



APPLICATION ACCEPTED: April 20, 2015
BOARD OF ZONING APPEALS: October 7, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

September 30, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2015-SP-069

SPRINGFIELD DISTRICT

APPLICANT: Surbhi Batra
DBA Sunshine Homecare, LLC

OWNERS: Surbhi Batra
Dinesh K. Batra

SUBDIVISION: Estates at Fairfax

STREET ADDRESS: 12861 Knight Arch Road, Fairfax, 22030

TAX MAP REFERENCE: 55-4 ((18)) 26

LOT SIZE: 14,044 square feet

ZONING DISTRICT: R-2 Cluster, WS

ZONING ORDINANCE PROVISIONS: 3-203, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SP-069 for the home child care facility with the 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.

Laura B. Arseneau

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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

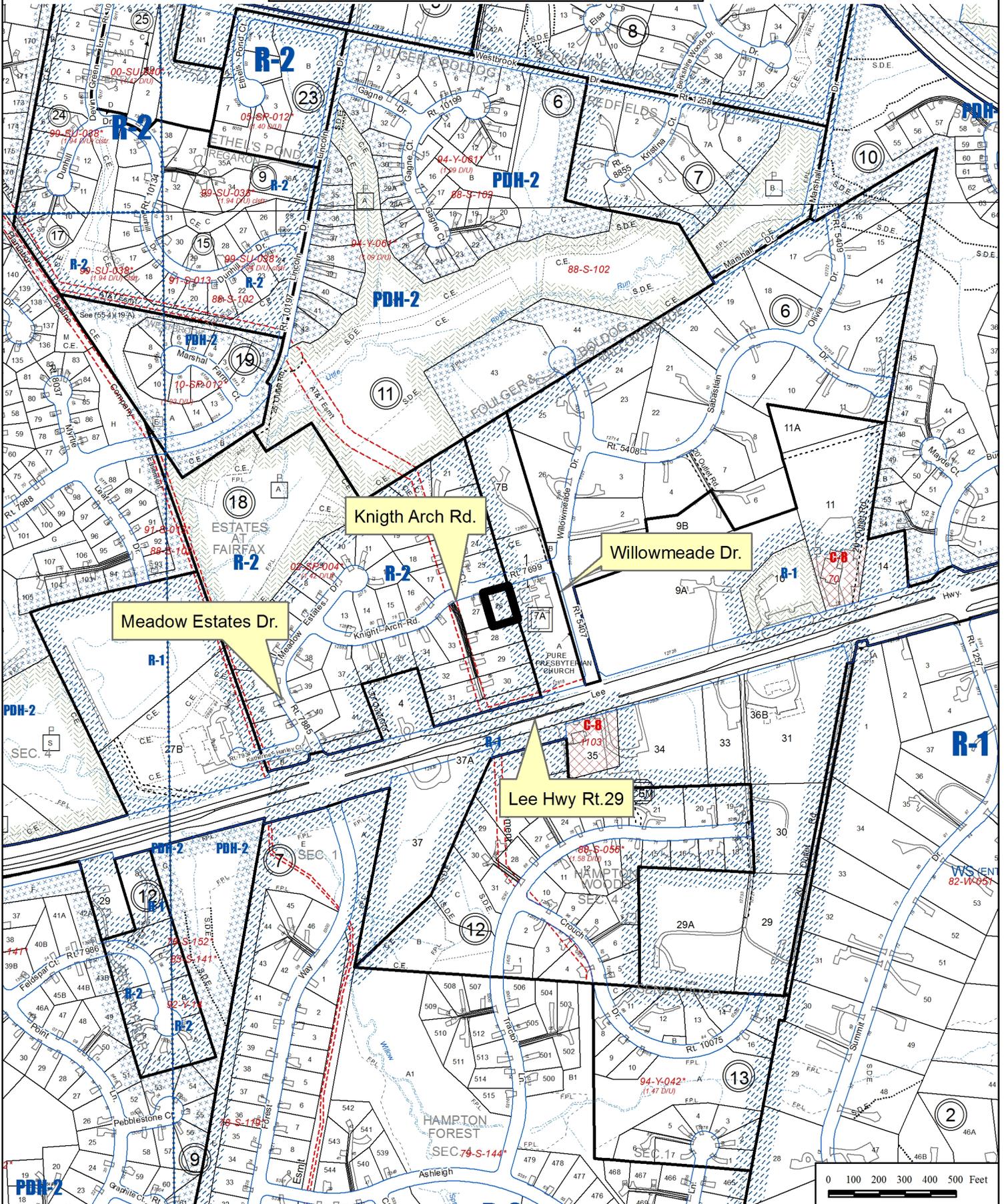


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-SP-069

SURBHI BATRA DBA SUNSHINE HOMECARE LLC



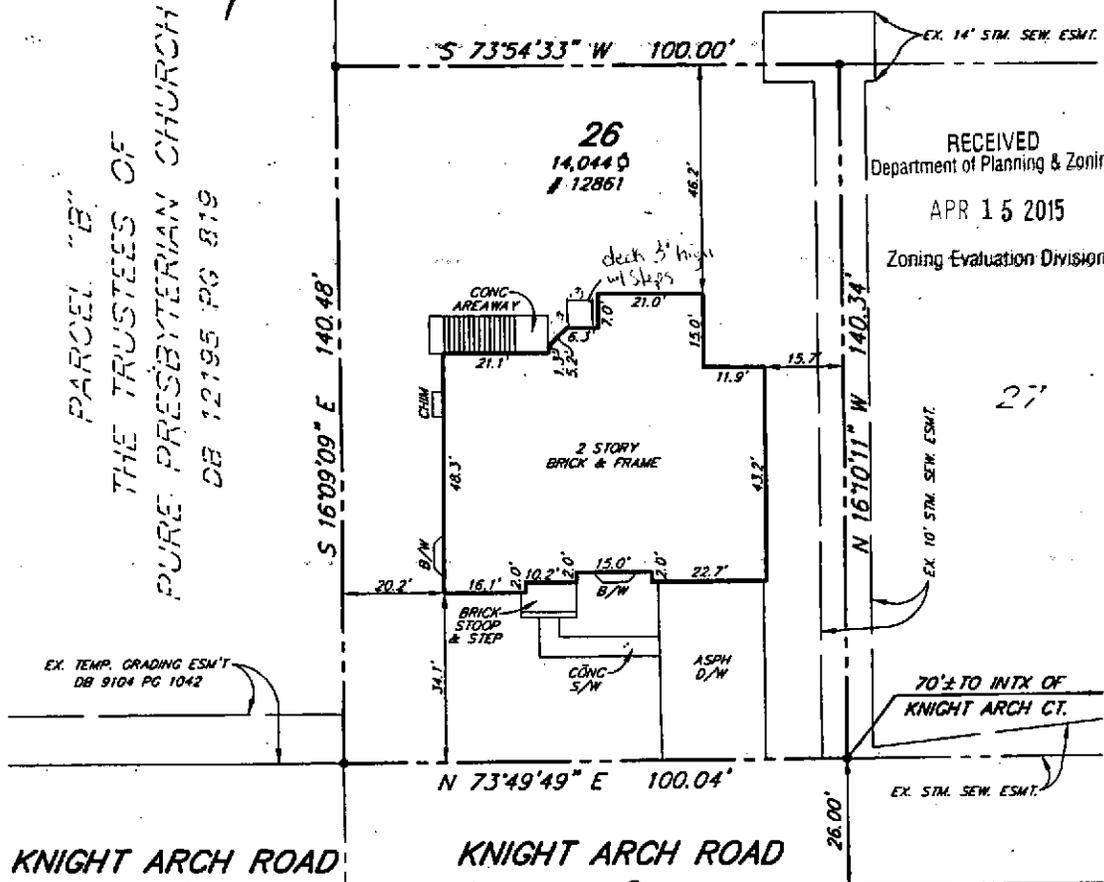
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Department of Planning & Zoning

MAR 23 2015
Zoning Evaluation Division



Entire backyard used for
outdoor play area
& approximately 5,000 sq ft.
23

PARCEL "B"
THE TRUSTEES OF
PURE PRESBYTERIAN CHURCH
DB 12195 PG 819



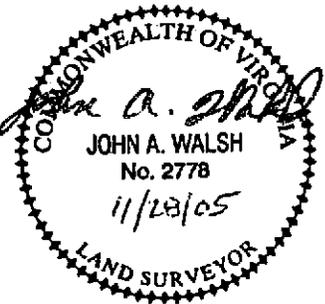
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Zoning Evaluation Division

KNIGHT ARCH ROAD
(52.03' [15.86m] R/W)
DB 12195 PG 819

KNIGHT ARCH ROAD
(52' R/W)

THE PROPERTY DELINEATED HEREON IS LOCATED
IN ZONE X (AREAS DETERMINED TO BE OUTSIDE
500-YEAR FLOODPLAIN) AS DELINEATED ON THE
FEDERAL EMERGENCY MANAGEMENT AGENCY'S
FLOOD INSURANCE RATE MAP OF FAIRFAX COUNTY,
VIRGINIA COMMUNITY-PANEL NUMBER 515525-
0025-D REVISED MARCH 5, 1990.

10/15/15



HOUSE LOCATION SURVEY

WALL CHECK: 06-15-05
FINAL: 11-23-05

LOT 26
ESTATES AT FAIRFAX

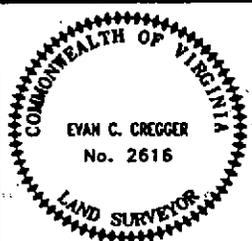
FINAL APPROVAL

ALL EXISTING ESM'T. SHOWN
HEREON ARE RECORDED IN
DB 16622 PG 1420
UNLESS OTHERWISE NOTED.

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

JAN 24 2006

ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING



BC Consultants

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

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE
LOCATIONS OF ALL EXISTING
IMPROVEMENTS ON THIS PRO-
PERTY HAVE BEEN CAREFULLY
ESTABLISHED BY A TRANSIT-
TAPE SURVEY AND UNLESS
OTHERWISE SHOWN, THERE
ARE NO ENCROACHMENTS.
NO TITLE REPORT FURNISHED.

REFERENCE	DRAWN BY: FR	CHECKED: M.J.
DB 16622	SCALE: 1" = 30'	DATE: 06-16-05
PG. 1420	FILE NO.: 03001-71	

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 26, Estates at Fairfax,” prepared by John A. Walsh, L.S., on November 28, 2005, as revised by the applicant on October 15, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statements of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single-family detached dwelling. A stoop, concrete walkway and asphalt driveway are located in the front yard. A concrete stairway that accesses the basement is located in the rear yard. A portion of a 10 foot wide storm sewer easement is located along the western side property line.



Figure 1- Aerial View of Property

The property is located northwest of the intersection of Willomeade Drive and Lee Highway. The subject property and surrounding properties to the north, west and south are zoned R-2 Cluster and developed with single family detached dwellings. The property to the east is zoned R-1 and contains a place of worship (Pure Presbyterian Church).

BACKGROUND

Fairfax County Tax Records indicate that the single-family attached dwelling was constructed and purchased by the applicant in 2005.

On December 14, 2015 a final inspection was approved for the construction of a finished basement and areaway (Appendix 4).

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday. There is an existing staggered drop-off and pick-up schedule for the children. Currently, there is one assistant but the applicant is requesting two.

The home child care facility is operated on the basement level of the dwelling. The napping area in the basement has adequate emergency egress through a window that meets building code standards for an emergency egress required opening. The enclosed play area is located in the rear yard.

The applicant holds a current Family Day Home License, effective for two years, which expires on November 20, 2016, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 7:30 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of seven children, from 1 month to 12 years 11 months of age. A copy of the license is included as Appendix 5.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Braddock Planning District
Planning Sector: Braddock Branch Community Planning Sector (B7)
Plan Map: Fairfax Center Area, Suburban Neighborhood (M-2)
Plan Language:

“Sub-unit M2

This sub-unit is planned for residential use at 2 dwelling units per acre at the overlay level. Any new development proposed in this area must be compatible with the stable Willowmeade residential subdivision and other residential subdivisions. Visual buffering should be provided in any development plan for parcels fronting on Lee Highway.

Existing spot commercially-zoned parcels along Lee Highway should not be expanded or intensified. Redevelopment to uses which are more compatible to the adjacent planned residential areas should be encouraged.”

Staff believes that since the property is already developed with an R-2 Cluster subdivision, the proposed use meets the Comprehensive Plan recommendations.

Parking

An asphalt driveway provides approximately four parking spaces for the day care. The applicant parks her personal vehicle in the two-car garage, leaving all four spaces open for pick-up and drop-off of the children during the hours of operation. The employees park off-site along Knight Arch Road.

Zoning Inspection Branch Comments (Appendix 6)

During the site inspection, staff found no violations on the subject property.

Zoning Ordinance Requirements (Appendix 7)

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

Bulk Standards (R-2 Cluster)		
Standard	Required	Provided
Lot Size	13,000 sf.	14,044 sf.
Lot Width	No Requirement	100.4 feet
Building Height	35 feet max.	Not provided
Front Yard	Min. 25 feet	34.1 feet
Side Yard	Min. 8 feet (total side yard 24 feet)	20.2 feet, 15.7 feet, 35.9 feet total
Rear Yard	Min. 25 feet	46.2 feet

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 Cluster District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.

Standard 5 Landscaping/Screening	There is no fencing or landscaping that provides screening for the play area in the rear yard. Staff does not believe that landscaping or fencing is needed for screening.
Standard 6 Open Space	There is no prescribed open space requirement in the R-2 Cluster District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the four parking spaces shall be left open for the pick up and drop off of children.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property conforms to the lot size and bulk regulations of the R-2 Cluster District. No exterior modifications are proposed with this application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Maximum of 12 Children & Non-Resident Employees	The applicant is proposing a maximum of 12 children at any one time, which complies with the ordinance requirements. The applicant requests two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times are staggered and parking is available in the driveway. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is no fencing or landscaping that provides screening for the play area in the rear yard. Staff does not believe that landscaping and/or screening are needed.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special permit plat, which is a permissible alternative.

<p>Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>The applicant has a valid home child care license through November 20, 2016, for seven children from 7:30 a.m. to 6:00 p.m., Monday through Friday.</p>
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Use Limitations (Par. 6 of Sect. 10-103)

<p>Part A Maximum Number of Children</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.</p>
<p>Part B Licensed Provider/ Primary Residence</p>	<p>The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.</p>
<p>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use except play equipment and toys.</p>
<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees and they shall only be at the home child care between 7:30 a.m. to 5:30 p.m., Monday through Friday.</p>
<p>Part E Provider is a Resident</p>	<p>The provider is a resident of the property.</p>
<p>Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license. A development condition has been added in Appendix 1 to ensure the home child care will continue to meet state license requirements.</p>
<p>Part G Increase in Children or Non-Resident Employees</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of 12 children at any one time and two non-resident assistants.</p>

CONCLUSION/ RECOMMENDATION

Staff believes that the home child care in this application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2015-SP-069 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

Staff believes that the home child care has adequate parking and will not negatively impact traffic in the neighborhood. The allowance of a maximum of 12 children will not adversely affect neighbors and staff believes the physical conditions of the property can adequately support the home child care use.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification with Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SP-069****September 30, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SP-069 located at Tax Map 55-4 ((18)) 26 to permit a home child care facility, pursuant to Sects. 3-203 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. The special permit approval for the home child care use is granted to the applicant, Surbhi Batra, and is not transferable without further action of the Board, and is for the property located at 12861 Knight Arch Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use, indicated on the plat entitled "House Location Survey, Lot 26, Estates at Fairfax," prepared by John A. Walsh, L.S., on November 28, 2005, as revised by the applicant on October 15, 2015 (sic), and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care will be from 7:30 a.m. to 6:00 p.m., Monday through Friday as listed on the approved state license.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.

10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
11. Any portions of the dwelling associated with the home child care facility that 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.
12. 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.

RECEIVED
Department of Planning & Zoning

APR 16 2015

Zoning Evaluation Division

To,
Zoning Evaluation Division,
Fairfax County.

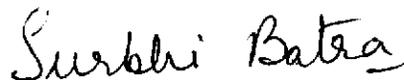
Dear Sir/Madam,

I run a home daycare in Fairfax, VA. My house is 5027 square feet and I use approximately 1650 square feet for home day care purposes in my basement. I have walk up basement with two exits available for day care families. Currently I have a state license for seven kids and I meet all the zoning and general requirements of licensing. I am requesting the zoning division to issue me the license for twelve kids. I intend to use my home to provide safe and nourishing environment for the kids in my care. The day care hours are 7:30am to 6pm. Currently I have one employee since I am licensed for seven but I would like to request two employees if I am issued the license for twelve kids. The second employee will be very important if I get sick or my first employee calls out. With only one employee fully trained it will be hard to maintain the child teacher ratio.

The arrival time for my two kids is at 8am, next two at 9am one at 915am and one at 10 am. The daycare kids will be arriving from within 3 miles radius from my home. The parents drive to the daycare and while they are dropping or picking their children they park in my driveway. I have a spacious outdoor area in house's backyard. The traffic will not be an issue since my house is the first one on the street and moreover not all the parents will come at the same time during drop off and pick up. Our neighborhood is very quiet and spacious therefore, traffic is not an issue.

If you give me a chance to keep twelve children it will help me and the community as well.

Thanks,



Surbhi Batra

APR 16 2015

Zoning Evaluation Division

Proposed Arrival and Departure Schedule for:

Sunshine Homecare

Address:

12861 Knight Arch Rd Fairfax VA 22030

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	1			
2				
3			1	
4				2
5				
6				
7				
8				
9				
10				
11				
12				

Proposed Departure Schedule

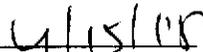
Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM
1 3	✓			
2 3	✓			
3 3				✓
4 3				✓
5				
6				
7				
8				
9				
10				
11				
12				

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.



Applicant's Signature



Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

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.



Applicant's Signature

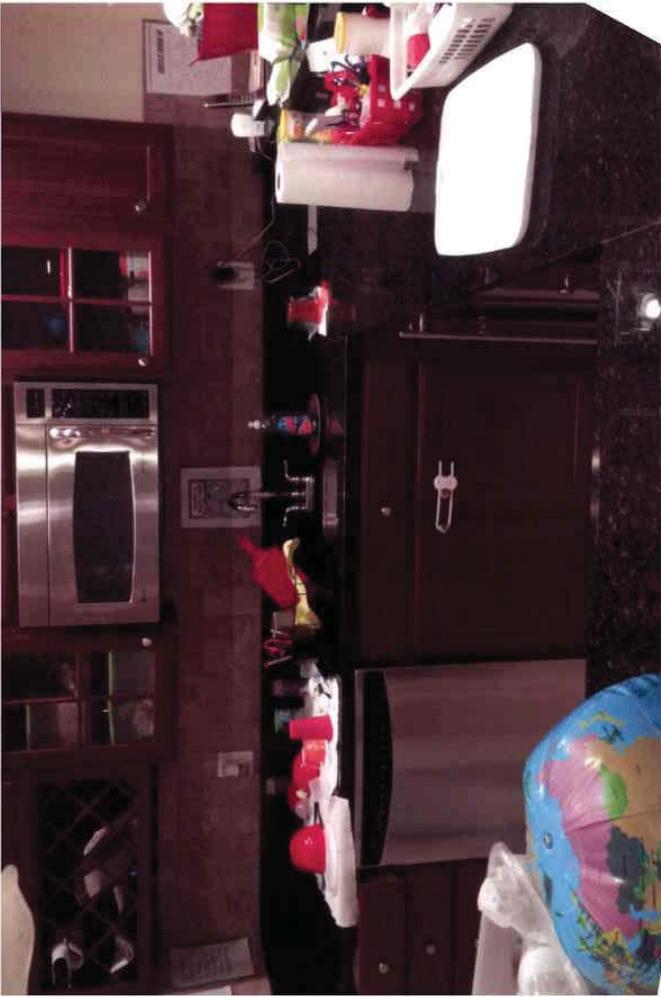
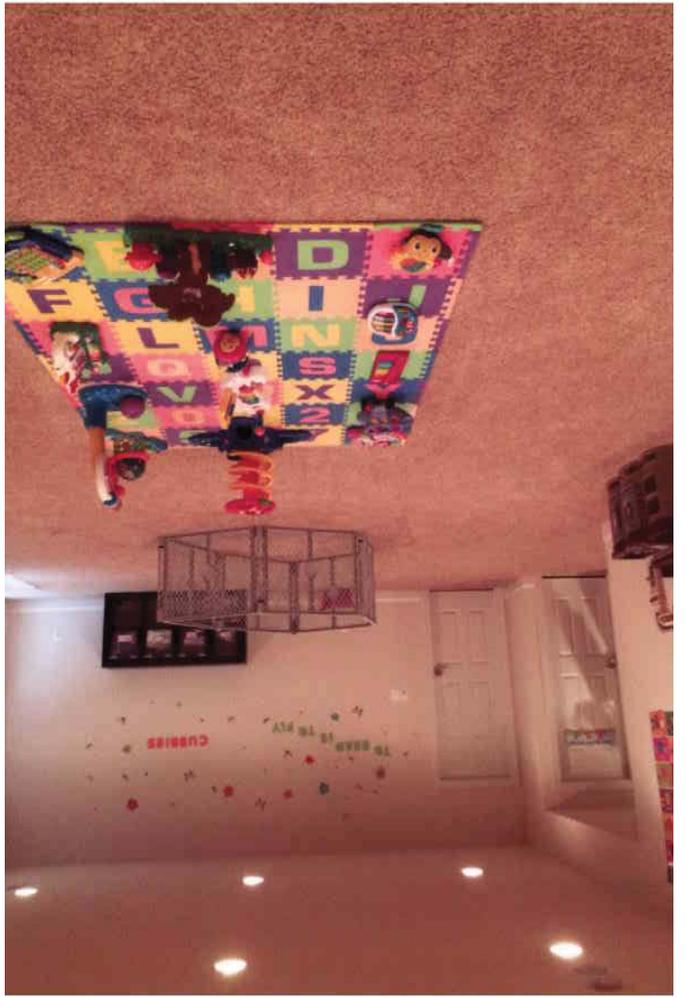


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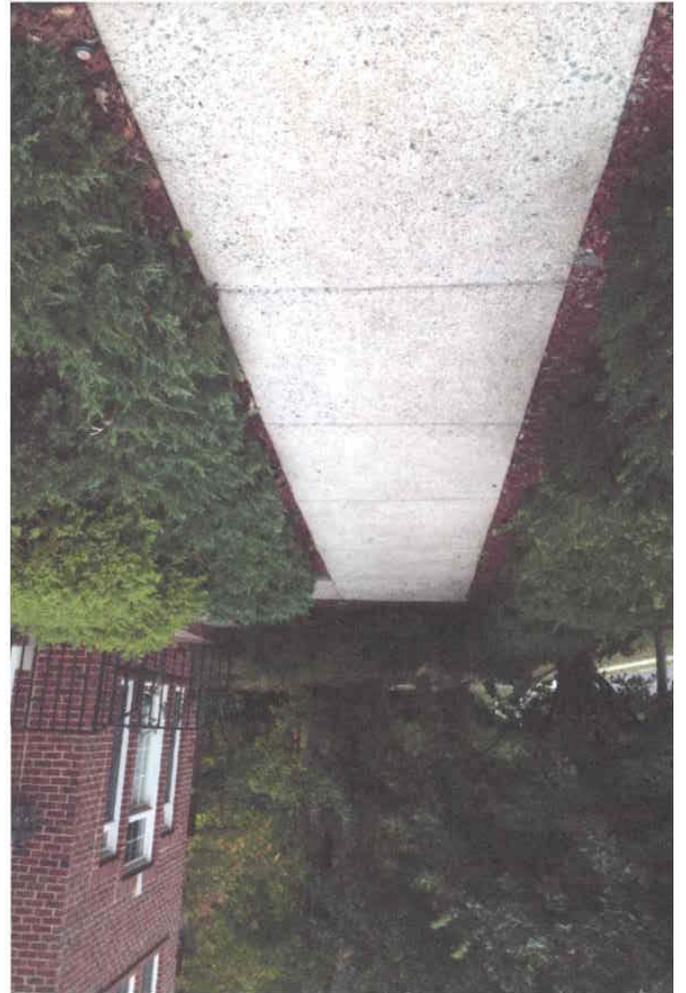
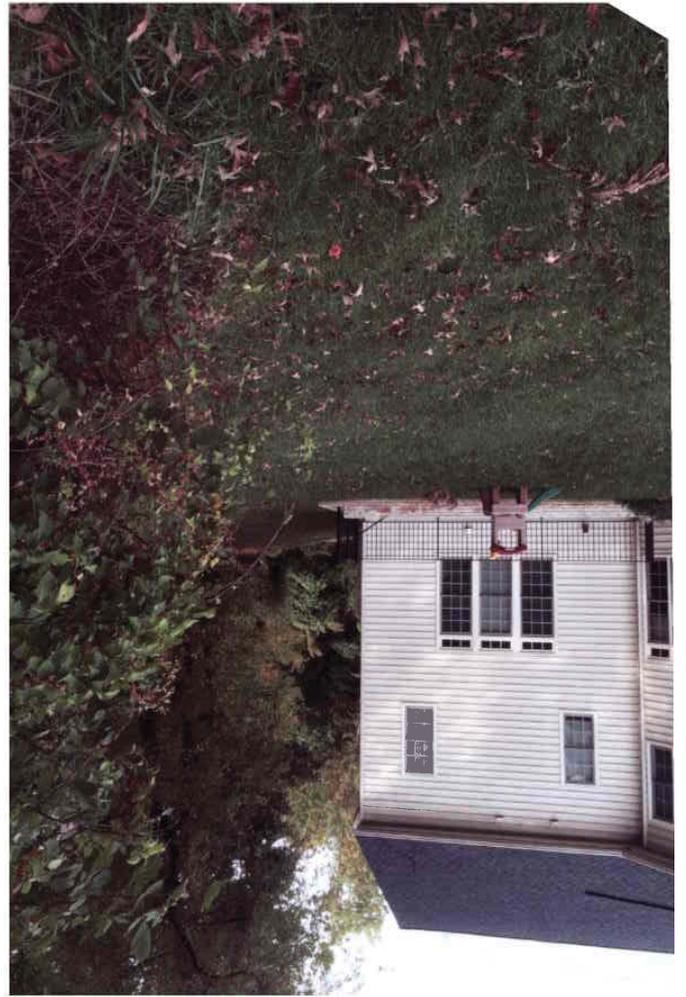
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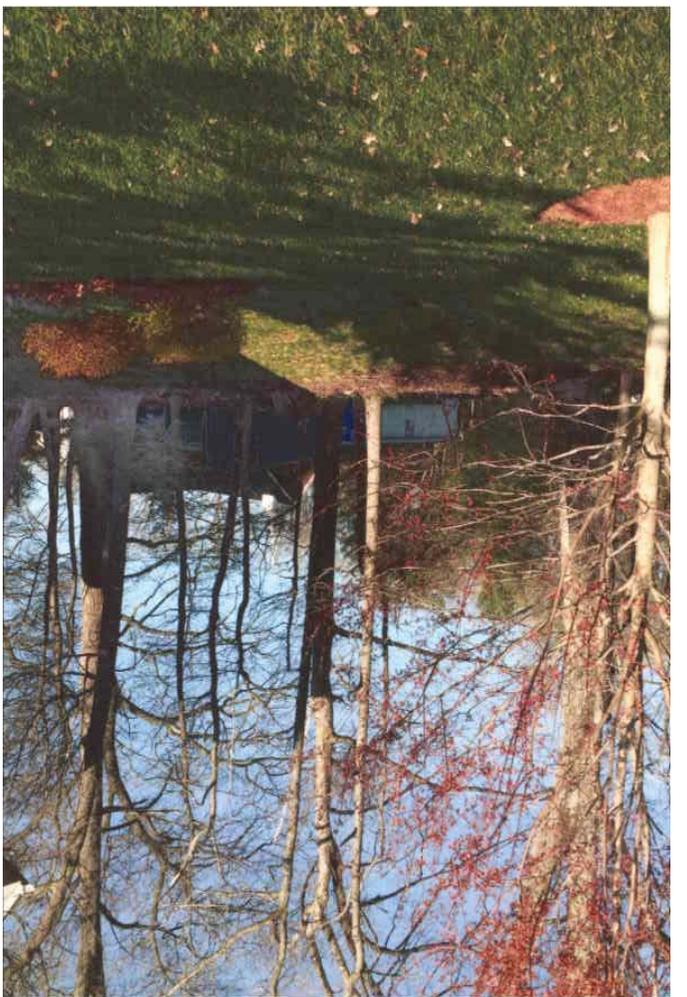
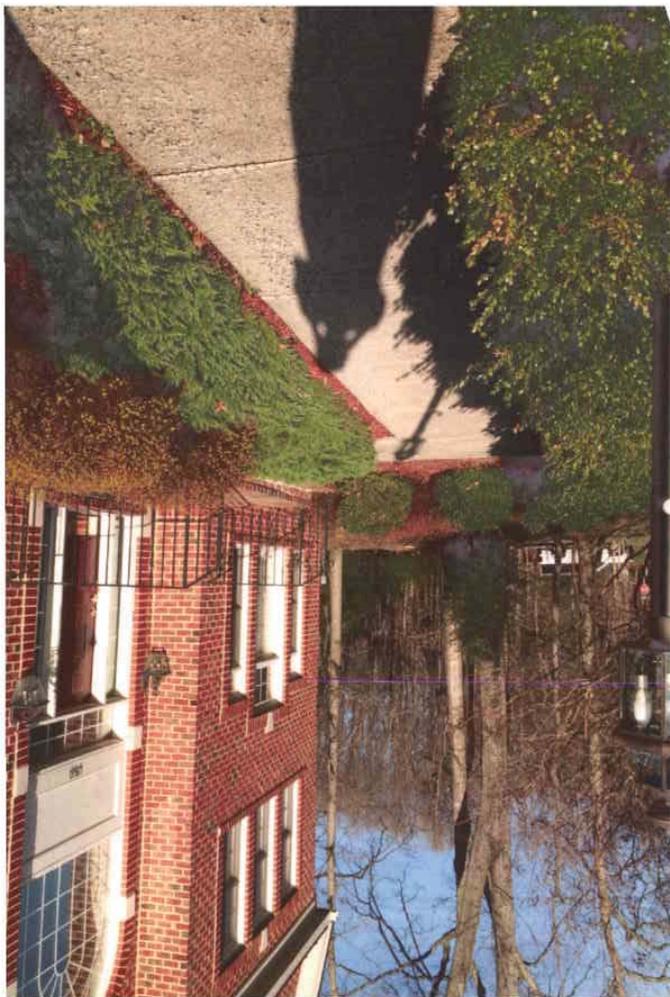
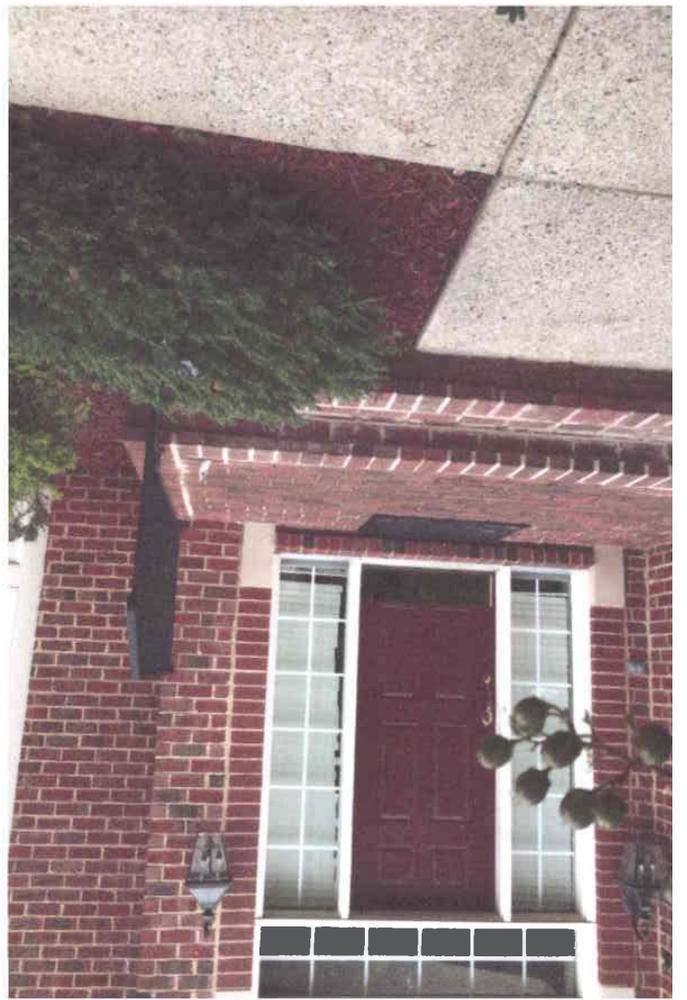
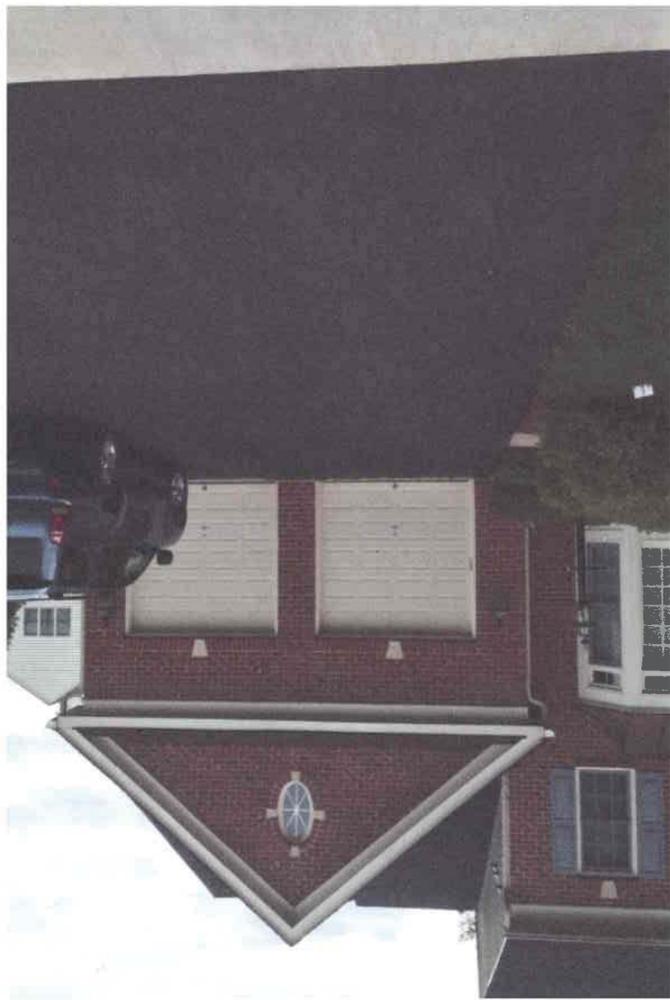
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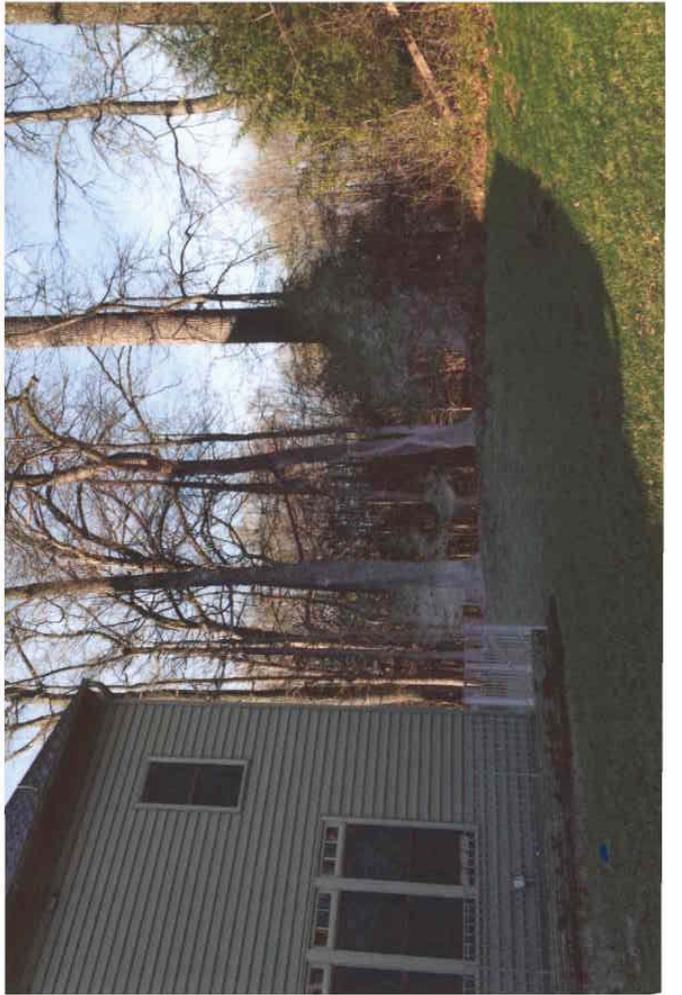
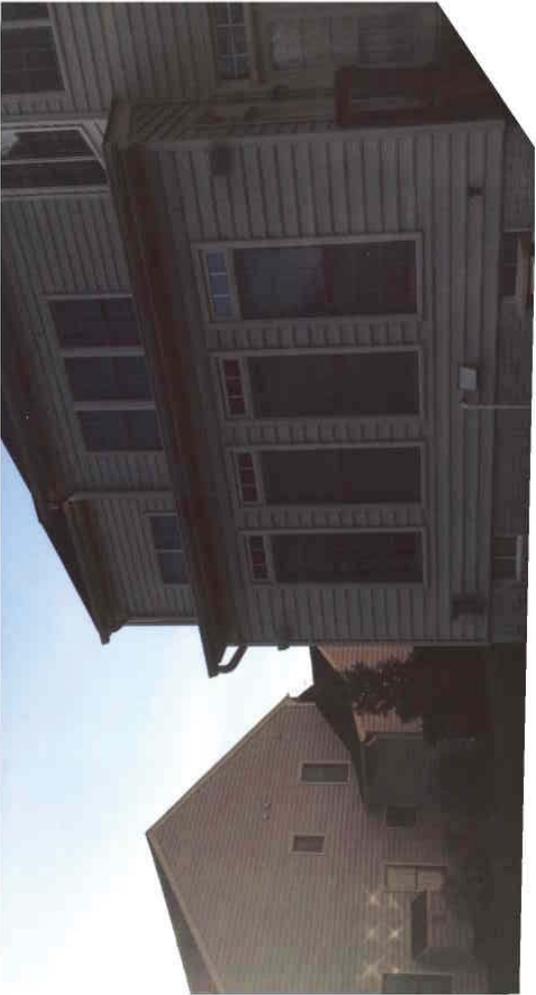
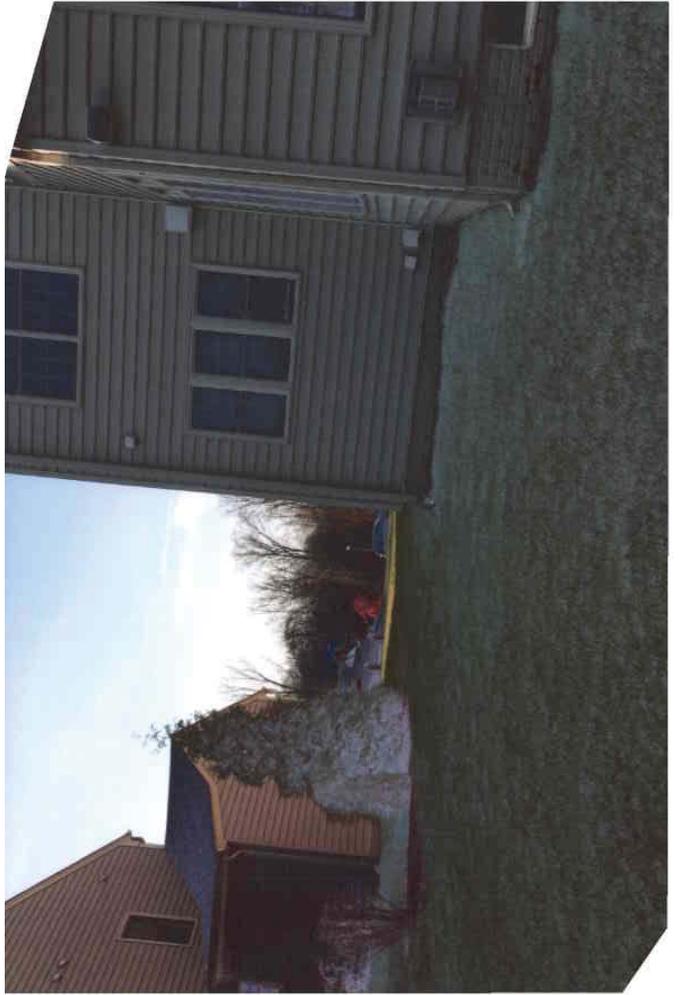
Zoning Evaluation Division

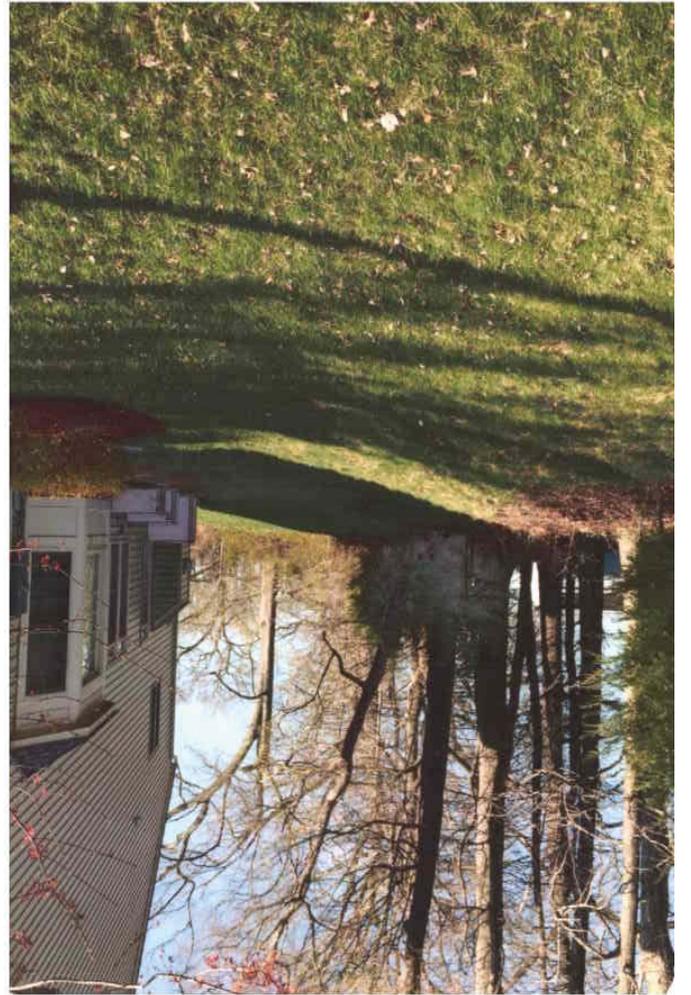
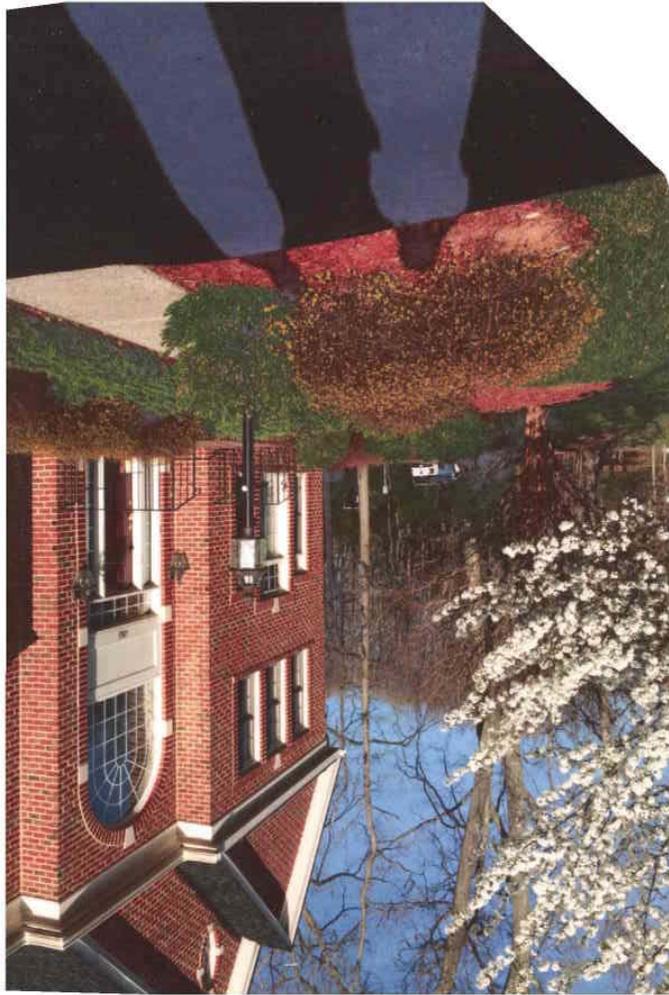
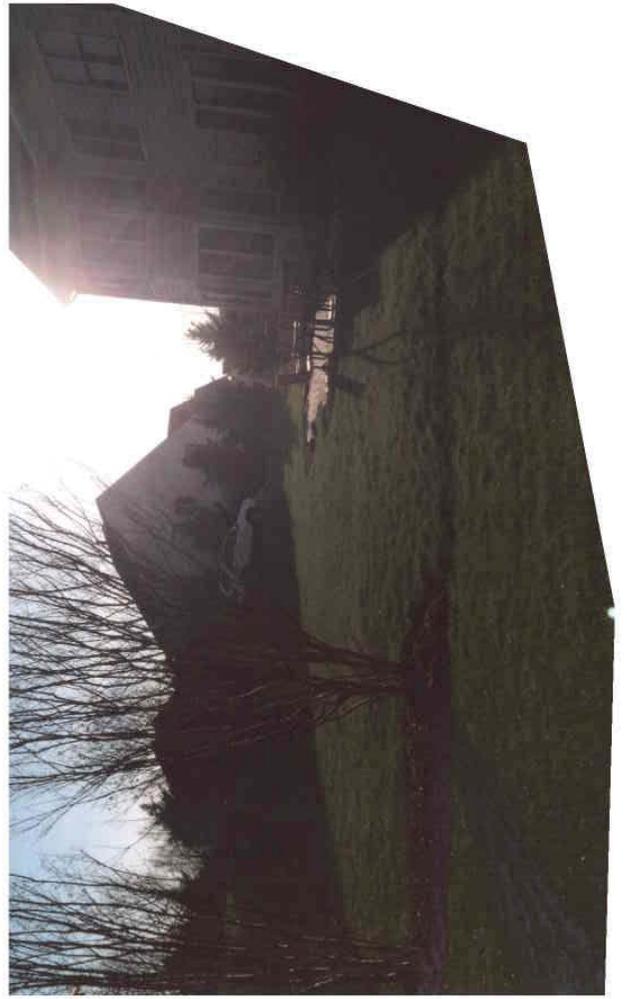
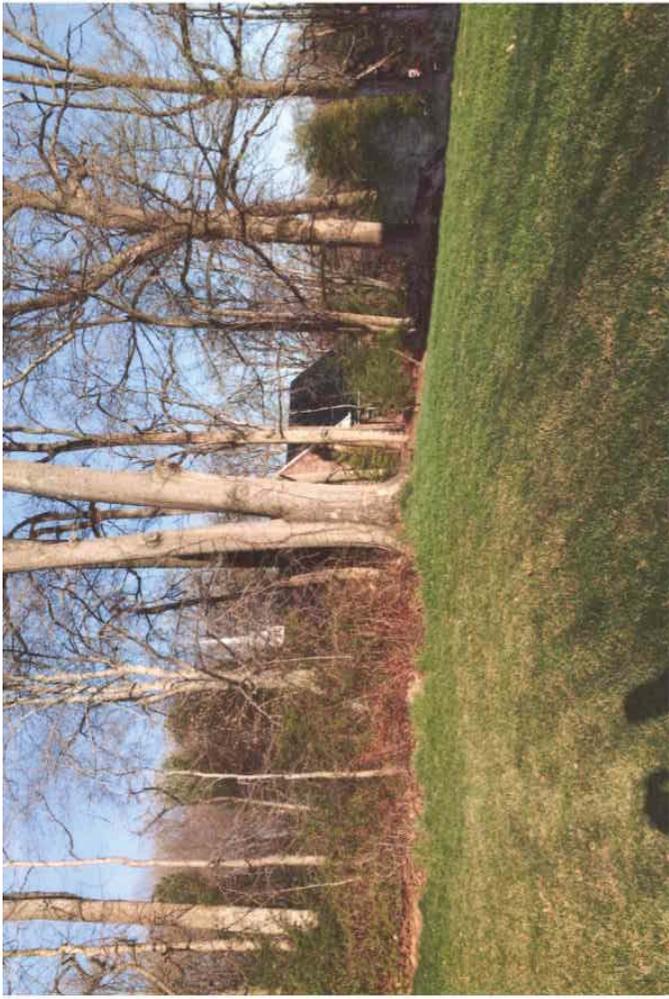


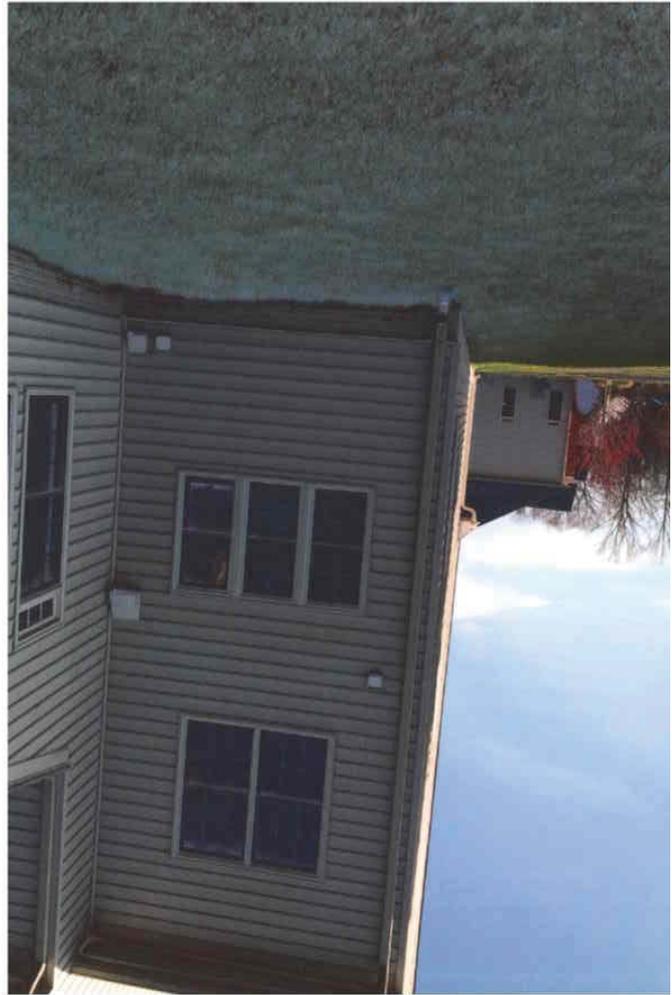
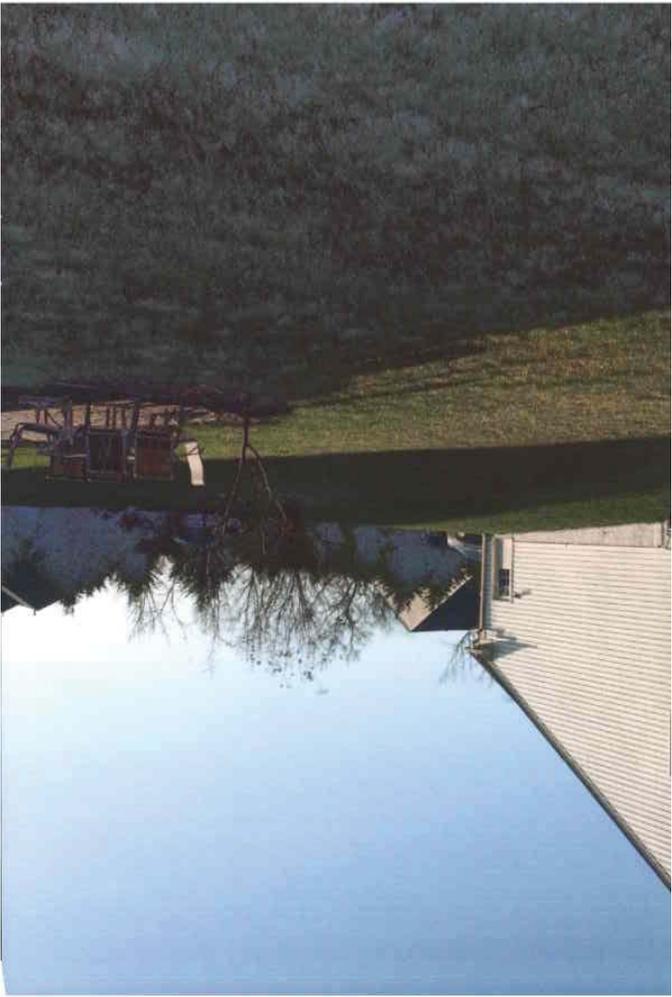


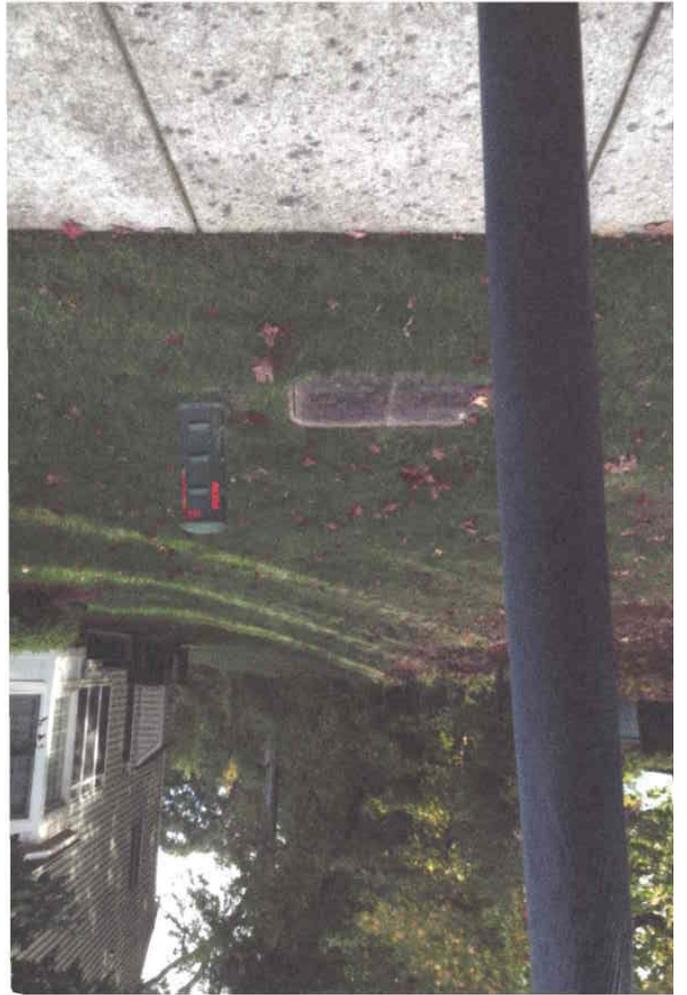
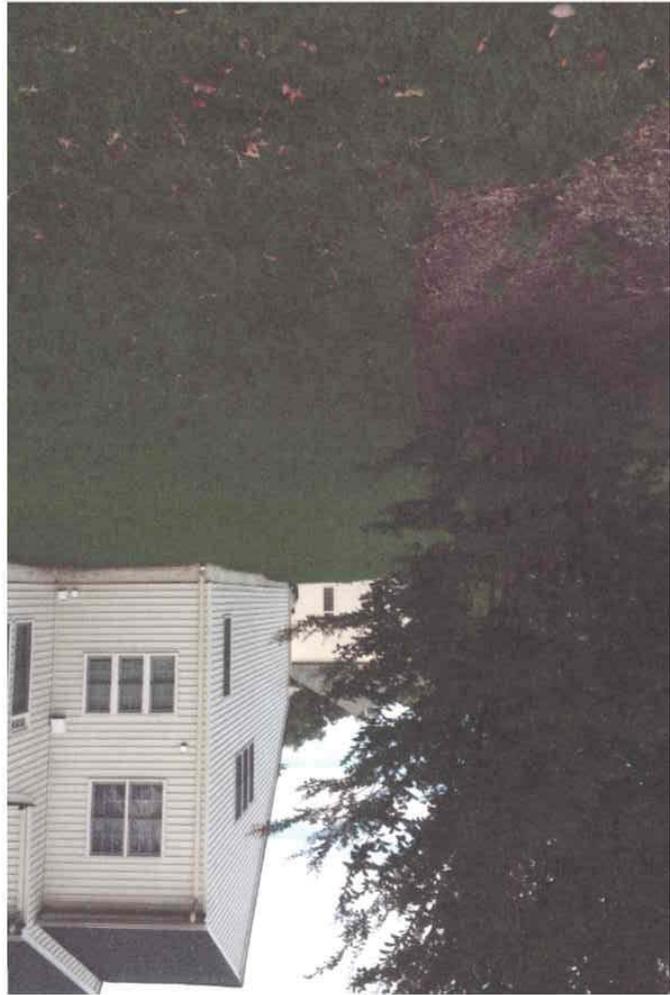












Application No.(s): SP 2015-SP-069
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

128739

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

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Dinesh K. Batra	12861 Knight Arch Rd Fairfax VA 22030	Co-Title owner Agent
Surbhi Batra d/b/a Sunshine Homecare LLC	12861 Knight Arch Rd Fairfax VA 22030	Title Owner / Applicant

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

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

Application No.(s): SP 2015-SP-069
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

128 739

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)

Sunshine Homecare LLC
12861 Knight Arch Rd Fairfax VA 22030

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)

Surbhi Batra

(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):

SP 2015-SP-069

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

9/8/15

(enter date affidavit is notarized)

128939

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

PARTNERSHIP INFORMATION

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

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

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

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

Application No.(s): SP 2015-SP-069
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

128 939

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):

SP 2015-SP-069

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15 (enter date affidavit is notarized)

128939

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:

Dinesh Batra

(check one)

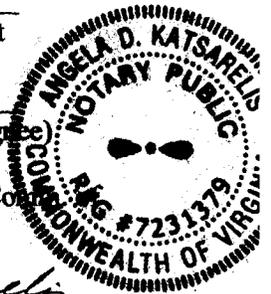
[] Applicant

[x] Applicant's Authorized Agent

DINESH K BATRA

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

Subscribed and sworn to before me this 9th day of Sept. 2015, in the State/County of Fairfax, County/City of Fairfax.



Angela D. Katsarelis Notary Public

My commission expires: Dec. 31, 2016

Handwritten mark or signature at the bottom left.



Land Development Information History: ISIS - Building Permit - 04358B0070

Permit Information

Permit Id:	04358B0070	Application Date:	2004-12-23	Time:	08:15:29
Job Address:	012861 KNIGHT ARCH RD	Tax Map:	055-4 ((18)) 0026		
Subdivision:	ESTATES AT FAIRFAX	Permit Status:	Initial/Approved (IA)		
Trade Name:	NA	Subobj:	181	R/C:	R
Applicant Name:	LINDA FLICKINGER	Bldg:	NA	Floor:	NA
		Suite:	NA		

Work Description:	SFD/HUNTLEY FIN BASEMENT / AREAWAY				
Type Work:	Build New Structure (N01)				
Building Use:	Single-Family, Detached Or Semi-Detached (010)				
Standard:	IR00				
Plan Number:	1866-SD-01	Use Group:	R5	Bldg Permit:	NA
Permit Hold Date:	By:	QNO: R-04-00690	POF:	R	
Hold Release Date:	By:	Proffer: M	Pre-Const Meeting:	N	Date:
Comments:	PROBLEM SOILS/SR				

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Real Estate:	2004-12-23	RSLT:	APP	BY:	MJ
Applied Date:	2004-12-23	Business Licensing:	2004-12-23	RSLT:	APP	BY:	EF
Paid Date:	2005-01-10	Licensing:	2004-12-23	RSLT:	APP	BY:	MJ
Issued Date:	2005-01-18	Zoning:	2004-12-28	RSLT:	APP	BY:	JS
Expiry Date:	2005-07-18	Grading / Drainage:	2004-12-28	RSLT:	APP	BY:	VTN
Inspection Date:	2005-12-15	Public Works:	2005-01-12	RSLT:	APP	BY:	RM
		Building Plan Review:	2005-11-19	RSLT:	APP	BY:	JAJ
		Final Inspection:	2005-12-14	RSLT:	C	BY:	XAS

Final Inspection: 2005-12-15 **RSLT:** A **BY:** **Owner**
RAL

Information

Leasee: **Corp:**
Owner: EQUITY HOMES LP **Job Magisterial Dist:** Centreville
Address: 04035 RIDGE TOP RD **Planning Dist:**
City: FAIRFAX **State:** VA **Zip:** 22030 **Subcensus Tract:** 0.00
Phone:

Contractor Information

Name: EQUITY HOMES **Master:**
Address: 04035 RIDGE TOP RD **BPOL Licnese:** 226884
City: FAIRFAX **State:** VA **Zip:** 22030 **State License:** 40488
Phone: **Trade Reg.:** 0

Building Permit

Building Plan Review

Estimated Cost: 200000 **Sewer Water Code:** 1
Use Group: (01) R5 **Sewer Shed:** N1
Type Const: (01) Combustible/Unprotected (5B)
Model Group:
Plan Received: 2004-12-23 **Review Time:** 00:00:00
Review Started: 2004-12-23 **Results:** APP
Review Completed: 2005-11-19 **Engineer:** JAJ

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	14334	0.054

Total	14334
Filing Fee	387.01
Total Fee	774.03
Amount paid	774.03

Real Estate Review

Building **Basement:** BF

Units:	1	Ext Walls:	OT
Kitchens:	1001	Int Walls:	DW
Baths:	1004	Roofing:	AS
Half Baths:	1001	Flooring:	CP
Bedrooms:	1004	Base Fin:	OT
Rooms:	1010	Fuel/Heat:	GG
Stories:	02	Fuel System:	HA
Building Height:	32	Fireplace:	2
Building Area:	3450		

Owner of Record: EQUITY HOMES LP

Review Data

Date To: 2004-12-23

Date From: 2004-12-23

Results: APP

Reviewer: MJ

Comments:

Business Licensing Review

Review Data

Date To: 2004-12-23

Date From: 2004-12-23

Results: APP

Reviewer: EF

Comments:

Zoning Review

Review Data

Date To: 2004-12-28

Date From: 2004-12-28

Results: APP

Reviewer: JS

Comments:

Grading / Drainage Review

Review Data

Date To: 2004-12-28
Date From: 2004-12-28
Results: APP
Reviewer: VTN
Comments:

Public Works Review

Review Data

Date To: 2005-01-12
Date From: 2005-01-12
Results: APP
Reviewer: RM
Comments:

Licensing Review

Review Data

Date To: 2004-12-23
Date From: 2004-12-23
Results: APP
Reviewer: MJ
Comments:

Inspections

Inspection - FTGH - 999998

Req Taken: **Phone:**
Time: **Floor:** NA
Sched For: **Suite/Area:** NA
Assigned To: **Comments:**
Branch: **Req Taken By:**
Requested By: **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGH		2005-06-01	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - WAL - 999997

Req Taken: **Phone:**
Time: **Floor:** NA
Sched For: **Suite/Area:** NA
Assigned To: **Comments:**
Branch: **Req Taken By:**
Requested By: **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WAL		2005-06-06	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - WPF - 999996

Req Taken: **Phone:**
Time: **Floor:** NA
Sched For: **Suite/Area:** NA
Assigned To: **Comments:**
Branch: **Req Taken By:**
Requested By: **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WPF		2005-06-09	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - SLBG - 999994

Req Taken: **Phone:**
Time: **Floor:** NA
Sched For: **Suite/Area:** NA
Assigned To: **Comments:**
Branch: **Req Taken By:**
Requested By: **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBG		2005-07-11	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - SLBS - 999993

Req Taken: **Phone:**

Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBS		2005-07-11	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - SLBB - 999995

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBB		2005-07-11	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - SLBS - 999992

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBS		2005-08-11	XXX	C	A	N		N		0023950	00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999991

Req Taken: 2005-10-03 Phone:
 Time: 15:15:12 Floor: NA

Sched For: 2005-10-04 **Suite/Area:** NA
Assigned To: A38 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-10-05	XAS		C	N		N			00:00:00	00:00:00	00:00:00	0

Inspection - FRM - 999990

Req Taken: 2005-10-06 **Phone:**
Time: 15:26:03 **Floor:** NA
Sched For: 2005-10-07 **Suite/Area:** NA
Assigned To: A38 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-10-07	XAS	P	R	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999989

Req Taken: 2005-10-11 **Phone:**
Time: 15:08:40 **Floor:** NA
Sched For: 2005-10-12 **Suite/Area:** NA
Assigned To: A38 **Comments:**
Branch: 4 **Req Taken By:** VR2
Requested By: FROM VRU **Ovrd:**
Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		2005-10-12	AJP	C	R	N		N			00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999988

Req Taken: 2005-12-13 **Phone:**
Time: 14:46:20 **Floor:** NA
Sched For: 2005-12-14 **Suite/Area:** NA

Assigned To: A38

Comments:

Branch: 4

Req Taken By: VR2

Requested By: FROM VRU

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		2005-12-14	XAS		C						00:00:00	00:00:00	00:00:00	0

Inspection - FINB - 999987

Req Taken: 2005-12-14

Phone:

Time: 13:05:51

Floor: NA

Sched For: 2005-12-15

Suite/Area: NA

Assigned To: A38

Comments:

Branch: 4

Req Taken By: VR2

Requested By: FROM VRU

Ovrd:

Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		2005-12-15	RAL	C	A	N					00:00:00	00:00:00	00:00:00	1

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES



HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE CHILD SUPPORT COMMUNITY SUPPORT CAREERS

Surbhi Batra

12861 Knight Arch Road

FAIRFAX, VA 22030

(571) 276-6721

Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Nov. 20, 2016Business Hours: 7:30 A.M. - 6:00 P.M.
Monday - Friday

Capacity: 7

Ages: 1 month - 12 years 11 months

Inspector: Martha Pauly
(703) 479-4677



County of Fairfax, Virginia

MEMORANDUM

Date: August 20, 2015

To: Laura Arsenau, Planner II
Zoning Evaluation Division

From: Mavis Stanfield *MAS*
Chief Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-SP-069

Applicant: Surbhi Batra, DBA “Sunshine Homecare LLC”
12861 Knight Arch Road, Fairfax, Virginia 22030
Estates at Fairfax, Lot 26
Tax Map# 55-4 ((18)) 26
Zoning District: R-2, Subject to Cluster Provisions
Magisterial District: Springfield
ZIB # 2015-0372
Date of Inspection: August 12, 2015

No violations were present on the subject property.

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.