

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAMES P. HARWELL, SP 2009-LE-108 Appl. under Sect(s). 8-917 of the Zoning Ordinance to permit modification to the limitations on the keeping of animals. Located at 7064 Elton Way on approx. 1,848 sq. ft. of land zoned R-5. Lee District. Tax Map 91-2 ((17)) 13A. (Admin. moved from 2/10/10 due to inclement weather) (Admin. moved from 3/31/10 at appl. req.) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 14, 2010; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is not the owner of property; however, the applicant has obtained written permission for approval to seek this special permit by the owner.
2. The present zoning is R-5.
3. The area of the lot is 1,848 square-feet
4. Major Harwell has taken appropriate mitigation efforts over the period of time that he has been in the home.
5. Mr. Harwell has indicated that he is on a three-year assignment at the Pentagon and two of those years have now passed.
6. The dogs' ages are 3, 10, and 14.
7. This owner would be able to keep two dogs by-right on this property.
8. This is also an issue when there are multiple dogs in the vicinity and it is very, very difficult to tell exactly what dog has been making the noise.
9. There is no issue with the granting of this.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, James P. Harwell, and is not transferable without further action of this Board, and is for the location indicated on the application, 7064 Elton Way (1,848 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 existing three dogs. If any of these animals die, are sold or given away, they shall not be replaced, except that two 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.

Mr. Smith seconded the motion, which carried by a vote of 6-0-1. Mr. Hammack abstained from the vote.