

EXHIBIT NO. 1

5
2-23-02

Docket Item # 11
SPECIAL USE PERMIT #2001-0130

Planning Commission Meeting
February 5, 2002

ISSUE: Consideration of a request for a special use permit to operate a child care home.

APPLICANT: Vijaya Shah

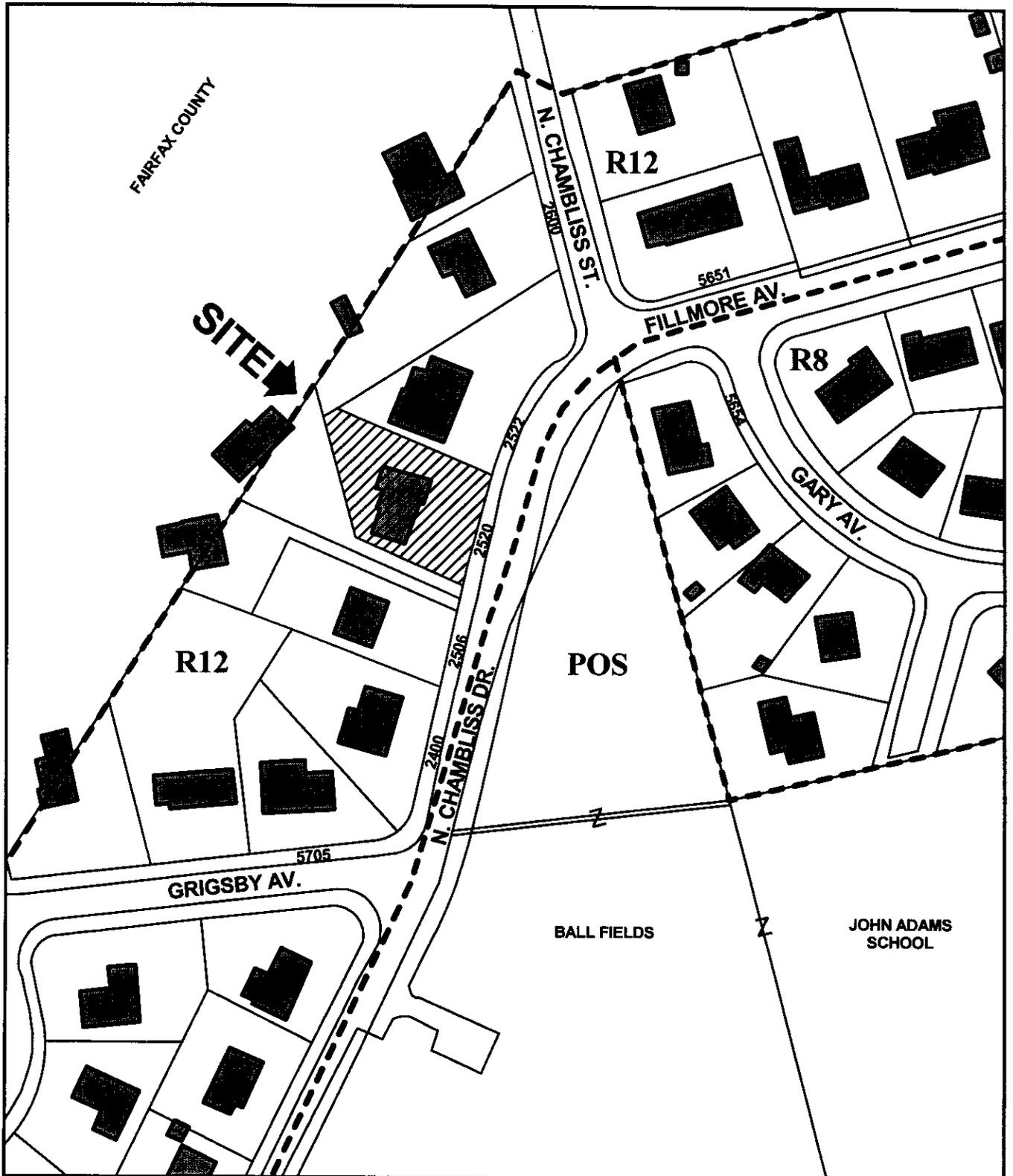
LOCATION: 2520 North Chambliss Street

ZONE: R-12/Residential

PLANNING COMMISSION ACTION, FEBRUARY 5, 2002: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers: There were no speakers.



SUP #2001-0130

02/05/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
3. No more than nine children under the age of 14 may attend the child care home at one time. (P&Z)
4. The applicant shall install a six foot tall opaque fence between the child care home and the adjacent residences, to the satisfaction of the Director of Planning and Zoning, who may relax this requirement after consultation with the adjacent neighbors. (P&Z)
5. The applicant shall obtain a license from the Virginia Department of Social Services prior to expanding her child care home from five to nine children. (P&Z).
6. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Notes:

Upon issuance of special use permit, the applicant must contact appropriate City departments to confirm compliance with City and State codes and ordinances.

The applicant must be registered with the Alexandria Department of Social Services.

The applicant shall obtain a certificate of occupancy prior to commencement of the child care home.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Vijaya Shah, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 2520 North Chambliss Street.
2. The subject property is one lot of record with a total lot area of 12,140 square feet. The site is developed with a two story single family home. It sits on the border between the City of Alexandria and Fairfax County. The surrounding land uses are primarily residential. A city park occupies the land directly across the street from the proposed child care home.
3. The applicant requests special use permit approval to operate a child care home in her personal residence for up to nine children. The applicant currently cares for five children in her home, and is requesting approval to care for four more children. The applicant states that the children she cares for are generally six weeks to four years of age. She uses the finished basement of her home for the child care facility and will add one assistant to help her care for the children. The child care home will operate from Monday through Friday between 8:00 a.m. and 6:00 p.m.
4. The applicant must comply with the standards set forth in Section 7-500 of the zoning ordinance to operate a child care home. The information given below reflects the applicant's compliance or intention to comply with these standards.

The applicant is registered with the city and has been since February 1998. There are no resident children under the age of 14, though there is one resident child that is 15 and one that is 18. The home is the principal residence of the operator of the child care home. The Department of Human Services notes that the applicant has applied for a license from the Virginia Department of Social Services. The child care home has a fenced in rear yard and stands directly across the street from a city park.

5. The applicant estimates that approximately two bags of garbage related to the proposed use will be generated weekly, and this garbage will be collected along with the residential garbage in the neighborhood by existing city services. The applicant does not anticipate odor or noise problems.
6. The zoning ordinance does not specify required parking for child care homes. The applicant does have room for three cars in the driveway (with two cars stacked) and the wide roadway allows for curb parking as well.
7. Zoning: The subject property is located in the R-12 (Single Family) zone. Section 7-500 of the zoning ordinance allows a child care home in the R-12 zone only with a special use permit.

8. Master Plan: The proposed use is consistent with the Alexandria West chapter of the Master Plan which designates the property for residential use.

STAFF ANALYSIS:

Staff has no objection to the proposed child care home located at 2520 North Chambliss Street. The proposed use complies with the requirements for child care homes set forth in the zoning ordinance. Additionally, the Department of Human Services states that the applicant has been a registered family child care provider for nearly four years, and recommends approval of the application.

The delivery and collection of children to the proposed child care home does not appear problematic due to the fact that six cars can, at a minimum, be accommodated in the large driveway and along the curb. Additionally, parents drop off or pick up their children at different hours, thereby staggering the need for parking. Lastly, the area consists mainly of detached single family homes on large lots and has a low density relative to other parts of the city. Consequently, traffic congestion in the area would likely not be negatively impacted by the addition of nine cars driven by the children's parents.

The noise from children playing in the rear yard does not appear to be a significant issue either since the child care home only operates during the week when many people are at work. If the neighbors have concerns regarding noise from children playing in the rear yard, they can notify staff and the issue can be revisited during the review required one year from approval in Condition #7. An alternative at that point may be to require the applicant to take the children to the city park across the street to play instead of using her own yard.

Staff is concerned that the applicant's rear yard play area is located very near several adjacent homes, and that the existing three foot fence might not offer enough screening between the rear yard play area and the adjacent neighbors. Consequently, staff recommends that the addition of a fence be considered unless the neighbors have no objection to the existing one.

The Police Department received calls for service at the applicant's home twice in the year 2000. These calls for service were made by the applicant and her husband about their then fourteen year old son. The Department of Human Services reviewed these calls in relation to the subject application and did not find reason to change their support of the application.

Staff recommends approval of the proposed child care home subject to the recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 This review is based on the assumption that this facility will be licensed as a family day home by the Virginia Department of Social Services. If this does not occur then the number of children served at one time shall be limited to five. It is also assumed that the number of children under the age of 2 ½ will be limited to 4. If this number is exceeded then the building will be required to be upgraded to use group I-2 standards.
- C-2 Smoke detectors shall be provided in all sleeping areas.
- C-3 Fire extinguishers shall be provided at this facility.
- C-4 A certificate of occupancy shall be obtained prior to occupying this facility.

Health Department:

- F-1 No objection, in that this department has no regulations governing child care homes.

Police Department:

- R-1 The applicant is to call the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the home. This survey will include safety tips on how to report suspicious activity.
- F-1 In 2000, the Police Department responded to two calls for domestic violence at the applicant's home. These calls involved a then 14 year old son who the mother could not control. Neither call for service required a police report. There were no calls for service in 2001.

Human Services - Social Services:

R-1 Vijaya Shah has been a registered family child care provider since February 1, 1998. She currently has five children in her care. Mrs. Shah would like to get a special use permit because a few of the children will soon have siblings for whom the parents want Mrs. Shah as their provider. She would have no problem obtaining clients as she is well liked by both parents and children.

Mrs. Shah has started the paperwork for her State license; she has already mailed the application and paid applicable fees. She currently does not have an assistant but will have one in place if approved.

Approval of Mrs. Shah's special use permit to allow to care for up to nine children, is recommended pending compliance with other departments' recommendations, and subject to the licensing requirements and other limitations of local and state regulations.

APPLICATION for SPECIAL USE PERMIT # 2001-0130

[must use black ink or type]

PROPERTY LOCATION: 2520 N. CHAMBLISS ST Alexandria, VA

TAX MAP REFERENCE: 10.00-09-06.01 ZONE: R.12

APPLICANT Name: VISAYA SHAH

Address: 2520 N CHAMBLISS ST ALEXANDRIA, VA

PROPERTY OWNER Name: SUKHDEV & VISAYA SHAH

Address: 2520 N CHAMBLISS ST ALEXANDRIA, VA

PROPOSED USE: OWNER OCCUPIED RESIDENCE/CHILD CA,
HOME

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Sukhdev & Vijaya Shah Sukdev Shah/Vijaya Shah
Print Name of Applicant or Agent Signature

2520 N CHAMBLISS ST
Mailing/Street Address

703 578-1142 (202) 623-4370
Telephone # Fax #

ALEXANDRIA VA 22311
City and State Zip Code

NOV 25, 2001
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

N/A

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

THE NATURE OF THIS REQUEST IS TO OBTAIN PERMISSION FOR THE OPERATION OF A DAY CARE HOME ON THIS PROPERTY. DAILY OPERATION BEGINS AROUND 8:15 A.M. WHEN PARENTS (OR GUARDIANS) DROP THEIR CHILDREN OFF & ENDS WITH THE CHILDREN BEING PICKED-UP BY AROUND 5:45 P.M.. THE DRIVEWAY FOR THIS DWELLING, WITH ITS ADJACENT APRON, PROVIDES AMPLE SPACE FOR UP TO THREE (3) VEHICLES. ON RARE OCCASIONS, WHEN MORE THAN THREE (3) VEHICLES ARE ON PREMISES SIMULTANEOUSLY, ADDITIONAL VEHICLES CAN BE PARKED ALONG THE 80 AVAILABLE FEET OF CURB (PART OF 11-95 FT. OF FRONTAGE ON N. CHARBLISS ST.) WITHOUT ENCRUACHING INTO TWO-WAY TRAFFIC FLOW. DURING THE DAY, ACTIVITIES OCCUR BOTH INSIDE & OUTSIDE (WEATHER PERMITTING). A SEPARATE ENTRANCE IS PROVIDED WHICH ACCESSES THE HOME'S LOWER LEVEL. THIS FINISHED BASEMENT IS EQUIPPED WITH MANY NECESSARY AMENITIES INCLUDING A FULL BATH, A KITCHENETTE, & A NURSERY. ALTHOUGH MOST ACTIVITY OCCURS INSIDE, IN FAIR WEATHER, THE CHILDREN SPEND TIME OUTDOORS PLAYING ON FENCED-IN PLAYGROUNDS. THE AGE OF THE CHILDREN WILL RANGE FROM ABOUT 6 WKS TO PRESCHOOL AGE (4 YRS).

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

UP TO NINE (9) CHILDREN

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

ONE (1) EMPLOYEE IN ADDITION TO MRS. SHAW

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

MONDAY THROUGH FRIDAY

Hours:

8:00 A.M. TO 6:00 P.M.

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

CHILDREN AT PLAY (MAX. OF ABOUT 70-80 dB AT SOURCE -
SIMILAR TO VACUUM NOISE LEVEL) - OUTDOOR PLAY WILL NOT
BE CONTINUOUS.

B. How will the noise from patrons be controlled?

EXCESSIVE NOISE IS NOT ANTICIPATED. (BUT MODIFYING PLAY ACTIVITIES CAN CONTROL NOISE LEVELS)

8. Describe any potential odors emanating from the proposed use and plans to control them:

NEGLIGIBLE.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

TYPE WILL BE SIMILAR TO TYPICAL RESIDENCE.

B. How much trash and garbage will be generated by the use?

APPROXIMATELY TWO (2) ADDITIONAL 30 GAL. BAGS PER WEEK.

C. How often will trash be collected?

PER CITY'S NORMAL SCHEDULE FOR THIS NEIGHBORHOOD.

D. How will you prevent littering on the property, streets and nearby properties?

PROPOSED USE SHOULD NOT CREATE THESE PROBLEMS.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

EXPERIENCED, QUALIFIED, LICENCED SUPERVISION.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

NO PARKING REQUIREMENT FOR THIS PROPOSED USE.

B. How many parking spaces of each type are provided for the proposed use:

6 Standard spaces (3 IN DRIVEWAY, 3 ALONG CURB)

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is ^{PROVIDED} required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? NONE

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

EXISTING STREET ACCESS IS ADEQUATE

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

800 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

★ (PORTION OF 3,440 TOTAL SQUARE FOOTAGE)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

CHILD CARE SUPPLEMENTAL APPLICATION

Supplemental information to be filed by applicants requesting special use permit approval of a child care home or child care center. All applicants must submit a plot plan of the property, showing play areas and parking and an interior floor plan.

Child Care Homes

Applicants requesting special use permit approval of a child care home for six to nine children within a home shall complete this section.

1. Is the proposed facility the principal residence of the operator? Yes. No.
2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? Yes. No.
3. How many children, including resident children, will be cared for? NINE (9) MAX.
4. How many children reside in the home? From Present until Aug./01 - Two (2)
From 8/01 to 8/04 - One (1)
5. How old are the children? (List the ages of all children to be cared for)

Resident: DAUGHTER - 17, SON 14

Non-resident: RANGE BETWEEN 6 WKS. TO 4 YEARS.

6. A minimum of 75 square feet of outdoor play area must be provided for each child above age two, on the lot.

Play area required: WORST-CASE SCENARIO:

Number of children above age two: 9 x 75 square feet = 675 square feet.

Play area provided: ~ 3,000 square feet. (SEE SITE PLAN)

7. If the lot does not have room for on-site play area, is the child care home within 500 feet of a park or playground available for the children to play in? Yes. No.

If yes please describe the play area:

N/A (★ NOTE: A PUBLIC PARK IS LOCATED
ACROSS STREET)

If a play area that is not owned or leased by the operator is to be used by the children, written permission from the owner must be obtained and a copy submitted with this application.

Please note: child care homes are not permitted to display signs. NOTED

Child Care Homes and Child Care Centers

Applicants for both child care homes and child care centers (day care center, day nursery, and nursery schools) must complete the following section:

8. How many employees will staff the child care facility, including the operator?

Two (2)

How many staff members will be on the job at any one time? Two (2)

9. Where will staff and visiting parents park? DRIVEWAY (WITH
ADDITIONAL PRKG. ALONG CURB.

10. Please describe how and where parents will drop-off and pick-up children.

PARK IN DRIVEWAY; WALK W/ CHILD TO DAYCARE
ENTRANCE (SIDE DOOR) — PROCESS REVERSED IN P.M.

11. At what time will children usually be dropped-off and picked-up.

Drop-off
+/ 8:15 A.M.

Pick-up
+/ 5:45 P.M.

12. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

MOLDED PLASTIC "FORTS" & JUNGLE-GYMS, SWING SET,
TEETER-TOTTER, & A VARIETY OF AGE-APPROPRIATE OUTDOOR
TOYS (e.g. BALLS, SIT-IN PUSH CARS, WALKER CARS, ETC.)

* SEE PLAN FOR LOCATIONS

13. Are play areas on the property fenced? Yes. No.

If no, do you plan to fence any portion of the property? Yes. No.
Please describe the existing or proposed fence.

Child Care Centers Only

Applicants for child care centers (day care center, day nursery, and nursery schools) must complete the following section:

14. How many children will be cared for during one day? _____

15. What age children do you anticipate caring for? _____

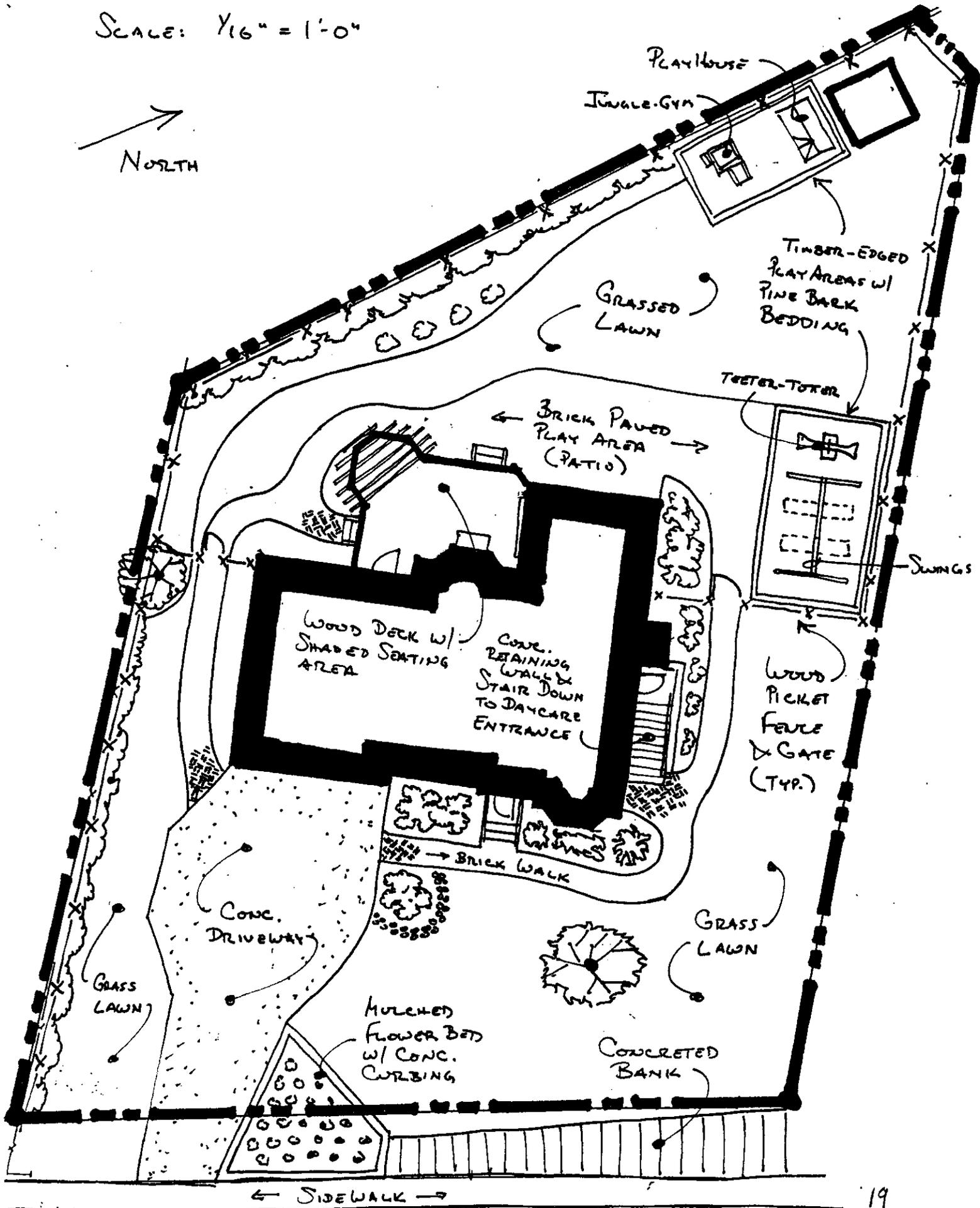
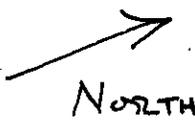
16. Does the operation have a license from the State of Virginia for a child care facility?

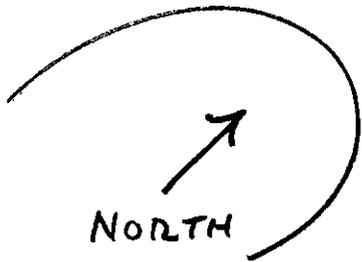
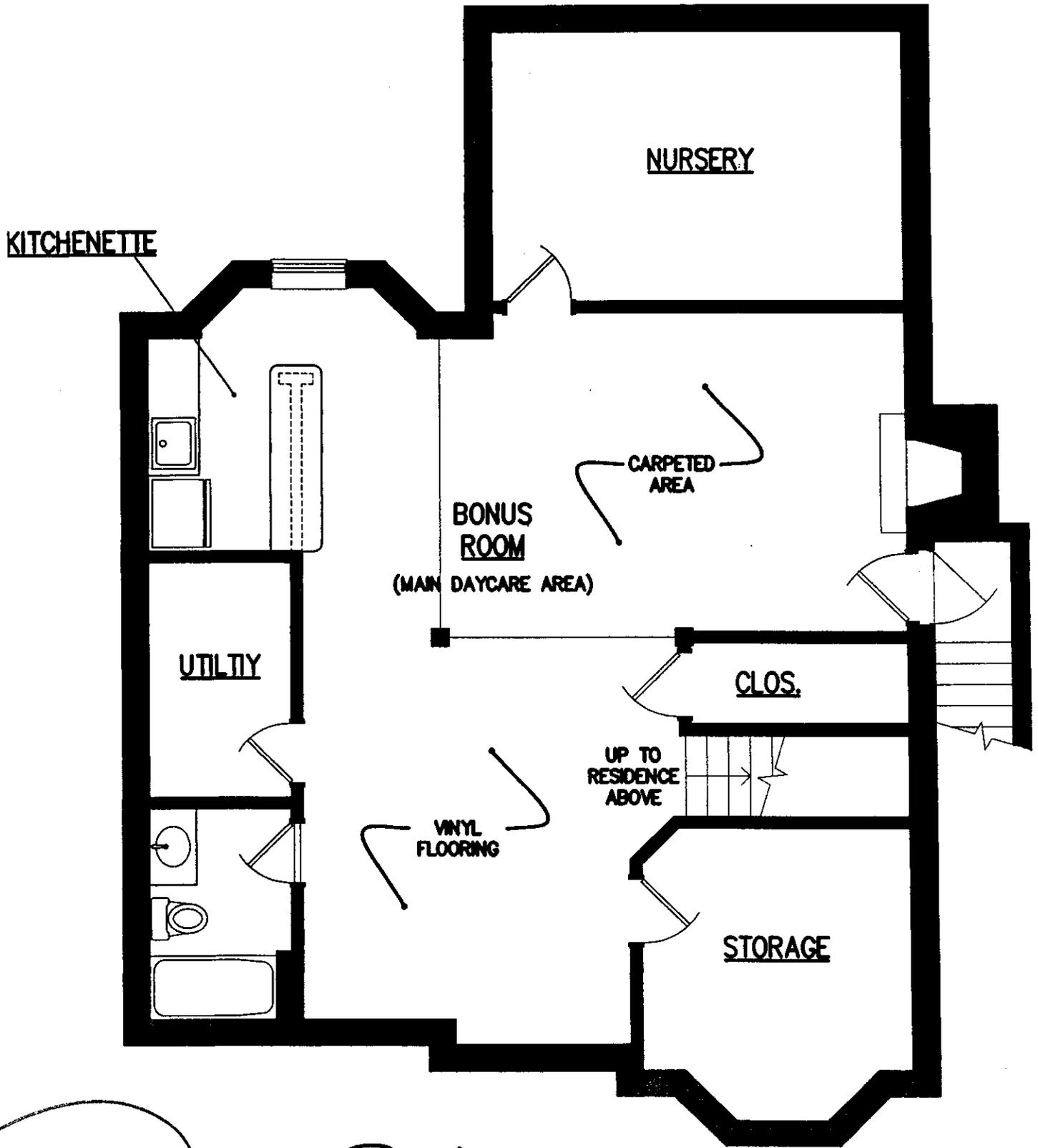
Yes. No. If yes, provide a copy of the license.

SUP 2001-0130

SITE PLAN - 2520 N. CHAMBLISS ST.

SCALE: 1/16" = 1'-0"





PLAN

SCALE: $3/16" = 1'-0"$

2526 Chambliss St.
SUP 2001-0130



Anne Levy

01/22/02 10:59 AM

To: Barbara Ross/Alex@Alex, Mary Hashemi/Alex@Alex
cc: Carol Farrell/Alex@Alex, Grace Langebeck/Alex@Alex
Subject: Vijaya Shah, SUP applicant

Here is the essence of my conversation with Vijaya Shah about the police visits to her home in April and October of 2000:

Ms. Shah said that in both instances, her son was upset and crying all day. Mr. Shah told him to stop or he would call the police, then he did. In both cases, the police talked to the parents and the son, he calmed down and no further action was taken. The first incident had to do with Ms. Shah returning a pet ferrett because of the odor. The son was in boarding school at the time, but came home on weekends. He was unhappy about giving up the pet. Ms. Shah could not remember the circumstances of the second incident, but remembers her son being upset for some other reason and carrying on all day. He again calmed down after the police visited. The boy is now living back in the home and attends Bishop O'Connell High School where he is in the ninth grade. There have been no further problems and he is a typical teenager. Since the incidents occurred well over a year ago, we do not feel that they had or will have any affect on Ms. Shah's ability to provide satisfactory child care services to nine children.

APPLICATION for SPECIAL USE PERMIT # 2001-0130

[must use black ink or type]

PROPERTY LOCATION: 2520 N. CHAMBLISS ST Alexandria, VA

TAX MAP REFERENCE: 10.00-09-05.01 ZONE: R-12

APPLICANT Name: VIJAYA SHAH

Address: 2520 N CHAMBLISS ST ALEXANDRIA, VA

PROPERTY OWNER Name: SUKHDEV & VIJAYA SHAH

Address: 2520 N CHAMBLISS ST ALEXANDRIA, VA

PROPOSED USE: OWNER OCCUPIED RESIDENCE/CHILD CA HOME

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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Sukhdev & Vijaya Shah Sukdev Shah/Vijaya Shah
Print Name of Applicant or Agent Signature

2520 N CHAMBLISS ST.
Mailing/Street Address

703 578-1142 (202) 623-4370
Telephone # Fax #

ALEXANDRIA VA 22311
City and State Zip Code

NOV 25, 2001
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 2/5/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 2/23/02PH -- CC approved the Planning Commission recommendation.