



County of Fairfax, Virginia

July 8, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-031

DRANESVILLE DISTRICT

APPLICANT: Any Pol Svay
Any's Family Daycare LLC

OWNERS: Sokhoeun Svay
Any P C Svay

SUBDIVISION: Kingston Chase

STREET ADDRESS: 1627 Hiddenbrook Drive,
Herndon, 20170

TAX MAP REFERENCE: 10-4 ((14)) 479A

LOT SIZE: 9,919 square feet

ZONING DISTRICT: R-3 (cluster)

ZONING ORDINANCE PROVISIONS: 8-305, 3-303

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-DR-031 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

Erin M. Haley

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

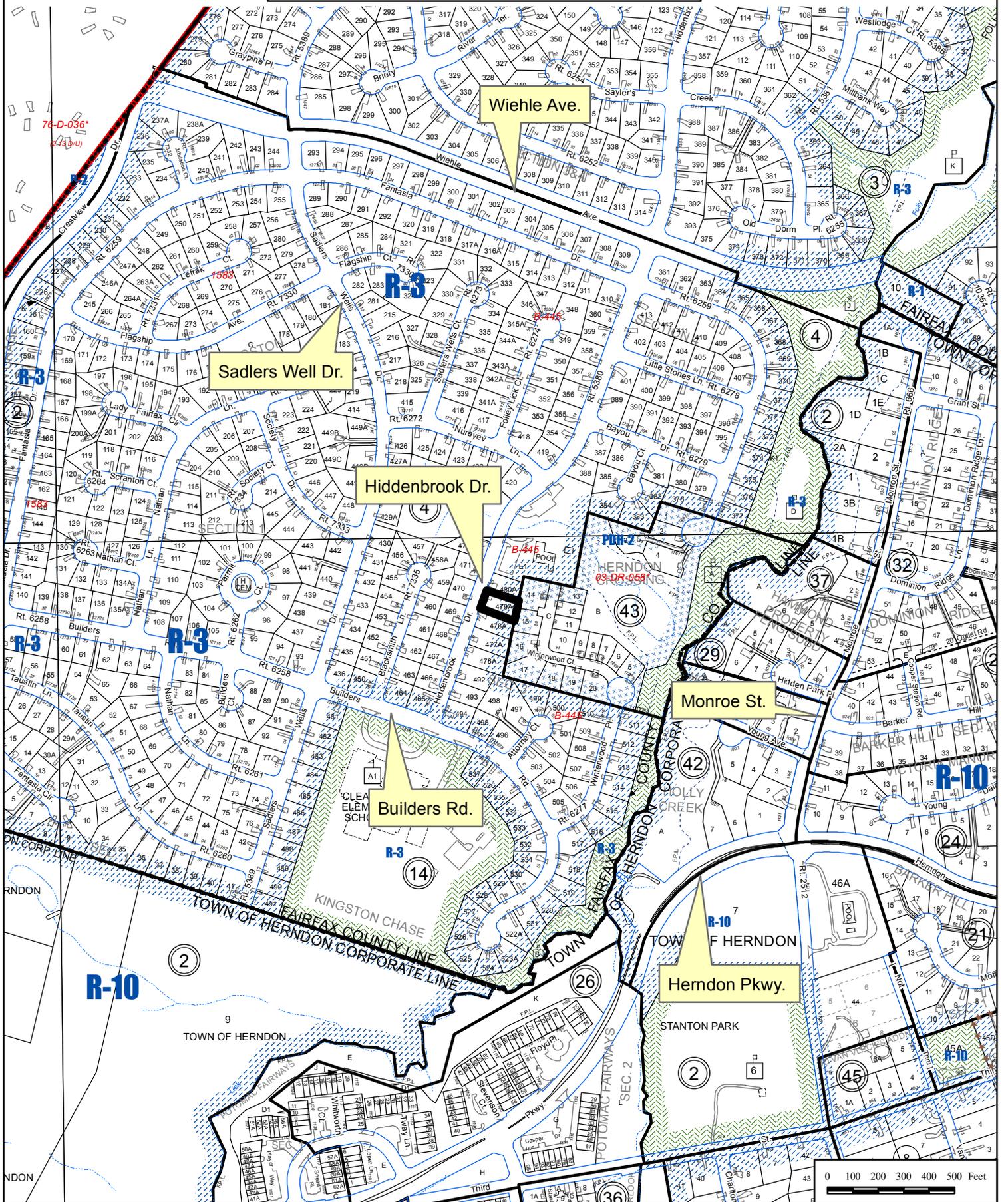
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

Special Permit

SP 2015-DR-031

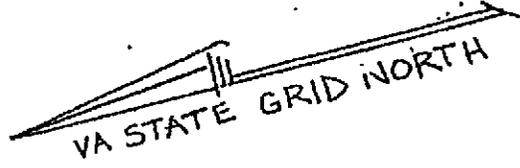
ANY POL SVAY / ANY SVAY DAYCARE



Flood Note: The lot shown hereon does not lie within a designated F.E.M.A. Special Flood Hazard Area.

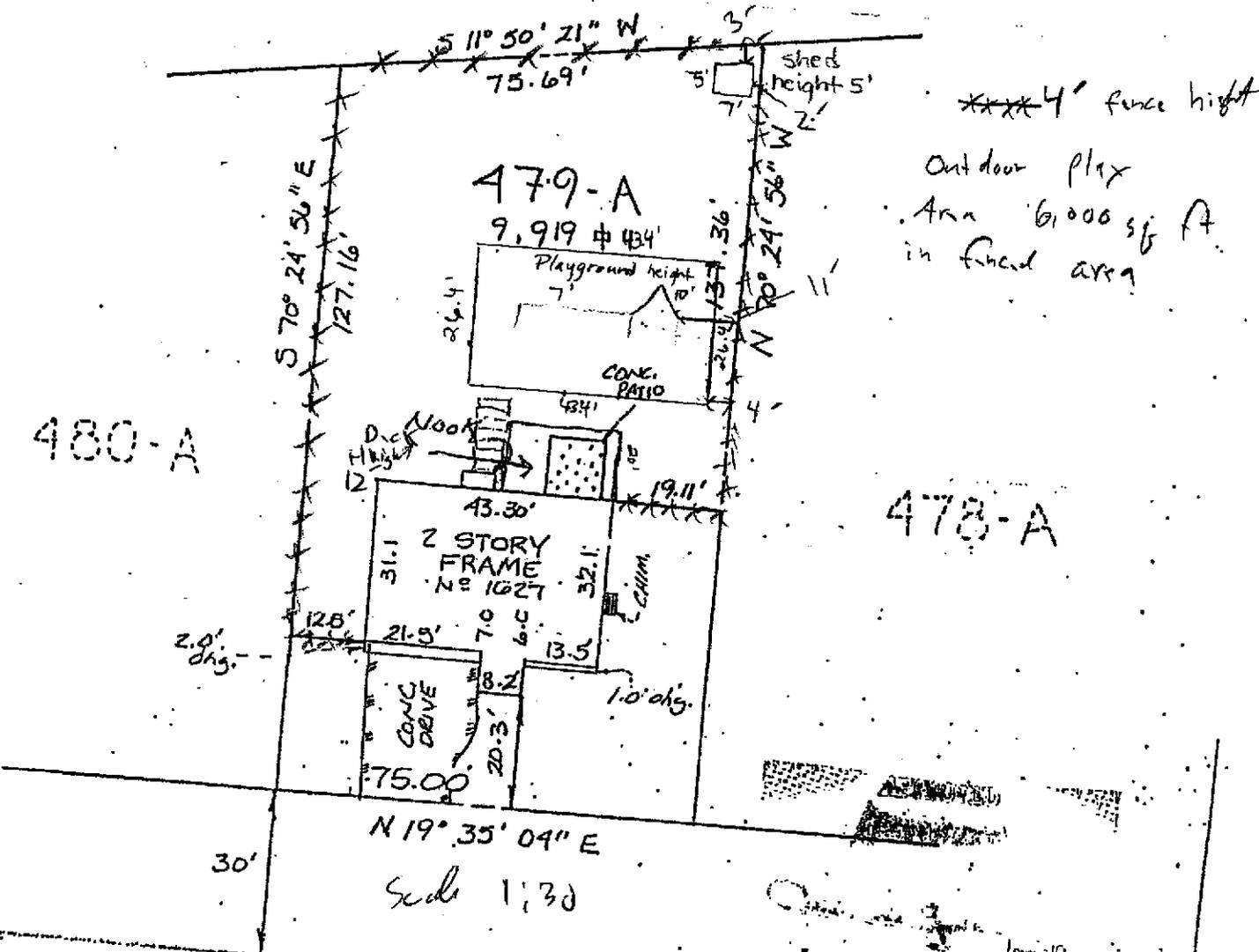
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Zoning Evaluation Division



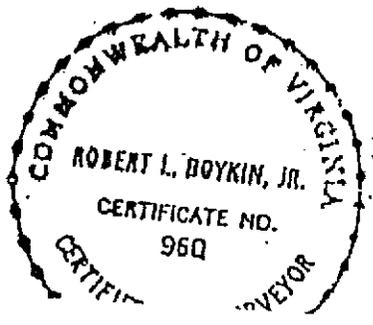
Purchaser's copy

J.C. & A.H. YOUNG



**** 4' fence height
Outdoor play Area 6,000 sq ft in fenced area

1627 HIDDENBROOK DRIVE APPROVED
60' R/W



Approved 02/18/15
PLAT SHOWING
HOUSE LOCATION

APPROVED

DIVISION OF DESIGN REVIEW

By: *Me*

Date: 4-9-17

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, "Plat Showing House Location 1627 Hiddenbrook Drive," prepared by Robert L. Boykin, L.S., as revised by Any Sway through February 18, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a split level single-family detached dwelling. Vehicular access is provided by an concrete driveway to a garage. An elevated deck and concrete patio are located at the rear of the house. The applicant has a play set 11.0 feet in height in the rear yard for the children. A shed 5.0 feet in height is located in the southwestern corner of the rear yard. The rear yard is enclosed by a wood fence ranging from 4.0 feet to 6.0 feet in height.



Figure 1: House Location
For illustrative purposes only

The subject property and surrounding properties are developed as single family detached dwellings. Properties to the southeast are zoned PDH-2.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1986 and purchased by the current owners in 1994.

The deck at the rear of the house was constructed with a building permit by a previous owner in 1987. The applicant converted half of the garage into habitable space for use by the daycare. She has received a final building permit and inspection for the conversion. All relevant building permit information is included as Appendix 4.

Records indicate that no other special permit applications relating to a home child care facility have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The applicant employs one full-time assistant.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through July 14, 2015. The license permits a capacity of seven children, ages birth through 12 years, 11 months. Information about the state license indicates that her approved hours of operation are 6:00 a.m. to 6:00 p.m. A development condition has been proposed to require the applicant to align her state-approved hours of operation to those approved with this special permit. A copy of the state home child care licence information is included as Appendix 5.

The home child care facility is operated in the dining area and living room of the main floor of the house. These areas are used for playing and are where the older children nap. The child care is also operated in the converted portion of the garage which is used as a play room and in two other rooms on the lower level which are used as napping and playing rooms for the infants. All of these rooms contain adequate emergency egress, either through windows on the lower level or doors on the main level. Parents drop the children off and pick them up at the front entrance. The playground in the rear yard is used for outdoor play.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Greater Herndon Community Planning Sector (UP4)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3C)		
Standard	Required	Provided
Lot Size	8,500 s.f.	9,919 s.f.
Lot Width	Interior lot: no requirement	75 ft.
Building Height	35 ft.	Not provided
Front Yard	20 ft.	20.3 ft.

Bulk Standards (R-3C)		
Standard	Required	Provided
Side Yard	8 ft., but a total minimum of 20 ft.	12.8 ft. (northern side yard) 19.1 ft. (southern side yard)
Rear Yard	25 ft.	> 25 ft.

On-Site Parking and Site Circulation

The applicant has a one car garage and a driveway with room for two parking spaces that she utilizes for drop-off and pick-up of children. In addition, Hiddenbrook Drive has on-street parking available. A condition has been included to ensure the driveway remain available during drop-off and pick-up times.

Zoning Inspection Report

During the site visit, staff found a missing smoke alarm, one interior door with a double-keyed deadbolt, and that the area around the service panel was obstructed (Appendix 6). The applicant has since corrected those items and provided staff with photographs.

Zoning Ordinance Requirements (Appendix 7)

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

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends a residential use as part of a planned community, and the property is developed in accordance with the plan recommendation. The R-3C District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the 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 in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.

Standard 6 Open Space	There is no prescribed open space on individual lots required in the R-3C District,
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.
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 meets the lot size and bulk regulations for the R-3C District. No new construction or exterior modifications are proposed.
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 Employee	The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and ample parking is available 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	There is existing vegetation and a wood fence in the rear and side yardsthat provides screening to the outdoor play area.
Standard 4 Submission Requirements	The applicant met all submission requirements for a home child care facility.
Standard 5 Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant holds a valid home child care license.

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

Part A Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of 12 children at any one time.
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<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.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing one non-resident employees.</p>
<p>Part E Provider is a Resident</p>	<p>The provider resides in the application 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.</p>
<p>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of 12 children at any one time and one non-resident employee.</p>

CONCLUSION/ RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2015-DR-031 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant’s Statement of Justification and Select File Photographs
3. Applicant’s Affidavit

4. Applicable Building Permit information
5. State Family Day Home License information
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-031****July 8, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-031 located at Tax Map 10-4 ((14)) 479A to permit a home child care facility pursuant to Section 8-305 and 3-305 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, Any Pol Svay, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 1627 Hiddenbrook 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 titled, "Plat Showing House Location 1627 Hiddenbrook Drive," prepared by Robert L. Boykin, L.S., as revised by Any Svay through February 18, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday
8. There shall be no signage associated with the home child care facility.
9. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
11. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards.

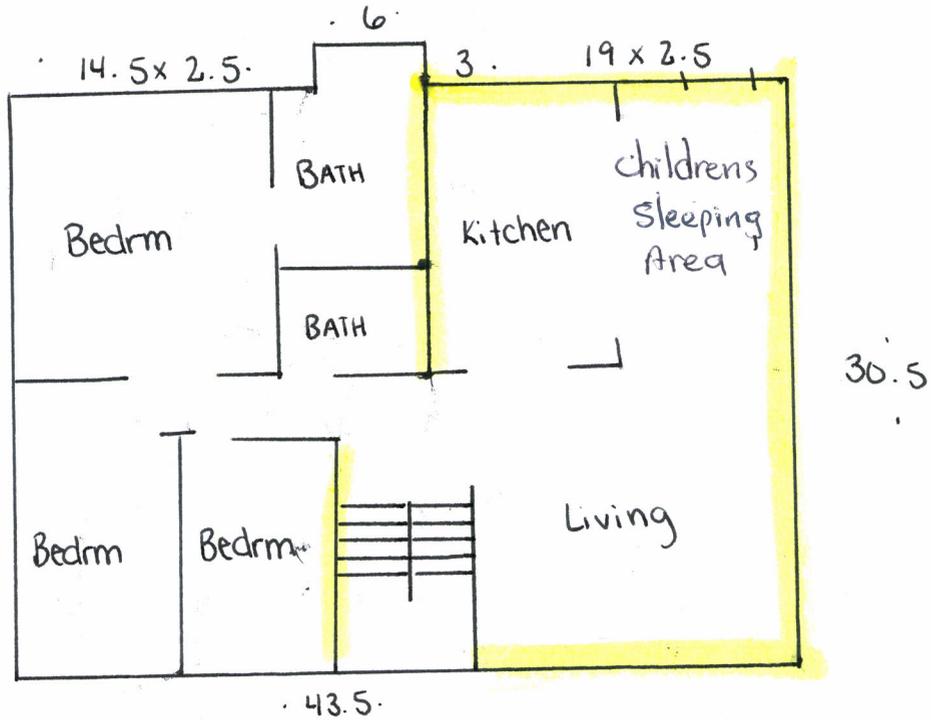
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.

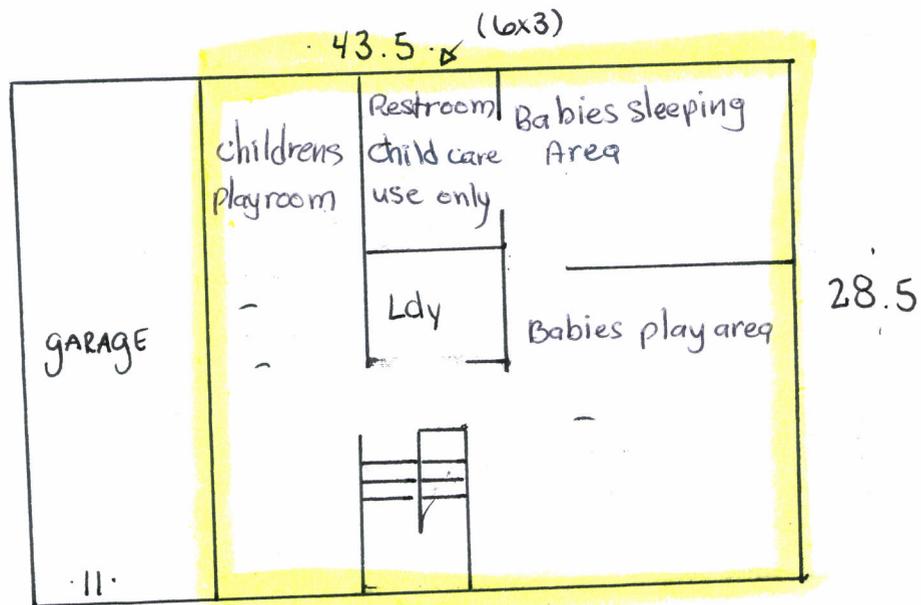
Special Permit Statement of Justification for Any Svay Daycare

- A. Hours of operation: 7AM to 6PM Monday through Friday.
- B. Estimated number of children up to 12.
- C. Proposed number of employees: 1 who will work from 7AM to 4PM.
- D. Drop off and pick up schedule: Earliest drop off time is 7AM and latest pickup time is 5:30PM, however, there are times when the parents run late and pickup at close to 6PM. The largest number of drop off usually occur around 8AM and largest number of pickup is between 4:30 to 5PM.
- E. General area served by child care: Most of the children's parents teach for Fairfax County Public schools. Although they live in Ashburn, Leesburg, and Herndon, they drop off their children in my care, which is a fairly short commute from their workplace.
- F. Commute: Parents drive their children to my daycare and my driveway and street parking is available for them to park during drop off and pickups.
- G. Dwelling: Specific areas for use for the daycare include the kitchen, the dining area near the kitchen which is converted to a temporary play area when waiting for parents to pick up children in the afternoon, a garage converted into a playroom, and two rooms down stairs used for infant sleeping/changing rooms, and a play area for infants, and when the weather is nice the fenced backyard is used as well. There is one restroom available for use, one upstairs and one downstairs. The home is 2,160 square feet and the area of use for the daycare is 1,525 square feet.
- H. Outside play area: The only area outside used for play is the fenced area behind the home. There is a playground, a patio, and a basketball hoop. There are also toys such as toddler bikes and cars for children to play with during outside play time.
- I. There are no known listing of hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355.
- J. I have never been requested to seek approval from my homeowners association for the business, however, our neighbors are aware I run a daycare business.
- K. This development conforms to the provisions of all applicable ordinances, regulations, and adopted standards.
- L. I am the owner of the property and the co-owner is my husband. The ownership of the subject property and the nature of the applicants intent is one and the same. I have also attached a "Owner Statement."

1st Floor



2nd Floor

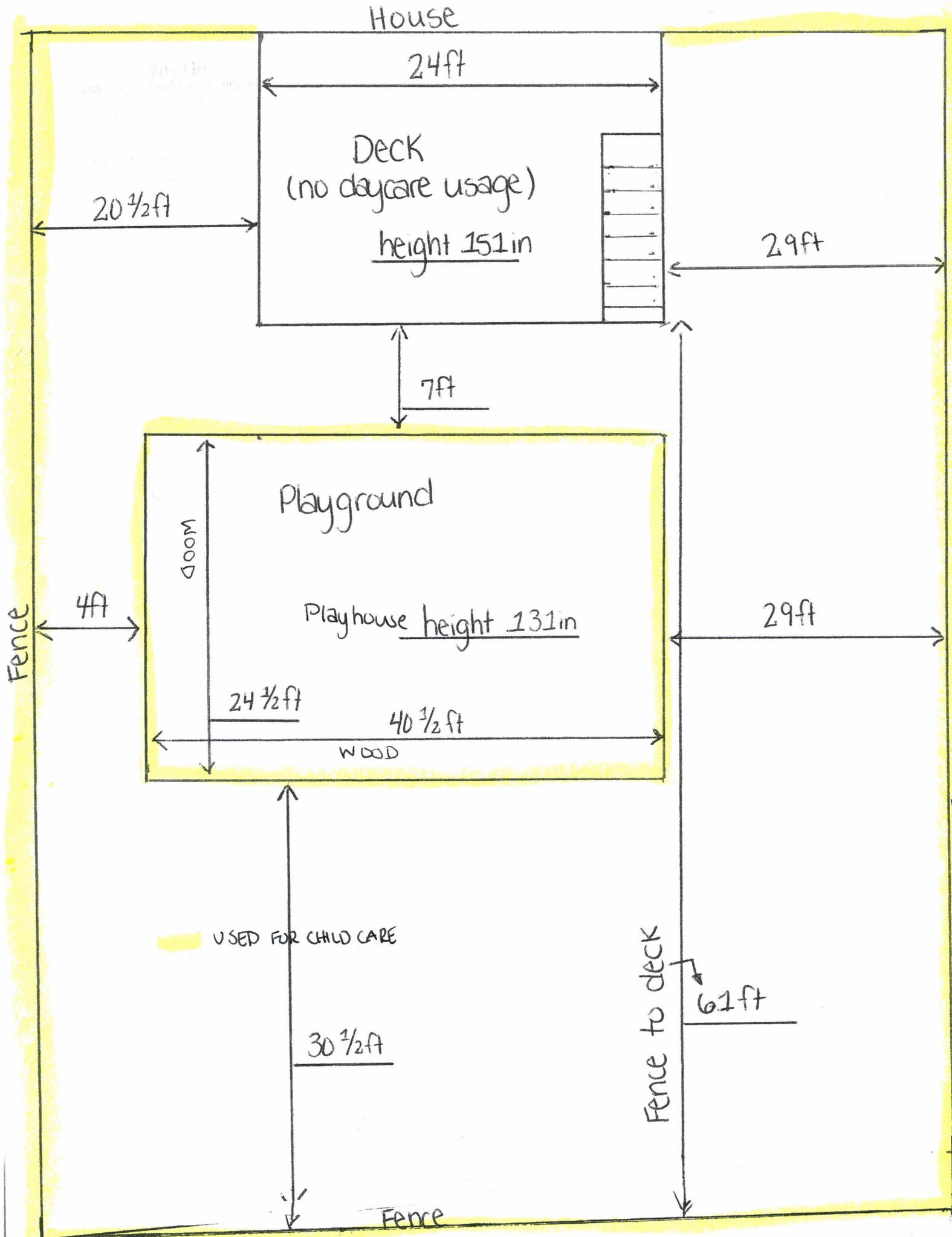


used for child care

RECEIVED
Department of Planning & Zoning

JAN 21 2015

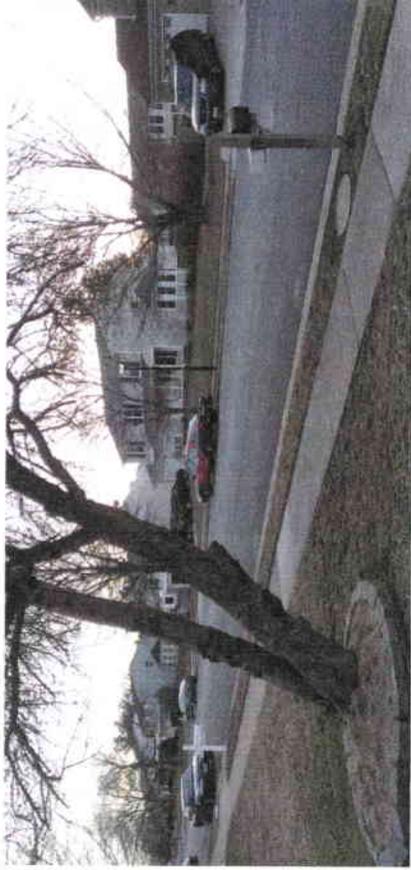
Zoning Evaluation Division



Any Sway's Home Daycare



OUR NEIGHBORS
(FRONT VIEW)

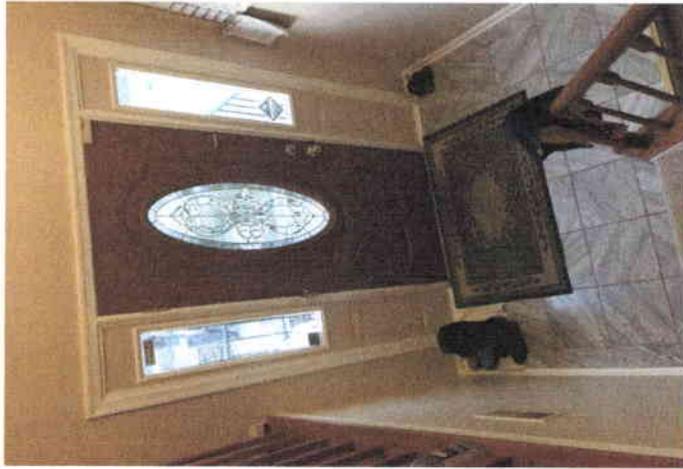




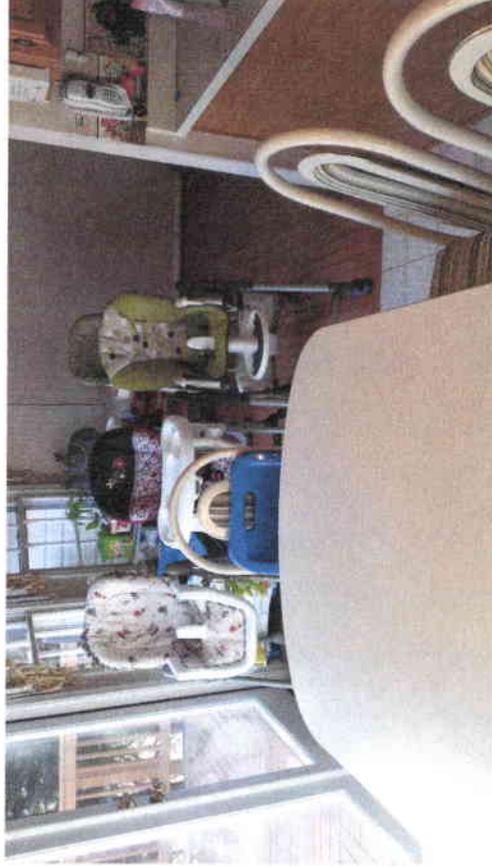
SIDE NEIGHBORS



ENTRANCE



CHILDRENS EATING AREA

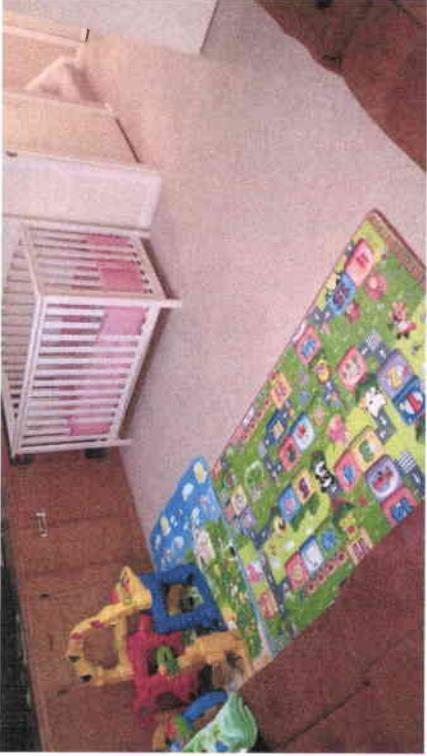




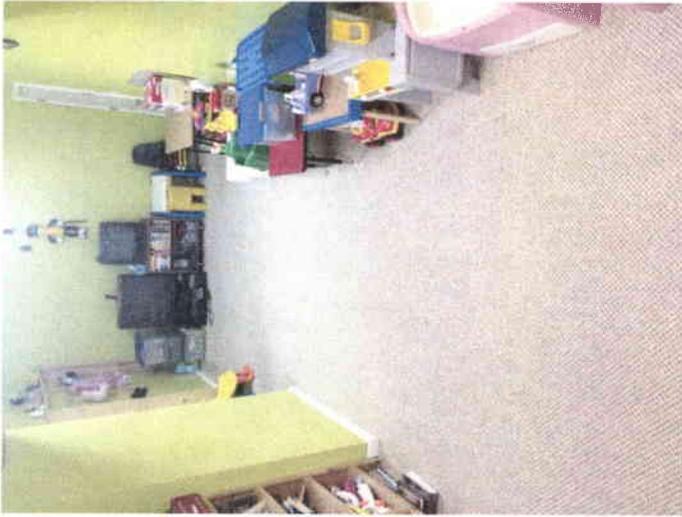
CHILDRENS SLEEPING AREA



BABIES SLEEPING AREA



BABIES PLAY AREA

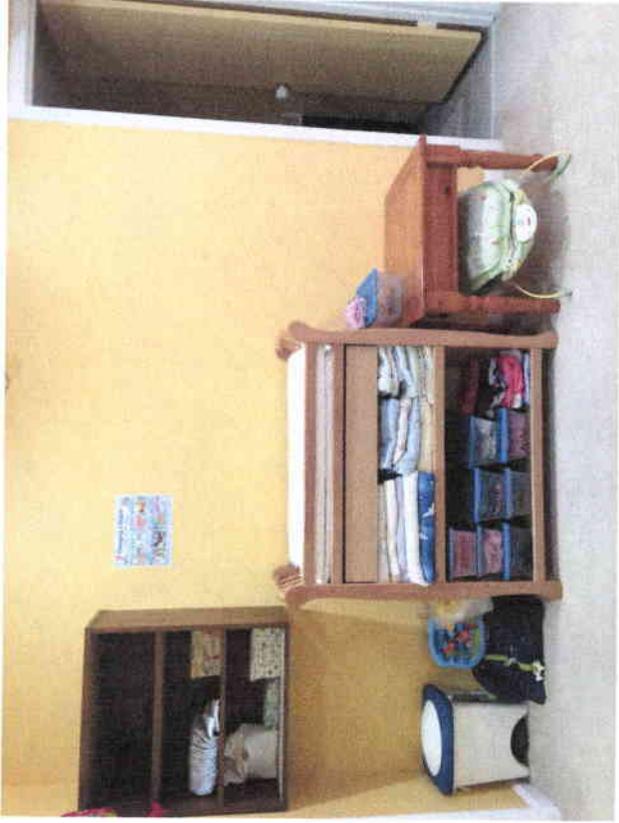


CHILDRENS PLAYROOM

CHILDRENS RESTROOM
(CHILDCARE USE ONLY)

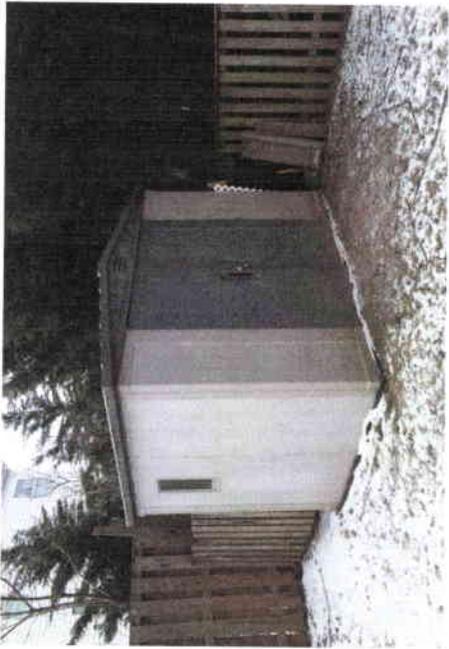


BABY CHANGING AREA

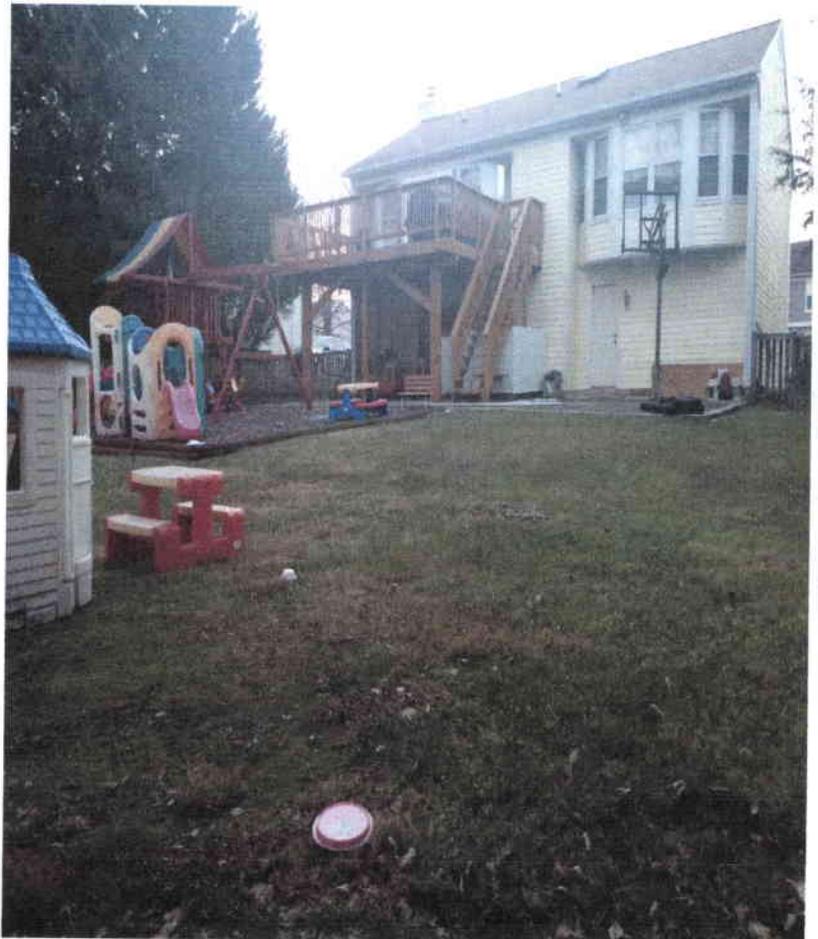




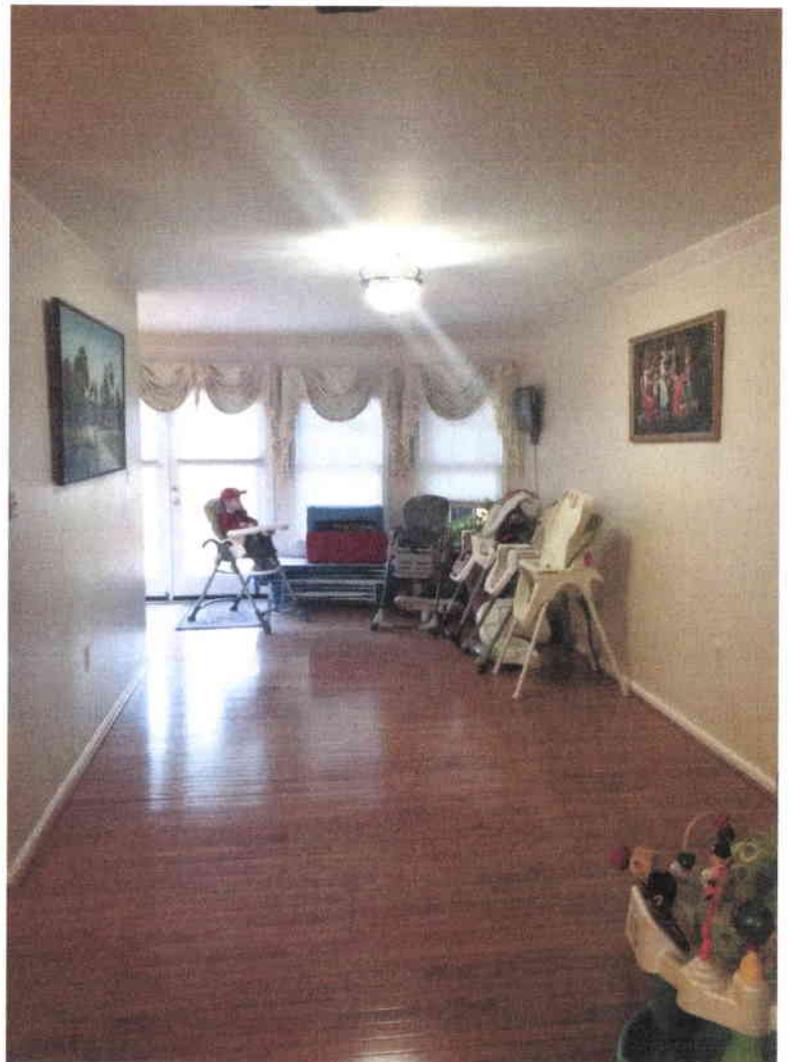
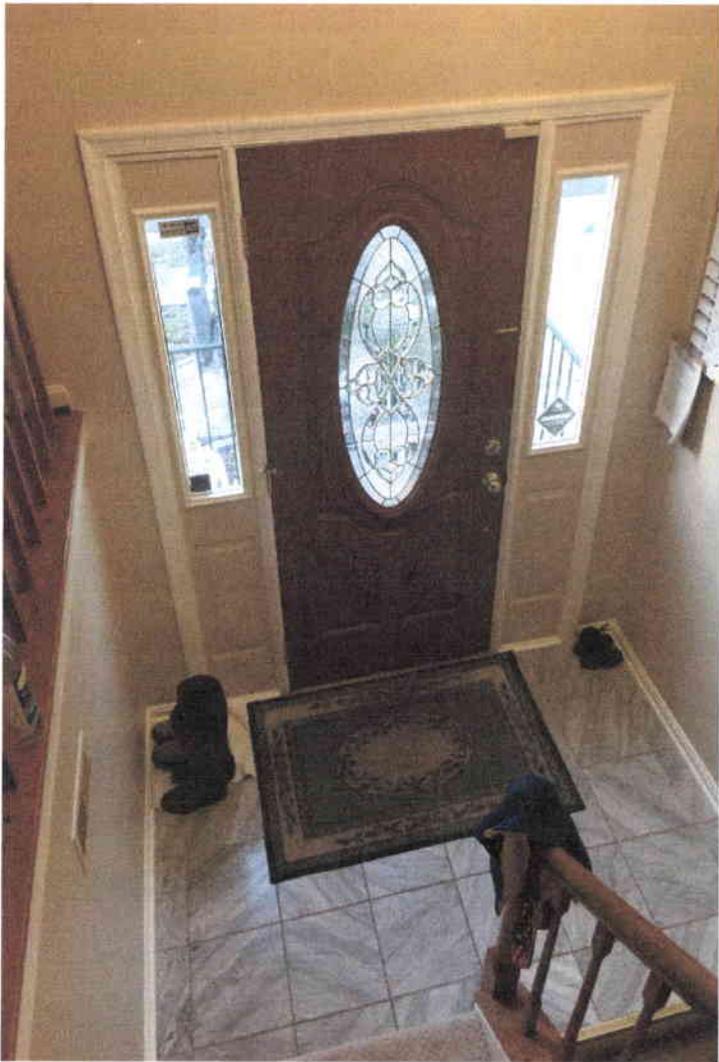
BACKYARD PLAY AREA AND SHED

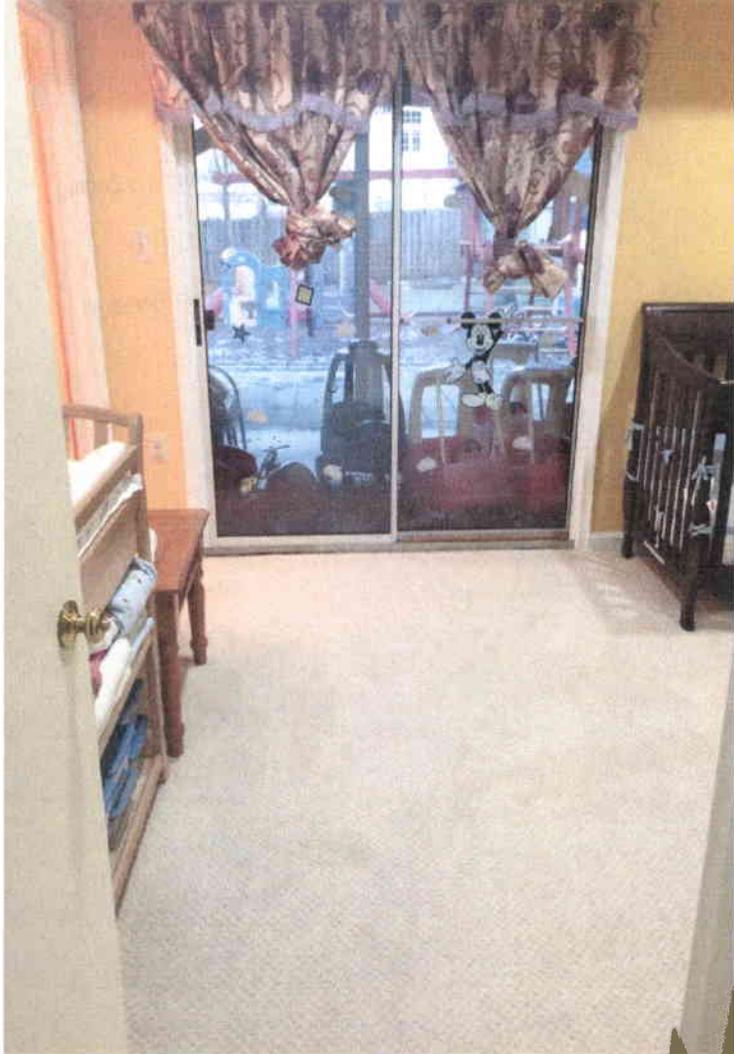




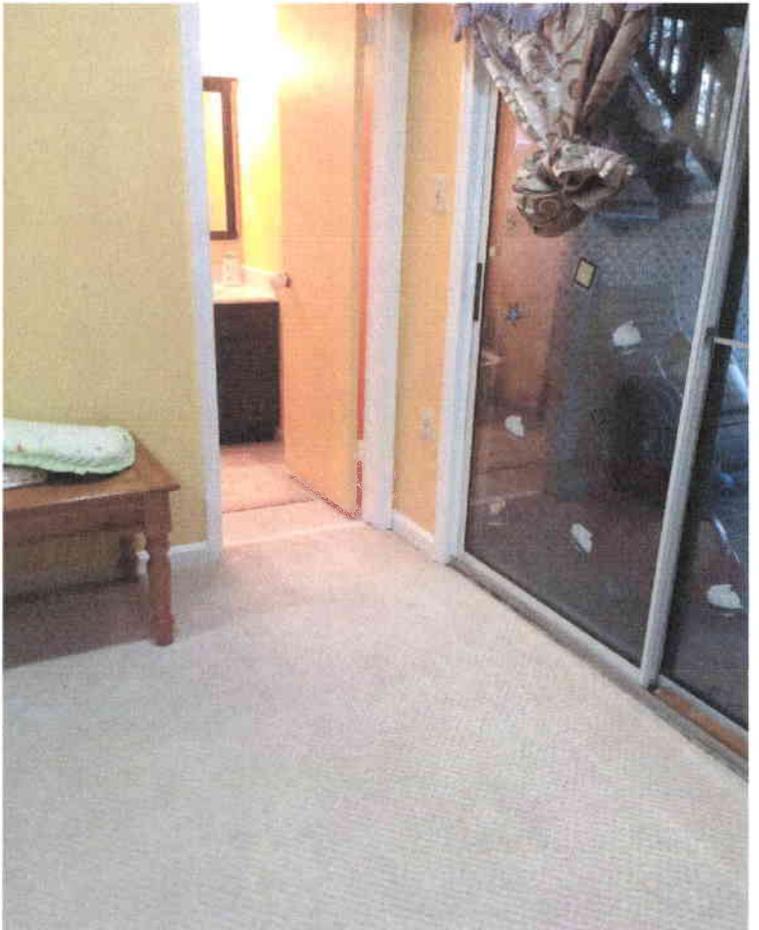


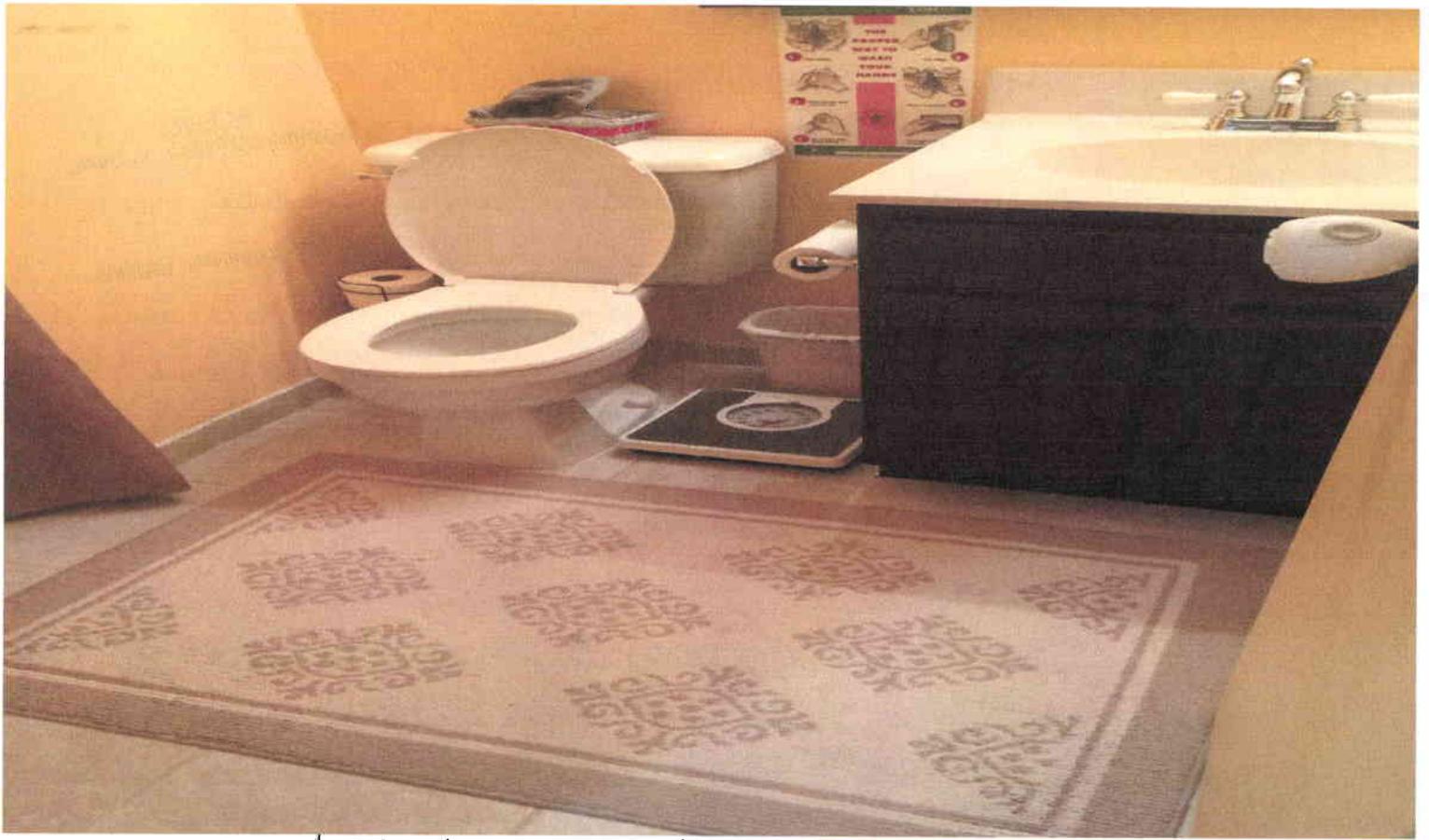




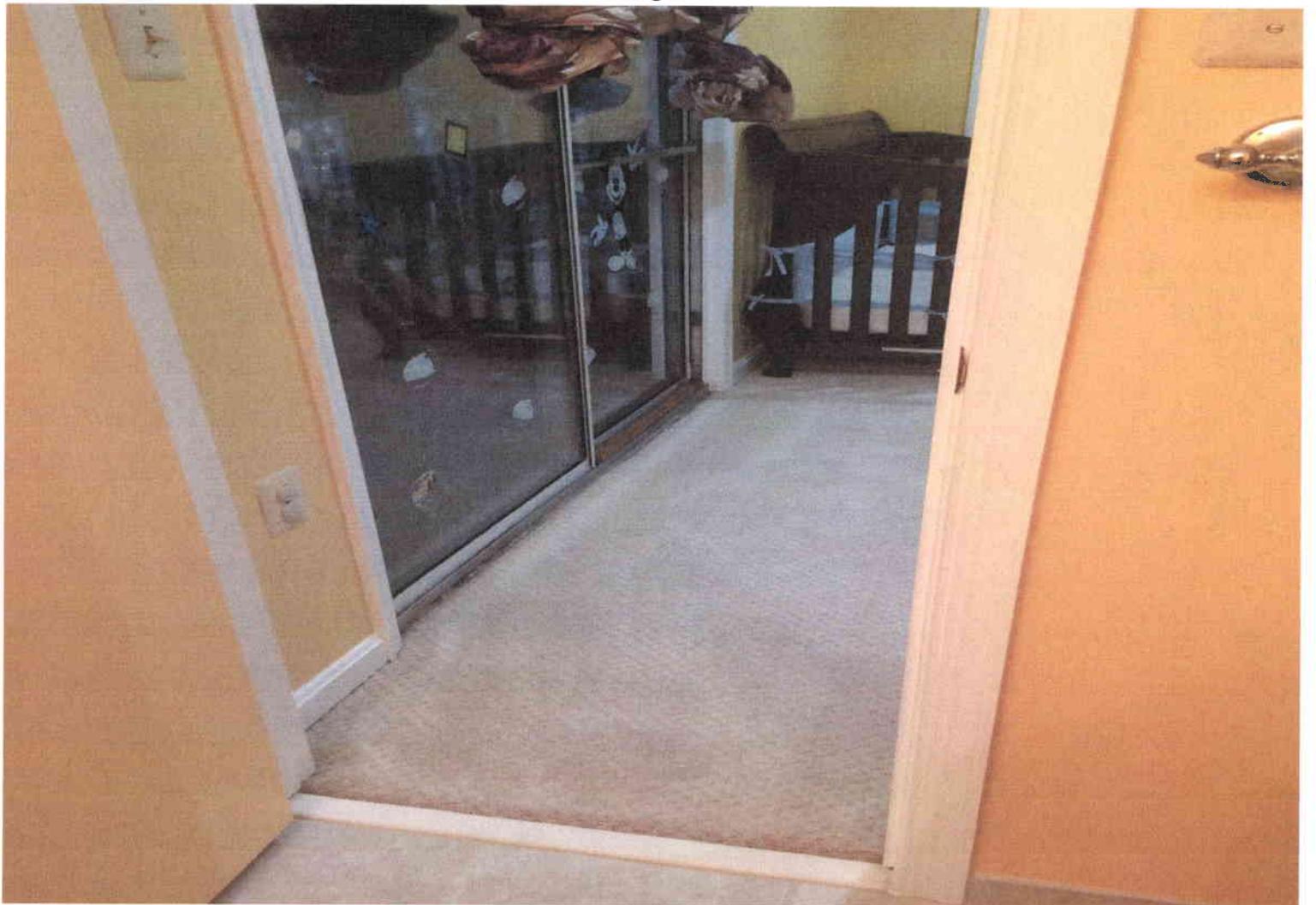


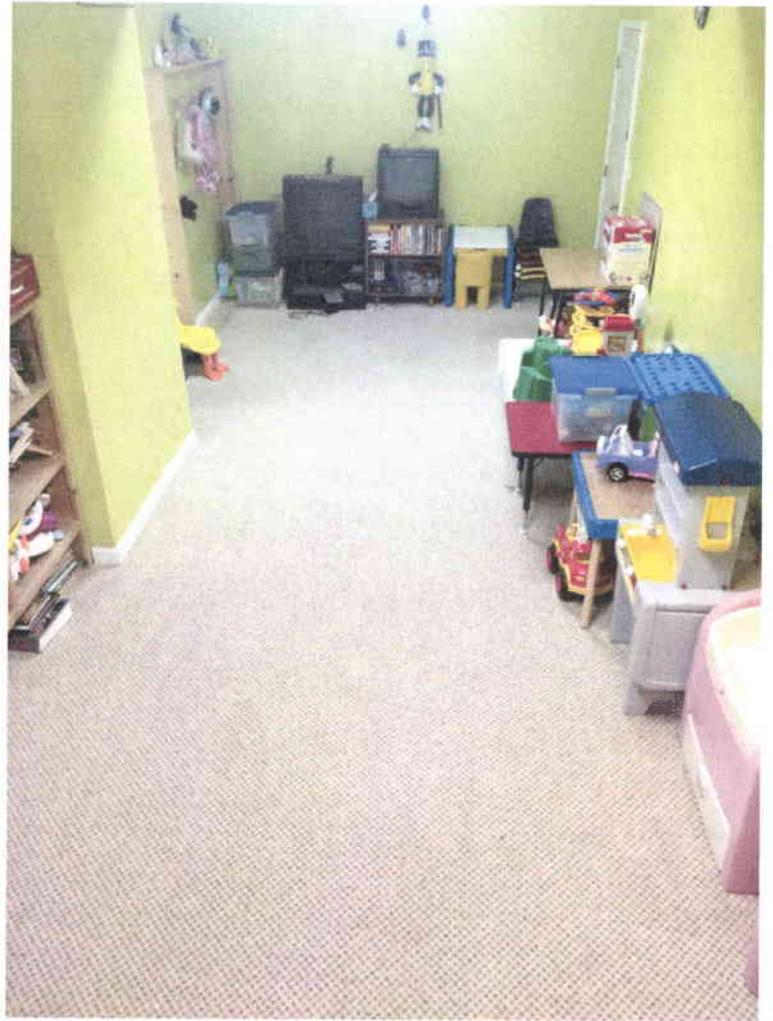
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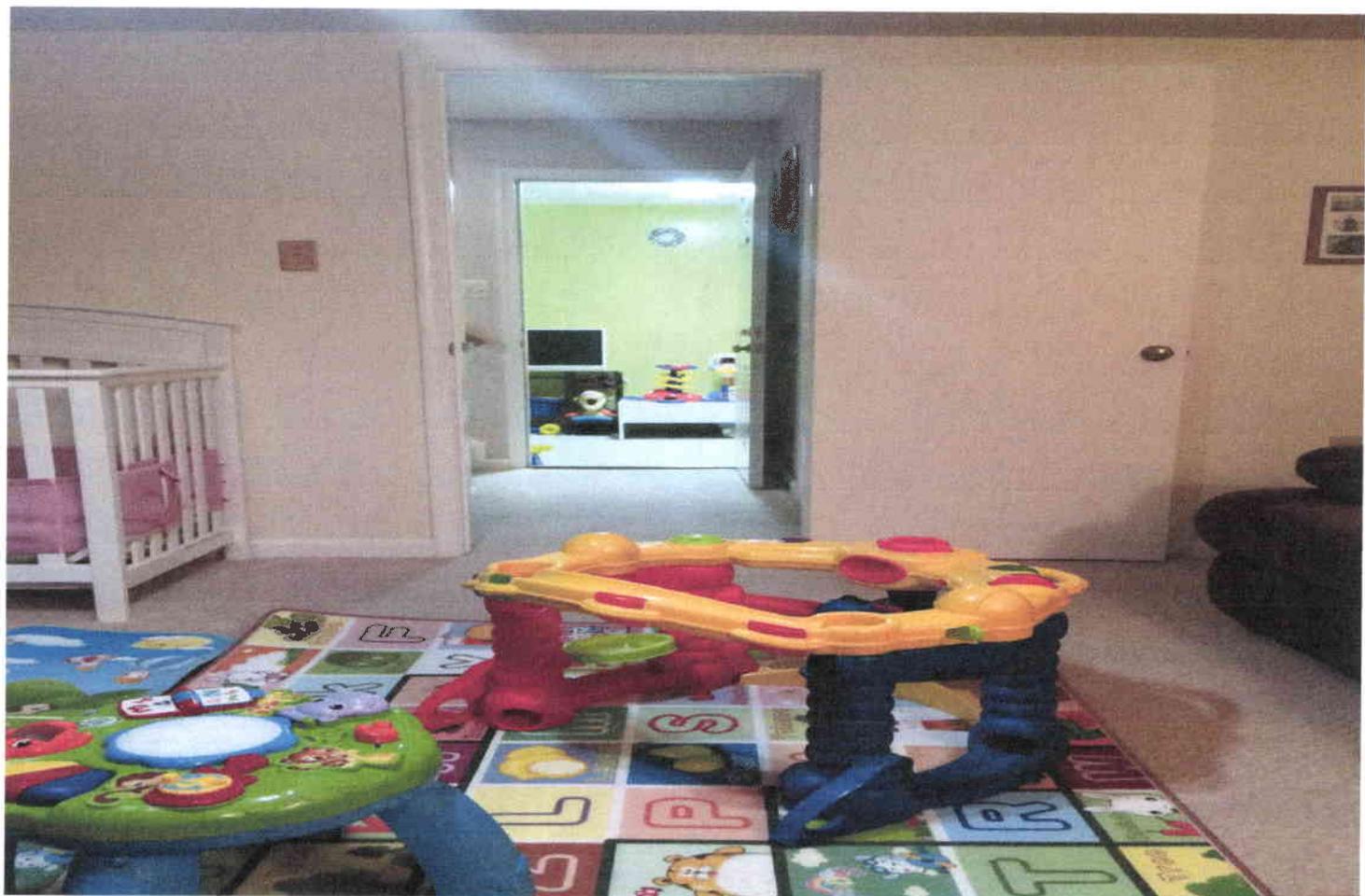
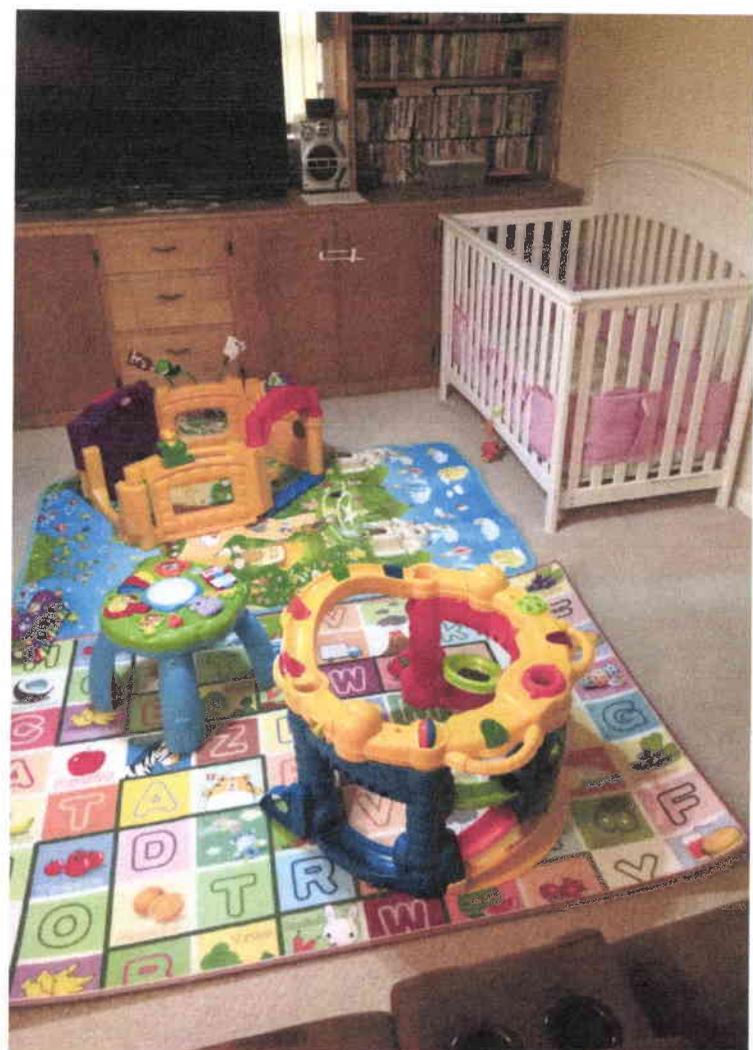




used For daycare only















Changing a Diaper
The Safe Way









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Application No.(s): SP 2015-DR-031
 (county-assigned application number(s), to be entered by County Staff)

RECEIVED
 Department of Planning & Zoning

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/10/15
 (enter date affidavit is notarized)

JUN 10 2015
 SPECIAL PERMIT &
 VARIANCE BRANCH

I, Any P. Sway, and Any's FAMILY DAYCARE, LLC, 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

128299

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Any, P, Sway	1627 Hiddenbrook Dr. Herndon, VA 20170	APPLICANT, TITLE OWNER
Any's FAMILY DAYCARE, LLC	Same	CO-APPLICANT
Sokhoeun, Sway	Same	CO-TITLE OWNER
Jennifer, Chuon	Same	AGENT FOR APPLICANT

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

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

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

Application No.(s): SP 2015 - DR - 031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/10/15
(enter date affidavit is notarized)

128299

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)
Any's FAMILY DAYCARE, LLC
1627 Hiddenbrook Dr.
Herndon, VA 20170

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)

Any . P, Sway Member / Manager

(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.

JUN 10 2015

Spring Evaluation Division

Application No.(s): SP 2015-DR-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/10/15
(enter date affidavit is notarized)

128299

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)

N/A

(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**)

N/A

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

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

Application No.(s):

SP 2015- DR- 031

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

06/10/15

(enter date affidavit is notarized)

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:

N/A

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

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

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

NONE

(check if applicable) []

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

Application No.(s):

SP 2015-DR-031

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/10/15
(enter date/affidavit is notarized)

178299

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant *Ausray* Applicant's Authorized Agent

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

Subscribed and sworn to before me this 10 day of June 20 15, in the State/Comm. of VA, County/City of Loudoun.

My commission expires: 01/31/2018

Maria Lizeth Gutierrez
Notary Public

MARIA LIZETH GUTIERREZ
NOTARY PUBLIC 7579755
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JANUARY 31, 2018



Land Development Information History: ISIS - Building Permit - 87099B0920

Permit Information

Permit Id: 87099B0920 Application Date: 1987-04-09 Time: 10:14:25
 Job Address: 001627 HIDDENBROOK DR Tax Map: 010-4 ((14)) 0479A
 Subdivision: KINGSTON CHASE, SEC 003 Permit Status: Initial/Approved (IA)
 Trade Name: NA Subobj: 181 R/C: R
 Applicant Name: OTIS Bldg: NA Floor: NA Suite: NA

Work Description: SFD - BUILD DECK
 Type Work: Exterior Addition (A02)
 Building Use: Single-Family, Detached Or Semi-Detached (010)
 Standard: 0184
 Plan Number: Use Group: R3 Bldg Permit: NA
 Permit Hold Date: By: QNO: R-87-09990 POF:
 Hold Release Date: By: Proffer: Pre-Const Meeting: Date:

Comments:

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Building Plan Review:	1987-04-09 RSLT: APP BY: CWH
Applied Date:	1987-04-09	Real Estate:	1987-04-09 RSLT: APP BY: DMQ
Issued Date:	1987-04-09	Business Licensing:	1987-04-09 RSLT: APP BY: BKM
Paid Date:	1987-04-09	Zoning:	1987-04-09 RSLT: APP BY: MVC
Expiry Date:	1987-10-09	Grading / Drainage:	1987-04-09 RSLT: APP BY: MLC
Inspection Date:	1989-02-27	Licensing:	1987-04-09 RSLT: APP BY: BKM
		Final Inspection:	1989-02-27 RSLT: A BY: AJP

Owner Information

Leasee: Corp:
 Owner: SKYPECK THOMAS J Job Magisterial Dist: Dranesville

Address: 01627 HIDDENBROOK DR
 City: HERNDON State: VA Zip: 22070
 Phone: Planning Dist: Upper Potomac
 Subcensus Tract: 805.01

Contractor Information

Name: CONVERT-N AD BLDRS
 Address: 06599 WILLIAMSBURG BV
 City: ARLINGTON State: VA Zip: 22075
 Phone: Master:
 BPOL Licnese: 197820
 State License: 26340
 Trade Reg.: 0

Building Permit

Building Plan Review

Estimated Cost: 2300
 Use Group: (01) R3
 Type Const: (01) Combustible/Unprotected (5B)
 Model Group:
 Plan Received: 1987-04-09
 Review Started: 1987-04-09
 Review Completed: 1987-04-09
 Sewer Water Code: 1
 Sewer Shed: B5
 Review Time: 00:00:00
 Results: APP
 Engineer: CWH

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	231	0.032

Total	231
Filing Fee	33.50
Total Fee	33.50
Amount paid	33.50

Real Estate Review

Building Units: 0
 Kitchens: 0
 Baths: 0
 Half Baths: 0
 Bedrooms: 0
 Rooms: 0
 Basement:
 Ext Walls:
 Int Walls:
 Roofing:
 Flooring:
 Base Fin:
 Fuel/Heat:

Stories:

Building Height: 0

Building Area: 0

Fuel System:

Fireplace: 0

Owner of Record:

SKYPECK THOMAS J

Review Data

Date To: 1987-04-09

Date From: 1987-04-09

Results: APP

Reviewer: DMQ

Comments:

Business Licensing Review

Review Data

Date To: 1987-04-09

Date From: 1987-04-09

Results: APP

Reviewer: BKM

Comments:

Zoning Review

Review Data

Date To: 1987-04-09

Date From: 1987-04-09

Results: APP

Reviewer: MVC

Comments:

Grading / Drainage Review

Review Data

Date To: 1987-04-09

Date From: 1987-04-09

Results: APP

Reviewer: MLC

Comments:

Licensing Review

Review Data

Date To: 1987-04-09

Date From: 1987-04-09
 Results: APP
 Reviewer: BKM
 Comments:

Inspections

Inspection - FTGH - 999998

Req Taken: 1987-04-23 Phone:
 Time: 09:48:33 Floor: NA
 Sched For: 1987-04-24 Suite/Area: NA
 Assigned To: MT Comments:
 Branch: Req Taken By: DE
 Requested By: ED Ovr:
 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
FTGH		1987-04-24	MT	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999997

Req Taken: Phone:
 Time: Floor:
 Sched For: Suite/Area:
 Assigned To: Comments:
 Branch: Req Taken By: DE
 Requested By: Ovr:
 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		1989-02-27	AJP	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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Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6769341

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2015-06-12	RICHARD LAKE	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 6748817

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	Auto Finalization

Inspection - R FRAMING - FRAMING INSPECTION - 6764401

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2015-06-12	RICHARD LAKE	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6748818

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2015-06-09	RICHARD LAKE	N	Failed	NO	cut hole below bulkhead at new wall to check firestopping

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2434971

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2015-05-22	NORM CARLSON	Y	Failed

Review - BUILDING - (BUILDING REVIEW) - 2435047

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2015-05-26	SHAINA ABNEY	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2435504

Review Type	Review Date	Reviewer	Started	Status
ZONING	2015-05-26	CHYNA BARBER	Y	Approved

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20170

Contractor Information

Name: OWNER IS CONTRACTOR
 Address:
 City: State: VA Zip:
 Trade Name:

BPOL License:
 State License:
 Trade Reg.:

Applicant Information

Applicant:
 Address:
 City: State: Zip:

Other Contact Information

Contact:
 Address:
 City: State: Zip:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6769342

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2015-06-12	RICHARD LAKE	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 6748820

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	Auto Finalization

Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 6764392

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC	2015-06-09	RICHARD LAKE	N	Failed	NO	add receptacles per NEC for usable wall spce, need cocealment inspection prior to installing devices and plates

Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 6764394

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC	2015-06-12	RICHARD LAKE	N	Passed	NO	

Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 6748821

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC			N	None	NO	Auto Finalization

Reviews

There were no reviews.

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VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Any Svay

1627 Hiddenbrook Drive

HERNDON, VA 20170

(703) 471-4228

Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): July 14, 2015Business Hours: 6:00 AM - 6:00 PM
Monday - Friday

Capacity: 7

Ages: Birth - 12 years 11 months

Inspector: Mary J. Wizbicki
(703) 479-4707



County of Fairfax, Virginia

MEMORANDUM

Date: May 19, 2015

To: Erin Haley, Staff Coordinator
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector *BM*
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Permit # SP 2015-DR-031

Applicant: Any Pol Svay / Any Svay Daycare
1627 Hiddenbrook Drive, Herndon, Virginia 20170
Legal Description: KINGSTON CHASE, LT 479A SEC 3
Tax Map Ref: 10-4 ((14)) 479A
Zoning District: R-3
Development Type: Cluster
Lot Size: 9,919 square feet
ZIB# 2015-0179

On April 23, 2015, an inspection was conducted by Zoning/Property Maintenance Inspector Bruce Miller of the property located at 1627 Hiddenbrook Drive, Herndon, Virginia 20170. The Inspector was accompanied by Staff Coordinator Erin Haley and the applicant.

*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 (or inside) of each sleeping area, with at least one such device on each floor.

Comment: A smoke alarm is required to be installed in the rooms used for sleeping purposes.

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.

Comment: One interior door with a keyed dead-bolt has the keyed portion in the direction of egress.

4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



- 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.

Comment: The service panel is obstructed.

- 7. Other Building Code issues:
- 8. Structures comply with the Zoning Ordinance.

Photographs attached.

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.