



Albemarle County

Legislation Text

File #: 16-172, **Version:** 1

AGENDA DATE: 2/10/2016

TITLE:

CLE 2015-231 Charlottesville Beautiful Minds (Kristie Davis)

SUBJECT/PROPOSAL/REQUEST: Resolution approving a Special Exception for a family day home to care for up to 12 children. Property is located at Acorn Lane (TMP 073B0-01-00-07400) in the Samuel Miller District.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Foley, Walker, Davis, 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 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. 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).

Charlottesville Beautiful Minds (CLE 2015-231) has 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: Charlottesville Beautiful Minds is located at 707 Acorn Lane in the Peacock Hill neighborhood, which is zoned PUD, Planned Unit Development. The family day home is located in the basement level of the home, accessed behind the dwelling. The yard has a fenced playground area located in the front yard of the property. This section of the neighborhood consists of six single family homes served by Acorn Lane, a private

road, located off of Turkey Ridge Road, a public road. (See map, Attachment B). Charlottesville Beautiful Minds is currently operating a voluntarily registered family day home serving up to five children with the hours of 8:45 a.m. - 1:00 p.m., Monday - Friday. Charlottesville Beautiful Minds is now seeking a family day home license for up to 12 children. While the applicant is requesting a special exception to allow up to 12 children, the family day home will typically have eight or fewer children and no employees. The applicant is seeking a license for up to 12 children primarily for future flexibility in accepting younger siblings. Supplemental information provided by the applicant is included as Attachment C.

The objections from abutting owners are provided as Attachment D and include concerns regarding: (1) traffic and capacity of Acorn Lane; (2) on-street parking; (3) noise; (4) property values; and (5) septic capacity. The County has received no complaints regarding the family day home since it began operating with five children, and some residents of Peacock Hill are in support of the request. Detailed staff comments on the neighbor concerns are provided as Attachment D. Letters of support are provided as E, and a January 21, 2016 email from the Peacock Hill Homeowners Association is provided as Attachment G.

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 conditions below imposed, would not create a substantial detriment to abutting lots.

BUDGET IMPACT: There is no anticipated budget impact with this request.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment H) approving this special exception with the following conditions:

1. No outside activities associated with this use other than child drop-off and pick-up shall occur before 10:00 a.m. or after 7:30 p.m.;
2. Parking for child drop-off and pick-up and for any employee not residing in the home shall be off -street only; and
3. Child drop-off and pick-up times shall be staggered at a minimum ten (10) - minute interval so that no more than two vehicles arrive to drop off or pick up at the same time.

- A. County Code § 18-5.1.56 Family Day Home supplemental regulations
- B. Location Map
- C. Supporting Information Provided by Applicant
- D. Neighbor concerns as of 12-17-15
- E. Staff Comment on neighbor concerns
- F. HOA correspondence and emails of support as of 12-22-15
- G. Comment from Peacock Hill Homeowners Association dated 1-21-16
- H. Resolution