



APPLICATION ACCEPTED: February 27, 2015  
DATE OF PUBLIC HEARING: June 24, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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June 17, 2015

## STAFF REPORT

### SPECIAL PERMIT SP 2015-SU-039

#### SULLY DISTRICT

**APPLICANTS/OWNERS:** Samuel Graham  
Anna Leung

**LOCATION:** 15213 McConnell Court, Centreville, 20120

**SUBDIVISION:** Country Club Manor

**TAX MAP:** 39-3 ((1)) 66

**LOT SIZE:** 17,034 square feet

**ZONING:** R-2C, WS

**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 2015-SU-039 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 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.

*Erin M. Haley*

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.

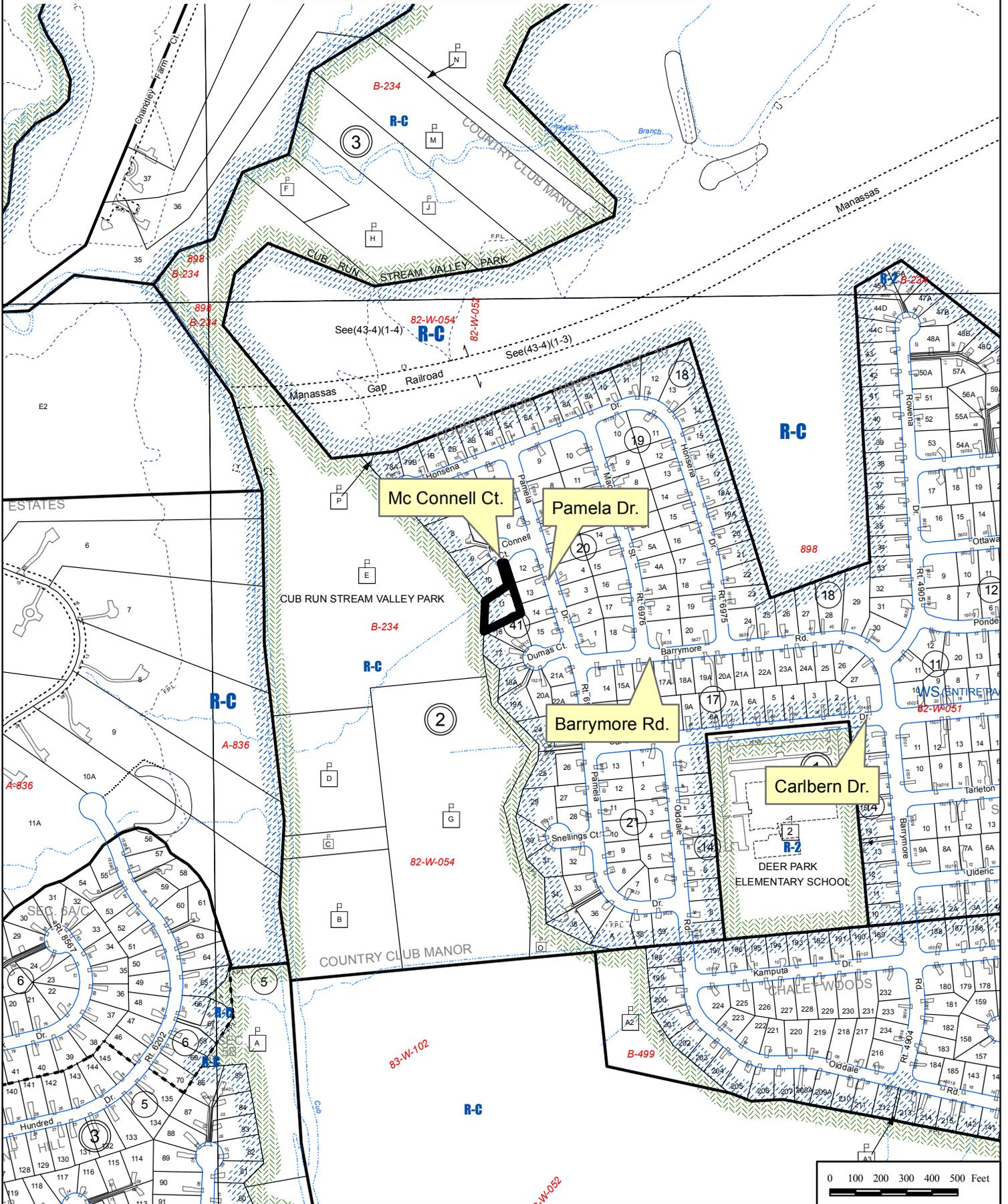
It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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 2015-SU-039**  
**SAMUEL GRAHAM AND ANNA LEUNG**



Samuel Graham

McCONNELL COURT

COURT 50' R/W

2/20/15

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Department of Planning & Zoning

FEB 27 2015

NOTE: NB DRIVEWAY CONSTRUCTED  
Zoning Evaluation Physical  
LOT 11

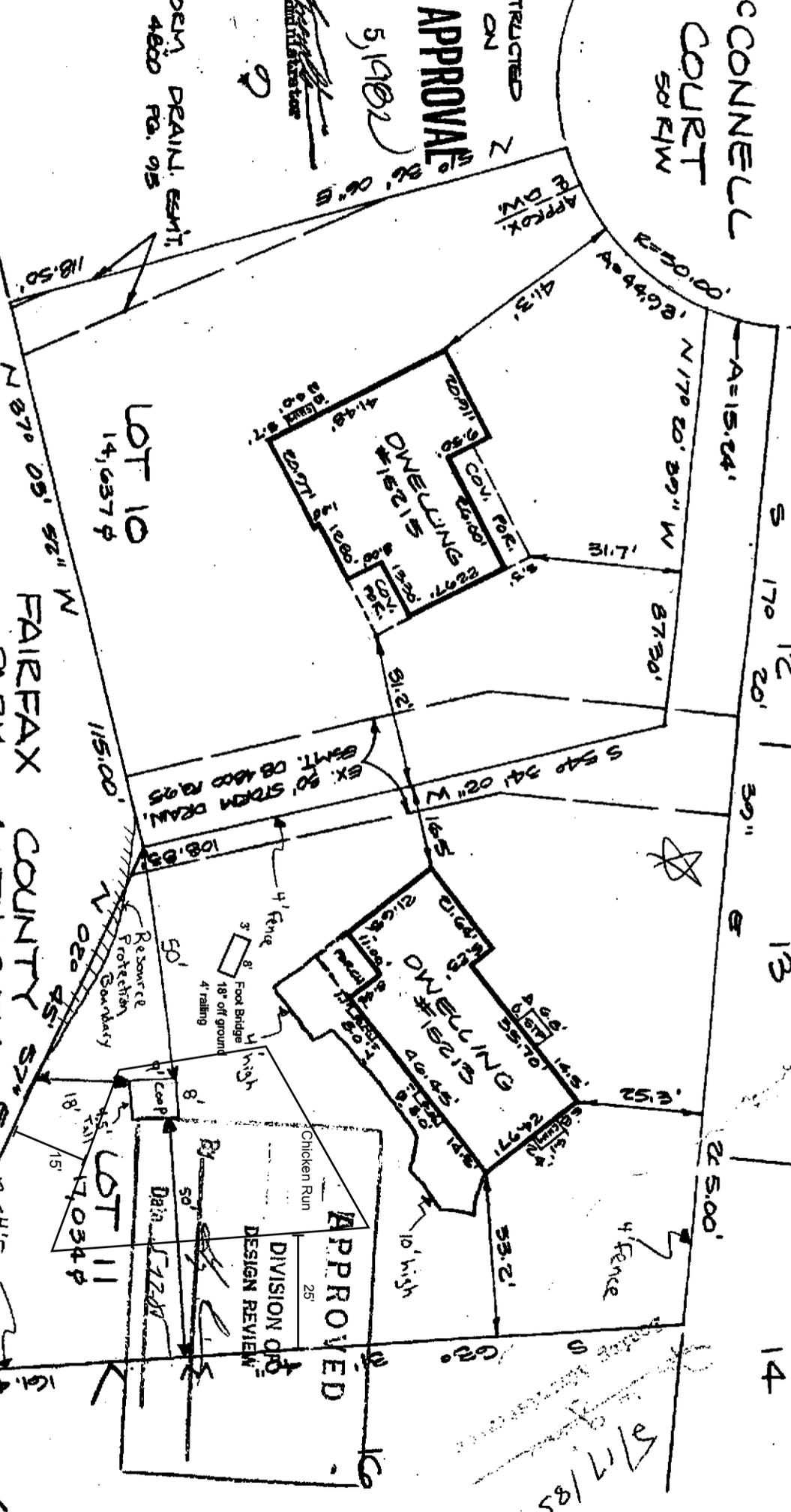
FINAL APPROVAL

NOV 5, 1982



EX. STEM DRAIN. EMIT.  
DB. 4800 PG. 915

LOT	DATE CHECK	ORDER BY	DATE	BY	REMARKS
10	8-30-82	RVL/TJH	8-30-82	RVL/TJH	
11	8-31-82	RVL/TJH	10-15-82	RVL/TJH	



THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AVOID FOR THE CONSTRUCTION OF FENCES OR OTHER IMPROVEMENTS.

REFERENCE:  
DB. 513 PG. 515

FAIRFAX COUNTY AUTHORITY  
HOUSE LOCATION  
LOTS 10, 11 SECTION 0  
COUNTRY CLUB MANOR  
SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30'

DEWBERRY & DAVIS  
ENGINEERS - ARCHITECTS - SURVEYORS - PLANNERS  
8401 ARLINGTON BOULEVARD, FAIRFAX, VIRGINIA

APPROVED  
DIVISION OF  
DESIGN REVIEW

2/7/85

## SPECIAL PERMIT REQUEST

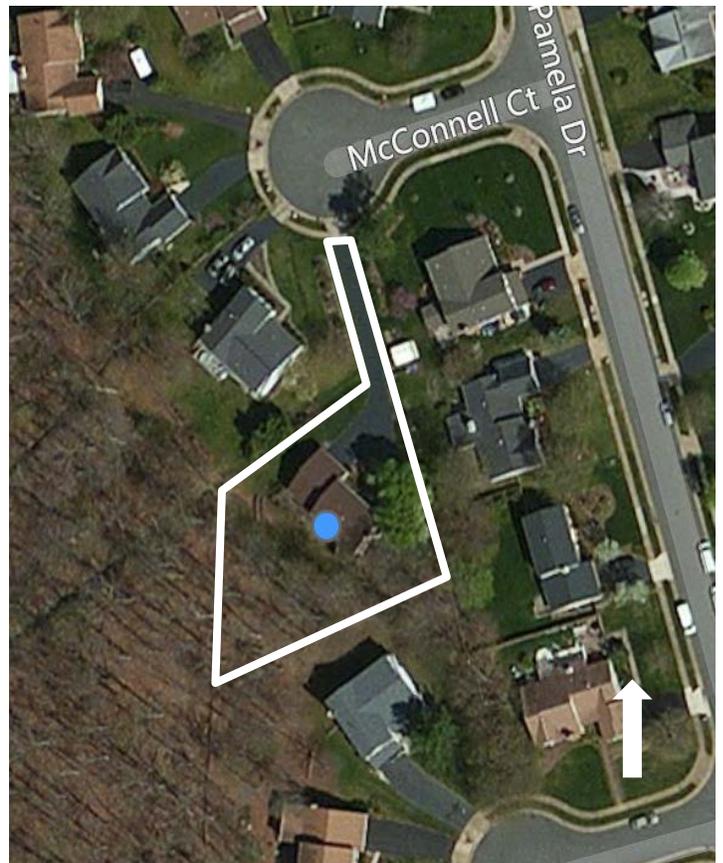
The applicant is seeking a special permit to allow the modification to the limitations on the keeping of animals in order to permit up to twelve chickens on a 17,034 square foot lot.

A copy of the Special Permit plat titled, "House Location, Lots 10, 11, Section 10, Country Club Manor," prepared by John T. Monaghan, Dewberry & Davis, as revised by Samuel Graham through February 20, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family detached dwelling. An asphalt pipestem driveway provides access from McConnell Court to a two car garage and the front entrance of the house. A wood deck 10.0 feet in height is located at the rear of the house. A small foot bridge approximately 24 square feet in size and 18 inches in height provides a walkway over a gully in the northwest portion of the rear yard. A chicken coop is located near the middle of the rear yard and a chicken run area is located in the northeast portion of the rear yard. A fence 4.0 feet in height runs along the lot lines. Existing vegetation in the front and rear provide screening to the application property. A portion of a storm drainage easement runs along the northern side lot line and across the pipestem driveway.

The subject property and the surrounding properties to the north, east, and south are zoned R-2 and developed with single family detached dwellings under cluster subdivision provisions. The property to the west is zoned R-C and is the Cub Run Stream Valley Park.



## BACKGROUND

According to Fairfax County Tax Records, the house was constructed in 1982 and purchased by the applicants in December 2014.

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 PROPOSED USE

The applicant is requesting approval of a special permit to allow the keeping of up to twelve hen chickens on a 0.4 acre lot. This area is less than the two acres required by Sect. 2-515 of the Zoning Ordinance to have chickens by-right. In properties greater than two acres, up to 64 chickens are permitted by-right. The applicant has requested to keep up to 12 chickens (0.4 of a bird unit, as defined by the Zoning Ordinance).

	<b>Proposal</b>	<b>Yard</b>	<b>Minimum Acreage Required</b>	<b>Existing Acreage</b>
<b>Special Permit</b>	Up to 12 chickens	Rear	2.0 acres	0.4 acres

The applicant also requests to modify the location requirements of the chicken coop in the rear yard, allowing the location of the coop to remain 18 feet from the rear lot line and the portable chicken run to be located as close as 15 feet from the rear lot line and 25 feet from the southern side lot line. The applicant has indicated that this location is preferred due to the size and shape of the lot and the fact that the property adjacent to the rear lot line is undeveloped park land. Mature trees and vegetation provide screening along the southern side lot line. Sect. 10-104 of the Zoning Ordinance states that any structures “used for the confining or sheltering of livestock and domestic fowl... shall be located no closer than fifty (50) feet to any lot line.” However, Sect. 2-512 allows the Board of Zoning Appeals to modify this provision, as well as the number of fowl and size of the lot.

The applicants state that the chickens are to be kept as pets and for eggs. The chicken coop is weather-proof, ventilated, and is surrounded by a fenced run area. The fence around the chicken run is portable so it can be rotated to a different location around the area of the coop on a weekly basis within the total area requested as a chicken run. The chicken coop is cleaned every three months through the replacement of fresh bedding of pine shavings and dry leaves at least 12 inches deep. These materials are

thoroughly composted and later used for garden fertilizer on the applicant’s property. A condition has been included to require the thorough composting of chicken waste prior to its use as fertilizer.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area III, Bull Run Planning District  
**Planning Sector:** Flatlick Community Planning Sector (BR3)  
**Plan Map:** Residential, 2-3 dwelling units per acre

**Zoning District Standards**

Bulk Standards (R-2C)		
Standard	Required	Provided
Lot Size	13,000 s.f.	17,034 s.f.
Lot Width	Interior: no requirement	125.0 feet
Building Height	35 feet	Not provided
Front Yard	25 feet	25.3 feet
Side Yard	8 feet, but a total minimum of 24 feet	Northern side: 16.5 feet Southern side: 33.2
Rear Yard	25 feet	> 25 feet

**Zoning Ordinance Requirements (Appendix 5)**

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

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

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows the modification to the limitations on the keeping of animals with special permit approval.
<b>Standard 3</b> Adjacent Development	No new construction is proposed. The current location of the chicken coop is screened by existing vegetation and the adjacent park property. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.

<p><b>Standard 4</b> Pedestrian/ Vehicular Traffic</p>	<p>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.</p>
<p><b>Standard 5</b> Landscaping/ Screening</p>	<p>There is no transitional screening or barrier requirement for the subject property. Existing vegetation and the adjacent park property provide ample screening to the rear yard and chicken coop area.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space required in the R-2 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities, drainage, parking or loading on the site.</p>
<p><b>Standard 8</b> Signs</p>	<p>No signage is proposed.</p>

**Standards for all Group 9 Uses (Sect. 8-903)**

<p><b>Standard 1</b> Lot Size and Bulk Regulations</p>	<p>The property meets the lot size and bulk regulations for the R-2 (cluster) District. No new construction or exterior modifications are proposed.</p>
<p><b>Standard 2</b> Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p><b>Standard 3</b> Site Plan</p>	<p>The application is not subject to the provisions of Article 17, Site Plans.</p>

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

<p><b>Standard 1</b> Kinds, Numbers, Management Techniques, and Location</p>	<p>The applicants have proposed no more than 12 hen chickens, which is approximately 0.4 of a bird unit as defined by the Zoning Ordinance. There will be no roosters located on the property. In the applicants' statements of justification, they have outlined proper management techniques to mitigate the impact of hens on the property. Development conditions have been included to further enforce these management techniques. Due to the size and shape of the lot, the adjacent undeveloped park land, and the screening provided by existing vegetation, staff has no objections with the current location of the chicken coop and chicken run. In staff's opinion, the lot is suitable to accommodate the requested number of chickens.</p>
<p><b>Standard 2</b> Harmonious and Compatible</p>	<p>With the adoption of the proposed development conditions, staff believes the potential impacts on adjacent properties would be mitigated. Regular maintenance is required by the conditions, and the inclusion of hens only will limit noise disturbance.</p>
<p><b>Standard 3</b> Plat Requirements</p>	<p>The applicants have met all plat submission requirements for the modification to the limitations on the keeping of animals.</p>

## **CONCLUSION / RECOMMENDATION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SP 2015-SU-039 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 Statement of Justification, Coop design, and Select File Photos
3. Applicant's Affidavit
4. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-SU-039****June 17, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-039 located at Tax Map 53-2 ((2)) (41) 11 to permit modifications to the limitations on the keeping of animals per 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 applicants, Samuel Graham and Anna Leung, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 15213 McConnell Court, and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (fowl), and the location of the proposed chicken coop located on the plat titled, "House Location, Lots 10, 11, Section 10, Country Club Manor," prepared by John T. Monaghan, Dewberry & Davis, as revised by Samuel Graham through February 20, 2015, 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 twelve (12) 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 chickens shall remain in a fenced area at all times.
8. The location of the chicken run enclosing the coop shall be set back at least 50 feet from Lot 10 and 25 feet from Lot 16.

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.

FEB 24 2015

Zoning Evaluation Division

ITEM 5.00

The purpose of this special permit application is to grant permission to keep backyard chickens in a lot less than 2 acres. The proposed property is 0.39 acres in size and backs up to the Cub Run parkland. The proposed Chicken coop will be 9ftx8ft, and would be located in the rear of the property away from the front of any of the adjacent properties. Additionally, the moveable coop will be greater than 50ft from the adjacent two neighbor's rear property lines. Refer to the attached drawings in figure 1.0 for more details on the approximate size and location.

The number of birds kept would be in accordance with the county zoning laws that permit no more than 1 unit of birds per acre, which would be 0.4 fowl units for this lot.

Management of the waste products of the fowl will be handled by two methods recommended on the Fairfax county website for raising backyard chickens on lots less than two acres:

- 1) By creating a deep bedding (at least 8" deep) of carbon material such as leaves and wood shavings. This thick layer of carbon absorbs the waste products and composts, eliminating run-off and smell. Since the This material will be periodically gathered and used as an amendment to gardening and refreshed with new material to maintain a clean living environment.
- 2) By using a moveable coop designed to allow access to fresh pasture and ability for the previous area to fully compost. This system is recommended in small lots by Fairfax County in order to minimize acute damage and allow forage areas to recover.

Reference: <http://www.fairfaxcounty.gov/nvswcd/newsletter/backyard-chickens.htm>

- 3) Removal of old bedding to a compost area.

The end of life plan for the fowl includes culling the birds that are sick or past useful life. For sick animals, I propose disposal if allowed by county trash collection rules, or to bury and compost in a separate section of the yard to minimize risk to the rest of the flock.

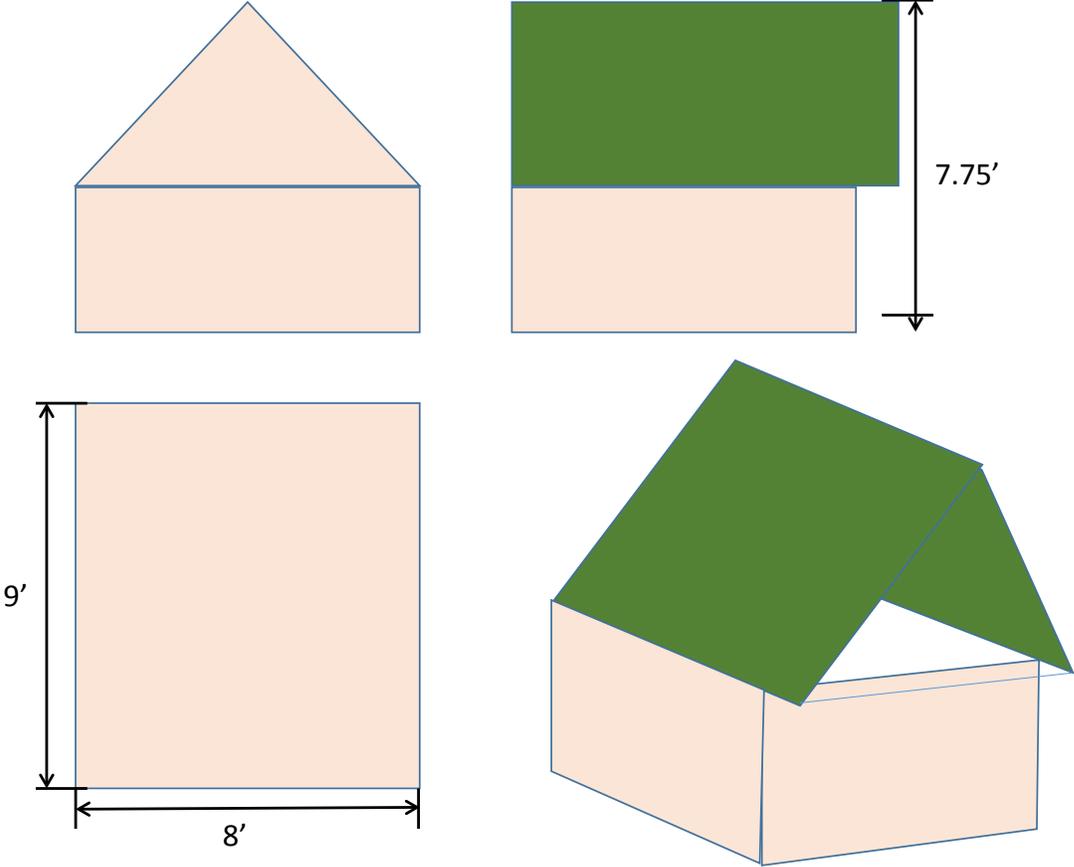
ITEM 5.08

No known hazardous or toxic substances as set forth in title 40, Code of Federal Regulations Part 116.4, 302.4, and 355 or hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management regulations VR 672-10-1-Virginia hazardous waste management regulations; and/or petroleum products as defined in title 40, code of Federal Regulations Part 280; will be generated, utilized, stored, treated, or disposed of on this site.

ITEM 5.09

This proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Figure 1.1: Coop Dimensions

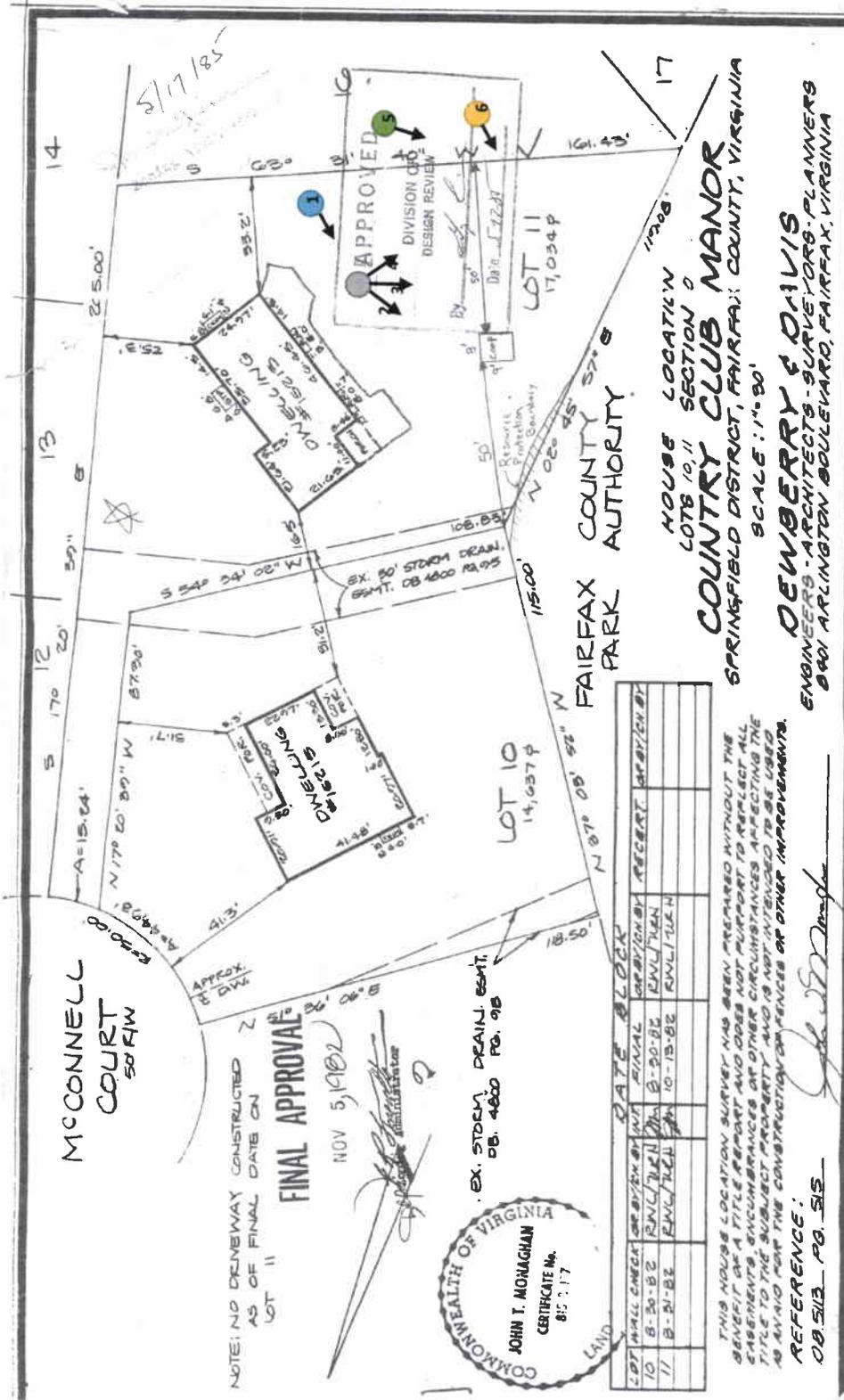






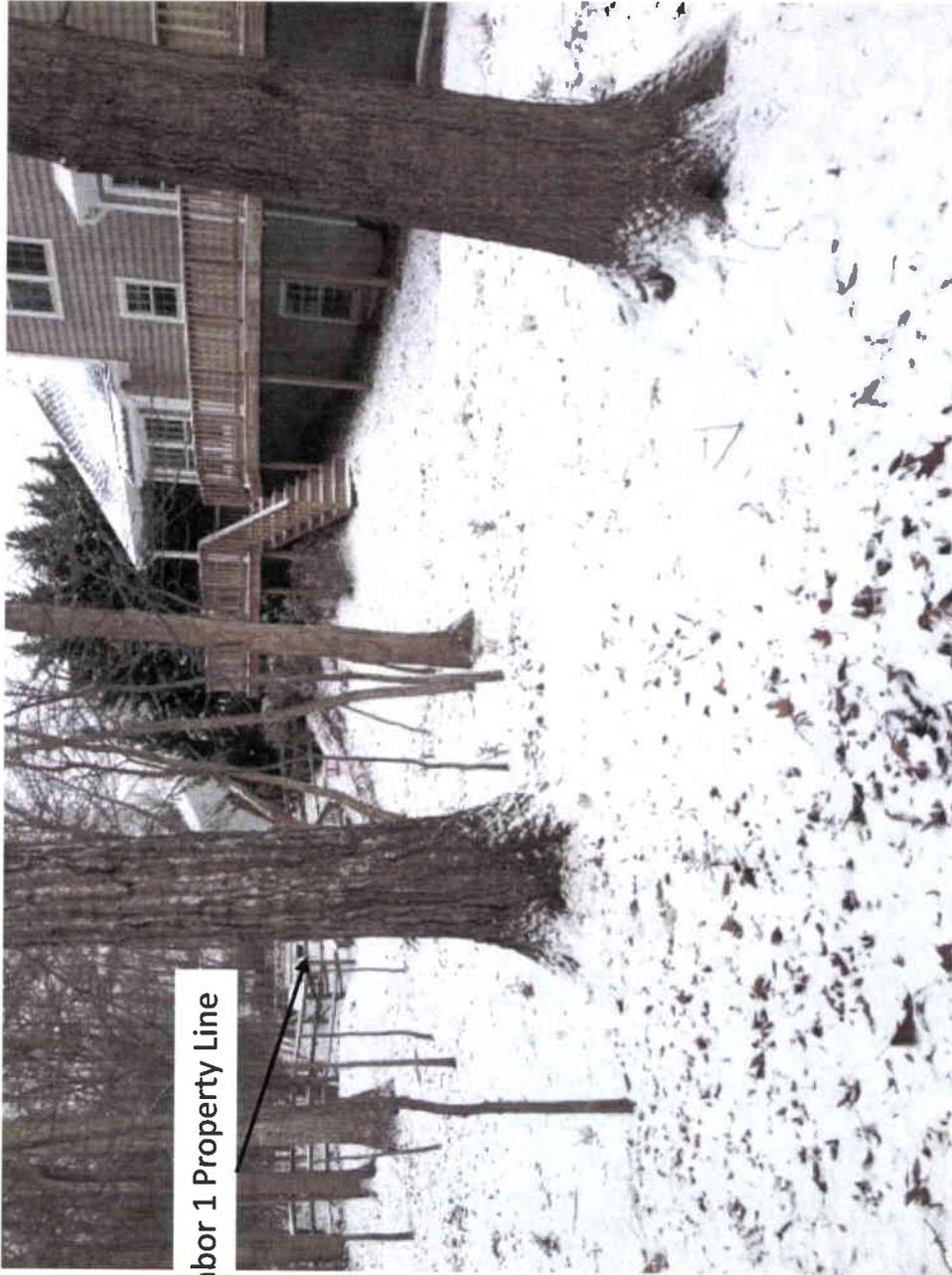
Photos taken 1/27/2015

- Photo 1 
- Photo 2 
- Photo 3 
- Photo 4 
- Photo 5
- Photo 6



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Photo 1



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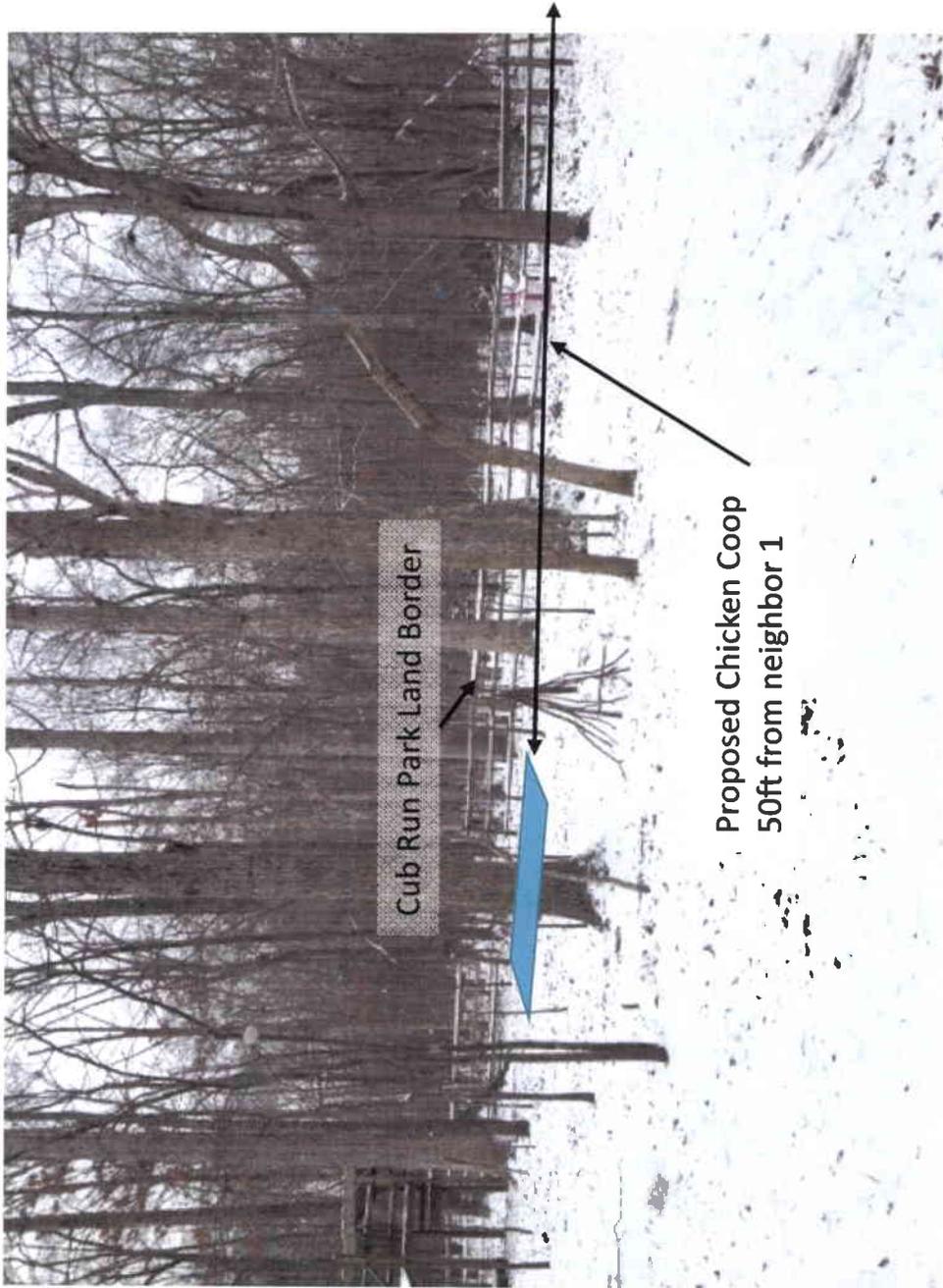
Neighbor 1

Property Line  
Backs to Cub Run

Photo 2

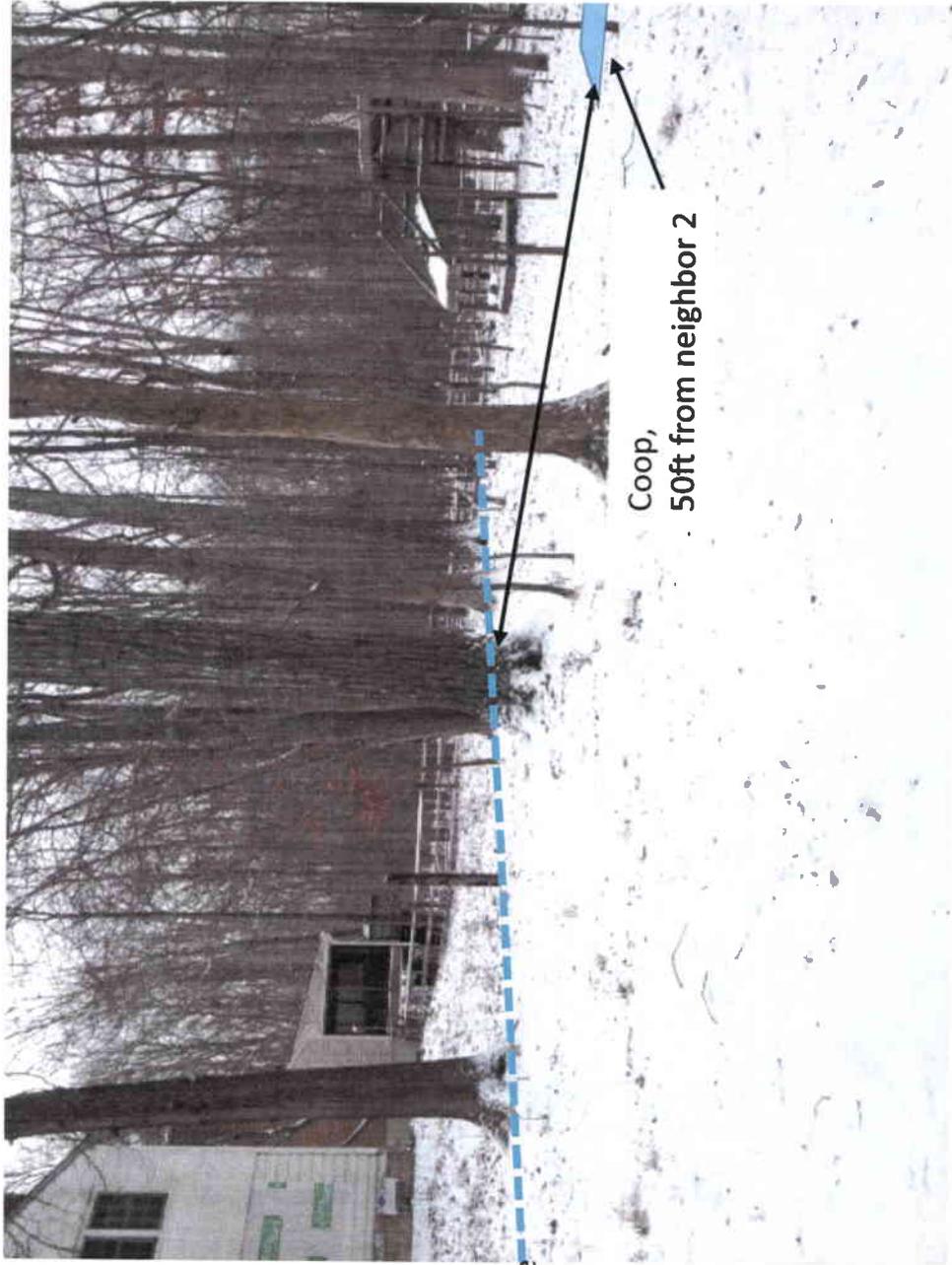
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Photo 3



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Photo 4

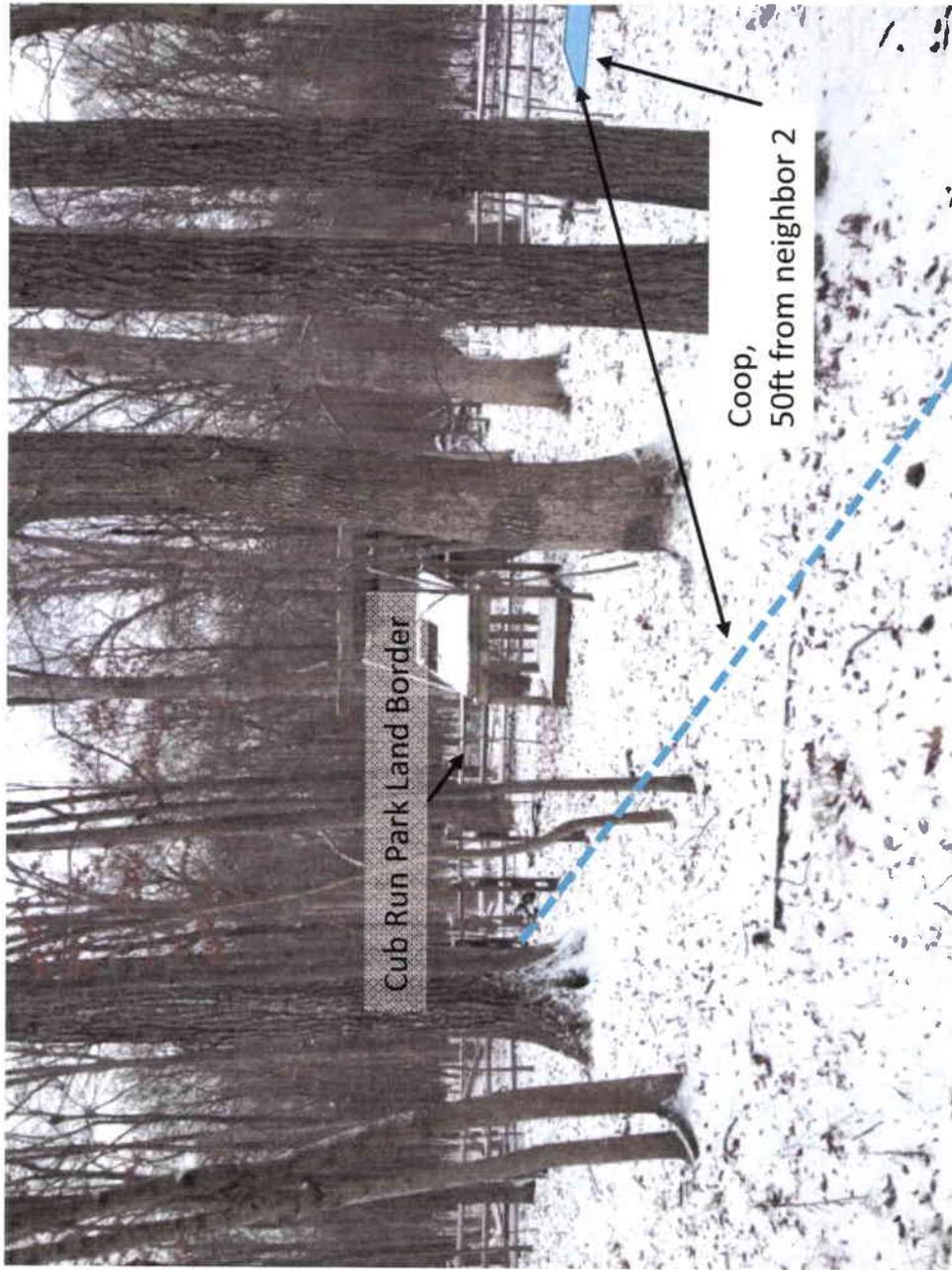


Neighbor Property Line

Coop,  
50ft from neighbor 2

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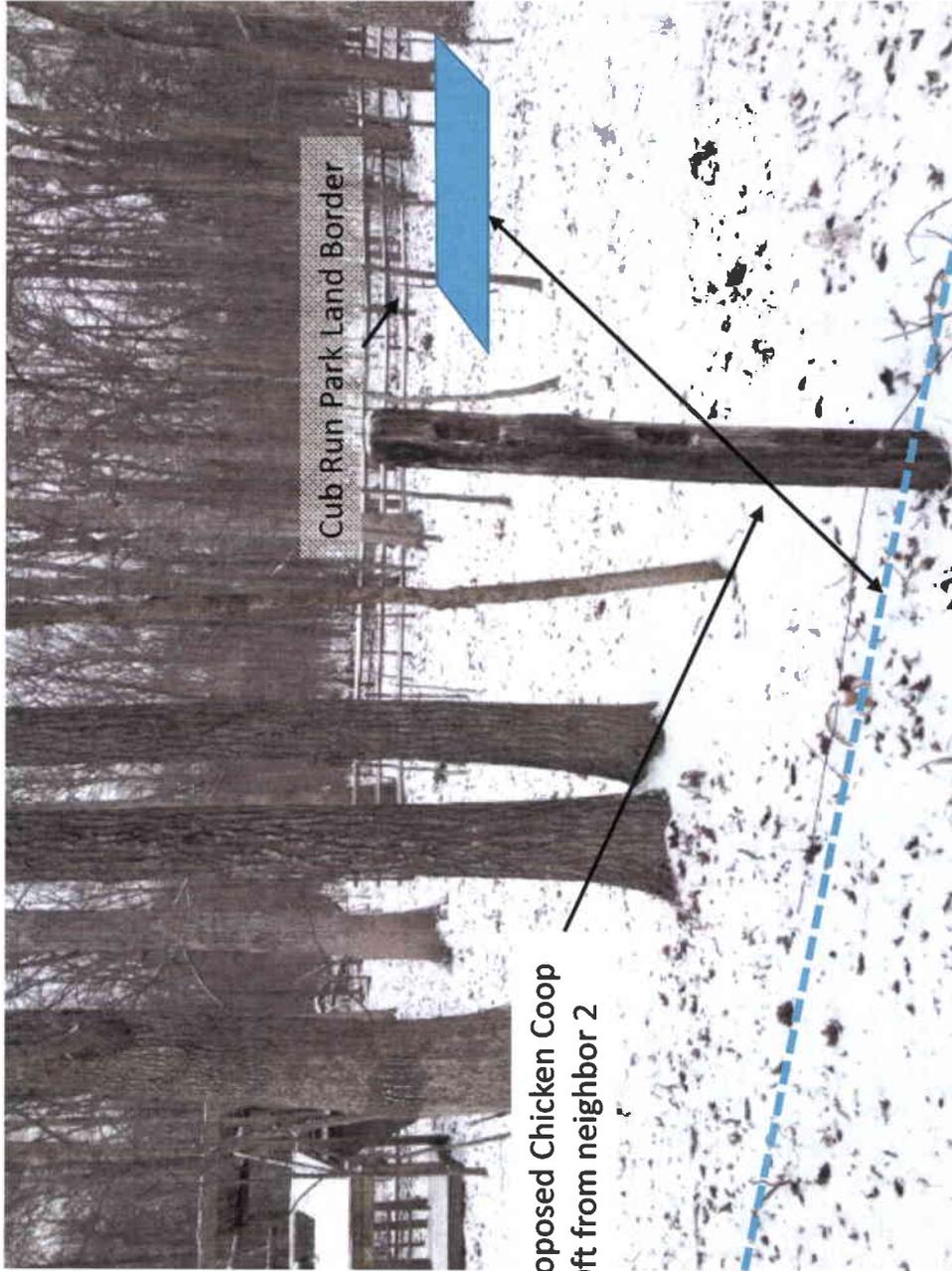
Photo 5



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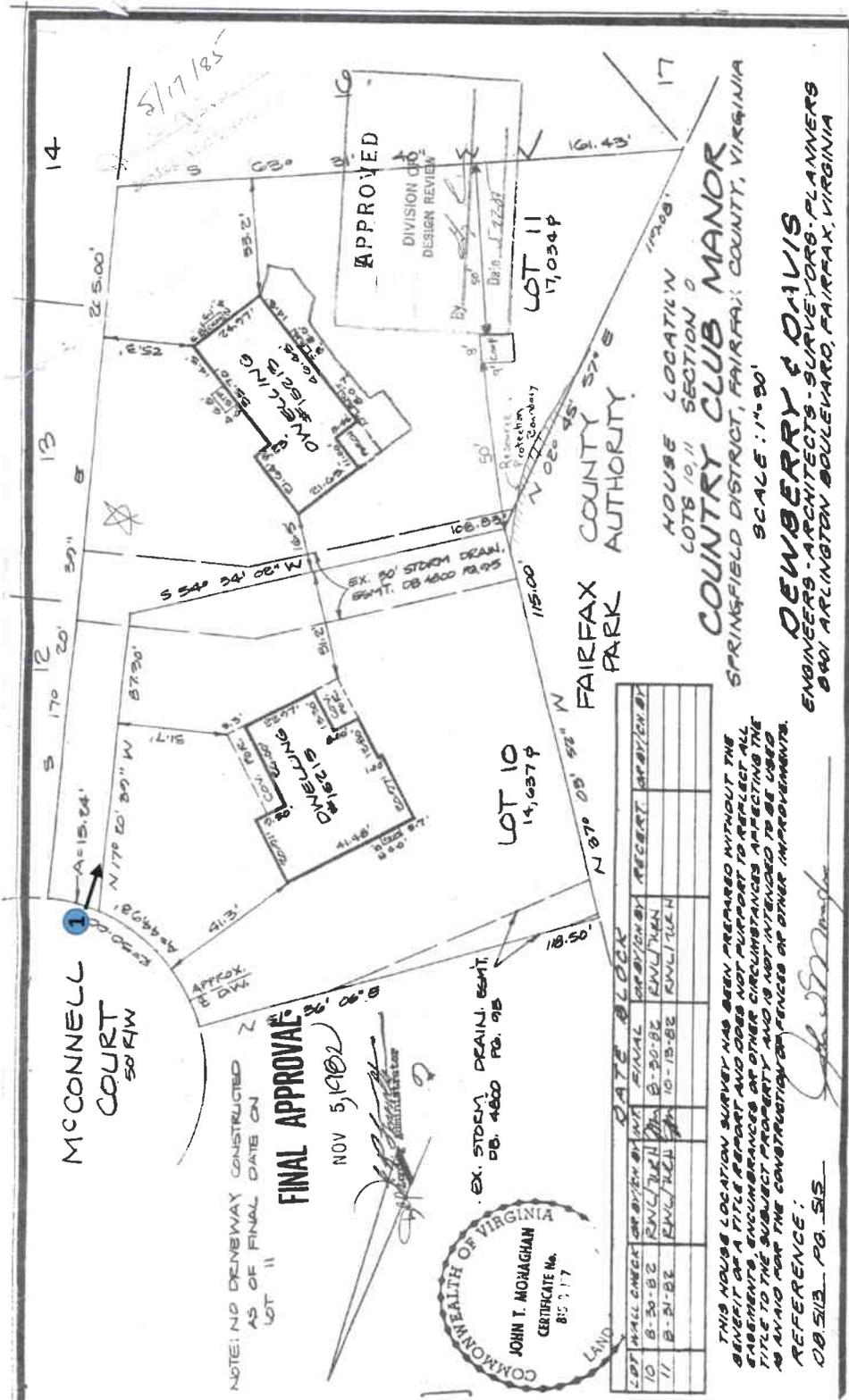
Cub Run Park Land Border

Proposed Chicken Coop  
50ft from neighbor 2

Photo 6

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Photos taken 2/14/2015



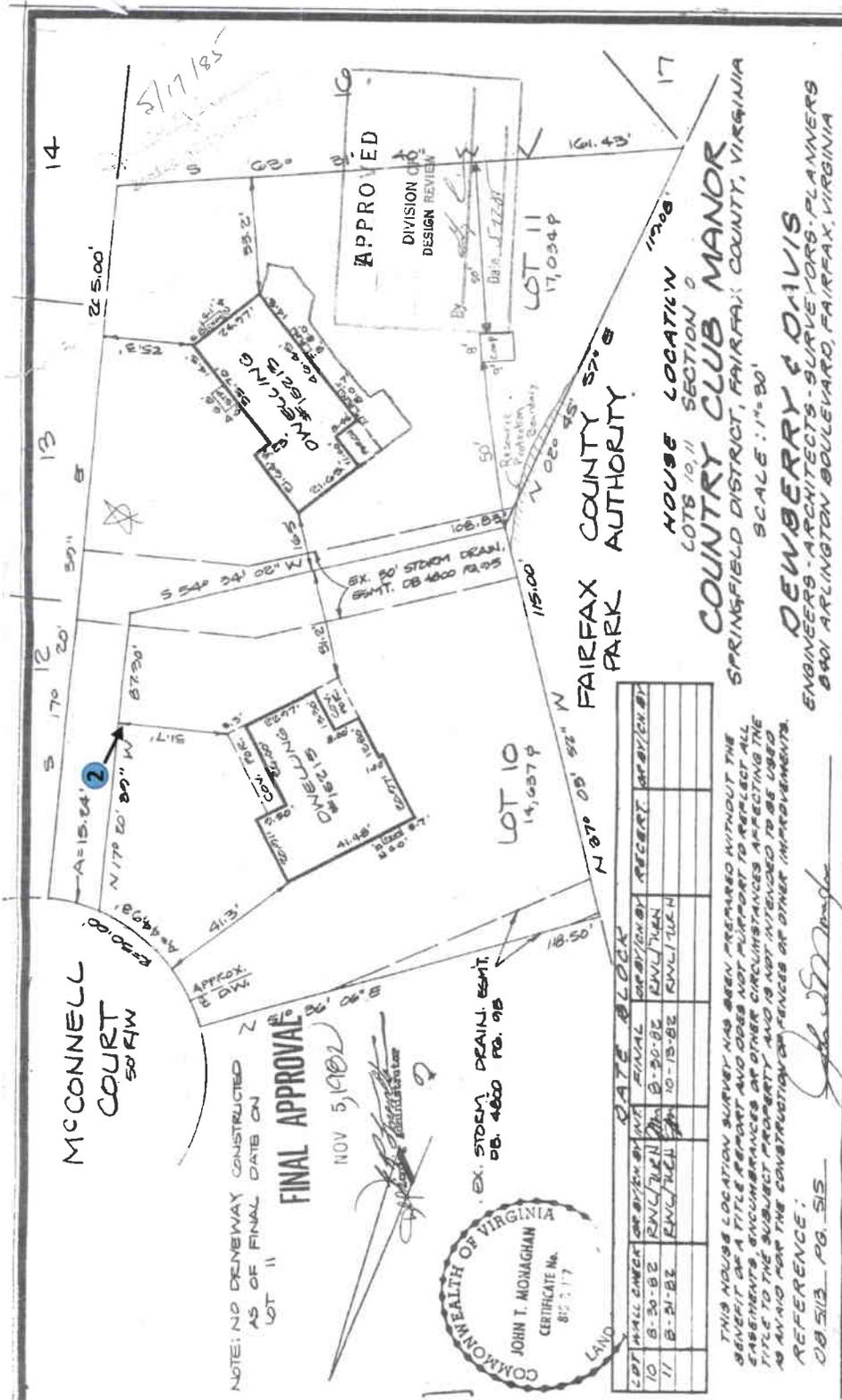
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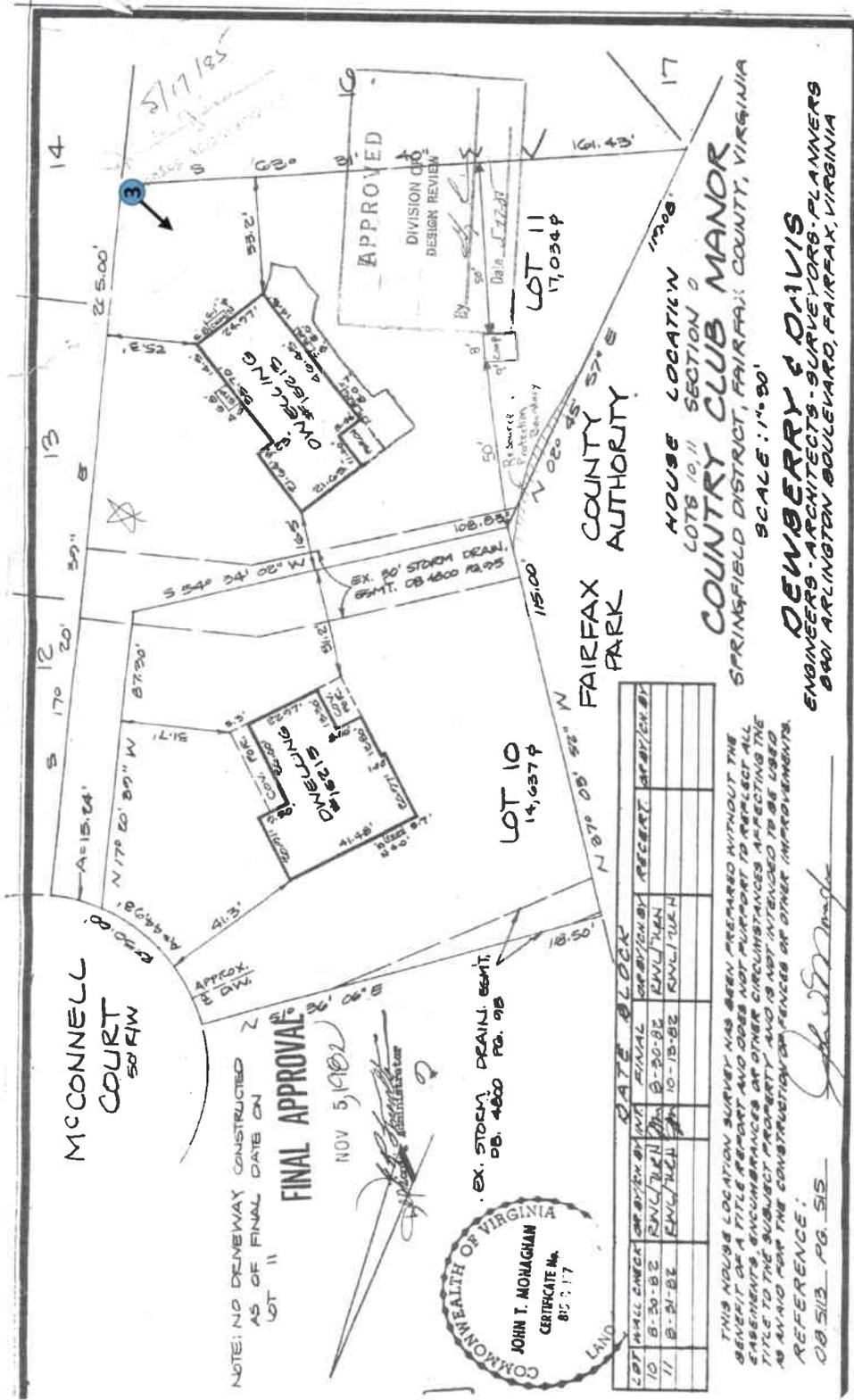


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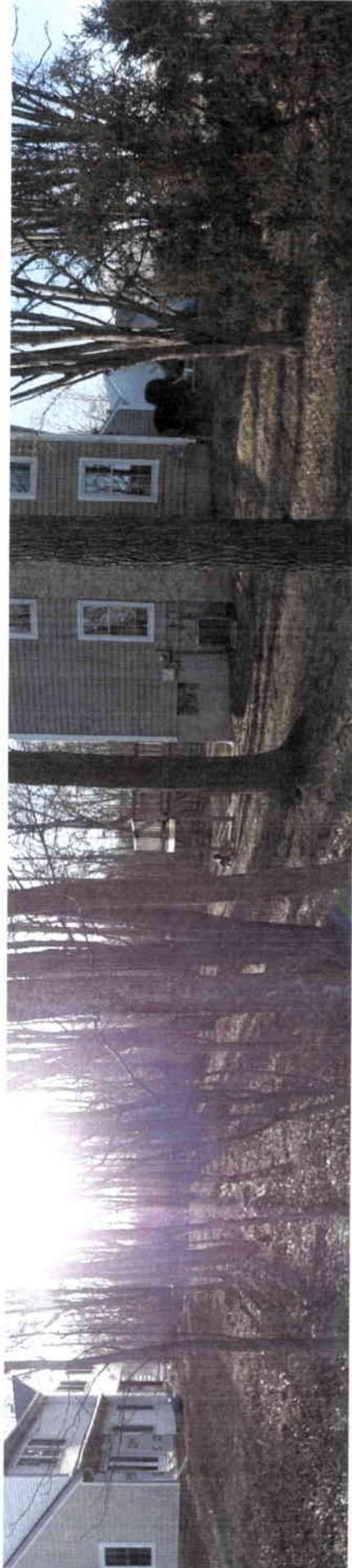
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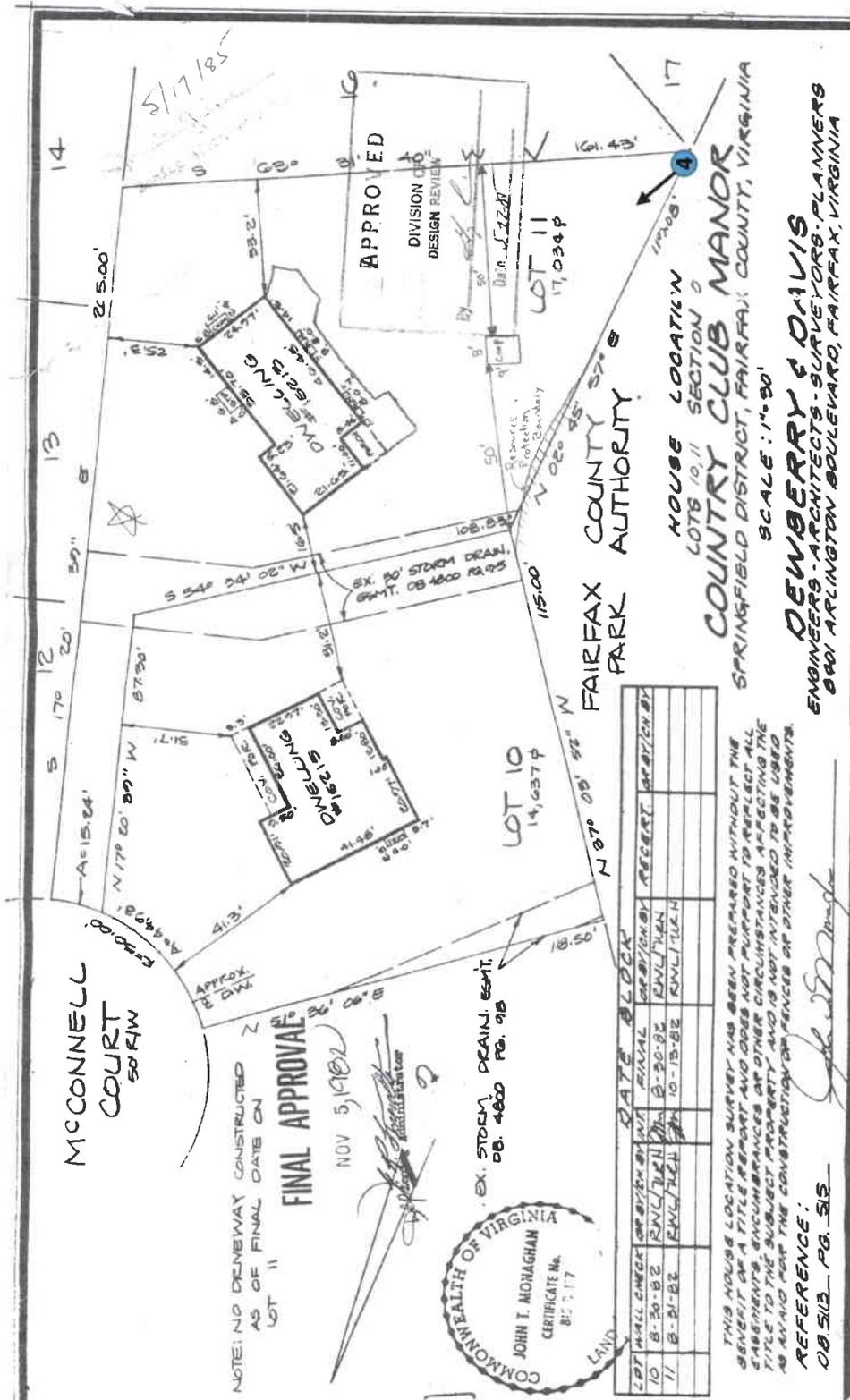
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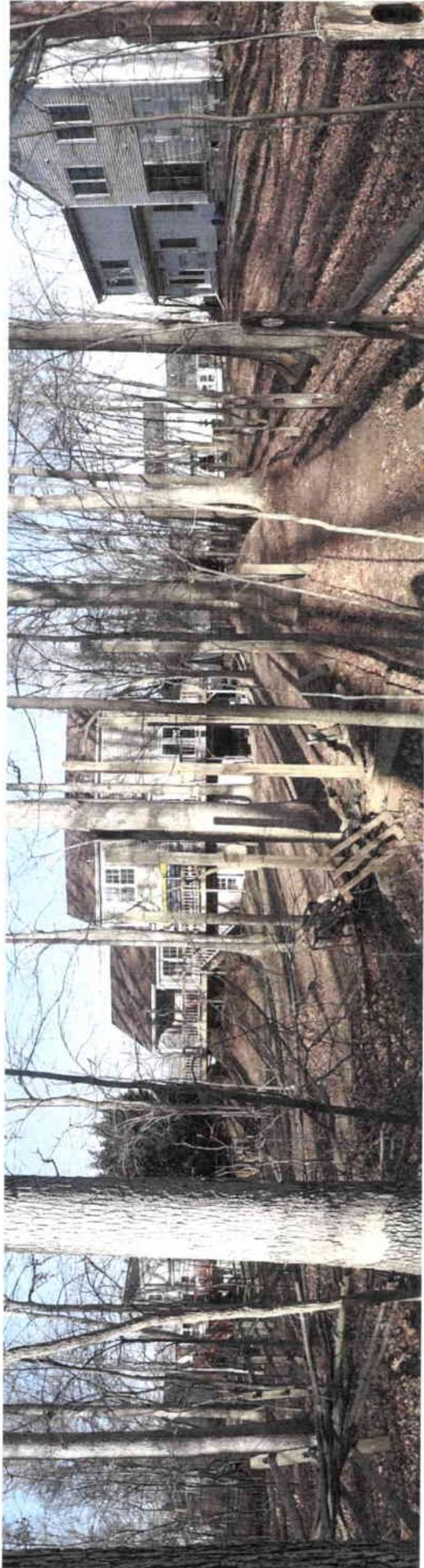


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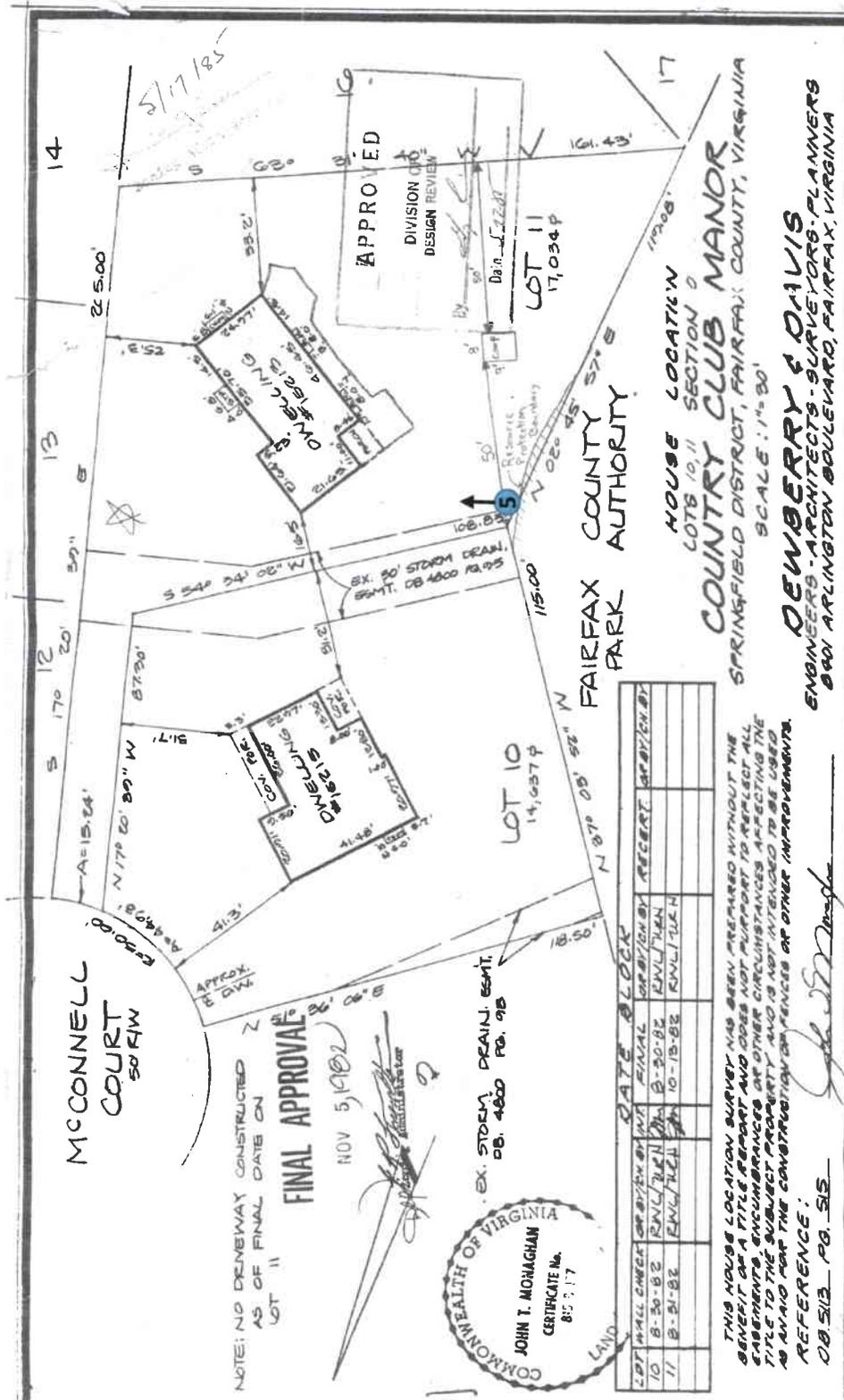


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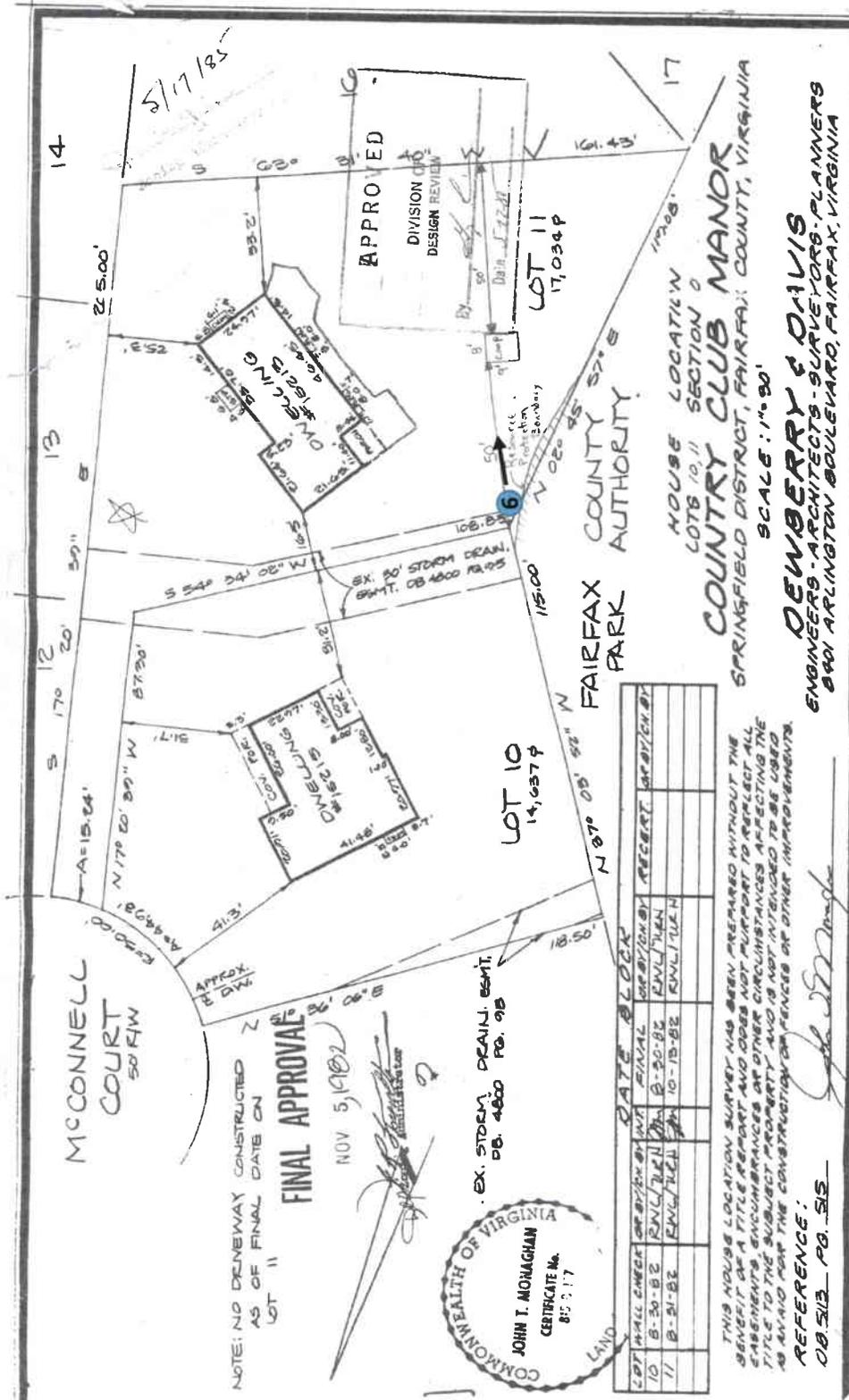


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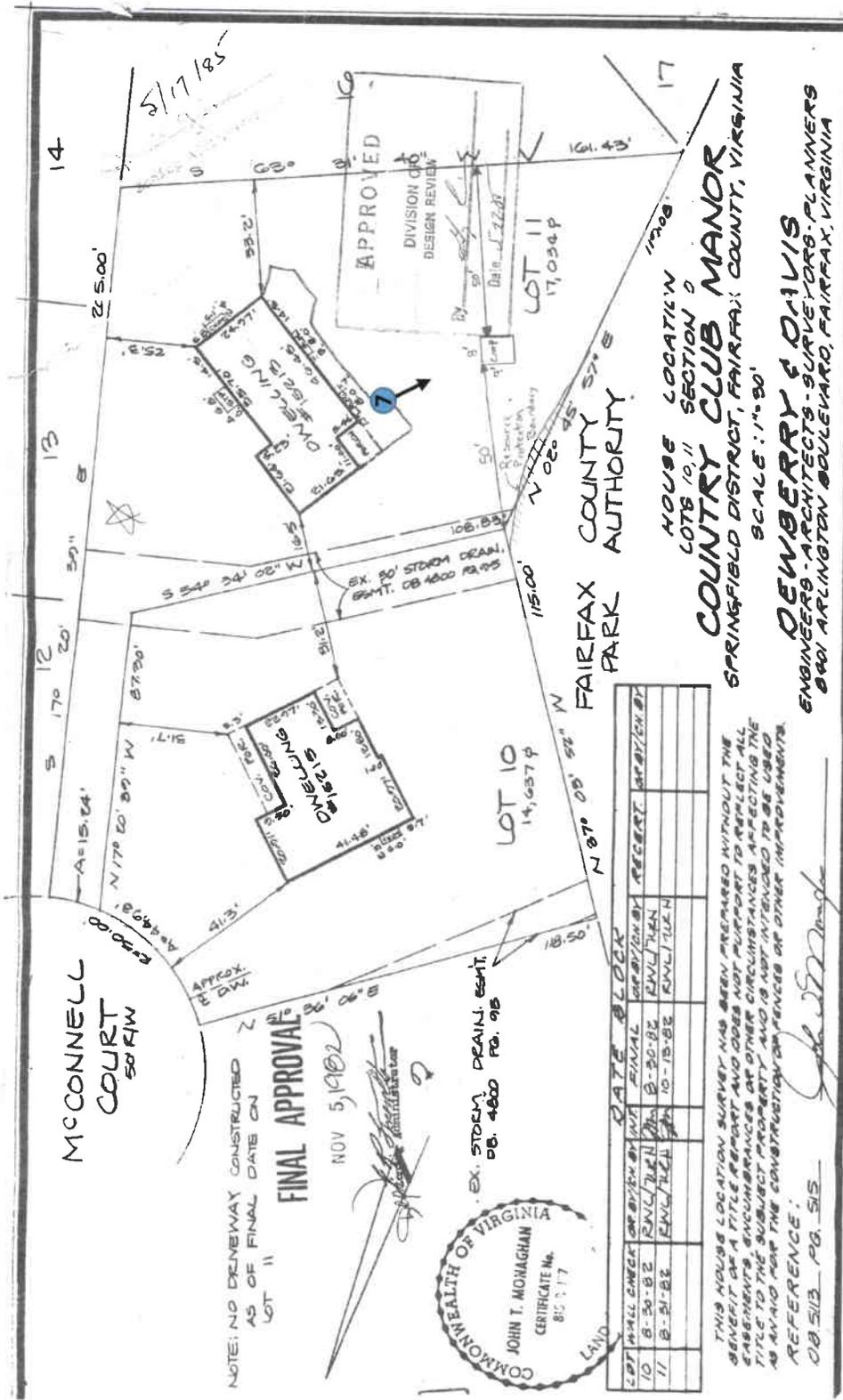


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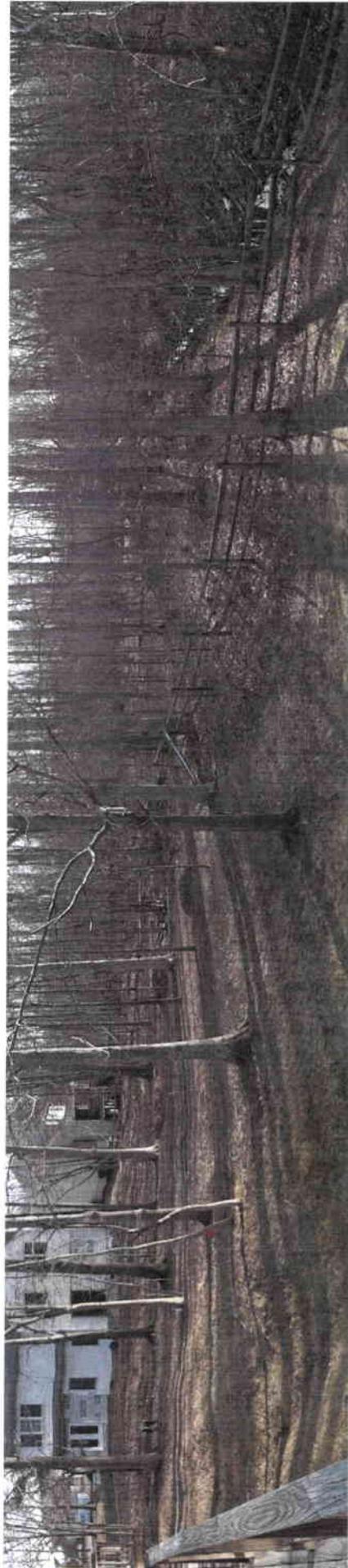


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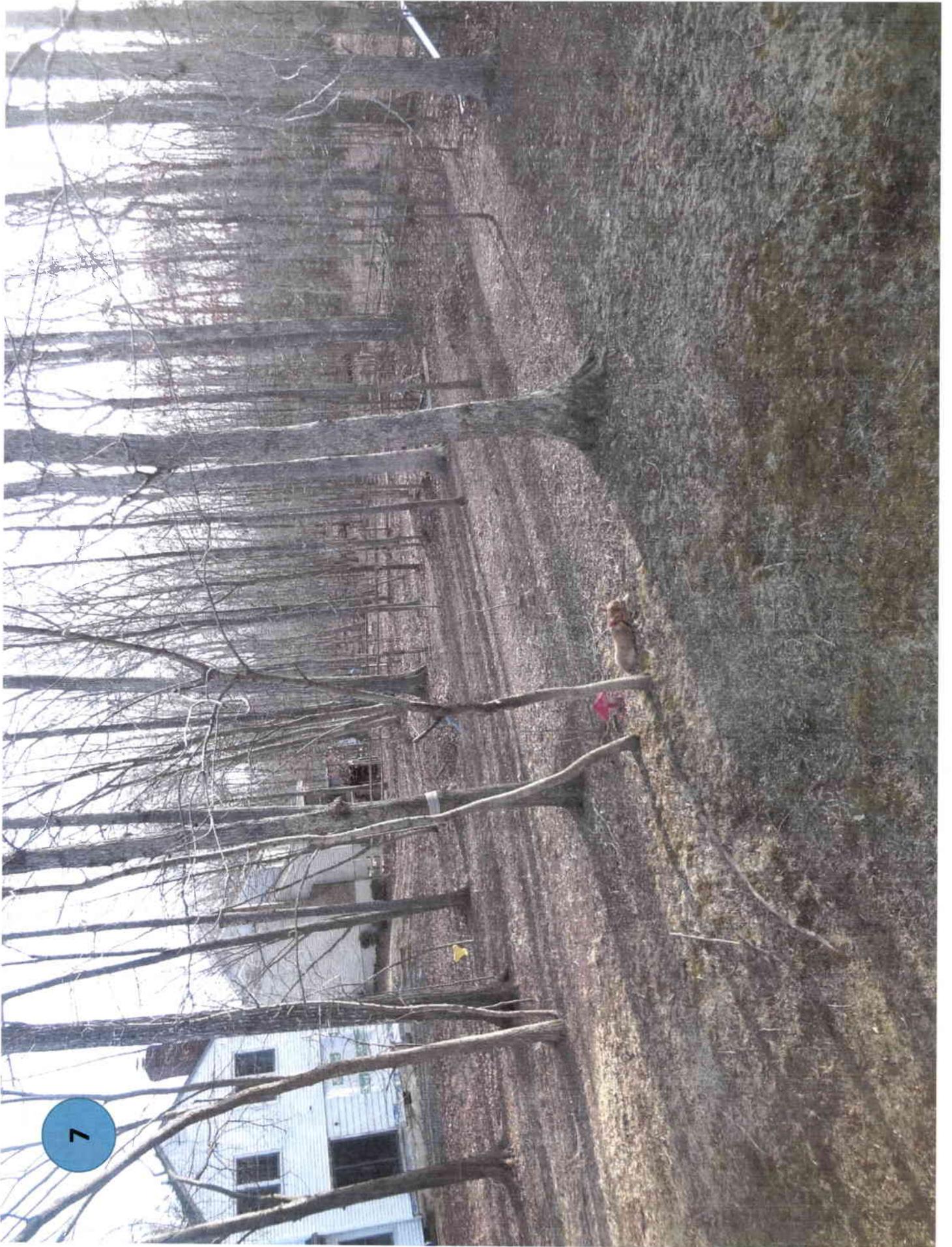
WINTER 2014  
MAY 2015  
MAY 2015



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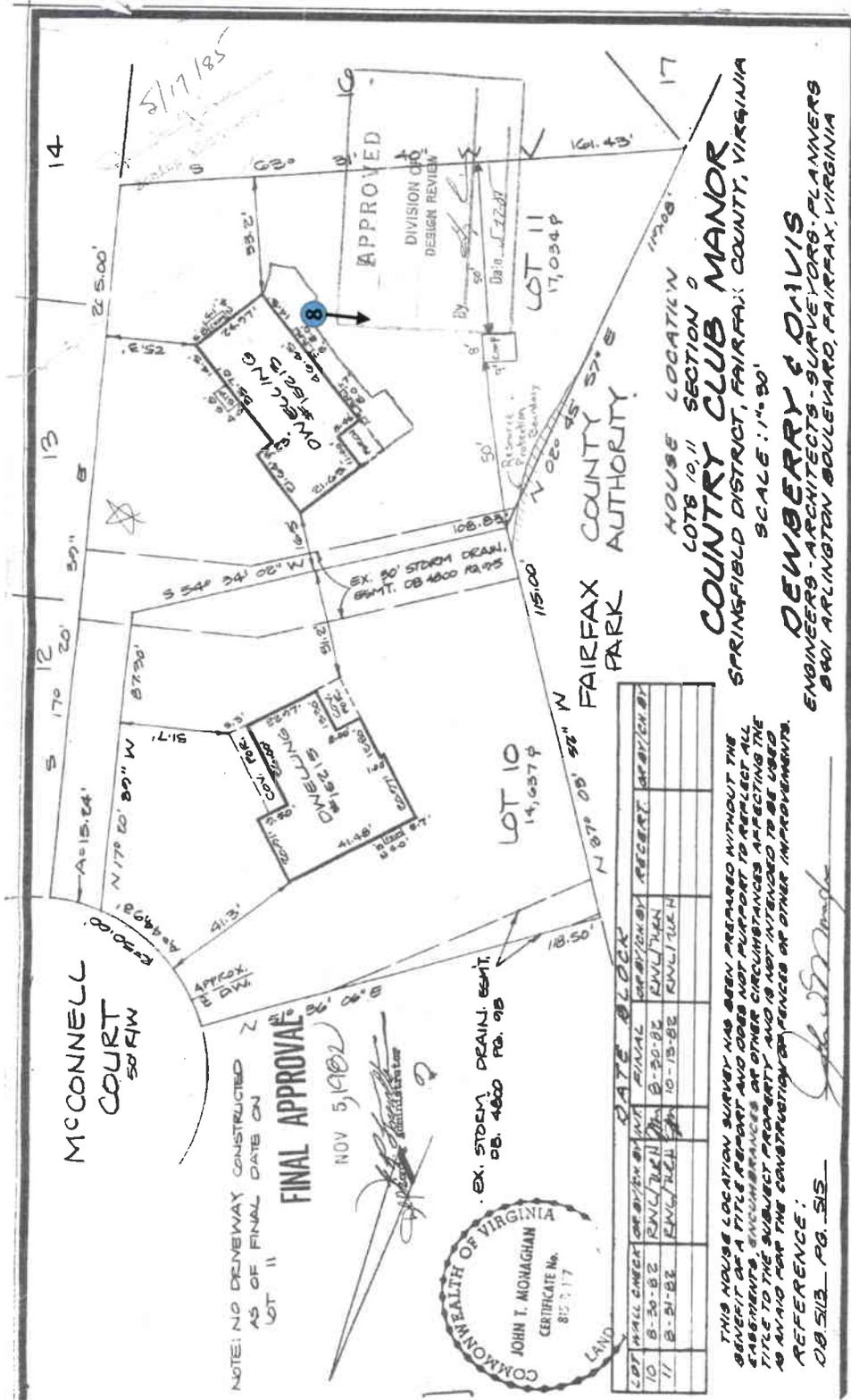


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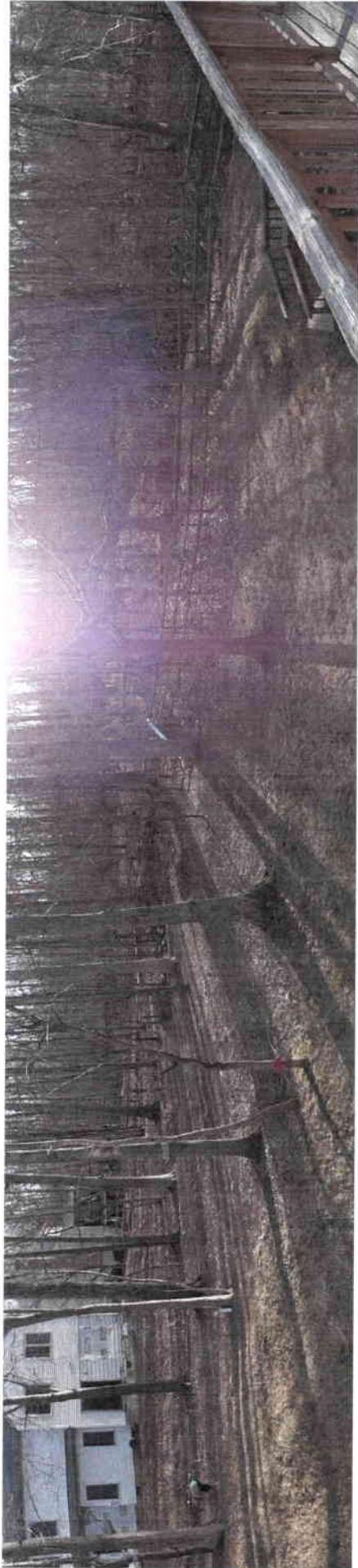


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Photos taken 2/14/2015



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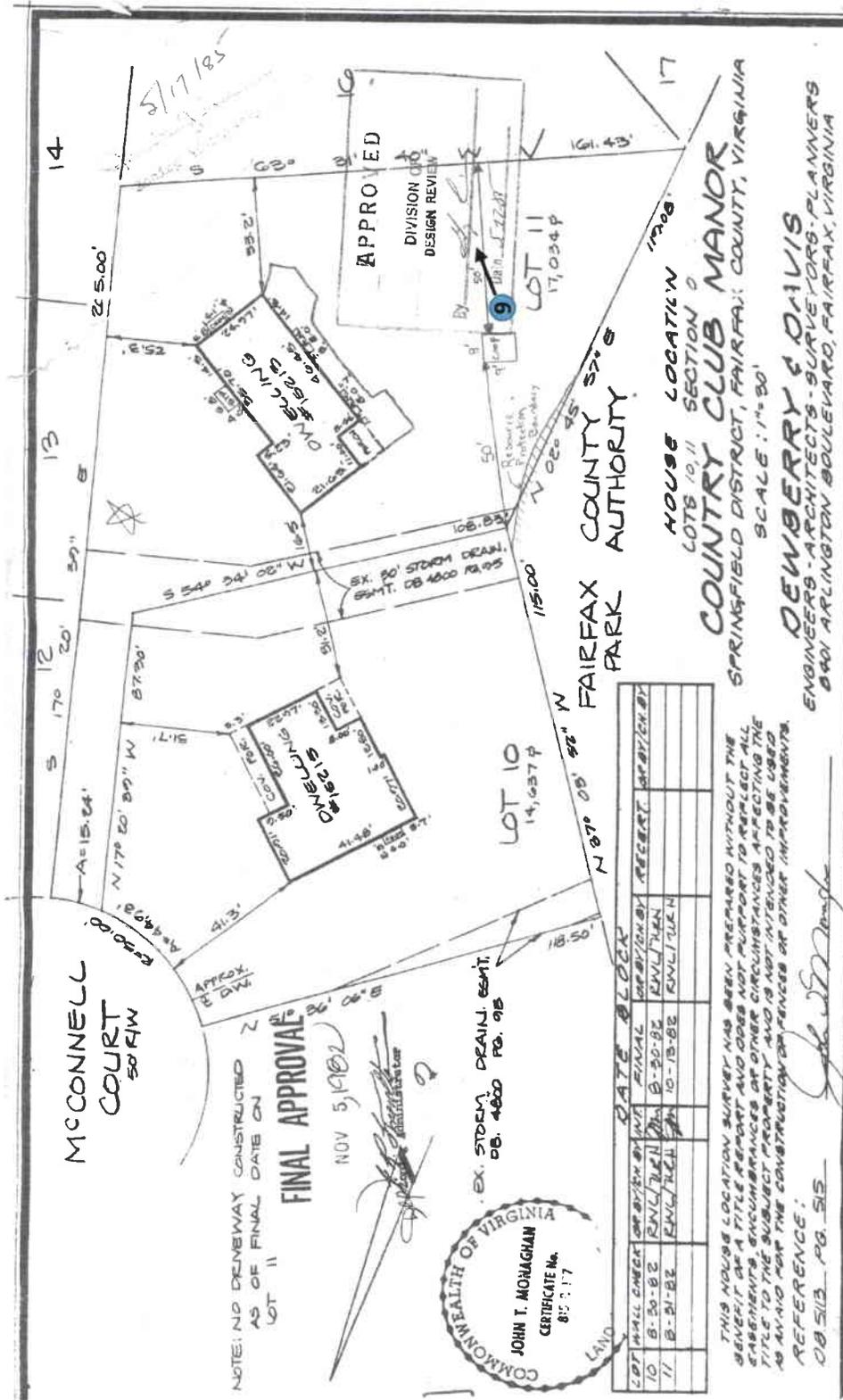


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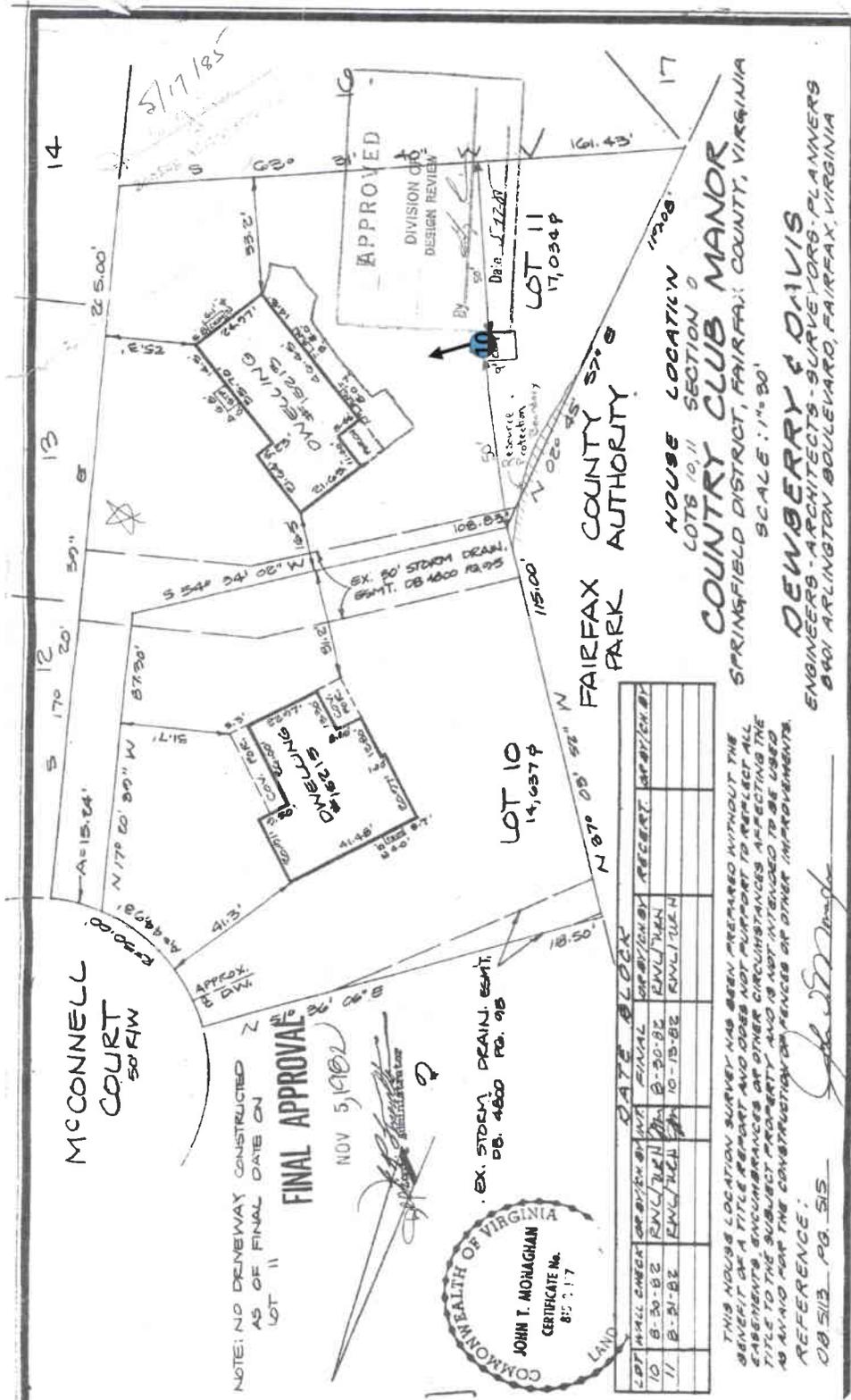
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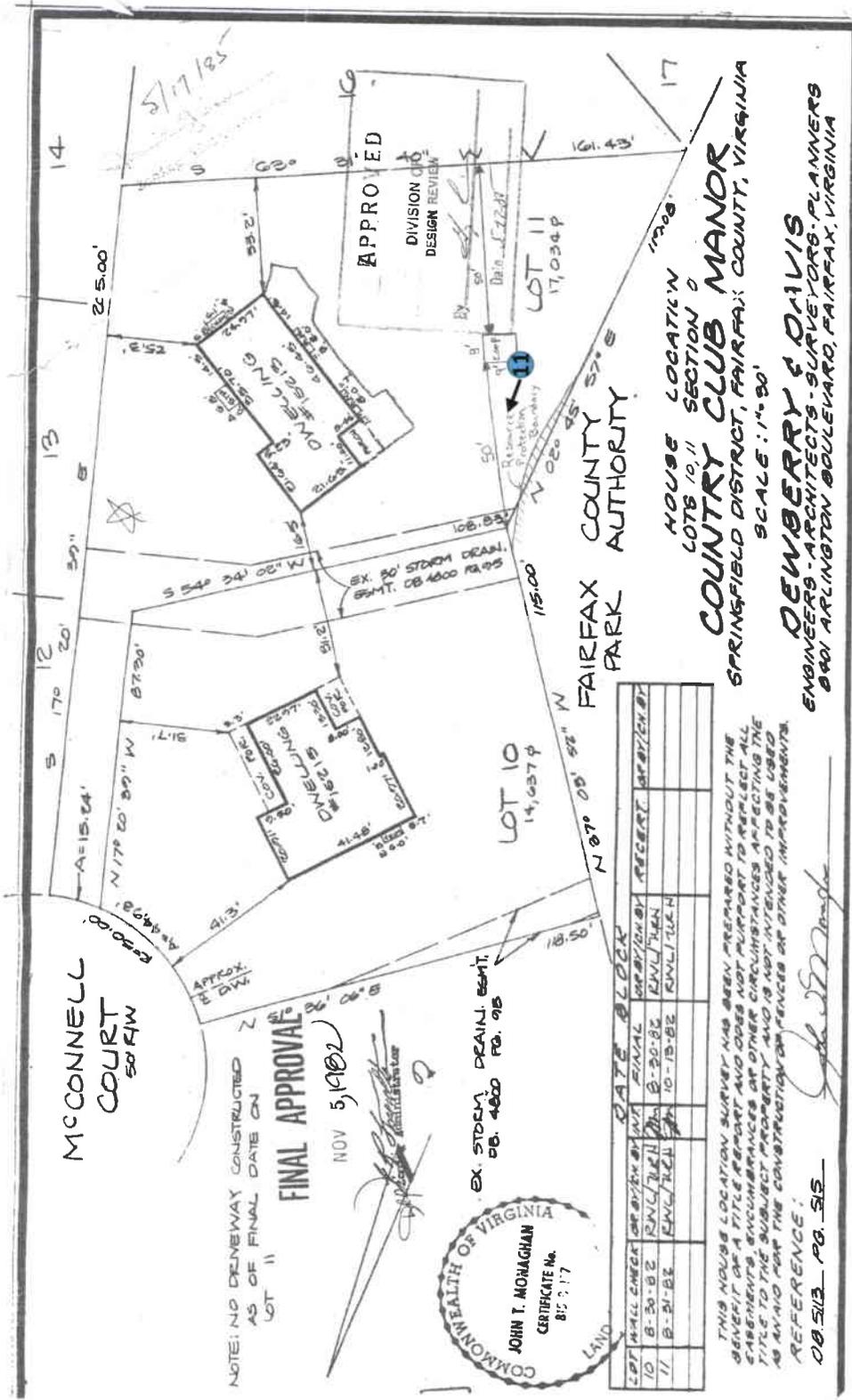
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Application No.(s): SP2015-0030  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/2/2015  
(enter date affidavit is notarized)

128735

I, Samuel L Graham and Anna Leung, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Samuel L Graham	15213 McConnell Ct, Centreville, VA 20120	<b>APPLICANT/TITLE OWNER</b>
Anna Leung	15213 McConnell Ct, Centreville, VA 20120	<b>APPLICANT/TITLE OWNER</b>

(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 2015 - 0030  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/2/2015  
(enter date affidavit is notarized)

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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.

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/2/2015  
(enter date affidavit is notarized)

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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): SP2015-0030  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/2/2015  
(enter date affidavit is notarized)

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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: 3/2/2015  
(enter date affidavit is notarized)

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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  Applicant's Authorized Agent

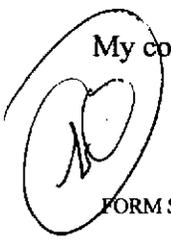
Samuel L Graham and Anna Leung  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2nd day of March 2015, in the State/Comm. of Virginia, County/City of Fairfax Co.

[Signature]  
Notary Public

My commission expires: May 31, 2017

KARL K. BENYOUSSEF  
NOTARY PUBLIC  
COMMISSION NUMBER 7561700  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2017



**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.

<b><i>Number of Dogs</i></b>	<b><i>Minimum Lot Size</i></b>
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.