



# County of Fairfax, Virginia

---

April 1, 2015

## STAFF REPORT

SPECIAL PERMIT SP 2014-SP-171

### SPRINGFIELD DISTRICT

**APPLICANT:** Mukta Malhotra  
Lots Of Tots Family Daycare

**OWNER:** Shri Radhey Krishna, LLC

**SUBDIVISION:** Tregaron

**STREET ADDRESS:** 13004 Dunhill Dr., Fairfax, 22030

**TAX MAP REFERENCE:** 55-4 ((15)) 27

**LOT SIZE:** 13,063 square feet

**ZONING DISTRICT:** R-2C, WS

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-203

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-SP-171 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.

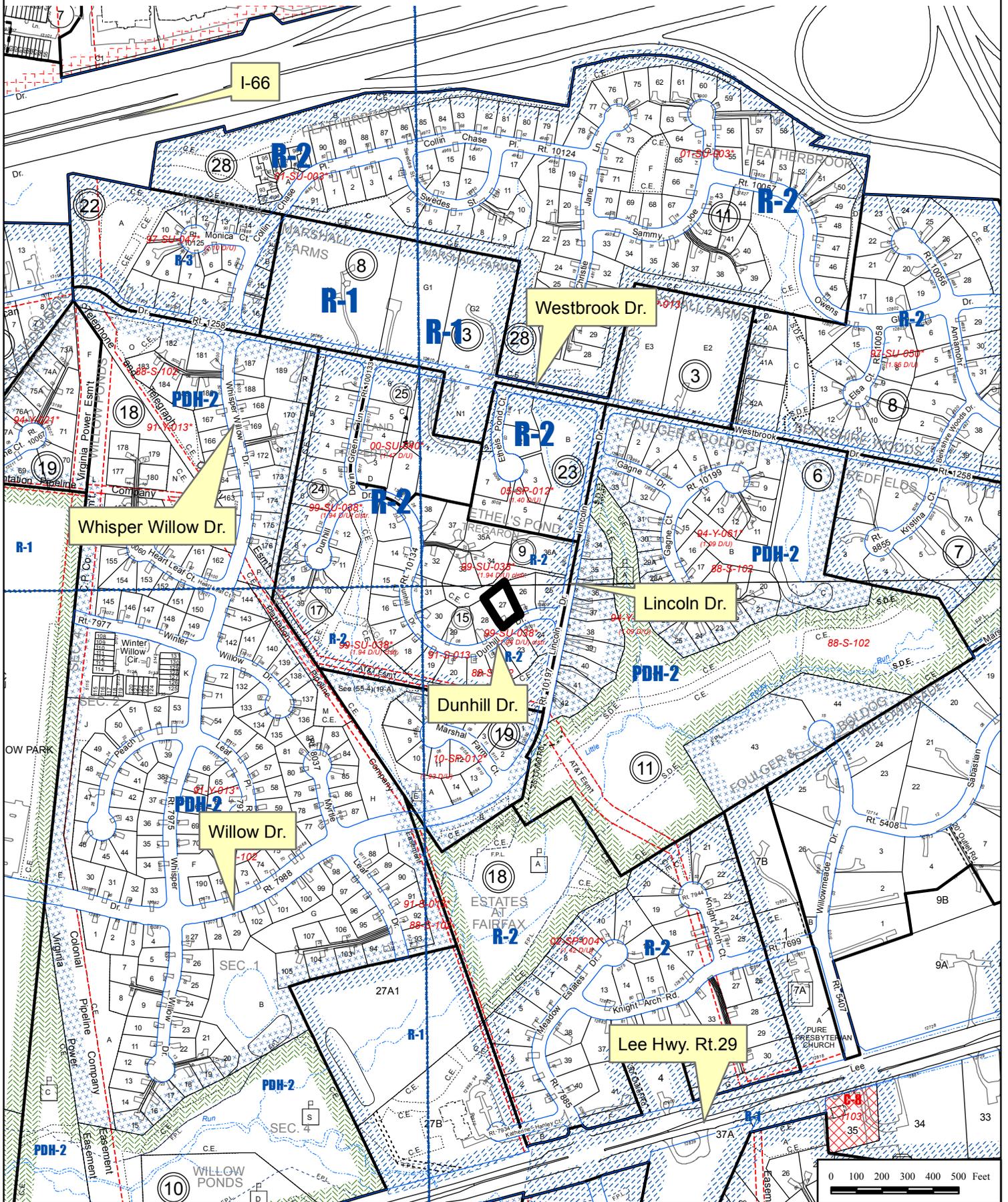
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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**

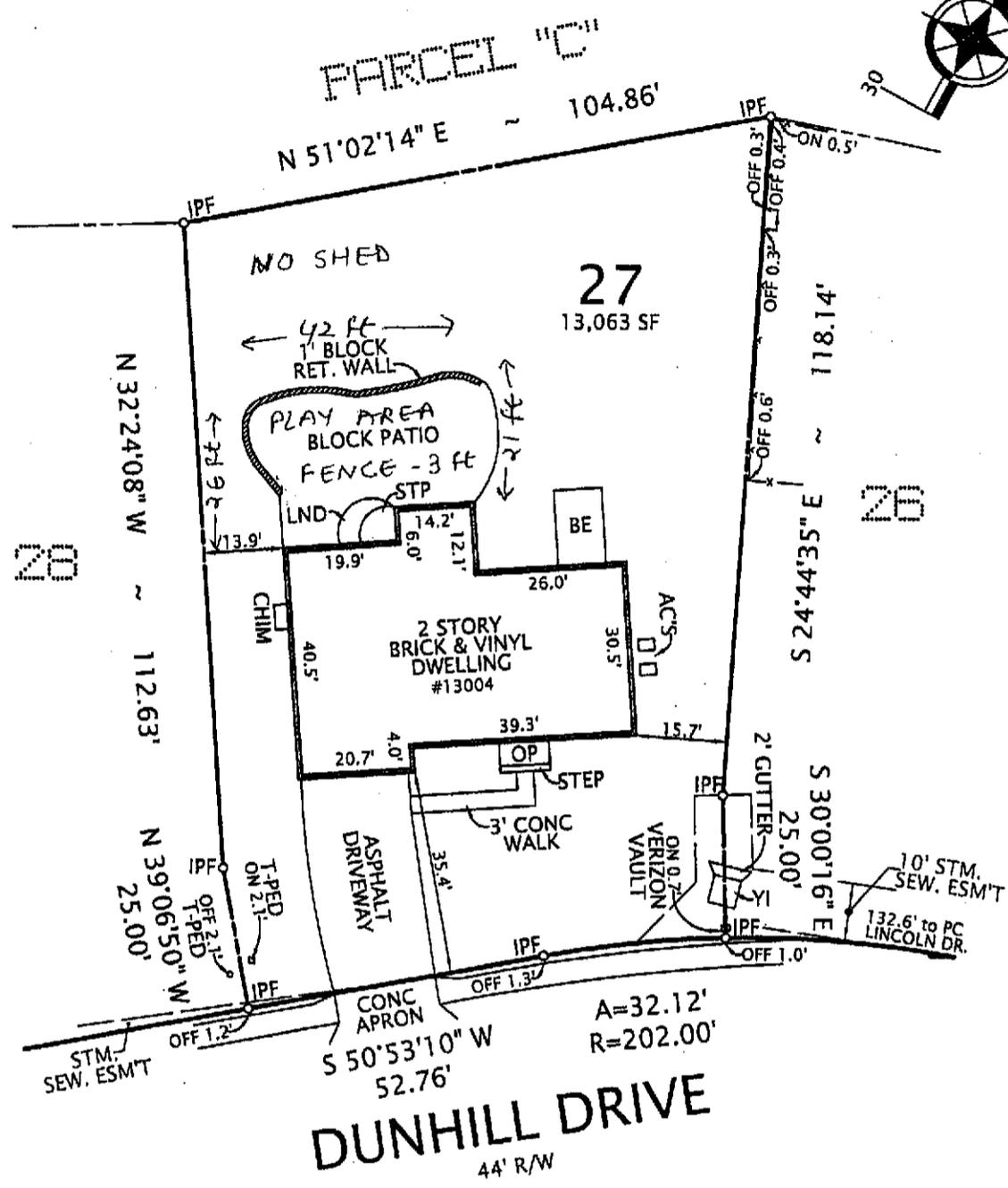
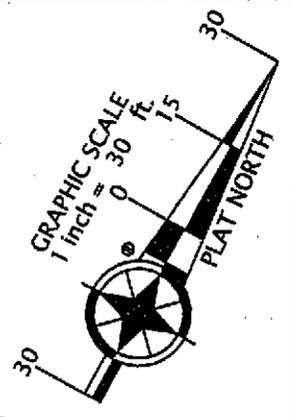
# Special Permit

## SP 2014-SP-171

MUKTA MALHOTRA / LOTS OF TOTS FAMILY DAYCARE



NOTES: 1. FENCES ARE FRAME.  
2. UTILITIES ARE UNDERGROUND.



**DUNHILL DRIVE**  
44' R/W

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 27

**TREGARON**  
(DEED BOOK 12108, PAGE 347)

**FAIRFAX COUNTY, VIRGINIA**  
SPRINGFIELD DISTRICT

SCALE: 1" = 30'      JUNE 9, 2008

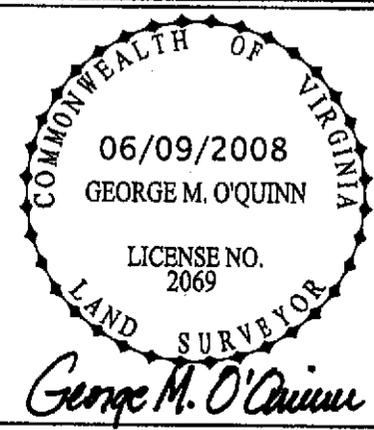
*Chander Bhan*  
CHANDER B. MALHOTRA

08/06/14

RECEIVED  
Department of Planning & Zoning  
AUG 07 2014  
Zoning Evaluation Division

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.



ORDERED BY:  
GRIME ~ MALHOTRA  
PROVIDENT TITLE & ESCROW, LLC

**DOMINION** Surveyors Inc.®  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412

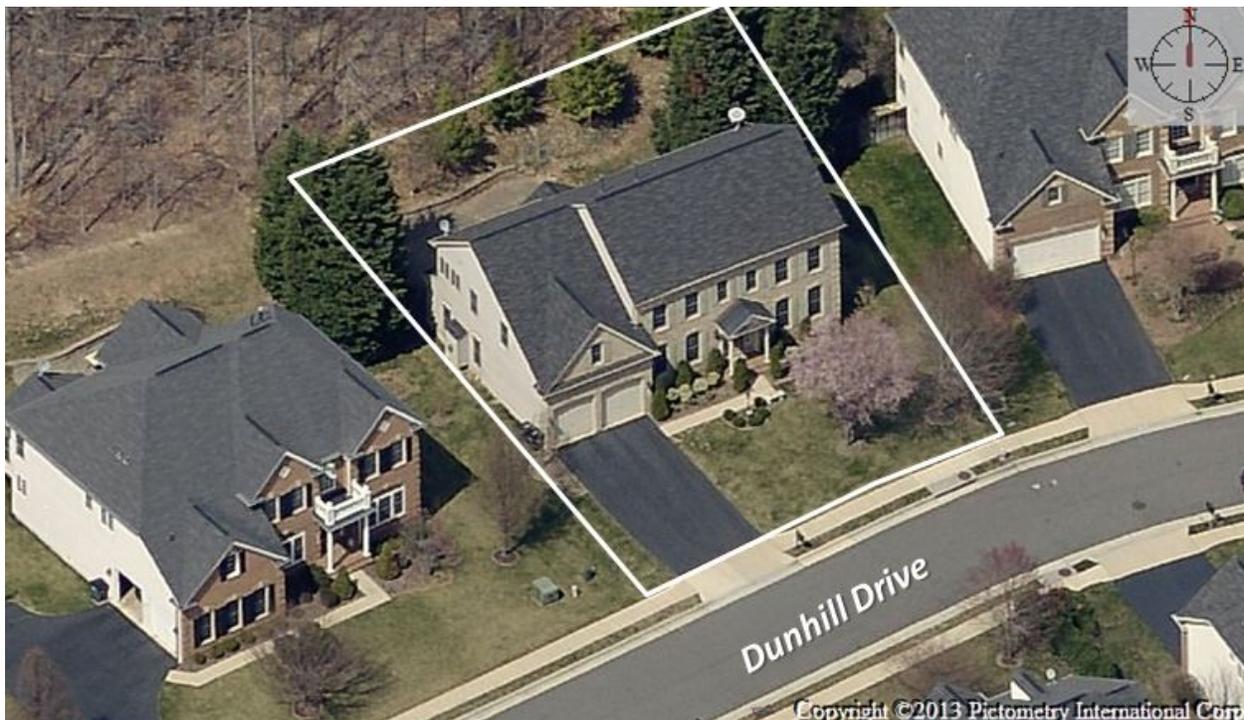
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## SPECIAL PERMIT REQUEST

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 "Plat Showing House Location on Lot 27, Tregaron," prepared by George M. O'Quinn, L.S. ,on June 9, 2008, as revised by Chander B. Mahotra through August 6, 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 Dunhill Drive, and a concrete walkway leads to the main entryway of the home and the child care facility. The rear yard contains a by-right block patio surrounded by a frame fence three feet in height. Dense vegetation also surrounds the rear yard. Moveable play equipment is present for the home child care use.



**Figure 1: House Location**  
For illustrative purposes only

The subject property and surrounding properties are zoned R-2C and developed as single family detached homes.

**BACKGROUND**

Fairfax County Tax Records indicate that the house was constructed in 2002 and purchased by the applicant in 2008.

Records indicate that no other special permit 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 6:00 a.m. and 6:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The two assistants both are residents of the facility.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through April 1, 2015. The license permits a capacity of twelve children, ages birth through 12 years, 11 months. A copy of the license is included as Appendix 4.

The home child care facility is operated in the main level of the dwelling, and it contains a toddler area, an infant room and area, a dining area, and a sunroom . 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 III, Bull Run Planning District  
**Planning Sector:** Braddock Community Planning Sector (BR7)  
**Plan Map:** Residential, 2-3 du/ac

**Zoning District Standards**

Bulk Standards (R-2C)		
Standard	Required	Provided
Lot Size	13,000 sf.	13,063 sf.
Lot Width	No requirement	85 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 25 feet	35.4 feet

Bulk Standards (R-2C)		
Standard	Required	Provided
Side Yard	Min. 8 feet	13.9 feet
	(Combined Total of 24)	15.7 feet
Rear Yard	Min. 25 feet	56 feet

**Accessory Structures On-Site**

Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Patio	n/a	Not within a Front	Rear	n/a

**On-Site Parking and Site Circulation**

The existing driveway is able to accommodate approximately four vehicles. In addition, the applicant’s two-car garage provides parking for her family vehicles. The assistants do not drive to the home child care facility, and parents conduct drop-off and pick-up activities at staggered times. A condition has been included to require the drop-off and pick-up of children to occur in the applicant’s driveway.

Vehicular access to the site is provided from an asphalt driveway from Dunhill Drive. The driveway provides direct access to the main entrance of the home child care.

**Zoning Inspection Report**

The Zoning Inspections Branch report is included in Appendix 5. During the site visit, no property maintenance or zoning violations were observed.

**Zoning Ordinance Requirements (Appendix 6)**

- 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)**

<b>Standards 1 and 2</b> Comprehensive Plan/	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2
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Zoning District	District permits a home child care facility as an accessory use with special permit approval.
<b>Standard 3</b> Adjacent Development	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.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	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.
<b>Standard 5</b> Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 6</b> Open Space	Open space for the development is not affected by the home child care facility request.
<b>Standard 7</b> 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.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-2 District under the Cluster provisions. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> 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)**

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 4</b>	The applicant met all submission requirements for a home

Submission Requirements	child care facility.
<b>Standard 5</b> 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)**

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> Code of 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.
<b>Part G</b> 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-SP-171 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. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Applicable Zoning Ordinance Provisions

## **PROPOSED DEVELOPMENT CONDITIONS**

**SP 2014-SP-171**

**April 1, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-171 located at Tax Map 55-4 ((15)) 27 to permit a home child care facility pursuant to Section 8-305 and 3-203 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, Mukta Malhotra, only, and is not transferable without further action of the Board, and is for the location indicated on the application 13004 Dunhill Dr., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat Showing House Location on Lot 27, Tregaron," prepared by George M. O'Quinn, L.S. ,on June 9, 2008, as revised by Chander B. Mahotra through August 6, 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 6:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, 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.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

MAR 27 2014

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION FOR A HOME CHILDCARE FACILITY

Name: Mukta Malhotra

Address: 13004 Dunhill Dr

Fairfax, VA 22030

E- Mail: [muktadaycare@gmail.com](mailto:muktadaycare@gmail.com)

Date: 03/22/14

Fairfax County Department of Planning and Zoning

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035

Re: Special Permit Application

Applicant: Mukta Malhotra

Zoning Ordinance Section 8-305 for Home Childcare Facility and

Section 8-004 of General Standards

Tax Map# 0554 15 0027

Zoning District: Springfield #2

Lot Size: 13,063

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 live in a single family detached dwelling (approx. .25 Acre) at 13004 Dunhill Dr Fairfax VA 22030, with my husband and a son. The property is zoned R-2C and I understand I need to seek approval of a special permit in order to operate a childcare facility within my home. I am currently licensed by the State of Virginia to have 12 children in my childcare facility in my home. Below is the information about my childcare facility's operations:

Hours: The childcare is open from 6:00 AM to 6:PM, Monday through Friday

Number of Children: I care for up to 12 children at any one time.

Employees: I have my husband and my son as assistants who work full time with me.

**Arrival Schedule:** Four of the children arrive between 6:00 and 7:00. Two of the children arrive between 7:00 and 7:30. Two arrive between 7:30 and 8:00. Two of children come between 8:00 and 8:45 and two of the children arrive between 8:45 and 9:30.

**Departure Schedule:** Five children are picked up between 2:45 and 4:15. One child leaves between 4:15 and 4:30. Two children leave between 4:30 to 5:00. Two children are picked up between 5:00 and 5:30. Two leave between 5:30 and 6:00.

**Area Served:** Currently, most of the children live in the general vicinity of my neighborhood. Most of my parents live within a two mile radius. Two of the children live in immediate neighborhood. Their parents walk them to the daycare. Two of my parents bring two children (siblings), as a result number of cars is less.

**Operations:** As I stated, my house is a single family detached dwelling. I operate the daycare from the main level of the house, which has two exits. This level of the house has 1,137.8 sq. feet area. Kitchen and dining area are used for serving meals and snacks. Due to the fact that the entire main level is used for the daycare, I have separate ample space for infants and toddlers.

There are no houses at the immediate back of my house, only a few trees. Attached is the floor plan that indicates the area that is used for daycare.

**Hazardous and Toxic Substances:** The house and yard are free from hazardous and toxic substances. No hazardous materials will be generated, utilized, stored, treated or/and 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 been 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 950 sq. feet. The outdoor play area is carpeted and consists of little cycles, basketball hoop, balls, one outdoor cottage, a slide, a table and chairs.

**Parking:** I use my garage to park our family cars. My driveway provides enough parking for 4 cars because the driveway is more than 36 feet long and 20 feet wide. It can hold two cars side by side. In addition, ample parking is available along the street in front of my house, without disturbing the neighbors or the traffic. Our driveway is not close to the driveway of our neighbors on the left and right of our house.

I have also attached signed approval and letter of support from my neighbors who have no objection to my daycare facility.

My husband and I have worked really hard to establish this career and this is our sole family income. I request you to kindly continue my license for 12 children, so that we can continue doing what we love.

For these reasons, I believe that my proposed home daycare facility will not impact my neighbors in any negative way and I deserve to keep my 12 children.

Sincerely,

*Mukta Malhotra*

Mukta Malhotra

Owner of Lots Of Tots Family Daycare

## Arrival Schedule and Departure Schedule

### Arrival Schedule

Child	6:00 – 7:00 AM	7:00 – 7:30 AM	7:30 – 8:00 AM	8:00 8:45 AM	8:45 – 9:30 AM
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	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM	5:30 – 6:00 PM
1	X				
2	X				
3	X				
4	X				
5	X				
6		X			
7			X		
8			X		
9				X	
10				X	
11					X
12					X

RECEIVED  
Department of Planning & Zoning

MAR 27 2014

Zoning Evaluation Division

## ZONING ORDINANCE GENERAL STANDARDS

1. The proposed use at the specified location will be in harmony with the adopted comprehensive plan.
2. The proposed use will be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use will 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 will 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 will 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 Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.
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 requirements will be in accordance with the provisions of Article 11.
8. Signs will be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the Board of Zoning Appeals may impose more strict requirements for a given use than those set forth in this Ordinance.

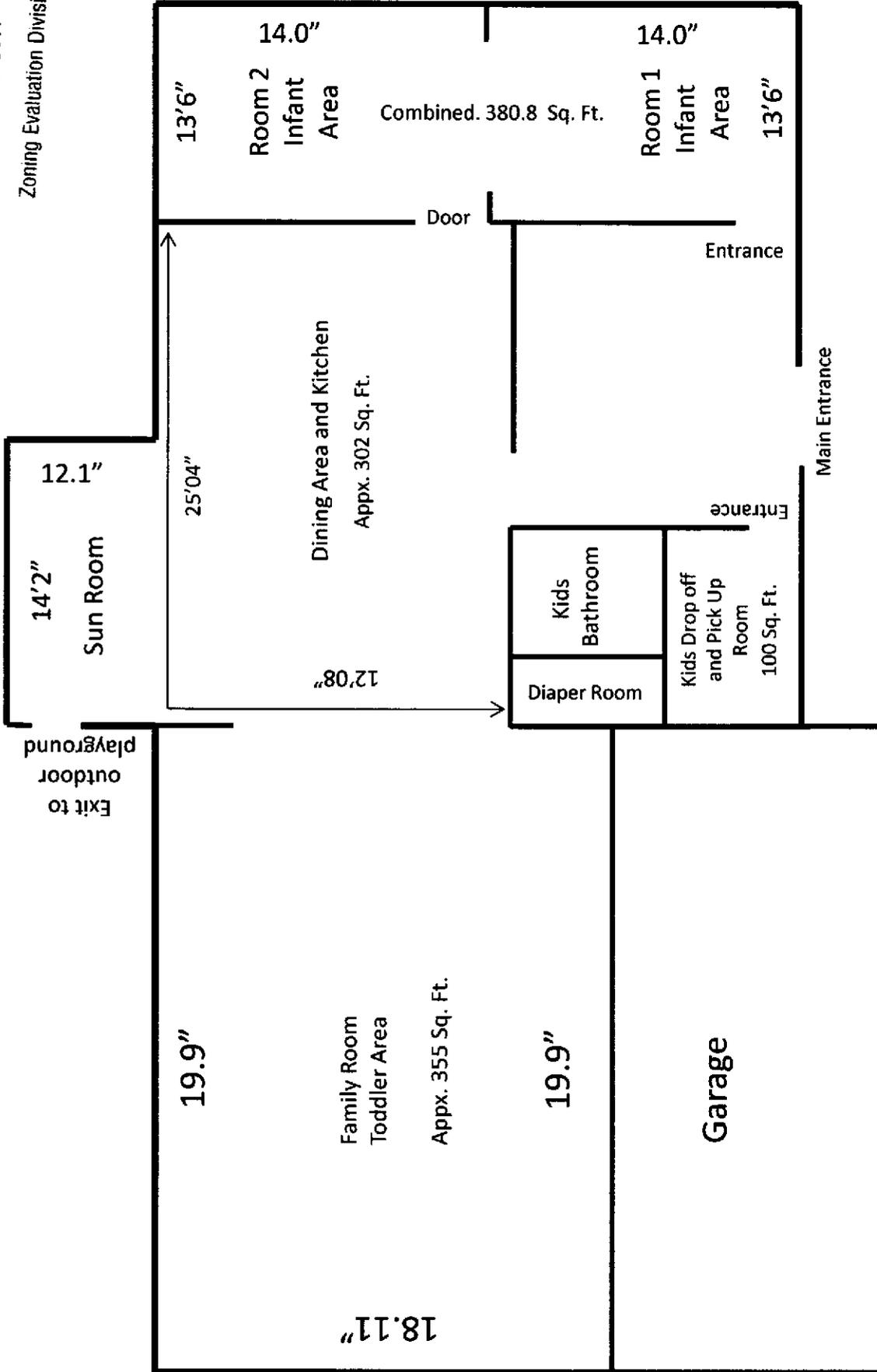
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Department of Planning & Zoning

MAR 27 2014

Zoning Evaluation Division

MAR 27 2014

Zoning Evaluation Division



VARUN MALHOTRA

*km*

**Total Sq Ft Area – 1,137.8 Sq. Ft.**

03/15/14

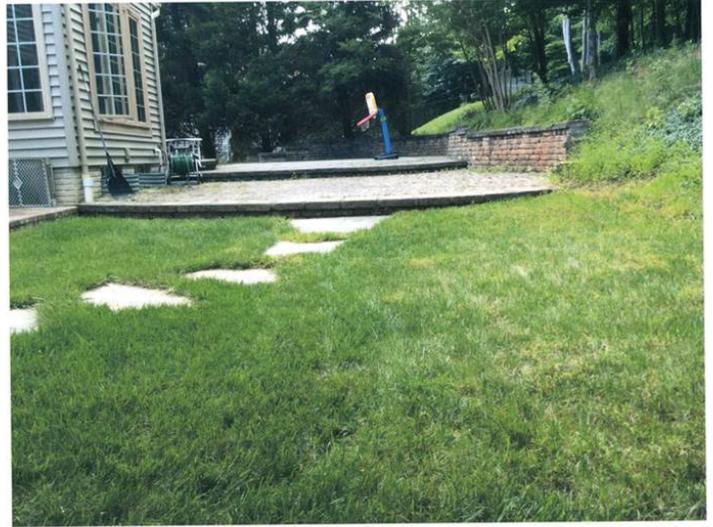
Date: February 3, 2015

Time: 11:15 a.m.

Address: 13004 Dunhill Drive



Photo 1 of 13



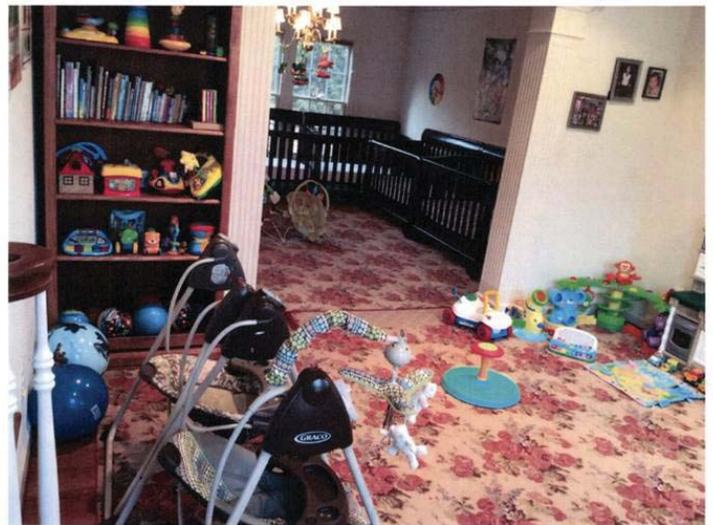
Backyard Play Area

03/16/2014



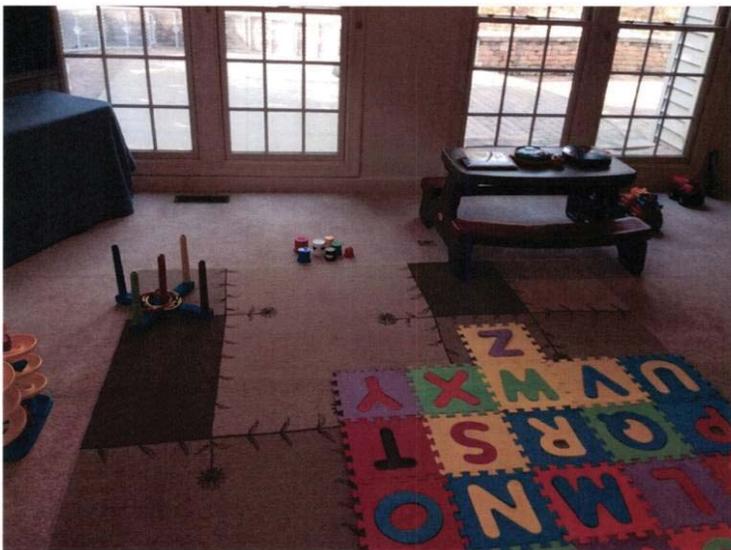
Infant Area

03/16/14



Infant Area

03/16/14



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/25/14  
(enter date affidavit is notarized)

I, MUKTA MALHOTRA, 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

124940

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
MUKTA MALHOTRA	13004 DUNHILL DR FAIRFAX VA 22030	APPLICANT
d/b/a LOTS OF TOTS FAMILY DAYCARE LLC	13004 DUNHILL DR FAIRFAX VA 22030	
SHRI RADHEY KRISHNA LLC.	13004 DUNHILL DR FAIRFAX VA 22030	Title owner

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/25/14  
(enter date affidavit is notarized)

124950

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)

SHRI RADHEY KRISHNA LLC  
13004 DUNHILL DR  
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)

CHANDER BHAN MALHOTRA  
MUKTA MALHOTRA

(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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/25/14  
(enter date affidavit is notarized)

124940

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)

N/A

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/25/14  
(enter date affidavit is notarized)

124940

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: 06/25/14  
(enter date affidavit is notarized)

124940

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 Mukta Malhotra [ ] Applicant's Authorized Agent

MUKTA MALHOTRA  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of June 20 14, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public



My commission expires: 9/30/2017

sem

**OWNER CONSENT/AGENT AUTHORIZATION STATEMENT**

124940

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Mukta Malhotra to act as agent(s) in the furtherance of an application for a special permit on property located at: 13004 Dunhill Drive, Fairfax, VA 22030; Tax Map No. 0554 ((15)) 0027.

Thank you in advance for your cooperation.

SHRI RADHEY KRISHNA, LLC  
Chander Bhan

Date: June 8, 2014

By: Mukta Malhotra  
Title:

COMMONWEALTH/STATE OF: Virginia  
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 8 day of June, 2014, by Mukta Malhotra and Chander Malhotra

[Signature]

Notary Public (Signature)  
Notary Registration No. 7558784  
My Commission Expires: 9/30/2017

AFFIX NOTARY SEAL/STAMP



**ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.**

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Yesenia Morales**

6017 Hanover Avenue  
SPRINGFIELD, VA 22150  
(703) 992-7713 [📞](#)

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Jan. 12, 2017

Business Hours: 7:00 AM - 6:30 PM  
Monday - Friday

Capacity: 12

Ages: 3 months - 12 years 11 months

Inspector: Erika Gibson  
(703) 479-4686 [📞](#)



# County of Fairfax, Virginia

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

Date: February 3, 2015

To: Casey Gresham, Staff Coordinator  
Zoning Evaluation Division

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

Subject: Home Child Care Facility SP 2014-LE-164

Applicant: Mukta Malhotra d/b/a Tots Family Day Care  
13004 Dunhill Drive, Fairfax, Virginia 22030  
Tregaron Lot 27  
Tax Map ref#: 55-4 ((15)) 271  
Zone District: R-2C  
ZIB #: 2015-0051

*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.

*NOTE: Smoke alarms were observed in the child care facility due to the height of the ceilings a test of the smoke alarm was not possible. It should be noted that the smoke alarm power light was illuminated. The applicant stated that the last fire drill occurred in January 2015 and the smoke alarm was operational at that time.*

- 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.

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Inspections Branch  
12055 Government Center Parkway, Suite 82  
Fairfax, Virginia 22035-5500  
Phone 703-324-4300 FAX 703-324-1344  
www.fairfaxcounty.gov/dp

13004 Dunhill Drive

February 3, 2015

- 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.
- 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**

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