



# County of Fairfax, Virginia

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September 7, 2016

## STAFF REPORT

**SPECIAL PERMIT SP 2016-HM-051**

### HUNTER MILL DISTRICT

**APPLICANTS/OWNERS:** Abida Mufti d/b/a Kidsdom Montessori, Inc.

**STREET ADDRESS:** 2201 Hunter Mill Road, Vienna

**TAX MAP REFERENCE:** 27-4 ((1)) 22

**LOT SIZE:** 2.8 acres

**ZONING DISTRICT:** R-E

**ZONING ORDINANCE PROVISIONS:** 8-305

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

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-HM-051 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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*Sharon Williams*

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**

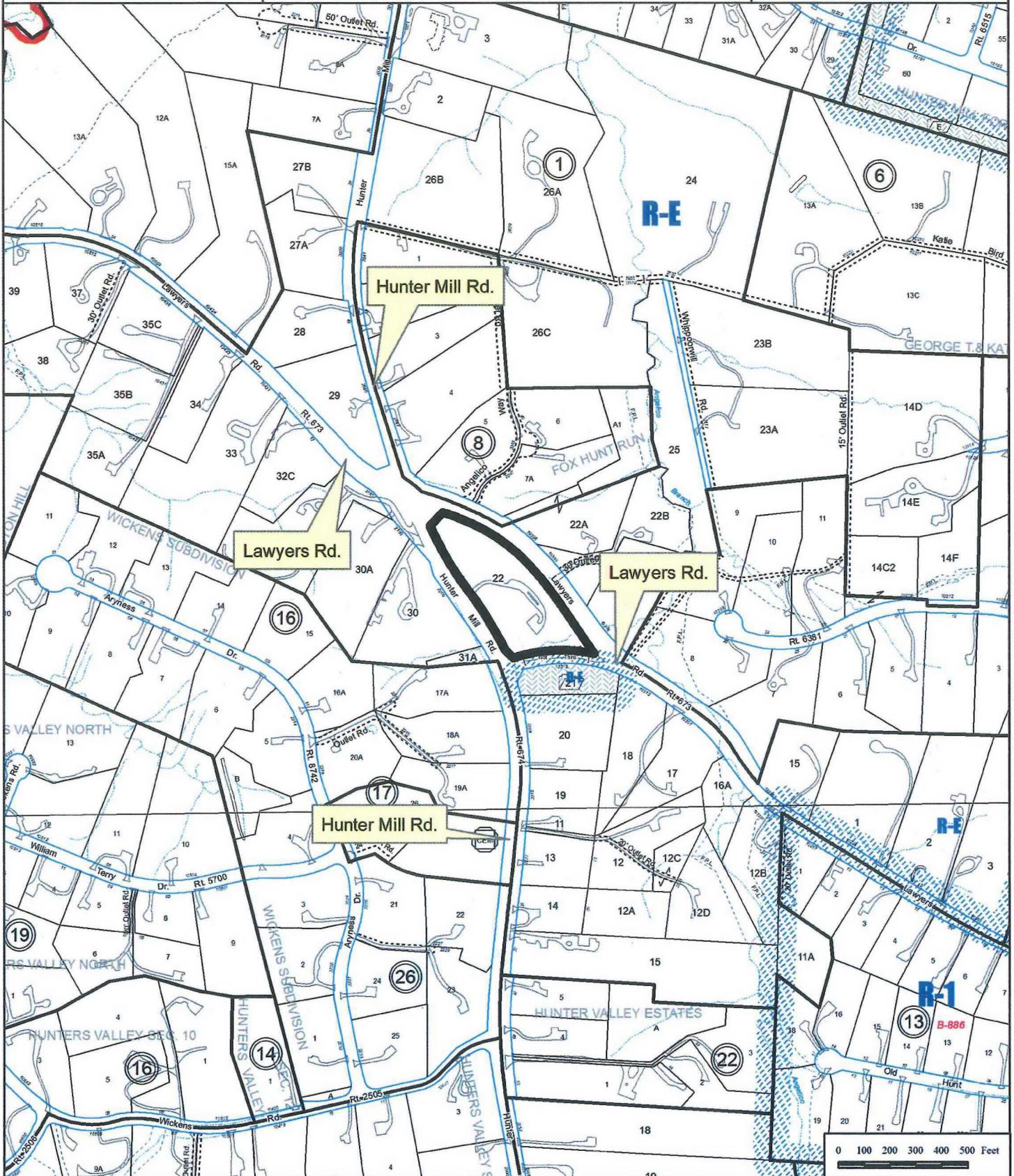


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

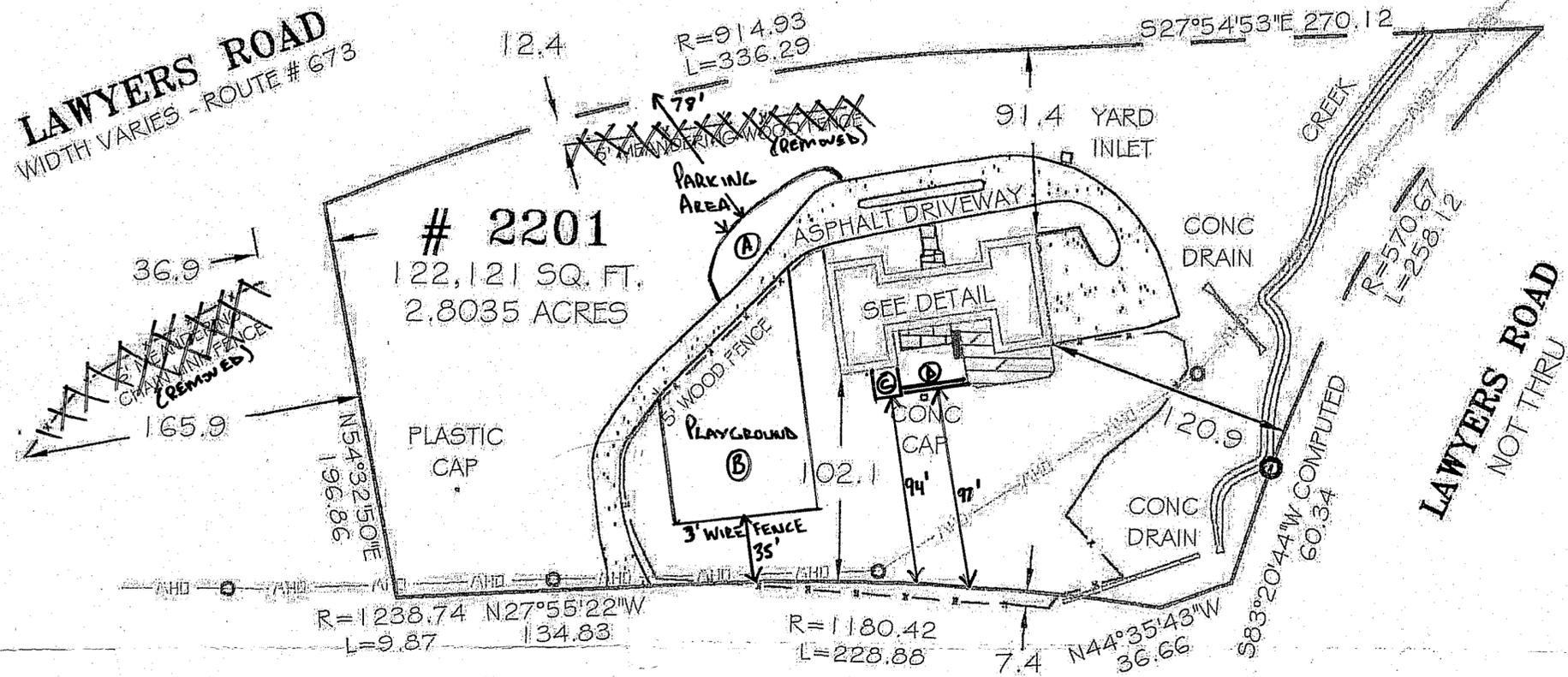


# Special Permit SP 2016-HM-051

ABIDA MUFTI & KIDSDOM MONTESSORI, INC.

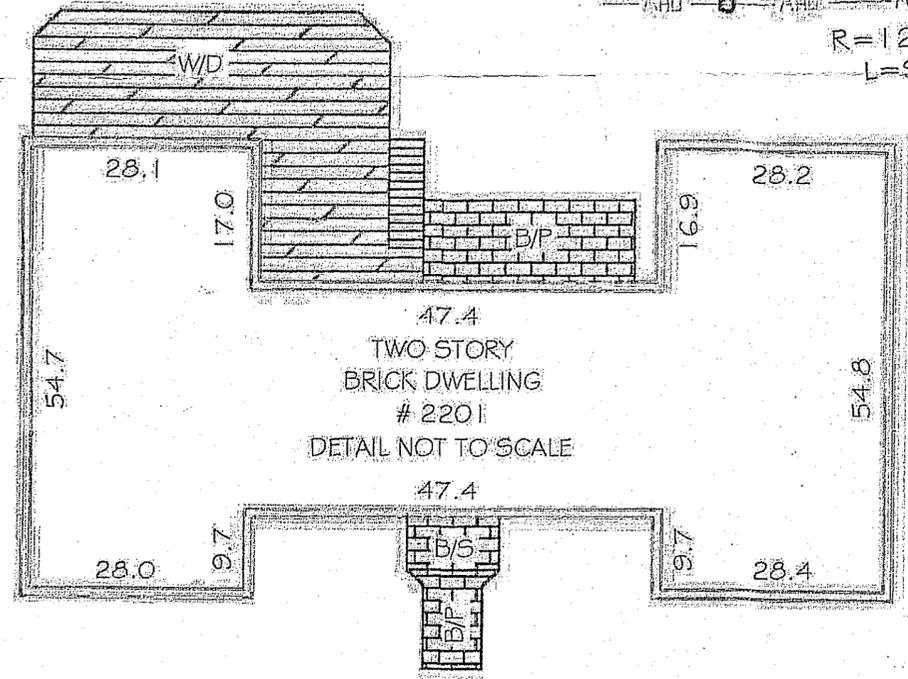


**LAWYERS ROAD**  
WIDTH VARIES - ROUTE # 673



**LAWYERS ROAD**  
NOT THRU

**HUNTER MILL ROAD**  
WIDTH VARIES - ROUTE # 674



- (A) PARKING AREA: 25' x 83' - 2075 sq.ft.
- (B) PLAYGROUND: 120' x 72' x 67' x 87' - 6732 sq.ft.
- (C) DECK: 12' x 12' - 144 sq.ft.
- (D) WALKWAY: 33' x 6' - 198 sq.ft.

1" = 50' Scale



**LEGEND**

- C/W = CONCRETE WALK
- S/W = STONE WALK
- W/L = WOOD LANDING
- W/D = WOOD DECK
- C/S = CONCRETE STOOP
- M/S = METAL STOOP
- C/C/S = COVERED CONCRETE STOOP
- = POWER POLE
- C/P = CONCRETE PATIO
- R/E = RECESSED ENTRY
- CHIM = CHIMNEY
- O.H. = OVERHANG
- B/W = BAY WINDOW
- — — = OVERHEAD WIRE
- AW = AREA WAY
- = IRON PIPE
- x— = FENCE

**SAM WHITSON LAND SURVEYING, INC**  
11170 LEE HIGHWAY SUITE C  
FAIRFAX, VIRGINIA 22030  
(703)352-9515 FAX: (703)352-9516  
VISIT OUR WEBSITE AT <http://www.samwhitson.com/>

**OWNER: MAIN**  
**BUYER: MUFTI**  
*Imron A. Mufti*  
*Maj 5, 2016*  
W.O. # 04-1940 CLIENT # 21000495

RECEIVED  
Department of Planning & Zoning  
MAY 11 2016  
Zoning Evaluation Division

## SPECIAL PERMIT REQUEST

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

A copy of the special permit plat, titled "Sam Whitson Land Surveying, Inc.," prepared by Sam Whitson, as revised by the applicant Abida Mufti on May 5, 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 site is developed with a two-story single-family detached dwelling. Vehicular access to the dwelling is provided via Hunter Mill Road. An asphalt driveway extends from Hunter Mill Road and leads to a small area for parking. The driveway continues and wraps around the southeastern edge of the dwelling. A walkway extends off of the driveway to provide access to the dwelling. There is a separate covered walkway on the northeastern corner that leads to a set of stairs to the basement of the dwelling where the home child care facility is located. A 6,732 square foot, fenced play area is located east of the dwelling. A deck is located at the rear of the dwelling.

The property is located at the intersection of Hunter Mill Road and Lawyers Road. The subject property and surrounding properties are zoned R-E and are developed with single-family detached dwellings.



Figure 1: Aerial View

## **BACKGROUND**

Fairfax County Tax Records indicate that the dwelling was constructed in 1989 and purchased by the applicant in 2004. The basement was permitted and built when the house was constructed. In addition, the deck in the rear yard received a building permit and a final inspection in 1995. (Appendix 7)

The applicant has been operating the home child care with twelve children in its current location for approximately 12 years with no complaints on file with the county. The applicant filed for the Special Permit in April of 2014 and the Virginia Department of Social Services has allowed her to continue to care for twelve children throughout the applications acceptance process and development review. The application was officially accepted for review on May 13, 2016.

## **DESCRIPTION OF THE PROPOSED USE**

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, with two assistants. The hours of operation are from 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant has staggered drop-off and pick-up times for the children which currently occurs in the applicants parking area off of the driveway. The applicant has 9 parking spaces designated for pick-up and drop-off for the kids. She parks her family car in the two-car garage. Currently, there is only one assistant but the applicant is requesting two.

The home child care facility is operated in the basement of the dwelling, which is 3,580 square feet consisting of a reading area, an eating area, an infant and play room, and a bathroom. The applicant also has a very large fenced outdoor play area with moveable play equipment.

The applicant currently cares for twelve children and she holds a current Family Day Home License, valid through April 6, 2017, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, birth through twelve years age. A copy of the license is included as Appendix 4. It should be noted that the applicant also cares for her granddaughter; however, since he granddaughter is family she is not included in the request for additional children.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Piney Branch Community Planning Sector (V4)  
**Plan Map:** Residential, .2 - .5 du/ac

**Zoning District Standards**

<b>Bulk Standards (R-E)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	75,000 sf.	2.8 acres (122,121 sf.)
Lot Width	225 feet	~ 520 feet
Building Height	35 feet max.	<35 feet
Southern Front Yard	Min. 50 feet	94 feet
Western Front Yard	Min. 50 feet	234 feet
Eastern Front Yard	Min. 50 feet	120.9 feet
Northern Front Yard	Min. 50 feet	91.4 feet
Side Yard	Min. 20 feet	N/A
Rear Yard	Min. 25 feet	N/A

**On-Site Parking and Site Circulation (Appendix 5)**

Due to the limited and restrictive site distance off of the existing driveway from Hunter Mill Road, staff recommends that the applicant trim the overgrown vegetation to improve sight distance for vehicles turning left onto Hunter Mill Road from the driveway. As such, staff has proposed a development condition to ensure that the applicant keeps the line of sight at the driveway clear of overgrown vegetation.

**Zoning Inspection Branch Report (Appendix 6)**

The Zoning Inspections Branch report is included in Appendix 6. During a site visit staff found furniture and other items in close proximity to the electrical panel. A subsequent inspection revealed that the items had been removed and that the necessary clearance area had been provided. Therefore, no zoning or building code violations associated with the subject property have been determined at this time.

**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

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

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-E District permits a home child care facility as an accessory use with special permit approval.
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<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. There is an outdoor play area with play equipment in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and with the proposed development conditions, staff believes the use will not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 5</b> Landscaping/Screening</p>	<p>The subject property is well screened by mature vegetation on all sides. The dwelling is located at the bottom of a slope which helps provide further screening.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement in the R-E District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. Nine parking spaces are used for pick-up and drop-off.</p>
<p><b>Standard 8</b> Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

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

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

<p><b>Standard 1</b> Maximum of 12 Children &amp; Non-Resident Employee</p>	<p>The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum children at any one time. The applicant requests two assistants.</p>
<p><b>Standard 2</b> Access and Parking</p>	<p>Arrival and departure times of the children are staggered and adequate parking is available in the driveway. In staff’s opinion the proposed use would not be hazardous and would not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 3</b> Landscaping/Screening</p>	<p>The subject property is well screened by mature vegetation on all sides. In addition, the dwelling is located at the bottom of a slope screening it from Lawyers Road and Hunter Mill Road.</p>

<b>Standard 4</b> Submission Requirements	The application meets all submission requirements for a home child care facility.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license through April 5, 2017 for five children from 7:00 a.m. to 6:00 p.m., Monday through Friday.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except for play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident employees.
<b>Part E</b> Provider is a Resident	The provider is a resident.
<b>Part F</b> Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
<b>Part G</b> Increase in Children or Non-Resident Employee	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time and two non-resident employees.

### CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2016-HM-051 for the home child care facility with the adoption of the proposed development conditions contained in Appendix 1.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-HM-051****September 7, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-HM-051 located at Tax Map 27-4 ((1)) 22 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicants, Abida Mufti d/b/a Kidsdom Montessori, Inc., only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2201 Hunter Mill Road, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "2201 Hunter Mill Road by Sam Whitson Land Surveying, Inc.," prepared by Sam Whitson, as revised by the applicant Abida Mufti on May 5, 2016, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's driveway.
5. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed twelve.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas shall be located in a room with an operable exterior window, door, or similar device that provides for a means of

escape and access for rescue in the event of an emergency. Such emergency escape shall be of the dimension and side specified by the Virginia Uniform Statewide Building Code.

11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility limited to pre-school aged children.
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 shall keep the line of sight at the driveway clear by trimming any overgrown vegetation that could obstruct sight distance.

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

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

APR 01 2014

Zoning Evaluation Division

**SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

Submitted for approval by Fairfax County Department of Planning and Zoning, this Special Permit application is to request an increase in the number of children permitted to twelve (12), pursuant to Zoning Ordinance 8-305 amendments adopted in June 2013.

Kidsdom Montessori, Inc. is a home childcare facility licensed by the state of Virginia since 2009. Abida Mufti ("Applicant," hereinafter) is the owner and primary childcare provider at Lifeskills. Applicant is requesting approval of an increase in the number of permitted children from seven (7) by right, to a total of twelve (12), in compliance with her state license and Fairfax County zoning rules.

A. *Hours of Operation*

Monday through Friday, 7:00 am to 6:00pm

B. *Estimated Number of Children*

Twelve.

C. *Proposed Number of Employees/Attendants*

The care-provider-to-child ratio is governed by state licensing procedures, and will therefore vary depending on the number of children actually attending the childcare facility. With 12 children, Applicant anticipates 1 fulltime and 1 parttime employee in addition to herself to provide direct care.

D. *Estimated Drop-Off Schedule*

Parents will typically drop off children between 6:30 am to 8:00 am. At any one time there may be one to two additional cars parked in Applicant's driveway for a maximum of five minutes while parents drop their child and return to their vehicle. Pickups will typically take place between 4:30 pm and 6:00 pm, also one to two parents at a time parking their car for a maximum of five minutes while picking up child and safely settling into the vehicle.

E. *Vicinity or General Area Served*

Majority of children reside within a 5 mile radius of Applicant's property on Hunter Mill Road, Vienna. Other children arrive from outside areas, including McLean, Falls Church, and Reston.

F. *How do parents get to the home childcare facility?*

All parents drive their children to the home childcare, and park their cars in designated parking spots off the driveway inside Applicant's property.

G. *Description of Dwelling and Proposed Use*

Kidsdom Montessori Inc. is operated from a large, detached, single-family home on a 2.8035 acre lot. The home itself includes a main level (4,212 square feet) and basement (3,580 square feet). Approximately 3000 square feet are dedicated to childcare use. The childcare

space is a large rectangular shape with three separate rooms with entry via a main hallway, giving easy access to the main home (upstairs) as well as outside yard. Applicant has designated "corners" for specialized activities, Montessori learning centers including a reading corner, eating corner, word and numbers tutorials, and a separate room for infants. There is also a complete bathroom, employee lounge, and storage area.

*H. Outdoors*

The outdoor play area is a large, fenced-in yard that allows for plenty of open space for the children's scheduled outdoor playtime. Children have supervised outdoor activities (weather permitting) including ball games, free play, art projects, and an age-appropriate swing set complete with a slide.

*I. HOA Approval*

Not applicable

APR 01 2014

Zoning Evaluation Division

**STATEMENT OF COMPLIANCE WITH ZONING ORDINANCE GENERAL STANDARDS**

1. The proposed use--requesting permission to allow up to twelve children at the Kidsdom Montessori, Inc. care facility--is in compliance with the adopted comprehensive plan, pursuant to the amendments adopted by Fairfax County in June 2013.

2. The proposed use is in harmony with the general purpose and intent of the applicable zoning district regulations, which is to provide for a safe environment for home child care recipients while minimizing adverse affects in traffic flow in the immediate vicinity of the home child care facility.

3. The proposed use is in harmony with the general building and aesthetic standards of the area and will not adversely affect the use or development of neighboring properties. There will be no changes to the existing physical structure and no changes whatsoever to the exterior area (such as size or height of existing buildings, fences, or additional signs, banners, etc.) in order to accommodate the proposed use. In effect, there will be absolutely no noticeable change to the property exterior, the applicant's home, the adjacent homes abutting the applicant's property, or impairment of property value thereof.

4. The proposed use will not adversely affect existing or anticipated pedestrian or vehicular traffic associated with the provision of home childcare services. Applicant expects that at most one to two additional vehicles—parked for a period of at most five minutes at a time, and only during the designated pick up and drop off hours—will be associated with the proposed use. The temporary nature of such additional vehicular and pedestrian traffic will have no noticeable effect upon existing traffic patterns.

5. Applicant does not anticipate updates to landscaping or screening requirements in connection with the proposed use, but will comply with any and all requirements set forth by the Department of Zoning and Planning.

6. Applicant's home childcare provides daily access to its outside play area, in conformance with local and state licensing mandates.

7. Applicant will comply with utility, drainage, parking, loading, and other necessary facilities in accordance with Article 11 provisions. The proposed use contemplates, however, that there will be no noticeable increase upon such necessary facilities.

8. Applicant will comply with all sign regulations pursuant to Article 12. At present there are no visible signs, banners, or similar advertising material on or near the immediate vicinity of the home childcare facility, and applicant does not anticipate placing new or additional signage.

APR 01 2014

Zoning Evaluation Division

ABIDA MUFTI & KIDSDOM MONTESSORI, INC.  
Application for Special Permit

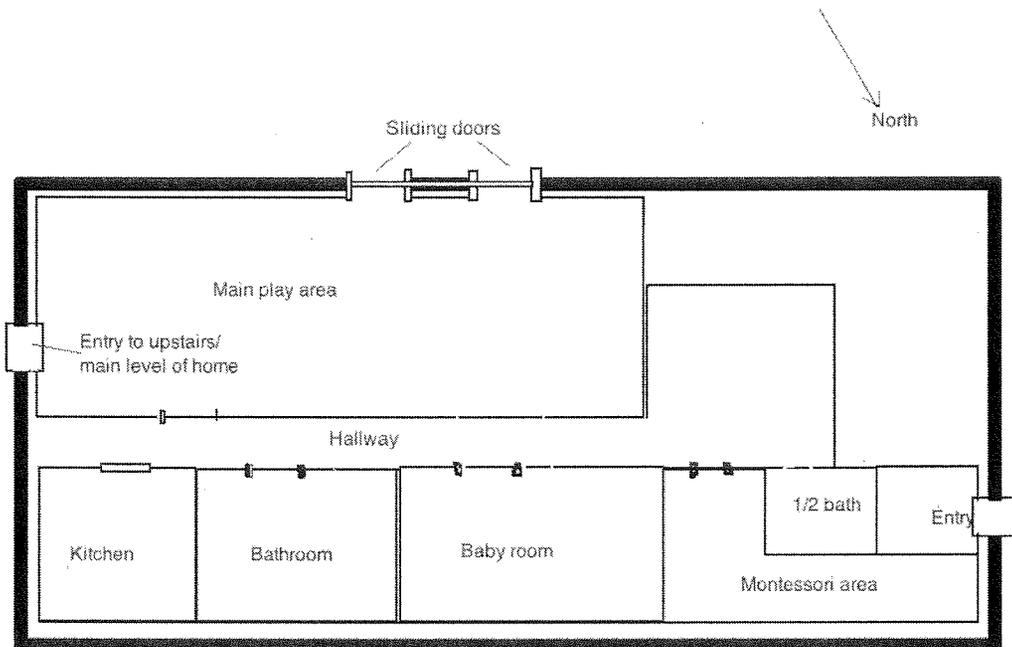
**STATEMENT OF COMPLIANCE WITH ZONING ORDINANCE ADDITIONAL STANDARDS**

1. Applicant's Special Permit request seeks to increase the number of permitted children to twelve (12), in accordance with the amended version of Zoning Ordinance 8-305 adopted by Fairfax County in June 2013. Accordingly, the proposed use will comply with the newly adopted zoning standard.
2. Applicant's property includes sufficient available parking spaces to accommodate ten cars at any given time. The residents of the home utilize the parking garage or driveway, which are separate from the designated available parking spaces. Should BZA require additional parking, Applicant will promptly comply.
3. Applicant will comply with all BZA requirements with regard to landscaping and screening as appropriate.
4. Ten copies of Applicant's home location plan, drawn to scale, are provided for review.

**STATEMENT OF OWNERSHIP**

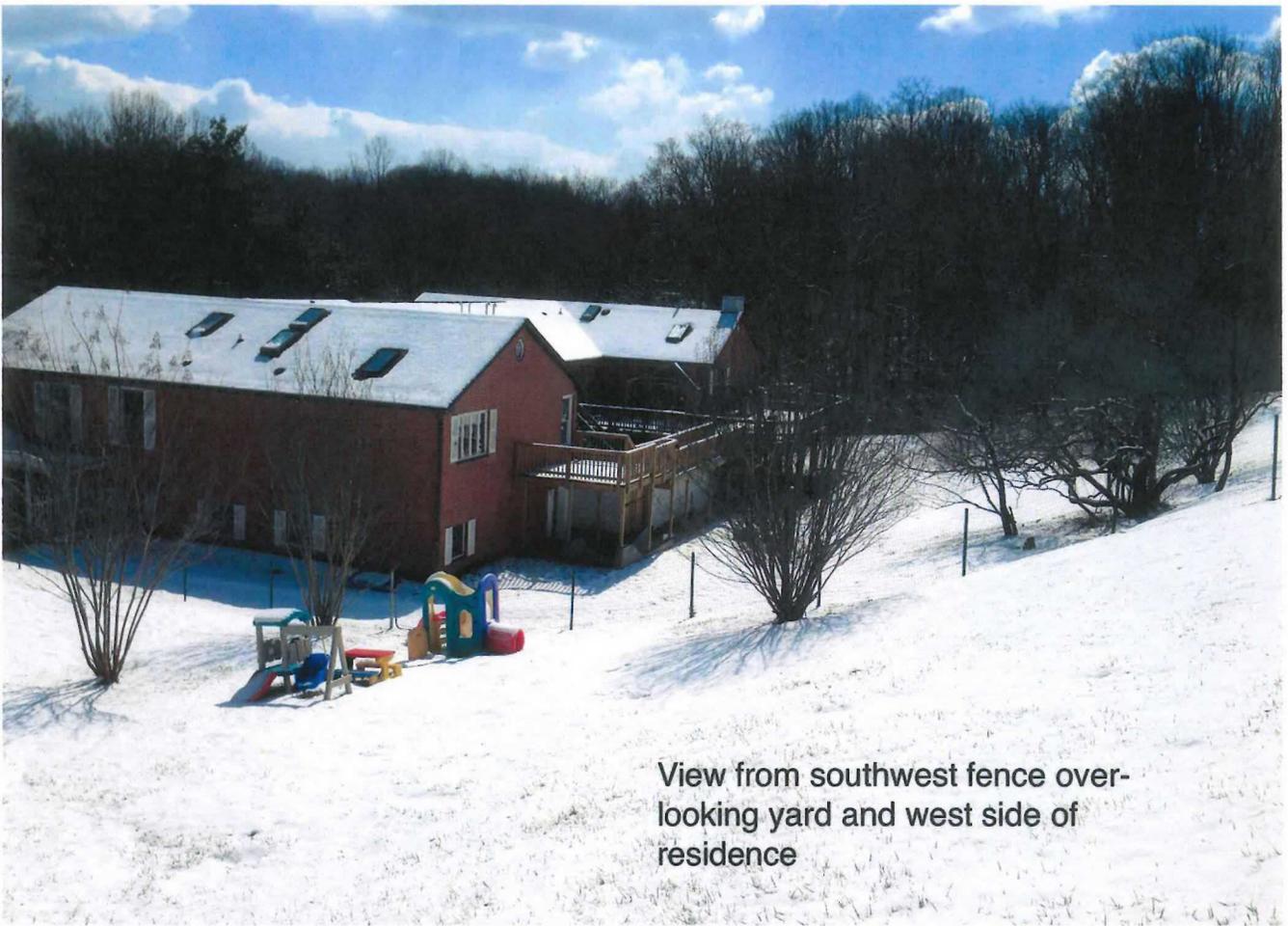
Applicant Abida Mufti and her husband Imran Mufti own the application property located at 2201 Hunter Mill Road, Vienna, VA 22181. No other individual or entity has any interest in or rights to this property or Kidsdom Montessori, Inc.

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Department of Planning & Zoning  
APR 01 2014  
Zoning Evaluation Division



Approximately  
3000 sq ft.

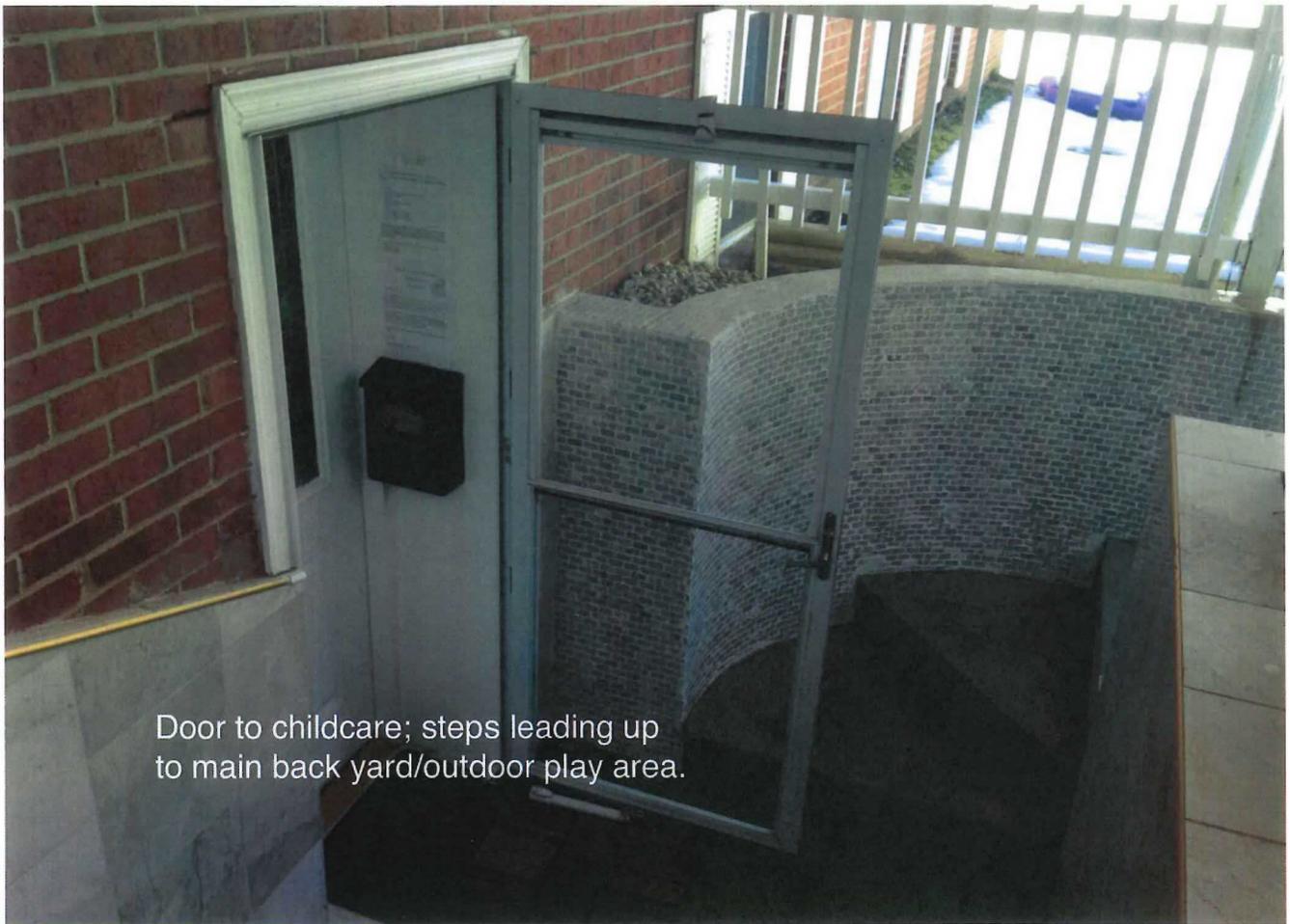
FLOOR PLAN



View from southwest fence overlooking yard and west side of residence



View of northeast fence, overlooking east-side lot and fence



Door to childcare; steps leading up to main back yard/outdoor play area.



Main entrance to property off Hunter Mill and Lawyers Rd



Two sliding doors leading to secondary outdoor area.



Basement/functioning childcare entrance leading upstairs to main house



View NNE of Parking Area

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MAY 11 2016  
Zoning Evaluation Division



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Department of Planning & Zoning  
MAY 11 2016  
Zoning Evaluation Division

View West toward Hunter Mill Rd

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06-02-2014  
 (enter date affidavit is notarized)

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

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

and that, to the best of my knowledge and belief, the following is true: 125072

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Abida I Mufti (dba Kidsdom Montessori, Inc.)	2201, Hunter Mill Road, Vienna, VA 22181	Applicant / Co-owner
Imran A Mufti	2201, Hunter Mill Road, Vienna, VA 22181	Husband / 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: 06-02-2014  
(enter date affidavit is notarized)

125072

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)

Kidsdom Montessori, Inc. 2201 Hunter Mill Road, Vienna, VA 22181

**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)

Abida Mufti  
Imran Mufti  
Myra Mufti

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06-02-2014  
(enter date affidavit is notarized)

125072

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**)

Not Applicable

(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: 06-02-2014  
(enter date affidavit is notarized)

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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: 06-02-2014  
(enter date affidavit is notarized)

125072

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

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

NONE

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

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

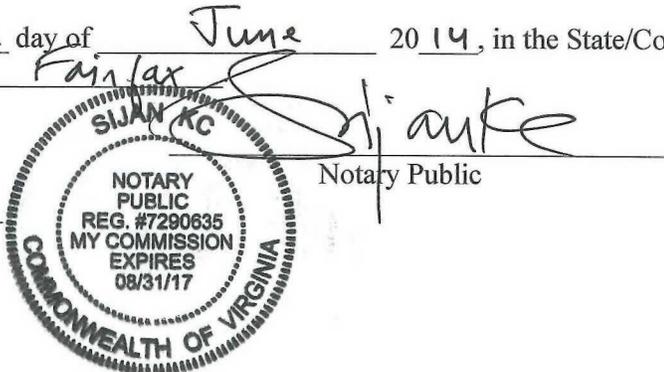
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter,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

WITNESS the following signature:

(check one)  Applicant Abida Mufti [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 02 day of June 2014, in the State/Comm. of VA, County/City of Fairfax



My commission expires: 08/31/17

CM3

## FAMILY DAY HOME LICENSE

Issued to: Abida Mufti, d.b.a. Kidsdom Montessori, Inc.

Address: 2201 Hunter Mill Road, Vienna, Virginia 22181

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

<u>CAPACITY</u>		
12		
<u>GENDER</u>	<u>AGE</u>	
Both	Birth through 12 years	

This license is not transferable and will be in effect April 7, 2016 through April 6, 2017 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

**ISSUING OFFICE:**

Virginia Department of Social Services  
 Division of Licensing - Fairfax Licensing Office  
 3701 Pender Drive, Suite 125  
 Fairfax, VA 22030

Telephone: (703) 934-1505

FDH 1042428-L117  
 LICENSE NUMBER

MARGARET ROSS SCHULTZE  
 COMMISSIONER OF SOCIAL SERVICES

By Jenifer H. Nalli

Title LICENSING ADMINISTRATOR

Date April 12, 2016



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 19, 2016

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, Department of Planning & Zoning

**FROM:** Michael A. Davis, Acting Chief   
Site Analysis Section, Department of Transportation

**FILE:** SP 2016-HM-051

**SUBJECT:** Abida Mufti & Kidsdom Montessori, Inc.  
2201 Hunter Mill Road, Vienna, VA 22181  
Tax Map: #27-4 ((1)) 22

This department has reviewed the subject application to increase the number of children permitted at the existing home child care facility at the subject property from seven to twelve. We offer the following comments:

- Sight distance is restricted for vehicles exiting the driveway onto Hunter Mill Road due to overgrown vegetation north of the driveway. Tree-trimming is needed to improve sight distance for vehicles turning left from the driveway.
- A development condition is recommended to ensure that the applicant keeps the line of sight at the driveway clear of overgrown vegetation.

cc: Sharon Williams

MAD/EAI/AH



# County of Fairfax, Virginia

## MEMORANDUM

Date: June 20, 2016

To: Sharon Williams, Staff Coordinator  
Zoning Evaluation Division

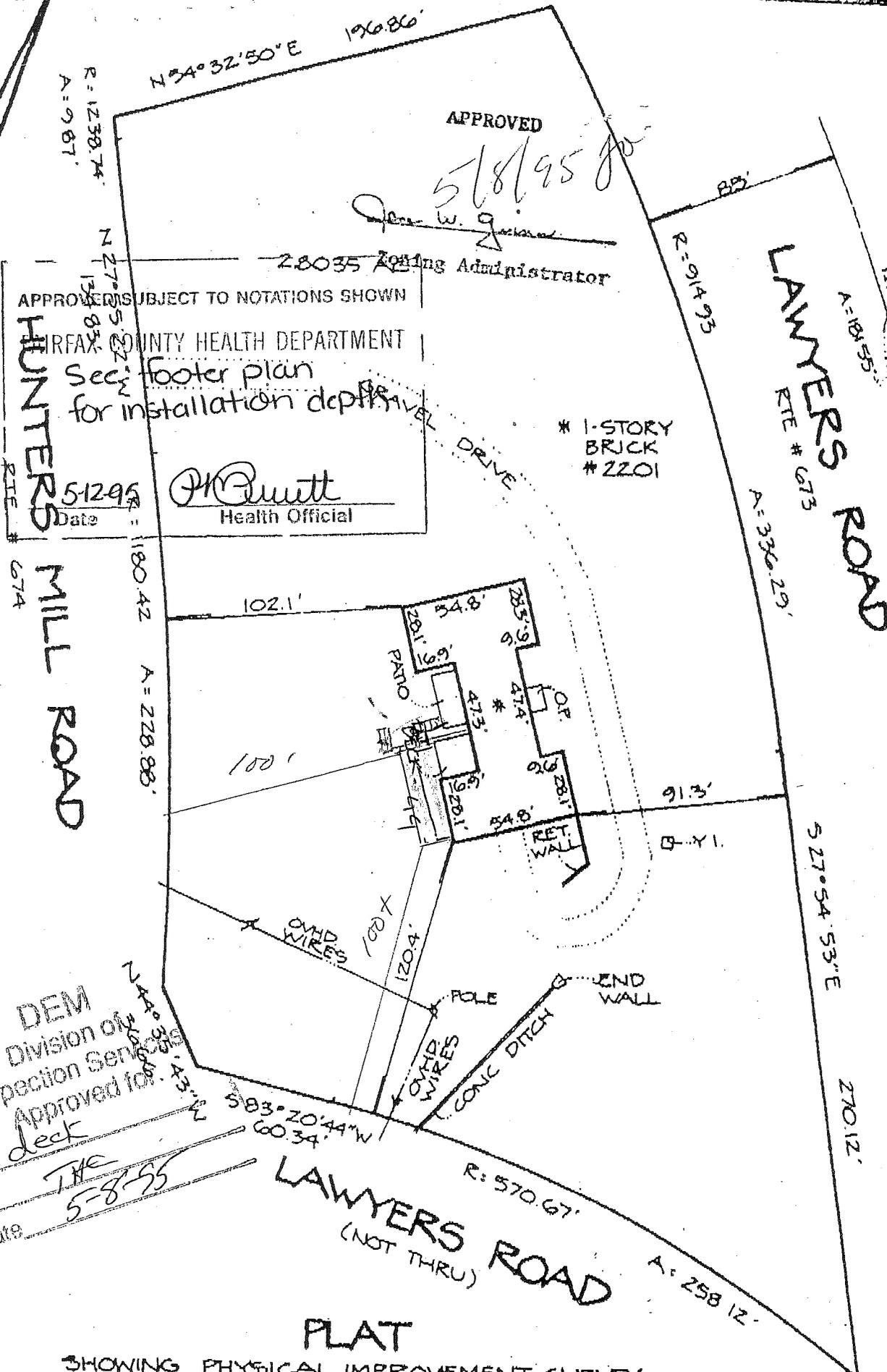
From: *ms* Mavis Stanfield  
Deputy Zoning Administrator/Chief Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care – SP 2016-HM-051

Applicant: Abida Mufti & Kidsdom Montessori, Inc.  
2201 Hunter Mill Road, Vienna Virginia 22181  
Hunter (acreage)  
Tax Map Ref: 27-4 ((1)) 22  
Zoning District: R-E  
Magisterial District: Hunter Mill  
ZIB # 2016-0142  
Date of Inspections: June 6 and June 7, 2016

At the time of the first inspection on June 6, 2016, furniture and other items were found in close proximity to the electrical service panel, in violation of building code requirements. A subsequent inspection on June 7, 2016 revealed that the items had been removed and that the necessary clearance area had been provided. Therefore, no zoning or building code violations associated with the above-referenced property have been determined at this time. See attached photographs.





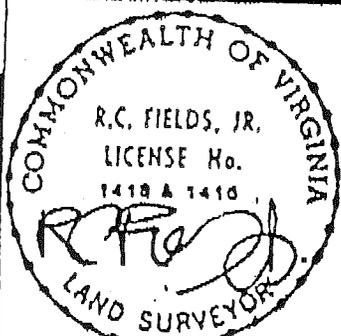
APPROVED SUBJECT TO NOTATIONS SHOWN  
 28035 Zoning Administrator  
 FAIRFAX COUNTY HEALTH DEPARTMENT  
 Sec. footer plan  
 for installation depth  
 P. Bennett  
 Health Official

DEM  
 Division of  
 Inspection Services  
 Approved for  
 deck  
 By THE  
 Date 5-8-95

**MARGARETTEN AND CO., INC.**  
 (D.B. 8132 PG.1425)  
**FAIRFAX COUNTY, VIRGINIA**

SCALE: 1" = 60'  
 DATE: AUGUST 19, 1994  
 THIS DWELLING IS NOT LOCATED  
 IN A F.E.M.A. SPECIAL FLOOD  
 HAZARD AREA.  
 PLAT SUBJECT TO  
 RESTRICTIONS OF RECORD.  
 TITLE REPORT NOT  
 FURNISHED.

CASE NAME: MARGARETTEN & CO. -  
 ECHANAYAN, J.  
 KEVIN KELLEY  
**RC FIELDS, JR. & ASSOCIATES**  
 A PROFESSIONAL CORPORATION  
 LAND SURVEYING SITE PLANNING SUBDIVISION DESIGN  
 718 JEFFERSON STREET ALEXANDRIA, VIRGINIA 22314  
 TEL. (703) 549-6422 FAX (703) 549-6452

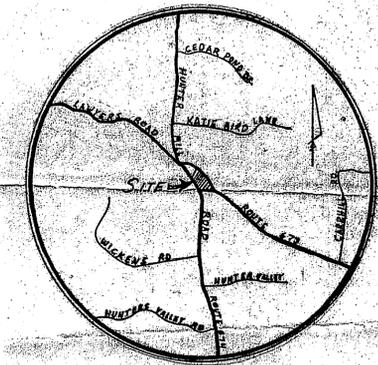


I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS  
 HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS  
 OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

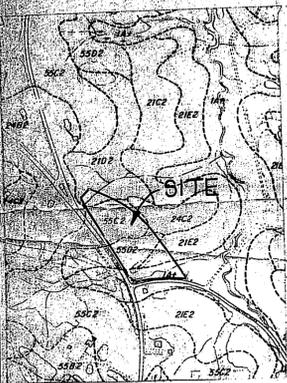
SOILS NO.	SLOPE RANGE	SOILS NAME	ERODIBILITY		
			SURFACE	SUB SOIL	EXPOSED SUBSTRATUM
21D2	14%-25%	MANOR SILT LOAM	SEVERE	SEVERE	SEVERE
21E2	26%-45%	MANOR SILT LOAM	SEVERE	SEVERE	SEVERE
55B2	14%-25%	GLENELG SILT LOAM	SEVERE	SEVERE	SEVERE
55C2	7%-14%	GLENELG SILT LOAM	SEVERE	SEVERE	SEVERE
1A+	0%-2%	MIXED ALLUVIAL LAND	NONE	NONE	NONE

**ZONING REQUIREMENTS R-P DISTRICT**

MAXIMUM BUILDING HEIGHT: 35 FEET  
 MINIMUM YARD REQUIREMENTS:  
 FRONT: 50 FEET  
 SIDE: 20 FEET  
 REAR: 25 FEET  
 MAXIMUM FLOOR AREA RATIO: 0.15



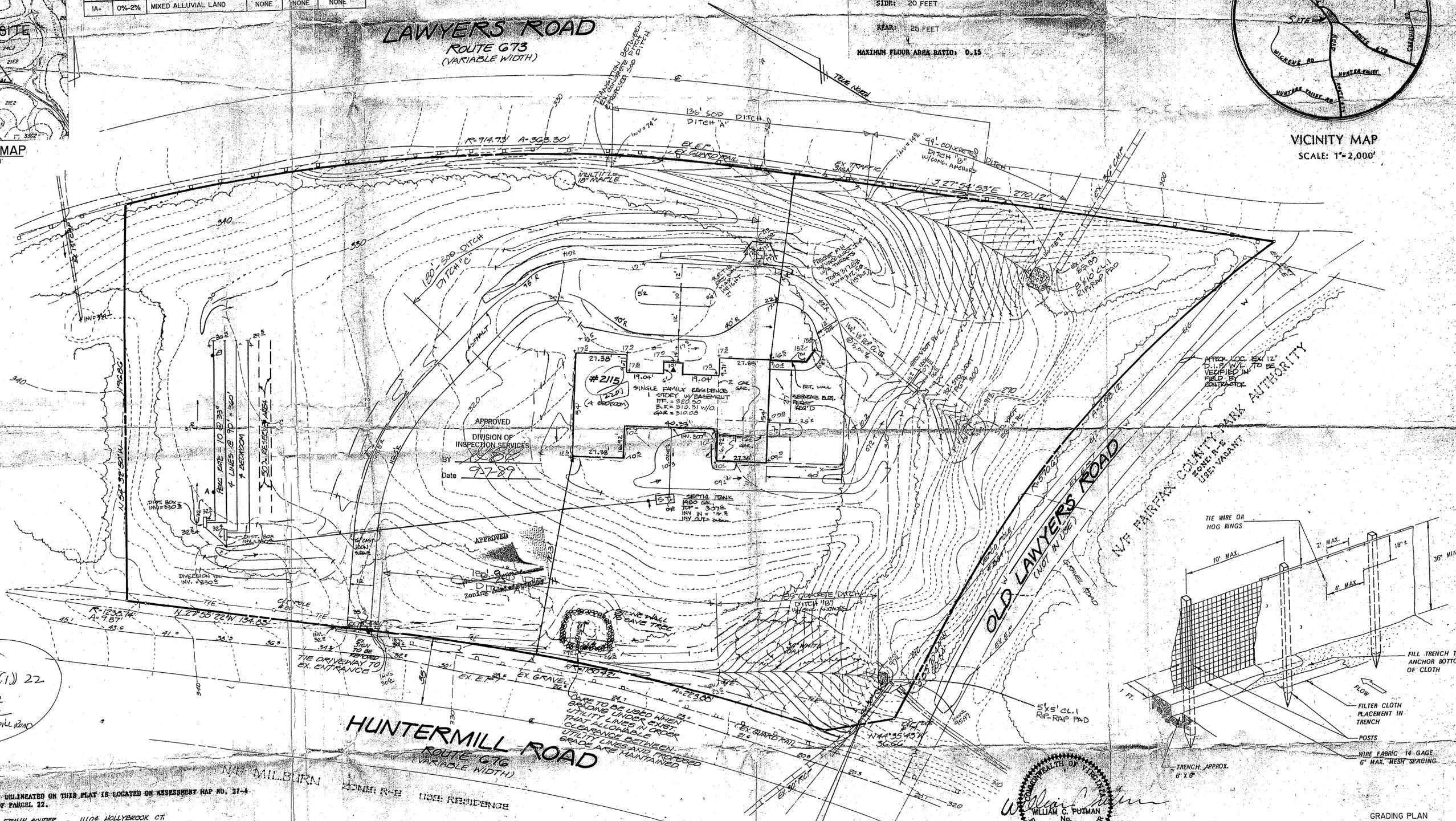
VICINITY MAP  
SCALE: 1"=2,000'



SOILS MAP  
1"=500'

N/F LINGER  
ZONE: R-E  
USE: VACANT

LAWYERS ROAD  
ROUTE 673  
(VARIABLE WIDTH)



APPROVED  
DIVISION OF INSPECTION SERVICES  
BY: [Signature]  
Date: 9-27-89

APPROVED  
[Signature]  
Zoning: R-E  
Date: 9-27-89

APPROVED  
[Signature]  
Zoning: R-E  
Date: 9-27-89

APPROVED  
[Signature]  
Zoning: R-E  
Date: 9-27-89

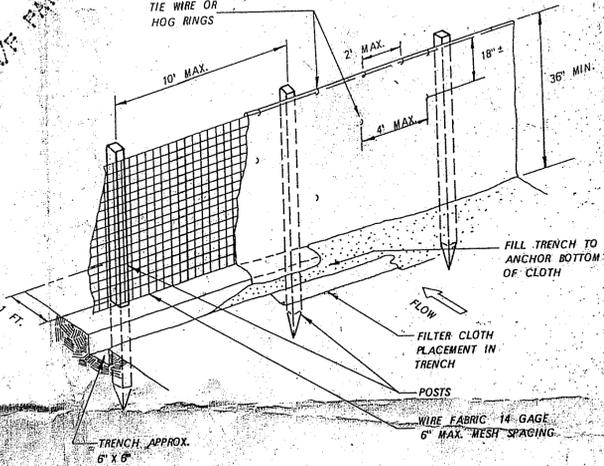
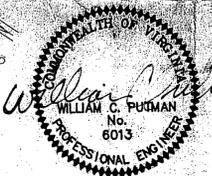
27-4 (C1) 22  
HUNTER  
Acreage  
2201 Hunter Mill Road

- NOTES:**
- THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON ASSESSMENT MAP NO. 27-4 (C1) PART OF PARCEL 22.
  - APPLICANT: FRANK SQUIER 11104 HOLLYBROOK CT OAKTON, VA 22129 (703) 476-0800
  - EXISTING ZONING: R-E
  - PROPOSED USE: PRIVATE RESIDENCE
  - SITE IS TO BE SERVED BY PUBLIC WATER SERVICE.
  - BOUNDARY INFORMATION TAKEN FROM PLAT BY HUNTER, HYER AND ARROGIATHA, P.C. DATED 10-18-88.
  - SITE AREA: 2.8135 ACRES
  - CONTRACT INTERVAL: 2 FEET

I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THE PLAN OR PROFILE EXCEPT THOSE PREVIOUSLY APPROVED

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE
1	9-28-89 REV GRADING			



**SILT FENCE**

NOTES: SILT FENCE WILL BE CONSTRUCTED AT LOCATION SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. POSTS SHALL BE DRIVEN FIRMLY OR SET IN THE GROUND TO A DEPTH OF AT LEAST TWO FEET. POSTS SPACING SHALL NOT EXCEED 10 FEET C-C. THE ATTACHING OF FENCE TO EXISTING TREES WILL NOT BE PERMITTED UNLESS APPROVED BY THE ENGINEER.

MATERIALS SHALL CONSIST OF WIRE FABRIC, A MINIMUM OF 36" HEIGHT, A MINIMUM OF 14 GAGE, WITH MAXIMUM MESH SPACING OF 6". POST SHALL BE EITHER WOOD OR STEEL AND MIN. LENGTH OF 6 FEET.

THE FILTER CLOTH SHALL BE OF POLYPROPYLENE MONOFILAMENT YARN AND SIMILAR TO HIRAFI 140 AS MANUFACTURED BY CELANESE FIBER MARKETING COMPANY TYPE STYLE 3401 AS MANUFACTURED BY DUPONT COMPANY OR EQUAL.

GRADING PLAN  
THE CHURCH SITE  
FAIRFAX COUNTY, VIRGINIA  
CENTREVILLE DISTRICT  
SCALE: 1"=25'  
DATE: JAN, 1989  
DESIGN BY: KJG  
CHECK BY: JFS  
3-28-89 REV. GRADING

WICKENS & MACKALL  
ENGINEERS  
LICENSE: VACANT

N/F MILBURN  
ZONE: R-E  
USE: VACANT

HUNTERMILL ROAD  
ROUTE 676  
(VARIABLE WIDTH)

N/F MILBURN  
ZONE: R-E  
USE: RESIDENCE

**8-006 General Standards**

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

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

### **8-303 Standards for all Group 3 uses**

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

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

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

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

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - a. The dimensions, boundary lines and area of the lot or parcel.
  - b. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code of Title 63.2, Chapter 17 of the Code of Virginia.

### **10-103 Use Limitations**

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

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.
- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.