



APPLICATION ACCEPTED: May 27, 2014
DATE OF PUBLIC HEARING: July 16, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 9, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MA-080

MASON DISTRICT

APPLICANT: William G. Hohenstein

OWNERS: William Hohenstein
Susan Akers

LOCATION: 4527 Brookside Drive
Alexandria, VA 22312

SUBDIVISION: Pinecrest

TAX MAP: 72-1 ((6)) 23A

LOT SIZE: 1.3 acres

ZONING: R-1

ZONING ORDINANCE PROVISIONS: 8-917

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-MA-080 for the modification of the limitations of keeping of animals subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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 special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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



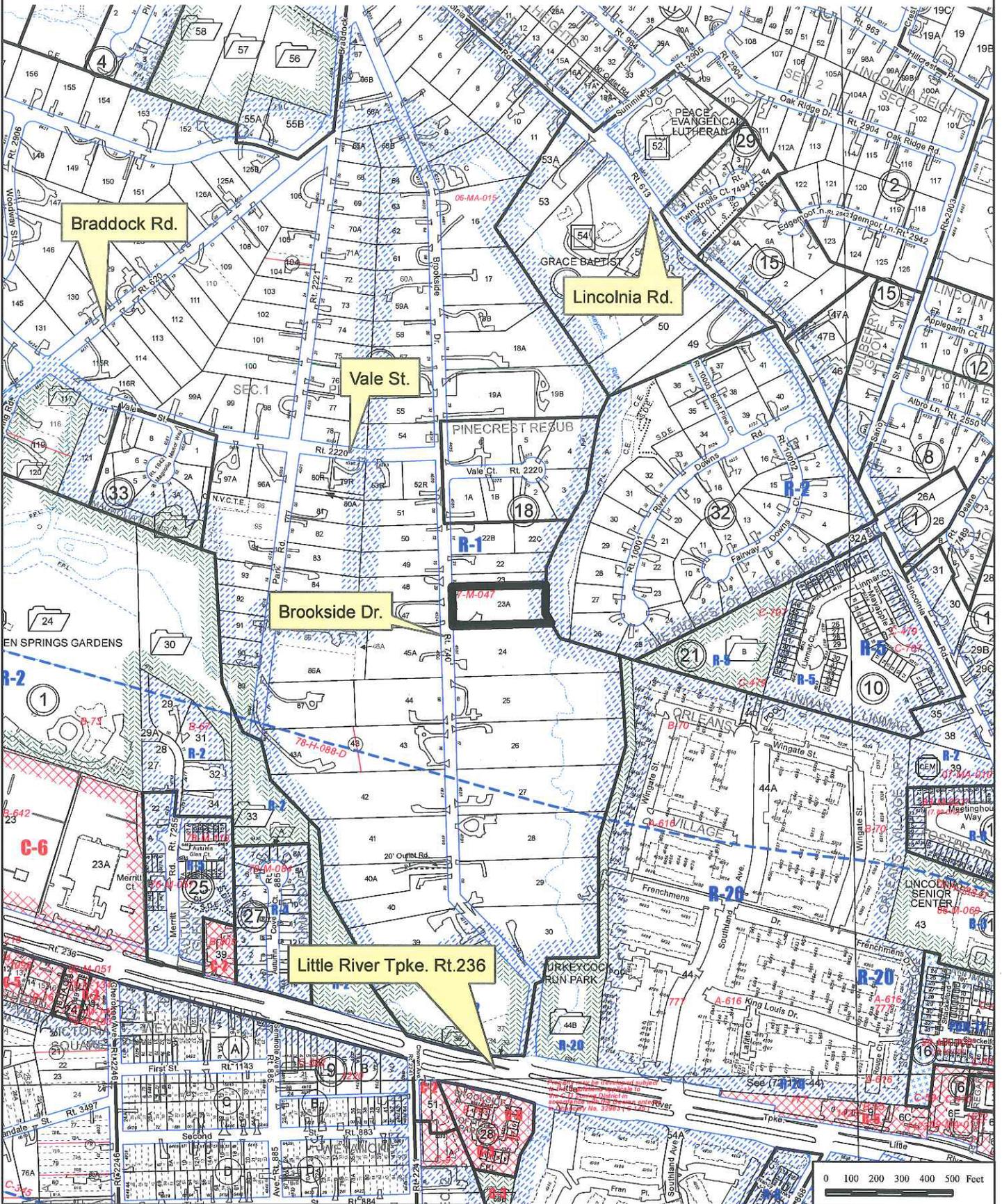
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

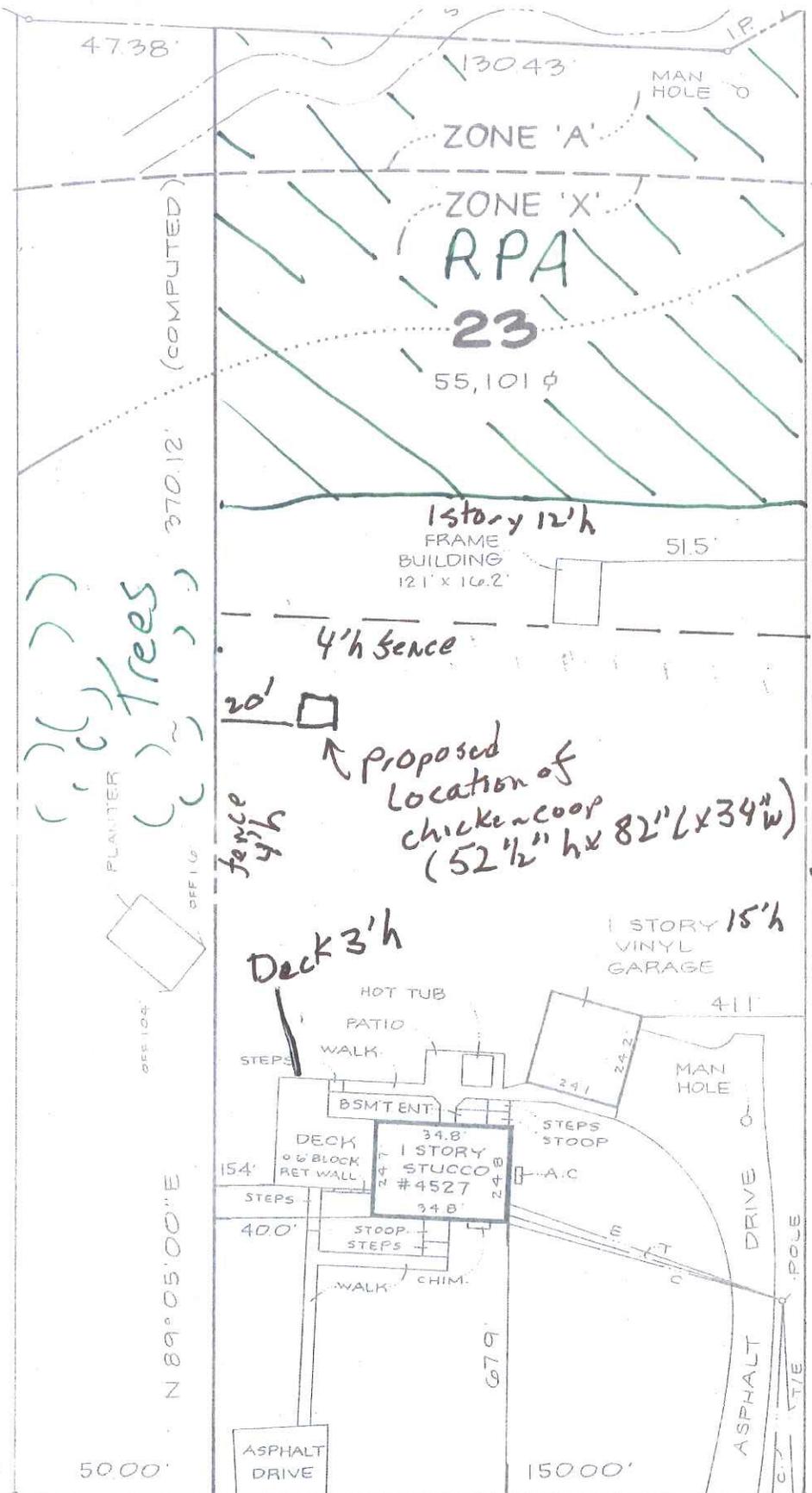
Special Permit
SP 2014-MA-080
WILLIAM G. HOHENSTEIN



0 1,000 2,000 3,000 4,000 Feet

Special Permit
SP 2014-MA-080
WILLIAM G. HOHENSTEIN





47.38'

ZONE 'A'

ZONE 'X'

RPA

23

55,101 φ

1 story 12'h
FRAME
BUILDING
121' x 16.2'

4'h fence

20'

Proposed
Location of
chicken coop
(52 1/2" h x 82' L x 34' W)

fence
4'h

Deck 3'h

1 STORY 15'h
VINYL
GARAGE

HOT TUB

PATIO

WALK

STEPS

BSMT ENT

DECK

0.6 BLOCK
RET WALL

STEPS

400'

STOOP

STEPS

WALK

CHIM.

STEPS

STOOP

A.C.

MAN HOLE

ASPHALT DRIVE

POLE

ASPHALT DRIVE

IP

5000'

15000'

(COMPUTED)
(RECORDED)

375.21'
376.30'

fence 4'h

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Department of Planning & Zoning

MAY 14 2014

Zoning Evaluation Division

William Hohenstein
5/12/14

N 00°55'00"W ~ 200.00' (COMPUTED)

N 00°52'00"W ~ 200.00' (RECORDED)

scale
1" = 40'

BROOKSIDE DRIVE

50' R/W

(No Septic No well)

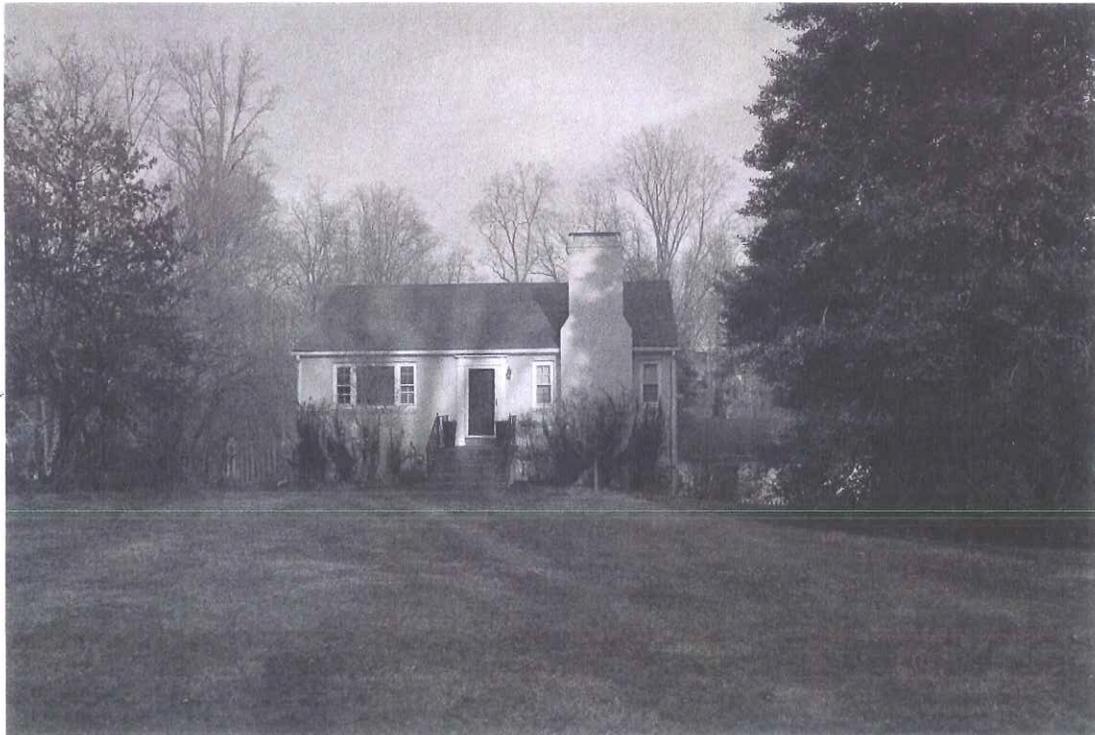


Photo 1: front of property

4527 Brookside Dr.

Alexandria, VA 22312

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Proposed
Chicken
Coop
Location



Photo 2: view from back Deck.

4527 Brookside Dr

Alexandria, VA 22312

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Photo 3: View from back steps
4527 Brookside Dr
Alexandria, VA 22312

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Photo 4
Back Yard Facing Garage
Proposed location of compost pile

4527 Brookside Dr
Alexandria, VA 22312

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SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for modifications to the limitations on the keeping of animals, in order to have three chickens on a 1.3 acre lot.

A copy of the Special Permit plat titled "Brookside Drive, Lot 23" prepared by William Hohenstein on May 12, 2014 is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 1.3 acre lot is developed with a story single family detached dwelling that was constructed in 1949. The property located in the Pinecrest Subdivision is zoned R-1 and is surrounded by other single family detached dwellings also zoned R-1 and R-2. A three-foot tall deck extends off the rear of the home, along with a patio and hot tub. Also in the rear of the dwelling is a 15 foot tall detached garage, for which the applicant obtained building permits. The rear yard is surrounded by a 4' tall fence. Approximately 16,675 square feet of rear of the yard is also within an RPA area.

As shown in Figure 1, the site is surrounded by residential lots zoned R-1 and R-1 developed with single family dwellings.



Figure 1: Lot location

BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1949. The applicant purchased the property in January of 1997. On October 5, 1987, the Board of Supervisors approved RZ 87-M-047 to rezone a total of 62.91 acres of land from R-2 to

R-1. The subject property was a part of this application. The subject property received a complaint for the keeping of fowl on April 1, 2014; however, a notice of violation was not issued.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has not received any other special permit requests for the modification on the keeping of animals in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant proposes to keep up to three hen chickens on a 1.3 acre lot, which is less than the required two acres in size as required by Sect. 2-515 of the Zoning Ordinance. In properties greater than two acres, up to 64 chickens are allowable by-right. The applicant also requests to modify the location requirements of the chicken coop in the rear yard, allowing the location of the coop to be twenty feet from the side lot line in the rear yard. Sect. 10-104 of the Zoning Ordinance states that any structures "used for the confining or sheltering of livestock and domestic fowl... shall be located no closer than fifty (50) feet to any lot line." However, Sect. 2-512 allows the Board of Zoning Appeals to modify this provision, as well as the number of fowl and size of the lot.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Limitations on the Keeping of Animals (Sect. 8-917)
- Location Regulations (Sect. 10-104)

This special permit is subject to Sects. 8-006, 8-903 and 8-922, 2-512 and 10-104 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

Environmental Analysis

During review, staff noted that a portion of the rear of the property is within a Resource Protection Area. In order to address this, staff worked with both the applicant and the Northern Virginia Soil and Water Conservation District (NVSWCD) in order to create a management plan that ensures both the chickens and their waste products remain out of the RPA. Staff determined that based on the soil types of the location and the number of chickens, the proposed management plan sufficiently addresses any environmental concerns. Both the applicant's statement of justification and NVSWCD's plan detail coop location, composting methods, and "after life" management of the chickens. The applicant has committed to working with NVSWCD with any questions they may have

about the management of their chickens and composting. A memorandum from NVSWCD has been included as Appendix 4 of this report.

CONCLUSION

Staff believes that the request for a modification to the keeping of animals to allow three hen chickens is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Special Permit Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Northern Virginia Soil and Water Conservation District Memorandum
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-080****July 9, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-080 located at Tax Map 72-1 ((6)) 023A to permit modifications to the limitations on the keeping of animals Sections 8-917 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, William G. Hohenstein only, and is not transferable without further action of the Board, and is for the location indicated on the application, 4527 Brookside Dr., and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (fowl) and location of the existing chicken coop and composting area located on the plat titled "Brookside Drive, Lot 23" edited by William Hohenstein, dated May 12, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This approval shall be for a maximum of three chickens.
5. The yard used by the chickens shall be cleaned of animal debris and in a manner consistent with the outlined plan in the applicant's statement of justification, and the recommendations of the Northern Virginia Soil and Water Conservation District included in Attachments 1 and 2.
6. Animal waste or composted material shall not be disposed of within the RPA.
7. All chicken operation waste shall be thoroughly composted before use or distribution.
8. The composting site shall be covered to prevent leaching of pollutants.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use is

established. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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Department of Planning & Zoning

MAR 24 2014

Zoning Evaluation Division

Statement of Justification

William Hohenstein (for Ellie Hohenstein Age 14)

4527 Brookside Drive, Alexandria Virginia

Request to allow modification to the limitation on the keeping of animals to allow the keeping of three hen chickens

We are asking for a special permit, in accordance with Article 8, Part 9, Section 8-917, "Modification to the limitations on the keeping of animals." We would like to have three pet hens.

Our hens would be allowed outside of their coop under supervision, so they would be safe and healthy. Hens are beautiful animals that are very curious, interesting, and friendly.

Their home would be an enclosed coop that would be under shade in the summer time. It will have wire buried underneath it to keep predators from burrowing under. The coop is 52 1/2" high, and 82" inches long by 34" wide.

During the winter we would be using the "deep-litter" method. In this method there would constantly be 6-8 inches of bedding for the hens that would be refreshed when needed. During the warmer months the bedding would be changed when needed (about every 2-3 weeks), because the hens would not require the extra warmth.

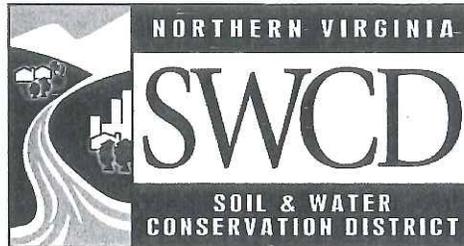
The food supply would be stored indoors in our garage to prevent pests. The hens feeding area would be suspended to eliminate the possibility of predators getting into their food.

The litter and bedding will be composted in a compost pile to be located behind the garage, next to the vegetable garden – well away from the Resource Protection Area.

We have personally notified our directly adjacent neighbors, and other neighbors have been notified through a flyer.

Board of Directors

John W. Peterson, Chairman
 Jean R. Packard, Vice Chairman
 Johna G. Gagnon, Secretary
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 Laura T. Grape, Executive Director

**Contact**

703-324-1460, TTY 711
 Fax: 703-324-1421
 ConservationDistrict@fairfaxcounty.gov

Working for Clean Streams and Protected Natural Resources in Fairfax County

June 19, 2014

TO: Casey Gresham
 Fairfax County, Department of Planning and Zoning

FROM: Wilfred D. Woode
 Senior Conservation Specialist

RE: Special Permit for Backyard Chicken Operation

Below are my comments, following review of a special permit request to keep three chickens (hens) at the backyard of a 1.3 acre property located at 4527 Brookside Drive, in Alexandria.

Fairfax County Map records show that the proposed area of activity consists of steep slopes and the following soil types: 104D – Wheaton Fairfax Complex, and 38D – Fairfax Loam. The eastern third of the property consists of the Chesapeake Bay Resource Protection Area (RPA).

Considering the activity will be on less than five acres and will involve less than one animal unit, I'm not certain if the proposed operation can be classed as an "agricultural" activity, that will require the applicant to have a district approved Soil and Water Quality Conservation plan as is required in Fairfax County's Chesapeake Bay Preservation Program.

The purpose of the following comments is to make the applicant aware of some aspects of an environmentally sound backyard chicken operation practices that were not mentioned in the submitted statement of justification. Also, that he becomes aware that the Northern Virginia Soil and Water Conservation District can provide environmentally sound answers to questions he may have regarding aspects of the proposed operation.

- 1) Waste or composted material will never be disposed of within the RPA.
- 2) Composted waste (rich in nutrients) will be used in an environmentally sound manner, such as in a gardens or lawn areas (outside of the RPA), or may be made available to a neighbor/friend for similar use.
- 3) All chicken operation waste will be thoroughly composted before use or distribution to neighbors/friends, to avoid contamination of food items by E. coli or other potentially harmful bacteria.

4) Composting site should always be protected (covered) to prevent leaching of pollutants during excessive precipitation events. Preferably the composting site should be on an impervious base to prevent ground water pollution. Also, if the material is not contained, an earthen berm should be built around the up-hill side, to keep runoff from flowing through or washing away pile content.

5) “After Life” Concerns – Loss of bird(s) due to diseases or other health reasons. Dead birds may be buried onsite as an environmentally sound means of disposal, partly because the properties of the soil types are favorable to an environmentally safe burial. However, the following must be followed as guidelines –

- Burial will be only on the private property of the animal’s owner. A tenant must first obtain permission from the property owner.
- Must be buried deep enough to cover the top of the animal with at least two (2) feet of compacted soil to prevent scavengers from unearthing the carcass and prevent nuisance to neighbors.
- Must be buried at least:
 - 100 feet from domestic water supply wells.
 - 25 feet from ponds and streams.
- Ground limestone may be applied to help neutralize odor

Additional reading material that provides good management tips is provided in our website:
<http://www.fairfaxcounty.gov/nvswcd/newsletter/backyard-chickens.htm>

Do let me know if you have any questions on these comments.

Application No.(s): SP 2014-MA-080
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 16, 2014
 (enter date affidavit is notarized)

124872

I, William Hohenstein, 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)
William Hohenstein	4527 Brookside Dr ALEXANDRIA, VA 22312	Applicant / Title Owner
SUSAN AKERS	4527 Brookside Dr ALEXANDRIA, VA 22312	Co-title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2014-MA-080
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 16, 2014
(enter date affidavit is notarized)

124872

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.

SP 2014-MA-080

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JUNE 16, 2014
(enter date affidavit is notarized)

124872

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.

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

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124872

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):

SP 2014-MA-080

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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124872

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:

William G. Hohenstein

(check one)

[X] Applicant

[] Applicant's Authorized Agent

William G. Hohenstein, title owner

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

Subscribed and sworn to before me this 16th day of June 2014, in the State/Comm. of District of Columbia County/City of Washington.

Elizabeth Harriman
Notary Public

My commission expires ELIZABETH GRACE HARRIMAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 31, 2016



RECEIVED
Department of Planning & Zoning

MAR 24 2014

Zoning Evaluation Division

Statement of Justification

William Hohenstein (for Ellie Hohenstein Age 14)

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Request to allow modification to the limitation on the keeping of animals to allow the keeping of three hen chickens

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**Contact**

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Working for Clean Streams and Protected Natural Resources in Fairfax County

June 19, 2014

TO: Casey Gresham
 Fairfax County, Department of Planning and Zoning

FROM: Wilfred D. Woode
 Senior Conservation Specialist

RE: Special Permit for Backyard Chicken Operation

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- 2) Composted waste (rich in nutrients) will be used in an environmentally sound manner, such as in a gardens or lawn areas (outside of the RPA), or may be made available to a neighbor/friend for similar use.
- 3) All chicken operation waste will be thoroughly composted before use or distribution to neighbors/friends, to avoid contamination of food items by E. coli or other potentially harmful bacteria.

4) Composting site should always be protected (covered) to prevent leaching of pollutants during excessive precipitation events. Preferably the composting site should be on an impervious base to prevent ground water pollution. Also, if the material is not contained, an earthen berm should be built around the up-hill side, to keep runoff from flowing through or washing away pile content.

5) “After Life” Concerns – Loss of bird(s) due to diseases or other health reasons. Dead birds may be buried onsite as an environmentally sound means of disposal, partly because the properties of the soil types are favorable to an environmentally safe burial. However, the following must be followed as guidelines –

- Burial will be only on the private property of the animal’s owner. A tenant must first obtain permission from the property owner.
- Must be buried deep enough to cover the top of the animal with at least two (2) feet of compacted soil to prevent scavengers from unearthing the carcass and prevent nuisance to neighbors.
- Must be buried at least:
 - 100 feet from domestic water supply wells.
 - 25 feet from ponds and streams.
- Ground limestone may be applied to help neutralize odor

Additional reading material that provides good management tips is provided in our website:
<http://www.fairfaxcounty.gov/nvswcd/newsletter/backyard-chickens.htm>

Do let me know if you have any questions on these comments.

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.