



**APPLICATION ACCEPTED:** June 6, 2014  
**PLANNING COMMISSION:** January 7, 2015  
**BOARD OF SUPERVISORS:** January 27, 2015  
**TIME:** 3:30 p.m.

# County of Fairfax, Virginia

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**December 23, 2014**

## **STAFF REPORT**

**APPLICATION SE 2014-MV-026**

**MOUNT VERNON DISTRICT**



**APPLICANT:** Shazia Younis,  
d/b/a Childrenzone Home Child Care

**ZONING:** PDH-12

**PARCEL:** 107-2 ((12)) 111

**SITE AREA:** 3,959 square feet

**PLAN MAP:** Residential, 8-12 du/ac

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

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of SE 2014-MV-026, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of the 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 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.

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.

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**Carmen Bishop**

**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/](http://www.fairfaxcounty.gov/dpz/)



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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-026



Applicant: SHAZIA YOUNIS D/B/A CHILDRENZONE HOME CHILD CARE

Accepted: 06/06/2014

Proposed: HOME CHILD CARE FACILITY

Area: 3959 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105

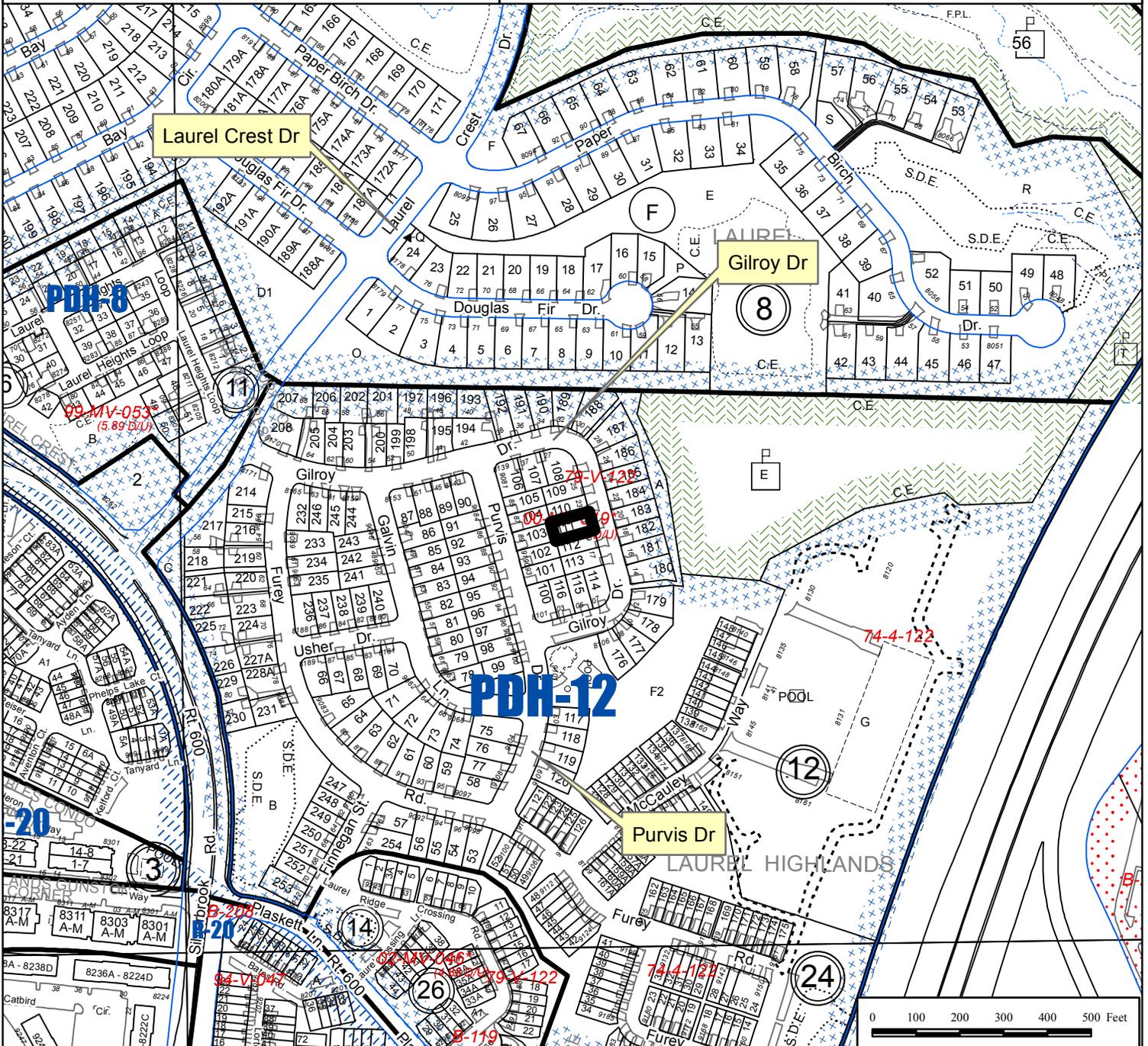
Located: 8121 GILROY DRIVE, LORTON, VA 22079

Zoning: PDH-12

Plan Area: 4,

Overlay Dist:

Map Ref Num: 107-2- /12/ /0111

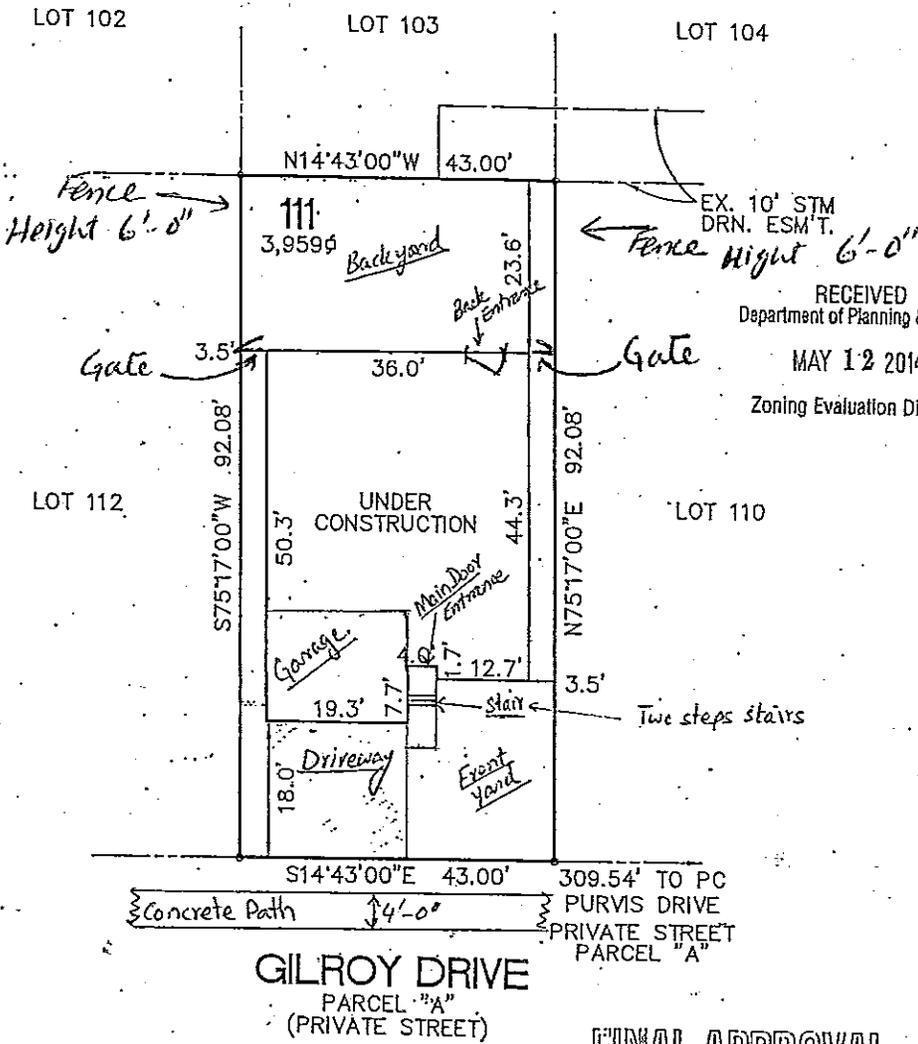


UPDATED LOCATION PLAN

PROJECT LAUERLHIGHLANDS\261WC111.DWG. with Revisions

THIS LOT IS WITHIN ZONE PER F.E.M.A. MAP.

NOTE: ALL EASEMENTS SHOWN HEREON ARE RECORDED IN DB.14848, PG.368 UNLESS OTHERWISE NOTED.

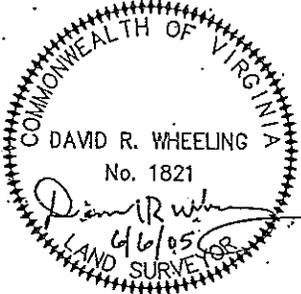


RECEIVED  
Department of Planning & Zoning  
MAY 12 2014  
Zoning Evaluation Division

Shazia Younis  
Shazia Younis  
12/2/2014  
Case# SE2014-MV-02

FINAL APPROVAL

AUG 10 2005



ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING

WALL CHECK  
LOT 111  
SECTION ONE  
LAUREL HIGHLANDS  
MOUNT VERNON DISTRICT  
FAIRFAX COUNTY, VIRGINIA



TARGET SURVEYS, INC.  
8807 SUDLEY ROAD, SUITE 201  
MANASSAS, VIRGINIA 20110  
TEL: (703)368-8828 FAX: (703)365-7998

## DESCRIPTION OF THE APPLICATION

The applicant requests approval of a Special Exception (SE) to operate a home child care for up to 12 children at any one time in a single family detached dwelling with two assistants. Without SE approval, the applicant would be limited to a maximum of seven children at any one time and one nonresident assistant during the hours of 7:00 a.m. to 6:00 p.m.



Figure 1: Subject property, Source: Fairfax County GIS, 2011 Imagery

The 3,959-square foot subject property is located on Gilroy Drive in the Laurel Highlands development. The property is surrounded by the neighborhood of single family detached dwellings. The subject property and immediate vicinity are zoned PDH-12 (Planned Development Housing, 12 dwelling units/acre).

Summary of details about the application:

- The applicant is a state licensed provider for up to 12 children. Her current license expires on February 24, 2015.

- The applicant has two assistants. Presently, neither one drives to the child care.
- The hours of operation are from 6:00 a.m. to 6:00 p.m. with staggered drop-off and pick-up. The children arrive between 7:00 a.m. and 9:30 a.m., and depart between 3:00 p.m. and 6:00 p.m.
- Available parking includes two spaces in the attached garage and two in the driveway.
- Parents park in the driveway and bring their children to the front entrance.
- The child care operates primarily in the walk-out basement, with snacks and meals in the kitchen.
- Outdoor play takes place in the fenced rear yard. Previously, the applicant utilized the nearby community tot lot; however, in response to a letter from the Laurel Highlands Community Association, the applicant has installed a fence and now uses her rear yard for outdoor play.

The proposed development conditions, applicant's statement of justification and file photographs, and affidavit are contained in Appendices 1 to 3, respectively. Appendix 4 contains letters from the Laurel Highlands Community Association.

## **BACKGROUND**

The subject property is located in the Laurel Highlands development approved pursuant to RZ 2000-MV-019 on May 21, 2001. The approved development plan and proffers do not speak to the issue of home child care uses. According to the Department of Tax Administration records, the dwelling was constructed and the applicant purchased the property in 2005. The finished basement was permitted and inspected as part of the original construction of the dwelling, and does not contain a kitchen. The dwelling does not include a deck.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

Plan Area: Area IV, Lower Potomac Planning District,  
Planning Sector: Lorton-South Route 1 Community Planning Sector  
Plan Map: Residential, 8-12 du/ac

### **Transportation**

Gilroy Drive is a private street accessed from Laurel Crest Drive off Silverbrook Road. The applicant indicates that drop-off times for the 12 children are staggered from 7:00 a.m. to 9:30 a.m., and pick-up is from 3:00 p.m. to 6:00 p.m. The 2-car garage and 2-car driveway are sufficient to accommodate the parking demands. A proposed

condition is included requiring the drop-off and pick-up of children to take place in the driveway.

### **Zoning Inspections Branch (Appendix 5)**

A site visit was conducted on June 26, 2014, and no concerns were identified.

### **Zoning Ordinance Provisions (Appendix 6)**

Section 10-103 of the Zoning Ordinance provides for home child care facilities that an increase in the number of children above seven in a single family detached dwelling or the involvement of more than one nonresident person may be permitted in accordance with the provisions of Part 3 of Article 8. This section applies to Group 3, Institutional uses. Further, Sect. 6-105 for Planned Development Districts specifies that Group or Category uses may be permitted with the approval of a Special Exception when such use is not specifically designated on an approved final development plan (FDP). Since home child care uses are not provided for on the approved FDP for this property, this Special Exception application is required to 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)**

<b>Standards 1 and 2</b> <i>Comprehensive Plan/Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The PDH-12 District permits a home child care facility as an accessory use with SE approval when not shown on an approved development plan. Staff finds that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-12 Zoning District.
<b>Standard 3</b> <i>Adjacent Development</i>	No construction is proposed with this application. In staff's opinion, the use will not affect the use or development of neighboring properties. A discussion of the issues identified by the Laurel Highlands Community Association is provided below.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	Arrival and departure times of the children are staggered. Two parking spaces are available in the garage for the residents and two in the driveway for the home child care use. Staff believes that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> <i>Landscaping/Screening</i>	No additional landscaping is required for the proposed use.
<b>Standard 6</b> <i>Open Space</i>	The PDH-12 District requires 30% of the gross area of the site to be open space. The FDP that governs the subject property meets this requirement.
<b>Standard 7</b> <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 home child care use.
<b>Standard 8</b> <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)**

<b>Standard 1</b> <i>Lot Size and Bulk Regulations</i>	No site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the PDH-12 District as provided for with the approved FDP.
<b>Standard 2</b> <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
<b>Standard 3</b> <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)**

<b>Standard 1</b> <i>Max. 12 Children; Nonresident Employee</i>	The applicant's request for 12 children and two employees meets this standard.
<b>Standard 2</b> <i>Access and Parking</i>	Arrival and departure times of the children are staggered, and two parking spaces are available in the driveway for drop-off and pick-up of children. Staff believes that access and parking are sufficient to accommodate the use.
<b>Standard 3</b> <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
<b>Standard 4</b> <i>Submission Requirements</i>	The submission requirements allow the use of a house location survey in lieu of the SE Plat.
<b>Standard 5</b> <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 from the Virginia Department of Social Services to care for 12 children, ages 3 months to 12 years, 11 months.

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

<b>Part A</b> <i>Max. Number of Children</i>	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. This application requests SE approval for 12 children.
<b>Part B</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.
<b>Part C</b> <i>No Exterior Evidence Except Play Equipment</i>	Staff finds there is no exterior evidence of the home child care facility.
<b>Part D</b> <i>Nonresident Employee</i>	This application requests approval for two nonresident employees to be involved with the home child care.
<b>Part E</b> <i>Provider is a Nonresident</i>	This part is not applicable, as the dwelling is the primary residence of the home child care provider in conformance with Part B.
<b>Part F</b> <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 February 24, 2015.
<b>Part G</b> <i>Increase in Children or Nonresident Employee</i>	The applicant is requesting an increase in the maximum number of children permitted in a single family detached dwelling to 12 children, and the involvement of two nonresident employees.

The Laurel Highlands Community Association issued letters dated July 30, 2014 and August 4, 2014, objecting to the application for approval of more than seven children in a single family detached dwelling, identifying concerns related to traffic, parking and use of community recreational facilities. The applicant is subject to the restrictions of the community association. In response to the concern regarding use of recreational

facilities, the applicant has installed a fence in her rear yard and has indicated that outdoor play will take place on her property. The staggered arrival and departure of the employees and children are intended to address issues related to traffic and parking.

## **CONCLUSION AND RECOMMENDATION**

In staff's opinion, the home child care facility for up to 12 children at any one time on the subject property would not adversely affect the site or neighboring properties. Staff finds that the application is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance provisions. Staff recommends approval of SE 2014-MV-026, subject to 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. 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.

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 Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Statement of Justification and File Photographs
3. Affidavit
4. Laurel Highlands Homeowners Association Letter
5. Zoning Inspections Branch Review
6. Applicable Zoning Ordinance Provisions

## Proposed Development Conditions

**SE 2014-MV-026**

**December 23, 2014**

If it is the intent of the Board of Supervisors to approve SE 2014-MV-026 located at 8121 Gilroy Drive, Tax Map 107-2 ((12)) 111, for a home child care facility with up to twelve children, pursuant to Sect. 6-105, 6-106 and 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 Special Exception is granted only for the home child care use as indicated on the special exception plat consisting of the House Location Survey titled "Lot 111 Section One Laurel Highlands" prepared by Target Surveys, Inc., dated June 6, 2005, and revised by the applicant, Shazia Younis on December 2, 2014, as qualified by these development conditions.
2. A copy of the special exception conditions 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.
3. The hours of operation for the home child care facility shall not exceed 6:00 a.m. to 6:00 p.m., Monday through Friday.
4. The dwelling that contains the home child care facility shall be the primary residence of the provider.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
6. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
7. The existing two-car 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.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. All outdoor play equipment shall conform to all applicable state regulations and standards.

11. Approval of this use is contingent upon maintenance of a state license for the children on-site at the home child care facility.
12. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.

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

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

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall take effect upon approval by the Board of Supervisors.

## STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Childrenzone Home Child Care  
8121 Gilroy Drive  
Lorton, VA. 22079

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

To Whom It May Concern:

I own and live in a single family detached dwelling at 8121 Gilroy Drive in Lorton, Virginia. The property is zoned PDH-12 and I understand that I need to seek approval of a special exception in order to operate a child care facility within my home. I am currently licensed by the State of Virginia. Below is information about my child care:

**Hours:** The Childcare is open from 6:00 AM to 6:00 PM, Monday through Friday.

**Number of Children:** I care for up to 12 children. The number does not include my children.

**Employees:** I have two assistants who work full-time.

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

**Departure Schedule:** Four of the children are picked up between 3:00 and 3:45 PM. Two of the children leave between 4:00 and 4:30 PM. Three of the children leave between 4:45 and 5:15 PM. And the other three children leave between 5:30 and 6:00 PM.

**Area Served:** Most of the children live in the surrounding community of my neighborhood. All of the parents drive their children to my house.

**Operations:** As I state, 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 a floor plan that indicates the area where the daycare is located.

**Outdoor Play:** I have installed a fence in my backyard. I use my backyard for outdoor play for the children. I have indicated its location on the plat.

**Parking:** I use my garage to park my cars. My driveway provides enough parking for two cars. I believe that this parking will be adequate for the parents dropping off and picking up their children. One of my helper live in the neighborhood, she walks to my home. The other helper does not drive, she gets dropped off and picked up by her son.

In conclusion, I am proposing no changes to the appearance of my house. Adequate parking is available for my parents and employees. For these reason, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,



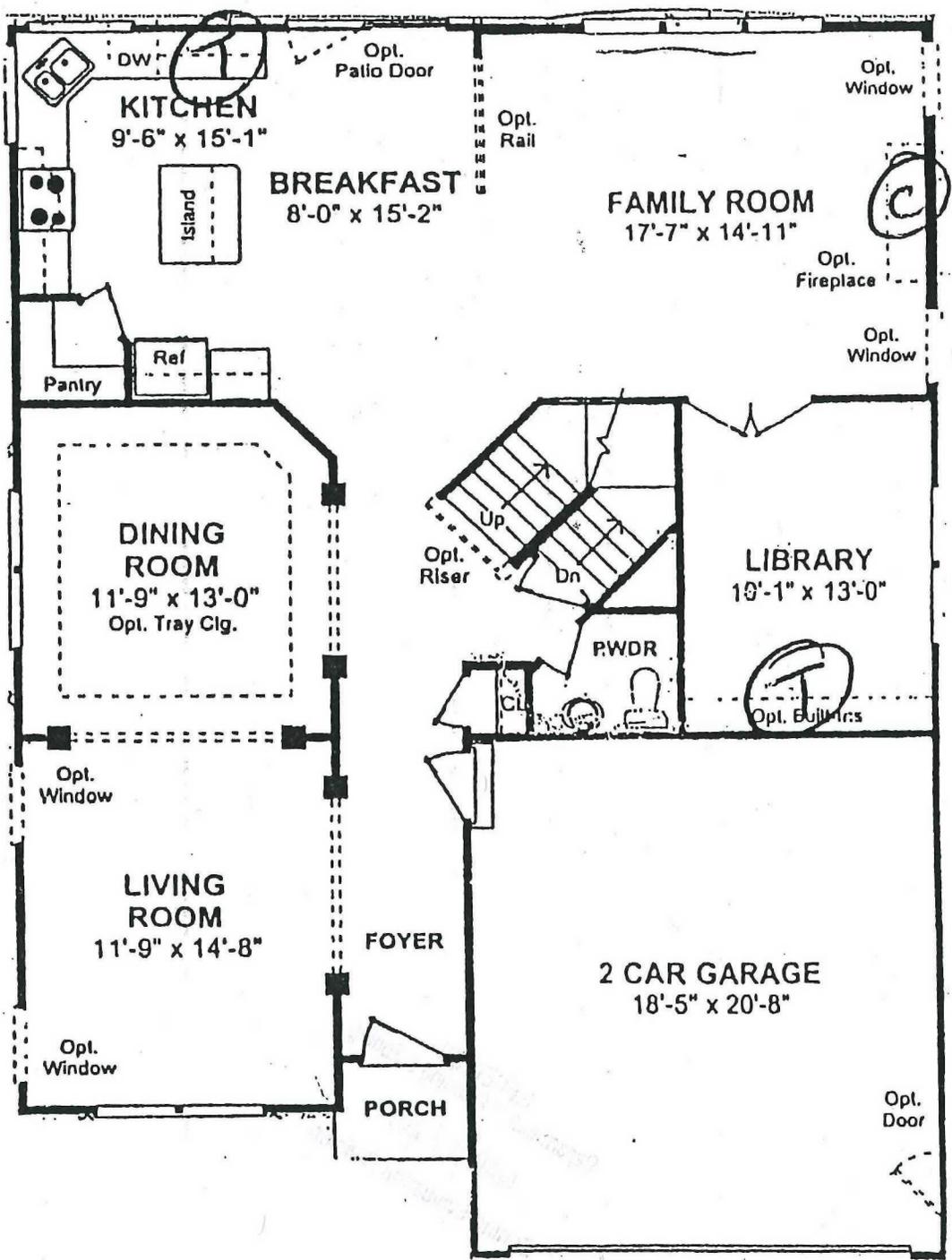
Shazia Younis  
Owner of Childrenzone Home Child Care

RECEIVED  
Department of Planning & Zoning

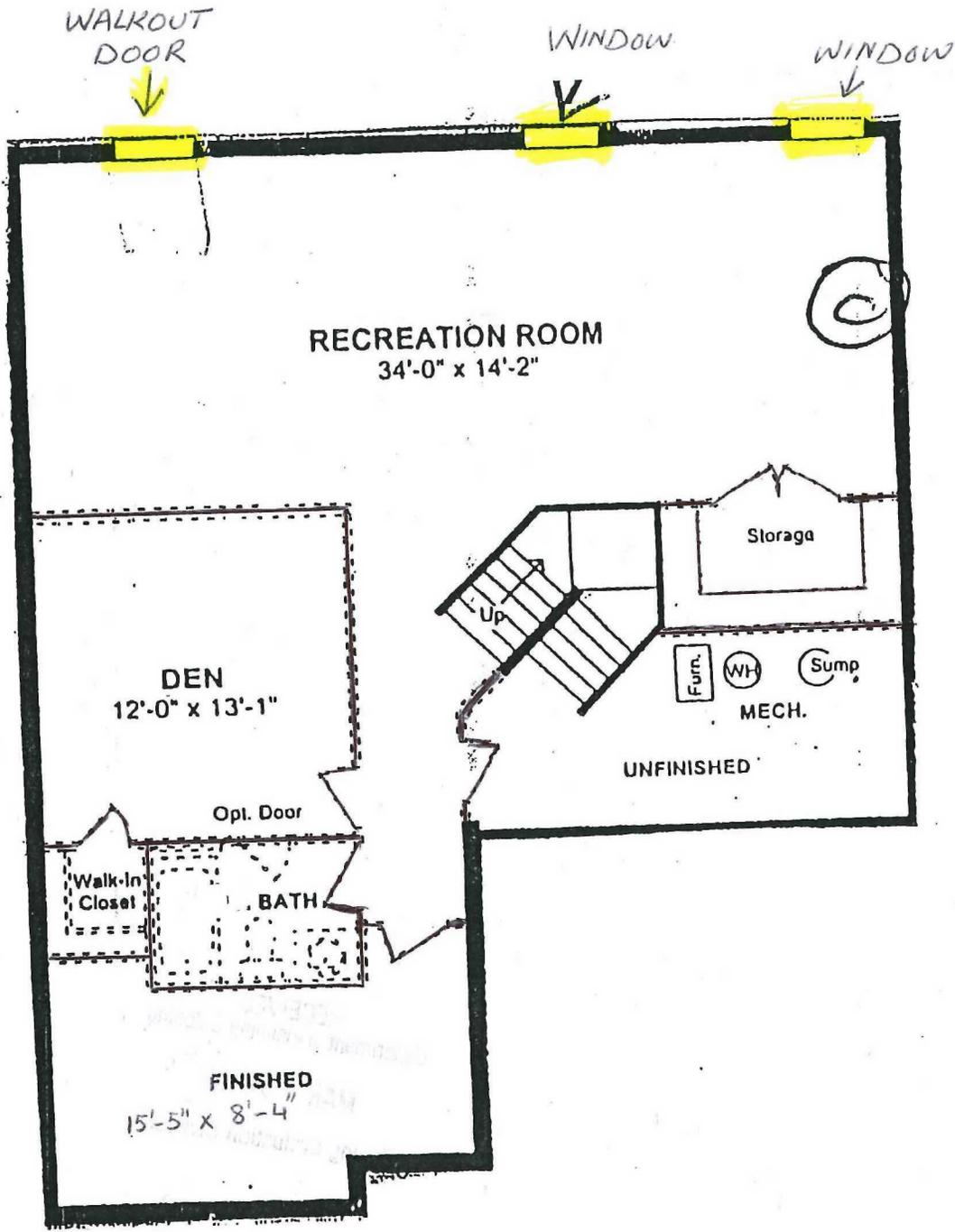
DEC 02 2014

Zoning Evaluation Division

# Main Floor Layout



# Basement Layout with square foot area





Property Picture taken from front of the house.



Property Picture taken from backside.



Drive way in front of the house.



Neighbor house from across the street.



Basement Picture 1



Basement Picture 2

12/1/2014



October 1, 2014

To Whom It May Concern:

I have been neighbors with Mrs. Shazia Younis ever since her and her family moved into the Laurel Highlands community about 7 years ago. Shazia has been a caretaker for many children, including mine, since I met her. She babysat two of my kids during the day while I was away at work and I have never seen anything bad from her. Shazia has earned my respect over the past few years because of her enthusiastic and vigorous personality. She is very persistent and will go above and beyond to complete her tasks.

Shazia and her family are very respectful of their neighbor's property and do not disturb the neighborhood in any way. I have noticed that she is very diligent about the way her clients drop off and pick up their kids. Overall, I am very content with the way that Mrs. Younis runs her daycare, and I will continue to support her in her career.

Sincerely,

A handwritten signature in black ink, appearing to read "Khaled Rashed", written in a cursive style. The signature is positioned above the typed name and address.

Khaled Rashed  
8116 Gilroy Dr  
Lorton VA 22079

October 3, 2014

**TO WHOMSOEVER IT MAY CONCERN:**

Mrs. Shazia is a wonderful person! She is like a second mother for the kids under her care. I have never seen such dedication to her work and the love for the children.

We have had the opportunity to use her services for our eldest son, when he was 1 year old. He had lot of fun, educational and a healthy environment.

We do not have any issues or concerns as she runs this day care from her home (8121 Gilroy Dr) Should you have any questions please feel free to reach me.

Thank you!



Pramod Gudishetty  
8119 Gilroy Dr  
Lorton, VA 22079

October 2, 2014

To Whom It May Concern:

We have been a neighbor of Mrs. Shazia Younis and her family since 2008. We have known Shazia as a hardworking mother dedicated to her business and her family. Throughout the years we have not experienced any traffic or inconvenience due to her home-based daycare business. We have not experienced any increase in noise level. Pick-up and drop-off times are quiet and staggered between families, there are never more than two cars at any given time. The clients are all very respectful of traffic regulations and do not block any driveways of other homes.

Shazia's family is very family oriented and loving. They are always courteous and friendly. Children are happy and bright. I believe it's a wonderful service Shazia provides for families that needs quality childcare in this area. Those children are in very loving hands.

Sincerely,



Michael & Christina Kwok

8123 Gilroy Dr.  
Lorton, VA 22079

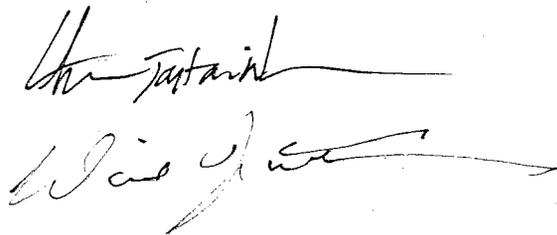
October 1<sup>ST</sup>, 2014

To Whom It May Concern:

I have been a resident of the Laurel Highlands community since August 2010, and I have been a neighbor of Mrs. Shazia Younis since the date listed above. I have never been inconvenienced by Mrs Shazia's home-based daycare business at 8121 Gilroy Dr. Lorton, VA 22079, as she's a very responsible person that cares about her neighbors. I personally nor my family members were ever been bothered by the traffic that goes during the pick or the drop off of the children of Mrs. Shazia's home-based day care business.

Sincerely,

Hana and Wail Jastaniah  
8120 Gilroy Dr.  
Lorton VA, 22079

The image shows two handwritten signatures in black ink. The top signature is for Hana Jastaniah, and the bottom signature is for Wail Jastaniah. Both signatures are written in a cursive style with a horizontal line extending to the right.

November 4, 2014

To Whom It May Concern:

I have been a resident of the Laurel Highlands community since 2005 and have been a neighbor of Ms. Shazia Younis family since I moved into this community. Ms. Shazia Younis spends her day caring for young children in her home based daycare. I have never been inconvenienced by her business and she is very diligent about making sure that her neighbor are not bothered by the traffic that goes with pickup and drop off of the children.

Ms. Shazia Younis and her family have always been respectful of her neighbor's property and of the community covenants, and always portray themselves as warm and caring neighbors. If I did not know she had a daycare business in her home, I wouldn't really notice the visitors that come to her house. Ms. Shazia Younis is very conscientious about the pickup and drop off routines, so that neighbors are not inconvenienced in any way.

Sincerely,

A handwritten signature in cursive script that reads "Karen Pleasant". The signature is written in dark ink and is positioned above the typed name and address.

Karen Pleasant  
8122 Gilroy Drive  
Lorton, VA. 22079

Tomika Bell

8130 Gilroy Drive

Lorton, VA 22079

To: Fairfax County Planning Commission and Board of Supervisors,

I'm writing this letter of behalf of Mrs. Shazia Younis. She has been a wonderful neighbor. Mrs. Younis has been a very accommodating person with the regards of pick up and drop off of kids. I have never had any problems with Mrs. Younis in home daycare. I have been a resident of Laurel Highlands since 2006. I live at 8130 Gilroy Drive.

Thanks,

Tomika Bell

October 6, 2014

**TO WHOM IT MAY CONCERN**

We have been neighbor of Ms. Shazia since we moved to Laurel Highlands community back in 2009. She has a home-based day care business where she spends all her day taking care of young kids. We had never been bothered due to her daycare related traffic and never had any issues related to that.

We always found Shazia and her family respectful of neighbor's property, we know them as a warm and friendly family.

We wish her all the best in her daycare set-up and pray for her even more successful years ahead.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tasneem Rais', enclosed within a simple rectangular box drawn with the same ink.

Tasneem Rais  
9089 Purvis Drive,  
Lorton, VA-22079

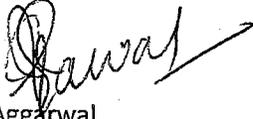
November 18, 2014

To Whom It May Concern

I have been a resident of the Laurel Highlands community since May 2007 and have been a neighbor of the Shazia Younis family. Mrs. Younis runs a home based day care business for young children. Mrs. Younis is very diligent about neighbor's convenience and takes every step to make sure that neighbors are not bothered by the traffic that goes with pick-up and drop-off of the children. I did not know about her business until she mentioned this to me.

Mrs. Younis and her family are very kind, warm & caring neighbors and have always been respectful of their neighbor's convenience, property and of the community covenants.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anu Aggarwal', with a long horizontal stroke extending to the right.

Anu Aggarwal

8126 Gilroy Dr.

Lorton, VA 22079

5 November 2014

To Whom It May Concern:

This letter serves to vouch for the personal character of Shazia Younis. I have known and lived next door to her and her family for 4 years, since the time my family moved into the neighborhood.

I have always known Shazia and her family to be very friendly, honest and of good character. She currently operates a child care facility from her home at 8121 Gilroy Drive, Lorton, VA 22079. The parents that use the child care services are respectful to the neighborhood and are only around during her operating hours.

In my four years of being her neighbor, Shazia has proven herself to be a hard-working child care provider who loves being around children.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Lynda Rhone

8117 Gilroy Drive

Lorton, VA 22079

November 5, 2014

To Whom It May Concern:

I have been the resident of the Laurel Highlands community since October 2011. I have known Shazia Younis as a hardworking, dedicated person and she always portrays herself as warm and caring neighbor. I have never been inconvenienced by her business and she is very diligent about making sure that her neighbors are not bothered by the traffic that goes with pick-up and drop-off of the children. She is very respectful of neighbor's property and community covenants.

I do not have any issues or concerns with her home daycare. I believe she is providing a wonderful and loving service for families that need quality childcare. I wish her all the best in her childcare services and pray for her even more successful years ahead. Please feel free to contact me for any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rashmi", followed by a horizontal line.

Rashmi Mishra  
8118 Gilroy Drive  
Lorton, VA. 22079

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 05/21/2014  
(enter date affidavit is notarized)

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

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

in Application No.(s): SE 2014-MV-026  
(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: 125751

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
SHAZIA YOUNIS d/b/a CHILDRENZONE HOME CHILD CARE	8121 GILROY DRIVE LORTON, VA. 22079	<b>APPLICANT/TITLE OWNER</b>
MUHAMMAD J. AHMED	8121 GILROY DRIVE LORTON, VA. 22079	<b>HUSBAND/TITLE OWNER</b>

(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: 05/21/2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MV-026
(enter County-assigned application number(s))

125751

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: 05/21/2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MV-026  
(enter County-assigned application number(s))

125751

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: 05/21/2014  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-MV-026  
(enter County-assigned application number(s))

12575

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 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.

Application No.(s): SE-2014-MV-026  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 05/21/2014  
(enter date affidavit is notarized)

125751

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)  Applicant Shazia Younis  Applicant's Authorized Agent

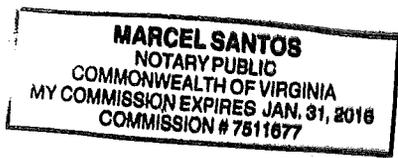
Shazia YOUNIS  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 21 day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]

Notary Public

My commission expires: 07-31-2016



CAB

July 30, 2014

**FIRST CLASS AND ELECTRONIC MAIL**  
**(plancom@fairfaxcounty.gov)**

Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330  
Fairfax Virginia 22035-0042

Re: Laurel Highlands Homeowners Association, Inc.  
8121 Gilroy Dr., Lorton, VA 22079  
Applicant/Owner: Shazia Younis  
Board of Supervisors Hearing Date: October 28, 2014  
Planning Commission Hearing Date: October 9, 2014

Dear Planning Commission Members:

The purpose of this letter is to note for the Fairfax County Planning Commission ("Planning Commission"), the Laurel Highlands Homeowners Association's ("Association") position regarding the above-referenced Applicant's request for a special exception related to the operation of their in-home day care business.

Ms. Shazia Younis has requested the Board of Supervisors grant a special exception to permit her to conduct an in-home day care business within her home, located at 8121 Gilroy Dr. Lorton, Virginia, 22079, which is located within and subject to the covenants, conditions and restrictions of the Laurel Highlands Homeowners Association. Laurel Highlands is a high-density community consisting of fairly small lots located in close proximity to each other. One of the challenges Laurel Highland faces arises from its density; there is very little parking other than on driveways, and the very limited facilities struggle to serve the needs of the existing residents. Laurel Highlands' development plan always contemplated a residential-only community. To be candid, Laurel Highlands cannot adequately serve home-businesses that result in significant vehicular traffic and that require the use of the Association's facilities for their activities. Unfortunately, Ms. Younis' application for a special exception, if granted, would result in a substantial increase in vehicular traffic, would result in at least two staff members travelling into the community, where there is little or no available parking, and would result in an increase burden on the recreational facilities of the Association, all to the detriment of the existing residents.

The Association generally prohibits residents' use of the Association's Common Areas, including tot lots, for non-residential purposes. As we understand Ms. Younis' proposed use, her intent is to permit her patrons to utilize the Association's Common Area tot lot, which causes issues to the Association with respect to liability, maintenance and usage.

Patrons of any home business are prohibited from utilizing the Common Areas, including tot lots, the pool, the Clubhouse, or other recreational facilities. Specifically, the Board's position is based on Article II, Section 1 of the Declaration which provides that only owners and/or residents shall have a right to nonexclusive enjoyment of the Common Areas. Further, Article VI, Section 2

July 30, 2014  
Page 2

of the Declaration empowers its Board of Directors to regulate (and prohibit) the conduct of “professional services” in certain “residential areas” within the Association.

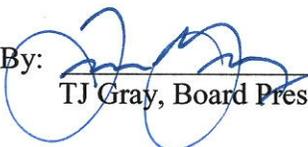
In summary, while the Association is sympathetic to Ms. Younis’ desire to expand her business, her proposal is simply inappropriate for a residence located within Laurel Highlands. If she wishes to expand her business to care for upwards of 15 children, it is the Association’s position that such a business should be operated out of a commercial location that already is properly zoned for such usage.

Therefore, the Association asks the Planning Commission to consider its concerns when evaluating Ms. Younis’ request, and that it ultimately recommend that the County Board of Supervisors deny the pending application for a special exception.

The Board thanks you in advance for your consideration of the Association’s concerns.

Sincerely,

LAUREL HIGHLANDS COMMUNITY  
ASSOCIATION, INC.

By: 

TJ Gray, Board President

Enclosure

cc: Property Manager (electronic mail)  
Shazia Younis (first class mail)

1900 Gallows Road, Suite 700  
Tysons Corner, Virginia 22182  
Phone: (703) 790-1911  
Fax: (703) 848-2530  
www.reesbroome.com

JOEL M. BIRKEN\*  
JONATHAN J. BROOME, JR.  
JOHN F. BOLAND\*  
JUAN R. CARDENAS  
BRUCE E. TITUS\*+  
PETER S. PHILBIN+  
WILLIAM P. DALY, JR.+  
ANDREW B. GOLKOW\*  
SUSAN RICHARDS SALEN\*+  
MARK P. GRAHAM  
TODD A. SINKINS\*  
MARK A. MOORSTEIN\*  
ROBERT J. CUNNINGHAM, JR.+\*  
KIMBERLEY M. O'HALLORAN-PEREZ\*+  
DAVID J. CHARLES\*  
STEPHEN J. ANNINO\*+  
PATRICK M. VIA  
JAMES M. LEWIS\*  
URSULA KOENIG BURGESS+  
ANDREW N. FELICE\*  
STEPHEN D. CHARNOFF\*+  
JAMES M. REES (1941-1986)

COUNSEL  
ROBERT W. WOOLDRIDGE, JR.  
JOSEPH H. KASIMER\*  
DANIEL R. GROPPER\*  
RORY K. NUGENT  
NICOLE A. WILLIAMS\*  
ASSOCIATES  
M. JOSEPH PIERCE\*+  
DOUGLAS S. LEVY\*+  
COURTNEY B. HARDEN  
ERIK W. FOX\*  
TIFFANY L. BURTON+  
GINA L. SCHAECHER\*  
JORDY L. MURRAY  
KELLY C. ZOOK  
MAUREEN E. CARR\*+  
WINTA MENGISTEAB\*+  
KATHLEEN N. MACHADO\*  
HILLARY ANNE COLLINS\*+  
ALISON R. MULLINS\*+  
MARIAM W. TADROS\*  
JOSEPH J. SHANNON+  
MARGUERITE L. SELTON+

\* ALSO ADMITTED IN DC  
+ ALSO ADMITTED IN MARYLAND  
▪ ALSO ADMITTED IN WEST VIRGINIA  
◦ ALSO ADMITTED TO PATENT BAR  
♦ NOT ADMITTED TO PRACTICE IN VIRGINIA;  
ADMITTED ONLY IN MD AND DC

August 4, 2014

**FIRST CLASS AND ELECTRONIC MAIL**

**([plancom@fairfaxcounty.gov](mailto:plancom@fairfaxcounty.gov))**

Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330  
Fairfax Virginia 22035-0042

Re: Laurel Highlands Homeowners Association, Inc.  
8121 Gilroy Dr., Lorton, VA 22079  
Applicant/Owner: Shazia Younis  
Board of Supervisors Hearing Date: October 28, 2014  
Planning Commission Hearing Date: October 9, 2014

Dear Planning Commission Members:

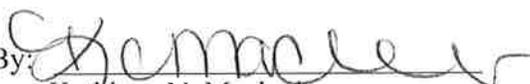
This firm represents the above-referenced Association. The purpose of this letter is to clarify the Association's position regarding a letter issued to the Planning Commission by the Association's Board President, dated July 30, 2014.

The Association hereby confirms that it objects to a special exception which would allow for the applicant to care for more children than the current Fairfax County Zoning Ordinance permits, which is five (5) children for a townhome and seven (7) for a single family home.

Should you have any further questions regarding this matter, please do not hesitate to contact me. I can be reached at (703)790-1911.

Sincerely,

REES BROOME, PC.

By:   
Kathleen N. Machado

cc: Property Manager (electronic mail)  
Shazia Younis (first class mail)



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 30, 2014

**TO:** Carmen Bishop, Staff Coordinator  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

**FROM:** Chuck Cohenour  
Senior Zoning Inspector  
Zoning Inspections Branch

**SUBJECT:** Home Child Care Application

**APPLICANTS:** Younis  
8121 Gilroy Drive, Lorton, VA 22079  
Laurel Highlands, Section 1, Lot 111  
Tax Map Ref #: 107-2 ((8E)) 31  
Zoning District: PDH-12  
Mail Log Assignment: 2014-MV-0239

Zoning:	Violation	Comment	Provision
Other Uses			
2 <sup>nd</sup> Dwelling Unit			
Building Permits			
Carpport Enclosure			
Other Additions			
Garage			
Conversion?			
Accessory Structure(s)			
# of Structures			
Complies w/Location Regs.			
Fences or Walls			
Complies with Location			
2 <sup>nd</sup> Kitchen			
Driveway			
30% Required Rear Yard			
Signs			
Easements			
Additional Observations			



Property Maintenance	Hazard	Location	Comments	Provision
Emergency Egress				
Windows in Sleeping Rooms Above Grade? Sill Height Exceeds 44" Openable Area 24" x 20"? Overall Area?		Basement	Child's sleeping area has three 35" x 60" above grade windows, a patio door that exits to ground level plus the stairs	
Window Well 3'x3'?				
Egress Doors Door Locks				
Bedroom and other Doors Door Locks				
Aisles				
Smoke Alarms				
Electrical				
Service				
Receptacles				
Switches				
Combustibles				
Clearances @ service panels				
Stairways				
Additional Observations		Garage	A District of Columbia taxi cab was parked in the garage	

**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**

...

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.