



APPLICATION ACCEPTED: July 29, 2014
DATE OF PUBLIC HEARING: October 8, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 1, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-SP-161

SPRINGFIELD DISTRICT

APPLICANT: Peter D. Mulcahy, Trustee

OWNERS: Peter D. Mulcahy, Trustee
Judith M. Mulcahy, Trustee
Mulcahy Living Trust

LOCATION: 9613 Candish Court, Fairfax Station, 22039

SUBDIVISION: Glenmore

TAX MAP: 97-3 ((17)) 10

LOT SIZE: 41,702

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-SP-161 for the keeping of animals with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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/



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.

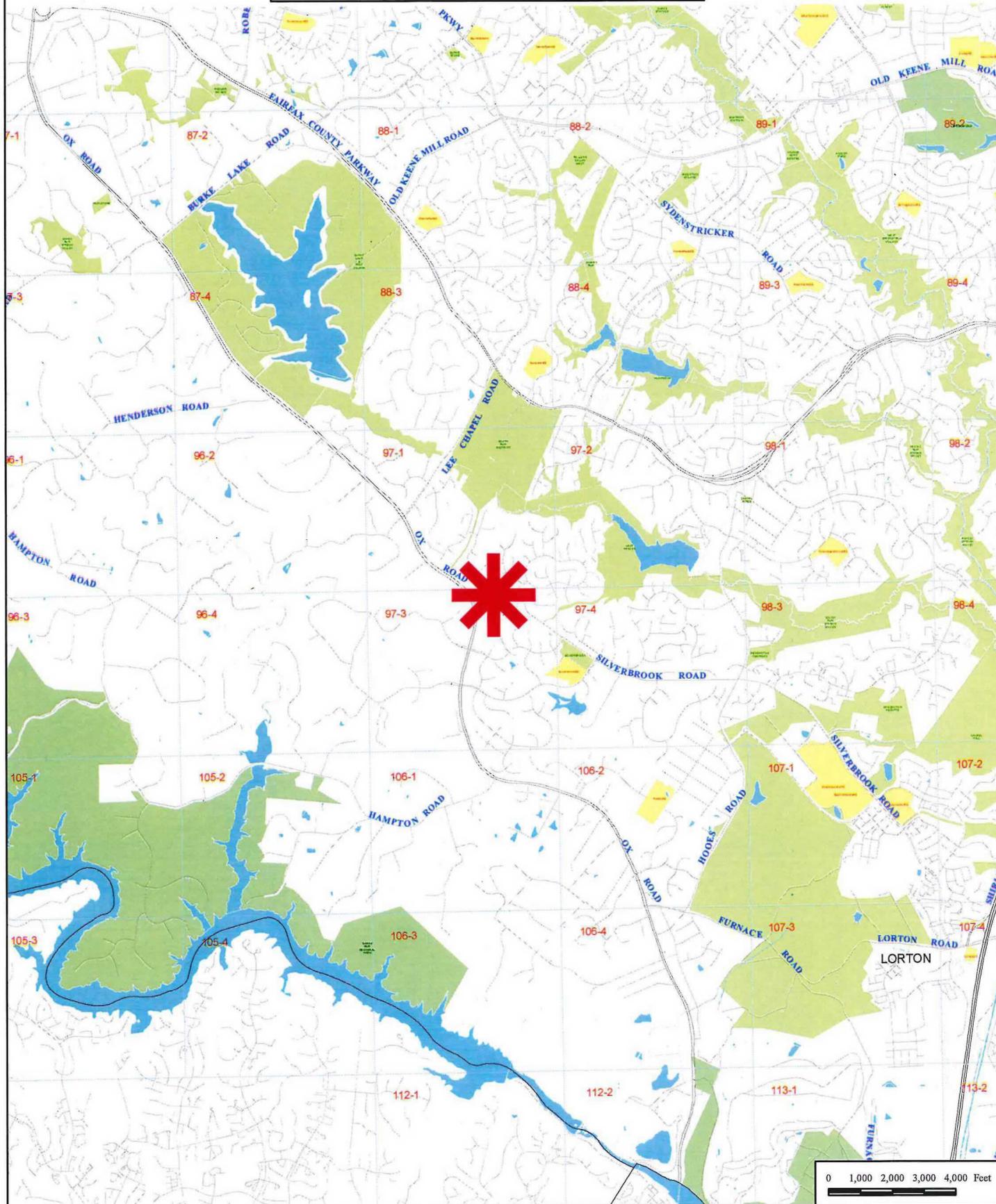
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



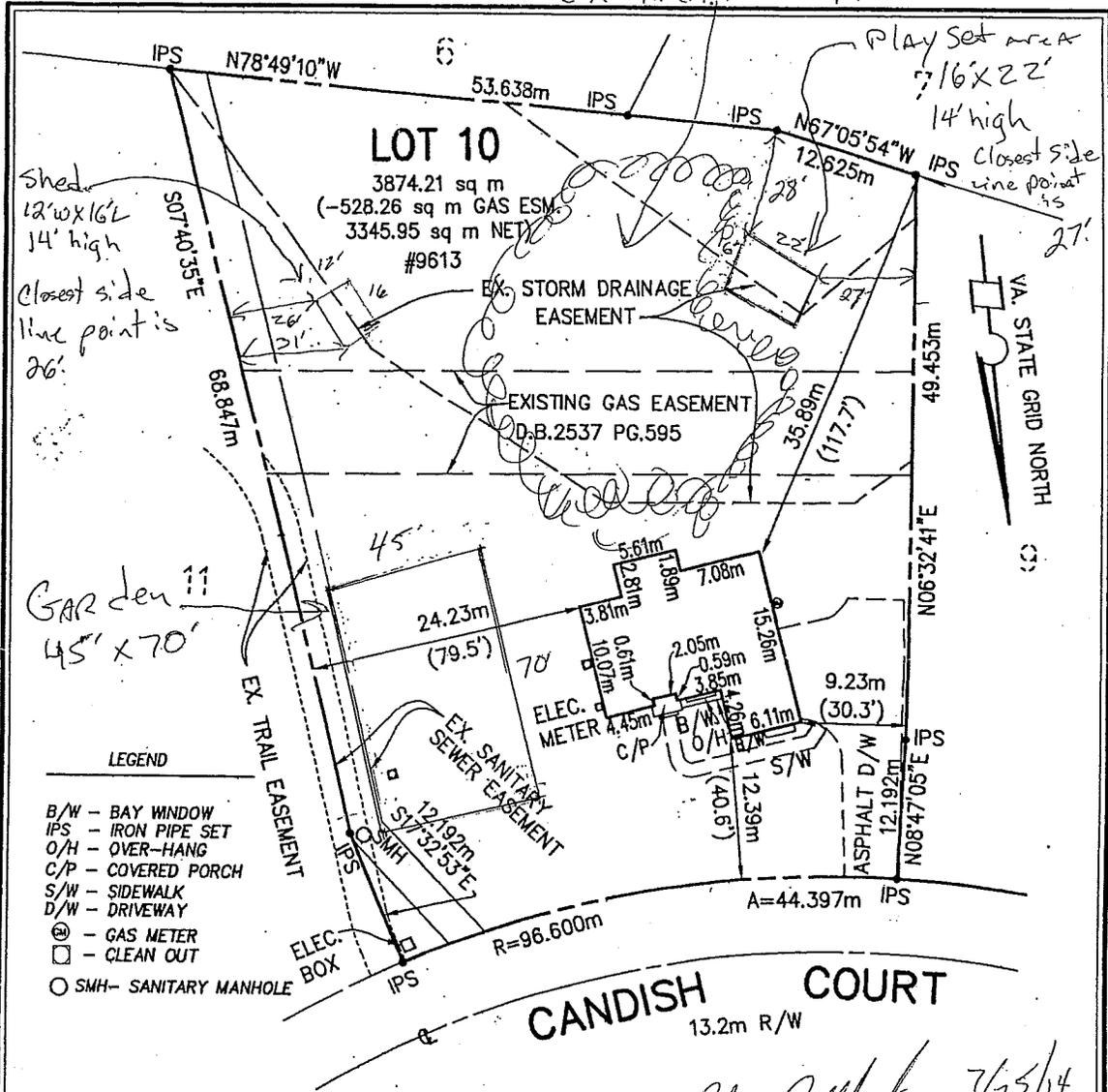
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-SP-161
PETER D. MULCAHY, TRUSTEE



General Area for COOP/ROU



Shed
12' x 16'
14' high
Closest side
line point is
26'

GAR den !!
45' x 70'

Play Set area
7'6" x 22'
14' high
Closest side
line point is
27'

LEGEND

- B/W - BAY WINDOW
- IPS - IRON PIPE SET
- O/H - OVER-HANG
- C/P - COVERED PORCH
- S/W - SIDEWALK
- D/W - DRIVEWAY
- ⊗ - GAS METER
- - CLEAN OUT
- SMH - SANITARY MANHOLE

Peter D. Mcelf 7/25/14

ALL EXISTING EASEMENTS PREVIOUSLY RECORDED IN DB.10911 AT PAGE 1140 UNLESS OTHERWISE NOTED.

I HEREBY CERTIFY THAT THIS PROPERTY IS CLASSIFIED AS ZONE X. AN AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP PANEL 75D, DATED MARCH 5, 1990.

HOUSE LOCATION SURVEY

LOT 10
GLENMORE
DB.10911 PG.1140
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA



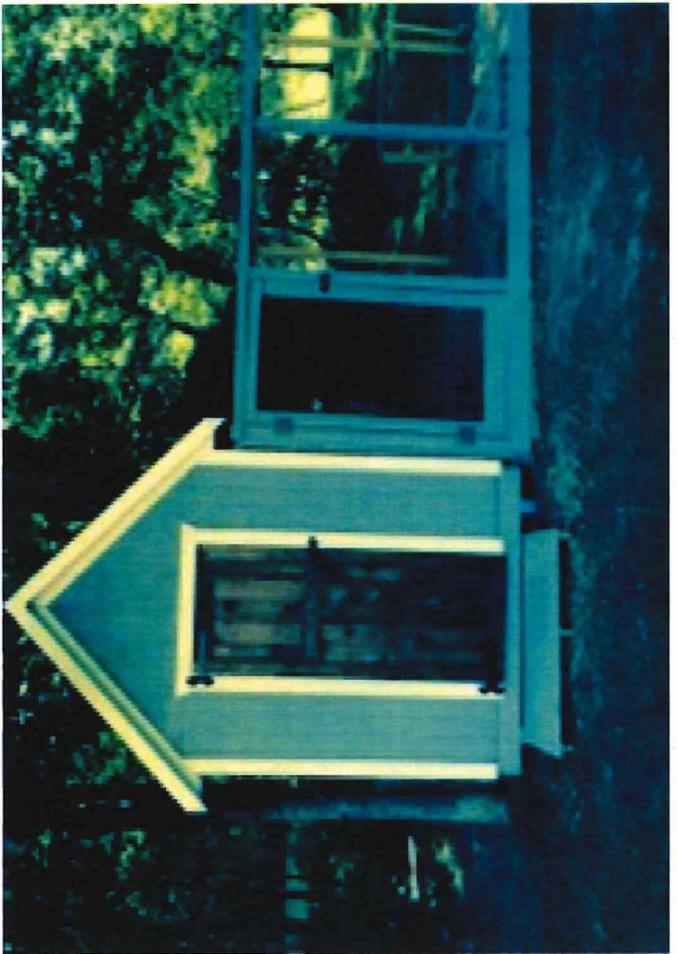
Engineering • Planning • Surveying • Landscape Architecture
Wetland Expertise • Environmental Science

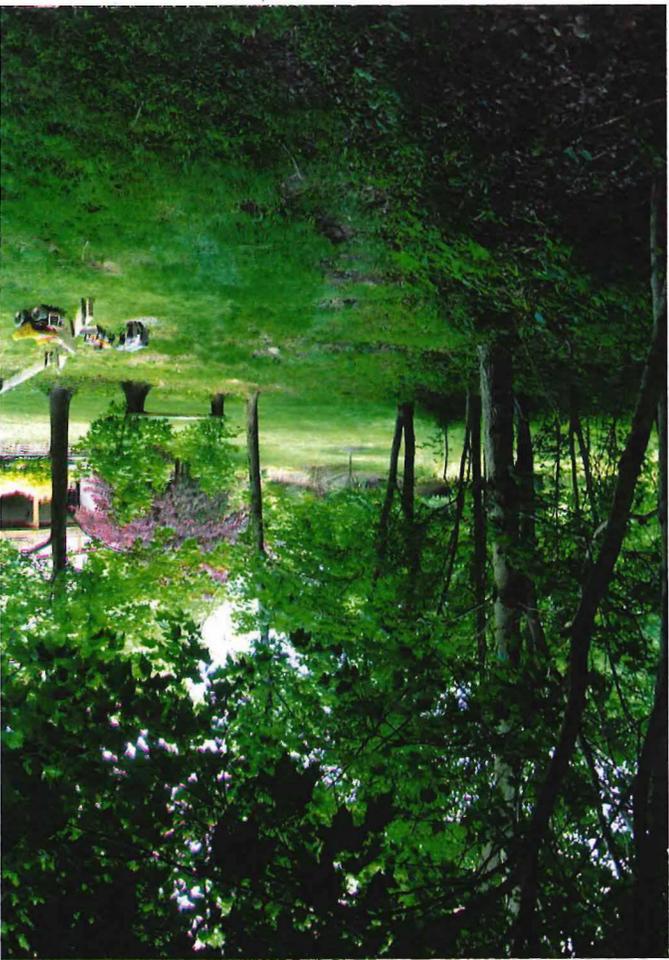
11212 Waples Mill Road, Suite 100, Fairfax, VA 22030-7404
PH 703.934.0900 FX 703.934.9787 EM psaltd@aol.com

SCALE : 1:500m
DATE : 6-18-99
FINAL : 11-8-99
RECERT :

DRN : J.H.
CKD : A.S.
CKD : T.L.
CKD :

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE, ALL ENCUMBRANCES MAY NOT BE SHOWN.







SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for modifications to the limitations on the keeping of animals, in order to permit up to 30 chickens on a 41,702 square foot lot.

A copy of the Special Permit plat titled "House Location Survey, Lot 10, Glenmore," prepared by Tami A. Lenox, L.S., of Paciulli Simmons and Associated, dated November 11, 1999, as revised by Peter D. Mulcahy through July 25, 2014, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 41,702 square foot lot is developed with a two-story stucco single family detached dwelling, which is accessed via an asphalt driveway from Candish Court. A walkway leads to the covered front entrance of the dwelling. In the rear of the property, there is a 14-foot tall shed (meeting setback requirements), along with a 14-foot tall playset area that also meets setback requirements. In the eastern side yard of the property, there is a large garden area, approximately 3,150 square feet in size. A number of easements exist on the property, including two storm drainage easements, a sanitary sewer easement, and a gas easement.

The subject property and the surrounding properties are zoned R-1 and developed with single family detached dwellings.

	Zoning	Use
North	R-1	Single Family Detached Dwelling
East	R-1	Single Family Detached Dwelling
South	R-1	Single Family Detached Dwelling
West	R-1	Single Family Detached Dwelling

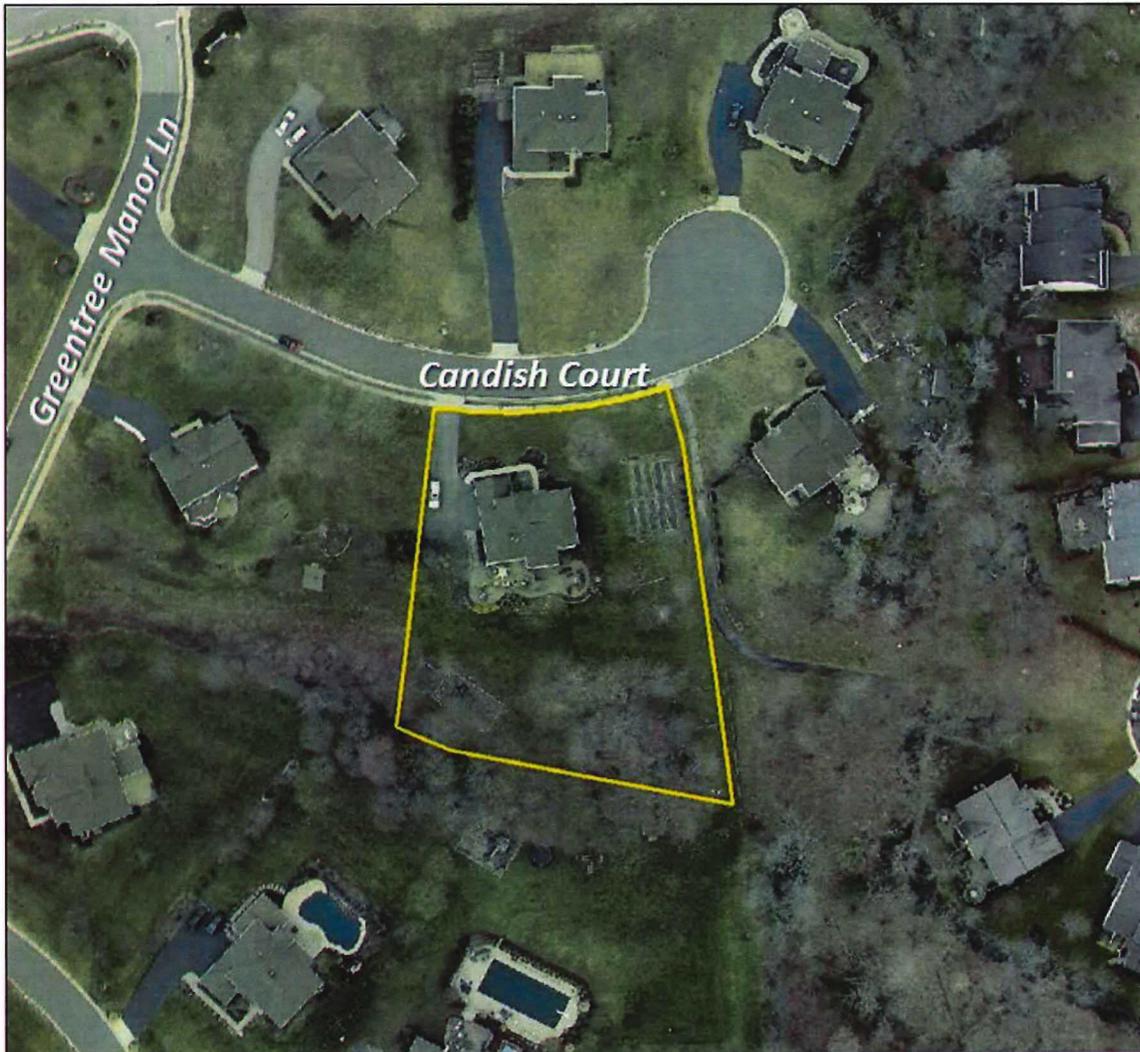


Figure 1: Lot location

BACKGROUND AND HISTORY

According to Fairfax County Tax Records, the house was purchased and constructed by the applicant in 1999. A copy of the approved building permit is included as Appendix 4.

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 is requesting approval of a special permit to allow the keeping of up to thirty hen chickens on a 41,702 square foot lot (0.96 acres). This area 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 has requested to maintain up to approximately one bird unit, as defined by the Zoning Ordinance. The proposal specifies that most likely there will be between ten and twenty mature hens on-site at any one time, and no roosters will be kept on the property.

	Proposal	Yard	Minimum Acreage Required	Existing Acreage	Existing Reduction
Special Permit	30 chickens	Rear	2.0 acres	0.96 acres	1.04 acres

The applicant also plans to use a mobile coop (potentially with detachable wheels) which resembles a shed in size, materials, and appearance in order to evenly fertilize his rear yard. According to Sect. 10-104 of the Zoning Ordinance, any structure “used for the confining or sheltering of livestock and domestic fowl... shall be located no closer than fifty (50) feet to any lot line.” While the applicant has requested an approximate coop and run location, a condition has been included to ensure this location is no closer than fifty feet to any lot line.

In addition, the applicant has proposed to use the chicken waste as fertilizer for the garden located on-site and for neighboring gardens. Two conditions have been included to ensure that the chicken waste is thoroughly composted prior to its use as fertilizer and that the composting site be covered in order to prevent the leaching of pollutants.

Also, as shown on the applicant’s plat, proposed and existing structures are located within gas, storm drainage, and sanitary sewer easements. A condition has been included to ensure structures will be moved if the owners of these easements require maintenance or use of the easements that interfere with the structures.

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)

This special permit is subject to Sects. 8-006, 8-903 and 8-922, and 2-512 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.

8-917 Standards	Provision met?	
	YES	NO
<p>The BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics, the proposed management techniques, and the location of where the animals will be kept on the lot.</p> <p>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.</p>	X	
<p>The proposed use must be harmonious and compatible with the adjacent area.</p>	X	
<p>The application must contain a plat that includes the property lines, the dimensions, height, and distance to lot lines of any existing or proposed structure to be used to keep animals, RPA delineation, and the signature of the person preparing the plat.</p>	X	

CONCLUSION

Staff believes that the request 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.

RECOMMENDATION

Staff recommends approval of SP 2014-SP-161 for the keeping of animals with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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.

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. Building Permit History
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SP-161****October 1, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-161 located at Tax Map 97-3 (17) 10 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, Peter D. Mulcahy, Trustee only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9613 Candish Ct., and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (fowl) and location of the proposed chicken coop area located on the plat titled "House Location Survey, Lot 10, Glenmore," prepared by Tami A. Lenox, L.S., of Paciulli Simmons and Associated, dated November 11, 1999, as revised by Peter D. Mulcahy through July 25, 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 thirty (30) chickens. No roosters are permitted.
5. All chicken waste shall be thoroughly composted before use or distribution, or removed from the site.
6. The composting site shall be covered to prevent leaching of pollutants.
7. The applicant shall be responsible for the relocation of all accessory structures outside of utility easements upon demand from the owners of said easements.
8. The chicken coop and run shall be located no closer than fifty (50) feet to any lot line at any given time.

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.

Application No.(s): SP-2014-SP-1161
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 12, 2014
 (enter date affidavit is notarized)

I, Peter D. Mulcahy, Trustee, do hereby state that I am an
 (enter name of applicant or authorized agent)

125752

(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)
Mulcahy Living Trust	9613 Candish Court Fairfax Station, VA 22039	Title Owner
Judith M. Mulcahy, Trustee of the Mulcahy Living Trust	9613 Candish Court Fairfax Station, VA 22039	Title Owner
Peter D. Mulcahy, Trustee of the Mulcahy Living Trust	9613 Candish Court Fairfax Station, VA 22039	Applicant/Title Owner
Peter D. Mulcahy, Jr.	9613 Candish Court Fairfax Station, VA 22039	Beneficiary
Ryan P. Mulcahy	9613 Candish Court Fairfax Station, VA 22039	Beneficiary
Liam F. Mulcahy	9613 Candish Court Fairfax Station, VA 22039	Beneficiary
Griffin M. Mulcahy	9613 Candish Court Fairfax Station, VA 22039	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 2014-SP-161
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 12, 2014
(enter date affidavit is notarized)

125752

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 2014-SP-161
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 12, 2014
(enter date affidavit is notarized)

125752

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): SP 2014-SP-161
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 12, 2014
(enter date affidavit is notarized)

125752

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: August 12, 2014
(enter date affidavit is notarized)

125752

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)

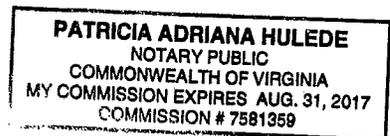
[Signature] Trustee
 Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 12 day of August 2014, in the State/Comm. of VA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 08/31/2017



OWNER CONSENT STATEMENT

To Whom It May Concern:

I am one of the Trustees of the Mulcahy Living Trust, do hereby authorize Peter D. Mulcahy, Trustee of the Mulcahy Living Trust, to file an application for a Special Permit on the property located at: 9613 Candish Ct Fairfax Station VA 22039.
Tax Map No. 0973120010.

Thank you in advance for your cooperation.

Title Owner

Date: 8/7/14 By: [Signature]
Judith M. Mulcahy, Trustee

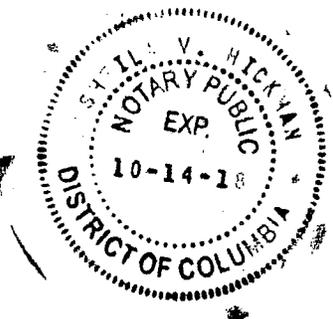
COMMONWEALTH/STATE OF: District of Columbia
CITY/COUNTY OF: District of Columbia WIT:

The foregoing instrument was acknowledged before me this 7th day of August 2014, by Judith M. Mulcahy, Trustee.

[Signature]
Notary Public (Signature)
Notary Registration No. NA
My Commission Expires: _____

SHEILA V. HICKMAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires October 14, 2018

AFFIX NOTARY SEAL/STAMP



RECEIVED

Department of Planning & Zoning

Special Permit Statement of Justification and Ownership

JUN 06 2014

Zoning Evaluation Division

We, Judith M. and Peter D. Mulcahy, own the property located at 9613 Candish Court Fairfax Station, Virginia 22039. This is our primary residence where we live with our four sons.

We are requesting a modification to the limitation on the keeping of animals. Specifically, we are seeking to obtain the necessary special permit to allow backyard keeping of chickens on the above stated property.

Addressing the specifics listed at page 14 and complying with Section 8-011 of the "Special Permit" application:

A. Type of operation(s).

Keeping of backyard chickens, one bird unit as defined by Fairfax County at <http://www.fairfaxcounty.gov/code/animals/>

B. Hours of operation.

The chickens will be in a coop and fenced run 24 hours a day.

C. Estimated number of patrons/clients/patients/pupils/etc.

There will be no patrons/clients/patients/pupils/etc.

D. Proposed number of employees/attendants/teachers/etc.

There will be no employees/teachers/etc. Our family members will care for the chickens.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

There will be no traffic impact.

F. Vicinity or general area to be served by the use.

The chickens will serve the family, friends and neighbors.

G. Description of building facade and architecture of proposed new building or additions.

The coop will resemble a small storage shed, approximately 6'x8'. It may have detachable wheels. It will be of architecture and color consistent with the other

sheds and houses in the neighborhood. It will be of neutral color, have attractive windows and doors and the same 12x12 roof pitch as our houses. There will be a galvanized wire pen alongside the coop as a run. All total, this will take up less than a 30'x30' area.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

There will be no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355.

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

The keeping of backyard chickens is seen to conform to all applicable ordinances, regulations, adopted standards and any applicable conditions. As such, there is no request for any waiver, exception or variance

The keeping of chickens is further justified by the fresh, organic eggs, which are healthier and taste better. Additionally, some have argued that the most beneficial aspects of keeping chickens are environmental.

Chickens recycle food and yard waste keeping it out of landfills. In turn, they provide nitrogen rich, organic fertilizer thus reducing the reliance upon commercial fertilizer.

Chickens are great at insect control. They eat a lot of bugs; fleas, ticks, stink bugs, to name a few. The attendant reduction of pesticide use is a benefit to our environment as well.

Chickens scratch at the soil looking for bugs and grit. This, in turn, aerates the soil and breaks down cut grass and vegetation for easier decomposition. Resulting in a healthier lawn.

The children will benefit from a first hand experience in animal husbandry. As well as gaining an appreciation of the importance and complexity of our food supply, and how to be humane, environmentally friendly stewards .

We have four sons and keep a large garden (approx. 50'x70') on our property. All chicken waste will be composted and used in the garden.

Finally, lets not underestimate the entertainment value. Chickens aren't smart but they do develop individual personalities. My grandfather kept chickens for years. As youngsters, my mother and her sister would dress the hens in doll clothes and push them around in carriages. There are even stories of hens being employed as therapy chickens to treat depression.

As to the coop; it is most desirable to be able to relocate it over different areas. I plan to move the coop and run area from time to time around the backyard. It will mainly be between the play set and shed. There may be sometimes that it is near the garden.

The property is located on a quiet cul-de-sac having six houses. We share lot lines with four neighbors. Each house is on about an acre. We have discussed keeping chickens with many of our neighbors and solicited questions and concerns. To date we have had nothing but positive responses. Given that the property is about an acre, bordered by large wooded areas, and has low topography in the backyard, the coop and run will be fairly unnoticeable.

In conclusion, we look forward to this being an environmentally friendly positive experience for our family, friends, neighbors and community. To that end, we respectfully request the Fairfax County Department of Planning and Zoning grant our request for the special permit to keep backyard chickens.



Land Development Information History: ISIS - Building Permit - 99148B0400

Permit Information

Permit Id:	99148B0400	Application Date:	1999-05-28 Time: 11:22:55
Job Address:	009613 CANDISH CT	Tax Map:	097-3 ((17)) 0010
Subdivision:	GLENMORE	Permit Status:	Initial/Approved (IA)
Trade Name:	NA	Subobj:	181 R/C: R
Applicant Name:	SHARON SCARCE	Bldg:	NA Floor: NA Suite: NA
Work Description:	SFD-TYPE H		
Type Work:	Build New Structure (N01)		
Building Use:	Single-Family, Detached Or Semi-Detached (010)		
Standard:	0295		
Plan Number:	9763-SD-01 Use Group: R4 Bldg Permit: NA		
Permit Hold Date:	By: QNO: R-99-00130 POF:		
Hold Release Date:	By: Proffer: M Pre-Const Meeting: N Date:		
Comments:	PROBLEM SOILS SR		

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Building Plan	1999-05-28 RSLT: APP BY:
Applied Date:	1999-05-28	Review:	JAJ
Issued Date:	1999-05-28	Real Estate:	1999-05-28 RSLT: APP BY:
Paid Date:	1999-05-28		RK
Inspection Date:	1999-11-12	Business	1999-05-28 RSLT: APP BY:
Expiry Date:	1999-11-28	Licensing:	KAS
		Zoning:	1999-05-28 RSLT: APP BY:
			TM
		Grading /	1999-05-28 RSLT: APP BY:
		Drainage:	VTN
		Public Works:	1999-05-28 RSLT: APP BY:
			ML
		Licensing:	1999-05-28 RSLT: APP BY:
			KAS
		Final Inspection:	1999-11-12 RSLT: A BY:
			FDF

Owner Information

Leasee:		Corp:	GROUP LLC
Owner:	EDGEMOORE INVESTMENT	Job Magisterial	Mount Vernon
Address:	09479 SILVER KING CT	Dist:	
City:	FAIRFAX State: VA Zip:	Planning Dist:	Mount Vernon
	22031	Subcensus	0.00
Phone:		Tract:	

Contractor Information

Name:	EDGEMOORE HOMES	Master:	
Address:	09479 SILVER KING CT	BPOL Licnese:	232961
City:	FAIRFAX State: VA Zip:	State License:	15802
	22031	Trade Reg.:	0
Phone:			

Building Permit

Building Plan Review

Estimated Cost: 150000 Sewer Water Code: 1
 Use Group: (01) R4 Sewer Shed: H1
 Type Const: (01) Combustible/Unprotected (5B)
 Model Group:
 Plan Received: 1999-05-28 Review Time: 00:00:00
 Review Started: 1999-05-28 Results: APP
 Review: 1999-05-28 Engineer: JAJ
 Completed:
 Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	7313	0.054

Total	7313
Filing Fee	197.45
Total Fee	394.90
Amount paid	394.90

Real Estate Review

Building Units: 1 Basement: BF
 Kitchens: 1001 Ext Walls: AL
 Baths: 1003 Int Walls: DW
 Half Baths: 1001 Roofing: AS
 Bedrooms: 1004 Flooring: CP
 Rooms: 1010 Base Fin: OT
 Stories: 02 Fuel/Heat: GG
 Building Height: 32 Fuel System: HP
 Building Area: 2540 Fireplace: 1

Owner of Record: EDGEMOORE INVESTMENT

Review Data
 Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: RK
 Comments:

Business Licensing Review

Review Data
 Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: KAS
 Comments:

Zoning Review

Review Data
 Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: TM

Comments:

Grading / Drainage Review

Review Data

Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: VTN
 Comments: SEE PG 1

Public Works Review

Review Data

Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: ML
 Comments:

Licensing Review

Review Data

Date To: 1999-05-28
 Date From: 1999-05-28
 Results: APP
 Reviewer: KAS
 Comments:

Inspections

Inspection - FTGH - 999996

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGH		1999-06-10	XXX	C	A	N		N	0024294	00:00:00	00:00:00	00:00:00	1

Inspection - WAL - 999995

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WAL		1999-06-16	XXX	C	A	N		N	0024294	00:00:00	00:00:00	00:00:00	1

Inspection - WAL - 999998

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WAL		1999-06-16	NNN	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - WPF - 999994

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WPF		1999-06-23	XXX	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - WPF - 999997

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WPF		1999-06-24	NNN	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - SLBB - 999993

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBB		1999-06-28	XXX	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - SLBG - 999992

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBG		1999-06-28	XXX	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - SLBS - 999988

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBS		1999-09-01	XXX	C	A	N		N		0024294	00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999991

Req Taken: 1999-09-13 Phone:
 Time: 18:08:25 Floor: NA
 Sched For: 1999-09-14 Suite/Area: NA
 Assigned To: A50 Comments:
 Branch: 4 Req Taken By: VR2
 Requested By: FROM VRU Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1999-09-14	JAH		C	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999990

Req Taken: 1999-09-14 Phone:
 Time: 17:23:05 Floor: NA
 Sched For: 1999-09-15 Suite/Area: NA
 Assigned To: A50 Comments:
 Branch: 4 Req Taken By: VR2
 Requested By: FROM VRU Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1999-09-15	RMB	C	R	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999989

Req Taken: 1999-09-21 Phone:
 Time: 20:44:49 Floor: NA
 Sched For: 1999-09-22 Suite/Area: NA
 Assigned To: A50 Comments:
 Branch: 4 Req Taken By: VR2
 Requested By: FROM VRU Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1999-09-22	JAH	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999987

Req Taken: 1999-11-11 Phone:
 Time: 17:13:06 Floor: NA
 Sched For: 1999-11-12 Suite/Area: NA
 Assigned To: A50 Comments:
 Branch: 4 Req Taken By: VR2
 Requested By: FROM VRU Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1999-11-12	FDF	C	A	N					00:00:00	00:00:00	00:00:00	1

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

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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.