

SUP09-4: Ms. Mable Frye
Special Use Permit Application
for a
Childcare Facility in a B1 Zoning District

Location and Proposed Use

The applicant, Mable Frye, currently provides childcare from her home located at 502 West Main Street. The subject lot is zoned B1 (general business), and is approximately .19 acres in size. In the B1 zoning district, a childcare facility is listed as a use permitted by special permit.

The Code of Virginia allows for individuals to keep up to five (5) children without obtaining formal licensure. If an in-home childcare facility (aka: “family day homes”) provides care to five (or fewer) children the Code of Virginia specifically states that such a use “shall be considered a residential occupancy by a single-family”.

Because the applicant is seeking to provide childcare to more than five (5) children, it is required to be in compliance with all local zoning regulations.

Recently, the applicant has applied for licensing through Virginia’s Department of Social Services – in order to provide in-home childcare for between six (6) and twelve (12) children. In Virginia, homes which provide childcare for between six and twelve children are referred to as “family day homes”. The Code of Virginia defines “family day homes” as:

“A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider’s own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider’s own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider’s own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.”

Other Considerations:

- The Department of Social Services has specific regulations in regard to staff ratios, food preparation, record keeping, etc.; family day homes are also subject to unannounced biannual inspections.
- The number of children allowable (not to exceed 12) is determined by the age of the children on site at any given time. According to the child’s age, each child is assigned a “point” value. For instance, a child under the age of one year is assigned four (4) points, and a child over the age of 5 years is assigned one (1) point. Ms. Frye has indicated that without additional staff she would not be allowed to exceed 17 total points.

Summary:

The subject single-family home is located adjacent to a church and a vacant lot. Provided the applicant adheres to regulations specified by Virginia's Department of Social Services, using the subject single-family home for a childcare facility is expected to be safe and not negatively impact the surrounding area.



Subject Dwelling



SUP9-4
Mable Frye
Tax Map: 42A10 A 36
PC Hearing: August 12, 2009