



# County of Fairfax, Virginia

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February 17, 2016

## STAFF REPORT

**SPECIAL PERMIT SP 2015-MA-150**

### MASON DISTRICT

**APPLICANT:** Nargiza Kuryazova  
(Feya Daycare, LLC)

**OWNERS:** Nargiza Kuryazova  
Sakhat Sakhatov

**SUBDIVISION:** Bren Mar Park

**STREET ADDRESS:** 5616 Hersey Lane, Alexandria, 22312

**TAX MAP REFERENCE:** 81-1 ((8)) 6

**LOT SIZE:** 10,500 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-150 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.

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.

*Sharon Williams*

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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**

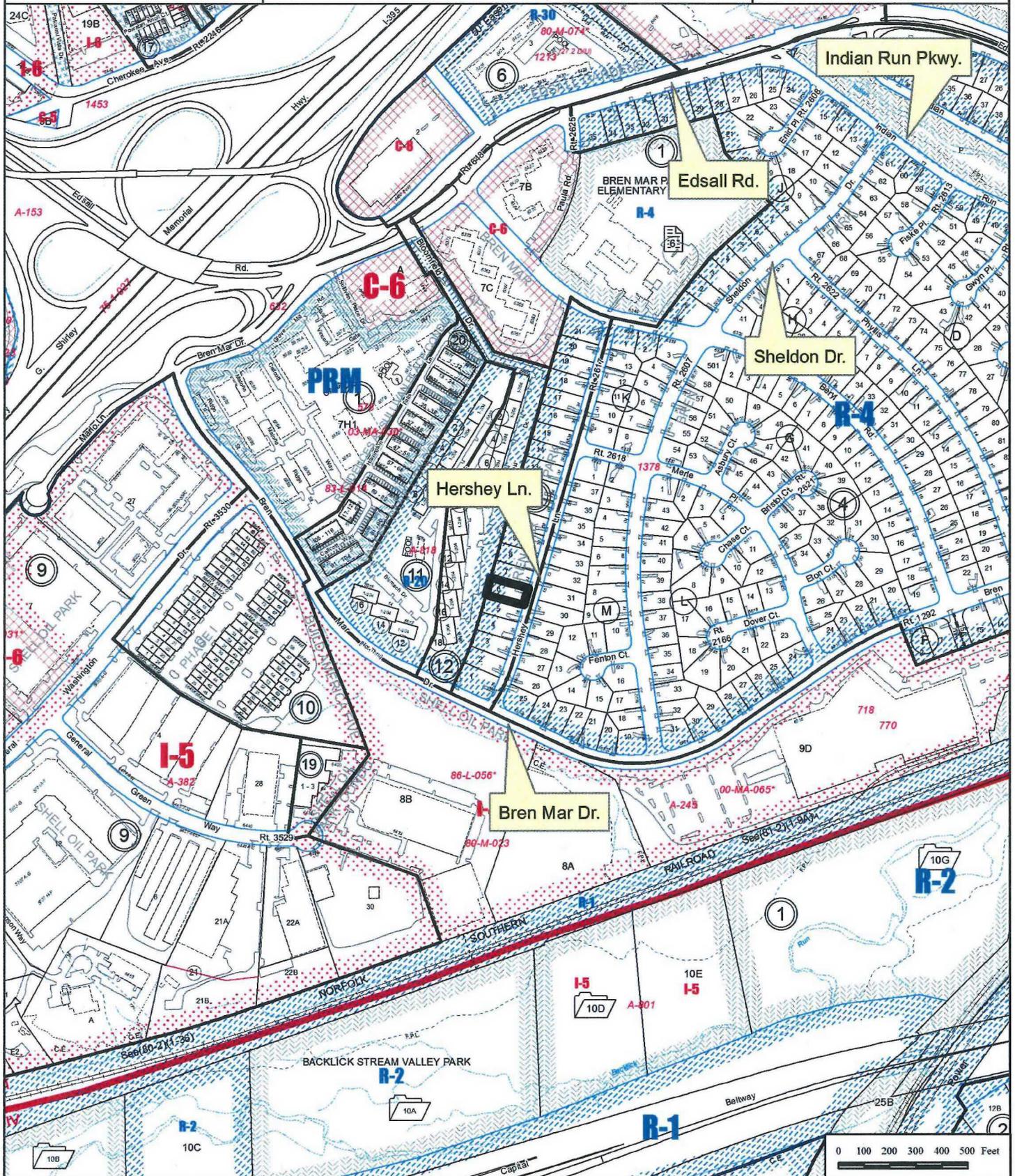


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

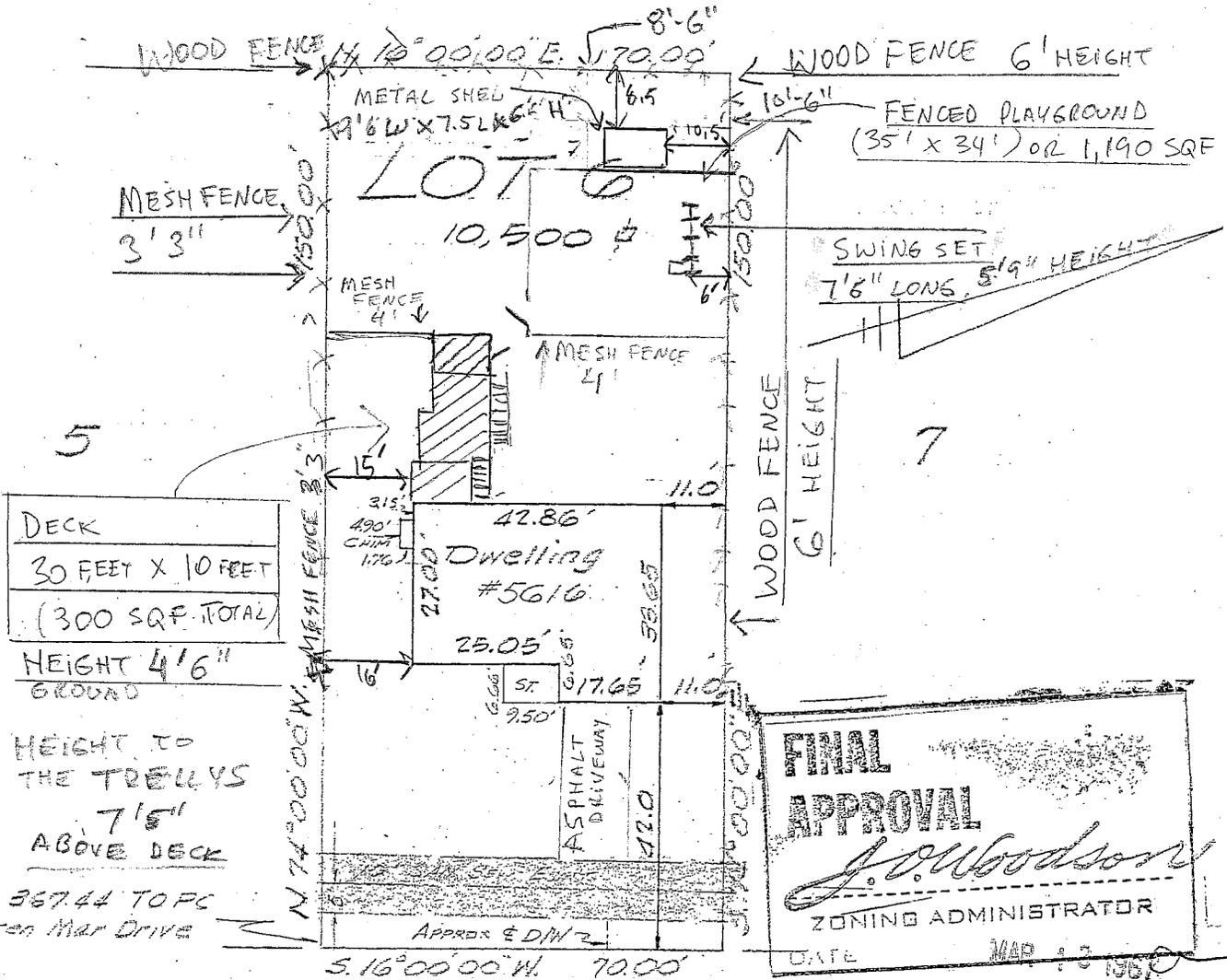


# Special Permit SP 2015-MA-150

NARGIZA KURYAZOVA DBA FEYA DAYCARE LLC



BREN MAR LAND DEVELOPMENT CO. INC.



RECEIVED  
Department of Planning & Zoning

NOV 12 2015

Zoning Evaluation Division

HERSHEY LANE  
50' R/W

HOUSE LOCATION  
LOT 6 SECTION 5

**BREN MAR PARK**

LEE MAGIS. DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: WALL CK: 4-23-66  
FINAL CK: 7-19-66

GREENHORNE, O'HARA, DEWBERRY & NEALON  
Civil Engineers - Land Surveyors  
8411 Arlington Blvd., Fairfax, Virginia 560-1100

Certified Correct:

SIGNED  
NARGIZA KURYAZOVA

Reference:

DB 2723 PO 286 Drawn by: L.C.B. - CND.  
Checked by: ADL

DATE 11/18/2015

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A more detailed description of the proposal is provided on page two.

A copy of the special permit plat, titled "House Location, Lot 6, Section 5, Bren Mar Park," prepared by Greenhorne, O'Mara, Dewberry & Nealon on July 19, 1966, as revised by the applicant Nargiza Kuryazova on November 8, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split-level single-family detached dwelling. Vehicular access to the property is provided via Hersey Lane. A set of stairs lead to a covered stoop providing access to the dwelling. The rear yard is enclosed by a fence which varies from 3 foot, 3 inches in height to 6 feet. Small, moveable play equipment is present in the fenced portion of the rear yard.

The property is located north of Bren Mar Drive and south of Edsall Road. The subject property and surrounding properties are zoned R-4 and are developed with single-family detached dwellings.

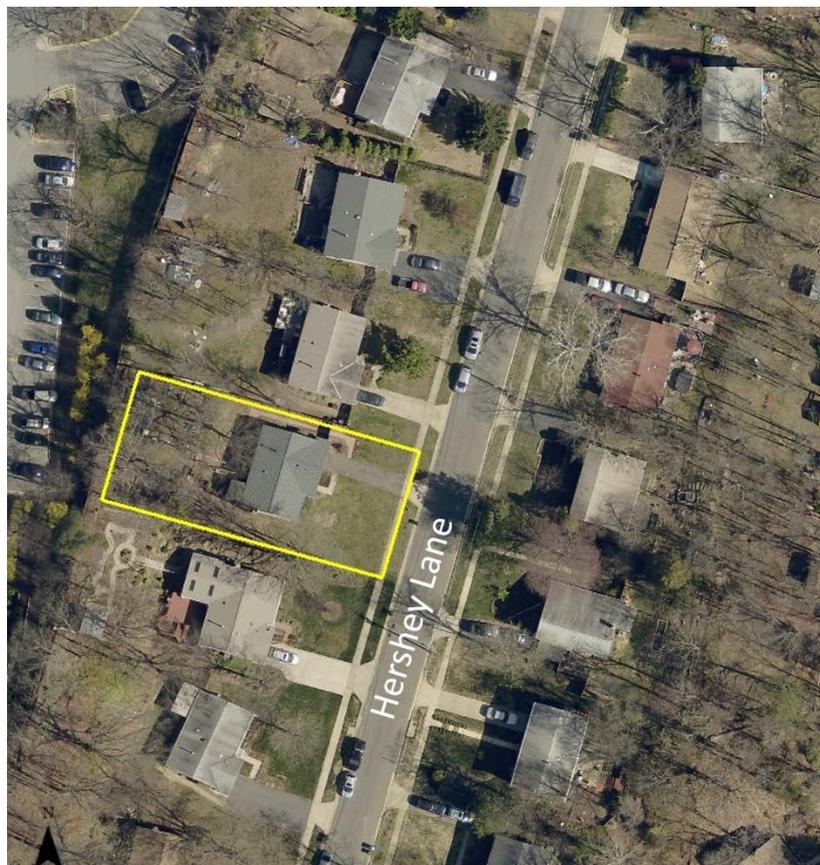


Figure 1: Aerial View

## **BACKGROUND**

Fairfax County Tax Records indicate that the dwelling was constructed in 1966 and purchased by the applicant in 2013.

The applicant has been operating the home child care in its current location for approximately a year and a half with no complaints on file with the county.

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

## **DESCRIPTION OF THE PROPOSED USE**

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, with two assistants. The hours of operation are from 7:30 a.m. to 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children which currently occurs in the driveway. The driveway can accommodate two cars at a time. There is also ample parking provided on-street, directly in front of the house. Currently, there is one assistant, but the applicant is requesting two.

The applicant currently cares for seven children and she holds a current Family Day Home License, valid through March 29, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of seven children, 1 month through 5 years, 11 months of age. A copy of the license is included as Appendix 4.

The home child care facility is operated in the first floor of the dwelling, which consists of a recreation room, a bedroom, and a storage room. The home child care facility utilizes the entire first floor for its operations. The napping area is located in the recreation room.

The children and parents enter through the front door which provides access to the front yard of the house. Pictures provided by the applicant show toys and moveable play equipment in the rear yard of the house.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area I, Lincolnia Planning District  
**Planning Sector:** Bren Mar Park Community Planning Sector (BR6)  
**Plan Map:** Residential, 3-4 du/ac

**Zoning District Standards**

<b>Bulk Standards (R-4)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	8,400 sf	10,500 sf
Lot Width	70 feet	70 feet
Building Height	35 feet max.	Not provided
Front Yard	30 feet	42.0 feet
Side Yard	10 feet	11 feet
Rear Yard	25 feet	45 feet

**Accessory Structures On-Site**

<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Existing Location</b>	<b>Permit Status</b>
Deck	n/a	Not within a front	Rear 15 feet from side lot line	No Permit on File

**On-Site Parking and Site Circulation**

The existing driveway can accommodate up to three vehicles: two vehicles in the driveway area and one vehicle inside the garage. The applicant has agreed to park her family vehicle in the garage during the hours of operation of the the home child care. Therefore, two spaces are available for drop-off and pick-up of children in the driveway.

Vehicular access to the site is provided from Hershey Lane. As previously discussed, the parents and children enter the home child care at the front of the dwelling.

**Zoning Inspection Branch Report (Appendix 5)**

The Zoning Inspections Branch report is included in Appendix 6. During a site visit, it was determined that the deck in the rear yard has been enclosed with lattice and requires subsequent building permits. A development condition has been included to require the applicant to obtain the applicable permits and inspections for the enclosed deck. The deck shall not be utilized as part of the home child care operation until such permits and inspections have been obtained and passed. Additionally, the utility room contained storage surrounding both the furnace and hot water heater. Since the inspection, the applicant has corrected these deficiencies and provided photographs. (Appendix 6)

### Zoning Ordinance Requirements (Appendix 7)

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

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

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-4 District permits a home child care facility as an accessory use with special permit approval.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or value.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered, and in staff's opinion, the proposed use is not hazardous and with the proposed development conditions, staff believes the use will not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	There is an existing wooden fence in the rear yard that provides screening to the outdoor play area.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement in the R-4 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The driveway is used for parking.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-4 District. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> 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)**

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum children at any one time. The applicant requests two assistants.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and adequate parking is available in the driveway. In staff's opinion, the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is an existing wooden fence in the rear yard that provides screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The application meets all submission requirements for a home child care facility.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through March 29, 2016 for 7 children from 7:30 a.m. to 6:00 p.m., Monday through Friday.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except for play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.

<p><b>Part G</b> Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and two non-resident employees.</p>
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## **CONCLUSION / RECOMMENDATION**

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

Staff recommends approval of SP 2015-MA-150 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Photos of Updated Conditions Since ZIB Inspection
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MA-150****February 17, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-150 located at Tax Map 81-1 ((8)) 6 to permit a home child care facility pursuant to Section 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 approval is granted to the applicant, Nargiza Kuryazova, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5616 Hershey Lane, 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, Lot 6, Section 5, Bren Mar Park," prepared by Greenhorne, O'hara, Dewberry & Nealon on July 19, 1966, as revised by the applicant Nargiza Kuryazova on November 8, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's driveway.
5. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed twelve.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:30 a.m. to 6:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas 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 shall be of the dimension and side specified by the Virginia Uniform Statewide Building Code.

11. 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.
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."
13. All applicable building permits and inspections for the enclosed deck shall be obtained within six (6) months of BZA approval and shall not be utilized as part of the home child care operation until such permits and inspections have been obtained and passed.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

### Special Permit Statement of Justification

My name is Nargiza Kuryazova, and I am a sole owner of Feya Daycare LLC, which was registered in December 2013 as a home daycare provider for the kids' ages of 13 months and up to 5 years old. My daycare began operations in July 2014. Feya Daycare LLC received the State's Daycare License in September 2014, and I am currently holding clean license without any violations.

My hours of operations are 7:30AM to 6:00PM, Monday through Friday, except holidays and Fairfax County public school closures due to weather or other unexpected events.

Per current Daycare License and Zoning permission, the maximum capacity of my daycare is 7 kids per day, and I do not have my own children yet. As of September 2015, I have reached the maximum capacity and due to high demand, I am applying for a permission to expand the number of allowed kids to 12. Representative of Virginia's Department of Social Services confirmed that I will be approved for license for 12 kids based on your decision for Special Zoning Permit.

I am currently employing one part-time substitute assistant, who assists me daily from 9:00 AM until 2:00 PM and covers me on my absent hours. She is not driving and takes a bus/metro to get to my daycare. After your permission to expand, I will convert my current assistant to full time schedule 8:00 AM to 5:30 PM (M-F) and I intend to hire one part time teacher /assistant to accommodate the daily points allowed per daycare regulations.

Drop off time starts from 7:30AM and 2 of the current daycare kids arrive at that time, while 3 other arrive between 8:00 and 8:30AM, and the last 2 arrive around 9:00AM. Pick up time starts after 3:45PM, and depending on traffic, I usually got only 3 kids left out of 7 after 5:15 PM to be picked up until 6:00PM.

Bren Mar Park area of Alexandria is the general area served by my daycare. Most the daycare attendees (6 out of 7) live nearby in Alexandria. I currently have 2 kids on waitlist, and they also reside in Alexandria/ Springfield area.

Most of the parents (5 out of 7) are driving to my daycare, parking on the street or my driveway to drop off or pick up the kids. The rest are taking the bus or walk.

I have split level house and the large family room in lower level (**28' x 13', or 364 sq. ft. in total**) which was converted to the daycare (photos # 21, 22, 23 and 24). If I receive the permission to expand, another bedroom in the lower level (with the size 15' x 12'3, or approximately **184 sq. ft. in total**) will be converted to a daycare room intended for younger kids (up to 2 years old) which will give me an opportunity to separate them from older group (ages 3 to 5 years) and to provide both groups with a distinct educational environment (photos # 27 and

#28). The current large family room and addition of spare bedroom will create a total of **548 sq.ft.** dedicated to daycare operations. *The total space footage of the home is 1287 sq ft.*

I have backyard playground, built and fenced accordingly to all daycare licensing regulations and in compliance with standards of Commonwealth of Virginia. I've installed a stone walkway and backyard door so kids will have their own dedicated area and gated playground, measured in 35 ft x 34 ft or **1,190 sq. ft. in total outside play area** (photos # 13 through #18 in original filing and additional photos are supplied) .

My neighborhood doesn't have a homeowners association. Copy of the previous Zoning letter with approval for 7 kids is attached.

I would greatly appreciate your consideration on this matter.

Thank you.

With best regards,



Nargiza Kuryazova, dba Feya Daycare LLC.

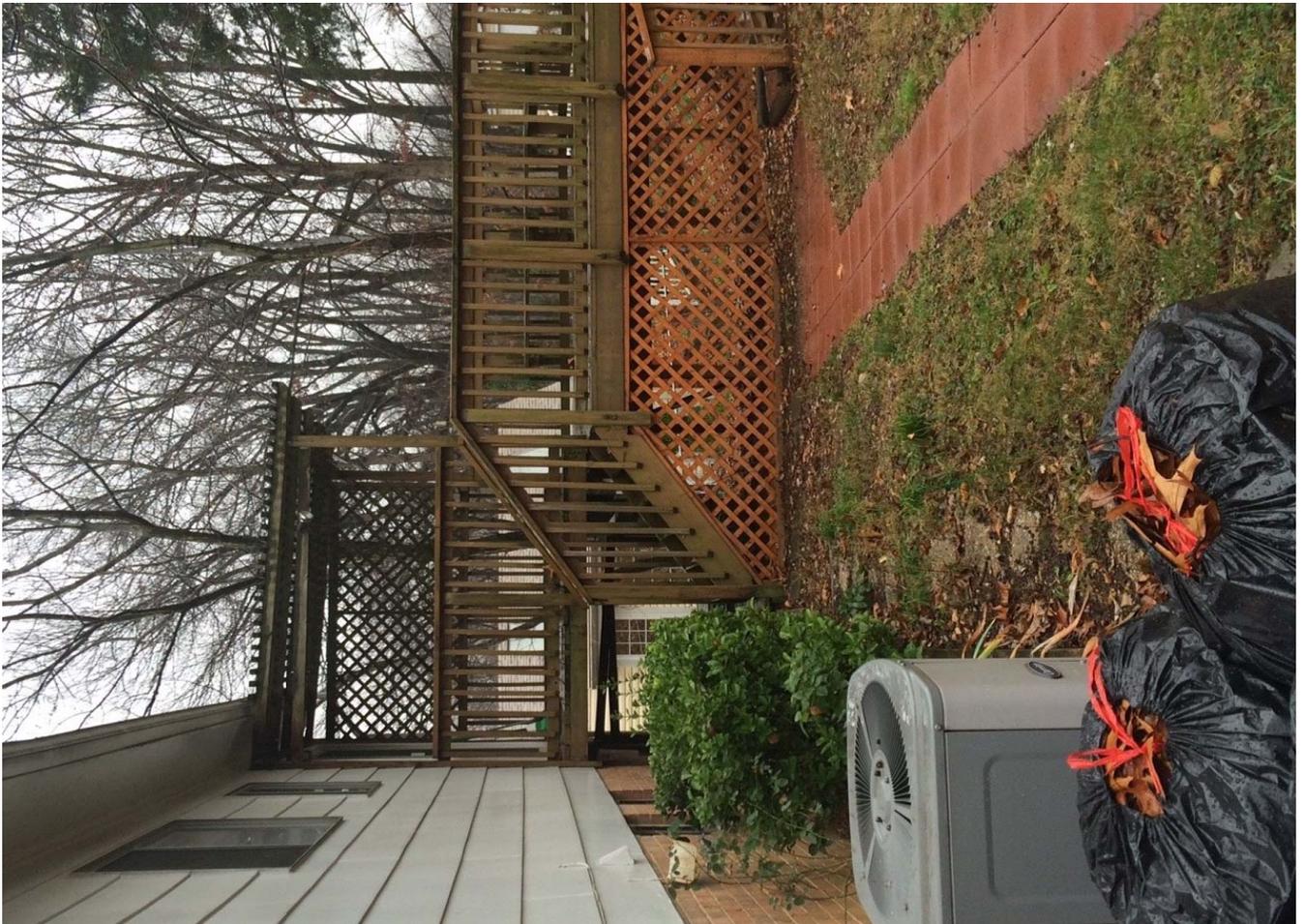
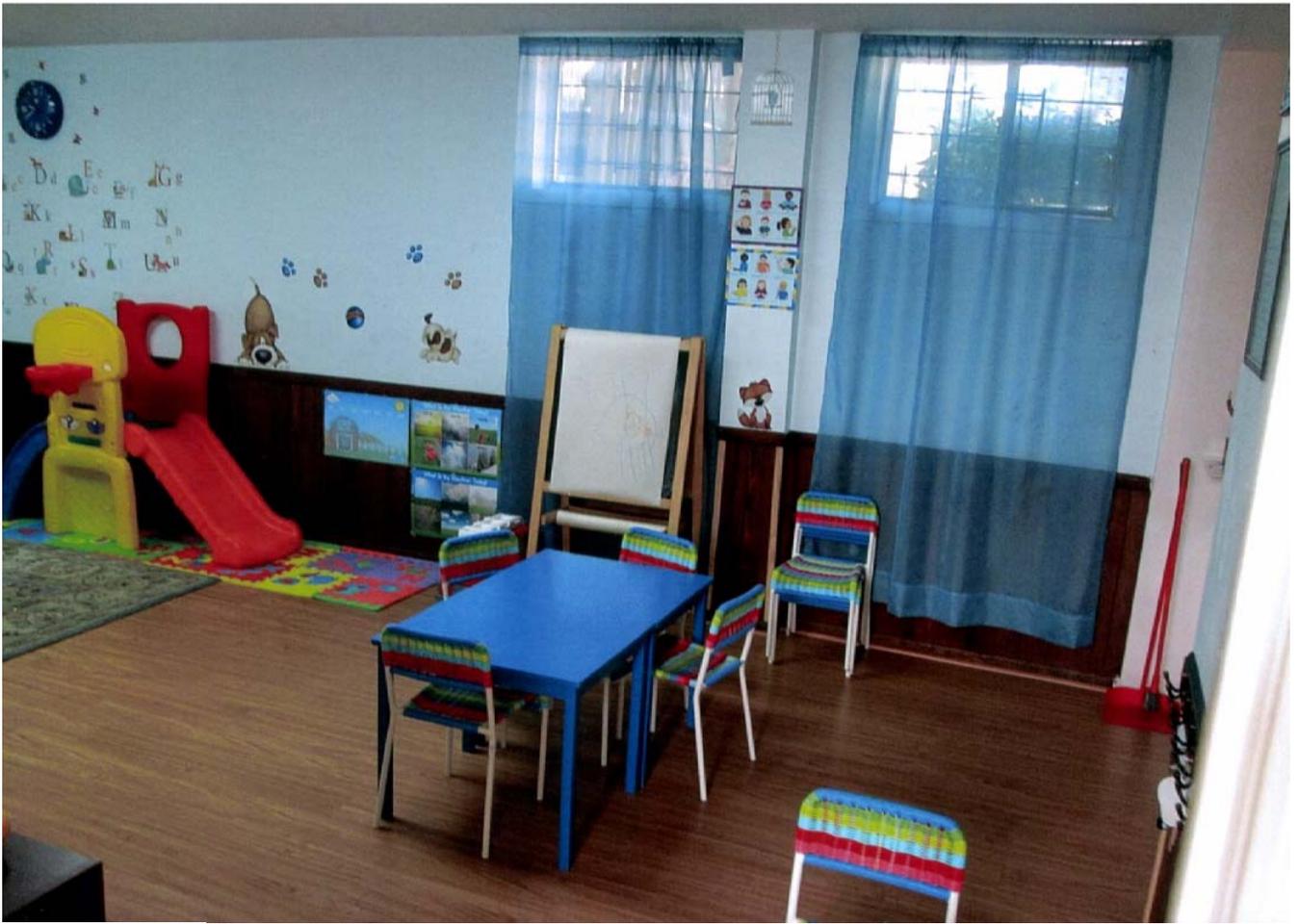
Original submission: 10/15/2015

**Re-submission with the corrections: 11/12/2015**

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









1-2

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 10, 2015 132247  
(enter date affidavit is notarized)

I, NARGIZA KURYAZOVA, 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 <b>BOLD</b> above)
NARGIZA KURYAZOVA d/B/a FEYA DAYCARE LLC	5616 HERSHEY LN ALEXANDRIA, VA 22312	APPLICANT/TITLE OWNER
SAKHAT SAKRATOV	5616 HERSHEY LN ALEXANDRIA, VA 22312	CO-APPLICANT/ TITLE OWNER

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/10/2015  
(enter date affidavit is notarized)

132247

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)

FEYA DAYCARE LLC  
5616 HERSHEY LN  
ALEXANDRIA, VA 22312

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

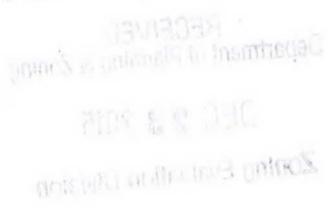
- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10%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

NARGIZA KURYAZOVA

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

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



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/10/2015  
(enter date affidavit is notarized)

132247

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/10/2015  
(enter date affidavit is notarized)

152247

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.

RECEIVED  
Department of Planning & Zoning  
DEC 9 2015  
Zoning Evaluation Division

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/10/2015  
(enter date affidavit is notarized)

132247

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

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

" NONE "

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

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

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

WITNESS the following signature:

(check one)

Applicant *Kurya*

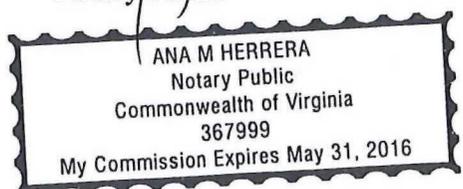
[ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 10 day of DEC. 2015, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

*Ana M Herrera*  
Notary Public

My commission expires: 5/31/2016



*[Handwritten mark]*

# Commonwealth of Virginia



## DEPARTMENT OF

## SOCIAL SERVICES

### FAMILY DAY HOME LICENSE

Issued to:

Nargiza Kur'yazova, d.b.a. Feya Daycare LLC

Address:

5616 Hershey Lane, Alexandria, Virginia 22312

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

CAPACITY	
	7
GENDER	AGE
Both	6 weeks through 5 years

This license is not transferable and will be in effect March 30, 2015 through March 29, 2016 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

**ISSUING OFFICE:**

Virginia Department of Social Services  
 Division of Licensing - Fairfax Licensing Office  
 3701 Pender Drive, Suite 125  
 Fairfax, VA 22030  
 Telephone: (703) 934-1505

FDH 1108799-L103  
LICENSE NUMBER

MARGARET ROSS SCHULTZE  
 COMMISSIONER OF SOCIAL SERVICES

By

James J. Parcelli

Title

LICENSING ADMINISTRATOR

Date

March 31, 2015



# County of Fairfax, Virginia

## MEMORANDUM

Date: December 31, 2015

To: Sharon Williams, Planner II  
Zoning Evaluation Division

From: Austin Gastrell  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2015-MV-150

Applicant: Nargiza Kuryazova Feya Daycare LLC  
5616 Hershey Lane, Alexandria, Virginia 2231  
Tax Map# 81- 1 ((8)) 0006  
Zoning District: R-4  
Magisterial District: Mason  
ZIB # 2015-0540  
Date of Inspection: December 17, 2015

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

- 1. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- 2. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- 3. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

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



- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
  
- ✓ 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
  - The utility room contained storage that surrounds both the furnace and hot water heater. 36" clearance should be maintained around the furnace and water heater.
  
- ✓ 7. Structures comply with the Zoning Ordinance.
  - Deck in rear yard has been enclosed with wooden lattice, this enclosure requires subsequent applicable permits.



02/03/2016



02/03/2016

**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 of 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 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.