



APPLICATION ACCEPTED: August 1, 2014
BOARD OF ZONING APPEALS: May 13, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

May 6, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MA-163

MASON DISTRICT

APPLICANT: Dipshika Basnet, Yellowstone Childcare LLC

OWNERS: Dipshika Basnet
Dilprasad Basnet
Trishna Basnet
Predna Basnet

SUBDIVISION: Parklawn, Section 2

STREET ADDRESS: 6223 Yellowstone Drive, Alexandria, 22312

TAX MAP REFERENCE: 61-4 ((6)) (N) 22

LOT SIZE: 11,123 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 3-303, 8-305, 8-914

SPECIAL PERMIT PROPOSAL: To permit a home child care facility, and to permit reduction in minimum yard requirements based on an error in building location to permit accessory storage structure (shed) to remain 6.8 feet from a rear lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-MA-163 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.

Laura Arseneau

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. 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.**

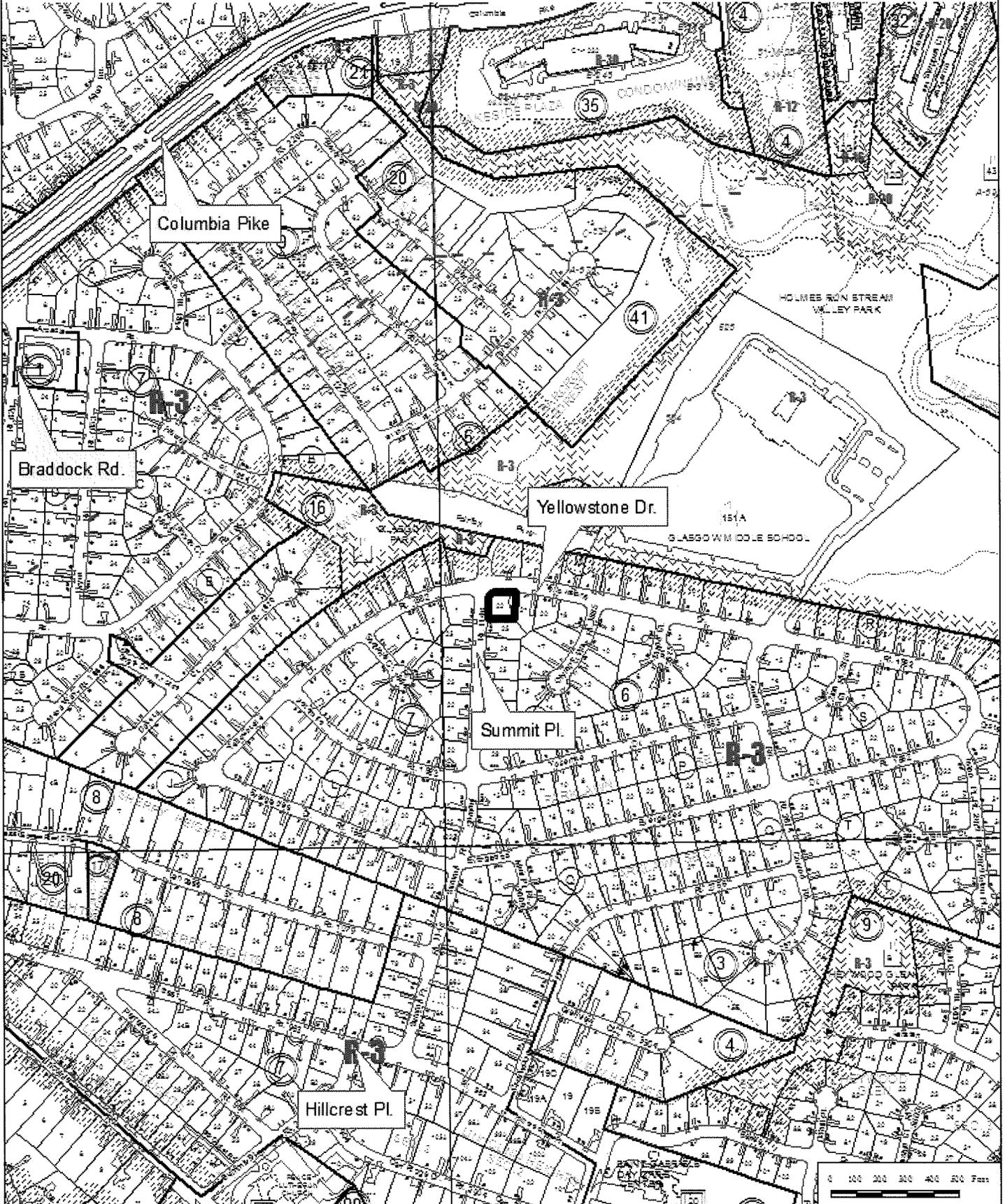


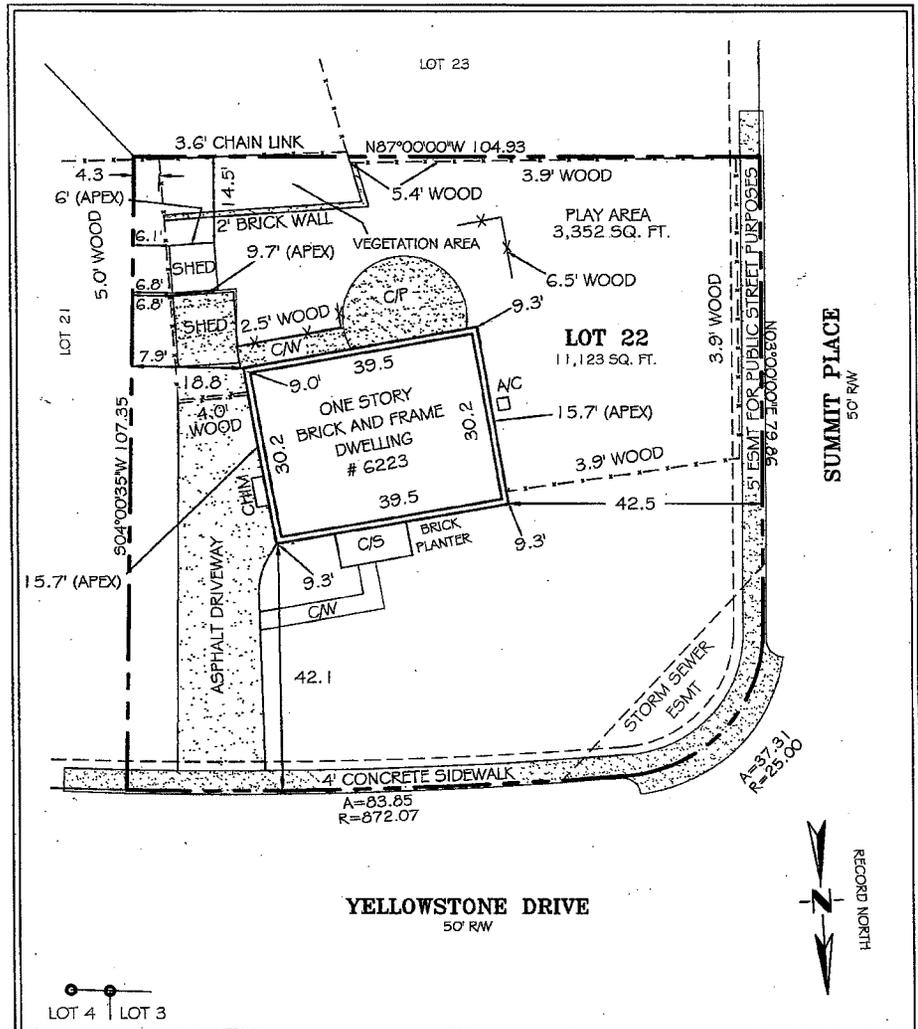
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-MA-163

DIPSHIKA BASNET, YELLOWS TONE CHILDCARE LLC





HOUSE LOCATION SURVEY
LOT 22 SECTION TWO
BLOCK N PARKLAWN
DEED BOOK 1315 PAGE 108
FAIRFAX COUNTY, VIRGINIA
DATE: JULY 7, 2014
SCALE: 1" = 20'
DRAWN BY: D.B.T.



LEGEND

CW = CONC WALK	C/P = CONC PATIO
SW = STONE WALK	R/E = RECESSED ENTRY
WL = WOOD LANDING	CHIM = CHIMNEY
B/L = BRICK LANDING	O.H. = OVERHANG
WD = WOOD DECK	BW = BAY WINDOW
C/S = CONC STOOP	CHW = OVERHEAD WIRE
M/S = METAL STOOP	AW = AREA WAY
C/C/S = COVERED CONC STOOP	● = IRON PIPE
	-X- = FENCE

NOTES

THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY; IT IS A HOUSE LOCATION SURVEY. ANY MONUMENTS SHOWN ON THIS PLAT WERE RECOVERED IN THE FIELD AND DEEMED SUFFICIENT FOR A HOUSE LOCATION SURVEY. THIS PLAT DOES NOT CERTIFY THAT THE LOCATIONS OF THESE MONUMENTS ARE PRECISELY CORRECT. YOUR LENDER REQUIRED A HOUSE LOCATION SURVEY TO VERIFY THE ORIENTATION OF THE HOUSE, LOCATION OF IMPROVEMENTS, AND TO ENSURE THAT THERE ARE NO IMPROPER ENCUMBRANCES UPON THE PROPERTY. IF THE OWNER DESIRES THE PRECISE LOCATION OF CORNERS TO BE MARKED, THEN A BOUNDARY SURVEY MAY BE REQUESTED FOR AN ADDITIONAL FEE. THE LOCATION OF FENCES, DRIVEWAYS, AND OTHER IMPROVEMENTS ARE APPROXIMATE. THIS PLAT DOES NOT DETERMINE THE OWNERSHIP OF FENCES. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. THIS PLAT WAS ESTABLISHED BY TRANSIT AND TAPE. NO TITLE REPORT WAS FURNISHED.

SAM WHITSON, L.S./LAND SURVEYING
 7061 GATEWAY COUR SUITE 150
 MANASSAS, VIRGINIA 20109
 (703)330-9622 FAX: (703)330-9778

OWNER: BASNET

 W.O.# 14-492

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

The applicant is also seeking a special permit for an error in building location to allow an accessory storage structure (shed), 9.7 feet in height, to remain 6.8 feet from the eastern (rear) property line. Due to the fact that it is a corner property, a shed in the rear yard can take the minimum side yard setback of 12 feet.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Shed	Side	12.0 feet	6.8 feet	5.2 feet	43.3%

A copy of the special permit plat, titled “House Location Survey, Lot 22, Section Two, Block N, Parklawn,” as drawn by L.S. Whitson, L.S, dated July 7, 2014, as revised by the applicant on February 23, 2015, 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 site is developed with a one story, single-family detached dwelling. An asphalt driveway, covered stoop and concrete walkway are located in the front (north) yard along Yellowstone Drive. A patio, walkway, and a vegetation area are located in the side (south) yard. The 6.5 foot high fence in the front yard will be removed. A fenced-in play area is located in the side (south) and in the front (west) yard along Summit Place. Two



Figure 1- Aerial View of Subject Property

accessory storage structures, one 6.0 feet tall and one 9.7 feet tall are also located in the rear yard.

The property is located southeast of Columbia Pike on the southeast corner of the intersection of Yellowstone Drive and Summit Place. The subject property and surrounding properties to the east, west and south are zoned R-3 and developed with single-family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1955, and purchased by the property owner in 2003.

Records indicate that no other special permit or variance applications relating to a home child care 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. There is an existing staggered drop-off and pick-up schedule for the children. There are currently two assistants.

The home child care facility is operated on the main level of the house. The enclosed play area is located in the rear and side yards of the property.

The applicant holds a current Family Day Home License, from the Commonwealth of Virginia, Department of Social Services, effective for two years and expiring on October 17, 2015. The license lists the business hours as 7:00 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of twelve children, from birth through 12 years, 11 months of age. A copy of the license is included as Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Glasgow Community Planning Sector (B4)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	11,123 s.f.
Lot Width	Corner: 105 feet	107.35 feet
Building Height	35 feet max.	Not provided
Front Yard ¹	Min. 30 feet	42.1 feet / 42.5 feet
Side Yard ¹	Min. 12 feet	29 feet/ 18 feet

1. Because the property is located on a corner lot, for the purpose of setbacks, it has two front yards and two side yards.

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Shed #1	Rear	15 feet	6.8 feet ¹
Shed #2	Rear	15 feet	6.1 feet ²
Patio	Side	No closer than 5 feet to any lot line	17 feet

1 Shed requested for error in building location with this application

2. Shed is under 8.5 feet in height therefore can be located anywhere in rear or side yard

On-Site Parking and Site Circulation

Vehicular access to the site is provided by a concrete driveway from Yellowstone Drive. The existing driveway and carport can accommodate approximately three vehicles and on-street parking is available. The applicant parks one of their cars in the driveway and the assistants do not drive.

Zoning Inspection Branch Comments (Appendix 5)

As discussed, staff noted the presence of an accessory storage structure in the rear yard that does not meet minimum setback requirements. The applicant has added an error in building location to a special permit application for a home child care to bring the shed into compliance.

Zoning Ordinance Requirements (Appendix 6)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 10-103 Par. 6 Location Regulations

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-5 District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be made available for the home child care use. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing fencing that separates the play area from the neighbors.
Standard 6 Open Space	All common open space lands shall be controlled by provisions of Part 7 Article 2.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

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

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

Standard 1 Maximum of 12 Children & Non-Resident Employees	The applicant is proposing a maximum of 12 children at any one time, which complies with the ordinance requirements. The applicant requests two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing fence in the rear yard that provides screening of the outdoor play area.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.
Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through October 17, 2015 for 12 children from 7:00 a.m. to 6:00 p.m., Monday through Friday.

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

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single-family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.
Part B Licensed Provider/ Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except play equipment and toys.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees and they shall only be at the home child care between 7:00 a.m. to 6:00 p.m., Monday through Friday.
Part E Provider is a Resident	The provider is a resident of the property.

<p>Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>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. A development condition is proposed to ensure the home child care will continue to meet state license requirements.</p>
<p>Part G Increase in Children or Non-Resident Employees</p>	<p>The maximum number of children permitted by-right at any one time is 7 in a single-family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident assistants.</p>

CONCLUSION/ RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the recommendations of the Comprehensive Plan.

Staff recommends approval of SP 2014-MA-163 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1. Staff does not make a recommendation on errors in building location.

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 with Select File Photographs
3. Applicant’s Affidavit
4. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-163****April 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-163 located at Tax Map 61-4 ((6)) (N) 22 to permit a home child care facility and an error in building location to allow an accessory storage structure to remain 6.8 feet from a rear property line, pursuant to Sects. 3-303, 8-305 and 8-914 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, Dipshika Basnet, Yellowstone Childcare, LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 6223 Yellowstone Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use and accessory storage structure indicated on the plat "House Location Survey, Lot 22, Section Two, Block N, Parklawn," as drawn by L.S. Whitson, L.S, dated July 7, 2014, as revised by the applicant on February 23, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The applicant shall continue to operate with the state approved hours of operation, 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 provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick up and drop off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.

10. 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.
11. The accessory storage structures shall remain locked during the hours of operation of the home child care facility.
12. Any portions of the dwelling associated with the home child care facility that is 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.

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.

RECEIVED
Department of Planning & Zoning

MAR 05 2014

Zoning Evaluation Division

February 28, 2014

From: DIPSHIKA BASNET
Yellowstone Childcare
6223 Yellowstone Dr
Alexandria, VA 22312

To: The Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

To Whom It May Concern:

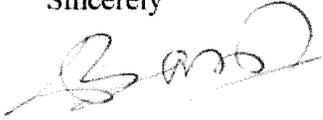
I wish to inform that I own and live in a single-family one-story dwelling at 6223 Yellowstone Drive, Alexandria, VA 22312. The property is zoned R-3 (Residential 3DU/AC). I also understand that I need to seek approval of a special permit in order to operate a child care facility within my home to provide care for 12 children. Currently, I am licensed by the State of Virginia (copy enclosed) and I am pleased to provide the information about my child care as hereunder:

License Number: FDH 1108472-L101
 Hours of Operation: 7 AM to 6 PM, Monday through Friday.
 Number of Children: I care for up to 10 children.
 Employees: I have one full-time assistant -10:00 AM to 6:00 PM. Another part-time assistant - 8:30AM to 1:30 PM as and when needed.
 Arrival Schedule: The children arrive between 7 AM and 10 AM. Not more than two children arrive at the same time.
 Departure Schedule: The children are picked-up from 4.00 PM to 6 PM. As is at the arrival, no more than two children are picked-up at the same time.
 Area Served: Currently, all but two children live in the vicinity of my neighborhood (City of Alexandria/Fairfax County). The remaining two come from neighboring Arlington County. All the children are dropped-off and picked-up by the parents.
 Operations: My house is a single-family one-story dwelling. I use one-room for the toddlers, one-room for the infants. And, I also use my living-room, dinning-room and kitchen for play, meals and snacks. The floor plan is attached.
 Outdoor Play: I use my spacious backyard for outdoor play for children. Adequate playing stuffs are available for the children. The backyard is fenced and safe for the children.
 Parking: My driveway provides enough parking spaces for up to three cars. Besides, ample parking space is available along the streets in front of my house. Parking has never been a problem and neither is it going to be a cause for concern or going to impact my immediate

neighbors at all. While my full-time assistant lives five minutes walking distance away from my daycare, my part-time assistant lives in the immediate next house. As such, they do not have to use their cars or park during daycare operation hours.

Incidentally, I wish to confirm that I am proposing no changes to the appearance of my Home both within and outside and in the event I envisage any changes I will seek prior approval from the Department of Planning and Zoning.

Sincerely

A handwritten signature in black ink, appearing to read 'Dipshika Basnet', written in a cursive style.

**Dipshika Basnet
Owner
Yellowstone Childcare**

Departure Schedule. All of the children are proposed to be picked up at ^{from} 3 PM. to 6PM
NOTE: PLEASE REFER ATTACHMENT 3B.

Parking. I propose to use my DRIVEWAY to park my family car. My parents will park IN MY DRIVEWAY AND OPEN STREET PARKING.
NOTE: MY HUSBAND USES OUR FAMILY CAR AND HE LEAVES FOR WORK AT 7:30 AM AND COMES HOME AFTER 6 PM ONLY.

Area Served. ALEXANDRIA, FALLS CHURCH, FAIRFAX AND ARLINGTON

Operations. As I stated, my house is a SINGLE FAMILY DWELLING it has 3 BEDROOMS, LIVING AND DINING ROOM, ONE FULL BATH, ONE HALF BATH, ONE STORAGE ROOM AND HALLWAY. EXCEPT MASTER BEDROOM, ALL OTHER AREAS ARE BEING USED FOR THE CHILDCARE FACILITY.

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. AB (initials)

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

Outdoor Play Area. I propose to use my BACKYARD for outdoor play for the children. The area is approximately 3,352 square feet. There is MOBILE SLIDE, AND OTHER MOBILE CARS AND TOYS

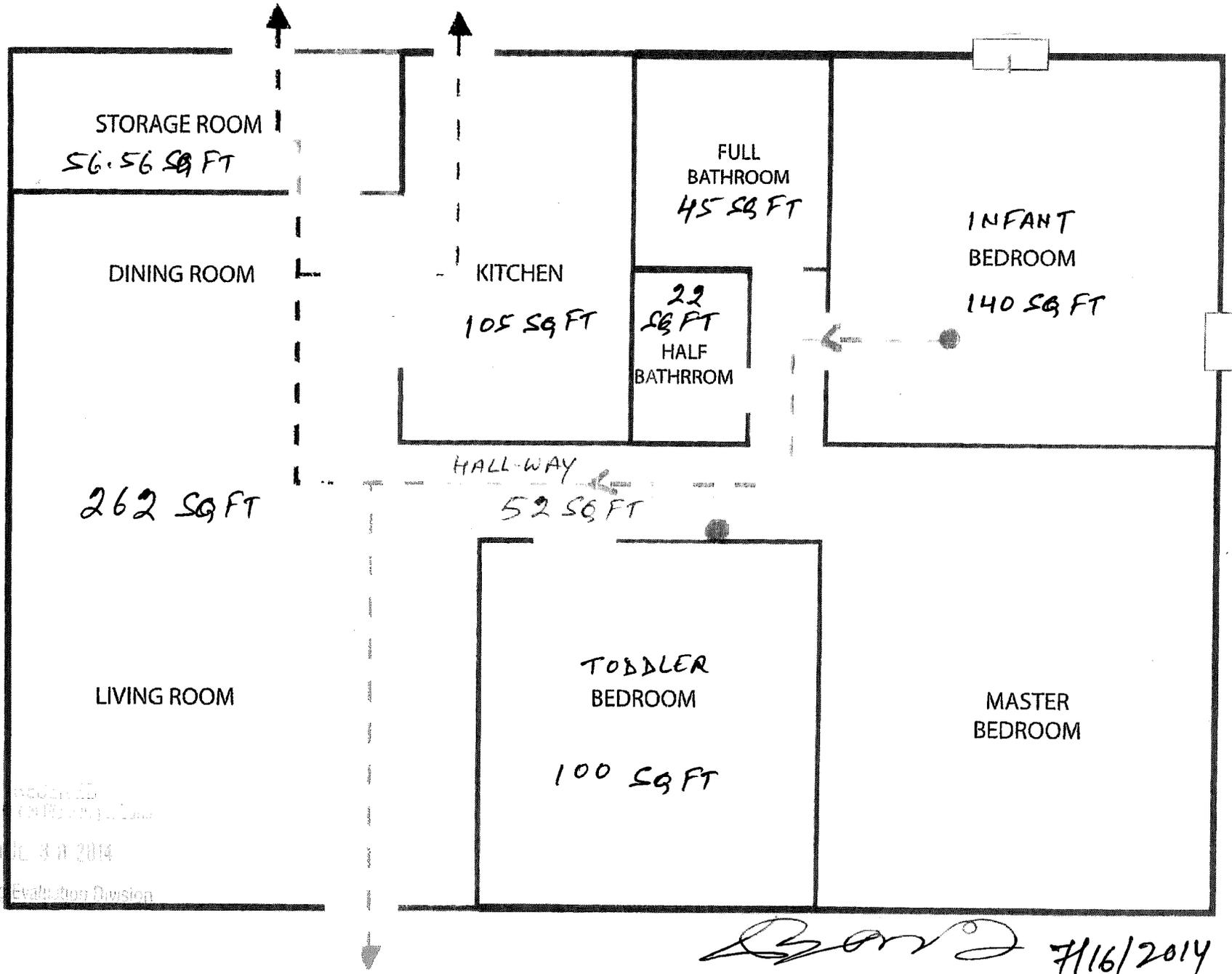
For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing FOR THE APPROVAL OF SPECIAL PERMIT TO CARE FOR 12 CHILDREN NOT ONLY TO EXPAND MY HOME CHILDCARE BUT MOST IMPORTANTLY TO SERVE AND CATER THE GROWING DEMANDS IN THE AREA.
CURRENTLY, I CARE FOR 10 CHILDREN.

Sincerely,

DIPSHIKA BASNET *Basnet*
Owner of YELLOWSTONE CHILDCARE, LLC

RECEIVED
Department of Planning & Zoning
JUL 30 2014
Zoning Evaluation Division



ROOM ID
 ROOM NAME
 JUL 31 2014
 Zoning Evaluation Division

Basnet 7/16/2014
 DIPSHIKA BASNET
 YELLOWSTONE CHILDCARE, LLC

ATTACHMENT 3B

Proposed Arrival and Departure Schedule for: YELLOWSTONE CHILDCARE, LLC

Address: 6223 YELLOWSTONE DRIVE, ALEXANDRIA, VA 22312

Proposed Arrival Schedule

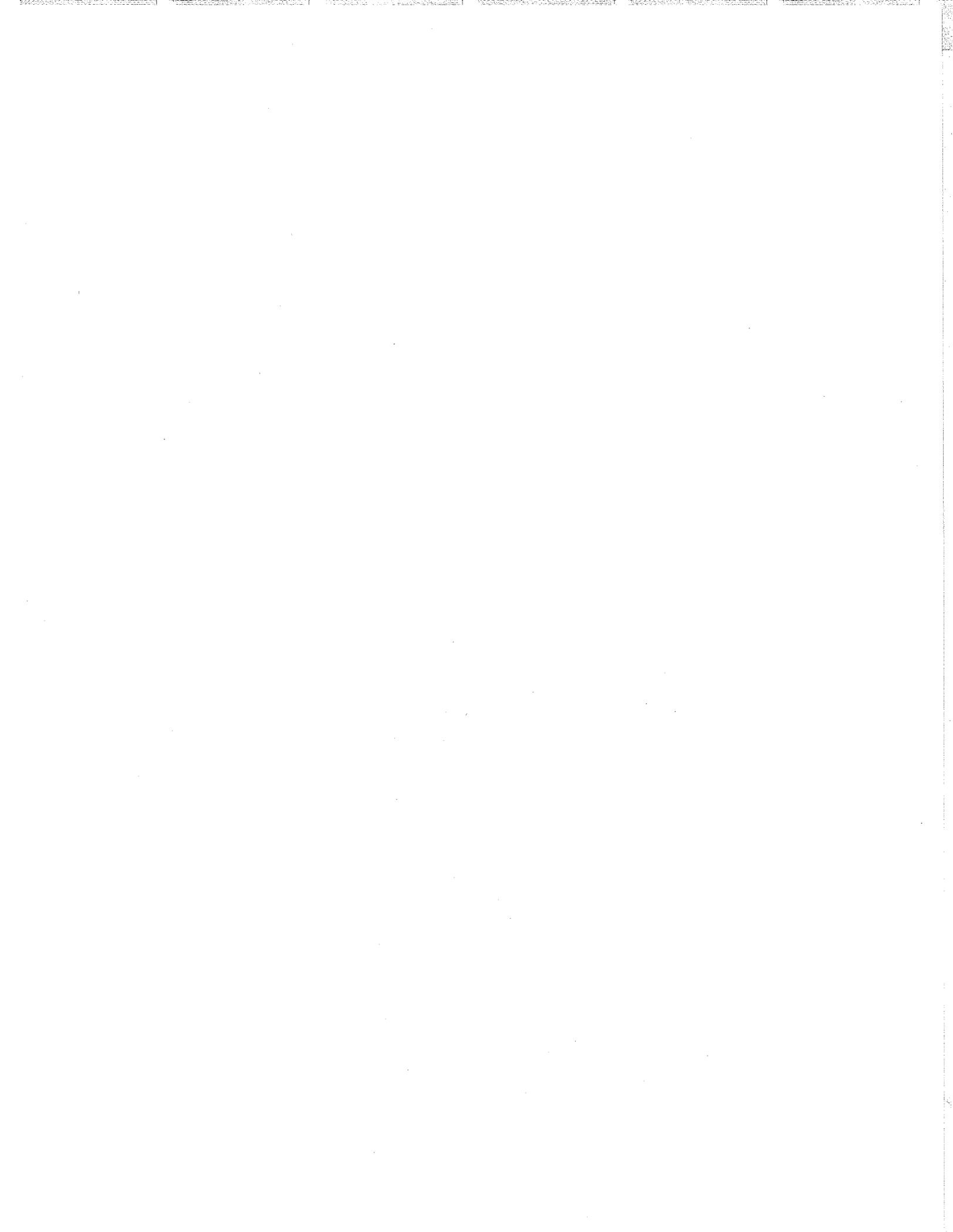
Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM
1	1			
2	2			
3	3			
4	4			
5		5		
6		6		
7			7	
8				8
9				9
10				10
11				
12				

Proposed Departure Schedule

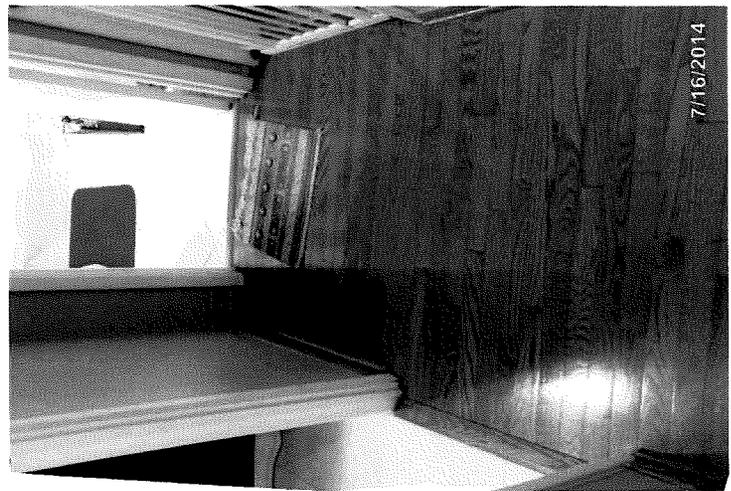
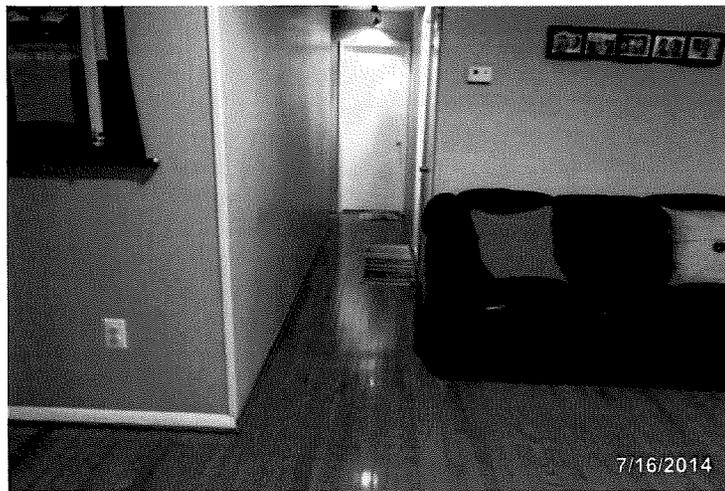
Child	2:45 – 4:15 AM	4:15 – 4:30 AM	4:30 – 5:00 AM	5:00 – 5:30 AM
1				1
2				2
3	3			
4		4		
5			5	
6		6		
7			7	
8	8			
9	9			
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11				
12				

Appendix 1

RECEIVED
 Department of Planning & Zoning
 JUL 8 0 2014
 Zoning Evaluation Division

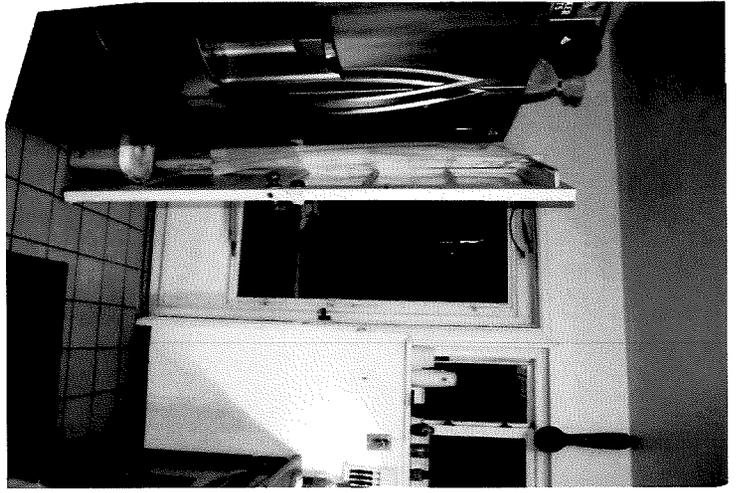


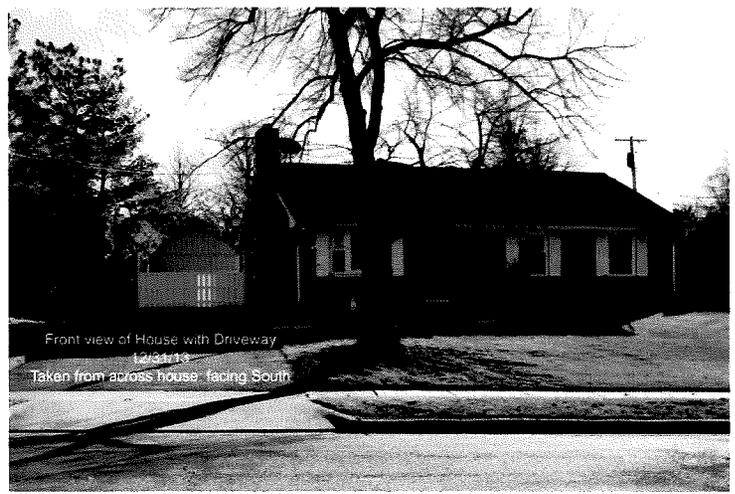












Front view of House with Driveway
12/31/13
Taken from across house facing South

Application No.(s): SP 2014-MA-163
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06-21-2014
 (enter date affidavit is notarized)

I, DIPSHIKA BASNET, 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: 124674

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
DIPSHIKA BASNET	6223 YELLOWSTONE DRIVE ALEXANDRIA, VA 22312	APPLICANT/TITLE OWNER
DILPRASAD BASNET	6223 YELLOWSTONE DRIVE ALEXANDRIA, VA 22312	TITLE OWNER
TRISHNA BASNET	6223 YELLOWSTONE DR ALEXANDRIA, VA 22312	TITLE OWNER
PREENA BASNET	6223 YELLOWSTONE DRIVE ALEXANDRIA, VA 22312	TITLE OWNER
YELLOWSTONE CHILD CARE, LLC	6223 YELLOWSTONE DRIVE ALEXANDRIA, VA 22312	CO-APPLICANT

(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).

CMB

Application No.(s): SP 2014-MA-163
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06-21-2014
(enter date affidavit is notarized)

124674

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)

YELLOWSTONE CHILD CARE, LLC
6223 YELLOWSTONE DR
ALEXANDRIA, VA, 22312

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)

DIPSHIKA BASNET

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

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

Application No.(s): SP 2014-MA-163
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06-21-2014
(enter date affidavit is notarized)

124674

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.

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

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

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

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

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

"NONE"

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

Application No.(s): SP 2014-MA-163
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

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(enter date affidavit is notarized)

124674

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)

[Signature]

Applicant

Applicant's Authorized Agent

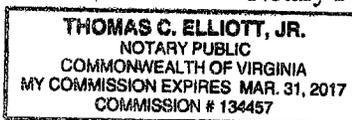
DIPSHIKA BASNET

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

Subscribed and sworn to before me this 21 day of June 2014, in the State/Comm. of VA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 03/31/2017



CAB

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES



HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE CHILD SUPPORT COMMUNITY SUPPORT CAREERS

Dipshika Basnet

6223 Yellowstone Drive

ALEXANDRIA, VA 22312-1133

(703) 256-6380

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: Oct. 17, 2015Business Hours: 7:00 am - 6:00 pm
Monday - Friday

Capacity: 10

Ages: Birth - 12 years 11 months

Inspector: Dolores Casseen
(703) 479-4709





County of Fairfax, Virginia

MEMORANDUM

Date: February 18, 2015

To: Laura Arsenau, Planner II
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2014-MA-163

Applicant: Dipshika Basnet
6223 Yellowstone Drive, Alexandria, Virginia 22312
Parklawn, Lot 22, Block N, Sec 2
Tax Map# 61-4 ((06)) (N) 0022
Zoning District: R-3
Magisterial District: Mason
ZIB # 2015-0037
Date of Inspection: February 5, 2015

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

- 1. 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.)
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. 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.

- 4. 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.
- 5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 6. 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.
- 7. 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.
- 8. Structures comply with the Zoning Ordinance.
 - *The property contained one accessory structure, which is in excess of 8' 6" in height.

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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

Appendix 6

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.