



County of Fairfax, Virginia

March 2, 2016

STAFF REPORT

SPECIAL PERMIT SP 2014-SP-179

SPRINGFIELD DISTRICT

APPLICANT: Faten Bush
Faten Bush Home Child Care

OWNERS: Faten Bush
Ahmed Bush

SUBDIVISION: Southern Grove

STREET ADDRESS: 5958 Hall Street, Springfield, 22152

TAX MAP REFERENCE: 79-3 ((16)) 82

LOT SIZE: 10,857 square feet

ZONING DISTRICT: R-3C

ZONING ORDINANCE PROVISIONS: 8-305, 3-303, 8-914, 8-923

SPECIAL PERMIT PROPOSAL: To permit a home child care facility and to permit a reduction in minimum yard requirements based on errors in building location to permit a deck to remain 4.6 feet from the rear lot line, 0.0 feet from a side lot line, and 11.7 feet from a front lot line, and to permit an accessory structure (trellis) to remain 1.1 feet from a side lot line; and to permit a fence greater than 4.0 feet in height in the front yard of a corner lot.

Erin M. Haley

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SP-179 for the home child care facility and fence greater than 4.0 feet in height in a front yard with adoption of the proposed development conditions contained in Appendix 1.

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

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

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.

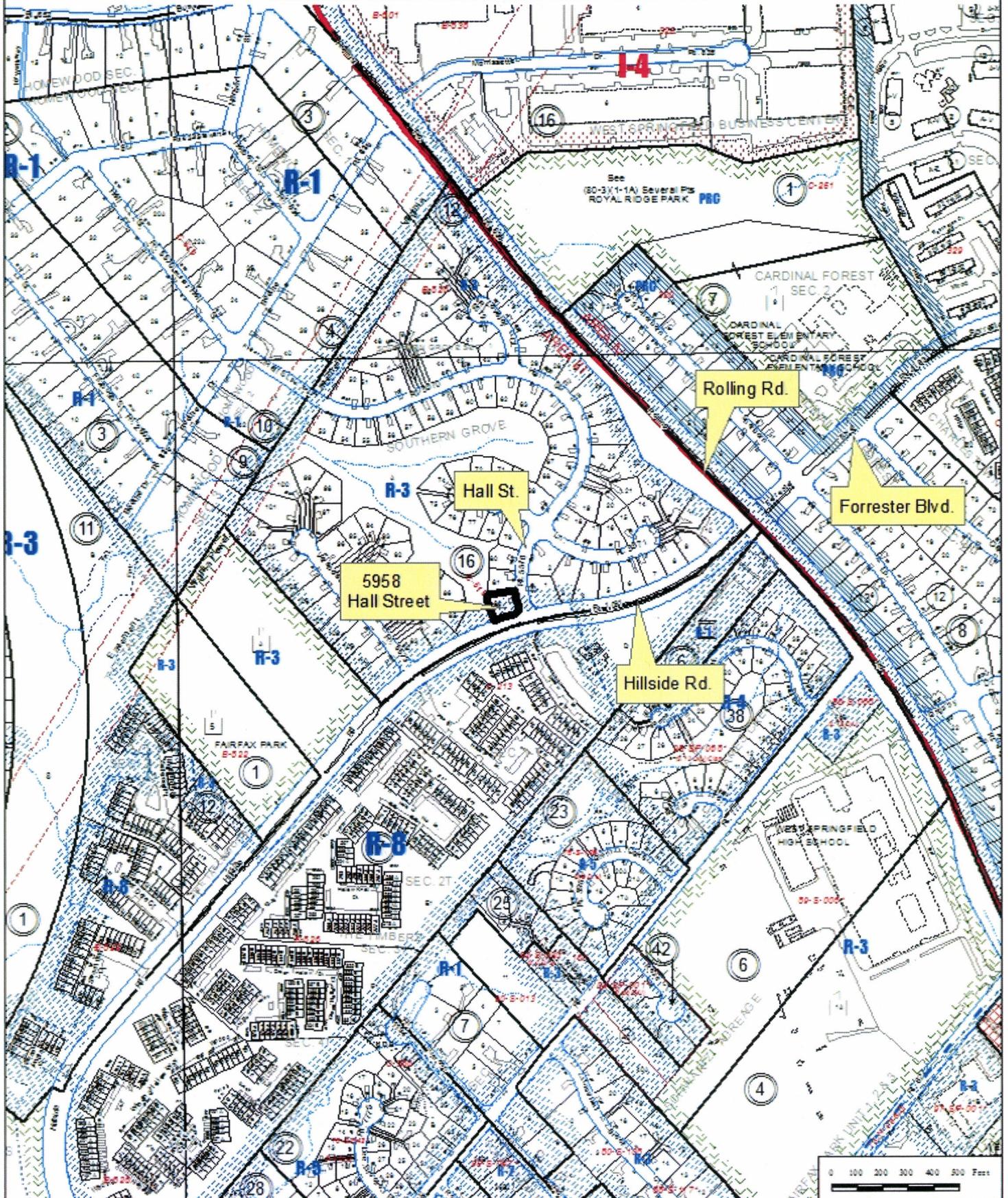
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 2014-SP-179
FATEN BUSH / FATEN BUSH HOME CHILD CARE



NOTES:

1. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY ON DECEMBER 18, 2015
2. NO TITLE REPORT WAS FURNISHED
3. NO 25' WIDE OR GREATER EASEMENTS FOUND, NO EASEMENTS WERE FOUND OTHER THAN SHOWN, NON RECORDED EASEMENTS MAY EXIST
4. THIS PROPERTY IS LOCATED IN FEMA FLOOD ZONE HAZARD "X" AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 51059C0290E; DATED SEPTEMBER 17, 2010
5. CURRENT INST., DB 18650 PG 768
6. HOUSE BUILT IN APPROXIMATELY 1974
7. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
8. LOT AREA 10,857 SQ. FT.
9. THIS SITE DOES NOT CONTAIN 100-YEAR FLOODPLAIN OR RESOURCE PROTECTION AREA (RPA). THE SITE IS LOCATED ENTIRELY WITHIN THE RESOURCE MANAGEMENT AREA (RMA).
10. PROPERTY IS ZONED R-3C (RESIDENTIAL 3 DU/AC WITH CLUSTER DEVELOPMENT)
11. MAX. HEIGHT OF ACCESSORY STRUCTURES REFERS TO MEASUREMENT FROM THE LOWEST ADJACENT GRADE TO THE TALLEST POINT

EXISTING FLOOR AREA

BASEMENT FLOOR = 1504 SQ. FT.
 SECOND FLOOR = 1670 SQ. FT.
 EXISTING GROSS FLOOR AREA = 3174 SQ. FT.

DAYCARE AREA
 ON BASEMENT FLOOR = 897 SQ. FT.

897 SQ. FT. / 3174 SQ. FT. = 0.2820 = 28%

MINIMUM YARD REQUIREMENTS: R-3C

FRONT : 20'
 REAR: 25'
 SIDE: 8' MINIMUM, TOTAL MINIMUM OF 20'

MID ROOF HEIGHT

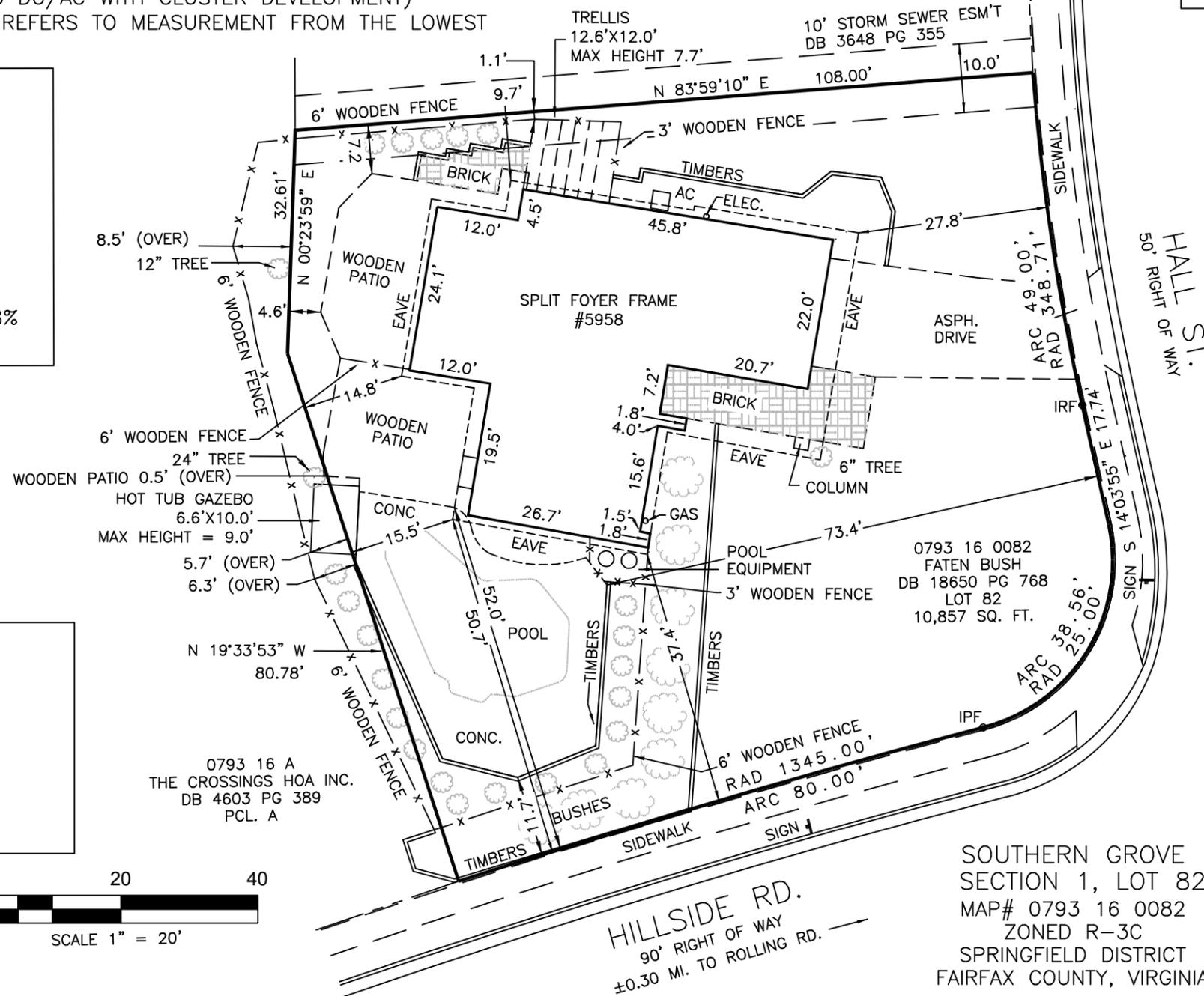
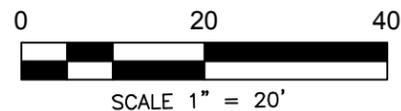
ABOVE AVERAGE GROUND = 18.4'

8' REAR YARD = 352.57 SQ. FT.

WOODEN PATIO, HOT TUB GAZEBO
 TOTAL = 76.66 SQ. FT.

76.66/352.87 = 22% REAR YARD COVERAGE

NOTE: BEARINGS BASED ON PLAT OF RECORD FOR SOUTHERN GROVE, SECTION 1, RECORDED AT DB 3648 PG 355, FAIRFAX COUNTY, VIRGINIA

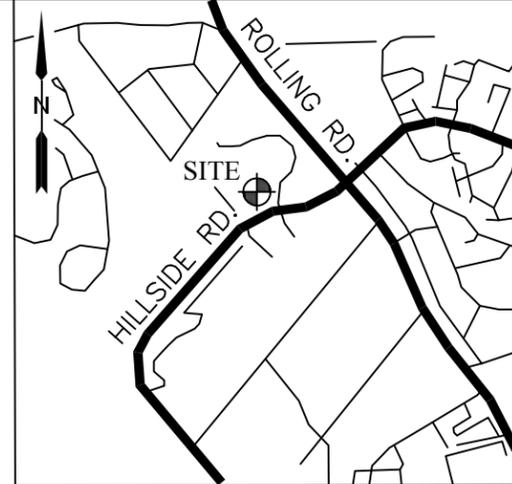


0793 16 0081
 WINSTON A. MARCUS
 DB 21126 PG 212
 LOT 81

DB 3648 PG 355

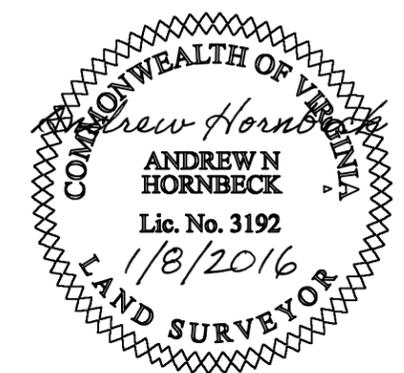
0793 16 0082
 FATEN BUSH
 DB 18650 PG 768
 LOT 82
 10,857 SQ. FT.

0793 16 A
 THE CROSSINGS HOA INC.
 DB 4603 PG 389
 PCL. A



VICINITY MAP 1"=2000'

SOUTHERN GROVE
 SECTION 1, LOT 82
 MAP# 0793 16 0082
 ZONED R-3C
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA



REVISIONS:	DATE:
County Comments	01/08/2016

MERESTONE GEOMATICS, LLC
 LAND SURVEYING
 9404 SECCA DR., FREDERICKSBURG, VA 22407
 540-877-8722
 WWW.MERESTONEGEOMATICS.COM

DATE:
12/18/2015

SURVEY:
ANH

DRAWN:
ANH

CHECKED:
NMH

SPECIAL PERMIT PLAT

JN: 2015-1372
 SCALE: 1" = 20'

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. The applicant is also requesting a reduction of minimum yard requirements based on errors in building location to permit a deck to remain 4.6 feet from the rear lot line, 0.0 feet from a side lot line, and 11.7 feet from a front lot line, and to permit an accessory structure (trellis) to remain 1.1 feet from a side lot line; and to permit a fence greater than 4.0 feet in height in the front yard of a corner lot.

A copy of the special permit plat titled, "Southern Grove, Section 1, Lot 82," by Andrew N. Hornbeck, Land Surveyor, of Merestone Geomatics, LLC, dated December 18, 2015, as revised through January 8, 2016, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is located at the corner of Hall Street and Hillside Road. It is developed with a split-foyer single-family detached dwelling with a full basement. An asphalt driveway provides access from Hill Street. A brick walkway leads from the driveway to the front entrance of the house. The rear yard contains concrete patios and wood decks that are flush with the ground. A wood fence 6.0 feet in height bisects a portion of the rear yard at the northwest corner of the house. An outdoor play area is located in the northwestern portion of the rear yard.

Moveable play equipment is located in this area. A trellis 7.7 feet in height is located in the northern side yard. A brick walkway leads from the trellis to the rear yard. A swimming pool (currently drained) is located in the southern front yard, which was built with a proper permit in 1979. The pool and the entire rear façade of the house is surrounded by concrete and wood patio. During the time of the original inspection and the drawing of the special

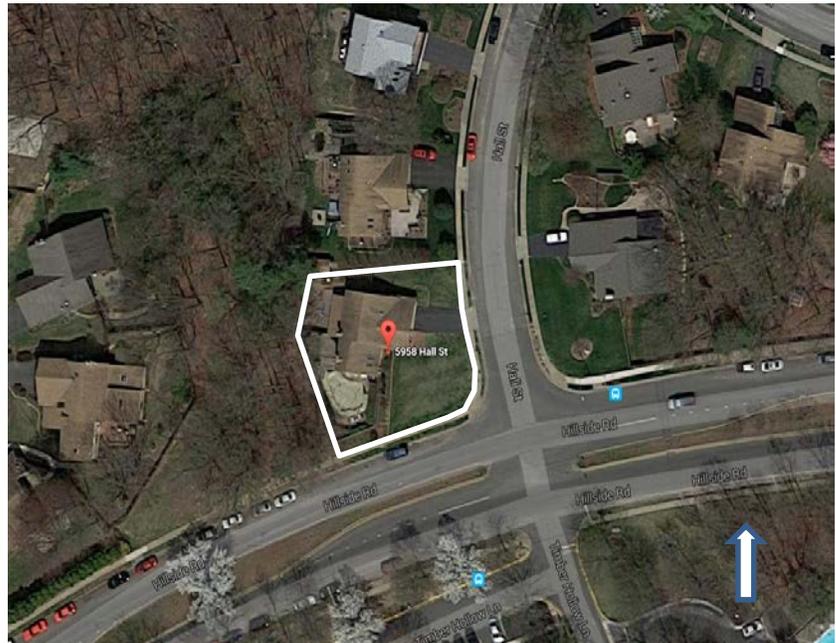


Figure 1: House Location
For illustrative purposes only

permit plat, a hot tub covered by a wood gazebo 9.0 feet in height was located in the western portion of the rear yard spanning the property line with the adjacent HOA-owned open space parcel. The applicant has since removed the gazebo roof and brought the structure under 7.0 feet in height in compliance with the Zoning Ordinance and provided staff with photographic evidence.

A wood fence 6.0 feet in height runs along the northern property line, along the western rear yard and encloses the yard at the southern side of the house. The western portion of the fence, a portion of the gazebo and hot tub, and a small corner of the deck are located on the adjacent property, Parcel A. The property owners of Parcel A, the Crossings Homeowners Association, Inc., have signed a Revocable License Agreement allowing the property owners of the applicant's property to maintain their structures on that property (Appendix 4). A portion of a 10 foot wide storm sewer easement runs along the northern lot line.

The subject property and properties to the north, west, and south are zoned R-3 and developed with single-family detached houses. Properties to the east are zoned R-12 and developed with townhomes.

BACKGROUND

Fairfax County Tax Records and building permit records indicate that the house was constructed in 1974 and purchased by the property owners in 2006.

A vested rights determination was obtained from the Zoning Administrator upon staff's request for the existing structures on the property (Appendix 5). This determination declared that the rear lot line is the short lot line that is most parallel to, and opposite from, the lot line adjacent to Hall street. The lot line between the rear lot line and Hillside Road is a side lot line, as is the one between the rear lot line and Hall Street. Initially, staff believed that there may be more rear yard coverage than allowed, but upon the yard determination it was discovered that the total rear yard coverage was 22 percent. On June 4, 1979, a building permit for an in-ground swimming pool and fence was issued. The proposed swimming pool was to be located 20 feet from the front lot line and 5 feet from the side lot line. The swimming pool has been deemed to be vested. However, the deck, trellis, gazebo, and fence over 4.0 feet in height in the southern front yard are not deemed to be vested. The current special permit applications include requests for all of those structures to be retained in their current location except the gazebo, which the applicant has since brought under 7.0 feet in height which brings it into compliance with the Zoning Ordinance.

Records indicate that no other similar special permit or variance applications have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

Home Child Care Facility

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up time for the children. The applicant currently employs one full-time non-resident assistant.

The applicant holds a current Family Day Home License from the Commonwealth of Virginia, Department of Social Services, valid through August 20, 2016. The license permits a capacity of 12 children, ages birth through 12 years, 11 months. The applicant's current state license permits the facility to operate from 6:30 a.m. to 6:00 p.m. Monday through Friday. A copy of the license information is included as Appendix 6.

The home child care facility is operated in the lower level of the split-foyer dwelling which consists of two child care rooms, a kitchen, and a bathroom. All napping occurs in the child care rooms and have adequate emergency egress through a door and windows to the outside. The fenced portion of the rear yard adjacent to Lot 81 is utilized for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

Fence Greater than 4.0 in Height in a Front Yard

The applicant requests approval of a special permit for a fence greater than 4.0 feet in height in the front yard of a corner lot. A portion of the front yard (functional rear yard) adjacent to Hillside Road is enclosed by a wood fence 6.0 feet in height. Fences located in a front yard are allowed a maximum of 4.0 feet in height. The area of the yard that is enclosed is to the side and rear of the dwelling, away from the intersection of Hall Street and Hillside Road.

Errors in Building Location

The applicant requests a special permit for a reduction in yard requirements to allow her deck to remain 4.6 feet from the rear lot line, 0.0 feet from the western side lot line, and 11.7 feet from the southern front lot line. A development condition has been included to require the applicant to obtain all necessary permits and inspections for the deck. The applicant also requests a reduction in yard requirements to allow an accessory structure, a trellis 7.7 feet in height, to remain 1.1 feet from the northern side lot line. The western side yard is a functional rear yard for the property.

The gazebo covering a hot tub in the western side yard was 9.0 feet in height at the time the special permit plat was drawn. The applicant has since lowered the height of the gazebo to under 7.0 feet in height by removing the roof which brings it into compliance with the Zoning Ordinance restrictions on accessory structures.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3, with cluster subdivision provisions)		
Standard	Required	Provided
Lot Size	8,500 sf.	10,857 sf.
Lot Width	Corner: 80 ft.	114.4 ft.
Building Height	35 ft.	18.4 ft.
Front Yard	20 ft.	Eastern: 27.8 ft. Southern: 37.4 ft.
Side Yard	8 ft., but a total minimum of 20 ft.	Northern: 9.7 ft. Western: 14.8 ft.

On-Site Parking and Site Circulation

The property has an asphalt driveway that provides approximately four parking spaces. On-street parking is available along both Hall Street and Hillside Road, and staff does not believe that parking in these areas would cause safety concerns.

Parents utilizing the home child care facility conduct drop-off and pick-up activities at staggered times. A condition has been included to require the applicant to keep the driveway clear for the parents to use during all drop-off and pick-up times.

Zoning Inspection Report (Appendix 7)

During the site visit, staff observed that the area around the mechanical equipment did not have the required 30 inches of working space. The applicant has since cleared out this area and provided staff with photographic proof.

The memo provided by the Zoning Inspections Branch also notes the fence over 4.0 feet in height in the front yard, and the locations of the trellis, gazebo, and deck that do not meet Zoning Ordinance requirements. The applicant has requested approval of errors in building location, and an increase in fence height as part of this application that will address these issues.

Zoning Ordinance Requirements (Appendix 8)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations
- 8-903 Standards For All Group 9 Uses
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility as an accessory use with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is found in the rear yard. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered and adequate parking exists in the driveway. The proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is an existing 6.0 foot fence in the yard that provides screening to the outdoor play area. With the approval of the special permit request to allow the 6.0 foot fence to remain in a front yard (functional side/rear yard), this standard would continue to be met.</p>
<p>Standard 6 Open Space</p>	<p>There is no open space requirement for individual lots in the R-3C zone.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property. As previously discussed, the driveway would be used for parking for the home child care facility.</p>
<p>Standard 8 Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

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

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

<p>Standard 1 Maximum of 12 Children & Non-Resident Employee</p>	<p>The applicant is proposing a maximum of 12 children at any one time and staff recommends allowing two full-time non-resident employees.</p>
<p>Standard 2 Access and Parking</p>	<p>Arrival and departure times of the children are staggered and parking is available in driveway. In staff’s opinion the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 3 Landscaping/Screening</p>	<p>There is an existing fence in the front yard (functional side/rear yard) that provides screening to the outdoor play area. With the approval of the special permit request to allow the 6.0 foot fence to remain in a front yard (functional side yard), this standard would continue to be met.</p>
<p>Standard 4 Submission Requirements</p>	<p>The applicant met all submission requirements for a home child care facility.</p>
<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.</p>

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 permit a maximum of 12 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.</p>

<p>Part D Non-Resident Employee</p>	<p>Staff recommends the applicant be allowed two full-time non-resident employees.</p>
<p>Part E Provider is a Resident</p>	<p>The provider is a resident.</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.</p>
<p>Part G Increase in Children or Non-Resident Employee</p>	<p>The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of 12 children at any one time and two full-time non-resident employees.</p>

Standards for Increase in Fence Height in Any Front Yard (8-923)

<p>Standard 1 Fence Shall Not Exceed 6 feet in Height</p>	<p>The existing wood fence is 6.0 feet in height.</p>
<p>Standard 2 Meet Sight Distance Requirements</p>	<p>The fence is not located in an area that will affect sight distance.</p>
<p>Standard 3 Proposed Fence Height is Warranted</p>	<p>The fence is located adjacent to a busy street (Hillside Road) and is set back away from the corner of the intersection. It was in place at the time the applicant purchased the property in 2006. Staff believes that the fence is warranted to provide safety and screening to the functional rear/side yards).</p>
<p>Standard 4 Fence is in Character with On-site and Off - site Uses</p>	<p>Similar fencing exists on the adjacent properties throughout the area.</p>
<p>Standard 5 Fence Will Not Adversely Impact Other Properties</p>	<p>Staff believes the fence will not adversely impact other properties.</p>
<p>Standard 6 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 7 Meet Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>

Standard 8 Architectural Depictions Provided	Pictures of the existing fence have been included in Appendix 3.
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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 2014-SP-179 for the home child care facility and increase in fence height in a front yard of a corner lot with adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the deck and trellis to remain, staff recommends that such approval be made subject to the 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 Special Permit Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Revocable License Agreement
5. Vested Rights Determination
6. State Family Day Home License Information
7. Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-SP-179

March 2, 2016

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-179 located at Tax Map 79-3 ((16)) 82 to permit a home child care facility pursuant to Section 8-305 and 3-303, to permit reductions of the minimum yard requirements based on an error in building location pursuant to Section 8-914, and to permit a fence greater than 4.0 ft. in height to remain in a front yard of a corner lot pursuant to Section 8-923 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, Faten Bush, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5958 Hall Street, and is not transferable to other land.
2. This special permit is granted only for the home child care use, the location of the accessory structures (deck and trellis), and the location of a fence in the front yard as indicated on the plat titled, "Southern Grove, Section 1, Lot 82," by Andrew N. Hornbeck, Land Surveyor, of Merestone Geomatics, LLC, dated December 18, 2015, as revised through January 8, 2016, as submitted with this application, provided further that this approval is not an implicit approval for any portion of the fence or other structures that may be located on Tax Map # 79-3 ((16)) A.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be 12.
7. A maximum of two full-time non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway located on the subject property.

10. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
11. The 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. The Applicant recognizes and acknowledges that the trellis in the northern side yard of the subject property that is the subject of this special permit application encroaches into a 10-foot wide storm sewer easement. Accordingly, the Applicant shall indemnify, keep and save harmless the County, its agents, officials, employees, volunteers, and the Board of Zoning Appeals against claims of injuries, death, damage to property, or other suits, liabilities, judgments, cost and expenses which may otherwise accrue against the county in consequence of the granting of this special permit. The Applicant shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the county and/or the Board of Zoning Appeals in any such action, the Applicant shall, at his or her own expense, satisfy and discharge the same.
14. For the decks to the rear of the house, the applicant shall obtain all necessary permits within 30 days and complete and pass all necessary inspections within 6 months of approval of the special permit. Until such time as the necessary permits and inspections are obtained, no home child care activities shall take place on the decks.

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

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: FATEN BUSH
Address: 5958 HALL ST. Springfield VA 22152

Phone #: 703-569-2659

E-mail: FatenBush@gmail.com

RECEIVED
Department of Planning & Zoning

MAR 28 2014

Zoning Evaluation Division

Date 03/27/14

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

Re: Special Permit Application

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

Tax Map #: 79-3 (16) 82

Zoning District: R-3C

Lot Size: 10,857

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached / detached (circle one) dwelling at 5958 HALL ST. Springfield VA 22152 (your address). The property is zoned R-3C and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7:00 AM till 6: PM

Number of Children. I care for up to 12 children at any one time. This number does not include my own 0 child/children.

Employees. I have 0 assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. 3 of the children arrive between 7:00 AM and 7:45 AM.

4 of the children arrive between 8:00 AM and 8:45 AM

2 of the children arrive between 9:00 AM and 9:30 AM

2 of the children arrive between 9:40 AM and 10:00 AM

1 is a walker from across the street, the parent bring him in stroller

Departure Schedule. 2 of the children are picked up at 4:00 PM. 5 of the children leave between 4:30^{PM} and 5:15^{PM}. 4 children stay till 6:00 PM.
1 child is a walker (the parents)
Area Served. springfield area
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached (detached) (circle one) dwelling. It has (explain the general layout of the house):

it has split Foyer, the first floor is used for the Day care. I use the kitchen of the house for meals and snacks. the house has 10,851 square feet (property) out of that 1907 square feet the house.

The house has 10,851 square feet. The following rooms are where I conduct the day care:

Two large rooms and the kitchen in the first floor along with children's
These rooms are 722 square feet total. plus the Bath room Bath room

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

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

Outdoor Play Area. I use my Back yard for outdoor play for the children. The area is approximately 510 square feet. The outdoor play area consists of: fence all around the house, there is a slide and other small toys, all removable.

Parking. I use my garage to park my family car(s). My parents park my driveway provides enough parking for 4 cars. In addition, ample parking is available along the streets in front and on the side of my house for the parents and employees (my house is a corner house)
For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

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

Sincerely,

FATEN BUSH

Owner of FATEN BUSH Home Child Care

out Door |—————| play area

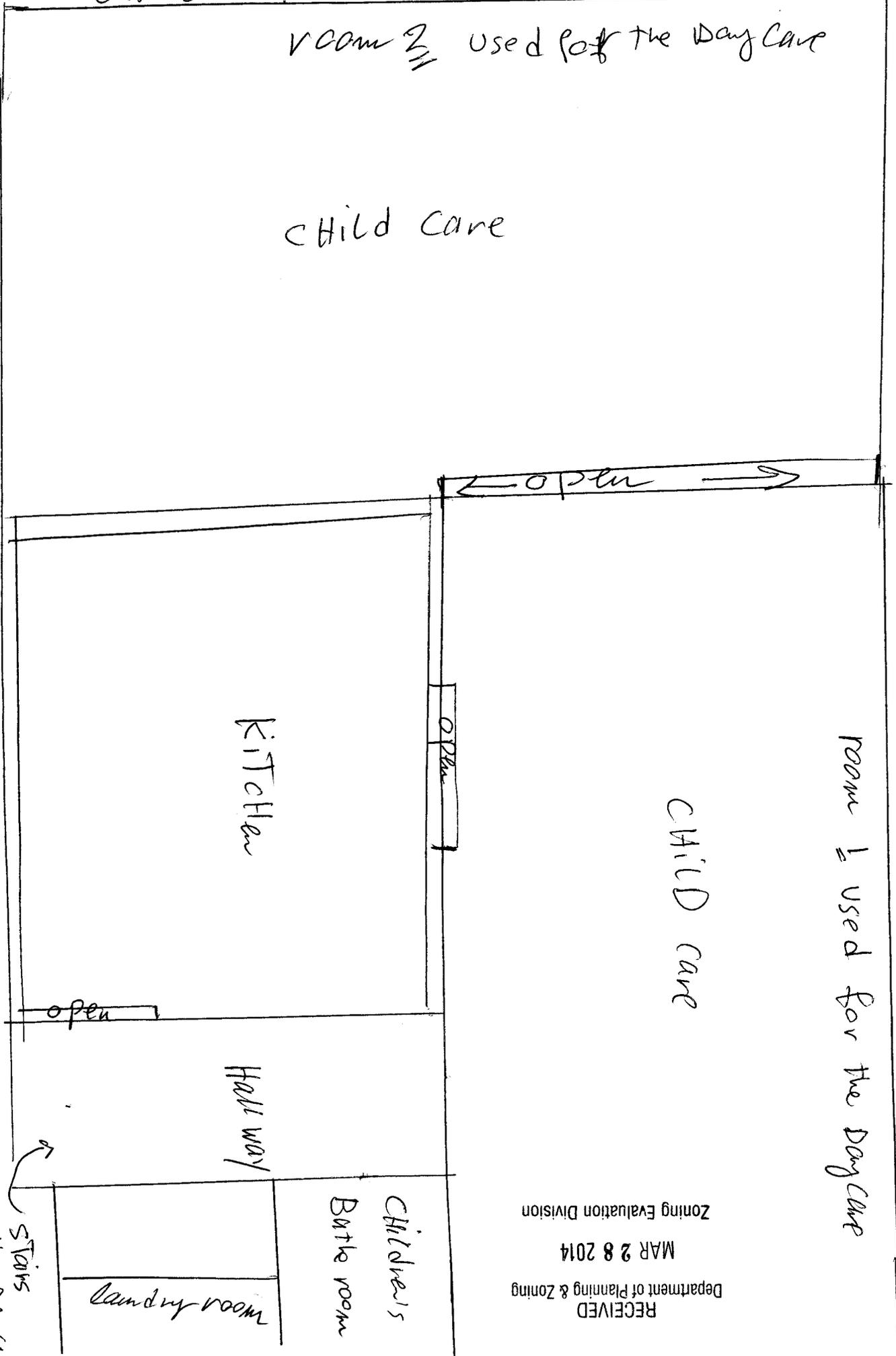
Room 2 Used for the Day Care

CHILD CARE

Room 1 Used for the Day Care

CHILD CARE

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division



"The house is split level, the first floor which is showing here is used for the Day Care"

Living Room & Dining room of the house

Stairs To the Daycare

FATEN BUSH

03/23/14



the front of
the house ^{at} ~~front~~
left side.
Taken from
HALL ST.



the front of
the house, taken
from Hall St.

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MAR 28 2014
Zoning Evaluation Division

FATEN BUSH

03/23/14



the right side
of the house
from the main
street (Hillside
street).

my house is
a corner house.
the back of the
house is a trees
area.



the rear side
of the right
side of the
house from
the sidewalk
of Hillside
street

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Zoning Evaluation Division

FATEN BUSH

03/23/14



front Entrance
from the Grass
area



Taken from
the front door
showing the
area leaving
the house.
Hall St. straight
Hillsides to the
right

the pool area finished on the right side of the House



the pool area finished on the right side of the House



pool area fenced from right side of Hillside



the corner of the pool area from right side of the House
Hillside



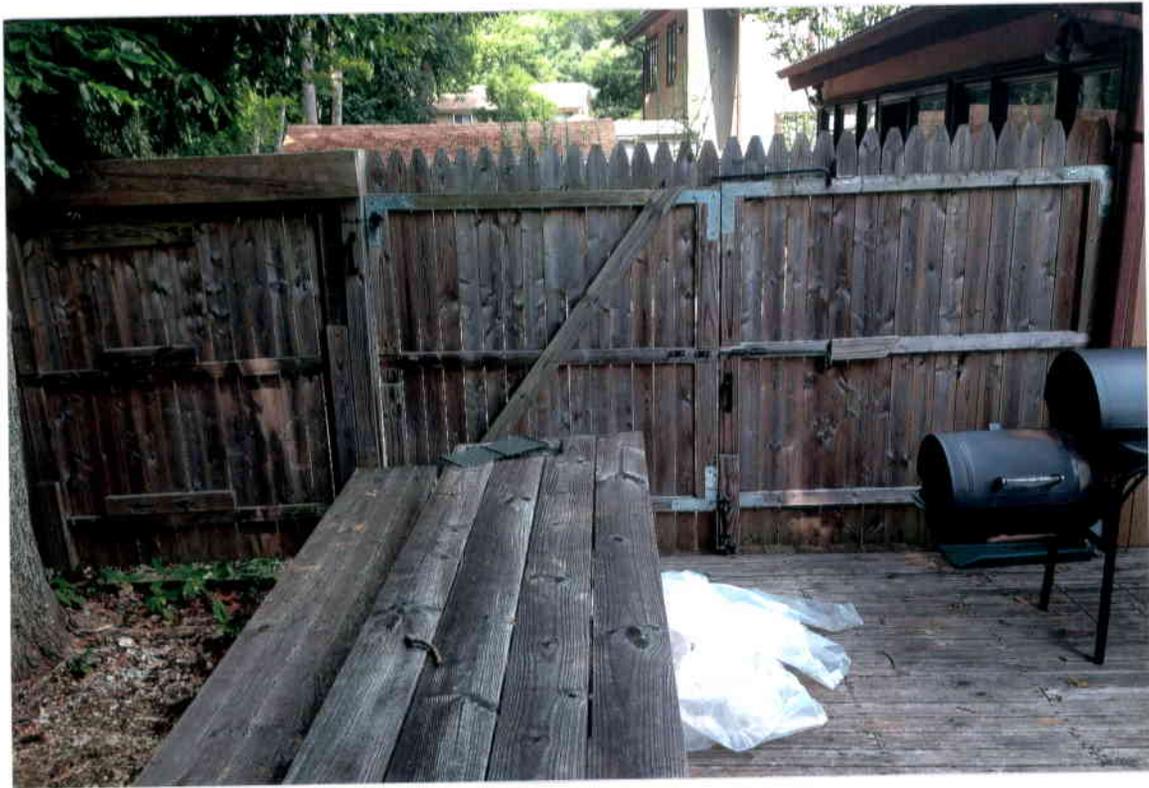
the pool area from the front right side of the house



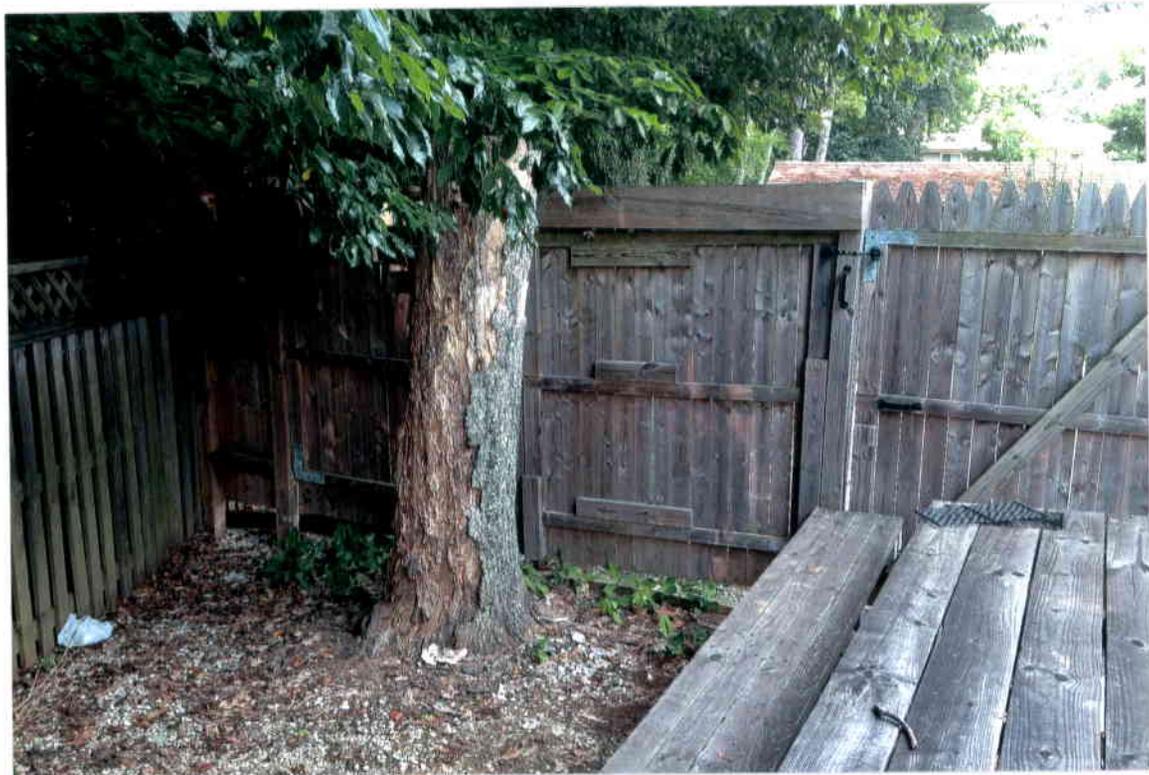
the pool fence from inside the house 6 feet



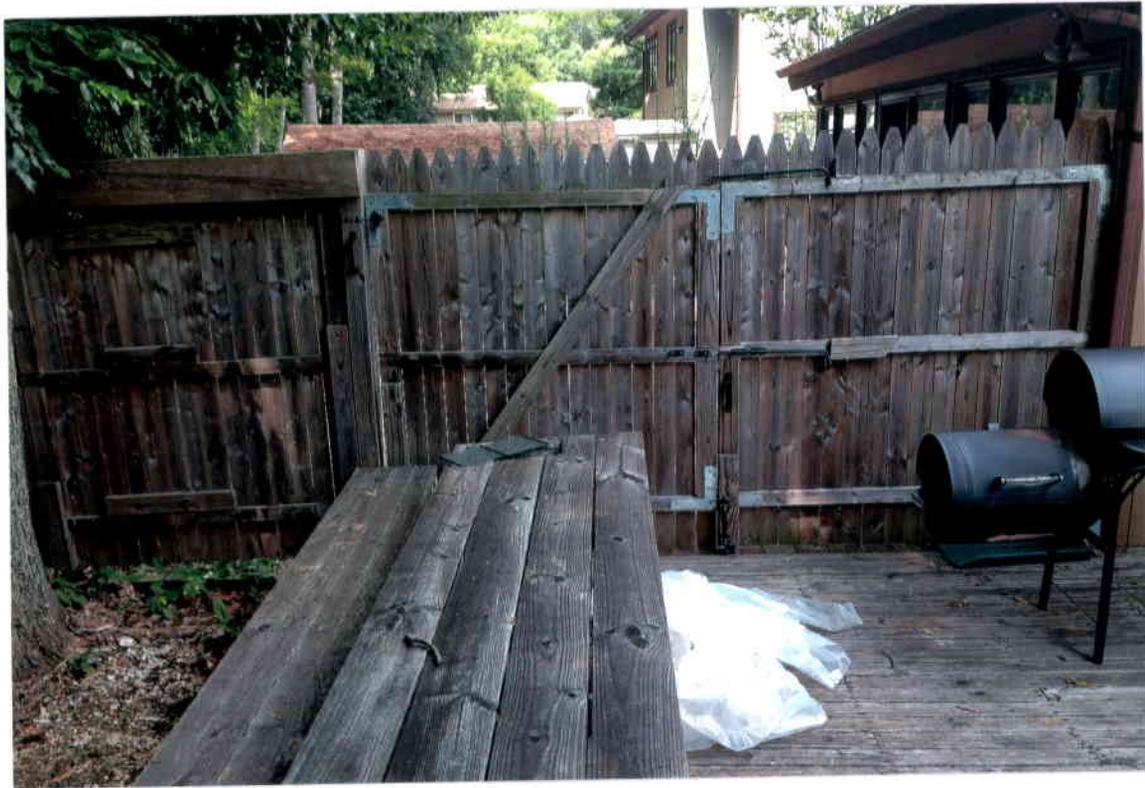
the pool fence from inside the pool area



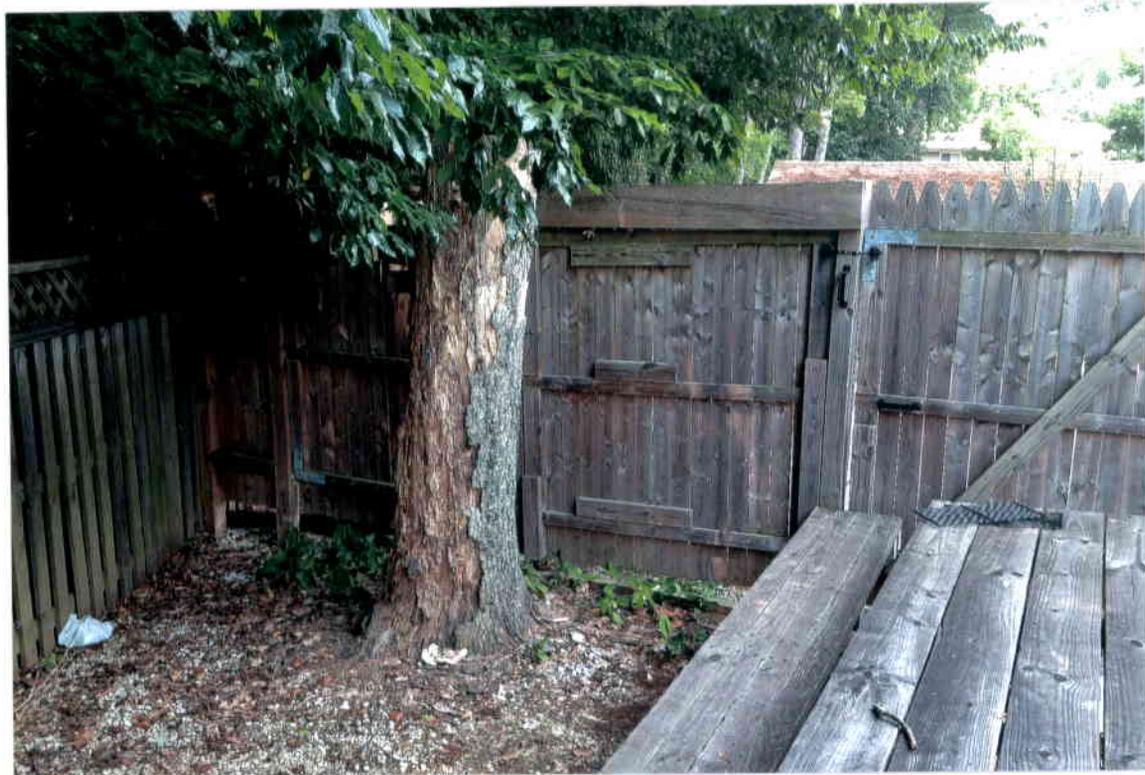
the pool fence & property fence from inside the pool area



the pool fence from inside the pool area



the pool fence & property fence from inside the pool area



the pool area from the inside Backyard



the pool area from inside Back yard



The pool area showing the fence (6 feet) separating this area from the other side of the Back Yard



the pool area one the side of the Back wood







FATEN BUSH
03/23/14



my other
neighbor cross
the street
(HALL ST.)

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Department of Planning & Zoning
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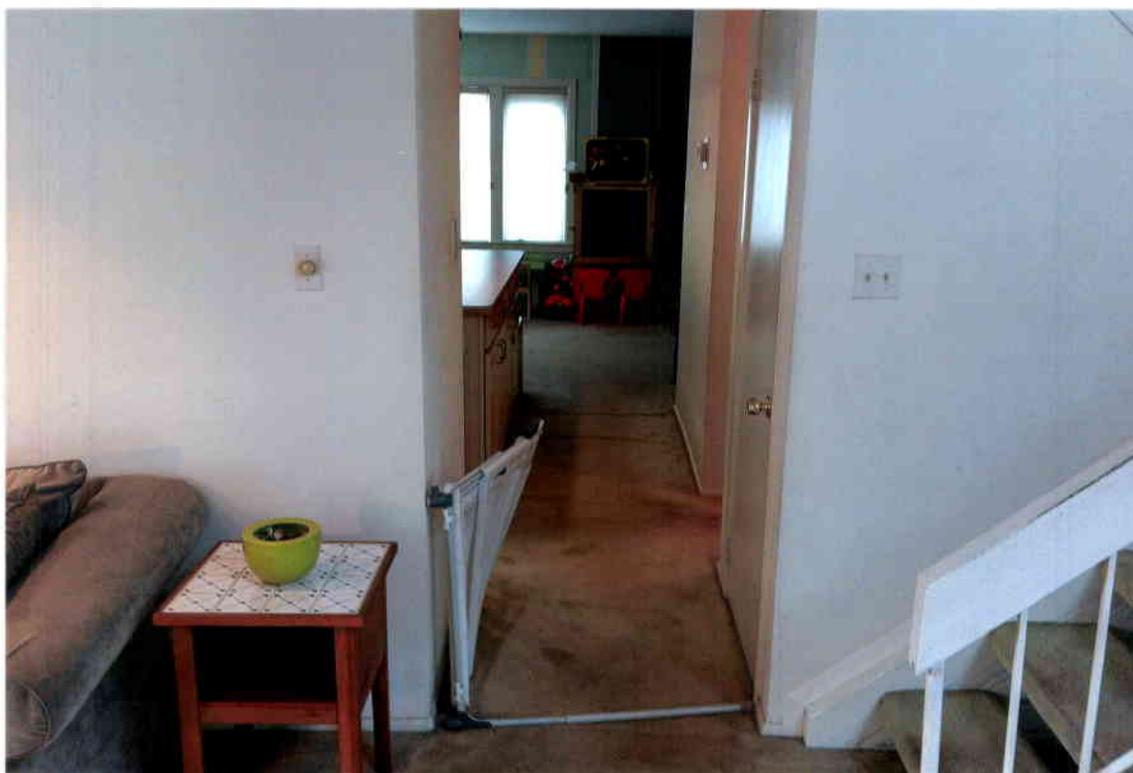
The same
neighbor
house across
from my house
on HALL street,
Taken from
my grass area
in front of
my house

P.S. the little woman in front is me 😊

FATEH BUSH
03/23/14



entering the house from the front door going down stairs to the Day care on the right, on the left is the living room dining room of the house



getting into the Day care through a hallway

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Zoning Evaluation Division

The hallway is $36 \frac{1}{2}$ square feet

FATEN BUSH 03/23/14



going into the first room of the Day Care - the Children's Bathroom on your right, the Kitchen on your left

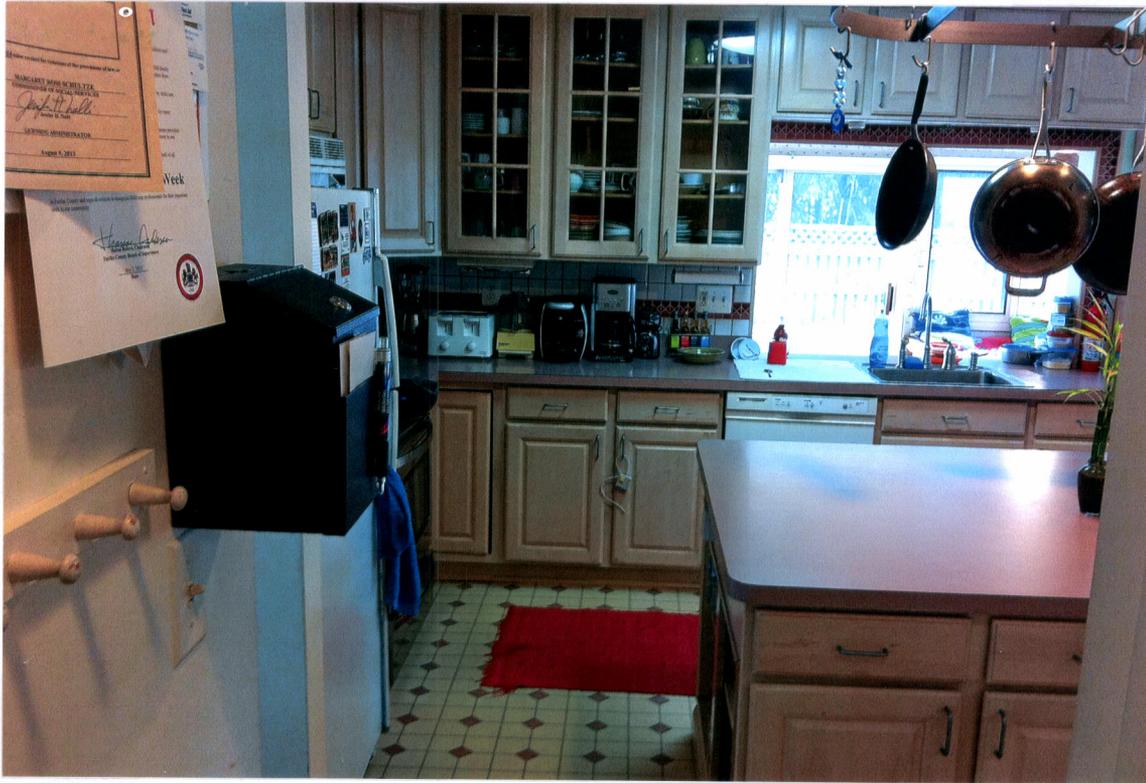


the Children's Bathroom

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Department of Planning & Zoning
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Zoning Evaluation Division

FATEN Bush

03/23/14



the kitchen
where meals &
snacks prepared
for the children,
the Board on
the left with
Day care license
& schedule

Zoning Evaluation Division
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close picture
from the kitchen
from the Hall
way showing
one part of the
Day care first room
and on the left
one part of the
Day care second
room

the kitchen is 76 square feet

FATEN Bush
03/23/14



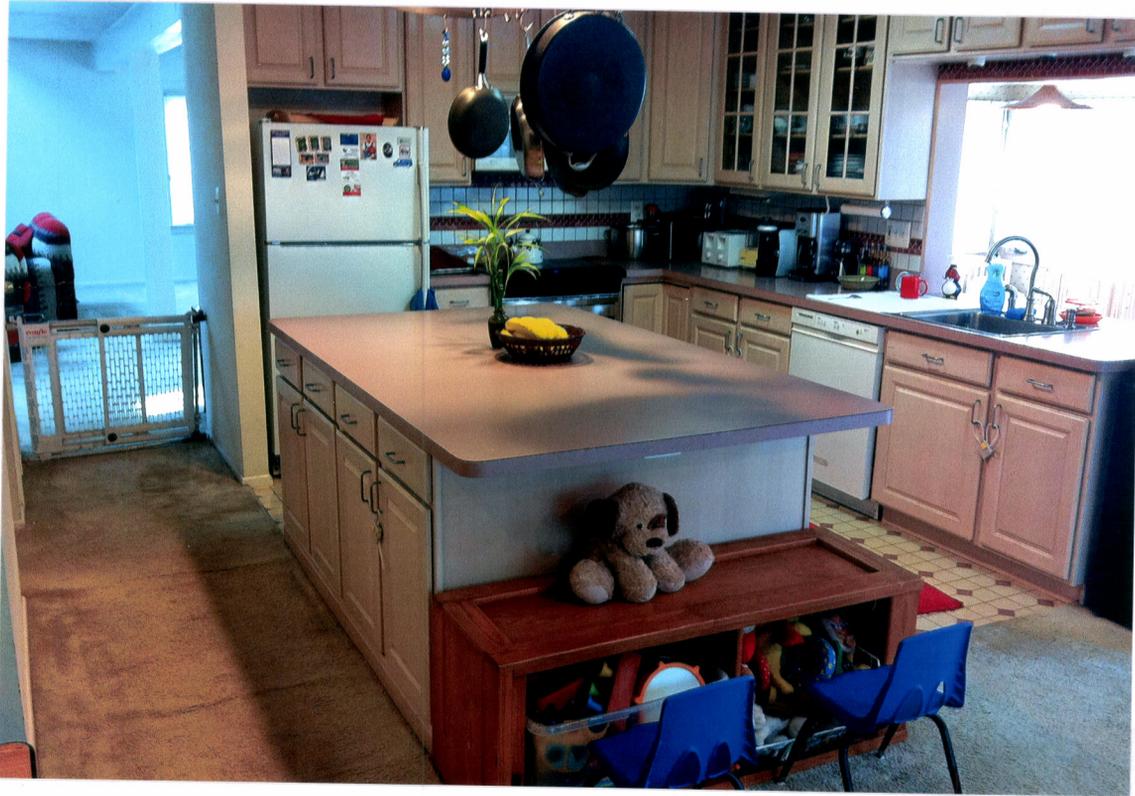
Taking from
the first room
showing the kitchen
and the second
part of the
second room



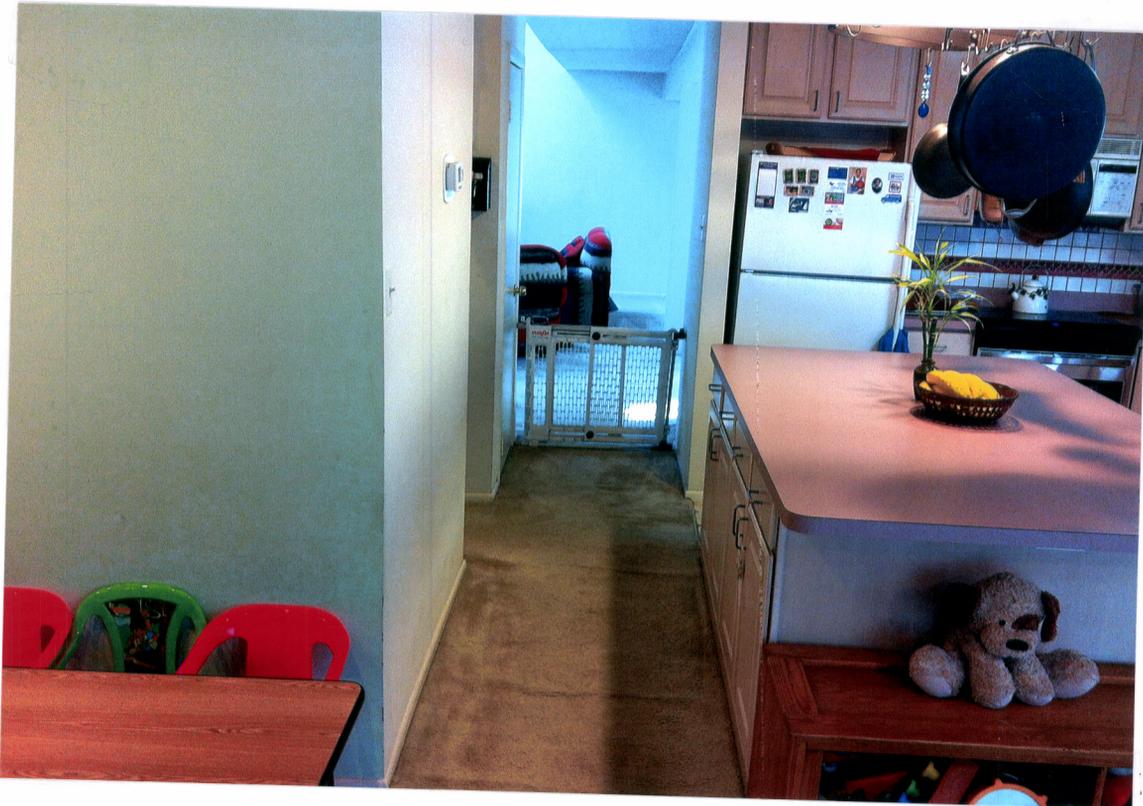
Taking from
the far end of
the first room

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Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

FATEN BUSH
03/23/14



Taking from the
first room
showing the Hall
way To leave the
Day Care



another picture
showing the
exit from the
first room &
kitchen on the
right

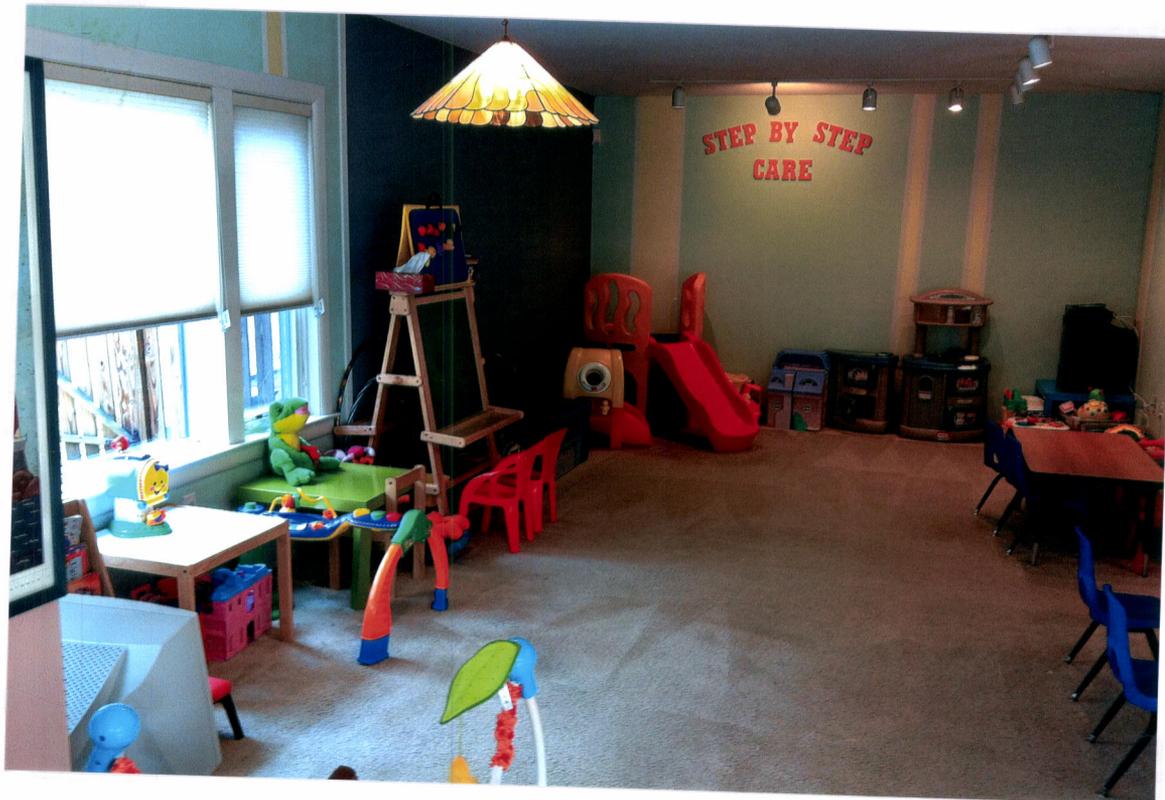
Zoning Evaluation Division
MAR 28 2014
RECEIVED
Department of Planning & Zoning

FATEN BUSH
03/23/14



the first room
of the Day care.
Kitchen on the
right

(this room is 313
square feet)



the first room
of the Day care
staring through
the windows on
the left the
Back yard gate

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Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

FATEN BUSH
03/23/14



Taking from the second room, showing windows on the left for both rooms



Taking from the second room showing the open arch to the kitchen

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Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

FATEN BUSH
03/23/14



this is the right
~~side~~ side of
the second
room, taking
from the first
room

(this room (the second
day care room)
is 299 square
feet



-this is the
second side
of the
second room
(the inside)
side of the
room

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

FATEEN Bushb
03/23/14



the entrance
To the Back
yard

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Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division



the playing
area outside
of the second
room,
Taking from
the Back yard
by the rare
fence

FATEN BUSH
03/23/14



taking from
the end of
the entrance
To the Back
yard

RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division



closer picture
To the play
area showing
the slide glass
Door of the
second room
of the Day Care,
this is the Door
we use To,
Take the children
outside To play

Application No.(s): SP 2014-SP-179
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 03/25/14
 (enter date affidavit is notarized)

I, FATEN BUSH, 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

125019

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)
Faten Bush	5958 Hall Street Springfield, VA 22152	Co-owner/APPLICANT
d/b/a Faten Bush	Homechild care	
Ahmed Bush	5958 Hall Street Springfield, VA 22152	Co-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).

CMB

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 03/25/14
(enter date affidavit is notarized)

125019

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)

NA

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 03/25/14
(enter date affidavit is notarized)

125019

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**)

NA

(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: 03/25/14
(enter date affidavit is notarized)

125019

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

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

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

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

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

NONE

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

Application No.(s): _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 03/25/14
(enter date affidavit is notarized)

125019

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) Faten Bush
 Applicant [] Applicant's Authorized Agent

Faten Salah Bush Daycare Provider
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of March 2014, in the State/Comm. of Fairfax, County/City of Virginia

[Signature]
Notary Public

My commission expires: 08-31-2014

MARLON RAMIRO LOPEZ
Notary Public
Commonwealth of Virginia
7341194
My Commission Expires Aug 31, 2014

CAB

JUN 10 2015

Consideration: \$0.00
Tax Map No.: 0793 16A
Owner: The Crossings Homeowners Association, Inc.
Mailing Address: P.O. Box 2032
Springfield, Virginia 22152

SPECIAL PERMIT &
VARIANCE BRANCH

Prepared By and Return to:
Rees, Broome & Diaz, P.C.
8133 Leesburg Pike, Ninth Floor
Vienna, Virginia 22182
(703) 790-1911

THIS AGREEMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH

There are no recordation taxes due under Section 58.1-507 of the Code of Virginia because there is no rental income or measured value to the property that is the subject of the Agreement. The purpose of the agreement is to acknowledge a boundary line encroachment on the Common Area of the adjoining property.

REVOCABLE LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT is made and entered this 28th day of July, 2006, by and between The CROSSINGS HOMEOWNERS ASSOCIATION, INC., a Virginia nonstock corporation (the "Association"), and FATEN BUSH and AHMED BUSH, mother and son ("Licensees").

RECITALS

R1. The Association is the owner of Parcel A and Outlot A (hereinafter "Parcel A") as the same is described and defined in a Deed dated December 7, 1976, which is recorded among the Land Records of Fairfax County, Virginia in Deed Book 4603 at page 389, and further described in The Crossings Declaration of Covenants and Restrictions dated February 4, 1974 (the "Declaration"), and recorded in Deed Book 3980, at page 598, *et. seq.*, among the land records of Fairfax County, Virginia (the "Land Records").

R2. The Declaration empowers the Association to grant and convey easements in and to the Common Area property.

R3. The Licensees are the sole owners and proprietors of Lot 82, Section 1, Southern Grove, as the same appears duly dedicated, platted and recorded among the land records, having acquired title thereto by deed dated _____, and recorded in Deed Book _____, at page _____, among the land records (the "Lot").

R4. The Lot is immediately adjacent to a portion of the Crossings Homeowners Association, Inc. Common Area.

R5. Subsequent to their acquisition of the Lot, the Licensees caused a fence and part of a structure to be constructed upon the Lot and a portion of a Parcel A.

R6. The Licensees have requested that the Association grant them a license to maintain upon the Parcel A that portion of the fence, and other structures and improvements that encroaches upon it.

R7. The Association is willing to grant the Licensees the requested license, but only upon the terms and conditions set forth below and the Licensees have agreed to comply with these terms and conditions.

LICENSE AGREEMENT

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which each of the parties expressly acknowledge, the parties agree as follows:

1. Subject expressly to the conditions set forth herein, the Association grants a revocable ten-year license to the Licensees to maintain that portion of the current fence, structure and other improvements within the fenced in area, that encroaches upon the Common Area parcel for so long as the fence remain of good appearance and in good condition. The area of encroachment is as shown on the "License Agreement - Plat Showing House Location on Lot 82, Section 1 Southern Grove" prepared by Alexandria Survey International, LLC dated June 14, 2006 and attached hereto as **Exhibit "A"** and incorporated herein by this reference.

2. This license is subordinate and subject to all covenants, easements and rights of way existing at, upon, under and over the portion of the Common Area parcel upon and adjacent to the portion of the Common Area parcel upon which the steps encroach.

3. The Association may revoke the license, with or without cause, when, in the sole judgment of its Board of Trustees, it is necessary to do so for the essential purposes of the Association upon reasonable notice to the Licensees and after providing the Licensees an opportunity for a hearing before the Board of Trustees of the Association.

4. This license is expressly conditioned upon the Licensees being and remaining in full compliance with the Association's Declaration and rules and regulations.

5. This license is expressly conditioned upon the Licensees maintaining the current encroaching fence, structure and other improvements, within the fenced-in area and the Lot and its improvements in good order and condition. In the event that the fence needs to be replaced prior to the expiration of this License Agreement, this License Agreement shall terminate, the Licensees shall remove the encroaching fence, structure and other improvements, and fully restore the common areas to their former condition.

6. This license is expressly conditioned upon the Licensees indemnifying, and the Licensees hereby agree to indemnify, the Association, its officers, directors, employees, members and agents from any and all claims arising from or related to the encroachment and this License Agreement, including the costs and attorney's fees incurred by the Association in defending against any such claims.

7. This license is expressly conditioned upon the Licensees obtaining and maintaining liability insurance in at least the amount of One Million and No/100 Dollars (\$1,000,000.00) protecting against claims arising from or related to the encroachment and the

improvement encroaching upon Parcel A, naming the Association, its directors, officers, members and agents as an additional insured. The Licensees shall provide evidence of such insurance to the Association at the time of execution of this License Agreement.

8. In the event that the Licensees shall fail to fulfill their obligations under paragraphs 4, 5, 6 and 7, above, at any time, this License shall immediately terminate and the licensees shall remove the encroaching steps and restore Parcel A to its prior condition within thirty (30) days of notice of termination by the Association. In the event the Licensees fail to remove the fence and the structure and improvements, the Association may do so and assess the costs of the same to the Licensees.

9. This License is not transferable or assignable without the written consent of the Association's Board of Directors. If the consent of the Association is not obtained, this License shall immediately terminate upon the conveyance or other transfer of title to the Lot and the Licensees shall remove the encroaching fence, structure and other improvements, and fully restore the common areas to their former condition prior to any conveyance or transfer of title to the lot. Upon the conveyance or other transfer of title to the Lot, if the encroaching fence, structure and other improvements are not removed, the Association may do so and assess the costs of the same to the Licensees, including any related attorney's fees and costs.

9. In the event of any dispute with respect to this License Agreement the substantially prevailing party shall be entitled to recover its costs and attorney's fees incurred with respect to such dispute.

IN WITNESS WHEREOF, and intending to be fully bound hereby, the parties have executed this License Agreement as of the date first above written.

THE CROSSINGS HOMEOWNERS ASSOCIATION, INC.

By: Philip C Pedersen
Philip Pedersen, President

COMMONWEALTH OF VIRGINIA :
COUNTY OF FAIRFAX : to wit:

I, the undersigned Notary Public in and for the county and state aforesaid, do hereby certify that Philip Pedersen, whose name is signed as President of The Crossings Homeowners Association, Inc., to the foregoing License Agreement bearing the date of the 19th day of July, 2006, has acknowledged the same before me in my county aforesaid.

Given under my hand this 19th day of July, 2006.

[Signature]
3

Notary Public

My Commission Expires:

Feb 29th 2008

By: Faten Bush
Faten Bush

By: Ahmed Bush
Ahmed Bush

STATE OF VIRGINIA :
COUNTY OF FAIRFAX : to wit:

I, the undersigned Notary Public in and for the county and state aforesaid, do hereby certify that FATEN BUSH and AHMED BUSH, whose names are signed to the foregoing License Agreement bearing the date of the 28th day of July, 2006, have acknowledged the same before me in my county aforesaid.

Given under my hand this 28th day of July, 2006.

Jeremy Brown
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 4/30/08

Jeremy Brown
Notary Public
My Commission Expires: _____



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Vested Rights Determination (or "2307") Pursuant to §15.2-2307 of the Code of Virginia

Property Tax Map Number:	79-3 ((16)) 82
Property Address:	5958 Hall Street Springfield, VA 22152
Requestor's Name:	✓ Erin Haley
Requestors Address: (if different than above)	Zoning Evaluation Division, DPZ
Requestor's Phone Number:	703-324-1239
Current Zoning:	R-3 (cluster provisions)
Magisterial District:	Springfield
Subdivision Name/Section/Block/Lot No.:	Southern Grove, Sect. 1, Lot 82

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

The referenced property consists of 10,857 square feet, and was developed under the cluster provisions of the R-3 District with a single family detached dwelling and accessory structures, including a swimming pool with associated decking, screened porch addition, hot tub, and fence, which are the subject of this request. The requestor has provided a house location plat of the property entitled "Lot 82 Section 1 Southern Grove, Fairfax County, Virginia," which was prepared by Patrick A. Eckert of Alexandria Surveys International, LLC and is dated June 14, 2006.

The cluster provisions of the R-3 District require a minimum 20 foot front yard, a minimum 25 foot rear yard, and a minimum eight (8) foot side yard on any one side, with a minimum of 20 feet combined total required for opposing side yards. The property is a corner lot and, as such, in accordance with Zoning Ordinance provisions has two front yards, one along Hall Street and one along Hillside Road. The rear lot line is the one most parallel to and opposite from the shorter of the two front yards, so in this case the rear lot line is the one parallel to and opposite from Hall Street, that is the shortest in length and the farthest from Hillside Road. The remaining lot line between the rear lot line and Hillside Road is a side lot line, and the lot line from Hall Street running to the rear of the property is also a side lot line. On a corner lot, the minimum required rear yard is the same as the side yard requirements. Therefore, because the two side yards are not opposing one another, all three of the yards that are not front yards have a minimum requirement of 8 feet. Additionally, detached accessory structures which do not exceed 7 feet in height, such as the pool, are permitted to be located anywhere in the side or rear yard. Detached accessory structures are not permitted to be located in the front yard on lots less than 36,000 square feet, as is the case for this lot. Decks attached to the dwelling, including the decking associated with the pool, where no part of the floor of the deck exceeds 4 feet in height from

Department of Planning and Zoning
 Zoning Administration Division
 Ordinance Administration Branch
 12055 Government Center Parkway, Suite 807
 Fairfax, Virginia 22035-5505
 Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/



grade, are permitted to extend up to 5 feet into minimum required side yards, but may not be located closer than 5 feet to the property line, and are also permitted to extend up to 20 feet into the minimum required rear yard, but are not permitted to be located closer than 5 feet to the rear lot line. Decks with any part of the floor higher than 4 feet from grade are not permitted to extend into the minimum required side yard, and are only permitted to extend up to 12 feet into the minimum required rear yard, but may not be located closer than 5 feet to the rear lot line.

According to our records, Building Permit #P87673 was approved July 10, 1972, to construct a two-story single family detached dwelling. At the time of development, the property was zoned R-12.5 (which later became the R-3 District), and under the cluster provisions was subject to the same minimum yard requirements as are currently required. The house location survey attached to the Building Permit shows that the dwelling was constructed with a 37.6 foot left front yard, a 32.0 right front yard, an 11.8 foot right (northern) side yard, and a 17.7 western side yard, which meets the minimum yard requirements.

Building Permit #7905B1644 was approved June 4, 1979, for an in-ground swimming pool and fence. The survey attached to the Building Permit shows the proposed swimming pool located 20 feet from the front lot line and 5 feet from the side lot line. Though the updated plat provided does not show measurements from the swimming pool to the lot lines, it appears that the swimming pool was generally constructed in accordance with the size and location requirements of the approved Building Permit. Additionally, the swimming pool appears in the real estate assessment records for at least 15 years, therefore, the provisions of §15.2-2307 of the Code of Virginia are applicable to the swimming pool.

The survey attached to Building Permit #7905B1644 also shows what was an existing screened porch measuring 24 feet by 11.5 feet on the rear of the dwelling. The plat provided with this request shows the former screened porch as being part of the dwelling, indicating that it has been converted into a building addition. Real Estate Assessment records indicate that a 200 square foot screened porch existed in that location until 2006, when the structure appears to have been converted to an enclosed addition. There are no records of a Building Permit being issued for the enclosure of the screened porch. Though the distance of the addition to the lot lines is not shown on the plat, it scales to approximately 15 feet from the western side lot line, 19 feet from the rear lot line, and 13 feet from the northern side lot line, which meets the minimum yard requirements. However, obtaining a Building Permit for the structure will be required to bring the addition into compliance with the Building Code. Building Permit information is available from the Department of Public Works and Environmental Services (DPWES) at 703-222-0801.

The provided plat also shows a deck to the rear of the dwelling, including a concrete patio around the swimming pool to the deck. Aerial photographs show that the rear yard is almost completely covered by structures or impervious surface, far exceeding the allowable maximum coverage. Pursuant to Par. 3 of Sect. 10-103 of the Zoning Ordinance, all uses and structures accessory to single family detached dwelling shall cover no more than thirty (30) percent of the minimum required rear yard, and the provisions of §15.2-2307 of the Code of Virginia are not applicable to rear yard coverage requirements.

A note on the provided plat says that the deck is at grade and, though the distance to the lot lines is not shown, it scales to be located approximately 7 feet from the side lot line and 4 feet from the rear lot line. According to Zoning Ordinance provisions, any open deck with no part of its floor higher than four feet above finished ground level may extend into the minimum required rear yard by 20 feet, but not closer than 5 feet to any side or rear lot line. As such, the deck encroaches approximately 0.1 foot into the minimum required rear yard. The deck first appeared on the tax records in 2008 and, therefore, has not been on the tax records for at least 15 years. As such, the provisions of §15.2-2307 of the Code of Virginia are not applicable to the deck. However, because the encroachment is less than 10% of the location requirement, an administrative reduction in the minimum required rear yard may be requested for the deck, either from the Zoning Administration Division with the provision of a plat and request, or in combination with another request before the Board of Zoning Appeals (BZA).

The plat also shows a covered hot tub located to the rear of the dwelling over the property line, as well as a five and a half foot tall fence located in the left front, rear, and side yards. The plat also shows a section of six foot tall fence, between the dwelling and the rear fence, that bisects the rear yard. According to the plat, part of the hot tub and the entire length of fence along the property line opposite Hall Street, including a portion of the six-foot fence, rests outside of the boundaries of the subject property. In addition, the fence and the hot tub do not appear on any of the tax records for the past 15 years. No accessory structures are permitted to be over the property line, and as such the hot tub and portions of the fence located off the property must be moved. Provided no part of the hot tub structure is taller than 7 feet in height, it may be located in any part of the side or rear yard. Fences not exceeding four (4) feet in height are permitted in the front yard of any lot. As such, the portions of the fence located in the front yards exceeding four (4) feet in height do not meet the height requirements of the Zoning Ordinance. It is possible to request BZA approval of a special permit for an increase in fence height in the front yard, otherwise the fence should be reduced in height or removed to come into compliance with the Zoning Ordinance requirements.

Background Summary (check all that are applicable):

- A Building Permit has been issued for the swimming pool.
- No evidence was found of a Building Permit having been issued for the enclosure of the screened porch.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the swimming pool has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the deck, hot tub, or fence have been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable for the swimming pool and the swimming pool may remain. The swimming pool may not be replaced or enlarged unless

the replacement or enlargement complies with all regulations of the district in which located.

- §15.2-2307 of the Code of Virginia is applicable for the structure and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
- §15.2-2307 of the Code of Virginia is not applicable for the deck, hot tub, or fence.

Reviewer's Signature:



Zoning Administration Division
Department of Planning and Zoning

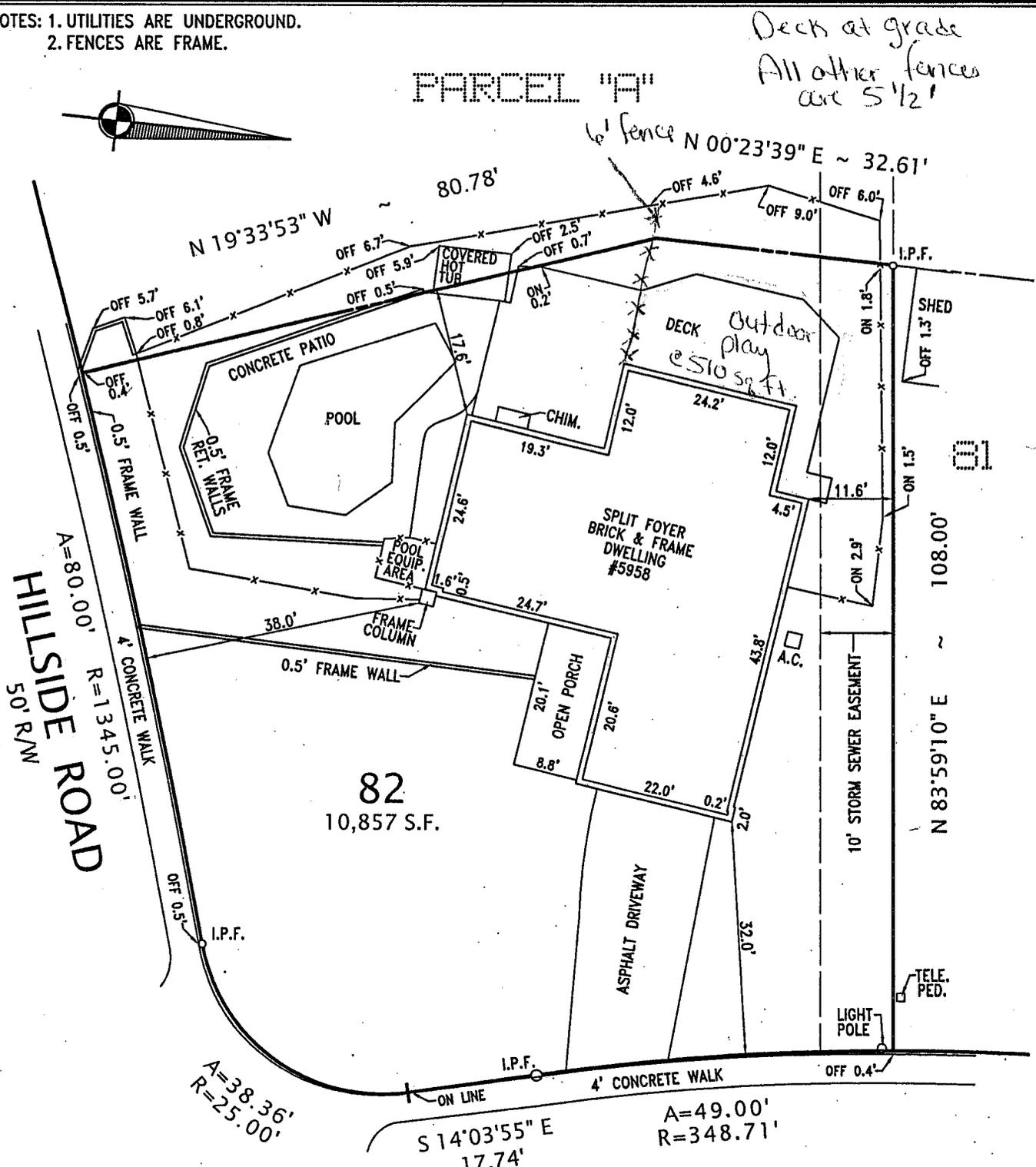
Date:

8/17/15

cc: Tim Shirocky, Director, Real Estate Division, DTA
Leslie B. Johnson, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Faten and Ahmed Bush, 5958 Hall Street, Springfield, VA 22152 (Property Owners)

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NOTES: 1. UTILITIES ARE UNDERGROUND.
2. FENCES ARE FRAME.



HILLSIDE ROAD
A=80.00' R=1345.00'
50' R/W

82
10,857 S.F.

HALL STREET
50' R/W

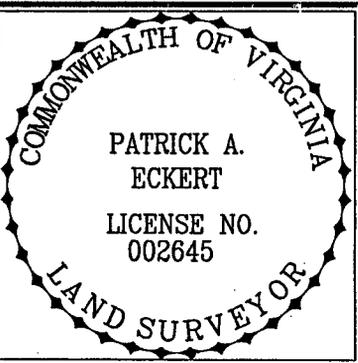
RECEIVED
Department of Planning & Zoning
MAR 28 2014
Zoning Evaluation Division

PLAT
SHOWING HOUSE LOCATION ON
LOT 82 SECTION 1
SOUTHERN GROVE
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' JUNE 14, 2006

Fast 2/2/14
08/15/14

CASE NAME: HULLANDER ~ BUSH

GRAPHIC SCALE
0 20 40



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

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

REQUESTED BY:
THE SETTLEMENT GROUP
ALEXANDRIA SURVEYS INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

P:\6069004\dwg\6069004P.dwg

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or Lot
713	16		82

COUNTY OF FAIRFAX, VIRGINIA
 DEPARTMENT OF
 ENVIRONMENTAL MANAGEMENT
 Application for Building Permit

APPLICATION NO.	19	7905B1644
DATE		PERMIT NO.

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
 Street: 5958 HALL ST
 Lot No.: 82 Block: Section: 1
 Subdivision: SOUTHERN GROVE

OWNER
 Corp. Name:
 Name: EDWIN L. HULLANDER
 (Reg. Agent)
 Address: 5958 HALL ST.
 City: SPRINGFIELD Telephone Number: 569-9365

ARCHITECT ENGINEER
 Name:
 Address:
 City: State Reg. No.:

CONTRACTOR
 Name: ANTHONY POOLS
 Address: 8005 HUNTE CT.
 City: SPRINGFIELD VA
 County Reg. #: State Reg. #: 9977

DESCRIPTION
 For: 17x 32' IN-GROUND POOL & FENCE

No. of Bldgs. _____ Est. Const. Cost \$ 10,000
 No. of Units _____ No. of Stories _____
 No. of Kitchens _____ Penthouse _____
 No. of Baths _____ Ht. of Bldg. _____ ft.
 No. of Rooms _____ Bldg. Area _____ sq. ft.

(Exclude Kit. & Bath)
 Basement Slab Crawl Soil: Solid
 Fill

Ftg: Concrete Pile Caisson
 Ext. Walls: Wood Metal Brick
 Int. Walls: Plast Drywall Panel
 Roof: Flat Pitch Shed
 Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
 Equipment: Boiler Furnace Heat Pump Air Cond.

Sewage: Public Community Septic Tank None
 Water: Public Individual Well None

NOTICE: The request for and use of personal information contained on this form is subject to the provisions of the Privacy Protection Act of 1976.

Remarks:

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

691-1100
 Phone No.

5/21/79
 Date

Edwin L. Hullander
 Signature of Owner or Authorized Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
 Use Group of Building: T Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
 Type of Construction: 9-B @ _____ \$ _____
 Fire District: _____ @ _____ \$ _____
 Date Checked: 6/4 1979 By: [Signature] TOTAL FEE \$ 16.25
 Approved by Building Official: [Signature]

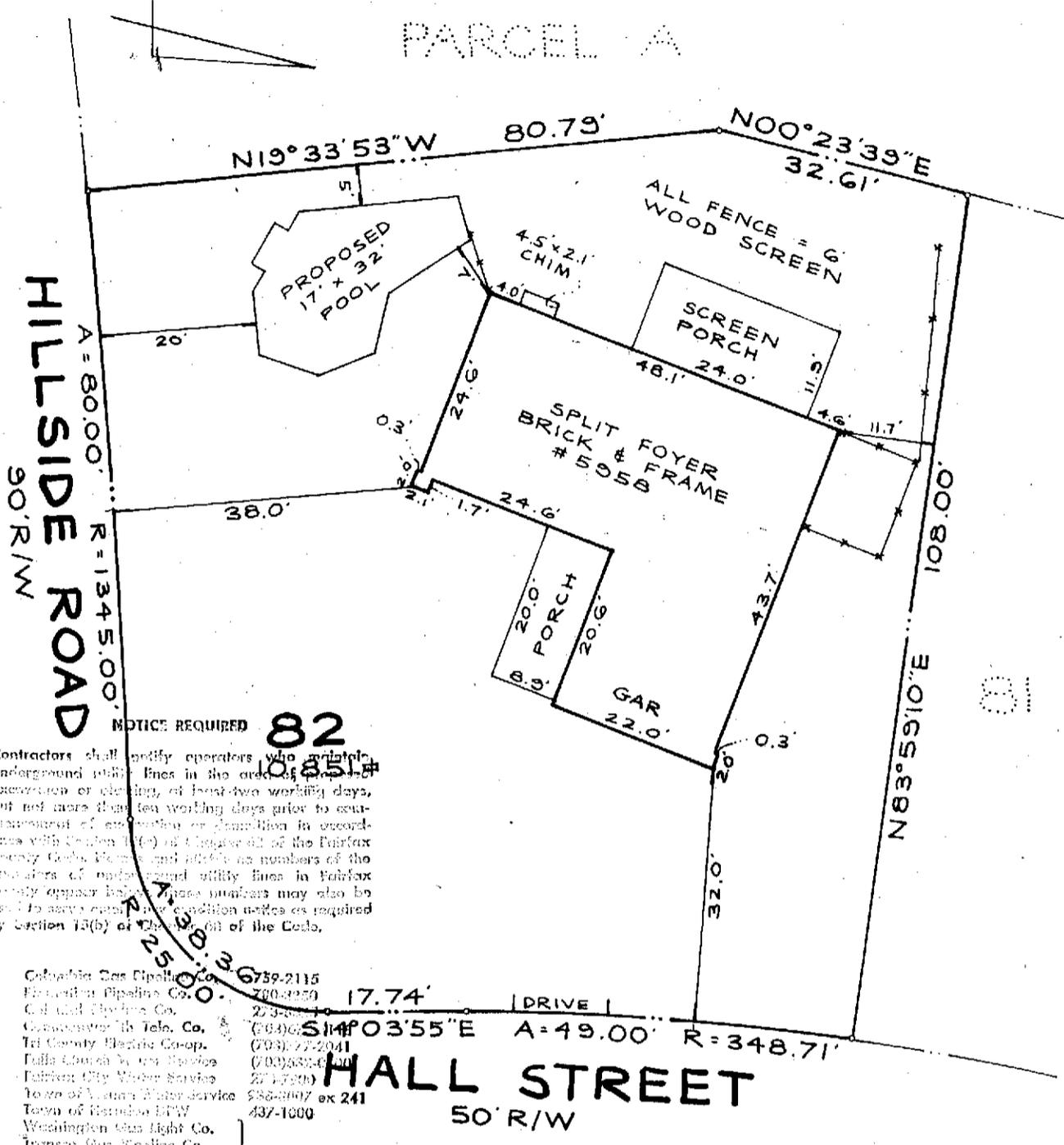
ROUTING	OFFICE	DATE	APPROVED BY	OFFICE	DATE	APPROVED BY
	Land Office	5/29/79	[Signature]	Fire Marshall		
Zoning Administrator	6-4-79	[Signature]	Design Review	6-1-79	[Signature]	
Public Works			Housing & License	6-1-79	[Signature]	
Health Dept.	5/29/79	[Signature]	Assessments	5-25-79	[Signature]	

CERTIFICATION
 I hereby certify to the following statement:
 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.
 Date: _____ 19____ Property Owner: _____ By: _____ Authorized Agent

Supervisor of Assessments: _____
 Property is listed in name of: Edwin L. Hullander
 Magisterial District: Springfield Deed Book Reference: 3993-195-
 Supervisor: Samuel A. Patterson

ZONING
 Subdivision: Southern Grove Lot No.: 82 Block: Section: 1 Zone: R-3C
 Street Address: Pool
 Use of Bldg.: Pool Use after Alteration: Attached No. Families: 3
 BZA: 47 SITE PLAN: Attached Zoning Administrator: [Signature]
 Set Back: Front 47' Rt. Side 47' Left Side 47' Rear 47'

NOTE: THIS FIRM DOES NOT CERTIFY AS TO THE EXISTENCE OR LOCATION OF ANY UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXISTING UTILITY CROSSINGS PRIOR TO CONSTRUCTION.



NOTICE REQUIRED 82

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or clearing, of least two working days, but not more than ten working days prior to commencement of excavation or clearing in accordance with Section 13(b) of Chapter 68 of the Fairfax County Code. Names and office numbers of the operators of underground utility lines in Fairfax County appear here. These numbers may also be used to serve copies of condition notices as required by Section 13(b) of Chapter 68 of the Code.

- Columbia Gas Pipeline Co. 6759-2115
- Education Pipeline Co. 780-3259
- Cal and Pipeline Co. 273-3000
- Communications Tel. Co. (703) 277-2041
- Tel. County Electric Co-op. (703) 277-2041
- Falls Church Water Service (703) 552-4000
- Fairfax City Water Service 273-3700
- Town of Vienna Water Service 556-2007 ex 241
- Town of Herndon H2O 437-1000
- Washington Gas Light Co.
- Trane Gas Pipeline Co.
- Chesapeake & Pot. Tel. Co.
- Va. Elec. & Power Co.
- Fairfax Co. Water Authority
- Fairfax Co. San. Sewer Div.
- Prince William Elec. Co-op.
- Columbia Gas of Va.
- A.T.&T. Co.

MISS UTILITY
(301) 552-0100

DIVISION OF ENVIRONMENTAL HEALTH
Emergency emptying of pool to be discharged to storm sewer. Filter backwash to be disposed of so that drainage does not enter onto an adjacent property.

APPROVED
DIVISION OF DESIGN REVIEW
6-4-79 BY *[Signature]*
DATE DIV. DIRECTOR OF HIS AGENT



PROPOSED POOL LOCATION
LOT 82
SECTION 1
SOUTHERN GROVE
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'
MAY 18, 1979

BARTLETT & CHAVEZ, INC., P.C.
ENGINEERING SURVEYING LAND PLANNING
FAIRFAX, VIRGINIA 273-6632

NO TITLE REPORT
FURNISHED



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Faten Bush

5958 Hall Street

SPRINGFIELD, VA 22152

(703) 569-2659 Facility Type: [Family Day Home](#)License Type: [Two Year](#)[Expiration Date](#): Aug. 20, 2016Business Hours: 6:30 AM - 6:00 PM
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Anailim Dally
(703) 577-0270 



County of Fairfax, Virginia

MEMORANDUM

Date: April 8, 2015

To: Erin Haley, Planner II
Zoning Evaluation Division

From: Amy Moxley
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care – SP 2014-SP-179

Applicant: Faten Bush,
5958 Hall St, Springfield, Virginia 22152
Southern Grove, Lot 82, Sec 1
Tax Map# 79-3 ((16)) 82
Zoning District: R-3C
Magisterial District: Springfield
ZIB # 2015-0092
Date of Inspection: April 2, 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.
- 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.

At the time of inspection, utilities were blocked by storage. Applicant was advised that 30 inches of clearance is required and removed storage items in my presence.

- 7. Structures comply with the Zoning Ordinance.

Swimming pool with attached deck in front yard, 6' fence in front yard, covered hot tub (7' 10" to eave) in rear yard and pergola (7' 10") do not meet required setbacks. Erin Haley discussed these concerns with the applicant. There appears to be more than 30% coverage in the rear yard. Additionally, there are no permits in FIDO for pool, rear patio/deck, sunroom or pergola.

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.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
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, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.