



APPLICATION ACCEPTED: May 21, 2014
AMENDED: November 13, 2014
BOARD OF ZONING APPEALS: January 28, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 21, 2014

STAFF REPORT

APPLICATION SP 2014-MV-075

MOUNT VERNON DISTRICT

APPLICANT: Ghazala Khilji, Zali's Kids

OWNERS: Ghazala Khilji and Nasir M. Khilji

LOCATION: 1912 Price's Lane, Alexandria

SUBDIVISION: Sulgrave Village

PARCEL: 111-1 ((4)) 28A

LOT SIZE: 11,911 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 3-303, 8-305, 8-914

PROPOSAL: To permit a home child care facility and a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2.2 ft. from the west side lot line and 1.1 ft. from the rear lot line

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-MV-075 for the home child care facility, subject to the proposed conditions set forth in Appendix 1.

Carmen Bishop

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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

www.fairfaxcounty.gov/dpz/



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.

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

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

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. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**

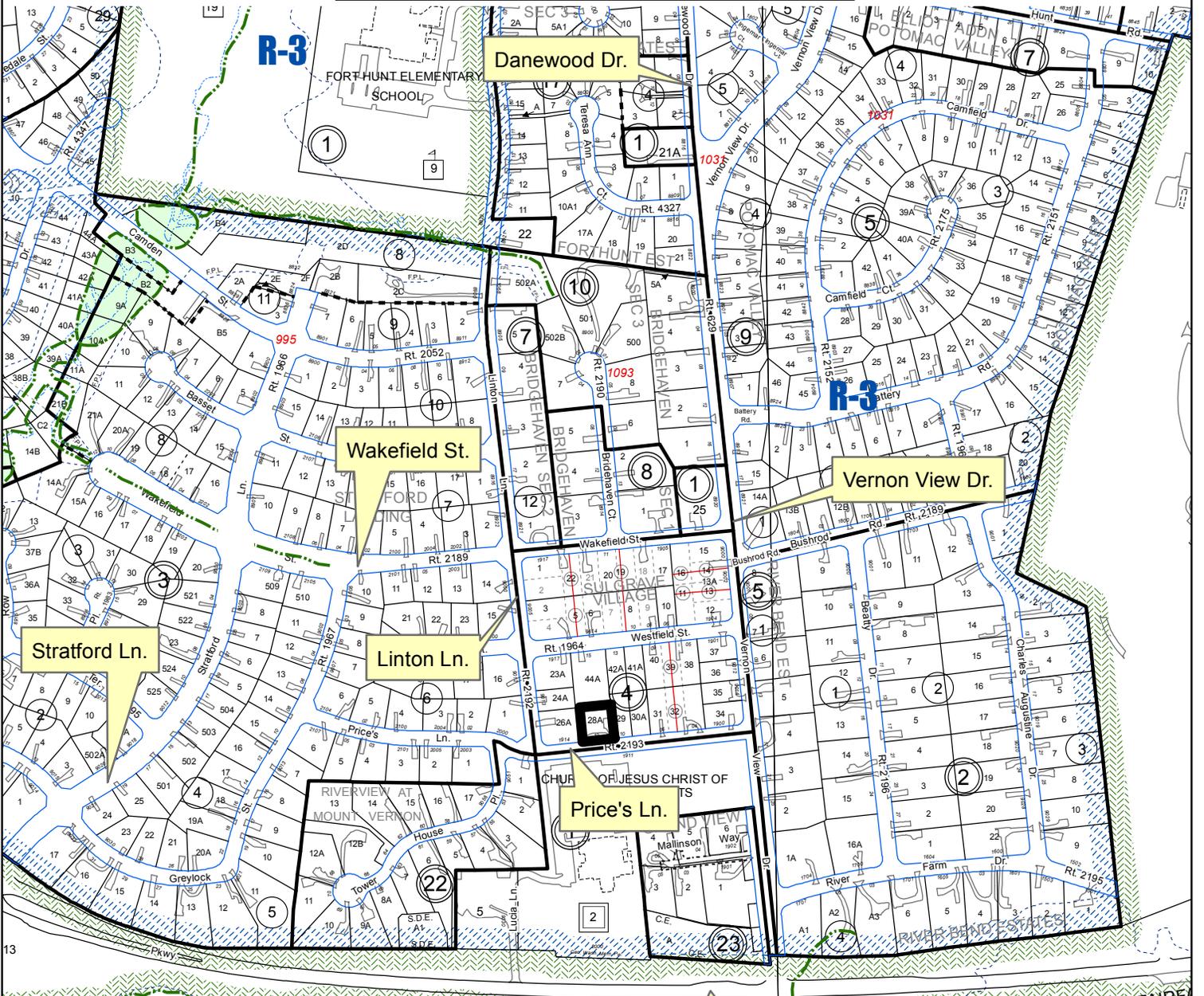


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-MV-075
GHAZALA KHILJI ZALI'S KIDS



Special Permit
SP 2014-MV-075
GHAZALA KHILJI ZALI'S KIDS



PRINCE

GEORGES

COUNTY

PRINCE

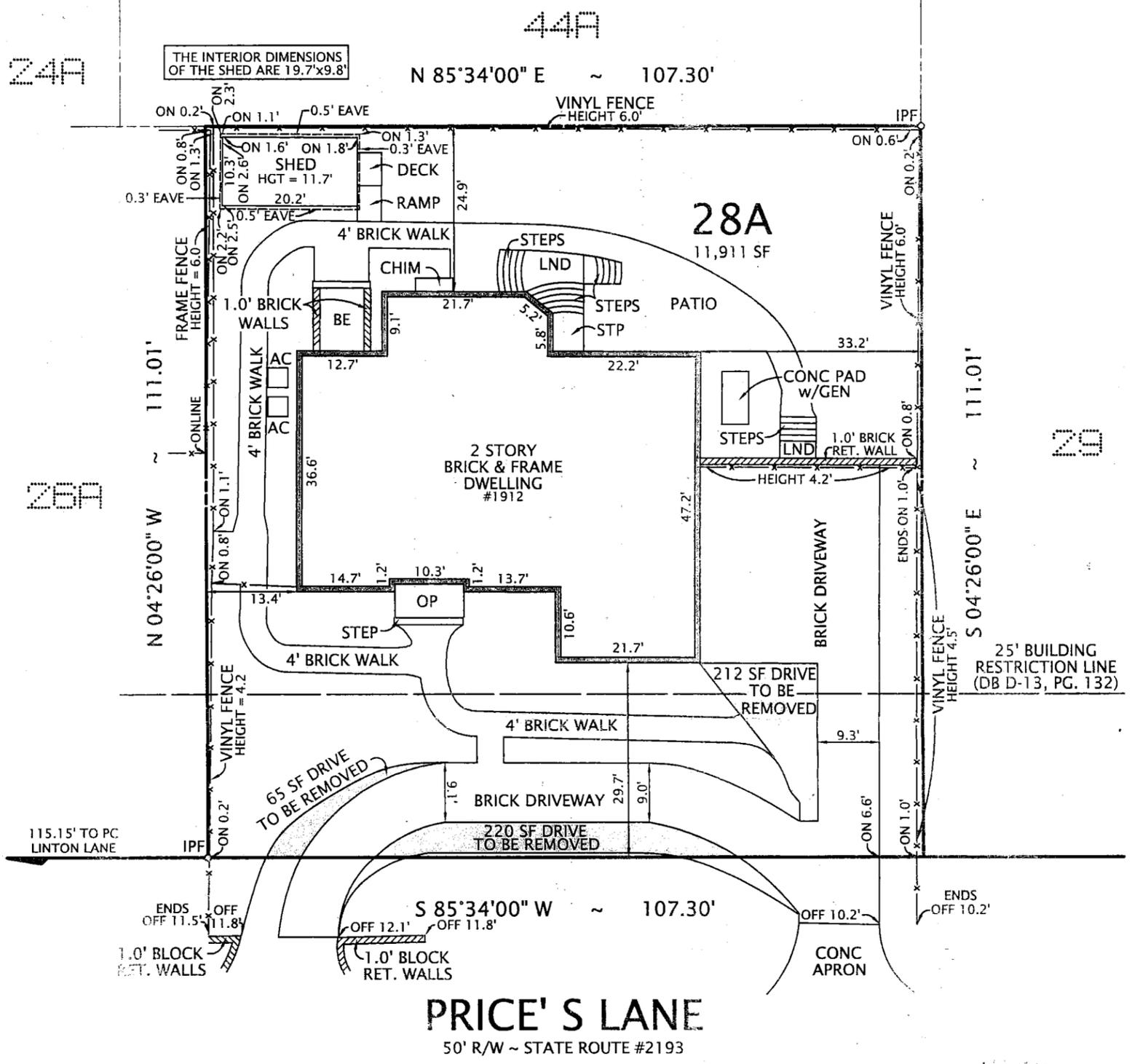
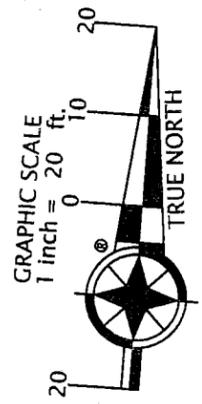
George Washington Memorial Pkwy

0 100 200 300 400 500 Feet

NOTES: 1. FENCES ARE VINYL UNLESS NOTED.
2. UTILITIES ARE UNDERGROUND.

RECEIVED
Department of Planning & Zoning
NOV 13 2014
Zoning Evaluation Division

EX. FRONT YARD COVERAGE CALCS	
FRONT YARD = 3,191 SF	3,191 SF (0.30) = 957 SF
EX. DRIVEWAY = 1,453 SF	1,453 SF - 957 SF = 496 SF (OVER)
1,453 SF / 3,191 SF = 0.4553	
PROP. FRONT YARD COVERAGE CALCS	
FRONT YARD = 3,191 SF	3,191 SF (0.30) = 957 SF
PROP. DRIVEWAY = 956 SF	957 SF - 956 SF = 1 SF (UNDER)
956 SF / 3,191 SF = 0.2996	



PRICE'S LANE
50' R/W ~ STATE ROUTE #2193

PLAT
SHOWING HOUSE LOCATION ON
LOT 28A
OF A MINOR ADJUSTMENT OF PROPERTY LINES
ON LOTS 23, 24, 25, 26, 27, 28, 43 & 44
SULGRAVE VILLAGE
(DEED BOOK 12197, PAGE 795)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT



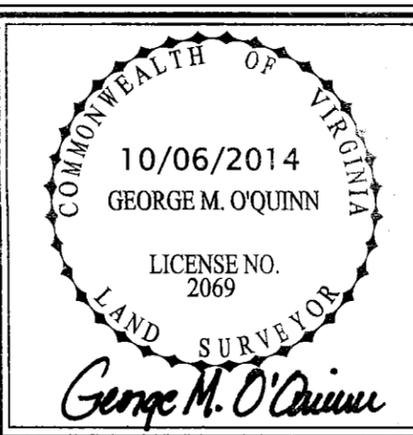
SCALE: 1" = 20'
OCTOBER 6, 2014 (CALCS)
OCTOBER 15, 2014 (REV. CALCS)
OCTOBER 22, 2014 (SHED INT.)

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.



ORDERED BY:
NASSER ZULJI

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

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SPECIAL PERMIT REQUESTS

The applicant requests approval of a special permit (SP) to operate a home child care facility for up to 12 children at any one time in an existing single family detached dwelling with three assistants. Without SP 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. The proposed hours of operation of the home child care facility are from 7:00 a.m. to 6:00 p.m., Monday through Friday, with staggered drop-off and pick-up. The home child care facility operates in the walk-out basement which provides adequate emergency egress. Outdoor play takes place in the fenced rear yard. The kitchen area identified on the floor plan consists of a refrigerator and a small microwave placed on a table. No additional building or trade permits are required for the refrigerator and microwave. A proposed condition is included to preclude any future installation of a full second kitchen or accessory dwelling unit in the basement without the necessary approvals.

The applicant also requests approval of a special permit for a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure, or shed, to remain 2.2 feet from the west side lot line and 1.1 feet from the rear lot line (measured to the eaves). The shed was existing when the present owner purchased the property in 2012. The shed is 193.06 square feet and measures 11.7 feet high according to the plat. Sect. 10-104 (10) (E) of the Zoning Ordinance provides that an accessory storage structure which exceeds 8.5 feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line. Accordingly, the shed is required to be 11.7 feet from the rear lot line and 12 feet from the side lot line. The applicant requests an 82 percent reduction for the side yard, and a 91 percent reduction for the rear yard.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percent Reduction Requested
Special Permit	Shed	Side	12.0 feet	2.2 feet	9.8 feet	82%
		Rear	11.7 feet	1.1 feet	10.6 feet	91%

A reduced copy of the special permit plat, titled "Plat Showing House Location On Lot 28A" prepared by Dominion Surveyors Inc., dated October 6, 2014, and revised through October 22, 2014, is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,911-square foot property is located on Price's Lane in the Sulgrave Village subdivision of Alexandria. Price's Lane is accessed from the George Washington Memorial Parkway via Vernon View Drive. The property and immediate vicinity are zoned R-3 and developed with single family detached dwellings. A church is located across Price's Lane to the south. Access to the church is not provided from Price's Lane. The property is not within a Resource Protection Area (RPA) or a floodplain.

The subject property is developed with a two-story brick dwelling. According to the Department of Tax Administration (DTA), the dwelling consists of 4,156 square feet, not including the basement. The property also includes a brick driveway along the east side of the property to the garage, a circular driveway in the front, a patio in the rear, and a walkway to the front door and around to the basement entrance. A shed of approximately 193.06 square feet is located in the northwest corner of the property and is the subject of the special permit request for a reduction in minimum yard requirements based on error in building location. Vinyl fencing surrounds the property. Along the sides and in the rear, the fencing is approximately 6 feet in height. The fencing along the side lot lines extends to the south, beyond the front property line. Along the west side lot line, the fencing in the front yard is noted on the plat to be 4.2 feet in height. The fencing along the east side lot line is noted on the plat to be 4.5 feet in height.



Source: Fairfax County GIS, 2013 Imagery

BACKGROUND

According to DTA, the home was built in 2005, and the applicant purchased the property in 2012. Although the building permit information is unclear, the DTA confirmed that the dwelling has been taxed as having a finished basement since its construction in 2005;

therefore, staff believes that the finished basement was permitted and inspected as part of the dwelling.

A building permit for the shed, issued December 21, 2005, specifies that the structure was approved to be 10 feet by 20 feet and 8.5 feet high and have electricity. However, the shed was constructed on an elevated platform, and as a result, is over 11 feet high. A footing inspection was conducted, but a final inspection did not occur. A proposed condition is included for the applicant to obtain a final inspection for the shed, as well as an electrical permit and inspection.

The applicant is an existing licensed family day home provider (Appendix 4). Her license expires November 19, 2015, and permits up to 12 children, ages birth to 12 years, 11 months, from 7:00 a.m. to 6:00 p.m., Monday through Friday.

The building permit information for the shed is included in Appendix 5, and a summary of similar cases in the vicinity is included in Appendix 6.

ANALYSIS

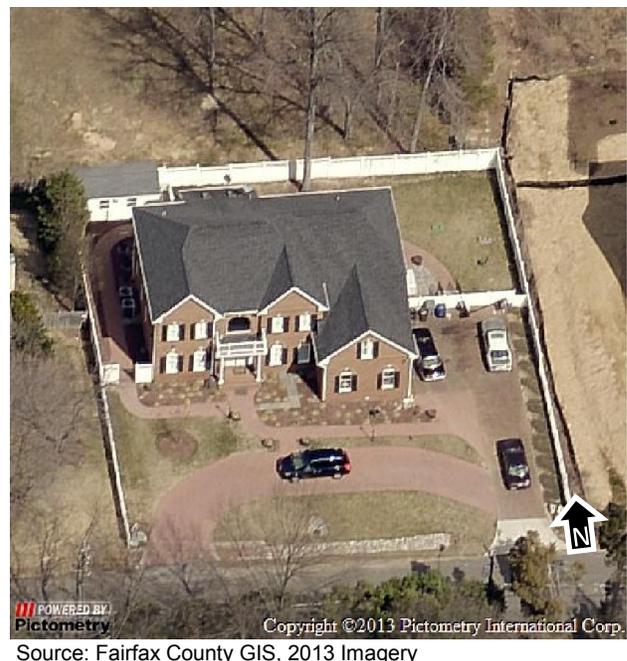
Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon Planning District,
Fort Hunt Community Planning Sector (MV6)
Plan Map: Residential, 2-3 du/ac

On-site Parking and Site Circulation

Vehicular access to the site is provided from Price's Lane. The parents park in the driveway and bring their children around the west, or left, side of the dwelling to the rear entrance. Children arrive between 7:00 a.m. and 9:15 a.m., and depart between 3:30 p.m. and 6:00 p.m. Ample parking is available for the residence and home child care, with a 3-car garage and a driveway to the garage which accommodates approximately 5 vehicles and a circular driveway which accommodates about 5 vehicles. A proposed condition is included requiring all drop-off and pick-up of children to take place in the driveway.

The driveway surfacing in the front yard exceeds 30 percent which is not in conformance with Sect. 11-102 (8) of the



Source: Fairfax County GIS, 2013 Imagery

Zoning Ordinance. As requested by staff, the applicant provided a plat that identifies the areas of the driveway to be removed in order to bring the driveway surfacing into compliance. A proposed condition is included for the required modifications to the driveway to be completed within one year of special permit approval.

Zoning Inspection Branch Report (Appendix 6)

During the site inspection of August 8, 2014, it was noted that the area in front of the electrical service panel needed to be cleared. The area was cleared during the inspection. In addition, the inspection noted that the accessory storage structure was over 11 feet in height and not located in conformance with the Zoning Ordinance. The applicant has amended this special permit application to include a request for a reduction in minimum yard requirements based on error in building location to permit the shed to remain 2.2 feet from the west side lot line and 1.1 feet from the rear lot line.

The portions of the fencing that extend along the side lot lines into the front yard were measured during the inspection. Although the plat identifies that the fence on the west side is 4.2 feet high, staff measurement of the fence found it to be 4 feet high. However, staff found that the fencing on the east side had a height of 4 feet 6 ½ inches with a 61-inch fence post, and therefore is not in conformance with Sect. 10-104 (3) (B) of the Zoning Ordinance which requires a fence or wall in the front yard to not exceed 4 feet in height. Although the plat shows that the fence is located on the subject property, the applicant has indicated in the letter dated December 17, 2014, and included in Appendix 2, that the fencing along the east side belongs to the adjoining property owner. Therefore, staff has not proposed requiring the applicant to bring this portion of the fence into conformance. The zoning inspection also found, as shown on the plat, that the fencing extends beyond the front property line, and thus is not in conformance with Sect. 10-101 of the Zoning Ordinance which requires accessory uses or structures to be located on the same lot with the principal use or structure. Staff has advised the applicant that the portion of the fence that extends from the west side lot line for 11.5 feet into the right-of-way of Price's Lane will need to be removed. A condition is proposed to require this removal.

No complaints have been filed with the Department of Code Compliance.

Zoning Ordinance Requirements

Subject to development conditions, the application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 7:

- Sect. 8-006, General Standards
- Sect. 8-303, Standards for All Group 3 Uses
- Sect. 8-305, Additional Standards for Home Child Care Facilities
- Sect. 8-903, Standards for All Group 9 Uses (shed)

- Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (shed)
- Sect. 10-103, Par. 6, Use Limitations for Home Child Care Facilities

The standards, as they relate to the request for a home child care facility, are discussed below.

General Special Permit Standards (Sect. 8-006)

Standards 1 and 2 <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The Zoning Ordinance allows a home child care as an accessory use with special permit approval. Staff believes that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.
Standard 3 <i>Adjacent Development</i>	Other than the reduction of driveway surfacing, no construction is proposed with this application. Adequate parking is available and outdoor play takes place in a fenced rear yard. In staff's opinion, the use will not affect the use or development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	Arrival and departure times of the children are staggered. Parking is available for the residents in the garage and for the home child care facility in the driveway. Staff believes that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
Standard 5 <i>Landscaping/Screening</i>	No additional landscaping or screening is required for the proposed use.
Standard 6 <i>Open Space</i>	There is no open space requirement for the R-3 District.
Standard 7 <i>Utilities, Drainage, Parking and 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.
Standard 8 <i>Signs</i>	Sect. 10-103 of the Zoning Ordinance does not permit signs for home child care facilities.

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

Standard 1 <i>Lot Size and Bulk Regulations</i>	Other than to bring the driveway surfacing into conformance with the Zoning Ordinance, no site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the R-3 District.
Standard 2 <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
Standard 3 <i>Site Plan</i>	Home child care facilities are not subject to Article 17, Site Plans.

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

Standard 1 <i>Max. 12 Children; Nonresident Employee</i>	The applicant requests approval for 12 children and three employees.
Standard 2 <i>Access and Parking</i>	Arrival and departure times of the children are staggered, and 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.
Standard 3 <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
Standard 4 <i>Submission Requirements</i>	The applicant met the submission requirements for a home child care facility.
Standard 5 <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license from the Virginia Department of Social Services to care for 12 children, ages birth to 12 years, 11 months.

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

Part A <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 SP approval for 12 children.
Part B <i>Licensed Provider/ Primary Residence</i>	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
Part C <i>No Exterior Evidence Except Play Equipment</i>	Staff finds there is no exterior evidence of the home child care facility.
Part D <i>Nonresident Employee</i>	This application requests approval for three nonresident employees to be involved with the home child care.
Part E <i>Provider is a Nonresident</i>	This part is not applicable, as the dwelling is the primary residence of the home child care provider.
Part F <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through November 19, 2015.
Part G <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 three nonresident employees.

STAFF CONCLUSIONS AND RECOMMENDATION

Staff believes that the request for a home child care facility is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-MV-075 for the home child care facility, subject to the proposed conditions set forth in Appendix 1.

Staff does not make recommendations relating to applications for reduction to minimum yard requirements based on error in building location. If it is the intent of the Board of Zoning Appeals (BZA) to approve the application for a reduction of the minimum yard requirements based on error in building location, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report.

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 Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification and File Photographs
3. Affidavit
4. State Family Day Home License
5. Permit Information for the Shed
6. Similar Case History
7. Zoning Inspection Branch Comments
8. Applicable Zoning Ordinance Provisions

Proposed Development Conditions

SP 2014-MV-075

January 21, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-075 located at 1912 Price's Lane, Tax Map 111-1 ((4)) 28A, to permit a home child care facility and a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2.2 feet from the west side lot line and 1.1 feet from the rear lot line pursuant to Sections 3-303, 8-305 and 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. The approval for the home child care facility is granted to the applicant only, Ghazala Khilji, Zali's Kids, and is not transferable without further action of the Board, and is for the location indicated on the application, 1912 Price's Lane, Alexandria, and is not transferable to other land.
2. This special permit is granted only for the home child care use and the location of the accessory storage structure indicated on the plat titled "Plat Showing House Location On Lot 28A" prepared by Dominion Surveyors Inc., dated October 6, 2014, and revised through October 22, 2014, and approved with this application, as qualified by these 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 hours of operation of the home child care facility shall not exceed 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. Excluding the applicant's own children, the maximum number of children on-site at any one time shall be twelve.
7. A maximum of three nonresident employees, whether paid or not for their services, may be involved in the home child care facility, and with the hours of such attendance limited to 7:00 a.m. to 6:00 p.m.
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. The applicant shall remove the portions of the driveway as shown on the special permit plat, and demonstrate compliance with this condition to the satisfaction of the Zoning Administration Division, Department of Planning and Zoning, within one year of special permit approval.
11. The applicant shall remove the fencing which extends from the west side lot line into the right-of-way of Price's Lane within one year of special permit approval.
12. The applicant shall obtain approval of a final building inspection and an electrical permit and inspection for the accessory storage structure within 180 days of special permit approval.
13. Additional kitchen facilities, including, but not limited to, a sink, oven or stove, shall not be installed in the basement, nor shall the basement contain an accessory dwelling unit without all applicable permits and approvals.
14. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
15. All outdoor play equipment shall conform to all applicable state regulations and standards.
16. Approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for on-site at the home child care facility.
17. 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.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this Special Permit shall automatically expire, without notice, twelve 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.

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ALEXANDRIA, VA22308
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ZALI.KHILJI@HOTMAIL.COM

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Department of Planning & Zoning
MAR 11 2014
Zoning Evaluation Division

March 11, 2014

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

Re: Special Permit Application

Applicant: Ghazala Khilji

Zoning Ordinance Section 8-305 for Home Child Care Facility and Section 8-004 of General Standards

Tax Map #: 1111040028a

Zoning District: R-3

Lot Size: 11,911 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a single family detached dwelling at 1912 Prices Lane, in Alexandria, Virginia with my husband and one daughter. The property is zone R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the state of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities' operations.

Hours: The child care is open from 7 am to 6 pm.

Number of Children: I care for up to 12 children at any one time.

Employees: I have 3 assistants who work full-time.

Arrival Schedule: Five of the children arrive between 7 am and 8 am. Seven of the children arrive between 8 am and 9:15 am. Please see Attachment 1 for arrival details.

Departure Schedule: Four children are picked up between 3:30 pm and 5 pm. Eight children leave between 5 pm and 6 pm. Please see Attachment 1 for departure details.

Area Served: Currently, most of the children live in the general vicinity of my neighborhood. These children live in Stratford Landing, Hollin Hall, and Waynewood. Three children live in Belle View/Belle Haven area. All children are driven to my house.

Operations: As I stated, my house is a single family detached dwelling. It has a walk-up basement, which is where the children spend most of their time. The house has approximately 6000 square feet. The basement area is approximately 2000 square feet. Please see attachment 2 for floor layout and interior photos.

Hazardous or Toxic Substances: The house and yard are free from hazardous or toxic substances. No hazardous material will be generated, utilized, stored, treated, and/or disposed off on site.

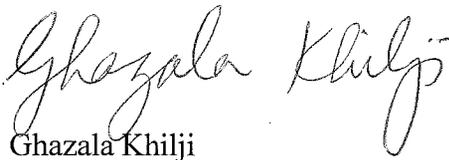
Zoning Ordinance Compliance: The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards, or if any waiver, exception or variances sought, such requests have been specifically noted with the justification for such medication.

Outdoor Play Area: I use my backyard for outdoor play for the children. The area is approximately 700 square feet. There is a sand box, outdoor toys, and a fence around the backyard.

Parking: I use my garages to park my family cars. My circular driveway provides enough parking for 6 cars. In addition ample parking is available along the street in front of my house for the parents and employees. Lack of parking space has not been a problem for my parents. For these reasons, I believe, my proposed home day care facility will not impact my neighbors in any negative way.

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

Sincerely,

A handwritten signature in cursive script that reads "Ghazala Khilji".

Ghazala Khilji

Owner of Zali's Kids

Arrival Schedule and Departure Schedule

Arrival Schedule

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

Departure Schedule

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

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MAR 11 2014
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Department of Planning & Zoning

NOV 13 2014

Zoning Evaluation Division

November 6, 2014

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

Request for Reduction to the Minimum Yard Requirements Based on Error in Building Location

To whom it may concern,

Please accept the following as my statement of justification for the request for reduction to the minimum yard requirements based on error in building location which is submitted along with the application of a special permit for a home child care facility in my home.

The shed was constructed in 2005 when the property was owned by another party. The noncompliance was done in good faith, and through no fault of the previous property owner. It was the result of an error in the height of the shed by the contracted builder subsequent to the issuance of a building permit for the shed.

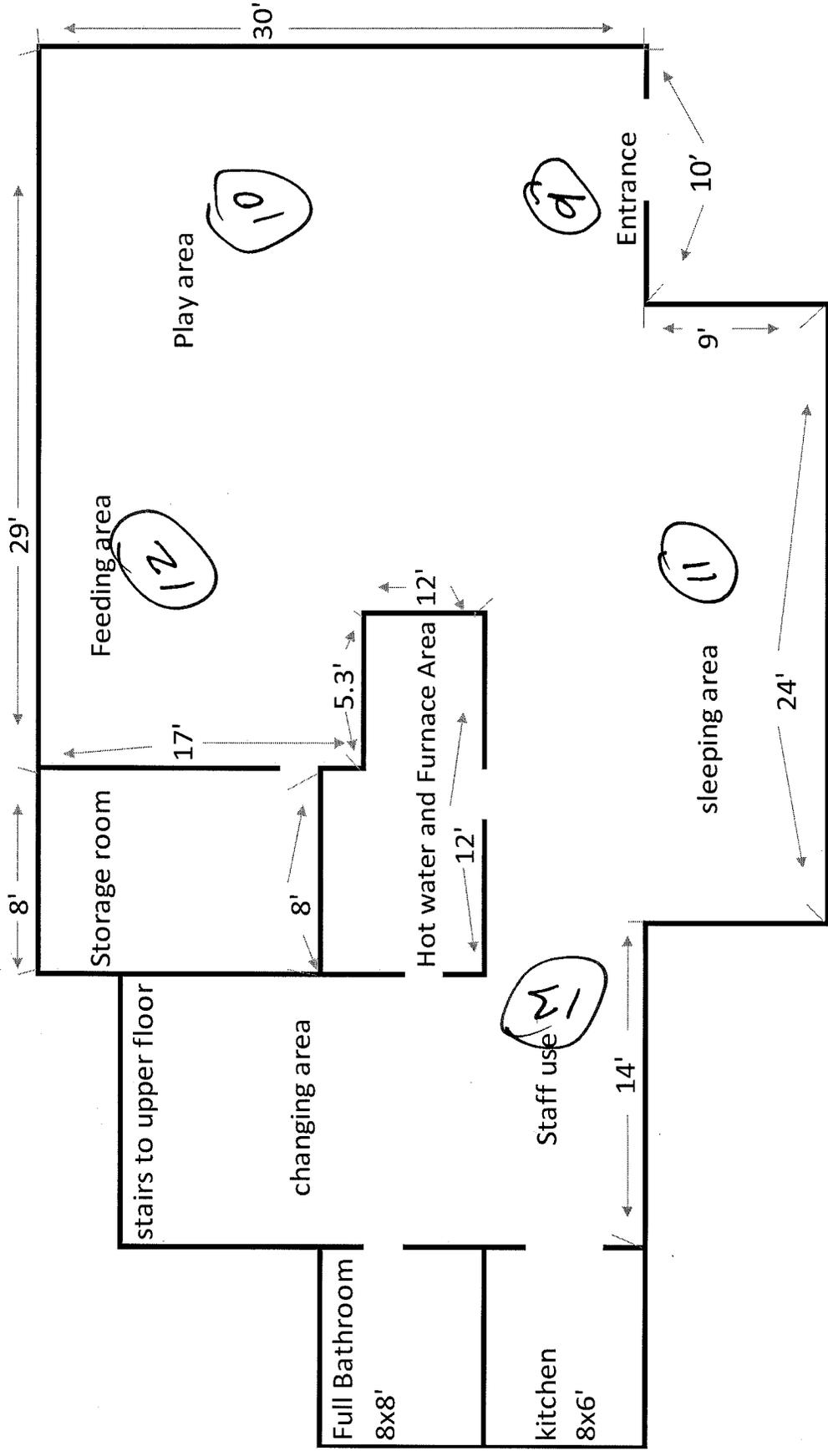
The higher height of the shed than allowed will not impair the purpose and intent of this Ordinance, and it will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and it will not create an unsafe condition with respect to both other property and public streets, and to force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the present owner.

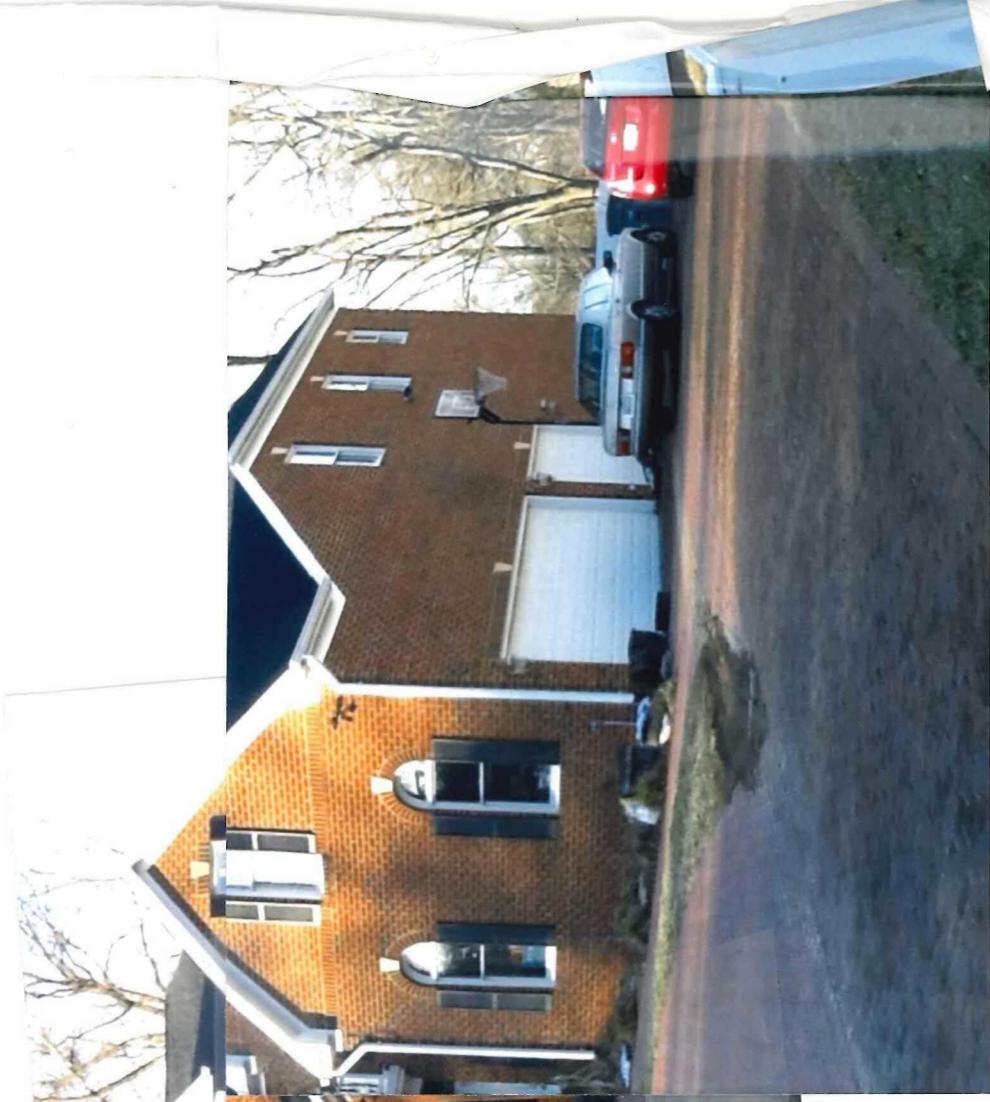
The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Sincerely,

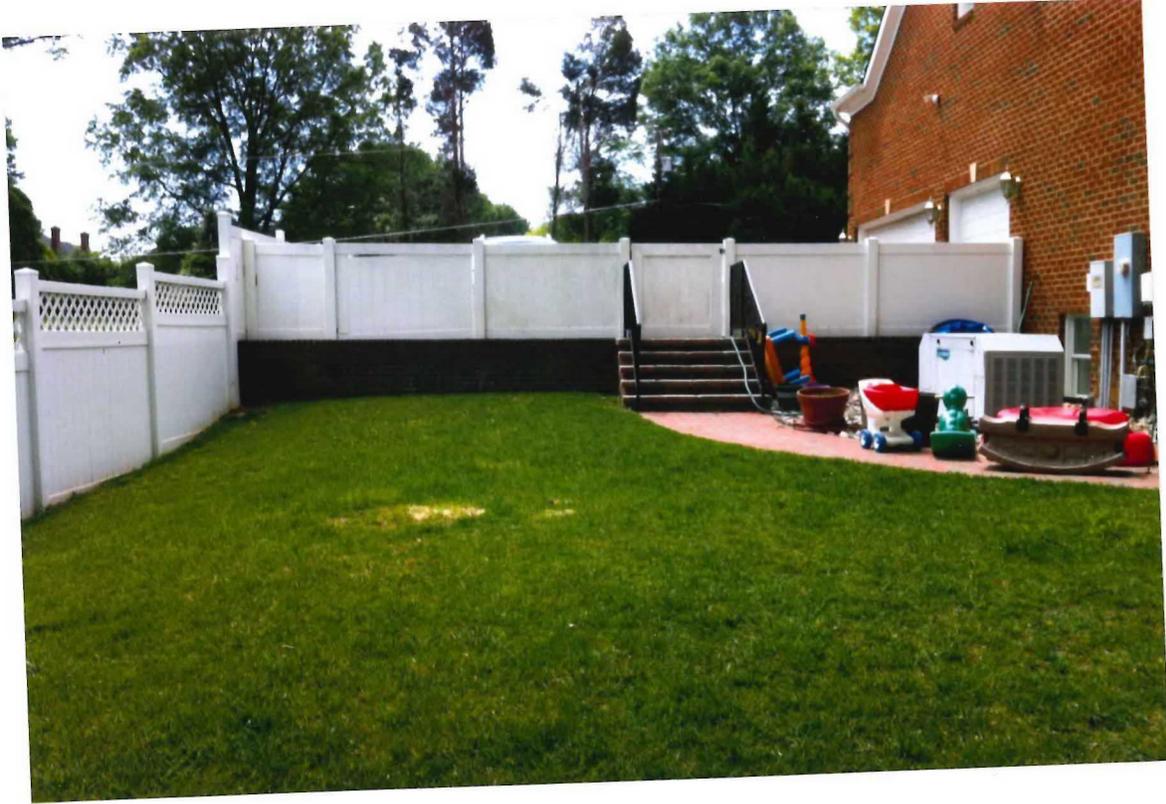
Ghazala Khilji
Owner of Zali's Kids

ROOMS USED FOR HOME CHILD CARE FACILITY - Basement





1. PHOTOGRAPHS OF THE FRONT OF THE PROPERT
January 25, 2014



Left
side
Yard
facing
the house
5/18/2014



Left
side
Yard
facing
away
from
the house
5.18.2014



Right
side
yard
facing
from
back of
the house
5-18-2014



Right
side
yard
facing
away
from
back
of the
house
5-18-2014

2. BACK OF
THE PROPERTY
January 25, 2014





3. RIGHT SIDE
OF PROPERTY
January 25, 2014



4. LEFT SIDE
OF PROPERTY
(FACING
PROPERTY)
January 25, 2014



5. ACROSS THE
STREET -
CHURCH
PARKING LOT,
FACING
OUT
January 25,
2014

6. Shed, January 25, 2014



7. PATH LEADING TO
DAYCARE (BASEMENT)
January 25, 2014

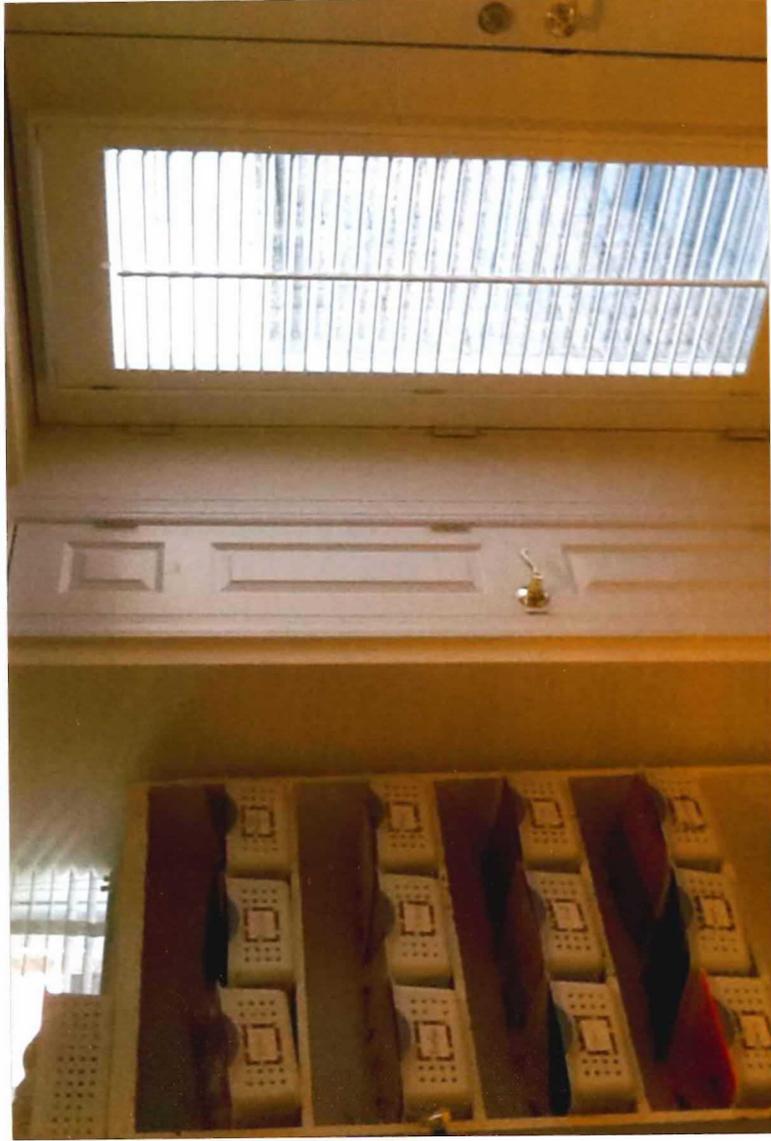
8.
ENTRANCE
TO
BASEMENT
January 25
2014



10. Facing PLAY AREA
1/25/2014.



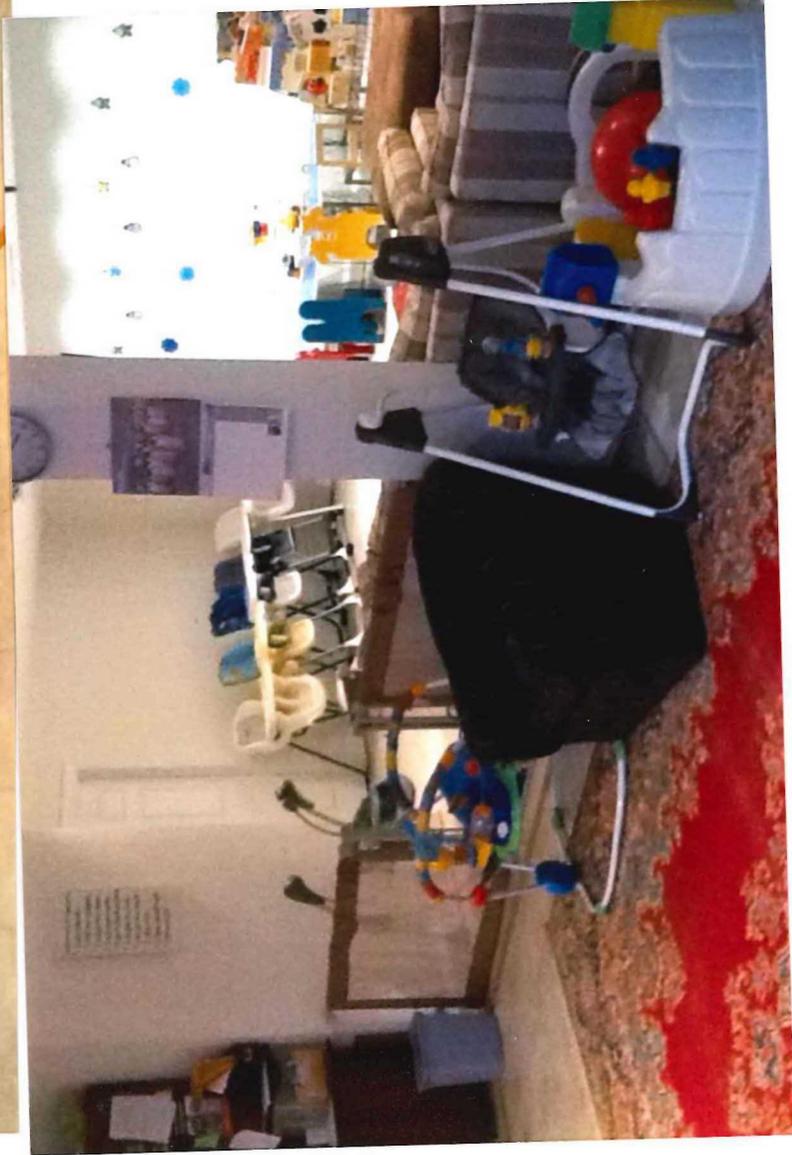
9. Facing entrance.
1/25/2014.



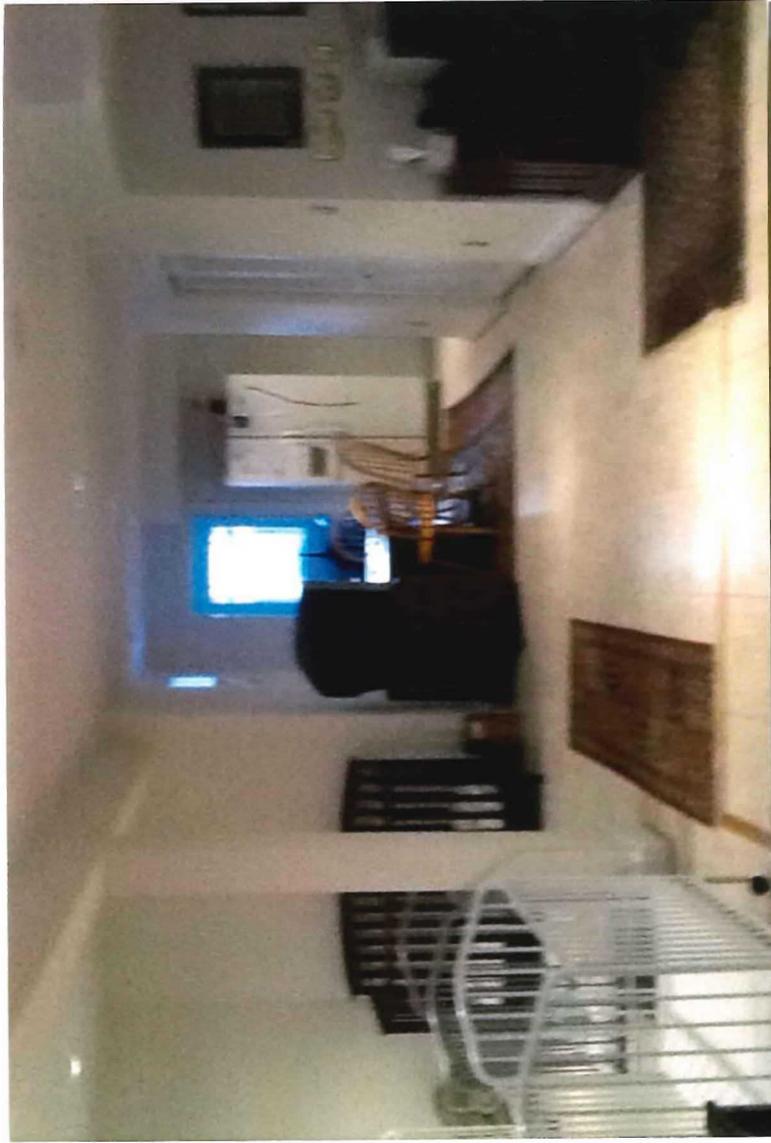
11. Facing sleeping area
1/25/2014



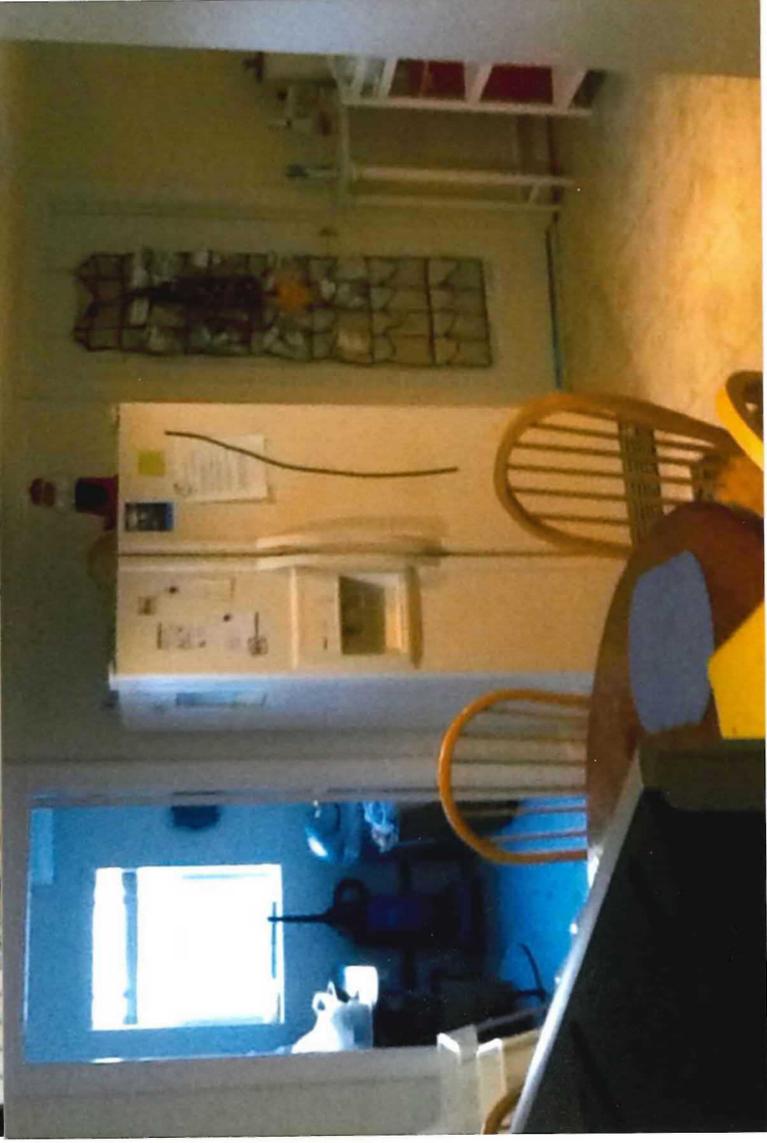
12. Facing Feeding area



13. Facing Staff use
1/25/2014.



14. Facing Kitchen,
Bathroom, and area
changing
1/25/2014



Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/11/2014
 (enter date affidavit is notarized)

I, GHAZALA KHILJI d/b/a Zalia's Kids, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

and that, to the best of my knowledge and belief, the following is true: 124745

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)
Ghazala KHILJI <i>d/b/a Zalia's Kids</i>	1912 Prices Lane, Alexandria, VA 22308	applicant/title owner
Nasir M. KHILJI	1912 Prices Lane, Alexandria, VA 22308	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).

CAB

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/11/2014
(enter date affidavit is notarized)

124745

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)

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)

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/11/2014
(enter date affidavit is notarized)

124745

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/11/2014
(enter date affidavit is notarized)

124745

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

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

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

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

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

None

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/11/2014
(enter date affidavit is notarized)

124745

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

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

None

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

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

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

WITNESS the following signature:

(check one) Applicant Ghazala Khilji [] Applicant's Authorized Agent

Ghazala Khilji Owner of Zali's Kids
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11 day of March, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 07-31-2016

Reg. # 7196278

Embossed Hereon Is My
Commonwealth Of Virginia Notary Public Seal
My Commission Expires July 31, 2016
HOMAIRA AMIN

CAB



VIRGINIA DEPARTMENT OF SOCIAL SERVICES



Adult & Child Care	↑ ...
Child Care	↑ ...
Child Day Care	↑ ...
Search for Child Day Care	→ ...
Certified Preschools (CP)	→ ...
Child Day Centers (CDC)	→ ...
Family Day Homes (FDH)	→ ...
Family Day System (FDS)/Homes	→ ...
Religiously Exempt Child Day Centers (RECDC)	→ ...
Voluntarily Registered Family Day Homes (VRFDH)	→ ...

Search for Child Day Care

Help Opening Files
 Print Version
 E-mail Page

[Return to Search Results](#) | [New Search](#) |

Ghazala Khilji
 1912 Prices Lane
 ALEXANDRIA, VA 22308
 (703) 360-9422

Facility Type: [Family Day Home](#)
License Type: [One Year](#)
Expiration Date: Nov. 19, 2015
Business Hours: 7:00 a.m. - 6:00 p.m.
 Monday - Friday
Capacity: 12
Ages: Birth - 12 years 11 months
Inspector: Kelly Patterson-Savittiere
 (703) 479-4746

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504 Telephone: 703-222-0801
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 05234R1090

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # 05-05352
 TAX MAP # 011-1-104/0028A

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 1912 Prices Lane
 LOT # 28A BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Sulgrave Village
 TENANT'S NAME _____

OWNER INFORMATION OWNER TENANT
 NAME Richard Gamacho
 ADDRESS 1915 Prices Lane
 CITY Alexandria STATE Va ZIP 22308
 TELEPHONE _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____

APPLICANT
Jon Zilgalovs

DESCRIPTION OF WORK
10 x 20 Shed with electric

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 5200⁰⁰
 BLDG AREA (SQ FT OF FOOTPRINT) 200⁴
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	<u>8'6"</u>	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		_____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>8-22-05</u>	<u>PKM</u>
SITE PERMITS	<u>10-21-05</u>	<u>ST</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>11/1/05</u>	<u>JL</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE - \$ _____
 AMOUNT DUE = \$ 1650

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC. J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT) JB DATE 12/21/05
 BY _____

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-3 HISTORICAL DISTRICT _____
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE
 YARDS: FRONT NC GARAGE 1 2 3
 FRONT 16" OPTIONS YES NO
 L SIDE 16" REMARKS 200 4' Shed on
 R SIDE NC Rear, 1.6 from proper
 REAR 16" line side bud 1.6 from
Rear, plat attached

GRADING AND DRAINAGE REVIEW
 SOILS # _____ A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 1200⁰⁰
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 200⁴
 PLAN # _____ APPR. DATE _____

STAMPS
FF, 2500 EXHIBIT
 (See reverse side of application)

REMARKS

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Jon Zilgalovs Date August 22 2005
 Printed Name and Title _____
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____, a _____
 Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____ My
 commission expires the _____ day of _____, 20____
 (Notary Signature)


Land Development Information History: FIDO - DETACHED R - 052345632
Permit Information

Permit Number:	052345632	Application Date:	
Permit Type:	DETACHED STRUCTURE RESIDENTIAL	Tax Map:	111-1 ((04)) 0028A
Job Address:	001912 PRICES LA ALEXANDRIA , VA 22308-0000	Permit Status:	Permit Issued
Location:		Bldg:	Floor: Suite:
Subdivision:	SULGRAVEVG	Permit Fee:	\$65.00
Magisterial District:	MOUNT VERNON		
Subcensus Tract:			
AP (Tenant) Name:	NA		
Work Description:	SFD//CONSTR ACCESS STRUCTURE {SHED} S1 PERMIT AFFID ATTACH		
Type of Work:	ACCESSORY STRUCTURE/BUILDING		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR00 - IRC 2000		
Plan Number:	W-05-05352		
Parent Permit:	NA		
ISIS Permit:	05234B1090		
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [052345632](#)

Owner Information

Owner: CAMACHO RICHARD

Address: 1912 PRICES LA

Contractor Information

City: ALEX State: VA Zip: 22308

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant: JON Z

Address:

City: State: Zip:

Other Contact Information

Contact: JON Z

Address:

City: State: Zip:

Inspections**Inspection - R FINAL - FINAL INSPECTION - 3595927**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2007-11-16	RANDOLPH BOWMAN	N	Cancelled	NO	

Inspection - R FINAL - FINAL INSPECTION - 3599312

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	

Inspection - R FTGARAGE - 2499212

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGARAGE	2006-01-06	RAKESH KAPOOR	N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: Building Permit:

Inspection - R FTGARAGE - 2499213

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGARAGE	2006-01-06	GARY KENDRICK	N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

Reviews**Review - BUILDING - (BUILDING REVIEW) - 604208****Review - SITEPERMIT - (SITE PERMITS REVIEW) - 604209**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2005-12-21	SCHUYLER AHRENS	Y	Conditional Approval

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2005-12-21		Y	Approved

Review - REAL ESTATE - (REAL ESTATE REVIEW) - 604210

Review Type	Review Date	Reviewer	Started	Status
REALESTATE	2005-08-22		Y	Approved

Review - ZONING - (ZONING REVIEW) - 604211

Review Type	Review Date	Reviewer	Started	Status
ZONING	2005-08-22		Y	Approved

**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](#)**

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Group: 90-V -122

VC 90-V -122

APPLICANT: A SALVATORE & MARY JILL MARTINELLI
STATUS: APPLICATION APPROVED
STATUS/DECISION 02/01/1991
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITIONS 6.5 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 9004 GREYLOCK STREET
TAX MAP #S:
1111 03040012

Group: 93-V -091

VC 93-V -091

APPLICANT: MAENG Y YI
STATUS: APPLICATION DENIED
STATUS/DECISION 11/17/1993
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 7.33 FT. FROM SIDE LOTLINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 9003 STRATFORD LANE
TAX MAP #S:
1111 03040008

Group: 94-V -060

SP 94-V -060

APPLICANT: LAIRD, O. CLEVELAND, JR.
STATUS: APPLICATION APPROVED
STATUS/DECISION 02/09/1995
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW ADDITION TO REMAIN 14.8 FT. FROM REAR LOT LINE AND 9.4 FT. FROM SIDE LOT LINE
LOCATION: 2004 PRICE'S LANE
TAX MAP #S:
1111 03060003

Group: 96-V -098

VC 96-V -098

APPLICANT: CORTEZ, MR. & MRS. JOE
STATUS: APPLICATION APPROVED
STATUS/DECISION 10/09/1996
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITIONS 8.0 FT. AND 10.0 FT.FROM SIDE LOT LINE
LOCATION: 9003 GREYLOCK STREET
TAX MAP #S:
1111 03060009

Group: 2002-MV-113

VC 2002-MV-113

APPLICANT: WANDA C J MCCAIN

STATUS: APPLICATION APPROVED
STATUS/DECISION 10/23/2002
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF AN ADDITION 20.2 FEET FROM THE FRONT LOT LINE OF A CORNER LOT
LOCATION: 8902 STRATFORD LANE
TAX MAP #S:
1111 03080005

Group: 2004-MV-028

SP 2004-MV-028

[STAFF REPORT](#)

APPLICANT: MICHAEL AND MARIA MORGAN
STATUS: APPLICATION APPROVED
STATUS/DECISION 08/04/2004
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 2.7 FEET WITH EAVE 1.6 FEET FROM REAR LOTLINE AND 9.3 FEET WITH EAVE 8.3 FEET FROM SIDE LOT LINE
LOCATION: 2109 WAKEFIELD STREET
TAX MAP #S:
1111 03040509

Group: 2008-MV-086

SP 2008-MV-086

[STAFF REPORT](#)

APPLICANT: GEOFFREY S. DEAS AND EDNA C. ROSARIO-MUNOZ
STATUS: APPLICATION APPROVED
STATUS/DECISION 06/23/2009
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT OPEN DECK TO REMAIN 1.8 FT. FROM SIDE LOT LINE AND TO PERMIT MODIFICATIONS TO THE LIMITATIONS ON THE KEEPING OF ANIMALS
LOCATION: 2002 BASSET STREET
TAX MAP #S:
1111 03100009

Group: 2013-MV-002

SP 2013-MV-002

[STAFF REPORT](#)

APPLICANT: LUIS M. PEREZ
STATUS: APPLICATION APPROVED
STATUS/DECISION 04/03/2013
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: REDUCTION IN CERTAIN YARD REQUIREMENTS TO BUILD ADDITION 10.7 FEET FROM SIDE LOT LINE. REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 6.1 FEET FROM SIDE LOT LINE AND 7.9 FEET FROM REAR LOT LINE.
LOCATION: 2104 WAKEFIELD ST. ALEXANDRIA, VA 22308
TAX MAP #S:
1111 03070007



County of Fairfax, Virginia

MEMORANDUM

Date: August 15, 2014

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

From: Bruce Miller *BM*
Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility, Special Permit # SP 2014-MV-075

Applicant: Ghazala Khilui
1912 Prices Lane, Alexandria Virginia, 22308
Sulgrave Village, Lot 28A
Tax Map #: 111-1 ((4)) 28A
Zoning District: R-3
Mail Log # 2014-MV-0306

An inspection was conducted of the above-referenced property on August 8, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by Staff Coordinator Carmen Bishop and representatives of the applicant.

*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.)
- 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.
- 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.

Comment: The electrical service panel did not provide the required 36 inches of clearance at the beginning of the inspection. This deficiency was corrected at the time of the inspection by the HCCF staff.

Structures comply with the Zoning Ordinance.

Comment: The following accessory structures or uses are not in compliance with the referenced Zoning Ordinances Sections:

- The freestanding accessory storage structure in the rear yard is approximately 11.11 feet in height and is located 18 inches from the rear property line and 1'11" from the side property line. This structure is not in compliance with Par 10E of Sect. 10-104 of the Zoning Ordinance that states:
 - E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
- A section of the fence in the front yard is 4 feet 6-1/2 inches in height with a 61" fence post. This section of fencing is not in compliance with Par. 3B of Sect. 10-104 of the Zoning Ordinance that states, in part:
 - B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted.
- In addition, a portion of the fence in front of the house is located within the VDOT right of way, and is not in compliance with Sect. 10-101 of the Zoning Ordinance that states:



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- Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.
- The surfaced area of the driveway located in the front yard occupies an area greater than 30 percent of the front yard and is not in compliance with Par. 8 of Sect. 11-102 of the Zoning Ordinance that states in part:
 - For single family detached dwellings on lots containing 36,000 square feet or less in the R-1, R-2, R-3 and R-4 Districts, all parking for vehicles or trailers in a front yard shall be on a surfaced area, provided, however, that this shall not be deemed to preclude temporary parking on an unsurfaced area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning or repair of vehicles or trailers. In addition, in the R-1 and R-2 Districts, no more than twenty-five (25) percent of any front yard and in the R-3 and R-4 Districts, no more than thirty (30) percent of any front yard shall be surfaced area for a driveway or vehicle/trailer parking area...

The following photographs depict the condition of the property at the time of the inspection:



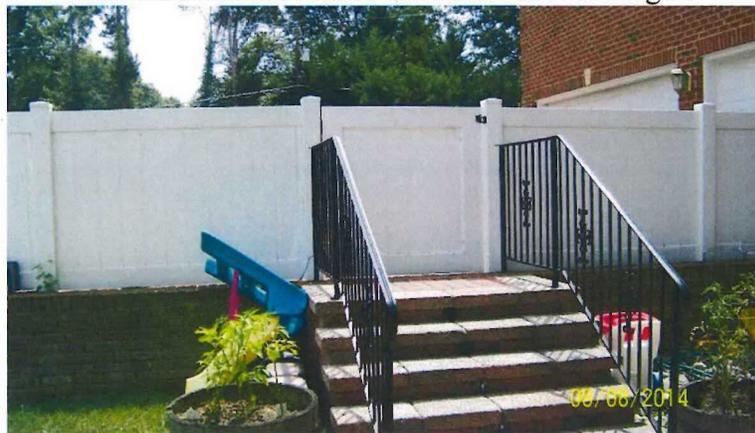
The driveway covers more than 30% of the front yard.



The driveway covers more than 30% of the front yard.



The driveway covers more than 30% of the front yard. The First section of the fence is in the VDOT right of way. The Second section of fence exceeds 4 feet in height.



Compliant stairs and fence in the rear yard.



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Non-compliant shed in the rear yard.



View of the rear yard.



Another view of the rear yard.



Compliant egress door to the HCCF.

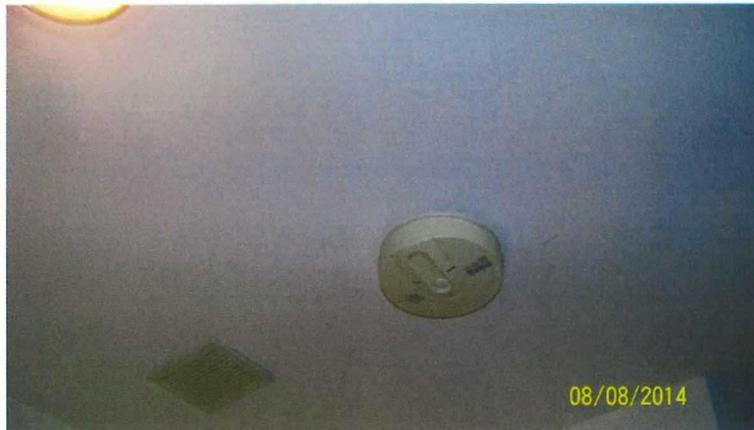


Compliant basement egress door and compliant hardware serving the HCCF.



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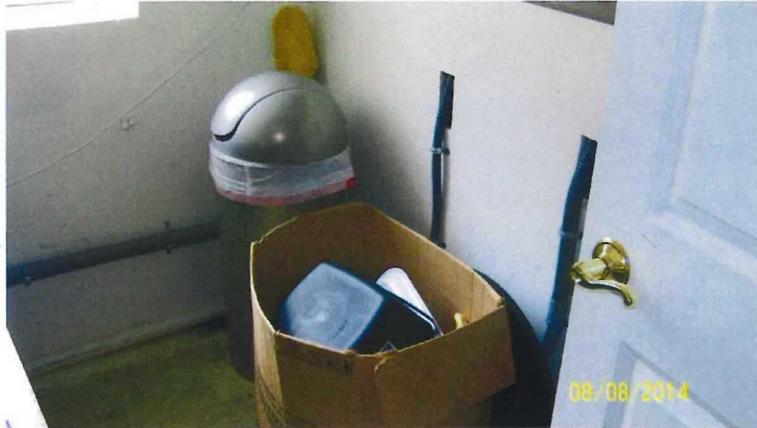


Compliant Smoke alarm.



Food preparation area serving the HCCF.

(The basement was not occupied as a second dwelling unit at the time of the inspection.)



The electrical service panel did not provide the required 36 inches of clearance at the beginning of the inspection.

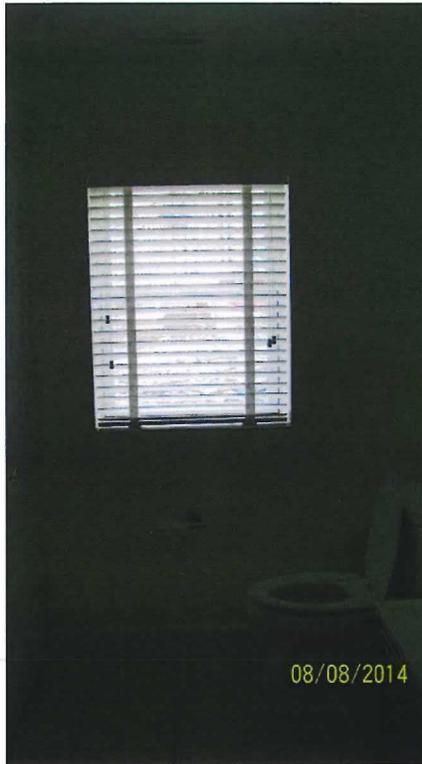


The HCCF staff present moved the obstruction from in front of the electrical service panel at the time of the inspection.



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The HCCF bathroom.



The area of the basement containing a sleeping area used for the HCCF.



A view of the compliant egress for the basement HCCF from another Area used for sleeping purposes.



Another view of the compliant basement HCCF egress.

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.

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
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, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location, Par 2 and 3

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special

- permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

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.