



APPLICATION ACCEPTED: August 11, 2014
PLANNING COMMISSION: November 4, 2015
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

October 20, 2015

STAFF REPORT

APPLICATION SE 2014-MV-051

MOUNT VERNON DISTRICT



APPLICANT: Testey Hamdael
Wonderful Child Care

ZONING: PDH-4 (Planned Development Housing, 4 du/ac),

PARCEL: 107-2 ((10)) 6

LOCATION: 8257 Native Violet Drive, Lorton

SITE AREA: 10,294 square feet

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: To permit a home child care facility

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-MV-051, subject to the proposed development conditions contained in Appendix 1.

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

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

Carmen Bishop, AICP

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

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



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 Exception

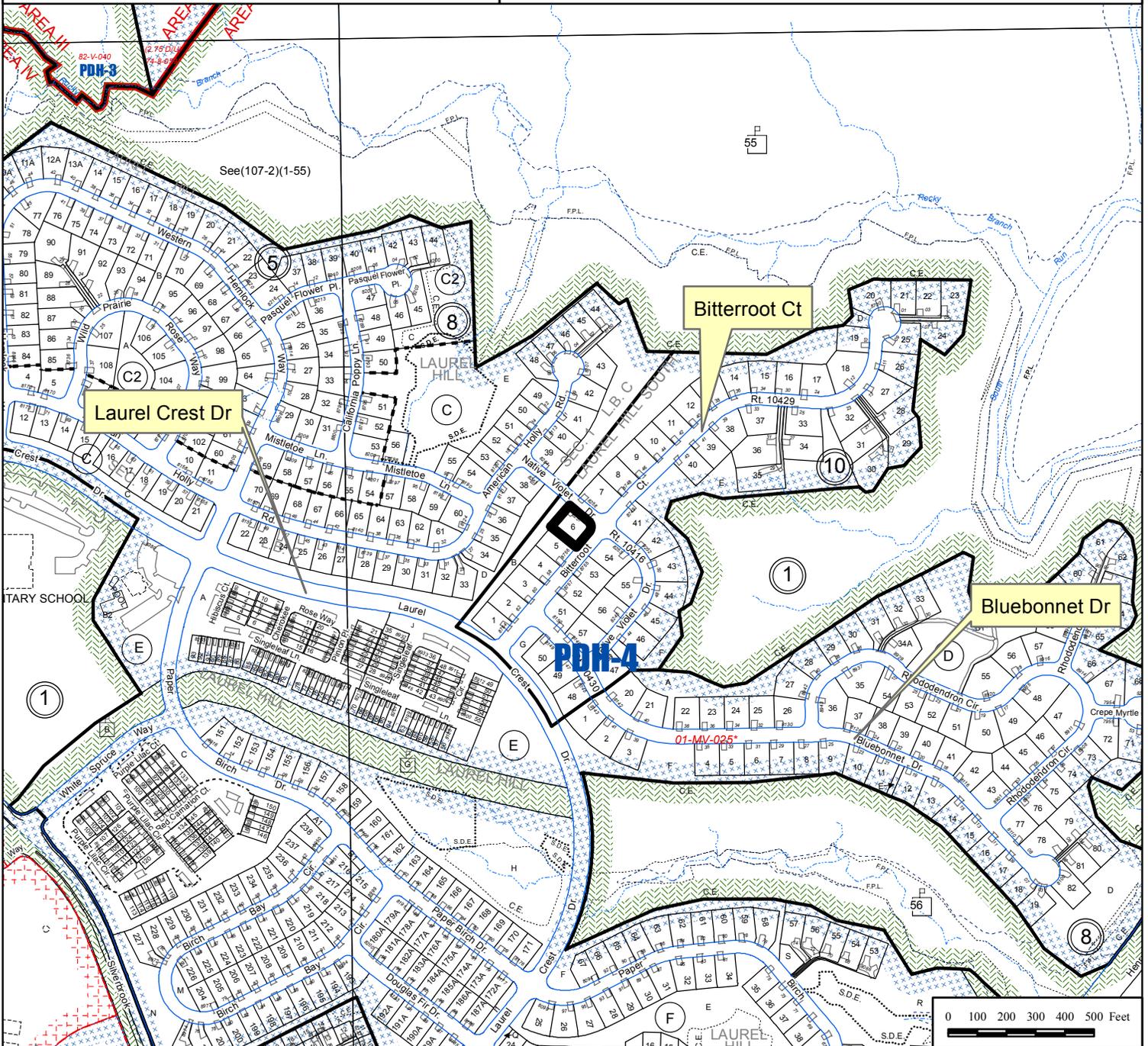
SE 2014-MV-051



Applicant: TESTEY HAMDAEL DBA WONDERFUL CHILD CARE
Accepted: 08/11/2014
Proposed: HOME CHILD CARE FACILITY
Area: 10294 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 06-0105
Located: 8257 NATIVE VIOLET DRIVE, LORTON, VA 22079

Zoning: PDH- 4
Plan Area: 4,
Overlay Dist:
Map Ref Num: 107-2- /10/ /0006



FEB 27 2004 4:28 PM

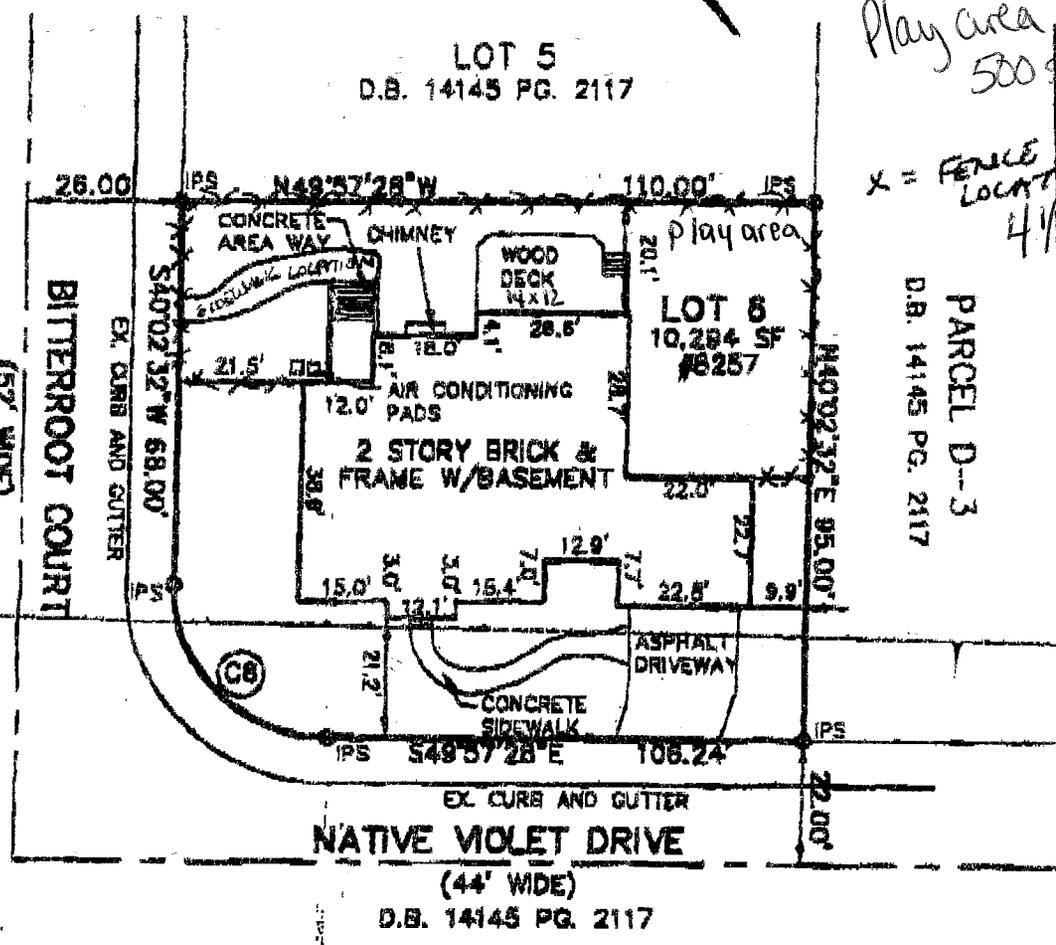
RECEIVED
Department of Planning & Zoning No. 5876

P. 01

P. 2.02.02

MAR 19 2014

Zoning Evaluation Division



Play area approx
500 sq. ft.

X = FENCE
LOCATION
4 1/2 ft height

D.B. 14145 PG. 2117

D.B. 14145 PG. 2117

CURVE TABLE						
CURVE	LENGTH	RAD	TAN	CHORD	CHD BRG	DELTA
CB	42.41'	27.00'	27.00'	38.18'	S04°57'28"E	90°00'00"

TESTEY HAMORIEL 3/14/14

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT IN ACCORDANCE WITH DESCRIPTIONS OF RECORD THAT THE POSITION OF THE IMPROVEMENTS SHOWN HAVE BEEN ESTABLISHED BY ACCEPTED SURVEY METHODS AND THAT, UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. ITS ONLY PURPOSE IS TO CORRECT THE PROPERTY CONFIGURATION AND IMPROVEMENT LOCATIONS. IT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

FLOOD PLAIN NOTE:
THIS PROPERTY IS IN ZONE "X" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FLOOD INSURANCE RATE MAP 51282 B125 D, DATED MARCH 3, 1990 AND PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NOTES

1.) NO TITLE REPORT FURNISHED.

DATE: 3/14/14
TESTEY HAMORIEL

LOCATION DRAWING
LOT 6

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a Special Exception (SE) to operate a home child care for up to 12 children at any one time in a single family detached dwelling with three assistants. Without SE approval, the applicant would be limited to a maximum of seven children at any one time, and one nonresident assistant during the hours of 7:00 a.m. to 6:00 p.m.

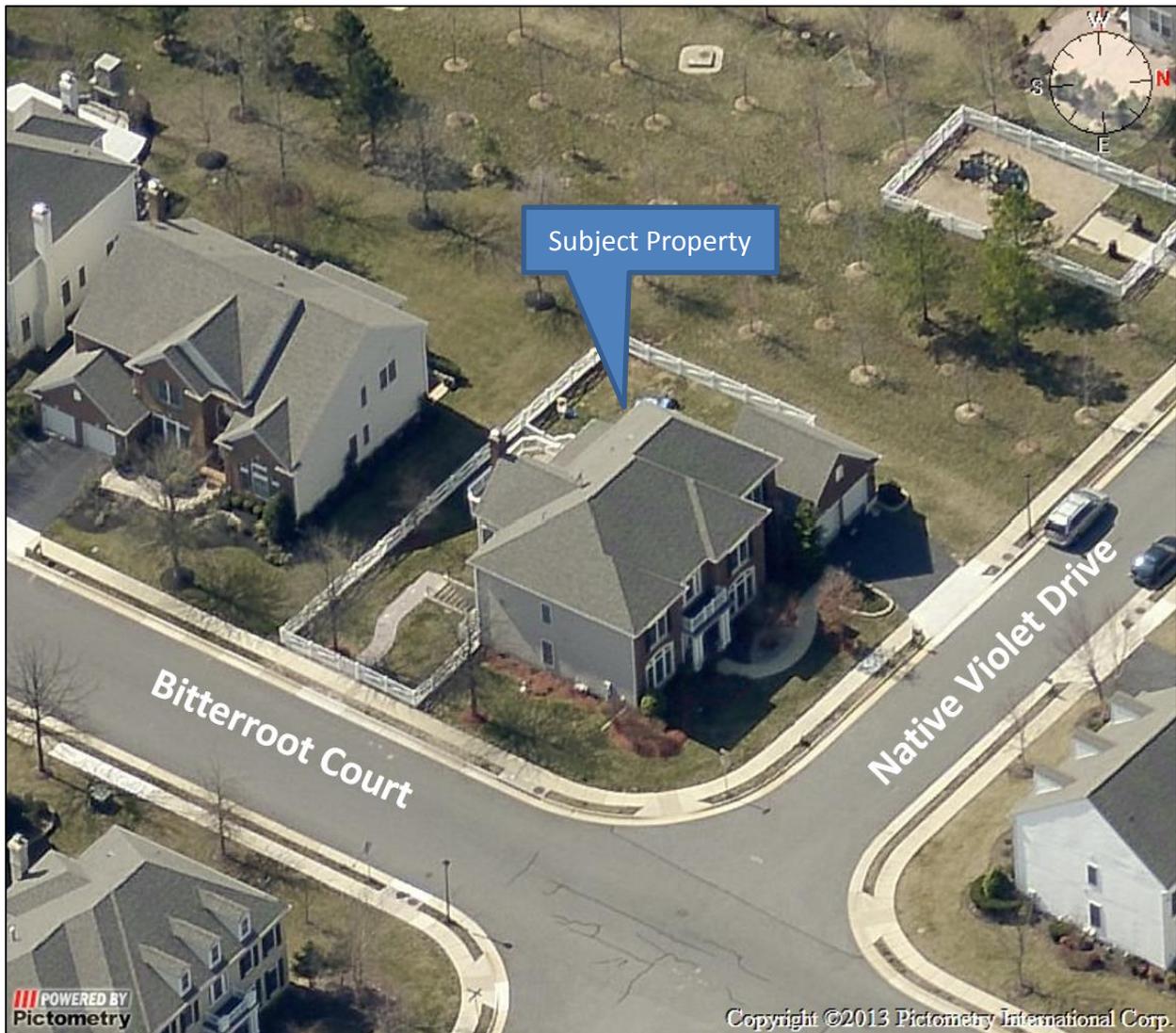


Figure 1: Subject Property; Source: Fairfax County GIS, 2013 Imagery

The 10,294-square foot subject property is located at the southwest corner of the intersection of Native Violet Drive and Bitterroot Court in the Laurel Hill South development. The property is surrounded by single family detached dwellings and abuts private open space to the west that is owned by the Laurel Hill Community Association. The subject property and immediate vicinity are zoned to the Planned Development Housing, 4 dwelling units per acre (PDH-4) District.

Summary of details about the application:

- The SE application is for up to 12 children. The applicant holds a state license to care for 12 children that expires on October 9, 2016.
- The applicant requests approval for up to three assistants. Currently, she cares for eleven children with three nonresident assistants. Although the applicant's Statement of Justification dated June 6, 2014, indicated that she had two employees, she presently has and now requests approval for up to three assistants.
- The proposed hours of operation are from 7:30 a.m. to 5:30 p.m. with staggered drop-off and pick-up. Children will arrive between approximately 7:30 a.m. and 9:00 a.m., and depart between 4:00 p.m. and 5:30 p.m.
- The dwelling includes a two-car garage and the driveway can accommodate two vehicles.
- Outdoor play takes place in the fenced rear yard.
- The child care operates in the walk-out basement, and parents bring their children to the rear entrance.

The proposed development conditions, applicant's statement of justification with select file photographs, and affidavit are contained in Appendices 1 to 3, respectively.

BACKGROUND

The subject property is located in the Laurel Hill South development approved on October 22, 2001 (RZ 2001-MV-025). The development plan and proffers do not address home child care uses. According to the Department of Tax Administration, the dwelling was built in 2004, and the applicant purchased the property from Pulte Home Corp. at that time. The finished basement with a wet bar was permitted and inspected as part of the original construction of the dwelling. The rear deck was also permitted and inspected in 2004.

The Laurel Hill Community Association issued a letter dated July 7, 2015, stating that they do not oppose the application for a home child care use, subject to compliance with the applicable standards of the County. The letter is included in Appendix 2 as part of the applicant's statement of justification.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Lower Potomac Planning District
Planning Sector: Laurel Hill Community Planning Sector
Plan Map: Residential, 2-3 du/ac

Transportation

Both Native Violet Drive and Bitterroot Court are public streets. Parents use either the driveway or Bitterroot Court for drop-off and pick-up. As noted on the Special Exception Plat, Bitterroot Court has right-of-way of 52 feet, which provides adequate width for on-street parking. Parents may prefer to use Bitterroot Court because it provides convenient access to the rear entrance, and there is space for one or two vehicles to park on the street without interfering with the intersection or access to other dwellings. The applicant has indicated that two of her employees use public transportation. In staff's opinion, the available parking is sufficient to accommodate the parking demands.

Zoning Inspections Branch (Appendix 4)

During a site visit on September 26, 2014, it was identified that the sleeping area did not provide adequate egress, the gate to the short L-shaped wall at the entrance was too narrow and the sliding lock was prohibited by the Fire Code. During a follow-up site visit on September 28, 2015, it was confirmed that the cribs have been relocated to the main room in the walk-out basement, which provides adequate emergency egress. The entrance to the L-shaped wall has been widened and the lock replaced in conformance with the Fire Code.

Zoning Ordinance Provisions (Appendix 5)

Section 10-103 of the Zoning Ordinance provides for home child care facilities that an increase in the number of children above seven in a single family detached dwelling or the involvement of more than one nonresident person may be permitted in accordance with the provisions of Part 3 of Article 8. This section applies to Group 3, Institutional uses. Further, Sect. 6-105 for Planned Development Districts specifies that Group or Category uses may be permitted with the approval of a Special Exception when such use is not specifically designated on an approved final development plan (FDP). Since home child care uses are not provided for on the approved FDP for this property, this Special Exception application is required to satisfy the provisions of the General Standards for Special Exceptions (Sect. 9-006), Standards for all Group 3 Uses (Sect. 8-303), Additional Standards for Home Child Care Facilities (Sect. 8-305), and Use Limitations (Paragraph 6 of of Sect. 10-103).

General Standards for Special Exception Uses (Sect. 9-006)

<p>Standards 1 and 2 <i>Comprehensive Plan/Zoning District</i></p>	<p>The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The PDH-4 District permits a home child care facility as an accessory use with SE approval when not shown on an approved development plan. Staff finds that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the PDH-4 Zoning District.</p>
---	--

Standard 3 <i>Adjacent Development</i>	No construction is proposed with this application. The Laurel Hill Community Association has approved the home child care use. Staff believes that the use will not affect the use or development of neighboring properties.
Standard 4 <i>Pedestrian and Vehicular Traffic</i>	Arrival and departure times of the children are staggered. Parking is available in the driveway and on the public streets for the home child care use. Staff finds that the proposed use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
Standard 5 <i>Landscaping and Screening</i>	No additional landscaping is required for the proposed use.
Standard 6 <i>Open Space</i>	The subject property is governed by an approved FDP that met the minimum open space requirement at the time of approval.
Standard 7 <i>Utilities, Drainage, Parking, Loading</i>	This application does not affect the provision of adequate public facilities as determined in the review and approval of the dwelling unit. Staff concludes that the available parking is sufficient to accommodate the home child care.
Standard 8 <i>Signs</i>	Sect. 10-103 of the Zoning Ordinance does not permit signs for home child care facilities.

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

Standard 1 <i>Lot Size and Bulk Regulations</i>	No site improvements are proposed. The property would continue to comply with the lot size and bulk regulations for the PDH-4 District as provided for with the approved FDP.
Standard 2 <i>Performance Standards</i>	The use would comply with the performance standards set forth in Article 14.
Standard 3 <i>Site Plan</i>	Home child care facilities are not subject to Article 17, Site Plans.

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

Standard 1 <i>Max. 12 Children; Nonresident Employee</i>	The applicant's request for 12 children and 3 employees meets this standard.
Standard 2 <i>Access and Parking</i>	Arrival and departure times of the children are staggered, and the driveway or public street will be used for drop-off and pick-up. Staff believes that access and parking are sufficient to accommodate the use.
Standard 3 <i>Landscaping and Screening</i>	Staff finds that no additional landscaping is required for this location.

Standard 4 <i>Submission Requirements</i>	The submission requirements were satisfied with the acceptance of the application.
Standard 5 <i>Code of Virginia: Title 63.2, Ch. 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license from the Virginia Department of Social Services to care for 12 children, ages 1 month to 12 years, 11 months.

Use Limitations (Sect. 10-103, Paragraph 6)

Part A <i>Max. Number of Children</i>	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. This application requests SE approval for 12 children.
Part B <i>Licensed Provider/ Primary Residence</i>	The applicant holds a license from the Virginia Department of Social Services for a Family Day Home. The dwelling is her primary residence.
Part C <i>No Exterior Evidence Except Play Equipment</i>	Staff finds there is no exterior evidence of the home child care facility.
Part D <i>Nonresident Employee</i>	This application requests approval for three nonresident employees.
Part E <i>Provider is a Nonresident</i>	This part is not applicable, as the dwelling is the primary residence of the home child care provider in conformance with Part B.
Part F <i>Code of Virginia: Title 63.2, Ch. 17</i>	The applicant is subject to state licensing and registration procedures, and presently holds a license through October 9, 2016.
Part G <i>Increase in Children or Nonresident Employee</i>	The applicant is requesting an increase in the maximum number of children permitted in a single family detached dwelling to 12 children, and the involvement of three nonresident employees.

CONCLUSION AND RECOMMENDATION

In staff's opinion, the home child care facility for up to 12 children at any one time on the subject property would not adversely affect the site or neighboring properties. Staff finds that the application is in harmony with the Comprehensive Plan and conforms to all applicable Zoning Ordinance provisions. Staff recommends approval of SE 2014-MV-051, subject to 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. The

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

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification and Select File Photographs
3. Affidavit
4. Zoning Inspections Branch Review
5. Applicable Zoning Ordinance Provisions

Proposed Development Conditions

SE 2014-MV-051

October 20, 2015

If it is the intent of the Board of Supervisors to approve SE 2014-MV-051 located at 8257 Native Violet Drive, Tax Map 107-2 ((10)) 6, for a home child care facility with up to twelve children, pursuant to Sect. 6-105, 6-106 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. This Special Exception is granted only for the home child care use as indicated on the special exception plat, consisting of the house location survey titled "Location Drawing Lot 6" revised and dated by Testey Hamdael on March 14, 2014, as qualified by these development conditions.
2. A copy of the special exception 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.
3. The hours of operation for the home child care facility shall not exceed 7:30 a.m. to 5:30 p.m., Monday through Friday.
4. The dwelling that contains the home child care facility shall be the primary residence of the provider.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
6. A maximum of three nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
7. All pick-up and drop-off of children shall take place in the driveway or on Bitterroot Court immediately adjacent to the application property.
8. There shall be no signage associated with the home child care facility.
9. All outdoor play equipment shall conform to all applicable state regulations and standards.
10. Approval of this use is contingent upon maintenance of a state-issued family day home license that permits the number and age of children on-site at the home child care facility.

11. Any portion of the dwelling associated with the home child care facility that is used as a child'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. Any accessory storage structure shall remain locked during the hours of operation of the home child care facility.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by the Board.

This approval, contingent on 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. 9-015 of the Zoning Ordinance, this special exception shall take effect within three months of approval by the Board of Supervisors.

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

RECEIVED
Department of Planning & Zoning

JUN 06 2014

Zoning Evaluation Division

Wonderful Child Care
8257 Native Violet Dr.
Lorton VA, 22079

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway

To Whom It May Concern:

I own and live in a single house detach dwelling at 8257 Native Violet Dr. in Lorton VA, 22079. The property is zoned PDH4 and I understand that I need to seek approval of a special exception in order to operate a child care facility within my home. I am currently licensed by the state of Virginia. Below is information about my child care:

Hours: The child care is open from 7:30 to 5:30 PM, Monday through Friday.

Number of Children: I currently have nine children, but I wish to care for 12. This number does not include my children.

Employees: I have two assistants who work full-time. They both use public transportation to get To work.

Arrival Schedule & Departure Schedule:

<u>Number of Children</u>	<u>Drop off Time</u>	<u>Pick Up Time</u>
2	7:30 AM	4:00 PM
3	7:40 AM	4:30 PM
2	8:00 AM	5:00 PM
2	9:00 AM	5:30 PM

Area Served: Currently, most of the children live in the general vicinity of my neighborhood.

Operations: As I stated, my house is a Single house Detach dwelling. I have a walk-out basement, which is where the children spend most of their time.

I use the kitchen and dining area of the house (located on the ground floor) for meals and snacks. Attached is a floor plan that indicates the areas where day care is located.

Outdoor Play: I use my backyard for outdoor play for the children.

Parking: I use street parking for my car near the house. And I use my drive way parking to provide enough parking for my clients. In addition, ample parking is available along the streets in the front and side of my house. I believe that this parking will be adequate for the parents dropping off and picking up their children.

In conclusion, I am proposing no changes to the appearance of my home. My home does not contain any hazardous substances. Adequate parking is available for my parents and employees. For these reasons I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

Testey Hamdael

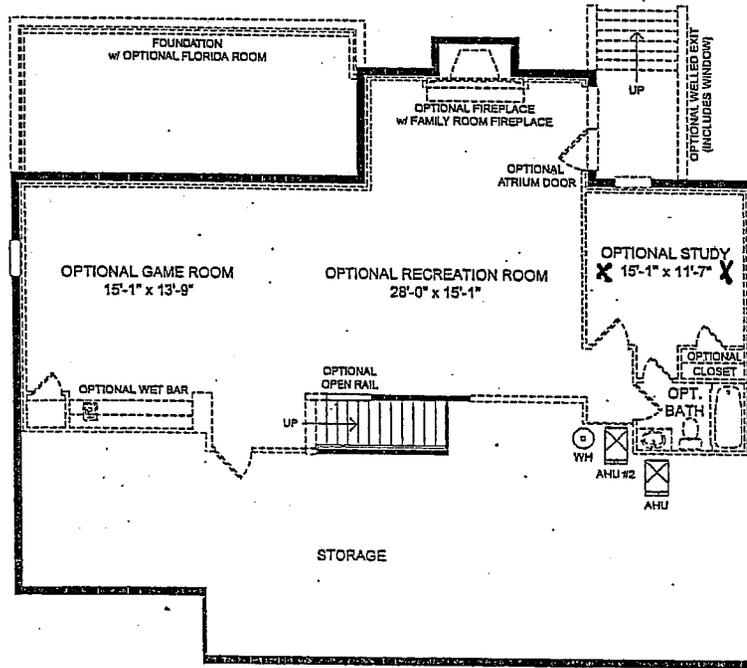
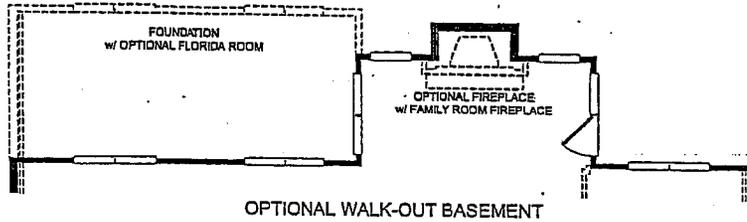
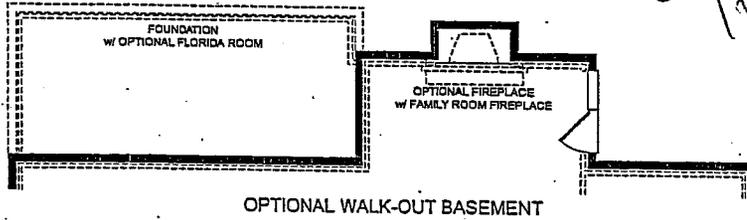
Owner of Wonderful Child Care

TESTEY HAMDAEL

6/6/14

Wentworth

LOT 611
Hornedail
Cammel
Hill



Rec - lights

Joe
9/8/13

RECEIVED
Department of Planning & Zoning
MAR 19 2014
Zoning Evaluation Division

Lower Level Plan



Laurel Hill Community Association

8380 Laurel Crest Drive · Lorton, Virginia 22079
703-493-8961 Clubhouse · 730-493-8962 Fax



July 7, 2015

By electronic mail to: carmen.bishop@fairfaxcounty.gov

Carmen Bishop, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

Re: Special Exception for Daycare in Laurel Hill Community

The Laurel Hill Board of Directors' does not oppose the Special Exception Application for Testey Hamdael home daycare as long as it complies with applicable standards of Fairfax County.

Sincerely,

Laurel Hill Board of Directors'

Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



8257 Native Violet Drive

09/09/2014

Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



Drive way of 8257 Native
Violet Drive

09/09/2014

Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



09/09/2014

Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



Date: September 9, 2014

Time: 10:15 a.m.

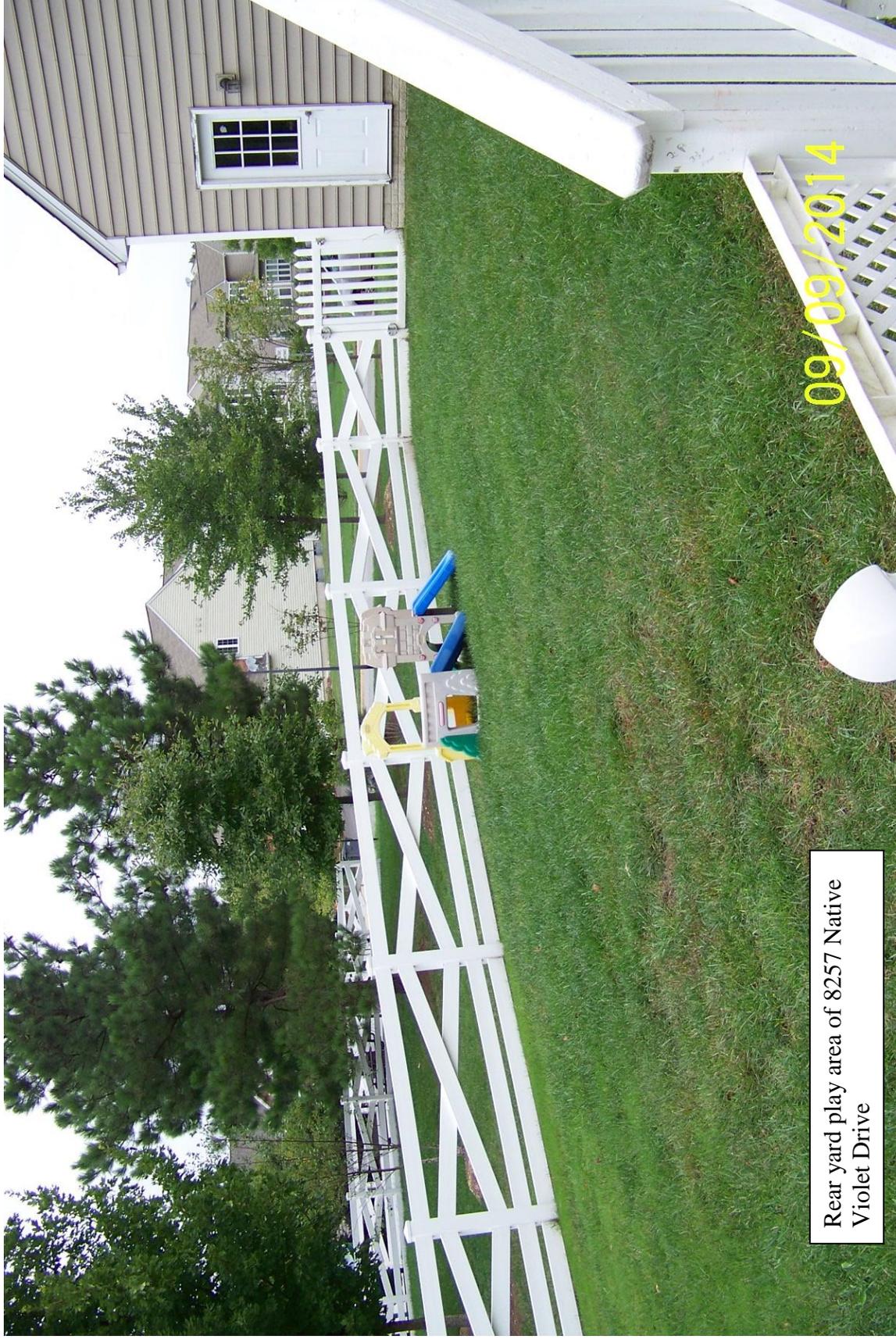
Address: 8257 Native Violet Drive



Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



Rear yard play area of 8257 Native Violet Drive

Date: September 9, 2014

Time: 10:15 a.m.

Address: 8257 Native Violet Drive



SPECIAL EXCEPTION AFFIDAVIT

DATE: 09-4-2015
(enter date affidavit is notarized)

I, TESTEY HAMORIEL (DBA) wonderful child care do hereby state that I am an
(enter name of applicant or authorized agent)

126643

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

in Application No.(s): SE 2014-MV-051
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
TESTEY HAMORIEL (DBA) wonderful child care	8257 native violet dr Lorton VA 22079	Applicant / Title Owner
Estate of, Joseph P. Koz	a/k/a Joe Koz, Ann Koz personal Representative OF the Estate of Joseph P. Koz 8257 native violet dr Lorton VA 22079	Title Owner

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09-04-2015
(enter date affidavit is notarized)

126643

for Application No. (s): SE 2014-MV-051
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

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 Exception Affidavit Attachment 1(b)" form.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09-04-2015
(enter date affidavit is notarized)

126643

for Application No. (s): SE 2014-MV-051
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09-04-2015
(enter date affidavit is notarized)

126643

for Application No. (s): SE 2014-MV-051
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

Application No.(s): SE 2014-MV-051
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09-04-2015
(enter date affidavit is notarized)

.126643

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

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

None

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

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

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

WITNESS the following signature:

(check one) TESTEY HAMORAEI
 Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 4 day of September 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 12/31/2017

TRAVIS BURGHER
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2017
COMMISSION # 7577555



County of Fairfax, Virginia

MEMORANDUM

DATE: September 26, 2014

TO: Carmen Bishop, Staff Coordinator
Zoning Evaluation Division

FROM: Chuck Cohenour
Senior Zoning Inspector
Zoning Inspections Branch

SUBJECT: Home Child Care Application SE 2014-MV-051

APPLICANT: Testey Hamdael
8257 Native Violet Drive, Lorton, Virginia
Laurel Hill South, Lot 6, Landbay D, Section 1
Tax Map Ref #: 107-2 ((10)) 6
Zoning District: PDH-4
Mail Log Assignment: 2014-MV-0375

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

- 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.
- The child care facility is below grade. The window located in the room labeled on the floor plans as "PLAYING & SLEEPING AREA #7" is approximately 33" x 15" or an openable area of approximately 1.7 square feet. This window is not of sufficient size for egress in those rooms used for sleeping purposes. Additionally, one means of egress for this room is through the room labeled on the floor plans as "KITCHEN & EATING AREA". Rooms used for sleeping purposes must provide two means of egress, including one means of egress that leads directly to the outside, as required by the Virginia Uniform Statewide Building Code.*
 - The applicant has constructed an "L" shaped wall (knee wall), approximately 3' 9" in height which encompasses the basement child care facility entrance/exit. The wall contains one door, of similar height, that allows entry into the walled area and to the egress door. This door is approximately 19" in width and is secured by a sliding bolt lock on both sides of the door. The 2009 International Fire Code requires that, "a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way". Currently the door on this wall is not of sufficient width to allow a continuous and unobstructed path of egress. The egress door must provide a minimum clearance width*

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-4300
www.fairfaxcounty.gov/dpz/



of 36 inches. The sliding bolt lock is prohibited by Section 1008.1.9.3. of the 2009 International Fire Code.

- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 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.
- 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.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 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.
- 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.
- Other
- Structures comply with the Zoning Ordinance.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

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

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

8-305 Additional Standards for Home Child Care Facilities

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

- B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

10-103 Use Limitations

...

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

The maximum number of children specified above shall not include the provider's own children.
 - B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
 - C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.