



# Albemarle County

## Legislation Text

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**File #:** 16-398, **Version:** 1

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**AGENDA DATE:** 6/8/2016

**TITLE:** CLE 2016-32 Rose Garden Family Day Home (Rebecca Garson)

**SUBJECT/PROPOSAL/REQUEST:** Resolution approving a Special Exception for a family day home to care for up to 12 children at 7338 Plank Road (TMP 07000-00-00-039E0) in the Samuel Miller District.

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Foley, Walker, Kamptner, McCulley, Higgins, Ragsdale

**PRESENTER (S):** Rebecca Ragsdale

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** 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 caring for five 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 six 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. (See Attachment A for the current regulations in § 18-5.1.56). The Rose Garden applied for a family day home for six to twelve children. After notice was sent to abutting property owners, the County received objections to the proposal. Because of the abutting owner objections, a special exception is required.

**STRATEGIC PLAN:** Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals. Educational Opportunities: Provide lifelong learning opportunities for all our citizens.

**DISCUSSION:** The objections from abutting owners are provided as Attachment C and include concerns regarding traffic, quiet enjoyment of property, trespassing, and loss of property values. Detailed staff comments on the neighbor concerns are provided as part of the staff report (Attachment D). 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.” Staff opinion is that authorizing the family day home to provide care for up to 12 children, with the proposed conditions, would not create a substantial detriment to abutting lots. Letters of Support are provided as Attachment E.

**BUDGET IMPACT:** There is no anticipated budget impact related to this request.

**RECOMMENDATION:** Staff recommends that the Board adopt the attached Resolution (Attachment F) approving this special exception, subject to the conditions therein.

**ATTACHMENTS:**

- A. County Code § 18-5.1.56 Family Day Home supplemental regulations
- B. Location Map
- C. Neighbor concern letters
- D. Staff Report
- E. Letters of Support
- F. Resolution