County of Fairfax, Virginia

November 12, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-BR-088

BRADDOCK DISTRICT

APPLICANT:	Azeb Seife Azi Home Child Care LLC
OWNERS:	Azeb Seife Haddish Welday
SUBDIVISION:	Country Club View, Section 6
STREET ADDRESS:	5019 Portsmouth Rd., Fairfax, 22032
TAX MAP REFERENCE:	68-2 ((4)) (10) 14
LOT SIZE:	15,105 square feet
ZONING DISTRICT:	R-2 Cluster
ZONING ORDINANCE PROVISIONS:	8-305
SPECIAL PERMIT PROPOSAL:	To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-088 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.

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. 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.

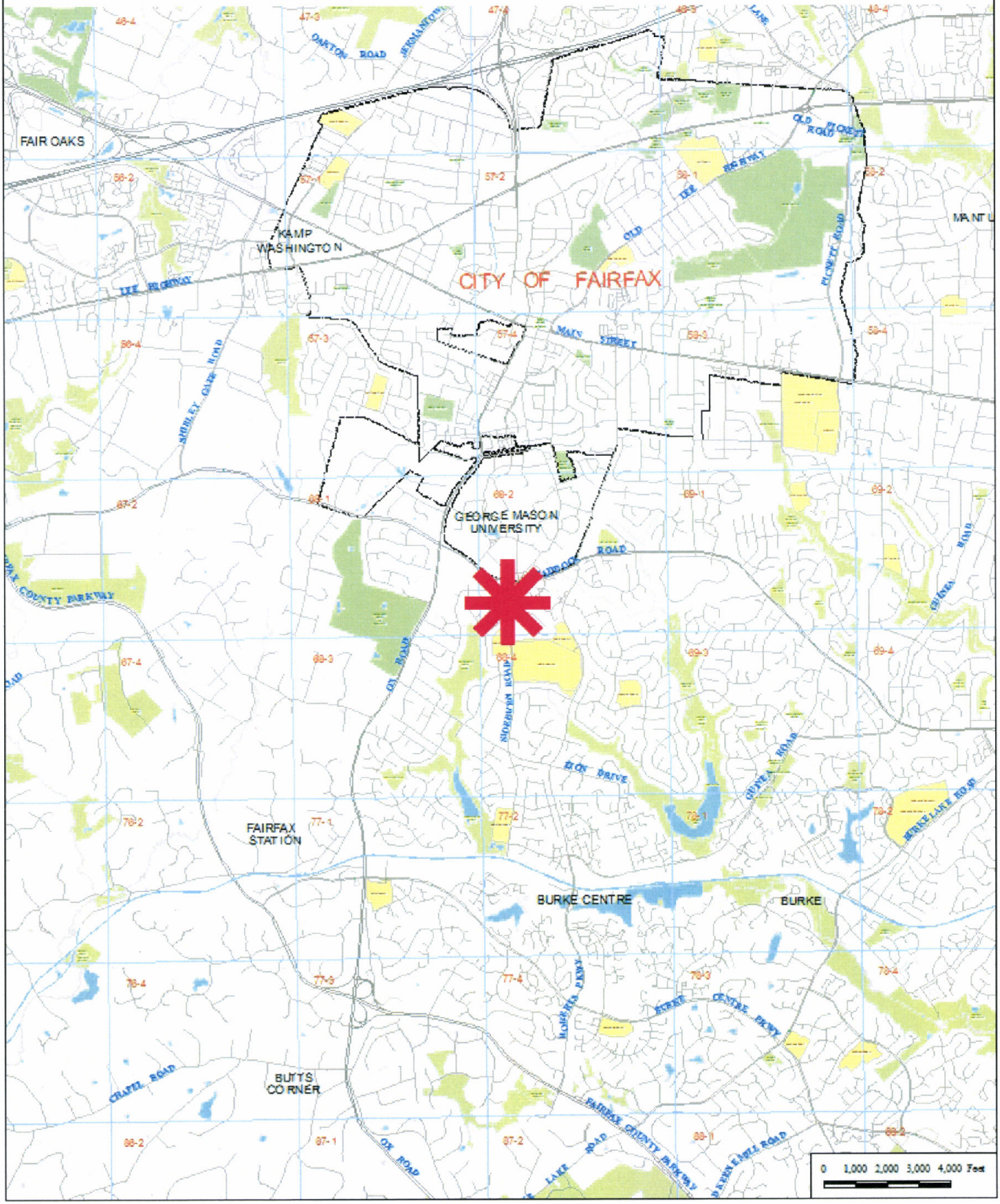
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-BR-088

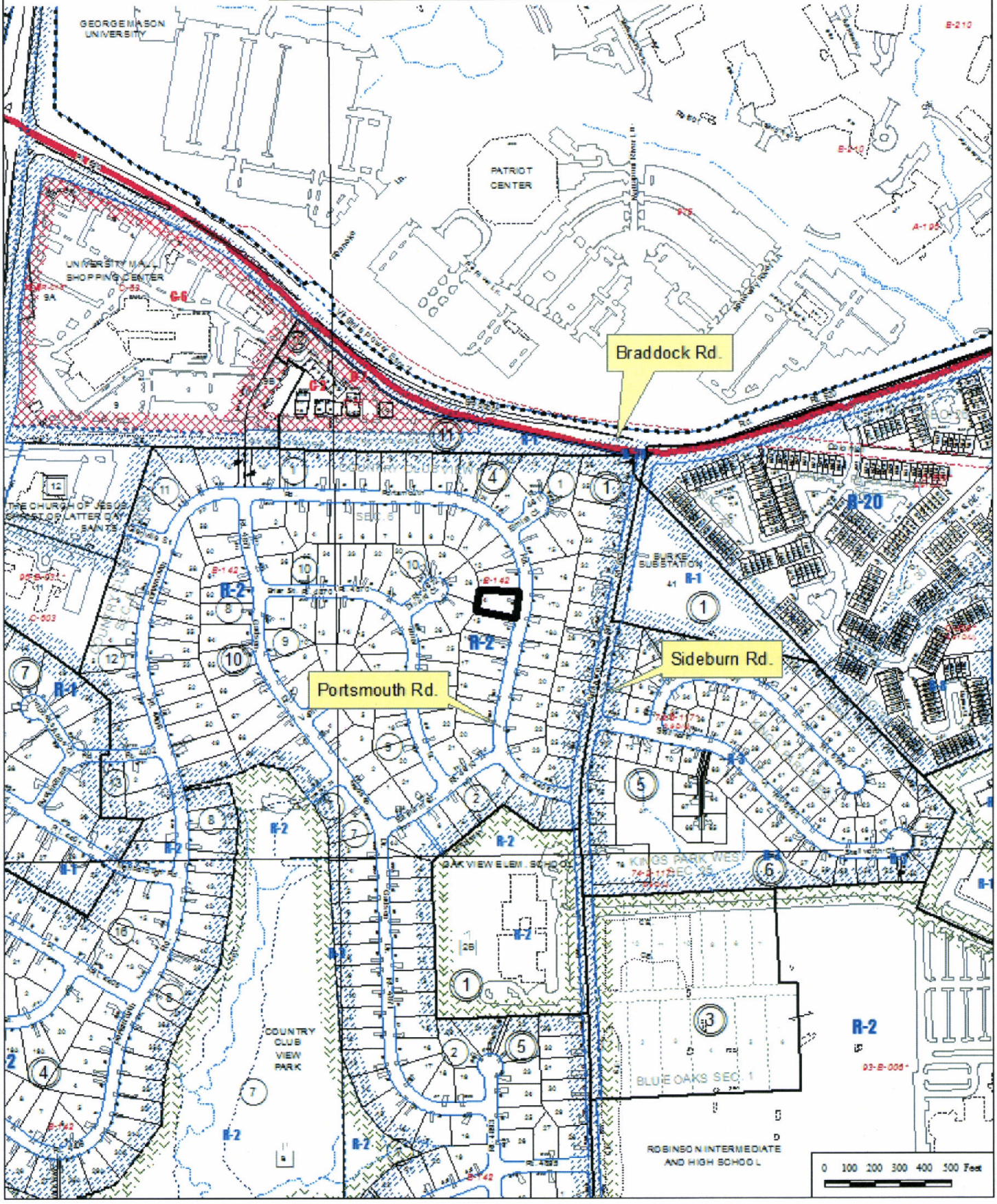
AZEB SEIFE - AZI HOME CHILDCARE LLC



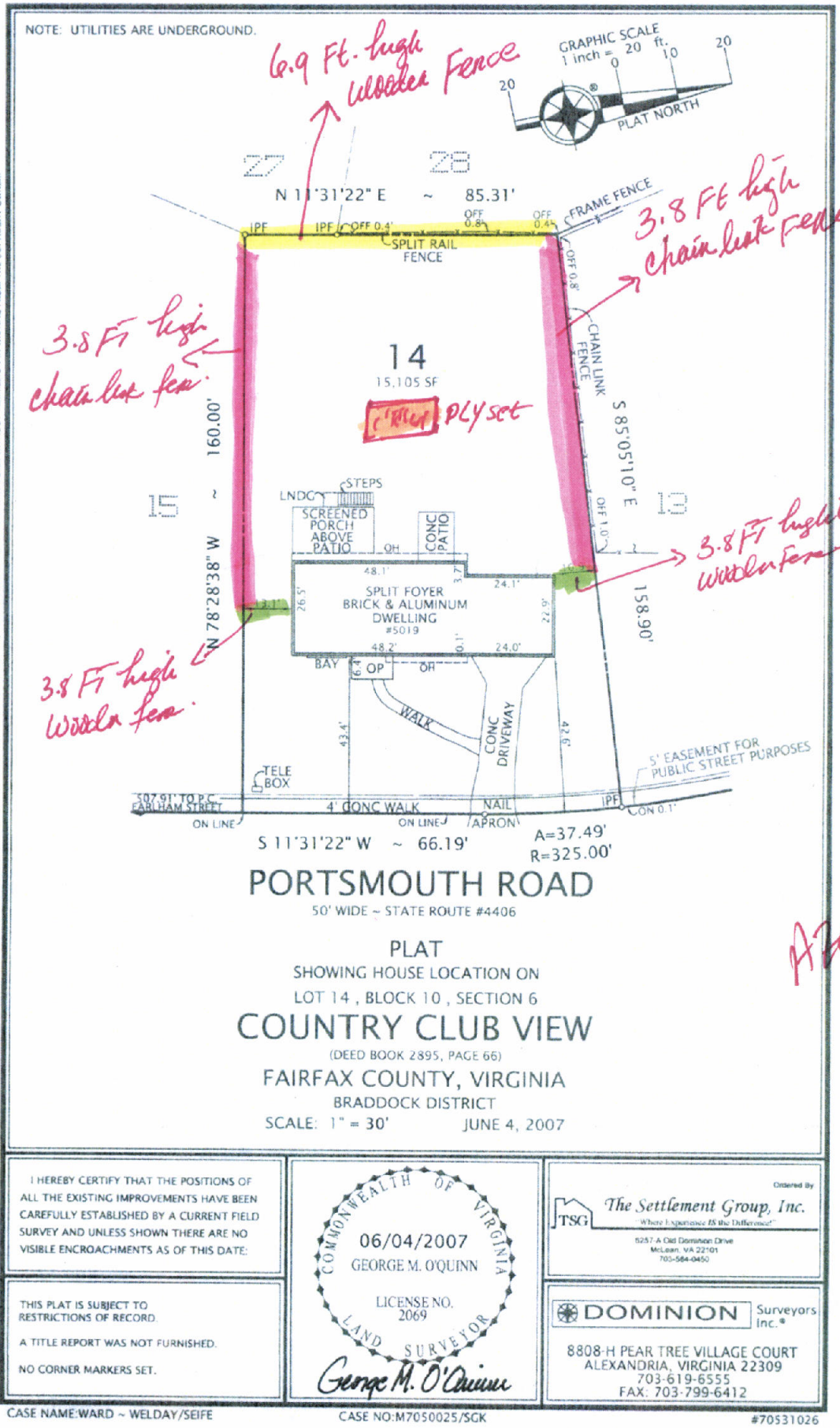
Special Permit

SP 2014-BR-088

AZEB SEIFE - AZI HOME CHILDCARE LLC



Attachment #4



PORTSMOUTH ROAD

50' WIDE ~ STATE ROUTE #4406

PLAT

SHOWING HOUSE LOCATION ON

LOT 14 , BLOCK 10 , SECTION 6

COUNTRY CLUB VIEW

(DEED BOOK 2895, PAGE 66)

FAIRFAX COUNTY, VIRGINIA

BRADDOCK DISTRICT

SCALE: 1" = 30' JUNE 4, 2007

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
06/04/2007
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR

George M. O'Quinn

Ordered By
TSG The Settlement Group, Inc.
Where Experience IS the Difference!
5257-A Old Dominion Drive
McLean, VA 22101
703-584-0450

DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

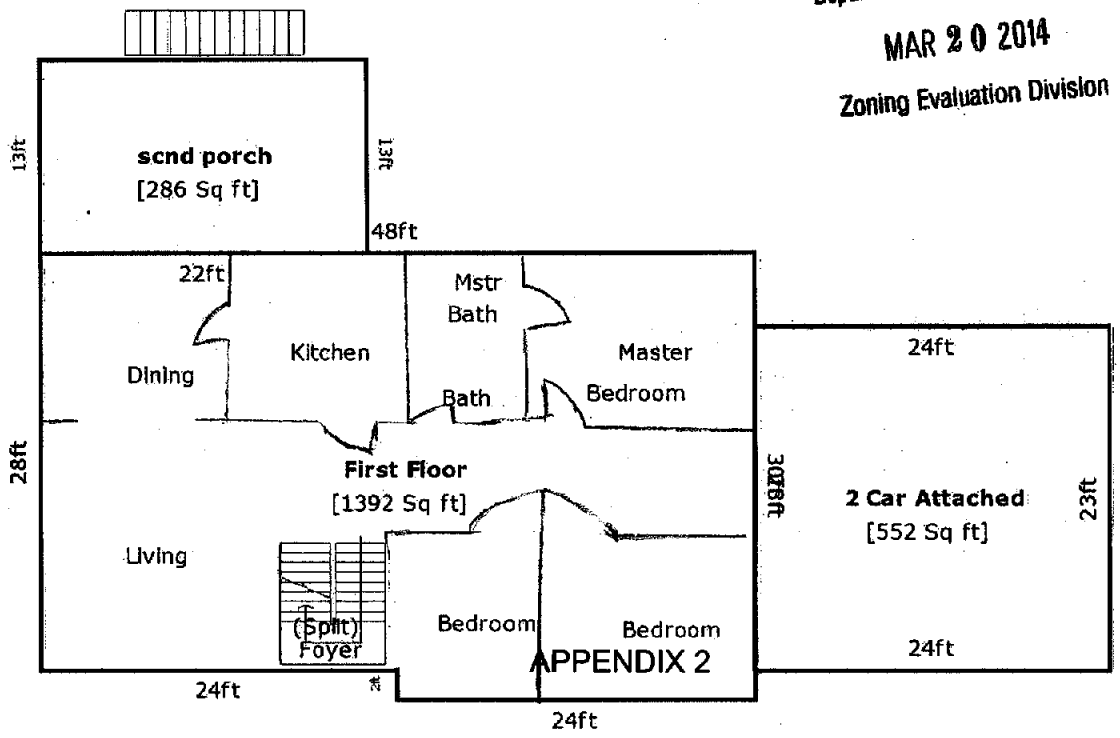
CASE NAME:WARD ~ WELDAY/SEIFE CASE NO:M7050025/SGK #70531026

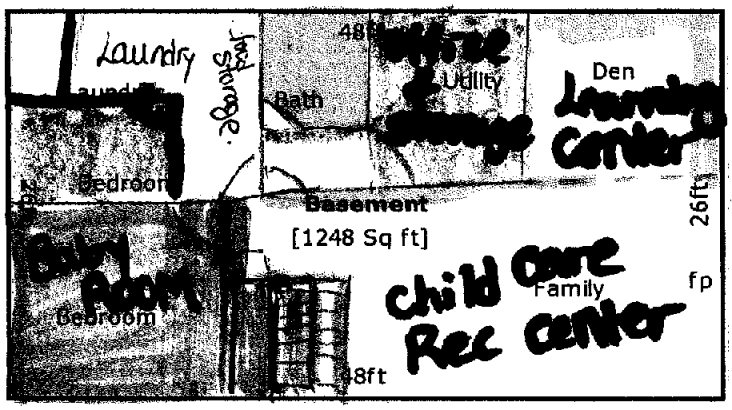
Azeb Seife 5/27/2014.

RECEIVED
Department of Planning & Zoning
MAY 29 2014
Zoning Evaluation Division

Rooms and Area for Home Childcare Facility Attachment Azi 002

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





TOTAL Sketch by a la mode, Inc

Area Calculations Summary

Living Area		Calculation Details
First Floor	1392 Sq ft	28 × 24 = 672 24 × 30 = 720
Total Living Area (Rounded):	**1392 Sq ft**	
Non-living Area		
scnd porch	286 Sq ft	22 × 13 = 286
2 Car Attached	552 Sq ft	23 × 24 = 552
Basement	1248 Sq ft	26 × 48 = 1248

Front View of the entire house. Photo Page # 2

Front left Side of the House.

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

photo - page #3

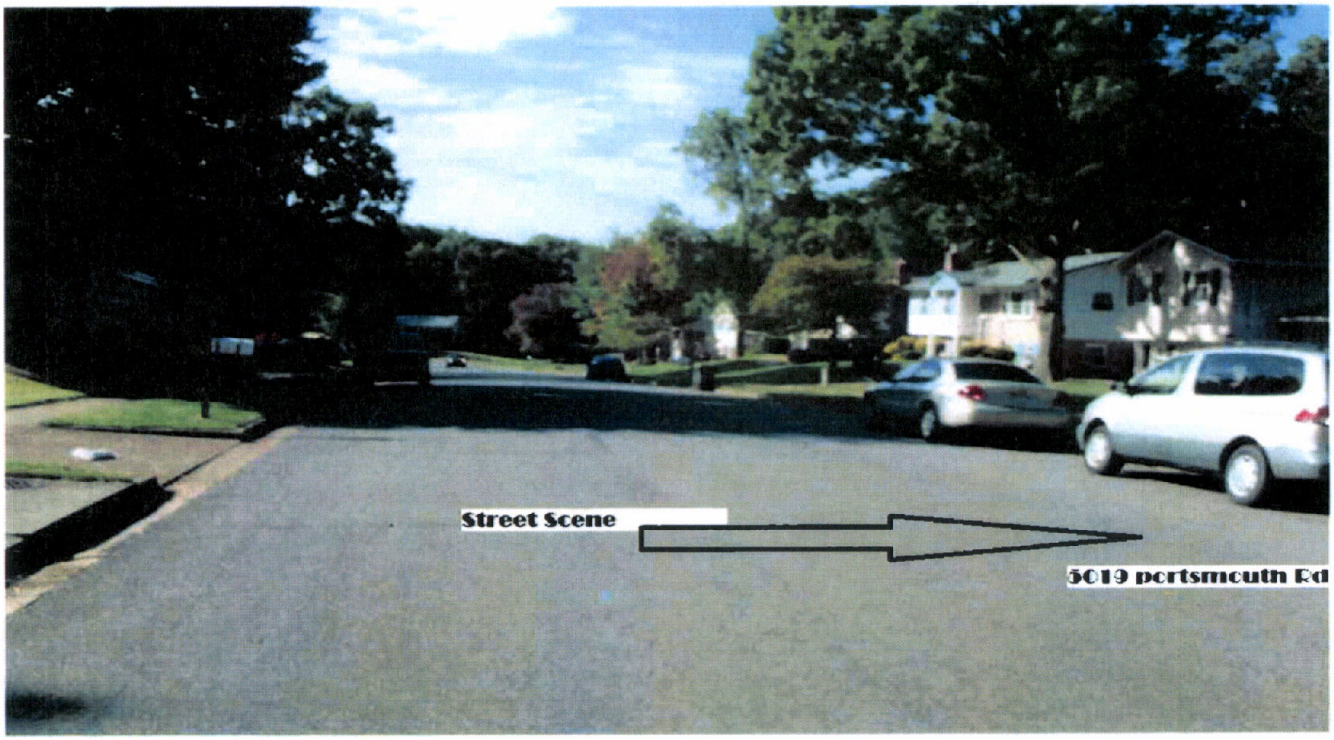
FRONT VIEW OF SUBJECT PROPERTY

→ Front Parking

REAR VIEW OF SUBJECT PROPERTY

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

photo page # 4



Street Scene South of the proposed Childcare Facility. Picks was dated 10/15/2013

Front View of the proposed childcare , 2 car Garage , drive way and next door house (North side of the childcare)

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

Photo page #5
Picture taken 3/14/14.

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

house
Right Side of the property

phot pose 7

pictures taken 3/14/14

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

Photo # 8
Deep Lake 9/13/13

Front right view of the subject Property

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

In front of the House

phd page # 9

pic. was taken 9/13/13

playground

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

photo page #10

playground.

RECEIVED
ment of Planning & Zoning
MAR 20 2014
Zoning Evaluation Division

photo page # 11
pict was taken
3/19/14

EIVED
Planning & Zoning
MAR 2 0 2014
Zoning Evaluation Division

Photo page # 14.

Attachment #5

RECEIVED
Department of Planning & Zoning
MAY 29 2014
Zoning Evaluation Division

Child Care facility

photo pge #12

Childcare Facility Study Room / Reading room

Childcare Facility Rec. Center

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

photo page # 14

Upper Level

Kitchen

Comment:

Living Area

Description:
Living Room

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

Attachment #1

Baby Room sleeping area.

Baby Room sleeping area

RECEIVED
Department of Planning & Zoning

MAY 29 2014

Zoning Evaluation Division

Attachment #2

Basement area - Sleeping area for older kids.

Basement area Toy and play area.

RECEIVED
Department of Planning & Zoning
MAY 29 2014
Zoning Evaluation Division

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, "Plat, Showing House Location on Lot 14, Block 10, Section 6, Country Club View," prepared by George M. O'Quinn, as revised by Azeb Seife on May 27, 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 single family detached dwelling. An open porch, walkway and concrete driveway are located to the east of the dwelling. A concrete patio, which accesses the basement, and a screen porch are located to the west of the dwelling (rear yard). A playset also exists to the west of the dwelling in the rear yard. A 3.8-foot high fence encloses the rear yard on the northern and southern property lines and a 6.9-foot fence, which belongs to the neighbors to the west, encloses the western property line. The property is relatively flat and has mature trees to the west of the dwelling.

A 5-foot wide easement for public street purposes exists to the east of the dwelling along Portsmouth Road. The easement includes a 4-foot wide concrete sidewalk along the front of the property.

The property is south of Braddock Road and west of Sideburn Road. Adjacent zoning and land uses are as follows:

	Zoning	Use
North	R-2 Cluster	Single Family Detached Dwelling
East	R-2 Cluster	Single Family Detached Dwelling
South	R-2 Cluster	Single Family Detached Dwelling
West	R-2 Cluster	Single Family Detached Dwelling

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1968 and purchased by the applicant in 2007.

On April 28, 1986 a building permit was issued for the construction of a two car garage to the north of the dwelling (Appendix 4). No records exist in the county files for a final inspection for this garage.

There are no building permits on file for the construction of the screened porch above the patio to the west of the dwelling.

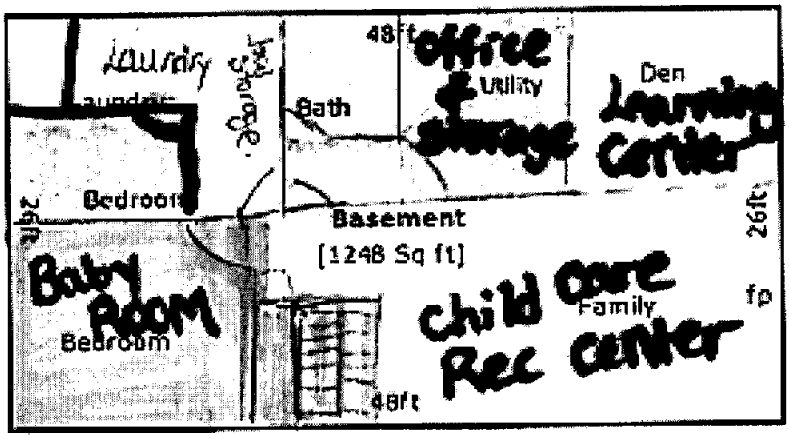
Records indicate that no other special permit applications relating to a home child care facility have been heard by the Board of Zoning Appeals (BZA) in the immediate neighborhood.

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 7:10 a.m. and 10:00 a.m. and depart between 3:30 p.m. and 6:00 p.m. There are two assistants.

The applicant holds a current Family Day Home License, approved for two years and valid through July 25, 2015 from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, 1 month through 12 years of age and is included in Appendix 5.

The home child care facility is operated in the basement of the dwelling and contains a baby room, learning center, recreation center, bathroom and office and storage space. The original nap room, called "baby room" on the floorplan has inadequate emergency egress. The nap area and cribs have since been relocated to the recreation center area which does have adequate emergency egress through a walkout basement exit. A fenced rear yard is provided as an outdoor play area for the children. Pictures provided by the applicant show toys and play equipment located in this area. The screen porch shown on the special permit plat is not used as part of the home child care.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential, 1-2 dwelling units/acre

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
- Sect. 10-103 Par. 6 Location Regulations

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 Portsmouth Road. The parents and children use the driveway and front entrance of the dwelling to access the home child care center in the basement.

The existing driveway appears to be able to accommodate two vehicles. The applicant also has a two-car garage, in which they park their personal vehicles. The applicant currently has two assistants who are dropped off and do not drive to the site. Therefore, the driveway has approximately two spaces available to be used for drop-off and pick-up of children. Additional on-street parking is available.

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 (Appendix 6)

During the inspection of the home child care Zoning Inspection staff found that the room entitled "baby room" on the interior floor plan was a nap room for the children and did not have adequate emergency egress. The applicant was been made aware of this concern and has moved all cribs and sleeping mats to the recreation room as shown on the interior floor plan. This area has adequate emergency egress and direct access outside through a walk-out basement door. A development condition has been included in Appendix 1 of the staff report to address this concern.

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-BR-088 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. Building Permit History
5. State Home Child Care License
6. Zoning Inspection Branch Site Visit Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-088

November 12, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-088 located at Tax Map 68-2 ((4)) (10) 14 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, Azeb Seife and Azi Home Childcare, LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 5019 Portsmouth Road, 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, "Plat, Showing House Location on Lot 14, Block 10, Section 6, Country Club View," prepared by George M. O'Quinn, as revised by Azeb Seife on May 27, 2014, 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 two parking spaces shall be provided on the subject parcel within the areas of existing paving for the pick-up and drop-off of children.

10. There shall be no signage associated with the home child care facility.

11. Within six months of approval of the special permit, the applicant shall obtain all applicable building permits and final inspections for the two car garage and the screened porch on the property.

12. The applicant shall ensure that adequate emergency egress is provided in any areas used for sleeping in the home child care.

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-BR-088
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14, 2014 124820
(enter date affidavit is notarized)

I, Azeb Seife, 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

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 **BOLD** above)
Azeb Seife	5019 Portsmouth Rd, Fairfax, VA 22032	Applicant & Title Owner
Azi Home Child Care LLC	Same as above	Co-applicant
Haddy Webby	- Same as above	Applicant & Title Owner

(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-BR-088

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

124820

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14, 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:

(**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)

AZi - Home childcare 5019 Portsmouth Road, Fairfax, VA 22032

DESCRIPTION OF CORPORATION: (check one statement)

[X] 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)

Azeb Seife, Manager Member or Owner

(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 - BR - 058

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124820

DATE: May 14, 2014

(enter date affidavit is notarized)

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.

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)**

(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-BL-038

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

124820

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 14, 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:

[X] 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 2019-BR-088

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124820

DATE: May 14, 2019

(enter date affidavit is notarized)

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: Azeb Seife

(check one) **[x]** Applicant [ ] Applicant's Authorized Agent

Azeb Seife, Applicant

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

Subscribed and sworn to before me this 14th day of May 20 19, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 10/31/2022

Nadia M Brown
Notary Public
Commonwealth of Virginia
My Commission Expires 10/31/2022
Commission ID# 7039867

APPENDIX 3

RECEIVED
Department of Planning & Zoning

MAR 2 0 2014

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Azeb Seife (Azi Home childcare)
5019 Portsmouth Road
Fairfax VA 22032
Phone # 703-591-0649
E-Mail Selamtaa@gmail.com

March 14, 2014

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

RE: Special Permit application for a Childcare facility:

To Whom It May Concern:

Below is my justification for a special permit for a family child care facility. I live with my husband and kids in a single-family, detached dwelling family home located at 5019 Portsmouth Road Fairfax VA 22032.
I have been in operation since 2008 and am currently state licensed to care for 12 children in my child care facility. Before opening my own childcare, I have been a teacher in a childcare center for about 14 years. Under the new requirement, I understand that I have to have a special permit to care for 12 children in my own child care.

Below is detailed information about my child care operation:

A. Hours of operation:

Azi home childcare has been in operation since 2008 and the hours of operations are 7.00 AM to 6:00 PM Monday through Friday except federal and public holidays. The holiday schedule is shown below.

Holiday Closings

We are closed on the following public holiday;

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

**If Fairfax County schools are open on any of these days we will also open.
The following are days, which we close early;

Christmas Eve we close at 1:00 p.m.
New Year Eve we close at 1:00 p.m.
Halloween Day we closed at 5:00.p.m.

Inclement Weather

The primary concern of Azi home child care is the safety of our children, their families, and my helper. Our inclement weather policy generally is as follows:
*If the Federal Government is closed, we will also be closed.
*If Fairfax County Public School is closed, we will open at 9:00 a.m.
*If Fairfax County Public Schools, or Federal Government closes early. We will be closing at 2:00 p.m. There could be other cases where the owner may decide if it is in everyone's best interest to close. Azi home child will call and notified parents / guardians by telephone.

B. Estimated number of children and largest number present at any one time, excluding the provider's own children.
I care up to 12 kids. Currently I have 10 kids enrolled. The maximum number of kids I had so far is 12.

C. Proposed number of employees/attendants/teachers/etc. Indicate whether the employees work part-time or full-time (if part-time, please include their hours).
I have one assistant and she **works full time. She works from 7.00 AM to 6.00 PM**

D. Estimated drop-off and pick-up schedule and largest number of drop-offs and pick-ups at any one time *(for example, three children arrive at 7:15 AM while one child arrives at 8:00 AM).*

Arrival Time: Parents drop their kids at different times. The school children usually come first from 7.10 to 7.30 and the others drop off from 7.30 to 10.00 AM. It is very rare that I have two parents drop their kids at the same time.

Pick up time: Parents start picking their kids at 3.30 rights after school. But most of them are picked up between 5.00 PM to 6.00 PM. There are cases when two parents could pick up at the same but that is rare. SEE attachment Azi 001for drop off and pick up schedule .

E. Describe the general area or neighborhood which will be served by your child care *(do they live in your neighborhood, or come from outside areas?).*

The neighborhood is mostly comprised of a variety of detached housing units along with several townhouses and condo communities. Most of the parents live in the general vicinity of the neighborhood in the 1 to 2 mile radius and all parents drive their kids to my childcare.

F. Describe how parents get to the child care (do they drive, walk or take a bus?) and where they may park (if they drive).

In the past, I had parents who walk to drop off or pick up their kids. But currently, all the parents drive even the parents who are in a walking distance. Parents drive to drop off their kids because they have to go to work right after dropping their kids. Parent park in my driveway during drop off and pick up. My driveway can handle up to two cars. In addition, plenty of parking space is available along the streets in front my home. I have a two car garage for my family. I believe parking will be adequate for the parents dropping off and picking up their children. I do not have any issue with parking.

G. Describe the dwelling and how the use will operate within the dwelling, including square footage dedicated to the home child care facility. Include a floor plan to show what areas of the dwelling will be used for the child care.

The entire basement is used for the childcare business. Within the basement, one room is explicitly used for infants and babies. This will help to separate the babies from the older school aged kids. Whereas the remaining basement area is used as a learning center, recreation area for the older kids.

The basement is 48 ft. X 24Ft. = 1,152 Sq. Ft. See Attachment Azi 002 sketch of the floor plan for the childcare facility and the other dwelling area.

H. Describe the outdoor play areas in order to supplement the information provided on the plat. If outdoor play areas are not located on the property, provide information about where the outdoor play will be provided and how the children will get to those playgrounds.

I have a large about 4 Ft high fenced back yard and outdoor play equipment. There is a swing set with slide, playground slides, Toddler swings, and other play equipment. My house has a walk out basement where kids can easily walkout right to the playground or can walkout through the main door. The basement has one room dedicated for infants /infants' room and a large family room for kids to

play, entertain and learn different activities. (Plan is include as attachment Azi003

If your neighborhood has a homeowners' association and you have received approval from them for your use, please include a copy of that approval. No home owners association.

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

In conclusion, I propose no changes to the outside appearance of my home; I propose no addition and no signs to accommodate my home child care facility. There is sufficient parking for parents, for my family and employees. Therefore, my proposed childcare will not negatively affect my immediate neighbors or neighbors across the street.
Therefore, It is my belief that I have provided all the necessary information that the county needs to review my request for a home child care facility.

Sincerely,

Azeb Seife Date 3-14-14

Azeb Seife
Owner of Azi Home Childcare

ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL PERMIT

Below is a brief explanation why my childcare use meets the general standards outlined in Section 8-006.

1. The proposed childcare use located 5019 Portsmouth Road, Fairfax VA 22032 shall be in harmony with the adopted comprehensive plan.

2. The proposed childcare use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. No change will be made to the outside or inside of the house and hence the proposed childcare facility 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 childcare 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. No change is proposed to the existing house.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.
   - The proposed childcare use shall adhere to Landscaping and Screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.

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. I propose no signs for the childcare.

Azeb Seife Date 3-14-14

Azeb Seife
Owner of Azi Home Childcare

RECEIVED
Department of Planning & Zoning

MAR 2 0 2014

Zoning Evaluation Division

MORNING DROP-OFF SCHEDULE

	DROP-OFF TIMES				
CHILD /REN	7.00 -7.30	7.30-8.00	8.00-8.30	8.30-10.00	REMARK
1	x				
2	x				
3		x			
4		x			
5		x			
6			xx		Twins/siblings
7			xx		Siblings
8				x	
9					
10					
11					
12					

AFTERNOON PICK-OFF SCHEDULE

	PICK-UP TIMES				
CHILD /REN	2.00-3.00	3.00-4.00	4.00-5.00	5.00-6.00	REMARK
1		xx			Siblings
2		x			
3			x		
4			x		
5			xx		twins/siblings
6				x	
7				x	
8				x	
9					
10					
11					
12					

Fairfax County

Land Development Information History: ISIS - Building Permit - 86118B0580

Permit Information

Permit Id:	86118B0580	Application Date:	1986-04-28 Time: 13:01:21
Job Address:	005019 PORTSMOUTH RD	Tax Map:	068-2 ((04)) (10) 0014
Subdivision:	COUNTRY CLUB VIEW	Permit Status:	Initial/Approved (IA)
Trade Name:	NA	Subobj:	181 R/C: R
Applicant Name:	STEVE	Bldg:	NA Floor: NA Suite: NA

Work Description: BUILD TWO CAR GARAGE

Type Work: Exterior Addition (A02)

Building Use: Single-Family, Detached Or Semi-Detached (010)

Standard: 0283

Plan Number: Use Group: R4 Bldg Permit: NA

Permit Hold Date: By: QNO: R-86-03362 POF:

Hold Rlease Date: By: Proffer: Pre-Const Meeting: Date:

Comments:

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Building Plan Review:	1986-04-28 RSLT: APP BY: JAT
Applied Date:	1986-04-28	Real Estate:	1986-04-28 RSLT: APP BY: DMQ
Issued Date:	1986-04-28	Business Licensing:	1986-04-28 RSLT: APP BY: ESW
Paid Date:	1986-04-28	Zoning:	1986-04-28 RSLT: APP BY: BA
Expiry Date:	1986-10-28	Grading / Drainage:	1986-04-28 RSLT: APP BY: MLC
Inspection Date:	1990-07-19	Licensing:	1986-04-28 RSLT: APP BY: ESW

Owner Information

Leasee: Corp:

Owner:	WARD RAYMOND	Job Magisterial Dist:	Annandale
Address:	05019 PORTSMOUTH RD	Planning Dist:	Pohick
City:	FAIRFAX State: VA Zip: 22032	Subcensus Tract:	301.01
Phone:			

Contractor Information

Name:	SAKAS CONSTRUCTION	Master:	
Address:	02203 SANDBURG ST	BPOL Licnese:	23294
City:	DONN LORING State: VA Zip: 22027	State License:	25928
Phone:		Trade Reg.:	0

Building Permit

Building Plan Review

Estimated Cost:	10750	Sewer Water Code:	1
Use Group:	(01) R4	Sewer Shed:	M0
Type Const:	(01) Combustible/Unprotected (5B)		
Model Group:			
Plan Received:	1986-04-28	Review Time:	00:00:00
Review Started:	1986-04-28	Results:	APP
Review Completed:	1986-04-28	Engineer:	JAT
Comments:			

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	1152	0.033

Total	1152
Filing Fee	34.75
Total Fee	38.01
Amount paid	38.01

Real Estate Review

Building Units:	0	Basement:	
Kitchens:	0	Ext Walls:	
Baths:	0	Int Walls:	
		Roofing:	

Half Baths:	0	Flooring:	
Bedrooms:	0	Base Fin:	
Rooms:	0	Fuel/Heat:	
Stories:		Fuel System:	
Building Height:	0	Fireplace:	0
Building Area:	0		

Owner of Record: WARD RAYMOND

Review Data
Date To: 1986-04-28

Date From: 1986-04-28

Results: APP

Reviewer: DMQ

Comments:

Business Licensing Review

Review Data
Date To: 1986-04-28

Date From: 1986-04-28

Results: APP

Reviewer: ESW

Comments:

Zoning Review

Review Data
Date To: 1986-04-28

Date From: 1986-04-28

Results: APP

Reviewer: BA

Comments:

Grading / Drainage Review

Review Data
Date To: 1986-04-28

Date From: 1986-04-28

Results:	APP
Reviewer:	MLC
Comments:	

Licensing Review

Review Data

Date To:	1986-04-28
Date From:	1986-04-28
Results:	APP
Reviewer:	ESW
Comments:	

Inspections

There were no inspections.

Contact Us: General (Office of Public Affairs) | **Technical** (Web Administrator) | **Directed Inquiries** (County Agencies)
Phone:County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | **County Phone Listing**

ADA Accessibility|Website Accessibility
Awards|FOIA|Mobile|Using this Site|Web Disclaimer & Privacy Policy|Get Adobe Reader
Official site of the County of Fairfax, Virginia, © Copyright 2011

Search for Child Day Care

Help Opening Files | Print Version | E-mail Page

|Return to Search Results | New Search |

Azeb Seife
5019 Portsmouth Road
FAIRFAX, VA 22032
(703) 591-0649

Facility Type:	Family Day Home
License Type:	Two Year
Expiration Date:	July 25, 2015
Business Hours:	7:00 AM - 6:00 PM Monday - Friday
Capacity:	12
Ages:	1 month - 12 years 11 months
Inspector:	Cynthia Ford (703) 359-1209

County of Fairfax, Virginia

MEMORANDUM

Date: September 15, 2016

To: Laura Gumkowski, Planner II
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care

Applicant: Azeb Seife-Azi
5019 Portsmouth Road Fairfax, Virginia 22032
Country Club View, Lot 14 Block 10 Section 6
Tax Map# 68-2 ((041)) 00014 Zoning District: R-2C(R-2 w/Cluster Dev)
Magisterial District: Braddock
Mail Log # 2014-0383
Date of Inspection: September 11, 2014

KEY: A "✓" mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

☐ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)

* The baby's sleeping area is lacking the required emergency egress. The window sill exceeds the maximum height of 44" (sill height measured @ 46 ½")

☐ An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.

☐ All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/

- ☐ All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

- ☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

- ☐ Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

- ☐ A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

- ☐ Structures comply with the Zoning Ordinance.

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.

Sect. 10-103 Use Limitations

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.