



APPLICATION ACCEPTED: February 2, 2015
BOARD OF ZONING APPEALS: May 20, 2015 @: 9:00 a.m.

County of Fairfax, Virginia

May 13, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2015-PR-020

PROVIDENCE DISTRICT

APPLICANT: Riffat Jabeen

OWNERS: Riffat Jabeen
Shahid Khawaja

SUBDIVISION: Pinewood Greens

STREET ADDRESS: 7850 Snead Lane, Falls Church, 22043

TAX MAP REFERENCE: 49-2 ((22)) 61

LOT SIZE: 1,760 square feet

ZONING DISTRICT: R-8 Cluster

ZONING ORDINANCE PROVISIONS: 3-803, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-020 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

Laura Arseneau

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.

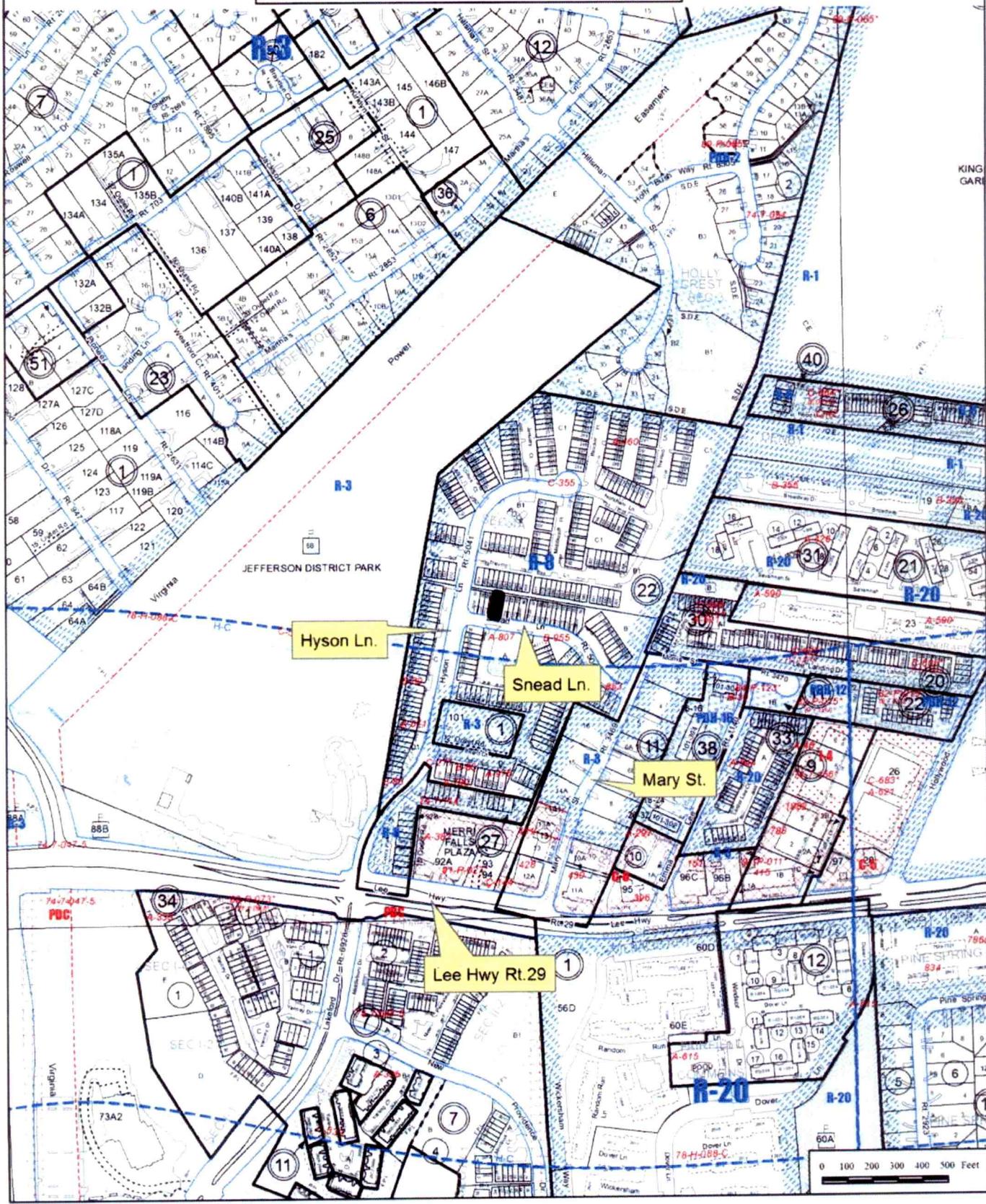
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 2015-PR-020
RIFFAT JABEEN



Hyson Ln.

Snead Ln.

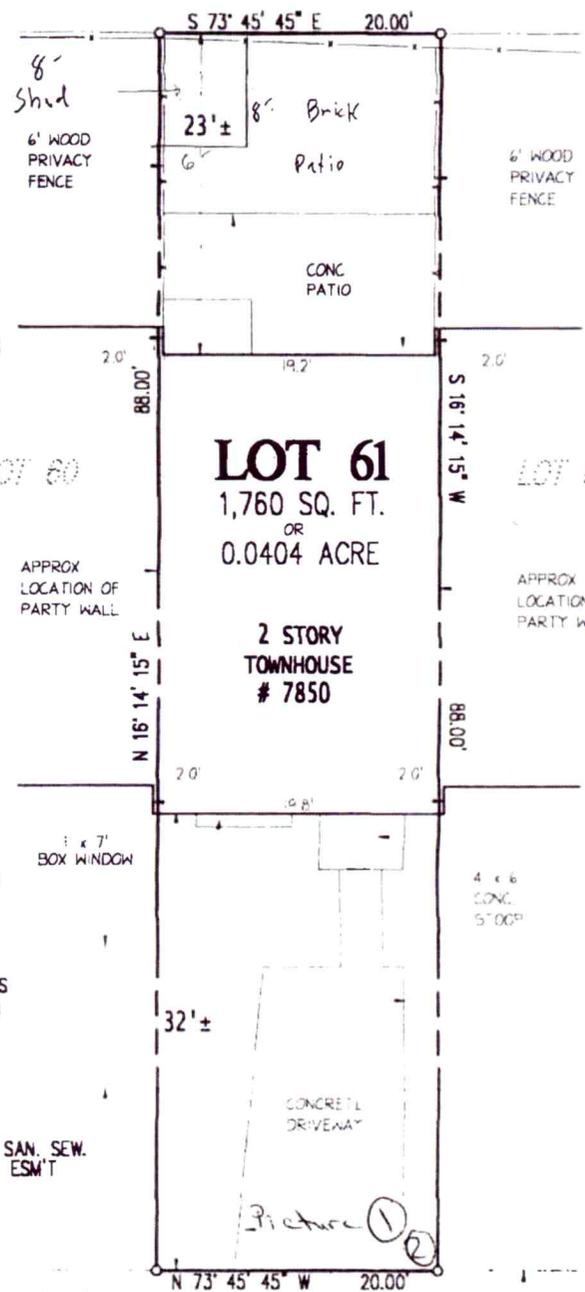
Mary St.

Lee Hwy Rt. 29





PARCEL "B"



- 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 BE IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP # 515525-0079-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 # 049-2-22-0061
 - 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
 - 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 3391, PAGE 172 (UNLESS NOTED OTHERWISE).
 - 8) NO CORNER MONUMENTATION FOUND IN THIS AREA. BOUNDARY LINES ESTABLISHED FROM EXISTING PHYSICAL EVIDENCE.



10' SAN. SEW. ESM'T

HYSON LANE

HOUSE LOCATION SURVEY
LOT 61
PINEWOOD GREENS
 PROVIDENCE MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SNEAD LANE
 (50' R/W)
 SNEAD LANE Sidewalk

Rifat Jabben
 Rifal
 1-9-2015

LEGEND:
 -X- DENOTES FENCE LINE

MBH # C0407077

KHAWAJA & JABGEN / REYES & ZAZUETA

| | | | | |
|---|-------------|---------------------------|-----------------------|--------------|
| B.W. SMITH AND ASSOCIATES, INC. | | | FIELD CREW: D. CONRAD | |
| PROFESSIONAL LAND SURVEYING | | | | |
| MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996 | | | | |
| | | | JOB# 20043772 | |
| DFT: R.L.G. | CHK: A.M.S. | NO TITLE REPORT FURNISHED | SCALE= 1" = 10' | DATE: 8/6/04 |

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 61, Pinewood Greens," prepared by Brian W. Smith, L.S. on August 6, 2004, as revised by the applicant Riffat Jabeen on January 9, 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 single-family attached dwelling. A stoop, walkway, and concrete driveway exist in the front (south) yard of the dwelling. The rear (north) yard contains a brick and concrete patio and is enclosed by a 6 foot fence and

The property is located north of Lee Highway and east of Hyson Lane. The subject property and surrounding properties are zoned R-8 Cluster and developed with single family attached dwellings. Open space with a playground owned by the homeowners association is located to the south across Snead Lane.



Figure 1- Aerial View of Subject Property

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1971 and purchased by the applicant in 2004.

On April 14, 2015, the Department of Code Compliance (DCC) received a complaint regarding multiple dwellings at the subject property. DCC inspected the complaint, found no violation, and closed the case on May 4, 2015 (Appendix 4).

A second violation was received on April 14, 2015, for unpermitted interior renovations for the construction of a framed wall around the existing electrical panel (Appendix 4). A proposed development condition has been included to address this concern, by having the

applicant either obtain a building permit or remove the newly constructed wall within 90 days.

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 7:30 a.m. and 5:30 p.m., Monday through Friday. Currently, they are operating with five children and are applying for six in the immediate future. The applicant would like the opportunity to increase capacity in the longer term to an enrollment of up to 12 with an approved state license.

There is an existing staggered drop-off and pick-up schedule for the children. Currently, the applicant has one resident assistant and is requesting one non-resident assistant.

The home child care facility is operated on the main level of the dwelling. The applicant uses the open space across Snead Lane owned by the homeowner's association for the play area. The applicant has submitted a letter from the Pinewood Greens Homeowners Association that acknowledges the operation of the home child care at the subject property and grants permission to use the play area and visitor parking spaces (Appendix 5).

The applicant operates a current home child care managed through Infant Toddler Family Day Care (ITFDC) a non-profit 501 (c) (3) organization. This company has an approved a state license from the Commonwealth of Virginia, Department of Social Services valid through January 7, 2016 (Appendix 6).

The company issues their own licenses to providers for up to six children at one time. This company issued a license to the applicant for five children, effective from August 31, 2014 through August 31, 2015 (Appendix 6). A development condition will be added that if the applicant wishes to increase enrollment to more than six children, they must apply for and obtain a valid state family day home license.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Jefferson Planning District
Planning Sector: Shreve West Community Planning Sector (J8)
Plan Map: Residential, 8-12 du/ac

Zoning District Standards

| Bulk Standards (R-8) for Single Family Attached Dwellings | | |
|--|--|---------------------------|
| Standard | Required | Provided |
| Lot Size | No requirement for attached single family dwelling | 1,760 square feet |
| Lot Width | 18 feet | 20 feet |
| Building Height | 35 feet max. | Not provided |
| Front Yard ¹ | Min 5 feet w/ 15 ABP* | 28 feet to front stoop |
| Side Yard | Min. 10 feet w/ 15 ABP | None (interior townhouse) |
| Rear Yard | Min. 20 feet w/ 30 ABP | 23 feet |
| Privacy Yard | Min. 200 s.f. | 440 s.f. |

*ABP = Angle of Bulk Plane

| Accessory Storage Structures | | | | |
|-------------------------------------|-------------|------------------------------|--------------------------|----------------------|
| Structure | Yard | Minimum Yard Required | Existing Location | Permit Status |
| Shed | Side | Under 8.5 feet in height | On property line | n/a |

On-Site Parking and Site Circulation

There is a concrete driveway with one parking spot available. The applicant leaves the reserved parking space open during home child care hours of operation. The applicant and assistants park along the public street.

A concrete walkway connects the sidewalk and parking area to the front door of the dwelling.

Zoning Inspection Branch Comments (Appendix 7)

Staff found that there was no smoke detector in the sleeping area. Additionally, staff found that corrective electrical work was needed to the electrical panel and that there was not adequate clearance around the furnace and hot water heater. The applicant has provided photographic documentation of the adequate clearance around the furnace and hot water heater to staff. They have also provided photographs of the removed wall construction around the electrical panel. These photos and included in Appendix 7. The

applicant indicates that they will make the necessary repairs to the electrical panel within 90 days. A proposed development condition is included to ensure that all electrical permits and final inspections are obtained within this timeframe.

A potential Accessory Dwelling Unit with a full kitchen and stove was discovered by staff in the basement of the dwelling. The applicant has corrected this violation, which included removing the stove and has provided photo documentation which is included in Appendix 7.

Zoning Ordinance Requirements (Appendix 8)

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

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

| | |
|---|---|
| <p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p> | <p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-8 (Cluster) District permits a home child care facility as an accessory use with special permit approval.</p> |
| <p>Standard 3 Adjacent Development</p> | <p>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.</p> |
| <p>Standard 4 Pedestrian/Vehicular Traffic</p> | <p>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.</p> |
| <p>Standard 5 Landscaping/Screening</p> | <p>The play area is proposed to be in a public area owned by the homeowners association. Therefore, the applicant is not required to provide screening and landscaping.</p> |
| <p>Standard 6 Open Space</p> | <p>Open space on individual lots are not required in an R-8 Cluster District.</p> |
| <p>Standard 7 Utilities, Drainage, Parking, and Loading</p> | <p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the assigned and visitor parking will be used for the pick-up and drop-off of children.</p> |
| <p>Standard 8 Signs</p> | <p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p> |

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

| | |
|--|--|
| <p>Standard 1 Lot Size and Bulk Regulations</p> | <p>The property conforms to the lot size and bulk regulations of the R-8 Cluster District. No exterior modifications are proposed with this application.</p> |
| <p>Standard 2 Performance Standards</p> | <p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p> |
| <p>Standard 3 Site Plan</p> | <p>Home child care facilities are not subject to the provisions of Article 17, Site Plans.</p> |

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

| | |
|--|--|
| <p>Standard 1 Maximum of 12 Children & Non-Resident Employees</p> | <p>The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests one non-resident employee.</p> |
| <p>Standard 2 Access and Parking</p> | <p>Arrival and departure times of the children are staggered and parking is available in the dedicated spot belonging to the property and also in nearby public parking along Snead Lane. The applicant has provided a letter from the Homeowners Association acknowledging the operation of the home child care. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p> |
| <p>Standard 3 Landscaping/Screening</p> | <p>The applicant uses the common area owned by the Homeowners Association for the play area. There have been no complaints from the neighbors about the existing home child care use.</p> |
| <p>Standard 4 Submission Requirements</p> | <p>The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.</p> |
| <p>Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p> | <p>The applicant has a valid home child care license through Infant Family Toddler Day Care (IFTDC), a non-profit 501-(c)(3) organization, approved through August 31, 2015. The company has an approved state license through the state.</p> |

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

| | |
|---|--|
| <p>Part A Maximum Number of Children</p> | <p>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 allow a maximum of twelve children at any one time.</p> |
|---|--|

| | |
|---|--|
| <p>Part B Licensed Provider/ Primary Residence</p> | <p>The applicant is a home child care provider under IFTDC and has a state license through that company. The applicant shall obtain a valid state license for any increase in enrollment over six children. The subject property is the provider's primary residence.</p> |
| <p>Part C No Exterior Evidence Except Play Equipment</p> | <p>There is no exterior evidence of the proposed use except play equipment and toys.</p> |
| <p>Part D Non-Resident Employee</p> | <p>The applicant is proposing one non-resident employee and they shall only be at the home child care between 7:30 a.m. to 6:00 p.m., Monday through Friday.</p> |
| <p>Part E Provider is a Resident</p> | <p>The provider is a resident of the property.</p> |
| <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 is a home child care provider under IFTDC and has a state license through that company. A development condition has been added in Appendix 1 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 five in a single family attached 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 one non-resident assistant.</p> |

CONCLUSION/ RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions. Staff believes that the subject property is appropriate for a home child care facility with six children under the Infant Family Toddler Day Care non-profit.

In addition, staff believes that the proposed property could adequately support the use of a state licensed home child care for up to twelve children due to adequate parking, support from the homeowners association, adequate emergency egress, a suitable outdoor play area and other zoning related issues.

Staff recommends approval of SP 2015-PR-020 for the home child care facility with the 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 with Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Letter from Homeowner's Association
6. Family Day Home Licenses
7. Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-020****May 13, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-020 located at Tax Map 49-2 ((22)) 61 to permit a home child care facility, pursuant to Sects. 3-803 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Riffat Jabeen, and is not transferable without further action of the Board, and is for the location indicated on the application, 7850 Snead Lane, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled "House Location Survey, Lot 61, Pinewood Greens," prepared by Brian W. Smith, L.S. on August 6, 2014, as revised by the applicant Riffat Jabeen on January 9, 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 approved hours of operation, 7:30 a.m. to 5:30 p.m.
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 one non-resident employee 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 applicant shall only operate with six children while associated with the Infant Family Toddler Day Care (non-profit), until an approved state license for up to 12

RECEIVED
Department of Planning & Zoning

JAN 09 2015

Zoning Evaluation Division

RIFFAT JABEEN
7850 SNEAD LANE
FALLS CHURCH, VIRGINIA 22043
PHONE: 703 -560-0981

January, 9 2015

Request for Special Permit Approval for a Home Day Care.
Applicant Only Wants To Be Approved To Care For 6 Children.

1- Introduction:

1. My name is Riffat Jabeen. I am owner and operate a home daycare service at my home 7850 Snead Lane, Falls Church, Virginia 22043 in the Pinewood Greens Home neighborhood of Falls Church. The parcel is 1,760 square feet in size and is identified in the Fairfax County tax record as MAP # 0492 22 0061. My neighbors are fully aware of my business and have shown no objections at all.
2. The home day care hours of operation: Monday through Friday 7:30am – 5:30pm. The drop off time is generally between 7:30am – 9:00am. And the pickup time is generally between 4:45pm 5:50pm.

| ARRIAL TIME | DEPARTURE TIME |
|-----------------|----------------|
| 1. CHILD 7:30AM | 5:00PM |
| 2. CHILD 8:00AM | 5:00PM |
| 3. CHILD 9:00AM | 5:30PM |
| 4. CHILD 9:00AM | 5:30PM |
| 5. CHILD 9:30AM | 3:30PM |

The 3 parents drive their children in their cars and bring their cars directly onto my reserved parking area and walk the child from reserved area to my front door. Other 2 parents are living to close to my home and walk with children to my front door, too. There is rarely ever a case when more than one parent comes at the same time. In those are cases I have 1 empty spot parking area at the sidewalk and my

experience there's never been an instance of more than two parents who have dropped off their children at the same time.

3. This house is associated with the **Pinewood Greens Homeowners Association**. The HOA is fully aware of my daycare.

4. Parents are generally from Falls Church and Fairfax County area. Two parents live in my neighborhood.

5. The dwelling is a corner town house with three levels. One upstairs, one main level, and an underground basement – full finished. The main entrance is on the side of the home on the main level, back exit from the backyard which has a path behind it which can be used for an emergency evacuation. There are three bedrooms upstairs, and two full baths upstairs. There is a dining room, kitchen, living room, main hall, and bath located on the main level. The basement which is full finished basement, and the remainder of the basement is used for storage. The backyard is gated with a 5ft 10in fence.

6. Traffic Study Waiver Request: The property is located 7850 Snead Lane, Falls Church, Virginia 22043 and the street Snead Lane intersects with Hogan Court which intersects with Hyson Lane and Hyson Lane intersects with Route 29 which is Lee Highway. Snead Lane street almost wide Street with sidewalks on both sides. The parents drive their children in their cars and bring directly onto my reserved parking area and walk or carry from the parking area to my front door. There are absolutely no children who arrive at the daycare unsupervised. All children dropped off in a car by their parents. When the parents come to pick up or drop off children, they come directly to the front door and once the door is opened, they come and stand/wait inside the house for their children's drop off or pick up. Due to these precautions the neighboring houses are not impacted adversely.

7. The area does conform to general standard; section 8-006 of zoning ordinance. No known hazardous or toxic substances.

8. The area does conform to special standards for Home Child Care Facilities; Section 8-305 of Zoning Ordinance. The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

Riffat Tabeen
1.9.2015 Riffat

RECEIVED
Department of Planning & Zoning
JAN 28 2015
Zoning Evaluation Division

Date: 01/26/2015

Department of Planning and Zoning
12055 Government Center Parkway, Suite: 801
Fairfax, VA 22035-5509

Re: Special Permit Application.

File: SP 2015-0006

To Whom It May Concern.

I own and live in a town house dwelling 7850 Snead Lane, Falls Church VA 22043. The property is zoned R-8. I would like to receive a special permit for my currently home daycare, I want to be approved to care of 6 children.

a) Item: 1.00

Owner Consent Statement (signed by owner)

See attached.

b) Item: 3.00

You can see pictures of back yard at the attached.

See attached.

c) Item: 5.04

I have an assistant and she lives in my neighborhood and doesn't have a car and doesn't have drive licenses.

d) Item: 305.02

Floor plan has been updated and could see at the attached

See attached.

e) Scheduling Authorization:

Signed by Applicant

See Attached.

f) Storage in backyard:

I have a storage in back yard(could see at pictures) but I am not working in basement and working only first floor and here is the storage`s dimensions are:

8 feet long x 6 feet wide x 8 feet high

See attached.


RIFFAT JABEEN

7850 SNEAD LANE

FALLS CHURCH, VA 22043

[TEL:703-989-8226](tel:703-989-8226)

Window

Window

Riffat Sobee
1-9-2015
Riffat

Dining Room

8-0 x 10 7

Living Room

11-0 x 17-7

Kitchen

8-0 x 11-0

Small
Bathroom

Family Room

12-10 x 9-4

10-1-300

Basement

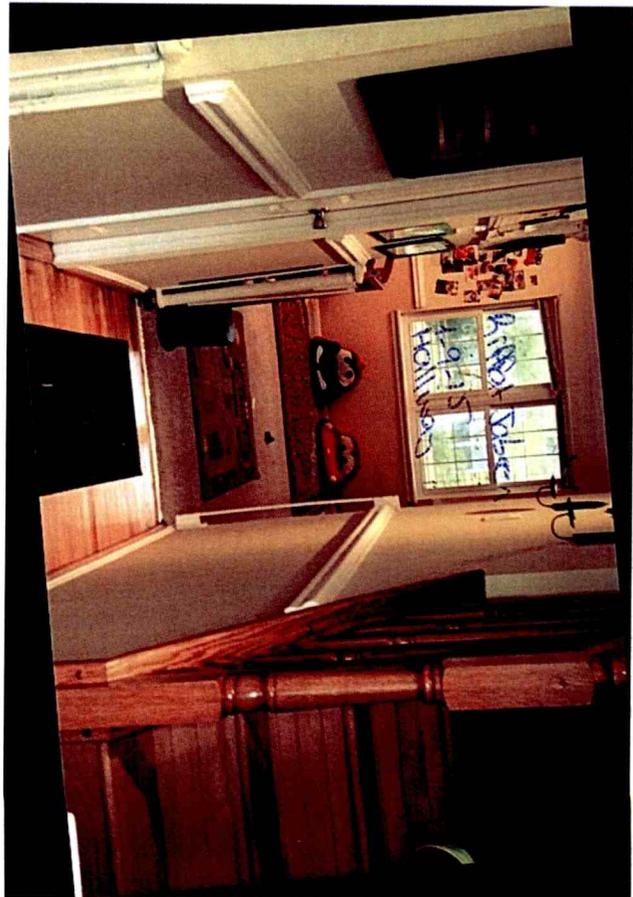
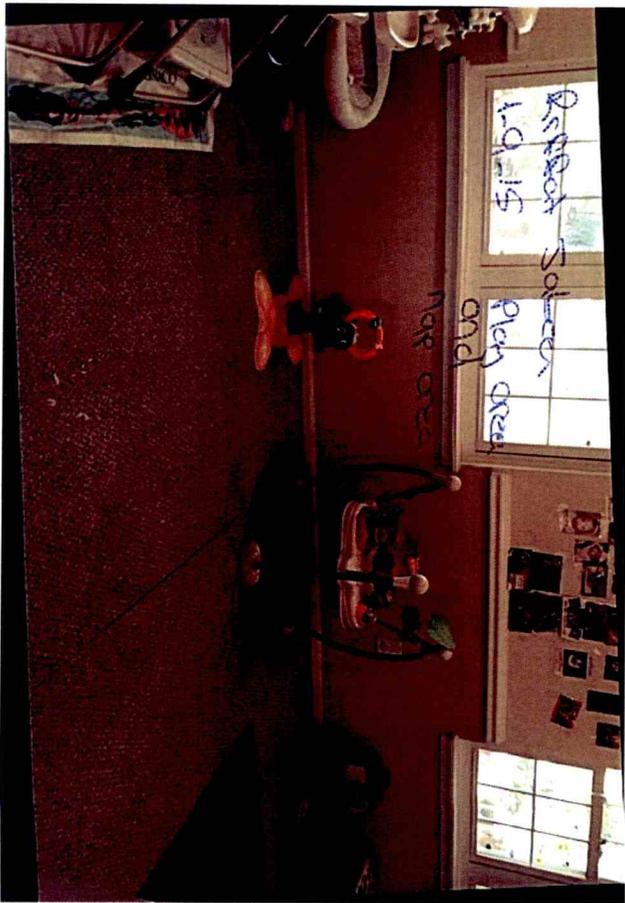
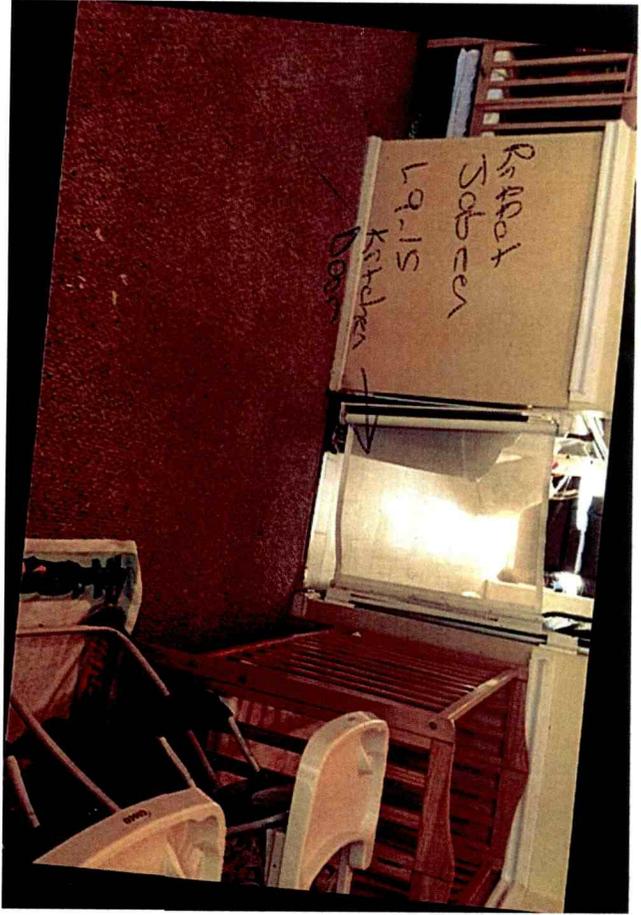
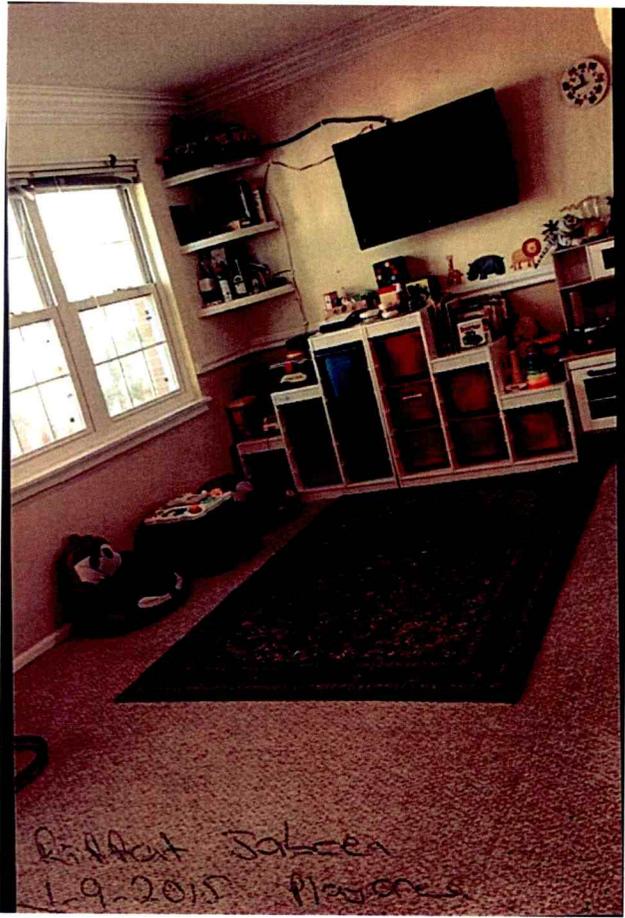
UP
Stairs

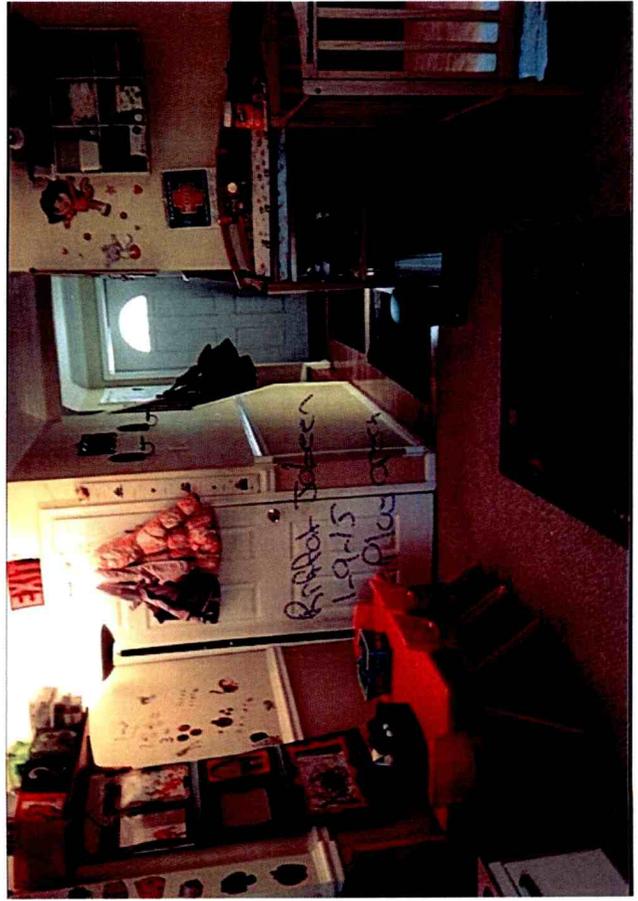
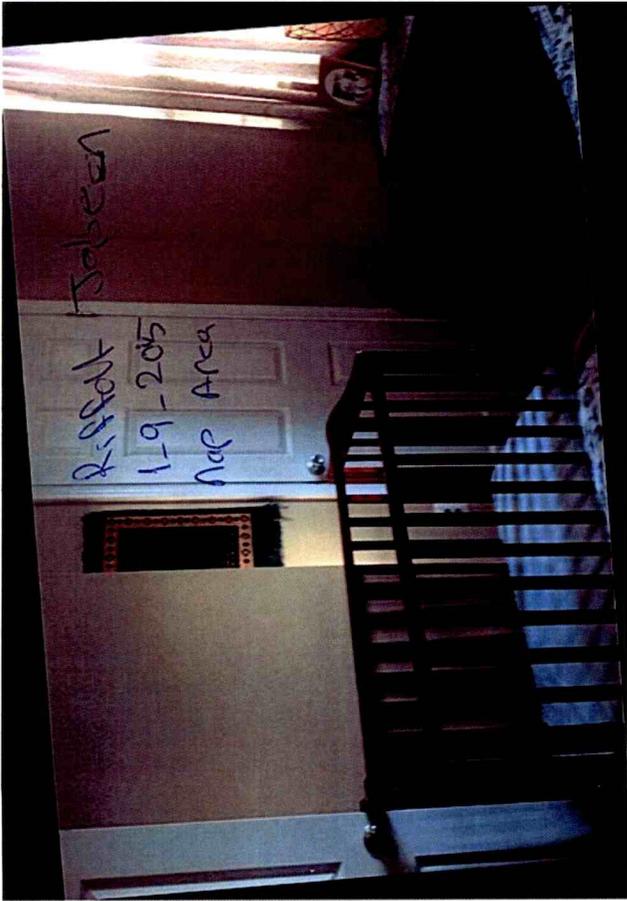
closet

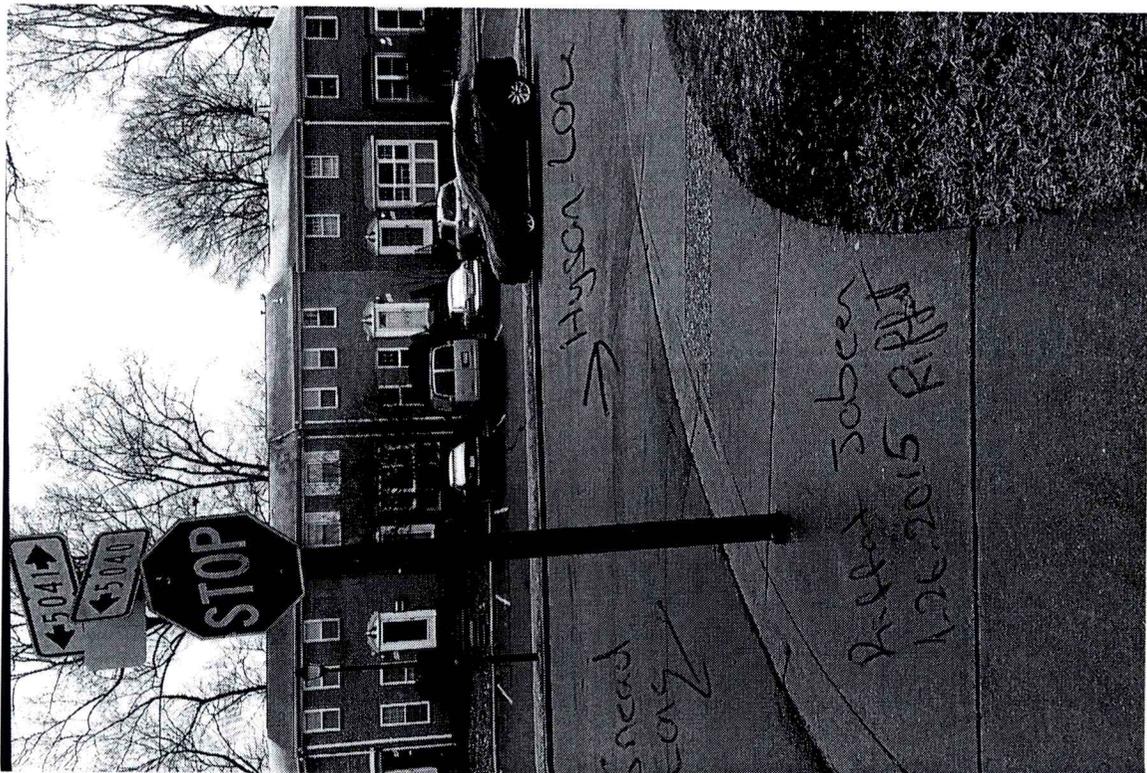
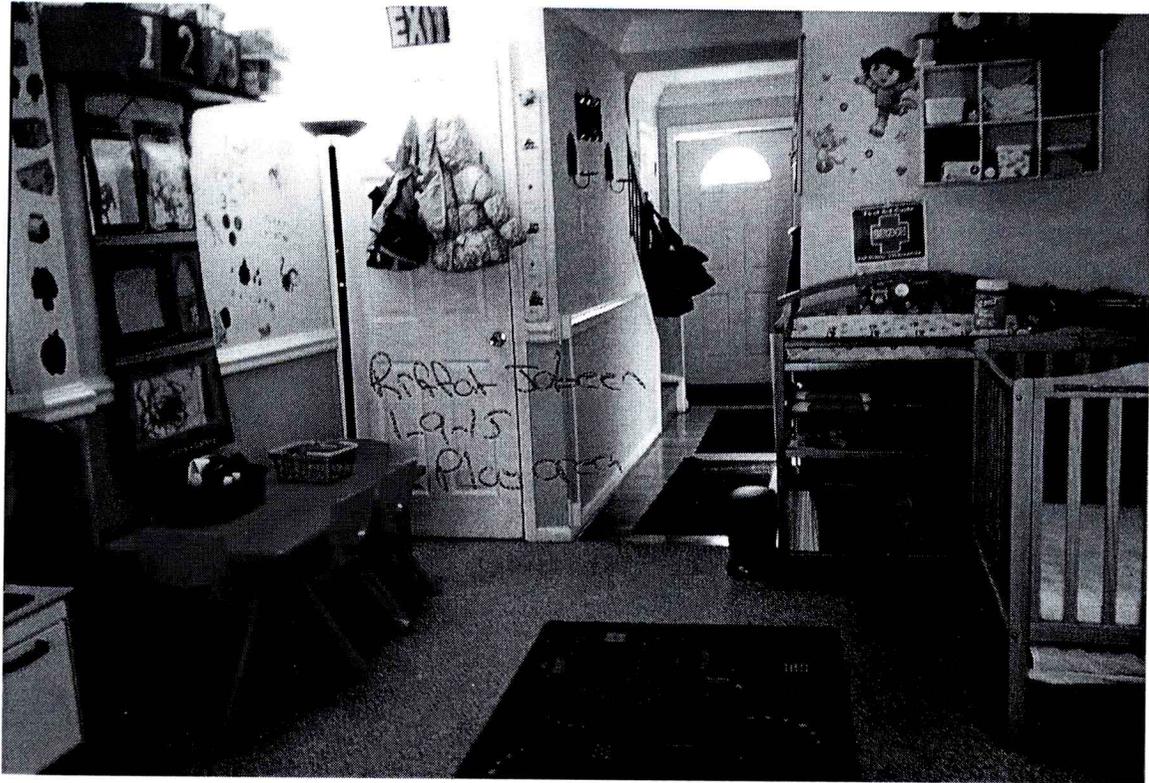
Window

Main
Door

First Floor









Application No.(s): SP 2015-PR-020
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2-7-15
(enter date affidavit is notarized) 128134

I, Riffat Sabern, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

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

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

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

| NAME (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) |
|---|--|---|
| Riffat Sabern | 7850 Sneed Lane Fallschurch VA 22043 | Applicant / Co-title owner |
| Shahid Khawaja | 7850 Sneed Lane Fallschurch VA 22043 | Co-title owner |

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

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

Application No.(s): SP 2015-PR-020
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2-7-15
(enter date affidavit is notarized)

128134

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)

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special 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 2015 - PR - 020
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2-7-15
(enter date affidavit is notarized)

128134

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):

SP 2015-PR-020

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2-7-15

(enter date affidavit is notarized)

128134

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 2015-PR-020

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2-7-15

12834

(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of 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)

Riffat [] Applicant

N/A

[] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 7 day of February 20 15, in the State/Comm. of VA, County/City of FX.

Notary Public signature

My commission expires: 3-31-15

Signature

3-31-15



Land Development Information History: FIDO - DCC - Complaint 114756

Complaint Details

| | |
|--|------------------------------|
| Complaint # | 114756 |
| Street Address | 007850 SNEAD LA |
| Magisterial District | Providence |
| Complaint Description | Multiple Dwelling |
| Agency | DCC |
| Status | Closed |
| Opened Date | 2015-04-14 |
| Closed Date | 2015-05-04 |
| Disposition | Unfounded (No Problem Found) |
| Inspector Assigned | Gabriel Zakkak |
| Notice of Violation and/or Corrective Work Order | No |
| Litigation | No |

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Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DCC - Complaint 114767

Complaint Details

| | |
|--|----------------------------------|
| Complaint # | 114767 |
| Street Address | 007850 SNEAD LA |
| Magisterial District | Providence |
| Complaint Description | Unpermitted Interior Renovations |
| Agency | DCC |
| Status | Under Investigation |
| Opened Date | 2015-04-14 |
| Closed Date | |
| Disposition | |
| Inspector Assigned | Gabriel Zakkak |
| Notice of Violation and/or Corrective Work Order | No |
| Litigation | No |

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PINEWOOD GREENS HOMEOWNERS ASSOCIATION

To: Fairfax County Board of Zoning Appeals

Regarding application SP 2015-PR-020 for the special permit for a home child care facility to operate within Pinewood Greens.

Whereas home child care facilities are recognized by Article 10 of the Fairfax County Zoning ordinance as an approved accessory use of a dwelling primarily used for residential purposes and

Whereas such facilities are required to operate in accordance with both Fairfax County and State of Virginia regulations and

Whereas the Pinewood Greens Board of Directors recognizes that the home child care facilities located within Pinewood Greens provide a valuable service to homeowners and residents of Pinewood Greens:

The Pinewood Greens Board of Directors wishes to clarify that each lot in Pinewood Greens is assigned one (1) parking space not two (2) as specified in the application. However, during the business hours included in the application, unassigned parking spaces are typically available.

The Pinewood Greens Board of Directors, as approved at the Board meeting on July 23, 2014, supports the approval of the special permit with the following requests for additional "development conditions" to be added to the Board of Zoning Appeals approval of the application:

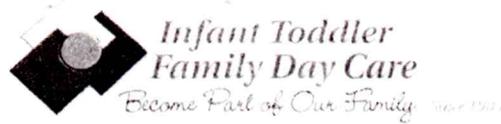
- The home child care provider is required to maintain liability insurance that meets or exceeds the minimum amount established by the Virginia Department of Social Services and to provide *proof of insurance to the Homeowners Association on request. This requirement is necessary because the home child care provider's customers will be present on the common grounds of the association. This requirement applies regardless of whether or not the provider uses the association's playgrounds. The Board of Directors understands that liability insurance is not otherwise required of home child care facilities.*
- *The permitted home child care provider must, during operating hours, reserve the one (1) assigned parking space for drop off and pickup.*
- The permitted home child care provider is responsible for ensuring that customers are made aware of and comply with the Pinewood Greens Parking Rules as published on the Pinewood Greens Homeowners Association website (www.pinewoodgreens.com).
- The permitted home child care provider is responsible for complying with the Pinewood Greens Rules for the Use of the Common Grounds as published on the Pinewood Greens Homeowners Association website (www.pinewoodgreens.com).

- If the permitted home child care provider elects to use the Pinewood Greens Pool, the permitted home child care provider must comply with the Pinewood Greens Rules for the Use of the Pool as published on the Pinewood Greens Homeowners Association website (www.pinewoodgreens.com). In particular, the requirements for guest passes and for the appropriate ratio of adults to children specified in the rules must be followed.



Brendan Sibre

President, Pinewood Greens Homeowners Association



Infant Toddler Family Day Care (ITFDC)

Approval under System License

Issued To: Riffat Jabeen

Address: 7850 Snead Lane, Falls Church, VA 22043

Effective: August 31, 2014 through August 31, 2015

Capacity: 5 children / 16 points

**An assistant must be present if 16 points is exceeded.*

Children birth through 15 months of age count as four points each.

Children from 16 months through 23 months of age count as three points each.

Children from 2 years through 4 years of age count as two points each.

Children from 5 years through 9 years of age count as one point each.

Children 10 years of age and older count as zero points.

Your own & resident children under the age of 8 years are included in the points maximum.

This license is not transferable. Failure to comply with the regulations set forth by the Commonwealth of Virginia and the ITFDC policies will result in termination of this License. Early childcare educators must be in compliance with all zoning and community requirements. Children under the care of an ITFDC early childcare educator must be enrolled with ITFDC prior to the first day of care.

Issuing Agency:
Infant Toddler Family Day Care
11166 Fairfax Blvd., Suite 206
Fairfax, VA 22030
License Number FDS-94293-L-101

By: Wynne S. Busman
Wynne Busman, Executive Director

Date: 8/31/14

Commonwealth of Virginia



DEPARTMENT OF SOCIAL SERVICES

CHILD DAY CENTER LICENSE

Issued to: Infant/Toddler Family Day Care of Northern Virginia
operated by Infant/Toddler Family Day Care of Northern Virginia, Inc.

Address: 11166 Fairfax Boulevard, Suite #206, Fairfax, Virginia 22030

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

| | |
|------------------------|---|
| <u>CAPACITY</u> 475 | • This license permits the care of 475 children in 175 homes. |
| <u>GENDER</u> Both | |
| <u>AGE</u> | |

This license is not transferable and will be in effect January 8, 2014 through January 7, 2016 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:

Virginia Department of Social Services
Division of Licensing - Fairfax Licensing Office
3701 Pender Drive, Suite 125
Fairfax, VA 22030
Telephone: (703) 934-1505

FDS 94293-L101
LICENSE NUMBER

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By 
James J. Parcelli

Title LICENSING ADMINISTRATOR

Date January 31, 2014



County of Fairfax, Virginia

MEMORANDUM

Date: April 10, 2015

To: Laura Arsenau, Planner II
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-PR-020

Applicant: Riffat Jabeen
7850 Snead Lane, Falls Church, Virginia 22043
Pinewood Greens, Lot 61
Tax Map# 49-2 ((22)) 61
Zoning District: R-8
Magisterial District: Providence
ZIB # 2015-0128
Date of Inspection: March 26, 2015

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

- ✓ 1. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
* The smoke detector could not be tested due to sleeping infants/toddlers.
- 2. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 3. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

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/



- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent 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.

*Electrical service had additional wiring that was observed in front of the service panel, unknown origin or termination points could be determined.

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

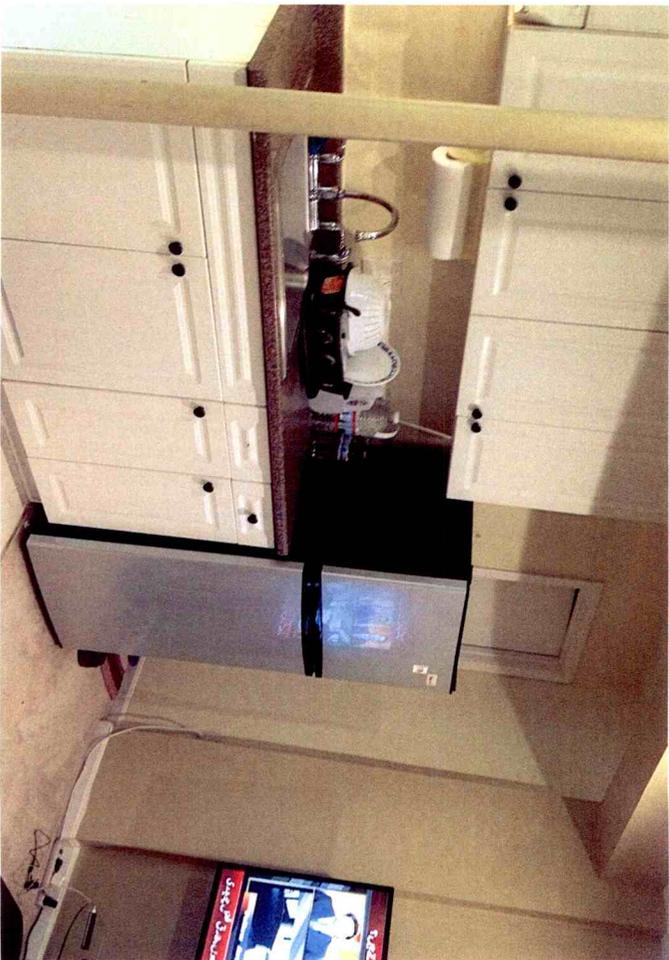
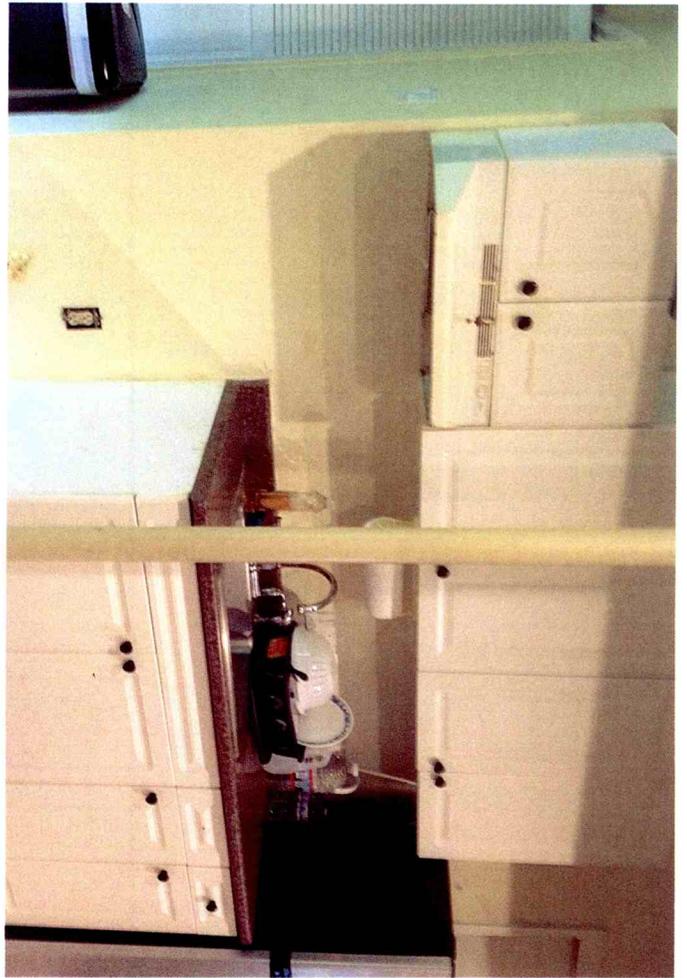
*The utility room was located in the basement level of the townhouse. The utility room contained storage that surrounds both the furnace and hot water heater (paint cans & wood furniture). 36" clearance should be maintained around the furnace and water heater.

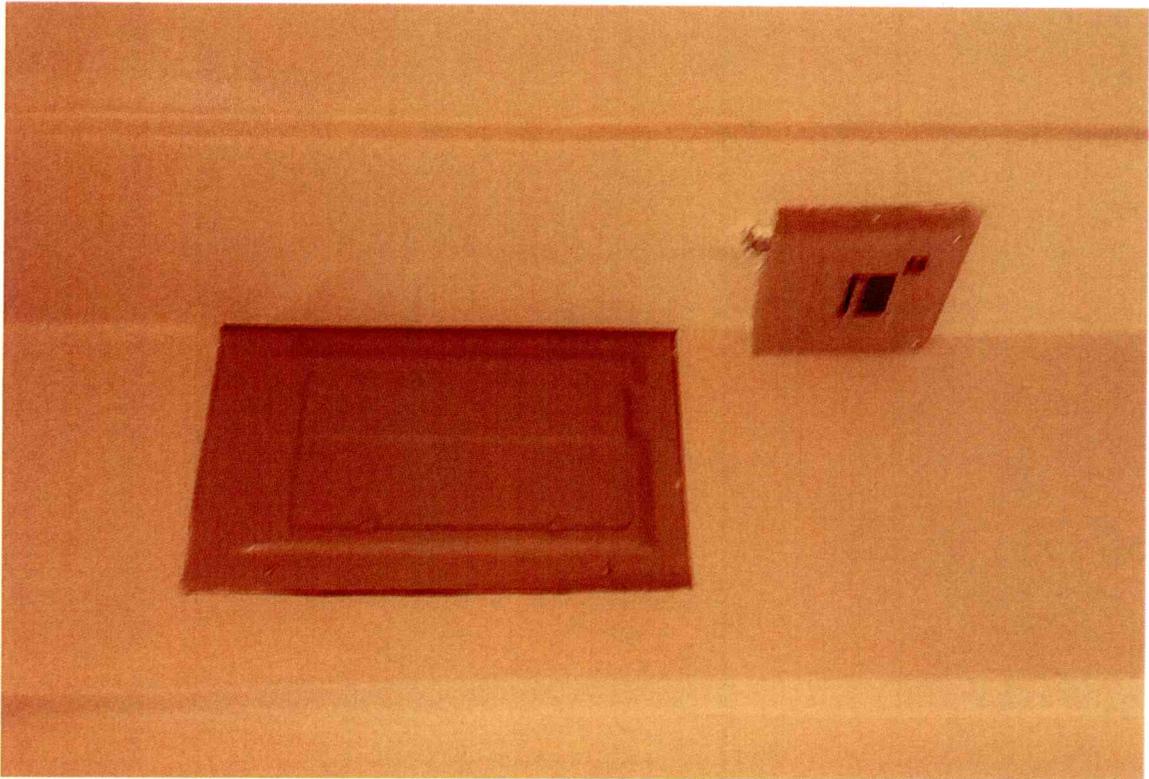
- 7. Structures comply with the Zoning Ordinance.

*A possible Accessory Dwelling Unit was discovered in the basement level of this townhome. When attempting to inspect the electrical panel & utility room which were located in the basement, the applicant told the county staff to go around to the rear of the townhouse. Once we reached the rear of townhouse, a steel entry door was the means of egress to the basement space. Upon entry to the basement space what was observed were: living area with sofa, coffee table, TV, dining area with table and chairs, separate sleeping area, kitchen with a small stove, sink, full size refrigerator and a microwave, dish drainer that was full of clean dishes. Accessory Dwelling units are not permitted in a townhouse, shall only be permitted in association with a single family detached dwelling unit.



*4-8-15 E-mail from Laura Arsenau, Planner II – The applicant conveyed to her the individual living in the basement was a family member.





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.