



APPLICATION ACCEPTED: April 16, 2014
PLANNING COMMISSION: October 8, 2014
BOARD OF SUPERVISORS: October 28, 2014

County of Fairfax, Virginia

September 25, 2014

CRD

STAFF REPORT

APPLICATION SE 2014-MV-014

MOUNT VERNON DISTRICT



APPLICANT: Fozia Hussain / Kids Club Infant Day Care, LLC

ZONING: PDH-4: Planned Development Housing District,
Four Dwelling Units per Acre

PARCEL: 107-1 ((5)) (C) 11

LOCATION: 8156 American Holly Road

SITE ACREAGE: 9,023 square feet

PLAN MAP: Residential: 2-3 dwelling units per acre (du/ac)

SE CATEGORY: Section 6-105: Home Child Care Facility

PROPOSAL: To permit a home child care facility for a maximum of
12 children at any one time

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-MV-014, subject to the proposed development conditions listed in Appendix 1.

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

It should be further noted that the content of this report reflects the analysis and

Nick Rogers, AICP

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Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz



recommendation of staff; it does not reflect the position of the Board of Supervisors.

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 this application

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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 Exception

SE 2014-MV-014



Applicant: FOZIA HUSSAIN / KIDS CLUB INFANT DAY CARE

Accepted: 04/16/2014

Proposed: HOME CHILD CARE FACILITY

Area: 9023 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105

Art 9 Group and Use: 0-05

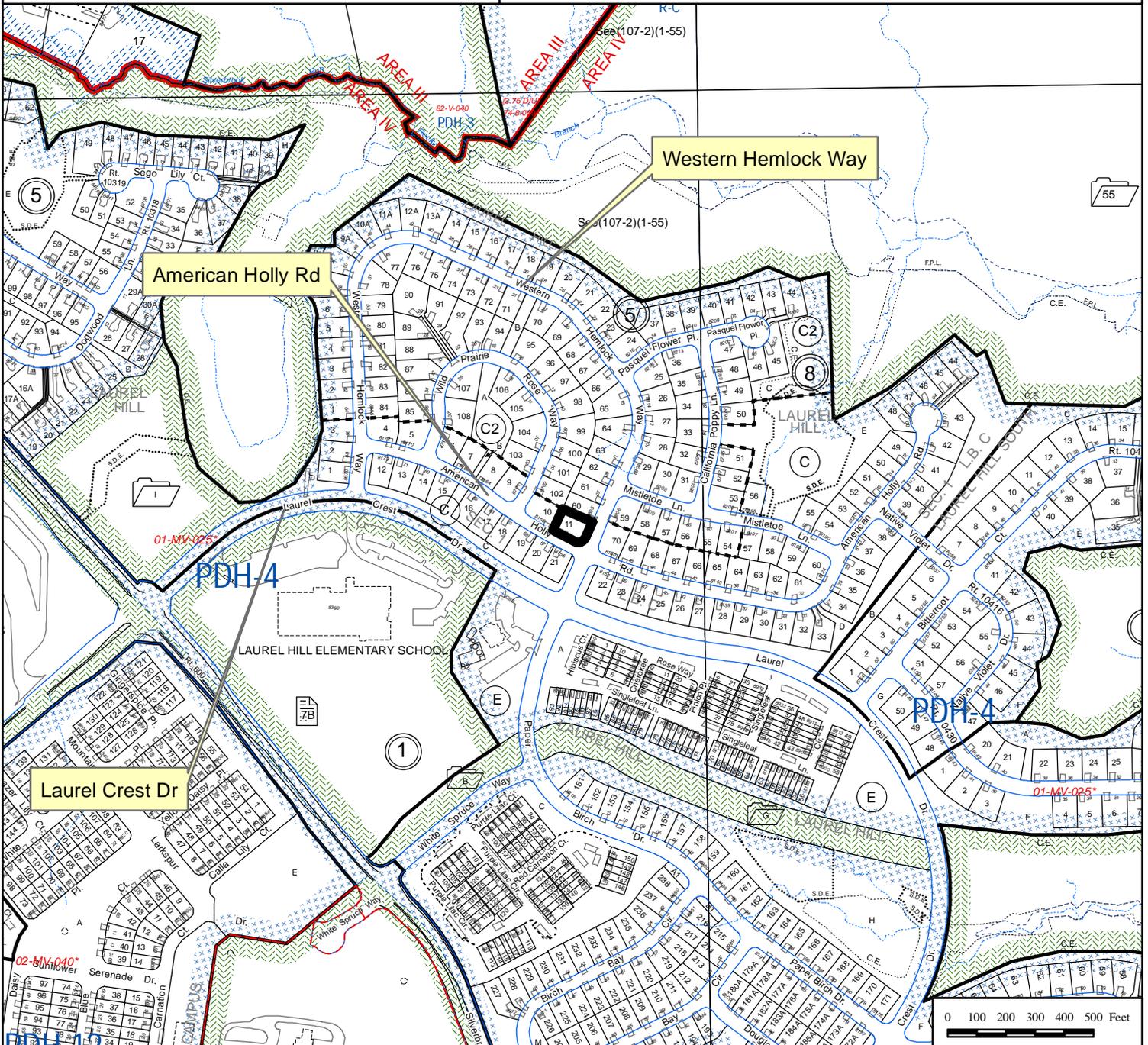
Located: 8156 AMERICAN HOLLY ROAD, LORTON, VA 22079

Zoning: PDH- 4

Plan Area: 4,

Overlay Dist:

Map Ref Num: 107-1- /05/C /0011



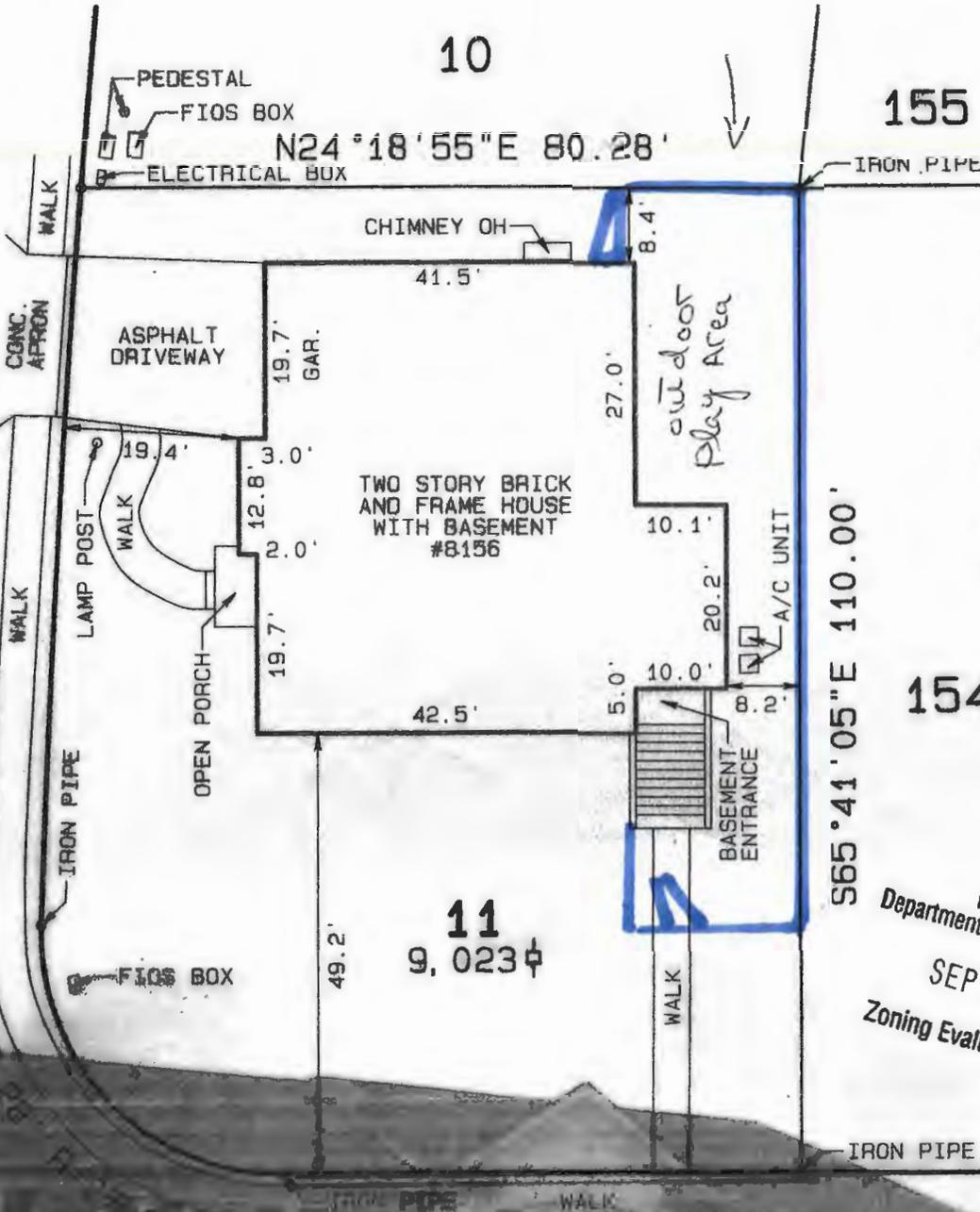


Fozla Hussain
3156 American Holly Rd.
Lorton, VA 22079-5613

AMERICAN HOLLY ROAD
44' R/W
A=82.27' R=1,679.50'

CONC. APRON
WALK
LAMP POST
WALK
IRON PIPE

A=43



155

LAUREL HILL SECTION 2 LANDBAY C

154

11
9,023 ±

RECEIVED
Department of Planning & Zoning
SEP 10 2014
Zoning Evaluation Division

WESTERN HEMLOCK WAY

52' R/W



PHYSICAL IMPROVEMENTS SURVEY

LOT 11 SECTION 2 LANDBAY C

LAUREL HILL

FAIRFAX COUNTY, VIRGINIA

DESCRIPTION OF THE APPLICATION

The applicant, Fozia Hussain, has requested a Special Exception (SE) to operate a home child care facility caring for up to 12 children at one time in a single family detached dwelling.

The subject property is located at 8156 American Holly Road within the Laurel Hill neighborhood in Lorton. The community is located on the north side of Silverbrook Road, near Laurel Hill Elementary School (Figure 1).



Figure 1: The subject property is identified above in relation to the surrounding community. (Source: Fairfax County GIS; 2013 Aerial Imagery)

The home child care facility operates in the following manner:

- Currently licensed by the Virginia Department of Social Services for up to 7 children between the ages of 2 months to 4 years, 11 months
 - Would pursue state licensure for up to 12 children if the SE is approved
- Two assistants employed by the applicant. One assistant typically is dropped off at the home child care by her husband, and the other assistant walks to the site.

- Hours of operation: 7:00am - 6:00pm
 - Arrival: staggered between 7:00am – 9:15am
 - 7:00-7:45: 3 children arrive
 - 7:45-8:00: 1 child arrives
 - 8:00-9:00: 1 child arrives
 - 9:00-9:15: 2 children arrive
 - Departure: staggered between 2:45pm – 5:30pm
 - 2:45-4:15: 2 children leave
 - 4:15-4:30: 3 children leave
 - 4:30-5:00: 1 child leaves
 - 5:00-5:15: 1 child leaves
- Two parking spaces in the driveway, two parking spaces in the garage, and additional parking capacity along American Holly Road and Western Hemlock Way, both public streets.
- Parents will either park in the driveway or on the street. After parking, they bring their children to the walk-out basement entrance on the eastern side of the house facing Western Hemlock Way.
- Child care area is the entire basement and a portion of the first floor.
 - Walk-out basement is primary access for home child care.
 - Basement: One large play area, one smaller play room for infants, one bathroom, and one food preparation area for the home child care use. The large play area doubles as a nap room, and has been inspected and deemed compliant by the Zoning Administration Division as well as the Department of Code Compliance.
 - First floor: The dwelling's kitchen is also used for meal preparation.
- Approximately 1,260 square feet outdoor play area enclosed with a fence in the rear yard.

The proposed development conditions, applicant's statement of justification, file photographs, and affidavit are contained in Appendices 1 through 4, respectively.

BACKGROUND

On October 22, 2001, the Board of Supervisors approved the rezoning application RZ 2001-MV-025. This approval rezoned approximately 261 acres from the Residential-Conservation (R-C) District to the Planned Development Housing District at four dwelling units per acre (PDH-4). The rezoning facilitated the approval of up to 732 dwellings at an overall density of 2.8 du/ac with approximately 68 acres, or 25 percent of the acreage, devoted to open space. The Planning Commission approved Final Development Plan FDP 2001-MV-025 at their September 20, 2001 meeting, contingent upon the Board of Supervisors' approval of the Conceptual Development Plan.

The approved development plan phased construction using six land bays, lettered A through F. The subject property for this SE is located in Land Bay C.

According to the Department of Tax Administration, the house was constructed in 2003. The applicant has owned and resided in the house since 2013.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Lower Potomac Planning District,
Laurel Hill Community Planning Sector, Sub-Unit 2A

Plan Map: Residential: 2-3 dwelling units per acre (du/ac)

Text: "The land within Sub-unit 2A is primarily gently rolling terrain with steep slopes to the north, abutting the Environmental Quality Corridor. This Sub-unit is planned for and developed with single-family detached housing at 2-3 dwelling units per acre."

Transportation

Vehicles can reach the subject property from Western Hemlock Way, which is a public street that intersects with Laurel Crest Drive one block south and then transitions to Paper Birch Drive. Laurel Crest Drive ultimately connects with Silverbrook Road to the west of Laurel Hill Elementary School.

The roads in the immediate vicinity have all been dedicated for public street use, but await acceptance into the Virginia Department of Transportation's maintenance program. Street parking is permitted along both sides of American Holly Road and Western Hemlock Way. In addition, the applicant's garage provides parking for two cars, with space for two more cars in the driveway. Arrival and departure are currently staggered over three hour periods in the morning and evening.

Food Preparation Area

In performing background research associated with the subject property, staff discovered that the basement food preparation area was installed by a previous homeowner without the approval of required trade permits. Staff has included development conditions that would require the applicant to obtain the final inspections and approvals of any applicable trade permits for the food preparation area. Such permits may include, but may not be limited to, building, electrical, mechanical, and plumbing permits.

As an option, the applicant would be able to remove the appliances associated with the food preparation area instead of pursuing the trade permits.

Zoning Ordinance Provisions (Appendix 6)

Section 10-103 of the Zoning Ordinance allows home child care providers living in single family detached dwellings the ability to request an increase beyond the maximum number of seven children prescribed in the Ordinance. A provider may request up to 12 children be allowed to enroll in a home child care facility, and such requests must conform to the provisions listed in Part 3 of Article 8.

Furthermore, Sect. 6-105 of the Zoning Ordinance permits land uses not specifically designated on an approved Final Development Plan (FDP) with the approval of a Special Exception as long as the use is listed as a permitted Group or Category use in Sect. 6-103 or 6-104. Since home child care facilities were not listed as designated uses at the time of the FDP's 2001 approval by the Planning Commission, the applicant must obtain a Special Exception and satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Paragraph 6 of of Sect. 10-103).

General Standards for Special Exceptions (Sect. 9-006)

Standards 1 and 2 <i>Comprehensive Plan/Zoning District</i>	Staff finds that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-4 Zoning District.
Standard 3 <i>Adjacent Development</i>	No construction is proposed with this application and the lot is adjacent to other residential uses. Staff finds that the use will not affect the use or development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	With adequate garage, driveway and on-street parking, as well as staggered arrival and departure times, staff finds that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
Standard 5 <i>Landscaping/Screening</i>	No additional landscaping is required for the proposed use.

Standard 6 <i>Open Space</i>	The applicant's homesite is part of an approved FDP which meets the minimum 20 percent open space requirement
Standard 7 <i>Utilities, Drainage, Parking, Loading</i>	This application does not affect the provision of adequate public facilities as determined in the review and approval of the dwelling unit. Staff concludes that the available parking is sufficient to accommodate the proposed use.
Standard 8 <i>Signs</i>	Sect. 10-103 of the Zoning Ordinance does not permit signs for home child care facilities.

Standards for all Group 3 Uses (Sect. 8-303)

Standard 1 <i>Lot Size and Bulk</i>	No site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the PDH-4 District as provided for with the approved FDP.
Standard 2 <i>Performance Standards</i>	The performance standards set forth in Article 14, related to such matters as air pollution, radiation, and earthborn vibration would not be applicable for a home child care facility.
Standard 3 <i>Site Plan</i>	Home child care facilities are not subject to Article 17, Site Plans.

Additional Standards for Home Child Care Facilities (Sect. 8-305)

Standard 1 <i>Max. 12 Children; Approval of more than one nonresident assistant</i>	The applicant's request for 12 children meets this standard. The applicant requests approval for the employment of two nonresident assistants. Staff finds that the additional assistant would not create adverse impacts for the surrounding community.
Standard 2 <i>Access and Parking</i>	Staff finds that access and parking are sufficient to accommodate the use.
Standard 3 <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
Standard 4 <i>Submission Requirements</i>	The submission requirements allow the use of a house location survey in lieu of the SE Plat.
Standard 5 <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through August 5, 2014.

Use Limitations (Sect. 10-103, Paragraph 6)

Part A <i>Max. Children</i>	This application requests approval for 12 children in a single family detached dwelling.
Part B <i>Licensed provider/primary residence</i>	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
Part C <i>No exterior evidence except play equipment</i>	Staff finds there is no exterior evidence of the home child care facility, other than outdoor play time for the children in the rear yard.

Part D <i>Nonresident person</i>	The applicant employs two nonresident assistants to be involved with the home child care facility during the facility's hours of operation.
Part E <i>Primary residence of nonresident person</i>	The dwelling is the primary residence of the home child care provider.
Part F <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through August 5, 2015.
Part G <i>Increase in children or nonresident person</i>	The applicant is requesting approval for an increase in the maximum number of children permitted for a single family detached dwelling.

CONCLUSIONS AND RECOMMENDATIONS

In staff's opinion, the applicant's dwelling provides ample parking, on-site recreation space, and close proximity to neighborhood amenities. The additional assistant and additional five children above the maximum permitted by the Zoning Ordinance without a Special Exception would not generate adverse impacts on the surrounding residences. Furthermore, the proposal would conform to the Comprehensive Plan and all applicable provisions of the Zoning Ordinance.

Staff recommends approval of SE 2014-MV-014, subject to the proposed development conditions listed in Appendix 1.

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

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

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 this application

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. File Photographs
4. Affidavit
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SE 2014-MV-014

September 25, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-MV-014, located at 8156 American Holly Road, Tax Map 107-1 ((5)) (C) 11, for a home child care facility of up to 12 children, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

General

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the home child care facility use indicated on the Special Exception Plat (SE Plat) approved with the application, as qualified by these development conditions.
3. Any plan or permit submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat, consisting of an annotated copy, dated September 10, 2014, of the House Location Survey entitled "Laurel Hill | Section 2 | Landbay C" prepared by Scartz Surveys and dated August 8, 2013, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the approved Special Exception conditions shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the home child care facility.

Home Child Care

5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12, and the maximum daily enrollment shall not exceed 12. Notwithstanding this maximum, the applicant shall not increase the number of children enrolled in the home child care facility beyond the maximum capacity permitted by license through the Virginia Department of Social Services.
6. Hours of operation for the home child care facility shall not exceed 7:00 AM to 6:00 PM.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility during the hours of operation.

8. Any portions of the dwelling associated with the home child care facility that is used as a sleeping area shall be located in a room with proper egress as defined by the Virginia Uniform Statewide Building Code.

Transportation

9. All pick-up and drop-off of children, and all parking associated with the home child care facility, shall occur either on-site in the driveway or along either of the property's two street frontages. The applicant may supplement the on-site parking with off-site, on-street parking spaces if available and if the use of the off-site spaces is permissible.
10. The garage shall not be converted to any use which would preclude the parking of vehicles, and shall be kept clear of debris at all times in order to accommodate parking for the dwelling and the home child care provider. At no time during the hours of operation of the home child care facility shall vehicles used by the residents be parked in the driveway.

Outdoor Play Area

11. All outdoor play equipment shall conform to all applicable state regulations and standards.

Food Preparation

12. Within 30 days of the Board of Supervisors' approval of the Special Exception, the applicant shall submit permit applications to the Department of Public Works and Environmental Services (DPWES) for all applicable trade permits needed to bring the food preparation area into compliance with local ordinances. These permits may include, but shall not be limited to, building, electrical, mechanical, and plumbing permits.
13. Within six months of the Board of Supervisors' approval of the Special Exception, the applicant shall have obtained final inspections and approvals for all applicable trade permits associated with the food preparation area.
14. Upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control, the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.
15. As an alternative to complying with Conditions 12 and 13, the applicant shall remove the appliances associated with the food preparation area within six months of the Board of Supervisors' approval of the Special Exception.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established as outlined above.

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

FOZIA HUSSAIN
d/b/a KIDS CLUB INFANT CARE
8156 AMERICAN HOLLY RD
LORTON, VA 22079
703-493-9966

APRIL 16, 2014

Fairfax county department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA22035

Re: Special permit Application
Applicant: Fozia Hussain
Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map#:1071 05C 0011
Zoning District: PDH-4
Lot Size: 9,023 square feet

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 single family detached dwelling at 8156 american holly rd Lorton Virginia with my husband and two children. The property is zoned PHD-4 and i understand i need to seek approval of special permit in order to operate a child care facility within my home. i am currently licensed by the State of Virginia to have 7 children in my child care facility in my home . Below is information about my child care facilities operation:

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 7 children at any one time. This number does not include my own two children.

EMPLOYEES. I have one assistant who works full time. Another assistant is part time. who work 7 to 11 AM.

Arrival Schedule. Three of the children arrive between 7:00 AM and 7:45 AM. One child arrive between 7:45 and 8:00 AM. One child arrive 8:00 and 8:30 AM. And two children arrive 9:00 and 9:15 AM.

Departure Schedule. two children are picked up between 2:45 PM and 4:15 PM. Three of the children leave between 4:15 PM and 4:30 PM. One child leave 4:30 PM to 5:00 PM. And last child stay until 5:15 PM.(See Attachment 1)

Area Served. Currently, most of the children live in the general vicinity of my neighborhood. Most of the children live in the surrounding community of my neighborhood. All of the parent drive their children to my house.

Operation. As i started, my house is a single-family detached dwelling. it has a walk out basement, which is where the children spend most of their time. I use the kitchen of the house (located on the ground floor) for meals and snacks preparation. Attached is floor plan that indicates the are where the day care is located.

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 specification for such modification.

Outdoor play Area. I am use my backyard for out door play for the children. the area is more then 2,000 square feet. the area is fenced. I have a drawn the fence on my most recent house location plat which us included.

Parking. I use my garage to park my family car. My driveway provides enough parking for two car cars because the driveway is more then 28 feet long and hold two care side by side. In addition , ample parking is available along the street in front of my house for the parent.

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 change 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, and 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,

Fozia Hussain
Owner of Kids Clubs infant Day Care

Arrival Schedule and Departure Schedule

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				
9				
10				
11				
12				

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
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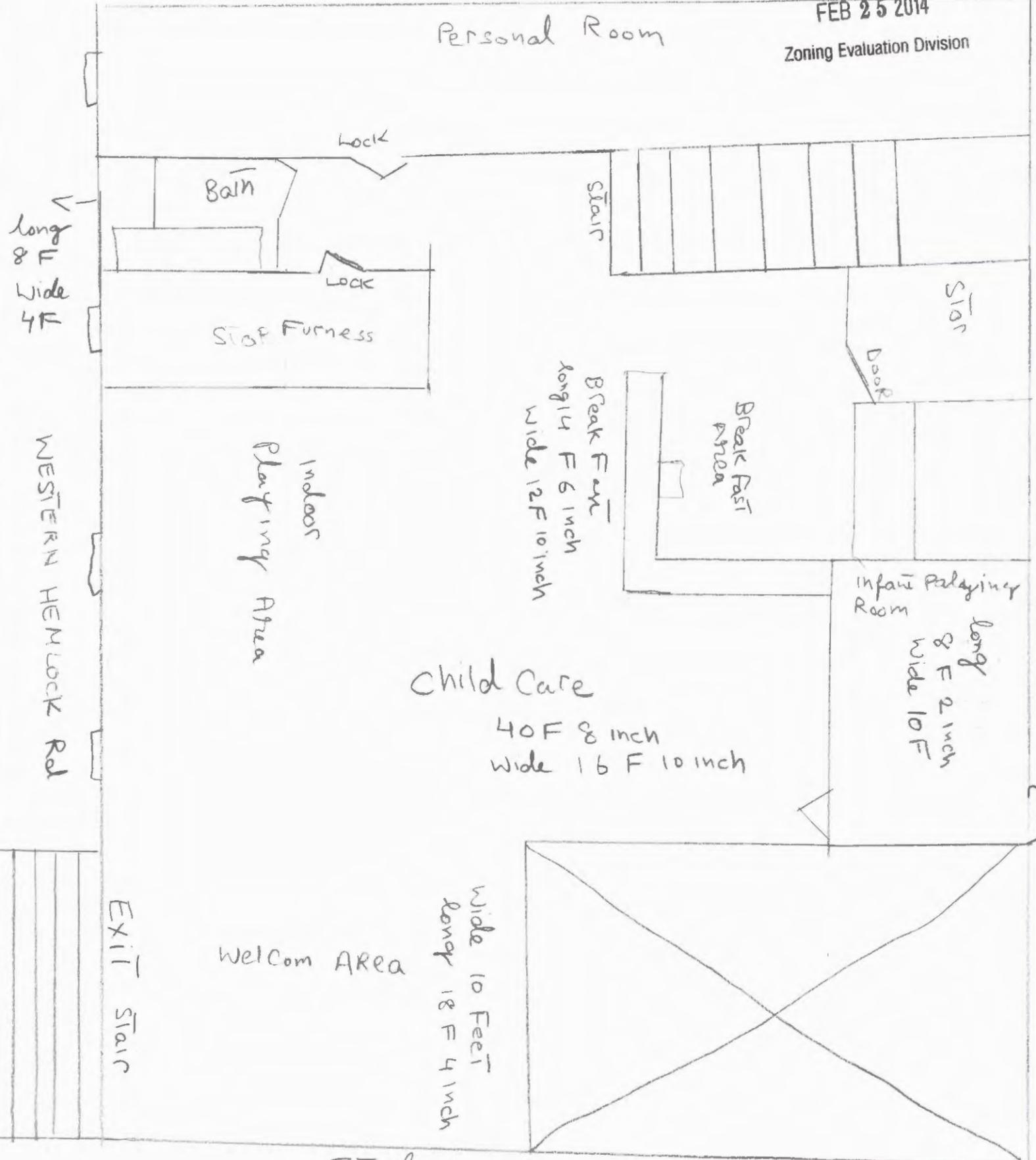
Fozia Hussain
 8156 American Holly Rd.
 Lorton, VA 22079

AMERICAN Holly Rd

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Zoning Evaluation Division



Total 5 Feet 1800



Fozia Hussain
 8156 American Holly Rd.
 Lorton, VA 22079

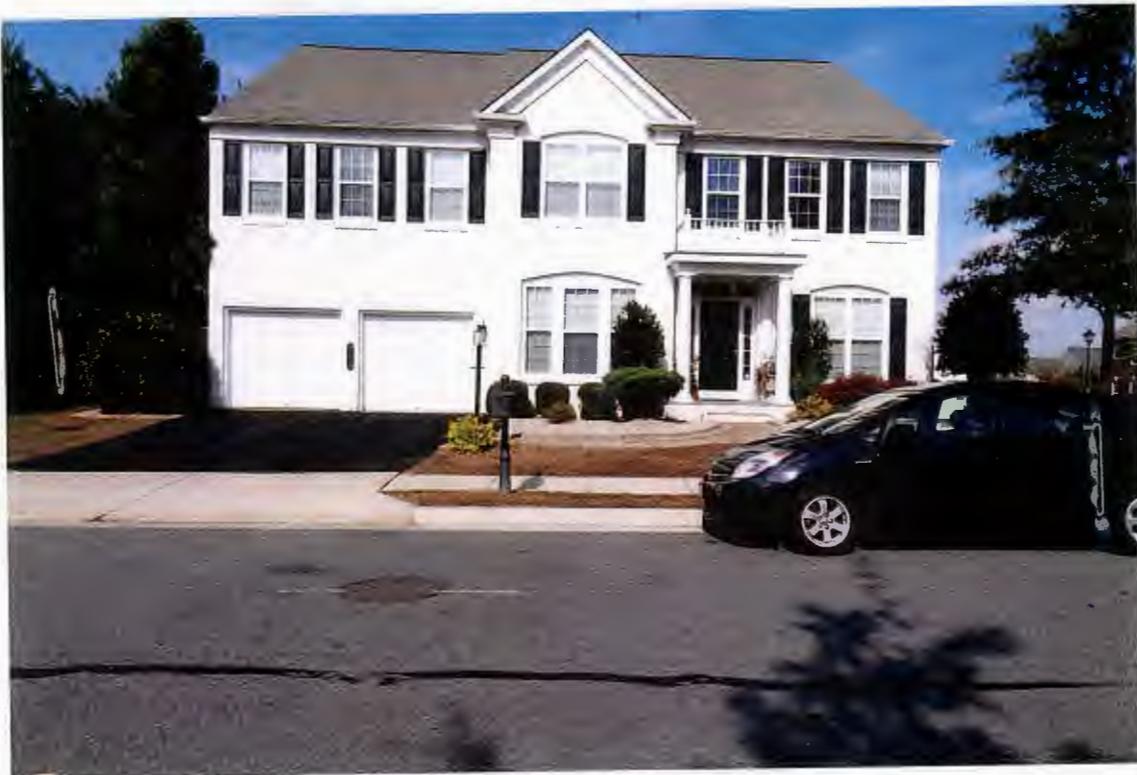


PHOTOGRAPHS OF THE PROPERTY (8156)



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BOTH SIDE PARKING



PHOTOGRAPHS OF THE APPLICATION PROPERTY



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



SURROUNDING PROPERTIES



Department of Planning & Zoning

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APPLICANT PROPERTY



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079

APPLICANT PROPERTY



Day CAR ENTER Way
WESTERN HEMLOCK RD

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Fozia Hussain
 8156 American Holly Rd.
 Lorton, VA 22079



PARKING WESTERN HEMLOCK Rd ←



APPLICANT PROPERTY
 AND SURROUNDING

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AMERICAN HOLLY RD

FEB 25 2014

HOME CHILD CARE FACILITY Zoning Evaluation Division



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



WELCOME AREA



Free Play Area



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079

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Indoor Play Area



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079

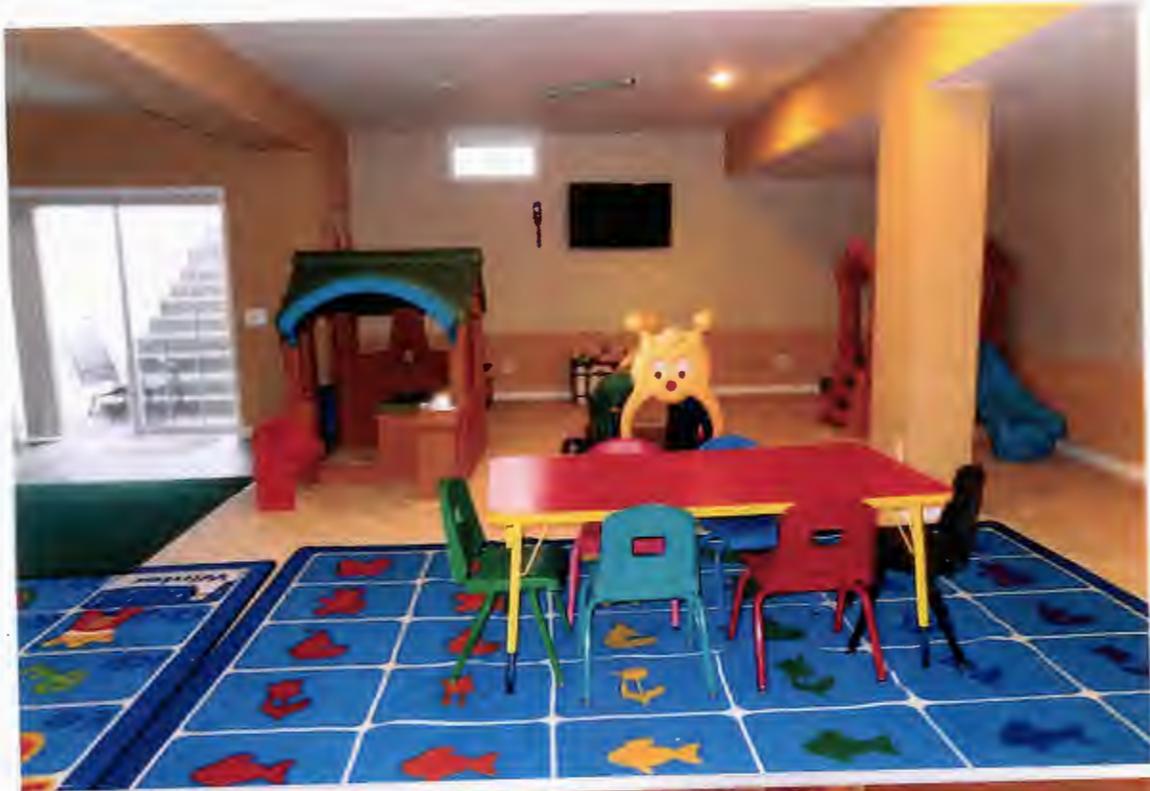


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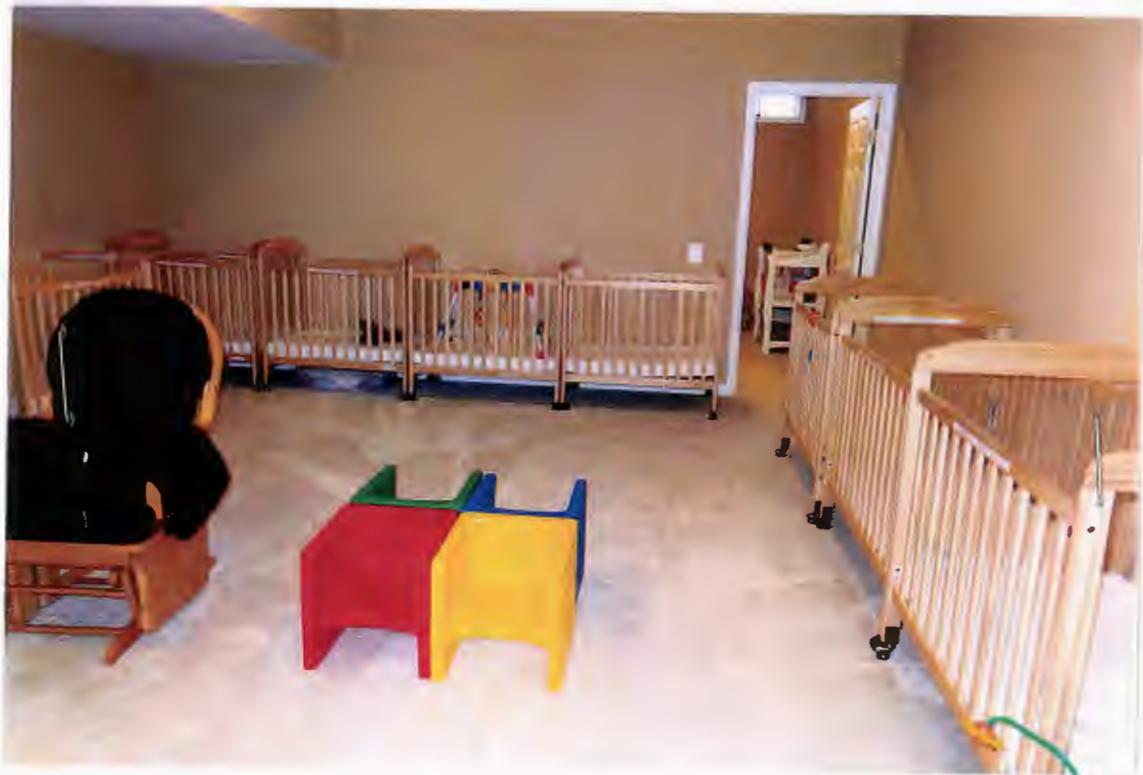
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INDOOR Play Area





Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



NAP AREA

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Zoning Evaluation - 8111



Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



INFANT PLAYING ROOM



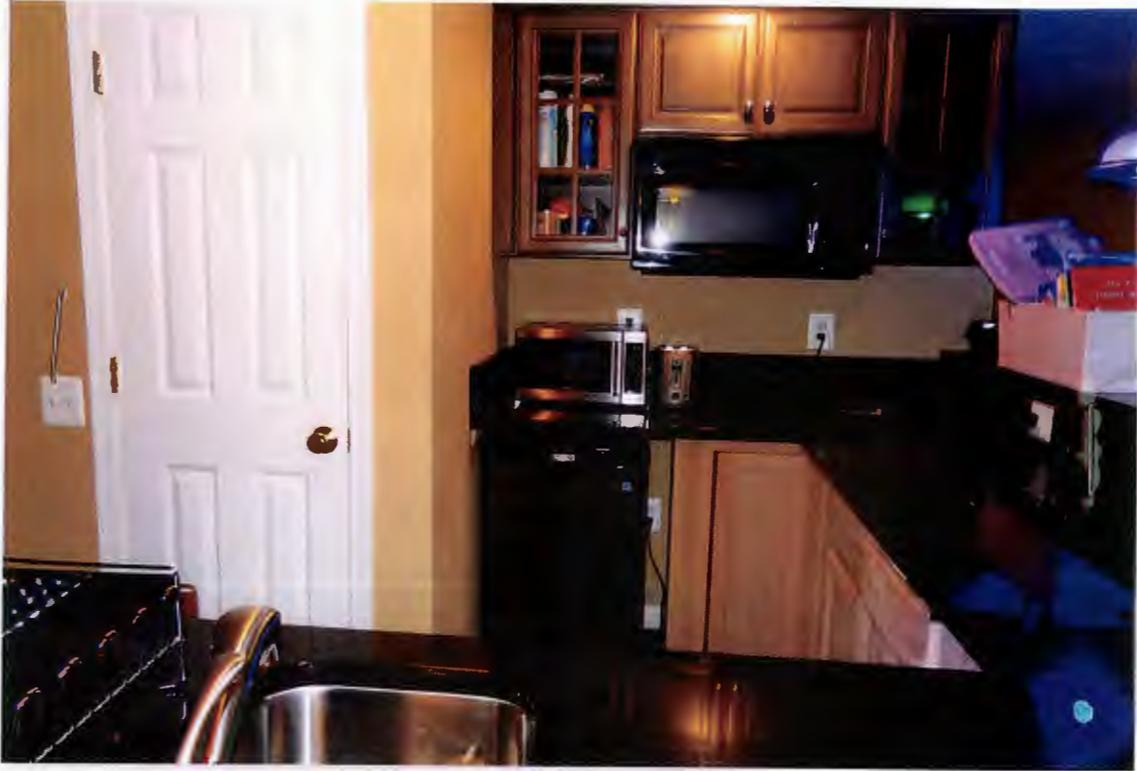
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Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



BREAKFAST AREA



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FEB 25 2014

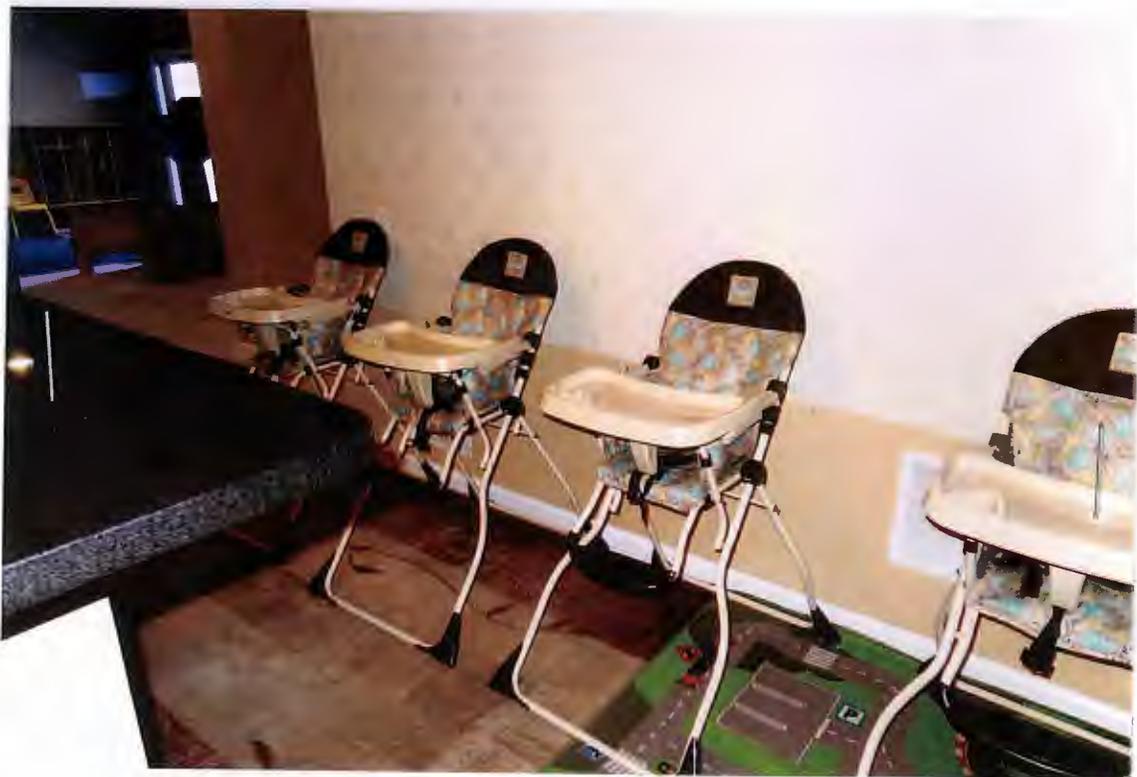
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Fozia Hussain
8156 American Holly Rd.
Lorton, VA 22079



Daycare BREAK FAST Area



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FEB 25 2014

SPECIAL EXCEPTION AFFIDAVIT

DATE: 5/28/14 (enter date affidavit is notarized)

I, FOZIA HUSSAIN, do hereby state that I am an (enter name of applicant or authorized agent)

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

in Application No.(s): SE 2014-MV-014 125305 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 are to 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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Row 1: FOZIA HUSSAIN, 8156 AMERICAN HOLLY RD LORTON VA 22079, APPLICANT TITLE OWNER. Row 2: d/b/a Kids Club infant daycare.

(check if applicable) [] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

CAB

SPECIAL EXCEPTION AFFIDAVIT

DATE: 5/28/14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MV-014
(enter County-assigned application number(s))

125305

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:

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and 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 Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 5/28/14
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MV-014
(enter County-assigned application number(s))

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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, and number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

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 Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 5/28/14
(enter date affidavit is notarized)

for Application No. (s): SE 2014 - MV-014
(enter County-assigned application number(s))

125305

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 Supervisors, 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 Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 5/28/14 (enter date affidavit is notarized)

Application No.(s): SE 2014-MV-014 (county-assigned application number(s), to be entered by County Staff)

125305

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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) [X] Applicant [] Applicant's Authorized Agent Fozia Hussain

FOZIA HUSSAIN (type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 28 day of May 20 14, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 01-31-2016

Notary Public MARCEL SANTOS NOTARY PUBLIC COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES JAN. 31, 2016 COMMISSION # 7511677

CAB

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board 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.

10-103 Use Limitations

1. ...

2. ...

...

6. The following use limitations shall apply to home child care facilities:

A. The maximum number of children permitted at any one time shall be as follows:

1) Seven (7) when such facility is located in a single family detached dwelling.

2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. 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.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.