



# County of Fairfax, Virginia

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**February 18, 2015**

**STAFF REPORT**

**SPECIAL PERMIT SP 2014-DR-133**

**DRANESVILLE DISTRICT**

**APPLICANT:** Renu R. Gupta  
D.B.A. Lil Angels In-Home Montessori & Daycare

**OWNERS:** Rajeev Gupta  
Renu Gupta

**SUBDIVISION:** Squirrel Hill

**STREET ADDRESS:** 13591 Big Boulder Rd., Herndon, 20171

**TAX MAP REFERENCE:** 16-3 ((12)) 80

**LOT SIZE:** 2,931 square feet

**ZONING DISTRICT:** R-12

**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-DR-133 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*

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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**

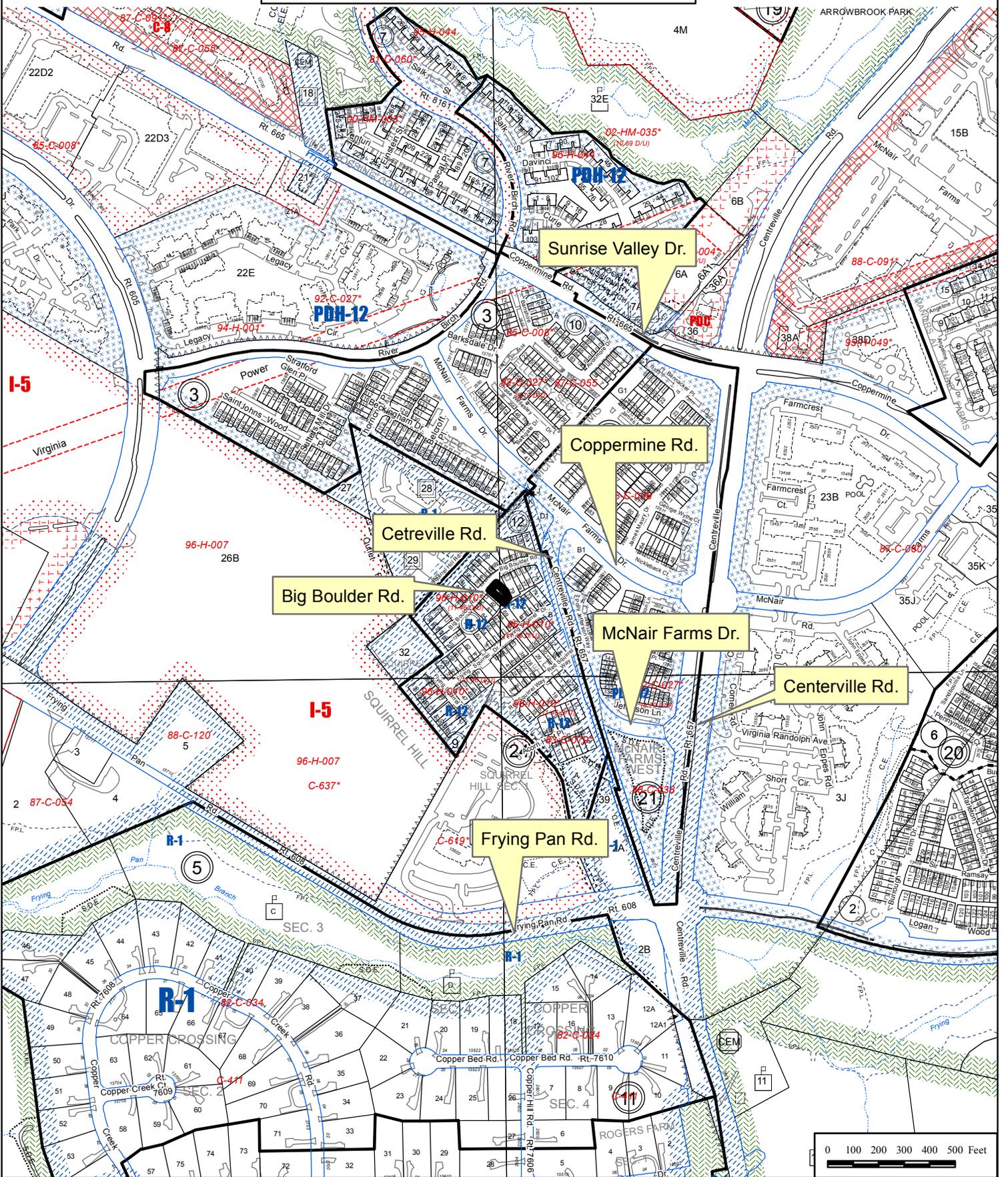


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2014-DR-133

RENU R. GUPTA D.B.A. LIL ANGELS  
IN-HOME MONTESSORI & DAYCARE



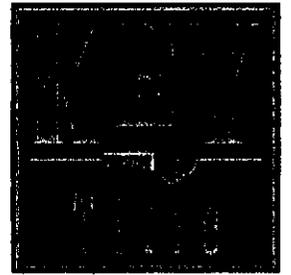
PROPERTY REPORT  
LOT 80 SECTION 2

JOB NUMBER: 05-0155

**SQUIRREL HILL**  
FAIRFAX COUNTY, VIRGINIA  
CLIENT: GUPTA

SCALE: 1"=20'  
CASE NO.: KPS-3026-05

THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.

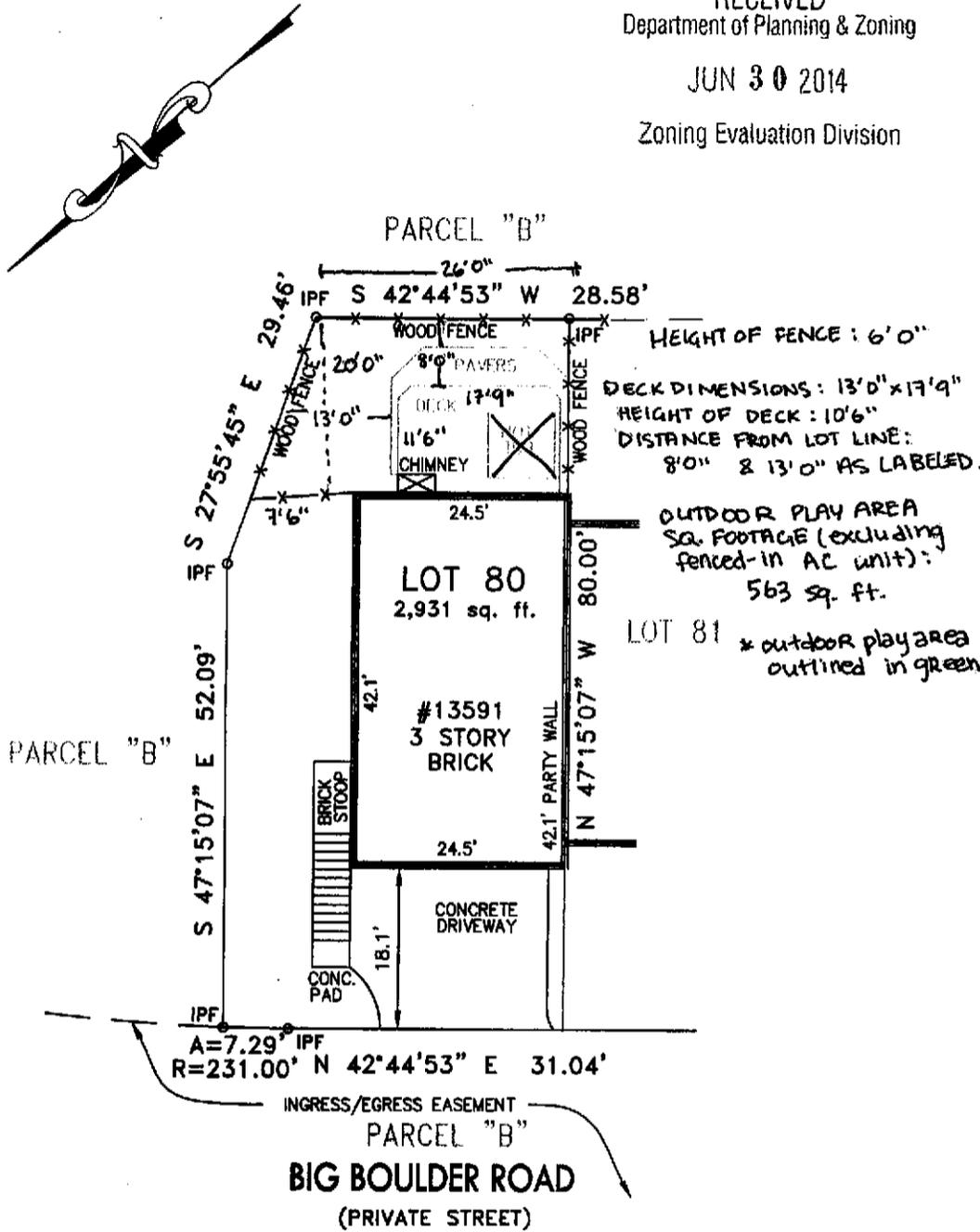


45245  
BUSINESS COURT  
SUITE 103  
STERLING, VA  
20166  
PHONE: 703 471 3993  
FAX : 703 471 8039

RECEIVED  
Department of Planning & Zoning

JUN 30 2014

Zoning Evaluation Division



I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device & unless otherwise shown there are no encroachments.

This plat has been provided for a transaction on or about the date of this survey. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership.

The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished.

This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others.

o IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and/or mortgage underwriting.

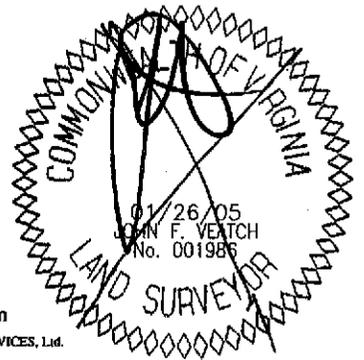
HOT TUB DOES NOT EXIST.  
FENCED-IN AC UNIT IN ITS PLACE (8'0" x 4'0")

RENU R GUPTA  
NAME

03/21/14  
DATE



Surveyor:  
CERTIFIED  
REAL ESTATE  
SERVICES, Ltd.  
1831 WIEHLE AVENUE  
SUITE 105  
RESTON, VA 20190  
PHONE: 703.742.9105  
FAX: 703.742.9104  
Email: satellitesurvey@aol.com  
COPYRIGHT CERTIFIED REAL ESTATE SERVICES, Ltd.  
2001-2004



## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled "Property Report, Lot 80, Section 3, Squirrel Hill," prepared by John F. Veatch, L.S., on January 26, 2005, as revised by Renu Gupta through March 21, 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 application property is a two story single-family attached end-unit townhouse. A concrete driveway extends to Big Boulder Road, and the main entrance to the home serves as the entrance to the child care facility. The rear yard is surrounded by a six foot tall wooden fence and contains a deck and moveable play equipment. The deck extends from the first floor of the dwelling and is occasionally used as additional outdoor play area for the home child care.

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



Figure 1: House Location

## BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 2000 and purchased by the applicant in 2005.

In October of 2001, the previous owner applied and was approved for a building permit to build a deck; it received final inspections, and a building permit is 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 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. There are two assistants at the facility; one is a resident and the other walks to the facility.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through June 1, 2015. The license permits a capacity of twelve children, ages 1 year, 10 months through 10 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the main level and the basement of the dwelling, and it contains a recreation and sleeping room, multiple play areas, and an eating area. The sleeping room provides adequate emergency egress. 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 III, Upper Potomac Planning District  
**Planning Sector:** Sully Community Planning Sector (UP6)  
**Plan Map:** Residential, 8-12 du/ac

### **On-Site Parking and Site Circulation**

The existing driveway is able to accommodate approximately two vehicles, and the garage can accommodate two of the applicant's family vehicles. In addition, ample visitor parking is available in a parking area on Big Boulder Road. The current assistants walk to the home child care facility. Therefore, two driveway spaces are available for drop-off and pick-up of children.

Vehicular access to the site is provided from a concrete driveway from Big Boulder Road. The driveway provides direct access to the main entrance of the home child care, and during inclement weather, parents walk through the applicant's garage to enter the child care facility.

### **Zoning Inspection Branch Report**

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, no

property maintenance or zoning violations were observed. All required smoke alarms were installed, and all rooms used for sleeping purposes were in locations with direct egress to the exterior of the building.

**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><b>Standards 1 and 2</b> 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.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively effect value.</p>
<p><b>Standard 4</b> 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><b>Standard 5</b> Landscaping/Screening</p>	<p>There is an existing 6 foot tall fence in the rear yard that provides screening for the outdoor play area.</p>
<p><b>Standard 6</b> Open Space</p>	<p>Open space for the development is not effected by the home child care facility request.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.</p>
<p><b>Standard 8</b> 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)**

<p><b>Standard 1</b> Lot Size and Bulk Regulations</p>	<p>The property meets the lot size and bulk regulations for the R-12 District. No new construction or exterior modifications are proposed.</p>
<p><b>Standard 2</b> Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p><b>Standard 3</b> Site Plan</p>	<p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p>

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
<b>Standard 2</b> 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 in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is an existing 6 foot tall fence in the rear yard that provides screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant met all submission requirements for a home child care facility.
<b>Standard 5</b> 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)**

<b>Part A</b> 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.
<b>Part B</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.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> 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.
<b>Part G</b> Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is five in a single family detached dwelling and can be increased 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.
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## **CONCLUSION / RECOMMENDATION**

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

Staff recommends approval of SP 2014-DR-133 for the home child care facility with 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. Building Permit History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-DR-133****February 18, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-133 located at Tax Map 16-3 ((12)) 80 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, Renu Gupta, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 13591 Big Boulder Rd., 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, ""Property Report, Lot 80, Section 3, Squirrel Hill," prepared by John F. Veatch, L.S. ,on January 26, 2005, as revised by Renu Gupta through March 21, 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. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. There shall be no signage associated with the home child care facility.
9. 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.
10. 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.

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.

RECEIVED  
Department of Planning & Zoning

MAR 24 2014

Zoning Evaluation Division

Renu R. Gupta  
Lil Angels In-Home Montessori & Daycare  
13591 Big Boulder Rd.  
Herndon, VA 20171  
703-547-8125  
[rgup14@gmail.com](mailto:rgup14@gmail.com)

March 26, 2014

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

Re: Special Permit Application  
Applicant: Renu R. Gupta  
Zoning Ordinance Section 8-305 for Home Child Care Facility  
Section 8-004 of General Standards  
Tax Map #: 016-3-12-0080  
Zoning District: R-12  
Lot Size: 2,931 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in an end-unit attached dwelling at 13591 Big Boulder Rd. in Herndon, Virginia, with my husband. The property is zoned R-12 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, ages 22 months to 10 years, 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 AM to 6:00 PM, Monday through Friday.

Number of Children. I currently care for 9 children. Of the 9 children, 6 are full-time and 3 are part time. I propose to care for a maximum of 12 children at any one time. This number does not include my own child, who is 22-years old and is living in her college town.

Employees. I have one assistant who currently works part-time and will work full time as needed. She walks to my child care facility.

Arrival Schedule. Five of the children will arrive between 7:30 AM and 8:30 AM, and six children will arrive between 8:30 AM and 10:00 AM. One child will come after school at 3:00 PM. Four of the children live on the same street and walk with their parent to our house. Two other children come from the neighboring street, less than a block away, and walk to our house many times.

Departure Schedule. Two of the part-time children will be picked up between 12:30 PM and 1:00 PM. The other ten children will leave between 4:00 PM and 6:00 PM.

(Please see my proposed Arrival and Departure Schedule with details for all 12 children in the next page 3 of this statement).

Parking. I use my two-car garage to park my two family cars. My driveway provides enough parking for two cars because the driveway is nearly 18 feet long and 31 feet wide, enough space to park two cars side by side. In addition, ample parking is available in the visitor lot at the end of the street.

Area served. Currently, most of the children live in the general vicinity of my neighborhoods. Several of the children live in other neighborhoods within the Oak Hill community. These parents drive their children to my house. As previously noted, four of the children live on the same street and their parents walk them to the day care.

Operations. As I stated, my house is a single-family end unit attached dwelling. It has a fully furnished walkout basement, which is where the children will spend most of their time. I use the kitchen and family room of the house (located on the first floor) for meals and snacks. Appendix 2 is a floor plan/layout that indicates the areas where the day care is operating. The house has 2,931 square feet. The following rooms are where I will conduct the day care: basement, family room, breakfast room, kitchen, living room, and dining room which make up a total of 1,397 square feet.

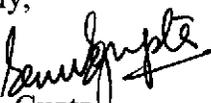
Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

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

Outdoor Play Area. I use my deck and combined covered patio and backyard for outdoor play for the children. The area is approximately 667 square feet. The outdoor play area consists of a small sand box and children's basketball hoop. The area is fenced in on all sides and the air conditioning unit within the backyard is fenced in, as well.

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

Sincerely,

  
Renu R. Gupta

Owner of Lil Angels In-Home Montessori & Daycare

MAR 24 2014

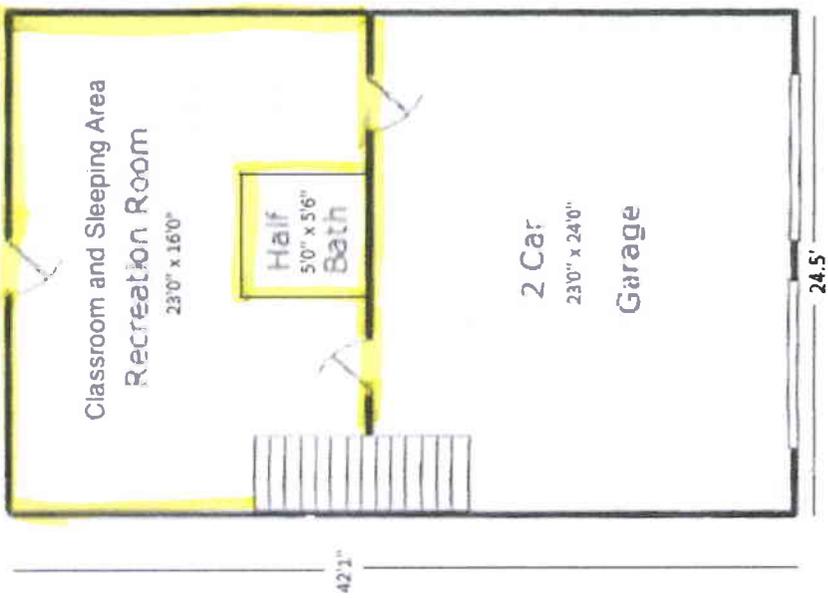
Arrival Schedule and Departure Schedule Zoning Evaluation Division

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

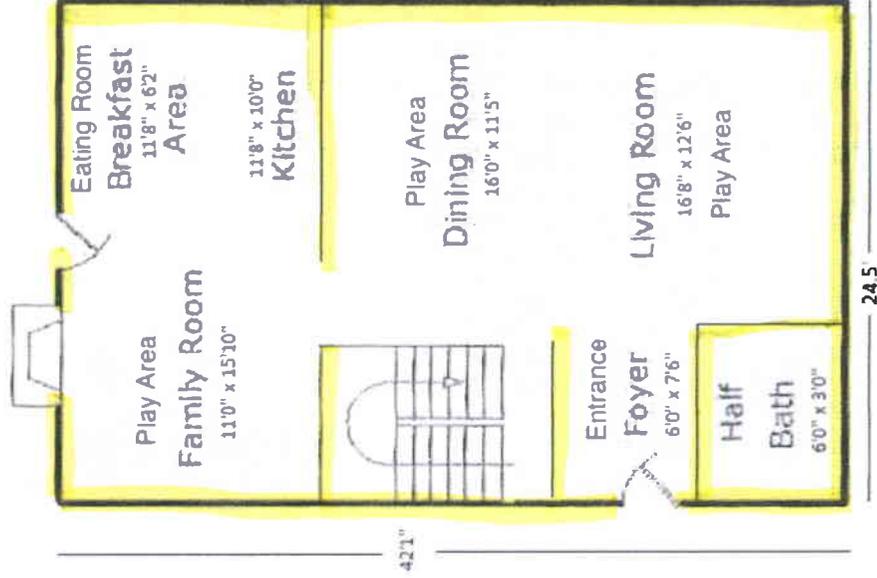
Arrival Schedule

Departure Schedule

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

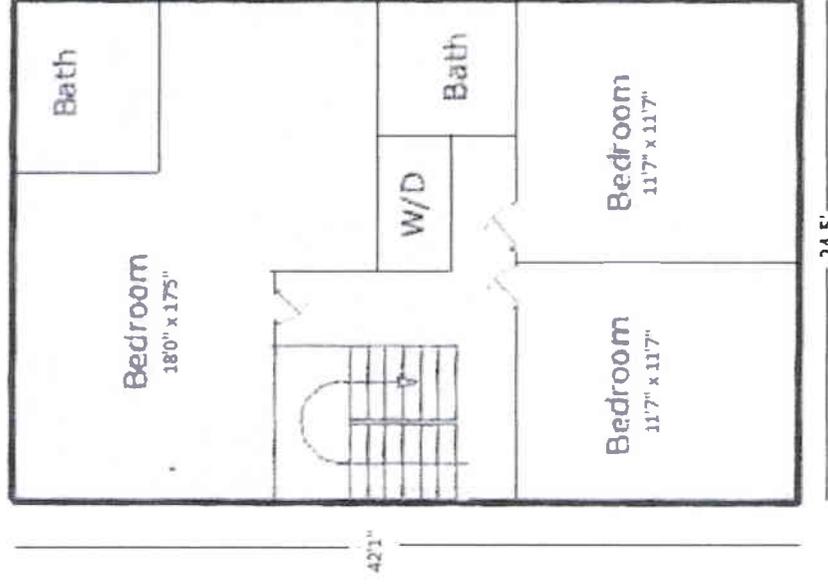


**BASEMENT**



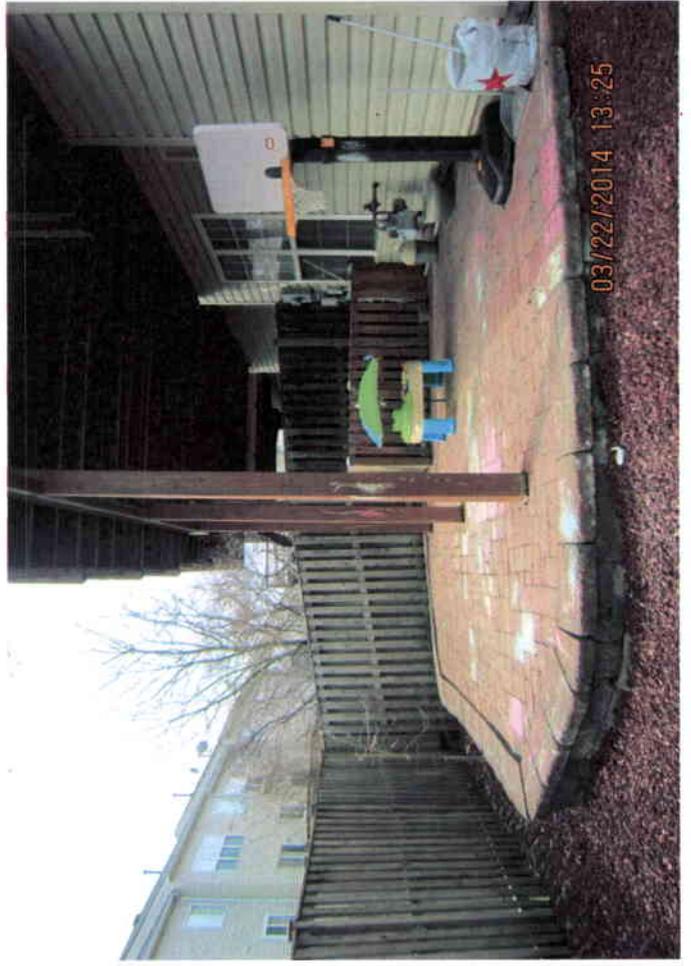
**FIRST FLOOR**

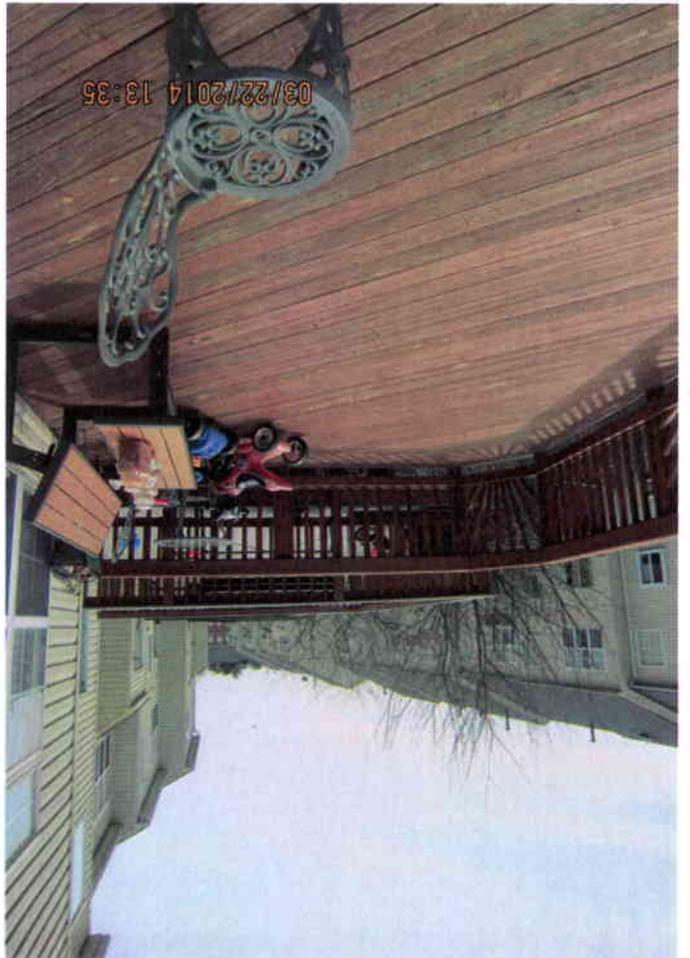
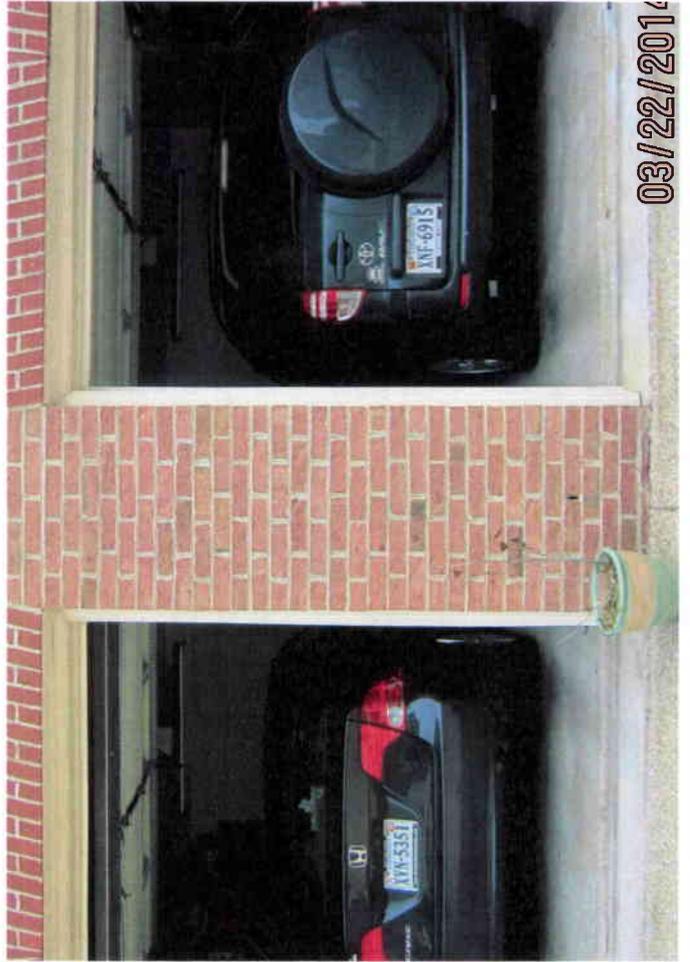
Entire first floor is used  
for Home Child Care Facility

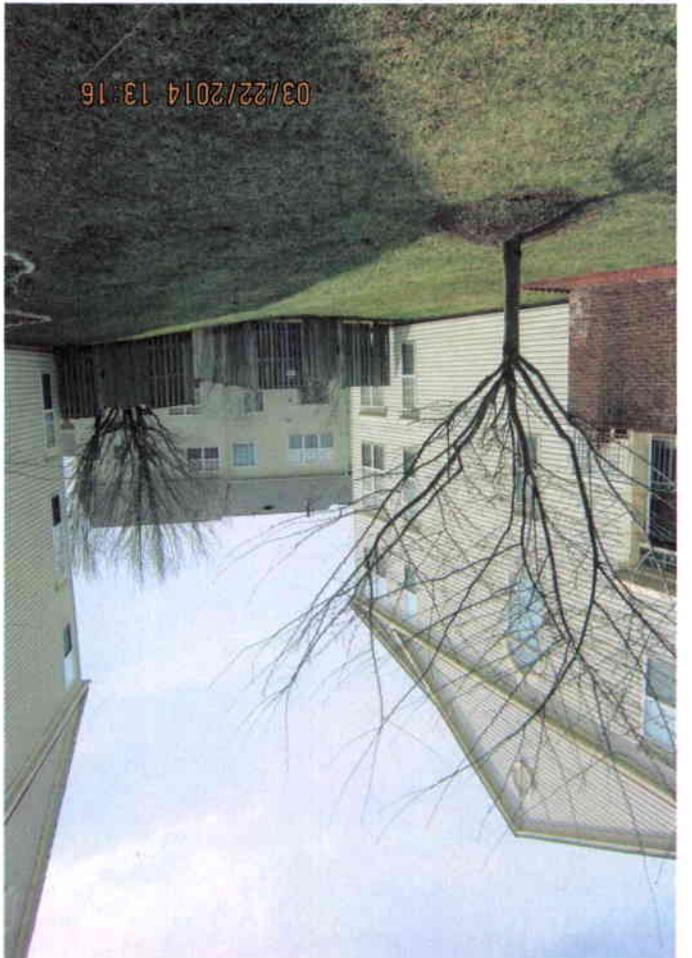


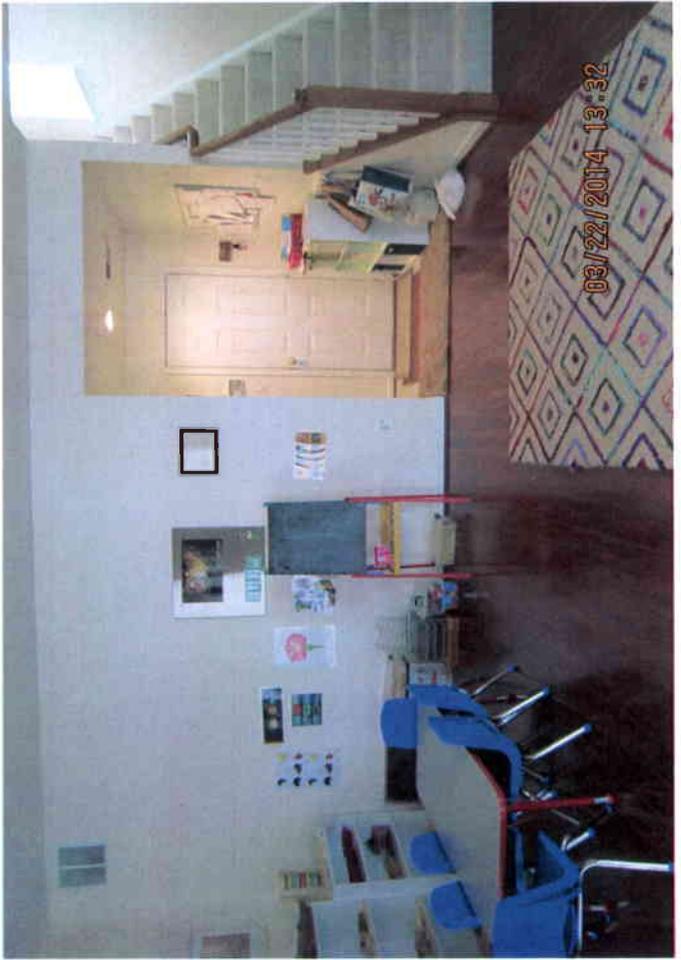
**SECOND FLOOR**

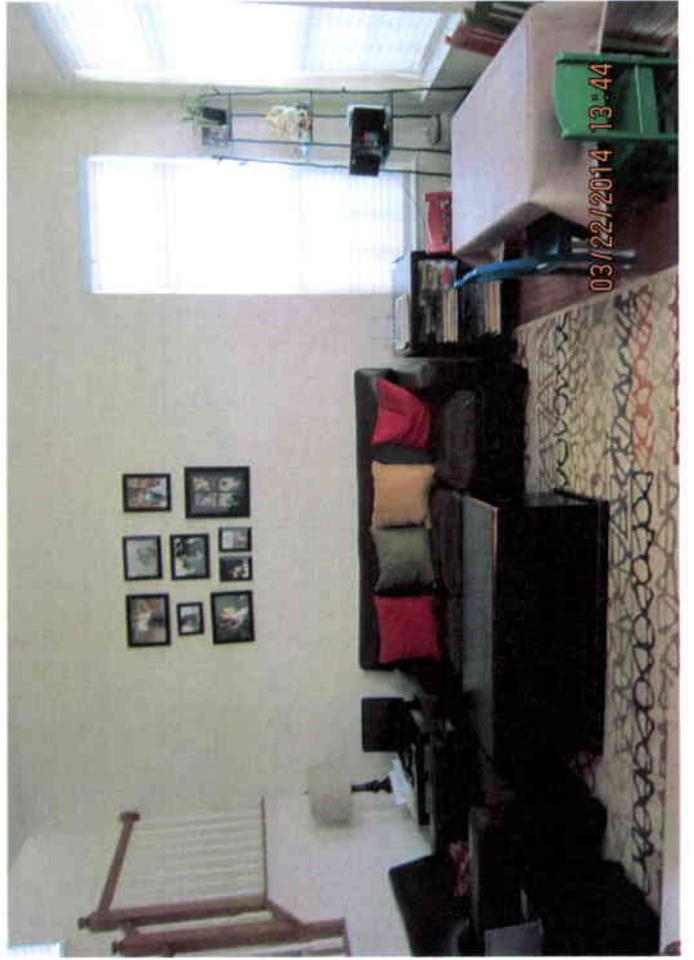
Second floor NOT used for  
Home Child Care Facility











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

124869

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/21/14  
 (enter date affidavit is notarized)

I, Renu R. Gupta D.B.A. LIL ANGELS IN-HOME MONTESSORI & DAYCARE, 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 <b>BOLD</b> above)
RENU R. GUPTA D.B.A. LIL ANGELS IN-HOME MONTESSORI & DAYCARE	13591 BIG BOULDER RD HERNDON, VA 20171	<b>APPLICANT / TITLE OWNER</b>
RATEEV GUPTA	13591 BIG BOULDER RD HERNDON, VA 20171	<b>CO-TITLE OWNER</b>

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/21/14  
(enter date affidavit is notarized)

124869

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

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

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

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

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Application No.(s): \_\_\_\_\_

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/21/14  
(enter date affidavit is notarized)

124869

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.

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/21/14  
(enter date affidavit is notarized)

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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.

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Application No.(s): \_\_\_\_\_  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/21/2014  
(enter date affidavit is notarized)

124869

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)

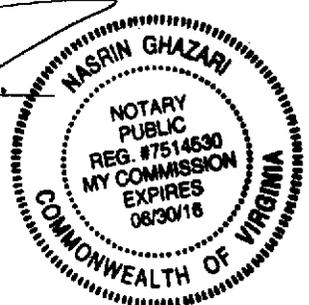
Renu R Gupta  
[ ] Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 21 day of March 20 14, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 06/30/16

Nasrin Ghazari  
Notary Public



CA 12  
124869



**Land Development Information History: ISIS - Building Permit - 01282B0320**

**Permit Information**

**Permit Id:** 01282B0320  
**Job Address:** 013591 BIG BOULDER RD  
**Subdivision:** SQUIRREL HILL, SEC 002  
**Application Date:** 2001-10-09  
**Tax Map:** 016-3 ((12)) 0080  
**Permit Status:** Initial/Approved (IA)

**Work Description:** TH/BUILD DECK W/STAIRS/NO HOT TUB/PER CO  
**Type Work:** Deck Only-Residential (A33)  
**Building Use:** Townhouse Or Multiplex (030)

**Permit Status Summary**

**Permit Status:** Initial/Approved (IA)

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Renu Gupta**

13591 Big Boulder Road

HERNDON, VA 20171

(703) 547-8125 [📞](#)Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): June 1, 2015Business Hours: 7:30 am - 6:00 pm  
Monday - Friday

Capacity: 12

Ages: 1 year 10 months - 10 years 11 months

Inspector: Sandra W D'Imperio  
(703) 479-4675 [📞](#)



# County of Fairfax, Virginia

## MEMORANDUM

Date: January 16, 2015

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-DR-133

Applicant: Renu R. Gupta, DBA Lil Angels In-Home Montessori & Day Care  
13591 Big Boulder Road, Herndon, VA 20171  
Squirrel Hill, Section 2, Lot 80  
Tax Map #: 16-3 ((12)) 80  
Zoning District: R-12  
ZIB# 2014-DR-133

An inspection was conducted on January 15, 2015 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied Staff Coordinator Casey Gresham and the Applicant.

There were no property maintenance and no Zoning Ordinance violations observed. Required smoke alarms were installed and all rooms used for sleeping purposes were in locations with direct egress to the exterior of the building. All egress doors possessed compliant hardware.

All attached photographs were taken by Inspector Miller at the time of the inspection.

**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