



COUNTY OF ALBEMARLE
Department of Community Development
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To: Albemarle County Board of Supervisors
From: Rebecca Ragsdale
Date: May 1, 2019
Re: Request for Special Exception for a family day home for up to 10 children
TMP: 031B0000006800
District: White Hall Magisterial District
School Districts: Broadus Wood E.S., Jouett M.S., Albemarle H.S.
Zoning District: PUD Planned Unit Development

Summary of Request for Special Exception:

A "family day home" is a "child day program offered in the dwelling unit of the provider or the dwelling unit that is the home of any of the children in care for one through twelve children under the age of thirteen when at least one child receives care for compensation." (Virginia Code § 15.2-2292 and County Code § 18-3.1 - definition of family day home). Family day homes for four or fewer children are treated as a residential occupancy and, therefore, no zoning-related approvals are required. The provider's own children and any children who reside in the home are not counted in these numbers.

Virginia Code § 15.2-2292 enables localities to administratively approve family day homes for five to twelve children, provided that notice is given to abutting owners and none of them object. If a timely objection is received, a public hearing is required before the governing body. On September 11, 2013, the Board adopted an ordinance to amend the County's family day home regulations to no longer require a special use permit for family day homes for six to twelve children and to allow them to be administratively approved, and to require a special exception if an abutting owner objects (See Attachment A for the current regulations).

Blossom Play School (CLE 2018-250) has applied for a family day home for up to ten children. After notice was sent to abutting property owners, the County received one objection to the proposal within the 30-day notification period. Because of the abutting owner objection, a special exception is required.

Blossom Play School is located at 1141 Fox Ridge Drive in the Earlysville Forest neighborhood. (Location Map-Attachment B). Blossom Play School is seeking a family day home license for up to 10 children. Supplemental information provided by the applicant is included as Attachment C. The objection received from the abutting owners is provided as Attachment D and the objection is based on the Earlysville Forest Homeowners Association covenants. Detailed staff comments on the neighbor concerns are provided as Attachment E. Letters of support are provided as Attachment F. County Code § 18-5.1.56(b)(7)(b) provides that, in acting on a special exception, the Board "shall consider whether the proposed use will be a substantial detriment to abutting lots." The objection received does not cite any concerns regarding detriment to abutting lots. Staff opinion is that authorizing the family day home to provide care for up to 10 children with the conditions below imposed would not create a substantial detriment to abutting lots.

The County Attorney advised that an application for this special exception must be evaluated on its merits under the applicable factors and criteria in the Zoning Ordinance and not on whether the proposed use may conflict with private covenants. If the proposed use violates the covenants, it may be enforced by the homeowners' association.

Staff Recommendation:

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve the special exception.

Attachments:

- A. County Code § 18-5.1.56 Family Day Home supplemental regulations
- B. Location Map
- C. Supplemental Information Provided by Applicant
- D. Earlysville Forest HOA Objection letter
- E. Staff Analysis
- F. Letters of Support
- G. Resolution