



# County of Fairfax, Virginia

---

September 9, 2015

## STAFF REPORT

**SPECIAL PERMIT SP 2015-HM-053**

### HUNTER MILL DISTRICT

**APPLICANT:** Hoory Abawi

**OWNERS:** Hoory Abawi  
Mohammad Tahir

**SUBDIVISION:** The Trails

**STREET ADDRESS:** 9436 Old Courthouse Rd., Vienna, 22182

**TAX MAP REFERENCE:** 28-4 ((16)) 5

**LOT SIZE:** 15,030 square feet

**ZONING DISTRICT:** R-2C

**ZONING ORDINANCE PROVISIONS:** 8-305 and 3-103

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-HM-053 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.

*Casey V. Gresham*

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

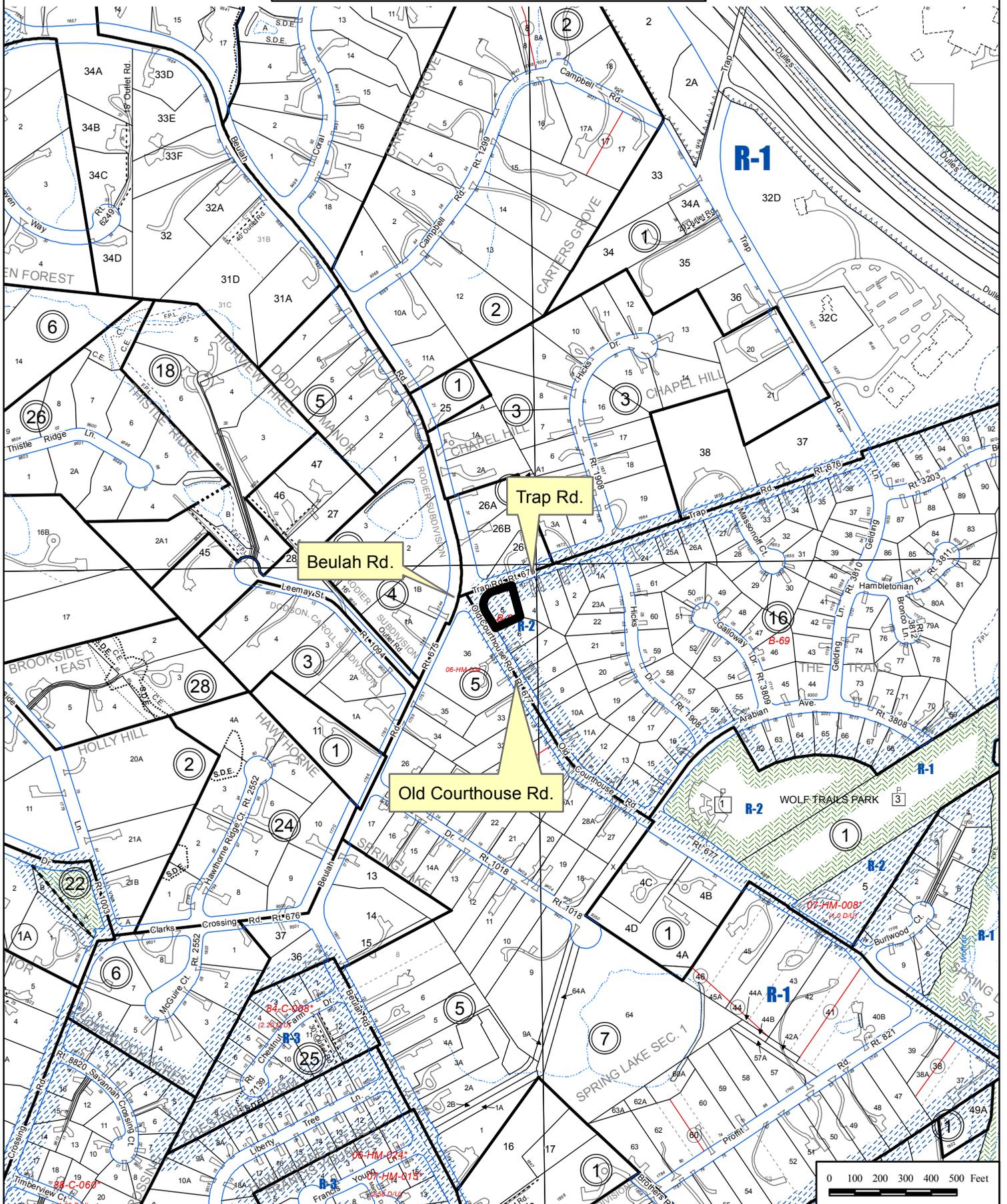
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

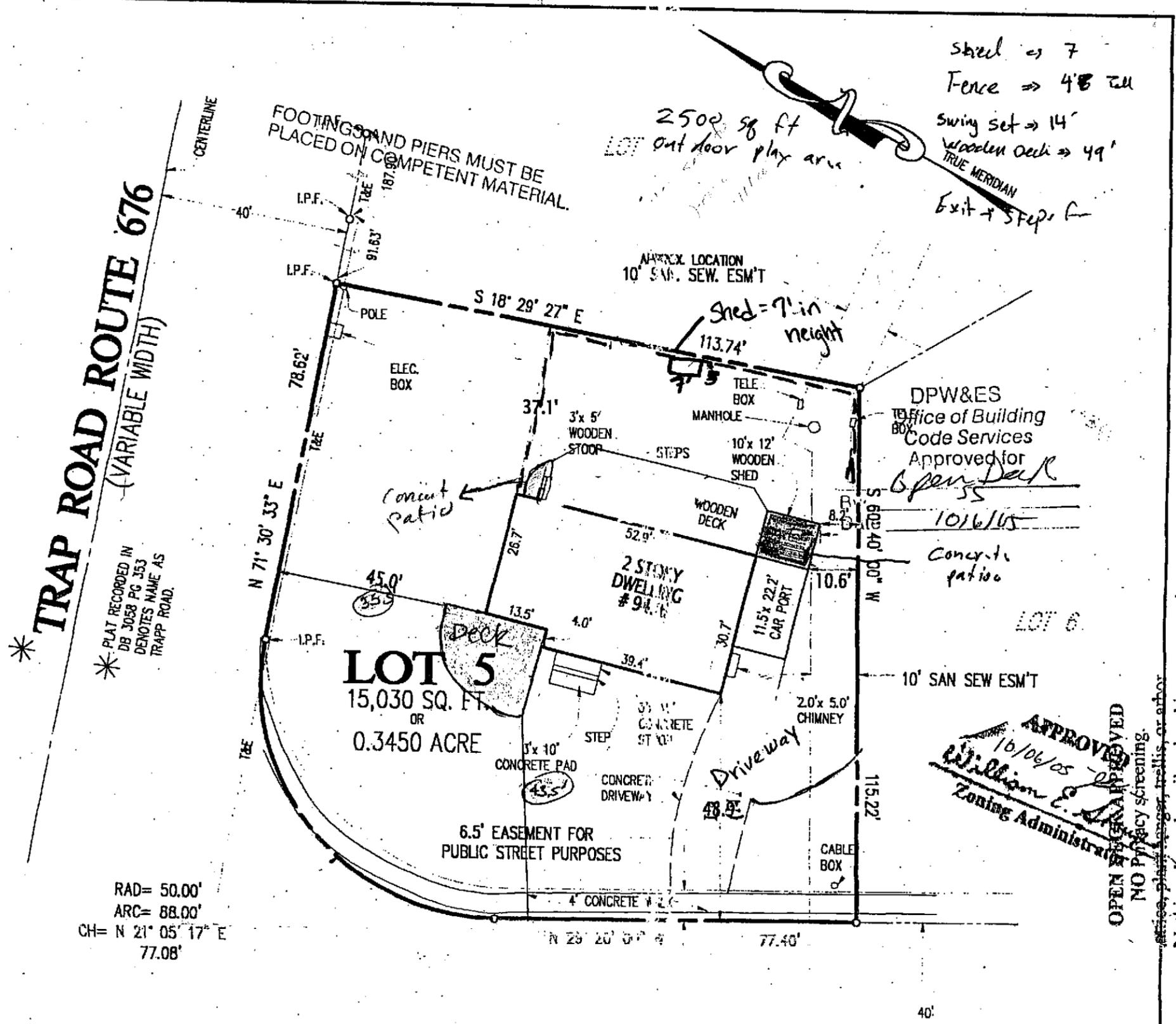
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

# Special Permit

SP 2015-HM-053

HOORY ABAWI





Shed = 7  
 Fence = 4' 8" tall  
 Swing set = 14'  
 Wooden Deck = 49'  
 TRUE MERIDIAN  
 Exit = STEP

2500 sq ft  
 LOT out door play area

Shed = 7' in height  
 113.74'

DPW&ES  
 Office of Building  
 Code Services  
 Approved for  
 Open Deck  
 10/6/05

APPROVED  
 10/6/05  
 Zoning Administrator

OPEN TO BE RE-APPROVED  
 NO Privacy screening,  
 fences, plant, trellis, or arbor  
 Nothing above the rail and nothing  
 below the deck flooring)

RAD= 50.00'  
 ARC= 88.00'  
 CH= N 21° 05' 17" E  
 77.08'

RECEIVED  
 Department of Planning & Zoning  
 MAR 13 2015  
 Zoning Evaluation Division

**OLD COURTHOUSE ROAD ROUTE 677**  
 (VARIABLE WIDTH)

LEGEND:  
 I.P.F. DENOTES IRON PIPE FOUND  
 -X- DENOTES FENCE LINE

*Feb 13, 2015*



HOUSE LOCATION SURVEY  
**LOT 5**  
**THE TRAILS**  
 HUNTER MILL MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

NOTE:  
 No construction  
 shall encroach into  
 County Easements  
 (Ground or Air Space)

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
  - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP # 515525-0050-D EFFECTIVE DATE: MARCH 5, 1990
  - 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
  - 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
  - 5) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
  - 6) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 028-4-16-0005
  - 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 3058, PAGE 353 (UNLESS NOTED OTHERWISE).

**B.W. SMITH AND ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYING  
 MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

|                       |
|-----------------------|
| FIELD CREW: D. CONRAD |
| JOB# 20035641         |
| DATE: 12/10/03        |

DFT: R.D.P. | CHK: A.M.S. | NO TITLE REPORT FURNISHED | SCALE= 1" = 25'

## SPECIAL PERMIT REQUEST

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

A copy of the special permit plat, titled "House Location Survey, Lot 5, The Trails," prepared by Brian W. Smith, L.S., dated December 10, 2003, as revised by the applicant, Hoory Abawi, through February 13, 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 two-story single-family detached dwelling. A concrete driveway extends from Old Courthouse Road and connects to a carport and the main basement entrance of the child care facility. A deck is present in the front yard, and it was constructed with finalized building permits and inspections. The rear yard contains an additional wood deck and a shed. The yard is enclosed by a wood fence 6 feet in height. Existing mature vegetation provides screening of the rear and side yards.



Figure 1: House location

The subject property and surrounding properties to the south, east, and west are zoned R-2 and developed as single family detached homes. The property to the north is zoned R-1 and also developed as a single family detached home.

## **BACKGROUND**

Fairfax County Tax Records indicate that the house was constructed in 1970 and purchased by the owner in 2004.

On October 6, 2005, the applicant was issued a building permit to construct a deck. This permit was finalized and passed all applicable inspections.

On July 11, 2005, the applicant was issued a building permit to finish the existing basement with wet bar. This permit was finalized and passed all applicable inspections. A copy of both building permits is included in 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 7:30 a.m. and 6:00 p.m., Monday through Friday. One assistant currently works at the facility, and the applicant would like to request up to two assistants in the future.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through December 13, 2015. The license permits a capacity of seven children, ages birth through 12 years, 11 months. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement of the dwelling, which contains large play areas and a napping area. The rear yard is utilized for outdoor play. Photographs provided by the applicant show toys and play equipment located in this area.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Spring Lake Community Planning Sector (V3)  
**Plan Map:** Residential, 2-3 du/ac

## Zoning District Standards

| Bulk Standards (R-2 Cluster) |  |              |
|------------------------------|--|--------------|
| Standard                     | Required                                 | Provided     |
| Lot Size                     | 13,000 sf.                               | 15,030 sf.   |
| Lot Width                    | No Requirement                           | 77.4 feet    |
| Building Height              | 35 feet max.                             | Not provided |
| Front Yard                   | Min. 25 feet                             | 35.5 feet    |
| Side Yard                    | Min. 8 feet (total side yard<br>24 feet) | 8.2 feet     |
| Rear Yard                    | Min. 25 feet                             | >25 feet     |

## On-Site Parking and Site Circulation

The existing driveway is able to accommodate approximately four vehicles. The parents conduct drop-off and pick-up activities at staggered times. FCDOT recommends that cars conducting drop-off and pick-up activities do not back out onto Old Courthouse Road because of the limited site distance available. There is adequate space in the driveway for cars to perform a three-point turn if the driveway is kept clear. A development condition is proposed requiring that the driveway be kept open and clear during the hours of operation of the home child care. The applicant will park her family car to the right of the carport or will utilize public street parking.

## Zoning Inspection Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, it was recommended that the napping room have direct emergency egress to the outside. The applicant has since relocated the napping room to a room with proper egress. In addition, the inspection found storage surrounding the water heater and missing spacers in the electric panel. These issues have also been resolved, and photos of the corrections are included in Appendix 7. Lastly, the inspector noted that a fence in the front yard exceeded 4 feet in height. The applicant has agreed to lower the fence to meet the Zoning Ordinance requirements, and a development conditions has been included to this effect.

## Accessory Structures On-Site

The existing shed located in the rear yard is less than 8.5 feet in height and meets all Zoning Ordinance requirements. The existing deck in the front yard was constructed with approved building permits and is also conforming.

**Zoning Ordinance Requirements (Appendix 8)**

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

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

|   |  |
|---|--|
| <p><b>Standards 1 and 2</b><br/>Comprehensive Plan/<br/>Zoning District</p> | <p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District permits a home child care facility as an accessory use with special permit approval.</p>  |
| <p><b>Standard 3</b><br/>Adjacent Development</p>                           | <p>No new construction is proposed. An outdoor play area with moveable 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.</p> |
| <p><b>Standard 4</b><br/>Pedestrian/Vehicular<br/>Traffic</p>               | <p>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.</p>   |
| <p><b>Standard 5</b><br/>Landscaping/Screening</p>                          | <p>There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.</p>   |
| <p><b>Standard 6</b><br/>Open Space</p>                                     | <p>There is no prescribed open space requirement for individual lots in the R-2 District.</p>  |
| <p><b>Standard 7</b><br/>Utilities, Drainage,<br/>Parking, and Loading</p>  | <p>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.</p>  |
| <p><b>Standard 8</b><br/>Signs</p>  | <p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>  |

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

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

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

|   |   |
|---|---|
| <p><b>Standard 1</b><br/>Maximum of 12<br/>Children &amp;<br/>Non-Resident<br/>Employee</p>                       | <p>The applicant is proposing a maximum of 12 children at any one time. The development conditions allow up to two non-resident employees.</p>  |
| <p><b>Standard 2</b><br/>Access and Parking</p>   | <p>Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, with the development condition requiring that the driveway be kept clear so parents conducting drop-off and pick-up activities can pull forward onto Old Courthouse Road, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p> |
| <p><b>Standard 3</b><br/>Landscaping/Screening</p>  | <p>There is existing vegetation in the rear and side yards that provides screening to the outdoor play area.</p>  |
| <p><b>Standard 4</b><br/>Submission<br/>Requirements</p>  | <p>The application meets all submission requirements for a home child care facility.</p>  |
| <p><b>Standard 5</b><br/>Code of Fairfax,<br/>Chapter 30 and<br/>Code of Virginia,<br/>Title 63.2, Chapter 17</p> | <p>The applicant has a valid home child care license through December 13, 2015.</p>   |

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

|   |  |
|---|--|
| <p><b>Part A</b><br/>Maximum Number of<br/>Children</p>                 | <p>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 twelve children at any one time.</p> |
| <p><b>Part B</b><br/>Licensed<br/>Provider/Primary<br/>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><b>Part C</b><br/>No Exterior Evidence<br/>Except Play Equipment</p> | <p>There is no exterior evidence of the proposed use.</p>  |
| <p><b>Part D</b><br/>Non-Resident<br/>Employee</p>                      | <p>The applicant is proposing two non-resident employees.</p>  |
| <p><b>Part E</b><br/>Provider is a<br/>Resident</p>                     | <p>The provider is a resident.</p>   |
| <p><b>Part F</b><br/>Code of Fairfax,<br/>Chapter 30 and</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</p>  |

|  |  |
|--|--|
| Code of Virginia,<br>Title 63.2, Chapter 17                          | procedures. The applicant has a valid state home child care license.   |
| <b>Part G</b><br>Increase in Children or<br>Non-Resident<br>Employee | 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 twelve children at any one time and three non-resident employees. |

## CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-HM-053 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 Permits
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Photos of Corrected Violations
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-HM-053****September 9, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-HM-053 located at Tax Map 28-4 ((16)) 5 to permit a home child care facility pursuant to Section 8-305 and 3-203 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, Hoory Abawi, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9436 Old Courthouse Rd., and is not transferable to other land.
2. This special permit is granted only for the home child care use, as indicated on the plat entitled, "House Location Survey, Lot 5, The Trails," prepared by Brian W. Smith, L.S., dated December 10, 2003, as revised by the applicant, Hoory Abawi, through February 13, 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 of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:30 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 twelve.
7. A maximum of two nonresident employees at a time, 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.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway. The driveway shall be kept clear and open during the hours of operation of the home child care facility to allow space for cars to reverse direction and pull forward onto Old Courthouse Road when leaving the home child care facility.
10. 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.

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."
12. 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.
13. All sheds shall remain locked during the hours of operation of the home child care facility.
14. The fence located in the front yard that exceeds four (4) feet in height shall be brought into conformance with the Zoning Ordinance within six (6) months of BZA approval.

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.

Hoory Abawi  
9436 Old Courthouse Road  
Vienna, VA 22182  
703-242-9823  
[Hoory.Abawi@hotmail.com](mailto:Hoory.Abawi@hotmail.com)

January 5, 2015

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

Re: Special Permit Application

Applicant: Hoory Abawi

Zoning Ordinance: Section 8-305 for Home Child Care Facility and  
Section 8-004 of General Standards

Tax Map #: 0284 16 0005

Zoning District: R-2

Lot Size: 15,030 SQF

To Whom It May Concern;

The following is my statement of justification for special permit for a home child care facility in my home. I live in a single-family dwelling at 9436 Old Courthouse Road, Vienna, VA 22182 with my husband who is the title owner and two daughters. The property is zoned R-2 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. Currently, I am licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operation:

Hours: The child care is open from 7:30 AM to 6:00 PM, Monday through Friday.

Number of Children: Currently, I care for 9 children. I propose to care for a maximum of 12 children at any one time. This number does not include my own two children.

Employees: I have 1 full time assistant that works from 7:30 Am to 6:00 PM, Monday Through Friday.

Arrival Schedule: The arrival of children will spread out between 7:30AM to 9:30 AM. Please see Appendix 1 for the Proposed Arrival and Departure Schedule for all 12 children.

Departure Schedule: The departure will spread of between 4:30 PM to 6:00 PM. Please see Appendix 1 for the Proposed Arrival and Departure Schedule for all 12 children.

Parking: The subject property driveway provides enough space for parents to park their cars to drop off and pick up their children. In addition, ample parking is available along the street in front and side of my house for the parents and employees to parking without any interference with the traffic.

Area Served: Currently, most of the children live in general vicinity of Vienna, VA. These parents drive their children to my child care facility.

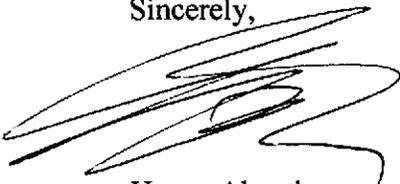
Operation: The subject property is a single- family dwelling. It has a walk-out basement, which is where the children spend their time. The basement includes a mini kitchen where I use it for preparing snacks, a bed room where the children sleep, a full bathroom and recreation area where the children play. I use the main kitchen of the house located on the upper level for meals, Appendix 2 is a floor layout that indicates the area where the daycare is operating. The house has 2,644 square feet. The basement is approximately 1,100 square feet in total. Please see Appendix 2 for the basement floor plan and interior photos of area used for the child care facility.

Hazardous or Toxic Substances: the house and the yard are free from hazardous or toxic substances. No hazardous material will be generated, utilized, stored, treated, and/or disposed of onsite.

Outdoor Play Area: I use the backyard for outdoor play for the children. The area is approximately 4,219 square feet (113.74' by 37.1'). The area is highlighted on the plat. There is wooden a swing set with slide, a small plastic swing set with slide, 2 sand boxes, additional plastic slide, a swing chair, plastic blackboard, and a seesaw. The backyard is fenced.

In conclusion, I am proposing no change to the outside appearance of my house. I propose no addition and no signs regarding the child care facility. Adequate parking is available for my parents, employees and family. I have been licensed by State of Virginia since 2004 for a child care facility without any issues. I have always complied with rules and regulations of State of Virginia to run child care facility. I have never had any issues or complaints from my neighbors in regards to my child care facility, in fact all of them have been very supportive. For these reasons, I believe that my proposed for child care facility will not impact my neighbors in any negative way. I sincerely appreciate your attention to this matter and approving my application for the special permit in accordance with Section 8-305 for Home Child Care Facility and Section 8-004 of General Standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hoory Abawi', written over a white background.

Hoory Abawi

Hoory Abawi  
9436 Old Courthouse Road  
Vienna, VA 22182  
703-242-9823  
[Hoory.Abawi@hotmail.com](mailto:Hoory.Abawi@hotmail.com)

February 12, 2015

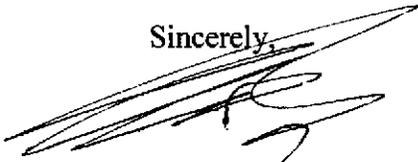
Fairfax county Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Re: Special Permit Application  
Applicant: Hoory Abawi  
Zoning Ordinance: Section 8-305 for Home Child Care Facility and  
Section 8-004 of General Standards  
Tax Map #: 0284 16 0005  
Zoning District: R-2W  
Lot Size: 15,030 SQF

To Whom It May Concern;

This property is the subject of a Special Permit Application submitted by Hoory Abawi. Hoory Abawi has been granted permission by Mohammad Tahir, the subject property of 9436 Old Courthouse Road, Vienna, VA 22182 title owner to the Fairfax County for approval of a home child care facility.

Sincerely,

A handwritten signature in black ink, appearing to be 'Hoory Abawi', written over a horizontal line.

Hoory Abawi

RECEIVED  
Department of Planning & Zoning

JAN 12 2015

Zoning Evaluation Division

Hoory Abawi  
9436 Old Courthouse Road  
Vienna, VA 22182  
703-242-9823  
[Hoory.Abawi@hotmail.com](mailto:Hoory.Abawi@hotmail.com)

January 5, 2015

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

Re: Special Permit Application

Applicant: Hoory Abawi

Zoning Ordinance: Section 8-305 for Home Child Care Facility and  
Section 8-004 of General Standards

Tax Map #: 0284 16 0005

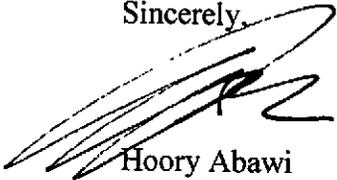
Zoning District: R-2W

Lot Size: 15,030 SQF

To Whom It May Concern;

This property is the subject of a Special Permit Application submitted by Hoory Abawi is the title owner of 9436 Old Courthouse Road, Vienna, VA 22182 to the Fairfax County for approval of a home child care facility.

Sincerely,



Hoory Abawi

JAN 12 2015

Zoning Evaluation Division

Proposed Arrival and Departure Schedule for:  
 Hoory Abawi Child Care Facility  
 9436 Old Courthouse Road  
 Vienna, VA 22182

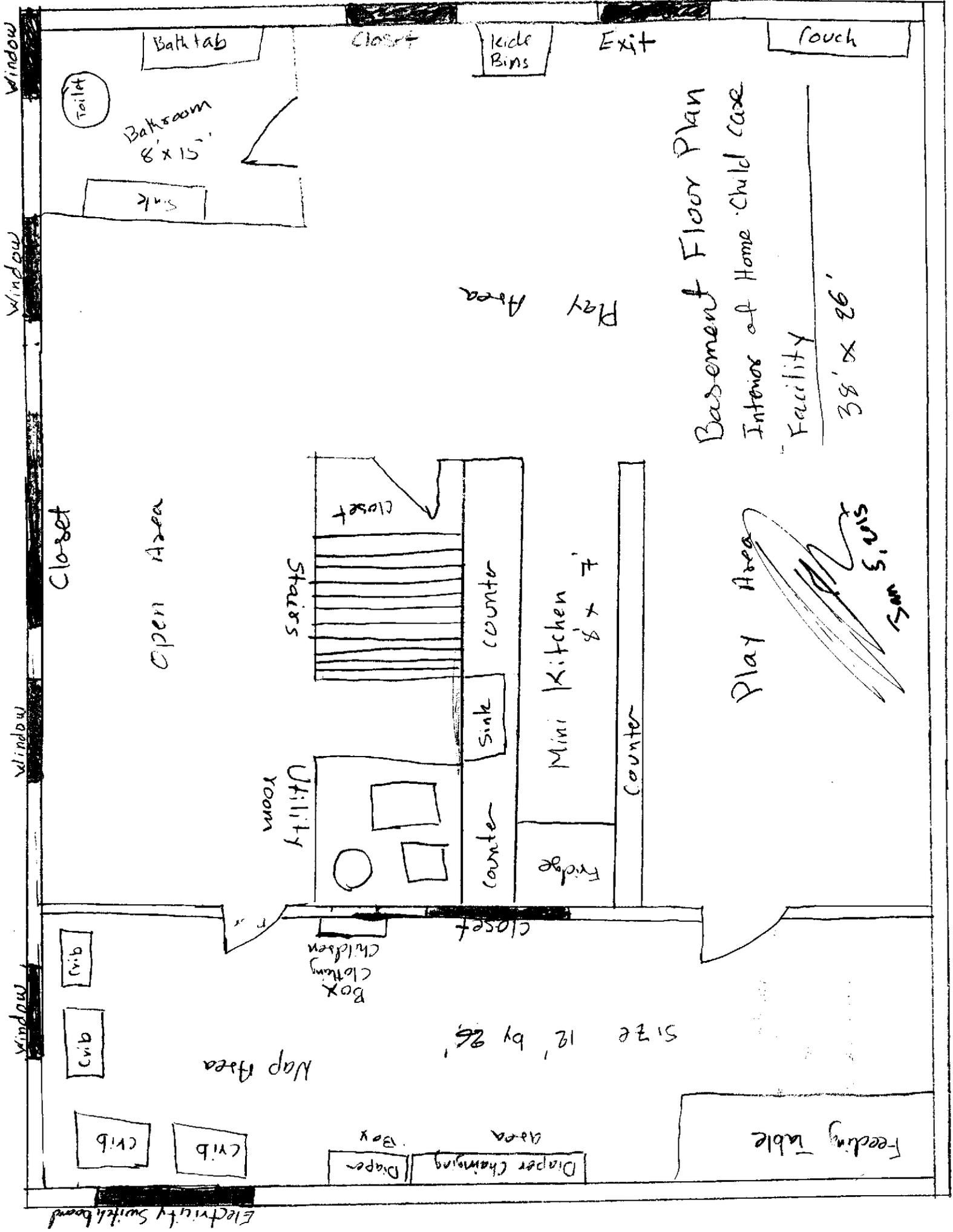
Proposed Arrival Schedule:

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

Proposed Departure Schedule:

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

Appendix 1



Exterior Pictures of the property for the child care facility: 9436 Old Courthouse Road, Vienna, VA 22182

Property viewing from front



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Department of Planning & Zoning

JAN 12 2015

Zoning Evaluation Division

Wooden Deck view



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Department of Planning & Zoning

JAN 12 2015

Zoning Evaluation Division

Property Driveway area



RECEIVED  
Department of Planning & Zoning  
JAN 12 2015  
Zoning Evaluation Division

Play Area



**RECEIVED**  
Department of Planning & Zoning

JAN 12 2015

Zoning Evaluation Division

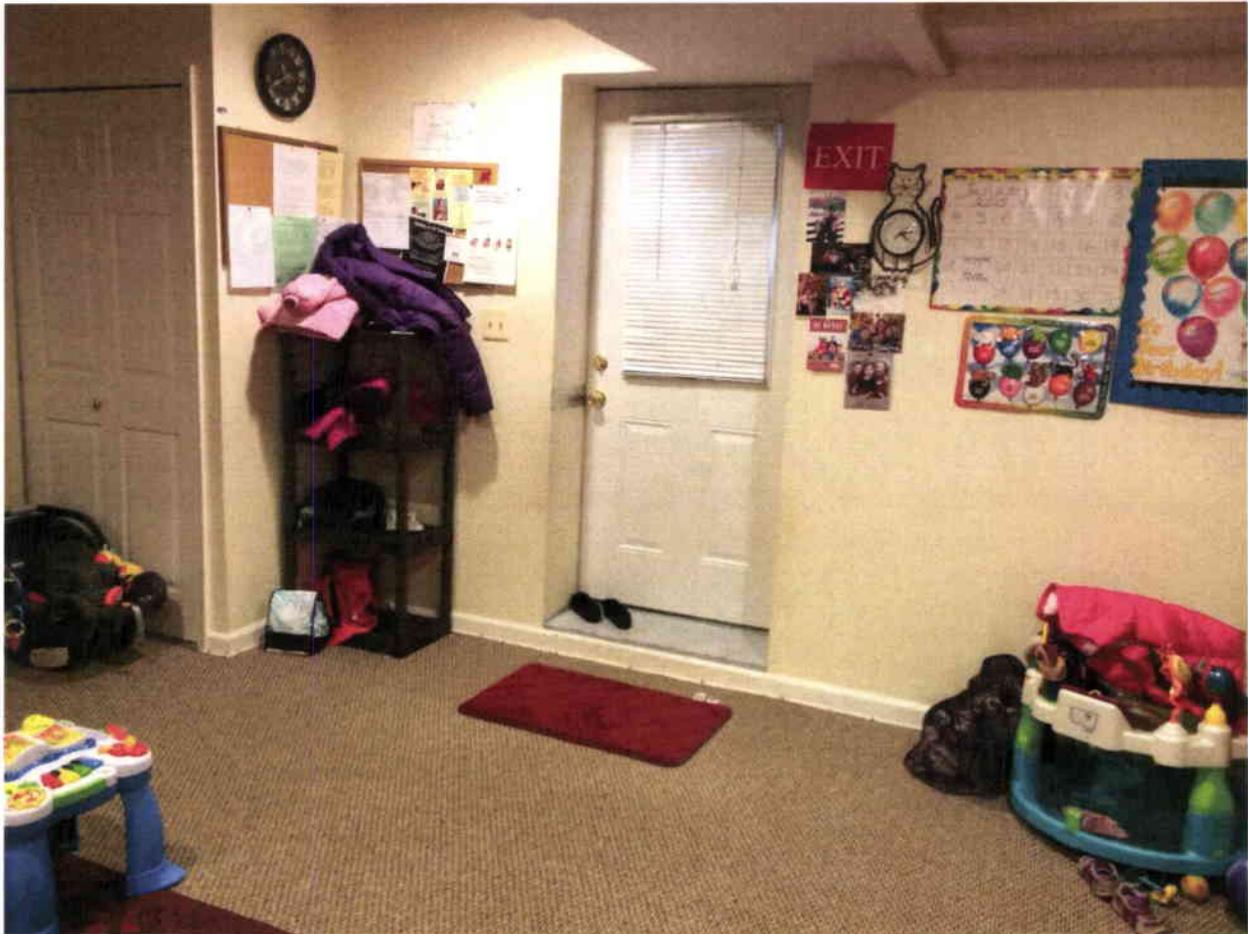
Play area



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Department of Planning & Zoning

JAN 12 2015

Zoning Evaluation Division

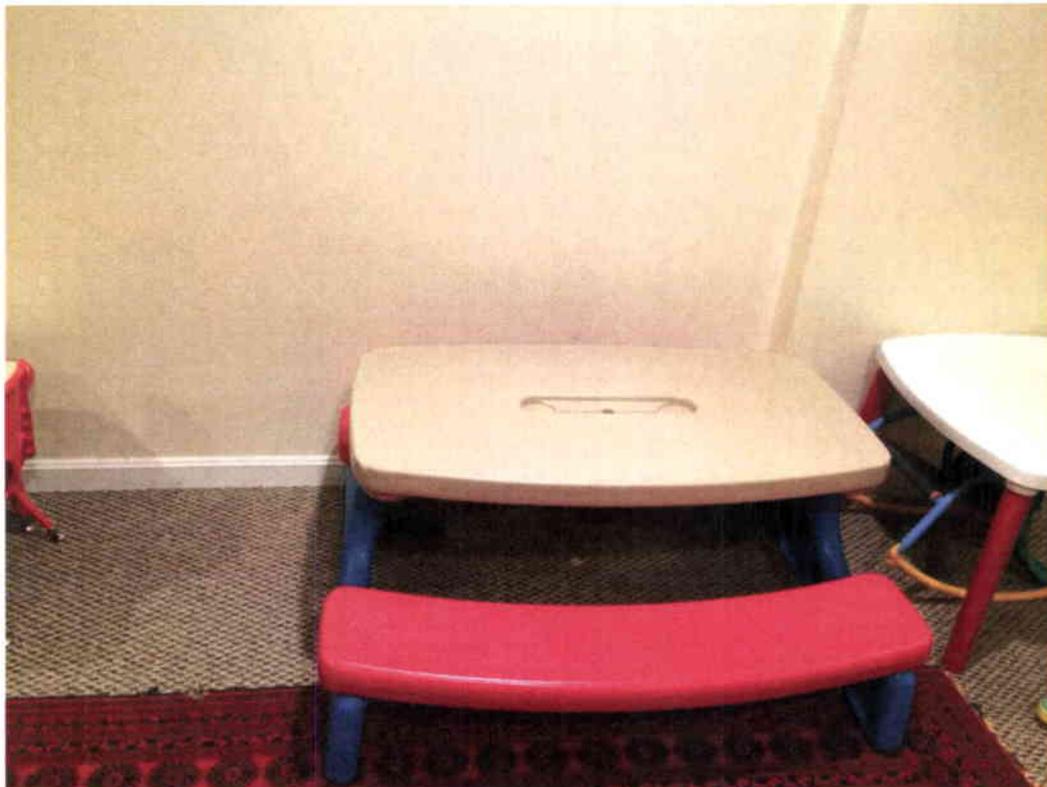


Exit and drop off area

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Zoning Evaluation Division

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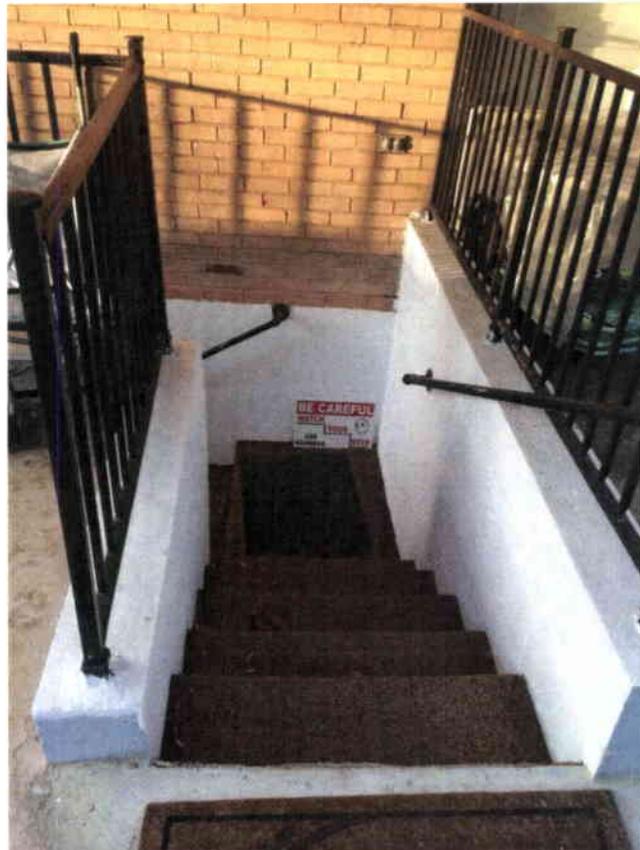
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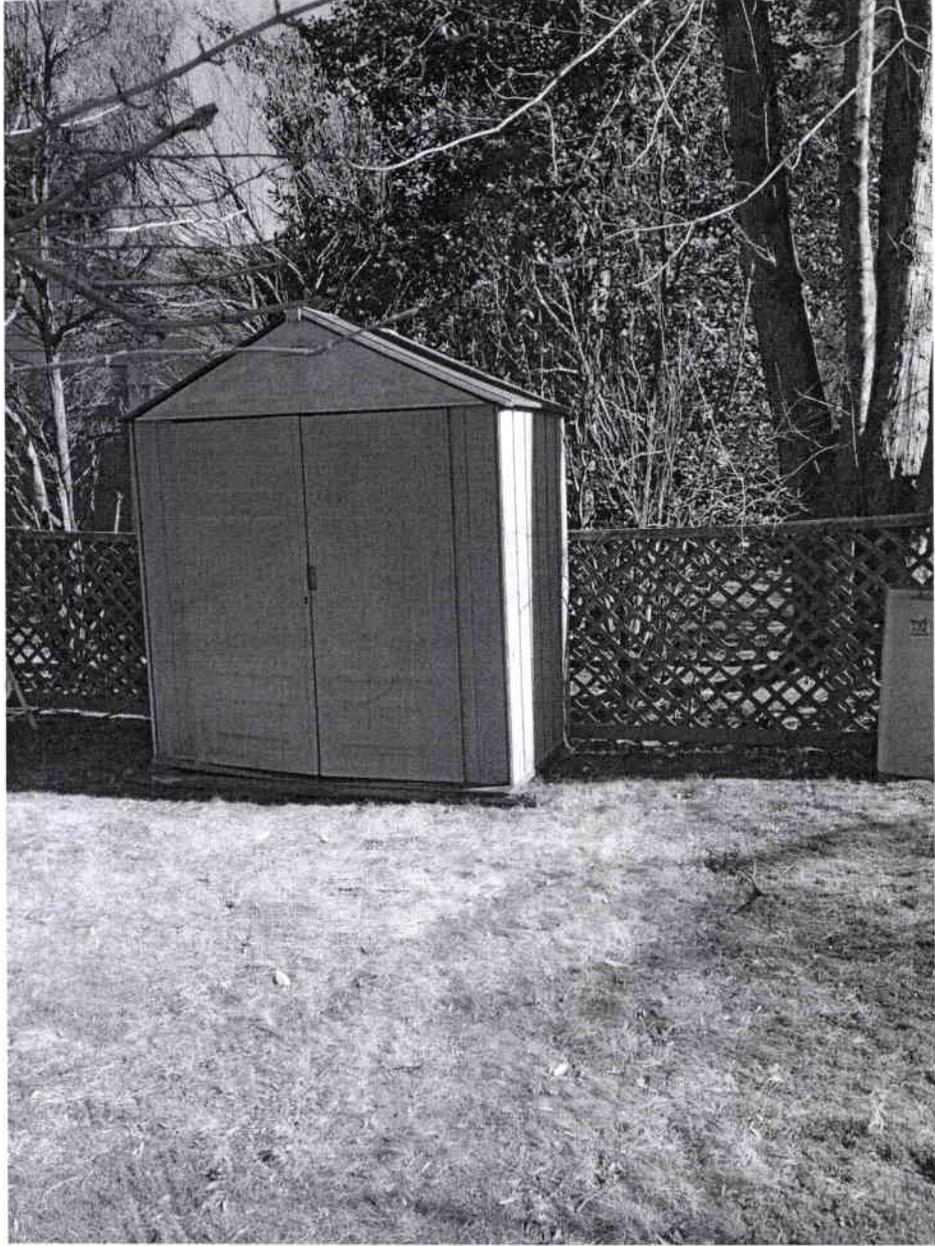
JAN 12 2015

Zoning Evaluation Division

Exit to outside







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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 01-03-2015  
(enter date affidavit is notarized)

I, Hoory Abawi, do hereby state that I am an 129177  
(enter name of applicant or authorized agent)

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

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

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

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

| NAME<br>(enter first name, middle initial, and last name) | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|--|---|
| Hoory Abawi   | 9436 Old Courthouse Rd, Vienna, VA 22182                     | Applicant / <sup>CO</sup> Title Owner   |
| Mohammad Tahir  | 9436 Old Courthouse Rd, Vienna, VA 22182                     | Title Owner   |

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

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

Application No.(s): \_\_\_\_\_  
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1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 01-03-2015  
(enter date affidavit is notarized)

128177

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

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

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

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

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

None

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 01-3-2015  
(enter date affidavit is notarized)

128177

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  Applicant's Authorized Agent

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

Subscribed and sworn to before me this 3 day of Dec Jan 20 15, in the State/Comm. of VA, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: 04-30-2017

MUHAMMAD AKMAL KHAN  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES APRIL 30, 2017  
COMMISSION # 7857172

[Signature]



## Land Development Information History: ISIS - Building Permit - 05279B0710

### Permit Information

**Permit Id:** 05279B0710  
**Job Address:** 009436 OLD COURTHOUSE RD  
**Applicant Name:** SHAHBAZ F  
**Application Date:** 2005-10-06  
**Permit Status:** Initial/Approved (IA)

**Work Description:** SFD//BUILD DECK AS PER CO DETAILS  
**Type Work:** Deck Only-Residential (A33)

## Land Development Information History: ISIS - Building Permit - 05192B0670

### Permit Information

**Permit Id:** 05192B0670  
**Job Address:** 009436 OLD COURTHOUSE RD  
**Applicant Name:** SAYEED WALI  
**Application Date:** 2005-07-11  
**Permit Status:** Initial/Approved (IA)

**Work Description:** SFD/FIN BSMNT PER PLANS/W STAIRWAY//  
**Type Work:** Finish Basement-Residential (R27)

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Hoory Abawi**

9436 Old Courthouse Road

VIENNA, VA 22182

(703) 242-9823 Facility Type: [Family Day Home](#)License Type: [One Year](#)[Expiration Date](#): Dec. 13, 2015Business Hours: 7:30am - 6pm  
Monday - Friday

Capacity: 7

Ages: Birth - 12 years 11 months

Inspector: Pernille Brandt  
(703) 203-8659 



# County of Fairfax, Virginia

## MEMORANDUM

Date: August 26, 2015

To: Casey Gresham, Staff Coordinator  
Zoning Evaluation Division

From: Mavis Stanfield   
Chief Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-PR-053, Hoory Abawi

Applicant: Hoory Abawi  
9436 Old Courthouse Road, Vienna, Virginia 22182  
The Trails, Lot 5  
Tax Map# 28-4 ((16)) 5  
Zoning District: R-2  
Magisterial District: Providence  
ZIB # 2015-0370  
Date of Inspection: August 19, 2015

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

- 1. Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
  - The window in the room used for infant napping was inadequate in size for egress. The cribs should be relocated to an area with appropriate egress.
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 4. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

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

- The electrical panel requires blank inserts.

- 6. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

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

- The utility room was used being used for storage around the appliances. All obstructions should be cleared to provide 36 inches of clearance in this room.

- 8. Structures comply with the Zoning Ordinance.

- A fence greater than five feet in height was observed in the front yard, extending from the house towards the street.





**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.

#### **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