



APPLICATION ACCEPTED: October 22, 2014
BOARD OF ZONING APPEALS: March 4, 2015
TIME: 9:00 AM

County of Fairfax, Virginia

February 25, 2015

STAFF REPORT

APPLICATION SP 2014-SP-226

SPRINGFIELD DISTRICT

APPLICANT: Shashi Negi d/b/a Shining Star

LOCATION: 4969 Collin Chase Place

PARCEL: 55-2 ((11)) 15

LOT SIZE: 10,474 square feet

ZONING: R-2C: Residential, Two Dwelling Units/Acre, Cluster Subdivision

PLAN MAP: Fairfax Center Area

ZONING ORDINANCE PROVISIONS: 8-305 & 3-203

PROPOSAL: To permit a home child care facility

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-SP-226 for the home child care facility, subject to the proposed conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Zoning Appeals.

Nick Rogers, AICP

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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



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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

Board of Zoning Appeals meetings are held in the Board Auditorium of the Government Center (12000 Government Center Parkway, Fairfax, VA 22035)



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

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Department of Planning & Zoning

MAR 27 2014

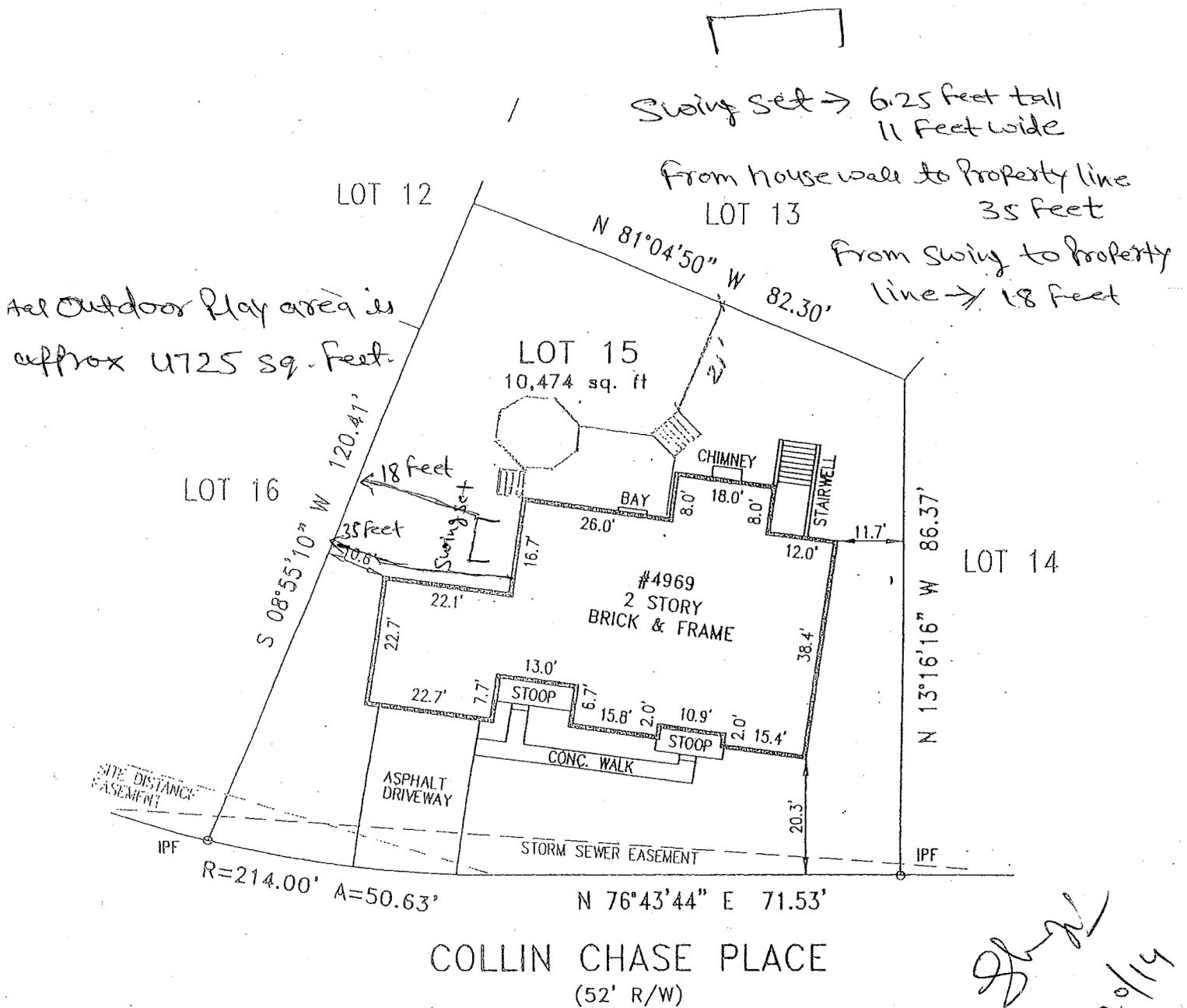
Zoning Evaluation Division

PROPERTY REPORT

LOT 15

HEATHERBROOK
AIRFAX COUNTY, VIRGINIA

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



COLLIN CHASE PLACE
(52' R/W)

[Signature]
10/20/14

SPECIAL PERMIT REQUEST

The applicant, Shashi Negi (doing business as Shining Star Home Day Care), has requested the approval of a Special Permit for a home child care facility with up to 12 children at 4969 Collin Chase Place. For properties zoned R-2C, home child care facilities may be established with up to 7 children in a single-family detached structure. An applicant may increase this maximum to 12 children with an approved Special Permit from the Board of Zoning Appeals.

A reduced copy of the Special Permit Plat (SP Plat) is included in the front of the staff report. Copies of the draft development conditions, the statement of justification with file photographs, and the affidavit are included in Appendices 1, 2, and 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,474 square foot property is located in the Heatherbrook community on the southern side of Collin Chase Place approximately ½ mile east of Stringfellow Road. According to the applicant's statement of justification, the applicant's dwelling is approximately 6,000 square feet with a two-car garage and driveway with space available for two additional cars to park. A concrete walkway connects the driveway to the dwelling's front entrance.

The surrounding properties are similarly zoned R-2C and were developed with single-family detached dwellings at the same time as the subject property.

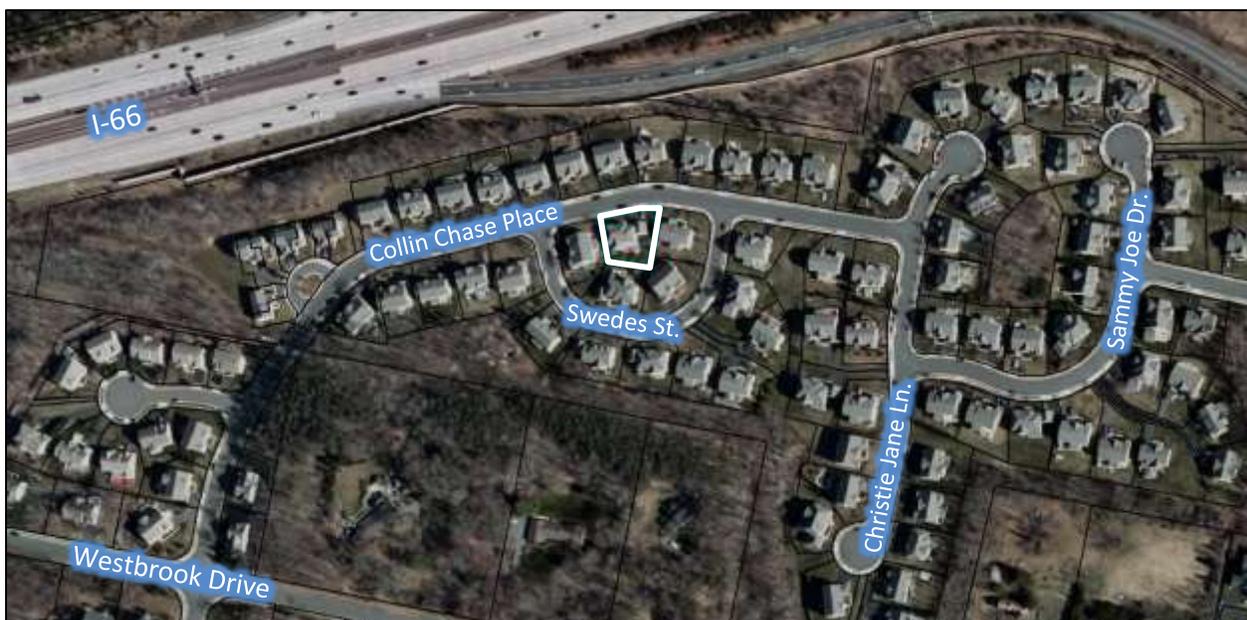


Figure 1: The subject property is located within a cluster of five dwellings between Collin Chase Place and Swedes Street (Source: Fairfax County DPZ GIS and 2013 aerial photography)

BACKGROUND AND HISTORY

On August 6, 2001, the Board of Supervisors approved RZ 2001-SU-003 to rezone 44.45 acres between Westbrook Drive and I-66 from R-1 and Water Supply Protection Overlay District (WSPOD) to R-2 Cluster (R-2C) and WSPOD. The rezoning permitted development of 99 dwellings at 2.22 dwelling units per acre (du/ac). The applicant provided 25% open space across the project's total acreage.

According to the Department of Tax Administration, the dwelling was constructed in 2004. The applicant has owned the property since 2006.

Records indicate that no other Special Permit applications for home child care facilities have been reviewed by the Board of Zoning Appeals in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant proposes to continue operating a home child care facility with up to 12 children at any one time in accordance with the provisions of facility's Family Day Home License. Issued by the Virginia Department of Social Services, the applicant's license is valid through February 13, 2016 and permits a capacity of 12 children from 1 month of age to 10 years, 11 months. The applicant employs one full-time assistant and one part-time assistant. A copy of the license information is included in Appendix 4.

The applicant would operate the home child care facility Monday through Friday, from 7:00am to 6:00pm. Children arrive in a staggered schedule from 7:30am to 9:15am. Afternoon departure is also staggered and ranges from 3:45pm to 5:30pm. The applicant's arrival and departure schedule is enclosed in Appendix 2.

The majority of the home child care services are provided in a 986 square foot section of the basement. This area is supplemented by a 133 square foot sleeping area for children. The sleeping area contains a window that was inspected by staff and determined to meet the applicable ingress/egress requirements.

The applicant uses the dwelling's foyer for arrival and departure, where parents pick up and drop off their children at the front door facing Collin Chase Place. The ground floor kitchen is used for cooking meals and cleaning dishes, while other areas of the ground floor are used for watching television, reading, and active play activities.

The SP Plat identifies an approximately 4,725 square foot play area in the applicant's rear yard. Within this area, the applicant has set aside approximately 2,000 square feet for a swing set, two sand and water tables, a play house, and a picnic bench. The rear yard is not enclosed with a fence.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: III
Planning District: Fairfax Center Area
Planning Sector: Sub Unit M-1
Plan Map: Residential development at 2 to 3 dwelling units per 1 acre

On-Site Parking and Site Circulation

The applicant’s driveway can accommodate up to two parked vehicles side by side. According to the applicant’s statement of justification and staff’s visual observations from the site inspection, the applicant’s vehicles are parked within the garage and the driveway is kept clear for arrival and departure of parents’ vehicles. In addition to the driveway, street parking is permitted along both sides of Collin Chase Place in the proximity of the subject property.

Zoning Inspections Branch Report (Appendix 5)

Staff conducted a joint site visit with an inspector from the Zoning Administration Division’s Zoning Inspections Branch. 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 6)

The applicant’s request must meet the standards of the following Zoning Ordinance Sections:

- Sect. 8-006: General Special Permit Standards;
- Sect. 8-303: Standards for all Group 3 Uses;
- Sect. 8-305: Additional Standards for Home Child Care Facilities; and,
- Sect. 10-103, Par. 6: Use Limitations for Home Child Care Facilities.

General Special Permit Standards (Sect. 8-006):

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2C District permits a home child care facility as an accessory use with Special Permit approval.
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Standard 3 Adjacent Development	In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
Standard 4 Pedestrian/ Vehicular Traffic	The applicant's proposal would continue to stagger the arrival and departure times of the children. In staff's opinion, the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	In staff's opinion, the proposed home child care facility is accessory and subordinate to the primary residential character of the surrounding community and would be compatible with the community's character.
Standard 6 Open Space	Open space for the surrounding community would not be impacted by the proposed home child care facility.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading of the site. As previously discussed, the driveway would primarily be used for arrival and departure, with street parking to supplement.
Standard 8 Signs	Article 10, Section 10-103 of the Zoning Ordinance specifically prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The subject property meets the lot size and bulk regulations for the R-2C District. No building additions or site modifications are proposed in the applicant's request.
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 proposed conditions in Appendix 1 would allow up to two non-resident employees.
Standard 2 Access and Parking	As previously discussed, arrival and departure times are staggered; moreover, the applicant's driveway provides space for two cars to park during pick up and drop off. The proposed use would not be hazardous and would not conflict with the existing and anticipated traffic in the neighborhood.

Standard 3 Landscaping and Screening	No additional landscaping or screening is recommended.
Standard 4 Submission Requirements	The applicant has met each of the submission requirements for a home child care facility request.
Standard 5 Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through the Virginia Department of Social Services.

Use Limitations for Home Child Care Facilities (Sect. 10-103, Par. 6):

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is 7 in a single-family detached dwelling. The applicant has requested Special Permit approval to allow a maximum of 12 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	Other than the play equipment identified by the applicant, there is no exterior evidence of the proposed use.
Part D Non-Resident Employee	The applicant has requested the ability to employ two non-resident employees.
Part E Provider is a Resident	The provider resides at the subject property.
Part F Code of Virginia, Title 63.2, Chapter 17	As previously discussed, the applicant has a valid home child care license through the Virginia Department of Social Services.
Part G Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is 7 in a single-family detached dwelling and can be increased to a maximum of 12 children with Special Permit approval. The applicant has requested this approval to permit a maximum of 12 children at any one time along with two non-resident employees.

CONCLUSIONS AND RECOMMENDATIONS

The applicant's request would conform to the applicable provisions in the Zoning Ordinance and would be harmonious with the Comprehensive Plan. The subject property is a well-suited location for a home child care facility that can support the increased number of children due to adequate room within the home, an ample rear yard, and adequate space in the driveway and on the street to facilitate arrival and departure.

Staff recommends approval of SP 2014-SP-226 for a home child care facility, subject to the proposed conditions listed in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation 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 this application

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photos
3. Affidavit
4. State Family Day Home License
5. Zoning Inspection Branch Comments
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 2014-SP-226****February 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-226 located at Tax Map 55-2 ((11)) 15 to permit a home child care facility pursuant to Sections 3-203 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This approval is granted to the applicant, Shashi Negi, Shining Star Home Day Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 4969 Collin Chase Place, and is not transferable to other land.
2. The Special Permit is approved for the home child care facility as shown on the Special Permit Plat, entitled "Property Report: Lot 15 - Heatherbrook" as annotated by the applicant and dated October 20, 2014.
3. A copy of this Special Permit Amendment shall be posted in a conspicuous place within the home child care facility and be made available to all departments of the County of Fairfax during the hours of operation for home child care facility.
4. The hours of operation for the home child care facility shall be limited to 7:00am to 6:00pm, Monday through Friday.
5. The dwelling that contains the home child care facility shall be the primary residence of the applicant.
6. Excluding any of the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two non-resident 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 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 Section 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 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 commence construction 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 27 2014

Zoning Evaluation Division

Shashi Negi
4969 Collin Chase Place
Fairfax, VA 22030
703-489-4212
Shashinegi@yahoo.com

March 26, 2014

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

Re: Special Permit application
Applicant SHASHI NEGI
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards

Tax Map #: 55-2-11- -15
 Zoning District: R-2C
 Lot Size : 10,474 Square Feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached/detached (circle one) dwelling at 4969 Collin Chase Place, Fairfax, VA 22030 with my husband and two children. The property is zoned R 2 C and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations.

SN
10/20/14

Hours: The child care is open from 7:00am to 6:00pm, Monday through Friday.

Number of children: I care for up to 12 children at any one time. This number does not include my own two children.

Employee: I have one assistant who work part-time and 1 assistant who work full time in my day care.

Arrival Schedule : Seven of the children arrive between 7:30am to 8:30am. Five children arrive between 8:30am to 9:15am. Four of the children walk with their parent to our house. They live in immediate area.(See attachment)

Departure Schedule: Four children are picked up between 3:45 pm to 4:30pm. Eight of the children leave between 4:30pm to 5:30pm. Four children out of eight are neighbors and they walk with their parents.(See attachment)

Area Served: Currently, I am taking care of four children of my neighbors. They live in immediate area. One of them is just opposite to my house (in front) and three of them live behind my house. Their parents walk them to the day care. Other children also commute no more than 5 to 7 miles. Their parents drive them to my house.

Operations : As I stated, my house is a single-family attached/detached(circle one)dwelling. It has a walk-out basement, which is where the children spend most of their time. I use the kitchen area for cooking and cleaning dishes (located on the ground floor). I use family room for TV time, living room for reading and other manipulative activities during the day time and pick up time. My pick up and drop off is from the ground floor so we do use all my foyer area and our powder room too. Attached is floor plan that indicates the areas where the day is located and other areas which is use different times during the day. The house has 6000 square feet. The basement area, kitchen and other areas where I conduct the day care activities consist of approximately 3000 square feet in total. (see attachment for floor layout and interior photos)

The house has 6000 square feet. The following rooms are where I conduct the day care:

Family room: 323
Living room: 225
Foyer: 80
Kitchen: 460
Laundry room: 80
Pantry: 80
Basement (finished areas) 986
Bedroom in Basement: 133
Storage room: 700

JL
10/20/19

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 backyard for outdoor play for the children. The area is approximately 2000 square feet. There is a swing set with the slide, two sand and water tables, play house and a picnic bench in this area. I have drawn the swing set with slide, sand and water tables, play house and a picnic bench on my most recent house location plat which is included. Currently we do not have the fence and we never felt that we need

one and not even single parent or inspector mentioned it either. However if zoning wants us to build the fence we will not have any problem to put the new fence in our back yard.

Parking: I use my two car garage to park my family car. My driveway provides enough parking for two cars because the driveway is more than 600 square feet long and holds two cars side by side. In addition, ample parking is available along the streets in front of my house for the parents and employees.

I took care of four children of my neighbors and currently taking care of four children of my neighbors. I have enclosed their supportive letters.

In conclusion, I am proposing no changes to the outside appearance of my brick and vinyl sided home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and my family.

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

Sincerely,


Shashi Negi

Owner of Shining Star Home day Care

MAR 27 2014

Zoning Evaluation Division

SHASHI NEGI / SHINING STAR HOME DAY CARE

Arrival Schedule

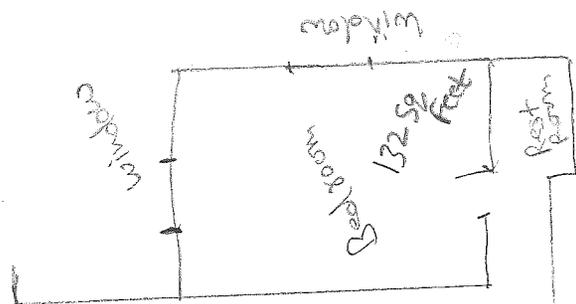
Child	7:30-8:00am	8:00-8:30am	8:30-8:45am	8:45-9:15am
1	x			
2	x			
3	x			
4			x	
5			x	
6		x		
7			x	
8		x		
9		x		
10				x
11				x
12		x		

Departure Schedule

Child	3:45-4:00pm	4:15-4:30pm	4:30-5:00pm	5:00-5:30pm
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 / childcare area

↖ Walkway



Day care area

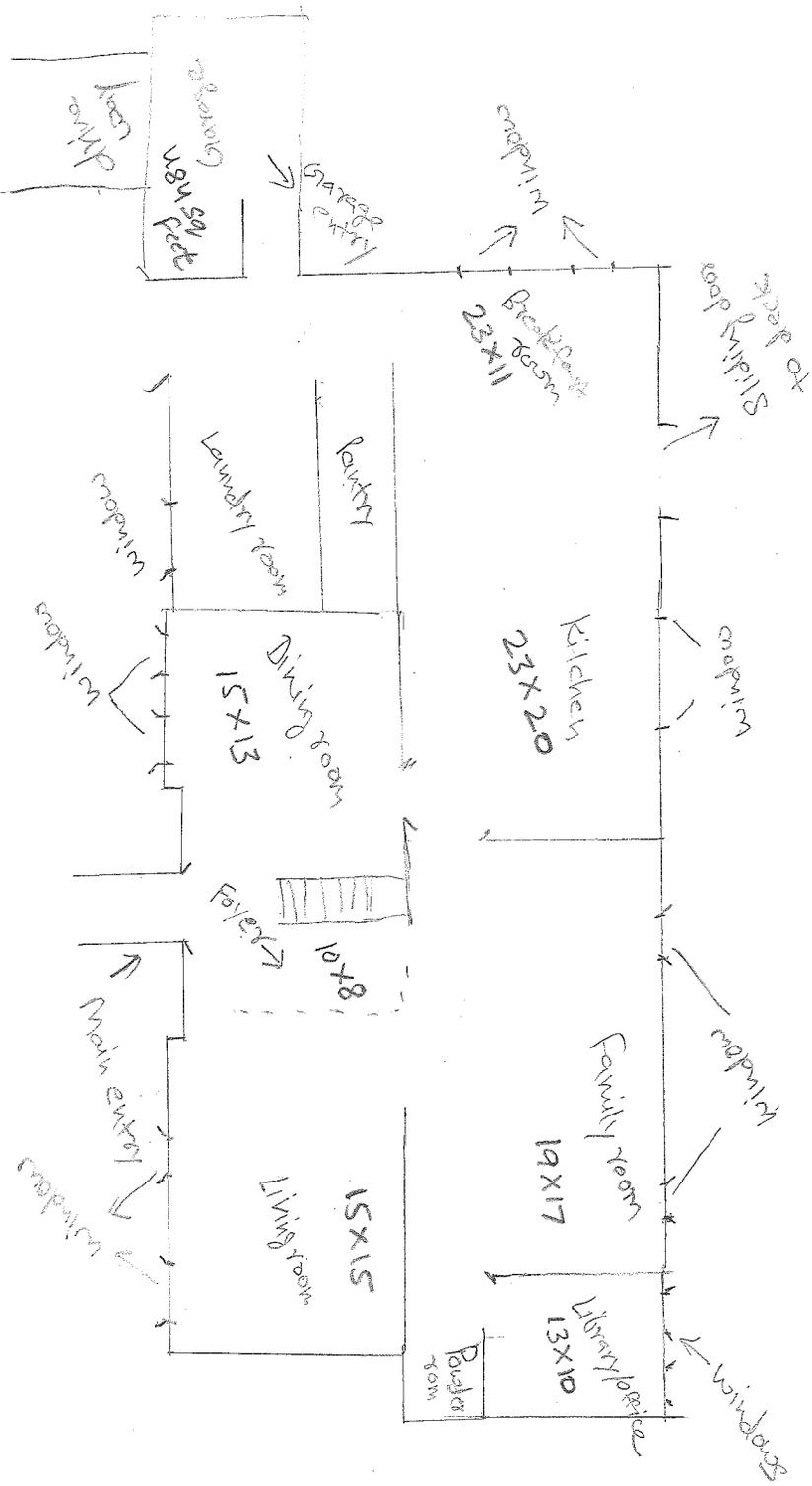
986 Sq feet

700 Sq feet

Storage

Window

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First Floor

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MAR 27 2014

Zoning Evaluation Division

MAR 27 2014

Zoning Evaluation Division

3



My house from ~~left~~ side neighbor's house (lot 16)
right

5



My house from ~~right~~ side neighbor's house (lot 14)
left

7



My backyard from my neighbors backyard (lot 16, 12)

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8



My backyard from my neighbors backyard (lot 13, 14)

9



My house from across the street neighbor's house, right side neighbor's house and left side neighbor's house.

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MAR 27 2014

Zoning Evaluation Division

10



Front of my property and side of my left side property (lot 14)

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/2014
(enter date affidavit is notarized)

127395

I, SHASHI NEGI, 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)
LEELA SINGH	4969 COLLIN CHASE PL, FAIRFAX, VA-22030	CO-OWNER
SHASHI NEGI	4969 COLLIN CHASE PL, FAIRFAX, VA-22030	APPLICANT/OWNER
SHASHI NEGI d/b/a SHINING STAR FAIRFAX INC.	4969 COLLIN CHASE PL, FAIRFAX, VA-22030	BUSINESS NAME

(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).

Done

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/2014
(enter date affidavit is notarized)

127395

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)

SHINING STAR FAIRFAX IC
4969 COLLIN CHASE PC
FAIRFAX VA - 22030

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/14
(enter date affidavit is notarized)

127395

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**)

N/A

(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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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/14
(enter date affidavit is notarized)

127395

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/14
(enter date affidavit is notarized)

127395

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)

[Signature]
 Applicant Applicant's Authorized Agent

SHASHI NEGI
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of December 2014, in the State/Comm. of Virginia County/City of Fairfax

[Signature]
Notary Public

My commission expires: July 31, 2017

MERIDETH L WILHELM
Notary Public
Commonwealth of Virginia
293175
My Commission Expires Jul 31, 2017

Sale



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Shashi Negi

4969 Collin Chase Place

FAIRFAX, VA 22030

(703) 543-2288 

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Feb. 13, 2016

Business Hours: 7:00 AM - 6:00 PM
Monday - Friday

Capacity: 12

Ages: 1 month - 10 years 11 months

Inspector: Sandra W D'Imperio
(703) 479-4675 



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Date: January 15, 2015

To: Nick Rogers, Staff Coordinator
Zoning Evaluation Division

From: Chuck Cohenour, Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility SP 2014-SP-226

Applicant: Shasht Negt d/b/a/ Shining Star
4969 Collin Chase Place, Fairfax, Virginia 22030
Heatherbrook, Lot 15
Tax Map ref. #: 55-2 ((11)) 15
Zoning District: R-2C, WS
ZIB #: 2015-0013

*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.
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-5500
Phone 703-324-4300 FAX 703-324-1300
www.fairfaxcounty.gov/d

4969 Collin Chase Place

January 6, 2015

- 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.

- Other

- 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

1.

2.

...

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.