



# County of Fairfax, Virginia

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September 23, 2015

## STAFF REPORT

SPECIAL PERMIT SP 2015-MA-056

### MASON DISTRICT

**APPLICANT:** Nazneen Ali

**OWNERS:** Nazneen Afsar Ali  
Mir Afsar Ali

**SUBDIVISION:** Courtland Park

**STREET ADDRESS:** 3437 Washington Drive,  
Falls Church, 22041

**TAX MAP REFERENCE:** 61-2 ((17)) (C) 22

**LOT SIZE:** 20,000 square feet

**ZONING DISTRICT:** R-3, HC

**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-MA-056 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.

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*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.

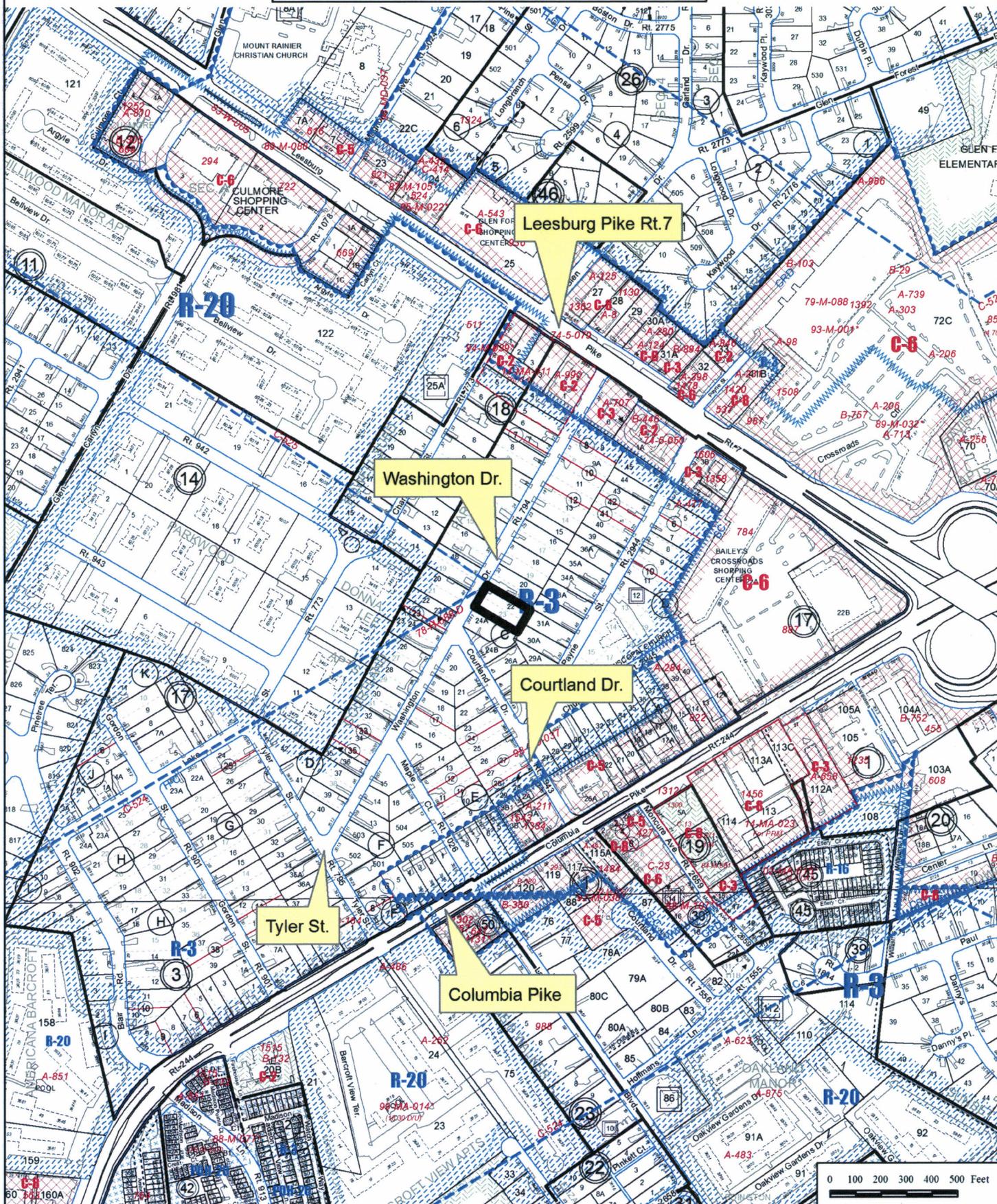
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

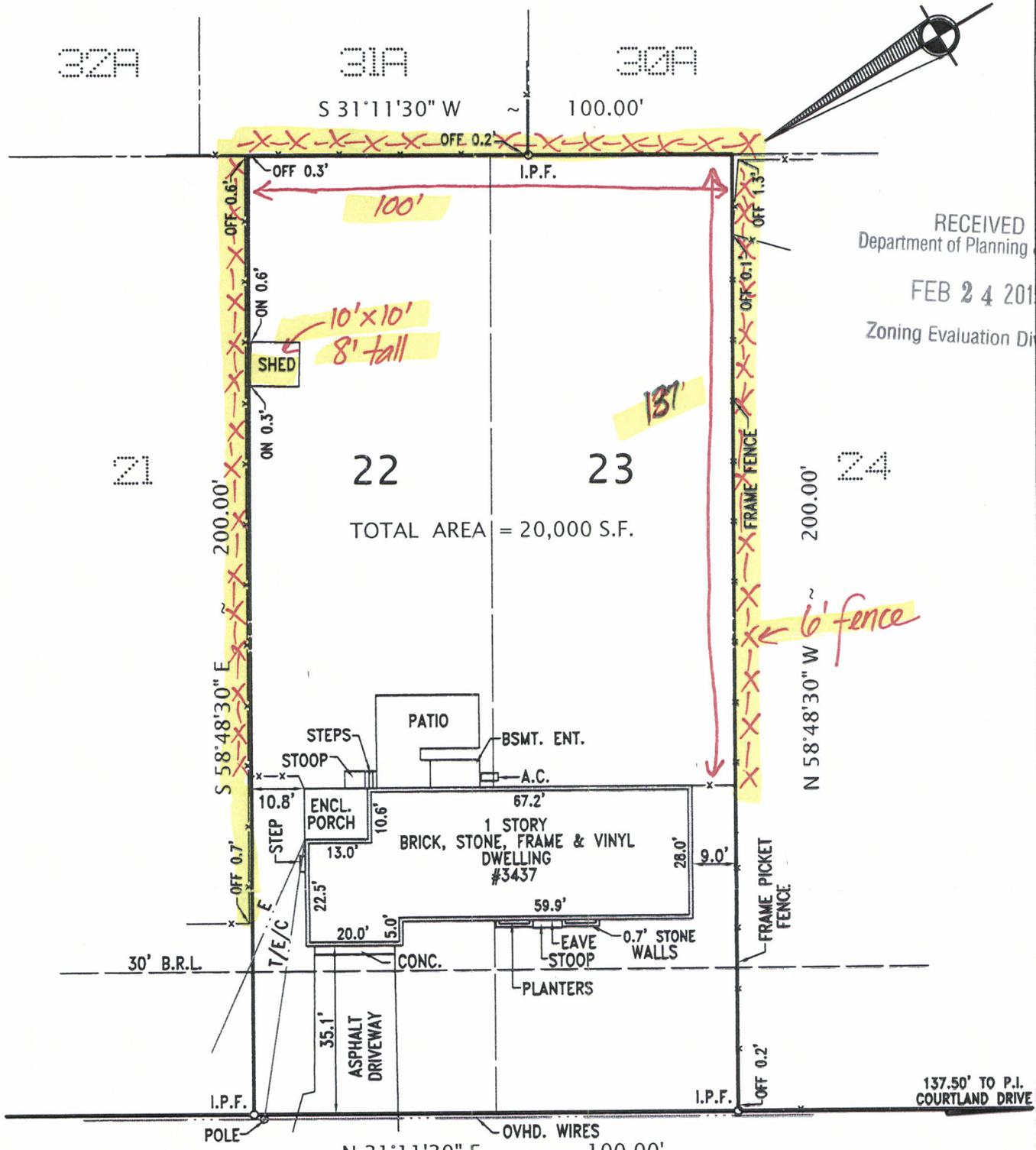
SP 2015-MA-056

NAZNEEN ALI



*House Location Plat to Scale*

NOTE: FENCES ARE CHAIN LINK UNLESS NOTED.



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Department of Planning & Zoning  
FEB 24 2015  
Zoning Evaluation Division

*Outdoor play area = 100' x 137' = 13,700 square feet*

*x-x 6' fence*

WASHINGTON DRIVE  
50' R/W  
PLAT  
SHOWING HOUSE LOCATION ON  
LOTS 22 & 23 BLOCK "C"  
COURTLAND PARK  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 30' APRIL 3, 2007

*Wagner Sni 2/19/2015*

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CASE NAME: TAPIA ~ ALI

GRAPHIC SCALE  
0 30 60

COMMONWEALTH OF VIRGINIA  
PATRICK A. ECKERT  
LICENSE NO. 002645  
SURVEYOR

BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED. PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.  
*Patrick A. Eckert*  
PATRICK A. ECKERT . . . . . L.S.

REQUESTED BY:  
COMMONWEALTH TITLE SERVICES, INC  
ALEXANDRIA SURVEYS INTERNATIONAL, LLC  
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306  
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

#070328011

## 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 on, Lots 22 & 23, Block "C", Courtland Park," by Patrick A. Eckert, Land Surveyor, dated April 3, 2007, as revised by Nazneen Ali through February 19, 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 one story, single-family detached dwelling. Vehicular access is provided by an asphalt driveway to a two car attached garage. The driveway has room for approximately four vehicles. A patio is located at the rear of the house. A level area of lawn makes up most of the rear yard. A shed 8.0 feet in height is located on the northern side of the rear yard. The rear yard is enclosed by a wood fence 6.0 feet in height.

The subject property and surrounding properties are zoned R-3 in the Highway Corridor overlay district and developed as single family detached dwellings. The property is located on Washington Drive, near the intersection with Courtland Drive, just south of Leesburg Pike.



**Figure 1: House Location**  
For illustrative purposes only

## BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1954, remodeled in 2005, and purchased by the current owners in 2007. 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 two full-time assistants .

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through March 15, 2016. The license permits a capacity of seven children, ages birth through 12 years, 11 months. The state approved hours of operation are 6:30 a.m. to 7:00 p.m., Monday through Friday. A development condition has been proposed to require the applicant to adjust her state approved hours to those approved with this special permit. A summary of the state home child care licence information is included as Appendix 5.

The home child care facility is operated in the walk-out basement of the house. There is a main play room, an eating area, a napping area, a kitchen, and a bathroom. The children nap in a room which has emergency egress via a door to the outside that meets the Virginia Uniform Statewide Building Code specifications for an emergency escape and rescue opening. Parents drop the children off and pick them up at the basement entrance. The rear yard is used for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area I, Baileys Planning District  
**Planning Sector:** Barcroft Community Planning Sector (B5)  
**Plan Map:** Residential, 2-3 du/ac

**Zoning District Standards**

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	10,500 sf.	20,000 sf.
Lot Width	Interior: 80 feet	100 feet
Building Height	35 feet	Not provided
Front Yard	30 feet	35.1 feet

Bulk Standards (R-3)		
Standard	Required	Provided
Side Yard	12 feet	Northern: 10.8 feet* Southern: 9 feet*
Rear Yard	25 feet	128 feet

\* The house was legally constructed and shown on a house location plat in 1954. Therefore, it is vested and considered a legal non-conforming structure.

**On-Site Parking and Site Circulation**

The applicant has a two-car garage and a driveway with room for approximately four vehicles that she utilizes for drop-off and pick-up of children. Washington Drive has restricted on-street parking available by permit only. A condition has been included to ensure the driveway remain available during drop-off and pick-up times.

**Zoning Inspection Report (Appendix 6)**

During the site visit, staff found that the property had storage located in front of the electrical panel and that the utility rooms contained storage that surrounded both the furnace and water heater. The applicant has since cleared out the storage and provided staff with photographic proof of providing a minimum of 36 inches of clearance.

**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)**

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed in accordance with the plan recommendation. The R-3 District permits a home child care facility as an accessory use by-right for up to seven children in a detached dwelling. An increase to 12 children is permitted with special permit approval.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. An outdoor play area with play equipment is found in the rear yard which is enclosed by a fence six feet in height. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.

<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered. Although on-street parking requires a permit, staff believes that there is sufficient space in the driveway to accommodate parking for pick up and drop off. 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> Landscaping/Screening</p>	<p>There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space required on individual lots in the R-3 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, 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> 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> Lot Size and Bulk Regulations</p>	<p>The property meets most of the lot size and bulk regulations for the R-3 District with the exception of minimum side yards. The house was legally constructed and shown on a house location plat in 1954. Therefore, it is vested and considered a legal non-conforming structure. No new construction or exterior modifications are proposed.</p>
<p><b>Standard 2</b> Performance 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> 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> Maximum of 12 Children &amp; Non-Resident 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> 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, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 3</b> Landscaping/Screening</p>	<p>There is existing vegetation and a wood fence in the rear and side yards that provides screening to the outdoor play area.</p>
<p><b>Standard 4</b> Submission Requirements</p>	<p>The applicant met all submission requirements for a home child care facility.</p>

<p><b>Standard 5</b> Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant holds a valid home child care license.</p>
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**Use Limitations (Par. 6 of Sect. 10-103)**

<p><b>Part A</b> Maximum Number of 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 12 children at any one time.</p>
<p><b>Part B</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><b>Part C</b> No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use.</p>
<p><b>Part D</b> Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employee and the development conditions allow up to two non-resident employees.</p>
<p><b>Part E</b> Provider is a Resident</p>	<p>The provider resides in the application property.</p>
<p><b>Part F</b> 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><b>Part G</b> 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 two non-resident employees.</p>

**CONCLUSION/ RECOMMENDATION**

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

Staff recommends approval of SP 2015-MA-056 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-MA-056****September 23, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-056 located at Tax Map 61-2 ((17)) (C) 22 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, Nazneen Ali only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3437 Washington 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 on, Lots 22 & 23, Block "C", Courtland Park," by Patrick A. Eckert, Land Surveyor, dated April 3, 2007, as revised by Nazneen Ali through February 19, 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 applicant shall amend her state-issued family day home license to make the approved hours of operation consistent with the hours of operation in Development Condition 4.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
8. 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
9. There shall be no signage associated with the home child care facility.
10. All pick-up and drop-off of children shall take place within the driveway of the subject property.

11. The shed shall be locked during all hours of operation of the home child care facility.
12. 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.
13. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
14. 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.

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Department of Planning & Zoning

FEB 24 2015

Zoning Evaluation Division

**STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY**

Nazneen Ali  
3437 Washington Drive  
Falls Church, VA 22041  
Tax Map #: 0612-17C-0022  
703-578-0353

February 19, 2015

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

Re: Special Permit Application  
Applicant: Nazneen Ali  
Zoning Ordinance: Section 8-305 for Home Child Care Facility and  
Section 8-004 of General Standards  
Tax Map #: 0612-17C-0022  
Zoning District: R-3  
Lot Size: 20,000 square feet

To Whom It May Concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a single-family detached dwelling at 3437 Washington Drive in Falls Church, Virginia in Fairfax County with my husband. The property is zoned R-3 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 7 children in my child care facility in my home. Below is information about my child care facilities operations:

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

Number of Children. I currently care for 7 children. I propose to care for a maximum of 12 children at any one time. This number does not include my own three grandchildren.

Employees. I have two assistants who work full-time.

Arrival Schedule. Ten of the children will arrive between 7:00 AM and 8:00 AM. Two of the children will arrive between 8:00 AM and 9:15 AM.

Departure Schedule. Four children will be picked up between 2:45 PM and 4:14 PM. Seven of the children will leave between 4:15 PM and 5:00 PM. One child will leave between 5:00 PM and 6:00 PM. *(Please see my page 3 or Appendix 1 with my proposed Arrival and Departure Schedule for all proposed 12 children.)*

Parking. I use my driveway to park my family car. My driveway provides enough parking for four cars because the driveway is 20 feet in width and 35.1 feet in length, and holds two rows of two cars side by side. The driveway provides ample parking for the parents and employees.

Area Served. Currently, most of the children live in the general vicinity of my neighborhood. These parents drive their children to my house.

Operations. As I stated, my house is a single-family detached dwelling. It has a walk-out semi-basement, which serves as the entrance of the child care facility, and is where the children spend their time. Appendix 2 is a floor plan/layout that indicates the areas where the day care is operating. The house has 2,654 square feet. The basement area where I conduct the day care consist of approximately 564 square feet in total. (See the fourth page or Appendix 2 for the floor layout and interior photos of each room used for the day care).

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

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

Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 13,700 square feet. This area is highlighted on my plat. There is a fence around this area. I have signed and dated this revised and updated house location plat.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the outside appearance of my brick home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

*Nazneen Ali*

Nazneen Ali  
Special Permit Applicant and Home Child Care Provider

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Proposed Arrival and Departure Schedule for:

FEB 24 2015

Zoning Evaluation Division

**Nazneen Ali**  
**3437 Washington Drive**  
**Falls Church, VA 22041**

Proposed Arrival Schedule

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

Proposed Arrival Schedule

Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 6:00 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		



## EXTERIOR PHOTOS OF PROPERTY

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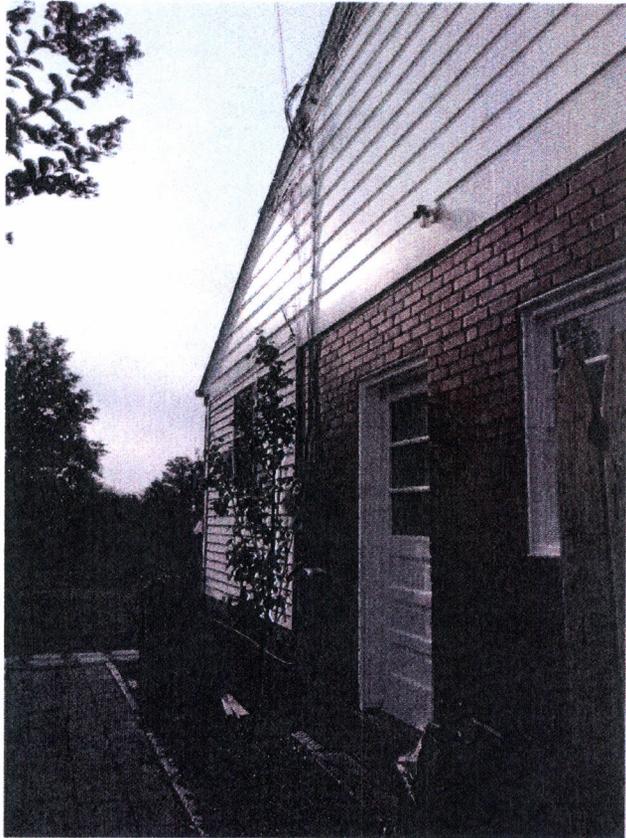
### 1. Property view from the front.



### 2. Front of the property view from across the street of 3437 Washington Drive.



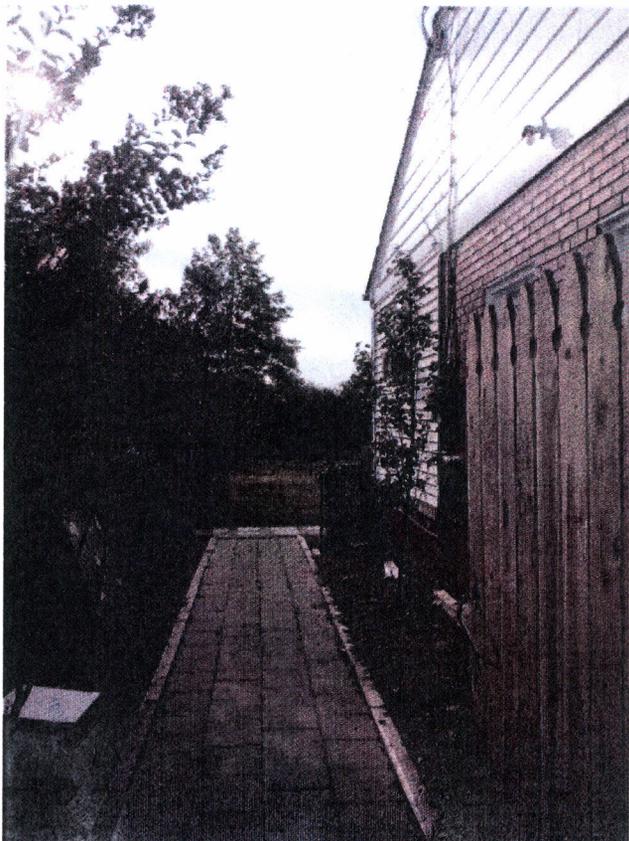
4. Property view of the left side.



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6. Property view from the back.



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7. View of the patio area in the back from the left side of the property.



10. View of the wood fence located at the back of the property.



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11. View of the right corner of the backyard.



12. View of the shed located in the back left corner of the property.



8. View of patio area in the back from the right side of the property.



9. View of the playground area in the back of the property.



3. Front of the property – view of the driveway area.



**INTERIOR PHOTOS  
OF HOME CHILD CARE FACILITY**

**1. ENTRANCE OF HOME CHILD CARE FACILITY**

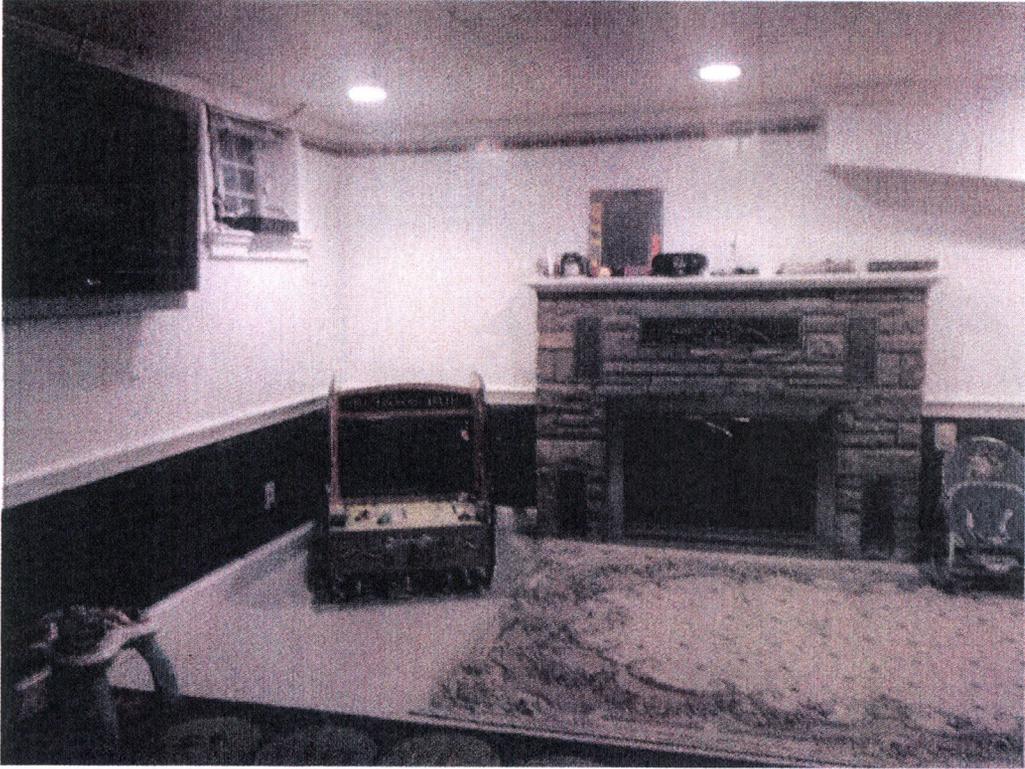


**2. PLAY ROOM**



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5. PLAY ROOM



6. EATING AREA



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FEB 24 2015  
Zoning Evaluation Division

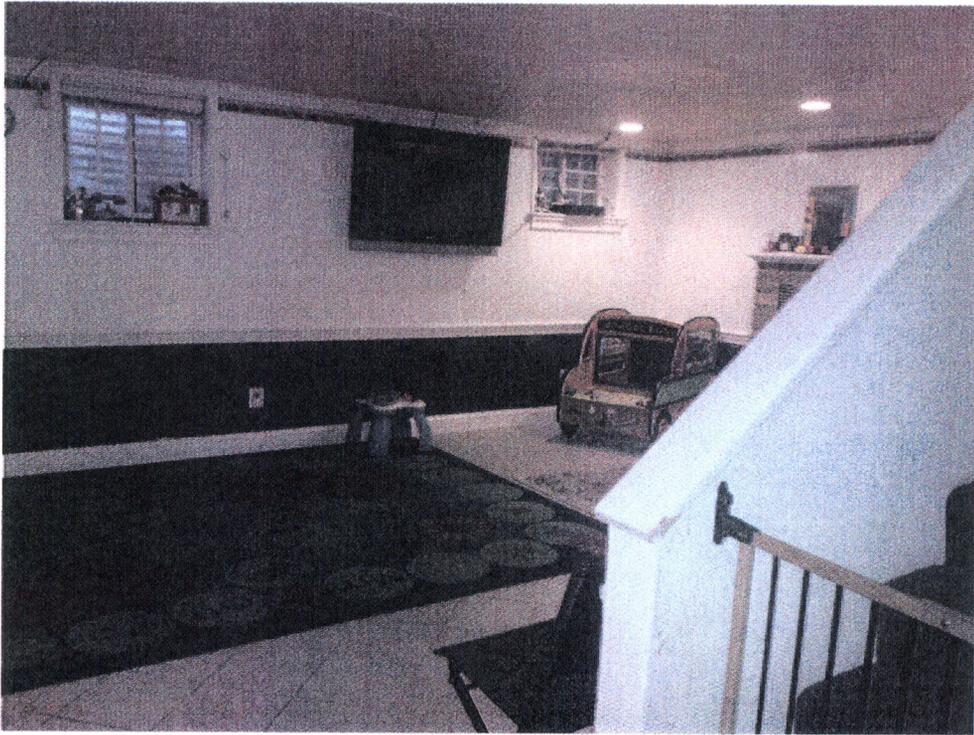
7. NAPPING AREA



8. NAPPING AREA



### 3. PLAY ROOM



### 4. PLAY ROOM



Application No.(s): SP 2015-MA-056  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/12/2015  
(enter date affidavit is notarized)

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

128594

(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Nazneen A. Ali	3437 Washington Drive Falls Church, VA 22041	Applicant/Title Owner
Mir Afsar Ali	3437 Washington Drive Falls Church, VA 22041	Co-Title Owner

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

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

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

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/12/2015  
(enter date affidavit is notarized)

120594

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)

N/A

**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)

N/A

(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)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/12/2015  
(enter date affidavit is notarized)

120956

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): \_\_\_\_\_  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/12/2015  
(enter date affidavit is notarized)

128956

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): \_\_\_\_\_  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/12/2015  
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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.

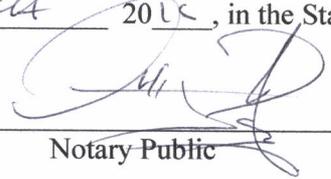
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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) Nazneen Ali  
[✓] Applicant [ ] Applicant's Authorized Agent

Nazneen Ali  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of MARCH 2015, in the State/Comm. of VA, County/City of ALEXANDRIA

  
Notary Public

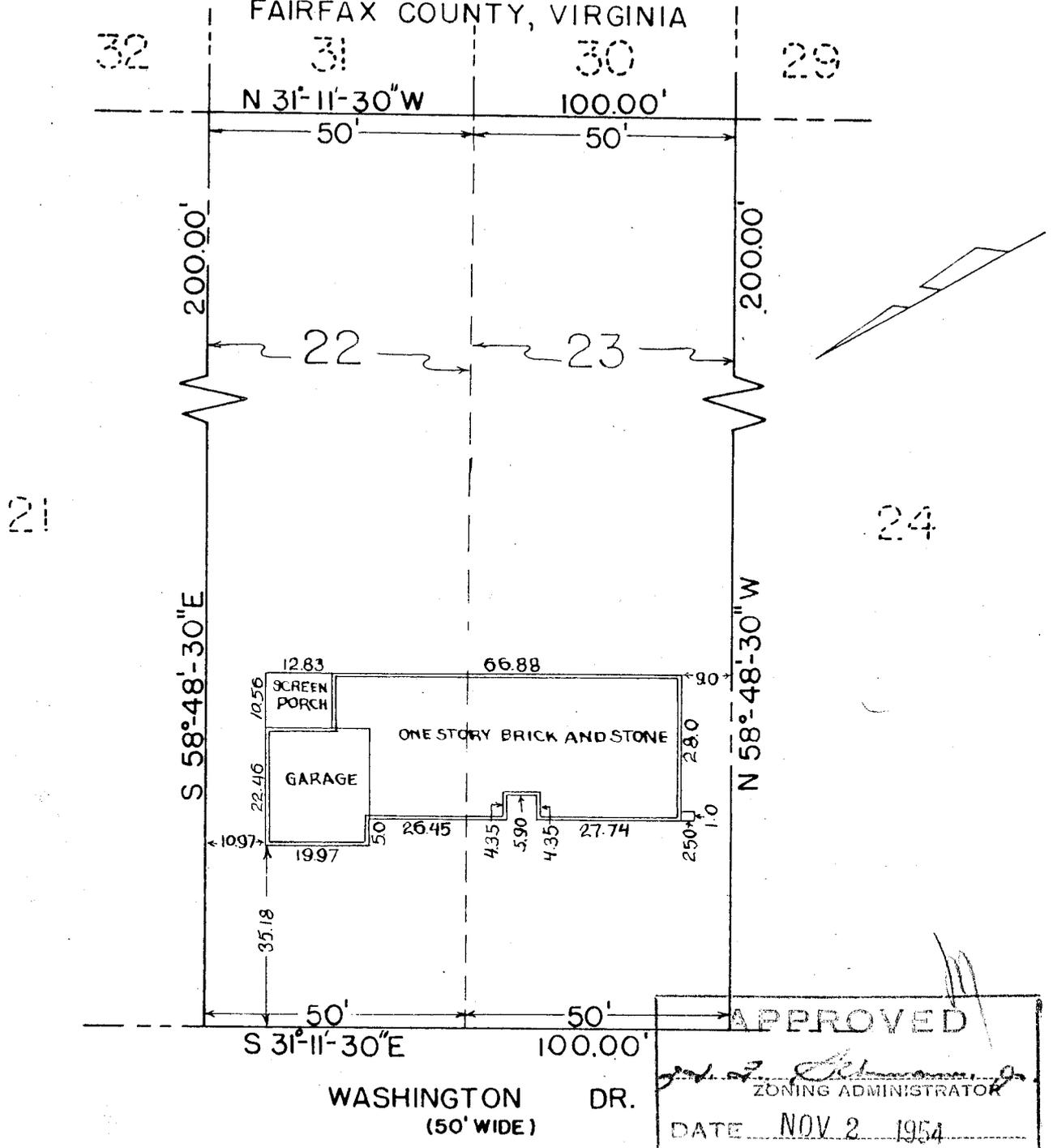
My commission expires: 12/31/2016

Luis A Pereira  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7523282  
My Commission Expires Dec. 31, 2016



HOUSE LOCATION SURVEY  
 LOTS 22 & 23 BLK C  
 COURTLAND PARK SUBDIVISION

FALLS CHURCH MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



APPROVED  
*[Signature]*  
 ZONING ADMINISTRATOR  
 DATE NOV 2 1954

CERTIFIED CORRECT: <i>Herman L. Courson</i> CERTIFIED LAND SURVEYOR Oct. 5, 1954	HELLWIG, COURSON & HELLWIG CERTIFIED LAND SURVEYORS SPRINGFIELD, VIRGINIA	SCALE 1" = 30'	DATE 10/4/54
		DRAWN BY: JFJ	CK'D. BY: <i>[Signature]</i>
		JOB NO. VAF-11	FIELD BK. No. 30



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Nazneen Ali**

3437 Washington Drive  
FALLS CHURCH, VA 22041  
(703) 578-0353 

Facility Type: [Family Day Home](#)

License Type: [One Year](#)

[Expiration Date](#): March 15, 2016

Business Hours: 6:30 am - 7:00 pm  
Monday - Friday

Capacity: 7

Ages: Birth - 12 years 11 months

Inspector: Brenda Kuhlman  
(703) 304-9609 



# County of Fairfax, Virginia

## MEMORANDUM

Date: August 25, 2015

To: Erin Haley, Planner III  
Zoning Evaluation Division

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MA-056

Applicant: Nazneen Ali  
3437 Washington Drive, Falls Church, Virginia 22041  
Courtland Park, Lots 22 & 23, Block C  
Tax Map# 61-2 ((17C)) 22  
Zoning District: R-3  
Magisterial District: Mason  
ZIB # 2015-0384  
Date of Inspection: August 24, 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.)
- 2. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.  
\* The smoke detector could not be tested due to a sleeping infant.
- 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.
- 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 property had storage located in front of the electrical panel.
  - \*The utility rooms contained storage that surrounds both the furnace and hot water heater. 36" clearance should be maintained around the furnace and water heater.
- 8. Structures comply with the Zoning Ordinance.

**8-006 General Standards**

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

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

**8-303 Standards for all Group 3 Uses**

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

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

**8-305 Additional Standards for Home Child Care Facilities**

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

**Sect. 10-103 Use Limitations**

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

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

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

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

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