



APPLICATION ACCEPTED: June 25, 2014
BOARD OF ZONING APPEALS: January 28, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 21, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-SU-128

SULLY DISTRICT

APPLICANT: Mahera Noori Wakilpoor
(Saphire Day Care Inc.)

OWNERS: Wali Wakilpoor
Mahera Wakilpoor

SUBDIVISION: Navy

STREET ADDRESS: 3601 West Ox Road, Fairfax, 22033

TAX MAP REFERENCE: 45-2 ((1)) 15

LOT SIZE: 1.38 acres

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-305, 3-103

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-SU-128 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

Casey V. Gresham

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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

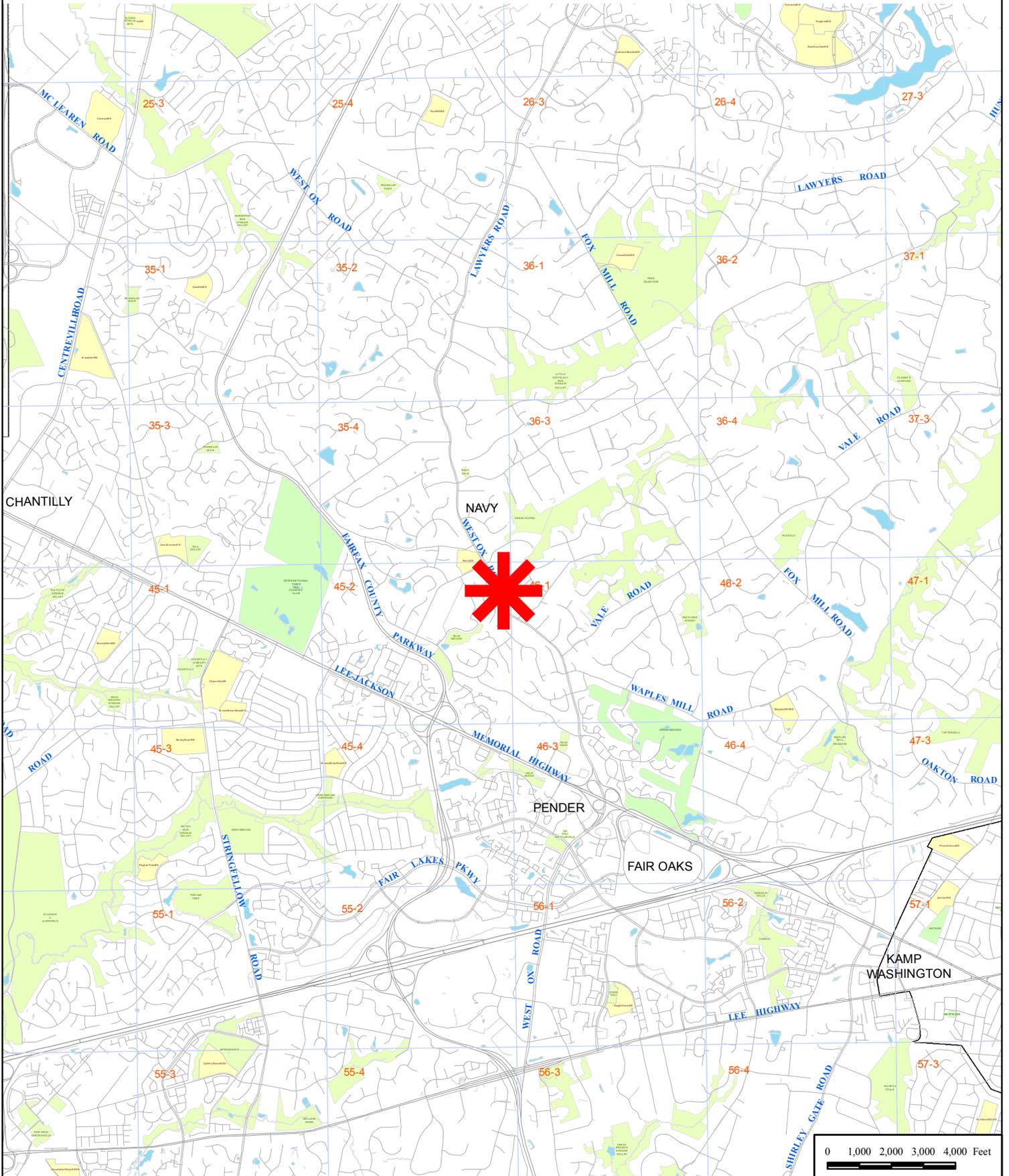


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-SU-128

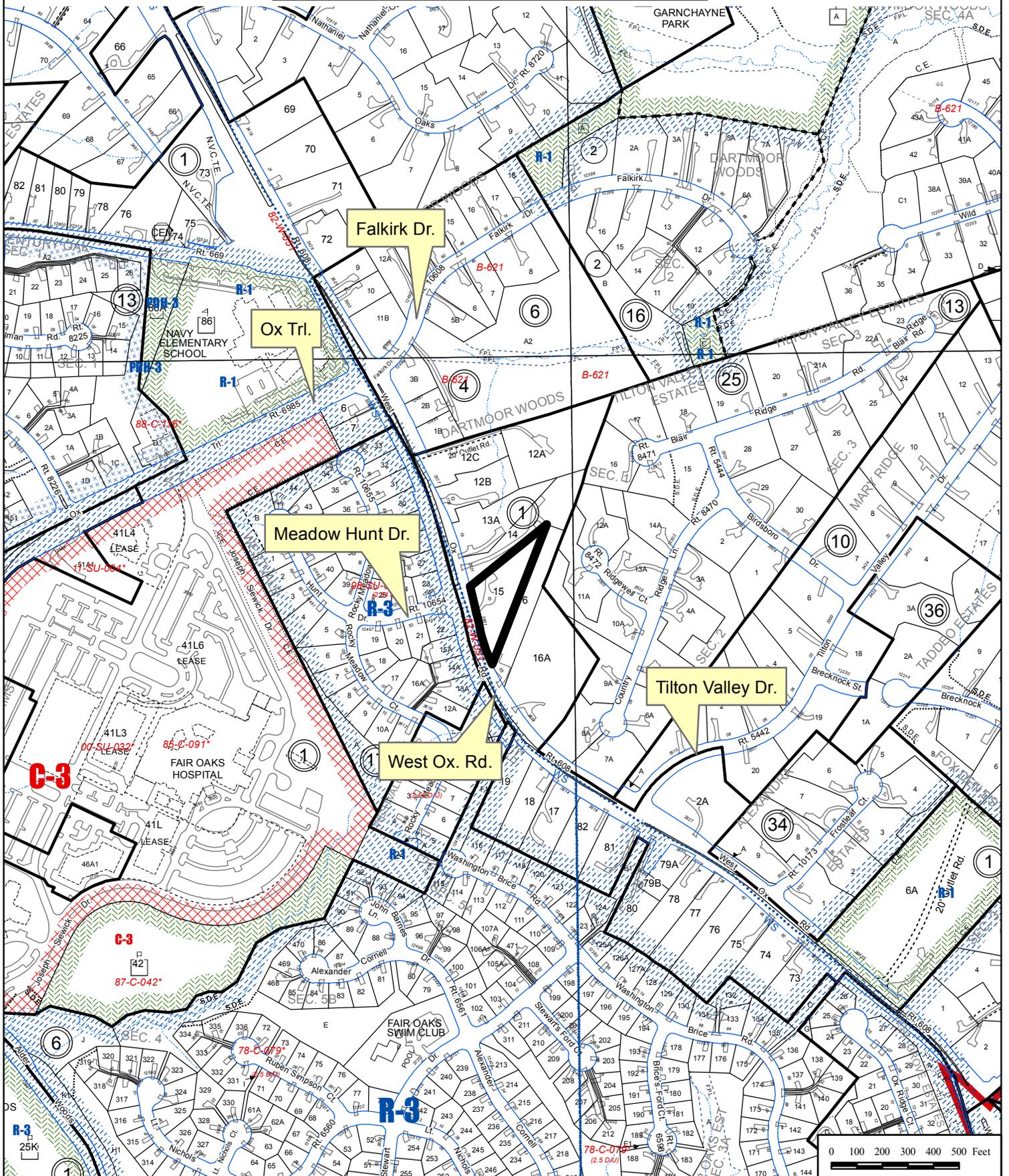
MAHERA NOORI WAKILPOOR (SAPHIRE DAY CARE INC.)



Special Permit

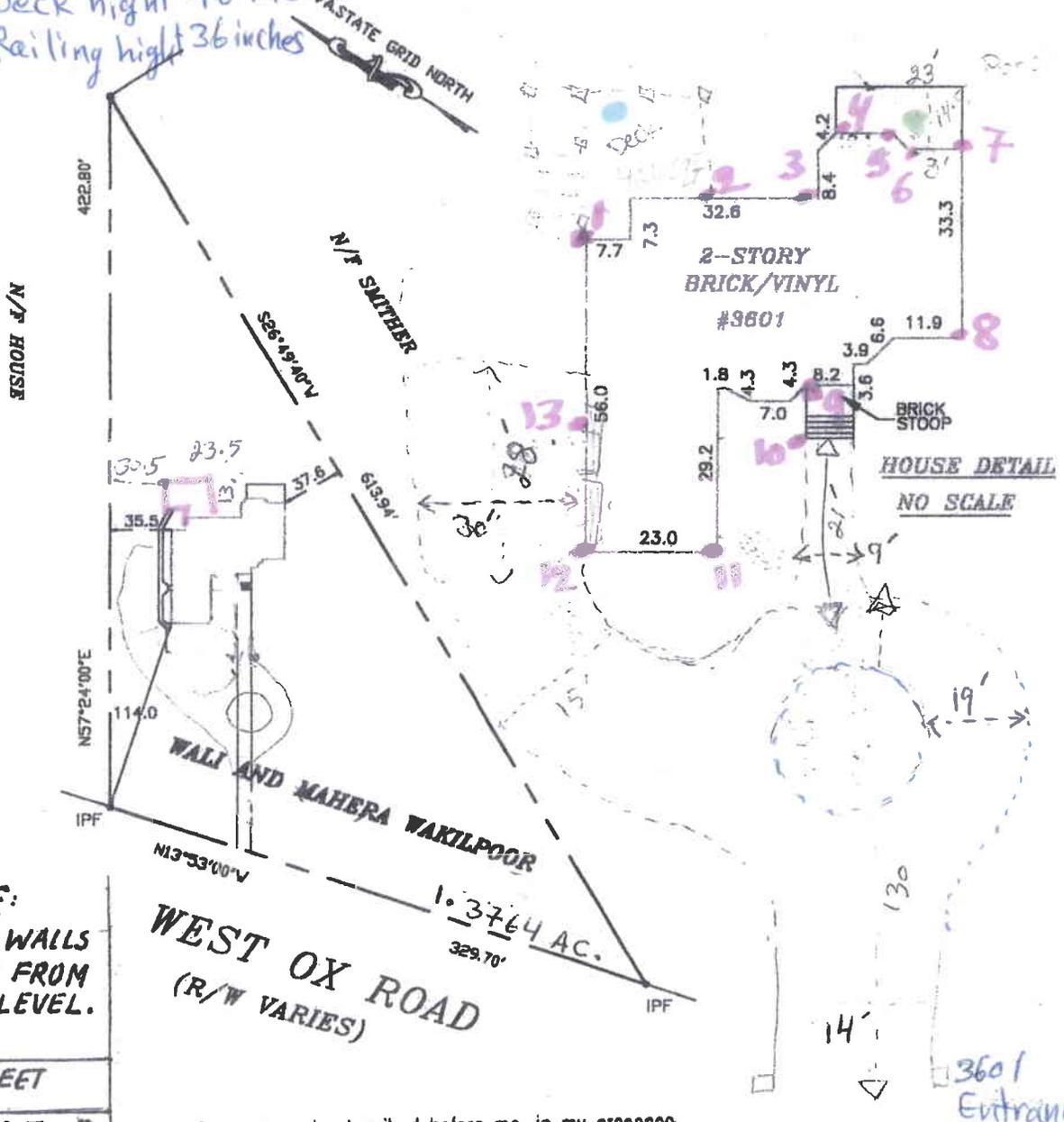
SP 2014-SU-128

MAHERA NOORI WAKILPOOR (SAPHIRE DAY CARE INC.)



out door porch Day Care play Area
 Fence height 3 1/2 ft

Deck height 96 inches
 Railing height 36 inches



NOTE:
 TABLE OF WALLS
 HEIGHT FROM
 GROUND LEVEL.

№	FEET
1	15.9
2	26.9
3	26.9
4	26.9
5	26.8
6	18.1
7	18.2
8	22.0
9	20.0
10	21.5
11	17.7
12	18.2
13	18.2
14	13.8
	18.9

Sworn to and subscribed before me, in my presence
 this 23 day of June, 2014. A Virginia
 Notary Public, in and for the State at Large

Natalia Acosta Notary Public

My Commission Expires Aug 31, 2017

NATALIA ACOSTA
 NOTARY PUBLIC
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES AUG. 31, 2017
 COMMISSION # 7569020

PLAT SHOWING
HOUSE LOCATION SURVEY

ON THE PROPERTY OF
WALI AND MAHERA WAKILPOOR
 (D.B.10684 PG 108)
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

PANEL: 25D
 DATE: 3/5/90

SCALE: 1"=100'

CASE NAME:

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A more detailed description of the proposal is provided on page two.

A copy of the special permit plat, titled "Plat showing House Location Survey on the Property of Wali and Mahera Wakilpoor," prepared by Charles E. Janson, L.S., on August 2, 2002, as revised by the applicant, Mahera Noori Wakilpoor, through June 23, 2014, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two-story single-family detached dwelling. A brick driveway extends from the attached garage to West Ox Road, and a pathway provides access from the driveway to the main entrance and daycare entrance located in the rear of the dwelling. The rear yard contains a patio utilized for outdoor play area. The deck located in the rear yard is not used for the home child care.

The subject property and adjacent properties are zoned R-1 and developed with single family detached-dwellings.

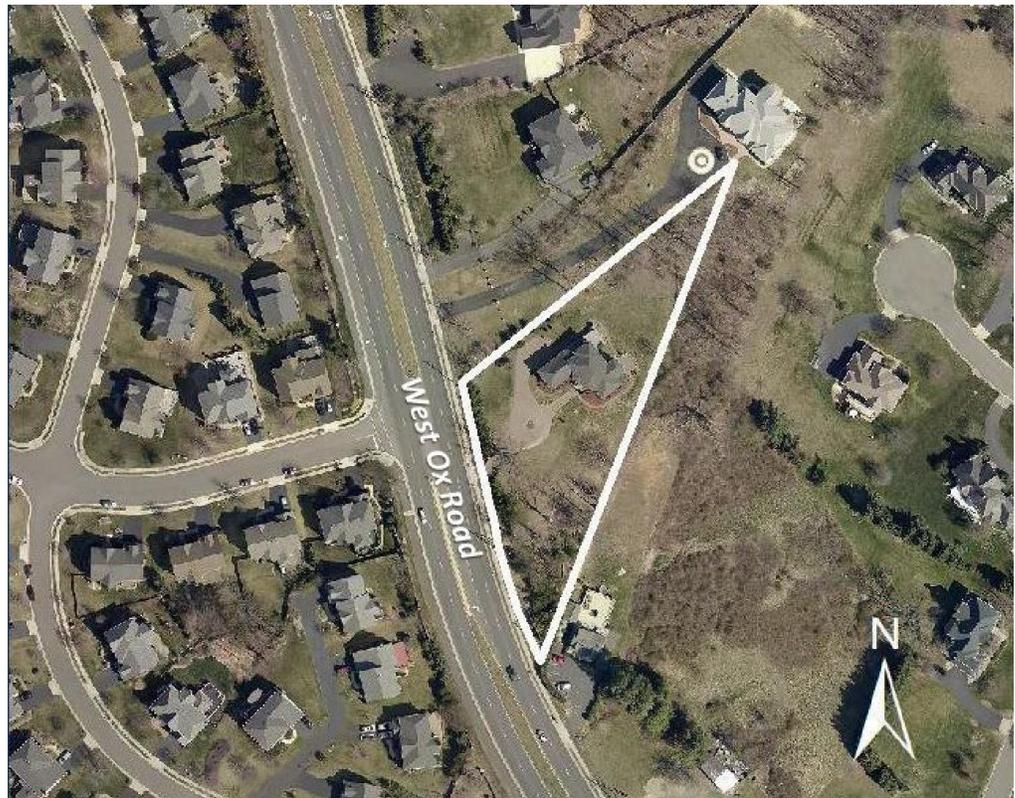


Figure 1: Aerial view of property
Source: Fairfax County GIS

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 2002, and the land was purchased by the property owner in 1998.

In September of 2002, the applicant applied and was approved for a building permit allowing a finished basement to include a wetbar, and final inspections were completed. In September of 2005, the applicant applied and was approved for a building permit to build a deck. Both of these building permits are included as Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. There is one part-time assistant and one full-time assistant, and both drive to the facility.

The applicant holds a current Family Day Home License, valid through October 21, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, one month through 10 years, 11 months of age. A copy of the license is included as Appendix 5.

The home child care facility is operated entirely in the basement of the dwelling, which contains a nap room, an eating area, and a play area. The outdoor patio located in the rear yard is utilized for outdoor play. Pictures provided by the applicant show this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: West Ox Community Planning Sector (UP7)
Plan Map: Residential, 1-2 du/ac

On-Site Parking and Site Circulation

The existing driveway and garage appear to be able to accommodate multiple vehicles, both for parking of the applicant and assistants and for the drop-off and pick-up of children. As shown in the applicant's traffic plan (Appendix 6), parents enter the roundabout driveway, drop children off at the child care, and exit using only right turns

onto West Ox Road. Each parent is given a copy of this parking information and made aware of the traffic flow. The applicant’s assistants park in the driveway offshoot nearest to the two car garage.

Following FCDOT review, a condition has been included to require maintenance of sight distance, allowing safe re-entry to West Ox Road. An additional condition prohibits left turns out of the driveway onto West Ox Road, as further reinforced by the applicant’s traffic plan. FCDOT’s memorandum is included as Appendix 7.

Zoning Inspection Branch Report

The Zoning Inspections Branch report is included in Appendix 8. During a site visit, it was determined that the infant sleeping area did not contain acceptable means of egress. The applicant has since relocated her sleeping area to an area with acceptable egress, and a photo of this is included in Appendix 9. In addition, the applicant has removed the double cylinder door locks located in the basement, as indicated in the Zoning Inspections Memorandum. These corrected items are also included as photos in Appendix 9.

Zoning Ordinance Requirements (Appendix 10)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

General Standards for Special Permit Uses (Sect. 8-006)

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-1 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area is existing in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>Due to the size of the lot, there is ample area and mature vegetation separating the play area from adjacent properties.</p>
<p>Standard 6 Open Space</p>	<p>Open space is not required in the R-1 District.</p>
<p>Standard 7 Utilities, Drainage,</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would</p>

Parking, and Loading	be used for parking for the home child care use.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The lot size and bulk regulations for the subject property were previously satisfied with the development of the property. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions propose up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic on West Ox Road.
Standard 3 Landscaping/Screening	Due to the size of the lot, there is ample area and mature vegetation separating the play area from adjacent properties.
Standard 4 Submission Requirements	The applicant met all submission requirements for a Home Child Care Facility.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license.

Use Limitations (Par. 6 of Sect. 10-103)

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
Part B Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.

Part D Non-Resident Employee	The applicant is proposing two non-resident employees. The hours of the non-resident employees are conditioned to be limited from 7:00 a.m. to 6:00 p.m..
Part E Provider is a Resident	The provider is a resident.
Part F Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
Part G Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and two non-resident employees.

CONCLUSION / RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-SU-128 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Applicable Building Permits
5. State Family Day Home License
6. Applicant's Traffic Plan
7. FCDOT Memorandum
8. Zoning Inspections Branch Comments
9. Photos of Updated Conditions Since ZIB Inspection
10. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SU-128****January 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SU-128 located at Tax Map 45-2 ((1)) 15 to permit a home child care facility pursuant to Sections 8-305 and 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Mahera Noori Wakilpoor (Saphire Day Care Inc.), only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3601 West Ox Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat showing House Location Survey on the Property of Wali and Mahera Wakilpoor," prepared by Charles E. Janson, L.S., on August 2, 2002, as revised by the applicant, Mahera Noori Wakilpoor, through June 23, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. and 5:30 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 two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
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. 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.

11. The 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 at the home child care facility.
12. A clear line of sight distance, as defined by Section 2-505 of the Zoning Ordinance, shall be maintained by the applicant for vehicles exiting the subject driveway.
13. Parents conducting drop-off and pick-up of children shall only make right turns onto Ox Road from the home child care facility.
14. Parents shall receive written notice and provide written agreement to the parking, drop-off and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements with the parents and make them available at the request of Fairfax County.

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

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

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: Mahera Noori Wakilpoor
Address: 3601 West ox Rd Fairfax, VA 22033
Phone #: 703-620-0012
E-mail: Wakilpoor@yahoo.com

Date _____

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

Re: Special Permit Application

Applicant: _____
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards

Tax Map #: 0452 010015
Zoning District: R-1 C Residential, DV/AC Sully
Lot Size: 1.3764 AC.

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached / detached (circle one) dwelling at 3601 West ox Rd, Fairfax VA 22033 (your address). The property is zoned R-1 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:30 to 5:30 Monday through Friday

Number of Children. I care for up to 12 children at any one time. This number does not include my own 1 child/children.

Employees. I have 1 assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. 11 of the children arrive between 7:30 AM and 9:30 AM.
2 kids arrive at 7:30, 4 kids 8:00, 5 kids between 8:30 to 9:30

Departure Schedule. 11 of the children are picked up at 3:30 PM. to 5:30 PM
2 kids picked up 3:30 PM, 4 around 4 PM, 5 around 4:30-5:30.

Area Served. Fair Oaks, Fairfax, Reston, Herndon, Centerville
(what neighborhood/general area do the children live in?)

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

three levels: Basement, first floor, second floor. Basement has 2 bathroom one bed Rm. & open area. 1st floor has one and half bathroom, a bedroom, kitchen dining, living, and family room. Second floor has 2 bed rooms, game room, library & Tv Rm.

The house has 5961 square feet. The following rooms are where I conduct the day care:

Basement: Two big Area, a play room
These rooms are 1899.5 square feet total.

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

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

Outdoor Play Area. I use my Porch yard for outdoor play for the children. The area is approximately 333.5 square feet. The outdoor play area consists of: Brick paved patio at ground level, and it's gated fence by chain link fences with wooden post's height of 42" (3 1/2 feet).

Parking. I use my garages to park my family car(s). My parents park In the Child Care facility's driveway loop.

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

In conclusion, I am proposing (See attachment)

Sincerely,

Owner of _____

RECEIVED
Department of Planning & Zoning
JUN 23 2014
Zoning Evaluation Division

Special Permit Statement of Justification

- A. Hours of operation is from 7:30 to 5:30, Monday through Friday.
- B. I currently care for up to 11 children at any one time, now I seek for approval to care for up to 12 children. This number does not include my own 2 child/children.
- C. I have one assistant who works part time and one assistant who works full-time.
- D. Applicant seeks approval for up to 12 kids.
11 of the children arrive between 7:30 AM and 9:30 AM.
2 Kids arrive at 7:30, 4 kids 8:00, and 5 kids between 8:30 to 9:30
Departure schedule: 11 of the children are picked up at 3:30 PM. to 5:30
2 kids picked up 3:30, 4 kids around 4, 6 around 4:30 - 5:30
- E. Some of the children live relatively near my child care facility, in Fairfax, Fair Oaks, Reston, Herndon, and in Centreville.
- F. All of the children are dropped off by car and their parents or guardians park in the facility's driveway loop. The drop off and pick up always goes smoothly due to the design of our driveway. There is two garage parking spots for the residents of the house. There are two more spots available for the helpers located behind the garage, the spots still allow for the residents to leave the garage. There are plenty of spots for the parents to either drop off or pick up children or to actually stay parked. Again, all of these spots still allow for other vehicles to enter and leave the driveway.
- G. The child care is seeking special permit for home child care use. The child care operates in the basement of a single family home. The facility has its own entrance which has a pathway originating from the driveway. The square footage designated to the child care facility is around 2,144 Sq ft. (See attachment for floor plan).
- H. The outdoor play area is adjacent to the facility on the outside. It is a paved patio at ground level. It is gated with a 43" tall gate and fenced in by chain linked fences with wooden posts. Its dimensions are 23'x14.5'.
- I. There is no homeowner association for our neighborhood.
The house and yard are free from hazardous and toxic substances. The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards.

RECEIVED
Department of Planning & Zoning
JUN 23 2014
Zoning Evaluation Division

My facility is an asset to the community; for the parents and their children, and to the neighborhood. My facility does not change the appearance of my house, thus uneffecting the neighborhood's appearance. In fact, the facility brings economical value to the community and the neighboring properties.

I believe that my neighbors understand that I respect their needs and will listen to any complaints that they may have. However, since I have not received any complaints thus far, I can only assume that my facility and the children do not affect them.

I take many steps in ensuring that my child care does not disturb the neighbors. The children are always under supervision, and are kept occupied by educational activities. Any outdoor activities take place between 10:30AM-12:00PM or 2:00PM-3:30PM, times that would not disturb my neighbors. I try to keep the arrival and pick-up times spread out so that it doesn't disrupt traffic. I would like to continue having my neighbors support and a good relationship so everyone may take advantage of the value that the child care facility can bring.

For these reason, I believe that my proposed child care facility will not impact the neighbors in any negative way,

Dear Parents,

As I have mentioned before, my son's graduation is the morning of Thursday June 19th, 2014. I would greatly appreciate it if I can have this day off so I can attend his ceremony.

Thank You,
Mahera Wakilpoor
Saphire Daycare

RECEIVED
Department of Planning & Zoning
JUN 23 2014
Zoning Evaluation Division

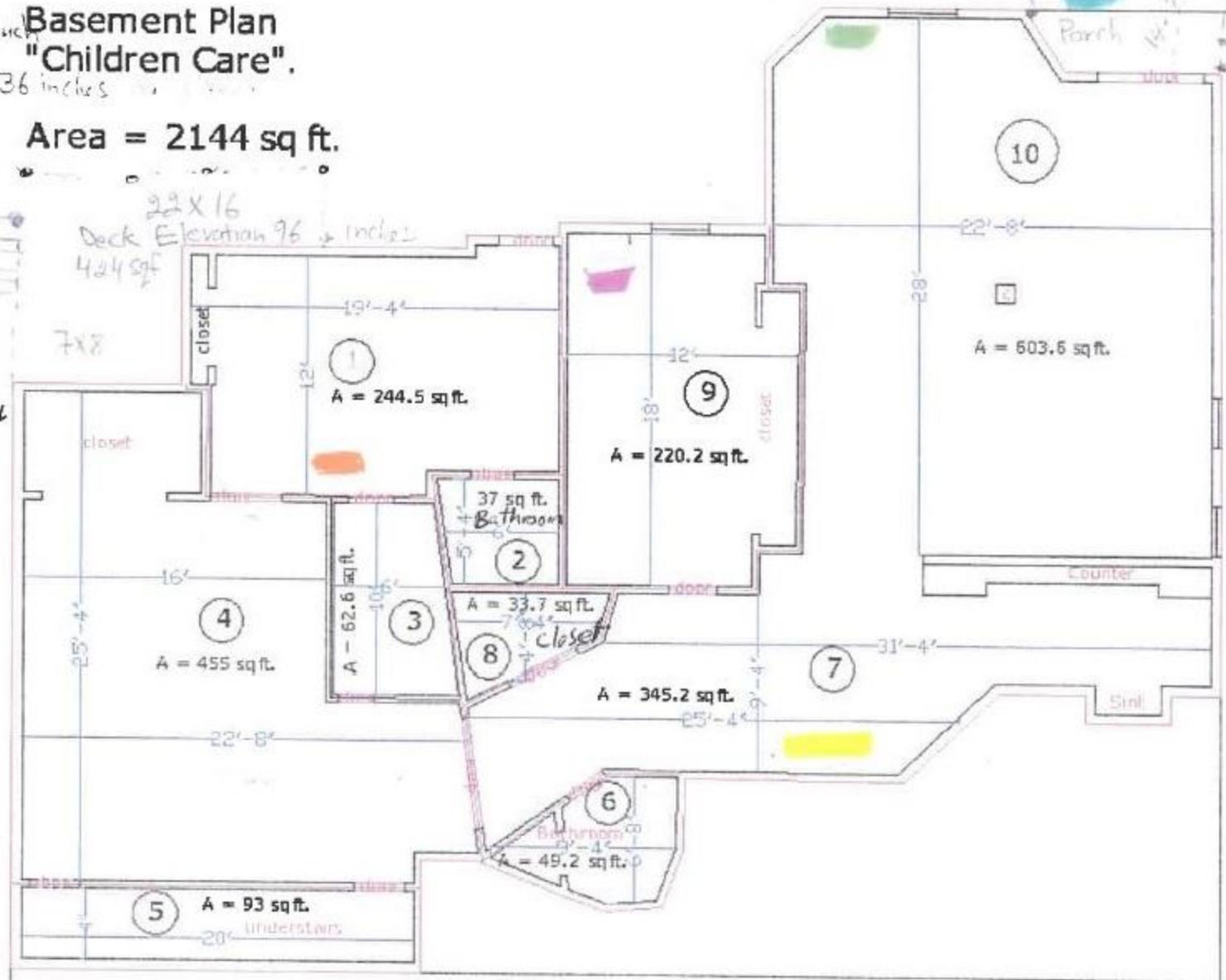
● day care outdoor play Area
 ● Height of Railing 42 inches or 3 1/2 ft

**Basement Plan
 "Children Care".**

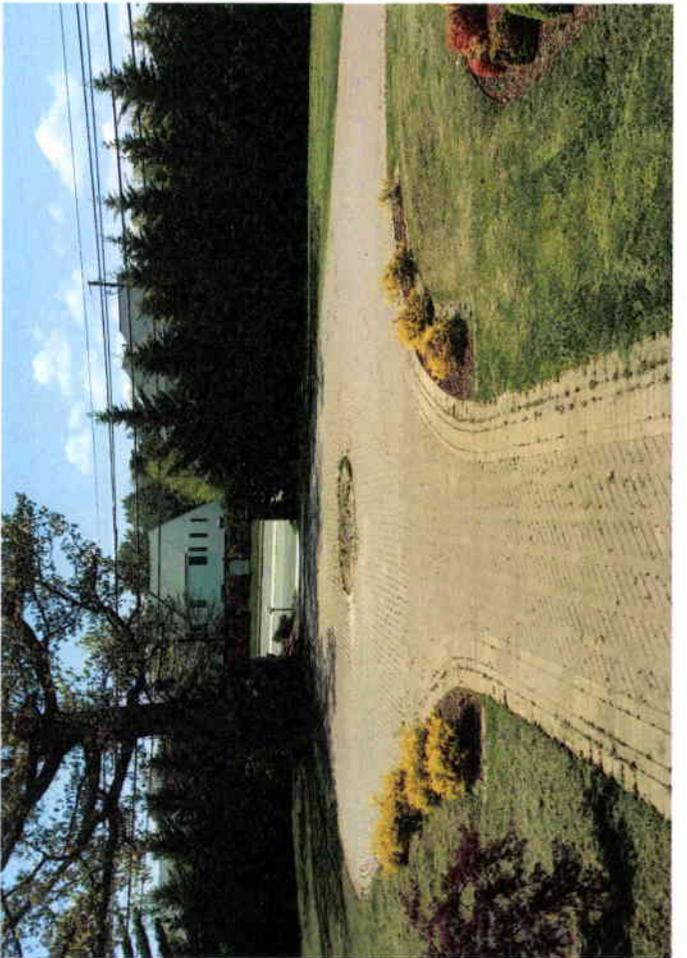
Deck Elevation 96 inches
 Deck Railing height 36 inches

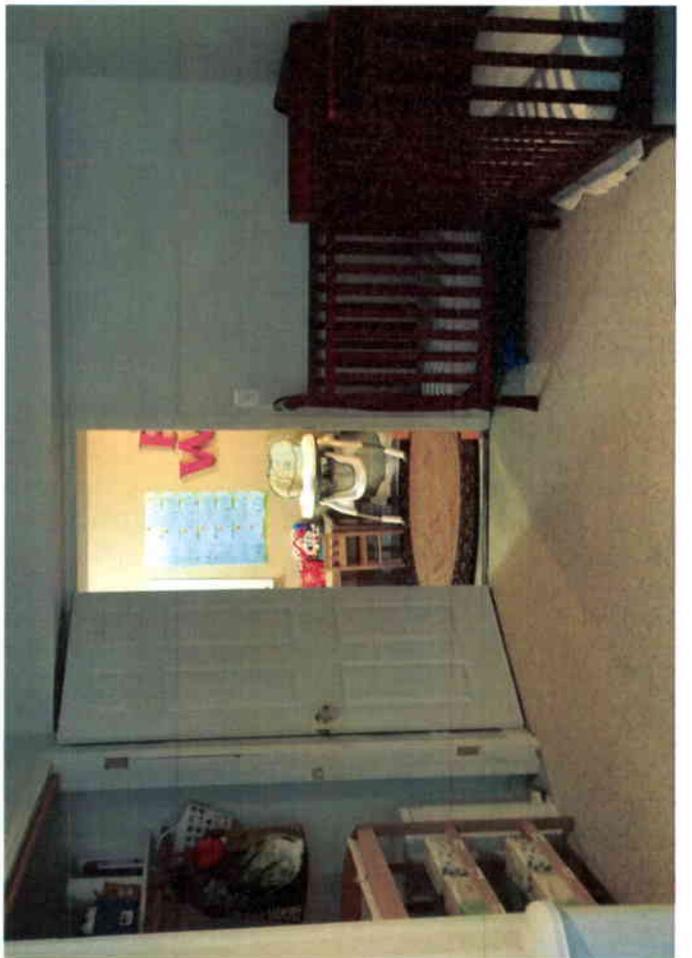
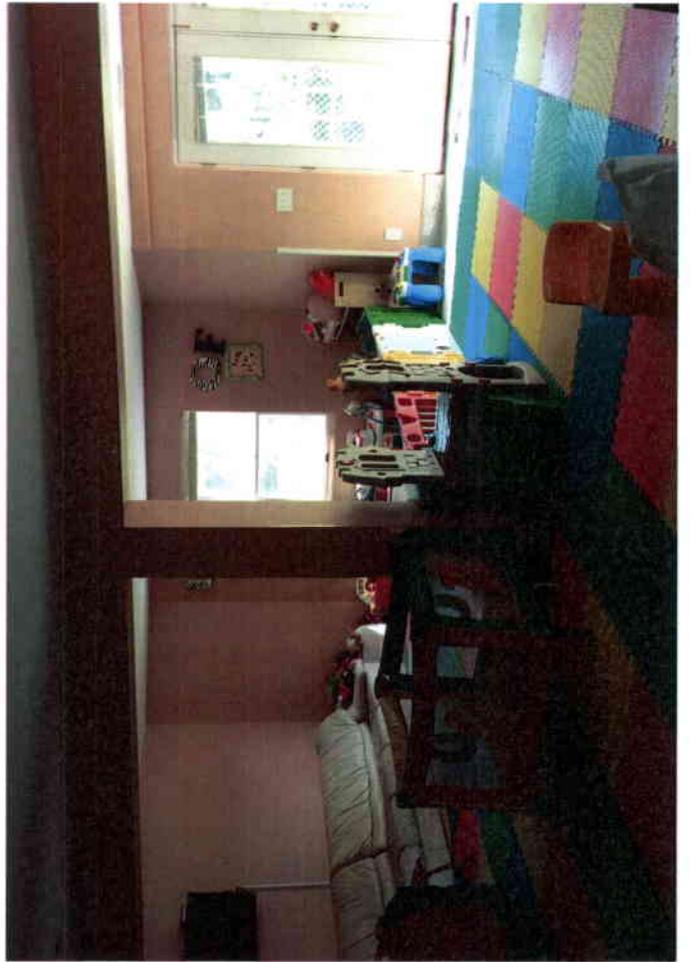
Area = 2144 sq ft.

- outdoor Play Area
- Kids Play Area
- Napping Room
- eating Area
- not being use











Application No.(s):

SP 2014-SU-128

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124302

DATE: 05/31/14
(enter date affidavit is notarized)

hera doo do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Mahera N. Wakilpoor Also known as records Mahera Noori and or	3601 West ox Rd, Fairfax, VA, 22033	Applicant/Title owner
Inc.	3601 west ox Rd, Fairfax, VA 22033	Co-Applicant
Wali Wakil AKA KNO Wali Ak	rdas 3601 West ox Rd, Fairfax, VA 22033 poor	@ - Title owner

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

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

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

Application No.(s): SP-2014-SU-128
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/31/14
(enter date affidavit is notarized)

124302

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)

Corporate Entity: Saphire Day Care, Inc.
3601 West Ox Rd
Fairfax, VA 22033

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)

Mahera Noori "officer"

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

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

Application No.(s): SP 2014-SU-128
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/31/14
(enter date affidavit is notarized)

124302

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s):

SP 2014-SU-128

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

05/31/14

(enter date affidavit is notarized)

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

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

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

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

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

None

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

Application No.(s): SP 2014-SU-128
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/31/14
(enter date affidavit is notarized)

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

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

None

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

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

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

WITNESS the following signature:

(check one)

Mahera Noori
 Applicant [] Applicant's Authorized Agent

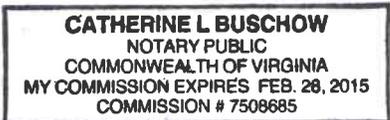
(Mahera Noori)

Mahera Noori Wakilpoor officer
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31 day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Catherine Buschow
Notary Public

My commission expires: Feb 28 2015





Land Development Information History: ISIS - Building Permit - 02249B0120

Permit Information

Permit Id: 02249B0120
Job Address: 003601 WEST OX RD
Applicant Name: WAKILPOOR WALI
Application Date: 2002-09-06
Tax Map: 045-2 ((01)) 0015
Permit Status: Initial/Approved (IA)

Work Description: SFD/FINISH BSMNT PER PLAN W/BED ROOM/WET BAR
Type Work: Finish Basement-Residential (R27)

Permit Status Summary

Permit Status: Initial/Approved (IA)



Land Development Information History: ISIS - Building Permit - 05255B0780

Permit Information

Permit Id: 052558042
Permit Type: DECK
Job Address: 003601 WEST OX RD
FAIRFAX , VA 22033-2303
Magisterial District: SULLY
Tax Map: 045-2 ((01)) 0015
Permit Status: Initial/Approved (IA)

Work Description: SFD/BUILD DECK W/STAIR NO H,TUB
Type of Work: DECK Only-Residential (A33)

Permit Status Summary

Permit Status: Initial/Approved (IA)

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Mahera Wakilpoor**

3601 West Ox Road
FAIRFAX, VA 22033
(703) 620-0012 [↗](#)

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Oct. 21, 2015

Business Hours: 7:30 AM - 5:30 PM
Monday - Friday

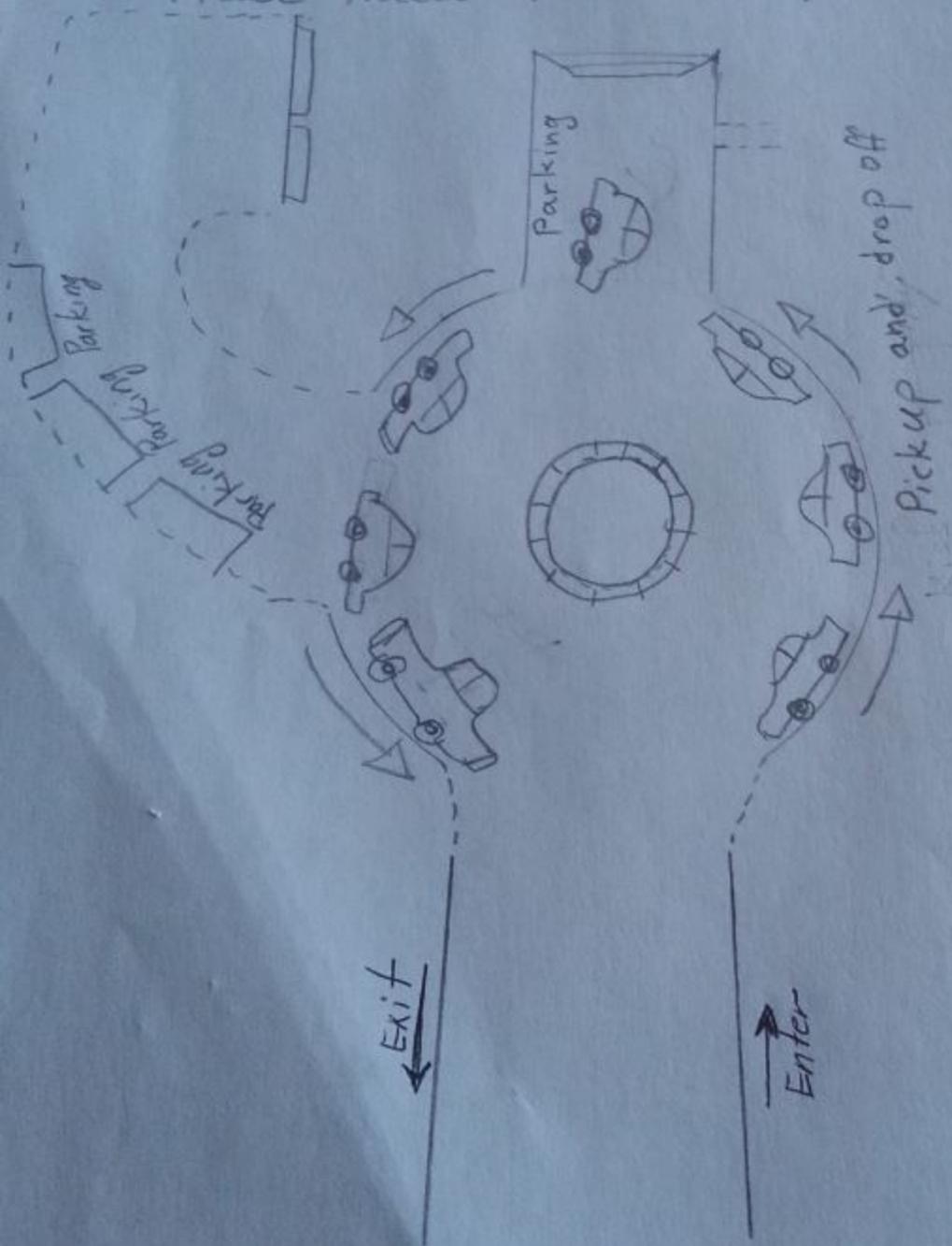
Capacity: 12

Ages: 1 month - 10 years 11 months

Inspector: Brenda Kuhlman
(703) 304-9609 [↗](#)

Parking Information

- Use your turn signal, when making right turn.
- No Left or U Turn from north West ox to 360 West ox Rd.
- Please Proceed to the Parking as follows.



Parent Signature: _____



County of Fairfax, Virginia

MEMORANDUM

DATE: November 12, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division,
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: SP 2014-SU-128

SUBJECT: Transportation Impact

REFERENCE: Mahera Noori Wakilpoor (Home Child Care)
3601 West Ox Road, Fairfax VA 22033
Tax Map: 45-2 ((1)) 15

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. This department reviewed the Special Exception Plat dated March 5, 1990 and submitted June 23, 2014. The application is to permit a home child care center for up to twelve (12) children. The hours of operation are Monday-Thursday from 7:30 a.m. to 5:30 p.m.

- The driveway for the subject site does not properly align with the Meadow Hunt Drive median break for vehicles to make a left turn out of the driveway in order to head south on West Ox Road. Staff recommends either the applicant relocate the driveway to better align with Meadow Hunt Drive or prohibit left turns out from the driveway.
- The applicant should demonstrate there is adequate sight distance looking left out of the driveway. The sight line should be free and clear of any landscaping, berms, etc. to provide maximum visibility given the volume of traffic on West Ox Road.
- There appears to be adequate drop off area in the driveway so vehicles can turn around and exit the site facing out and not back out onto West Ox Road.

MAD/eai



County of Fairfax, Virginia

MEMORANDUM

Date: December 8, 2014

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2014-SU-128

Applicant: Mahera Noori Wakilpoor (Saphire Day Care Inc.)
3601 West Ox Road, Fairfax VA 22033
Navy
Tax Map #: 45-2 ((1)) 15
Zoning District: R-1
ZIB# 2014-HM-0471

An inspection was conducted on November 4, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied Staff Coordinator Casey Gresham and 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.

Comment: One room used for sleeping purposes does not contain two compliant means of egress.

- An operable smoke alarm shall be provided outside (or inside) 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.

Comment: Remove double cylinder door lock in the basement.

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



Mahera Noori Wakilpoor (Saphire Day Care Inc.)

• 3601 West Ox Road, Fairfax VA 22033

December 8, 2014

Page 2

- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- Structures comply with the Zoning Ordinance.

Photographs attached.



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.

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