



County of Fairfax, Virginia

September 15, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-HM-056

HUNTER MILL DISTRICT

APPLICANT/OWNER: Burt Levenson

SUBDIVISION: Reston

STREET ADDRESS: 2024 Upper Lake Drive

TAX MAP REFERENCE: 27-1 ((4)) (4) 5

LOT SIZE: 12,407 square feet

ZONING DISTRICT: PRC

ZONING ORDINANCE PROVISIONS: 8-917

SPECIAL PERMIT PROPOSAL: To permit modification to the limitations on the keeping of animals.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) 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 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

O:\SMCKN\SPLEVENSON SP 2009-HM-056 (Animals)\STAFF REPORT\Staff Report Levenson.doc

Shelby Johnson

Special Permit

SP 2009-HM-056

Applicant:

BURT LEVENSON

Accepted:

07/02/2009

Proposed:

MODIFICATION TO THE LIMITATIONS ON THE KEEPING OF ANIMALS

Area:

12,407 SF OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 08-0917

Art 8 Group and Use: 9-16

Located:

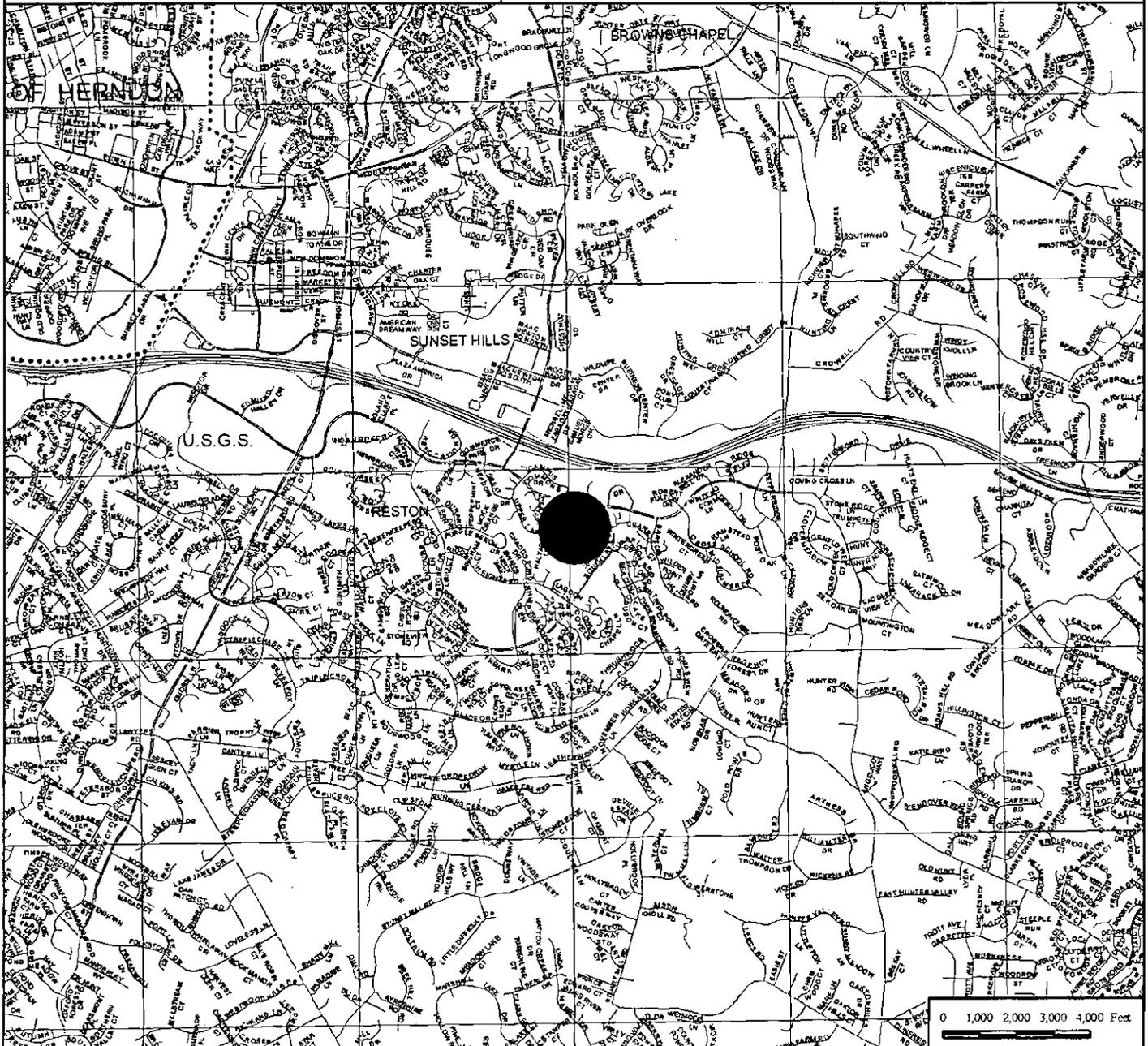
2024 UPPER LAKE DRIVE

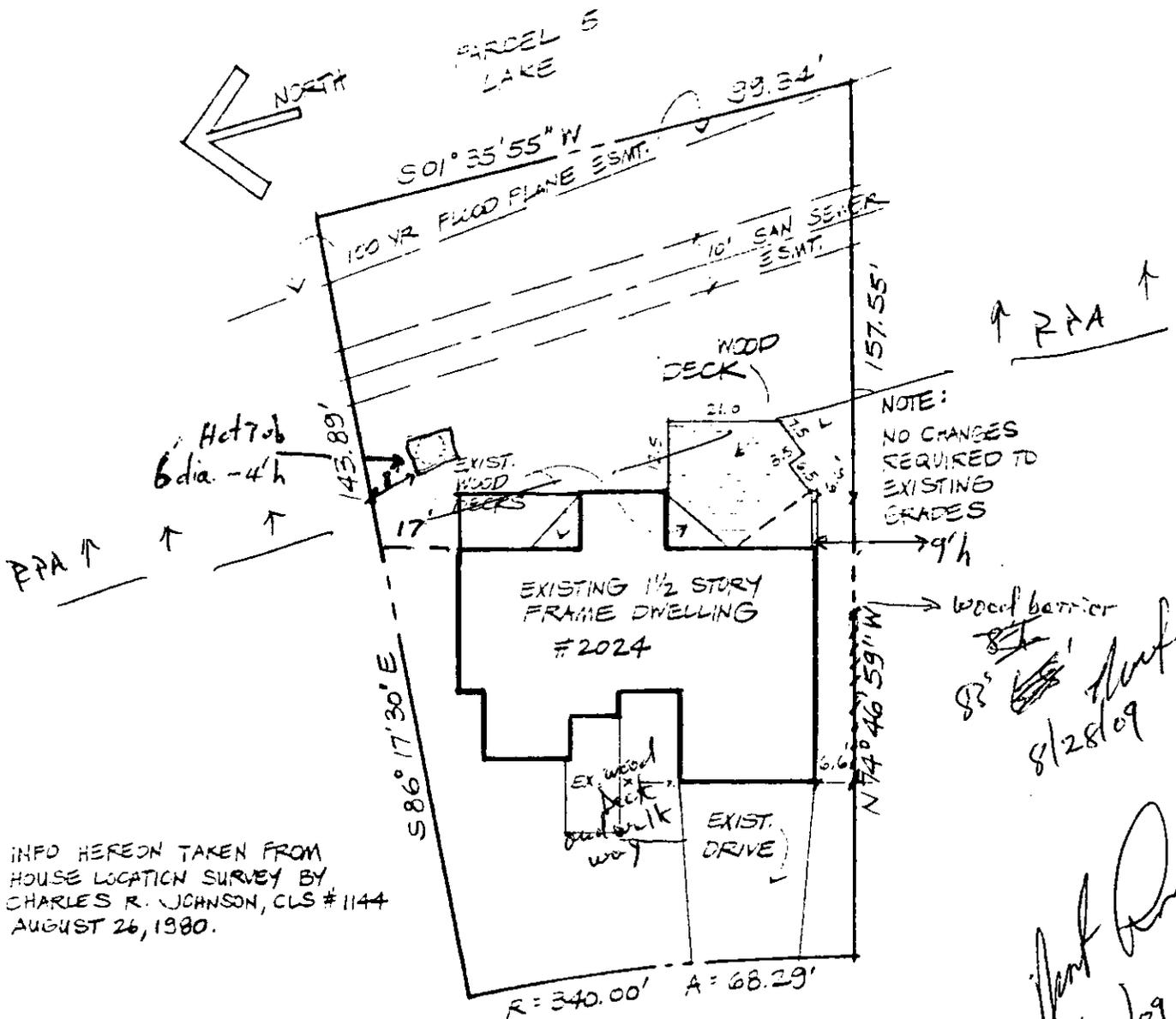
Zoning:

PRC- R

Overlay Dist:

Map Ref Num: 027-1- /04/04/0005





NOTE:
NO CHANGES
REQUIRED TO
EXISTING
GRADES

INFO HEREON TAKEN FROM
HOUSE LOCATION SURVEY BY
CHARLES R. JOHNSON, CLS # 1144
AUGUST 26, 1980.

wood barrier
8' ~~deck~~
8/28/09

[Signature]
6/25/09

UPPER LAKE DRIVE
50' WIDE



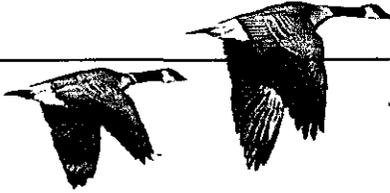
Richard A. Compton

SITE PLAN SHOWING LOCATION
OF NEW WOOD DECK ADDITION

SCALE 1" = 30'-0"

LOT 5 BLOCK 4 SECTION 60
RESTON, FAIRFAX CO, VIRGINIA
CENTREVILLE DISTRICT

16 JUNE 1991



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Department of Planning & Zoning
MAY 13 2009
Zoning Evaluation Division

Requirement No. 4 Photographs of Property and Adjacent Property along Property and Street Lines

Photograph Index and Geo-reference Diagram

MAP #: 0271 04040005
EVANS THOMAS L

2024 UPPER LAKE DR

Aerials

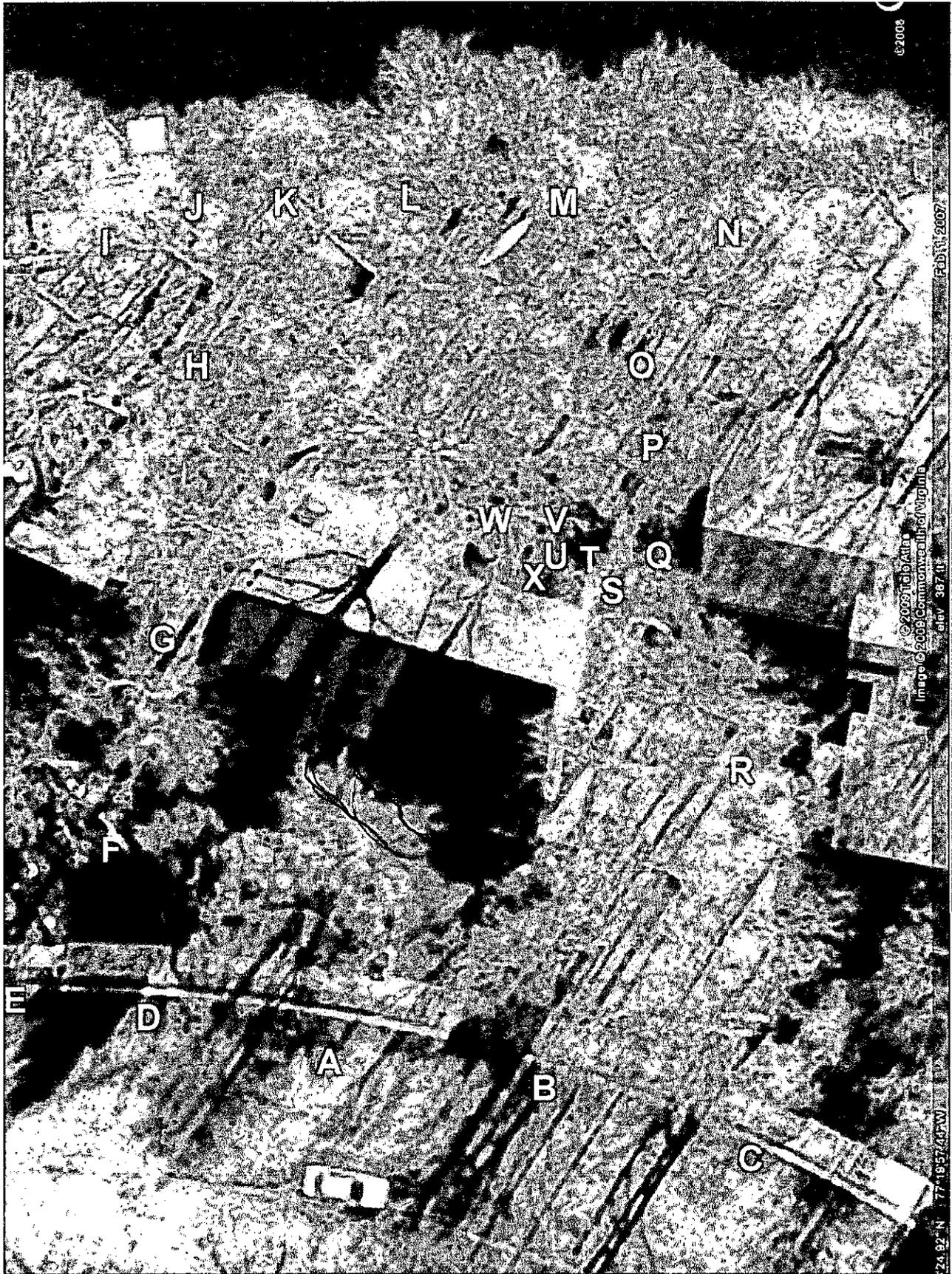


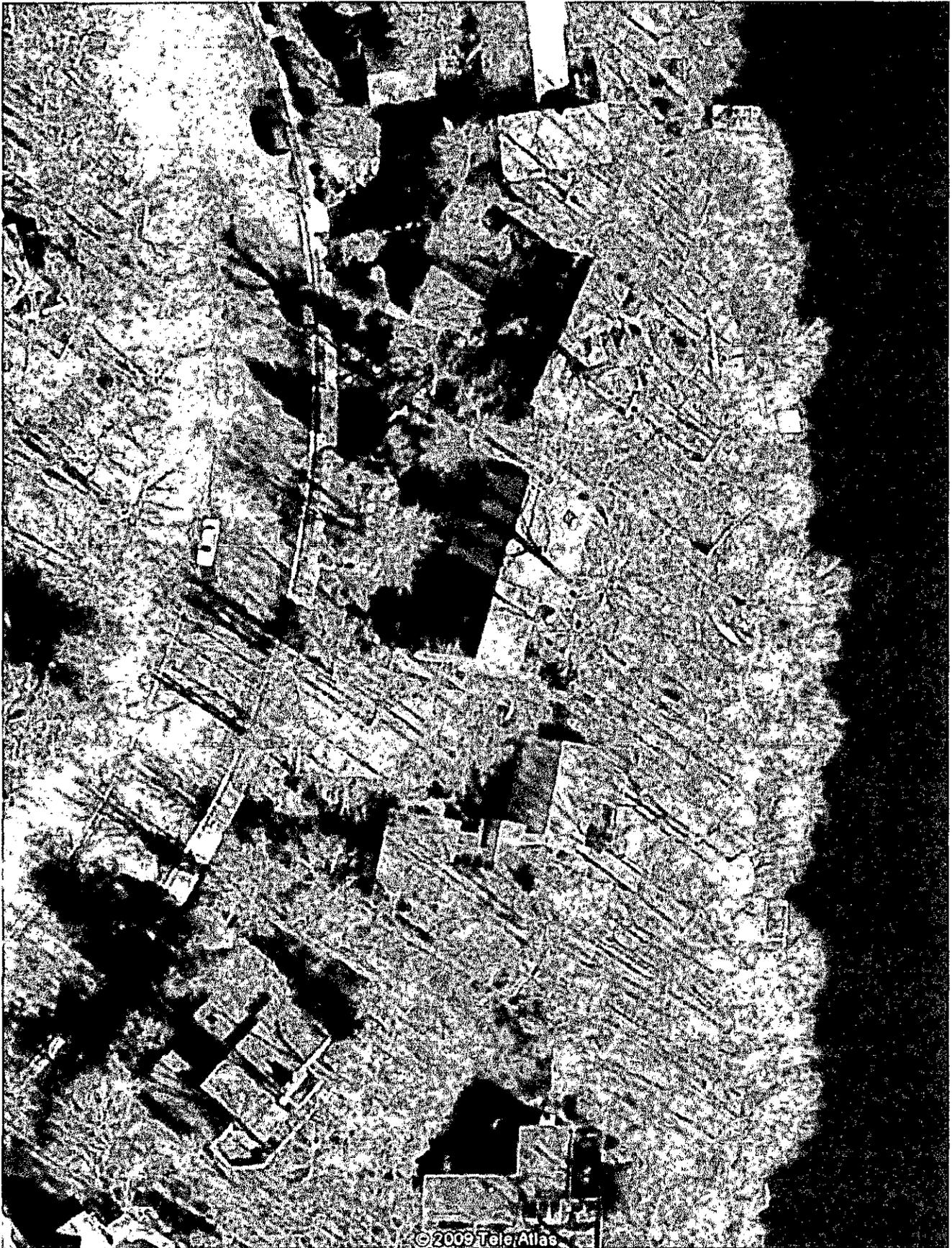
Layers

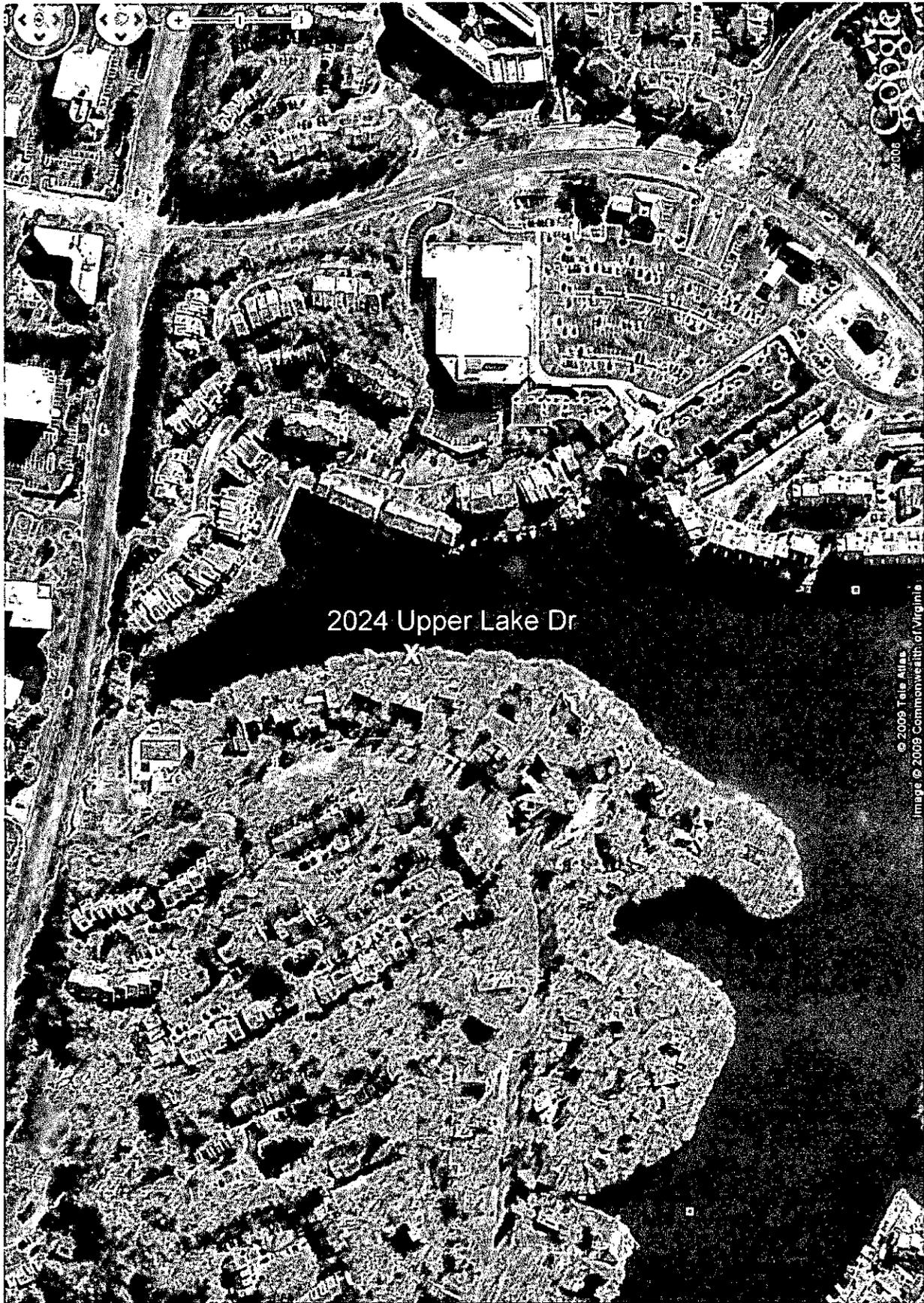


Aerial Imagery © 2007 Commonwealth of Virginia

Detailed Aerial/Satellite Image - 2024 property is centered show relative spacing with neighboring properties. Letters are locations of photos.





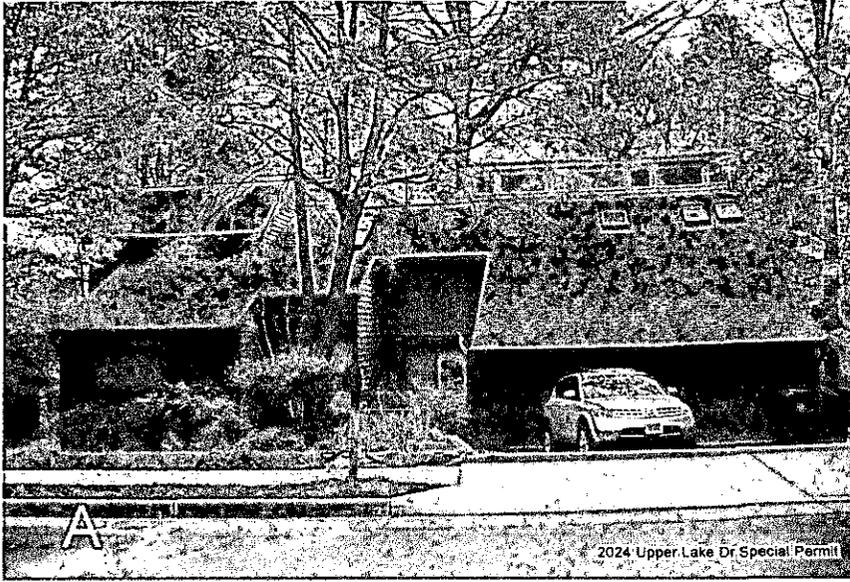


2024 Upper Lake Dr

© 2009 Tele Atlas
Image © 2009 Commonwealth of Virginia

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House is set back
and down from road
level.



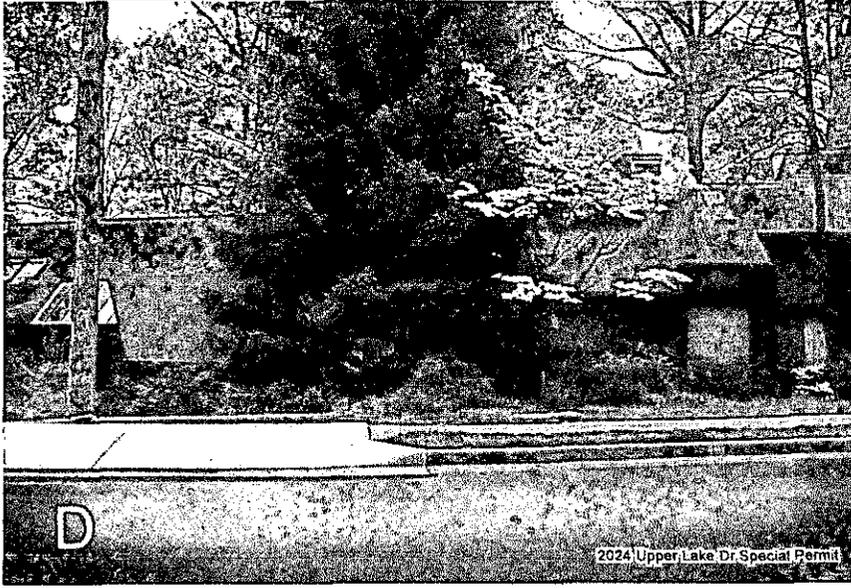
No visibility to
back yard from
Street level south
side



No visibility to
back yard from
Street level from
south aspect

MAY 13 2009

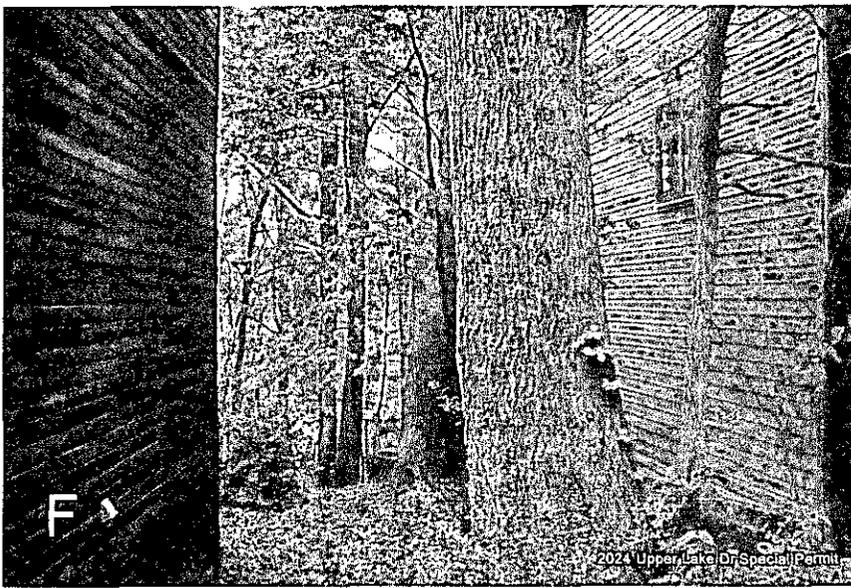
Zoning Evaluation Division



No visibility to back yard
from Street level north
side



No visibility to back yard
from Street level from
south aspect

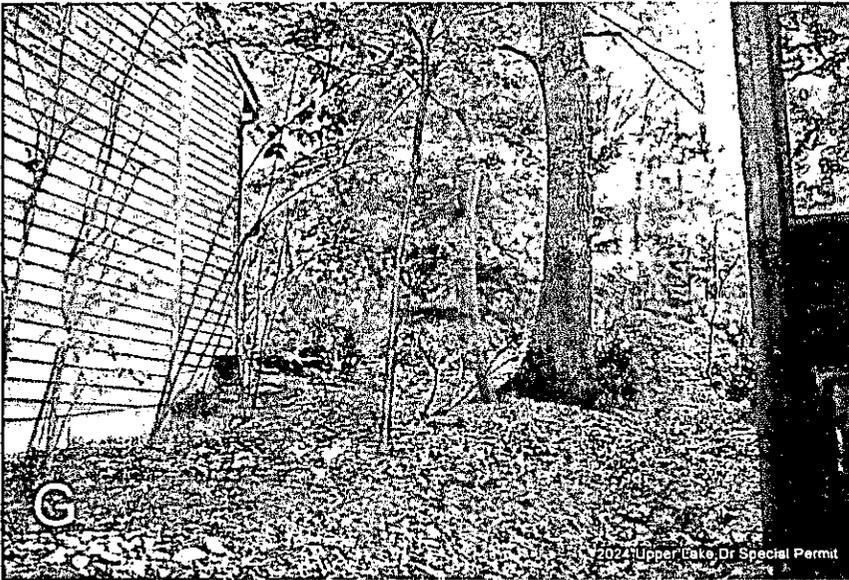


North side yard between
properties - no visibility of
back porch - dogs are
never here.

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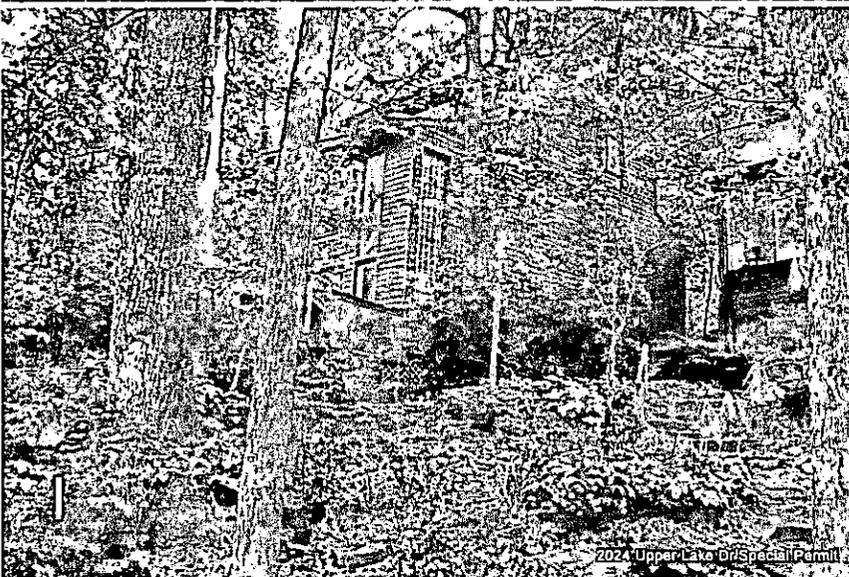
Looking toward street
from north side yard



North neighbor's back-
yard view of 2024 prop-
erty. Porch not visible,
dogs not visible.



North neighbor's back-
yard view of 2024 prop-
erty from waterfront.
Porch not visible, dogs
not visible.



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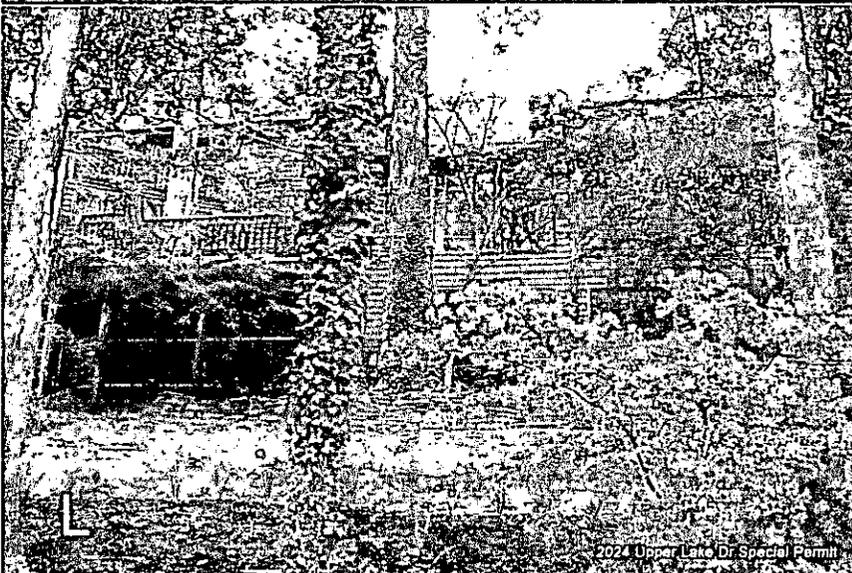
Zoning Evaluation Division



Waterfront view of
north side property line.



Waterfront view of 2024
from own north corner of
property - corner of
porch visible



Waterfront view of
2024 from center of
property - edge of
porch visible

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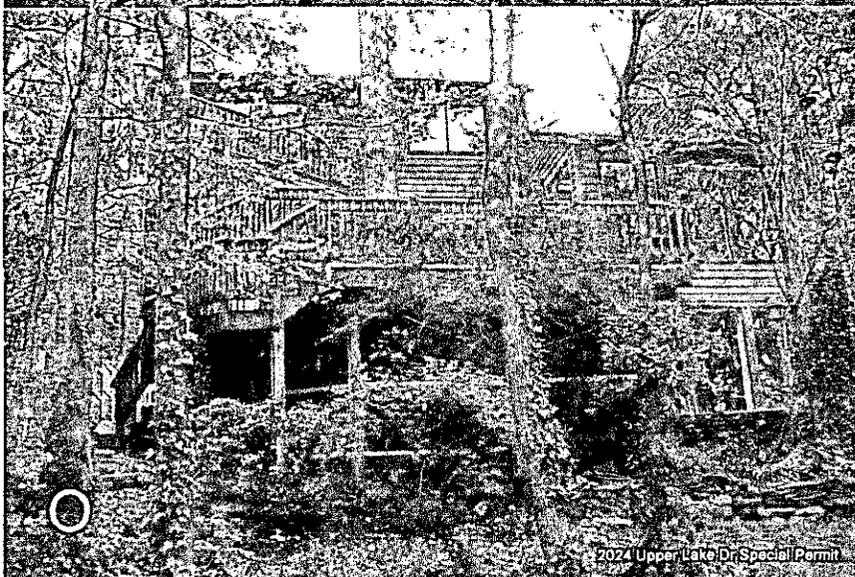
Zoning Evaluation Division



Waterfront view of 2024 property from south corner of own property



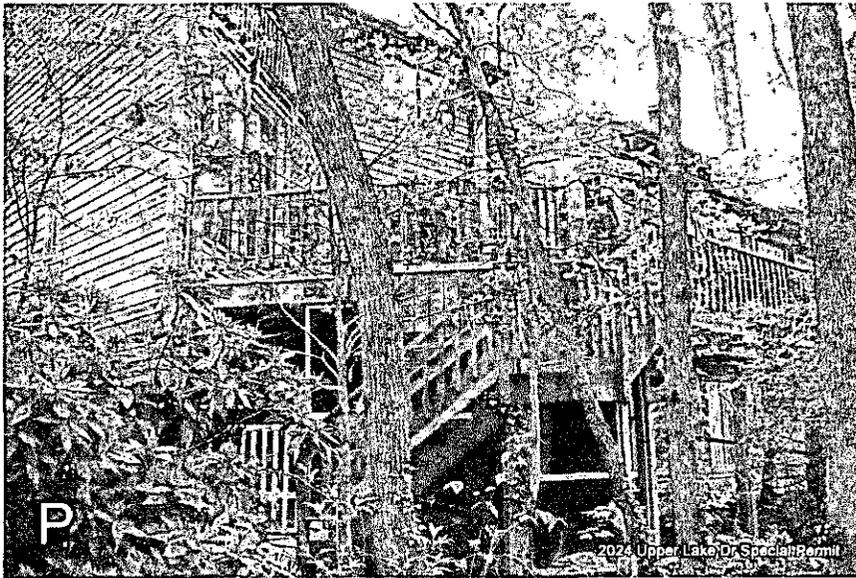
Waterfront view from south neighbor yard - porch barely visible



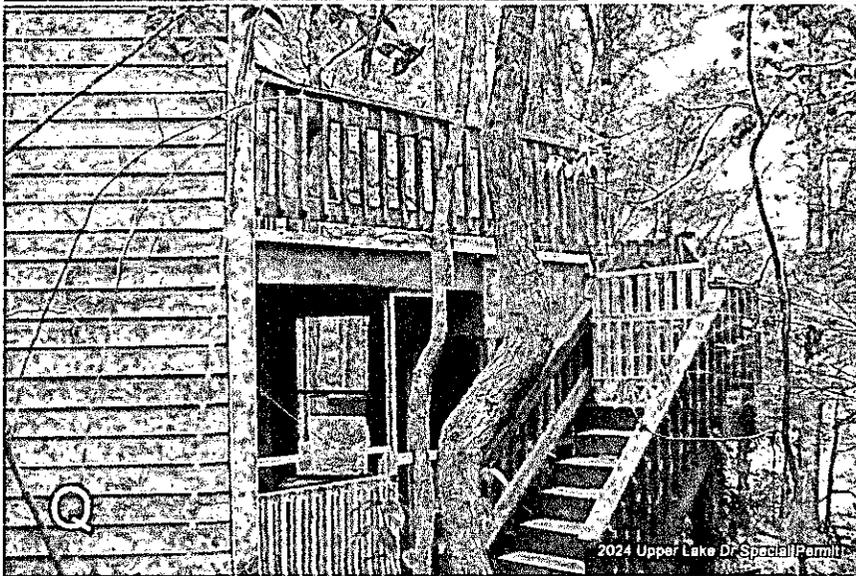
Mid-backyard view from south property line. Porch more visible

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Porch view from south property line at corner of neighbor property line



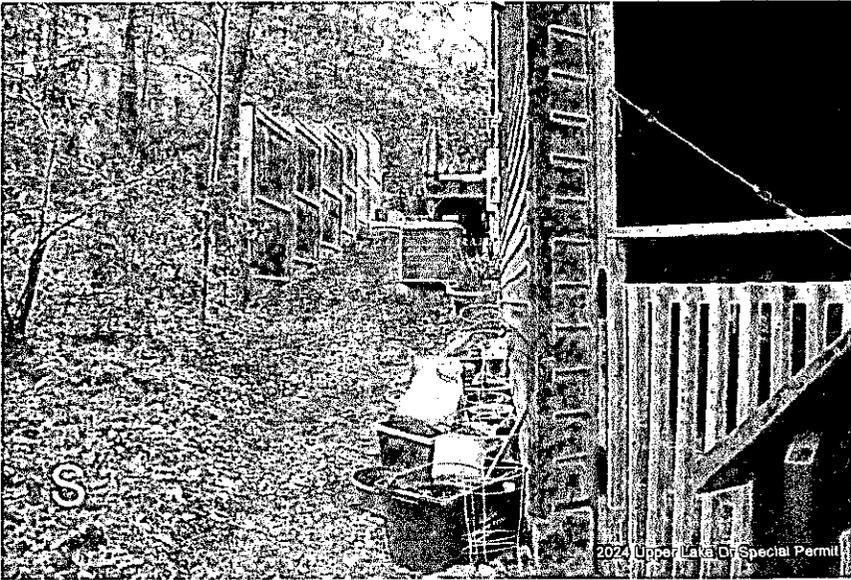
Porch view from south property line adjacent to porch access. Dogs can be seen if they are standing at porch railing.



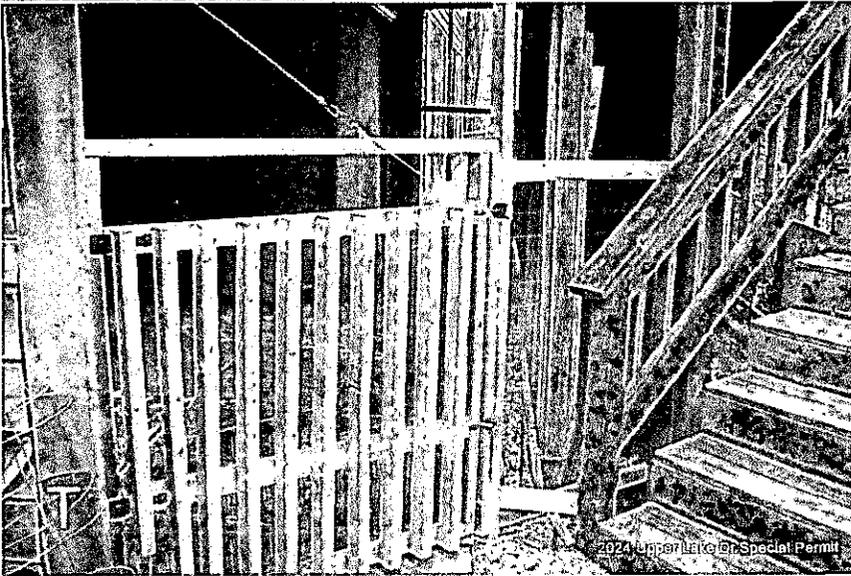
Porch view from south property line from neighbors wooded front yard. Dogs can be seen if they are standing at porch railing.

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Zoning Evaluation Division



South side yard



Gate to lower protected outdoor waste containment area.

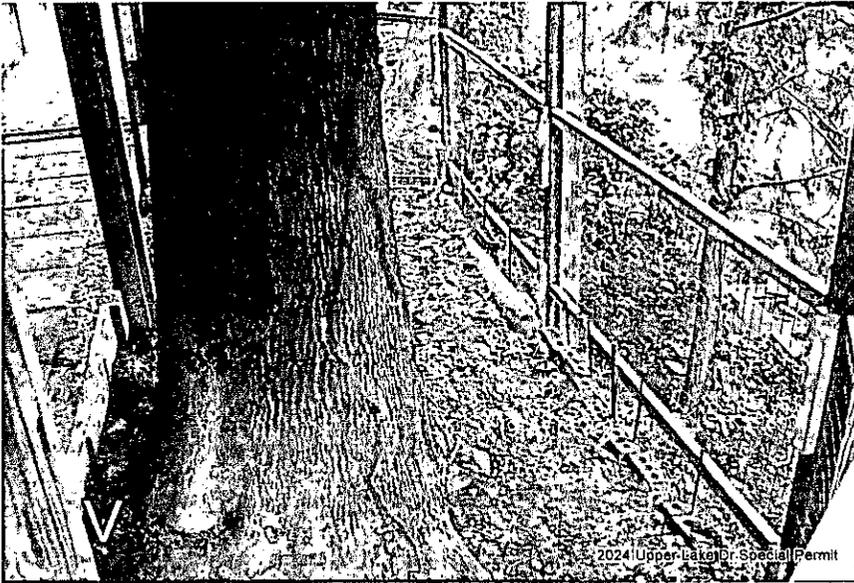


Outdoor waste containment area under porch.

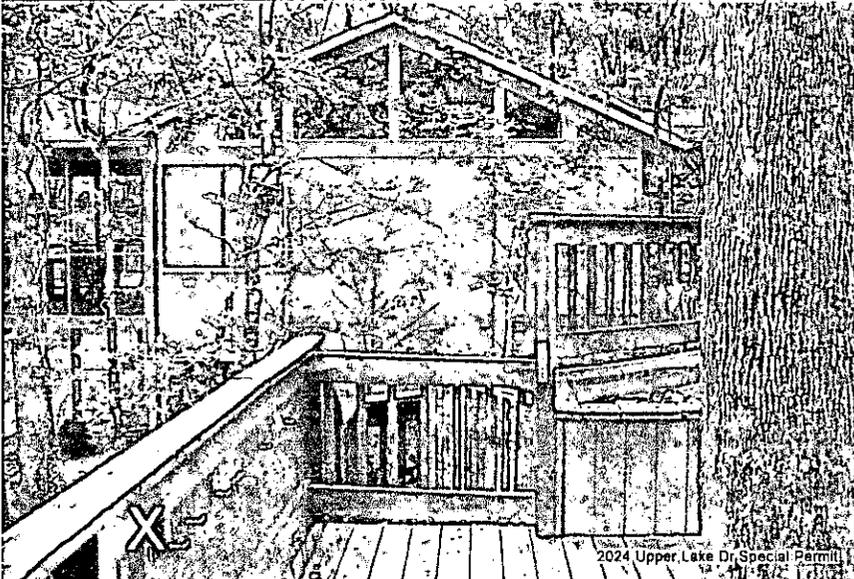
MAY 13 2009

Zoning Evaluation

Detail of outdoor protected waste containment and exercise area.



North neighbor view from porch



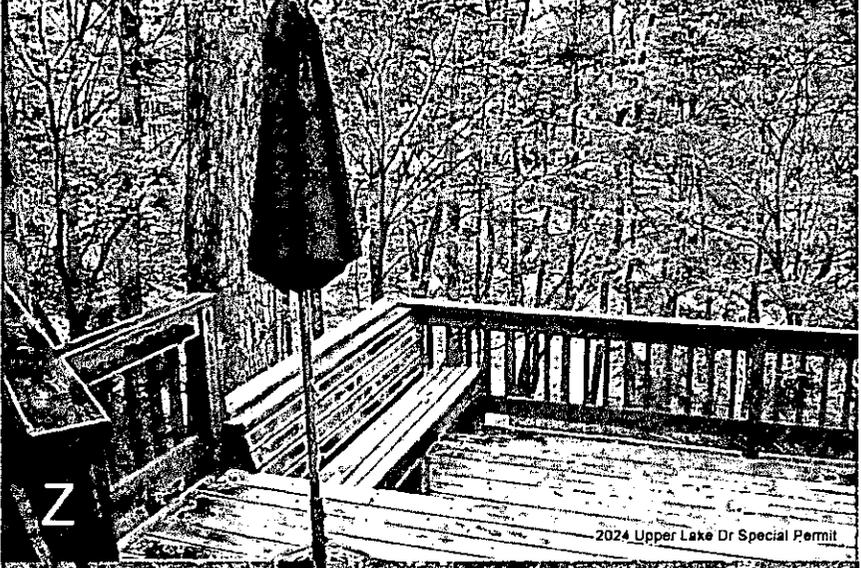
South neighbor view from porch

MAY 13 2009

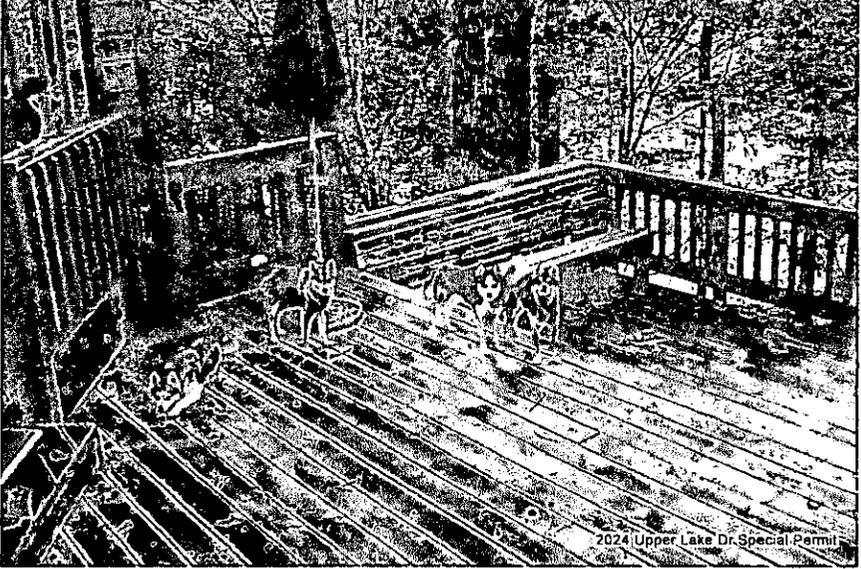
Zoning Evaluation



Southeast lake view from porch



Northeast lake view from porch



Klee Kai dogs on porch/
deck

MAY 13 2009

Zoning Evaluation...



Klee Kai



Klee Kai in winter pulling Santa on their dogsled - baby Klee Kai is riding with Santa on



Klee Kai
on public
outing at
the Mall -
well
trained
and well
behaved



Klee Kai
on public
outing at
the Mall

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Department of Planning
MAY 13 2009
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant is requesting a special permit to permit modification to the limitations on the keeping of animals to permit the keeping of five (5) adult dogs. Section 2-512, Paragraph 2A of the Zoning Ordinance requires a residential lot of 20,000 square feet or more to keep five to six dogs. The keeping of up to two dogs would be permitted by-right on the applicant's property.

LOCATION AND CHARACTER

Site Description

The subject property consists of 12,407 square feet and is developed with a single family detached dwelling within the Reston Subdivision. The rear of the property abuts Lake Thoreau. In review of the photographs submitted with the application, the property is surrounded by a variety of mature and lush trees, shrubs and vegetation that provide significant screening and creates a natural barrier between the application property and adjacent properties to the north and south. There is a wood-on-wood fence, measuring 6.9 feet in height at the highest point of the fence, located along a portion the southern side yard. There are two (2) existing elevated wood decks along the rear of the dwelling. The dwelling is situated toward the front of the lot, providing a large rear yard area. As described by the applicant, a waste containment and sheltered outdoor exercise area has been constructed underneath the elevated rear deck to the south to allow for the collection of animal waste and to confine the dogs from roaming.

Surrounding Area Description

	Zoning	Use
North	PRC	Single Family Detached Dwellings; Reston Homeowners Association
East	PRC	Lake Thoreau; Townhouse Development
South	PRC	Single Family Detached Dwellings
West	PRC	Townhouse Development

BACKGROUND

On March 24, 2009, the property owner was issued a Notice of Violation (NOV) for the keeping of too many dogs. A copy of the NOV is included as Appendix 4 of this staff report.

County records indicate that the Board of Zoning Appeals (BZA) heard the following similar special permit application in the vicinity of the application site:

- ❖ *Special Permit SP 2007-HM-114* was denied on December 11, 2007 for Tax Map 26-2 ((12) (2) 36, zoned PRC, to permit modification to the limitations on the keeping of animals.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Site Plan Showing Location of New Wood Deck Addition, Lot 5, Block 4

Prepared By: Richard A. Compton, dated June 16, 1981, noted by Burt Levenson, August 28, 2009

Proposed Use:

The applicant wishes to keep up to five (5) adult dogs over 6 months in age on a residential lot containing 12,407 square feet. A lot consisting of a minimum of 20,000 square feet is required for the keeping of five to six dogs. The applicant states that the dogs are kept indoors the majority of the day. The dogs have access to the rear porch and are supervised when they are outside. The dogs are also provided with a waste containment and sheltered outdoor exercise area, located underneath the elevated rear deck to the south, to allow for the collection of animal waste and to confine the dogs from roaming in the rear yard of the property.

The applicant owns five (5) dogs ranging in age from 1 to 9 years old and ranging in weight from 10 to 18 pounds. Photographs show an outdoor waste containment and exercise area underneath the elevated rear deck and interior to the south side of the rear and side yards, adjacent to Lot 6.

The applicant has explained to staff that he wishes to be permitted to always have up to five (5) dogs on the property at any given time, even in the event that any of the existing dogs should die or are given away.

ZONING ORDINANCE REQUIREMENTS (Appendix 5)

- Limitations on the Keeping of Animals (Sect. 2-512)
- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Modifications to the Limitations on the Keeping of Animals (Sect. 8-917)

Paragraph 1 of Sect. 8-917 states that the BZA shall consider the kinds and number of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals shall be kept on the lot. The BZA may

impose conditions as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor shall be detrimental to other property in the area.

Development conditions have been included in Appendix 1 that address the issues related to the keeping of animals on this site.

CONCLUSION

If it is the intent of the BZA to approve this application, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated March 24, 2009
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009HM-056****September 15, 2009**

1. This approval is granted to the applicant only, Burt Levenson, and is not transferable without further action of this Board, and is for the location indicated on the application, 2024 Upper Lake Drive (12,407 square feet) and is not transferable to other land.
2. The applicant shall make this special permit property available for inspection to County officials during reasonable hours of the day.
3. The applicant shall have the ability to maintain up to five (5) dogs on the property at any given time.
4. The outdoor areas (waste containment/exercise area for the dogs, as well as the rear deck and yard) shall be cleaned of dog waste every day, in a method which prevents odors from reaching adjacent properties, and in a method approved by the Health Department.
5. At no time shall the dogs be left outdoors unattended for continuous periods of longer than 30 minutes.

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.

THE ATTACHED AFFIDAVIT
HAS NOT BEEN APPROVED BY
THE COUNTY ATTORNEY'S
OFFICE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 12 2009
(enter date affidavit is notarized)

I, Burt Levenson, 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)
Tom Evans	225 10th St, Wilmette, IL 60091	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: May 12 2009
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
N/A

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
N/A

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: May 12 2009

(enter date affidavit is notarized)

I(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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 12 2009
(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: May 12 2009
(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) [X] Applicant [] Applicant's Authorized Agent

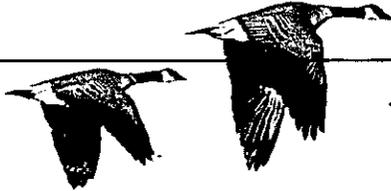
Burt Levenson, Tenent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11th day of MAY 2009, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires July 31, 2011

Arjun Nowlaka
Notary Public





Requirement No 5 - Written Statement of Justification

Special Permit Application with Zoning Administrator and the Board of Zoning Appeals, Fairfax County, to allow keeping of 5 dogs resident on a property of 12,407 sq. ft.

RECEIVED
Department of Planning & Zoning
MAY 13 2009
Zoning Evaluation Commission



Special Application Forms (enclosed)

A complaint was made against the property and owners/tenants at 2024 Upper Lake Dr, Reston VA 20191 stating that there were too many animals being kept with respect to Fairfax Co. zoning regulations and the size of the property. This complaint has prompted the application for a Special Permit to allow the keeping of all five dogs (in the same family) at the residence.

Background to Violation Case #: 42100

Date of Issuance: March 24, 2009

Violation : ANIMAL – DOGS – 02.512.2A 2 : An inspection revealed that five (5) dogs are being kept at the residence located on the lot at 2024 Upper Lake Dr, Reston VA 20191. Referenced Tax Map # 0271 04040005; Zoning District: PDH; Lot Size: 12,407 sq. ft. (Note, the lot size listed on this tax map is in dispute).

Par. 2A2 of Sect. 2-512 of the Fairfax County Zoning Ordinance allows the keeping of dogs in proportion to the number of square feet contained in the property according to the following schedule:

1-2 dogs	No minimum lot size
3-4 dogs	12,500 square feet
5-6 dogs	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each dog above 7

Background and Grounds for Issuance of Special Permit for Modifications to the Limitations on the Keeping of Animals (Section 8-917 Zoning Ordinance).

A complaint has been filed with the Fairfax County Zoning Enforcement Branch and Sheriff's Office against the residents and property owner (Mr. Tom Evans) concerning housing too many dogs based on the size of the lot at 2024 Upper Lake Dr., Reston, VA located in Fairfax County. A violation notice was issued to Tom Evans, property owner after several exterior site visits by Zoning Office and Sheriff Office (Animal Control) Officers on March 10, 2009 with a subsequent letter of violation dated March 24th, 2009.

The tenant of the property and owner of the five show dogs resident in the house at the property is applying for a modification and Special Permit to allow the keeping of all five show dogs. Each point in Section 8-917 is addressed below.

Section 8-917 par 1.:

Dr. Burton Levenson is the owner of the family of five (5) exceptional show dogs of the Klee Kai breed (Miniature Alaskan Huskies). The Klee Kai is a relatively new and rare breed of Huskies with an even temperament and social family disposition. The current market price for a new Klee Kai puppy is approximately \$3,200 and there is a 1-2 year (or more) wait list with most breeders. A description of the breed is presented below in accordance with the Special Permit guidelines:



Alaskan Klee Kai Characteristics

From Wikipedia, the free encyclopedia

Other names	Klee Kai
Nicknames	AKK
Country of origin	<u>United States</u>

The **Alaskan Klee Kai** is a northern breed of dog of spitz type. The term "Klee Kai" was derived from Alaskan Athabaskan words meaning "small dog".

The breed was developed to create a companion sized version of the Alaskan Husky (although it more closely resembles the Siberian Husky), resulting in an energetic, intelligent, apartment-sized dog with an appearance that reflects its northern heritage.

Description:

Appearance

The Alaskan Klee Kai should look like a miniature husky. They come in three sizes based on their height:

- Toy size Alaskan Klee Kai are under 13 inches in height.

- Miniature Alaskan Klee Kai are over 13 inches high and up to 15 inches high.
- Standard Alaskan Klee Kai are over 15 inches high and up to 17 inches in height.
- Seriously Faulted - Any Alaskan Klee Kai over 17 inches and up to 17.5 inches.
- Disqualified - Any Alaskan Klee Kai over 17.5 inches.

Alaskan Klee Kai come in four main color varieties. Black and White, which can appear with stark contrasts or with a more dilute diffusion of the colors. Grey and White, which comes in several variations. Red and White (rare) which appears either as a cinnamon or a dark auburn. Solid white which, lacking the contrasting colors required by the UKC standard, cannot be registered or bred. They also will very rarely come in tri-color but is not acceptable for the show ring.

Coat and Grooming

The Alaskan Klee Kai, like the Siberian Husky, is relatively easy to care for. They are extremely clean. Most don't like wet feet and will spend hours daily grooming themselves. They do not have a "doggy odor" nor do they have "dog breath." Most Klee Kai will seldom require a bath.



Toy size Tikaani, female

As in Siberians and unlike short haired dogs who shed all year long, the Klee Kai also blows their coat twice a year. Of course, the size of the dogs limit the amount of fur blown. It is best to groom the dog on a regular basis during this time. Some of the longer haired dogs can become matted if not groomed. Most Klee Kai will assist the loss of hair by rubbing against things such as fences.

Other than this period of blowing coat, the Klee Kai is very self sufficient. The normal preventative measures should be taken, such as trimming of nails, normal grooming in the form of brushing. This process is especially important in the bonding process.

Temperament

The Alaskan Klee Kai is a highly intelligent, very curious, active, quick and agile little dog that quickly become an integral part of any family that chooses to adopt one. Unlike the Siberian Husky whom they resemble, the Alaskan Klee Kai is standoffish and suspicious of strangers. Because of this **they do make extremely good watch dogs**. They are moderately active and have a high prey drive. This means unless they are properly introduced and raised with smaller furry or feathered animals such as rabbits, hamsters, cats, birds, etc, they will hunt and kill them. They can be a great family dog if raised with properly raised children. AKK are not likely to tolerate being mistreated (poked at, pinched, bullied) by children and may respond by nipping them, much like the Siberian Husky. Because of their intelligence they do well in obedience classes and have a high drive to please their owners which helps them to excel in this area as well as many other types of activities. Another such activity is Agility in which the AKK almost seems to have been bred to take part in. If you have an Alaskan Klee Kai that is highly active, this is a great way to help them use some of that up.

Health

Alaskan Klee Kai have been remarkably free of genetic defects in comparison to other breeds.

Some issues that do affect them however are:

- Juvenile Cataracts
- Liver Disease
- Extreme Shyness
- Factor VII Deficiency
- Pyometra
- Luxating Patella
- Cryptorchids
- Cardiac Issues including PDA
- Thyroid disease-including autoimmune thyroiditis

Starting with Linda Spurlin, Alaskan Klee Kai breeders continue to follow her strict breeding practices, breeding only the healthiest dogs to each other. Most people will find it very difficult to buy an AKK puppy that does not come with a spay or neuter contract. This is done to prevent backyard breeding of dogs who, for one reason or another, were deemed not acceptable for breeding. This is not always the case however, many AKK breeders simply prefer that their puppies go into loving pet homes instead of show/breeder homes. To make sure that they remain a beloved pet and will never be used for breeding, the AKK breeder still requires them to be altered.

History

The breed was developed in Wasilla, Alaska during the mid-1970s by Linda S. Spurlin after she observed the result of an accidental mating of an Alaskan Husky and an unknown small dog. The breed was developed with Siberian and Alaskan Huskies using Schipperke and American Eskimo Dog to bring down the size without dwarfism. She bred these dogs in private until she released them to the general public in 1988. Originally called the “Klee Kai”, the breed split into “Alaskan

Klee Kai” and “Klee Kai” for political reasons in 1995. The breed consolidated under the new name in 2002. The Alaskan Klee Kai was officially recognized by the American Rare Breed Association (ARBA) in 1995 and by the United Kennel Club (UKC) on January 1, 1997.



2024 Upper Lake Dr Special Permit

Alaskan Klee Kai in snow

Klee Kai

For Additional Information - Sources

- [Dog Breed Info.com](http://DogBreedInfo.com)
- [Alaskan Klee Kai at Puppy Dog Web](http://AlaskanKleeKai.com)
- [Linda Spurlin's Website \(the Originator of the breed\)](http://LindaSpurlin.com)
- [Alaskan Klee Kai Breed Information](http://AlaskanKleeKaiBreed.com)

Klee Kai at 2024 Upper Lake Dr Property

The Levenson family of show dogs consists of 4 biological members and 1 adopted male puppy. The complete family consists of the following individuals:

Pukiq, male born January 16, 2000 and father of Cikuq and Nuki

Tikaani, female born March 8, 2001 and mother of Cikuq and Nuki

Cikuq, female born Dec 19, 2003 from Pukiq and Tikaani

Nuki, male born April 20, 2006 from Pukiq and Tikaani

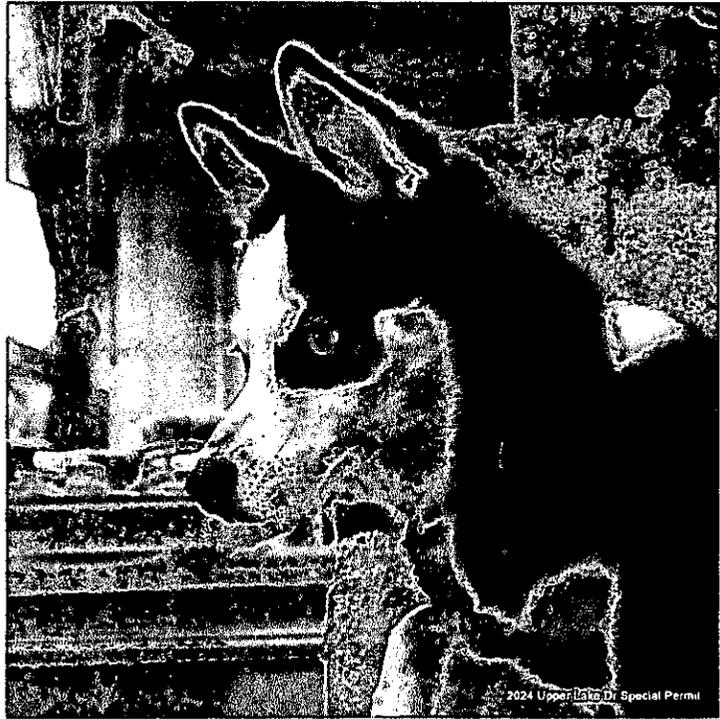
Suka, male born October 2, 2007 from same champion blood line of Pukiq

Collectively, the entire family of show dogs weigh less than a single Labrador Retriever and produce proportionally less waste and impact the environment less than a single large breed dog. The Klee Kai family of dogs at the 2024 residence fit more into the category of medium and large pussy cats in size. The largest, Pukiq, weighs 18 lbs and the smallest, Tikaani weighs in at just under 10 lbs.

Adverse Effects on the Neighborhood.

Currently, there are no adverse effects on the neighborhood of keeping 5 small dogs resident at 2024 Upper Lake Dr. Prior to renting the property, the family was located at 7101 Penguin Place, Falls Church, VA 22043 on a property of approx. 16,000 sq ft. This property was being listed for sale and a suitable home to rent and eventually purchase was sought for. A critical criteria was a property and residence for rent that would allow and appreciate the family of show dogs that accompany the Levensons. A real estate agent was engaged to assist with the search and after a review of over 450 properties that allowed pets, the property at 2024 Upper Lake Dr. was chosen. Several factors were instrumental in this decision. The neighborhood was "dog friendly", the lot size 12,407 sq ft included a large isolated back yard with vegetation screening it from all sides and large enough to accommodate the whole family with secluded locations for the show dogs to have a private space of their own backing up to the lake without immediate disturbance of neighboring houses. There was a large elevated and very private back deck and porch secluded out of site from the front entrance and roadway to allow the family to rest outdoors peacefully and without disturbance, and there is electric dog fence installed on the property for extra protection and control of movement. The Evans were excited to house the family of show dogs, both real estate agents involved concurred and a lease was written that explicitly allowed for 5 show dogs with a damage deposit for each one. A copy of the lease is presented as part of the Special Permit Application package (see "Lease Agreement"). Rules and regulations were reviewed by all parties and with the property listed in the real estate MLS of sufficient size to meet regulations, considering the size of the breed and fact that they are "inside" dogs, no reason was found to not sign and move the dogs and Levensons to 2024 Upper Lake Dr.

In addition to review of the lease clauses and damage deposit for five (5) show dogs, supplemental due diligence was conducted by the tenant with a thorough review of the physical property and feasibility and land lord permission to improve the property with unobtrusive environmentally friendly fencing and waste containment barrier under the porch to allow for an inclement weather exterior exercise area. Finally, prior to signing, a neighborhood "ground truth" review was conducted with the entire family of show dogs via an extensive "dog walk" to introduce the show dogs to their neighbors and to interview the properties' immediate neighbors to ascertain their perspective of having a family of show dogs next door and gain their approval. The immediate adjacent neighbor on the North side (also a dog owner) approved and appreciates the



Suka, the puppy

dogs as resident. The immediate neighbor to the South side was vacant and the property was for sale and has been for some time. The property has remained vacant until just recently, when a tenant rented the property for a year (tenant is relocated from Mill Valley, CA, previously working for Disney and now working for the Smithsonian Institute, and is also an owner of at least 2 dogs). This tenant subsequently, has approved of the dogs resident at 2024 Upper Lake Dr. Additional neighbors up to 4 properties on either side (north and south – the lake is at the back of the property and across the street is the back end of a condominium unit without access to the street) were interviewed and none expressed any concern over the Klee Kai's moving into to join the Upper Lake Dr. Reston canine community. All, without exception, upon meeting the family, expressed pleasure at them moving in.

The show dog family, as previously noted, is primarily kept indoors or on the secluded and isolated rear porch. Over 80% of the day is an inside, indoor environment for them. The family is NEVER left to roam free or given unleashed freedom at any time. (See characteristics of the breed in the Annex.) The Klee Kai breed is a vocal breed, but like the heroes in the movie "8 – Below" does not incessantly yap, bark, or howl on end, like many retriever, hounds, and other miniature breeds do. The Levenson Klee Kai are true to the breed and are vocal (very large vocabulary) in social settings and alert when intruders enter into their private space. At other times, they are playful and very social. The Levenson Klee Kai have extensive experience in public social environments, such as the Capital Mall, National Parks and recreation areas, office buildings and visits to various Diplomatic Department of State offices and buildings, and travel around the country for shows and UKC and AKC events, and have never experienced a single negative or hostile moment. They are pretty much universally adored by all whom meet them.



On the Mall with Crowds

Section 8-917 Par 2. Modifications

There are no physical modifications proposed for the property. There are sufficient natural and existing screens to block all views of the dogs from neighboring properties. A waste containment and sheltered outdoor exercise area has already been added to underneath the extensive large rear deck to allow for collection of all the animals waste (pee and poop) to collect and either be picked up and disposed of with waste collection services or held and slowly leach through the soil to naturally clean the waste before it reaches the lake. (See photos P, T, U, and V in Application Package – Requirement Nol 4 "Photographs")

The only modification to the Zoning Ordinance, is to allow up to five small dogs to reside at the property. The existing property has a residence and attached structures which constitute a physical foot print of over 6,000 sq ft. This provides more than adequate space for the family of show dogs to spend their 80% of the day without undue confinement or stress. The outside rear porch and sheltered outdoor exercise and waste containment area provide more than adequate exercise and confined roaming area for the dogs. There is little need for the dogs to roam around the back yard and no need for them to impact visually, or sonically any of the neighbors.

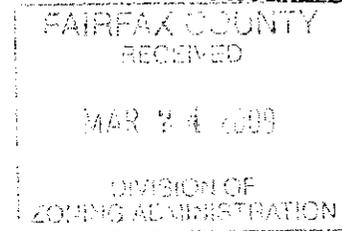
In addition, the lot size is only 93 sq ft smaller than the Zoning Ordinance allows for a 4-dog limit. And, since Suka could be considered a puppy, the lot is only 93 square feet short of being in compliance. This is a difference of 0.7%.





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.



NOTICE OF VIOLATION

DATE OF ISSUANCE: March 24, 2009

SHERIFF'S LETTER

CASE #: 42100

SERVE: Thomas L. Evans
2024 Upper Lake Drive
Reston, VA 20191

LOCATION OF VIOLATION
2024 Upper Lake Drive
Reston, VA 20191-3645
Tax Map #: 0271 04040005
Zoning District: PDH
Lot Size: 12,407

Dear Mr. Evans:

An inspection of the above referenced property on March 10, 2009 revealed that five (5) dogs are being kept at the above dwelling. This dwelling is located on a lot that contains 12,407 square feet in area.

Par. 2A2 of Sect. 2-512 of the Fairfax County Zoning Ordinance allows the keeping of dogs in proportion to the number of square feet contained in the property as follows:

Violation: ANIMAL - DOGS - 02.512.2A 2. The keeping of dogs, except a kennel as permitted by the provisions of Part 6 of Article 8, shall be allowed as an accessory use on any lot in accordance with the following:

- A. The number of dogs permitted shall be in accordance with the following schedule, except that, in determining the number of dogs allowed, only those dogs six (6) months or older in age shall be counted.

Number of Dogs	Minimum Lot Size
1 to 2	No requirement
3 to 4	12,500 square feet
5 to 6	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each additional dog above 7

Therefore, the maximum number of dogs permitted to be located at this dwelling is two (2).

You are hereby directed to clear this violation within thirty (30) days after the date of this Notice. Compliance must be accomplished by:

- Reducing the number of dogs located at this dwelling to no more than two (2).

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 314-4496 or (703) 324-1458.

Sincerely,



Bridget A. Merz

Property Maintenance/Senior Zoning Inspector

BAM/seg

2-512 Limitations on the Keeping of Animals

1. The keeping of commonly accepted pets shall be allowed as an accessory use on any lot, provided such pets are for personal use and enjoyment, and not for any commercial purpose. Dogs shall be subject to the provisions of Par. 2 below.
2. The keeping of dogs, except a kennel as permitted by the provisions of Part 6 of Article 8, shall be allowed as an accessory use on any lot in accordance with the following:
 - A. The number of dogs permitted shall be in accordance with the following schedule, except that, in determining the number of dogs allowed, only those dogs six (6) months or older in age shall be counted.

<i>Number of Dogs</i>	<i>Minimum Lot Size</i>
1 to 2	No requirement
3 to 4	12,500 square feet
5 to 6	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each additional dog above 7

- B. Notwithstanding the above, dogs in numbers greater than those set forth above may be kept on a lot when it can be demonstrated that:
 - (1) Such dogs were kept on the lot prior to October 11, 1977 and have continued to be kept on such lot; or
 - (2) Three (3) dogs were kept on a lot of less than 12,500 square feet in size, or five (5) dogs were kept on a lot of 12,500 to 19,999 square feet in size, prior to February 25, 1985.

The provisions of this Paragraph B shall apply only to existing dogs when evidence is submitted which specifically identifies each animal and documents that such animal was present on the lot in accordance with the applicable time frames set forth above.

Nothing in this Ordinance shall be construed to determine the type of license required for dogs under the provisions of Chapter 41 of The Code.

3. The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size. The

keeping of such livestock or domestic fowl shall be in accordance with the following:

- A. The number of livestock kept on a given lot shall not exceed the ratio of one (1) animal unit per one (1) acre, with an animal unit identified as follows:

2 head of cattle	= 1 animal unit
5 sheep	= 1 animal unit
3 horses	= 1 animal unit
5 swine	= 1 animal unit
5 goats	= 1 animal unit
5 llamas	= 1 animal unit
5 alpacas	= 1 animal unit

Horses shall include ponies, mules, burros and donkeys. In determining the number of livestock permitted, only horses six (6) months or older in age and cattle, sheep, goats, and swine one (1) year or older in age shall be counted. In addition, in determining the number of livestock permitted, combinations of animals are allowed, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

- B. The number of domestic fowl kept on a given lot shall not exceed the ratio of one (1) bird unit per one (1) acre, with a bird unit identified as follows:

32 chickens	= 1 bird unit
16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit

In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted.

4. The keeping of honeybees in four (4) beehives or less shall be allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four (4) beehives may be kept, provided there is an additional lot area of 2500 square feet for each hive. In all instances, there shall be one (1) adequate and accessible water source provided on site and located within fifty (50) feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten (10) feet of any lot line, there shall be a flight path barrier, consisting of a fence, structure or plantings not less than six (6) feet in height, located in front of the hive.

5. The keeping of racing, homing, or exhibition (fancy) pigeons shall be allowed as an accessory use on any lot 10,000 square feet or more in size.
6. All accessory structures associated with the keeping or housing of animals shall be located in accordance with the provisions of Part 1 of Article 10.
7. The BZA may approve a special permit to modify the provisions of Paragraphs 1 through 6 above, but only in accordance with Part 9 of Article 8; provided, however, that a kennel, animal shelter or riding or boarding stable shall be subject to the provisions of Part 6 of Article 8.
8. The keeping of wild, exotic, or vicious animals shall not be allowed except as may be permitted by Chapter 41 of The Code.

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.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
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, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-917 Provisions for Modifications to the Limitations on the Keeping of Animals

The BZA may approve a special permit to allow the keeping of animals that are not commonly accepted pets, to allow the keeping of animals in numbers greater and/or on lots smaller than permitted by Sect. 2-512, or to allow modifications to the location regulations of Par. 9 of Sect. 10-104, but only in accordance with the following:

1. In reviewing an application, the BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals will be kept on the lot. The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor detrimental to other property in the area.
2. Such modification may be approved if it is established that the

resultant use will be harmonious and compatible with the adjacent area.

3. Notwithstanding the requirements set forth in Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat, which may be prepared by the applicant and shall contain the following information:
 - A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.
 - B. The dimensions, height and distance to all lot lines of any existing or proposed building, structure or addition where such animals are to be kept.
 - C. The delineation of any Resource Protection Area and Resource Management Area.
 - D. The signature and certification number, if applicable, of the person preparing the plat.