



**APPLICATION ACCEPTED:** June 17, 2014  
**BOARD OF ZONING APPEALS:** January 7, 2015  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

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**December 31, 2014**

## **STAFF REPORT**

**SPECIAL PERMIT SP 2014-DR-118**

### **DRANESVILLE DISTRICT**

**APPLICANT:** Irani A. Wijayarathne, AKA Irani A. Amarasinghe  
DBA Little Petal Inc.

**OWNERS:** Irani A. Wijayarathne, AKA Irani A. Amarasinghe  
Laura Corkey  
Nishantha Amarasinghe

**SUBDIVISION:** Kingston Chase

**STREET ADDRESS:** 12847 Fantasia Drive, Herndon, 20170

**TAX MAP REFERENCE:** 10-1 ((2)) 162

**LOT SIZE:** 8,400 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-305, 3-303

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

### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2014-DR-118 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.

*Casey V. Gresham*

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

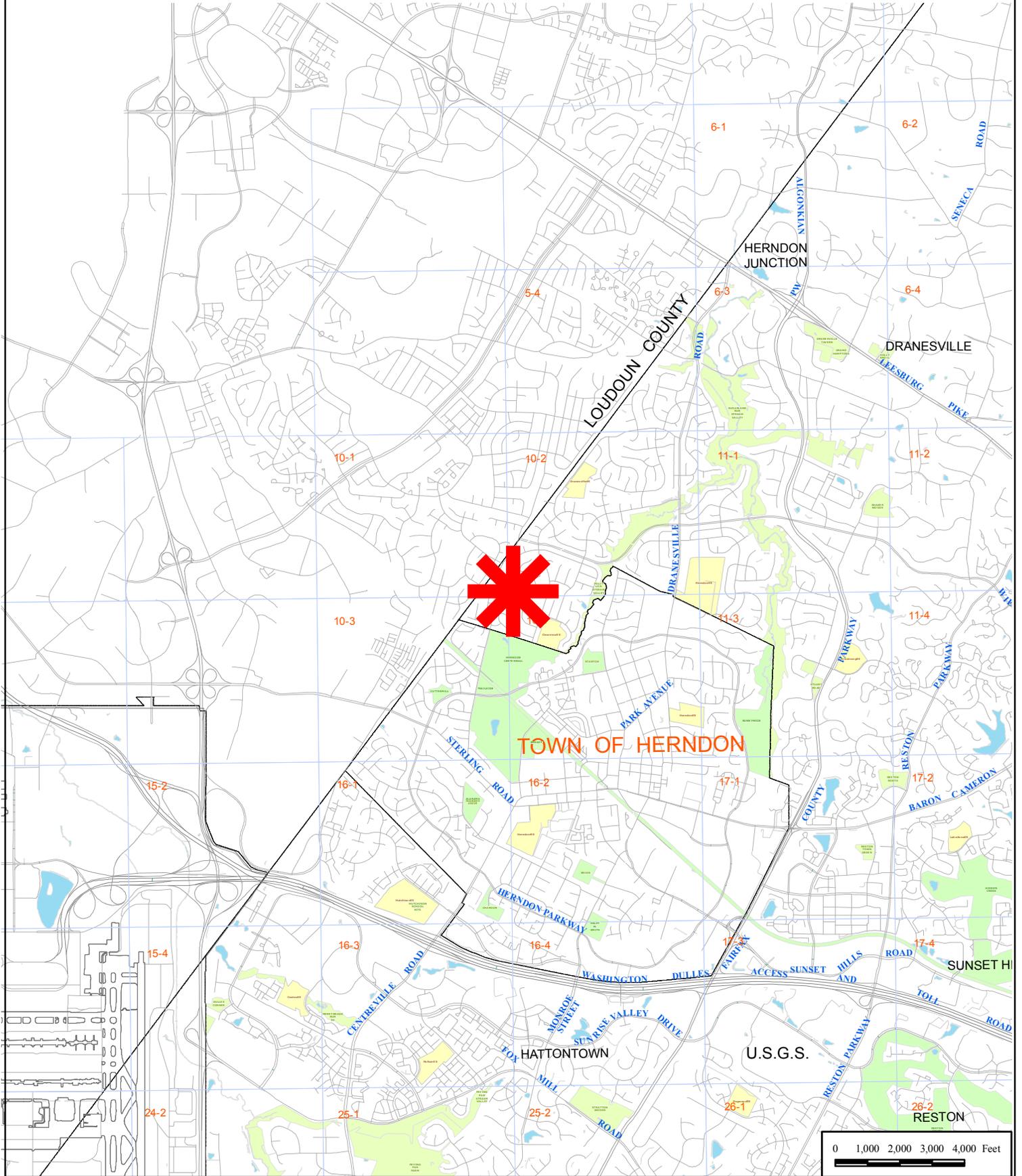


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2014-DR-118

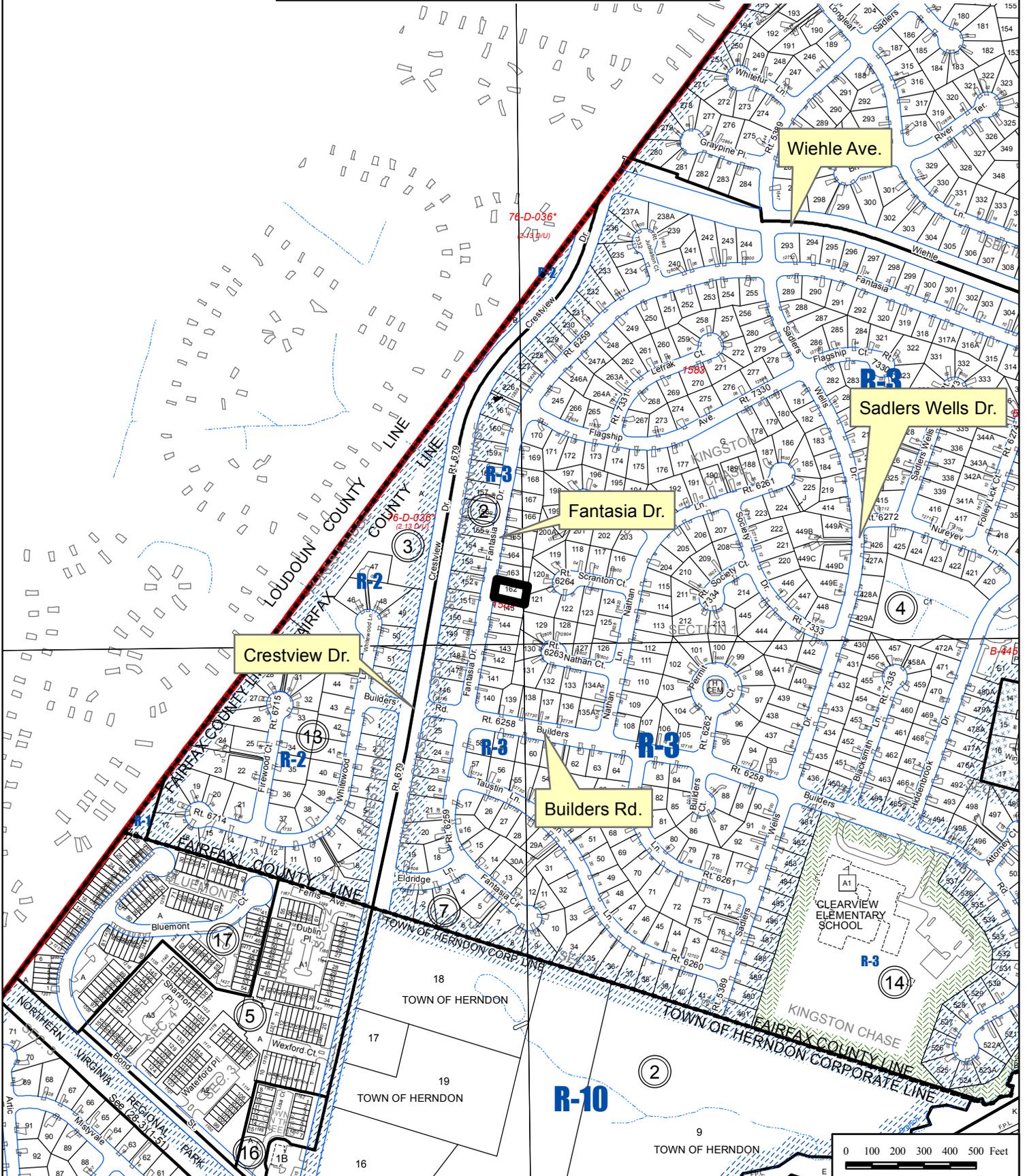
IRANI A. WIJAYARATHNE, ALSO KNOWN OF RECORD AS IRANI A. AMARASINGHE & LITTLEPETALS INC.



# Special Permit

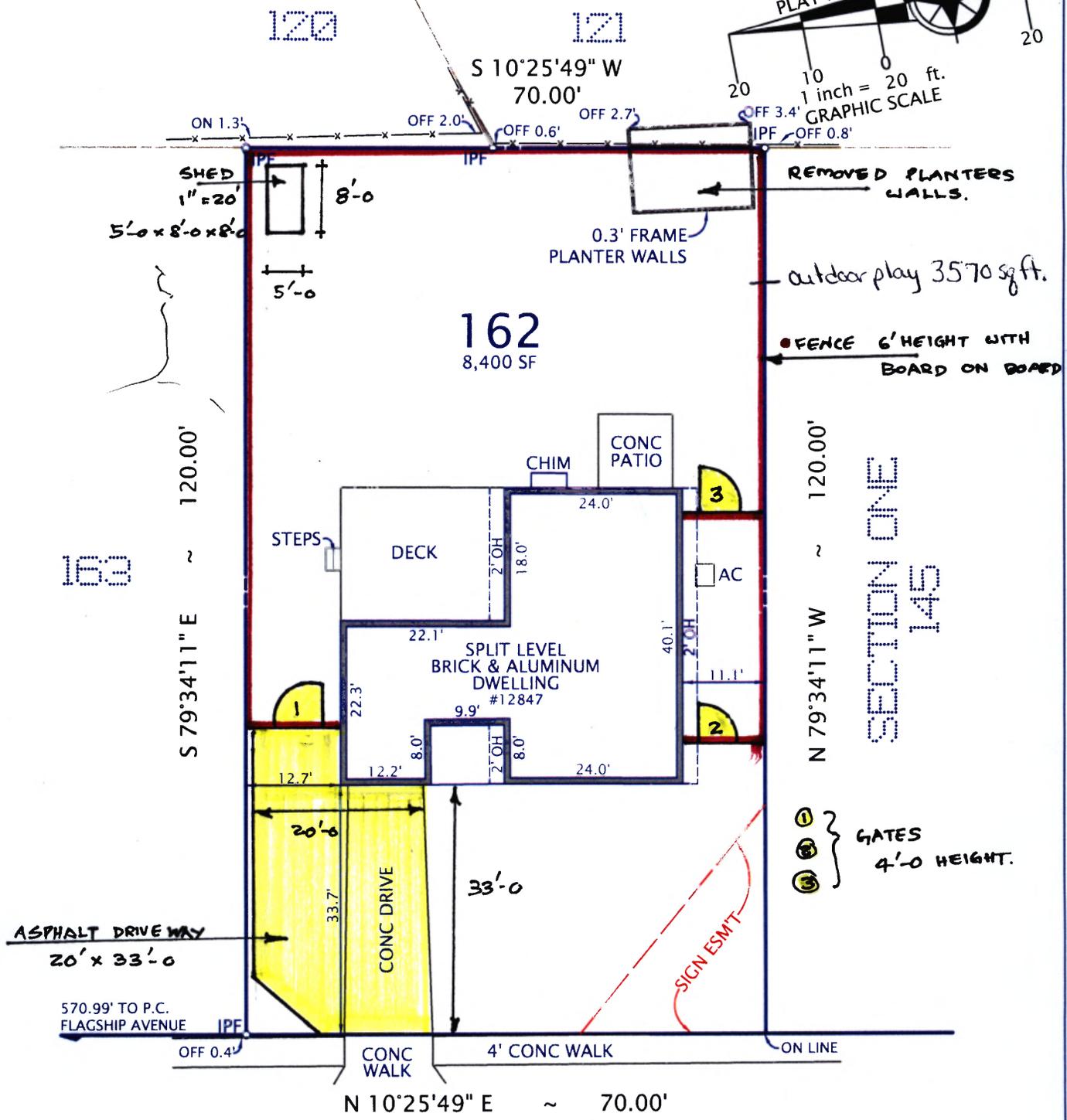
SP 2014-DR-118

IRANI A. WIJAYARATHNE, ALSO KNOWN OF  
RECORD AS IRANI A. AMARASINGHE &  
LITTLEPETALS INC.



- NOTES: 1. FENCES ARE SPLIT RAIL.  
2. UTILITIES ARE UNDERGROUND.

SECTION ONE



FANTASIA DRIVE  
60' R/W - STATE ROUTE #6259

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 162, SECTION TWO  
**KINGSTON CHASE**  
(DEED BOOK 5123, PAGE 584)  
FAIRFAX COUNTY, VIRGINIA

*Handwritten signature and date:*  
6/3/2014  
IRANI A. USAYARATHNE

RECEIVED  
Department of Planning & Zoning  
JUN 16 2014  
Zoning Evaluation Division

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## 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 "Plat showing House location on Lot 162, Section Two, Kingston Chase," prepared by Dominion Surveyors, Inc. on June 21, 2007, as revised by the applicant, Irani A. Wijayarathne, through June 3, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

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

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split level single-family detached dwelling. An asphalt driveway extends from the attached garage to Fantasia Drive, and pathway provides access from the driveway to the main entrance. The rear yard is surrounded by a 6 foot wooden fence, and it contains a large deck, a concrete patio, and a shed. Small moveable play equipment is also present in the rear yard.

A sign easement exists in a portion of the front yard, and no structures are located within this easement.

The subject property and surrounding properties are zoned R-3 and developed with single family detached-dwellings.

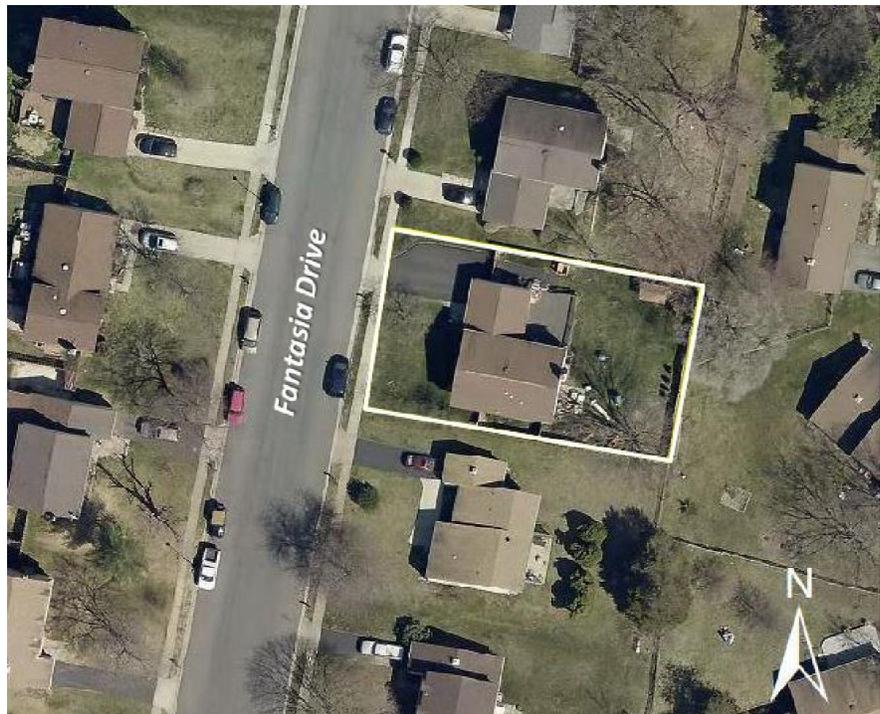


Figure 1- Aerial photo of subject property

## **BACKGROUND**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1979 and purchased by the property owner in 2007.

The deck in the rear yard does not have an approved building permit. A condition has been included requiring a finalized permits and inspection.

Records indicate that no other special permit or variance 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. This timeframe does not match the 7:00 a.m. to 5:00 p.m. timeframe permitted in the applicant's state license; however, a condition has been included requiring state approval of a revised license allowing 7:00 a.m. to 6:00 p.m. prior to the establishment of the above requested hours of operation. The applicant has a staggered drop-off and pick-up time for the children. There is one full-time assistant, who drives to the facility.

The applicant holds a current Family Day Home License, valid through March 3, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, birth through 12 years, 11 months of age. A copy of the license is included as Appendix 4.

The home child care facility is operated entirely in the basement of the dwelling, which contains two nap rooms and a play area. The deck and the entirety of the rear yard are utilized for outdoor play. Pictures provided by the applicant show toys and movable play equipment located in this area.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area III, Upper Potomac Planning District  
**Planning Sector:** Greater Herndon Community Planning Sector (UP4)  
**Plan Map:** Residential, 2-3 du/ac

### **On-Site Parking and Site Circulation**

The existing driveway and garage appear to be able to accommodate five vehicles: four vehicles in the driveway area, and one vehicle inside the garage. The applicant

currently parks her family vehicle in the garage. The current assistant utilizes the street parking for her vehicle. Therefore, four driveway spaces are available for drop-off and pick-up of children.

Vehicular access to the site is provided from an asphalt driveway from Fantasia Drive. As previously discussed, a walkway connects the driveway to the entrance of the home child care.

**Zoning Inspection Branch Report**

The Zoning Inspections Branch report is included in Appendix 5. During a site visit, it was determined that an existing shed exceeded 8.5 feet in height and was located too close to the rear lot line. The applicant has since removed her storage structure, and a photo of this is included in Appendix 6. In addition, the applicant has installed two smoke detectors in the sleeping areas and removed the detached screened door, as indicated in the Zoning Inspections Memorandum. These corrected items are also included as photos in Appendix 6.

**Zoning Ordinance Requirements (Appendix 7)**

- 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><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>No new construction is proposed. An outdoor play area with play equipment is existing in the rear yard. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>Arrival and departure times of the children are staggered, and in staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 5</b> Landscaping/Screening</p>	<p>There is an existing 6-foot tall board-on-board fence in the rear yard and existing trees that provide screening to the outdoor play area.</p>
<p><b>Standard 6</b> Open Space</p>	<p>Open space is not required in the R-3 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking for the home child care use.</p>
<p><b>Standard 8</b> Signs</p>	<p>Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.</p>

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

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

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

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The development conditions propose up to two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and ample parking is available in the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is an existing 6-foot tall board-on-board fence in the rear yard and existing trees that provide screening to the outdoor play area.
<b>Standard 4</b> Submission Requirements	The applicant met all submission requirements for a Home Child Care Facility.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license as outlined in a previous section.

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

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to permit a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use.
<b>Part D</b> Non-Resident Employee	The applicant is proposing one non-resident employee. Staff is proposing a development condition to allow up to two non-resident employees.
<b>Part E</b> Provider is a Non-Resident	The provider is a resident.
<b>Part F</b> Code of Virginia,	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

Title 63.2, Chapter 17	addresses licensure and registration procedures. The applicant has a valid state home child care license.
<b>Part G</b> Increase in Children or Non-Resident Person	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to permit a maximum of twelve children at any one time.

## CONCLUSION

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

## RECOMMENDATION

Staff recommends approval of SP 2014-DR-118 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1.

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

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

## APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Photos of Updated Conditions Since ZIB Inspection
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-DR-118****December 31, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-118 located at Tax Map 10-1 ((2)) 162 to permit a home child care facility pursuant to Section 8-305 and 3-303 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, Irani A. Wijayarathne, AKA Irani A. Amarasinghe, DBA Little Petal Inc., only, and is not transferable without further action of the Board, and is for the location indicated on the application, 12847 Fantasia Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat showing house location on Lot 162, Section Two, Kingston Chase," prepared by Dominion Surveyors, Inc. on June 21, 2007, as revised by the applicant, Irani A. Wijayarathne, through June 3, 2014, 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 of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (7:00 a.m. to 5:00 p.m.) until granted a revised license approving the requested hours of operation (7:00 a.m. to 6:00 p.m.).
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 twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.

10. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. Approval of this use is contingent upon maintenance of a state license for the children on-site for the home child care facility.
12. Until the deck passes building code inspections, it shall not be used for the home child care, including but not limited to use as a play area or access to the rear yard.

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 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.

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

Irani A. Wijayarathne  
# 12847 Fantasia Drive  
Herndon VA 20170  
Phone # : 703 481 8766  
E-mail : littlepetals@cox.net

RECEIVED  
Department of Planning & Zoning  
JAN 13 2014  
Zoning Evaluation Division

January 10th, 2014

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

Re: Special Permit Application  
Applicant: Irani A. Wijayarathne  
Zoning Ordinance Section - KINGSTON CHASE LT 162 SEC 2

Tax Map #: 0101 02 0162  
Zoning District: DRANESVILLE R-3(Residential 3 DU/AC)  
Lot Size: 8,400 SQFT

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 detached dwelling at # 12847 Fantasia Drive Herndon VA 20170, with my husband. The property is zoned R-3(Residential 3 DU/AC), and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. Below is information about my child care facilities operation:

Hours. The child care is open from 7.00 AM to 6.00 PM, Monday through Friday.

Number of Children. I care for up to 12 children at any one time. I do not have my own children.

Employees. I have one assistant who works full-time and also my husband works as a full time assistant.

<u>Arrival Schedule.</u>	3 children arrive	between 7.00 am and 7.30 am
	4 children arrive	between 7.30 am and 8.00 am
	2 children arrive	between 8.00 am and 8.30 am
	2 children arrive	between 8.30 am and 9.00 am
	1 child arrive	between 9.00 am and 10.00 am

One of the 3 children who arrive in between 7.00am and 7.30am attends for 2 days for 1 week and 3 days for the other week. The other two children are siblings. Two of the four children who arrive in between 7.30am and 8.00 am. attend only for 2 days a week and they are siblings too.

Departure Schedule. 2 children(siblings) are picked up between 3.30 pm and 4.00pm  
3 children (2 are siblings) are picked up between 4.00 pm and 4.30pm  
2 children are picked up between 4.30 pm and 5.00pm  
2 children are picked up between 5.00 pm and 5.30pm  
3 children (2 are siblings) are picked up between 5.30 pm and 6.00pm

Area Served. Currently, all the children live in the general vicinity of my neighborhoods except one child. Many of the children live in Kingston Chase neighborhood and Hiddenbrook neighborhood which are walking distance from the child care. These parents drive their children to my house. Some parents walk the children to the child care who live in the immediate area.

Operation. As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. Attached is a floor plan that indicates the areas where the daycare is located. The house has 2,100 square feet. The basement area, where I conduct the daycare consist of approximately 892 square feet in 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.

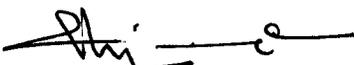
Outdoor Play Area. I use my backyard for outdoor play for the children. The area is approximately 3,570 square feet. There are two sets of play house and slides, sand water table, toy roller coaster, wooden rocking horse, two slides, two picnic tables, shed(storage) and a fence around this area. The deck is used to ride tricycles for the children and there are 5 tricycles, one sand and water table, and a picnic table with seats. I have drawn the outdoor toys and the fence on my most recent house location plat which is included.

Parking. I use my garage to park my family car. My driveway provides enough parking for 4 cars because the driveway is more than 34 feet long, 21 feet wide and holds 4 cars side by side. In addition, parallel parking is available along the street in front of my house for the parents and employees.

For these reasons, I believe that my proposed home daycare facility will not impact my neighbors in any negative way.

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

Sincerely,



Irani A. Wijayarathne.

Owner of LittlePetals Inc. Home Childcare.

## Arrival Schedule and Departure Schedule

### Arrival Schedule

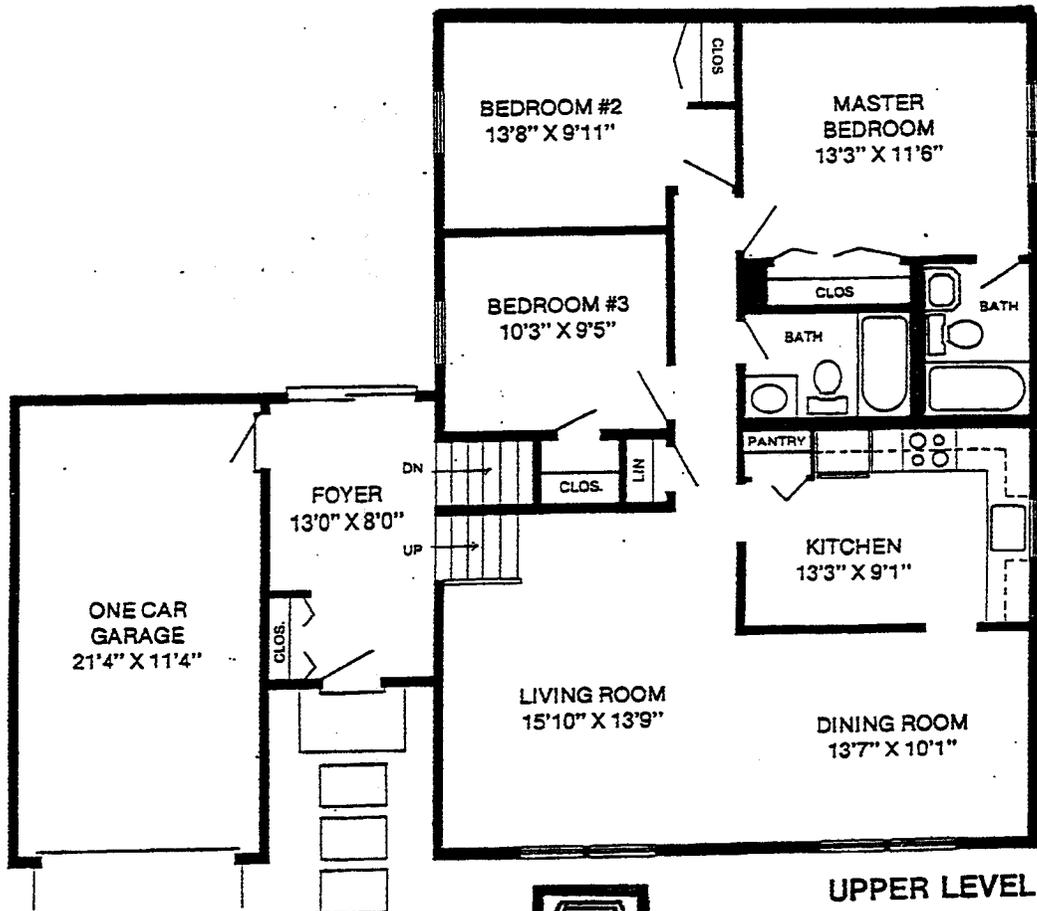
Child	7.00-7.30am	7.30-8.00am	8.00-8.30am	8.30-9.00am	9.00-10.00am
1	X				
2	X				
3	X				
4		X			
5		X			
6		X			
7		X			
8			X		
9			X		
10				X	
11				X	
12					X

### Departure Schedule

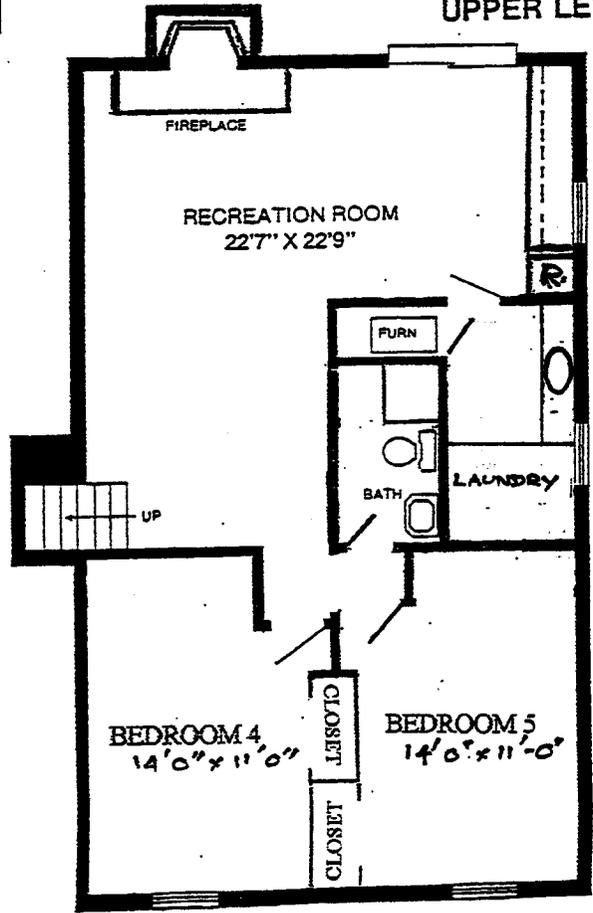
Child	3.30-4.00am	4.00-4.30am	4.30-5.00am	5.00-5.30am	5.30-6.00am
1	X				
2	X				
3		X			
4		X			
5		X			
6			X		
7			X		
8				X	
9				X	
10					X
11					X
12					X

DEFICIENT 5.07 - square footage for each level & the day care.

TOTAL 2100 SQ FT



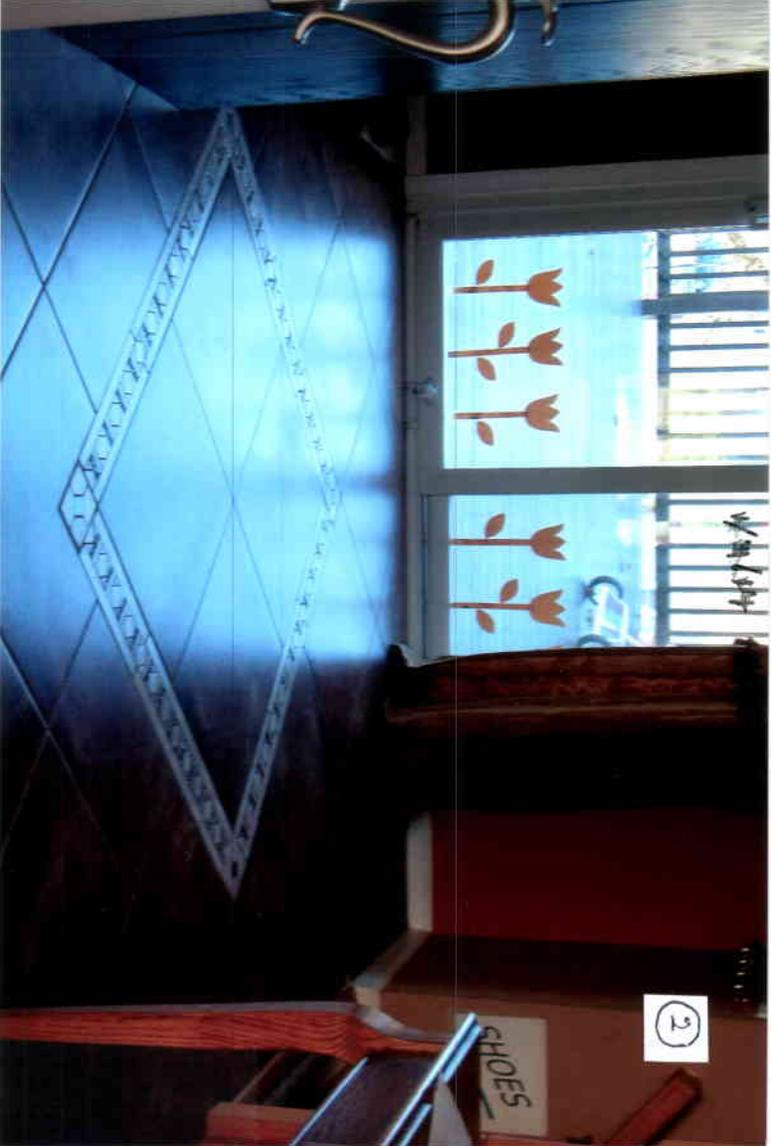
UPPER LEVEL = 1208 SQ FT

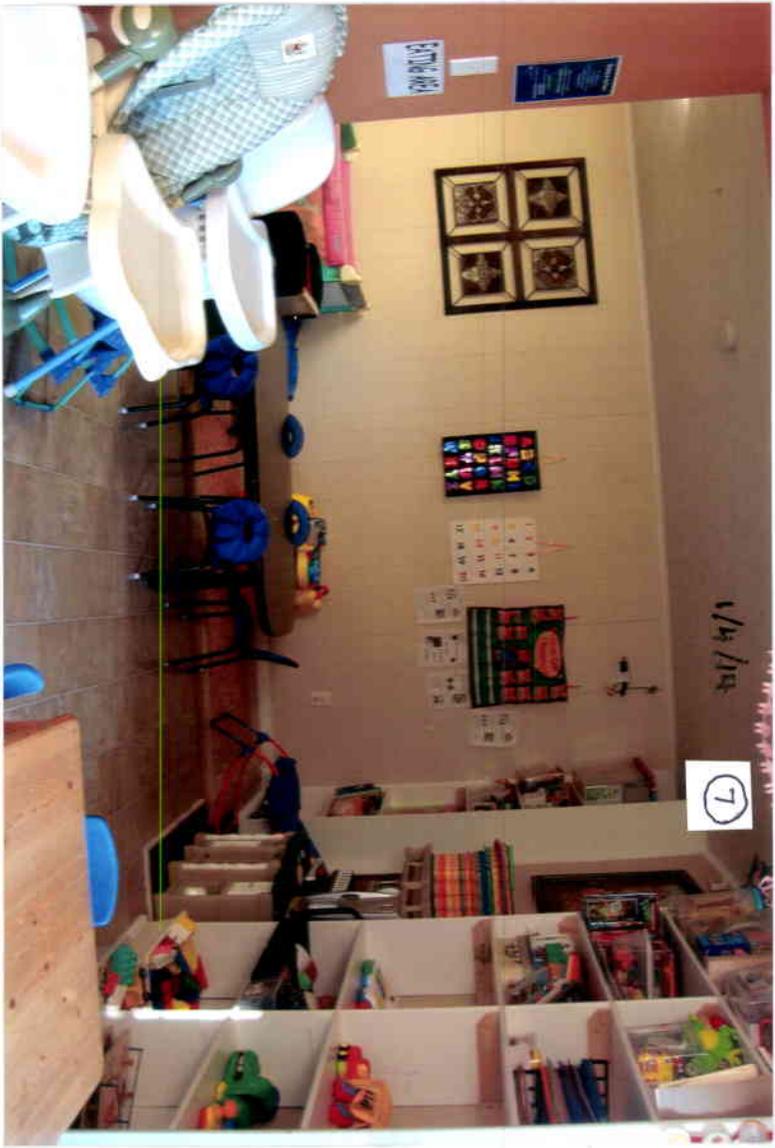
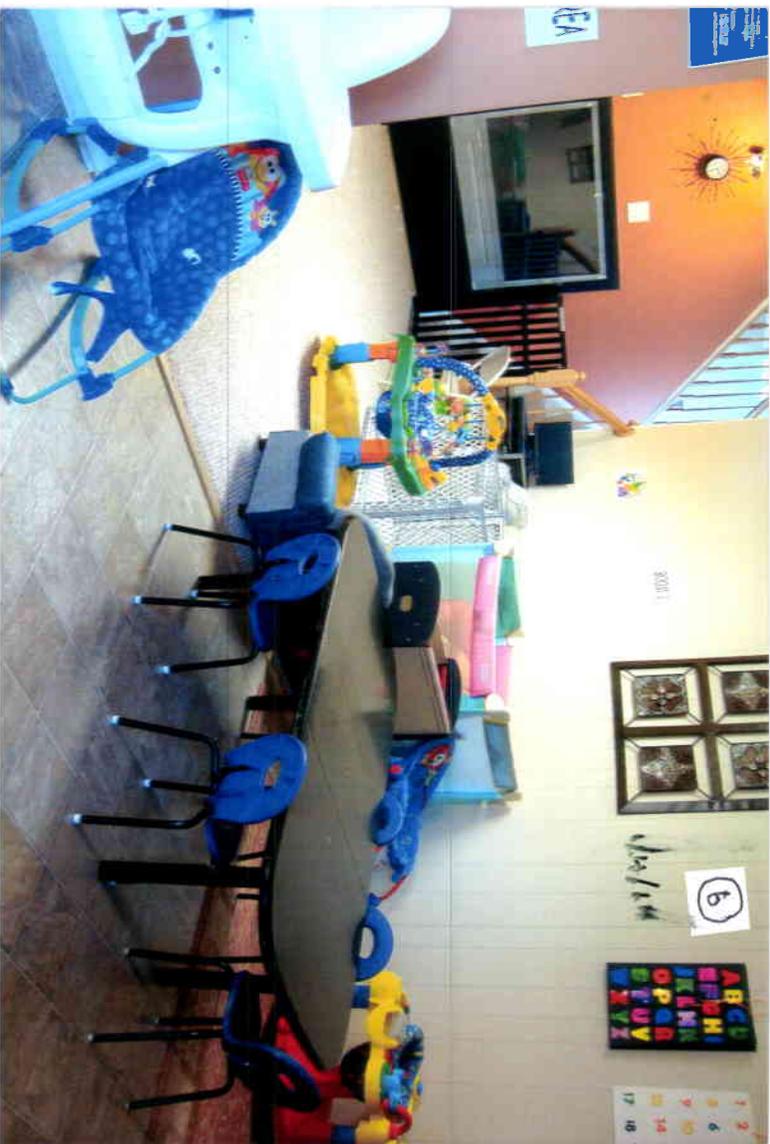


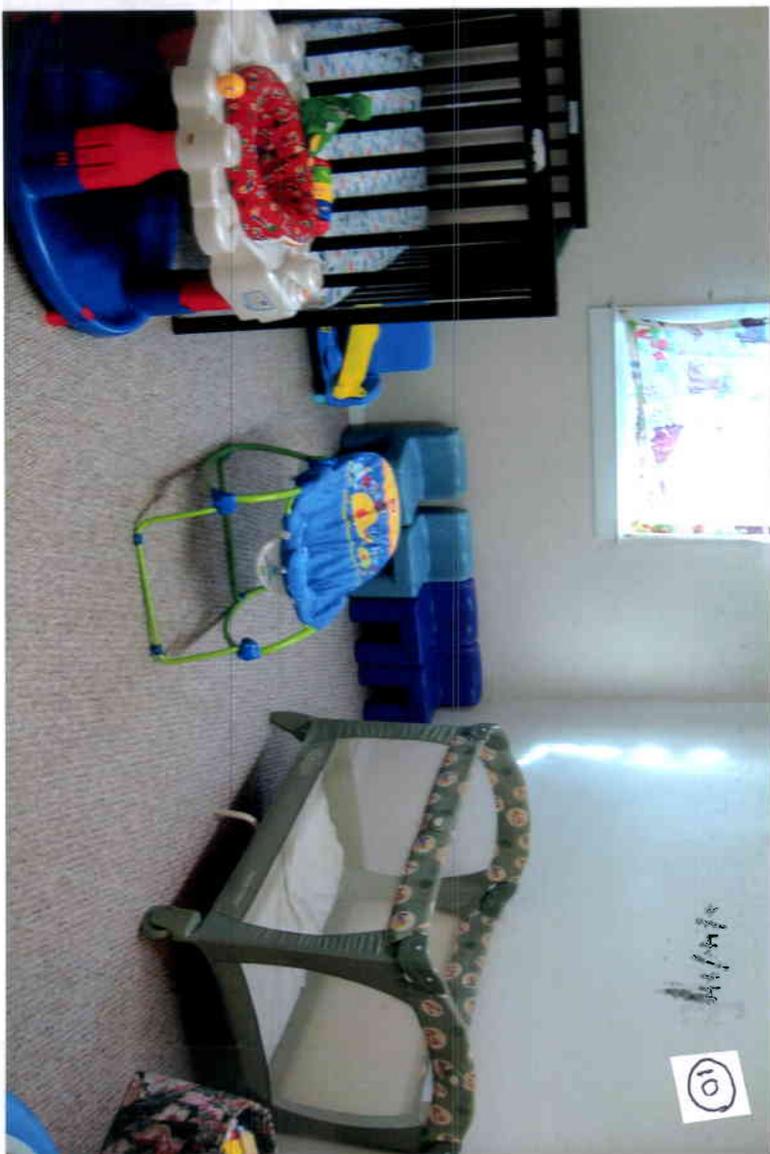
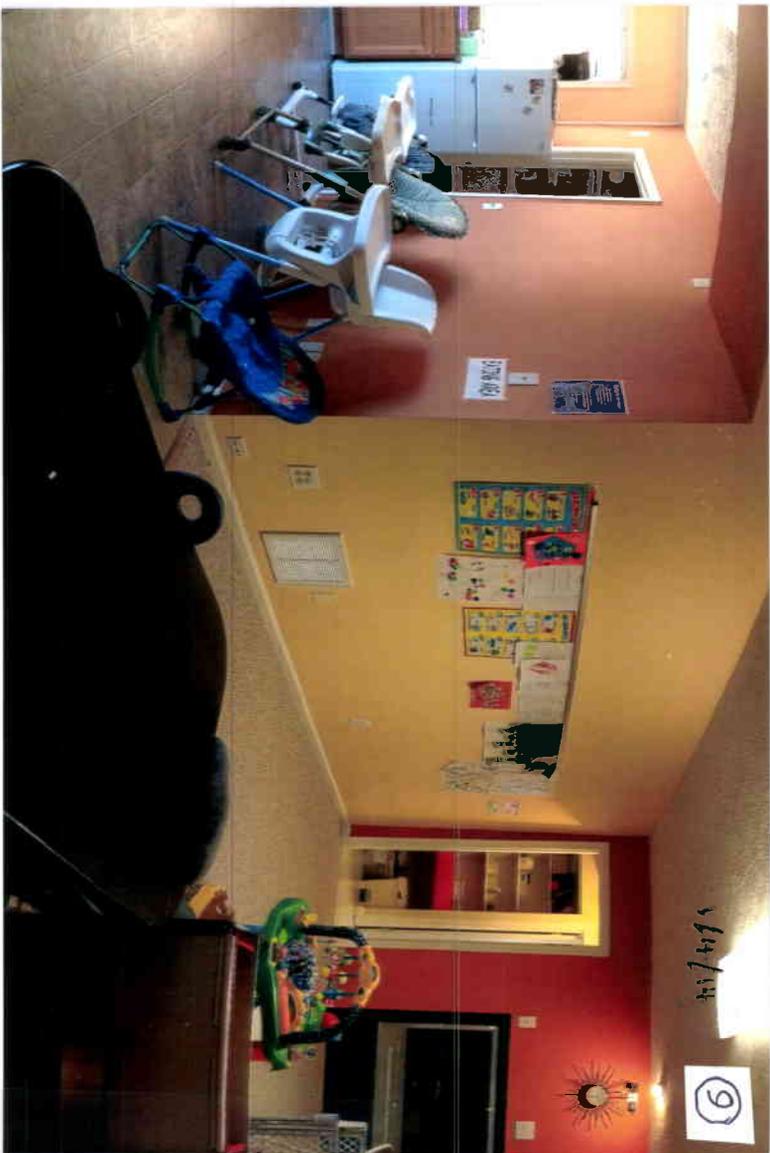
DAYCARE USE  
892 SQ FT

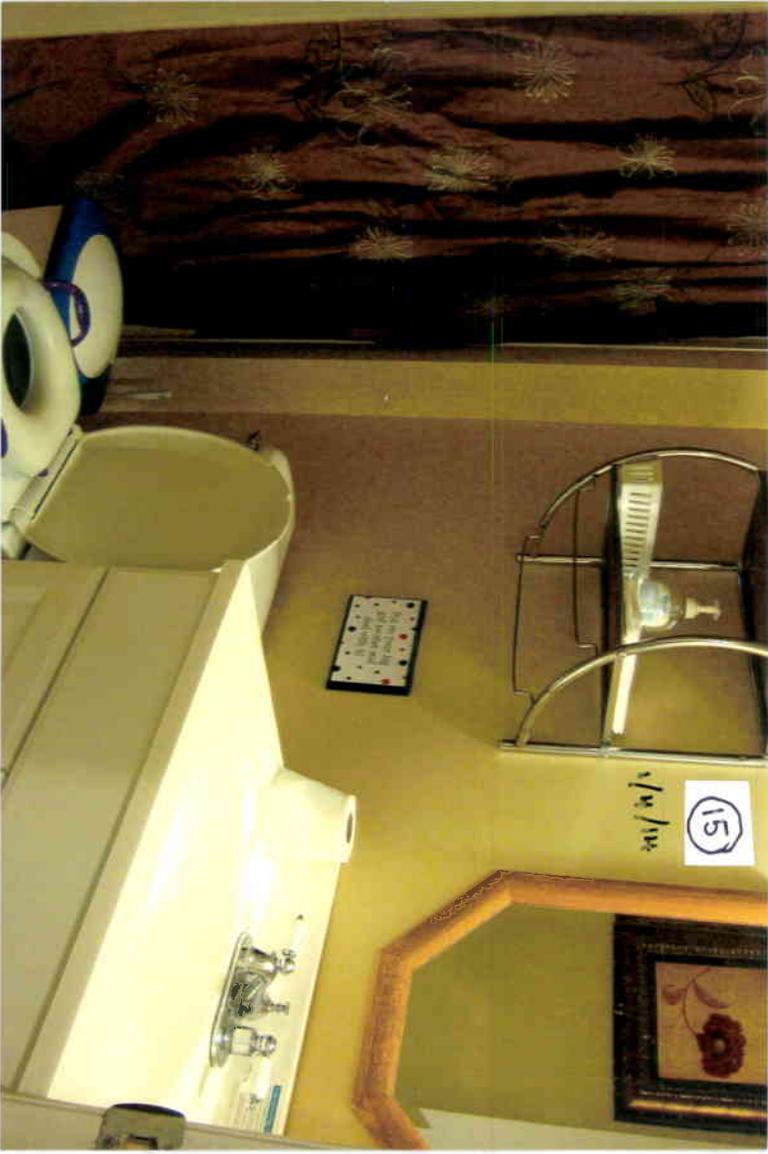
LOWER LEVEL = 892 SQ FT

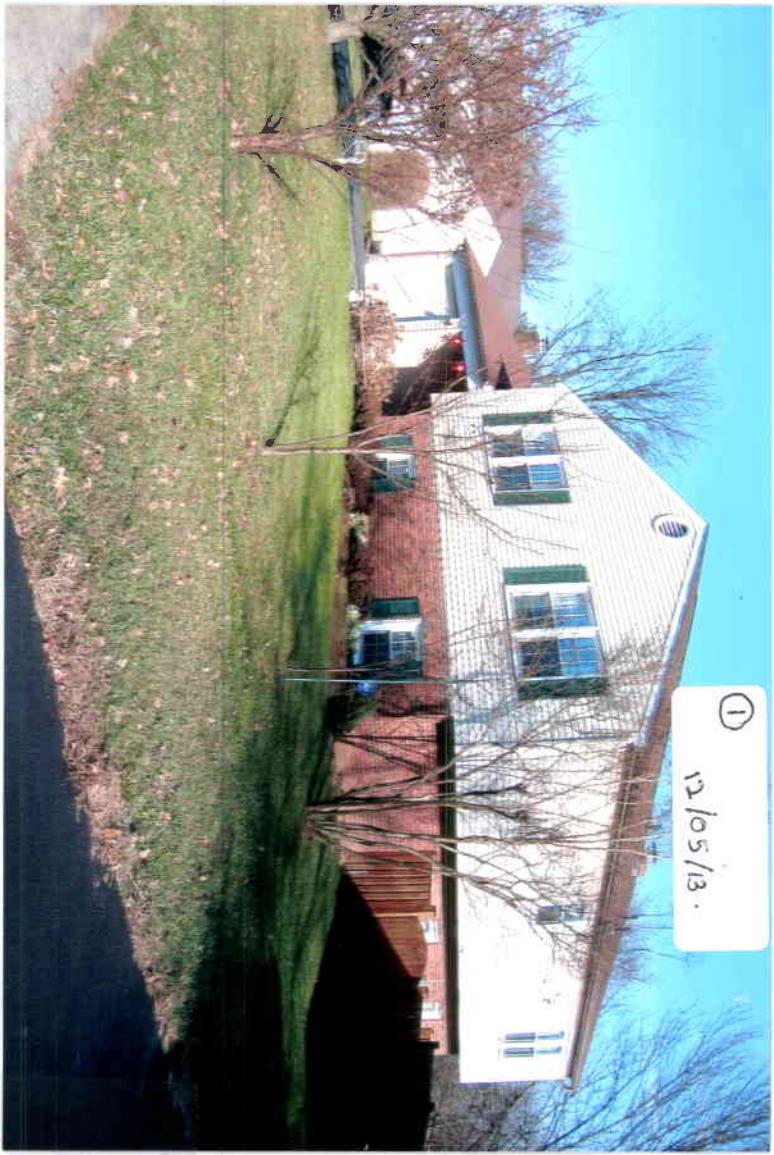
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Department of Planning & Zoning  
JUN 16 2014  
Zoning Evaluation Division











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12/05/13.



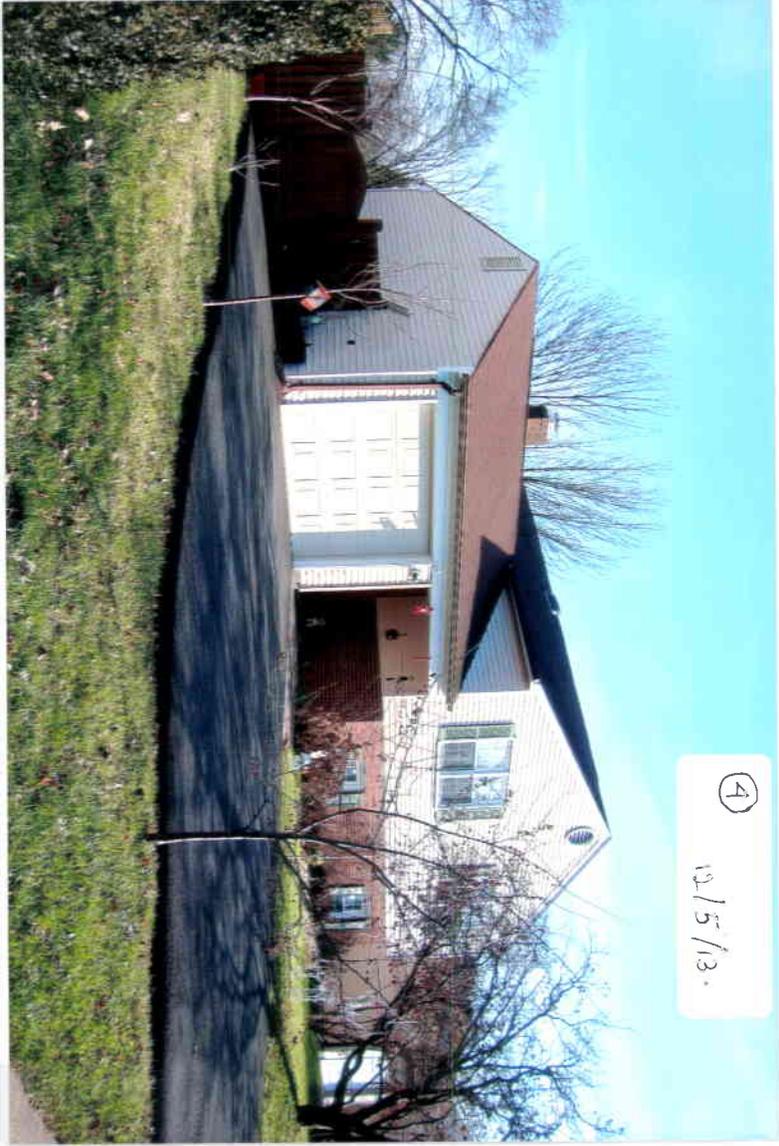
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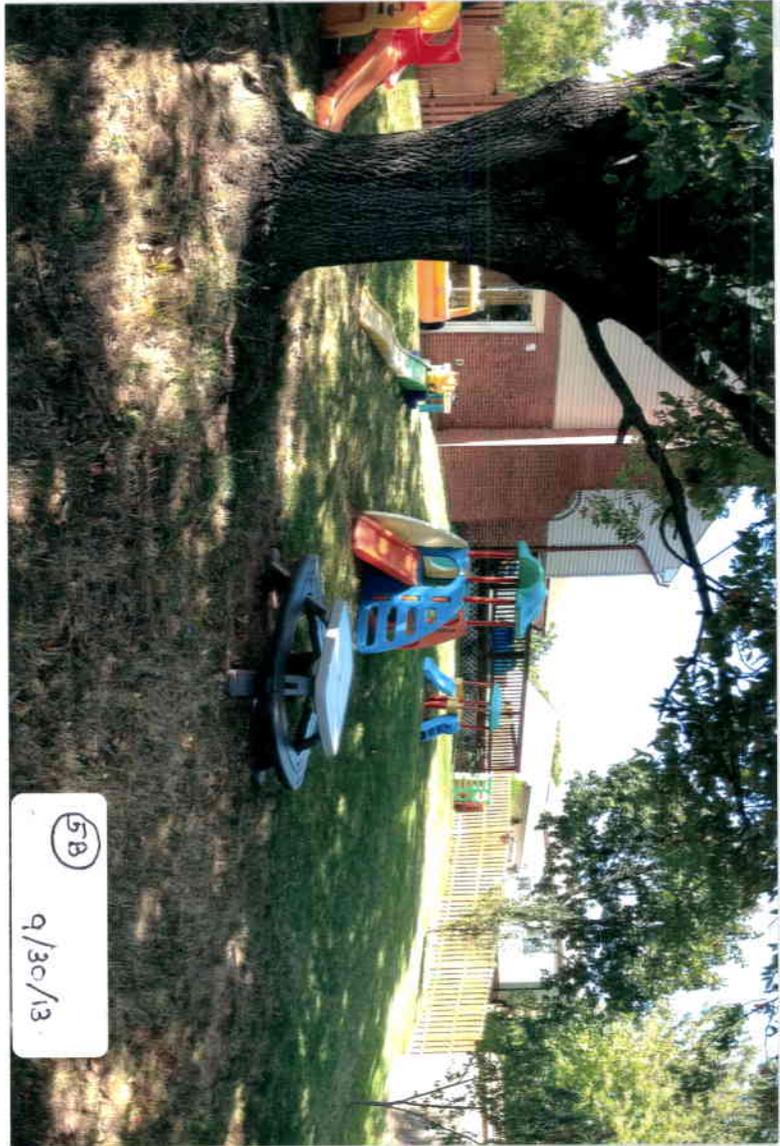
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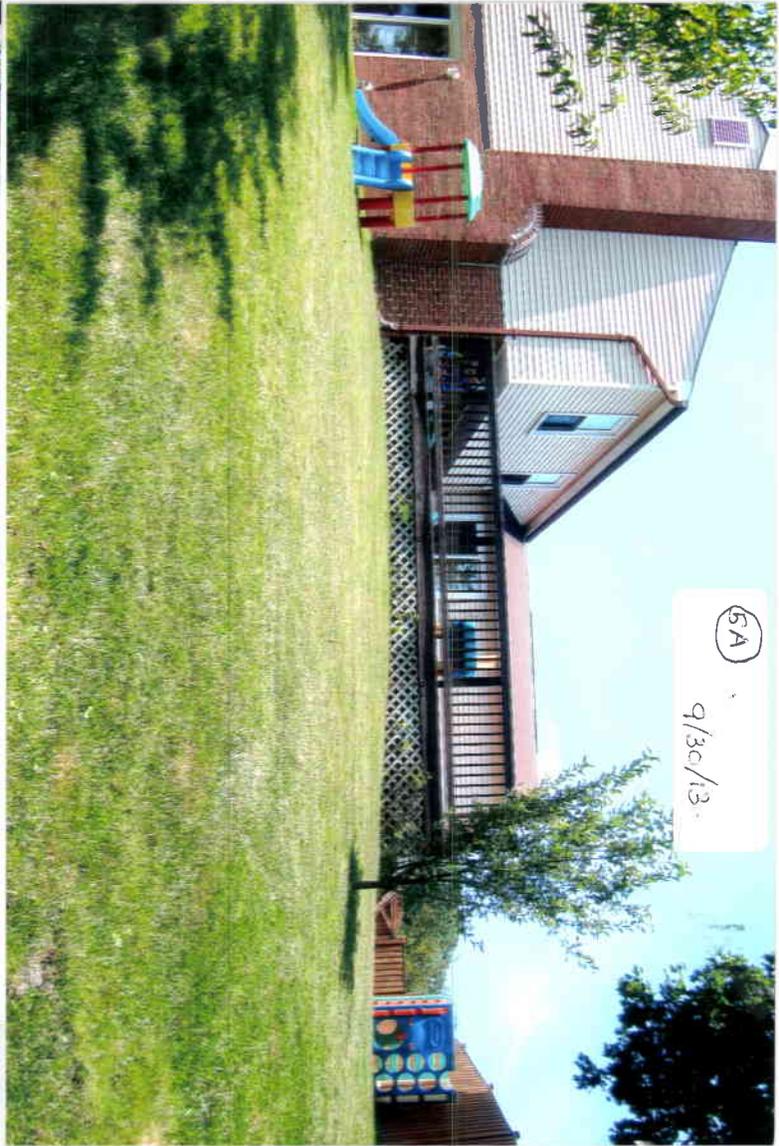
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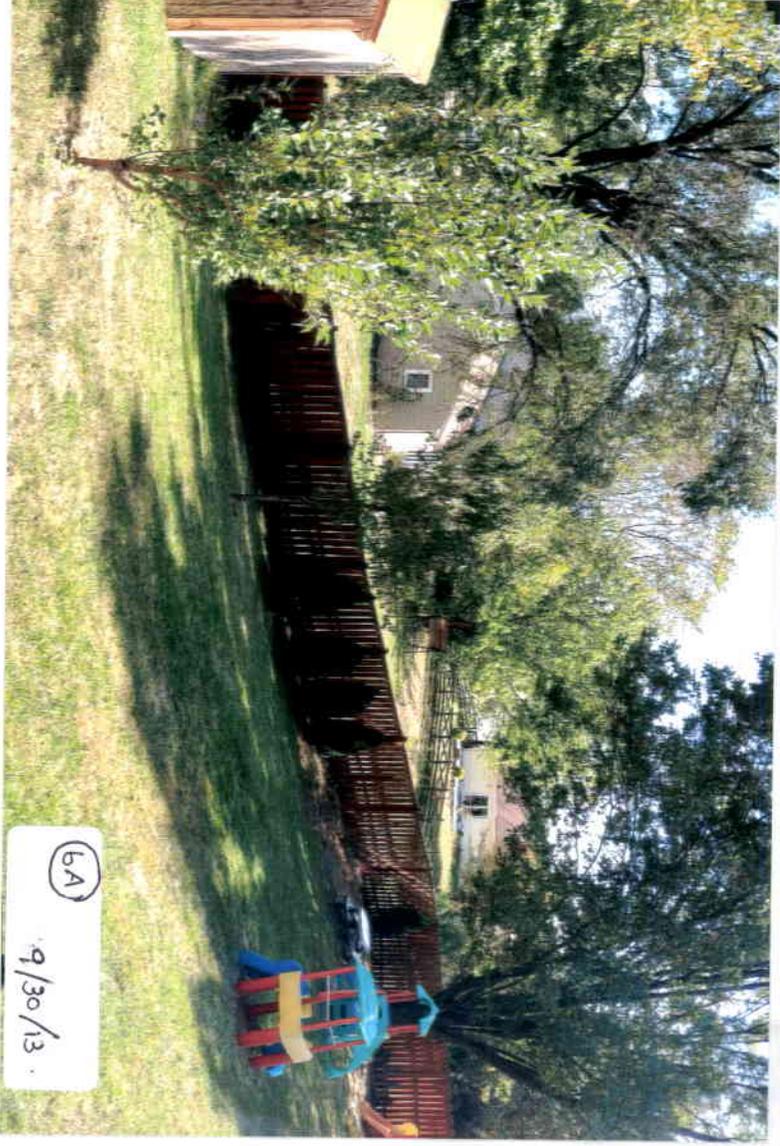
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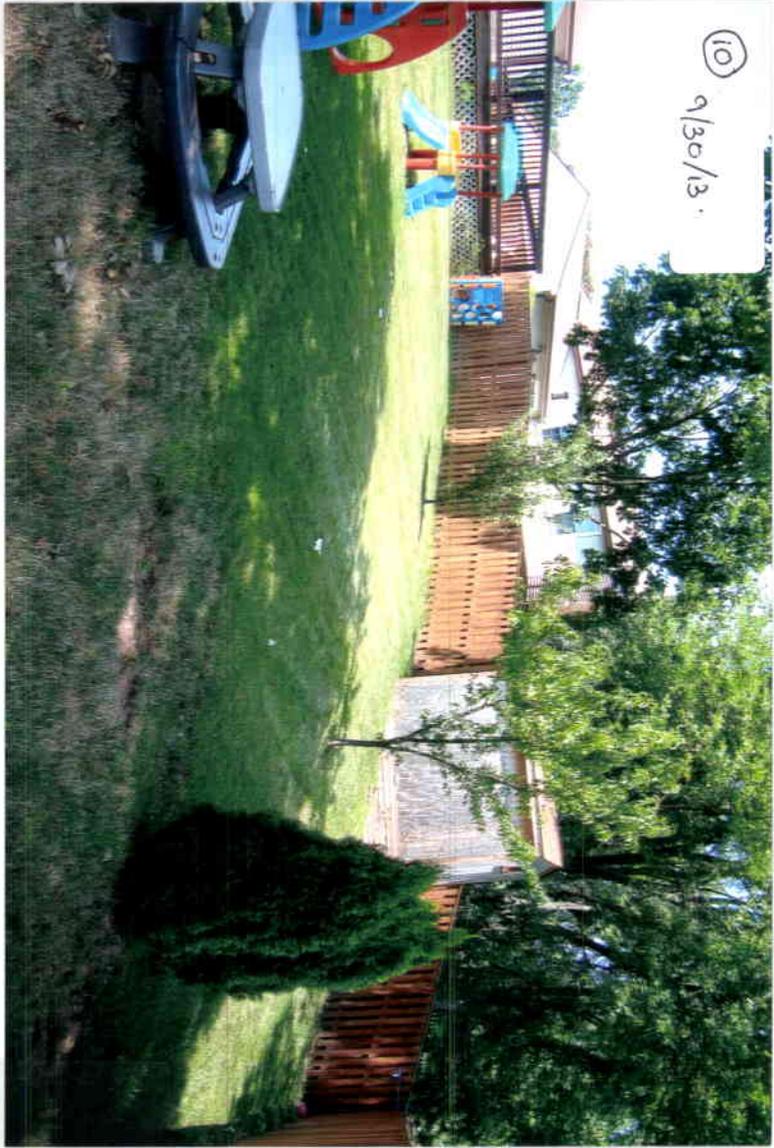
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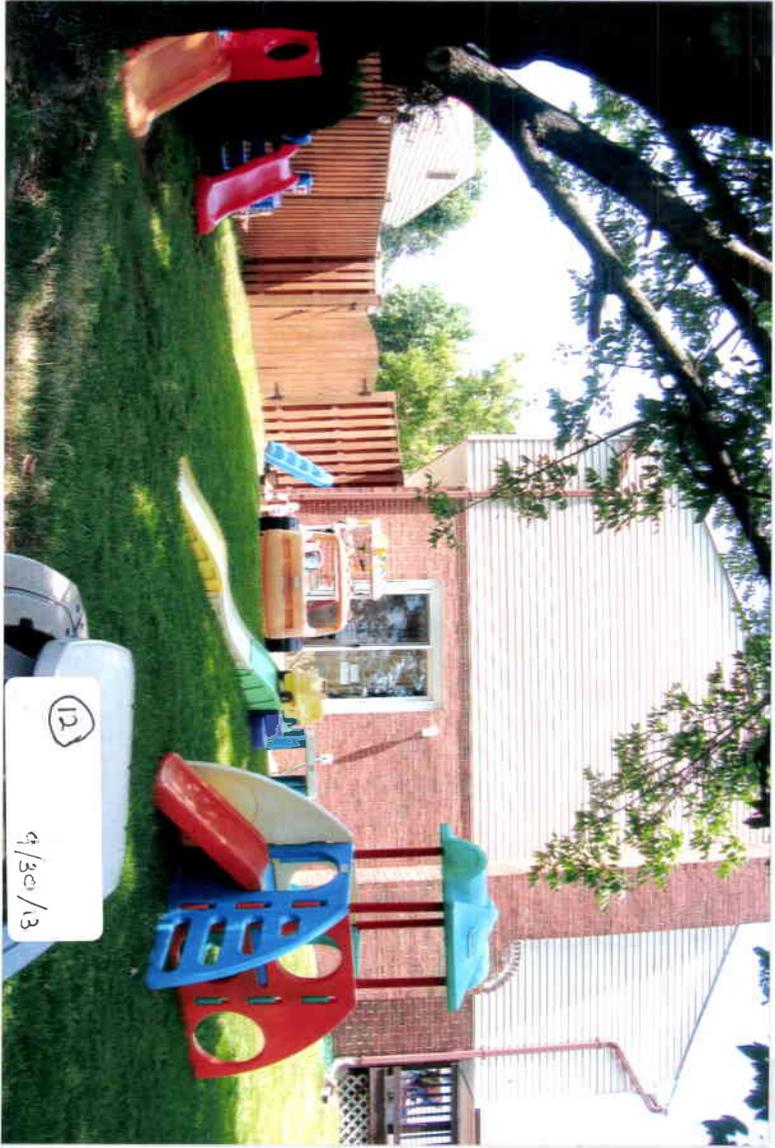
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6A  
9/30/13



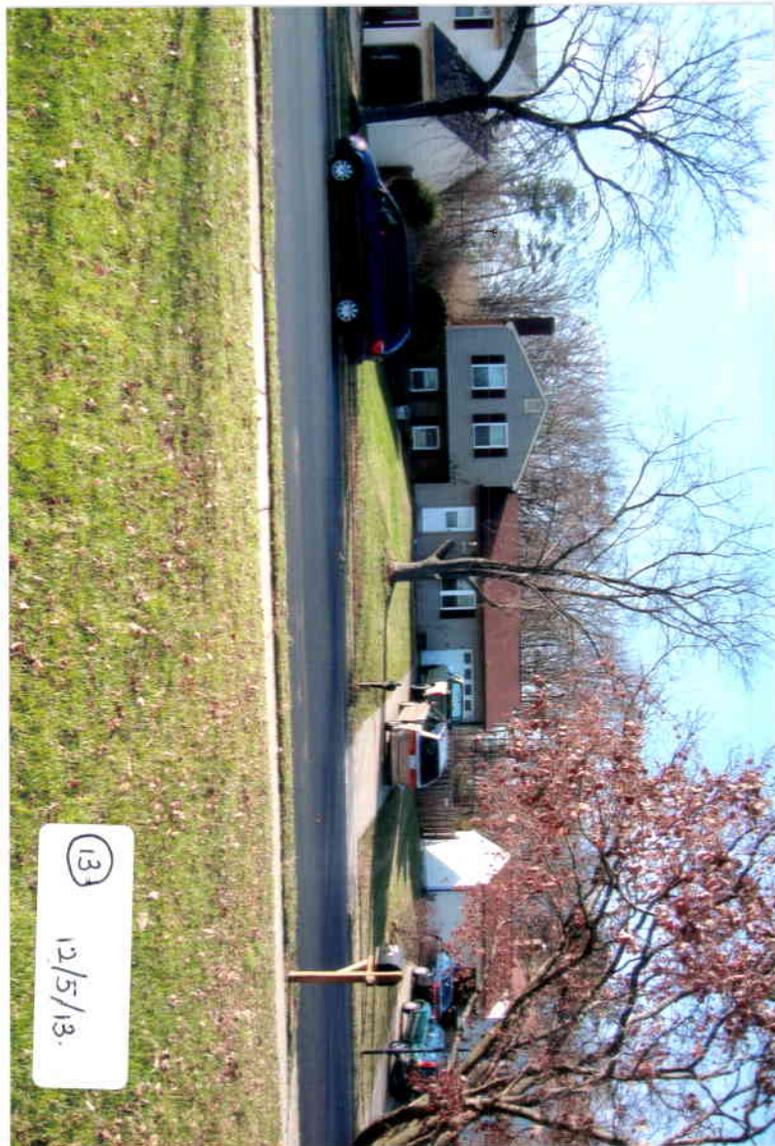
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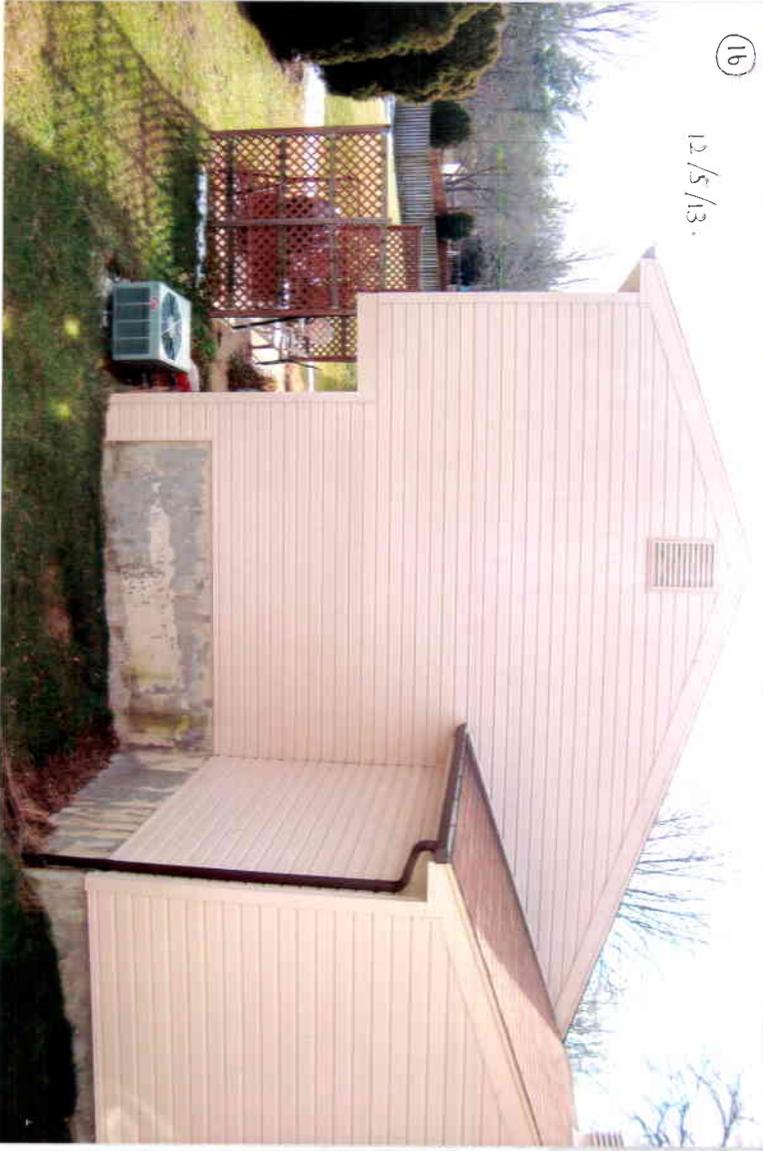
⑫ 9/30/13



⑪ 12/05/13.



⑬ 12/5/13.



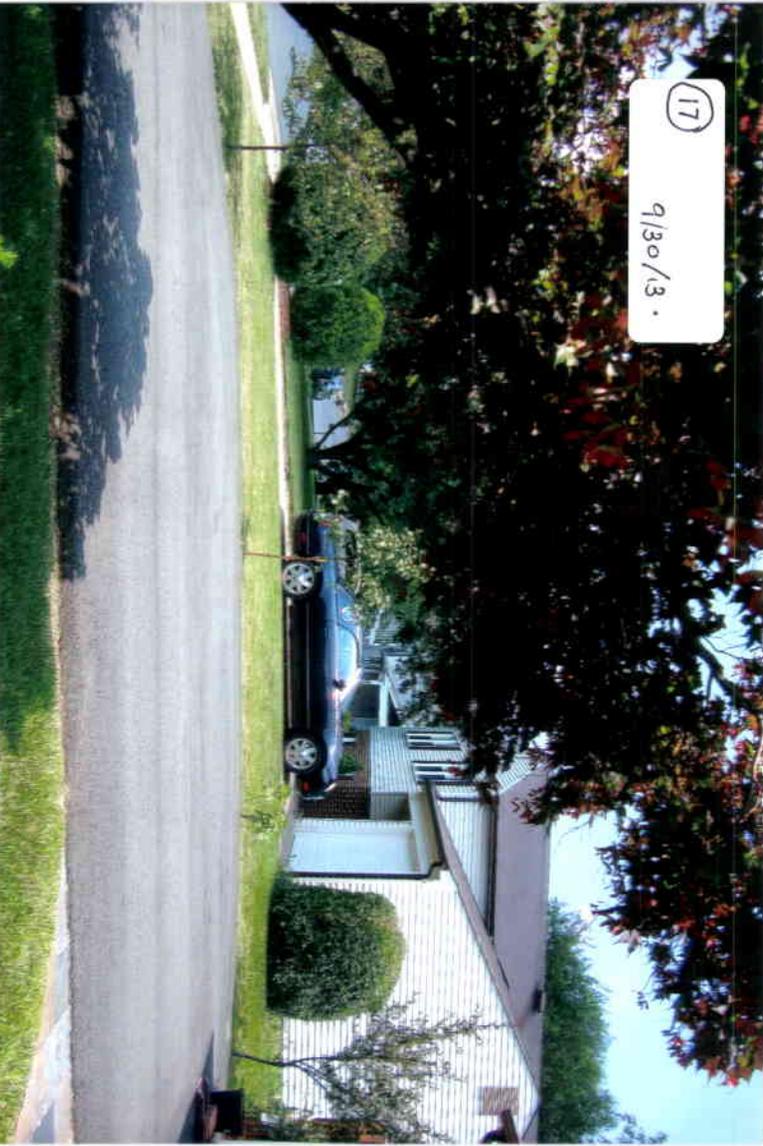
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12/5/13.



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12/5/13.



17

9/30/13.



15

9/30/13

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02/08/2014  
(enter date affidavit is notarized)

*and Littlepetals Inc. 123989*

I, Irani A. Wijayarathne, also known of record as, Irani A. Amarasinghe, 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Irani A. Wijayarathne, also known of record as Irani A. Amarasinghe,	12847 Fantasia Drive Herndon VA 20170	Applicant / Title Owner
Littlepetals Inc.	12847 Fantasia Drive Herndon VA 20170	Co-Applicant
Laura J. Corkey	12847 Fantasia Drive Herndon VA 20170	Co-Title Owner
Nishantha Amarasinghe	12847 Fantasia Drive Herndon VA 20170	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: 02/08/2014  
(enter date affidavit is notarized)

123989

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)

Littlepetals Inc. # 12847 Fantasia Drive Herndon VA 20170

**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)

Irani A. Wijayarathne also known of record Owner  
as Irani A. Amarasinghe

(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.

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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)

N.A.

(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.

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

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(enter date affidavit is notarized)

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: 02/08/2014  
(enter date affidavit is notarized)

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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) [x] Applicant [ ] Applicant's Authorized Agent

Irani A. Wijayarathne  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of FEBRUARY 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

Parveen Faieq Maksudi  
Notary Public

My commission expires: 03/31/2014



Virginia.gov

Agencies | Governor

VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES**Irani Wijayarathne**

12847 Fantasia Drive  
HERNDON, VA 20170  
(703) 481-8766

Facility Type: [Family Day Home](#)

License Type: [One Year](#)

[Expiration Date](#): March 3, 2015

Business Hours: 7:30am - 5:00pm  
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Sandra W D'Imperio  
(703) 479-4675



# County of Fairfax, Virginia

## MEMORANDUM

Date: December 8, 2014

To: Casey Gresham, Staff Coordinator  
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector *Bm*  
Zoning Inspection Branch

Subject: Home Child Care Facility (HCCF), Special Exception # SP 2014-DR-118

Applicant: Irani A. Wijayarathne, Also Known Of Record As  
Irani A. Amarasinghe & Littlepetals INC.  
12847 Fantasia Dr., Herndon VA 20170  
KINGSTON CHASE, LT 162 SEC 2  
Tax Map #: 10-1 ((2)) 162  
Zoning District: R-3  
Mail Log #

An inspection was conducted on October 16, 2014 by Zoning/Property Maintenance Inspector Bruce Miller. The inspector was accompanied by the Staff Coordinator Casey Gresham and the Applicant.

*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.
- An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.

Comment: Smoke alarms must be installed in two basement rooms used for sleeping purposes.

- 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.

Comment: Screen door leaning on basement egress door must be repaired or removed.

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Inspections Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-4300 FAX 703-324-1343  
www.fairfaxcounty.gov/dpz/

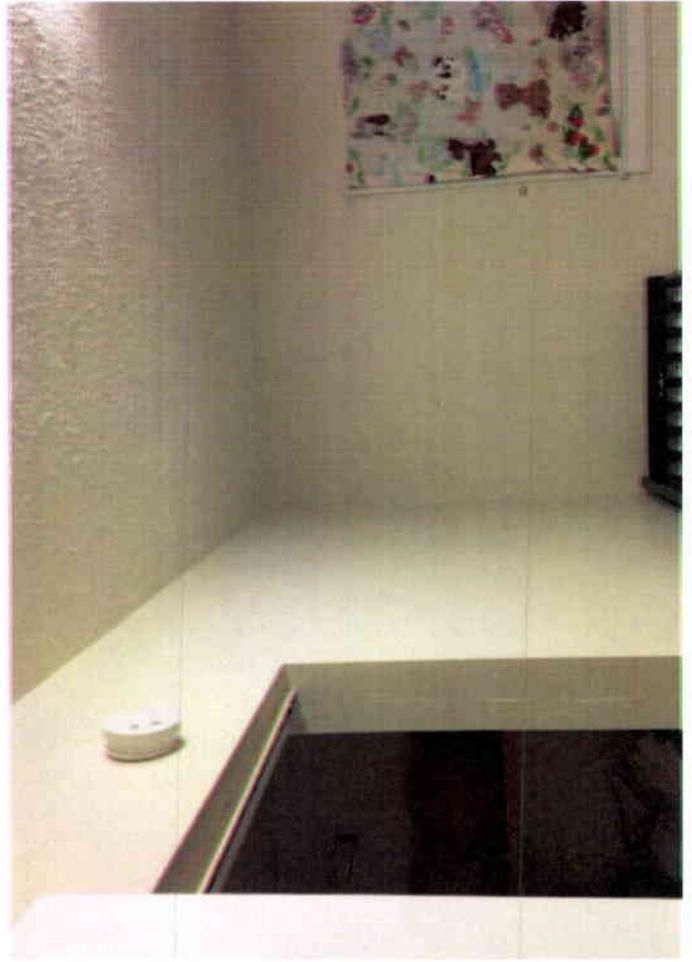
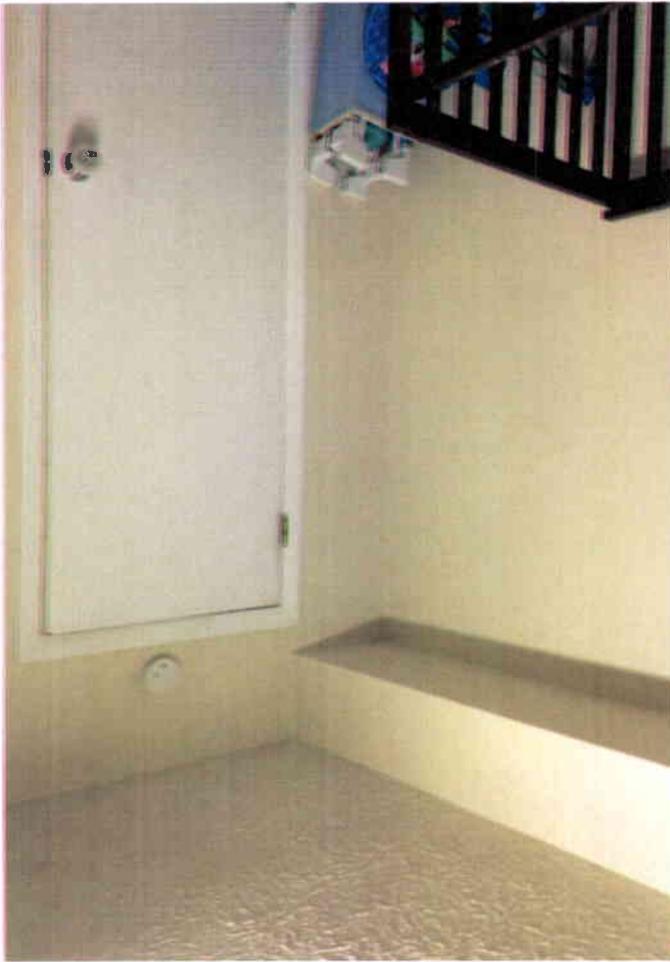


- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through 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.
- Other Maintenance Issues:
- Structures comply with the Zoning Ordinance.

Comment: A freestanding accessory storage structure containing the dimensions of 6'3" x 10' and an overall height of 11 feet is located 1'10" from the side lot line in violation of Par. 10D of Sect. 10-104 of the Fairfax County Zoning Ordinance as follows:

- D. An accessory storage structure which exceeds eight and one half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

The following photographs were taken by Inspector Bruce Miller at the time of the inspection.



**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.