSUES: This is a one (1) year use permit review for a family day care home for up to nine (9) children. The applicant has not established the expanded family day care home use due to not receiving a state child care license. Also, Inspection Services Division has not issued a Certificate of Occupancy for the increased number of children to date. The applicant is continuing to work with the Virginia Department of Social Services to obtain the state child care license. No other issues have been identified.

SUMMARY: This is a one (1) year review of a family day care home for up to nine (9) children. The hours of operation are 8 a.m. to 6 p.m. Monday through Friday. Since the use permit approval, the applicant has not established the expanded family day care home use due to not obtaining a state child care license. The Inspection Services Division has not issued a Certificate of Occupancy for the increase in capacity. The applicant continues to operate the by-right family day care home for four (4) children, while they work on obtaining the requisite state child care license and Certificate of Occupancy for the expanded day care. County agencies have not identified any issues with the current by-right operation.

BACKGROUND: The following provides additional information about the site and location:

County Manager:

County Attorney:

MNC

12.

Staff: Cedric Southerland, DCPHD, Planning Division

<u>Address / RPC:</u>	5614 7th Place S (RPC# 22-007-011)
<u>Neighborhood:</u>	Arlington Mill Civic Association
<u>Zoning:</u>	R2-7
<u>GLUP:</u>	“Low” Residential (11-15 units per acre).
<u>Existing Land Use:</u>	Attached single family home. By-right family day care home for four (4) children.

Figure 1. Aerial View



Source: Pictometry

Figure 2. Street View



Source: CPHD Staff

DISCUSSION: The following details the proposed use and provides staff's assessment of the use.

REVIEWED USE:

Type of Use: Family day care home for up to nine (9) children.

Hours of Operation: Monday through Friday from 8 a.m. to 6 p.m.

ASSESSMENT:

Zoning Enforcement: No issues have been identified.

Police Department: No issues have been identified.

Fire Marshal's Office: No issues have been identified.

Code Enforcement: No issues have been identified.

Child Care Office:

No issues have been identified.

DCPHD, Planning:

Since the use permit approval, the applicant has not obtained a state child care license or a Certificate of Occupancy for the expanded number of children. The applicant still operates the by-right family day care home for four (4) children. All County agencies report no issues with the subject by-right use. Staff continues to believe that the approved expansion of the family day care home will not have an adverse effect on the health or safety of persons residing or working in the neighborhood of the proposed use; will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and will not conflict with the purposes of the master plans of the County. Staff recommends a one (1) year renewal (October 2019) to allow time for the applicant to obtain the requisite state child care license and Certificate of Occupancy, and to monitor the impacts of the expanded use once implemented.

PUBLIC ENGAGEMENT:

Level of Engagement:

Communicate

This level of engagement is appropriate because staff does not expect the implementation and operation of the proposed use to adversely impact the neighborhood.

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204.
- Notices of the County Board hearing on the use permit were placed in the September 26, 2018 and October 3, 2018 issues of the Washington Times for the October 20, 2018 County Board Meeting.

In addition to the above legal requirements:

- Individual letters outlining the project description and public hearing details were mailed to surrounding property owners of the subject property.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.

- Civic associations were notified of the proposed use by email. The subject property is located within the Arlington Mill Civic Association.

Community Feedback:

The Arlington Mill Civic Association had not responded at the time of this report.

CONCLUSION: The applicant has yet to begin operation of the expanded family day care home use because they have not obtained a state child care license or Certificate of Occupancy for this use. However, the applicant continues to operate the by-right use without any concerns from relevant County agencies. The applicant is continuing the process to obtain the state license and Certificate of Occupancy to operate with the increased number of children. Staff still believes the approved expansion of the applicant's family day care home from four (4) children up to nine (9) children will not adversely affect the health or safety of persons residing or working in the neighborhood and is not in conflict with adopted County plans. Therefore, staff recommends renewal, subject to the previously approved conditions with a County Board review in one (1) year (October 2019).

Approved Conditions:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.
2. The applicant agrees that the hours of operation of the day care will be limited to 8 A.M. to 6 P.M. Monday through Friday.
3. The applicant agrees that parents and/or another authorized caregiver of children receiving care shall escort their children both to and from the home at all times.
4. The applicant agrees to make at least one (1) unobstructed off-street parking space available to parents for pick-up and drop-off. Such off-street parking shall at no time obstruct any public right-of-way, or impede access to any neighboring property or driveway. The applicant further agrees to park personal vehicles in the available on-street parking if needed to ensure that there is an available off-street parking space for the parents to use.

PREVIOUS COUNTY BOARD ACTIONS:

October 21, 2017

Approved the use permit (U-3503-17-1) for a family day care home for up to nine (9) children, subject to the proposed conditions of the staff report and with a County Board review in one (1) year (October 2018).



U-3503-17-1

5614 7th Pl S

RPC # 22-007-011



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

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

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____