



APPLICATION ACCEPTED: May 23, 2014
BOARD OF ZONING APPEALS: October 29, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 22, 2014

STAFF REPORT

APPLICATION SP 2014-PR-079

PROVIDENCE DISTRICT

APPLICANT: Jeevika R. Oodugama
d/b/a Growing Seeds Montessori

OWNERS: Jeevika R. Oodugama
Duminda P. Athapaththu

LOCATION: 2809 Logway Road, Vienna

SUBDIVISION: Edgelea Woods

PARCEL: 48-1 ((7)) 92

LOT SIZE: 10,790 square feet

ZONING: R-3, Cluster

ZONING ORDINANCE PROVISION: 8-305

PROPOSAL: To permit a home child care facility

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-PR-079 for the home child care facility, subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of the 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.

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.

It should be noted that the content of this report reflects the analysis and recommendation 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.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**

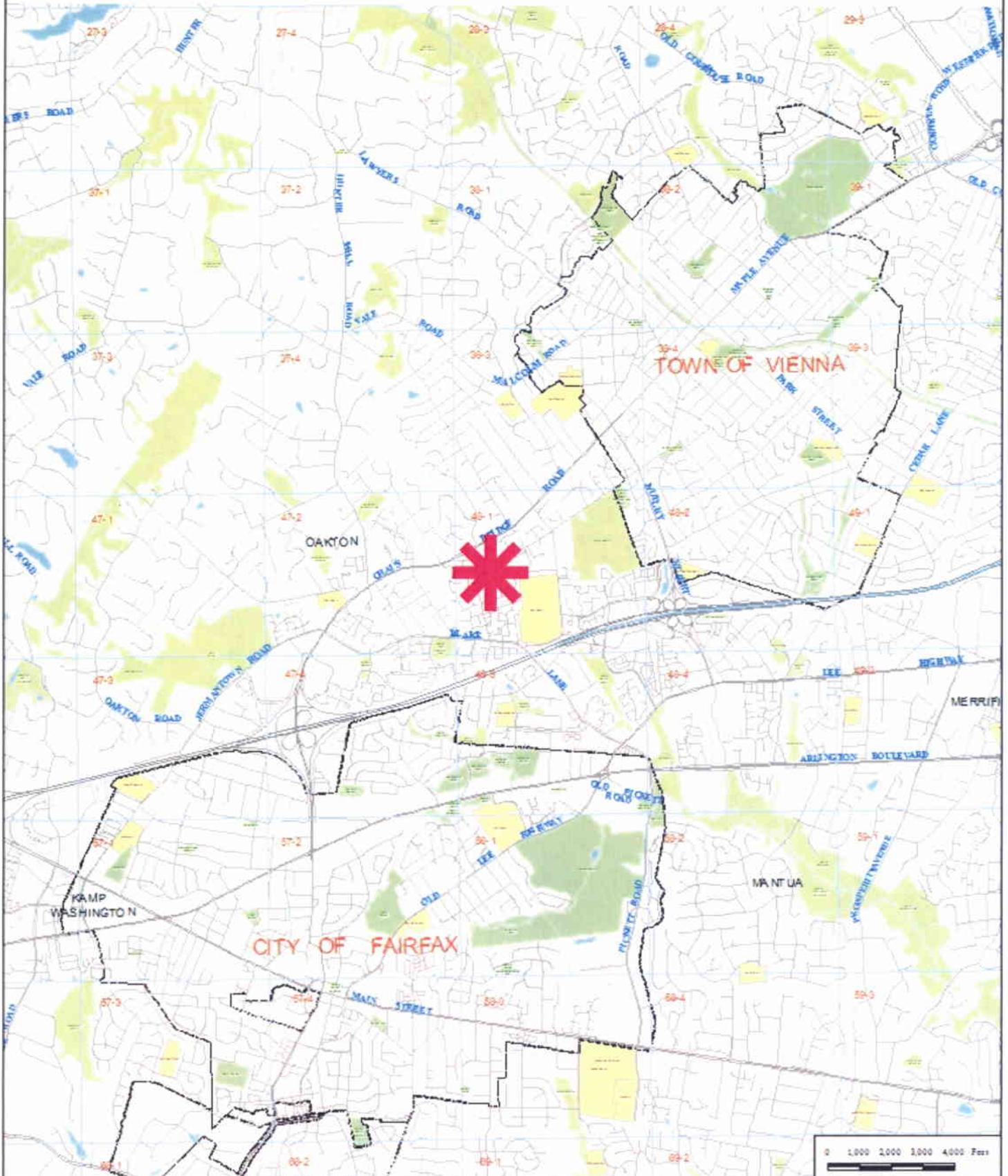


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-PR-079

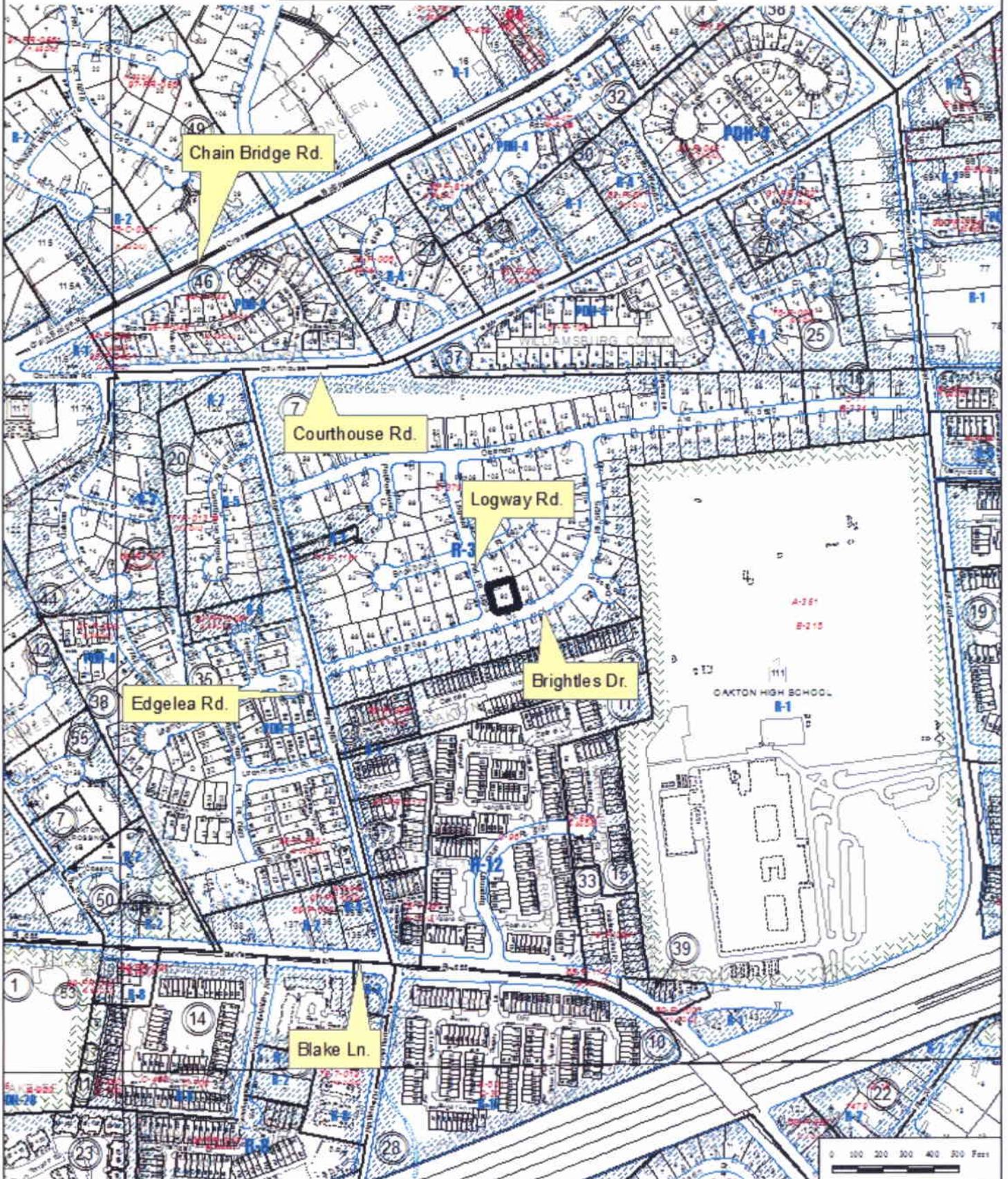
JEVIKA ROSHINI OODUGAMA D/B/A GROWING SEEDS MONTESSORI

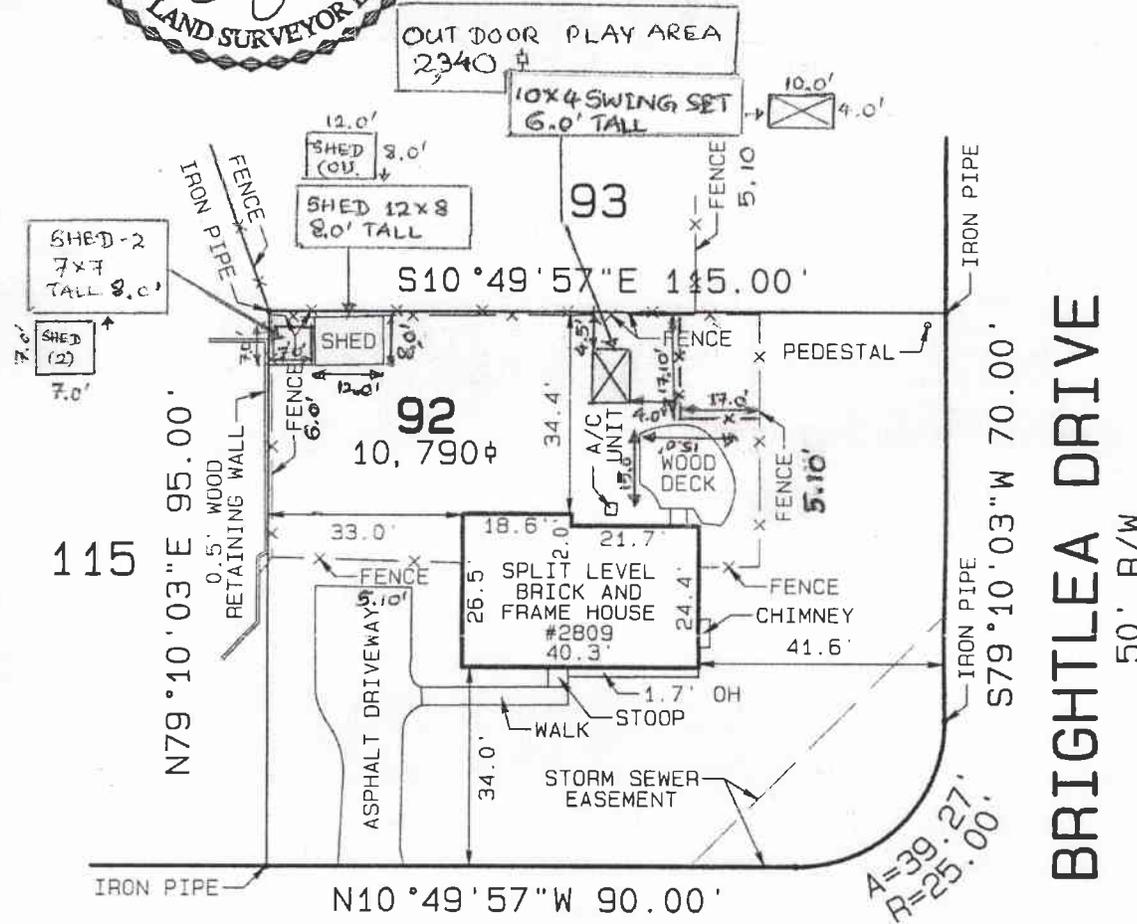
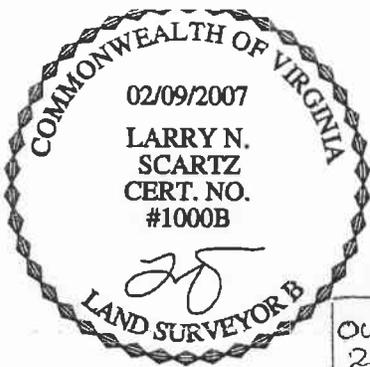


Special Permit

SP 2014-PR-079

JEEVIKA ROSHINI OODUGAMA D/B/A GROWING SEEDS MONTESSORI





Study
09/25/2014

LOGWAY ROAD
50' R/W

BRIGHTLEA DRIVE
50' R/W

HOUSE LOCATION SURVEY
LOT 92

EDGELEA WOODS

PROVIDENCE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: FEBRUARY 9, 2007

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD
OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND
DO NOT CERTIFY AS TO OWNERSHIP.

CASE NAME: CHENG TO ATHAPATHTHU/ODUGAMA
MBH SETTLEMENT GROUP, L.L.C. (QTAX0702014)

I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING
IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY
A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN,
THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS
THE PROPERTY LINE.

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBIDGE, VIRGINIA

Photos by DPZ Staff



Front of house



Back yard play area



Back yard play area



One of the sleeping rooms



Child care



Sheds



Child care



Walkway to rear entrance from Brightlea Dr.

SPECIAL PERMIT REQUEST

The applicant requests approval of a Special Permit for a home child care facility for up to 12 children at any one time within an existing single family detached dwelling.

A copy of the Special Permit Plat, titled "House Location Survey Lot 92 Edgelea Woods" prepared by Larry N. Scartz, dated February 9, 2007, with annotations by the applicant dated September 25, 2014, and photographs are included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,790-square foot subject property is located at the intersection of Logway Road and Brightlea Drive, near Oakton High School in Vienna. The property and the immediate vicinity are zoned R-3 and developed under the cluster provisions of the Zoning Ordinance.



Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

BACKGROUND

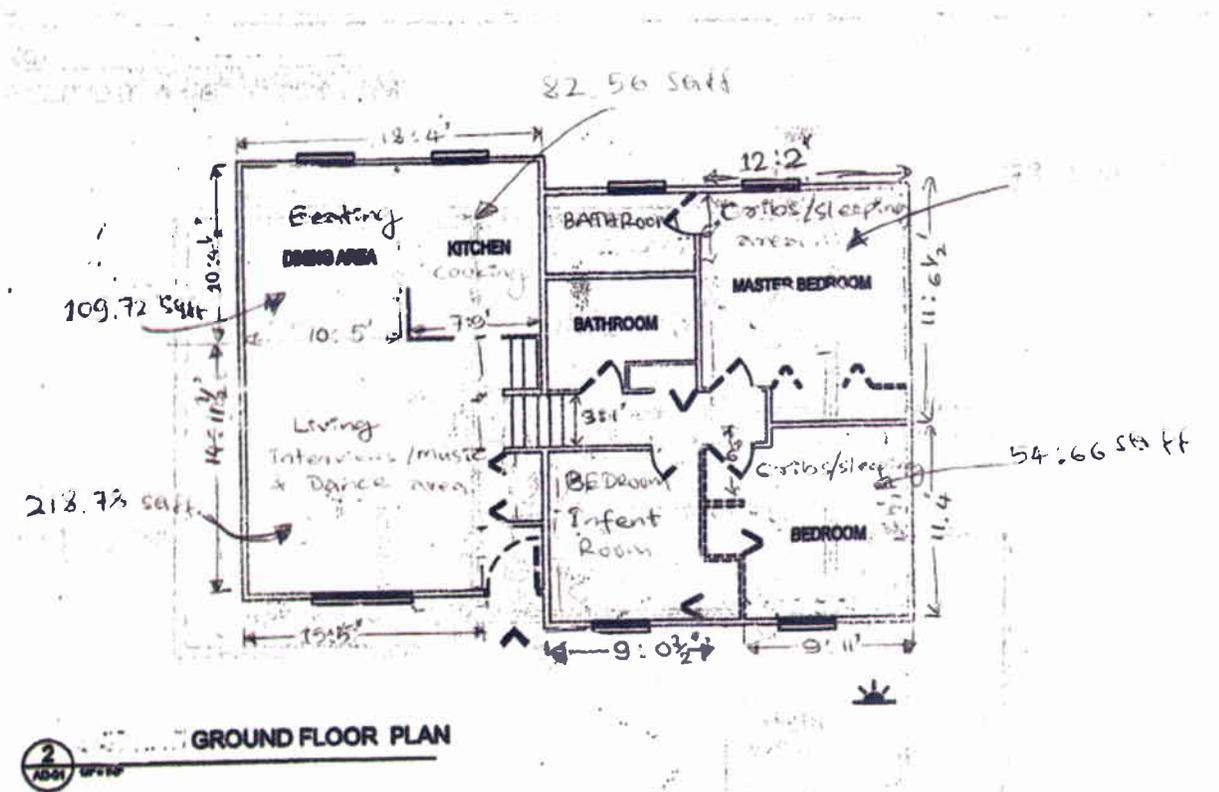
The dwelling was built in 1976, and the applicant purchased the property in 2007. Edgelea Woods was approved on November 19, 1971 (RZ C-370), and the property is not subject to proffers.

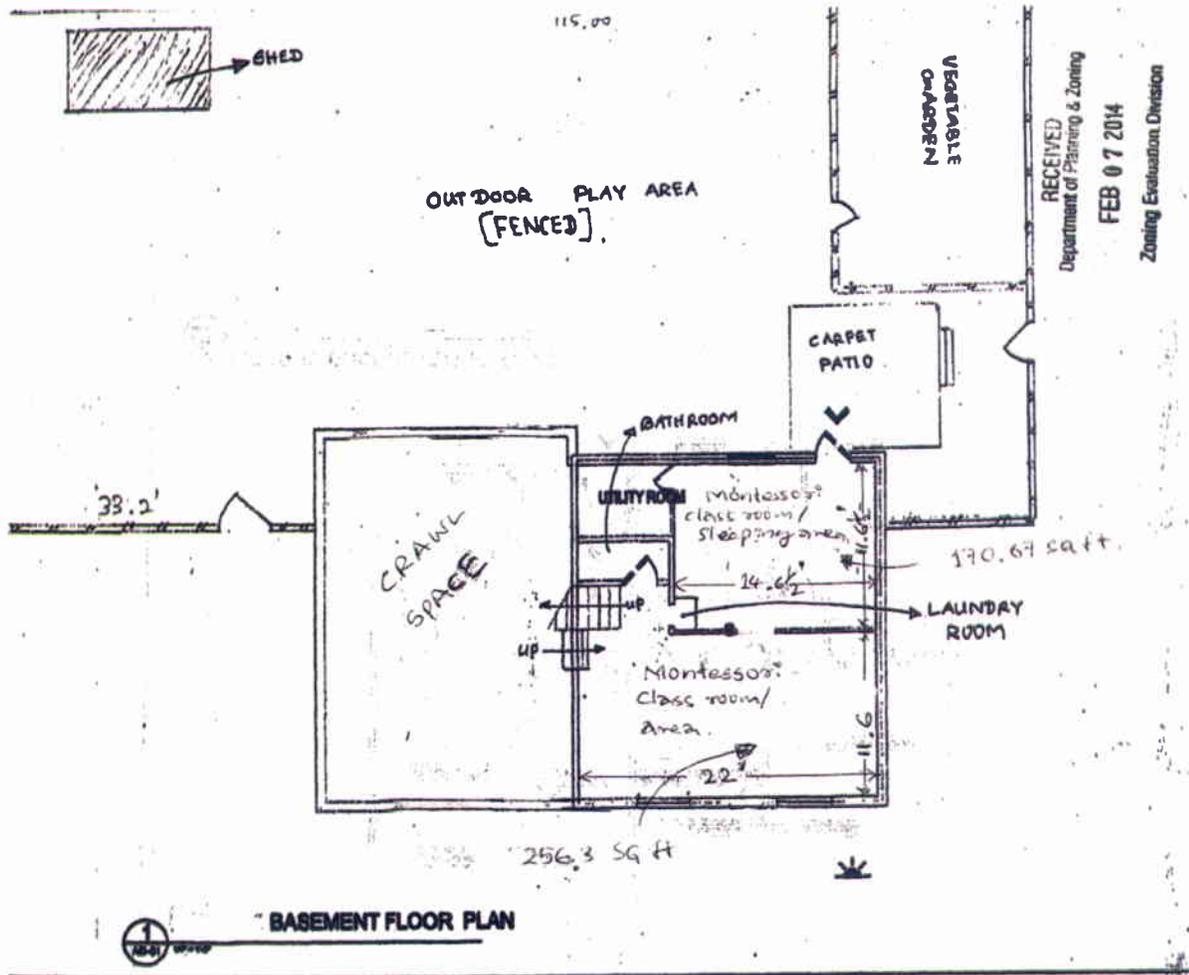
The applicant is an existing licensed family day home provider. Her license expires January 4, 2015, and permits up to 12 children, ages birth to 12 years, 11 months, from 7:30 a.m. to 5:30 p.m., Monday through Friday.

DESCRIPTION OF THE REQUEST

The applicant requests approval of a Special Permit for a home child care facility for up to 12 children at any one time, with two assistants. The hours of operation are from 7:30 a.m. to 5:30 p.m. with staggered drop-off and pick-up. Parking is available in the driveway which accommodates approximately three vehicles, and on the public streets. Permit parking restricts on-street parking from 8:00 a.m. to 3:30 p.m. on school days.

The child care operates in most areas of the split-level dwelling, including the walk-out basement. Outdoor play occurs in the fenced rear yard.





ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District,
 Nutley Community Planning Sector
 Plan Map: Residential, 2-3 du/ac

Zoning Ordinance Requirements

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 6:

- Sect. 8-006, General Standards
- Sect. 8-303, Standards for All Group 3 Uses
- Sect. 8-305, Additional Standards for Home Child Care Facilities
- Sect. 10-103, Par. 6, Use Limitations for Home Child Care Facilities

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 6. Subject to development conditions, this special permit must meet these standards.

On-site Parking and Site Circulation

Vehicular access to the site is provided from Logway Road, via Brightlea Drive and Edgelea Road. Presently, parents park in the driveway or on Brightlea Drive on the side of the dwelling and bring their children to the front or rear door. Drop-off occurs from 7:30 a.m. to 9:15 a.m., and pick-up is from 4:15 to 5:30 p.m. Brightlea Drive provides a convenient access to the rear entrance; however, the permit parking district limits its availability during the morning hours. A proposed condition is included requiring parking for all drop-off and pick-up of children to take place in the driveway.



Zoning Inspection Analysis

During the site inspection of July 11, 2014, it was noted that one of the lower level rooms used for sleeping does not meet emergency egress requirements due to the sill heights of the windows, the rear door had a keyed deadbolt lock and the sheds did not appear to be in conformance with Sect. 10-104 (10E) of the Zoning Ordinance. To address the emergency egress issues, the applicant has ceased using that room for sleeping, and replaced the rear door lock with a conforming lock. The applicant revised the plat to note that both sheds are 8 feet tall, thus resolving the concern about their location. There are no open complaints with the Department of Code Compliance.

The fence along Brightlea Drive exceeds 4 feet in height, which is not in conformance with Sect. 10-104 (3B) of the Zoning Ordinance. A proposed condition is included requiring the applicant to bring the fence into conformance with the Zoning Ordinance within 12 months of this special permit approval by either relocating the fence out of the front yard, reducing the height of the fence to a maximum of 4 feet, or applying for a special permit pursuant to Sect. 8-923 of the Zoning Ordinance.

STAFF CONCLUSIONS AND RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the proposed development conditions in Appendix 1.

Staff recommends approval of SP 2014-PR-079 for the home child care facility, subject to the proposed conditions set forth 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. 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 this application.

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.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. State License Information
5. Zoning Inspection Branch Comments
6. Applicable Zoning Ordinance Provisions

Proposed Development Conditions

SP 2014-PR-079

October 22, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-079 located at 2809 Logway Road, Tax Map 48-1 ((7)) 92, to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This approval is granted to the applicant only, Jeevika R. Oodugama, and is not transferable without further action of the Board, and is for the location indicated on the application, 2809 Logway Road, Vienna, and is not transferable to other land.
2. This Special Permit is granted only for the home child care use indicated on the plat titled "House Location Survey Lot 92 Edgelea Woods" prepared by Larry N. Scartz, dated February 9, 2007, with annotations by the applicant dated September 25, 2014, and approved with this application, as qualified by these conditions.
3. A copy of this Special Permit **shall be posted in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve.
7. The maximum number of assistants for the home child care shall be two.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up of children shall take place in the driveway.
10. The basement room located along the front of the dwelling shall not be used for sleeping or napping. All rooms used for sleeping or napping shall have adequate emergency egress.

11. The applicant shall bring the fence located in the front yard adjacent to Brightlea Drive into conformance with Sect. 10-104 (3B) of the Zoning Ordinance within 12 months of special permit approval.

This approval, contingent on 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 automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/13/2014
(enter date affidavit is notarized)

I, _____, 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

124449

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)
① DUMINDA P. ATHAPATHTHU	2809 LOGWAY RD VIENNA VA 22181	TITLE OWNER
② JEEVIKA R. OODUGAMA d/b/a "Growing Seeds Montessori"		APPLICANT.

(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).

CHD

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/13/2014
(enter date affidavit is notarized)

12449

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)

N/A

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)

N/A

(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: 05/13/2014
(enter date affidavit is notarized)

1244 49

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**)

N/A

(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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/13/2014
(enter date affidavit is notarized)

124449

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: 05/13/2014
(enter date affidavit is notarized)

12449

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

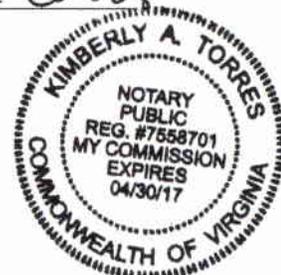
Applicant's Authorized Agent

Jeevika R. Oodugama (Director)
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 4.30.17

Kimberly A. Torres
Notary Public



CATB

Owner Consent/Agent Authorization Statement
Page 2 of 3

CO-TITLE OWNER

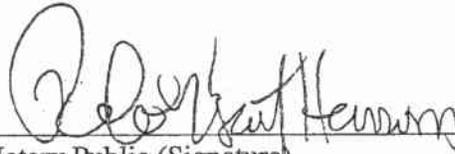
Date: 05/19/2014

By: Duminda P. Athapaththu
Name



COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 19 day of May,
20 14, in the Stat/Comm of Virginia, County/City of Fairfax.



Notary Public (Signature)

Notary Registration No. 7260104

My Commission Expires: 9-30-2017

AFFIX NOTARY SEAL/STAMP

RECEIVED
Department of Planning & Zoning

MAY 19 2014

Zoning Evaluation Division

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize R. Oodugama, to act as agent(s) in the furtherance of an application for a special permit on property located at: 2809 Logosay Rd Vienna VA 22181

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: 05/19/2014

By: [Signature]
[Name] Jeevika R. Oodugama.

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 19 day of May, 2014, in the County of Fairfax, Virginia [State]



[Signature]
Notary Public (Signature)
Notary Registration No. 7260104
My Commission Expires: 9-30-2017

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY.. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

RECEIVED
Department of Planning & Zoning
MAY 19 2014
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: JEEVIKA ROSHINI OODUGAMA
 Address: 2809 LOGWAY ROAD, VIENNA,
VA, 22181.
 Phone #: (703) 944-3533
 E-mail: ROSH4000@YAHOO.COM.

RECEIVED
 Department of Planning & Zoning
 FEB 07 2014
 Zoning Evaluation Division

Date 02/07/2014

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

Re: Special Permit Application

Applicant: JEEVIKA ROSHINI OODUGAMA
 Zoning Ordinance Section 8-305 for Home Child Care Facility
 Section 8-004 of General Standards

Tax Map #: 48-1-07-0092
 Zoning District: R-3C
 Lot Size: 10,790 sq

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached/detached (circle one) dwelling at 2809 Logway rd. Vienna VA 22181 (your address).

The property is zoned R-3C and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7.30am-530 pm.

Number of Children. I care for up to 12 children at any one time. This number does not include my own 2 child/children.

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

Arrival Schedule. 3 of the children arrive between 7.30 AM and 7.45 AM.

3 more arrive between 7.45-8.am, 6 more arrive
between 8 - 9.15 am.

Departure Schedule. 4 of the children are picked up at 4:15 PM 4:30 PM
4 more 4:30 - 5 pm and 4 more 5 - 5:30 pm

Area Served. Currently, most children live in the general
vicinities of our neighborhood or general area do the children live in?)
and neighbourhoods of the lake lane.

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

The house has 1567 square feet. The following rooms are where I conduct the day care:
Basement, mudroom, kitchen, living, Bed rooms.
These rooms are 1067 square feet total.

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

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

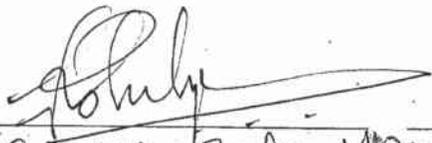
Outdoor Play Area. I use my Back yard for outdoor play for the children. The area is
approximately 3623 square feet. The outdoor play area consists of: a shed and
out side play equipment.

Parking. I use my drive way to park my family car(s). My parents park in the
drive way and six of the children (3 families)
walk to the day care because they are from the neighbourhood

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 appearance of my
home. Adequate parking is available for my
parents and employees. For these reasons, I believe
that my proposed home day care facility
will not impact my neighbors in any way.

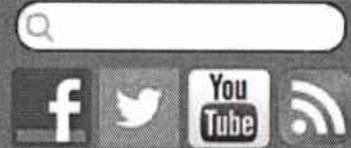
Sincerely,



Owner of Growing Seeds Montessori



VIRGINIA DEPARTMENT OF SOCIAL SERVICES



HOME ABOUT US ABUSE & NEGLECT ADOPTION & FOSTER CARE ADULT & CHILD CARE ASSISTANCE COMMUNITY SUPPORT CHILD SUPPORT CAREERS

- Adult & Child Care ↑
- Child Care ↑
- Child Day Care ↑
- Search for Child Day Care →
- Certified Preschools (CP) →
- Child Day Centers (CDC) →
- Family Day Homes (FDH) →
- Family Day System (FDS)/Homes →
- Religiously Exempt Child Day Centers (RECDC) →
- Voluntarily Registered Family Day Homes (VRFDH) →

Search for Child Day Care

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Jeevika Oodugama
2809 Logway Road
VIENNA, VA 22181
(703) 944-3533

Facility Type: Family Day Home
License Type: One Year
Expiration Date: Jan. 4, 2015
Business Hours: 7:30 a.m. - 5:30 p.m.
Monday - Friday
Capacity: 12
Ages: Birth - 12 years 11 months
Inspector: Kelly Patterson-Savittiere
(703) 359-6704



MEMORANDUM

Date: September 16, 2014

To: Carmen Bishop, Planner II
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP 2014-PR-079 – Revised Inspection Report

Applicant: Jeevika Oodugama
2809 Logway Road, Vienna, Virginia 22181
EDGELEA WOODS LOT 92 Tax Map# 48-1 ((07)) 0092
Zoning District: R-3C (R-3 w/Cluster Dev) Magisterial District: PROVIDENCE
Mail Log # 2014-0241
Date of Inspection: July 11, 2014

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

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.
- All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-4300
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Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Structures comply with the Zoning Ordinance.

*(Per Carmen Bishop the previous issues have been resolved per e-mail 9-15-14)

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.

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.