



APPLICATION ACCEPTED: June 12, 2014
BOARD OF ZONING APPEALS: February 4, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 28, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-PR-106

PROVIDENCE DISTRICT

APPLICANT: Manijeh Maggie Mazaheri
(Sweet Apple Daycare LLC)

OWNERS: Manijeh Maggie Mazaheri
Joseph Hossein Mazaheri

SUBDIVISION: Cyrandall Valley North

STREET ADDRESS: 9860 Sweet Mint Drive, Vienna, 22181

TAX MAP REFERENCE: 48-1 ((10)) 2

LOT SIZE: 1,520 square feet

ZONING DISTRICT: R-12C

ZONING ORDINANCE PROVISIONS: 8-305, 3-1203

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-106 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**

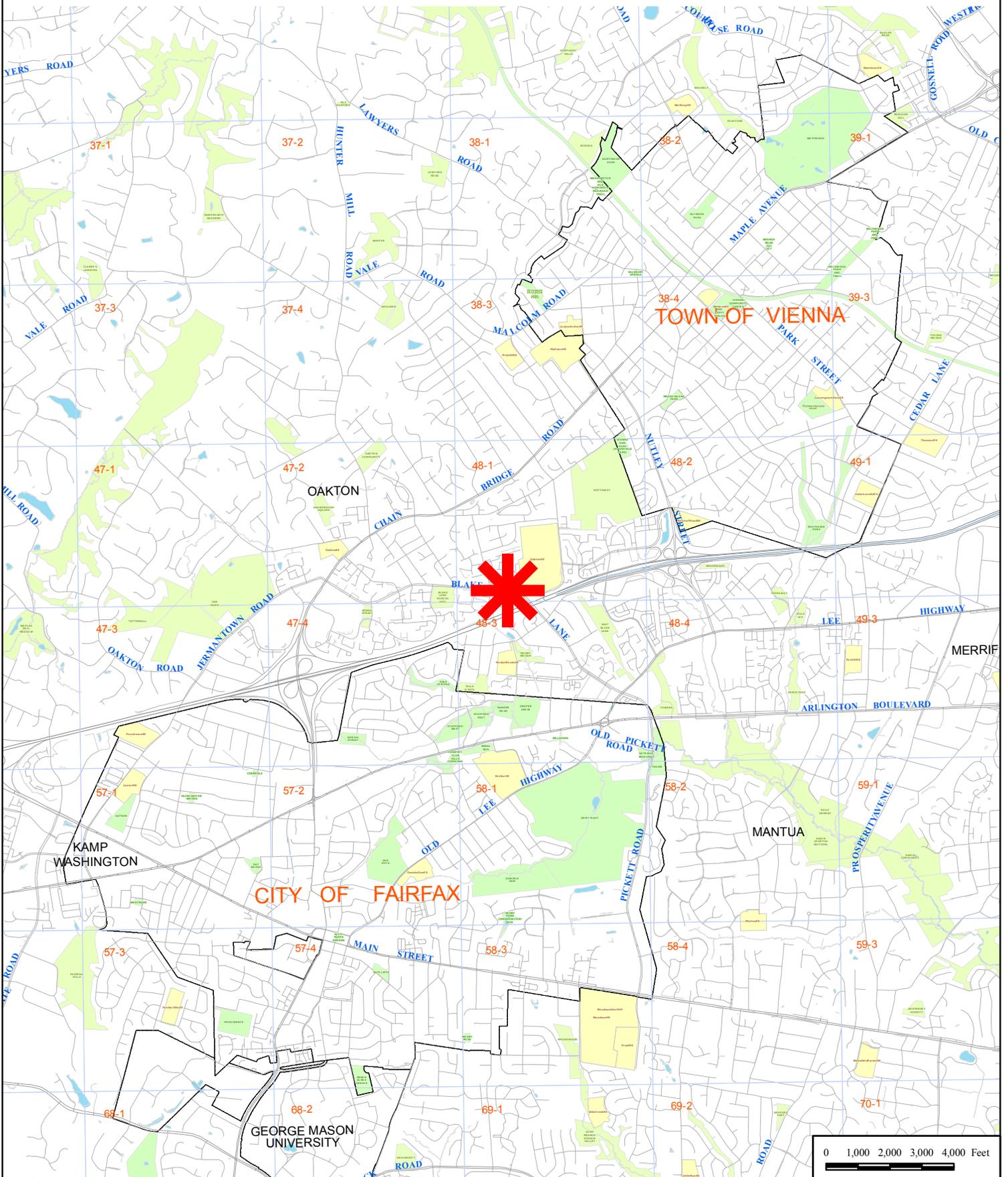


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-PR-106

MANIJEH MAGGIE MAZAHERI (SWEET APPLE DAYCARE, LLC)



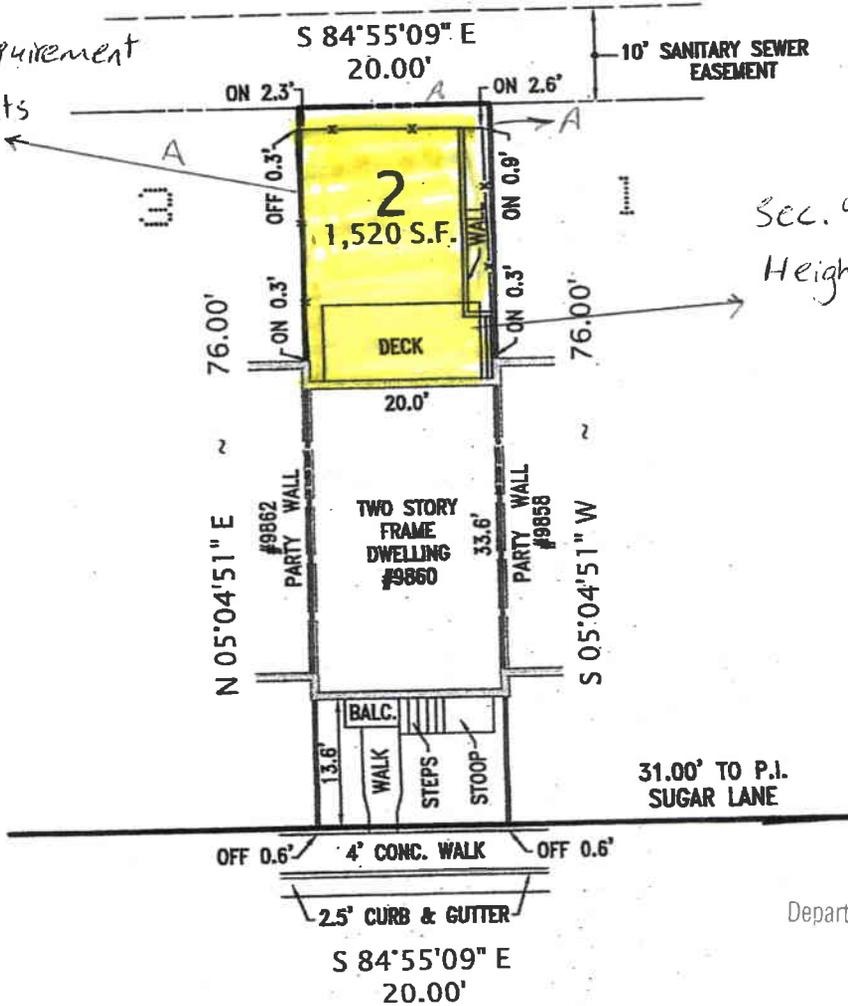
- YES: 1. FENCES ARE FRAME.
- 2. UTILITIES ARE UNDERGROUND.
- 3. 0.5' FRAME FENCE.



PARCEL "A"

Sec. 904.2 Requirement
Fence Heights
5'4"

Sec. 904.2 Requirement
Height of Deck
7'6"



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Department of Planning & Zoning
JUN 03 2014
Zoning Evaluation Division

Prepared by: Manijeh Mazeh
en

PARCEL "A"

SWEET MINT DRIVE
PRIVATE STREET

outside
area
576 sf

Date: 03/11/2014

PLAT
SHOWING HOUSE LOCATION ON
LOT 2

CYRANDALL VALLEY NORTH

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'

JANUARY 16, 2006

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 on Lot 2, Cyrandall Valley North," prepared by Manijeh Mazaheri on March 11, 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 attached townhouse. Vehicular access to the townhouse is provided via Sweet Mint Drive, and parking spaces are located along the front entrance of the home. The rear yard is surrounded by a 5 foot, 4 inch wooden fence. A deck extends from the main floor of the dwelling, and it is not utilized by the home child care. Small moveable play equipment is present in the rear yard.

The subject property and surrounding properties are zoned R-12 Cluster and developed with single family attached-dwellings.



BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1972 and purchased by the property owner in 2006.

The deck located on the main floor of the dwelling has not received final building permit

and inspections, but the applicant is currently in the process of obtaining permits and inspections. In addition, the food preparation area does not have final building permit and inspections completed. Conditions have been included in Appendix 1 to require the applicant to obtain these permits and inspections.

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 7:00 a.m. and 6:00 p.m., Monday through Friday. This timeframe does not match the 6:45 a.m. to 5:30 p.m. timeframe permitted in the applicant's state license; however, a condition has been included requiring state approval of a revised license allowing 7:00 a.m. to 6:00 p.m. prior to the establishment of the above requested hours of operation. The applicant has a staggered drop-off and pick-up time for the children. There are two full-time assistants, and both walk or take public transportation to the facility.

The applicant holds a current Family Day Home License, valid through February 11, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, birth through 12 years, 11 months of age. A copy of the license is included as Appendix 4.

The home child care facility is operated in the basement of the dwelling and one sleeping room on the second floor, and the sleeping room contains adequate emergency egress. The basement contains a large play room and a food preparation area. The entirety of the rear yard is utilized for outdoor play. Pictures provided by the applicant show toys and movable play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Fairfax Planning District
Planning Sector: Mosby Woods Community Planning Sector (F3)
Plan Map: Residential, 8-12 du/ac

On-Site Parking and Site Circulation

The applicant has two assigned parking spaces she utilizes for drop-off and pick-up of children. In addition, three visitor spaces are also provided during drop-off and pick-up hours. A condition has been included to ensure the spaces are available during drop-off and pick-up times.

Vehicular access to the site is provided directly from Sweet Mint Drive to the main entrance of the dwelling. In addition, a pathway provides access to the rear of the dwelling, directly accessing the basement level.

Zoning Inspection Branch Report

The Zoning Inspections Branch report is included in Appendix 5. During a site visit, it was determined that a room located in the basement utilized for sleeping did not meet acceptable emergency egress standards. The applicant has since relocated the sleeping area to a room located on the second floor of the home. Pictures of this relocation are provided in Appendix 6. All noted violations, including storage and smoke detectors, have been resolved, and photos are included in Appendix 6.

Zoning Ordinance Requirements (Appendix 7)

- 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-12 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-12 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment 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>There is an existing 5' 4" tall fence in the rear yard that provides screening to the outdoor play area.</p>
<p>Standard 6 Open Space</p>	<p>The application does not impact the developed open space.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the applicant's assigned parking spaces would be used for parking for the home child care use.</p>
<p>Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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 applicant's parking spaces and nearby visitor spaces. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing 5'4" tall fence in the rear yard that provides screening to the outdoor play area.
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 five in a single family attached 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.

<p>Part E Provider is a Resident</p>	<p>The provider is a resident.</p>
<p>Part F Code of Virginia, Title 63.2, Chapter 17</p>	<p>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.</p>
<p>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is five 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.</p>

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2014-PR-106 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. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Photos of Updated Conditions Since ZIB Inspection
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-PR-106****January 28, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-106 located at Tax Map 48-1 ((10)) 02 to permit a home child care facility pursuant to Section 8-305 and 3-1203 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, Manijeh Maggie Mazaheri, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9860 Sweet Mint Dr., 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 on Lot 2, Cyrandall Valley North," prepared by Manijeh Mazaheri on March 11, 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 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (6:45 a.m. to 5:30 p.m.) until granted a revised license approving the requested hours of operation (7:00 a.m. to 6:00 p.m.).
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, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. The approval of this use is contingent on the applicant's continued right to utilize community parking spaces or other common amenities necessary for the operation of the home child care facility, including the ability to make the reserved parking spaces available for drop off and pick up of children during hours of operation.

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 are used as children's sleeping areas shall be located in rooms 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. All final inspections and building permits must be obtained and approved for the existing deck and wetbar located in the basement. Until these permits are obtained, the applicant shall not utilize the area below the deck or the food preparation area for the home child care.

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

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

Sweet Apple Daycare
 Family Home Daycare Application
 Fairfax County Zoning Division
 December 16, 2013

RECEIVED
 Department of Planning & Zoning

DEC 30 2013

Zoning Evaluation Division

1. Introduction

Background

I am the owner and operator of Sweet Apple Daycare, a Family Home Daycare, located at 9860 Sweet Mint Dr. Vienna, VA. The daycare started in 2006 under the Infant Toddler Family Daycare network and licensing by the County; and in 2008 the Sweet Apple Daycare became State licensed up to 12 children until now.

Safety History

The Daycare is been operational continuously since 2006 and up to 40 children from 3 months old up to 6 years old have been part of the Sweet Apple Daycare family. During these nine years of operations, the Daycare has had zero safety, health or other incidents.

Educational Background

I take a special pride in the services that the Daycare provides to the families of our communities in Vienna, Oakton and Fairfax. As an educator, I have more than 20 years of teaching and working with children. Since 2006; I have attained numerous certifications for Child Development from accredited institutions, including the Northern Virginia Community College Child Development Certificates; and I am in the processing of receiving my Associate Degree in this field.

Assistants

I have two accredited and licensed assistants: I) Joseph Mazaheri: a retired hospital technician from the Arlington Virginia Hospital, who has experience with child development; and II) Parvaneh Esmailipour: who is accredited in child development.

2. Traffic

Hours of Operations

The Sweet Apple Daycare hours of operations are Monday through Friday from 7:00 AM to 6:00 PM except on Friday Holidays.

Entrance and Parking

The main entrance to the Daycare is located through the back-yard door via a cleared path by Sugar Lane facing Blake Lane. During the inclement weather conditions, the front entrance of the townhouse is used for safety reasons. The staging and departure of the parents' vehicles occurs on Sugar Lane where there are **three Visitors' Parking** or at the front entrance where there are **three assigned parking** spots—two assigned to the residence; and one provided by the neighbor (9862 Sweet Mint Dr.)

DEC 30 2013

Zoning Evaluation Division

Sweet Apple Daycare
Family Home Daycare Application
Fairfax County Zoning Division
December 16, 2013

Children Transportations

Historically, during the past 9 years and the current year; up to 25% are children are within the walking distant of the Sweet Apple Daycare from the adjoining Sweet Mint and Sugar Lane streets, and their parents walk them to the Daycare.

Assistants Transportation

My assistance, Joseph is my husband and he resides in daycare residence. Ms. Esmaelipour lives within the walking distance; and uses public transportation to commute to the daycare facilities.

Siblings—Multi-kids Families

During the last 9 years of operations, including currently, I have had a multi-kid family continuously, which are dropped off and picked up together at the same time by a single vehicle.

Traffic Pattern

The Sweet Apple Daycare is located through the street; and the cars don't require U-Turns for dropping off and picking up children. There are two entrances to the Blake Lane from either side of the Sweet Mint Dr.

Arrival and Departure Schedule (December 2013)

Name	Mode of Transportation	Drop Off Time	Pick Up Time
Kimball	Walking	7:30 AM	6:00 PM
Jack	Car	9:20 AM	5:30 PM
Sophie	Car	8:00	5:45 PM
Khloe (Siblings)	Car	8:00 AM to 8:20 AM	5:15 PM
Sandy (Siblings)	Car	8:00 AM to 8:20 AM	5:15 PM
Dylan	Car	8:30 AM to 9:00 AM	5:00 PM
Leah	Car	10:00 AM	5:20 PM
Abhay	Walking	8:00 AM	5:30 PM
Serein	Car	7:15 AM	6:00 PM
Nora	Car	9:00 AM	5:00 PM to 6:00 PM
Kawa	Walking	8:30 AM	6:00 PM

3. Safety

5% pappe led o2 esodns

Space

The Sweet Apple Daycare occupies the entirety of the Townhouse basement of 9860 Sweet Mint Dr., plus an additional room on the upper level of the townhouse for sleeping needs of the children. Each child has **more than 50 Sq. /Ft.** space which is more than the State of Virginia requirements.

Sweet Apple Daycare
Family Home Daycare Application
Fairfax County Zoning Division
December 16, 2013

Safety History

In the past 9 years of operations, the Sweet Apple Daycare hasn't had any safety violation of incidents.

Perimeter Safety

The Daycare includes a fence yard with bolted lock. There are external cameras and adequate lighting for the pathway to the main entrance of the Daycare. There are internal monitoring devices for monitoring of children's sleep and activities. The backyard is carpeted with outdoors quality carpet to prevent the children from falling on the ground. The interior space of the daycare is carpeted as well with additional padding for the areas of infant play. The areas indoors are gated through the stairways and the counter areas.

First Aid Certifications

All of the Sweet Apple Daycare employees, including the assistants are proficient in first aid administration and CPR.

Current State of Compliance

Sweet Apple Daycare currently meets all of the Fairfax County Guidelines for Safety and Security.

Please don't hesitate to contact me if you have any questions. I can be reached via email at: maggie.mazaheri@gmail.com or via telephone at: 703-168-5993.

Sincerely yours,

Manijeh Maggie Mazaheri

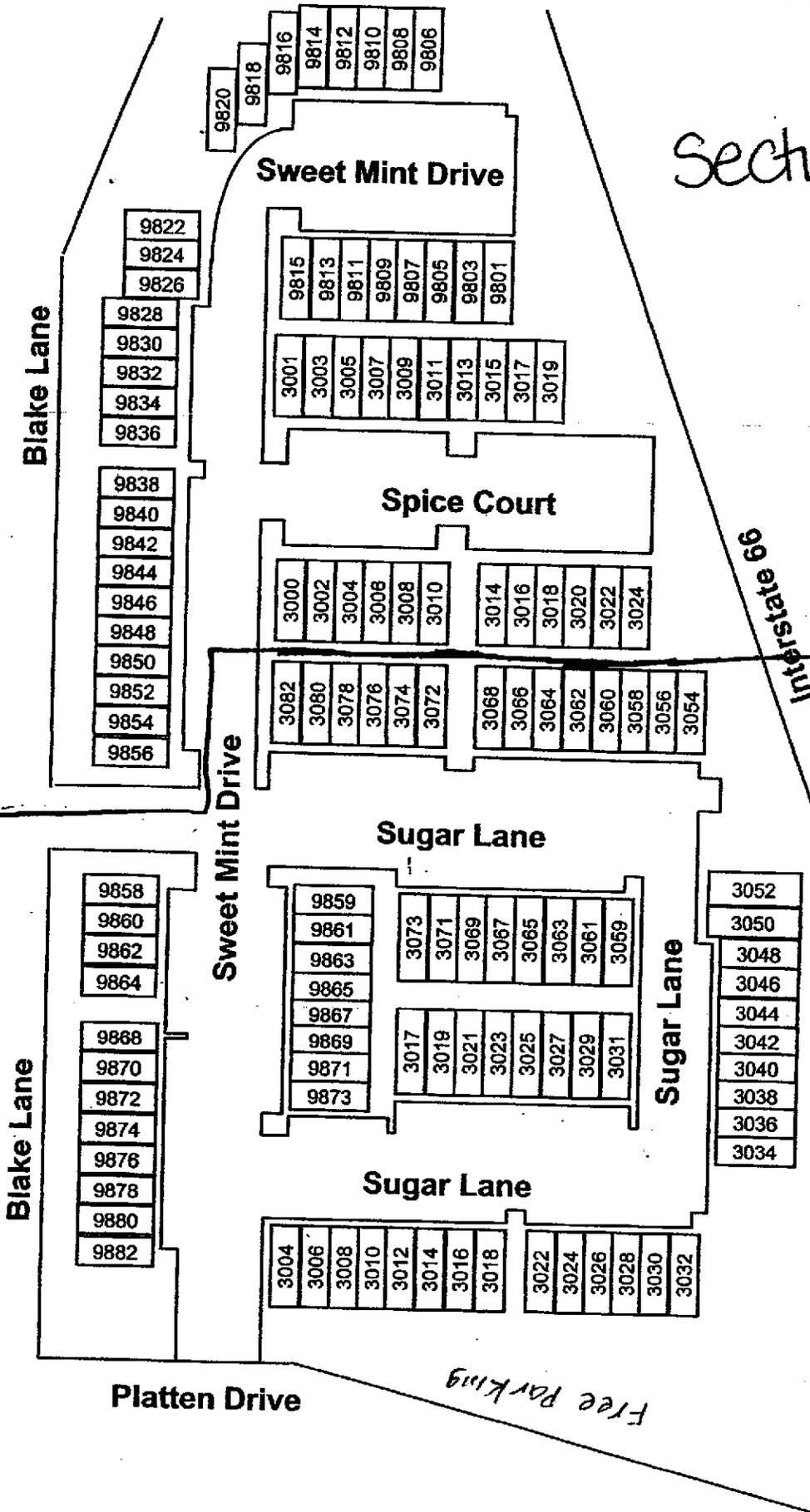
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DEC 30 2013

Zoning Evaluation Division

Section A

Section B



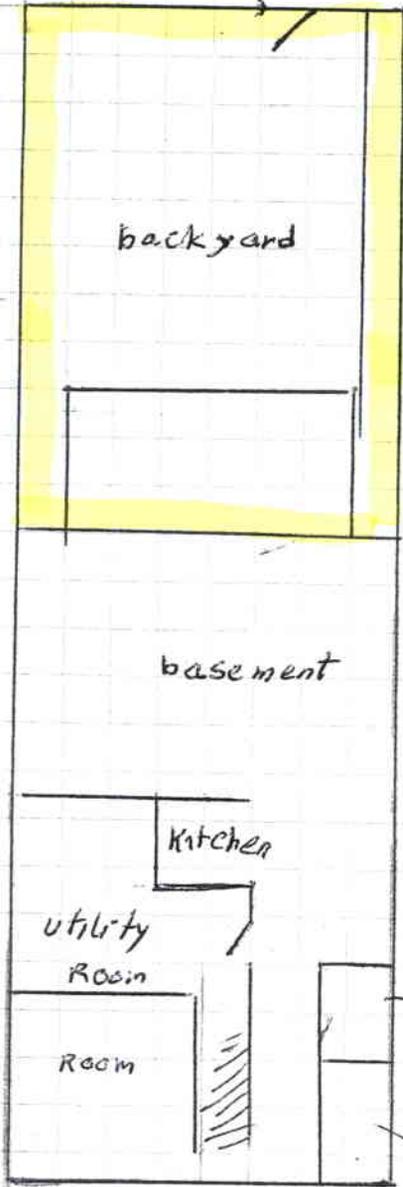
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 Department of Planning & Zoning
 DEC 30 2013
 Zoning Evaluation Division

Fence Heights
5.4"

All Back yard is
Carpet

HEIGHT OF DECK
7.6

DECK " "
16.3' x
16.3' x 8.0'



Out side
area
576 SF

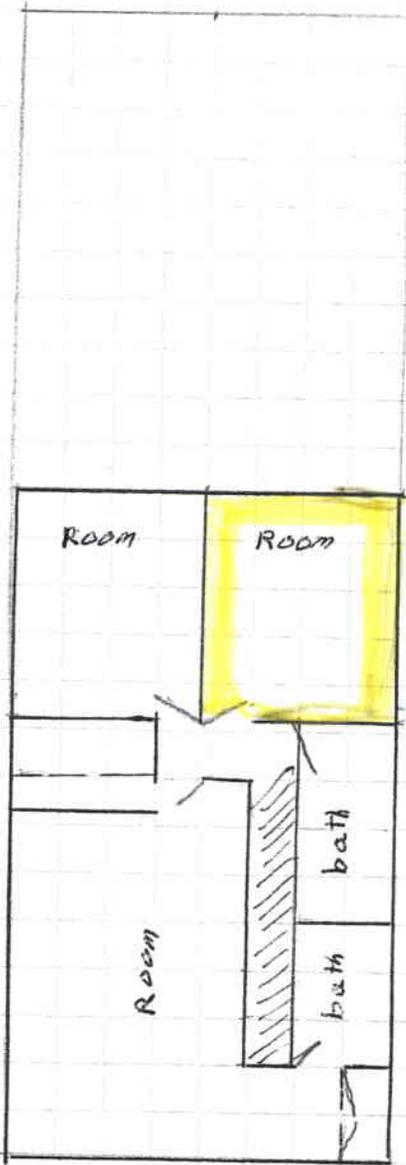
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JUN 03 2014

Zoning Evaluation Division

basement

Manijeh Mazaheri
9860 Sweet Mint Dr
Vienna VA 22181



second floor

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Department of Planning & Zoning

JUN 03 2014

Zoning Evaluation Division

DECK 16.3" x 8.0"
High 7.6"

28.8

20 F



outside area
576 SF

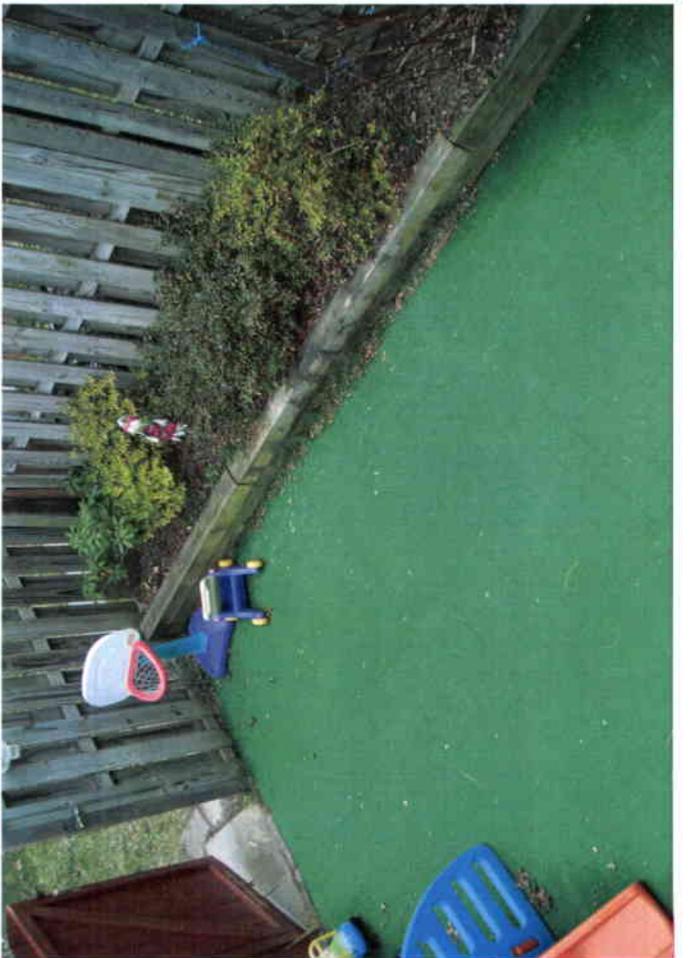
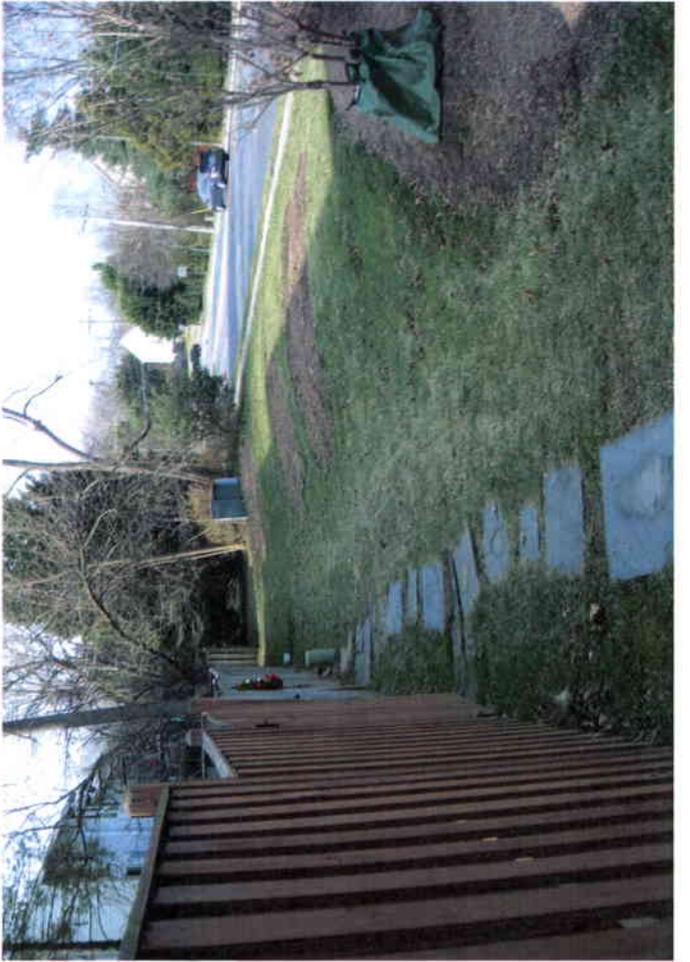
First floor

Manijeh Mazaheri
9860 Sweet Mint Dr
Vienna VA 22181

RECEIVED
Department of Planning & Zoning

JUN 03 2014

Zoning Evaluation Division











Application No.(s): SP 2014-PR-106
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/01/2014
 (enter date affidavit is notarized)

123737

I, Manijeh Maggie Mazaheri, 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)
Manijeh M Mazaheri	9860 Sweet Mint Dr Vienna VA 22181	Applicant/Titleowner
Sweet Apple DayCare LLC	9860 Sweet Mint Dr Vienna VA 22181	CO-Applicant
Joseph Hossien Mazaheri	9860 Sweet Mint Dr Vienna VA 22181	co 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 - PR-106
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123737

DATE: 2/01/2014
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

CORPORATION INFORMATION

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

Sweet Apple Day Care LLC
9860 Sweet Mint Dr Vienna VA 22181

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)

Manijeh M Mazaheri, Manager member

(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 - PR - 106
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/01/2014
(enter date affidavit is notarized)

123737

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-PE-106
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123731

DATE: 2/01, 2014
(enter date affidavit is notarized)

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

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

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-PR-106
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/01/2014
(enter date affidavit is notarized)

123737

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.

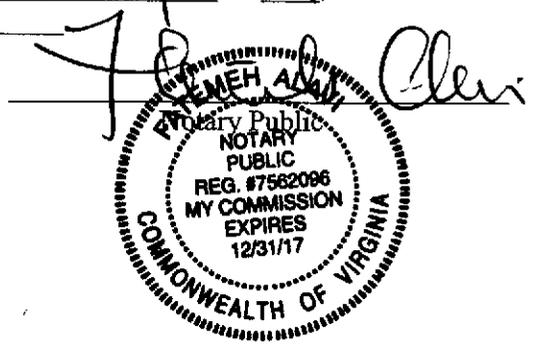
WITNESS the following signature:

(check one) Applicant *Manijeh* Applicant's Authorized Agent

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

Subscribed and sworn to before me this 1st day of February 20 14, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 12/31/17



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Manijeh Mazaheri**

9860 Sweet Mint Drive

VIENNA, VA 22181

(703) 268-5993 Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Feb. 11, 2015Business Hours: 6:45 am - 5:30 pm
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Charles Perkins
(703) 309-3963 



County of Fairfax, Virginia

MEMORANDUM

Date: November 13, 2014

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP-2014-PR-106

Applicant: Manijeh Maggie Mazaheri
9860 Sweet Mint Drive, Vienna, Virginia 22181
Cyrandall Valley, North Lot 2
Tax Map# 48-1 ((10)) 0002
Zoning District: R12C(R-12 w/Cluster Dev)
Magisterial District: Providence
Mail Log # 2014-0478
Date of Inspection: November 13, 2014

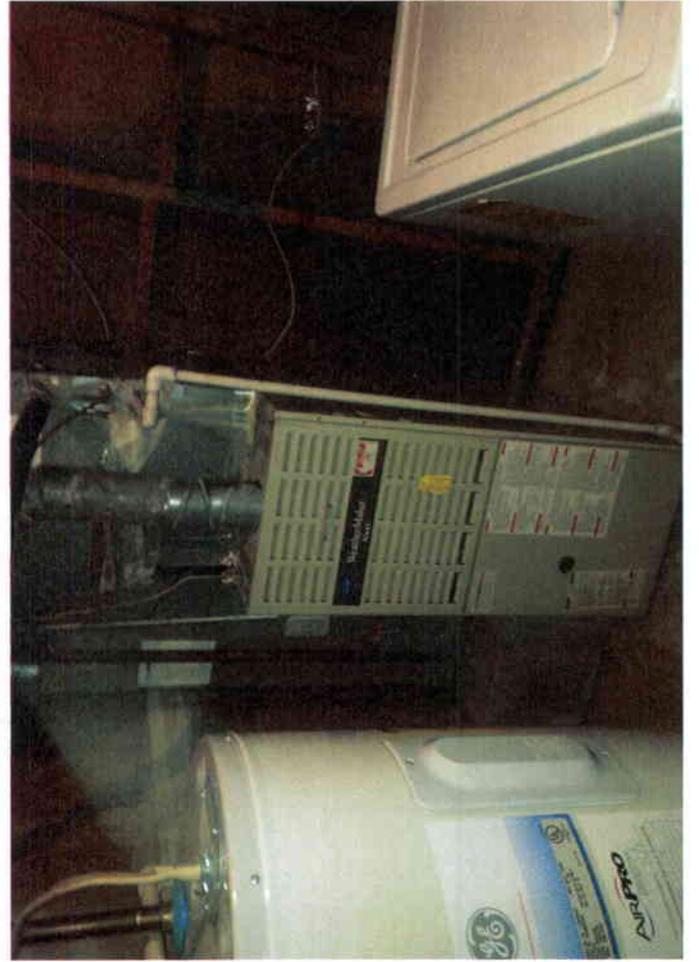
KEY: A “✓” mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
The infants sleeping area that was located in the basement day care area was lacking proper egress. The owner will relocate all infants to the upstairs bedroom which had no egress problems. This day care had (2) infants sleeping area (1) located in the basement area and (1) located on the 2nd floor.
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
The smoke detector on the 2nd floor was not in working order.
- 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.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-4300
www.fairfaxcounty.gov/dpz/



- 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.
** Storage (shovel, broom and other household cleaning items) located around the water heater.*
- Structures comply with the Zoning Ordinance.



8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

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