



County of Fairfax, Virginia

October 12, 2015

STAFF REPORT

SPECIAL PERMIT SP 2016-MA-068

MASON DISTRICT

APPLICANT: Kathy Noury
Lenid Daycare LLC

OWNERS: Khadija Noury
Ahmed Garma

SUBDIVISION: Lake Barcroft

STREET ADDRESS: 6138 Beachway Drive
Falls Church, 22041

TAX MAP REFERENCE: 61-2 ((16)) 837

LOT SIZE: 15,450 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-305, 3-203

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-MA-068 for the home child care facility 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.

Erin M. Haley

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**



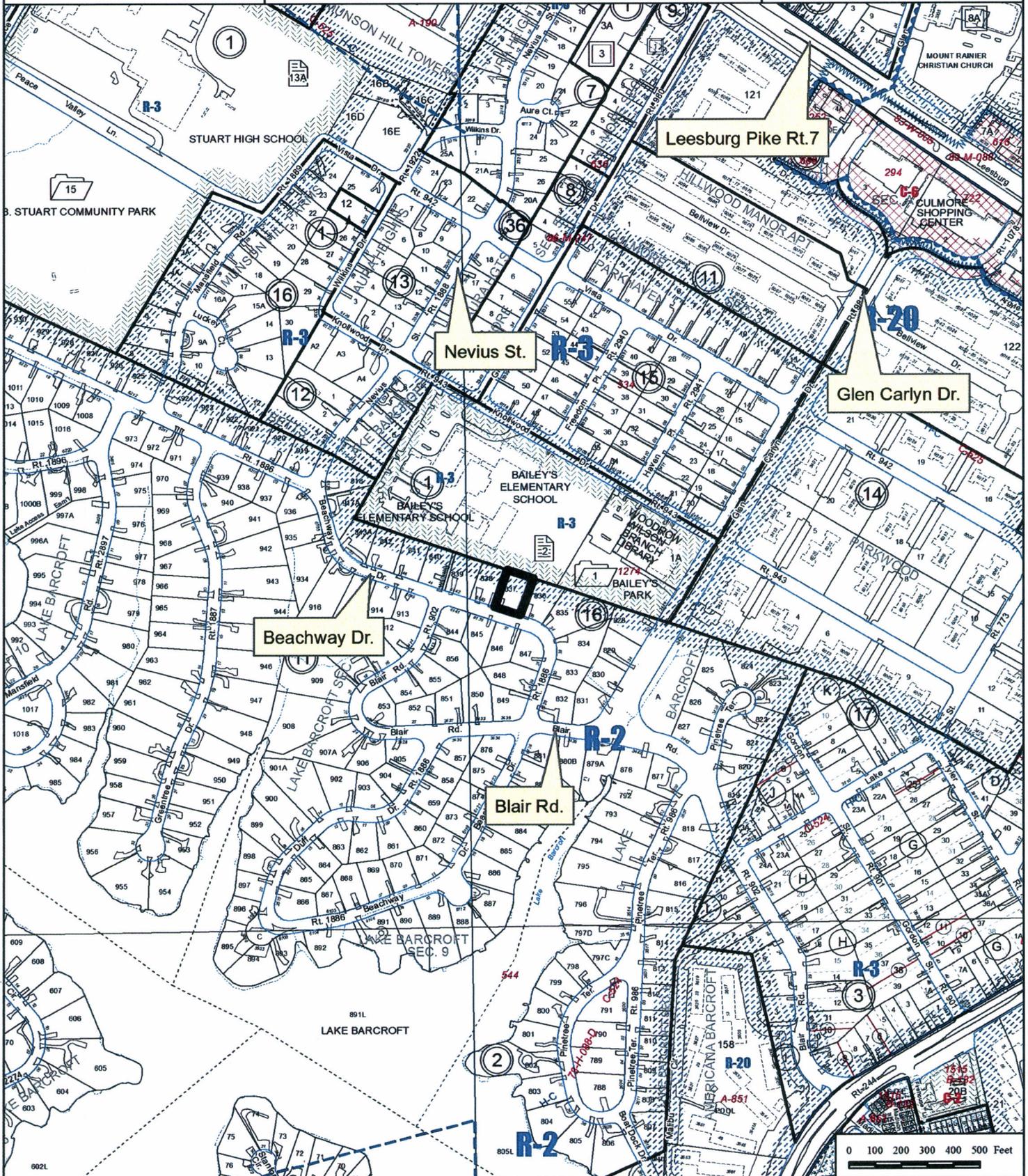
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit

SP 2016-MA-068

KATHY NOURY / LENID DAYCARE LLC



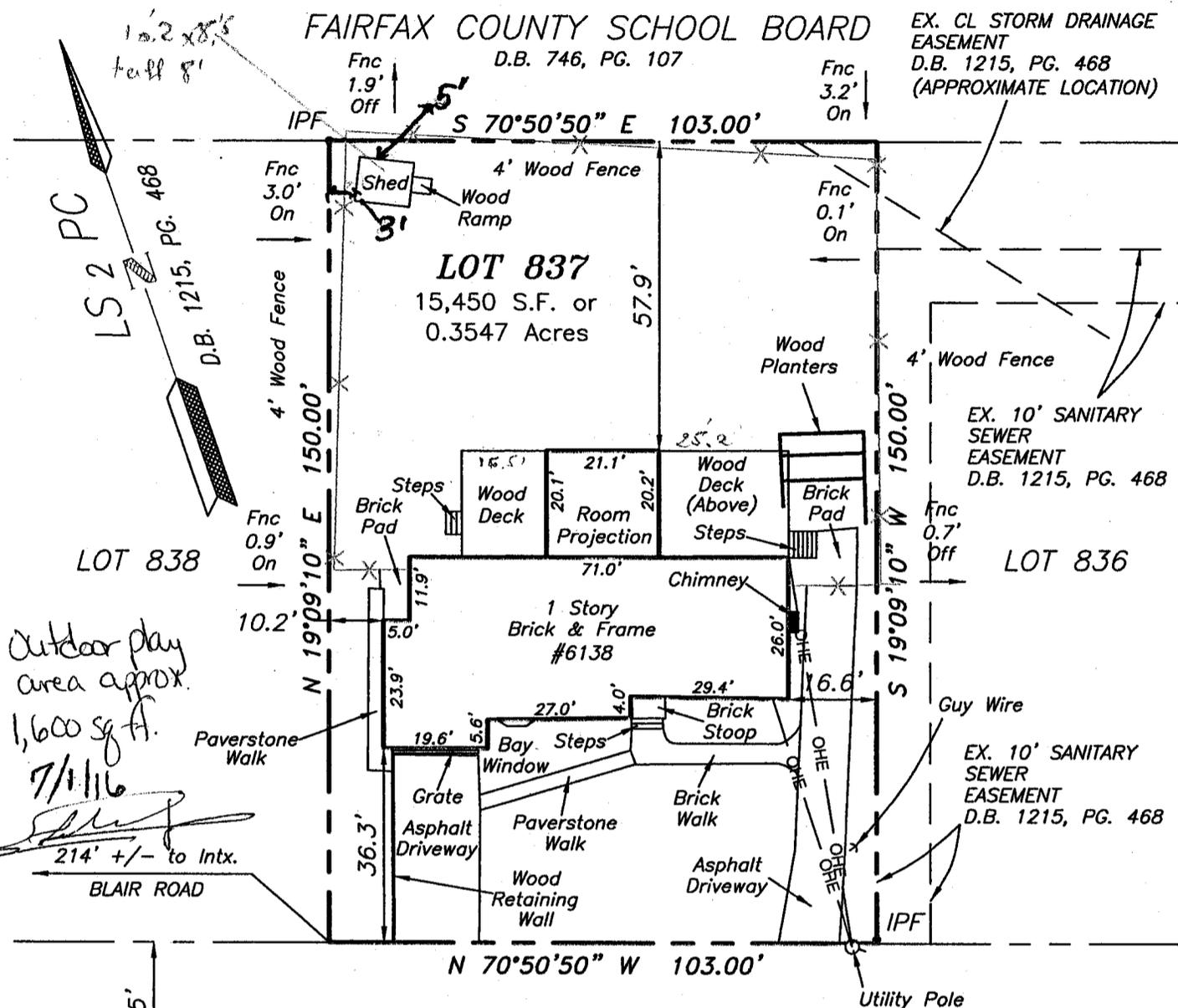
THIS HOUSE AND IMPROVEMENT LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.

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BEACHWAY DRIVE - ROUTE # 1886

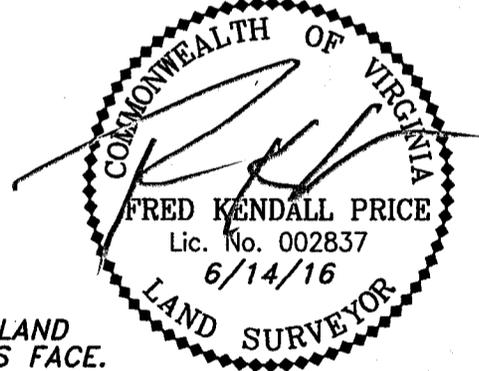
(50' R/W)

RECEIVED Department of Planning & Zoning

NOTES:

1. CURRENT OWNER: AHMED GARMA AND KHADIJA NOURY, D.B. 18014, PG. 1693.
2. THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 51059C 0285E.
3. BEARINGS BASED ON THE PLAT OF LAKE BARCROFT, SECTION NINE, D.B. 1215, PG. 468.
4. IPF: DENOTES IRON PIPE FOUND.
5. THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY. NO CORNER MARKERS SET.
6. ANY HAND DRAWN FEATURES OR OTHER MODIFICATIONS SHOWN ON THIS PLAT WERE NOT AUTHORIZED BY THE LAND SURVEYOR WHOSE SIGNATURE AND SEAL APPEAR ON ITS FACE.

Zoning Evaluation Division



HOUSE AND IMPROVEMENT LOCATION SURVEY

LOT 837
SECTION NINE
LAKE BARCROFT
DEED BOOK 1215, PAGE 468
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ELECTRONIC EQUIPMENT AND/OR TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

SCALE: 1"=30'

DATE: 6/14/16

DRAWN:
MNS

CHECKED:
MKC



LAND SURVEYING & CIVIL ENGINEERING

2890 EMMA LEE STREET SUITE 200
FALLS CHURCH, VIRGINIA 22042
703 - 241 - 5515 FAX 703 - 241 - 5516
LS2PC.COM

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children. A copy of the special permit plat titled, "House and Improvement Location Survey, Lot 837, Section Nine, Lake Barcroft," as prepared by Fred Kendall Price, L.S., dated June 14, 2016, as revised by Kathy Noury through July 1, 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



Figure 1: Aerial Image of the subject property, Pictometry, 2015

The application property is a split-level single-family detached dwelling. Vehicular access is provided by two asphalt driveways with total room for approximately six vehicles. A brick walkway leads from both driveways the front stoop. An attached two-car garage is located on the western side of the house. Two elevated wooden decks with stairs are located at the rear of the house. The applicant has play equipment located on the western deck. A shed 8.5 feet in height is located in the northwestern corner of the rear yard. The rear yard is enclosed by a wood fence 4.0 feet in height.

The subject property and properties to the east, south, and west are zoned R-2 and developed with single family detached dwellings. The property to the north is zoned R-3 and is Bailey's Elementary School. The property is located west of Glen Carlyn Drive in the Lake Barcroft subdivision.

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1955 and purchased by the current owners in 2005.

In 1983, a previous owner received approval of a variance from the Board of Zoning Appeals to allow construction of a two-car garage addition 10 feet from the western side lot line (VC 83-M-032, Appendix 4). In 2015, the applicant obtained a building permit and final inspection for a room addition and deck to the rear of the house, which were built by-right. All relevant building permit information is included as Appendix 5.

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

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time 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 holds a current Family Day Home License from the Fairfax County Office for Children (OFC). The license permits a capacity of five children, ages 1 month through 7 years. The county approved hours of operation are 7:00 a.m. to 6:00 p.m. A summary of the county home child care license information is included as Appendix 6. The applicant proposes to have two full-time employees who would work 8:00 a.m. to 5:00 p.m.

The home child care facility is operated in the main floor of the house. The applicant uses a play area, the kitchen, two bedrooms, and a bathroom. The nap rooms have emergency egress through egress windows to the outside that meet the Virginia Uniform Statewide Building Code specifications for an emergency escape and rescue opening. Parents drop the children off and pick them up at an entrance accessed through a door at the rear of the garage. A deck and the rear yard is used for outdoor play. Pictures provided by the applicant show toys and play equipment located in this area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Barcroft Community Planning Sector (B5)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	15,450 sf.
Lot Width	Interior: 100 feet	103.0 feet
Building Height	35 feet	Not provided
Front Yard	35 feet	36.3 feet
Side Yard	15 feet	Eastern: 16.6 feet Western: 10.3 feet*
Rear Yard	25 feet	57.9 feet

*Board of Zoning Appeals approved location with variance VC 83-M-032

On-Site Parking and Site Circulation

The applicant has two driveways with room for approximately six vehicles that she utilizes for drop-off and pick-up of children. On-street parking is also available on Beachway Drive. A condition has been included to ensure the western driveway remain available during drop-off and pick-up times.

Zoning Inspection Report (Appendix 7)

During the site visit, staff found that one of the bedrooms used for napping did not have a smoke alarm, though one was located in the hallway just outside of the bedroom. The applicant has since installed a smoke alarm in the bedroom and provided staff with photographic evidence.

Staff also noted that the applicant uses a desk in the garage for the child care. A sign with the child care’s name was attached to the front of the desk. Staff believes that when the front garage door is open, the presence of the desk gives the property a commercial appearance. Staff directed the applicant to remove the sign and the applicant agreed to leave the front garage door closed and to have the parents enter the child care from the rear garage door or the main entrance to the house. A development condition has been proposed to address this issue.

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)

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed in accordance with the plan recommendation. The R-2 District permits a home child care facility as an accessory use by-right for up to seven children in a detached dwelling. An increase to 12 children is permitted 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 on the decks and in the rear yard which is enclosed by a wood fence ranging four feet in height. 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. Although on-street parking is available, staff believes that there is sufficient space in the two driveways to accommodate parking for pick up and drop off. 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 5 Landscaping/Screening</p>	<p>There is existing mature vegetation and a fence in the rear and side yards that provides screening to the outdoor play area.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space required on individual lots in the R-2 District.</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 two driveways 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 lot size and bulk regulations for the R-2 District with the exception of the western side yard which was modified via BZA approval of VC 83-M-032. 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. The development conditions allow up to two non-resident employees.</p>
<p>Standard 2 Access and Parking</p>	<p>Arrival and departure times of the children are staggered and ample parking is available in the two driveways. 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 existing mature vegetation and a fence in the rear and side yards that provides screening to the outdoor play area.</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 holds a valid home child care license from the County to care for up to 5 children. She has started the process of being licensed by the state as a family day home. A development condition is proposed that would require a state license to be maintained at all times the home child care is operating with more than five children.</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 county licensed home child care provider and the subject property is the provider's primary residence. The proposed development conditions would require the applicant to be licensed by the state before operating a child care with more than five children.</p>
<p>Part C No Exterior Evidence Except Play Equipment</p>	<p>There is no exterior evidence of the proposed use as long as the garage door remains closed. A development condition has been proposed to require that the main garage door be kept closed except when necessary for vehicular access.</p>

<p>Part D Non-Resident Employee</p>	<p>The applicant is proposing two non-resident employees and the development conditions allow up to two non-resident employees.</p>
<p>Part E Provider is a Resident</p>	<p>The provider resides in the application property.</p>
<p>Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17</p>	<p>Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.</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 non-resident employees.</p>

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2016-MA-068 for the home child care facility with 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. VC 83-M-032, Minutes and plat
5. Applicable Building Permit information
6. County Office for Children License information
7. Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MA-068****October 12, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MA-068 located at Tax Map 61-2 ((16)) 837 to permit a home child care facility pursuant to Section 8-305 and 3-205 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, Kathy Noury, d/b/a Lenid Daycare, LLC, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 6138 Beachway Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the titled, "House and Improvement Location Survey, Lot 837, Section Nine, Lake Barcroft," as prepared by Fred Kendall Price, L.S., dated June 14, 2016, as revised by Kathy Noury through July 1, 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 hours of operation.
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 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 pick-up and drop-off of children shall take place within the western driveway of the subject property.
10. The garage door shall remain closed except when necessary for vehicular access. Access for the home child care facility shall be through the front door of the dwelling or through the rear pedestrian door of the garage.

11. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
12. The 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.
13. 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.
14. The accessory storage structure (shed) on-site shall remain locked during all hours of operation of the home child care facility.

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.

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

Name: KATHY NOURY
Address: 6138 BEACHWAY DR
FALLS CHURCH VA 22041
Tax Map #: 0612 160837
Phone #: 703 220 8217
E-mail address: lenioldaycare@gmail.com

Date: 05.06.2016

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

Re: Special Permit Application
Applicant: KATHY NOURY
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 9-006 of General Standards

Tax Map #: 0612 160837
Zoning District: R-2
Lot Size: 15450 SF

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 single family house dwelling at 6138 Beachway Dr Falls Church VA 22041 in Fairfax, Virginia with my husband. The property is zoned R-2 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 5 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours. The proposed child care facility is to be open from 07:00 AM - 06:00 PM Mon - Fri.

Number of Children. I propose to care for a maximum of 12 children at any one time. This number does not include my own 1 children.

Employees. I propose to have 2 assistant(s) who will work full time from 08:00 AM - 5:00 PM

Arrival Schedule. 12 of the children are proposed to arrive between 07:45 AM and 10:00 AM.

Departure Schedule. 12 of the children are proposed to be picked up at 04:00 PM.

Parking. I propose to use my 2 driveways to park my family car. My parents will park the right driveway for our car + assistants to cars - the left driveway for LENID DAYCARE ENTRANCE, and where parents can park their cars, Driveway provide enough parking space for at least 3 cars or more.

Area Served. Currently, most of the children live around Lake Barkcroft area + Arlington county.

Operations. As I stated, my house is a Single Family house It has 3 big bedrooms + 3 bathrooms + walk out Basement + 2 big living rooms + very big kitchen + The total 2210 SF which is almost 720 SF will be used for LENID DAYCARE

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.

Outdoor Play Area. I propose to use my back yard for outdoor play for the children. The area is approximately _____ square feet. There are two decks play area consist of 756 SF, + the backyard of at least 10000 SF fenced.

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 Daycare - (2) two sidewalk available for parking; proposing to hire 2 assistants full time + For those reasons, I believe that my proposed "home day care" will not impact my neighbors in any negative way.

Sincerely,

KATHY NOURY
Owner of LENID DAYCARE LLC

Proposed Arrival and Departure Schedule for: _____

Address: _____

Proposed Arrival Schedule

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

Proposed Departure Schedule

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

LENI'S DAYCARE

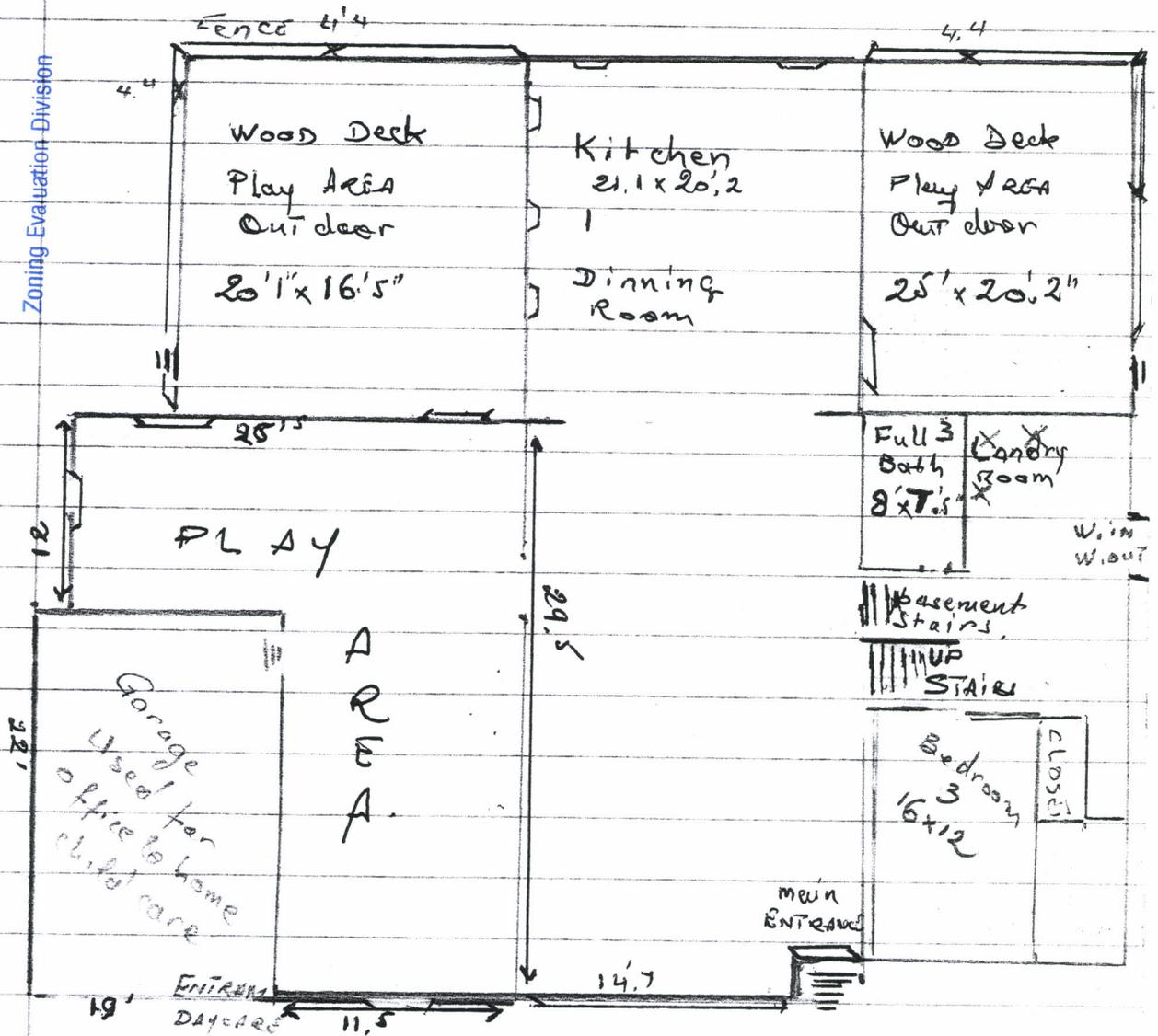
6138 Beachway Dr Falls Church
VA 22041

All bedrooms and bathroom 2-3 are used for
le Niid daycare.

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Department of Planning & Zoning

JUL 01 2016

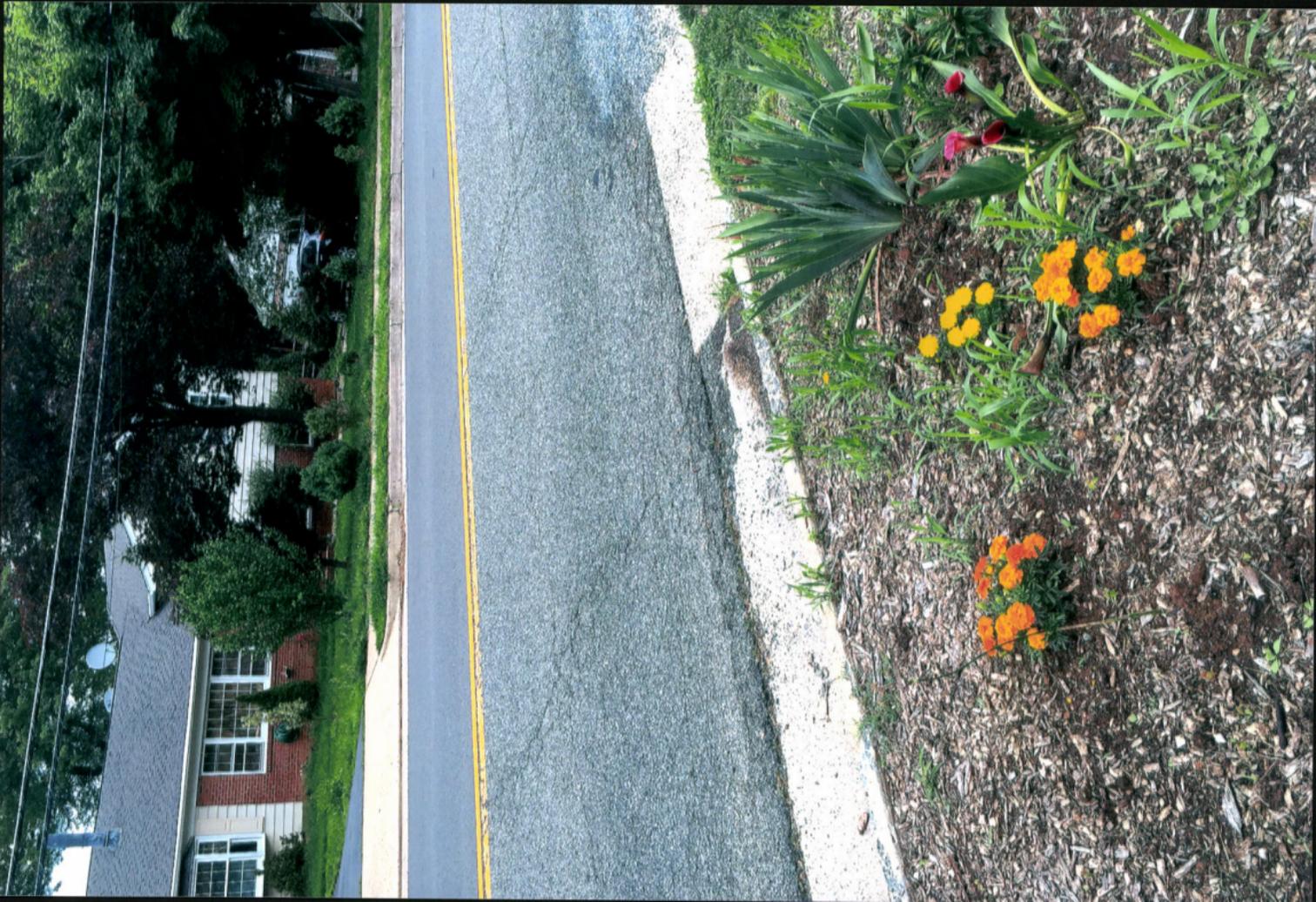
Zoning Evaluation Division

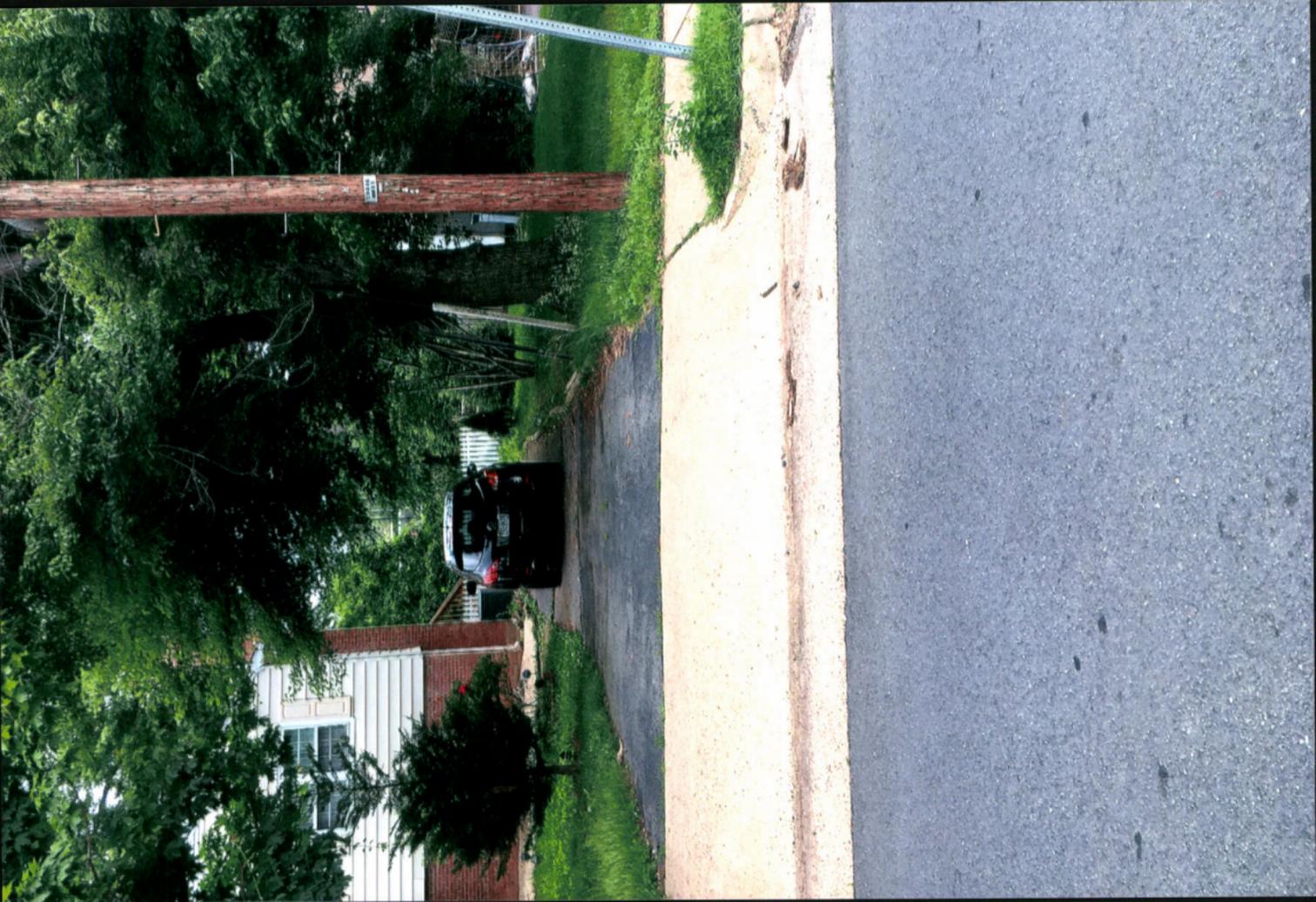


* Up stairs :

Bedroom 1 : 18' x 9.8' // Bathroom : 18 x 6.5'

Bedroom 2 : 10.5 x 10 // Bathroom : 9 x 5.5'













Lenid Daycare



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*Play
*Grow

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(703) - 623-5864

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WELCOME
TO
Lenid Daycare
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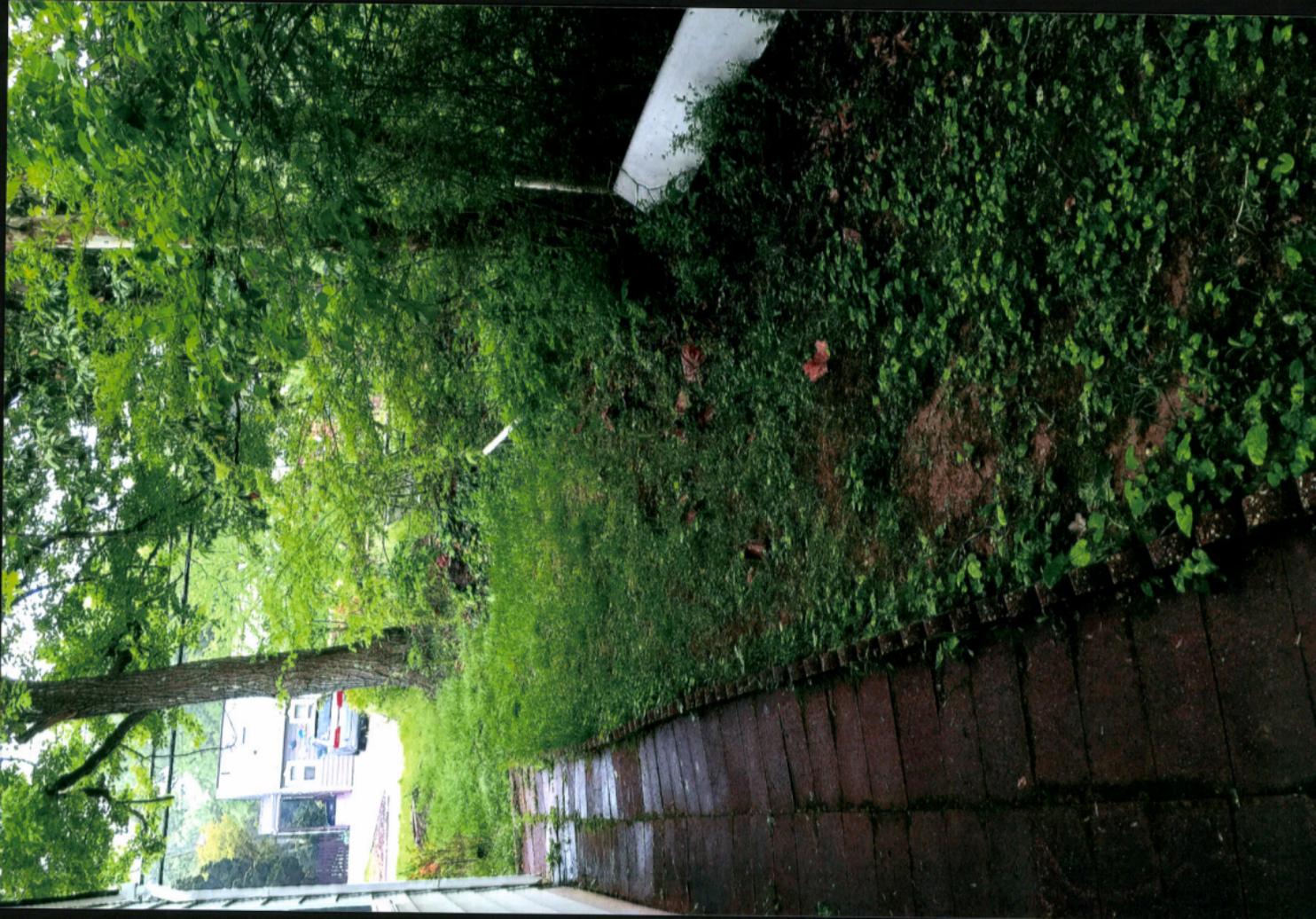


WELCOME











Application No.(s): SP 2016-MA-068
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7.29.2016
(enter date affidavit is notarized)

135691

I, Kathy Nouny Levid Daycare LLC, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kathy Nouny	6138 Beachway Dr. Dallas, TX 75241	Applicant
	" "	Title Owner
Levid Daycare LLC	" "	
Abunel Eama	" "	Co. Title Owner

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/29/2016
(enter date affidavit is notarized)

135691

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)

Lena Day Corp LLC
6138 Beachway Dr. Falls Church VA 22041

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)

Kathy Wouy

(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: 07/29/2016
(enter date affidavit is notarized)

135691

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 07/29/2016
(enter date affidavit is notarized)

135691

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: 07/29/2016
(enter date affidavit is notarized)

135691

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)

Kathy Young
 Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 29 day of July, 2016, in the State/Comm. of Virginia, County/City of Fairfax.

Jo Ellen Merrill
Notary Public


My commission expires: 12-31-19

200

Page 453, May 17, 1983, Scheduled case of

8:30 P.M. BERTRAM AVIS, appl. under Sect. 18-401 of the Ord. to allow construction of garage addition to dwelling to 10 ft. from side lot line (15 ft. min. side yard req. by Sect. 3-207), located 6138 Beachway Dr., Lake Barcroft Subd., R-2, Mason Dist., 61-2((16))837, 15,450 sq. ft., VC 83-M-032.

Ms. Jane Kelsey presented the staff report. Mr. Bertram Avis of 6138 Beachway Drive in Falls Church informed the Board that he needed a variance in order to construct a garage addition to the side lot line. There was room for a 14 ft. garage but he wanted a double garage. Mr. Avis stated that he felt he met the nine standards for the granting of a variance. He had acquired the property in good faith. The property did have topographic conditions and had a steep slope at the rear which prevented the construction of a double garage at that location.

BERTRAM AVIS,

(continued)

Mr. Avis stated that most of the lots in Lake Barcroft did not have the problem he did. He stated that his lot was in the old section which was zoned R-3. Later when the new section was built, the property was rezoned to the R-2 category. The proposed construction would have an all brick front to match the existing house. The trees would remain to offer a buffer and have privacy and seclusion. Mr. Avis informed the Board that the Architectural Review Committee had reviewed his proposal and given its approval. The proposed garage would conform with the existing structure and would not damage the value of the community. Mr. Avis stated that the house on the adjacent lot had a carport 12 ft. from the property line.

Other factors for consideration was that a precedent had been set with the granting of a variance to allow construction 10 ft. from the lot line. This was for a property only three houses from Mr. Avis' property. In addition, at 6216 Beachway Drive was a garage 10 ft. from the side lot line. The garage was to be constructed for security as a bicycle had been stolen from the Avis property. The addition would increase the tax assessment of the house. There was no one opposed to the variance.

Mrs. June Avis spoke in support of the variance. She stated that within 3 to 4 ft. of the property line were large trees. Their lot had a drainage problem. The proposed construction would not affect the drainage problem of the adjoining neighbors.

There was no one else to speak in support and no one to speak in opposition. There was a letter of opposition from Mrs. Grimsley-Wood which the Chairman read into the record.

Page 454, May 17, 1983

Board of Zoning Appeals

BERTRAM AVIS

R E S O L U T I O N

In Application No. VC 83-M-032 by BERTRAM AVIS under Section 18-401 of the Zoning Ordinance to allow construction of garage addition to dwelling to 10 ft. from side lot line (15 ft. min. side yard req. by Sect. 3-207), on property located at 6138 Beachway Drive, tax map reference 61-2(16)837, County of Fairfax, Virginia, Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 17, 1983; and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the property is the applicant.
2. The present zoning is R-2.
3. The area of the lot is 15,450 sq. ft.
4. That the applicant's property has topographic problems of a steep slope in the rear yard.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location and the specific structure indicated on the plat included with this application, and is not transferable to other land or to other structures on the same land.
2. Under Section 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, eighteen (18) months after the effective date of the variance unless construction has started and is diligently pursued, or unless a request for additional time is approved by the BZA because of the occurrence of conditions unforeseen at the time of approval of this variance. A request for additional time must be justified in writing and shall be filed with the Zoning Administrator thirty (30) days prior to the expiration date.
3. A Building Permit shall be obtained prior to construction.

Mr. Ribble seconded the motion.

The motion passed by a vote of 4 to 3 (Messrs. Smith, Hyland & Hammack).

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Application No. VC 83-M-032 by BERTRAM AVIS under Section 18-401 of the Zoning Ordinance to allow construction of garage addition to dwelling to 10 ft. from side lot line (15 ft. min. side yard req. by Sect. 3-207), on property located at 6138 Beachway Drive, tax map reference 61-2((16))837, County of Fairfax, Virginia, Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

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1. That the owner of the property is the applicant.
2. The present zoning is R-2.
3. The area of the lot is 15,450 sq. ft.
4. That the applicants' property has topographic problems of a steep slope in the rear yard.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

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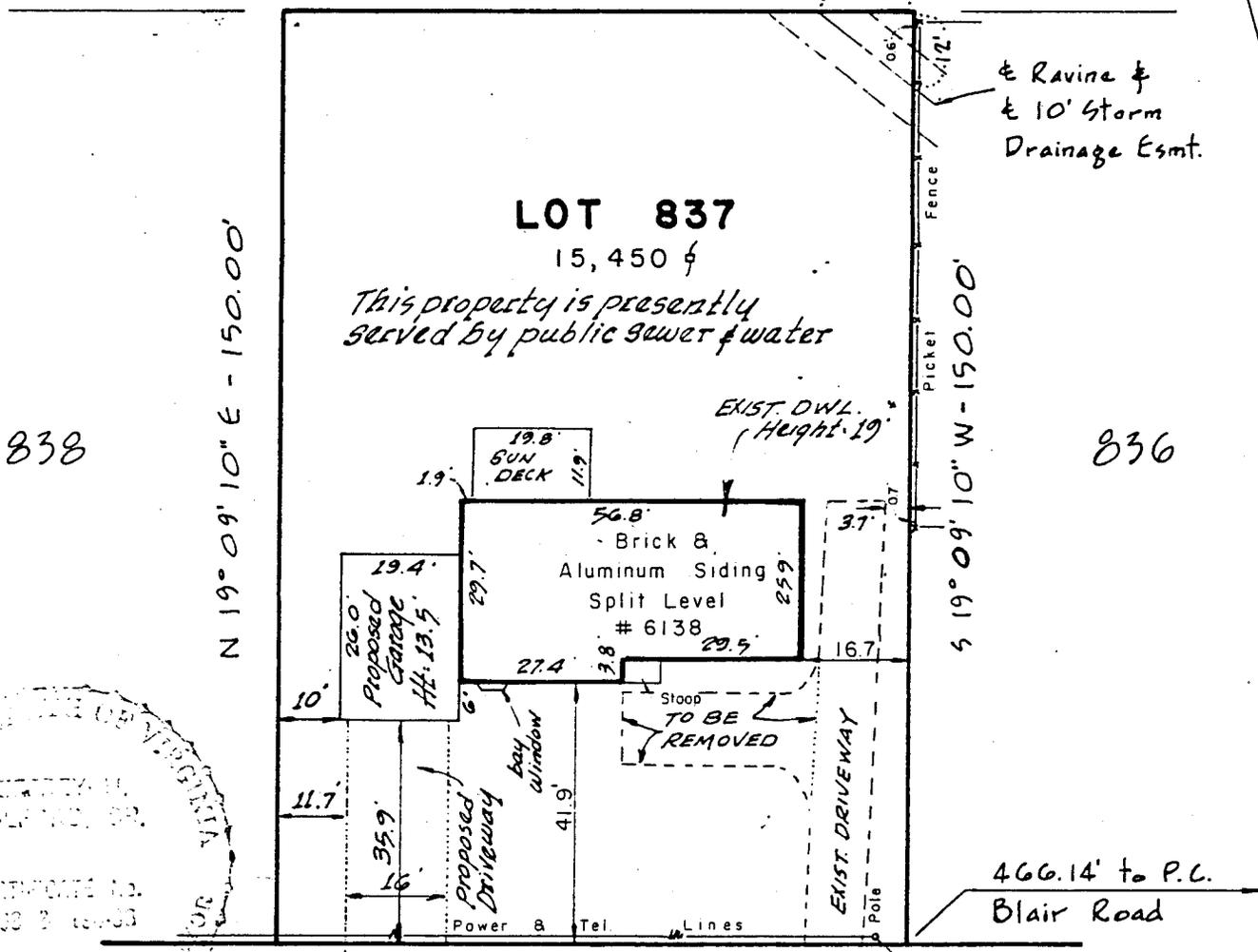
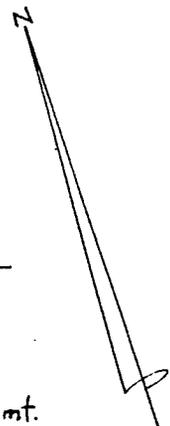
A COPY TESTE:


SANDRA L. HICKS, CLERK TO THE
BOARD OF ZONING APPEALS

Note:
 Easements are hereby reserved for the Virginia Department
 Of Highways on all lots from the street property line to
 the top or bottom of cut and fill slopes respectively.

Fairfax County School Board

S 70° 50' 50" E - 103.00'



BEACHWAY DRIVE

50' R/W

HOUSE LOCATION

LOT 837 SECTION 9

LAKE BARCROFT

MASON

DISTRICT

FAIRFAX

COUNTY,

VIRGINIA

SCALE: 1" = 30'

REVISED FOR:
 VARIANCE PURPOSES, MARCH 7, 1983

APR. 23, 1979

SURVEY FOR

 CASE NO:
 Avis

PAYNE ASSOCIATES
 CERTIFIED LAND SURVEYORS
 ARLINGTON VIRGINIA

CERTIFIED CORRECT
 Jeffrey H. Wolford Jr.
 CERTIFIED SURVEYOR

**BUILDING
 PERMIT APPLICATION**

APPLICATION NO

19

Date

JOB LOCATION
 Street 6138 BEACHWAY DR.
 Building _____ Floor _____ Suite _____
 Subdivision _____
 Tenants Name AVIS RESIDENCE

DO NOT WRITE IN THIS SPACE
 Permit No. 63205130050
 Map Reference 61-2-16--0837
 Building Permit No. _____ Control No. _____
 Std. 81 Mag. MA Plan EA Census _____

OWNER
 Name MRT MRS BERTRAM AVIS
 Address (Mailing) 6138 BEACHWAY DR
 City FAIRFAX State VA Zip 22041
 Telephone 703-578-4046

CONTRACTOR
 Company Name WALTER E. LITCHFIELD
 Master WALTER LITCHFIELD
 Address 12566 MILITARY RD
 City ARLINGTON State VA Zip 22207
 Telephone 522-7480 License No. _____
 State Contractors License No. 24888
 County Business Account No. 18-3077

For Description ADDITION / GARAGE TO EXISTING HOUSE

ROUTING

	Date	Approved By:
Health Review		
Site Review	<u>4th</u>	<u>[Signature]</u>
Zoning Review	<u>3rd</u>	<u>[Signature]</u>
Sanitation Review		
Building Review	<u>4th</u>	<u>[Signature]</u>
Fire Review		

Model/Use RESIDENTIAL
 Sewage: Public Community Septic Tank None
 WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

Use Group of Building K-3
 Type of Construction K-B
 Building Area _____
 Estimated Const. Cost 12,500

REMARKS:
BUILDING DESCRIPTION QUANTITY
 # Units _____
 # Stories 1
 # Rooms _____
 # Bedrooms _____
 # To be Added _____
 # Baths _____
 # Half Baths _____
 # Kitchens _____
 # Fireplaces _____
 Basement _____
 % Basements to Finish _____

ZONING REVIEW
 Zoning Proffers Building _____
 Zoning Class VC-83-M0032
 Zoning Case # R-2

BUILDING CHARACTERISTICS
 Building Height _____
 Exterior Walls _____
 Interior Walls _____
 Roofing Material _____
 Flooring Material _____
 Heating Fuel _____
 Heating System _____

GRADING AND DRAINAGE REVIEW
 Soils _____
 Historical _____
 Plan # _____
 Retaining Wall _____

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
<u>1</u>	<u>14</u>	<u>12</u>	<u>168</u>

YARDS Front 7/8 Front 36 Left Side 10 Right Side 7/8 Rear 7/8

REMARKS
 Lake Barcroft Section 9 Lot 837 "Zoning Administrator approval subject to applicant's compliance with the conditions set forth in the attached Resolution."

Per Attached Plat.

FOR COUNTY USE ONLY:
 Date 7/29/83 By [Signature]
 Approved for Issuance of Building Permit

Fee _____
 Filing Fee 22.46
 Amount Due _____

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

I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

Signature of Owner or Agent _____ Date _____ Notary Signature _____ Date _____

Bldg Permit #:

142580132

RESIDENTIAL ADDITION

SCANNED

Address: 6138 BEACHWAY DR
FALLS CHURCH VA 22041-1428
Bldg: N/A Floor: Suite: N/A

Tax Map: 0612 16 0837

Subdiv: LAKE BARCROFT LT 837 SEC 9

5,450.00

Owner: GARMA AHMED
6138 BEACHWAY DR FALLS CHURCH VA 22041

Phone Day: **Evening:**

Contractor:

OWNER IS CONTRACTOR
(999) 999-9999

Type of Work: ADDITIONAL STORIES

Description of Work: BUILD ONE STORY ADDITON AND DECK W/STEPS IN REAR AS PER PLANS//AMEND TO ADD REAR ADDITION AND REAR DECK

Specific Description of Work:

<u>1 Story</u>	<u>1 Story</u>	<u>1 Story</u>	<u>2 Story</u>	<u>2 Story</u>	<u>2 Story Bsmt</u>	<u>2nd Story Addn</u>
<u>Ground</u>	<u>Crawl</u>	<u>Bsmt Below</u>	<u>Ground</u>	<u>Crawl</u>	<u>below</u>	<u>Over Exist Structure</u>
Y	N	N	N	N	N	N

ZPRB Review:

<u>Date</u>		<u>Status</u>
09/15/2014	AMOXLE	Approved
05/15/2015	TMILLE	Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback			
R-2	N	SFD	N	N	N	N	N			
Yard/Setbacks:								Dimensions:		
Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type	
addition	0.00	0.00	0.00	39.00	0.00	55.00	addition 20x21	12.00	ONE STORY	
deck	0.00	0.00	0.00	0.00	15.00	55.00	29x20	4.00	OPEN	
USE GRP	CNST TYPE		BLDGAREA							
R5	VB		2,334.00							

DETAILS COMMENTS:

one story rear addition to extend existing kitchen, add masterbedroom, full bath, closet and deck per plans. previous permit for 2nd story addition was never built, never finalized.

5/13/15 TM - reducing the size of the addition to 20x21 and the deck is 29x20 no wetbar, no 2nd kitchen. A setback certification is not required because they reduced teh size of the addition and it is 39' from the left size property line

SCANNED

RGS TITLE, LLC CASE #NN4-2289

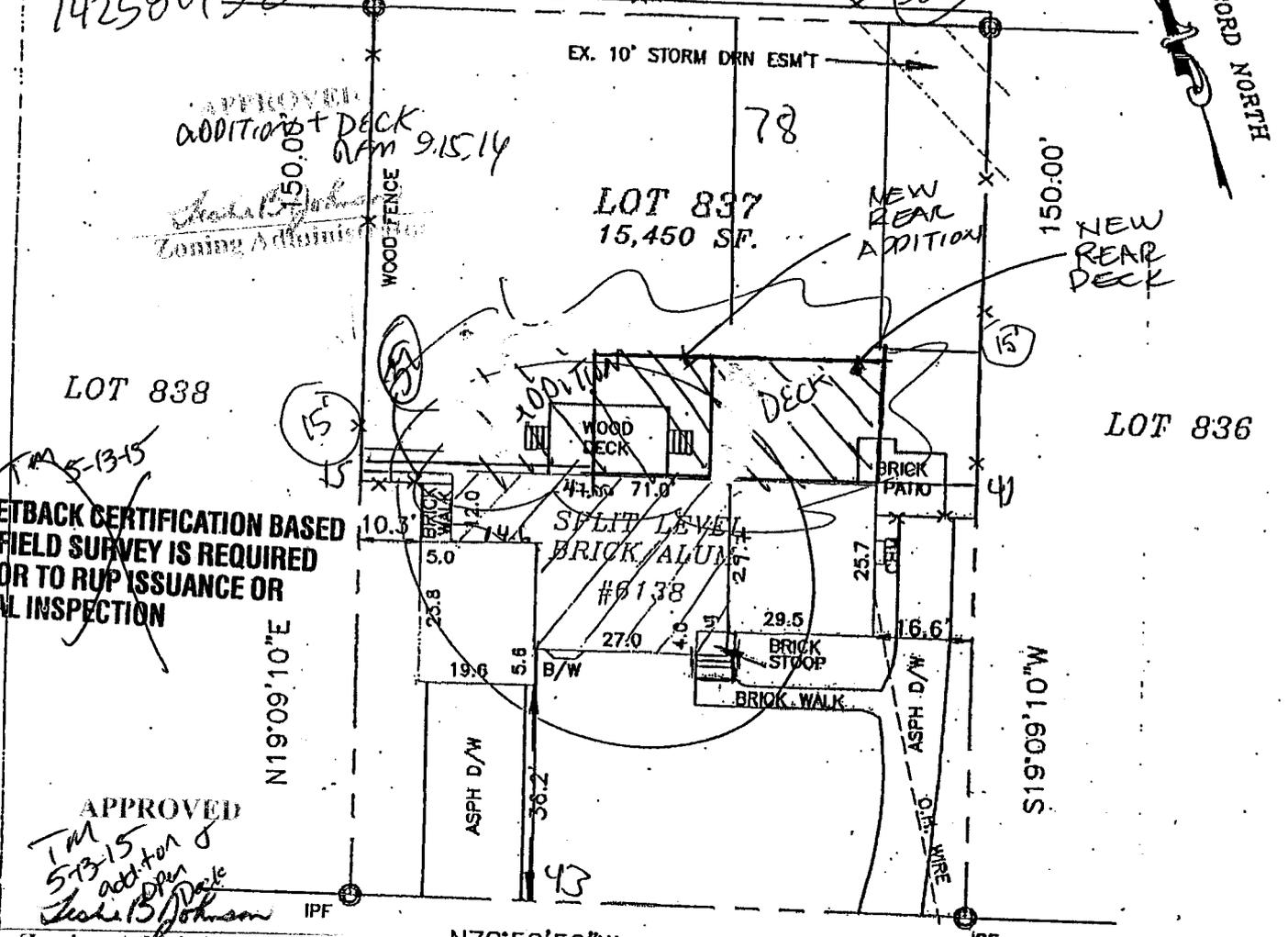
1. NO TITLE REPORT FURNISHED.
2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.
4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 867. ANY FENCES SHOWN ARE APPROXIMATE.
5. NO CORNER MARKERS SET.

142580132

FAIRFAX COUNTY SCHOOL BOARD

142580132

S70°50'50"E 103.00'



A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION

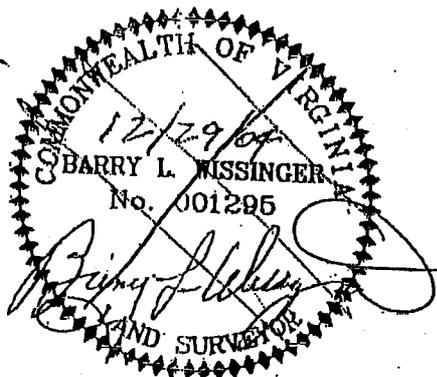
APPROVED
 5-13-15
 addition of
 deck
 Steve B Johnson
 Zoning Administrator

FLOOD NOTE:

THIS LOT CLASSIFIED AS ZONE "X" AREA DETERMINED TO BE OUTSIDE OF 500 YEAR FLOODING.

This Plat depicts the location, height and distances of all existing and proposed structures to respective lot lines.

APPROVED
 4-22-14
 Steve B Johnson
 Zoning Administrator



Owner/Agent

04-22-14 SHOWING
 HOUSE LOCATION SURVEY
 LOT 837
 SECTION NINE
 LAKE BARCROFT
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE: "X"
 COMMUNITY NO: 5155250089D

PANEL: 890
 DATE: 3/5/90

DATE: 12/29/04 SCALE: 1"=30'

CASE NAME:
 BERTRAM / GARMA & NOURY
 SUBURBAN DEVELOPMENT ENGINEERING

PLAT SUBJECT TO RESTRICTIONS OF RECORD

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.

ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS •

7777 LEESBURG PIKE, SUITE #406N
 FALLS CHURCH, VIRGINIA 22043 703-566-0800

DRAWN BY: S. OUDOM CHECKED BY: BARRY L.

F#21328

NOURY, KATHY

Address 6138 BEACHWAY DR FALLS CHURCH, VA 22041

Phone (703) 623-5864, (703) 220-8217

Email K.noury@hotmail.com

Website leniddaycare.com

Home Inspections	
7/6/2016	Pass

Fire Inspections	
8/10/2016	Pass

Child Care Details

Provider Type Family Child Care

Ages of Children Served 1 Month - 7 Years

Transportation Provided From School, To School

Elementary Schools Bailey's

Days of Operation Monday, Tuesday, Wednesday, Thursday, Friday

Hours of Operation 07:00 AM To 06:00 PM

Language(s) English, Spanish

Special Needs NA

Permit / License Fairfax County Permit

Provider Credentials NA

Provider Accreditation NA

USDA Food Program No

Physical Environment Characteristics Wheelchair Accessible, Near Public Transportation, Fenced Yard, Single Family, No Pets

Limitations JUST PLAY ROOM AND, THREE BEDROOMS, BATHROOM AND TWO DECKS ON MAIN FLOOR; AND BATHROOM IN THE 2th FLOOR ARE USED FOR DAY CARE

Program Participations NA

Child Care Service(s) After School, Before and After Preschool, Before School, Evening Care, Full Time, Full Time, Mornings, Part Time, Part Time, Year Round

RECEIVED
Department of Planning & Zoning

MAY 11 2016

Zoning Evaluation Division

FAIRFAX COUNTY, VIRGINIA

OFFICE FOR CHILDREN

ANNUAL
HOMECARE PERMIT

Permit is granted to:

For Home Child Care at:

10001 BRIDGEWAY DR
FAIRFAX, VIRGINIA 22041

From:

10/09/2015

To: 09/30/2016

Limitations: JUST PLAY ROOM, DECOR BESIDE ON MAIN FLOOR AND BATHROOM IN
2ND FLOOR ARE USED FOR DAY CARE

1742

THIS PERMIT IS ISSUED IN ACCORDANCE WITH CHAPTER 11, ARTICLE 1 OF THE CODE OF FAIRFAX, VIRGINIA

25670

Permit Number

[Signature]
Director, Office for Children



County of Fairfax, Virginia

MEMORANDUM

Date: August 30, 2016

To: Erin Haley, Senior Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Child Care - SP 2016-MA-068, Kathy Noury, Lenid Daycare, LLC

Reference: 6138 Beachway Drive, Virginia 22041
Lake Barcroft, Section 9, Lot 837
Tax Map Ref.: 61-2 ((16)) 837
Zoning District: R-2
Magisterial District: Mason
ZIB Ref.: 2016-0253
Date of Inspection: August 23, 2016

The following observation was noted during the inspection conducted on August 23, 2016 with respect to current building code requirements:

1. An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.

The bedroom in the basement used for napping did not have a smoke alarm. It is recommended that a smoke alarm be installed in this room.

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.