



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 11, 2014

SPECIAL USE PERMIT–1214 WINDSOR ROAD-MAJOR FAMILY DAY HOME - 10-3-34(6)

GENERAL INFORMATION

Applicant: Erica Lynn Dorsey

Tax Map: 84-E-4

Acreage: 23,672 square feet

Location: 1214 Windsor Road

Request: Public hearing to consider a request for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a major family day home within the R-1, Single Family Residential District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

Site: Single-family dwelling and minor family day home operation, zoned R-1

North: Single-family dwelling, zoned R-1

East: Single-family dwellings fronting along Nelson Drive, zoned R-1

South: Single-family dwelling, zoned R-1

West: Across Windsor Road, Single-family dwellings, zoned R-1

EVAULATION

The applicant is requesting a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a “major family day home” within the R-1, Single Family Residential District. “Major family day homes” are defined in the Zoning Ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for six (6) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.*

Currently, the applicant operates a “minor family day home,” Tots ’N Toyland, at the property located at 1214 Windsor Road. A “minor family day home” is allowed through the home occupation permit process and is defined in the Zoning Ordinance as *a child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through five (5) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child*

receives care for compensation. No conditions more restrictive than those imposed on residences occupied by a single-family shall be imposed on the day home. At this time, Tots 'N Toyland has four children enrolled in the program. The applicant is working with the Virginia Department of Social Services (VDSS) to become licensed as a major family day home and expand enrollment beyond the allowable five children.

The VDSS has strict requirements regarding issues such as safety, cleanliness, play time, and floor area that individuals must meet in order to obtain a license to provide child care in a home. Approval and licensing from the VDSS does not, however, exempt an applicant from maintaining compliance with local ordinances or laws. Approval of this special use permit would allow for the applicant to operate as a major family day home, with the proper licensing from the VDSS for more than five children.

The applicant has described the facility as having an indoor activity and sleeping area of approximately 714 square feet along with an additional 400 square feet of outdoor play area. Parking is available at the top of the drive way where there is room for three cars at a time without blocking one another in. Hours of operation for the major family day home are 7:30 am until 6:00 pm, Monday thru Friday. Staff recognizes that the size of the facility and hours of operation are not conditions of the SUP and may change at times.

When operating a minor family day home with a Home Occupation Permit, care providers must abide by the regulations set forth in the permit; therefore, no person outside the family members residing on the premises shall be employed by the business. If the SUP is approved for a major family day home, the applicant may hire outside employees to work at the business. The applicant has stated that she intends to hire help after becoming licensed.

Windsor Road is a narrow cul-de-sac and does not have curb, gutter, or sidewalk along either side. While parking is permitted along the street, staff expressed concern to the applicant about cars parking along the shoulder of the road and impeding traffic. The applicant has stated that parents arrive at different times and they will generally use the driveway to drop-off and pick-up children. If needed the garage can be use for parking.

Staff does not foresee any negative impact in approving this application. Staff supports approval of the special use permit with the following condition:

1. If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.