



County of Fairfax, Virginia

February 25, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-MA-142

MASON DISTRICT

APPLICANT: Harninder K. Saini
Lovely Day Care

OWNERS: Baldev S. Saini
Harninder K. Saini

SUBDIVISION: Pine Woods Manor

STREET ADDRESS: 3136 Annadale Rd., Falls Church, 22042

TAX MAP REFERENCE: 50-4 ((1)) 4B

LOT SIZE: 19,059 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305, 3-403

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-MA-142 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.

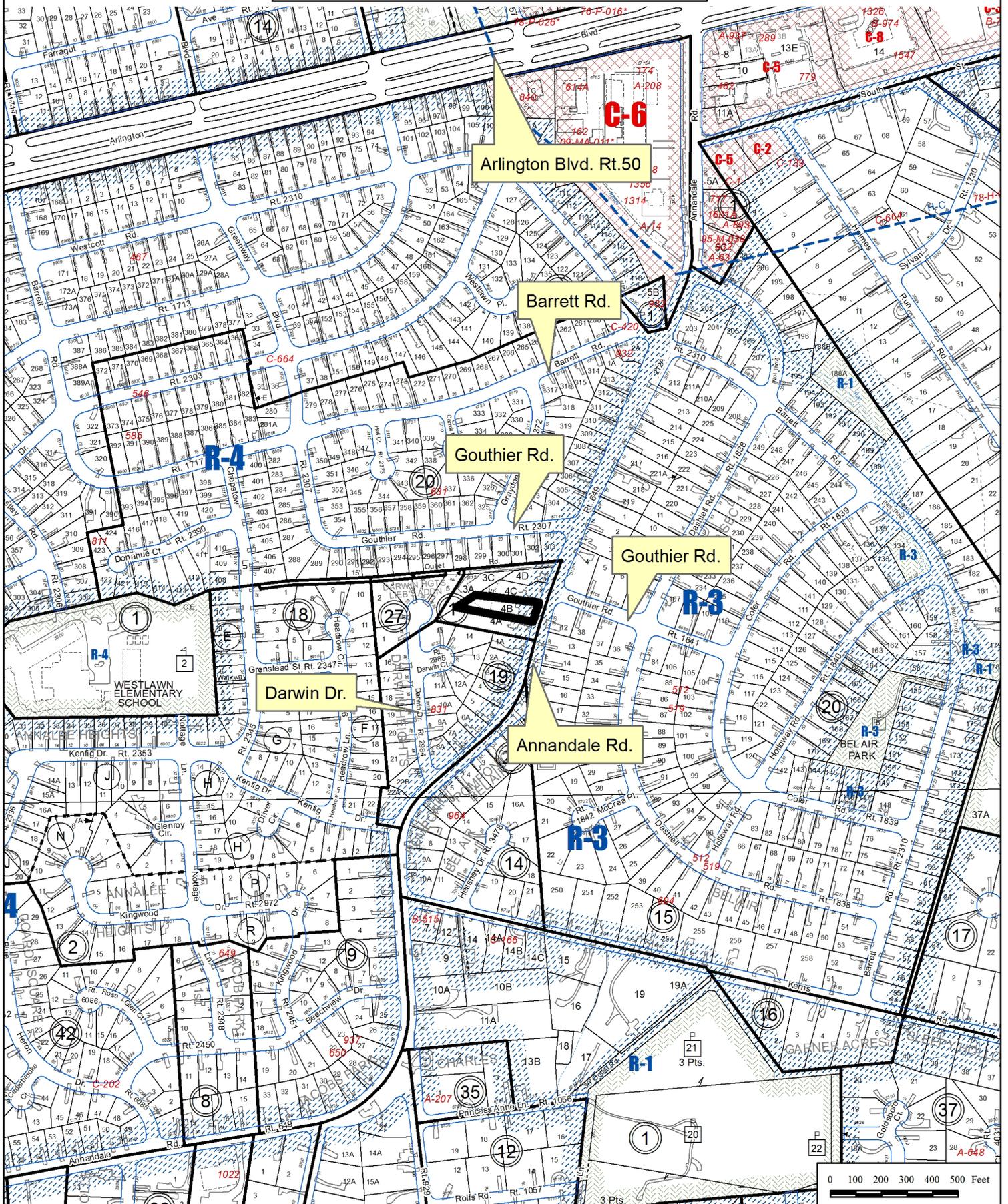
Casey V. Gresham

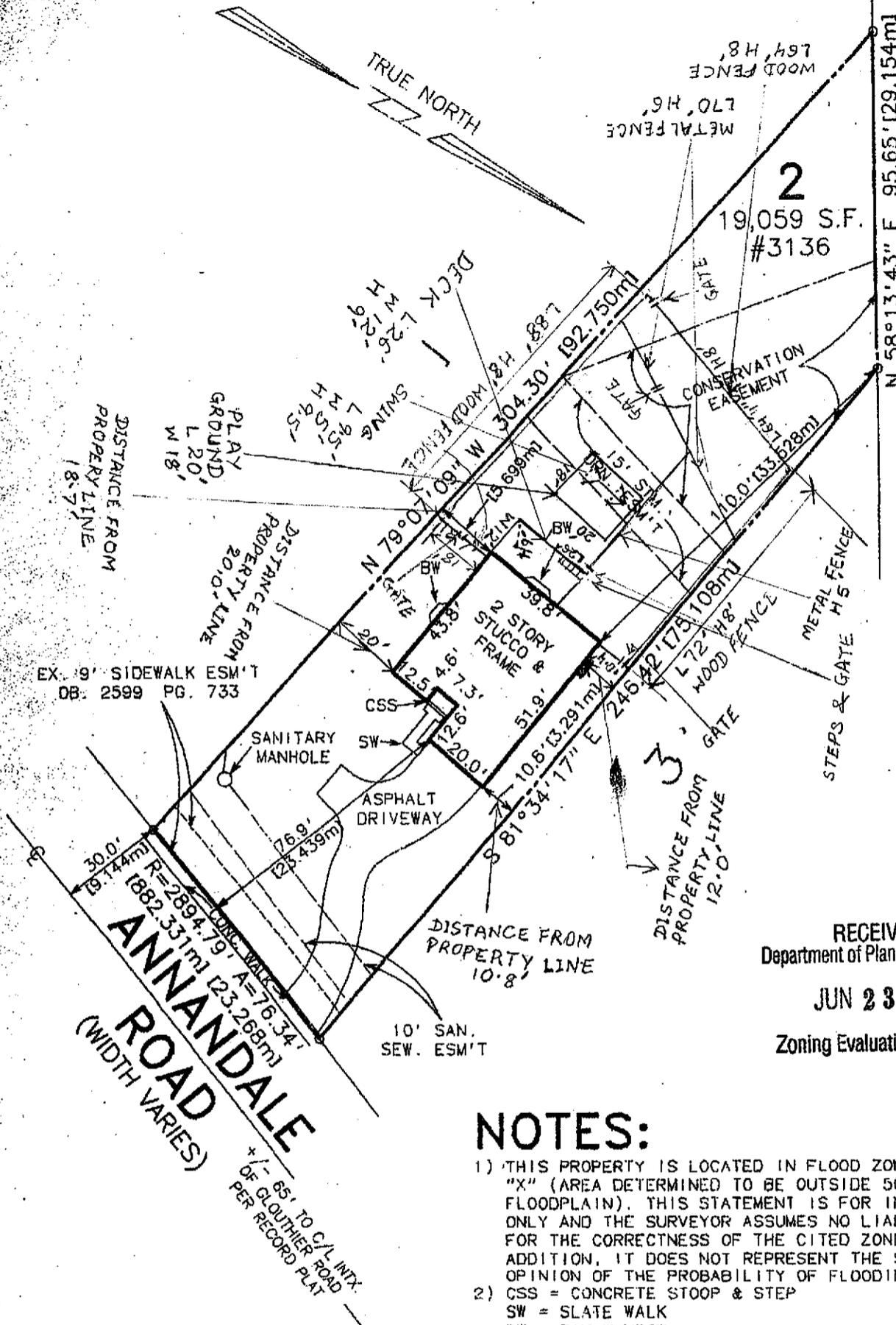
A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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**

Special Permit
SP 2014-MA-142
HARNINDER SAINI / LOVELY DAY CARE





N/F PAGE

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

NOTES:

- 1) THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN). THIS STATEMENT IS FOR INFORMATION ONLY AND THE SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED ZONE. IN ADDITION, IT DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.
- 2) CSS = CONCRETE STOOP & STEP
 SW = SLATE WALK
 BW = BAY WINDOW

NO TITLE REPORT FURNISHED
HOUSE LOCATION SURVEY

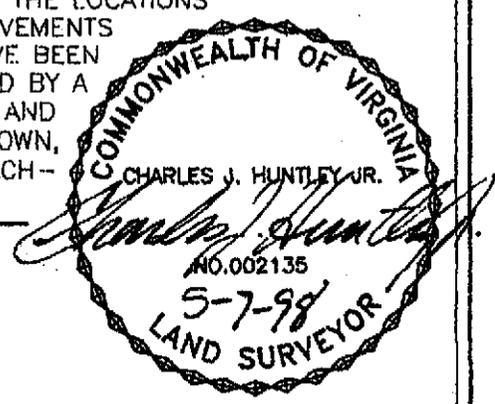
D.B. 9977 PG. 1698

LOT 2
PINE WOOD MANOR
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TOTAL STATION SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

SCALE: 1" = 40' DATE: 05-07-98

HUNTLEY, NYCE AND ASSOCIATES, LTD.
 SURVEYING-CIVIL ENGINEERING-LAND PLANNING
 7202 POPLAR STREET, UNIT E
 ANNANDALE, VIRGINIA 22003 750-3490



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 "House Location Survey, Lot 2, Pine Wood Manor," prepared by Charles J. Huntley, Jr., L.S., on May 7, 1998, as revised by Harninder Saini through July 8, 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 detached dwelling. An asphalt driveway extends to Annadale Road, and the main entrance to the home serves as the main entrance to the child care facility. The rear yard is surrounded by a wood fence and contains a deck and swingset.

A conservation easement runs across the westernmost portion of the rear yard, and a portion of the applicant's fence is located within this easement. In addition, a 15 foot-wide storm drainage easement is also located in the rear yard to the east of the conservation easement; a portion of a playset is located within this easement.

In the front yard of the application property, a 10 foot-wide sanitary sewer easement is present. Slightly east of this easement, a 9 foot-wide sidewalk easement also exists. The applicant's driveway runs through these easements.

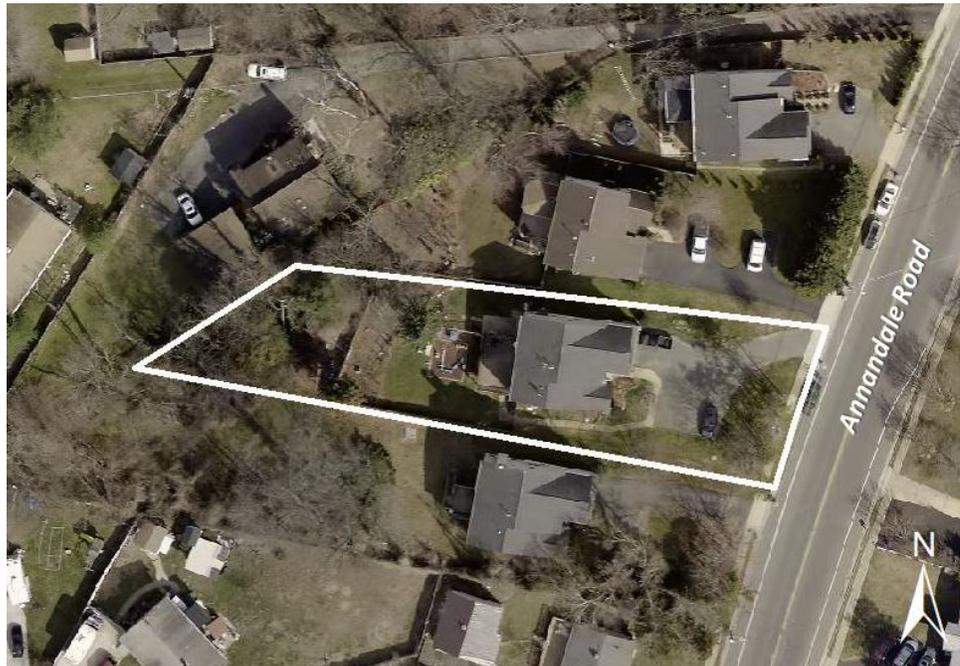


Figure 1: House Location

The subject property and those to the west are zoned R-3; surrounding properties to the east are zoned R-4 and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1997 and purchased by the applicant in 2005.

The applicant has been issued building permits for the existing deck, as well as for electrical and plumbing improvements located in the basement; the applicant is waiting to receive final inspections. Applicable building permits are included as Appendix 4.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 5:30 a.m. and 11:30 p.m., Monday through Friday. Due to the extended hours of operation, staff recommends a development condition that allows twelve children between the hours of 5:30 a.m. and 6:00 p.m., and only three children from 6:00 p.m. to 11:30 p.m. The applicant has a staggered drop-off and pick-up time for the children. Two assistants both drive to the facility. These assistants can only be at the home child care between the hours of 7:00 a.m. and 6:00 p.m.; a development condition is included to address this.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through August 5, 2015. The license permits a capacity of twelve children, ages 1 year through 12 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement of the dwelling, and it contains a recreation room, a play area, and a sleeping room. The sleeping room provides adequate emergency egress. The rear yard is utilized for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Jefferson Planning District
Planning Sector: Westlawn Community Planning Sector (J3)
Plan Map: Residential, 4-5 du/ac

On-Site Parking and Site Circulation

The existing driveway is able to accommodate multiple vehicles, and the garage can accommodate two of the applicant's family vehicles. The assistants drive to the home

child care facility and park along Annandale Road. FCDOT has reviewed the application, and due to the home child care’s location on Annandale Road, conditions are included to address safe drop-off and pick-up activities. As Annandale Road is a heavily trafficked roadway, the conditions require parents to pull forward onto Annandale Road rather than backing out into the roadway. In order to allow room for drop-off and pick-up, a condition is included requiring the applicants to park their family vehicles in the two-car garage. Lastly, a condition has been included to prevent vehicles associated with the home child care use from parking along Annadale Road within 10 feet of the driveway entrance, providing a clear line of sight distance for vehicles exiting the driveway. All of these conditions are included in Appendix 1.

While the driveway exceeds 30% of the front yard coverage, by using historical GIS aerial data, it has been determined that this driveway was installed prior to the 2002 coverage ordinance amendment. Therefore, the current driveway is vested and is not a violation.

Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, cribs were located in a room which did not have proper egress, and an egress door had a keyed lock. Since the inspection, cribs have been relocated to a room containing proper egress, and the keyed lock has been replaced with a thumb lock. All noted violations have been addressed, and photos have been provided to substantiate the corrected violations (see Appendix 7).

Zoning Ordinance Requirements (Appendix 8)

- 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-3 District permits a home child care facility as an accessory use with special permit approval.</p>
<p>Standard 3 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 affect 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>

Standard 5 Landscaping/Screening	There is an existing wood fence in the rear yard that provides screening for the outdoor play area.
Standard 6 Open Space	Open space for the development is not affected by the home child care facility request.
Standard 7 Utilities, Drainage, Parking, and Loading	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.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-3 District. 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 allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing wood 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 Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license.

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

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

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2014-MA-142 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. Photos of Corrected Violations
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-142****February 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-142 located at Tax Map 5-4 ((1)) 4B to permit a home child care facility pursuant to Section 8-305 and 3-403 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, Harninder Saini, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3136 Annandale 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, "House Location Survey, Lot 2, Pine Wood Manor," prepared by Charles J. Huntley, Jr., L.S. ,on May 7, 1998, as revised by Harninder Saini through July 8, 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 5:30 a.m. to 11:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve. The home child care shall be limited to three children after 6:00 p.m. and the children shall be required to stay inside after dark.
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. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.

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 parents conducting drop-off and pick-up activities shall pull forward onto Annadale Road rather than backing out into the roadway.
13. The applicant shall utilize the two-car garage for parking of family vehicles during the hours of operation.
14. No vehicles associated with the home child care use shall be parked within 10 feet of the applicant's driveway along Annandale Road during hours of operation.
15. Parents shall receive written notice from and provide written agreement to the applicant with respect to parking, drop-off, and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements with the parents and make them available at the request of Fairfax County.

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

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

June 23, 2014

To whom it concerns

I, Harinder Saini submitting the deficient requirements according to your letter sent to me on October 29, 2013 and letter Re: SP 2013-0255 dated on May 8, 2014

- ① Deficient # 3.00 :- All pictures required are attached to this application.
- ② Deficient # 4.00 :- Special permit/variance Affidavit is enclosed.
- ③ Deficient # 5.05 :- Arrival Schedule - Departure Schedule

	<u>Arrival Schedule</u>	<u>Departure Schedule</u>
one child	6:50 A.M. - - -	- - - 5:45 P.M.
second child	7:30 A.M. - - -	- - - 5:20 P.M.
Third & Fourth child	8:00 A.M. - - -	- - - 5:00 P.M.
Fifth child	8:10 A.M. - - -	- - - 4:50 P.M.
Sixth child	8:30 A.M. - - -	- - - 5:55 P.M.

Parking space :- One parking is always stay open for parents to drop off and pick up their children;

All this parking space was already built before we bought this house.

- ④A Deficient # 5.0 :- Square footage of each room and area used for child care is as follows and copy of Map in Square footage is also attached to this application

- ① Play area room #1 = 350 Sq ft.
- ② Sleeping area room # 2 = 153.43 Sq ft.
- ③ Sleeping + Recreation room # 3 = 258.75 Sq ft.

- ④ Kitchen = 71.45 Sq. ft.
- ⑤ Dining Area = 94.55 Sq. ft.
- ⑥ Bathroom = 39.87 Sq. ft.

Approximately all inside area used for Day Care is = 968 Square feet.

⑦ Deficient # 6.00 :- I Harninder Sami is also owner with my Husband Baldev Sami, The copy of ~~deed~~ [DEED] also attached with this application

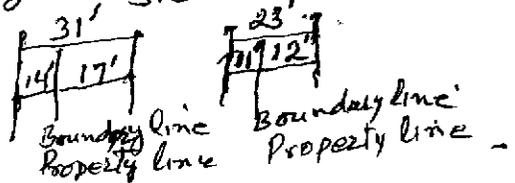
⑧ Deficient # 904.02 :- width = 12 feet
length = 26 feet
1) Height = 9 feet.

2) wooden fence around back yard and is 8 ft. High
Metal Fence dividing in length section is 5 feet High and metal fence dividing width area of Back play ground is 6 feet high.

③ Swing Set dimension are
length = 9 1/2' width = 5' Height = 9 1/2'

⑨ Deficient # 904.03 :- Distance between the structures and approximately boundaries lines and copy of structures also included in this attached to this application.

lot 1 lot 2 lot 3
3138 3136 3134 A



⑩. Deficient # 923.00 ; -

The plot Lot #2 Pinewood Manor in Mason District Fairfax County is the same when these houses were built. None surrounding property was bought or sold from this property. Scale used and measurement are all shown on this original certified surveyed copy. I am sending you the copy of it, please accept it for this requirement,

⑪

All required documents, Affidavits, pictures (required) and Affidavit of Day Care [Lovely Day Care] are all included in this application.

Sincerely

Harninder Saini

6-23-14

[HARNINDER SAINI]

3136 Annandale Road,
Falls Church, VA 22042

Phone 703-534-0889

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

RECEIVED
Department of Planning & Zoning

SEP 18 2013

Zoning Evaluation Division

Name: HARNINDER K. SAINI
Address: 3136 ANNANDALE RD.
FALLS CHURCH, VA. 22042
Phone #: 703-534-0889
E-mail: HARNINDERSAINI62@Gmail.com

Date 09-14-2013

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

Re: Special Permit Application

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

Tax Map #: 05-04-01-0004B
Zoning District: R-4
Lot Size: 19,059

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 3136 ANNANDALE RD. FALLS CHURCH, VA. 22042 (your address). The property is zoned _____ and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 6:00 A.M. to 9:00 P.M.

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

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

Arrival Schedule. 2 of the children arrive between 6:45 AM and 7:00 AM.
" 4 " " 8:00 " " 8:30 AM..
" 2 " " 9:00 AM 9:15 AM

Departure Schedule. 1 of the children are picked up at 4:20 PM. 4:40 PM
" 4 " " 4:50 P.M. - 5:15 P.M
" 2 " " 5:40 P.M. 6:00 P.M
Area Served. FALLS CHURCH, ARLINGTON.
(what neighborhood/general area do the children live in?)

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

3 level Single Family home with garage, 6 bedrooms and 3 1/2 bathrooms. Big fenced backyard and a big drive way.

The house has 3,218 square feet. The following rooms are where I conduct the day care:

in the whole basement with kitchen and 2 bedrooms and bathroom.
These rooms are 84 x 49 square feet total.

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

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 BACK yard for outdoor play for the children. The area is approximately _____ square feet. The outdoor play area consists of: play houses, bikes, basketball hoop, water play, play cars
plenty of area to move around and slides

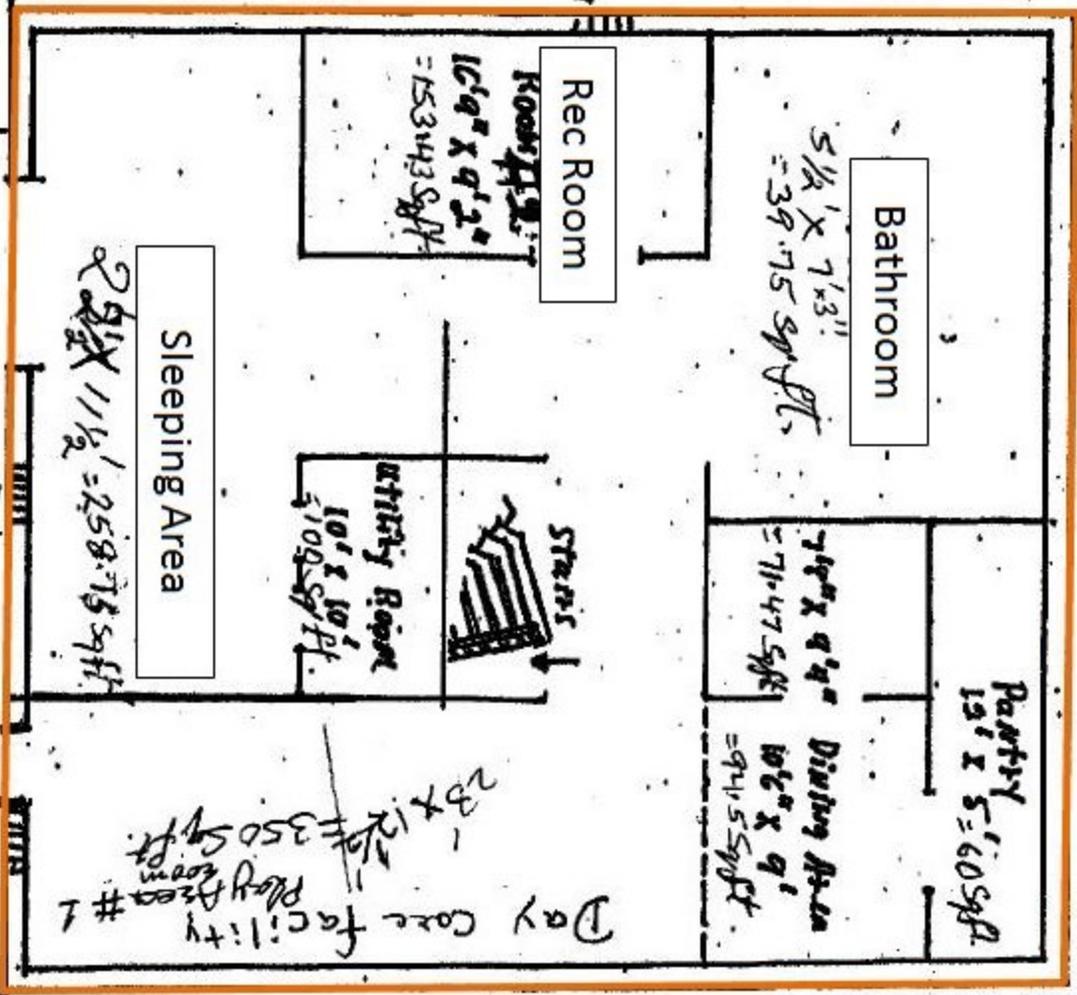
Parking. I use my garage, Drive way to park my family car(s). My parents park Parents use drive way to park and if necessary on the Street.

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

In conclusion, I am proposing that my home has enough space and is safe to run a day care

Sincerely,

Harninder K. Saini
Owner of Lovely day Care



CONCRETE SIDEWALK
3' x 70'

DECK OVER CONCRETE PATIO

26' L X 12' W X 9' H

Application No.(s): SP 2014 MA-142
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-18-2014
 (enter date affidavit is notarized)

122212

I, HARNINDER K. SAINI [LOVELY DAY CARE] 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)
HARNINDER K. SAINI	3136 ANNANDALE RD. FALLS CHURCH, VA 22042	APPLICANT/TITLE OWNER 05-04-01-0004 B
BALDEV S. SAINI	SAME AS ABOVE	TITLE OWNER 05-04-01-0004 B
LOVELY DAY CARE LLC	3136 ANNANDALE RD FALLS CHURCH, VA 22042	MANAGER CO. PPLICANT

(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-MA-142

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

122712

DATE: 07-18-2014

(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)

LOVELY DAY CARE LLC
3136 ANNANDALE RD., FALLS CHURCH, VA. 22042

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)

HARMINDER K. SAINI
BALDEV S. SAINI

(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-MA-142
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-18-2014
(enter date affidavit is notarized)

122712

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.*

Application No.(s): SP 2014-MA-142
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-18-2014
(enter date affidavit is notarized)

122712

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-MA-142
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07-18-2014
(enter date affidavit is notarized)

122712

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:

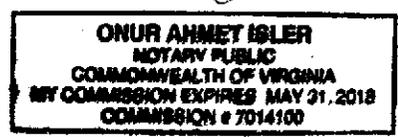
(check one) Applicant Harninder K. Saini Applicant's Authorized Agent

HARNINDER K SAINI OWNER
(type or print first name, middle initial, last name, and title of signee)

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

[Signature]
Notary Public

My commission expires: MAY 31, 2018





BUILDING PERMIT

PLUMBING/GAS RESIDENTIAL

Permit Number: 150400227
Parent Permit: 150400223

Issued Date: 02/10/2015
Tax Map ID: 050-4 / 01 / / 0004B

Job Address: 3136 Annandale Rd
Falls Church, VA 22042-0006

Plan No.: N/A

Owner/Tenant:
SAINI BALDEV S
3136 Annandale Rd
Falls Church, Va 22042
(703)534-0889

Contractor:
OWNER IS CONTRACTOR

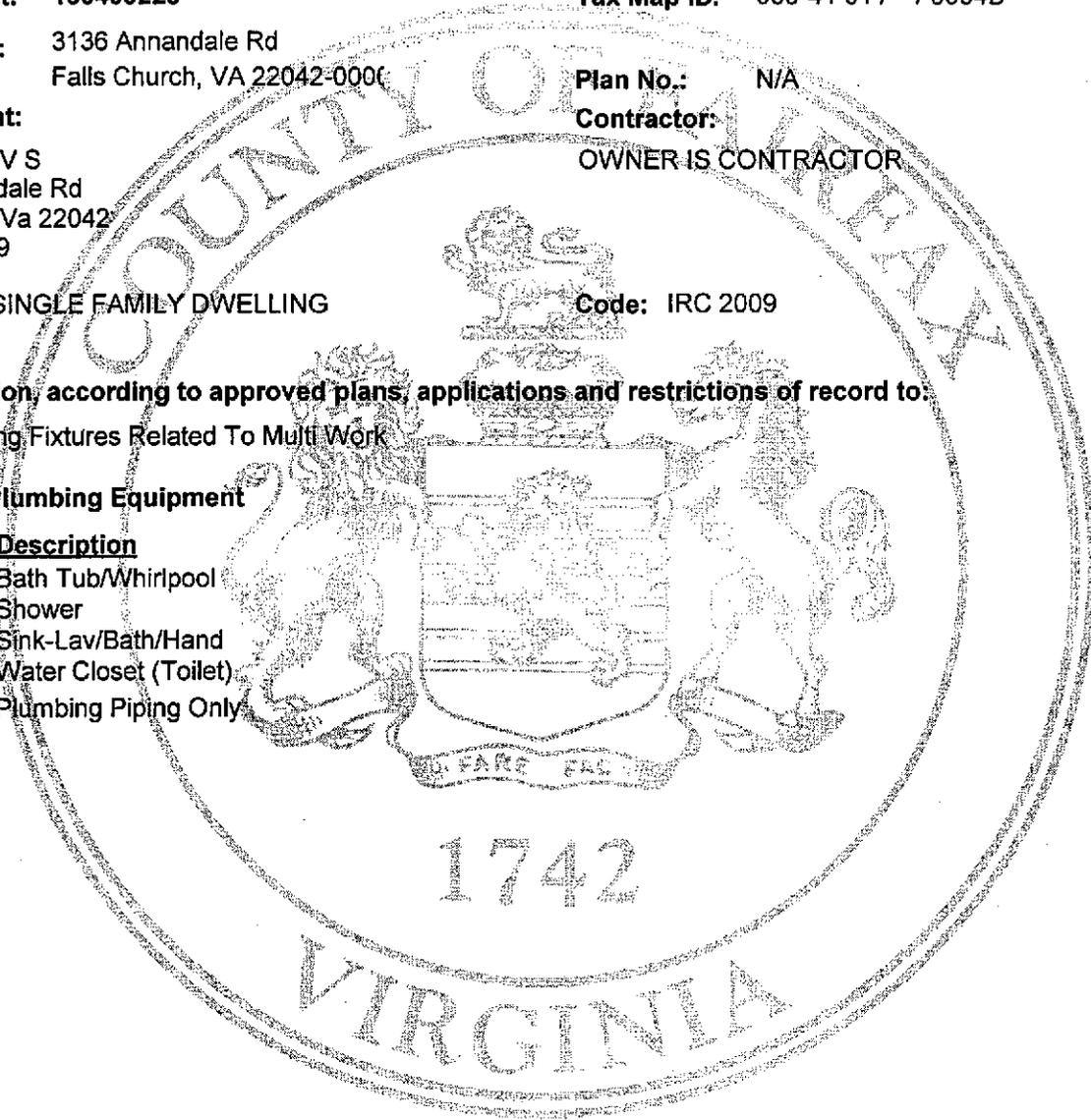
Structure: SINGLE FAMILY DWELLING

Code: IRC 2009

Has permission, according to approved plans, applications and restrictions of record to:
Install Plumbing Fixtures Related To Multi Work

Residential Plumbing Equipment

Quantity	Description
1	Bath Tub/Whirlpool
1	Shower
1	Sink-Lav/Bath/Hand
1	Water Closet (Toilet)
1	Plumbing Piping Only



BUILDING OFFICIAL

- A copy of this building permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- The permit holder is responsible for contacting the county when stages of construction are reached that require inspections. To schedule inspections call our inspections office at 703-631-5101, TTY 711 during business hours or our automated inspection system at 703-222-2474. Inspections may also be scheduled online at www.fairfaxcounty.gov/fido.
- For questions regarding this permit call the Permit Application Center at 703-222-0801, TTY 711.
- Call Miss Utility before you dig at 811.



BUILDING PERMIT

ELECTRIC RESIDENTIAL

Permit Number: 150400225

Issued Date: 02/10/2015

Parent Permit: 150400223

Tax Map ID: 050-4 / 01 / / 0004B

Job Address: 3136 Annandale Rd
Falls Church, VA 22042-0000

Owner/Tenant:
SAINI BALDEV S
3136 Annandale Rd
Falls Church, Va 22042

Contractor:
OWNER IS CONTRACTOR

Structure: SINGLE FAMILY DWELLING

Code: IRC 2009

Has permission, according to approved plans, applications and restrictions of record to:

INSTALL FIXTURES RELATED TO MULTI WORK PERMIT

Electrical Equipment

10 Fixtures



BUILDING OFFICIAL

- A copy of this building permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- The permit holder is responsible for contacting the county when stages of construction are reached that require inspections. To schedule inspections call our inspections office at **703-631-5101, TTY 711** during business hours or our automated inspection system at **703-222-2474**. Inspections may also be scheduled online at www.fairfaxcounty.gov/fido.
- For questions regarding this permit call the Permit Application Center at **703-222-0801, TTY 711**.
- Call Miss Utility before you dig at **811**.



BUILDING PERMIT

MULTIPLE WORK PERMIT

Permit Number: 150400223

Issued Date: 02/10/2015

Tax Map ID: 050-4 / 01 / 0004B

Job Address: 3136 Annandale Rd
Falls Church, VA 22042-0000

Plan No.: W-15-1413

Owner/Tenant:
SAINI BALDEV S
3136 Annandale Rd
Falls Church, Va 22042
(703)534-0889

Contractor:
OWNER IS CONTRACTOR

Mechanic 's Lien Agent: None Designated

Structure: SINGLE FAMILY DWELLING

Code: IRC 2009

Group: R5

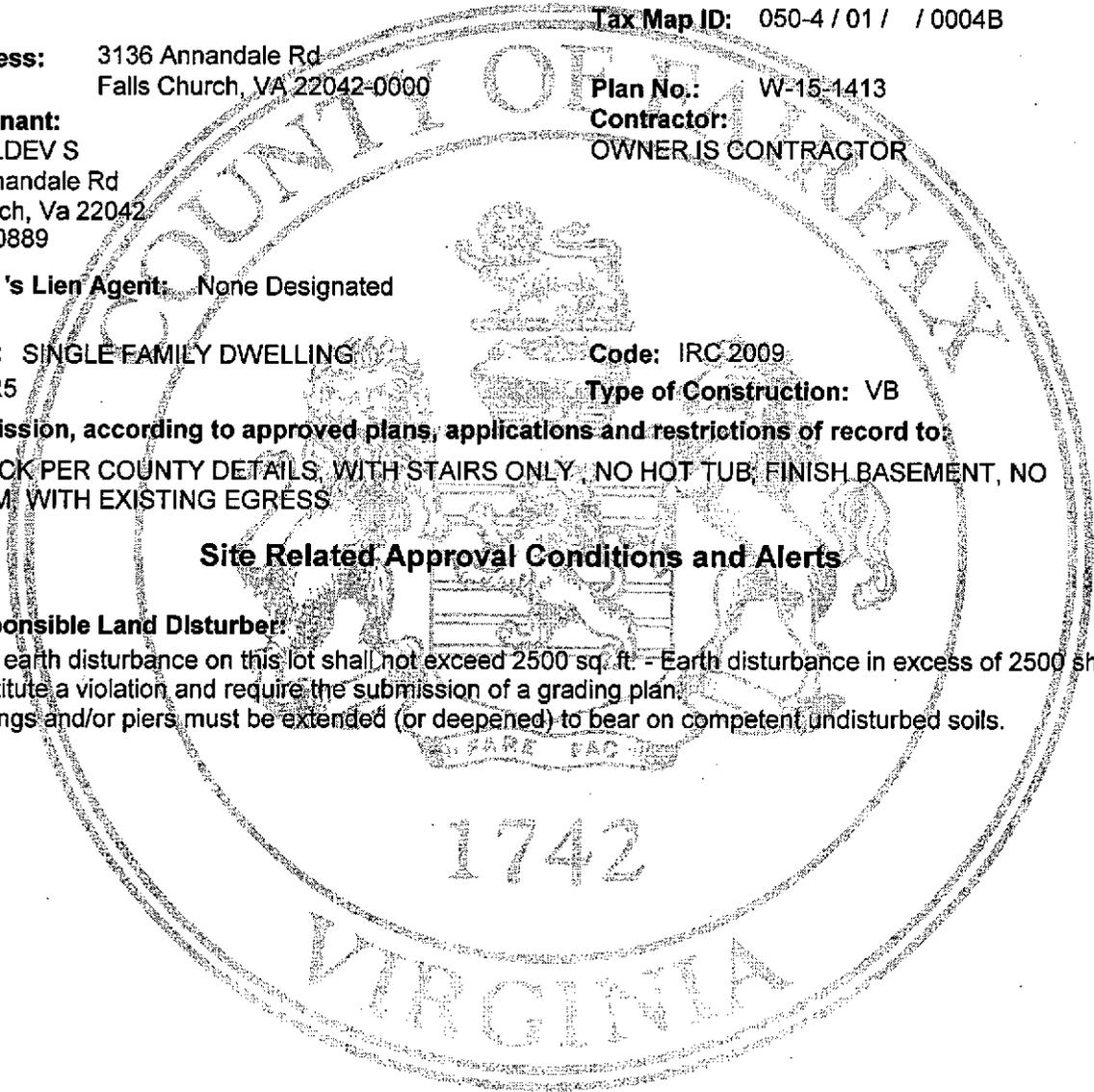
Type of Construction: VB

Has permission, according to approved plans, applications and restrictions of record to:

BUILD DECK PER COUNTY DETAILS, WITH STAIRS ONLY, NO HOT TUB, FINISH BASEMENT, NO BEDROOM WITH EXISTING EGRESS

Site Related Approval Conditions and Alerts

- **Responsible Land Disturber:**
- Total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.
- Footings and/or piers must be extended (or deepened) to bear on competent undisturbed soils.



BUILDING OFFICIAL

- A copy of this building permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- The permit holder is responsible for contacting the county when stages of construction are reached that require inspections. To schedule inspections call our inspections office at 703-631-5101, TTY 711 during business hours or our automated inspection system at 703-222-2474. Inspections may also be scheduled online at www.fairfaxcounty.gov/fido.
- For questions regarding this permit call the Permit Application Center at 703-222-0801, TTY 711.
- Call Miss Utility before you dig at 811.



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Harninder Saini

3136 Annandale Road
FALLS CHURCH, VA 22042
(703) 534-0889 [📞](#)

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Aug. 5, 2016

Business Hours: 5:30 AM - 11:30 PM
Mon - Sun (7 days a week)

Capacity: 12

Ages: 1 month - 12 years 11 months

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



County of Fairfax, Virginia

MEMORANDUM

Date: January 14, 2015

To: Casey Gresham, Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP-2014-MA-142

Applicant: Harnimder Saini
3136 Annandale Road, Falls Church, Virginia 22042
Pine Wood Manor, Lot 2
Tax Map# 50-2 ((01)) 0004B
Zoning District: R-4
Magisterial District: Mason
ZIB # 2015-0011
Date of Inspection: January 13, 2015

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

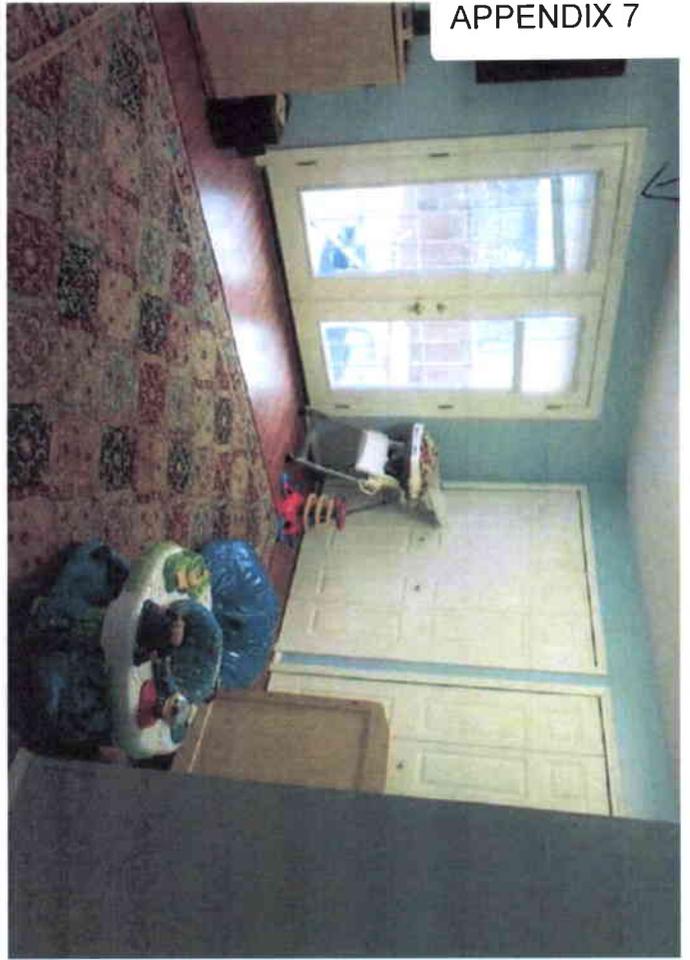
- ✓ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
****Sleeping Room #2 at the time of the inspection had multiple cribs located in the room which does not have proper egress. All Sleeping should be relocated to the recreation room #3 as noted on the floor plan provided by the applicant.***
- 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.
****Egress door had a keyed lock.***

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.
- ✓ Structures comply with the Zoning Ordinance.

****Front yard coverage exceeds the limitations of Paragraph 8 of Article 11-102 of the Fairfax County 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