



APPLICATION ACCEPTED: August 21, 2009
BOARD OF ZONING APPEALS: December 1, 2009
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 24, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-MA-083

MASON DISTRICT

APPLICANTS & OWNERS: Anthony J. and Carol D. Tether

SUBDIVISION: Barcroft Lake Shores

STREET ADDRESS: 6400 Lyric Lane

TAX MAP REFERENCE: 61-1 ((11)) 524

LOT SIZE: 12,086 square feet

ZONING DISTRICT: R-2

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.**

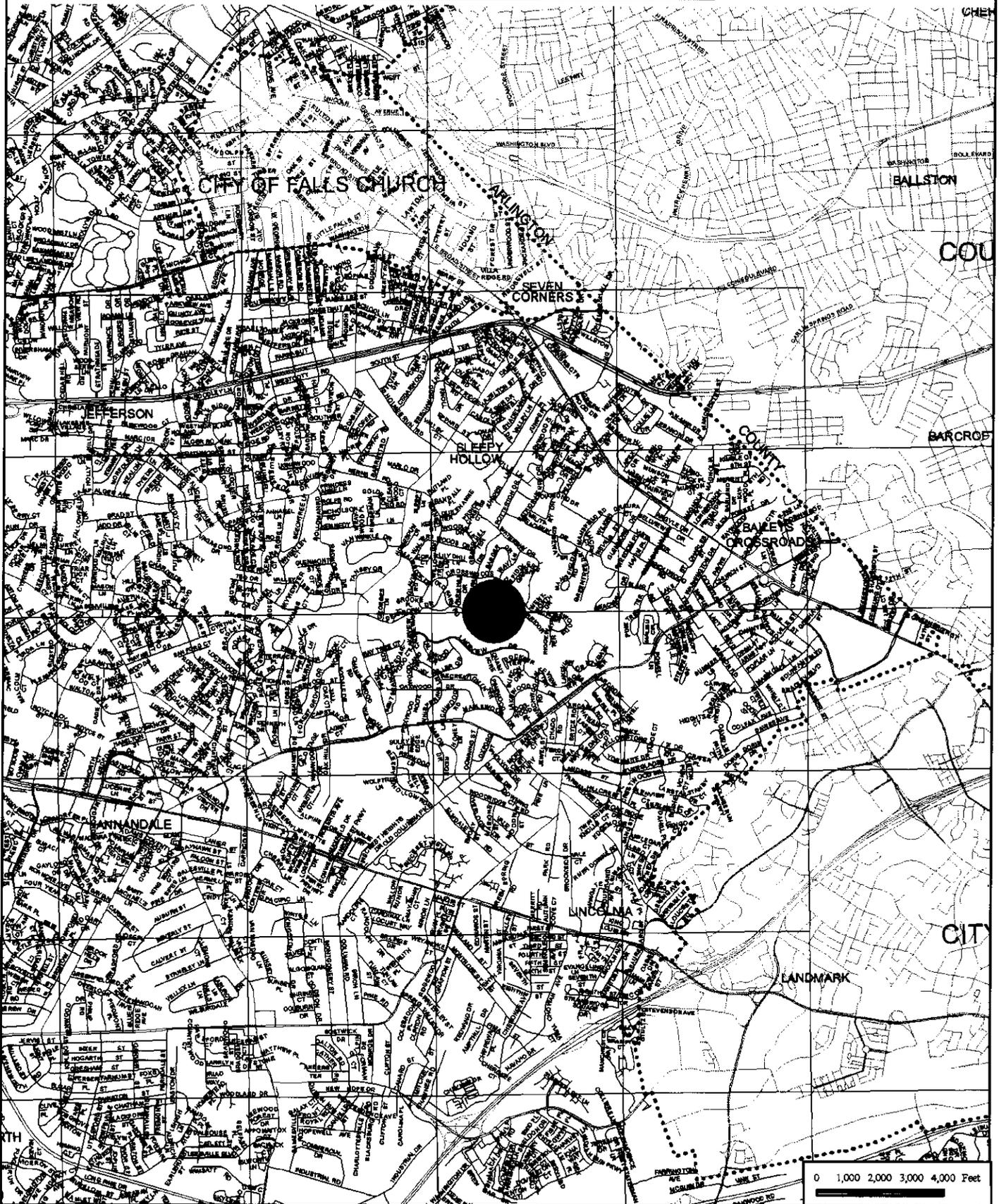


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

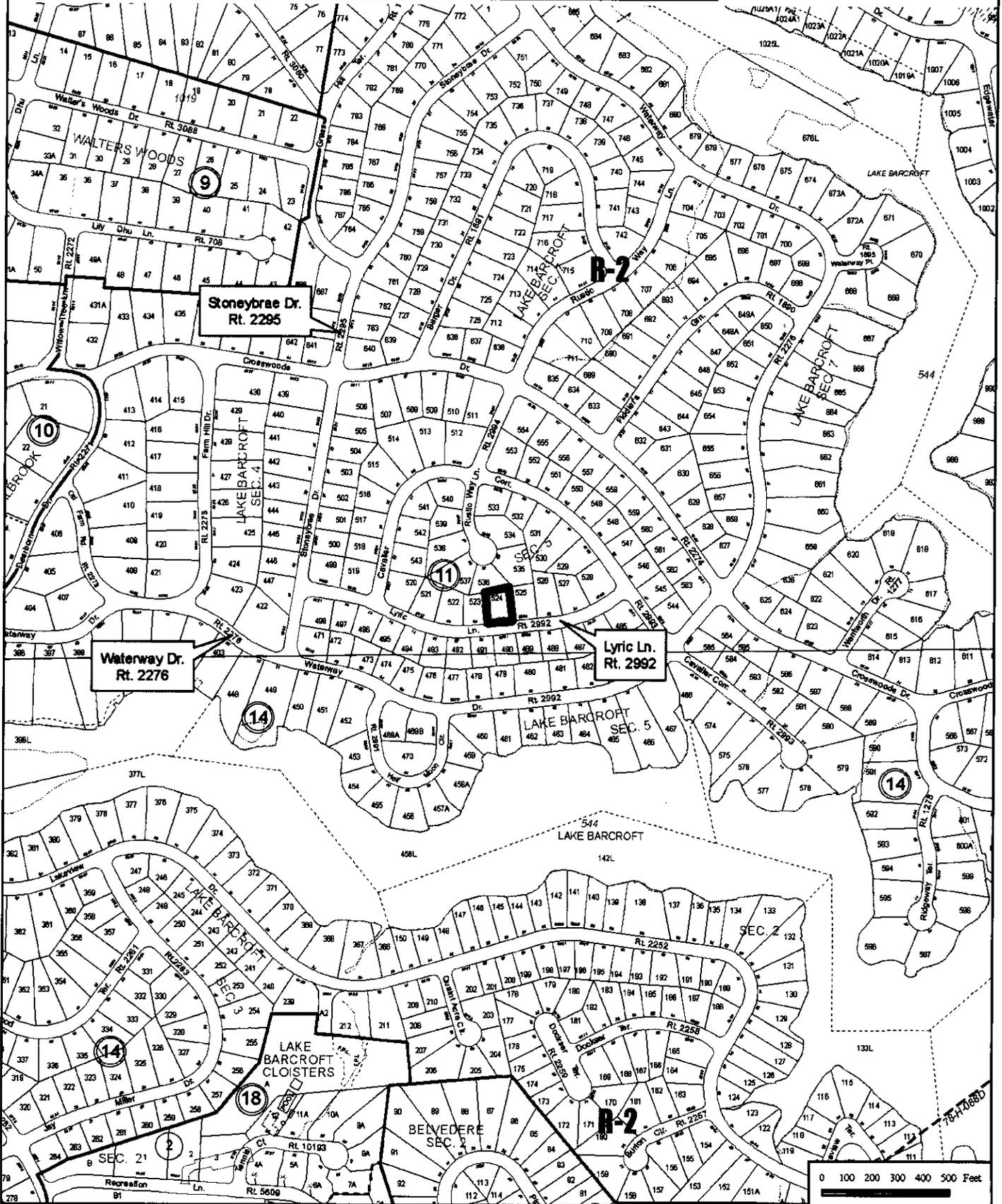
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Shannon Caffee

Special Permit
SP 2009-MA-083
ANTHONY J. AND CAROL D. TETHER

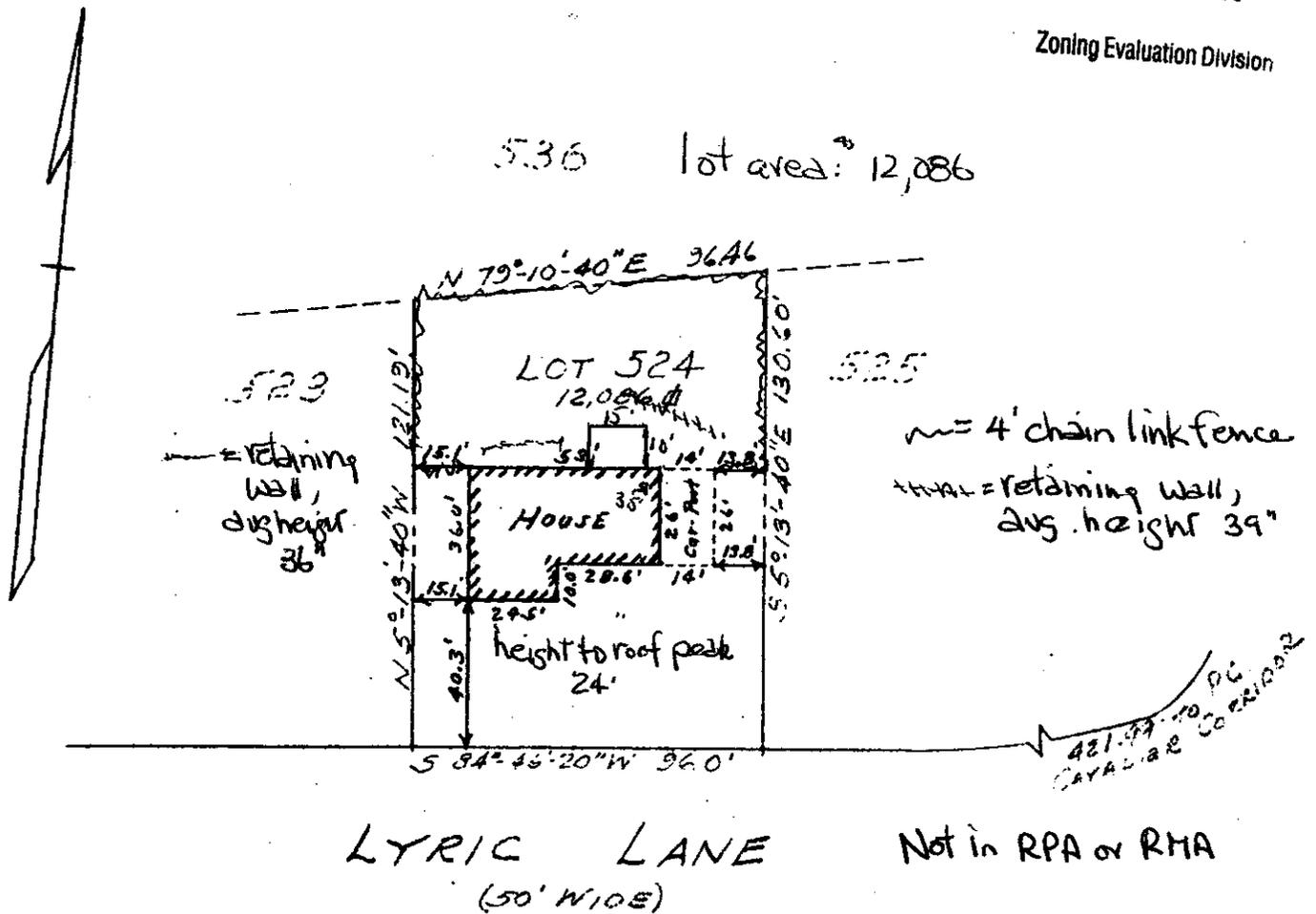


Special Permit
SP 2009-MA-083
ANTHONY J. AND CAROL D. TETHER



JUL 27 2009

Zoning Evaluation Division



APPROVED *[Signature]*
ZONING ADMINISTRATOR
DATE DEC 19 1957

HOUSE LOCATION SURVEY
LOT 524
SECTION FIVE

BARCROFT LAKE SHORES

FALLS CHURCH MAG. DIST. (NOW WILSON MAG. DIST.)
FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 50' DATE: 9/17/57

PATTON & KELLY
CERTIFIED LAND SURVEYORS
FALLS CHURCH, VIRGINIA

BY: *William M. Kelly*
William M. Kelly, C.L.S.

July 26, 2009
Carol D. Tether
[Signature]



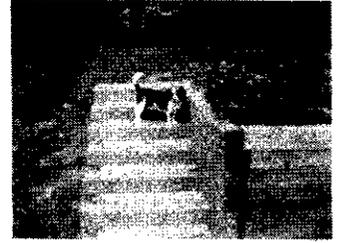
7/23/2009
1_View_NorthWest_neighbor.jpg



7/23/2009
2_View_West_side_fence.jpg



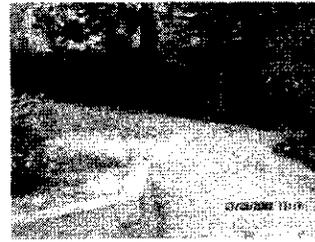
7/23/2009
3_View_backdoor_to_West_sid...



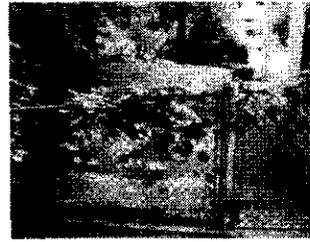
7/23/2009
4_Molly_sons_beagle.jpg



7/23/2009
5_Sherman_sons_beagle.jpg



7/23/2009
6_View_Eastside_fence.jpg



7/23/2009
7_View_street_Eastside.jpg



7/23/2009
8_Sherman_Tobey_sonsBeagles...



7/23/2009
9_Tobey_Eastside_property.jpg



7/23/2009
10_Beagles_OrionShelti_backpa...



7/26/2009
11_Rocky_Pomeranian.jpg



7/26/2009
12_View_centeryard_west.jpg



7/26/2009
13_View_East_neighbor.jpg



7/26/2009
14_View_NorthEast_neighbor.jpg

Tether
SP 2009-0215



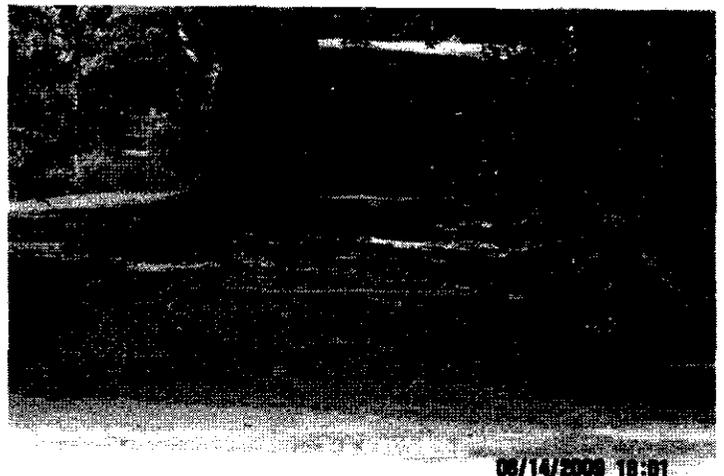
0/14/09
FRONT_door_to_street.jpg
Front door to street



0/14/09
HOUSEedge_to_0500.jpg
House edge to 6360 Lyric Lane



0/14/09
0500LOTedge_to_FRONTdoor.jpg
6360 Lyric Lane lot edge to
front door



0/14/09
Street_to_FRONTdoor.jpg
Street to front door

Tether
SP 2009-0215



0/14/09
0404LOUedge_w_FRONT.jpg

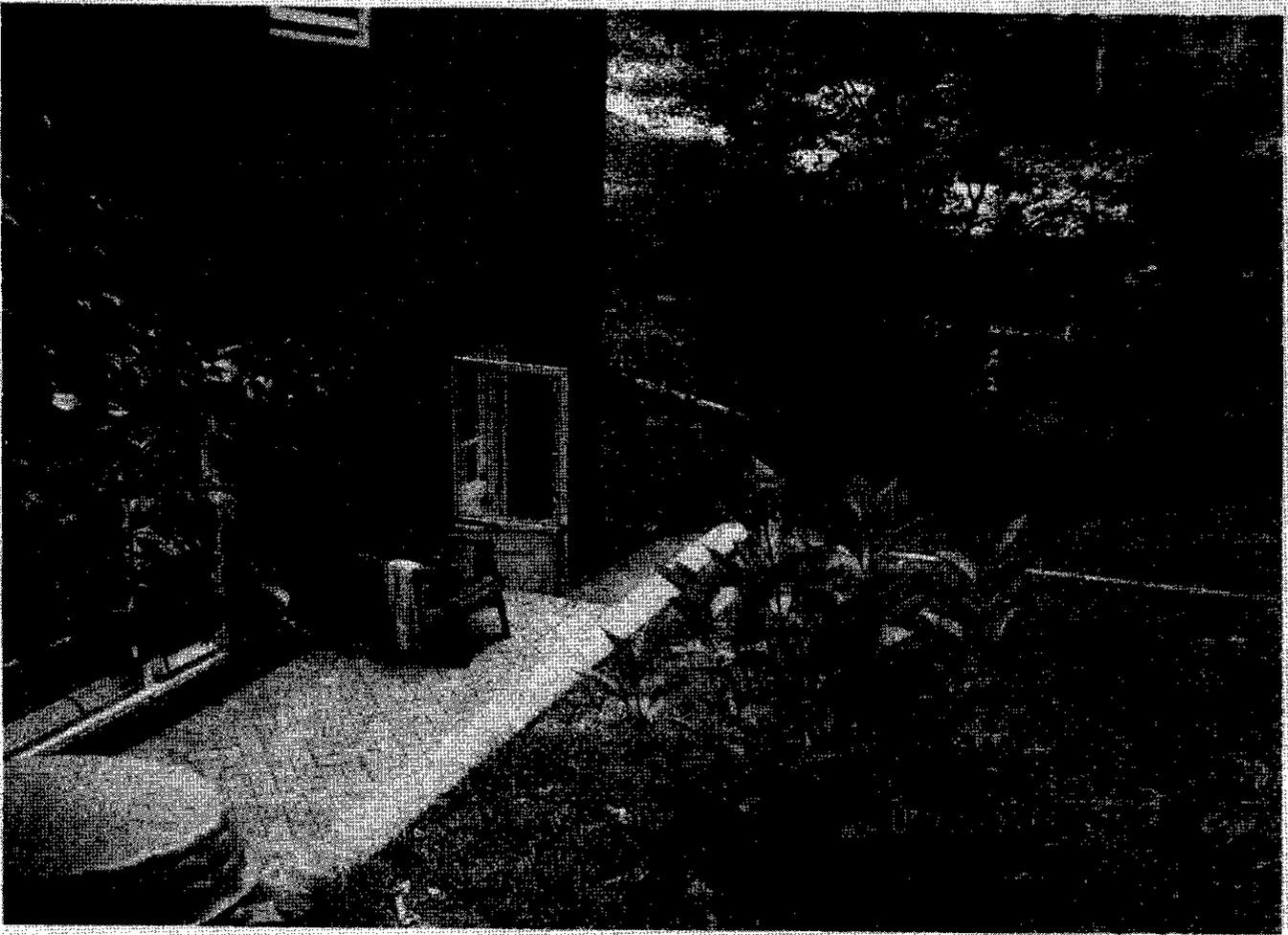
6404 Lyric Lane lot edge to
front



0/14/09
HOUSEedge_w_0404A.jpg

house edge to 6404 Lyric Lane

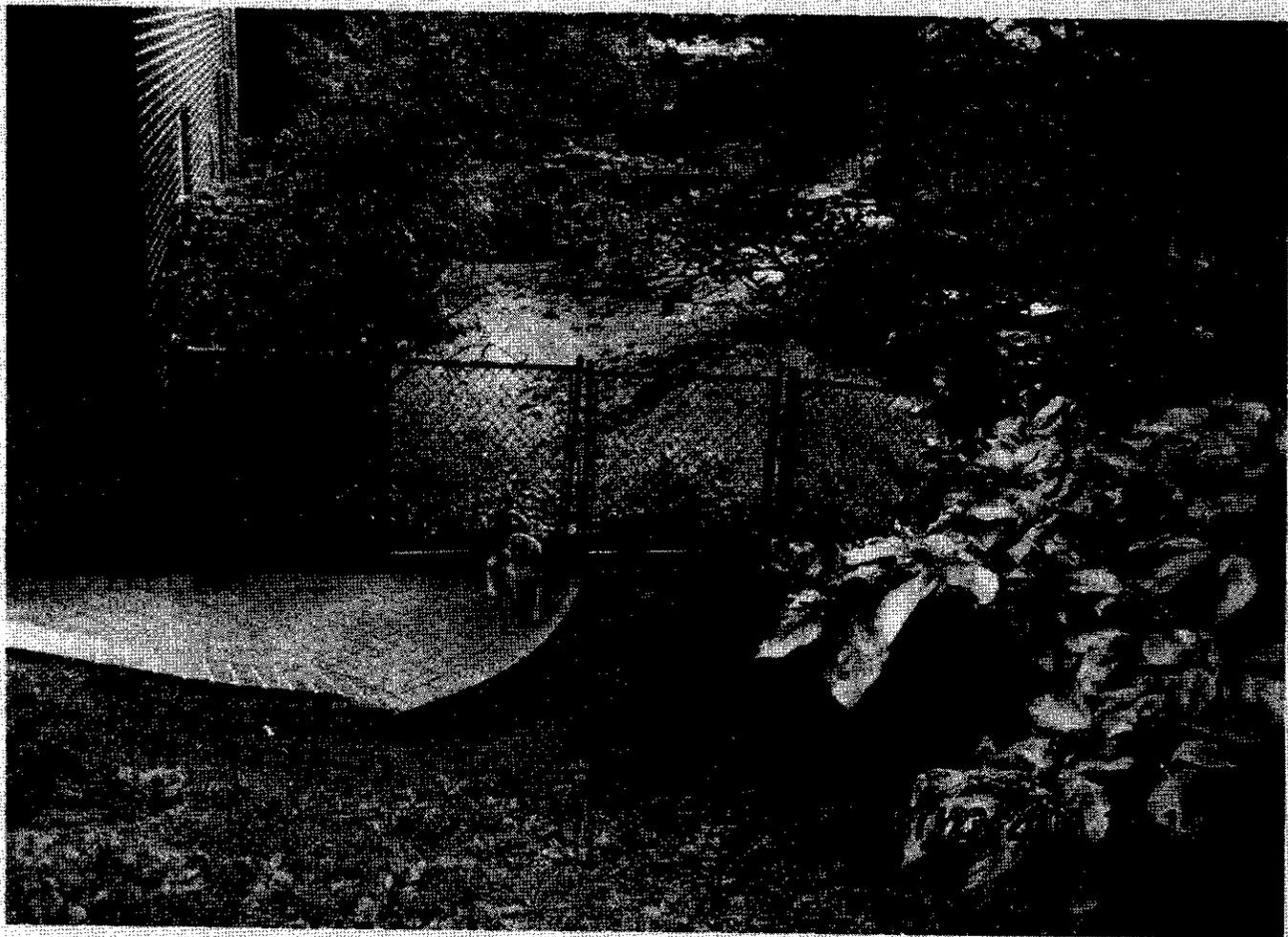


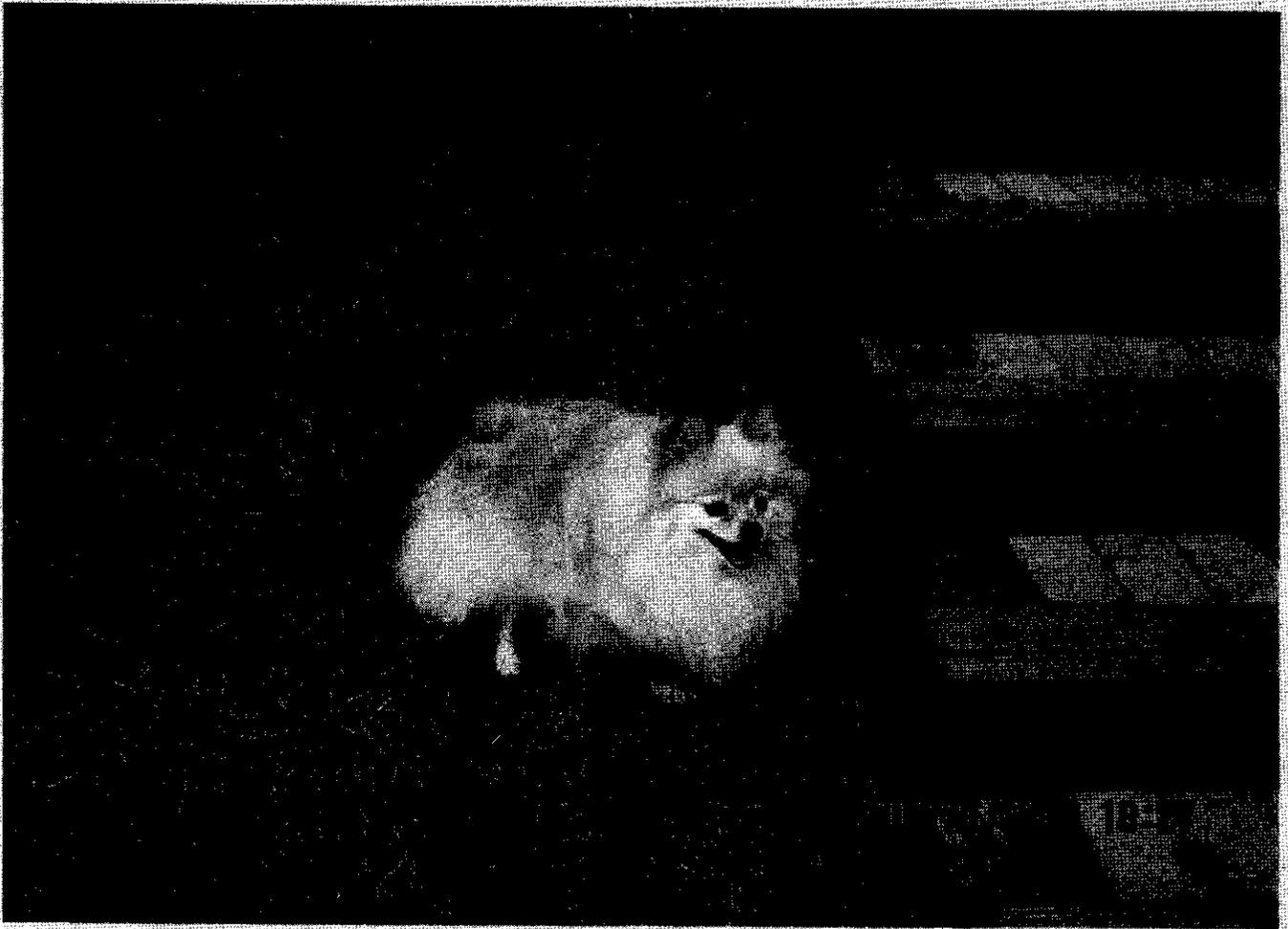


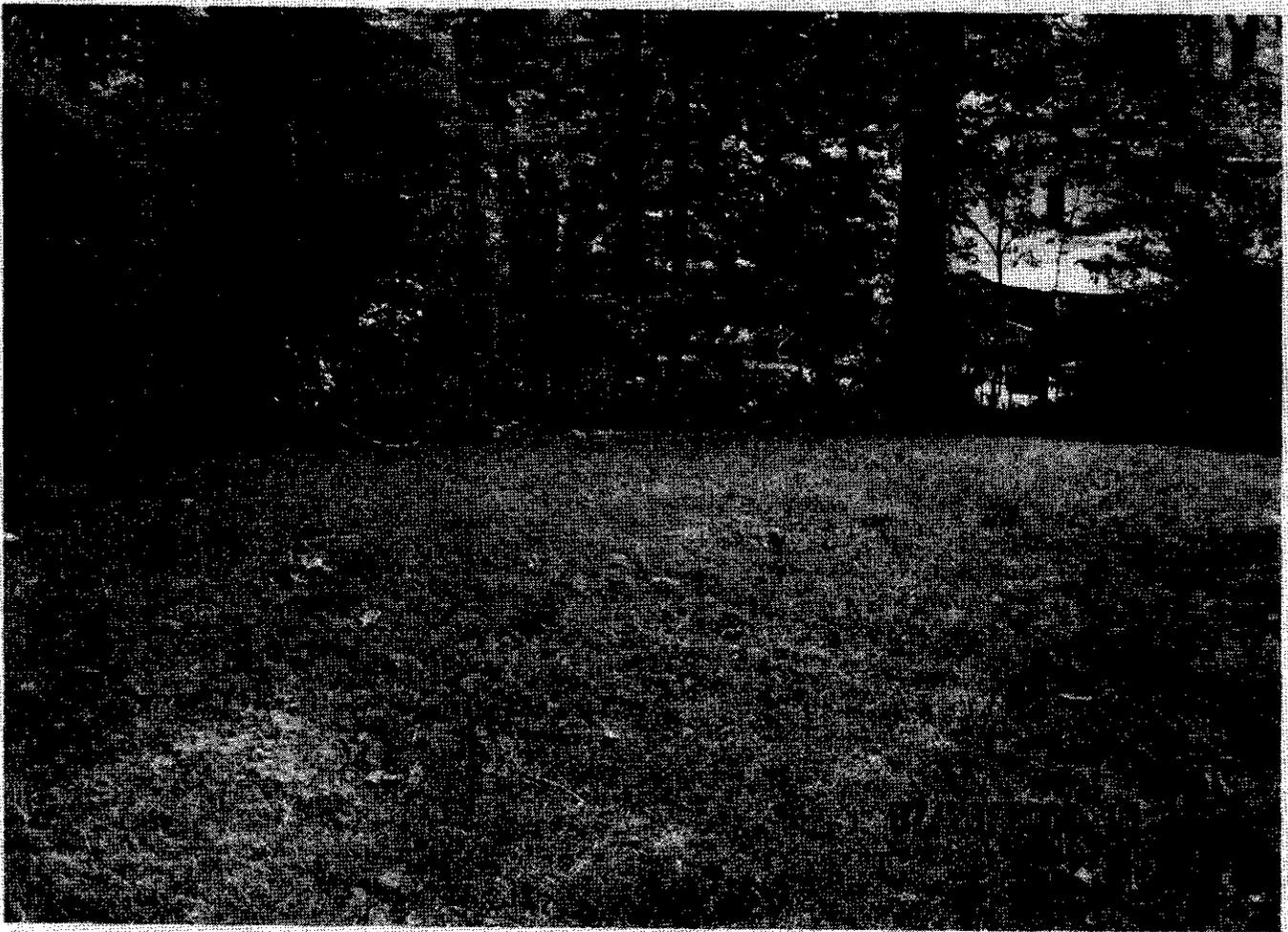


07/23/2009 11:17









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 12,500 square feet or more to keep up to four dogs and 20,000 square feet to keep five to six dogs. The keeping of two dogs would be permitted by-right on the applicant's property.

LOCATION AND CHARACTER

Site Description

The subject property consists of 12,086 square feet and is developed with a single family detached dwelling within the Barcroft Lake Shores subdivision. The split level with full basement dwelling is an interior lot and there is a 4 foot high fence in the side and rear yard. There is a significant topographic change from the western side towards the southeastern side yard of the property. The plat and pictures provided depict retaining walls with an average height of 39 inches.

Surrounding Area Description

	Zoning	Use
North	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

BACKGROUND

A Notice of Violation (NOV) was issued on June 25, 2009 for the keeping of five (5) dogs on the subject property where only two (2) are allowed by-right. A copy of the notice can be found in Appendix 4.

PLAT INFORMATION AND PROPOSAL

Special Permit Plat (Copy at front of staff report)
Title of SP Plat: House Location Survey, Lot 524, Section Five, Barcroft Lake Shores
Prepared By: William M. Kelly, Patton & Kelly, dated September 17, 1957, revised and signed by Carol D. Tether, July 6, 2009

Proposal:

The applicant wishes to keep up to five (5) dogs, ages 2 to 5 years old, on a residential lot containing 12,086 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 currently owns two dogs; a Sheltie who is 17 lbs. in weight and a Pomeranian who is 13 lbs. in weight. The applicant's son and his family live at the residence and have three (3) Beagles between 29-38 lbs. in weight. A detailed description of all the dogs can be found in Appendix 3 along with the Statement of Justification. Photographs and the plat show that the yard is equipped with a 4 foot privacy fence along the exterior of the side and rear yards. Also attached to the Statement of Justification is a letter from the Falls Church Animal Hospital with the dog's vaccination history.

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
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-MA-083****November 24, 2009**

1. This approval is granted to the applicants only, Anthony and Carol D. Tether, and is not transferable without further action of this Board, and is for the location indicated on the application, 6400 Lyric Lane (12,086 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. This approval shall be for the applicant's five (5) dogs as shown in the photos in Attachment 1 and as listed in Attachment 2. If any of these specific animals pass away or are given away, the dogs shall not be replaced, except that two (2) dogs may be kept on the property in accordance with the Zoning Ordinance.
4. The yard area where the dogs are kept 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.





TETHER DOGS

NAME	AGE	WEIGHT	HEIGHT (at shoulder)	BREED	SEX
Rocky	5	13 lbs	10 inches	Pomeranian	M (neutered)
Orion	5	17 lbs	11 inches	Sheltie	M (neutered)
Sherman	2	38 lbs	15 inches	Beagle	M (neutered)
Tobey	2	38 lbs	14 inches	Beagle	M (neutered)
Molly	2	29 lbs	13 inches	Beagle	F (spayed)

RECEIVED
Department of Planning & Zoning

JUL 27 2009

Zoning Evaluation Division

Application No.(s): SP 2009-MA-083
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/19/09
 (enter date affidavit is notarized)

I, Carol D. Tether, Trustee of the Tether Family Trust, 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 105557a

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)
Anthony J. Tether, Trustee of the Tether Family Trust	6400 Lyric Lane Falls Church, VA 22044	Applicant/Title Owner
Carol D. Tether, Trustee of the Tether Family Trust	6400 Lyric Lane Falls Church, VA 22044	Applicant/Title Owner
Anthony J. Tether, Trustee for the Tether Family Trust	for the benefit of Carol D. Tether	Trustee/Beneficiary
Carol D. Tether, Trustee for the Tether Family Trust	for the benefit of Anthony J. Tether	Trustee/Beneficiary

(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): SP 2009-MA-083
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/19/09
(enter date affidavit is notarized)

105557a

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)

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 2009 - MA - 083
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/19/09
(enter date affidavit is notarized)

105557a

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

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

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

Application No.(s): 6P 2009-MA-083
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/19/09
(enter date affidavit is notarized)

105557a

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/19/09
(enter date affidavit is notarized)

105557a

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)

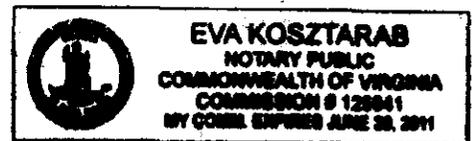
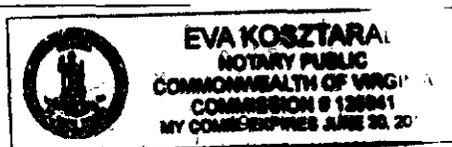
Carol D. Tether, Trustee
 Applicant Applicant's Authorized Agent

Carol D. Tether, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of August 2009, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: _____



STATEMENT OF JUSTIFICATION

We are applying for a Special Permit in order to keep our two original dogs (Pomeranian and a Sheltie), along with our son and his family's three Beagles. Due to economic conditions, our son and his spouse and one-year old grandson, along with their dogs, have been staying with us. They are both in school, retraining for new careers, after the loss of their jobs in March and May.

We are not requesting a permanent Special Permit exception. We will not replace any of the dogs as they reduce in number from 5 to 2.

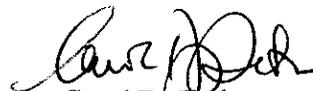
Our policy is that some one must be home before any of the dogs can be outside in our fenced yard. This is to ensure that if they are noisy, they can be brought in quickly. In addition, they are generally not allowed out between 10 PM and 8 AM. Dog waste is disposed of on a regular basis by picking it up and either flushing the waste in the toilet or placing in the trash.

The 4 ft chain link fence surrounding the back yard is covered in ivy and/or other vines and bushes in many areas. We are in the process of adding additional privacy features, such as wind screens, on the portions facing the street. We are also working with a dog trainer to enhance the dog's obedience skills.

Our neighborhood has many dog owning families, all of whom, including us, try to be considerate of our neighbors. We have included letters of support from our immediate neighbors. We have also included a letter from our veterinarian, Dr. Steven Rogers, along with his rabies vaccine records for all the dogs. We have listed the age, weight, and height of each of the dogs.

Thank you for your consideration.


Anthony J. Tether


Carol D. Tether

RECEIVED
Department of Planning & Zoning

AUG 18 2009

Zoning Evaluation Division

TETHER DOGS

NAME	AGE	WEIGHT	HEIGHT (at shoulder)	BREED	SEX
Rocky	5	13 lbs	10 inches	Pomeranian	M (neutered)
Orion	5	17 lbs	11 inches	Sheltie	M (neutered)
Sherman	2	38 lbs	15 inches	Beagle	M (neutered)
Tobey	2	38 lbs	14 inches	Beagle	M (neutered)
Molly	2	29 lbs	13 inches	Beagle	F (spayed)

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Department of Planning & Zoning

JUL 27 2009

Zoning Evaluation Division



1249 West Broad Street • Falls Church, VA 22046 • (703) 532-6121
www.FallsChurchAnimalHospital.com • (703) 534-4037 fax

Steven A. Rogers, D.V.M.

June 21, 2009

RE: Mr. A.J. & Mrs. Carol Tether
6400 Lyric Lane
Falls Church, VA 22044

To whom it may concern,

I have been providing veterinary care to the Tether's pets since 1978. They have always given their pets the utmost of care. The Tethers have demonstrated the willingness to do whatever is needed for their pets. Their pets and their son's pets are current on all vaccinations.

They currently own 2 dogs. Their son and his wife both have lost their jobs, and they have moved in with Mr. and Mrs. Tether with their three beagles until their job situation is resolved. Mr. and Mrs. Tether have taken responsibility for the medical care of their son's pets.

It is my hope that there is a way to accommodate the Tethers as they deal with an already difficult situation.

Sincerely,

RECEIVED
Department of Planning & Zoning

JUL 27 2009

Zoning Evaluation Division



RABIES VACCINATION CERTIFICATE
NASPHV FORM 51 (Revised 2007)

RABIES TAG NUMBER
3067

MICROCHIP NUMBER

Owner's Name & Address

Print Clearly

LAST FIRST M.I. TELEPHONE
Tether A.J. & Carol (703)914-2882

NO STREET CITY STATE ZIP
6400 Lyric Lane Falls Church VA 22044

SPECIES Dog <input checked="" type="checkbox"/> Cat <input type="checkbox"/> Other <input type="checkbox"/> (Specify)	SEX Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> Neuter <input checked="" type="checkbox"/>	AGE Months <input type="checkbox"/> 5 Years <input checked="" type="checkbox"/>	SIZE Under 20 lbs <input checked="" type="checkbox"/> 20 - 50 lbs <input type="checkbox"/> Over 50 lbs <input type="checkbox"/>	PREDOMINANT BREED Pomeranian	PREDOMINANT COLORS/MARKINGS Cream
	Animal Control License <input type="checkbox"/> 1 Yr <input type="checkbox"/> 3 Yr <input type="checkbox"/> Other _____			NAME Rocky	

DATE VACCINATED
06/13/2008

PRODUCT NAME

Veterinarian: **Michele Kelly, DVM**
 License No:

MANUFACTURER
 (First 3 Letters) **P F I**

1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine
 Initial dose Booster dose
S717853B
 Vacc. Serial (Lot) No.

NEXT VACCINATION
 DUE BY:
06/13/2011

Veterinarian's
 Signature
 Address **Falls Church Animal Hospital
 1249 West Broad St.
 Falls Church, VA 22046**

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51 (Revised 2007)

RABIES TAG NUMBER
3509

MICROCHIP NUMBER

Owner's Name & Address

Print Clearly

LAST
Tether

FIRST
A.J. & Carol

M.I.

TELEPHONE
(703)914-2882

NO STREET
6400 Lyric Lane

CITY
Falls Church

STATE
VA

ZIP
22044

SPECIES
 Dog
 Cat
 Other
 (Specify)

SEX
 Male
 Female
 Neuter

AGE
 Months
 5 Years

SIZE
 Under 20 lbs
 20 - 50 lbs
 Over 50 lbs

PREDOMINANT BREED
Shelti

PREDOMINANT
 COLORS/MARKINGS
Sable & White

Animal Control License 1 Yr 3 Yr Other _____

NAME
Orion (Star Turn)

DATE VACCINATED
06/13/2008

PRODUCT NAME

Veterinarian: **Michele Kelly, DVM**
 License No:

NEXT VACCINATION
 DUE BY:
06/13/2011

MANUFACTURER
 (First 3 Letters) **P F I**

1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine

Initial dose Booster dose
S717853B
 Vacc. Serial (Lot) No.

Veterinarian's
 Signature _____
 Address **Falls Church Animal Hospital
 1249 West Broad St.
 Falls Church, VA 22046**

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51 (Revised 2007)

RABIES TAG NUMBER
3345

MICROCHIP NUMBER

Owner's Name & Address

Print Clearly

LAST Tether FIRST A.J. & Carol M.I. TELEPHONE (703)914-2882

NO STREET CITY STATE ZIP
6400 Lyric Lane Falls Church VA 22044

SPECIES Dog <input checked="" type="checkbox"/> Cat <input type="checkbox"/> Other (Specify) <input type="checkbox"/>	SEX Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> Neuter <input checked="" type="checkbox"/>	AGE Months <input type="checkbox"/> 2 Years <input checked="" type="checkbox"/>	SIZE Under 20 lbs <input type="checkbox"/> 20 - 50 lbs <input checked="" type="checkbox"/> Over 50 lbs <input type="checkbox"/>	PREDOMINANT BREED Beagle	PREDOMINANT COLORS/MARKINGS Tricolor
	Animal Control License <input type="checkbox"/> 1 Yr <input type="checkbox"/> 3 Yr <input type="checkbox"/> Other _____			NAME Sherman	

DATE VACCINATED 04/07/2008	PRODUCT NAME	Veterinarian: Steven Rogers, DVM License No:			
NEXT VACCINATION DUE BY: 04/07/2011	MANUFACTURER (First 3 Letters) <table border="1"><tr><td>P</td><td>F</td><td>I</td></tr></table> <input type="checkbox"/> 1 yr USDA Licensed Vaccine <input checked="" type="checkbox"/> 3 yr USDA Licensed Vaccine <input type="checkbox"/> 4 yr USDA Licensed Vaccine <input type="checkbox"/> Initial dose <input type="checkbox"/> Booster dose S715662D Vacc. Serial (Lot) No.	P	F	I	Veterinarian's Signature Address Falls Church Animal Hospital 1249 West Broad St. Falls Church, VA 22046
P	F	I			

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51 (Revised 2007)

RABIES TAG NUMBER
3641

MICROCHIP NUMBER

Owner's Name & Address

Print Clearly

LAST
Tether

FIRST
A.J. & Carol

M.I.

TELEPHONE
(703)914-2882

NO STREET
6400 Lyric Lane

CITY
Falls Church

STATE
VA

ZIP
22044

SPECIES
 Dog
 Cat
 Other
 (Specify)

SEX
 Male
 Female
 Neuter

AGE
 Months
 2 Years

SIZE
 Under 20 lbs
 20 - 50 lbs
 Over 50 lbs

Animal Control License 1 Yr 3 Yr Other _____

PREDOMINANT BREED

Beagle

NAME
Toby

PREDOMINANT
 COLORS/MARKINGS
Tricolor

DATE VACCINATED
08/11/2008

PRODUCT NAME

MANUFACTURER
 (First 3 Letters)

P F I

1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine
 Initial dose Booster dose
S717853B
 Vacc. Serial (Lot) No.

NEXT VACCINATION
 DUE BY:
08/11/2011

Veterinarian: **Amy Sachs Yam, DVM**
 License No: **0301007328**

Veterinarian's
 Signature

Address **Falls Church Animal Hospital
 1249 West Broad St.
 Falls Church, VA 22046**

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51 (Revised 2007)

RABIES TAG NUMBER
5279

MICROCHIP NUMBER

Owner's Name & Address

Print Clearly

LAST FIRST M.I. TELEPHONE
Tether A.J. & Carol

(703)914-2882

NO STREET CITY STATE ZIP
6400 Lyric Lane Falls Church VA 22044

SPECIES Dog <input checked="" type="checkbox"/> Cat <input type="checkbox"/> Other <input type="checkbox"/> (Specify)	SEX Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> Neuter <input checked="" type="checkbox"/>	AGE Months <input type="checkbox"/> 2 Years <input checked="" type="checkbox"/>	SIZE Under 20 lbs <input type="checkbox"/> 20 - 50 lbs <input checked="" type="checkbox"/> Over 50 lbs <input type="checkbox"/>	PREDOMINANT BREED Beagle <input type="checkbox"/> NAME Molly	PREDOMINANT COLORS/MARKINGS Tricolor
	Animal Control License <input type="checkbox"/> 1 Yr <input type="checkbox"/> 3 Yr <input type="checkbox"/> Other _____				

DATE VACCINATED
02/13/2009

PRODUCT NAME

Veterinarian: **David Jacobs, DVM**
 License No:

NEXT VACCINATION
 DUE BY:
02/13/2012

MANUFACTURER
 (First 3 Letters) **PFI**

1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine

Initial dose Booster dose

S830488A
 Vacc. Serial (Lot) No.

Veterinarian's
 Signature _____
 Address **Falls Church Animal Hospital
 1249 West Broad St.
 Falls Church, VA 22046**

6404 Lyric Lane
Falls Church VA 22044
July 26, 2009

To Whom It May Concern:

I am writing today to express my strong support for Carol Tether's application to have a Fairfax County Special Permit to possess 5 dogs. I am Carol's immediate next door neighbor and our yards are next to each other. She is a very responsible pet owner who does not leave her dogs unattended, obeys the leash laws, and disciplines her dogs if they misbehave or bark furiously. She has a trainer who has been working with her 3 beagles and we can see the progress these dogs have made, since she provided them with a loving home. Our two dachshunds run into our yard and inspect her beagles through the fence and all is peaceful. Her dogs are not violent and very friendly towards other dogs and people. Her house and fenced in-yard home provide much space for these animals. If you have any questions, please contact us by phone at (703) 333-5959 or email at ilothian@msn.com

It would be a serious mishap if Carol's application to possess her dogs were denied. I can't imagine why one would risk these dogs losing a loving and responsible owner because 5 dogs are just too many for some Lake Barcroft residents. We chose to live in this neighborhood and county because we were told it was dog friendly. I hope this is a true statement. Thank you for your consideration.

Sincerely,



Rosemarie Gnam

Rosemarie Gnam & Ian Lothian

RECEIVED
Department of Planning & Zoning

JUL 27 2009

Zoning Evaluation Division

July 27th, 2009

To Whom it may concern:

I am a neighbor of Mr. and Mrs. Tether, They have asked for a letter of support regarding their status as pet owners.

The Tethers have of late been responsive to bringing in their dogs when they bark, and controlling them. They are acting as responsible pet owners and being cooperative with the neighbors.

This is a letter to letter of support them with their Special Permit Application.

Sincerely,

Margie Morris

Margie Morris

6360 Lyric Lane

Falls Church, VA 22044

RECEIVED
Department of Planning & Zoning

AUG 12 2009

Zoning Evaluation Division

3507 Rusticway Lane
Falls Church, VA 22044
703-750-1880

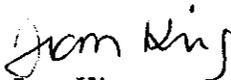
July 30, 2009

To Whom it May Concern,

We understand that Carol Tether and her family are applying for permission to waive the requirements regarding the number of dogs allowed on a property. We have no objection to the waiver.

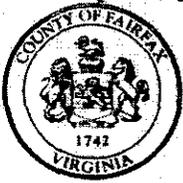
We have lived behind the Tether's property since June 2008, and share a fence that separates our back yards. We notice the dogs in the backyard on occasion, but they are normally quiet and do not bother us. The beagles have a loud bark, but it is rare they are allowed to bark for more than a short period of time. When the dogs do bark, a member of the Tether household quickly responds and calls the dogs into the house. The dogs appear to be healthy and well cared for with no indications of any mistreatment. We have found the Tethers to be conscientious and responsible pet owners.

Sincerely,


Jean King


Vincent Schroeder

RECEIVED
Department of Planning & Zoning
AUG 12 2009
Zoning Evaluation Division



County of Fairfax, Virginia

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

ST New 1-24

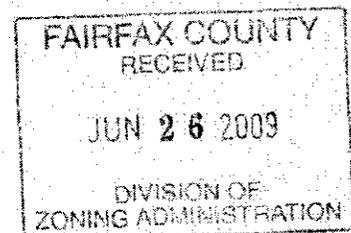
NOTICE OF VIOLATION

DATE OF ISSUANCE: June 25, 2009

SHERIFF'S LETTER

CASE #: 200903323 **SR#:** 51040

SERVE: Anthony J. Tether
Carol D. Tether
6400 Lyric Lane
Falls Church, VA 22044



LOCATION OF VIOLATION 6400 Lyric Lane
Falls Church, VA 22044-1219
Tax Map #: 0611 11 0524
Zoning District: R-2

Dear Property Owners:

An inspection of the above referenced property on June 22, 2009 revealed the keeping of five dogs at the above referenced property in violation of the Fairfax County Zoning Ordinance.

§ 2-512.2(A) - Limitations on the Keeping of Animals

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

Department of Planning and Zoning
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



You are, hereby, directed to clear this violation within thirty (30) days of receipt of this Notice. Compliance can be accomplished by the following:

- Reducing, on a permanent basis, the number of dogs kept on this property to two or less, or
- Applying for and ultimately obtaining approval of a Group 9 Special Permit for Modifications to the Limitations on the Keeping of Animals from the Fairfax County Board of Zoning Appeals (BZA) to allow more than two dogs to be kept on the property.

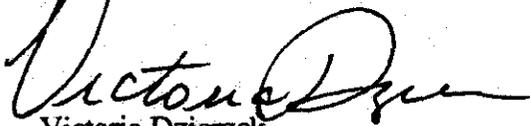
Should you have any questions, regarding the submission for a Special Permit Application or process, please contact the Zoning Evaluation Division between 8:00 a.m. and 4:30 p.m. Monday through Friday at (703) 324-1290.

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. Note: On July 1, 2009 the filing fee will increase to \$2455.00. 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)324-1398 or 703-324-1300.

Sincerely,



Victoria Dzierzek

Property Maintenance/Senior Zoning Inspector

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 41.1 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 41.1 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.