



APPLICATION ACCEPTED: June 27, 2014
APPLICATION AMENDED: March 4, 2015
PLANNING COMMISSION: May 6, 2015
BOARD OF SUPERVISORS: June 2, 2015 @ 3:30 p.m.

County of Fairfax, Virginia

April 21, 2015

STAFF REPORT

SE 2014-BR-039

BRADDOCK DISTRICT

APPLICANT: Rati KC dba Mrs. Rati's Family Home Daycare

ZONING: PDH-3 (Planned Development Housing, 3 du/acre)

PARCEL: 77-1 ((12)) 182

LOCATION: 10639 John Ayres Drive

SITE AREA: 11,397 square feet (sf)

PLAN MAP: Residential at 3-4 du/acre

PROPOSAL: A special exception to permit the development of a home child care facility for a maximum of 12 children and two full-time assistants; and a special exception to permit an increase in fence height in front yards up to a maximum of six feet in height.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-BR-039, subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Joe Gorney

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

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

O:\jgorney\SE-2014-BR-039\STAFF-REPORT-SE-2014-BR-039-042115.docx



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

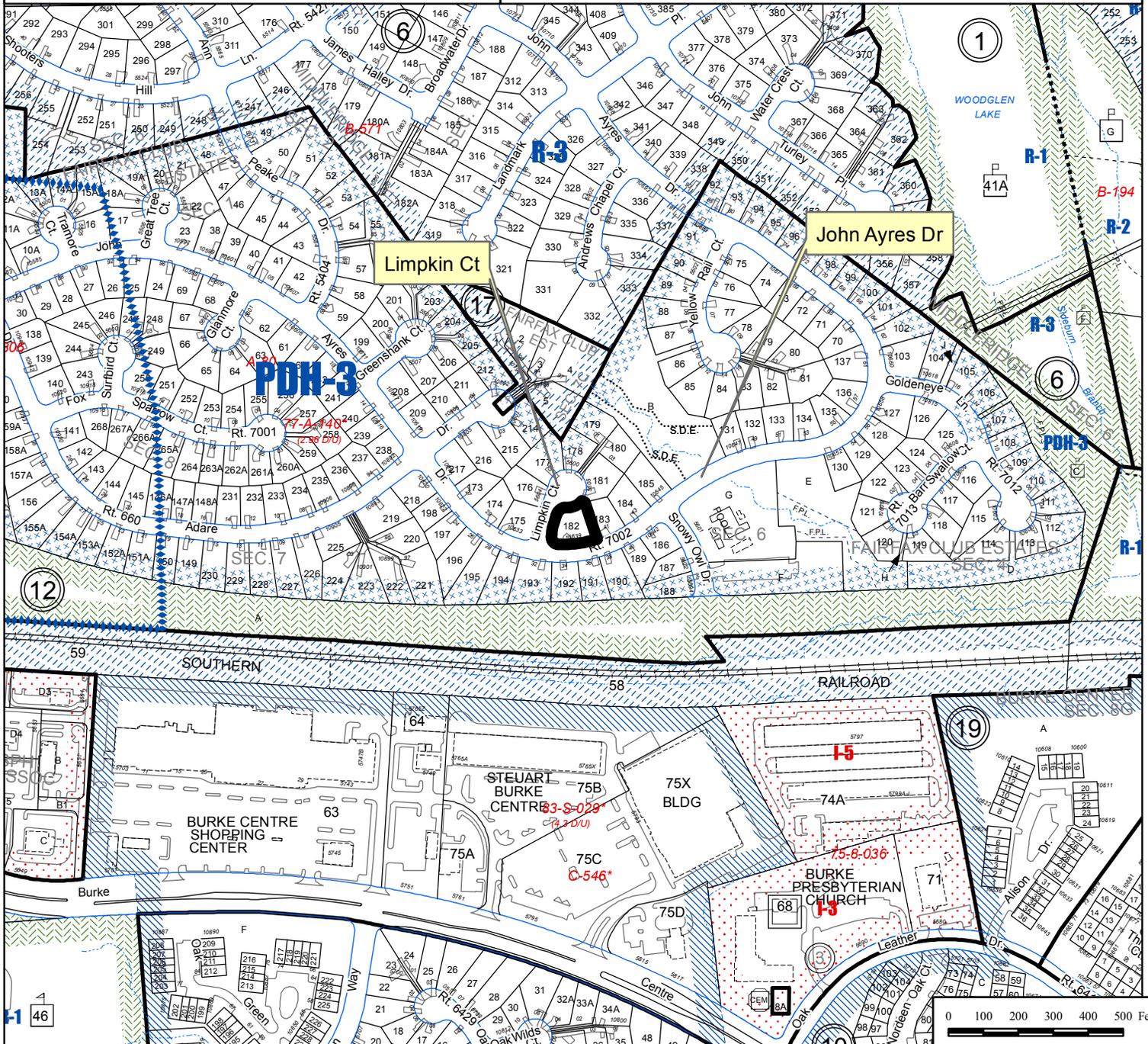
Special Exception

SE 2014-BR-039



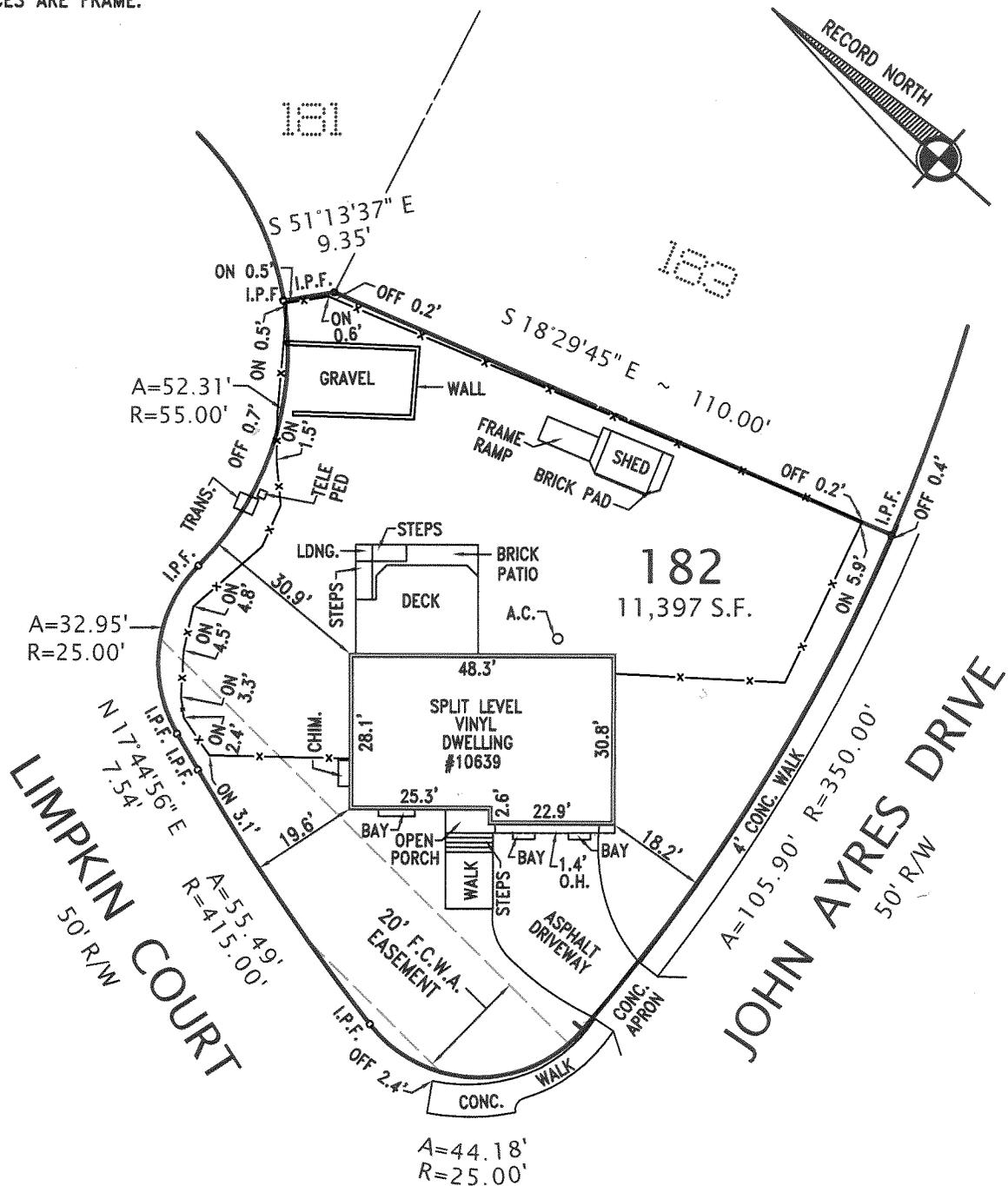
Applicant: RATI KC DBA MRS. RATT'S FAMILY HOME DAYCARE
Accepted: 06/27/2014
Proposed: HOME CHILD CARE FACILITY
Area: 11397 SF OF LAND; DISTRICT - BRADDOCK
Zoning Dist Sect: 06-0105
Located: 10639 JOHN AYRES DRIVE, FAIRFAX, VA 22032

Zoning: PDH- 3
Plan Area: 3,
Overlay Dist:
Map Ref Num: 077-1- /12/ /0182



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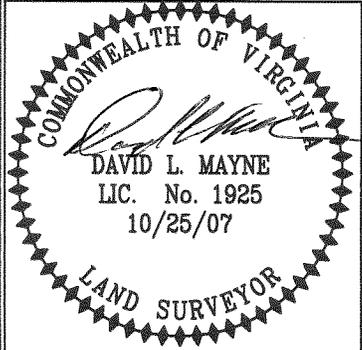
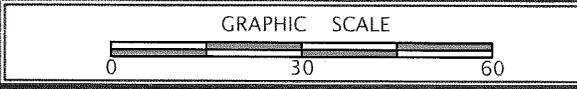
NOTES: 1. UTILITIES ARE UNDERGROUND.
2. FENCES ARE FRAME.



PLAT
 SHOWING HOUSE LOCATION ON
 LOT 182 SECTION 6
FAIRFAX CLUB ESTATES
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30' OCTOBER 24, 2007

RECEIVED
 Department of Planning & Zoning
 FEB 02 2015
 Zoning Evaluation Division

CASE NAME: SINGH/KAUR ~ KC



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED.
 PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
 DAVID L. MAYNE L.S.

REQUESTED BY:
 KIDWELL, KENT & CURRAN

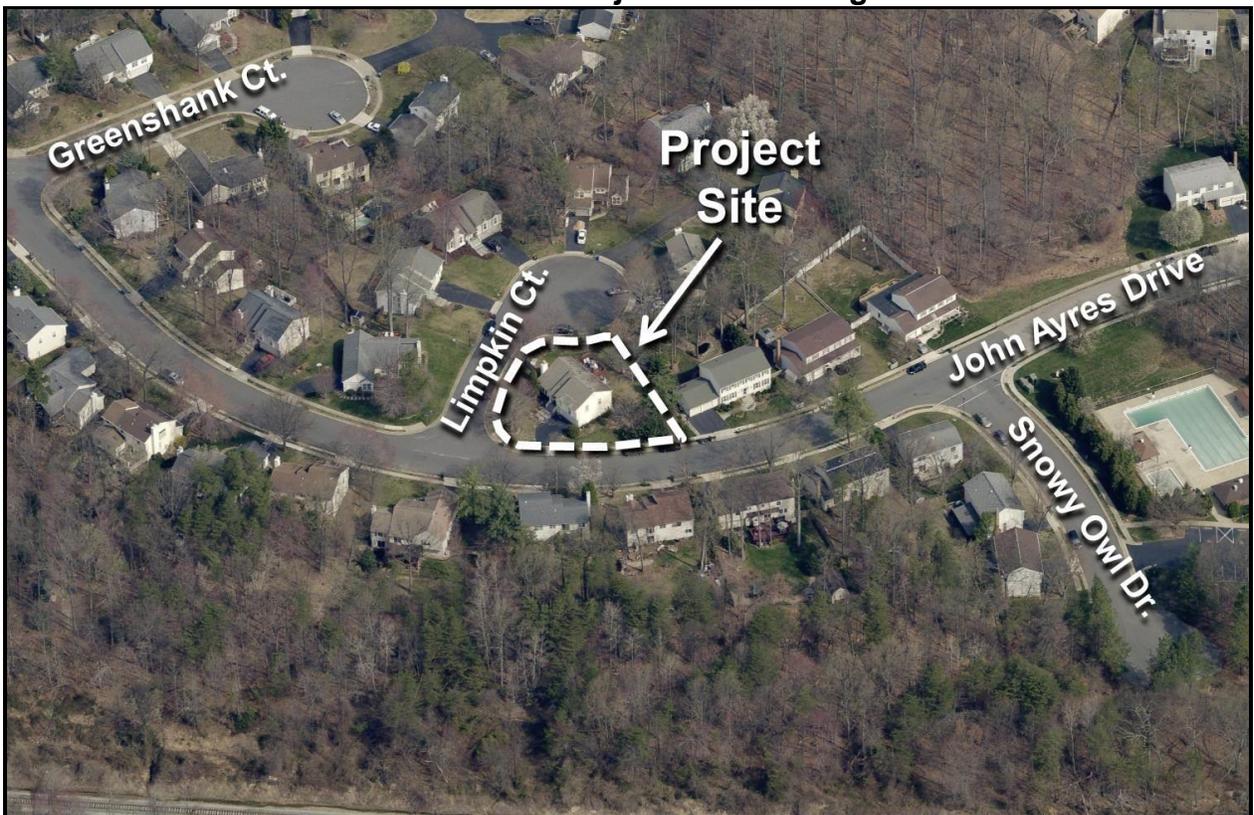
ALEXANDRIA SURVEYS
 INTERNATIONAL, LLC
 6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
 TEL. NO. 703-660-6615 FAX NO. 703-768-7764

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a Special Exception to operate a home child care facility for up to twelve children at any one time in a single family detached dwelling with up to two assistants; and a special exception to permit an increase in fence height in front yards up to a maximum of six feet in height.

Aerial View of the Project Site Looking North



The subject property is located at 10639 John Ayres Drive in the Fairfax Club Estates subdivision, approximately 1/3-mile east of Ox Road and approximately 350 feet north of the Norfolk Southern/Virginia Railway Express railroad line. The property is surrounded by other single family detached dwellings at the intersection of John Ayres Drive and Limpkin Court. The subject property and surrounding area are zoned PDH-3.

Other details regarding the home child care facility application include the following:

- Licensed provider for 12 children;
- Up to two full-time assistants. Staff notes that, currently, both assistants are related to the applicant. However, the applicant seeks approval of nonresident assistants, in the event that nonresident assistants were to be hired;
- Hours of operation: 7:00 a.m. to 6:00 p.m., Monday through Friday;
- Staggered drop-off and pick-up times;
- Available parking includes two spaces in the attached garage, two in the driveway, as well as spaces on the two adjacent public streets (John Ayres Drive and Limpkin Court);
- Parents park in the driveway or on the streets and bring their children to the front door; and
- Child care is provided in the walk-out basement, including play and sleeping areas. Meals are prepared in the kitchen on the first floor of the house. The fenced backyard is used as an outdoor play area (approximately 3,800 sf). The total area of the child care in the house is approximately 757 sf, or approximately 53 percent of the total square footage of the house (which is 1,436 sf).

The increase in fence height in the front yards up to a maximum of six feet through a special exception request would allow an existing fence of approximately 5'-9" tall to remain in portions of the front yards, as annotated on the plat. Three sides of the property front public roads. Although the existing fences are located to the sides and rear of the house, these portions of the lot are classified as front yards, in which fences are permitted only to a maximum of four feet in height (see Zoning Ordinance, Par. 3.B. of Sect. 10-104).

The proposed development conditions, applicant's statement of justification, file photographs, basement floor plan, and affidavit are contained in Appendices 1 through 5, respectively.

BACKGROUND

On August 1, 1978, the Board of Supervisors approved RZ 77-A-140 for the development of 268 single family detached houses. The approved development plan and proffers do not speak to the issue of home child care uses, nor do they preclude the use of the public streets for parking. According to the Department of Tax Administration records, the single family detached house was constructed in 1984. The attached deck was constructed in 1989.

ANALYSIS

Comprehensive Plan Provisions

Planning Area: Area III
Planning District: Pohick
Planning Sector: P2, Main Branch
Plan Map: Residential at 3-4 du/ac

The proposed use is in conformance with the Comprehensive Plan.

Zoning Inspection Analysis (Appendix 6)

A site inspection of the property was conducted on August 25, 2014. The inspection noted that the property is on a corner lot and has an approximately six-foot tall fence, which exceeds the allowable height of four feet for front yards. Three sides of the property are classified as front yards and one side is classified as a side yard. No other zoning violations were found.

The application includes a request for a special exception to permit an increase in fence height in front yards up to a maximum of six feet in height, as annotated on the plat.

Transportation Analysis (Appendix 7)

The property is located on John Ayres Drive, at the corner of John Ayres Drive and Limpkin Court. Both facilities are public streets. The applicant has indicated that drop-off times for the 12 children are generally staggered from 7:00 a.m. to 8:45 a.m., and that pick-up times are generally staggered from 4:00 p.m. to 5:45 p.m. The two-car garage, two-car driveway and on-street parking are sufficient to accommodate the parking demands. The street widths of both adjacent streets accommodate parking on both sides.

Staff finds that the proposed home child care facility will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and that there is adequate parking to accommodate the proposed use.

Zoning Ordinance Provisions (Appendix 8)

Section 10-103 of the Zoning Ordinance provides for home child care facilities that increase the number of children above seven in a single family detached dwelling or involve more than one nonresident person, in accordance with the provisions of Part 3 of Article 8. Part 3 of Article 8 applies to Group 3, Institutional uses. Further, Sect. 6-105, which relates to Planned Development Districts, specifies that Group or Category uses may be permitted with the approval of a Special Exception when such uses are not specifically designated on an approved final development plan (FDP). Since home child care uses are not provided for on the approved FDP for this property,

this Special Exception application is required to satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Par. 6 of Sect. 10-103).

Additionally, Section 10-104 of the Zoning Ordinance specifies that the Board of Supervisors may approve in conjunction with a special exception for another use, an increase in fence height and/or modification to the corresponding location regulations. Since the applicant is requesting approval of a special exception for a home child care facility, the applicant is able to request approval of the special exception for an increase in fence height. Staff does not object to this request.

General Standards for Special Exceptions (Sect. 9-006)

Standards 1 and 2 <i>Comprehensive Plan/Zoning District</i>	Staff finds that the proposed use is in harmony with the Comprehensive Plan. In addition, since no yards were proffered with the original rezoning, Sect. 2-412 of the Zoning Ordinance indicates that in a PDH District, the minimum required yard is deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. No issues were identified and staff finds the use in harmony with the general purpose and intent of the PDH-3 Zoning District.
Standard 3 <i>Adjacent Development</i>	No construction is proposed with this application and the lot backs to a cul-de-sac bulb and other single family detached lots. Staff finds that the use will not affect the use or the development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	As previously noted, staff finds that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
Standard 5 <i>Landscaping/Screening</i>	No additional landscaping is required for the proposed use. However, staff notes that the existing fence exceeds the permitted height within portions of the front yards. The applicant requests an increase in fence height to a maximum of six feet in those areas, which are to the sides and rear of the house, but classified as front yards. Development conditions are proposed to address the fence height.
Standard 6 <i>Open Space</i>	The PDH-3 District requires 20 percent of the gross area of the site to be open space. The FDP that governs the subject property exceeds this requirement.
Standard 7 <i>Utilities, Drainage, Parking, Loading</i>	This application does not affect the provision of adequate public facilities as determined in the review and approval of the dwelling unit. Staff concludes that the available parking is sufficient to accommodate the home child care use.
Standard 8 <i>Signs</i>	Sect. 10-103 of the Zoning Ordinance does not permit signs for home child care facilities.

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

Standard 1 <i>Lot Size and Bulk</i>	No site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the PDH-3 District as provided for with the approved FDP. However, staff notes that the existing fence exceeds the permitted height. A special exception has been requested to address the fence height (see discussion below).
Standard 2 <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
Standard 3 <i>Site Plan</i>	Home child care facilities are not subject to Article 17, Site Plans.

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

Standard 1 <i>Max. 12 Children; Approval of more than one nonresident person</i>	The applicant's request for 12 children meets this standard. This application requests approval for the involvement of two nonresident employees.
Standard 2 <i>Access and Parking</i>	Staff finds that access and parking are sufficient to accommodate the use.
Standard 3 <i>Landscaping/Screening</i>	Staff finds that no additional landscaping is required for this location.
Standard 4 <i>Submission Requirements</i>	A surveyed plat has been submitted as part of the application.
Standard 5 <i>Code of Virginia: Title 63.2, Chapter 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through November 30, 2015.

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

Part A <i>Max. Children</i>	This application requests approval for 12 children in a single family detached dwelling.
Part B <i>Licensed provider/ primary residence</i>	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
Part C <i>No exterior evidence except play equipment</i>	Staff finds there is no exterior evidence of the home child care facility, other than play equipment in the rear yard.
Part D <i>Nonresident person</i>	This application requests approval for two nonresident employees to be involved, and with the hours of 7:00 a.m. to 6:00 p.m.
Part E <i>Primary residence of nonresident person</i>	Not applicable. The dwelling is the primary residence of the home child care provider.

<p>Part F <i>Code of Virginia: Title 63.2, Chapter 17</i></p>	<p>The applicant is subject to state licensing and registration procedures, and presently holds a license through November 30, 2015.</p>
<p>Part G <i>Increase in children or nonresident person</i></p>	<p>The provisions of Part 3 of Article 8 are addressed above.</p>

Location Regulations (Par. 3.H. of Sect. 10-104)

The Board of Supervisors may approve in conjunction with a special exception for another use an increase in fence height and/or modification to the corresponding location regulations, and/or an increase in gate and/or gate post height and/or modification to the corresponding location regulations set forth in Par. 4 of Sect. 10-104 of the Zoning Ordinance in accordance with the following:

(1) In order to show the visual impact of the fence, wall, gate and/or gate post on nearby properties, the height, location, color and materials of the proposed fence, wall, gate and/or gate post and any associated berming or landscaping shall be submitted with the application.

(2) The Board shall determine that the proposed fence, wall, gate and/or gate post is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property. The Board may impose such conditions as it deems necessary to satisfy this criteria.

The applicant has provided photographic evidence of the height, color and materials of the proposed fence, which is approximately 5'-9" tall and constructed as a framed, board-on-board privacy fence. The location has been provided through a surveyed plat. A portion of the fence was originally located approximately six inches into the right-of-way of Limpkin Court, but has since been relocated onto the applicant's property.

The fence is typical of residential development; would allow privacy for the proposed home child care facility; and would provide screening for the surrounding uses. Staff concludes that the fence is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property. These requirements have been met.

CONCLUSION

In staff's opinion, the home child care facility for up to 12 children at any one time on the subject property and an increase in fence height in the front yards, as annotated on the plat, would not adversely impact the site or the neighboring properties. Staff finds that the application is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SE 2014-BR-039, subject to 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. The approval of this application does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. File Photographs
4. Basement Floor Plan
5. Affidavit
6. Zoning Inspection Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2014-BR-039

April 21, 2015

If it is the intent of the Board of Supervisors to approve SE 2014-BR-039 located at 10639 John Ayres Drive, Tax Map 77-1 ((12)) 182, for a home child care facility of up to twelve children, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, and an increase in fence height in front yards, pursuant to Sect. 10-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the home child care use and fence indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan or permit submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat, dated October 25, 2007, consisting of the Plat entitled "Lot 182, Section 6, Fairfax Club Estates," prepared by Alexandria Surveys International, LLC, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the special exception conditions shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
6. The hours of operation for the home child care facility shall not exceed 7:00 a.m. to 6:00 p.m.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, with the hours of such attendance limited to 7:00 a.m. to 6:00 p.m.
8. The dwelling that contains the home child care facility shall be the primary residence of the provider.
9. The existing two-car garage shall not be converted to any use which would preclude the parking of vehicles, and shall be kept clear of debris at all times in order to accommodate parking for the dwelling and the home child care provider.

10. There shall be no signage associated with the home child care facility.
11. All outdoor play equipment shall conform to all applicable state regulations and standards.
12. Fencing shall be allowed within the front yards only as indicated on the plat and shall be restricted to six feet tall or less. All portions of the fence shall be located outside of the public right-of-way.
13. In accordance with the Uniform Statewide Building Code, clearances of 30 inches will be maintained to the front and sides of the service panels for the water heater and furnace.
14. Both parking spaces in the driveway shall be left open during the hours of operation of the home child care facility for the drop-off and pick-up of children. The arrival and departure of children shall be staggered to help ensure that the spaces will be available. In the event that the driveway parking spaces are full, parking is allowed on the adjacent public streets.
15. Approval of this use is contingent upon maintenance of a state license for a Home Child Care facility for the number of children on-site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by the Board.

This approval, contingent on 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. 9-015 of the Zoning Ordinance, this special exception shall take effect upon approval by the Board of Supervisors.

**STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY**

Name: RATI KC
Address: 10639 JOHN AYRES DR
FAIRFAX, VA 22032
Tax Map #: 0771 12 0182
Phone #: 703 250 1583
E-mail address: KC.rati@gmail.com
Date: 02/02/2015

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

Re: Special Permit Application
Applicant: RATI KC
Zoning Ordinance Section ~~8-923~~ for Home Child Care Facility
Section 9-006 of General Standards

Tax Map #: 0771 12 0182
Zoning District: PDH-3 BRADDOCK
Lot Size: 11,397

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a detached dwelling at 10639 JOHN AYRES DR, FAIRFAX, VA 22032 in Fairfax, Virginia with my husband & my daughter. The property is zoned PDH-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours. The proposed child care facility is to be open from 7 AM to 6 pm; Monday - Friday.

Number of Children. I propose to care for a maximum of 12 children at any one time. This number does not include my own X children.

Employees. I propose to have two assistant(s) who will work full time. They are my family members.

Arrival Schedule. Five of the children are proposed to arrive between 7 am AM and 8:00 AM. Two children arrive between 8:15 am to 8:45 am

Departure Schedule. Three of the children are proposed to be picked up at 4:00 PM. 4:30 PM.
Four children leave between 5 PM to 5:50 PM.

Parking. I propose to use my garage to park my family car. My parents will park N/A.
My Driveway has enough space for two cars at one time. There is enough
Parking Space available along the streets of John Ayres Dr &
Limpkin Ct.

Area Served. Currently, most of the children live in the general
Vicinity of my neighborhood - Burke Route Pkwy, Zion Dr.
Parents drive their children to my daycare.

Operations. As I stated, my house is a detached single family house. It has a walk-out basement with
Window which serve as the main room for childcare & there children spend most of
the time. I use the Kitchen - located on the 1st floor to prepare meal & snacks. Attached
is a Floor plan that shows the areas where the childcare & play area are indicated.
The house has 1436 sq ft. Basement, kitchen, stove, Restroom & hallway are used
for the daycare.

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

Outdoor Play Area. I propose to use my Back yard for outdoor play for the children. The area is
approximately 3800 square feet. There is Slides, Playhouses, cars, Plastic
Basketball post and lots of movable toys for the children.

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

In conclusion, I am proposing that I acquired (bought) this house in the year 2007. Since then,
I did not make any kind of changes to the outside appearance of the house.
There is an existing fence of 6 ft high in the property which was built
by one of the previous owner in 1989. For this reason, I would like to
request the Concord Dept to grant me the permission to retain the
fence in its existing height. I propose no addition and no signs
regarding the daycare.

Sincerely,

Ratika

Owner of Mrs Rati's Family Home Daycare

Proposed Arrival and Departure Schedule for: Mrs. Rati's Family Home Daycare

Address: 10639 John Ayres Dr, Fairfax, VA 22032

Proposed Arrival Schedule *AM*

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

Proposed Departure Schedule *PM*

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

FRONT/WEST SIDE OF THE HOUSE APPENDIX 3



12/09/13 DRIVE WAY 40' X 20'



SOUTH SIDE OF THE HOUSE 12/09/13
JOHN AYRES AR

NORTH SIDE OF THE HOUSE
LIMPKIN COURT.
12/09/13



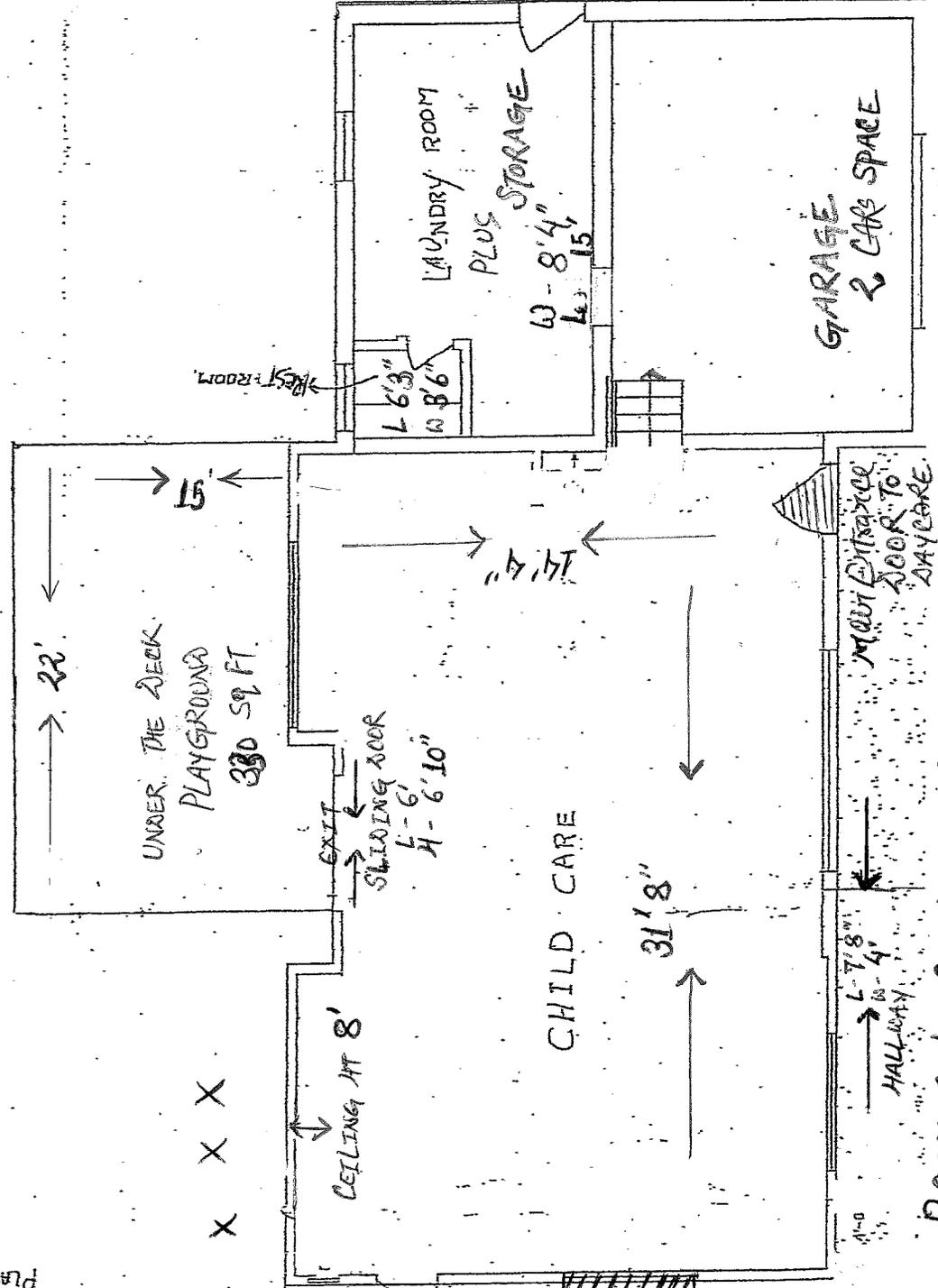
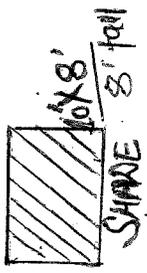
EAST SIDE OF THE HOUSE
12/09/13

Rooms and outdoor area used for Home Child Care Facility

OPEN AREA FOR PLAY

OUTDOOR PLAY AREA (ALL FENCED)

95' x 40' = 3800 sq ft



Basement Sketch: DAYCARE

Outdoor play house

Play Ground Equip.

STAIRS

CEILING AT 8'

EXIT SLIDING DOOR L-6' H-6'10"

CHILD CARE

31'8"

HALLWAY L-7'8" W-4'

MAIN ENTRANCE DOOR TO DAYCARE

LAUNDRY ROOM

PLUS STORAGE

W-8'4" L-15'

GARAGE 2 CAR SPACE

REST ROOM

Stairs L-3'10" H-2'

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 18, 2014
 (enter date affidavit is notarized)

I, RATI KC, 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

in Application No.(s): SE 2014-BR-039 126047
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
RATI KC	10639 JOHN AYRES DR FAIRFAX, VA 22032	APPLICANT / OWNER
ABA	MRS. RATI'S FAMILY HOME DAYCARE	
SHREE KC	10639 JOHN AYRES DR FAIRFAX, VA 22032	TITLE / OWNER

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

cm

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 18, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-BR-039
(enter County-assigned application number(s))

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 and number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Om

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 18, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-BR-039
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

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

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

N/A

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

jm

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 18, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-BR-039
(enter County-assigned application number(s))

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 Supervisors, 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 Exception Attachment to Par. 2" form.

Om

Application No.(s):

SE 2014-BR-039
(county-assigned application number(s), to be entered by County Staff)

126047

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 18, 2014
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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) Ratika
 Applicant [] Applicant's Authorized Agent

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

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

Emmanuel
Notary Public

My commission expires: July 31, 2018

EMAN YOUSSEF MOUSSA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2018
COMMISSION # 7041125

an



County of Fairfax, Virginia

MEMORANDUM

Date: August 28, 2014

To: Joe Gorney, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection

Applicant: Mrs. Rati
10639 John Ayres Drive Fairfax, Virginia 22032
Fairfax Club Estates Lot 182 Sec 6 Tax Map# 77-1 ((12)) 0182
Zoning District: PDH-3(Residential 3 DU/AC) Magisterial District: Braddock
Mail Log # 2014-0354
Date of Inspection: August 25, 2014

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
 - Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
 - Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
 - A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- ✓ Structures comply with the Zoning Ordinance.

**This property is a corner lot and has a 6' fence which exceeds the allowable height of 4' for front yards. The Zoning Ordinance only allows a fence or wall of 4 feet or less in the front yard.*

ARTICLE 10 - ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

10-104 Location Regulations

3. B. *In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:*



County of Fairfax, Virginia

MEMORANDUM

DATE: August 13, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2014-BR-039)

SUBJECT: Transportation Impact

REFERENCE: SE 2014-BR-039 Rati KC dba Mrs. Rati's Family Home Daycare
Land Identification Map: 77-1 ((12)) 182

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated August 9, 1985, and revised through September 18, 1989. The applicant, who has a state license, seeks approval to operate a home child care facility for 12 children. There are two full-time assistants. The hours of operation are 7:00 a.m. to 6:00 p.m. Monday–Friday.

The applicant parks her car in the garage and has parking spaces available in the driveway for parents, plus there is parking in both streets fronting the home. Therefore, this department has no transportation issues with this application.

AKR/LAH/lah

SELECTED ZONING ORDINANCE PROVISIONS**ARTICLE 6 - PLANNED DEVELOPMENT DISTRICT REGULATIONS****PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT****6-103 Secondary Uses Permitted**

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.

6-105 Special Exception Uses

1. Subject to the use limitations presented in Sect. 106 below, any use presented in Sect. 103 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

6-106 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. All uses shall comply with the performance standards set forth in Article 14.
3. When a use presented in Sect. 103 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 103 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

ARTICLE 8 - SPECIAL PERMITS

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.

ARTICLE 9 - SPECIAL EXCEPTIONS

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

**ARTICLE 10 - ACCESSORY USES, ACCESSORY SERVICE USES AND
HOME OCCUPATIONS**

PART 1 10-100 ACCESSORY USES AND STRUCTURES

10-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures; provided that such use or structure shall be in accordance with the definition of Accessory Use contained in Article 20.

12. Home child care facilities.

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.

10-104 Location Regulations

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

H. In addition, the Board may approve in conjunction with a proffered rezoning or a special exception for another use, or the BZA in conjunction with a special permit for another use, an increase in fence and/or wall height and/or modification to the corresponding location regulations set forth above, and/or an increase in gate and/or gate post height and/or modification to the corresponding location regulations set forth in Par. 4 of Sect. 10-104 below in accordance with the following:

(1) In order to show the visual impact of the fence, wall, gate and/or gate post on nearby properties, the height, location, color and materials of the proposed fence, wall, gate and/or gate post and any associated berming or landscaping shall be submitted with the application.

(2) The Board/BZA shall determine that the proposed fence, wall, gate and/or gate post is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property. The Board/BZA may impose such conditions as it deems necessary to satisfy this criteria.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan, or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon

or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		