



# County of Fairfax, Virginia

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April 29, 2015

## STAFF REPORT

### SPECIAL PERMIT SP 2014-PR-195

#### PROVIDENCE DISTRICT

**APPLICANT:** Anju Upreti  
Anju Day Care Inc.

**OWNERS:** Anju Upreti  
Sunil Upreti

**SUBDIVISION:** Braxton

**STREET ADDRESS:** 3043 Braxton Wood Court,  
Fairfax, 22031

**TAX MAP REFERENCE:** 48-4 ((19)) 35

**LOT SIZE:** 1,300 square feet

**ZONING DISTRICT:** R-12, HC

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-1203

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

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-195 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.

*Erin M. Haley*

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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**



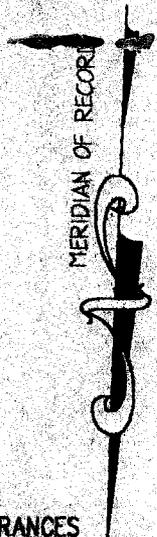
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



RECEIVED  
Department of Planning & Zoning

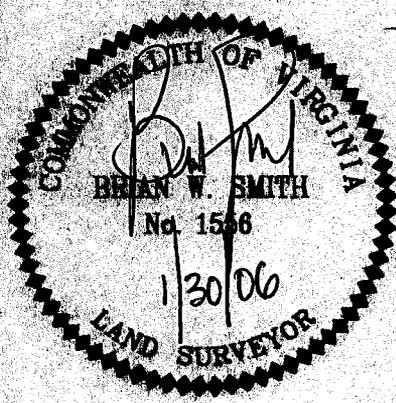
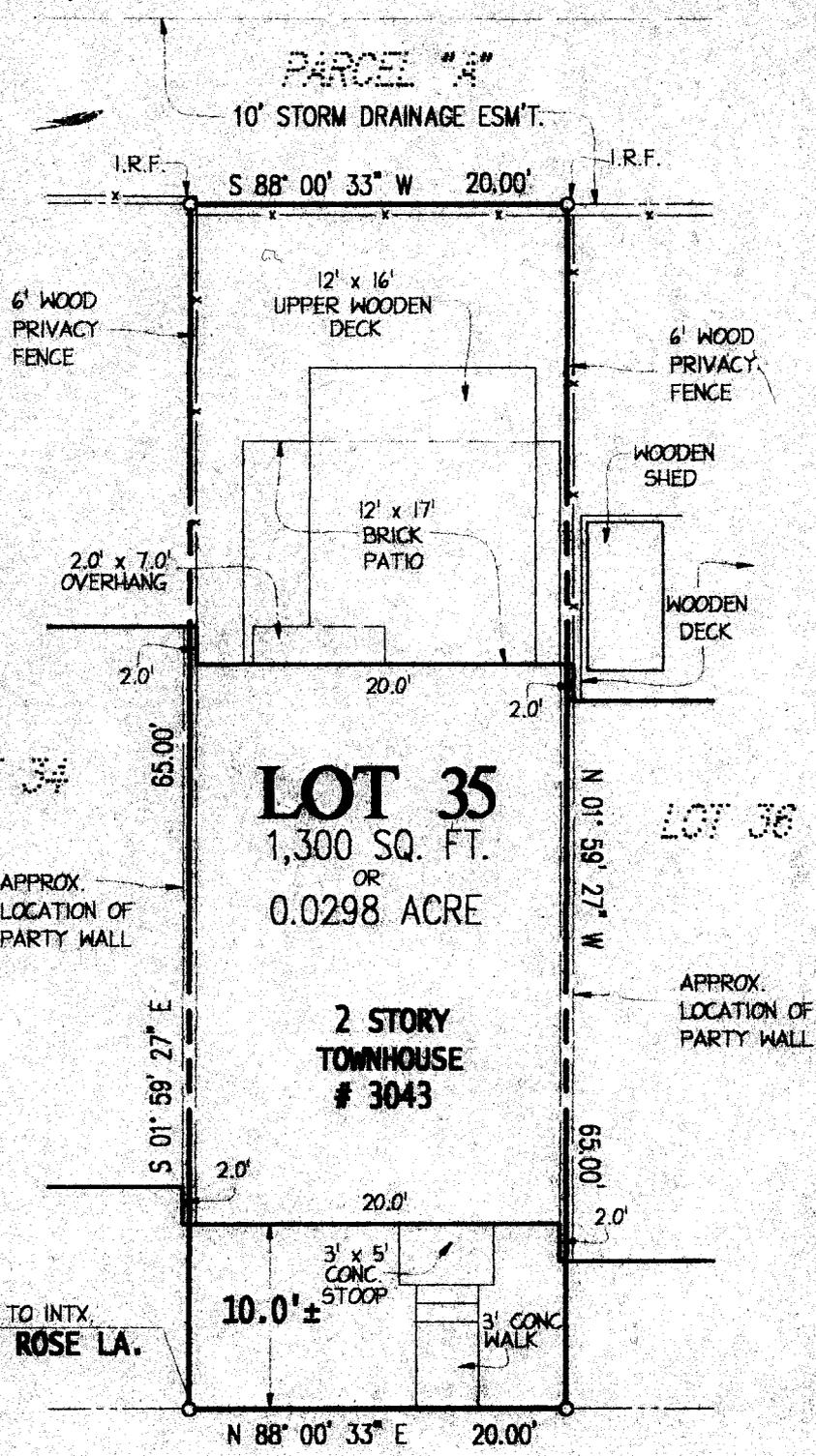
MAR 25 2014

Zoning Evaluation Division



NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0100-D EFFECTIVE DATE: MARCH 5, 1990
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
- 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 048-4-19-0036
- 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
- 7) EASEMENTS, B.R.I.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 6324, PAGE 1813 (UNLESS NOTED OTHERWISE).



**BRAXTON WOOD COURT**  
(PRIVATE STREET)

*Handwritten signature and date: 09/05/14*

LEGEND:  
I.P.F. DENOTES IRON PIPE FOUND  
-X- DENOTES FENCE LINE  
B.R.L. DENOTES BUILDING RESTRICTION LINES

HOUSE LOCATION SURVEY  
**LOT 35**  
**BRAXTON**  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

<b>B.W. SMITH AND ASSOCIATES, INC.</b>				FIELD CREW: M. LOVELAND	
PROFESSIONAL LAND SURVEYING MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996				JOB# 20060275	
DFT: N.M.W.	CHK: S.P.T.	NO TITLE REPORT FURNISHED	SCALE= 1" = 10'	DATE: 1/30/06	

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat, titled, "House Location Survey, Lot 35, Braxton," prepared by Brian W. Smith, Land Surveyor, on January 30, 2006, as revised by Sunil Upreti through September 5, 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. The unit is assigned two parking spaces located on Braxton Wood Court. A concrete walkway leads to the front of the house and an elevated open wood deck is located at the rear of the house over a brick patio. The applicant has play equipment on the patio for the children. A wood fence 6 feet in height encloses the rear yard.

The subject property and surrounding properties north, east, and west are zoned R-12. Properties to the south are zoned R-8 (cluster). The subject property and surrounding properties are developed as single family attached dwellings.

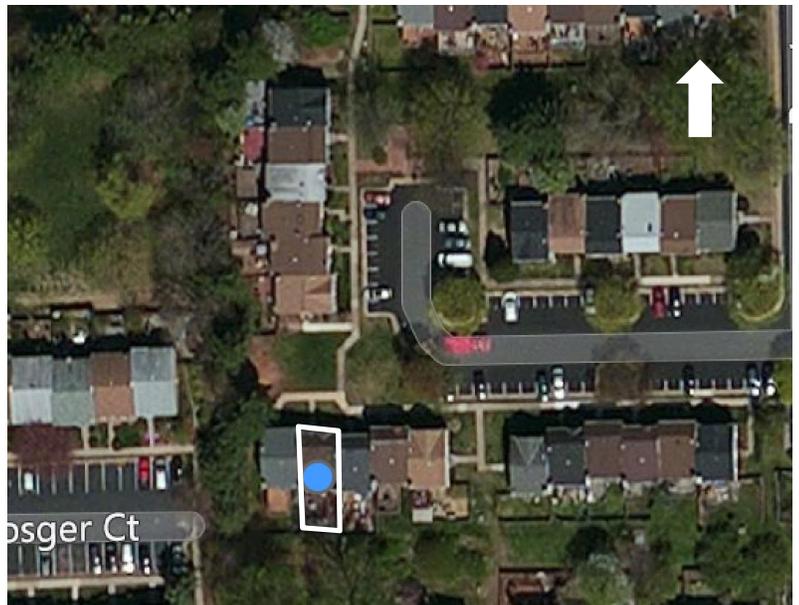


Figure 1: House Location  
For illustrative purposes only

## BACKGROUND

Fairfax County records indicate that the townhouse and deck were permitted and constructed in 1986 and purchased by the current owners in 2006.

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 7:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children with the parents instructed to use the two parking spaces assigned to the applicant’s townhome. The applicant parks her car in the visitor parking spaces and has stated that she has a letter from her homeowners’ association indicating that there is no objection to this use of the association’s common space and that she will provide the letter prior to the hearing. The applicant employs one full-time and one part-time assistant.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through August 11, 2015. The license permits a capacity of twelve children, ages birth through 12 years, 11 months. Information about the state license indicates that her approved hours of operation are 7:00 a.m. to 6:00 p.m. A copy of the state home child care licence information is included as Appendix 4.

The home child care facility is operated primarily in the basement of the dwelling. Napping occurs in the room labeled Activity Room/Nap Room on the floor plan provided with the applicant’s Statement of Justification. This room contains adequate emergency egress. Parents drop the children off and pick them up at the front entrance. The patio at the rear of the house 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 II, Vienna Planning District  
**Planning Sector:** Lee Community Planning Sector (VI1)  
**Plan Map:** 8-12 dwelling units/acre

**Zoning District Standards**

<b>Bulk Standards (R-12)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided*</b>
Lot Size	n/a	1,300 s.f.
Lot Width	18 feet	20 ft.
Building Height	35 feet max.	Not provided
Front Yard <sup>1</sup>	Min. 5 feet	10 ft.
Side Yard <sup>2</sup>	Min. 10 feet	N/A (party walls)

Bulk Standards (R-12)		
Standard	Required	Provided*
Rear Yard <sup>3</sup>	Min. 20 feet	24 ft.

<sup>1.</sup> ABP = 15 degree Angle of Bulk Plane

<sup>2.</sup> ABP = 15 degree Angle of Bulk Plane

<sup>3.</sup> ABP = 25 degree Angle of Bulk Plane

**On-Site Parking and Site Circulation**

The applicant has a two assigned parking spaces that she utilizes for drop-off and pick-up of children. In addition, six visitor parking spaces are available nearby. The applicant indicates the homeowners’ association will provide a letter indicating no objection to use of the association’s common parking spaces. This letter will be provided prior to the public hearing. Development conditions are included requiring that the two assigned spaces remain available during drop-off and pick-up times and that the applicant maintain an agreement with the homeowners’ association allowing the use of the common parking spaces.

**Zoning Inspections Branch Report (Appendix 6)**

During the site visit, staff found no items of deficiency on the property.

**Zoning Ordinance Requirements (Appendix 7)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

**General Standards for Special Permit Uses (Sect. 8-006)**

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends a residential use, and the property is developed in accordance with the plan recommendation. The R-12 District permits a home child care facility as an accessory use with special permit approval.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. An outdoor play area with small play equipment is found on the rear patio. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the

	neighborhood as long as the applicant obtains and maintains permission from the homeowners' association to use the common parking spaces.
<b>Standard 5</b> Landscaping/Screening	There is an existing fence in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 6</b> Open Space	There is no prescribed open space required in the R-12 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the assigned parking spaces would be used for parking for the home child care facility.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-12 District. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available in the two assigned parking spaces. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood as long as the applicant obtains permission from the homeowners' association to use the common parking spaces.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant met all submission requirements for a home child care facility.
<b>Standard 5</b> Code of Fairfax, Chapter 30 and Code of Virginia,	The applicant holds a valid home child care license.

Title 63.2, Chapter 17
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**Use Limitations (Par. 6 of Sect. 10-103)**

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is five in a single family attached dwelling. The applicant requests special permit approval to permit a maximum of 12 children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider resides in the application property.
<b>Part F</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
<b>Part G</b> Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is 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-PR-195 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

The approval of this application does not interfere with, abrogate or annul any

easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-PR-195****April 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-195 located at Tax Map 48-4 ((19)) 35 to permit a home child care facility pursuant to Section 8-305 and 3-1205 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, Anju Upreti, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3043 Braxton Wood Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "House Location Survey, Lot 35, Braxton," prepared by Brian W. Smith, Land Surveyor, on January 30, 2006, as revised by Sunil Upreti through September 5, 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 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
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. All pick-up and drop-off of children shall take place within the two parking spaces assigned to the subject property.
9. The applicant shall obtain and maintain approval from the homeowners' association to use the common parking spaces for the home child care facility.
10. There shall be no signage associated with the home child care facility.

11. 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.
12. 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.

# ANJU DAY CARE Inc.



Virginia State License  
FDH 1107305-L117  
**RECEIVED**  
Department of Planning & Zoning

MAR 25 2014

Zoning Evaluation Division

Dear Sir/Madam

This Is Anju Upreti owner of the property 3043 Braxton wood Ct Fairfax VA 22031. I am a day care provider Since 2003. I have been using this property for Family home day care. I am a state license holder provider. Current capacity of my license is 12.

Proposed number of children: 12

Hours of Operation: 7.00 AM to 6.00PM, Monday to Friday

Current Number of assistants: 2 ( One Full Time and One Part Time )

Drop Of Schedule : 7.00 AM official, but different parents on different time.

Current number of Children : 12 (excluding own)

Proposed Parking: 2 assign parkin and 6 visitor parking.

Landscaping: Good enough for playing front side of the house and back side of the house. All fenced and clean environment and safe zone for kids.

5 kids are from our neighbourhood and rest are from close by area. Half of the parents drop their kid by walking, so in this area traffic is not busy. It has been more than 8 yrs our neighbor has not feel any problem with traffic.

I have submitted all required papers and pics of the property for the renewal with the zoning process. pls feel free to contact me for any additional information.

Thank You

Applicant:

Anju Upreti (Owner/Provider)

Anju Day Care Inc.

3043 Braxton wood Ct

Fairfax VA 22031

Phone: 703-942-8265, Cel: 703-577-5287

Date: 03/25/2014

Departure Schedule. \_\_\_\_\_ of the children are proposed to be picked up at \_\_\_\_\_ PM. \_\_\_\_\_

Parking. I propose to use my \_\_\_\_\_ to park my family car. My parents will park \_\_\_\_\_

Area Served. Living Room / Dining Room / (Upperlevel)  
Paleing and Activiti Room / Nap Room / Bathroom  
at in the Basement level.

Operations. As I stated, my house is a Town House. It has 3 bed rooms,  
3 full and one half Bathroom, 3 leveles, walkout basement.  
12/17 Brik Batio, 6 wood Privacy Fence, wooden Deck.

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. Buy  
(initials)

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and aopted standards, or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification. Buy  
(initials)

Outdoor Play Area. I propose to use my \_\_\_\_\_ yard for outdoor play for the children. The area is approximately \_\_\_\_\_ square feet. There is \_\_\_\_\_

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,  
Anju upreti  
Owner of Anju Day Care Inc.

RECEIVED  
Department of Planning & Zoning  
AUG 26 2014  
Zoning Evaluation Division

Proposed Arrival and Departure Schedule for: ANJU DAY CARE Inc.

Address: 3043 Braxton Wood Ct Fairfax VA 22031

Proposed Arrival Schedule

Child	7:00-7:45 AM	7:45-8:00 AM	8:00-8:30 AM	9:00-9:15 AM
1	7:25			
2	7:35			
3		8:00		
4			8:15	
5			8:30	
6				9:00
7				
8				
9				
10				
11				
12				

Proposed Departure Schedule

Child	2:45-4:15 PM	4:15-4:30 PM	4:30-5:00 PM	5:00-5:30 PM
1	3:00			
2		4:30		
3			4:40	
4				5:00
5				5:10
6				5:30
7				
8				
9				
10				
11				
12				

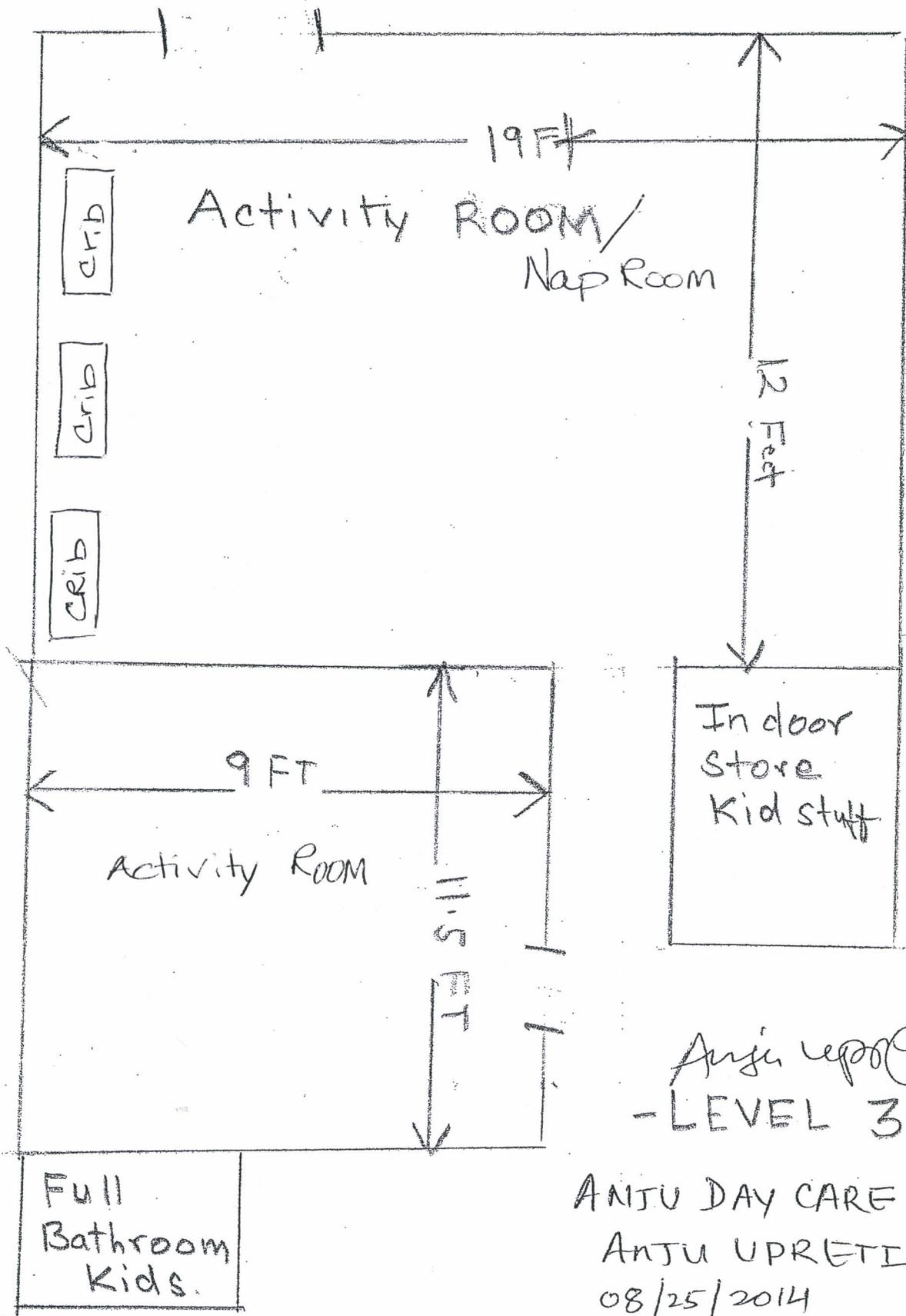
Appendix 1

RECEIVED  
Department of Planning & Zoning

AUG 26 2014  
Zoning Evaluation Division

AUG 26 2014

Zoning Evaluation Division



Antju Upreti  
- LEVEL 3 -

ANTJU DAY CARE INC.  
ANTJU UPRETI  
08/25/2014  
3040 Braxton Wood Ct.



3043



3041

3043

3045















04.17.2015 09:47

Application No.(s): SP 2014-PR-195  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/15/2014  
 (enter date affidavit is notarized)

I, ANJU UPRETI, 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: 124882

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Anju Upreti d/b/a	3043 Braxton wood Ct Fairfax VA 22031	Applicant/owner
Anju DayCare Inc.		

(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).

CAB

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/15/2014  
(enter date affidavit is notarized)

124982

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)

ANJU DAY CARE INC.  
3043 Braxton wood Ct Fairfax VA 22031

**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)

SUNIL UPRETI

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/15/2014  
(enter date affidavit is notarized)

124882

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/15/2014  
(enter date affidavit is notarized)

124882

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

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

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

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

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

None

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 05/15/2014  
(enter date affidavit is notarized)

124882

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)  Applicant Anju Upreti [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 15<sup>TH</sup> day of MAY, 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Brett Lee Flanagan  
Notary Public

My commission expires: 10/31/2017

**BRETT LEE FLANAGAN**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES OCT. 31, 2017  
COMMISSION # 179504

CAS

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Anju Upreti**

3043 Braxton Wood Court

FAIRFAX, VA 22031

(703) 942-8265 Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): Aug. 11, 2015Business Hours: 7 AM - 6 PM  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Erika Gibson  
(703) 479-4686 



# County of Fairfax, Virginia

## MEMORANDUM

Date: April 17, 2015

To: Erin Haley, Senior Staff Coordinator  
Zoning Evaluation Division

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP 2014-PR-195

Applicant: Anju Upreti, Anju Day Care Inc.  
3043 Braxton Wood Court, Fairfax, Virginia 22031  
Braxton, Lot 35  
Tax Map# 48-4 ((19)) 35  
Zoning District: R-12  
Magisterial District: Providence  
ZIB# 2015- 0126  
Date of Inspection: April 17, 2015

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- 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.

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/



- 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.

**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.

**Sect. 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.