



APPLICATION ACCEPTED: April 7, 2014  
BOARD OF ZONING APPEALS: July 9, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

July 2, 2014

## STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MV-032

### MOUNT VERNON DISTRICT

**APPLICANT:** Rubina A. Mahmood  
dba Morning Star Family Child Care

**OWNERS:** Rubina A. Mahmood  
Arshad Mahmood

**SUBDIVISION:** Oates Plymouth Haven, Block 2

**STREET ADDRESS:** 8616 Lombardy Lane, Alexandria, 22308

**TAX MAP REFERENCE:** 102-3 ((6)) (2) 5

**LOT SIZE:** 23,203 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-MV-032 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

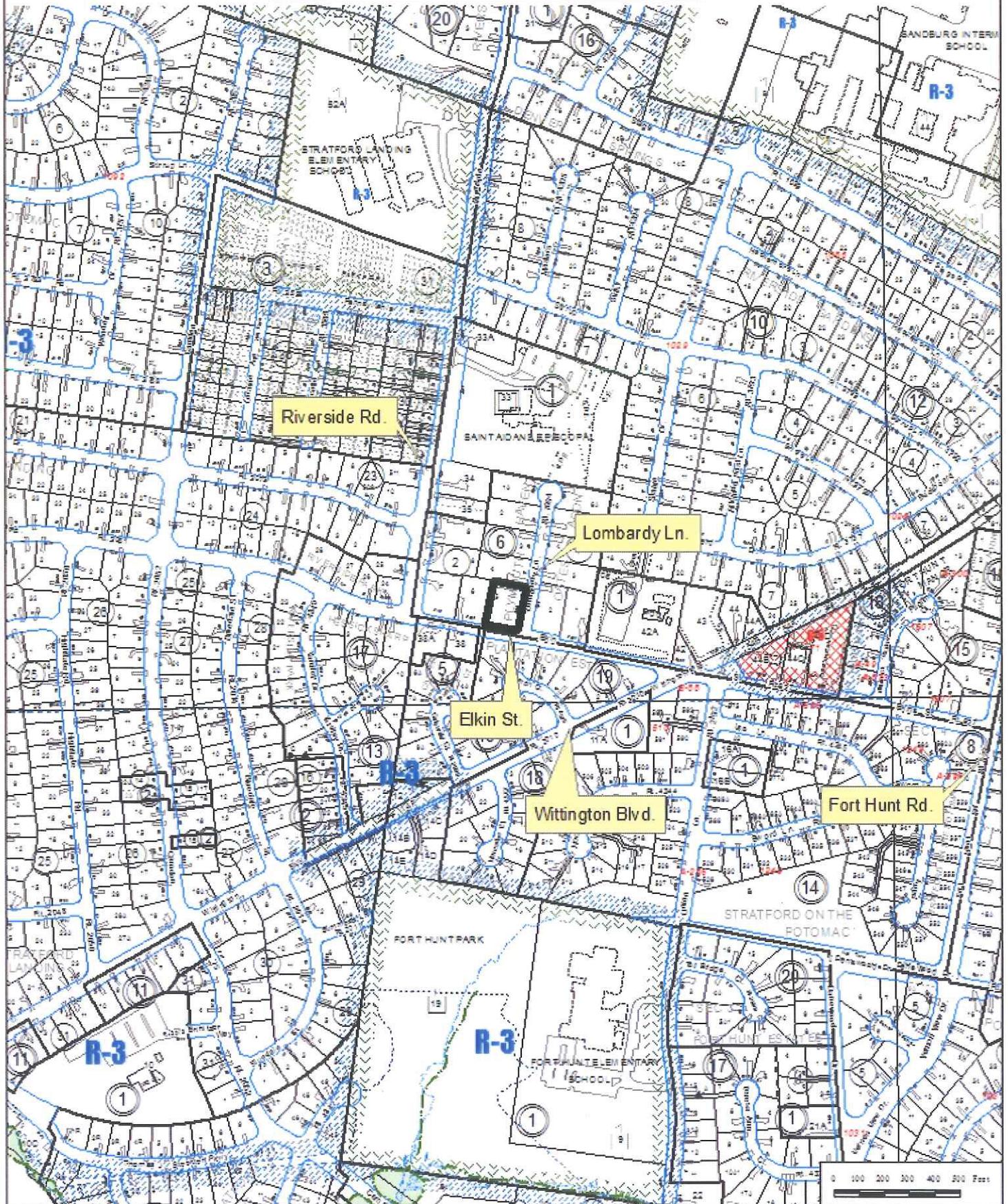
# Special Permit

SP 2014-MV-032  
RUBINA A MAHMOOD



# Special Permit

SP 2014-MV-032  
RUBINA A MAHMOOD



# Location Plat

## Applicant:

Rubina Mahmood  
 8616 Lombardy Lane  
 Alexandria, VA 22308  
 Phone: 703.799.1270

## LEGEND:

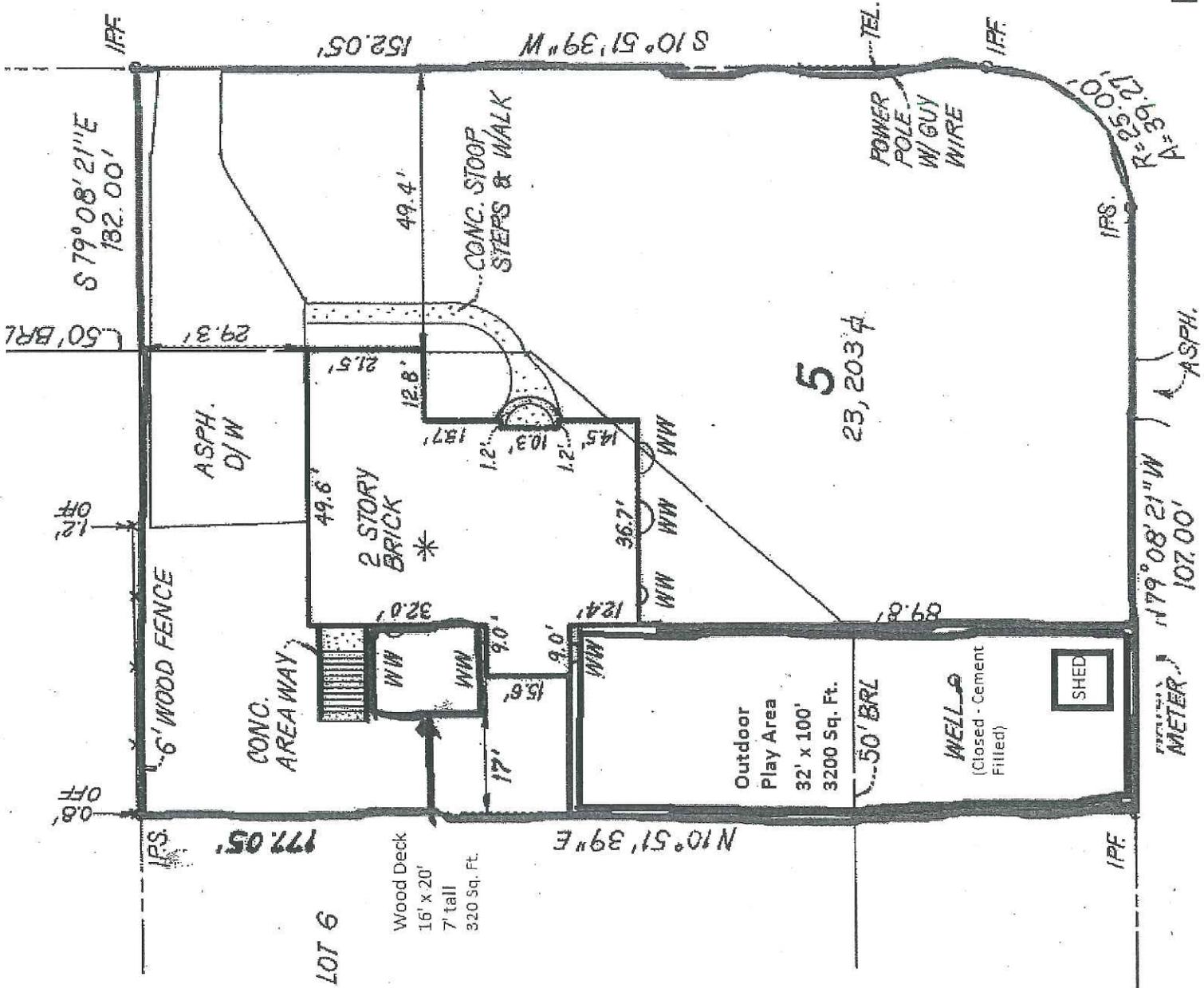
- 4' FENCE
- 6' FENCE
- SHED: 8" 3" x 10' 5"
- 7' tall
- 87.5 Sq. Ft.

\*there are no additional equipment that are 7 ft. or taller.

# LOMBARDY LANE

prepared by *Omar Mahmood*  
 2/15/14

# ELKIN STREET

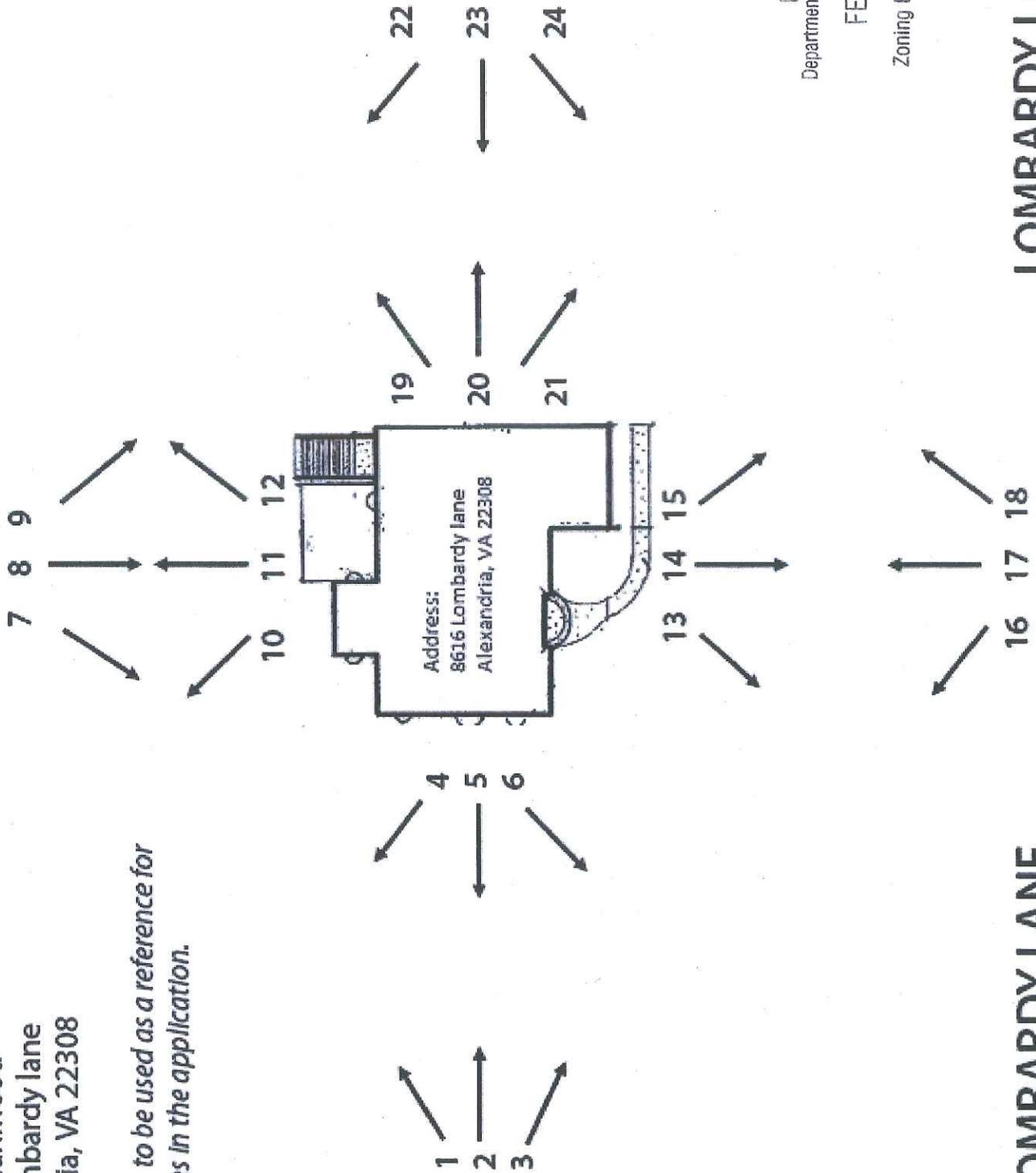


**Applicant:**

Rubina Mahmood  
8616 Lombardy lane  
Alexandria, VA 22308

**LEGEND:** to be used as a reference for  
the pictures in the application.

**ELKIN STREET**



RECEIVED  
Department of Planning & Zoning

FEB 20 2014

Zoning Evaluation Division

**LOMBARDY LANE**

**LOMBARDY LANE**

FEB 20 2014

Applicant: Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

Zoning Evaluation Division

**Pictures for Special Permit Application** Pictures Taken February 1, 2014 (unless otherwise noted)

*\*Refer to Document with Numbered Arrows for reference*

**Picture #1**



**Picture #2**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture # 2 -2** (second angle from behind the fence)



**Picture #3**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #3-2** (second angle for picture 3, behind the fence)



**Picture #4** – Neighbor's home on Elkin St is visible. (2108 Elkin St. Alexandria, VA 22308)



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #5** – Street Visible is Elkin Street.

( picture taken october 5th 2013 )



**Picture #6** - Street Visible is Elkin Street.

october 5-2013



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Picture #7** (Taken February 17, 2014)



**Picture #8**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #9** – (Picture taken February 17, 2014). Daycare Entrance is visible on the right of the image



**Picture #10** – Outdoor Play Area is visible beyond the 4' gate.



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #11** – Neighbor's home is visible at 2108 Elkin St.



**Picture #12**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #13** – Entrance to Culdesac is visible (Lombardy lane on left, Elkin St. on right)



**Picture #14** – Lombardy lane is visible. Neighbor's home is visible: 8616 Lombardy lane.



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #15** – entire Culdesac is visible.



**Picture #16**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #17**



**Picture #18**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #19**



**Picture #20** – Neighbor's home is visible. 8612 Lombardy lane.



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Picture #21**



**Picture #22 – Daycare Basement Entrance & Deck are visible.**

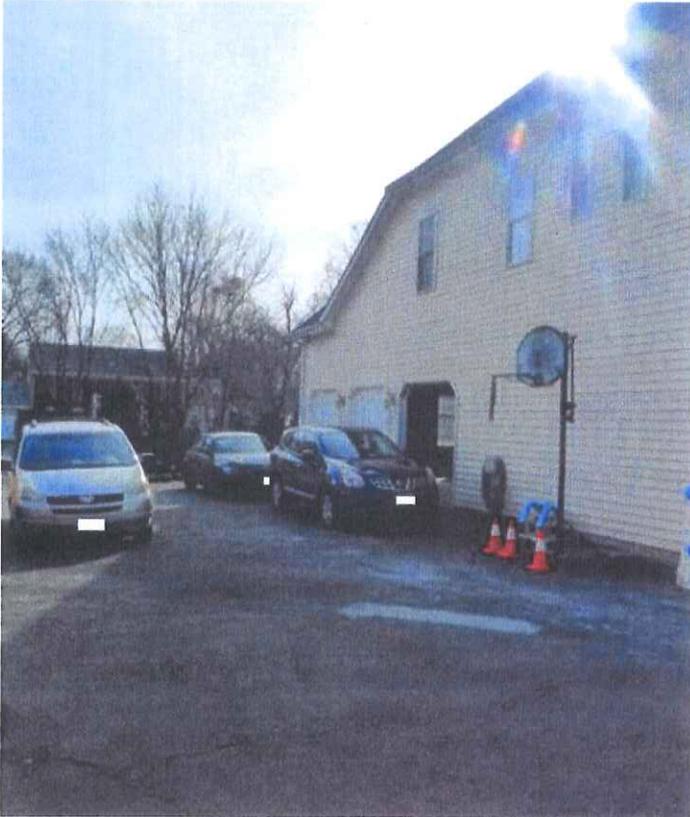


**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Picture #23** – 3 Car Garage is visible.



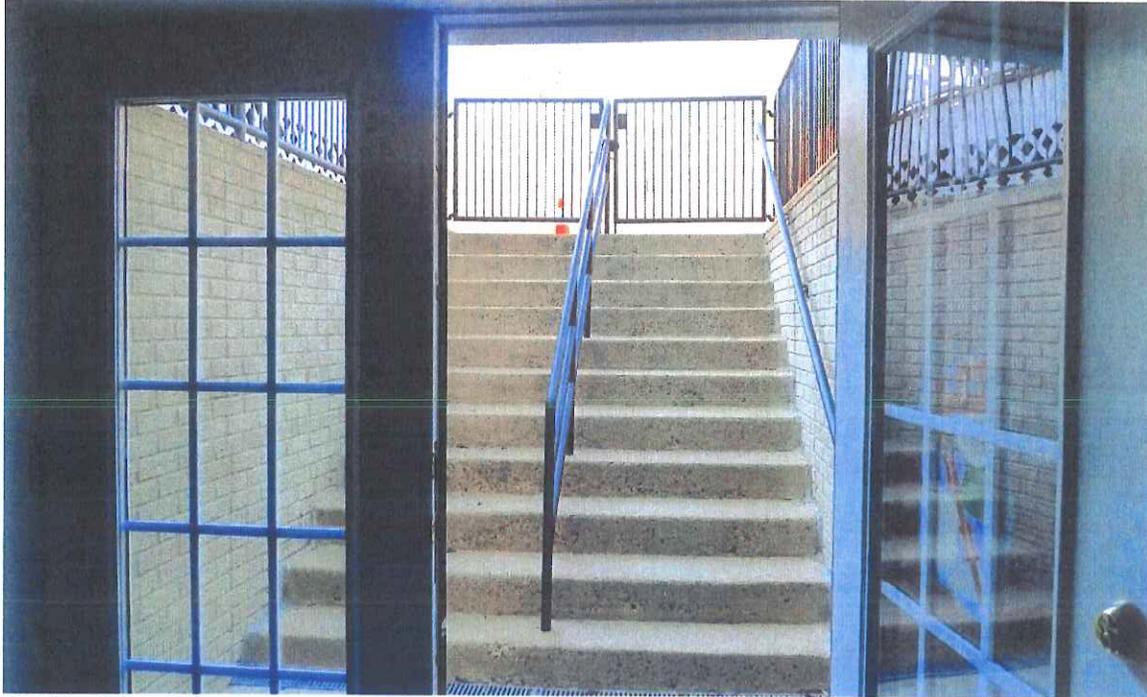
**Picture #24**



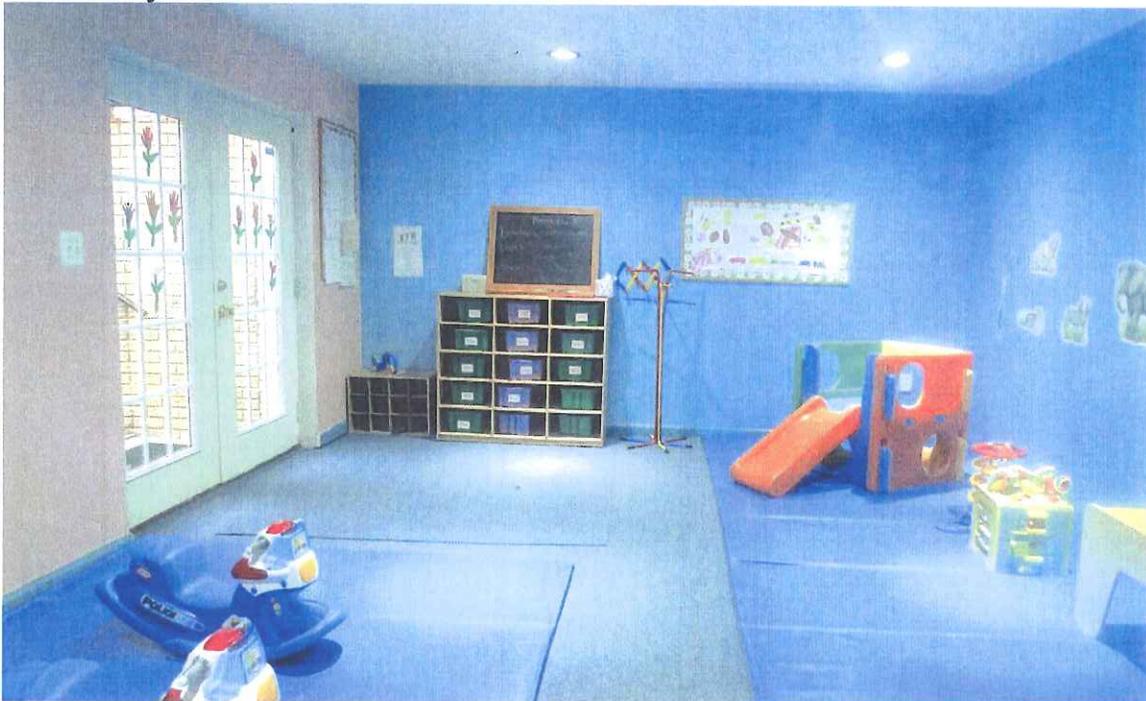
**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Daycare Interior Pictures** (Pictures taken February 1, 2014)  
*\*you can refer to the Daycare Basement Layout as an added reference source*

**Daycare Entrance**

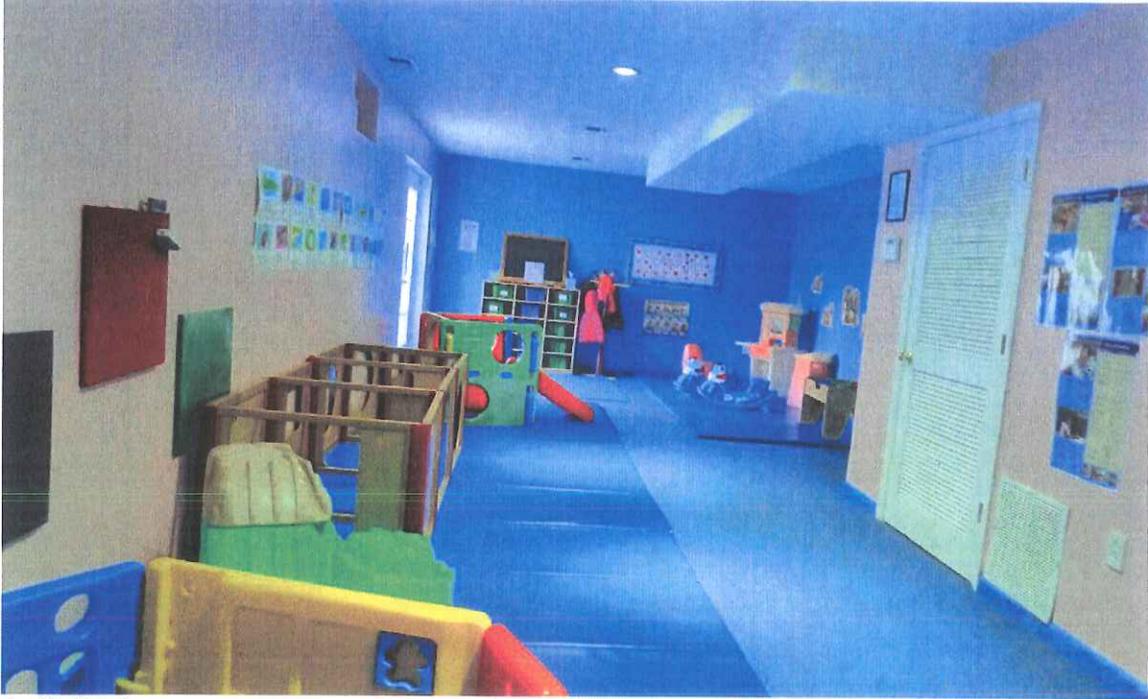


**Active Play Area**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Physical Play Area**



**Activity Area**



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Eating Area**



**Infant Room**



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Multi-Purpose Area**



**Full Bathroom w/ Changing Table**

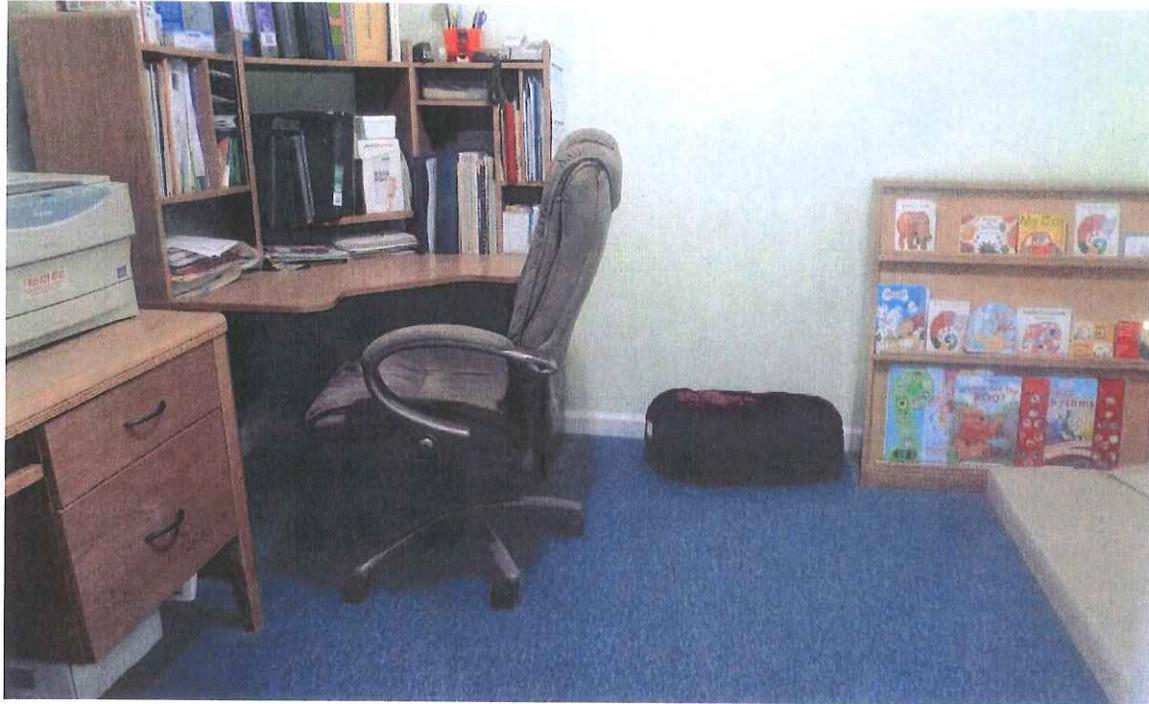


**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Half Bathroom**

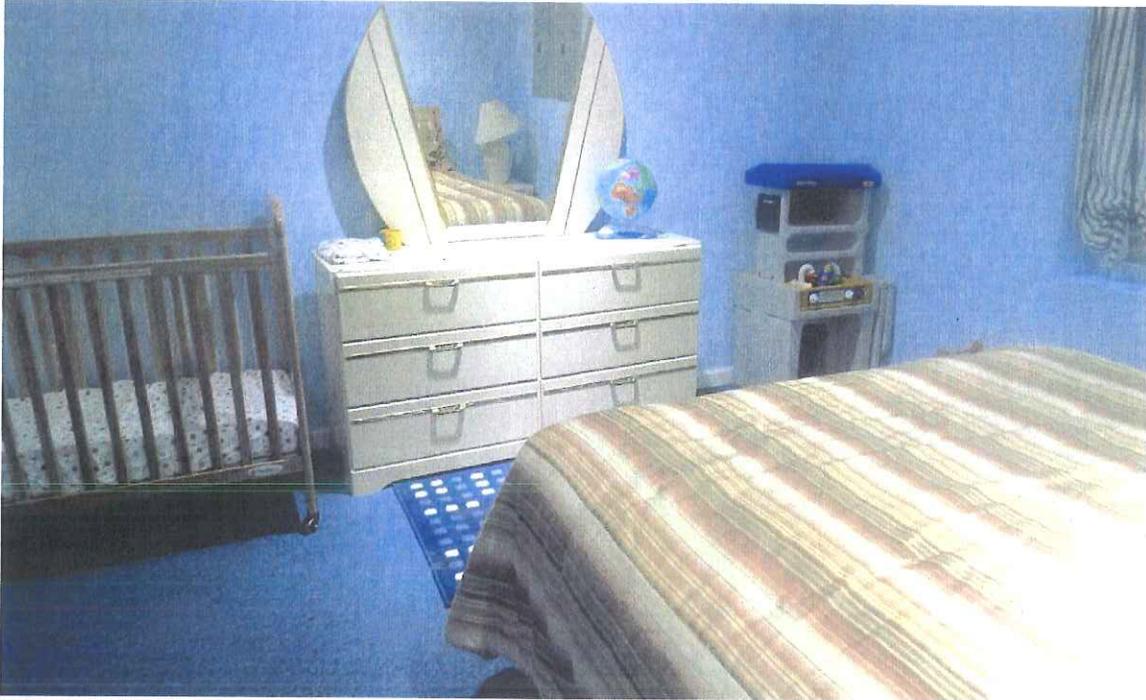


**Office**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Extra Room**



**Window Well Emergency Exit 1 (Infant Room)**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Window Well Emergency Exit 2** (*Extra Room*)



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Daycare Additional Pictures** (Taken October 5, 2013)

**Daycare Entrance (Exterior View)**



**Driveway with 5 Cars**



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Outdoor Play Area**



**Secondary Entrance – In Case of Inclement Weather**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Outdoor Shed** (taken 2/1/14)



**Street Corner View**



**Applicant:** Rubina Mahmood  
8616 Lombardy lane Alexandria, VA 22308

**Street Parking View – Lombardy lane**

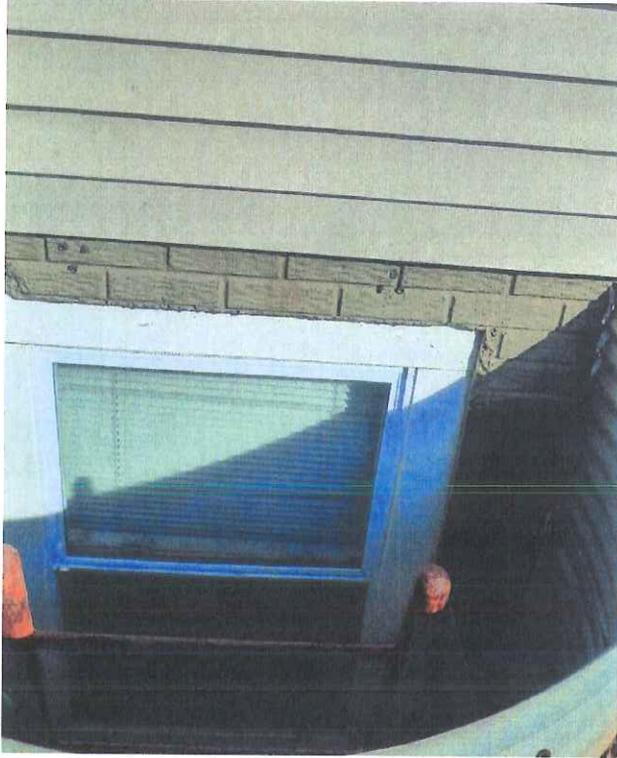


**Window Well 1**



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Window Well 2**



**Neighboring Property: 2108 Elkin Street**



**Applicant: Rubina Mahmood**  
8616 Lombardy lane Alexandria, VA 22308

**Neighboring Property: 8617 Lombardy lane**



**Neighboring Property: 8612 Lombardy lane**

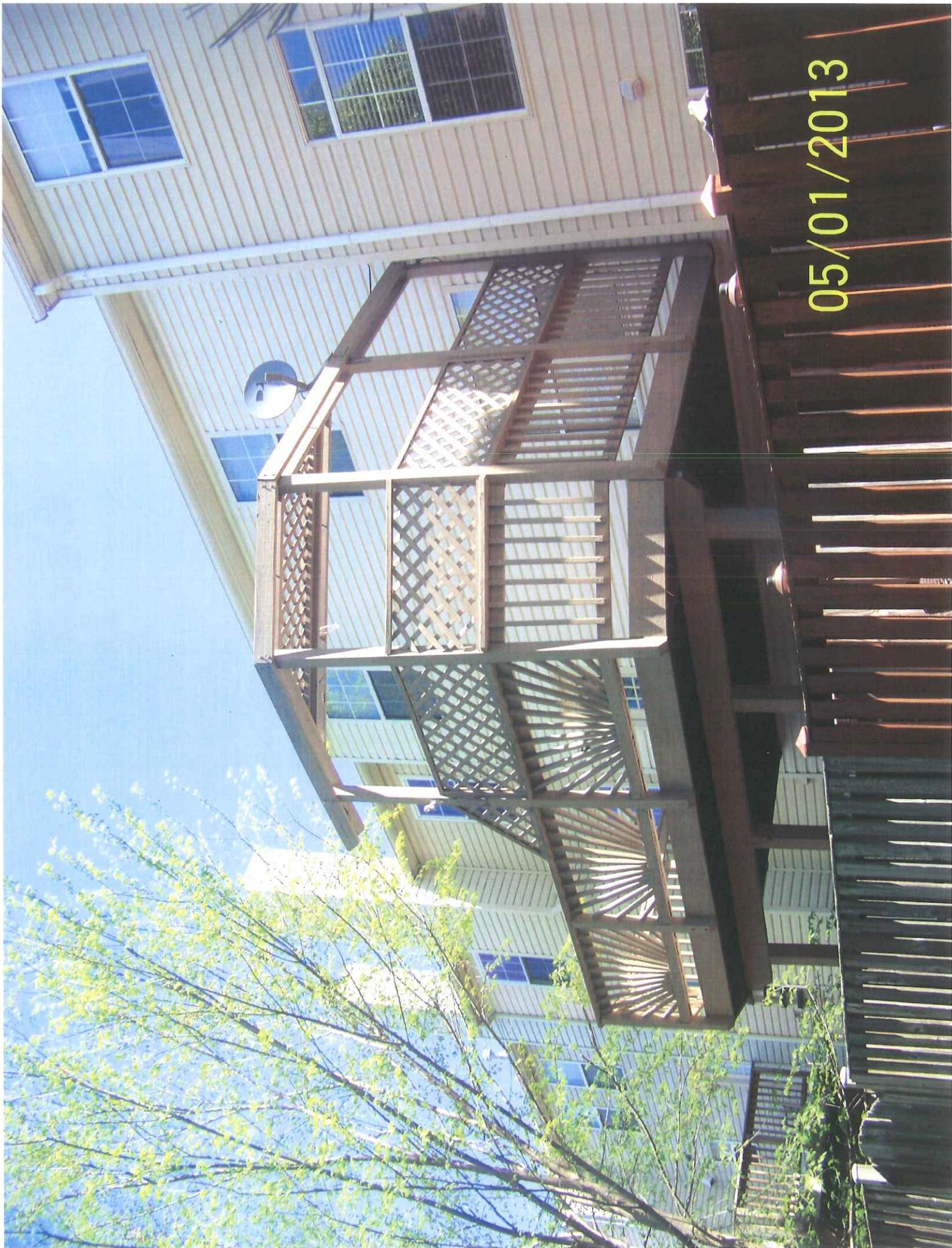


03.11.2014 09:26





05.01.2014 10:26



05/01/2013

Picture of Tree  
Removed in Play  
Area  
- submitted 5/18/2014



## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

A copy of the special permit plat titled, " Location Plat, Applicant: Rubina Mahmood, 8616 Lombardy Lane, Alexandria, VA, 22308" as prepared by Omar Mahmood on February 15, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single family detached dwelling with a basement. A stoop, concrete walkway and driveway are located to the east of the dwelling. A concrete set of stairs with access to the basement and a wood deck exist to the west of the dwelling. A shed and well exist to the south of the dwelling. The property is relatively flat and contains a few mature trees and decorative landscaping.

The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings, as depicted below.



## **BACKGROUND**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 2002, and also purchased by the applicant in 2002.

There are no building permits related to the property in county files.

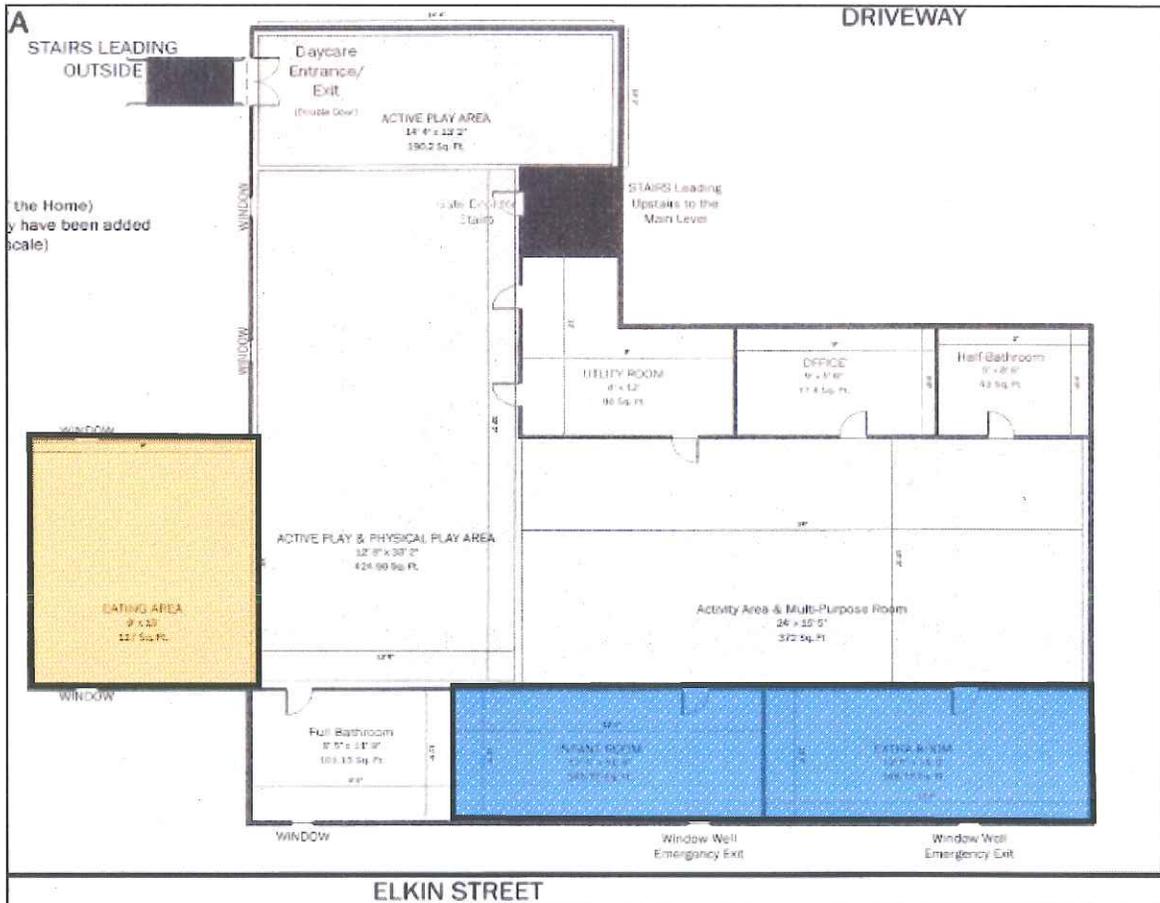
Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

## **DESCRIPTION OF THE PROPOSED USE**

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The children arrive between 7:00 a.m. and 9:30 a.m. and depart between 3:30 p.m. and 5:30 p.m. There are two full time assistants.

The applicant holds a current Family Day Home License, approved for three years and valid through May 12, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, birth through 12 years of age (Appendix 4).

The home child care facility is operated on the basement of the dwelling which includes a playroom, a kitchen, full bathroom, half bathroom, two infant rooms with proper egress and an office (as shown on the following page). A wood fence encloses the functional rear yard of the house which includes the play area, as shown on the special permit plat. Pictures provided by the applicant show toys and playground equipment located in this area.



**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area IV, Mount Vernon Planning District  
**Planning Sector:** Fort Hunt Community Planning Sector (MV06)  
**Plan Map:** Residential, 2-3 du/ac

**Zoning Ordinance Requirements**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 7. Subject to development conditions, this special permit must meet these standards.

**On-site Parking and Site Circulation**

Vehicular access to the site is provided from Lombardy Drive. The parents and children use the stairway on the northwest corner of the building to enter the home child care

### **On-site Parking and Site Circulation**

Vehicular access to the site is provided from Lombardy Drive. The parents and children use the stairway on the northwest corner of the building to enter the home child care center in the basement.

The existing driveway appears to be able to accommodate eight vehicles with a three car garage and five parking spaces. The applicant parks one car in the driveway during operating hours. The applicant currently has two assistants who park off-site. Therefore, the driveway has approximately four spaces available to be used for drop-off and pick-up of children.

Two off street parking spaces are required for the single family dwelling and these are contained in the driveway. Staff believes sufficient parking exists in the driveway to accommodate the pick-up and drop-off of children for the home child care use.

### **Zoning Inspection Analysis**

During the inspection of the home child care on April 24, 2014, staff found a dual keyed deadbolt lock on the door leading to the facility. The applicant has been made aware of this concern and will correct it before the public hearing. The list of comments from the site inspection is in Appendix 5. The comments submitted by the Zoning Inspection Branch are addressed in the development conditions, which require satisfactory completion of all inspections and permits prior to establishing the use.

### **Urban Forestry Management Division Analysis**

On April 25, 2014 Urban Forestry staff found that the tree in the fenced play area looked to be in decline and could be a potential risk if the tree failed (Appendix 6). This information was passed on to the applicant and the tree was removed.

### **CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

### **RECOMMENDATION**

Staff recommends approval of SP 2014-MV-032 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Home Child Care State License
5. Zoning Inspection Branch Site Visit Comments
6. Urban Forestry Comments dated April 25, 2014
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-MV-032****July 2, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-032 located at Tax Map 102-3 ((6)) (2) 5 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Rubina A. Mahmood d/b/a Morning Star Family Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 8616 Lombardy Lane, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, " Location Plat, Applicant: Rubina Mahmood, 8616 Lombardy Lane, Alexandria, VA, 22308," as prepared by Omar Mahmood on February 15, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. A minimum of five parking spaces shall be provided on the subject parcel, within areas of existing paving.

10. There shall be no signage associated with the home child care facility.
11. Upon the discontinuance of the proposed use, the second kitchen, located in the area of the child care facility, shall be removed.
12. All applicable permits and inspections shall be obtained prior to the establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP. 2014-MV-032  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

124459a

DATE: 6-02-2014  
 (enter date affidavit is notarized)

I, Rubina A. Mahmood, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Rubina A. Mahmood	8616 Lombardy Lane Alexandria VA 22308	<b>Applicant/Title owner</b>
Arshad Mahmood	same as above	<b>title owner</b>
Morning Star family child care		

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2014-MV-032  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

*IZUHSA*

DATE: 6-02-2014  
(enter date affidavit is notarized)

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders: *N/A*

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

*N/A*

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

*N/A*

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2014 - MV-032  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6 - 02 - 2014  
(enter date affidavit is notarized)

124579

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) [ ] The above-listed partnership has no limited partners. *N/A*

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

*N/A*

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2014-MV-032

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

12/15/14

DATE: 6-02-2014  
(enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2014-MV-032  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6-02-2014  
(enter date affidavit is notarized)

128459A

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)  Applicant Rubina Mahmood [ ] Applicant's Authorized Agent

Rubina A. Mahmood  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of June 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Usha Ramsingh  
Notary Public

My commission expires: 07/31/2015

USHA RAMSINGH  
NOTARY PUBLIC 278091  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES 07/31/2015

RECEIVED  
Department of Planning & Zoning

FEB 20 2014

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Name: Rubina Mahmood  
 Address: 8616 Lombardy Lane  
Alexandria VA 22308  
 Phone #: 703-799-1270  
 E-mail: mahmood.rubina@gmail.com

Date Feb 18, 2014

Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035

Re: Special Permit Application  
 Applicant: Rubina Mahmood  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 1023 06020005  
 Zoning District: R-3  
 Lot Size: 23, 203

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached (detached) (circle one) dwelling at 8616 Lombardy Lane Alexandria, VA 22308 (your address). The property is zoned R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:00 AM to 6:00 PM, Monday through Friday.

Number of Children. I care for up to 12 children at any one time. This number does not include my own 3 child/children. (Ages 18 and 23 and 26 years old.)

Employees. I have two assistant(s) who ~~work part-time~~ and \_\_\_\_\_ assistant(s) (who work full-time.)

Arrival Schedule. Five of the children arrive between 7:00 AM and 8:00 AM.

Seven children arrive between 8:00 and 9:30 AM.

Departure Schedule. Four of the children are picked up at 3:30 PM. 4:30 PM.  
Eight Children Leave between 4:30 PM and 5:30 PM.

Area Served. Currently, most of the children live in the neighborhoods of Mount Vernon. (what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached (detached) (circle one) dwelling. It has (explain the general layout of the house):

it has a walk out basement, which is where children spend most of their time. it has two bedrooms with two window well exits. two activity Halls, eating area and one and half Bathrooms.  
The house has 4,098 square feet. The following rooms are where I conduct the day care:  
in the basement.

These rooms are 2100 square feet total (approximately)

Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my back yard yard for outdoor play for the children. The area is approximately 3,200 square feet. The outdoor play area consists of: Slides, Rocking Horses, Castle, See saw, picnic table, Sand box, water table, play House, and there is a 8x10 shed on the left corner of the play area. All this area is fenced.

Parking. I use my <sup>3 car</sup> Garage to park my family car(s). My parents park on the driveway or street parking directly in front of the home. My driveway is 2,230 Sq Ft and can easily accommodate up to 8 cars at a time, although we usually  
3 or 4 cars at a time.

have

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and my family. for these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

Rubina A Mahmood  
Owner of Rubina Mahmood's Home day care

RECEIVED  
Department of Planning & Zoning

# Arrival Schedule and Departure Schedule FEB 20 2014

Zoning Evaluation Division

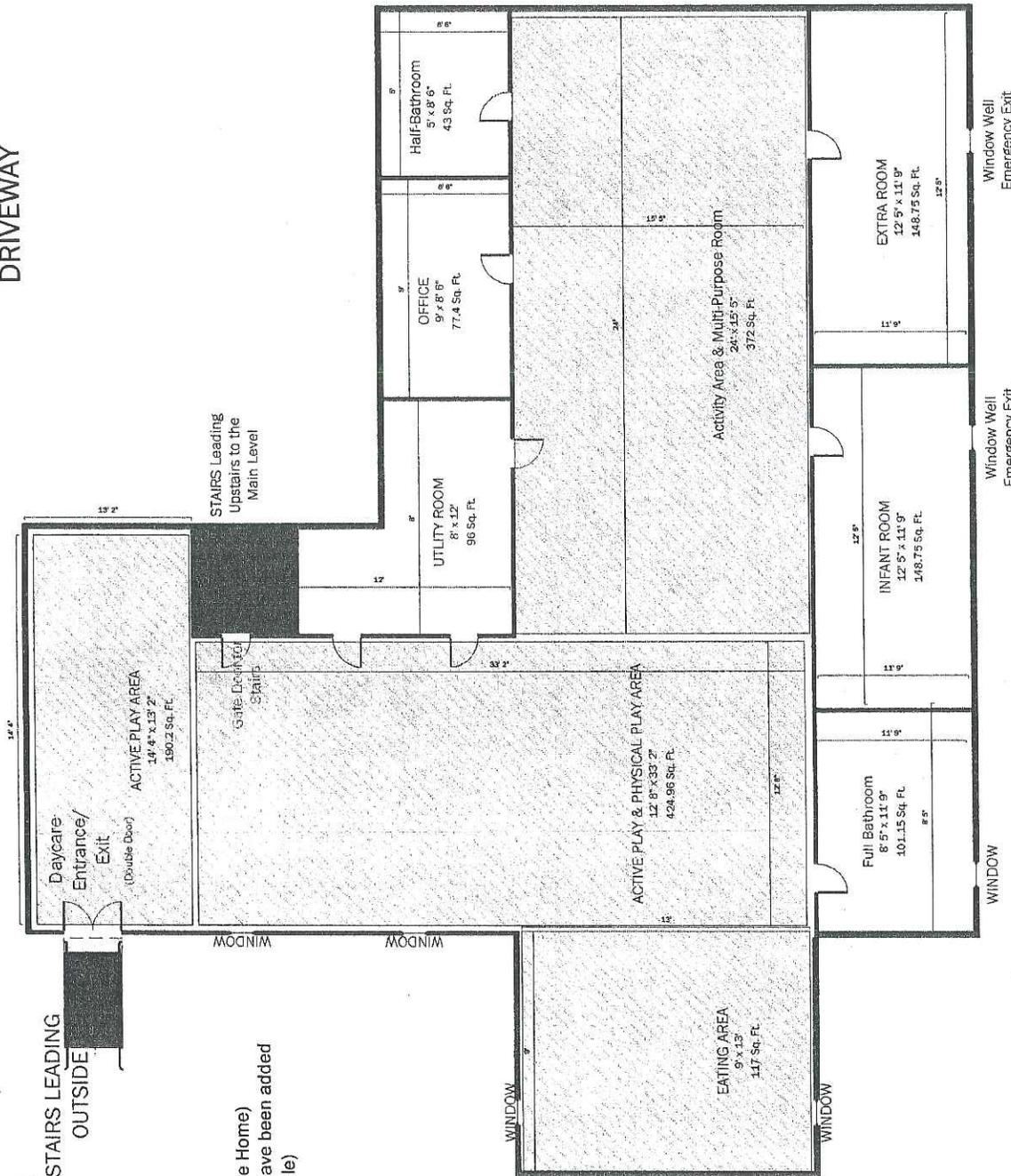
## Arrival Schedule

Child	7:00 - 7:45 AM	7:45 - 8:00 AM	8:00 - 8:30 AM	9:00 - 9:15 AM
1	X			
2	X			
3		X		
4		X		
5		X		
6			X	
7			X	
8			X	
9			X	
10				X
11				X
12				X

## Departure Schedule

Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 5:30 PM
1	X			
2	X			
3		X		
4		X		
5			X	
6			X	
7			X	
8			X	
9				X
10				X
11				X
12				X

DRIVEWAY



ELKIN STREET

**DAYCARE AREA**

Applicant:  
 Rubina Mahmood  
 8616 Lombardy lane  
 Alexandria, VA 22308  
 703.799.1270

Daycare Interior Layout  
 (Located in the Basement of the Home)  
 \*Street Names and Driveway have been added  
 to show perspective (not to scale)

RECEIVED  
 Department of Planning & Zoning  
 FEB 20 2014  
 Zoning Evaluation Division

# Commonwealth of Virginia



## DEPARTMENT OF SOCIAL SERVICES

### FAMILY DAY HOME LICENSE

Issued to: Rubina Mahmood

Address: 8616 Lombardy Lane, Alexandria, Virginia 22308

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

<u>CAPACITY</u>	
12	
<u>GENDER</u>	<u>AGE</u>
Both	Birth through 12 years

This license is not transferable and will be in effect May 13, 2012 through May 12, 2015 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

**ISSUING OFFICE:**

Virginia Department of Social Services  
 Division of Licensing - Fairfax Licensing Office  
 3701 Pender Drive, Suite 125  
 Fairfax, VA 22030

Telephone: (703) 934-1505

FDH 984640 - L102  
 LICENSE NUMBER

MARTIN D. BROWN  
 COMMISSIONER OF SOCIAL SERVICES

*Jennifer H. Nalli*  
 Jennifer H. Nalli

By \_\_\_\_\_ Title LICENSING ADMINISTRATOR  
 Date April 26, 2012

**Gumkowski, Laura B.**

---

**From:** Cohenour, Chuck  
**Sent:** Thursday, April 24, 2014 11:52 AM  
**To:** Gumkowski, Laura B.  
**Subject:** Day Care site visit 8616 Lombardy Lane

The following observations of the proposed child care facility at 8616 Lombardy Lane, Alexandria, Virginia 22308 made on April 24, 2014 are as follows:

The single family detached dwelling has one specific entrance that is used by the parents to pick up and drop off the children who attend child care facility which is located totally within the basement. The interior site visit found that the door leading to the child care facility contained a dual keyed deadbolt lock.

Parking for the child care facility will be in the driveway which is to the right side of the dwelling.

The basement child care facility contained a microwave, refrigerator, sink, and cabinets plus two bedrooms used as a sleeping area for the children. Each bedroom has an egress window well with ladder.

Smoke detectors were observed in each bedroom, the main play area, and the stairway leading to residential area of the dwelling. The day care displayed a fire evacuation plan along with at least one readily accessible fire extinguisher.

Chuck Cohenour, Senior Zoning Inspector  
Zoning Inspection Branch  
703-324-1323



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** April 25, 2014

**TO:** Laura Gumkowski, Staff Coordinator  
Zoning Evaluations Division, DPZ

**FROM:** Jay Banks, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Plymouth Haven Block 2, Lot 5, SP 2014-MV-032

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit plat of the subject property, stamped "Received, Department of Planning and Zoning, February 20, 2014. The following comment and recommendation are based on this review and a site visit conducted on April 22, 2014.

**Comment:** The tree in the fenced play area looks to be in decline. A sizable portion of the central trunk is decaying and may pose a risk should the tree fail.

**Recommendation:** If this is not a risk the homeowner would care to assume, mitigation of this risk is strongly recommended. UFMD suggests contacting a certified arborist with experience in tree risk assessment to provide further opinion.

If there are any questions, please contact me at (703)324-1770.

JSB/

UFMDID #: 190280

cc: DPZ File



**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-305****Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.