



APPLICATION ACCEPTED: October 20, 2014
PLANNING COMMISSION: April 16, 2015
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

June 17, 2015

STAFF REPORT ADDENDUM

SE 2014-PR-067

PROVIDENCE DISTRICT

APPLICANT: Konstantin E. Panov

ZONING: R-2

PARCEL(S): 48-3 ((19)) 0001

SQUARE FOOTAGE: 18,679 SF

FLOOR AREA RATIO: 0.07

PLAN MAP: Residential; 2-3 du/ac

SE CATEGORY: Category 3: Child Care Center

PROPOSAL: To permit a child care center for up to 20 children.

STAFF RECOMMENDATIONS:

Staff recommends denial of SE 2014-PR-067 and any associated waivers or modifications.

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

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

Suzanne Wright

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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

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

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

BACKGROUND AND DESCRIPTION OF THE APPLICATION

This application proposes to convert a single-family detached dwelling at 9653 Blake Lane to a child care center that would now have a maximum enrollment of 20 children aged between 1.5 and 5 years. Currently, the dwelling is being used as a home child care facility. This proposal seeks to establish the child care center use within the existing structure. There continues to be no residential element of the current proposal. The hours of operation are proposed to be between 7:30 am and 7:00 pm with up to three employees. Staff notes that the ratio of students to teachers is provided in the revised statement of justification and would need to meet all state guidelines; however, it also appears that the ratio is larger than advertised on the website for the existing school which states that the ratio of children to teachers would be 1:5. The state ratio is determined by the age of the students, and the applicant has broken down the age as follows:

Attending students will be grouped into three classes with the following age composition/numbers:

- 1. 5 students from 18 months to 3 years old;*
- 2. 7 students aged from 3 to 4 years; and*
- 3. 8 students from 4 to 5 years.*

These numbers comply with the minimum teacher/students ratio in the age group of between 16 months and 2 years being 1 teacher for 5 students; the minimum teacher/students ratio in the age group of between 2 and 3 years old being 1 teacher for 8 students and 10:1 ratio for the age group from 3 to 5 years old as per Standards for Licensed Child Day Centers (22 VAC 40-185-350).

The center would be affiliated with the nonprofit group the Butterfly Effect, Inc. that focuses on early childhood education in various subjects including math, history, geography, natural sciences and multi-lingual education. According to the revised statement of justification attached here, The Butterfly Effect, Inc., has been educating and caring for children since 2003 and currently runs a school facility in Reston, known as the Russian Kids House. The website for Russian Kids House (www.russiankidshouse.com) identifies the subject site as its "Fairfax campus."

In the original staff report, published on April 1, 2015, staff recommended denial of the application based on the application's failure to satisfy Special Exception standards and Comprehensive Plan guidance on location of child care facilities. Specifically, the site's unusual shape, size, topography and house location dictated poor access from Blake Lane and inadequate landscaping which did not meet ordinance requirements for transitional screening. In addition, staff was concerned that further parking changes would disturb more area on the site and trigger stormwater management requirements. At the public hearing held on April 15, 2015, the decision was deferred in order for the applicant to attempt to redesign the site in order to address these concerns.

DISCUSSION

Since the public hearing, the applicant has provided additional information and a redesign of the site. The revised SE Plat, revised through May 12, 2015, shows a revised parking area with head-in parking to the south of the structure and a shaded area for pick-up and drop-offs. In addition to the changes to the parking, the applicant has reduced the maximum enrollment from 25 to 20, with a maximum staff number of 3. The applicant has also indicated that school staff will park across Blake Lane at the Northern Virginia Primitive Baptist Church and has reoriented the onsite parking and unloading of children attending the child care center. Finally, the revised statement of justification notes that drop-off of the students attending the school would occur over three hours, and pick-up would occur over 2 ½ hours.

The schedule as described in the statement:

Arrival

7:30 – 8:30 am	2 teachers and 7 students (early bird group)
8:30 - 9:30 am	1 teacher and 7 students
9:30 – 10:30 am	6 students

Departure

4:30 – 5:00 pm	5 students
5:00 - 5:30 pm	7 students
5:30 - 6:30 pm	5 students and 1 teacher
6:30 – 7:00 pm	3 students and 2 teachers

As before, the applicant is meeting the parking requirements onsite per the Zoning Ordinance. The applicant argues that by parking staff offsite, more spaces would be opened up for students and parents during the busier drop-off and pick-up times. However, staff is concerned about this arrangement overall for several reasons. First, the church is governed by a Special Permit Amendment (SPA). SPA 88-D-088 was approved by the Board of Zoning Appeals on October 7, 1998 with the required parking for that use provided at 39 spaces. The SPA plat shows these 39 spaces and notes that in no case would the parking exceed 41 spaces. Therefore, in order to assure that the church has sufficient parking, a formal shared parking agreement, established in perpetuity, would need to be approved by the Board of Supervisors for the church (such an application is submitted to and reviewed by the Department of Public Works and Environmental Services). However, it is unclear whether such shared parking agreement could be approved because certain criteria must be met to meet the ordinance including that such parking typically must be within 500 feet of the user for those walking to and from the spaces. In this case, staff is specifically concerned that the parking spaces are further than 500 feet away from the child care entrance.



Figure 1 Shared Parking exhibit, measurement shown to exceed 500 feet (source Fairfax County GIS)

Even with a perpetual shared parking arrangement, staff is not persuaded that a child care center is appropriate at this site. Parking across Blake Lane would mean that the teachers would be parking approximately 500 feet from the child care center entrance, across at least four lanes of traffic on Blake Lane, and across another one other side road. The walk is between the site and the parking lot is not particularly safe, convenient or pleasant. While parking at the church could free up spaces for the students and parents on-site at times, it doesn't appear to be workable daily long term solution. Even if alternative arrangements were made for staff, the site access still presents issues for queuing on Blake Lane as parents attempt to maneuver through the site.

Therefore, staff again has focused on the operations of the facility on its site. Staff notes that the underlying issue of a commercial (and more intense) use on this residential parcel remains unchanged from the original staff report and public hearing. The transitional screening along the southern boundary remains unmet, with a modification request pending. The amount of disturbance shown on the revised SE Plat has increased and is significant enough as to require further information for the DPWES stormwater reviewers who have asked for treatment of quality and quantity of the stormwater. Furthermore, the parking and access (access remains unchanged) still presents problems as there is simply insufficient space for circulation without impacting Blake Lane. In summary, staff believes the site is too small and that, with such a small triangular site, solving one issue opens up a series of other issues. For instance, providing the larger parking area means stormwater controls are needed and any transitional screening provided along the southern property line is reduced.

Given the foregoing, staff continues to recommend denial of this application noting that safe access, adequate screening and stormwater treatment measures have not been

demonstrated at this time and that the site specifics here suggest the use is too intense to be compatible.

Recommendation

Staff recommends denial of SE 2014-PR-067.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

ATTACHMENTS

1. Revised Statement of Justification
2. Revised Affidavit
3. Revised SE Plat
4. Revised Urban Forestry Analysis
5. Revised Transportation Analysis
6. Stormwater Management Analysis

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

June 1, 2015

**SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION
for the proposed Day Care Center at
9653 Blake Lane, Fairfax, VA 22031
(modified from the October 10, 2014)**

We, Alla Davidova and Konstantin Panov, jointly own a single-family detached house at 9653 Blake Lane, Fairfax, Virginia, 22031 and hereby request that approval be granted to operate a child daycare center in that property. The subject property is zoned R-2, located in the Providence District on Tax Map No. 048 3 19 Parcel 1 and is composed of 18,679 sq.ft of land. Per Article 9 Part 3 Section 9-300, the proposed project is a special exception in this location. The requested capacity of the day care center is **20 children aged between 1.5 and 5 years old.**

Currently, there is a child care facility operated by a Lessee, Ms. Nassiba Ishchanova, on the premises of the above property. This daycare center is licensed by the State of Virginia to have 7 students. The daycare operated by Ms. Ishchanova, is affiliated with the Co-Applicant company, The Butterfly Effect, Inc. (a Nonprofit Organization), and will be merged into the proposed center, if approval is granted.

A. Type of proposed operation: This application is submitted for the daycare center, which will have the focus on multilingual programs for relevant age group students. The major type of educational programs that we specialize in and plan to develop in this facility, is early child development with intensive courses in Math, History, Geography, Natural Sciences combined with multilingual education. The latter is viewed as our particular focus and strength. The Co-Applicant, The Butterfly Effect, Inc., has been in the business of educating and caring for children since 2003 and presently runs programs in a school facility located in Reston. The experience gained by this company and successful application of the main concept, i.e. early development methods combined with multilingual approach, lead to impressive results in knowledge levels of our students. The need for these services is demonstrated by the number

of existing patrons and a current waiting list for the admission of additional participants into daycare, exceeding 10 children. The proposed project will allow access for all students on the waiting list plus additional future applicants.

B. Hours of operation: The child care will be open from 7:30 AM to 7:00 PM, Monday through Friday.

C. Estimated number of students: we apply for the maximum attendance number of 20 students to be educated in this location.

D. Proposed number of employees/teachers/assistants: there will 3 teachers within the school on a full-time basis, providing core supervision and tutoring during the day. One assistant teacher will be working on a part-time basis, arriving to the school at 10:00 am and providing assistance to teaching staff until 4:00pm.

Attending students will be grouped into three classes with the following age composition/numbers:

1. 5 students from 18 months to 3 years old;
2. 7 students aged from 3 to 4 years; and
3. 8 students from 4 to 5 years.

These numbers comply with the minimum teacher/students ratio in the age group of between 16 months and 2 years being 1 teacher for 5 students; the minimum teacher/students ratio in the age group of between 2 and 3 years old being 1 teacher for 8 students and 10:1 ratio for the age group from 3 to 5 years old as per Standards for Licensed Child Day Centers (22 VAC 40-185-350).

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. The work schedule of the center is planned to be flexible, so that there is no major overlapping infow/outflow traffic of the students/teachers. Once the facility reaches its maximum capacity, which may take some time to materialize, the following traffic is expected:

Arrival

7:30 – 8:30 am	2 teachers and 7 students (early bird group)
8:30 - 9:30 am	1 teacher and 7 students
9:30 – 10:30 am	6 students

Departure

4:30 – 5:00 pm	5 students
5:00 - 5:30 pm	7 students
5:30 - 6:30 pm	5 students and 1 teacher
6:30 – 7:00 pm	3 students and 2 teachers

The eventual traffic impact of the proposed use is determined by the configuration of properties in the neighborhood. There is only one adjacent neighbor that can see direct impact from traffic in the immediate vicinity of the subject property and it happens to be the Apple Tree School, located up the Blake Lane. This is the only neighboring property on the line facing the Blake Lane, all other properties are located in such a way that their entrance driveways open to the inner road. As a result, any traffic generated by operation of the proposed daycare center is not going to directly affect any of the adjacent properties other than the Apple Tree School. The latter has a much greater capacity and resultant traffic than we apply for and, furthermore, is located up the street so that our incoming/outgoing traffic does not impede access to or exit from their property.

An arrangement has been made to allow all teachers of the facility to park their cars at the parking lot of the NOVA Primitive Baptist Church located at 9640 Blake Lane across the street from the project property. Consequently, traffic at the project location will be generated in respect of the 20 students drop-off/pick-up only, with an substantial spread over time, i.e. arrival of the students is scheduled to take place over 3 hours, from as early as 7:30 am to 10:30 am in the morning. The departing traffic flow will be spread over 2.5 hours from 16:30 until 19:00. These pattern carefully avoids any concentration of vehicular traffic that could negatively affect the currently fluid transport situation at this section of Blake Lane during peak hours.

We undertook a preliminary study, using the software “StreetMap Premium for ArcGIS North America NAVTEQ” (2014 Release 3)” that is based on historic traffic data and day-by-day patterns established from observations over a 1-year period. According to its findings, the particular section of BLAKE LANE where Special Exception Application property is located, even at peak morning hours on Wednesday, typically the worst weekday, traffic is fluid in both directions. Evening traffic was gauged for Tuesday and exhibits similar benign results in terms of not adding to any congestions.

F. Vicinity or general area to be served by the proposed daycare center: due to specialized nature of our program, we see our client base to be spread around larger Fairfax City area, with typical driving time for the parents to drop off and pick up their children in the range of 15-20 minutes, or within the radius of up to 7 miles. This is the pattern that we

observe in operating the school in Reston, with longer distances/trip time usually discouraging clients from joining or forcing them to rapidly withdraw from the program. Based on that, we assume that the majority of the students will be transported by individual cars. However, there is an emerging trend with our school in Reston which we may expect to repeat with this location, when proximity to our center becomes a factor in family relocation decision-making.

G. Description of building façade and architecture of proposed additions.

The house is a brick 1 ½-story single-family detached dwelling, built in 1962, of rectangular shape with façade width of 47.0 ft and 26.4 ft deep, and with an approximate height of 21.0 ft. The main entrance is in the central section of the façade facing Blake Lane, while the building also has a walk-out basement and a deck, with an exit from the second level. The overall inner space of the structure is around 1917 sq. ft, with the usable space at 1339 sq. ft (excluding stairs, bathrooms, closets, technical room). The daycare center will use both levels, which combined will have 8 separate rooms suitable to serve as classrooms, dining and sleeping rooms. Kitchen area of the house (located on the second floor) will be used for meal/snack storage and distribution. The available inner space by far exceeds the prescribed ratio of 50 sq. ft per child and could actually accommodate up to 55 students.

The following modifications will be needed to bring the property in compliance with all the norms and regulations related to child daycare facilities, as described in the attached architectural plan:

1. Install drinking fountains at both levels;
2. Widen existing exits on upper and lower levels to comply with door width requirement of over 36";
3. Create additional exit on the lower level;
4. Re-model lower level bathroom to make it compliant with ADA requirements;
5. Build a compliant ramp from the drop-off area to the lower level entrance, to allow access for disabled persons.

Particulars of the lot area: The lot has a triangular shape with the sides of 110.73 ft (façade), 189.47 ft deep and 270.24 ft, its total area is 18'679 square ft.

Outdoor Play: there is a fenced playground in the backyard, that is ready for outdoor play for the children. The shape of the playground is pentagonal, having width of 67.4 ft and the shorter depth of 53.1 ft, which results in the overall space within the fenced area of about 3372 sq. ft. The available playground area exceeds the required minimum of 100 sq. ft per child (or 2500 sq. ft overall). There are a number of light plastic structures (such as a playhouse and a slide) plus a swing set mounted under the deck. The playground has a wooden chip surface complying with

relevant daycare regulations, and so is the fence with two separate entrances, from the left and right sides of the building. Their locations have been indicated on the plat.

Parking: the existing driveway and parking spaces (three spots) are marked on the plat, and have a gravel surface. The requested capacity of 20 students will require at least 4 parking spots as per Article 9-302, that stipulates the ratio of 0.19 spaces per attending child. The updated parking plan for operation of the facility includes a parking lot for 4 parking spaces designated on the left side of the building, and 3 spaces for children drop-off/pick-up on the right side of the semi-circular driveway that leads to the main entrance to the building. The driveway itself will be extended with the egress to the Blake Lane located much further down the road from its current location.

Given the fact that an arrangement has been made to allow all teachers of the facility to park their cars at the parking lot of the NOVA Primitive Baptist Church located at 9640 Blake Lane, parking will be only required in respect of the 20 students drop-off/pick-up. The arrival of students will be scheduled in such a way that there will be on average 7 students dropped off during any morning hour (from as early as 7:30 am to 10:30 am in the morning, i.e. 20 students over 3 hours). Moreover, the proposed 3 spaces for drop-off eliminate the need for actual parking as children are taken from the vehicle by the teacher at the entrance, and then escorted inside the building in less than 1 minute. The departing traffic flow will be spread over 2.5 hours from 16:30 until 19:00 and will follow similar pattern. Departures traditionally require less time than arrivals as students get ready for dismissal and await their parents by the entrance at a specified time. Based on these arrangements and overall numbers of cars involved, any potential queueing up and backing into the street is highly unlikely.

In conclusion, there are no changes proposed to the appearance of the house.

H. A listing, if known, of all hazardous or toxic substances: there are no known hazards or toxic substances to be generated, utilized, stored, treated, and/or disposed of on the site.

J. Compliance with Goals and Policies

In submitting this application, we made sure that the intended use is consistent with the comprehensive plan and other adopted goals and policies, as well as purposes stated in the Code of Virginia, § 15.2-2283. The proposed use is viewed to be in harmony with the general purpose and intent of the applicable zoning district regulations. 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. More specifically, the proposed daycare operation will not entail any structural modifications or land development beyond those already existing on the lot and, and, consequently, will not hinder or discourage the appropriate development and use of

adjacent or nearby land and/or buildings or impair the value thereof. The proposed project also conforms with the provisions of Fairfax County Comprehensive Plan relating to child care facilities.

**I. FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition
POLICY PLAN Human Services, Amended through 8-5-2002, Page 10**

Objective 20: Encourage location of child care facilities on or near the worksite and in or near residential developments.

Policy a. Locate and design child care facilities to ensure the safety of children. Location of child care centers in retail areas is appropriate if designed to provide a safe and healthful environment for children.

Policy b. Locate and design child care facilities in residential communities to minimize the impact of traffic and noise on the surrounding community. Consideration should be given to locating child care centers on the periphery of residential developments or in the vicinity of planned community recreational facilities.

Policy c. Design child care facilities with sufficient open space to provide access to sunlight and suitable play areas. Locate and design facilities to protect children from excessive noise, air pollution and other environmental factors potentially injurious to their health or welfare.

Policy d. Locate and design child care facilities to ensure safe and convenient access. Appropriate attention should be paid to parking and safe and effective on-site circulation of automobiles and pedestrians.

Policy e. Allow family day care homes, properly regulated, to exist in a variety of residential settings.

II. FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition AREA II Fairfax Planning District, Amended through 12-2-2014 F3-Mosby Woods Community Planning Sector, Page 42

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that most of this sector be identified as a Suburban Neighborhood. The Flint Hill Suburban Center is located in this sector (see the Flint Hill Suburban Center).

RECOMMENDATIONS

Land Use

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Compliance with Comprehensive Plan: Interpreting the recommended land use in Mosby Woods sector which is to be **largely** developed as stable residential neighborhoods, we consider that the proposed project is compatible with the Plan and, more specifically, the guidance that “infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity”. While Blake Lane neighborhood is largely residential, there is a distinct cluster of non-residential uses formed by the Apple Tree school (based out of two adjacent properties) and NOVA Primitive Baptist Church across the street. Located just next to the Apple Tree school, the proposed project is similar in nature of operation and type of use while generating significantly less traffic, with the requested capacity of only 20 students versus the current licensed capacity of 105 students of the above school.

Additionally, there are no major structural changes to the building proposed, which should alter the residential appearance of the property. The landscaping and transitional screening elements of the project are designed in such a way as to isolate the parking area, which is not significant with only 4 parking spaces, from being viewed by neighbors or largely from Blake Lane. We consider that the general improvement of the appearance of the property as a result of the project, including replacement of the fence on the longer side of the plot, will be beneficial to the neighborhood while preserving its residential appearance.



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: June 11, 2015

TO: Suzanne Wright, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG*
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SE 214-PR-067
Applicant: Konstantin E. Panov
PC Hearing Date: 6/25/15
BOS Hearing Date: Not yet scheduled

REF.: 127371

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 6/5/15, which bears my initials and is numbered 127371a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVITDATE: June 5th, 2015
(enter date affidavit is notarized)I, KONSTANTIN E. PANOV, do hereby state that I am an
(enter name of applicant or authorized agent)

127371a

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) belowin Application No.(s): SE 2014-PR-067
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Konstantin E. Panov and Alla Davidova, d/b/a The Butterfly Effect, Inc.	9653 Blake Lane, Fairfax, VA 22031 2902 Langholm Place, Vienna, VA 22181 2902 Langholm Place, Vienna, VA 22181	Co-Applicant/Title-Owner Co-Applicant/Title-Owner Co-Applicant
BC Consultants, Inc. Agents: Peter L. Rinek Dennis D. Dixon	12600 Fair Lakes Circle, Suite 100 Fairfax, VA 22033	Engineers

(check if applicable)

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5th, 2015
 (enter date affidavit is notarized)

127371a

for Application No. (s): SE 2014-PR-067
 (enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) The Butterfly Effect, Inc.
 2902 Langholm Place
 Vienna, VA 22181

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)

Alla Davidova
 Konstantin E. Panov

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

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

Special Exception Attachment to Par. 1(b)

DATE: June 5th, 2015
(enter date affidavit is notarized)

for Application No. (s): SE 2014-PR-067
(enter County-assigned application number (s))

127371a

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

BC Consultants, Inc.
12600 Fair Lakes Circle, Suite 100
Fairfax, VA 22033

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

James H. Scanlon
Daniel M. Collier

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5th, 2015
(enter date affidavit is notarized)

127371a

for Application No. (s): SE 2014-PR-067
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
NONE

(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 Exception Affidavit Attachment to Par. 1(c)" form.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5th, 2015
(enter date affidavit is notarized)

127371a

for Application No. (s): SE 2014-PR-067
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

Application No.(s): SE 2014-PR-067
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5th, 2015
(enter date affidavit is notarized)

127371a

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

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

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

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

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

WITNESS the following signature:

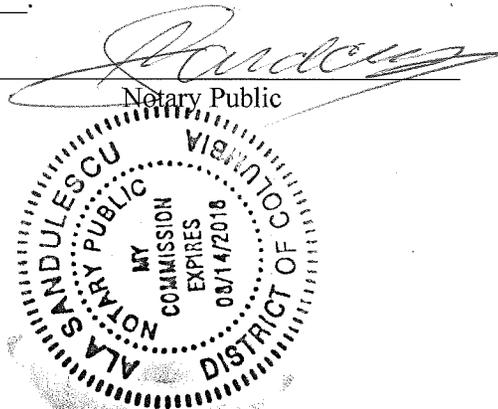
(check one) [] Applicant [] Applicant's Authorized Agent

Konstantin E. Panov, Co-Applicant/Title-Owner
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5 day of June 20 15, in the State/Comm. of WASHINGTON D.C. County/City of _____.

My commission expires: 08/14/2018

ALA SANDULESCU
Notary Public, District of Columbia
My Commission Expires August 14, 2018



MAY 14 2015

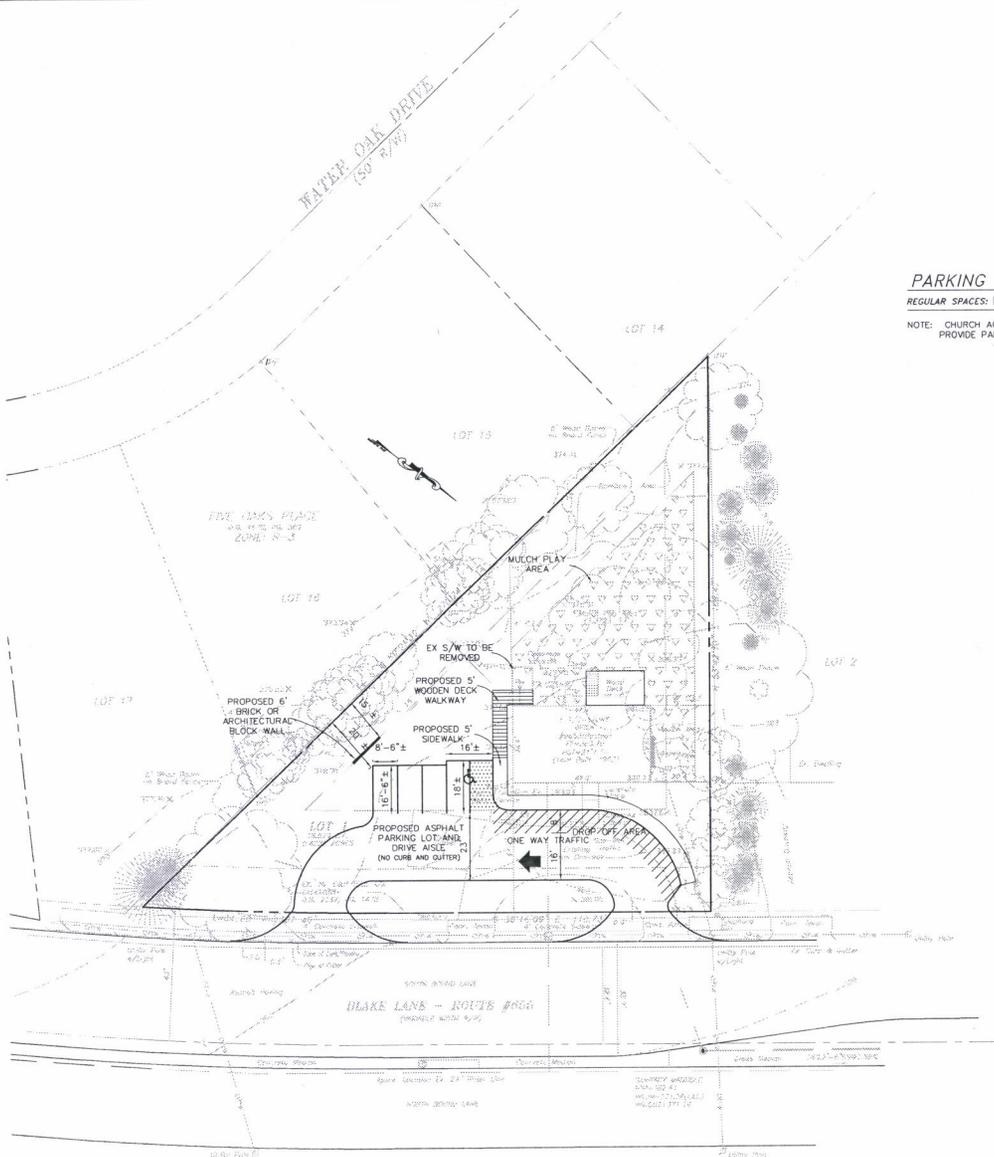
Zoning Evaluation Division

BC Consultants
 Planners • Engineers • Surveyors • Landscape Architects
 12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)449-8100 (703)449-8108 (fax)
 www.bccconsultants.com



SPECIAL EXCEPTION PLAT
LOT 1 WILLOW POINT
 RENOVATION AND ADDITION
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: PLR/DD
 CHECKED BY: PLR
 DATE: MAY 2015
 SCALE: HOR: 1" = 20'
 VERT: NA
 SHEET 1 OF 4
 CO. NO.
 CAD NAME: 15502LAY
 LAYOUT: LAYOUT
 FILE NO.



PARKING TABULATION

REGULAR SPACES: 4 865 S.F.

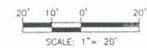
NOTE: CHURCH ACROSS THE STREET HAS AGREED TO PROVIDE PARKING FOR SCHOOL FACULTY.

GENERAL NOTES:

- CURRENT OWNER: KONSTANTIN PANOV AND ALLA DAVIDOVA. DEED BOOK 22556, PAGE 1754, #2902 LANGHOLM PL., VIENNA, VA 22181
- THE PROPERTY DELINEATED ON THIS PLAT IS IDENTIFIED ON ASSESSMENT MAP 048-3-(151) AS PARCEL 1 AND IS ZONED R-2.
- THE ADDRESS OF THIS PROPERTY IS #9653 BLAKE LN.
- ZONE: 1A-2
- USE: SINGLE-FAMILY RESIDENTIAL
- LOT AREA: PARCEL 1= 18,679 SQ. FT. (0.4288 AC.)
- BULK REGULATIONS:

FRONT YARD:	REQUIRED
SIDE YARD:	35'
REAR YARD:	15'
	25'
- BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AVAILABLE DEEDS PLATS OF RECORD AND VERIFIED BY A CURRENT FIELD SURVEY BY THIS FIRM.
- BEARINGS BASED ON THE PLAT OF WILLOW POINT RECORDED IN DEED BOOK 1985, PAGE 252 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- TOPOGRAPHIC SURVEY WAS COMPILED BY LS2PC IN APRIL, 2013.
- CONTOUR INTERVAL= TWO FOOT.
- VERTICAL INFORMATION BASED ON FAIRFAX COUNTY SANITARY SEWER M.H. 48-3-142, INVERT ELEVATION = 371.23.
- THE STREET SHOWN HEREON IS A PUBLIC RIGHT-OF-WAY.
- THIS LOT IS SERVED BY PUBLIC SEWER AND WATER.
- ALL EXISTING STRUCTURES TO REMAIN UNCHANGED.
- THE PROPERTY SHOWN HEREON LIES IN ZONE "X", AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. S105PC 0200 E AND DOES NOT LIE WITHIN A RESOURCE PROTECTION AREA.
- THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS ON THIS SITE, THEREFORE DOES NOT AFFECT THIS PROPERTY.
- COMPREHENSIVE PLAN SHOWS PROPOSED TRAIL ON THE NORTH SIDE OF BLAKE LANE AND THERE ARE NO SIGNS, EXISTING OR PROPOSED.
- THERE ARE NO SIGNS, EXISTING OR PROPOSED.
- A WAIVER OF THE LOADING SPACE REQUIREMENT IS REQUESTED.
- A MODIFICATION OF THE REQUIRED 25' TRANSITIONAL SCREENING ALONG A PORTION OF THE EASTERN BOUNDARY (WHERE SHOWN ON THE PLAN) IS REQUESTED. A WAIVER OF THE REQUIRED 25' TRANSITIONAL SCREENING ALONG THE EASTERN BOUNDARY (BLAKE LANE FRONTAGE) IS REQUESTED. SEE SHEET 3 FOR ADDITIONAL INFORMATION.
- A MODIFICATION TO USE THE EXISTING 6' WOOD FENCE FOR THE REQUIRED BARRIER ALONG THE SOUTHERN BOUNDARY IS REQUESTED. A WAIVER OF THE REQUIRED BARRIER ALONG THE EASTERN BOUNDARY (BLAKE LANE FRONTAGE) IS REQUESTED.
- BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY LS2PC (LAND SURVEYORS AND CIVIL ENGINEERS).

NOTE: THIS TOPOGRAPHIC SURVEY OF WILLOW POINT, LOT 1 WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF LAWRENCE H. SPILMAN, RL, L.S. FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON APRIL 5, 2013; AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.





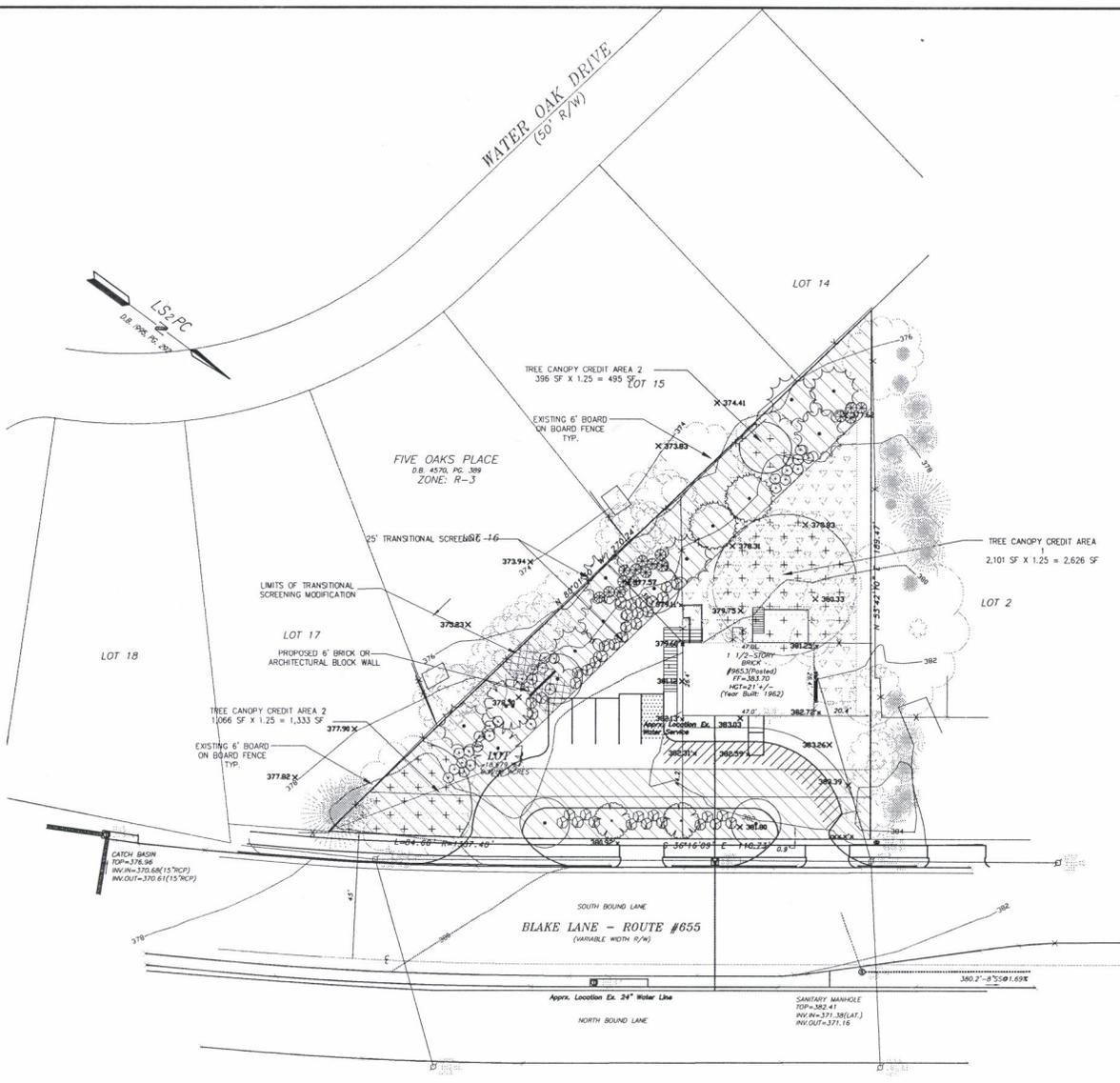
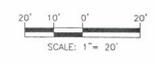
LANDSCAPE PLAN
LOT 1 WILLOW POINT
 RENOVATION AND ADDITION
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

BC REVISIONS
 1-15 REVISIONS
 DESIGNED BY: PLR/JDD
 DRAFTED BY: CAD
 CHECKED BY: PLR
 DATE: MAY 2015
 SCALE: HOR. 1" = 20'
 VERT. N/A
 SHEET 2 OF 4
 CD. NO.
 CAD NAME: 15502LSC
 LAYOUT: LSC
 FILE NO.

LEGEND:

-
-
-
-
-
-
-
-
-
-

* A MODIFICATION OF THE REQUIRED 25' TRANSITIONAL SCREENING ALONG A PORTION OF THE EASTERN BOUNDARY (WHERE SHOWN ON THE PLAN) IS REQUESTED. A WAIVER OF THE REQUIRED 25' TRANSITIONAL SCREENING ALONG THE EASTERN BOUNDARY (BLAKE LANE FRONTAGE) IS REQUESTED. SEE SHEET 3 FOR ADDITIONAL INFORMATION.



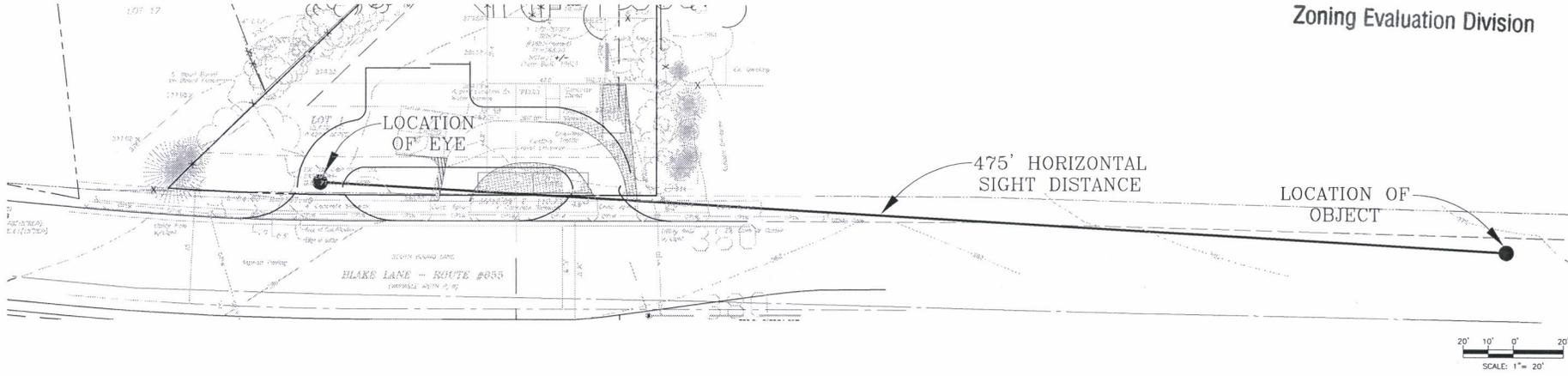
CATCH BASIN
 TOP=376.96
 INV. IN=370.68 (15" RCP)
 INV. OUT=370.61 (15" RCP)

Approx. Location Ex. 24" Meter Line
 SANITARY MANHOLE
 TOP=362.41
 INV. IN=371.38 (15")
 INV. OUT=371.16

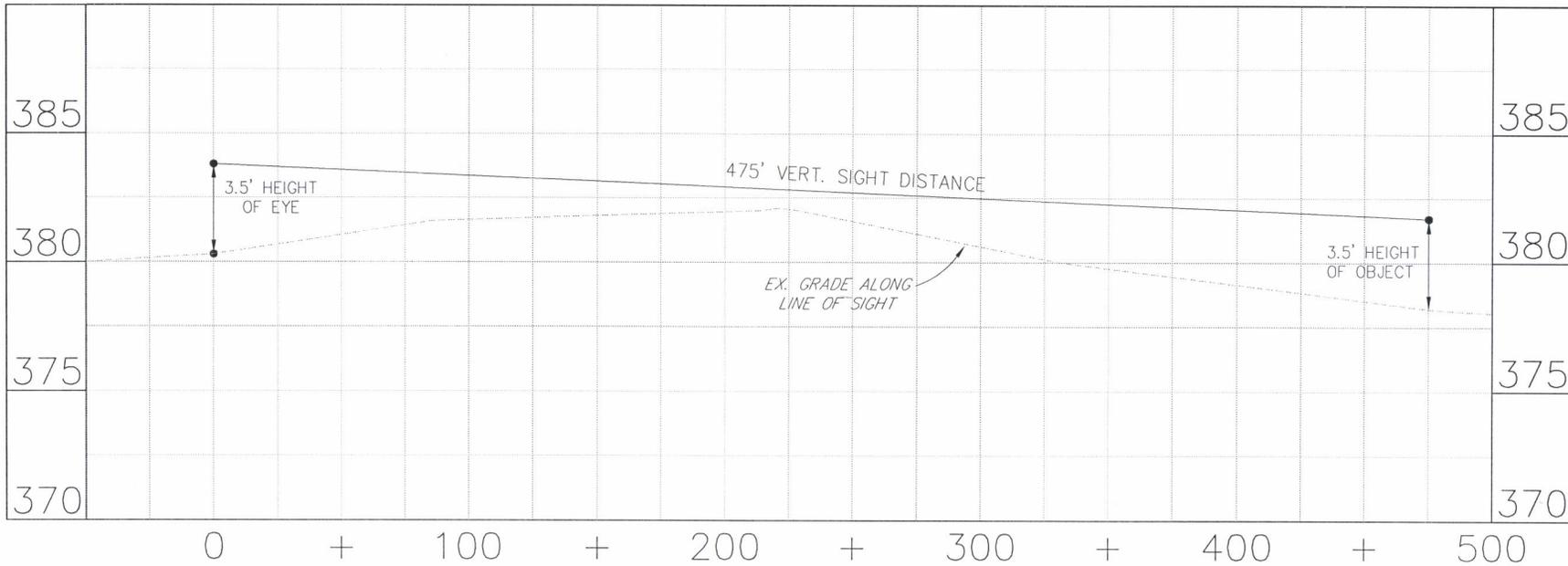
MAY 14 2015

Zoning Evaluation Division

BC Consultants
Planners • Engineers • Surveyors • Landscape Architects
12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
(703)449-9100 (703)449-9108 (Fax)
www.bccconsultants.com



EX. BLAKE LAND - ROUTE 655
DESIGN SPEED = 40 MPH POSTED SPEED = 35 MPH



SIGHT DISTANCE
LOT 1 WILLOW POINT
RENOVATION AND ADDITION
FAIRFAX COUNTY, VIRGINIA

BC REVISIONS
E-12-15: REVISIONS
DESIGNED BY: PLR/JO
DRAFTED BY: CAD
CHECKED BY: PLR
DATE: MAY 2015
SCALE: HOR 1" = 20'
VERT. NA
SHEET 4 OF 4
CO. NO.
CAD NAME: 155029GHDIST
LAYOUT: SIGHT DISTANCE
FILE NO:



County of Fairfax, Virginia

MEMORANDUM

DATE: May 20, 2015

TO: Ms. Suzanne Wright, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III 
Forest Conservation Branch, DPWES

SUBJECT: Willow Point Lot 1; SE 2014-PR-067

This review is based on the Special Exception Plat (SE) stamped "Received, Department of Planning and Zoning, May 14, 2015."

General Comment: Comments and recommendations on the previously submitted SE Plats were provided to DPZ in memos dated November 24, 2014 and February 26, 2015. The following comments result from those comments and recommendations that were not adequately addressed on the previously submitted SE Plat.

- 1. Comment:** A modification of transitional screening along a portion of the eastern boundary and a waiver of the required 25' transitional screening along the eastern boundary is requested. In addition, a modification to use the existing 6' wood fence for the required barrier along the southern boundary is also requested on sheets 1 and 2. The note under the transitional screening calculations on sheet 3 states "A transitional screening and barrier modification and/or waiver request application will be submitted (under separate cover).

Recommendation: If the Applicant wishes to pursue a modification of the transitional screening and barrier requirements, a modification request with a detailed justification in conformance with ZO 13-305 should be provided as part of the Special Exception.

- 2. Comment:** The specific plant material proposed to be planted and to be used toward meeting the transitional screening requirement has not been provided. In addition, the legend on sheet 2 identifies the size of the proposed evergreen trees in caliper rather than in height.

Recommendation: Provide the specific plant material proposed to be planted and to be used toward meeting the transitional screening requirement. Also, when using evergreen trees, the size is expressed in height, not caliper inches.

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes



Willow Point, Lot 1
SE 2014-PR-067
May 20, 2015
Page 2 of 2

- 3. Comment:** There appears to be an existing 15-foot wide public utility easement along the eastern property boundary, adjacent to Blake Lane, within the transitional screening yard. Trees shall not be planted within any existing or proposed public utility easement.

Recommendation: If trees are shown to be planted within an existing or proposed utility easement, the plan shall contain a letter of permission from the owner of the easement. Because the plants are part of the transitional screening requirements, a note on the plan should be provided that states "If any work occurs within the easement that causes damaged to or requires the removal of any plants associated with the transitional screening, they shall be replaced by the Applicant in the same sizes and quantities shown on the SE Plat within the current growing season."

- 4. Comment:** Preliminary limits of disturbance have not been provided on the SE Plat and it is unclear if any damage may occur to the oak tree at the southeast corner of the property.

Recommendation: Preliminary limits of disturbance for the proposed circular driveway and parking spaces should be provided to determine if tree protect will be necessary for the oak tree at the southeast corner of the property.

Please feel free to contact me if you have any questions or concerns.

CSH/

UFMDID #: 197721

cc: DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE: May 28, 2015

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

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

FILE: 3-5 (SE 2014-PR-067)

SUBJECT: Transportation Impact, Addendum

REFERENCE: SE 2014-PR-067 Konstantin Panov
Land Identification Map: 48-3 ((19)) 1

Transmitted herewith are further comments from the Department of Transportation with respect to the referenced application which has been extensively revised. These comments are based on the plat made available to this office dated May 2015, revised through May 12, 2015, and received in Transportation on May 27, 2015. No revised statement of justification was included. The applicant seeks approval to convert a single family home to a child care facility for up to 20 children (reduced from 25) aged 1.5 to 5 years. There would be no more than 4 employees at one time. The proposed hours of operation are 8:00 a.m. to 6:00 p.m. Monday–Friday.

- No revised statement of justification has been received so, although the number of children has been reduced from 25 to 20, it is not known what other changes, if any, are proposed such as the number of staff or the hours.
- Four (4) parking spaces are shown including one handicapped space which means, in general only 3 spaces available for parents. One of the spaces intrudes into the 25-ft transitional screening and is 10-ft from an “architectural” brick or block wall which may also be a retaining wall because of the slope of the site in that area.
- The staff has permission to park across Blake Lane at the church, however, no written agreement has been provided.
- A drop-off area is still shown even though small children are not usually “dropped off” but are taken inside by accompanying parent.
- The sight distance leaving the site is adequate, however, the visibility of the entrance from eastbound Blake Lane is somewhat obscured by shrubbery on the adjacent site.

MAD/LAH/lah

cc: Suzanne Wright, DPZ

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot





County of Fairfax, Virginia

MEMORANDUM

DATE: May 28, 2015

TO: Suzanne Wright, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Mohan Bastakoti, P.E., Senior Engineer III 
South Branch
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Application # SE 2014-PR-067; Tax Map #48-3-19-0001; Providence District

We have reviewed the subject application and offer the following stormwater management comments:

Please include completed minimum stormwater information checklist for rezoning-special exception permits and development plan applications on the SE plat.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area present on this site.

Floodplain

There is no regulated floodplain on this site.

Downstream Drainage Complaints

There is no storm water complaint on file within the property.

Drainage Diversion

During the development, the natural drainage divide shall be honored. If natural drainage divides cannot be honored, a drainage diversion justification narrative must be provided. The increase and decrease in discharge rates, volumes, and durations of concentrated and non-concentrated Stormwater runoff leaving a development site due to the diverted flow shall not have an adverse impact (e.g., soil erosion; sedimentation; yard, dwelling, building, or private structure flooding; duration of ponding water; inadequate overland relief) on adjacent or downstream properties. (PFM 6-0202.2A)



Water Quality Control

Water quality controls must be satisfied for this development (PFM 6-0401.2). The plan does not provide any information about how the water quality requirements will be satisfied. Please address.

Stormwater Detention

Unless waived by the Director, the postdevelopment peak flow for the 2-year 24-hour storm event shall be released at a rate that is equal to or less than the predevelopment peak flow rate from the 2-year 24-hour storm event and the postdevelopment peak flow for the 10-year 24-hour storm event shall be released at a rate that is less than or equal to the predevelopment peak flow rate from the 10-year 24-hour storm event. SWMO 124-4-4.D.

No information was provided how the applicant is meeting the above requirements. Please address.

Downstream Drainage System

No information was provided regarding to the adequate outfall requirements that is required by minimum stormwater information checklist for rezoning-special exception permits and development plan applications. Please address.

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, SPD, DPWES
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES
Durga Kharel, Chief, Central Branch, SDID, DPWES
Zoning Application File