



# County of Fairfax, Virginia

---

April 8, 2015

## STAFF REPORT

**SPECIAL PERMIT SP 2014-HM-178**

### HUNTER MILL DISTRICT

**APPLICANT:** Kanak Asthana  
DBA Kids Corner

**OWNERS:** Anil Asthana  
Kanak Asthana

**SUBDIVISION:** Reston

**STREET ADDRESS:** 1522 Goldenrain Ct., Reston, 20190

**TAX MAP REFERENCE:** 18-1 ((4)) (15) 52

**LOT SIZE:** 1,664 square feet

**ZONING DISTRICT:** PRC

**ZONING ORDINANCE PROVISIONS:** 8-305, 6-303

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-HM-178 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.

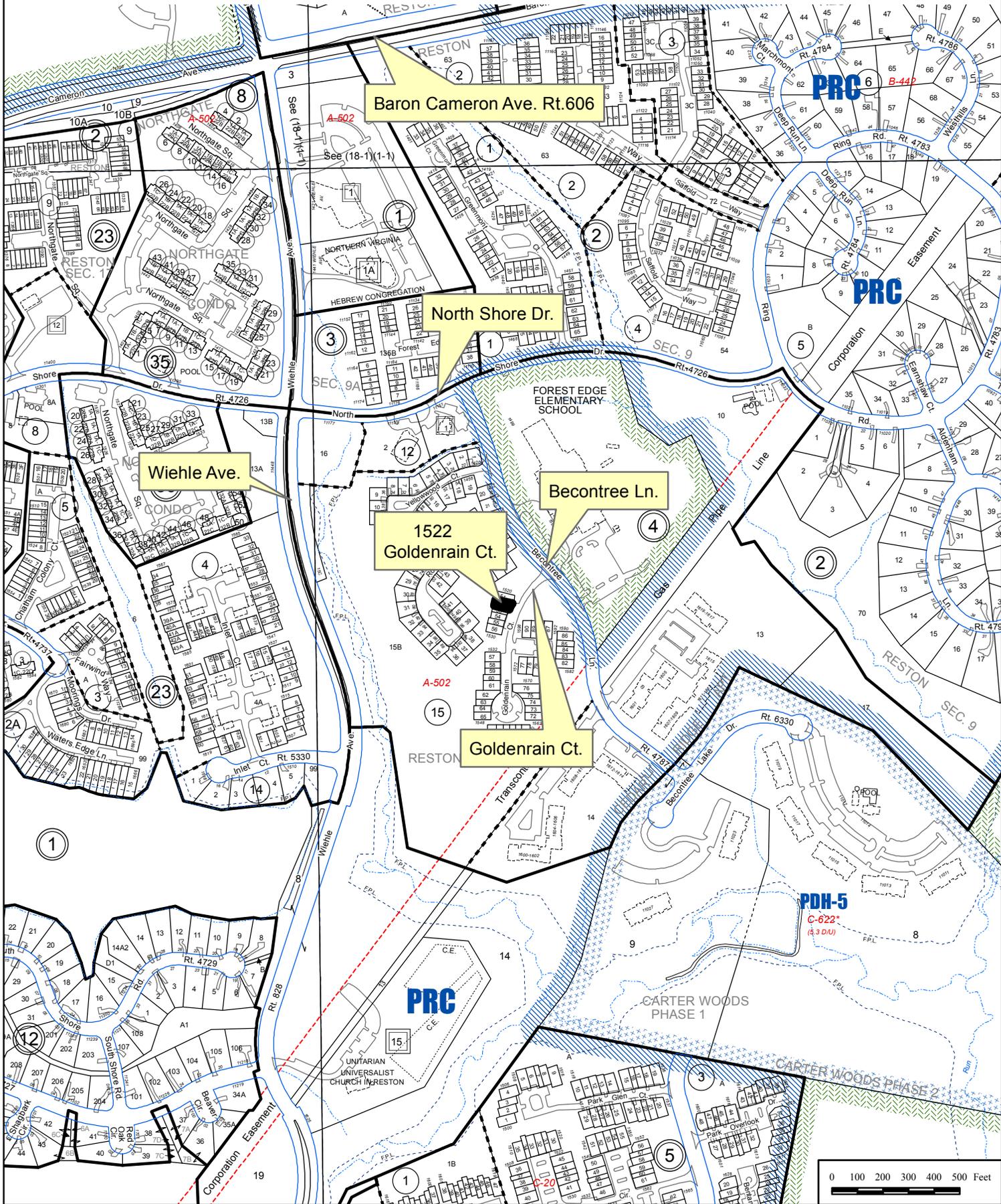
*Casey V. Gresham*

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-HM-178**  
**KANAK ASTHANA DBA KIDS CORNER**



Baron Cameron Ave. Rt. 606

North Shore Dr.

Wiehle Ave.

Becontree Ln.

1522 Goldenrain Ct.

Goldenrain Ct.

0 100 200 300 400 500 Feet

PROPERTY REPORT  
 LOT 52 SECTION 9 BLOCK 15  
**RESTON**  
 FAIRFAX COUNTY, VIRGINIA  
 CLIENT: ASTHANA

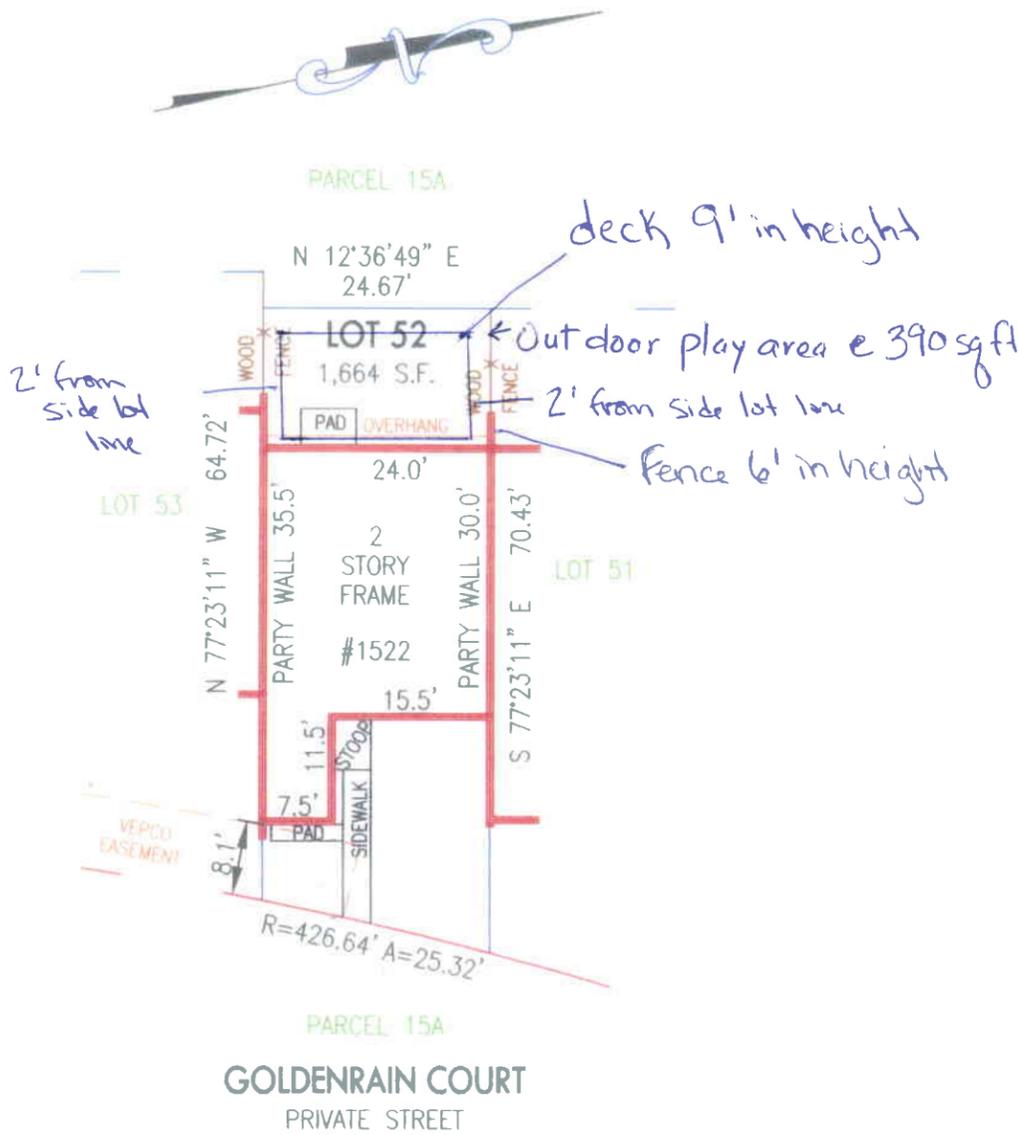
JOB NUMBER : 06-1593

SCALE : 1"=20'  
 CASE NO. : RRL-5195-06

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



1831  
 WIEHLE AVENUE  
 SUITE 105  
 RESTON, VA  
 20190  
 PHONE: 703 437 4600  
 FAX : 703 437 9047



I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device and, unless otherwise shown, there are no encroachments. This plat has been provided for a transaction on or about the date of this plat. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership. The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested that only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished. This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. o IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and/or mortgage underwriting.

*Kanale Asthana*  
 3/28/14

*Kanale Asthana*  
 8/15/14



Surveyor:  
**CERTIFIED REAL ESTATE SERVICES, L.L.C.**  
 1831 WIEHLE AVENUE  
 SUITE 105  
 RESTON, VA. 20190  
 PHONE: 703.742.9105  
 FAX: 703.742.9104  
 Email: orders@cressurveys.com

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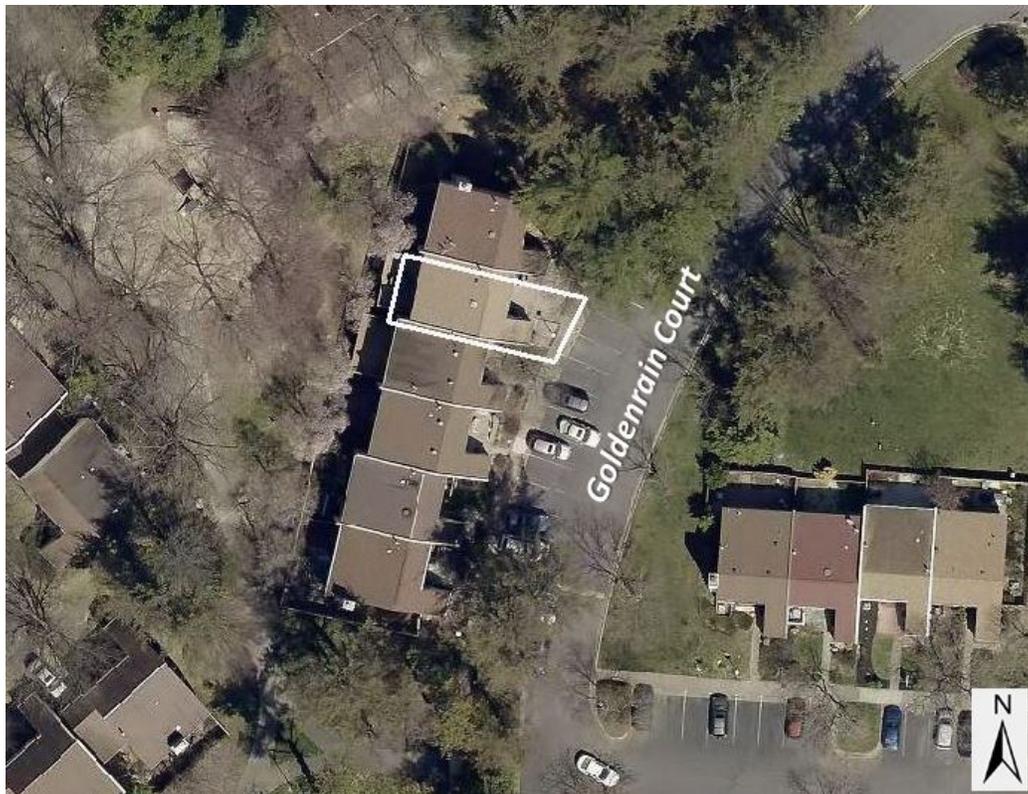


## SPECIAL PERMIT REQUEST

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 "Property Report, Lot 52, Section 9, Block 15," prepared by John F. Veatch, L.S., on June 21, 2006, as revised by Kanak Asthana through August 15, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family attached townhouse. Vehicular access to the townhouse is provided via Goldenrain Court, and parking spaces are located along the front entrance of the unit. The rear yard is surrounded by a 6-foot tall wood fence. A deck extends from the main floor of the dwelling. The applicant has included small moveable play equipment in the rear yard.



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

The subject property and surrounding properties are zoned PRC and developed as single family attached dwellings.

## BACKGROUND

Fairfax County Tax Records indicate that the unit was constructed in 1970 and purchased by the applicant in 2006.

The applicant has received a final building permit and inspection for the existing deck; this permit is included as Appendix 4.

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 7:30 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 work at the facility; one of the assistants drives, and one assistant walks to the home child care.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through November 20, 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 5.

The home child care facility is operated in the basement of the dwelling, and the facility contains a large daycare area and a smaller play room. 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, Upper Potomac Planning District  
**Planning Sector:** Reston Community Planning Sector (UP5)  
**Plan Map:** Residential Planned Community

### Zoning District Standards

| Bulk Standards (PRC) |            |           |
|----------------------|------------|-----------|
| Standard             | Required   | Provided  |
| Lot Size             | No minimum | 1,664 sf. |
| Lot Width            | No minimum | 24 feet   |

| Bulk Standards (PRC) |            |              |
|----------------------|------------|--------------|
| Standard             | Required   | Provided     |
| Building Height      | No minimum | Not provided |
| Front Yard           | No minimum | 8.1 feet     |
| Side Yard            | No minimum | 0 feet       |
| Rear Yard            | No minimum | ~15 feet     |

**Accessory Structures On-Site**

| Structure | Yard   | Minimum Yard Required           | Existing Location | Permit Status |
|-----------|--------|---------------------------------|-------------------|---------------|
| Deck      | 2 feet | No closer than 2 feet to a side | Rear              | Approved      |

**On-Site Parking and Site Circulation**

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

**Zoning Inspection Report**

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, staff found that the napping area for the child care was located in the basement in a room without a second point of egress. Staff recommended that the applicant relocate the napping area to a room with two means of egress. The applicant agreed to move the napping area, and she has provided photos as evidence that this was completed. 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><b>Standards 1 and 2</b><br/>Comprehensive Plan/<br/>Zoning District</p> | <p>The Comprehensive Plan recommends a residential use as part of a planned community, and the property is developed in accordance with the plan recommendation. The PRC District permits a home child care facility as an accessory use with special permit approval.</p> |
| <p><b>Standard 3</b><br/>Adjacent Development</p>                           | <p>No new construction is proposed. An outdoor play area with small 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><b>Standard 4</b><br/>Pedestrian/Vehicular<br/>Traffic</p>               | <p>Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>   |
| <p><b>Standard 5</b><br/>Landscaping/Screening</p>                          | <p>There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.</p>  |
| <p><b>Standard 6</b><br/>Open Space</p>                                     | <p>There is no prescribed open space required in the PRC District; however, townhouses must provide a 200 square foot privacy yard, unless waived by the Board. This proposal does not affect the open space provided on the lot.</p>                                      |
| <p><b>Standard 7</b><br/>Utilities, Drainage,<br/>Parking, and Loading</p>  | <p>There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.</p>  |
| <p><b>Standard 8</b><br/>Signs</p>  | <p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>  |

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

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

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

|   |   |
|---|---|
| <p><b>Standard 1</b><br/>Maximum of 12<br/>Children &amp;<br/>Non-Resident<br/>Employee</p> | <p>The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.</p>  |
| <p><b>Standard 2</b><br/>Access and Parking</p>   | <p>Arrival and departure times of the children are staggered and ample parking is available in the two reserved parking spaces. In staff's opinion, the proposed use is not hazardous</p> |

|   |  |
|---|--|
|   | and does not conflict with existing and anticipated traffic in the neighborhood.   |
| <b>Standard 3</b><br>Landscaping/Screening  | There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area. |
| <b>Standard 4</b><br>Submission Requirements  | The applicant met all submission requirements for a home child care facility.  |
| <b>Standard 5</b><br>Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17 | The applicant holds a valid home child care license.   |

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

|   |   |
|---|---|
| <b>Part A</b><br>Maximum Number of Children   | The maximum number of children permitted by-right at any one time is five in a single family attached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.  |
| <b>Part B</b><br>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><br>No Exterior Evidence Except Play Equipment                               | There is no exterior evidence of the proposed use.  |
| <b>Part D</b><br>Non-Resident Employee  | The applicant is proposing two non-resident employees.  |
| <b>Part E</b><br>Provider is a Resident   | The provider resides in the application property.   |
| <b>Part F</b><br>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><br>Increase in Children or Non-Resident Employee                            | The maximum number of children permitted by-right at any one time is five in a single family attached 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-HM-178 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. Applicable Building Permit
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Photos of Updated Conditions Since ZIB Inspection
8. Applicable Zoning Ordinance Provisions

## ***PROPOSED DEVELOPMENT CONDITIONS***

**SP 2014-HM-178**

**April 8, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-178 located at Tax Map 18-1 ((4)) (15) 52 to permit a home child care facility pursuant to Section 8-305 and 6-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Kanak Asthana, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 1522 Goldenrain Ct., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Property Report, Lot 52, Section 9, Block 15," prepared by John F. Veatch, L.S. ,on June 21, 2006, as revised by Kanak Asthana through August 15, 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 and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:30 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.
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. The approval of this use is contingent on the applicant's continued right to utilize community parking spaces or other common amenities necessary for the operation of the home child care facility, including the ability to make the reserved parking spaces available for drop off and pick up of children during hours of operation.

10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping area shall be located in a room 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.

## Special Permit Application – Kanak Asthana

**Special Permit Statement Of Justification**

Number of children at a time: 12

Hours of operation: 7:30 a.m. – 6:30 pm, Monday-Friday

Number of Employees: 2 ---Part time

1<sup>st</sup> employee 7:30a.m.-2:30p.m., she walks,

2<sup>nd</sup> employee 11:30a.m.-6:30p.m., she drives

| Name of the child | Walk/Drive | Drop of time | Pick up time | Days Attends |
|-------------------|------------|--------------|--------------|--------------|
| Child 1           | walk       | 8:15 am      | 6:15pm       | M-F          |
| Child 2           | Drive      | 7:30am       | 5:00pm       | M-F          |
| Child 3           | Walk       | 7:45am       | 5:40pm       | M-F          |
| Child 4           | Drive      | 8:30am       | 5:30pm       | M-F          |
| Child 5           | Drive/walk | 7:30am       | 5:00pm       | W & F        |
| Child 6           | Drive      | 8:00am       | 5:30pm       | M-F          |
| Child 7           | Walk       | 8:15am       | 6:15pm       | M-F          |
| Child 8           | Drive      | 10:00am      | 4:00pm       | M, T, Th & F |
| Child 9           | Drive      | 8:45am       | 5:30pm       | M, W & F     |
| Child 10          | Drive      | 10:30am      | 5:30pm       | M-F          |
| Child 11          | Drive      | 9:30am       | 6:15pm       | M-F          |
| Child 12          | Drive      | 8:30am       | 6:25pm       | M-Th         |
| Child 13          | Walk       | 3:30pm       | 4:30pm       | Th & F       |

**Additional Steps to meet submission requirements.**

**Submission requirement - Item # 5.03,5.06**

List of children (12 at a time),(total 13) are in care, inclusive of area served (pl see column name as):

| Mon day  | City/Zip Code | Tuesday  | City/Zip Code     | Wednes day | City/Zip Code | Thurs day | City/Zip Code     | Friday   | City/Zip Code(or area served) column name is a.s) |
|----------|---------------|----------|-------------------|------------|---------------|-----------|-------------------|----------|---|
| Child 1  | Reston 20191  | Child 1  | Reston 20191      | Child 1    | Reston 20191  | Child 1   | Reston 20191      | Child 1  | Reston 20191                                      |
| Child 2  | Reston 20190  | Child 2  | Reston 20190      | Child 2    | Reston 20190  | Child 2   | Reston 20190      | Child 2  | Reston 20190                                      |
| Child 3  | Reston 20190  | Child 3  | Reston 20190      | Child 3    | Reston 20190  | Child 3   | Reston 20190      | Child 3  | Reston 20190                                      |
| Child 4  | Herndon 20170 | Child 4  | Herndon 20170     | Child 4    | Herndon 20170 | Child 4   | Herndon 20170     | Child 4  | Herndon 20170                                     |
| Child 5  | Reston 20191  | Child 5  | Reston 20191      | Child 5    | Reston 20191  | Child 5   | Reston 20191      | Child 5  | Reston 20191                                      |
| Child 6  | Reston 20190  | Child 6  | Reston 20190      | Child 6    | Reston 20190  | Child 6   | Reston 20190      | Child 6  | Reston 20190                                      |
| Child 7  | Herndon 20171 | Child 7  | Herndon 20171     | Child 7    | Herndon 20171 | Child 7   | Herndon 20171     | Child 7  | Herndon 20171                                     |
| Child 8  | Reston 20194  | Child 8  | Reston 20194      | Child 8    | Reston 20194  | Child 8   | Reston 20194      | Child 8  | Reston 20194                                      |
| Child 9  | Reston 20190  | Child 9  | Herndon 20171     | Child 9    | Reston 20190  | Child 9   | Reston 20190      | Child 9  | Reston 20190                                      |
| Child 10 | Reston 20190  | Child 10 | Great Falls 22066 | Child 10   | Reston 20190  | Child 10  | Great Falls 22066 | Child 10 | Reston 20190                                      |
|          |               |          |                   | Child 11   | Herndon 20171 | Child 11  | Herndon 20171     | Child 11 | Reston 20190                                      |
|          |               |          |                   | Child 12   | Reston 20190  | Child 12  | Reston 20190      | Child 12 | Reston 20190                                      |

**Submission requirement - Item # 5.08**

|                     |      |
|---------------------|------|
| Hazardous Materials | None |
|---------------------|------|

**Submission requirement - Item # 5.09**

|   |  |
|---|--|
| Proposed development conforms development conforms to the provisions of all applicable ordinances regulations and adopted standards | Yes (Also attached a Reston association letter confirming all compliances) |
|---|--|

**Submission requirement - Item # 7.00**

|   |                    |
|---|--------------------|
| One 8 ½" X 11" reduction of special permit plat | Yes it is attached |
|---|--------------------|

**Submission requirement - Item # 305.20-305.26 ten copies of plat**

|   |                    |
|---|--------------------|
| Ten copies of plat with all required info:<br>As specified in 305.22,305.23,305.24,305.26 | Yes it is attached |
|---|--------------------|

Basement Inside area used for daycare (696 Sq. ft.) +

Entrance from main level + waiting room and parent teacher meeting room-Inside area (336 Sq. ft.)

Total Daycare Inside area (1036 Sq. ft.)

\*Total outside area on our plaque

Submission requirement - Item # 5.09

\*\*\*\*\*Appendix A

|  |  |
|--|--|
| Our Statement: Proposed development conforms development conforms to the provisions of all applicable ordinances regulations and adopted standards | Yes (Also attached a reston association letter confirming all compliances)<br>Pl ease see Appendix A |
|--|--|

Submission requirement - Item # 7.00

\*\*\*\*\*Appendix B

|   |   |
|---|---|
| One 8 ½" X 11" reduction of special permit plat | Yes is attached<br>Pl ease see Appendix B |
|---|---|

Submission requirement - Item # 305.20-305.26 ten copies of plat

\*\*\*\*\*Pl ease see Appendix C

|  |   |
|--|---|
| Ten copies of plat with all required info:<br>As specified in 305.02 305.22,305.23,305.24,<br>305.26 | Yes is attached<br>Pl ease see Appendix C |
|--|---|

Appendix A has 1 page

Appendix B has 1 page,pl also see reverse

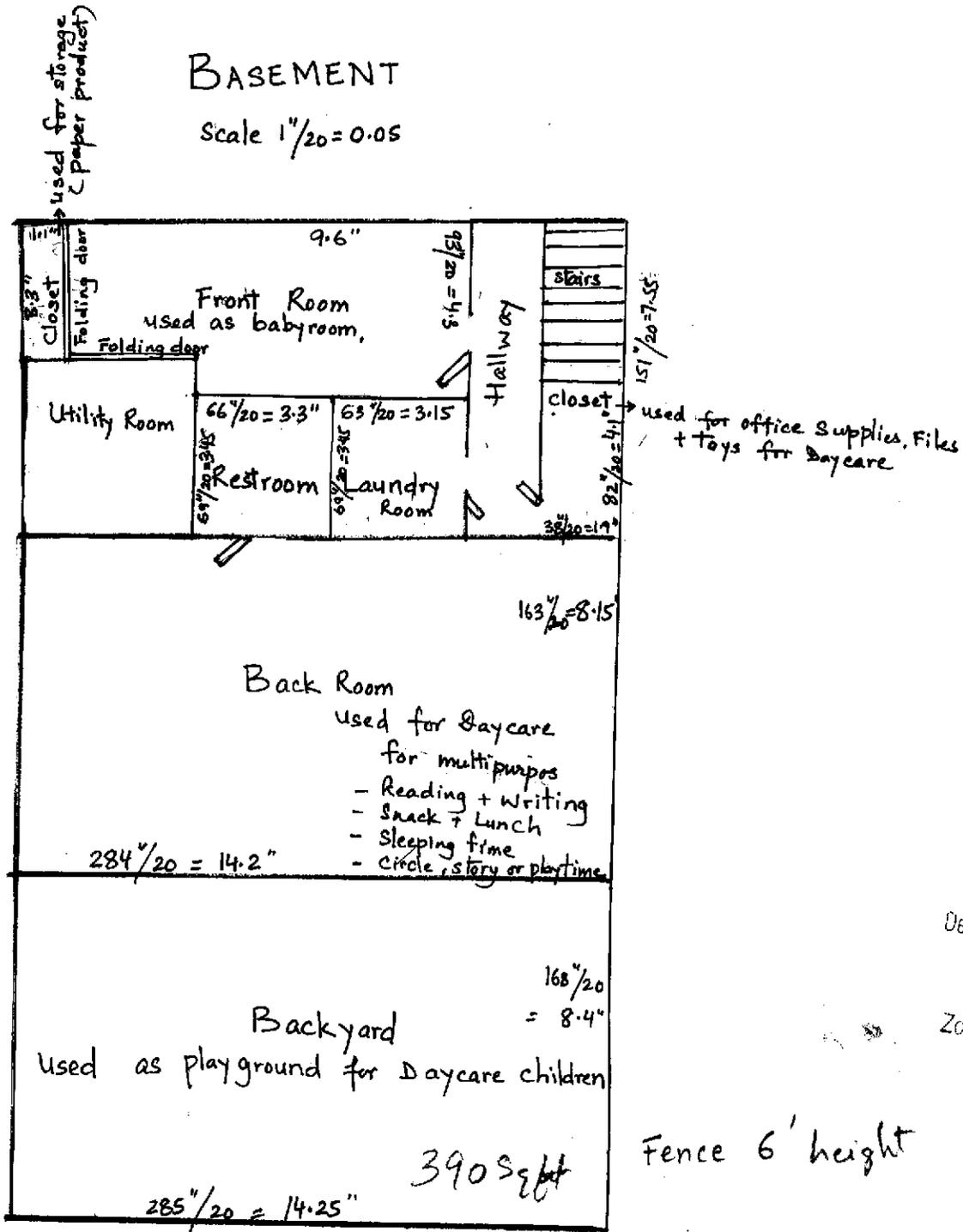
Appendix C has 20 pages

Please if we can provide any other information.

RECEIVED  
Department of Planning & Zoning  
AUG 11 2014  
Zoning Evaluation Division

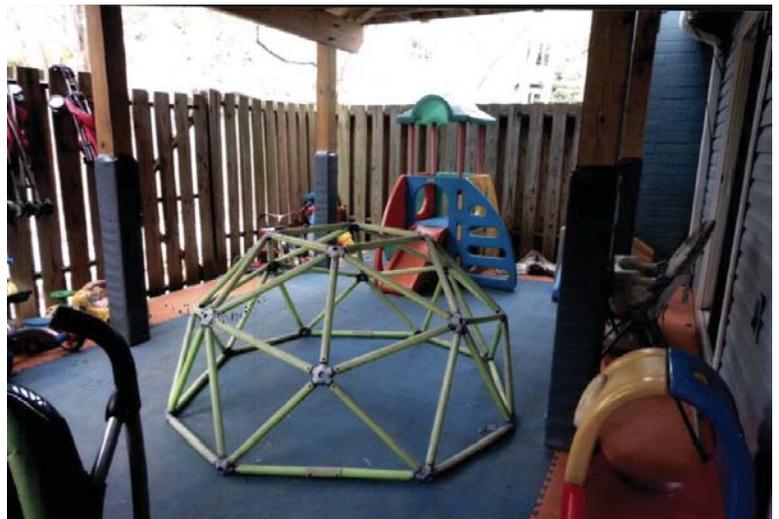
# BASEMENT

Scale 1" / 20 = 0.05



RECEIVED  
Department of Planning & Zoning  
AUG 11 2014  
Zoning Evaluation Division

Fence 6' height





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

124852

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02, 12, 14  
(enter date affidavit is notarized)

I, KANAK ASTHANA, 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<br>(enter first name, middle initial, and last name) | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|--|---|
| KANAK ASTHANA   | 1522 Goldenrain Ct,  | Self  |
| ANIL ASTHANA  | Reston VA 20190  | Husband.  |

(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).

~~124852~~

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02, 12, 14  
(enter date affidavit is notarized)

124852

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)

KANAK ASTHANA DBA KIDS' CORNER  
1522 Goldenrain Ct. Reston VA 20190

**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)

KANAK ASTHANA — Sole proprietor

(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.

124852

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

124852

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

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 N/A

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

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

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

~~124852~~

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 2, 12, 14  
(enter date affidavit is notarized)

124852

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:

ANIL ASTHANA

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.)

(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.

~~124852~~

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02, 12, 14  
(enter date affidavit is notarized)

124852

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.)

(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:

Nanak Asthana

(check one)

Applicant

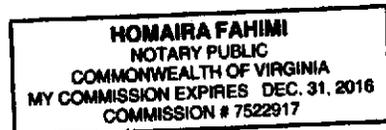
Applicant's Authorized Agent

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

Subscribed and sworn to before me this 12 day of Feb 2014, in the State/Comm. of Fairfax, County/City of Reston.

[Signature]  
Notary Public

My commission expires: 12, 31, 2016



CMB

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

Page \_\_\_\_ of \_\_\_\_

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: 2, 12, 14  
(enter date affidavit is notarized)

124852

**(NOTE: All relationships to the application are to 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.)**

| <b>NAME</b><br>(enter first name, middle initial, and last name) | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|---|--|
| KANAK ASTHANA  | 1522 Goldenrain ct<br>Reston VA 20190                               | Owner  |
| ANIL ASTHANA   | Same as above   | Owner - Spouse   |

(check if applicable)

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

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

Page \_\_\_\_ of \_\_\_\_

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: 02, 12, 14  
(enter date affidavit is notarized)

124852

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

<sup>sole proprietorship</sup>  
Kanak Asthana DBA Kids Corner  
1522 Goldenrain ct Reston VA 20190

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

N/A

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

<sup>Sole proprietorship/</sup>  
KANAK ASTHANA DBA KIDS' CORNER  
~~1522~~ Goldenrain ct  
Reston VA 20190

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

N/A

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

N/A



**Land Development Information History: FIDO - DECK - 112290126**

**Permit Information**

**Permit Number:** 112290126  
**Permit Type:** DECK  
**Job Address:** 001522 GOLDENRAIN CT  
RESTON , VA 20190-4032  
**Permit Status:** Finalized  
**Work Description:** BUILD DECK WITH NO STEPS AND NO HOT TUB/PER county detail  
**Type of Work:** DECK

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Kanak Asthana**

1522 Goldenrain Court  
dba Kids' Corner Learn & Play  
RESTON, VA 20190  
(703) 464-0339 

Facility Type: [Family Day Home](#)

License Type: [One Year](#)

[Expiration Date](#): Nov. 20, 2015

Business Hours: 7:30 am - 6:30 pm  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Brenda Kuhlman  
(703) 304-9609 



# County of Fairfax, Virginia

## MEMORANDUM

**Date:** February 27, 2015

**To:** Casey Gresham, Staff Coordinator  
Zoning Evaluation Division

**From:** Bruce Miller, Zoning/Property Maintenance Inspector   
Zoning Inspection Branch

**Subject:** Home Child Care Facility (HCCF), Special Permit # SP 2014-HM-178

**Applicant:** Kasnat Asthana, DBA Kids Corner,  
1522 Goldenrain Court, Reston VA 20190  
Legal Description: RESTON, SEC 9, BLK 15, LT 52  
Tax Map Ref: 18-1 ((4)) (50) 52  
Zoning District: PRC  
Lot Size: 1,664 square feet  
ZIB# 2015-0061

On February 18, 2015, an inspection was conducted by Zoning/Property Maintenance Inspector Bruce Miller of the property located at 1522 Goldenrain Court, Reston VA 20190. The Inspector was accompanied by Staff Coordinator Casey Gresham and the applicant and her husband.

Please note that the applicant has written the incorrect Tax Map Number on the application accepted on August 19, 2014.

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

- 1. An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.
- 2. 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.
- 3. 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.
- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Inspections Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-4300 FAX 703-324-1343  
www.fairfaxcounty.gov/dpz/



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.

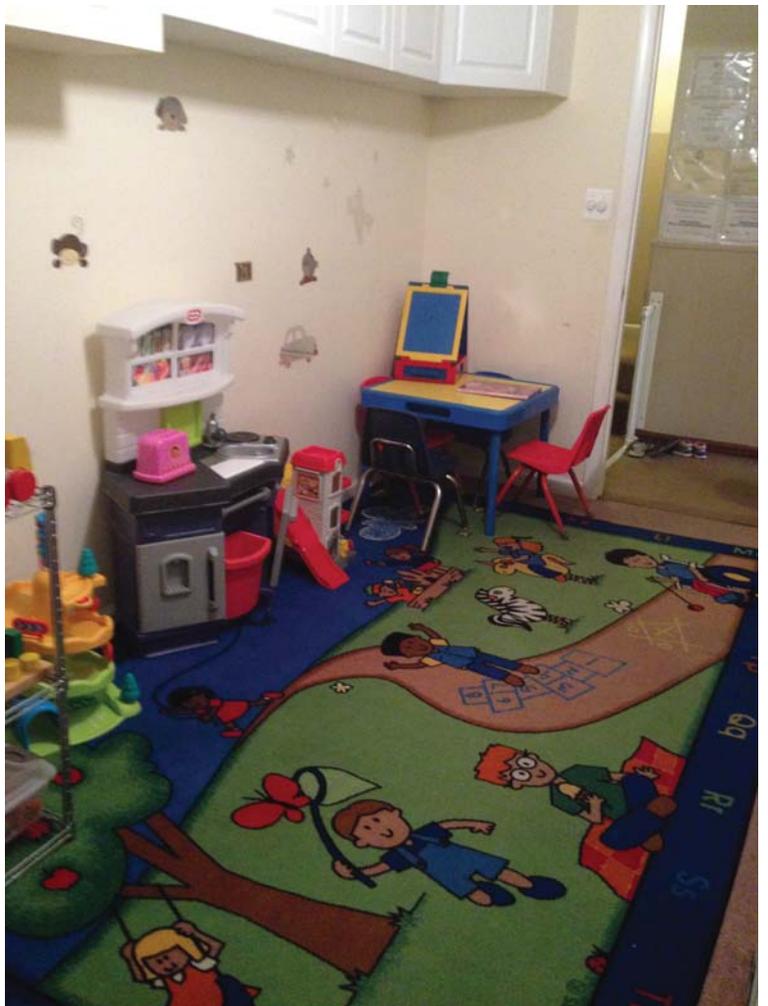
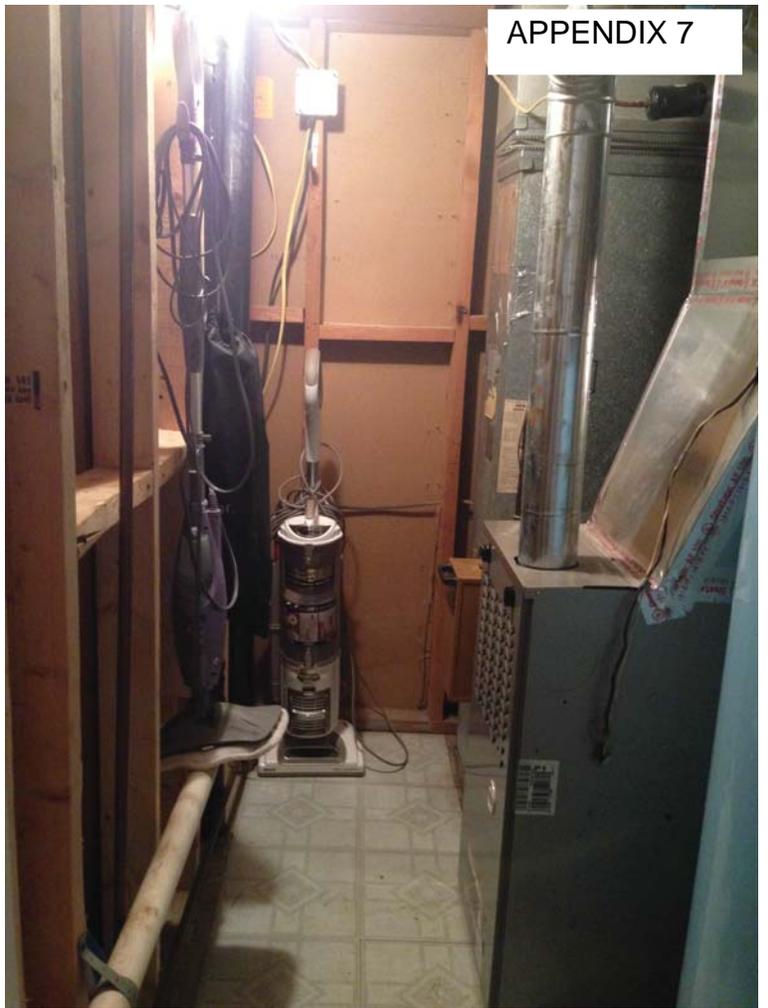
- 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

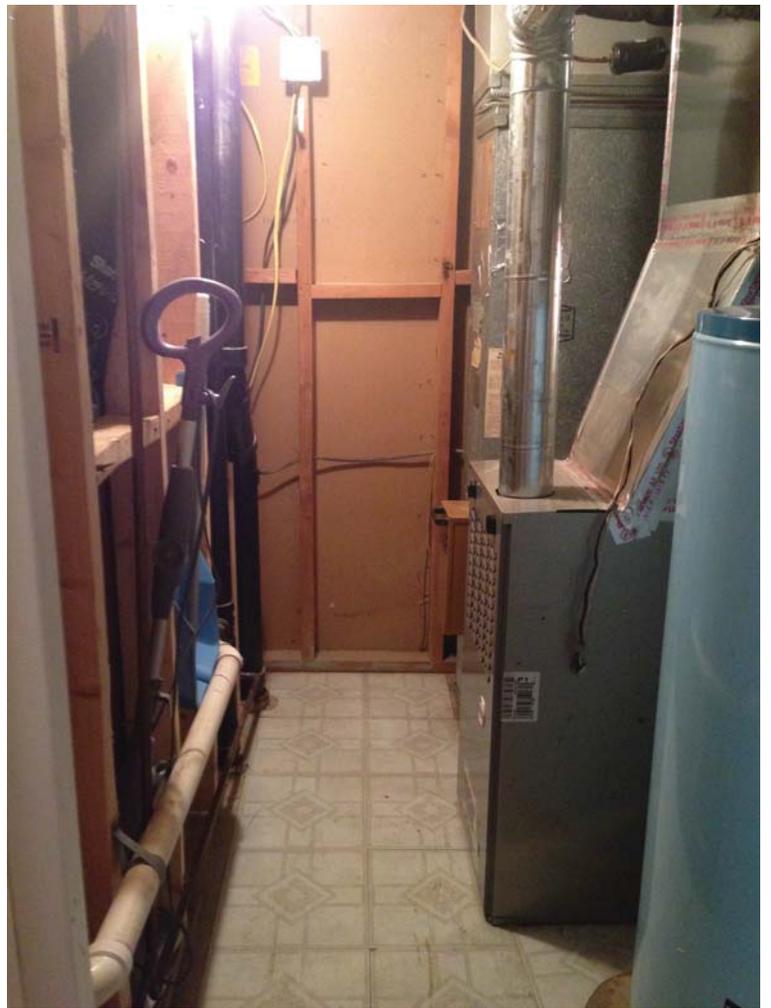
- 7. Other Building Code issues:

- Comment: working clearances are required at the service panels of the furnace and the water heater.

- 8. Structures comply with the Zoning Ordinance.

Photographs attached.





**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