



APPLICATION ACCEPTED: April 29, 2014
ADMIN. MOVE AT APPL. REQUEST
BOARD OF ZONING APPEALS: May 6, 2015 @: 9:00 a.m.

County of Fairfax, Virginia

April 29, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-HM-055

HUNTER MILL DISTRICT

APPLICANT: Kumari L. Wickramaratne

OWNERS: Kumari L. Wickramaratne
Marshall D. Wickramaratne

SUBDIVISION: Reston, Section 68

STREET ADDRESS: 11440 Tanbark Drive, Reston, 20191

TAX MAP REFERENCE: 26-2 ((16)) (1) 62

LOT SIZE: 12,478 square feet

ZONING DISTRICT: PRC

ZONING ORDINANCE PROVISIONS: 6-303, 8-305

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-HM-055 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

Laura Arseneau

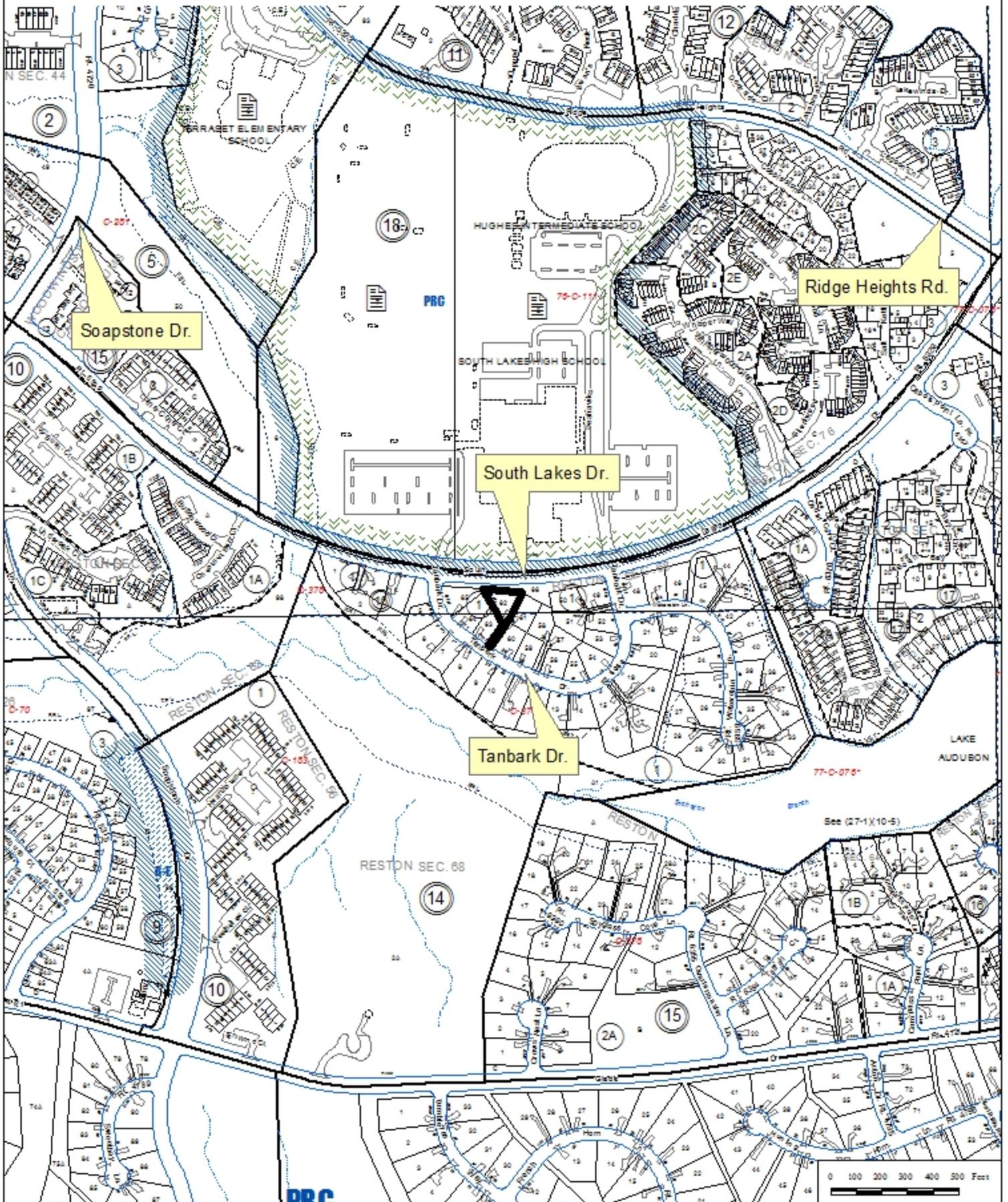
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-HM-055
KUMARI L. WICKRAMARATNE



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, Lot 62, Block, 1, Section 68, Reston,” by Barry L. Wissinger, L.S., of Greenhorne & O’Mara dated April 25, 1979, as revised by the applicant on January 30, 2014, is included in the beginning of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single family detached dwelling. The dwelling has a two car attached garage. A driveway and concrete walkway are located in the front yard of the dwelling. A deck and shed are located in the rear yard. A fence, ranging from 4 feet to 6 feet 3 inches in height, encloses the rear yard.

An open space parcel owned by the Reston Association is located to the north between the property line and South Lakes Drive. Therefore the northern property line is a rear property line. The accessory structures that exist in the rear yard including the fence, deck and shed all meet zoning ordinance setback requirements.

The property is located on a pipestem off of Tanbark Drive. The site is located south of South Lakes Drive and west of Soapstone Road. The subject property and surrounding properties to the east, west and south are zoned PRC and developed with single family detached dwellings. The property to the immediate north is owned by the Reston



Figure 1- Aerial View of Property

Association and across South Lakes Drive is South Lakes High School.

BACKGROUND

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1979, purchased by the property owners in 2004.

On October 16, 2014, the applicant obtained a permit for the enlargement of a window for emergency egress with a related window well in the basement of the dwelling and passed final inspection on November 3, 2014 (Appendix 4).

On February 13, 2015, a building permit for an existing deck in the rear yard of the dwelling received and passed final inspection (Appendix 4).

On April 10, 2015, a building permit for finished basement passed final inspection (Appendix 4).

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 from 7:00 a.m. and 6:00 p.m., Monday through Friday. There is an existing staggered drop-off and pick-up schedule for the children. Currently, there are two assistants.

The home child care facility is operated in the basement of the dwelling, which has adequate emergency egress. The enclosed play area is located in the rear yard. Photographs provided by the applicant show toys and play equipment located in this area.

The applicant holds a current Family Day Home License, effective for two years and which expires on February 18, 2016, from the Commonwealth of Virginia, Department of Social Services. The license lists the business hours as 7:00 a.m. to 6:00 p.m., Monday through Friday. The license also permits a capacity of 12 children, from birth through 12 years, 11 months of age. A copy of the license is included as Appendix 5.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Upper Potomac Planning District
Planning Sector: Reston Community Planning Sector (UP5)
Plan Map: Residential Planned Community

On-Site Parking and Site Circulation

The existing two car garage and driveway can accommodate approximately five cars. The applicant parks their car in the garage. On-street parking is available along Tanbark Drive.

Vehicular access to the site is provided by a pipestem driveway from Tanbark Drive. A concrete walkway connects the driveway to the front door of the dwelling. The parents and children enter the child care through the garage.

Zoning Inspection Branch Comments (Appendix 6)

During the inspection, staff found that locks on the interior door from the first floor to the basement and the front door did not meet building code. The applicant was made aware of these concerns and has provided photographic evidence to demonstrate that these issues have been resolved.

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)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The PRC District permits a home child care facility as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be made available for the home child care use. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is existing fencing that separates the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.
Standard 6	There is no prescribed open space requirement in the PRC

Open Space	District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking.
Standard 8 Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

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

Standard 1 Lot Size and Bulk Regulations	The property conforms to the lot size and bulk regulations of the PRC district. No exterior modifications are proposed with this application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 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)

Standard 1 Maximum of 12 Children & Non-Resident Employees	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted. The applicant requests two non-resident employees.
Standard 2 Access and Parking	Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 3 Landscaping/Screening	There is an existing fence and landscaping in the rear yard that provides screening of the outdoor play area.
Standard 4 Submission Requirements	The applicant submitted a house location survey in lieu of a special exception plat, which is a permissible alternative.
Standard 5 Code of Fairfax Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	The applicant holds a valid home child care license through February 18, 2016, for 12 children from 7:00 a.m. to 6:00 p.m.

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

Part A 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 allow a maximum of 12 children at any one time.
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Part 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.
Part C No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except play equipment and toys.
Part D Non-Resident Employee	The applicant is proposing two non-resident employees and they shall only be at the home child care between 7:00 a.m. to 6:00 p.m., Monday through Friday.
Part E Provider is a Resident	The provider is a resident of the property.
Part F Code of Fairfax, Chapter 30 and Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license. A development condition has been added in Appendix 1 to ensure the home child care will continue to meet state license requirements.
Part G Increase in Children or Non-Resident Employees	The maximum number of children permitted by-right at any one time is 7 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 allow a maximum of 12 children at any one time and two non-resident assistants.

CONCLUSION/ RECOMMENDATION

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

Staff recommends approval of SP 2014-HM-055 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 with Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. State Family Day Home License
6. Zoning Inspections Branch Comments
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-HM-055****April 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-055 located at Tax Map 26-2 ((16)) (1) 62 to permit a home child care facility pursuant to Sects. 6-303 and 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, Kumari L. Wickramaratne and is not transferable without further action of the Board, and is for the location indicated on the application, 11440 Tanbark 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, Lot 62, Block, 1, Section 68, Reston," by Barry L. Wissinger, L.S., of Greenhorne & O'Mara dated April 25, 1979, as revised by the applicant on January 30, 2014 and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions 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 applicant may continue to operate with the approved 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 provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick up and drop off of children shall occur in the driveway.
9. There shall be no signage associated with the home child care facility.

10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
11. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.
12. 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.

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

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

RECEIVED
Department of Planning & Zoning

**Statement of justification for home
Child care facility**

MAR 06 2014

Zoning Evaluation Division

Kumari Wickramaratne
11440 Tanbark Dr
Reston VA 20191
703 715 0088
lankaw@verizon.net

Dec 10, 2013

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government center parkway, suite 801
Fairfax VA 22035

Re: Special Permit Application

Applicant : Kumari L. Wickramaratne

Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8- 004 of General Standards

Tax Map # : 0262 16010062

Zoning district: PRC

Lot size: 12478 (SQFT)

To whom it may concern,

Please accept the following as my statement of Justification for a special permit for a home childcare facility in my home. I own and live in a single family detached dwelling at 11440 Tanbark Dr Reston VA 20191. The property is zoned PRC (General Combination Dev) and I understand that I need to seek the approval of a special permit in order to operate a child care facility within my home. I'm currently licensed by the state of Virginia to have 12 children in my child care facility home. Below is information about my child care facility operations.

Hours - 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. This number does not include my own children.

Employees - I have two assistance work full time.

Arrival schedule - Three of the children arrive between 7:00 and 7:30 am. Two of them (who are siblings) walk because they live next door. Three children arrive between 7:30 and 8:00 am. Four children usually arrive between 8:00 and 9:00 am. Two children arrive usually after 9:00 am.

Departure schedule - Two children who are our neighbors that walk are picked up by 4:00 pm. Three of the children are picked up between 4:00 and 4:30 pm. Four of the children are picked up between 4:30 and 5:00 pm. Three of the children are picked up between 5:00 and 5:30 pm.

Area served - Currently most of the children live in the general vicinity of my neighborhoods. Many live on South Lakes Dr and Sunrise Valley Dr. Some of them have their older sibling attending Terraset and Sunrise Valley Elementary schools. Two of the children are immediate neighbors.

Operation - My house is a single family detached dwelling. It has a walkout basement where mostly children spend time. I use the kitchen for preparing meals and snacks. I use the dining room and the family room for infants for their napping. Attached is a floor plan that indicates the area where the day care is located. Whole house has approximately 3705 square feet. The basement, kitchen, dining room and family room where I conduct day care has approximately 1800 square feet in total.

Hazardous or toxic substances - The house and the yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated and disposed of on site.

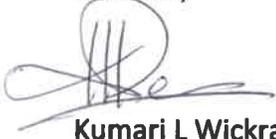
Out door play area - I use part of my back yard for outdoor play for children. The area is approximately 1441 square feet. There is a storage shed which is locked at all times and two play yard gyms with slides. Whole play yard is fenced and most of the play area perimeter has evergreen trees covering neighboring properties. I have drawn these details on my most recent house location plat which is included.

Parking - I use my garage to park the family car. My driveway provides enough parking for about 5 cars because it is about 55 feet long and 20 feet wide. In addition there is additional parking on the neighbor hood street.

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

In conclusion I'm 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 my parents, employees and my family. For these reasons I believe that my proposal home daycare facility will not impact my neighbors in any negative way.

Sincerely

A handwritten signature in black ink, appearing to read 'Kumari L Wickramaratne', with a large, stylized initial 'K' and a long horizontal flourish extending to the right.

Kumari L Wickramaratne

MAR 06 2014

Zoning Evaluation Division

Arrival schedule

7:00 to 7:30am 7:30 to 8:00am 8:00 to 8:30am 8:30 to 9:00am 9:00 to 9:30am

Child 1	X (s)				
Child 2	X (s)				
Child 3	X				
Child 4		X			
Child 5		X			
Child 6		X			
Child 7			X		
Child 8			X		
Child 9				X	
Child 10				X	
Child 11					X
Child 12					X

Departure schedule

3:30 to 4:00pm 4:00 to 4:30pm 4:30 to 5:00pm 5:00 to 5:30pm

Child 1	X (s)				
Child 2	X (s)				
Child 3		X			
Child 4		X			
Child 5		X			
Child 6					X
Child 7			X		
Child 8			X		
Child 9			X		
Child 10					X
Child 11					X
Child 12			X		

Statement telling who owns the property

Front View



①

Front view
of the house
from the
drive way

1/20/14

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Department of Planning & Zoning

MAR 06 2014

Zoning Evaluation Division



②

Drive way
looking from
the house

1/20/14

Play yard - (side of the house)



③ Play yard entrance and the front neighboring houses that is covered by the evergreen trees.

(Taken from the middle of the play yard.)

11/22/13

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Zoning Evaluation Division



④ Play yard view from the entering gate.

Behind the fence is South Lakes drive.

11/22/13

Play yard



⑤
Side view
of the house
from the
corner of the
play yard.

11/22/13

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Zoning Evaluation Division



⑥
Storage
shed.

11/22/13

Back yard



⑦

Back yard of the house that is used for family use only.

Small fence is to separate the back yard and the play yard

02/08/14



⑧

Back yard view from the corner of the property

11/22/13

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Zoning Evaluation Division

Day Care facility

Indoor Space



①
Entrance to
the day care
(Taken from
the entering
door side.)
Children's
eating area.
12/08/13

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MAR 06 2014

Zoning Evaluation Division



②
Entrance -
taken from
the opposite
side of the
room.

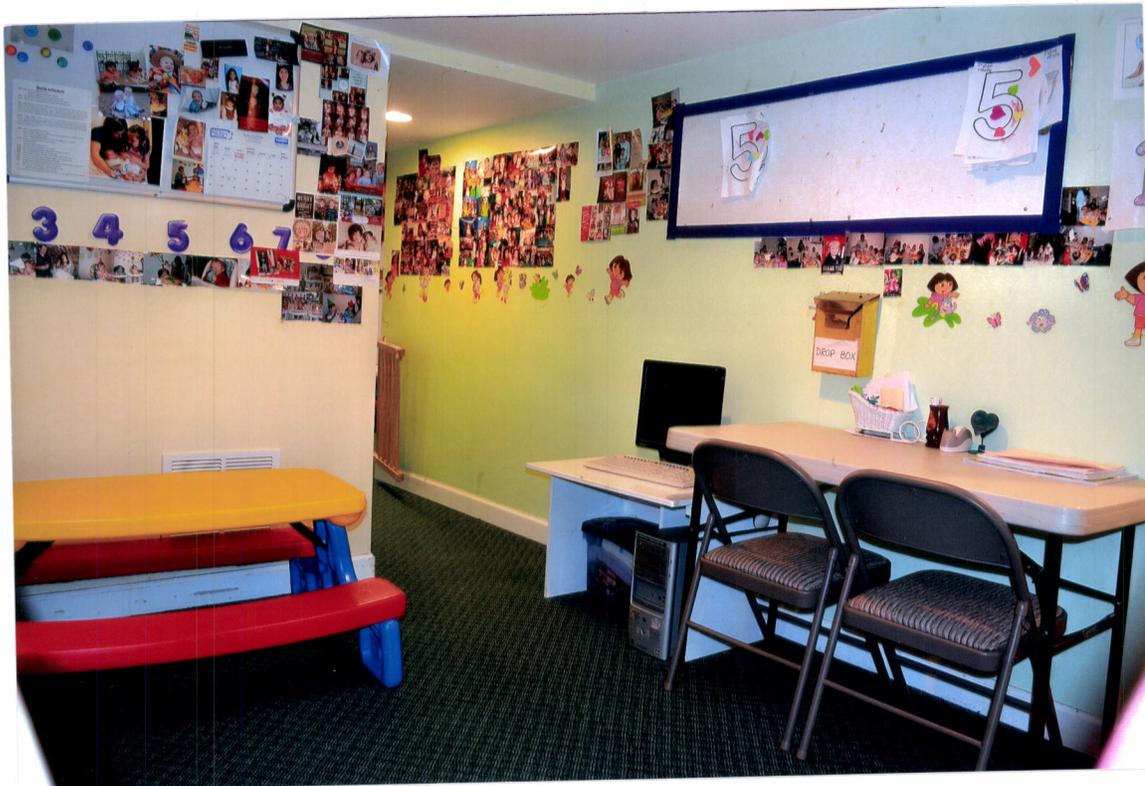
The door on
the side is to
enter the
small kitchen
used for
day care.
12/08/13

Indoor Space



③

Day care kitchen -
Where we use to serve food and clean eating utensil.
No stove.
12/08/13



④

Hall way to enter main play area, baby naproom and bathroom
2/15/14

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Zoning Evaluation Division

Indoor Space



⑤

Hall way looking from the main play area.

The door on the side is for the bathroom.

The door in the middle is the utility room.

12/08/13



⑥

Bath room

12/08/13

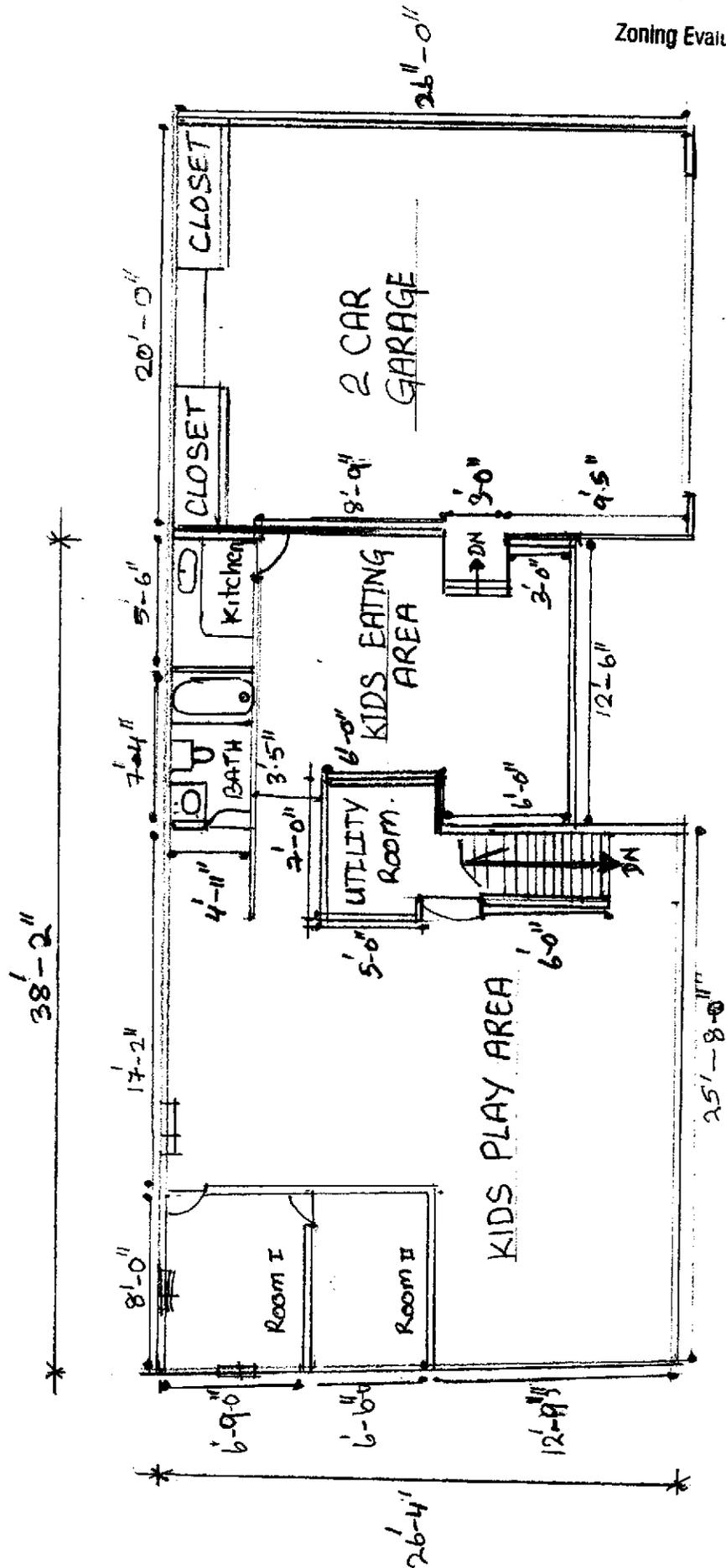
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MAR 06 2014

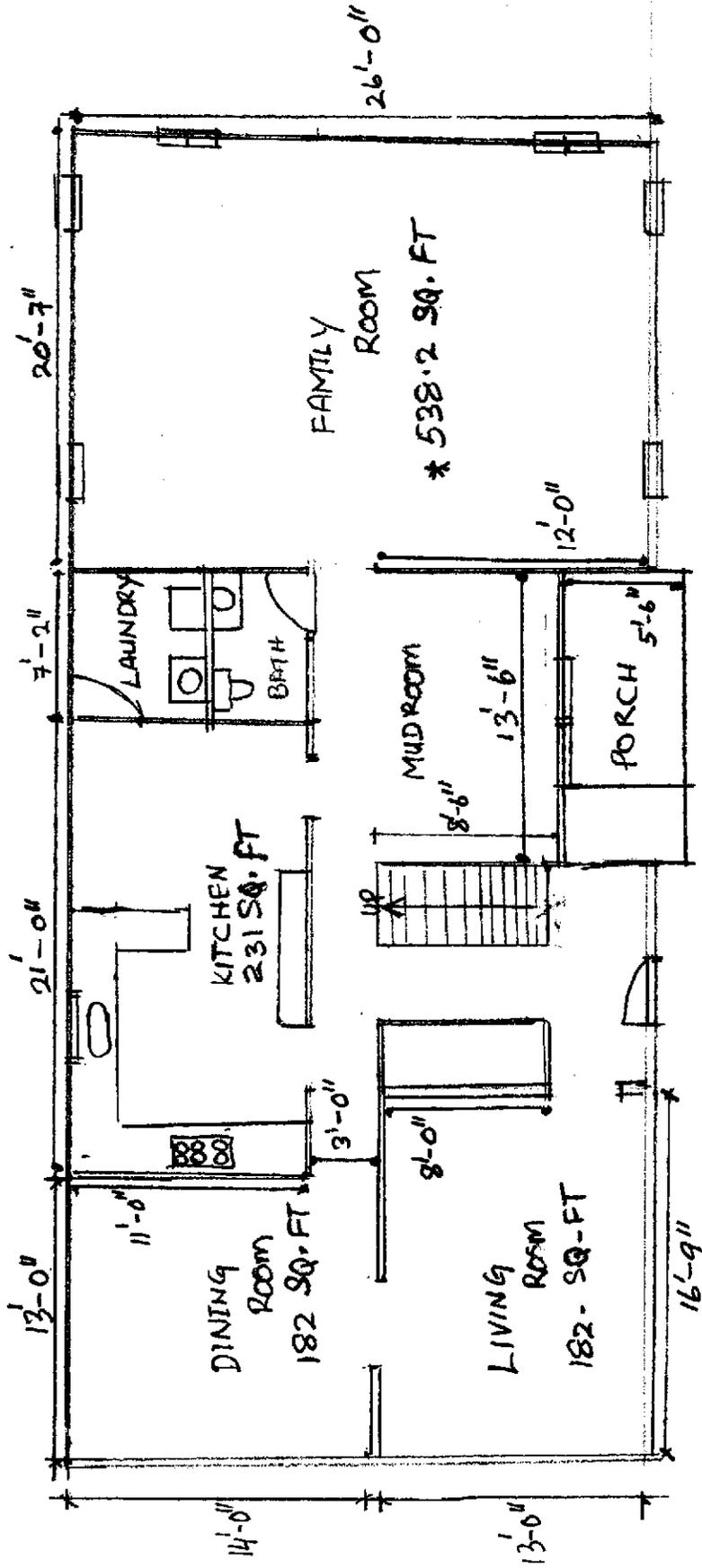
Zoning Evaluation Division

MAR 06 2014

Zoning Evaluation Division



BASEMENT - APPROX. 850 SQ. FT.



FIRST FLOOR
 SCALE - 1" = 1/8" (ARCHITECT)

Application No.(s): SP 2014-HM-055
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/29/2014
(enter date affidavit is notarized)

124672

I, KUMARI L. WICKRAMARATNE, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
KUMARI L. WICKRAMARATNE	11440 TANBARK DR RESTON VA. 20191	APPLICANT / TITLE OWNER
MARSHALL D. WICKRAMARATNE	" "	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).

CAB 124672

Application No.(s): SP 2014-HM - 055
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/29/2014
(enter date affidavit is notarized)

124672

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)

(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):

SP 2014-HM-055

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/29/2014
(enter date affidavit is notarized)

124672

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.

124672

Application No.(s):

SP 2014-HM-055

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

04/29/2014

124672

(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:

N/A

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.)

N/A

(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): SP 2014-HM-055
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124672

DATE: 04/29/2014
(enter date affidavit is notarized)

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:

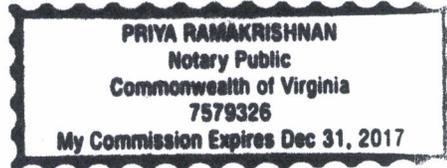
(check one) Applicant Applicant's Authorized Agent

KUMARI L. WICKRAMARATNE - OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of APRIL 2014; in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

P. Ramakrishnan
Notary Public

My commission expires: 12/31/2017



CM3
124672



Land Development Information History: FIDO - MISC R - 142890036

Permit Information

Permit Number:	142890036	Application Date:	
Permit Type:	MISCELLANEOUS BUILDING WK RES	Tax Map:	026-2 ((16)) (01) 0062
Job Address:	011440 TANBARK DR RESTON , VA 20191-4104	Permit Status:	NON-RUP or RUP Issued
Location:		Bldg:	Floor: Suite:
Subdivision:	RESTON SEC. 68	Permit Fee:	
Magisterial District:	HUNTER MILL		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	enlarge existing window for egress / enlarge window well		
Type of Work:	MISCELLANEOUS		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR12 - IRC 2012		
Plan Number:	W-14-5135		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [142890036](#)

Owner Information

Owner: WICKRAMARATNE

MARSHALL D

Contractor Information

Address: 11440 TANBARK DR
City: RESTON **State:** VA **Zip:** 20191

Name: K R CONSTRUCTION LLC
Address: 8617 QUARRY RD
City: MANASSAS **State:** VA **Zip:** 20110-0000

Trade Name:**BPOL License:****State License:****Trade Reg.:****Applicant Information**

Applicant: MCDANIEL
Address: 8617 QUARRY ROAD
City: MANASSAS **State:** VA **Zip:** 20110

Other Contact Information**Contact:****Address:****City:** **State:** **Zip:****Inspections****Inspection - R FINAL - FINAL INSPECTION - 6550135**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-11-03	ARTHUR PATTERSON	N	Passed	NO	

Inspection - R FINAL - FINAL INSPECTION - 6533581

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-10-30	WEB	N	Cancelled	NO	

Reviews**Review - BUILDING - (BUILDING REVIEW) - 2377856**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2014-10-16	JOHNNY VANNOY	Y	Approved

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2377857

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2014-10-16	ONJALI MCEACHIN	Y	Approved



Land Development Information History: FIDO - DECK - 142830109

Permit Information

Permit Number:	142830109	Application Date:	
Permit Type:	DECK	Tax Map:	026-2 ((16)) (01) 0062
Job Address:	011440 TANBARK DR RESTON , VA 20191-4104	Permit Status:	Finalized
Location:		Bldg:	Floor: Suite:
Subdivision:	RESTON SEC. 68	Permit Fee:	
Magisterial District:	HUNTER MILL		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	BUILD DECK WITH STAIRS/UPPER AND LOWER LEVEL DECK, NO HOT TUB PER PLANS		
Type of Work:	DECK		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR09 - IRC 2009		
Plan Number:	W-14-5058		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [142830109](#)

Owner Information

Owner: WICKRAMARATNE
MARSHALL D

Address: 11440 TANBARK DR

City: RESTON **State:** VA **Zip:**
20191

Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: **State:** VA **Zip:**

Trade Name:

BPOL License:**State License:****Trade Reg.:****Applicant Information****Applicant:****Address:****City:** **State:** **Zip:****Other Contact Information****Contact:****Address:****City:** **State:** **Zip:****Inspections****Inspection - R FINAL - FINAL INSPECTION - 6539307**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2015-02-13	WAYNE WINDSOR	N	Passed	NO	

Inspection - R FOOTING - FOOTING INSPECTION - 6539308

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2014-11-17	WAYNE WINDSOR	N	Passed	NO	two new piers. for existing low level deck without a permit.

Inspection - R FRAMING - FRAMING INSPECTION - 6539309

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING			N	None	NO	Auto Finalization

Inspection - R ROUTINE - ROUTINE INSPECTION - 6566045

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ROUTINE	2014-11-17	WAYNE WINDSOR	N	Passed	NO	ok to conceal 2 6x6 posts to new footings for low level deck done with permits.

Reviews**Review - BUILDING - (BUILDING REVIEW) - 2376649**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2014-10-21	DERRICK HEATH	Y	Approved

Review - BUILDING - (BUILDING REVIEW) - 2376587

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2014-10-10	NORM CARLSON	Y	Failed

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2376585

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2014-10-10	HIVI FARAJ	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2376584

Review Type	Review Date	Reviewer	Started	Status
ZONING	2014-10-10	REBECCA GOODYEAR	Y	Approved

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Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - FINISHBSMT - 150990054

Permit Information

Permit Number:	150990054	Application Date:	
Permit Type:	FINISHED BASEMENT RESIDENTIAL	Tax Map:	026-2 ((16)) (01) 0062
Job Address:	011440 TANBARK DR RESTON , VA 20191-4104	Permit Status:	Finalized
Location:		Bldg:	Floor: Suite:
Subdivision:	RESTON SEC. 68	Permit Fee:	\$108.00
Magisterial District:	HUNTER MILL		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	add wetbar and replace permit 033379930 /change of owner/ original under code IR00 (only had routine inspection passed for insulation on old permit) / SFD/FIN BSMT PER CNTY DTLs W/BATHRM NO WET-S1 BAR/ NO KITCHEN/NO BEDRM/		
Type of Work:	FINISHED BASEMENT		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR12 - IRC 2012		
Plan Number:	W-15-2225		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [150990054](https://www.fairfaxcounty.gov/permits/150990054)

Owner Information

Owner: WICKRAMARATNE
MARSHALL D

Address: 11440 TANBARK DR

City: RESTON **State:** VA **Zip:**
20191

Contractor Information

Name: OWNER IS CONTRACTOR **BPOL License:**

Address: **State License:**

City: **State:** VA **Zip:** **Trade Reg.:**

Trade Name:

Applicant Information

Applicant:

Address:

City: **State:** **Zip:**

Other Contact Information

Contact:

Address:

City: **State:** **Zip:**

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6699543

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2015-04-10	MARTIN KLEMA	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6699544

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2015-04-10	MARTIN KLEMA	N	Passed	NO	Old permitted work ??, no framing visible, no framing inspection conducted

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2420113

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2015-04-09	SHAINA ABNEY	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2420115

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 VIRGINIA DEPARTMENT OF SOCIAL SERVICES

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Kumari Wickramaratne

11440 Tanbark Drive.

RESTON, VA 20191

(703) 715-0088

Facility Type: [Family Day Home](#)

License Type: [Two Year](#)

[Expiration Date](#): Feb. 18, 2016

Business Hours: 7:00am - 6:00p.m.
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Keesha Minor
(703) 934-7301



County of Fairfax, Virginia

MEMORANDUM

Date: June 17, 2014 (Amended)

To: Laura B. Arseneau, Staff Coordinator
Zoning Evaluation Division

From: Leo L. Conrad, Jr. *JLC for*
Zoning/Property Maintenance Inspector
Zoning Inspections Branch

Subject: Home Child Care Facility (HCCF),
Special Permit # SP 2014-HM-055

Applicant: Kumari L. Wickramaratne
11440 Tanbark Drive, Reston, Virginia 220191
Legal Description: Reston, Sec. 68, Block 1, Lot 62
Tax Map Ref: 26-2 ((16)) (1) 0062
Zoning District: PRC
Lot Size: 12,478 square feet
ZIB# 2014-0277 (amended)

On June 17, 2014, an inspection was conducted by Zoning/Property Maintenance Inspector Leo L. Conrad, Jr. of 11440 Tanbark Drive while accompanied by ZED Staff Coordinator Laura Arseneau and Kumari L. Wickramaratne, the applicant.

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

- 1. An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.
- 2. 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.
- 3. 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.
- 4. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- 5. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent

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/



• June 17, 2014

Page 2

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.

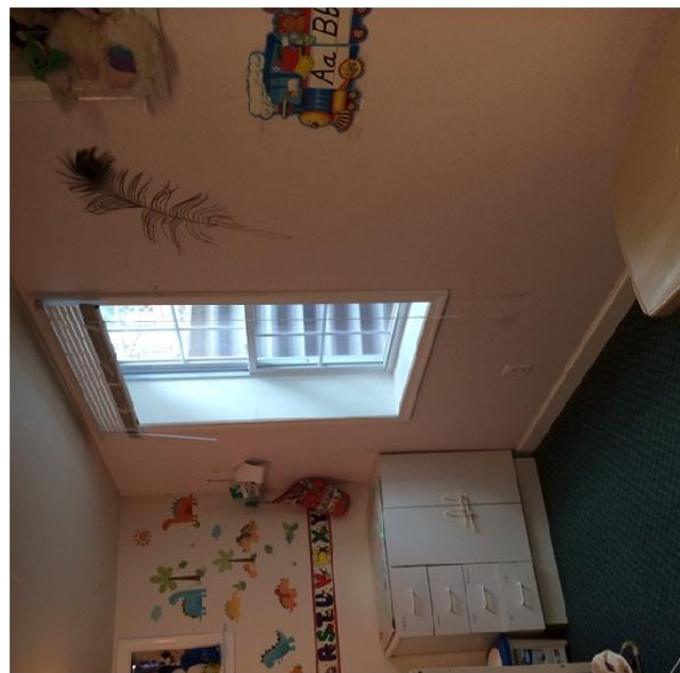
- 6. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No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

- 7. Other Building Code issues:

Comments:

Locks on the interior door leading from the 1st floor to the basement level and the front door do not satisfy the Building Code.

- 8. Structures comply with the Zoning Ordinance.



8-006 General Standards

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

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

8-303 Standards for all Group 3 Uses

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

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

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

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

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

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.