



County of Fairfax, Virginia

June 3, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MA-239

MASON DISTRICT

APPLICANT: Victoria Nnaji/
Little Angels Family Day-Care

OWNERS: Victoria Nnaji
Benjamin O. Nnaji

SUBDIVISION: Cedar Heights, Section 2

STREET ADDRESS: 5974 Jan Mar Drive, Falls Church, 22041

TAX MAP REFERENCE: 51-4 ((7)) 21

LOT SIZE: 10,500 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 3-303, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-MA-239 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.**

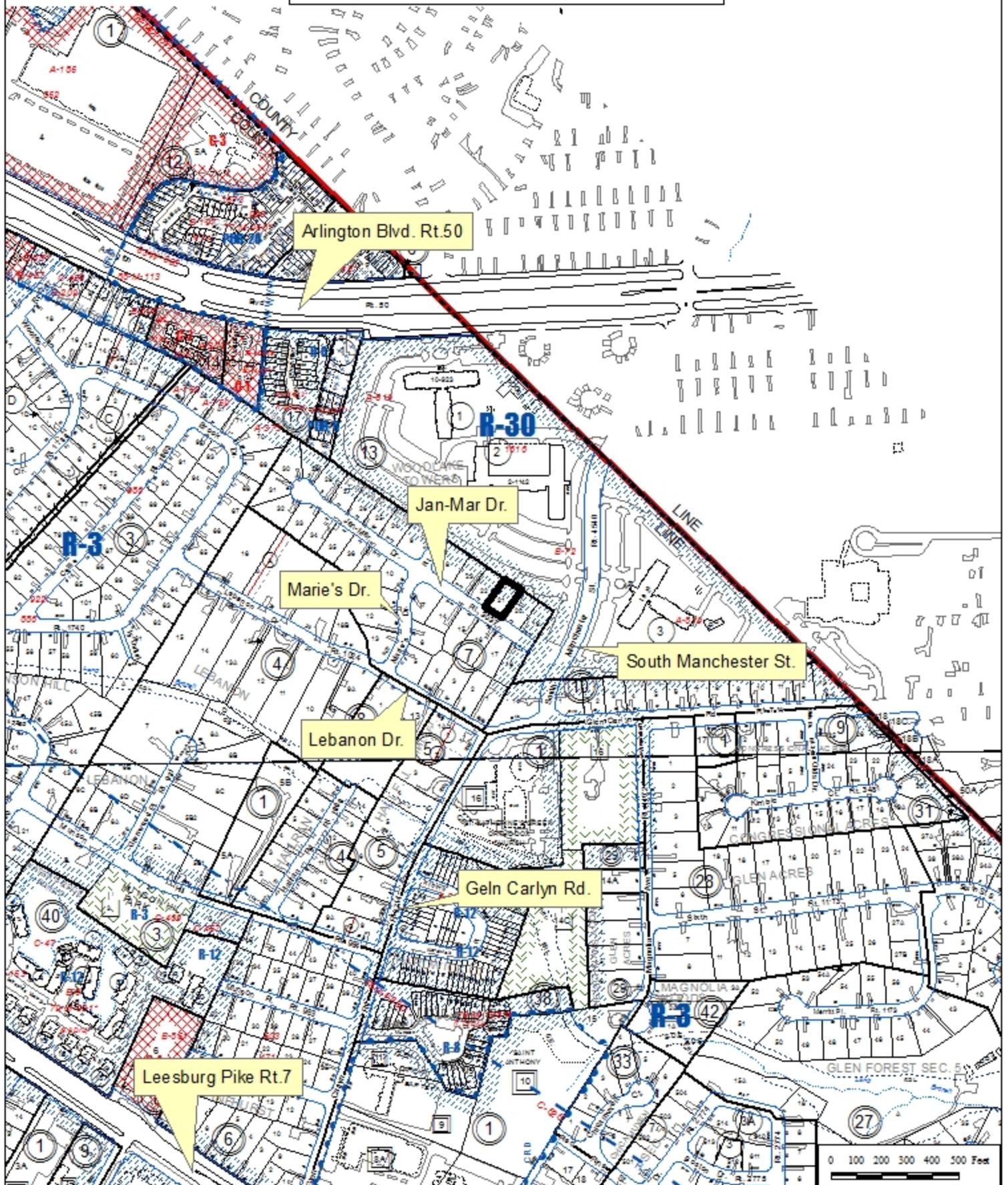


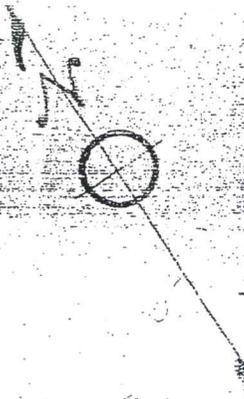
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-MA-239

VICTORIA NNAJI / LITTLE ANGELS FAMILY DAY CARE





--- Fence 6'

111 gate 3' x 8' w

Concrete Walk Way
45' L x 3' W

□ Play House

┌ Balancing Block
└ 14' x 34' x 14'

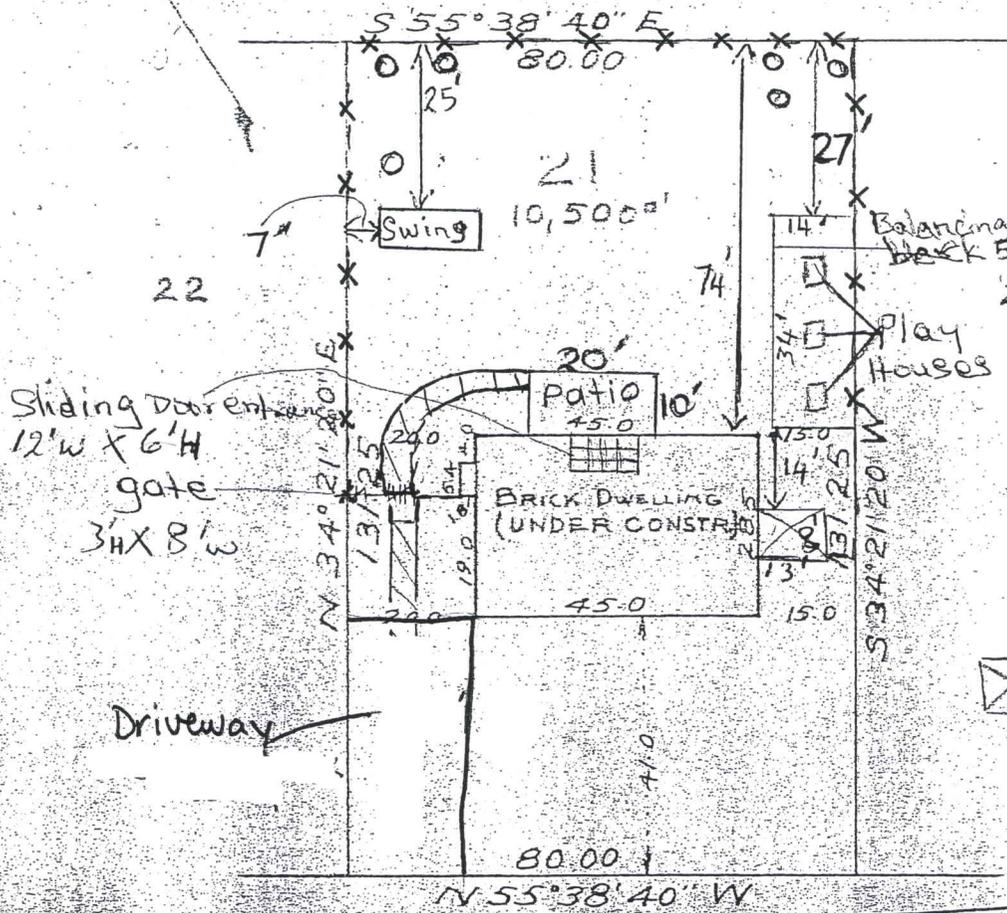
20 Swing
15' L x 5' W x 6' H

Grid Sliding entrance
Door
12' W x 6' H

○ Tree

⊠ storage
13' L x 8' W x 2' H

EAKIN



Sliding Door entrance
12' W x 6' H
gate
3' x 8' w

Driveway

JANMAR DRIVE

APPROVED
V. J. Schuman
ZONING ADMINISTRATOR
DATE APR 16 1958

HOUSE LOCATION SURVEY
RESUBDIVISION OF PARCEL "A"
LOT 21, SECTION TWO

RECEIVED
Department of Planning & Zoning
OCT 31 2014
Zoning Evaluation Division

Outdoor play
area

74' x 72'

CEDAR HEIGHTS

FAIRFAX COUNTY, VIRGINIA

5,328

SCALE: 1"=30'

NOVEMBER 18, 1957

JOHN MARSHALL
CERTIFIED LAND SURVEYOR
1223 NORTH QUANTICO STREET
ARLINGTON 5, VIRGINIA

CERTIFIED CORRECT: *John Marshall*

Victoria Nmagi 10/20/14

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, Resubdivision of Parcel “A” Lot 21, Section Two, Cedar Heights,” prepared by John Marshall, L.S., on November 18, 1957, as revised by the applicant Victoria Nnaji, on October 20, 2014, is included in the beginning 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. A concrete walkway and covered stoop are located in the front yard. A concrete driveway is located to the southwest of the dwelling. A separate concrete walkway extends from the driveway to the rear of the house and is the main entrance for the home child care. A patio, swing set and outdoor play area are located in the rear yard of the dwelling. A 6 foot high wood fence encloses the rear yard.

The site is located south of Arlington Boulevard and west of South Manchester Street. The subject property and surrounding properties to the east, south and west are zoned R-3 and developed with single family detached dwellings. The property to the north is zoned R-30 and developed with multifamily dwellings.

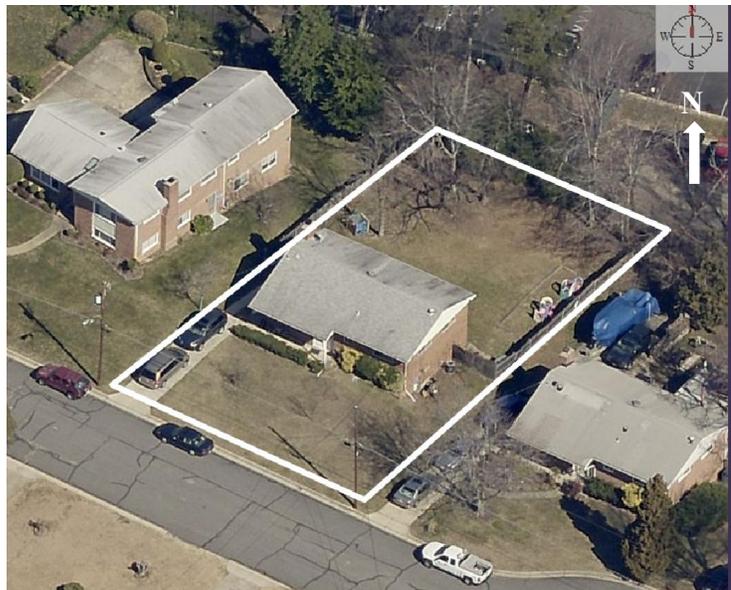


Figure 1- Aerial View of Property

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1958. The property was purchased by the owners in 2003.

On June 8, 1995, a final inspection was completed for a finished basement permit (Appendix 4).

On April 30, 2010, a Home Occupation Permit was issued to Benjamin O. Nnaji for an accounting office at the subject property (Appendix 4).

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 from 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. Currently, there are two assistants.

The home child care facility is operated in the basement of the dwelling, which has adequate emergency egress through an existing walkout basement door and windows. The enclosed play area is located in the rear yard. Photographs provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for two years and which expires on December 8, 2016, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours 7:00 a.m. to 6:00p.m., Monday through Friday. The license also permits a capacity of 12 children, from 1 month through 6 years, 11 months of age. A copy of the license is included as Appendix 5.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Glen Forest Community Planning Sector (B2)
Plan Map: Residential, 2-3 du/ac

On-Site Parking and Site Circulation

The existing driveway can accommodate approximately 2 cars. The applicant and the assistants park their cars on the street along Jan Mar Drive.

Zoning Inspection Branch Comments (Appendix 6)

During the inspection, staff found that a sleeping room did not have a smoke detector. Staff also noted that the applicant had storage located too close to the furnace and hot water heater. The applicant was made aware of these concerns and has provided photographic documentation (included in Appendix 6) that demonstrates that these concerns have been addressed.

Zoning Ordinance Requirements (Appendix 7)

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

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf	10,500 sf
Lot Width	Interior: 80 feet	80 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 30 feet	41 feet
Side Yard	Min. 12 feet	20 feet, 15 feet
Rear Yard	Min. 25 feet	74 feet

Tables for Accessory Structures

Accessory Structure Setback Standards				
Structure	Yard	Minimum Yard Required	Existing Location	Permit Status
Playset	n/a	7 feet or under in height	n/a	n/a

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-3 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	Existing fencing separates the play area from the neighbors.
Standard 6 Open Space	There is no prescribed open space requirement in the R-3 District.
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 does not exceed the maximum number of children permitted at any one time. 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 for two cares in 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	An existing fence in the rear yard 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.

<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 December 8, 2016, for 12 children from 7:00 a.m. to 6:00 p.m.</p>
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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 7 in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of 12 children at any one time.</p>
<p>Part B Licensed Provider/ Primary Residence</p>	<p>The applicant is a state licensed home child care provider and 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 two non-resident employees and who may be at the home child care between 7:00 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 has a valid state home child care license. A development condition has been added (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 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.

Staff recommends approval of SP 2014-MA-239 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. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-239****June 3, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-239 located at Tax Map 51-4 ((7)) 21 to permit a home child care facility pursuant to Sects. 3-303 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, Victoria Nnaji/Little Angels Family Day-Care and is not transferable without further action of the Board, and is for the location indicated on the application, 5974 Jan Mar Drive, 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, Resubdivision of Parcel "A" Lot 21, Section Two, Cedar Heights," prepared by John Marshall, L.S., on November 18, 1957, as revised by the applicant Victoria Nnaji, on October 20, 2014, as revised by the applicant 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, 7:00 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. 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.

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

RECEIVED
Department of Planning & Zoning

MAR 31 2014
Zoning Evaluation Division

Victoria Nnaji
5974 Jan Mar Drive
Falls Church, VA 22041
703-820-8679
touchofelegance@cox.net

Date: Feb 22, 2014

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

Re: Special Permit Application
Applicant: Victoria Nnaji
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards
Tax Map #: 0514-07-0021
Zoning District: R-3
Lot Size: 10,500

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home Child care facility in my home. I own and live in a detached dwelling at 5974 Jan Mar Dr., Falls Church, VA 22041. The property is zoned R-3 and I understand I need to seek approval of special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. My State License expires on December 8, 2014. I am currently caring for 12 children and want to continue caring for 12 children. Below is information about my child care facility's operations:

Hours: The child care is open from 7:00 am to 6:00 pm, Monday through Friday

Number of Children: I care for up to 12 children at any one time. This number does not include my own children.

Employees: I have one full-time assistant who works from 8:30 AM to 4:30 PM and one part-time assistant who works from 11:00AM to 1:00 PM and 4:00 PM to 6:00 PM Monday through Friday.

Arrival Schedule: Three children arrive between 7:00 AM and 7:45 AM. Two children arrive between 7:45 and 8:00 AM. Five children arrive between 8:00 and 8:30 AM. Two children arrive between 9:00 and 9:15 AM. Three children live within walking distant of the child care facility.

Departure Schedule: Two children are picked up between 2:45 PM and 4:15 PM. Three children leave between 4:15 PM and 4:30 PM. Three children leave between 4:30 PM and 5:00 PM. Four children leave between 5:00 and 6:00 PM (See Attachment 1)

Area Served: Currently, most of the children live in the general vicinity of my neighborhoods. Two of the children live in Oakton and one in Springfield. Three of the children live in the immediate area and do walk to the daycare with their parents.

Operations: My house is a single-family detached dwelling. It has a walk-out basement and is used solely for daycare. It has a designated dining area which is 123 square feet. The baby room is 220 square feet. The main indoor play area is 399 square feet. The house has 2,592 square feet. The basement is approximately 1,296 square feet. (see Attachment 2 for floor layout and exterior photos)

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.

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

Outdoor Play Area: I use my backyard for outdoor play for the children. The area is approximately 5402 square feet. There are play houses with slides, sand and water table and a fence around the yard. The fence is 6 feet high to prevent toys from entering my neighbors' yards. I have drawn the swing, play houses, and the fence on my most recent house location plat which is included.

Parking: I park my family car on the street in front of my house. Parents use my driveway when dropping off and picking up. In addition, ample parking is available on the streets in front of my house for parents and employees.

For these reason, I believe that my proposed home daycare will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the outside of appearance of my brick home. I propose no addition and no signs regarding the daycare. I provide a well needed employment for myself and my employees. The children receive a top quality care in a clean, safe, loving protective and smoke free environment. I provide opportunity for the children to form secure relationships with the caregivers and other children; to have a strong sense of stability. I provide the parents a peace of mind. Adequate parking is available for my parents, employees and my family. My daycare is closed on weekends *and* all Federal Holidays thereby not interfering with my neighbors' restful days. My daycare program serves and is an asset to my neighborhood and community. For these reasons, I believe that my proposed home daycare facility will not impact my neighbors in any negative way.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping horizontal strokes and a final loop on the right side.

Victoria Nnaji

Owner of Little Angels Family Daycare

Attachment 1

Arrival Schedule and Departure Schedule

Arrival Schedule

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

Departure Schedule

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

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

Victoria Nnaji

THE WHOLE BASEMENT IS USED FOR CHILD CARE

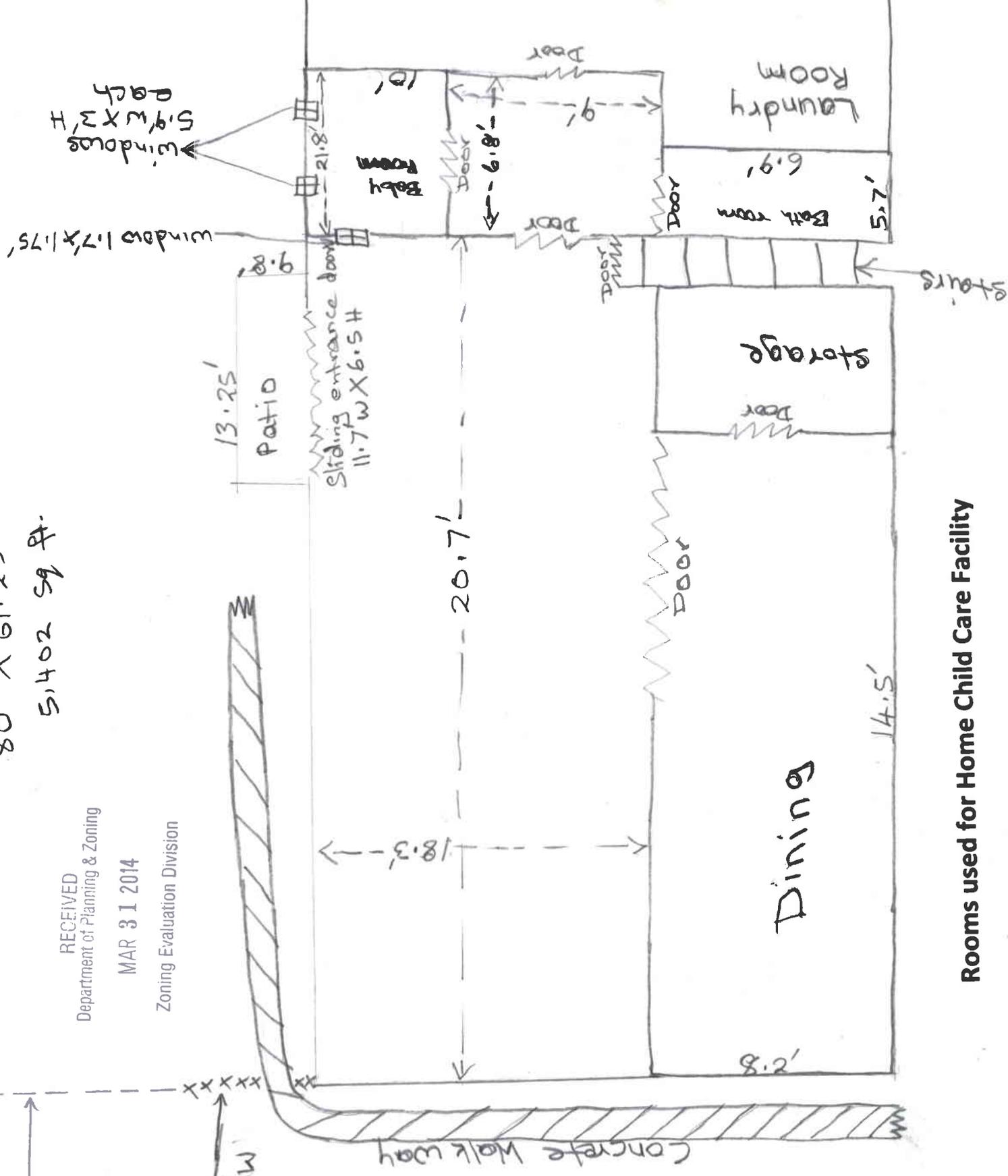
9' Fence

gate
2.9'H X 7.42'W

RECEIVED
Department of Planning & Zoning
MAR 31 2014
Zoning Evaluation Division

Fenced outdoor play area
80' X 61.25'
5,402 sq ft.

Attachment 2

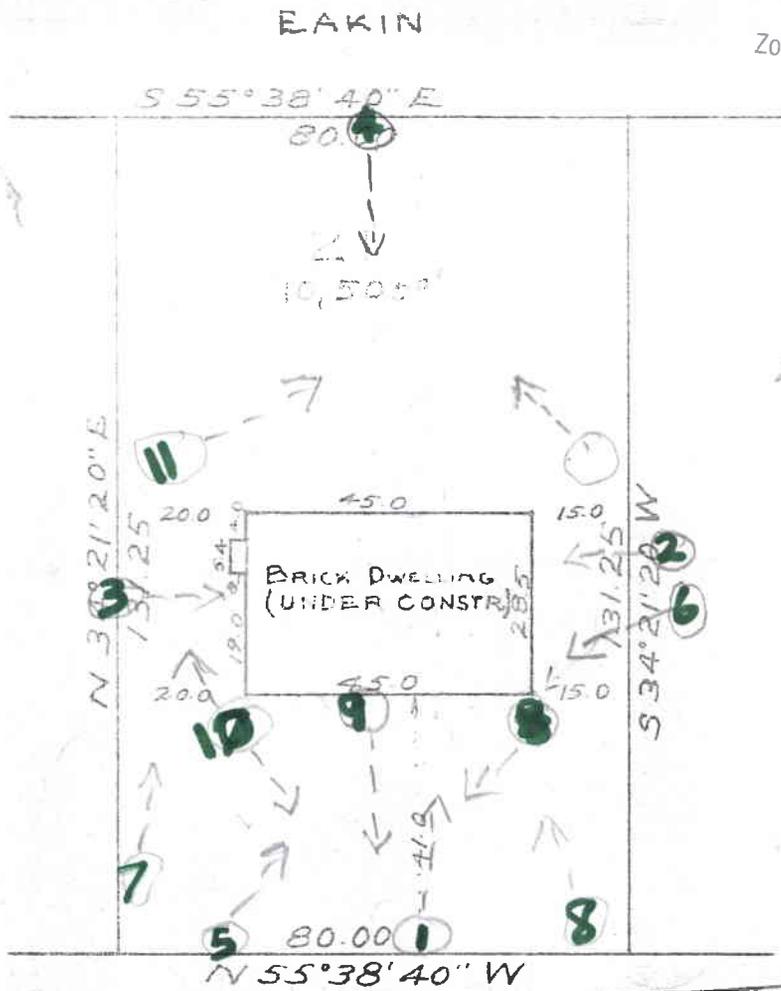


Rooms used for Home Child Care Facility

House Location Plat showing where photos were taken on the property

RECEIVED
 Department of Planning & Zoning
 MAR 31 2014
 Zoning Evaluation Division

Standing Views of photo



DANMAR DRIVE

APPROVED
W. F. Schuman
 ZONING ADMINISTRATOR
 DATE APR 16 1958

HOUSE LOCATION SURVEY
 RESUBDIVISION OF PARCEL "A"
 LOT 21, SECTION TWO

CEDAR HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' NOVEMBER 18, 1957

JOHN MARSHALL
 CERTIFIED LAND SURVEYOR
 1223 NORTH QUANTICO STREET
 ARLINGTON 5, VIRGINIA

CERTIFIED CORRECT: *John Marshall*

Photographs of the property

1 of 2



Front of property

Standing view
of photo

①



Back of property

④

Victoria & Nana's

Photographs of the property



Right side of property

Standing view
of photo

②



Left side of Property

③

Availability of parking



Drive Way

Standing View
of photo

5



Street Parking

5

Victoria Nnadi

Space between the property and adjacent neighbors



standing views
of photo
⑦

Space between property and neighbor to the left



⑧

Space between property and neighbor to the right

Victoria Nnaji

Photographs of backyard/play area



Standing View of Photo

10

Concrete walk way



11

Fenced backyard

Entire Basement Used For Child Care Facility



Main Indoor Play Area



Play area with sliding entrance door

2 of 3

Entire Basement Used For Child Care Facility



Dining Area

Victoria Nnaji

Entire Basement Used For Child Care Facility

3 of 3



Baby Room with Windows



Victoria Noali

Application No.(s): SP 2014-MA-239
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

I, Victoria Nnaji, 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: 125062

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)
Victoria I. Nnaji D/B/A Little Angels Family Day care	5974 Jan Max Dr Falls church VA 22041	Applicant/Title owner
Benjamin O. Nnaji	5974 Jan Max Dr Falls church VA 22041	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).

CAB

Application No.(s): SP 2014-MA-239
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 18 2014
(enter date affidavit is notarized)

125062

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.

SP 2014-MA-239

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

125062

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 2014-MA-239

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

125062

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.

SP 2014-MA-239

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

125062

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)

[X] Applicant

[] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 18 day of March 20 14, in the State/Comm. of Fairfax VA, County/City of FAIRFAX.

[Signature] Notary Public

My commission expires: 05 / 31st / 2017

ENEIDA E. GARCIA QUINTEROS NOTARY PUBLIC COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES MAY 31, 2017 COMMISSION # 7574640

CAB

Application No.(s): SP 2014-MA-239
(county-assigned application number(s), to be entered by County Staff)

Page ____ of ____

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

DATE: _____
(enter date affidavit is notarized)

125062

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

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)
Victoria Nraji	5974 Jan Mar Dr Falls Church VA 22041	Applicant

RECEIVED
Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

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

CAB



Land Development Information History: ISIS - Building Permit - 95150B0540

Permit Information

Permit Id: 95150B0540 **Application Date:** **Time:**
Job Address: 005974 JAN MAR DR **Tax Map:** 051-4 ((07)) 0021

Permit Status Summary

Permit Status: **Final Inspection:** 1995-06-08 **RSLT:** A **BY:** JSK

Note
 The original electronic copy of this permit no longer exists. The above permit details are presented for the purpose of displaying the following inspection information.

Inspections

Inspection - FINB - 999998

Req Taken: 1995-06-07 **Phone:**
Time: 10:55:58 **Floor:** NA
Sched For: 1995-06-08 **Suite/Area:** NA
Assigned To: A58 **Comments:**
Branch: 4 **Req Taken By:** JB
Requested By: LUCAS **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1995-06-08	JSK	C	A	N					00:00:00	00:00:00	00:00:00	1

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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 - HOME OCCUPATION PERMIT - 9388

Permit Information

Permit Number:	9388	Issued Date:	2010-04-30
Permit Type:	HOME OCC - HOME OCCUPATION PERMIT	Tax Map:	051-4 ((07)) 0021
Job Address:	005974 JAN MAR DR FALLS CHURCH , VA 22041-2415	Permit Status:	Permit Issued
		Bldg:	Floor: Suite:
		Permit Fee:	50

Location:

Subdivision: CEDAR HEIGHTS

Magisterial District: MASON

Subcensus Tract:

AP (Tenant) Name: GENI WEHLIYE

Work Description:

Type of Work: OFFICE

Building Use:

Standard:

Plan Number:

Parent Permit:

ISIS Permit:

Comments:

Owner Information

Owner: NNAJI BENJAMIN O

Address: 5974 JAN MAR DR

City: FALLS CHURCH **State:**
Zip: 22041

Contractor Information

Name: **BPOL License:**

Applicant

Address:

State License:

City:

State: Zip:

Trade Reg.:

Trade Name:

Information

Applicant:

Address:

City:

State: Zip:

Inspections

There were no inspections.

Reviews**Review - HOP REVIEW - 1915755**

Review Type	Review Date	Reviewer	Started	Status
HOP REVIEW	2010-04-30	REBECCA GOODYEAR	Y	Approved

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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

Victoria Nnaji

5974 Jan Marr Drive

FALLS CHURCH, VA 22041

(703) 820-8679

Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Dec. 8, 2016Business Hours: 7:00 am - 6:00 pm
Monday - Friday

Capacity: 12

Ages: 1 month - 6 years 11 months

Inspector: Ann Dramstad
(703) 314-0860



County of Fairfax, Virginia

MEMORANDUM

Date: April 20, 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-239

Applicant: Victoria Nnaji, Little Angels Family Daycare
5974 Jan Mar Drive, Falls Church, Virginia 22041
Cedar Heights, Lot 21, PCL A, SEC 2
Tax Map# 51-4 ((07)) 21
Zoning District: R-3
Magisterial District: Mason
ZIB # 2015-0148
Date of Inspection: April 16, 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.
***Lacking (1) smoke detector.**
- 2. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 3. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

*The utility room contained storage that surrounds both the furnace and hot water heater. 36” clearance should be maintained around the furnace and water heater.
- 7. Structures comply with the Zoning Ordinance.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

- A. The maximum number of children permitted at any one time shall be as follows:
- (1) Seven (7) when such facility is located in a single family detached dwelling.
 - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.