



APPLICATION ACCEPTED: September 16, 2014

BOARD OF ZONING APPEALS: January 7, 2015

TIME: 9:00 a.m.

County of Fairfax, Virginia

December 31, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-210

DRANESVILLE DISTRICT

APPLICANT & OWNER: Nina Selvaggi

STREET ADDRESS: 6727 Haycock Road, Falls Church, 22043

SUBDIVISION: Velvadale

TAX MAP REFERENCE: 40-4 ((17)) 5

LOT SIZE: 13,185 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-917

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

STAFF RECOMMENDATION:

Staff recommends denial of SP 2014-DR-210.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2014-DR-210, staff recommends that such approval be conditions upon adoption of 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 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.

Casey V. Gresham

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 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 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

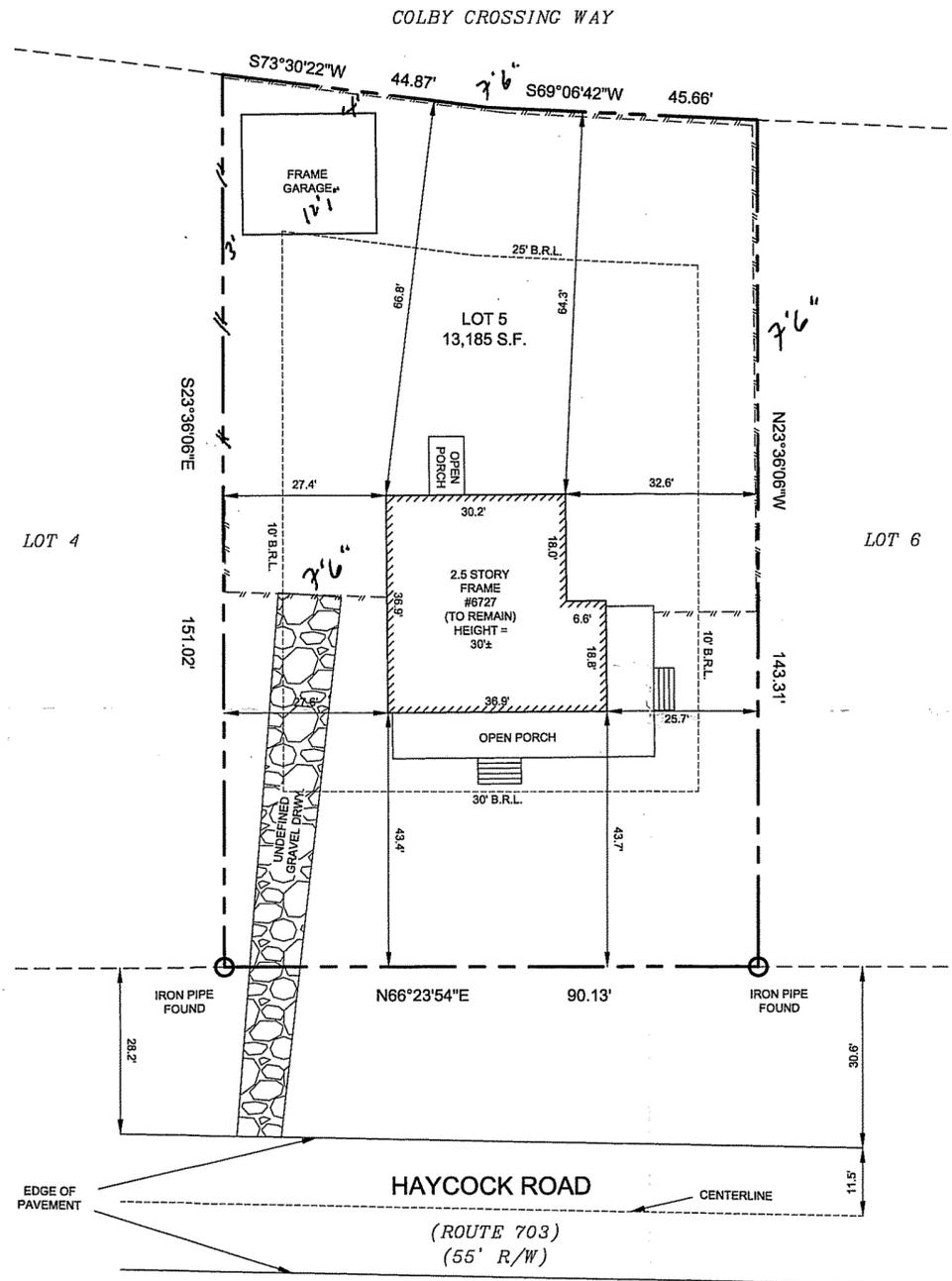
Special Permit

SP 2014-DR-210

NINA SELVAGGI



ADDRESS: 6727 HAYCOCK ROAD
FALLS CHURCH, VA 22043



ZONING NOTES:

1. THE SUBJECT PROPERTY IS ZONED *R-4*
2. TOTAL SQUARE FOOTAGE WITHIN ZONE A-4: 13,185 S.F.
3. BUILDING RESTRICTION LINES:
FRONT: 30'
SIDE: 10'
REAR: 25'

No resource protection or resource management areas.
will remove fence from fence so fence height does not exceed 7'.

GENERAL NOTES:

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
2. SUBJECT TO ALL EASMENTS ON RECORD.

DRAWN BY: DS
FILE: #6727 HAYCOCK ROAD

RECEIVED
Department of Planning & Zoning
JUN 06 2014
Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
SEP 15 2014
Zoning Evaluation Division

9/15/14
TOMAS S. BRADY

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS OR EASMENTS NOT AS SHOWN.

COMMONWEALTH OF VIRGINIA
FITZROY J. BERTRAND
NO. 001993
LAND SURVEYOR
DATE: 11/29/13

SPECIAL PERMIT PLAT
LOT 5: SECTION 2
VELVADALE
LIBER: 7787 FOLIO: 733
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' DATE: 11/29/13

REAL ESTATE SURVEYORS & DEVELOPERS, LLC
Residential, Commercial, Industrial and Land
WWW.RESDLLC.COM
LAUREL LAKES EXECUTIVE PARK
8325 CHERRY LANE
LAUREL, MARYLAND 20707
TEL: (301)604-3105 FAX: (301)604-3108

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for modification to the limitations on the keeping of animals. The applicant is requesting to keep seven dogs on a lot 13,185 square feet in size, whereas only four dogs would be permitted by-right.

A copy of the special permit plat titled "Special Permit Plat, Lot 5: Section 2, Velvadale," prepared by Real Estate Surveyors & Developers, LLC, dated November 29, 2013, as revised through September 15, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

A copy of the proposed development conditions, statement of justification with select file photographs, and affidavit are contained in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 13,185 square foot lot contains a two-story dwelling, which is accessed by an undefined gravel driveway on Haycock Road. The dwelling is accessed via an open porch entrance in the northwestern front yard. The rear yard contains a vested frame garage approximately 12 feet in height. Also in the rear yard are multiple dog runs. The rear yard is enclosed by a wooden fence 7'6" in height; the applicant has indicated on the plat that she will remove lattice from the fence so the fence will be in conformance with the Zoning Ordinance and will not exceed seven feet in height. A development condition has been included in Appendix 1 to address this issue.

The subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings.



Figure 1. Lot location

BACKGROUND

According to Fairfax County Tax Records, the dwelling on the property was constructed in 1900, and the property purchased by the applicant in 1991. As mentioned previously, the garage structure in the rear yard was determined to be vested by the Zoning Administration Division, as it was constructed in 1965. The approved location plan 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.

On November 6, 2012, a Notice of Violation (NOV) was issued to the applicant for the keeping of eleven dogs on a 13,185 square foot lot. A copy of the NOV is included as Appendix 5.

Additional NOVs were issued to the applicant on November 6, 2012 and January 4, 2013 in regards to violations of the 2009 Virginia Maintenance Code, and both of the NOVs are unrelated to the Zoning Ordinance. These violations remain outstanding.

On October 4, 2013, the Notice of Violation went before the Circuit Court of Fairfax County for an Agreed Final Order that mandated the applicant come into compliance with the Zoning Ordinance or obtain a Special Permit for the keeping of more than four dogs by March 1, 2014. An amended Agreed Final Order was obtained April 25, 2014; a further amended Agreed Final Order to extend this deadline to January 31, 2015, is currently being pursued by the County Attorney's Office. A copy of the Agreed Final Order and the Amended Agreed Order are included as Appendix 6.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for modification to the limitations on the keeping of animals. The applicant is requesting to keep seven Standard Poodles on a 13,185 square foot lot. A maximum of four dogs can be kept on a lot of this size; the Zoning Ordinance requires at least 25,000 square feet of land for seven dogs to be kept.

According to staff's research, Standard Poodles range in weight from 45 to 70 pounds and are considered to be a large-sized dog breed. The applicant's seven poodles range in age from four years old to twelve years old.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II
Planning Sector: Kirby Community Planning Sector
Plan Map: 3-4 dwelling units per acre

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 8. Subject to development conditions, the special permit must meet these standards.

Standards for Modifications to the Limitations on the Keeping of Animals (Sect. 8-917)

Standard 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.*

Kinds and Numbers of Animals: As only four dogs are allowable by-right on a lot of this size, exceeding this number by three is almost doubling the allowable number. Staff believes that seven Standard Poodles would be difficult to manage due to their size, and this number will have a negative impact on neighbors within close proximity of this site. Staff notes that the Notice of Violation initially stemmed from repeated visits from Animal Control, addressing calls of escaped poodles in the neighborhood. Staff believes the by-right number of four poodles would be manageable and suitable for the current site and zoning district.

Proposed Management Techniques: The applicant states that the dogs are let out a couple at a time to minimize the impact to surrounding properties. If conditioned, this would be extremely difficult to enforce and monitor. If all seven dogs are outside at one time at any point, staff believes this would have a negative impact on surrounding properties from a noise standpoint.

At the time of site visit, staff noted that the large dogs were confined to kennels; in discussion with the applicant, it was found that the animals spend a large portion of the day confined. Staff is concerned about the health and welfare of these dogs being

confined for long periods of time without professional management.

The applicant states that a service company cleans the backyard of dog waste. A development condition has been included to maintain this waste removal service.

Locations of animals on the lot: The dog runs currently located on the lot are located too close to lot lines. According to Section 10-104 of the Zoning Ordinance, dog runs for three or more dogs shall not be located closer than 25 feet to any lot line. The runs would need to be relocated for this number of dogs, and a development condition has been included to require their relocation to acceptable locations.

Impact on Adjacent Properties: As mentioned above, staff believes seven dogs would have a negative impact on surrounding properties in regards to noise and odor.

Noise: While the applicant states that her particular dogs are relatively quiet, staff believes the potential for the seven dogs to disrupt and impact adjacent neighbors is much higher than that of four dogs.

Standard 2: *Such modification may be approved if it is established that the resultant use will be harmonious and compatible with the adjacent area.*

As noted in previous violations and the continued existence of Arctus Standard Poodles website related to the application property and use, this property has previously been utilized for the breeding and sale of Standard Poodles. A screenshot of this website is included as Appendix 7. After recent investigation by the Department of Code Compliance, it has been determined that the site is no longer operating as a breeding facility. Staff is concerned the site could revert back to a breeding facility. Staff considered the request to allow the existing seven dogs to remain until they die and prohibit the replacement above four dogs in the future. However, it would be difficult to discern whether the seven dogs on site are indeed the seven dogs that would be approved with this application, and a condition preventing new dogs following the deaths of the existing dogs would be too difficult to monitor and enforce. Staff believes that the keeping of seven dogs on a 13,185 square foot site is not harmonious and compatible with the adjacent residential uses.

Standard 3: Submission Requirements

All submission requirements have been met with acceptance of the application.

General Standards for Special Permit Uses (Sect. 8-006)

Standard 1: *The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.*

The Comprehensive Plan recommends residential uses, and the property is currently developed with a residential use. The R-4 District allows a modification to the limitations on the keeping of animals with special permit approval. The proposed use is in harmony with the Comprehensive Plan.

Standard 2: *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

For the reasons mentioned above addressing Standard 1, staff believes this use is residential in character, and it meets the intent of the R-4 Zoning District.

Standard 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.*

In staff's opinion, the proposed use may hinder or discourage use of neighboring properties or value based on analysis of the kinds and numbers of animals.

Standard 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.*

No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.

Standard 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.*

There is existing vegetation that screens the rear yard from the adjacent properties.

Standard 6: *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

There is no open space requirement for an R-4 District.

Standard 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.*

There are no changes to the utilities, drainage, parking or loading of the site.

Standard 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.*

No signage is proposed or existing.

Standards for all Group 3 Uses (Sect. 8-303)

Standard 1: *Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.*

With exception of the dog runs, the lot size and bulk regulations for the subject property are satisfied with the existing development of the property.

Standard 2: *All uses shall comply with the performance standards specified for the zoning district in which located.*

The use must comply with the performance standards set forth in Article 14 of the Zoning Ordinance, including noise standards.

Standard 3: *Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.*

There is no new construction proposed with this application.

CONCLUSION

Staff believes that this number of dogs on a lot of this nature is not in conformance with the Zoning Ordinance. Based on the difficulty in managing seven Standard Poodles, the history of this application, and the potential negative impact on adjacent properties, staff cannot support an approval recommendation.

RECOMMENDATION

Staff recommends denial of SP 2014-DR-210.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2014-DR-210, staff recommends that such approval be conditions upon adoption of 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 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.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Photographs
3. Applicant's Affidavit
4. Approved Location Plan for Garage
5. Notice of Violation Dated November 6, 2012
6. Agreed Final Orders
7. Artcus Poodles Website
8. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-210****December 31, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-210 located at Tax Map 40-4 ((17)) 5 to permit modification to the limitations on the keeping of animals, pursuant to Section 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 only, Nina Selvaggi, and is not transferable without further action of this Board, and is only for the location indicated on the application, 6727 Haycock Road, and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (seven dogs) located on the plat titled "Special Permit Plat, Lot 5: Section 2, Velvadale," prepared by Real Estate Surveyors & Developers, LLC, dated November 29, 2013, as revised through September 15, 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 the applicant's existing seven dogs. If any of these specific animals die or are given away, the dogs shall not be replaced, except that four dogs may be kept on the property in accordance with the Zoning Ordinance.
5. The yard used by the dogs shall be cleaned of animal debris daily by a professional service company.
6. At no time shall the dogs be left outdoors unattended for continuous periods of time longer than 30 minutes.
7. All dog runs shall be relocated to be no closer than twenty-five (25) feet from any lot lines.
8. The applicant shall remove the lattice from the existing fence to comply with the Zoning Ordinance.

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, six (6) 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.

STATEMENT OF JUSTIFICATION

Dr. Nina Selvaggi has lived at her home at 6727 Haycock Road in the Dranesville District since 1991. Since childhood, Selvaggi has been a lover of dogs and especially Standard Poodles. She currently has seven (7) Standard Poodles and Selvaggi is asking the BZA to approve her Special Permit Application so that she may keep her existing dogs.

Selvaggi describes herself as elderly and handicapped and she lives alone, except for her Standard Poodles. Her dogs provide her with companionship, protection and a fulfilling hobby. Her dogs, which are all Standard Poodles, are: "Simoom", born 2002; "T.T.", born 2004; "Maggie", born 2007; "Maybelline", born 2007; "Czara", born 2010; "Lily", born 2010; and "Carter", born 2010.

Selvaggi has had these dogs for many years and was surprised when County officials told her she had too many dogs for the size of her lot (four (4) dogs allowed for the size of Selvaggi's lot). Selvaggi had never had any complaints from her neighbors and she has always taken steps to ensure her neighbors were not adversely affected.

The Selvaggi dogs live inside the home with Dr. Selvaggi. When Dr. Selvaggi is at home, the dogs are let out of the house, into the fenced-in back yard, a couple at a time, to exercise and do their duties. A portable dog run is used in the back yard for the dogs, so that Selvaggi does not have to walk or exercise the dogs off of her property (a service company cleans the back yard of excrement). Standard Poodles are not noisemakers; while they alert Selvaggi to persons coming to the house, they are quiet. The breed is smart, adaptable and aim to please.

With her Special Permit Application, Selvaggi seeks to only keep her seven (7) dogs and to continue to care for them as she has done for years. In caring for and keeping her dogs on the property, Dr. Selvaggi will continue to house the dogs in ways to lessen any adverse impact on neighbors, by keeping the dogs inside with her and having the dogs exercise in her fenced-in back yard.

RECEIVED
Department of Planning & Zoning
JUN 06 2014
Zoning Evaluation Division

DAVID S. BRACKEN, P.C.

ATTORNEY AND COUNSELLOR AT LAW
910 KING STREET
ALEXANDRIA, VIRGINIA 22314

DAVID S. BRACKEN
MEMBER VIRGINIA AND
DISTRICT OF COLUMBIA BARS

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(703) 684-0048
FACSIMILE
(703) 684-9017
dbracken@dsbpc.com

September 15, 2014

Hand-Delivered

Deborah Lesko Pemberton, Senior Applications Acceptance Planner
Special Projects/Applications Management Branch
Zoning Evaluation Division, DPZ
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035-5509

RECEIVED
Department of Planning & Zoning
SEP 15 2014
Zoning Evaluation Division

Re: SP 2014-0333
Nina Selvaggi

Dear Ms. Pemberton,

I am responding to your letter of July 9, 2014, wherein you noted deficiencies with the Special Permit Application. I have come to your office today to make annotations on the filed plats based upon your comments to Items 923.00, 923.02, 923.03 and 923.04. These include making the hand-written changes to 10 copies of the plat, including: changing the zoning categorization from "A-4" to "R-4"; indicating the height (12'1") of the garage; indicating the distance of the garage from the lot lines (east wall of garage 3' from fence at closest point) and (south east wall of garage 3" from the fence) and fence height (7'6"). The fence encompasses the backyard from the midpoint of the house to the rear of the property.

I have also enclosed a revised 8 ½" x 11" reduction of the special permit plat, indicating the changes noted above, to satisfy Item 7.00.

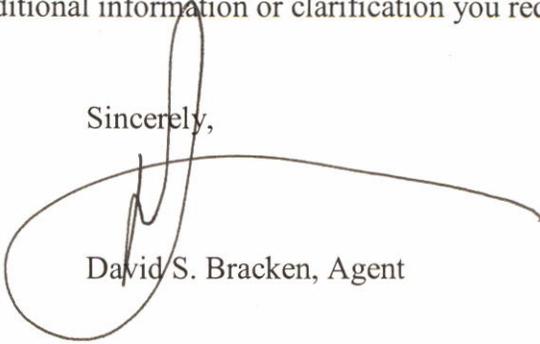
As to item 923.03, there are no resource protection areas or resource management areas with respect to the subject property.

As to Item 5.08, there are no known hazardous or toxic substances on the property, nor are there any proposed or existing storage containers.

As to Item 5.09, the proposed development, to increase the number of dogs on Selvaggi's property from four to seven, conforms to the provisions of all applicable ordinances, regulations and adopted standards, with the exception of Section 2-512(2A) and (2B), from which Selvaggi seeks modification of the limitations on the keeping of animals pursuant to Section 8-917.

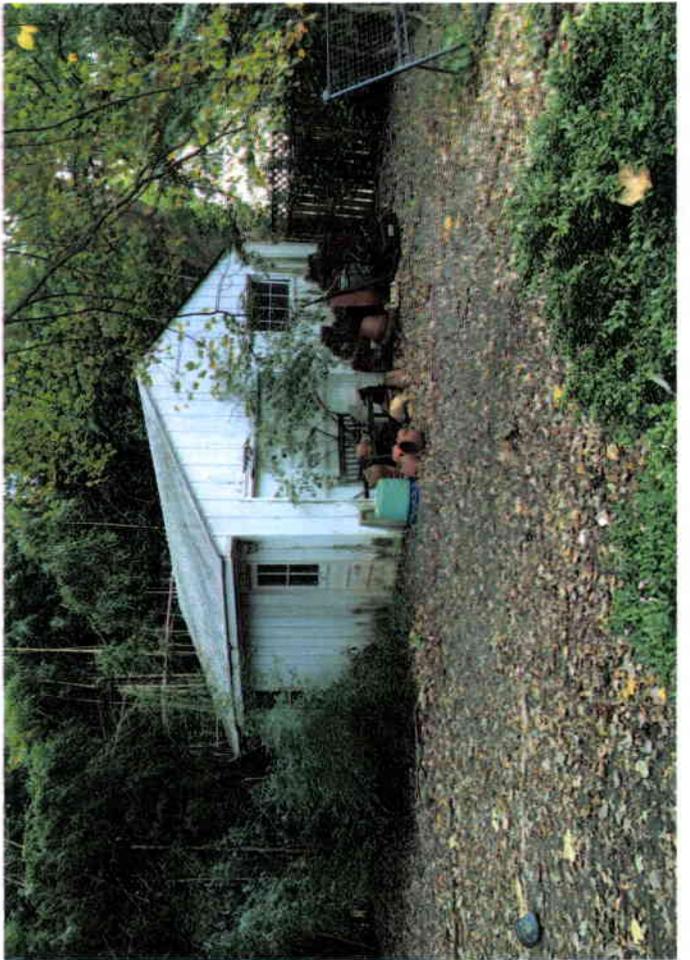
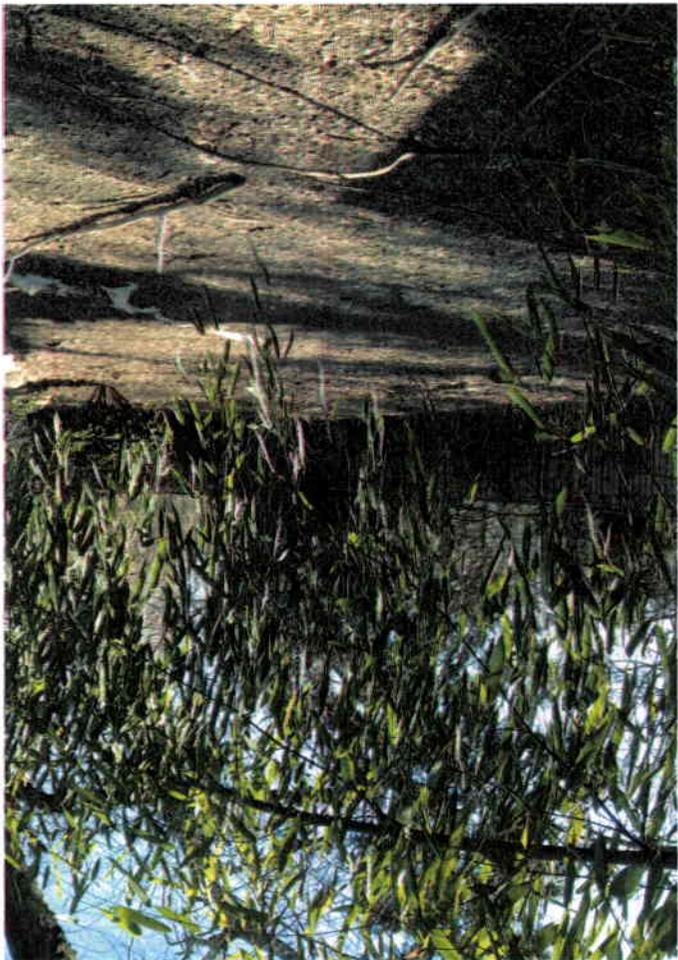
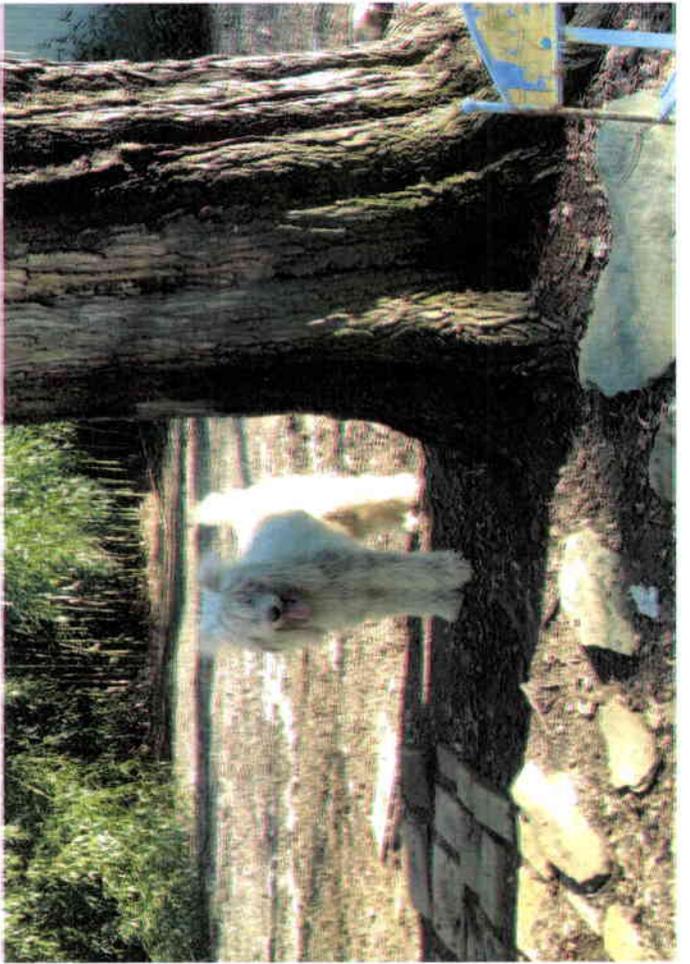
Please advise me if there is additional information or clarification you require.

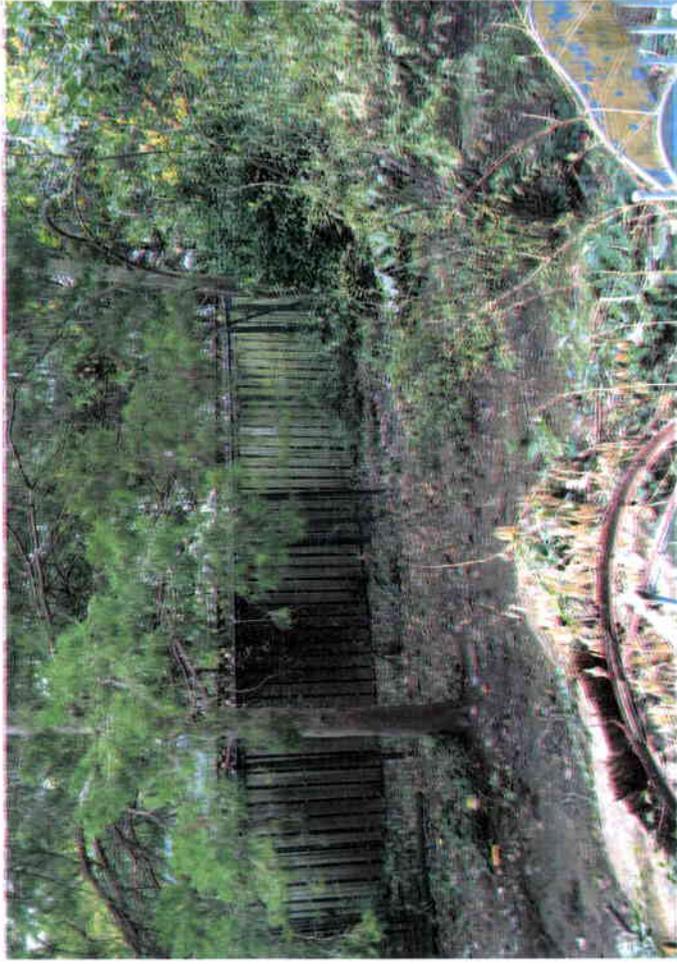
Sincerely,

A handwritten signature in black ink, appearing to read 'David S. Bracken', is written over the word 'Sincerely,'. The signature is stylized with a large loop at the end.

David S. Bracken, Agent

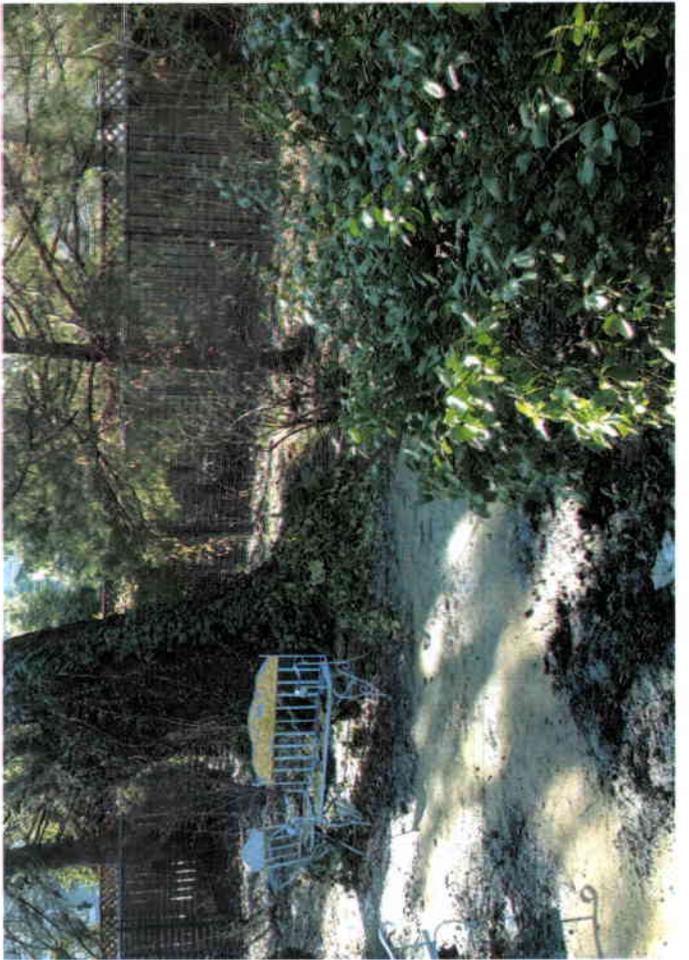
Cc: Dr. Nina Selvaggi, with revised and reduced special permit plat





12/18/2012 16:31

12/18/2012 16:35



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 10, 2014
 (enter date affidavit is notarized)

I, David S. Bracken, 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

125153

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)
Nina Selvaggi	6727 Haycock Road Falls Church, VA 22043	Applicant/Title Owner
David S. Bracken, Esq.	David S. Bracken, P.C. 910 King Street Alexandria, VA 22314	Attorney/Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 10, 2014
(enter date affidavit is notarized)

125753

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)
David S. Bracken, P.C.
910 King Street
Alexandria, VA 22314

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)
David S. Bracken

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 10, 2014
(enter date affidavit is notarized)

125753

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)
Not applicable

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 10, 2014
(enter date affidavit is notarized)

125753

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)
NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 10, 2014
(enter date affidavit is notarized)

125753

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)

[] Applicant

[x] Applicant's Authorized Agent

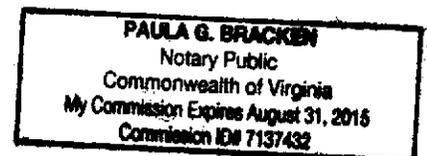
David S. Bracken

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

Subscribed and sworn to before me this 10th day of September 2014, in the State/Comm. of Virginia, County/City of Alexandria.

Paula G. Bracken
Notary Public

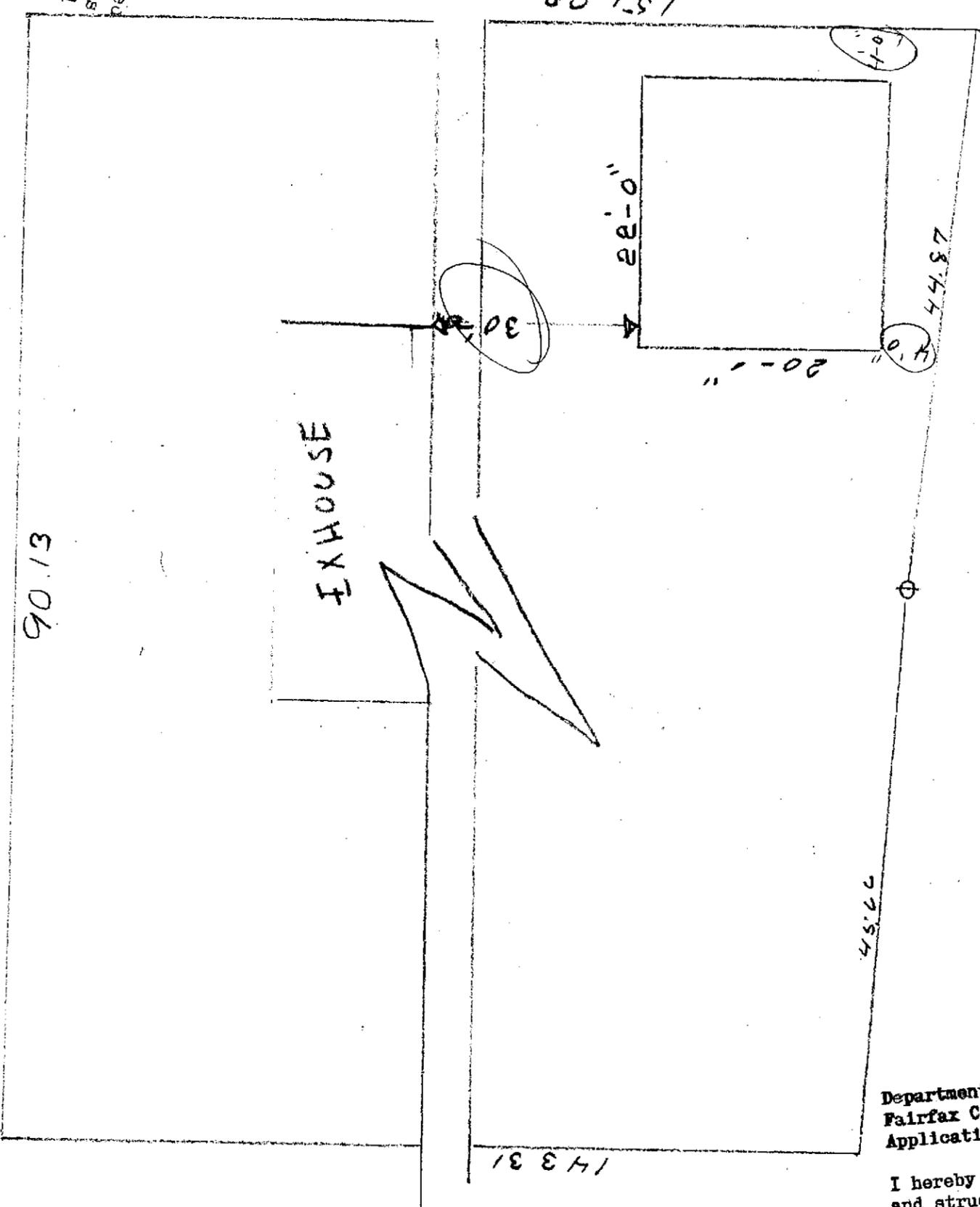
My commission expires: August 31, 2015



Zoning Administrator

Approved for Proposed location of building shown. Final approval subject to wall check. Date

HAYCOCK ROAD RTE 703



VELVADLE LOT 5

Department of Public Works
Fairfax County, Virginia
Application Number 28910

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 118 of The Fairfax County, Virginia, Building Code.

Director of Public Works

[Signature]
By His Agent

JUN 4 1965

Date



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: November 6, 2012

SHERIFF'S LETTER

CASE #: 201205948 **SR#:** 86959

SERVE: Nina Selvaggi
6727 Haycock Road
Falls Church, Virginia 22043-1714

LOCATION OF VIOLATION: 6727 Haycock Road
Falls Church, Virginia 22043-1714
Tax Map #: 40-4 ((17)) 5
Zoning District: R-4
Subdivision: Velvadale, Section 2, Lot 5
Dranesville District

Dear Property Owner:

A Fairfax County Police Department- Animal Services Division investigation on August 12, 2012 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 2-512 (2A & B) Keeping of Dogs

An inspection of the above referenced property revealed that you are keeping eleven (11) dogs on the referenced-property.

The dogs, all Standard Poodles in type, being kept on the subject property at the time of investigation are described as follows:

1. Simoone, Female, 11 Years Old (y/o)
2. TT, Female, 7 y/o
3. Lily, Female, 3 y/o

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

4. Maebeline, Female, 7 y/o
5. Maggie, Female, 7 y/o
6. Zara, Female, 3 y/o
7. Carter, Male, 3 y/o
8. "Puppy" #1, Male, Greater than 6 Months
9. "Puppy" #2, Female, Greater than 6 Months
10. "Puppy" #3, Female, Greater than 6 Months
11. "Puppy" #4, Female, Greater than 6 Months

The above-referenced contains 13, 185 square feet of area. Commonly accepted pets are defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

Domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; dogs; cats; domestic chickens, ducks and geese under two (2) months old; birds such as canaries, parakeets, doves and parrots; worm/ant farms; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. The BZA may allow other pets to be kept as commonly accepted pets in accordance with the provisions of Part 9 of Article 8.

Additionally, Par. 2A & B of Sect. 2-512 of the Fairfax County Zoning Ordinance provides:

Limitations on the Keeping of Animals

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.

Therefore, the keeping of eleven (11) dogs on this lot, which contains 13,185 of square feet of land, is a violation of Par. 2A & B of Sect. 2-512 of the Zoning Ordinance as outlined above.

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

- Reducing the number of dogs being kept at this property to no more than four (4).

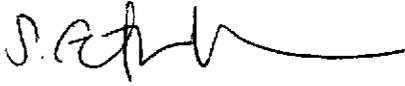
A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

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 \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact the Zoning Administration Division at 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035, Phone # 703-324-1314 or obtain information and forms at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

Nina Selvaggi
November 6, 2012
Page 4

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-4374 or (703) 324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. C. Lunsford', with a long horizontal flourish extending to the right.

S. C. Lunsford
Code Compliance Investigator

<input checked="" type="checkbox"/> PERSONAL SERVICE	
<input checked="" type="checkbox"/> Being unable to make personal service a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	

<input checked="" type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on a Secretary of the Commonwealth.	
<input type="checkbox"/> Not found	<i>Pfc F.H. Cameron</i> SERVING OFFICER
<i>11/6/12</i> DATE	for Stan G. Barry, Sheriff Fairfax County, VA

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

LESLIE B. JOHNSON, FAIRFAX COUNTY :
ZONING ADMINISTRATOR, :

Plaintiff, :

v. : CASE NO. CL-2013-0003608

NINA SELVAGGI, :

Defendant. :

AMENDMENT TO AGREED FINAL ORDER

THIS CAUSE came before the Court by the consent of the Plaintiff, Leslie B. Johnson, Fairfax County Zoning Administrator ("Zoning Administrator"), and Defendant Nina Selvaggi ("Defendant"), for the entry of this Amendment to the Agreed Final Order previously entered in this case; and

IT APPEARING TO THE COURT that the October 4, 2013, Agreed Final Order, attached hereto as Exhibit 1, adjudicated the terms upon which certain violations of the Fairfax County Zoning Ordinance would be cleared from the Defendant's property located at 6727 Haycock Road, Falls Church, Virginia, which is identified on the Fairfax County Real Property Identification Map ("Tax Map") as Tax Map No. 40-4((17)) parcel 5 ("subject property"); and

IT FURTHER APPEARING TO THE COURT that pursuant to the terms of the Agreed Final Order, the Defendant had the option to make application for a Group 9 Special Permit, by December 3, 2013, which, if approved, may have potentially allowed the Defendant to keep more than four (4) dogs on the subject property; and

IT FURTHER APPEARING TO THE COURT that pursuant to the terms of the Agreed Final Order, any Special Permit shall be obtained by the Defendant by March 1, 2014; and

IT FURTHER APPEARING TO THE COURT that Paragraph 14 of the Agreed Final Order states as follows: "[t]he terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties hereto with the approval of this Court"; and

IT FURTHER APPEARING TO THE COURT that the Defendant has requested a reasonable extension of time and/or relief from the various deadlines set forth in the Agreed Final Order, including Paragraphs 5 and 7 of the Agreed Final Order, so that the BZA may consider the Group 9 Special Permit that the Defendant is currently preparing so as to commence the application process to the BZA, and the Zoning Administrator agrees to that extension, including a revision of the agreed sanction set forth in Paragraph 12 for Defendant's failure to abide by all terms of the Agreed Final Order; and

IT FURTHER APPEARING TO THE COURT that this Amendment constitutes a written agreement of the parties submitted for the approval of the Court pursuant to Paragraphs 5, 7, and 12 of the Agreed Final Order; now, therefore, it is hereby

ADJUDGED AND ORDERED that the Agreed Final Order is amended as follows:

5. Within thirty (30) days after the date this Amended Agreed Final Order is entered by the Fairfax County Circuit Court, the Defendant shall submit a full and complete application for a Group 9 Special Permit to the Fairfax County Board of Zoning Appeals ("BZA"), which, if approved, would potentially allow the Defendant to keep more than four (4) dogs on the subject property.

7. Any Special Permit as set forth above shall be obtained by the Defendant by September 15, 2014, and if not obtained by that date, the Defendant shall permanently reduce the

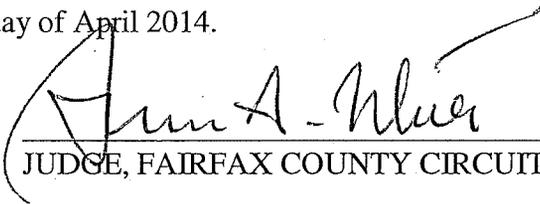
number of dogs kept on the subject property to no more than four (4) as set forth in Paragraph 6 above.

12. If the Defendant, her agents, employees, tenants, and/or any successors-in-interest fail to comply with any provisions set forth in this Agreed Final Order, he/she/they shall pay the sum of \$200 per day to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for every day the Court finds a violation. Payment of this amount shall be in addition to any additional sanctions the Court may impose upon a finding of contempt for any violation of this Agreed Final Order.

All of terms and conditions of the Agreed Final Order are incorporated herein by reference, continue in effect except insofar as they are explicitly modified herein, and shall be interpreted so as not to be inconsistent with this Amendment.

AND THIS CAUSE IS ENDED.

Entered this 22nd day of April 2014.



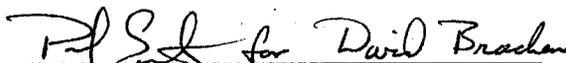
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By: 
Paul T. Emerick (VSB No. 33443)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Ph.: (703) 324-2421; Fax: (703) 324-2665
Email: Paul.Emerick@fairfaxcounty.gov
Counsel for Plaintiff Leslie B. Johnson,
Fairfax County Zoning Administrator

SEEN AND AGREED

 for David Bracken with permission
David S. Bracken (VSB No. 26512)
910 King Street
Alexandria, Virginia 22314
Ph.: (703) 684-0048; Fax: (703) 684-9017
Email: dbracken@dsbpc.com
Counsel for Defendant

A COPY TESTE:
JOHN F. FREY, CLERK

By: 
Deputy Clerk

Date: 7-25-14
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia



Lucy Sammy Moof Noah Mocha

Arctus Standard Poodles

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["Not" Show News](#)
[Our Poodles](#)
[PCA Show News](#)
[Puppies](#)
[Fun Pics](#)
[Links](#)
[Contact Us](#)

We have added a new page to this website, it is called
["Not" Show News](#)



My name is Nina Selvaggi, and I raise and show beautiful white standard poodles in the Mid-Atlantic U.S. My kennel is in Northern Virginia, just outside Washington, D.C. Below is a brief introduction to my kennel. Feel free to browse our pages, and if you would like any further information do not hesitate in dropping us a line - either by email or phone.

History of my kennel: The name Arctus was chosen for its allusion to another favorite creature, Arctus marinus, the polar bear, as well as the reference to King Arthur (= arctus, bear) and the legends of that time that include mystical beasts such as unicorns, most often depicted as white with dark points like the white standard poodles I breed. I have done dogs all my life. When I was a tiny 3 year old, I would drive my parents wild by crawling into fenced yards where ferocious guard dogs were chained up: "Nice goggie! Nice goggie!" I was never bitten. The dogs and I understood one another. When I was in high school I had Collies, but just down the block, a neighbor had a great standard poodle, white, named Jacques, at whom I marvelled for his humor, agility, and spirit, and I knew I was headed for these dogs someday. After high school, I got interested in Afghan Hounds for their strange beauty and beautiful coats of any/all colors. (And they are not stupid, as is so often claimed! They just were never bred to please us; they were bred to hunt in packs, live outside together, and to please one another!) In any case, I finally started breeding white standard poodles in 2000, and now, there is no other breed i would consider!.

Contact Details

Nina Selvaggi
6727 Haycock Rd
Falls Church, VA 22043

queenmoofagain@gmail.com

703-237-2643

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.