



APPLICATION ACCEPTED: July 14, 2015  
DATE OF PUBLIC HEARING: October 28, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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October 21, 2015

## STAFF REPORT

### SPECIAL PERMIT SP 2015-LE-108

#### PROVIDENCE DISTRICT

**APPLICANT:** Ata-ur R. Akhtar

**OWNERS:** Ata-ur R. Akhtar  
Tereza I. Akhtar

**LOCATION:** 5917 Erving St., Springfield, VA 22150

**SUBDIVISION:** Springfield

**TAX MAP:** 80-3 ((2)) 16

**LOT SIZE:** 8,447 square feet

**ZONING:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-914, 8-917

**SPECIAL PERMIT PROPOSAL:** Modification of the limitation on the keeping of animals and reduction of minimum yard requirements based on error in building location to permit an accessory structure to remain 3.2 feet from a side lot line

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-LE-108 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.

*Daniel S. Creed*

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.

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 REQUEST

The applicant is seeking a special permit to allow a modification to the limitations on the keeping of animals (170 pigeons) on a lot less than 10,000 square feet in area.

Due to the height and location of the pigeon coop, the applicant is also seeking a special permit for the reduction of minimum yards based on an error in building location to permit an accessory structure (pigeon aviary and coop) to remain 3.2 from a side lot line.

A copy of the Special Permit plat titled "Plat Showing the Improvements on Lot 16, Block 16, Section Three Springfield," prepared by George M. O'Quinn, L.S., dated February 25, 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 one story single-family detached dwelling. An asphalt driveway extends to Erving Street, and a stoop provides access to the main entrance of the dwelling via a concrete walkway. In the rear of the dwelling, there is a wood deck with steps. A pigeon coop and aviary is located in the northeast rear corner of the property. The rear yard is partially enclosed by a chain link fence 3.3 feet in height. Existing vegetation in the front and side provide screening to the application property.



Figure 1: House Location

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

## BACKGROUND

According to Fairfax County Tax Records the house was constructed in 1953 and the property was purchased by the applicant in 2012.

On November 25, 2014, a Notice of Violation (NOV) was issued to the applicant for the keeping of pigeons on a property less than 10,000 square feet in area and an accessory structure located approximately 5 feet from the rear lot line. A copy of the NOV is included as Appendix 4.

## DESCRIPTION OF THE REQUEST

The applicant is requesting approval of a special permit to allow the keeping of racing, homing, or exhibition pigeons on a 8,477 square foot lot. This area is less than the 10,000 square feet required by Sect. 2-515.5 of the Zoning Ordinance. The applicant is proposing to keep up to 170 pigeons; the Zoning ordinance does not specify a maximum number of pigeons allowed, nor does it provide a ratio based on lot size.

	Proposal	Yard	Minimum Square Footage	Existing Square Footage
Special Permit	Keeping of Pigeons	Rear	10,000 Sq. ft.	8,477 Sq. Ft.

The applicant also requests to modify the location requirements of the pigeon coop in the rear yard, allowing the location of the coop (labeled pigeon shed on plat) to remain in its current location 3.2 feet from the side lot line and 12.8 feet from the rear lot line. The applicant has indicated that this location is ideal due to the existing vegetative screening along the side yard and the presence of a neighbor's garage, which screens the coop from the adjacent property. The lot's width (73.25 feet) and the rear yard setback of 32.7 feet do not allow for the 50 foot minimum setback required by the Ordinance. 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 applicant has stated that the pigeons are trained for endurance and high-flying

racing competition. The training and competitions are a recreational pastime for the applicant, no racing events occur on site. The pigeon coop features a shed which house the birds and an attached aviary where the pigeons are trained. No more than seven to ten pigeons are released at one time. The pigeon coop is cleaned once a week.

In addition, the applicant requests approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit an accessory structure to remain 3.2 feet from a side lot line. With a required side yard setback of 10 feet, the applicant requests a reduction of 6.8 feet, or 68%. Per section 10-104 of the Zoning Ordinance, the BZA may modify the location of a structure used for the keeping of animals if it meets the height and size regulations for accessory storage structures. As the pigeon coop exceeds 7.0 feet in height, it must be approved as an error in building location rather a modification to the provisions for animals in 2-512.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area IV, Springfield Planning District  
**Planning Sector:** Crestwood Community Planning Sector (S2)  
**Plan Map:** Residential, 2-3 dwelling units per acre

**Zoning District Standards**

<b>Bulk Standards (R-4)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	8,400 sf.	8,447 sf.
Lot Width	Interior: 70 feet	73.25 feet
Building Height	35 feet max.	13.9 feet
Front Yard	Min. 30 feet	39.2 feet
Side Yard	Min. 10 feet	14.1 feet
Rear Yard	Min. 25 feet	44.8 feet

**Accessory Structures On-Site**

Structure	Yard	Minimum Yard Required	Existing Location
Pigeon Coop	Side	10.0 ft.	3.2 ft.
	Rear	25.0 ft.	12.8 ft.

**Zoning Ordinance Requirements (Appendix 5)**

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-914* Standards for the Reduction to the Minimum Yard Requirements Based on Error in Building Location
- *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-4 District allows the modification to the limitations on the keeping of animals
<b>Standard 3</b> Adjacent Development	No new construction is proposed. The current location of the pigeon coop is screened by existing vegetation behind the coop. A development condition to provide rear yard screening has been added to minimize impacts to the adjoining rear property. The adjoining property to the side also features a large detached garage, providing additional screening. In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
<b>Standard 4</b> Pedestrian/ Vehicular Traffic	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.
<b>Standard 5</b> Landscaping/ Screening	Existing vegetation provides screening to the side yards and pigeon coop area. To provide rear screening, staff has added a development condition to provide evergreen plantings along the rear property line.
<b>Standard 6</b> Open Space	There is no prescribed open space required in the R-4 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading on the site.
<b>Standard 8</b> Signs	No signage is proposed.

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

<b>Standard 1</b> Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-4 District. No new construction or exterior modifications are proposed.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	The application is not subject to the provisions of Article 17, Site Plans.

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

<b>Standard 1</b> Kinds, Numbers, Management Techniques, and Location	The applicant has proposed the keeping of pigeons (up to 170 pigeons). In the applicant's statement of justification, he has outlined management techniques to mitigate the impact of the pigeons on surrounding properties. Development conditions have been included to further enforce these management techniques. Due to the screening provided by existing vegetation, the proposed rear vegetative screening, the adjacent detached garage, given the constraints of the lot, staff supports a modification to allow the current location of the pigeon coop to remain.
<b>Standard 2</b> Harmonious and Compatible	With the adoption of proposed development conditions, staff believes the potential impacts on adjacent properties would be mitigated. Regular maintenance is required by the conditions. The applicant has provided signed letters of support for the keeping of pigeons. During the site visit, neighbors approached staff and verbally supported the current location of the coop.
<b>Standard 3</b> Plat Requirements	The applicant has met all plat submission requirements for the modification to the limitations on the keeping of animals.

**CONCLUSION / RECOMMENDATION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SP 2015-LE-108 for the keeping of with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the patio to remain, staff recommends that such approval be made subject to the 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.

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 and Select File Photos
3. Applicant's Affidavit
4. Notice of Violation, dated September 18, 2014
5. Zoning Ordinance Provisions

## **PROPOSED DEVELOPMENT CONDITIONS**

### **SP 2015-LE-108**

**October 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-108 located at Tax Map 80-3 ((2)) 16 to permit modifications to the limitations on the keeping of animals and a reduction of minimum yard requirements based on an error in building location to permit an accessory structure to remain 3.2 feet from a side lot line per Sections 8-914 and 8-917 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

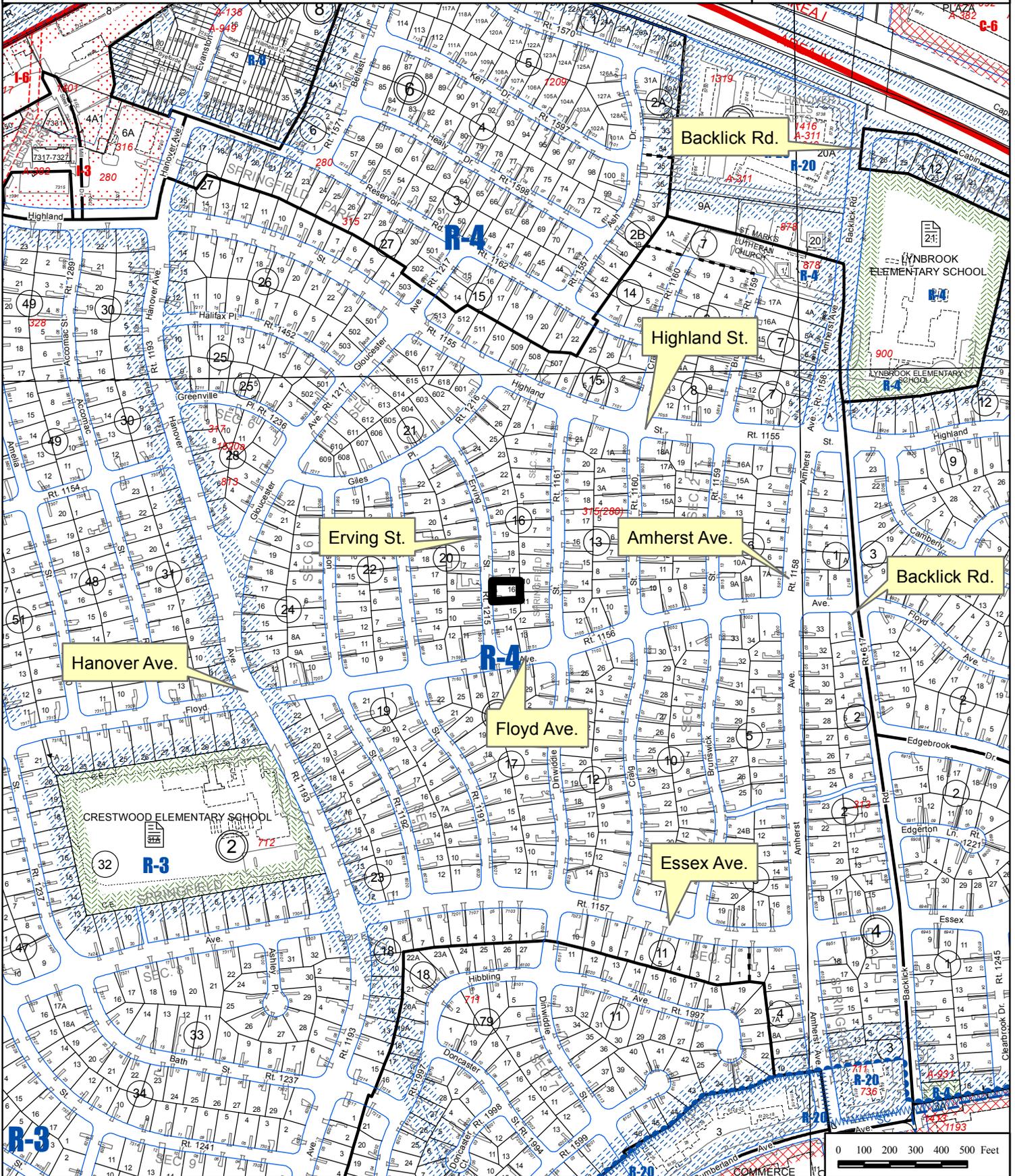
1. This approval is granted to the applicant Ata-ur R. Akhtar, only, and is not transferable without further action of the Board, and is for the location indicated on the application 5917 Erving St., and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (pigeons) and the location and height of the proposed pigeon coop on the plat titled "Plat Showing the Improvements on Lot 16, Block 16, Section Three Springfield," prepared by George M. O'Quinn, L. S., dated February 25, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be made available to all departments of the County of Fairfax upon request.
4. This approval shall be for a maximum of 170 pigeons.
5. No more than ten (10) pigeons shall be released from the enclosure at one time.
6. All pigeon waste shall be thoroughly composted before use or distribution, or removed from the site.
7. The coop/aviary shall be cleaned and de-sanitized once a week.
8. The existing vegetative screening and fence located in the side yard behind the coop shall be maintained
9. The applicant shall provide evergreen plantings along the rear property line suitable to provide year-round screening of the pigeon coop and aviary.

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.



# Special Permit SP 2015-LE-108 ATA-UR R AKHTAR





March 11, 2015

To: Whom it may concern,

I am writing this letter to you as my sincere request to please allow me to keep my pigeons on my property. I have lived on Erving St for almost three years, and the birds have been here from the start. The pigeon that I raise are not your ordinary street pigeons; they are amongst the elite in the world. You see these birds were imported from Pakistan over 15 years ago and the cost was more than \$7,000.00 in importation fees. In the last few years, due to h1N1 aka Bird Flu, there has been a ban on the importation of birds or livestock from any Asian Countries. If I were to loose these birds, I will not be able to import birds from overseas again.

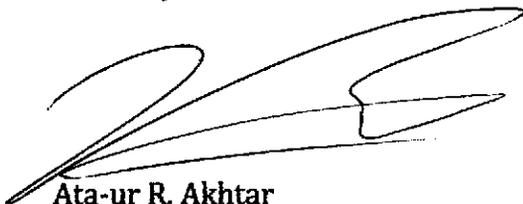
It will be a cruel injustice to break my flock apart, which I have preserved for so long. In the summer days I train and fly my birds. My birds are let out in kits of 7 to 10 birds at a time. The birds fly for several hours, circling above the clouds and return home on my signal. The birds land at the precise location which I have trained them to land on. My neighbors enjoy watching the birds and at times invite there friends and family over to watch them as well.

My birds are only let out when it is time to fly. The shed which is used to house the birds is cleansed once a week. The droppings are than disposed of in trash bags and placed in trash cans. My birds take a bath once a week in tubs that are placed in there fly pens, and if it was up to them I am sure they would like to take a bath every day.

Some families raise cats and some dogs. I raise pigeons and they are a part of my family. I once again humbly request you to approve my request for a Special Permit in continuing my hobby as I have done so for over 15 years.

Thank you for your time and consideration,

Sincerely,



Ata-ur R. Akhtar

RECEIVED  
Department of Planning & Zoning

MAR 17 2015

Zoning Evaluation Division

Dave Isaac  
3033 Silent Valley Drive  
Fairfax, Virginia 22031  
571-217-1879

March 15, 2015

Special Permits  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
Fairfax, VA 22035-5505

RE: Statement of Justification to Allow Shed for Pigeons with Aviary to Remain.

The owner of the property at 5917 Erving Street requests permission to continue to pursue his hobby of training homing pigeons. Attached is a letter from the owner explaining the details of his hobby. Also attached are signatures of approval from neighbors.

The owner recently moved the shed and Aviary away from the rear property line in an effort to comply with zoning regulations. The structure is currently 12.8' from the rear line and 3.2' from the side line. The "footprint" of the shed and Aviary occupy 260 sq. ft. Total lot area of the property is 8, 447 sq. ft.

The structure is supported on temporary masonry piers. A permanent anchor to the ground will occur upon final resolution of this matter.

The shed design is a typical "prefab" storage Unit. The Aviary is a wood frame with a square-wire covering. The appearance of the shed and Avery does not adversely impact adjoining properties with regard to grading, storm water runoff, noise or light. No trees or vegetation were destroyed. No grading was altered. No hazardous materials were used in the construction or operation of this structure.

We hope a resolution can be reached in this matter so that Mr. Akhtar may continue to enjoy and pursue his hobby.

Sincerely,



Dave Isaac

RECEIVED  
Department of Planning & Zoning  
MAR 17 2015  
Zoning Evaluation Division

921.1

To whom it may concern,

I am writing this letter upon your request to provide information regarding the kinds of animals proposed to be kept on my property, the number of animals and some additional information about these animals.

Let me start by saying that the animals that I am proposing to keep, are Pigeons. Please do not be misled by the conception that these are birds that you see on the side of the road, which some might consider to be pest. These are highflying Pigeons that are able to fly above the clouds at such high altitude that they look as if they were a twinkling star on a clear night. They are capable of flying in extreme heat in the hot summer days. Competitions are held to see whose birds can fly the longest. Birds are flown in a group of 7 birds. There are strict rules and guidelines that have to be followed. Judges are present to make sure that no rules are broken. The winner is awarded a trophy and a prize. I myself have participated in these competitions for many years.

The birds I keep were purchased from two separate gentlemen who imported them from Pakistan and India over 15 years ago. They cost me about \$5,000.00. Due to lack of proper handling, disease, and poverty, some of the bloodlines that I keep are almost extinct in the countries they were imported from. And due to h1n1 virus (bird flu) there has been a ban on importation of birds from these countries. There were 20 different strains/breeds that were imported into the U.S, and I was blessed with being able to obtain all 20. When one talks of strains, we have to remember that in order to keep a strain or breed going you must have a male and a female. When you have birds that are very rare, you start to build a stock of birds, that just in case if one dies, you have a few back up birds to continue the bloodline. It's similar to the horses that race in major races like the Kentucky Derby, there pedigree is closely followed.

My flock is consisted of 100 stock birds and about 70 flyers. The flyers are trained in a strict method to fly from the top of the coop and land on perches that are designed for them to land on. My birds do not sit on top of anyone else's home or property. The flyers are always in danger of being attacked by hawks or the neighborhood cats. One may start the season with 70 flyers but may only be left with a hand full at the end of the season. There are never more than 7-10 birds let out at a time. The stock birds do not leave the coop because they are always in danger of being attacked once out of the flying pens. They get there exercise in the flying pens made outside of the coop.

My flocks of birds are harmless and cause no problems for my neighbors. In this packet you will find a paper that has been signed by all of my neighbors stating that they have no objection in me keeping my birds. Please allow me to keep the birds as I have kept for many years. I am a Nurse and work at a very busy Emergency Room and these birds help calm me down after a busy day at work.

Thank you for your time and consideration,

Ata-ur R. Aktar

RECEIVED  
Department of Planning & Zoning

JUL 13 2015

Zoning Evaluation Division

Dave Isaac  
3033 Silent Valley Drive  
Fairfax, Virginia 22031  
571-217-1879

RECEIVED  
Department of Planning & Zoning  
JUL 13 2015  
Zoning Evaluation Division

July 12, 2015

Special Permits  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
Fairfax, VA 22035-5505

RE: Response to Comments; File #: SP 2015-0083

5.00 Clarifications of use and pertinent data are covered in the following responses.

5.09 Applicable ordinances allow for an accessory structure of this size on this property. Building Plan Review informed us that a building permit would not be required for this size and type of structure. Relief is sought regarding the minimum size yard setback.

Applicable ordinances allow for the housing of homing pigeons. This application seeks relief for a slight reduction in the minimum property size.

Our justification is that the property size cannot change. Relocation of the structure would be a hardship and would reduce the children's play area in the backyard.

912.00 Error in building location.

The enclosure to house and train the pigeons consists of two connected structures. The shed which houses the birds measures 8' x 16'. It was purchased as a prefab unit. The attached aviary where the pigeons are trained also measures 8' x 16' feet. It is built as a wooden framed covered with chicken wire. Both structures rest on masonry pier foundations.

The complete structure is 256 sq. ft. (See attached drawing.) I was told by building plan review that the small size and use of this structure would not require a building permit.

The shed was purchased and set by the homeowner. The aviary was build by the homeowner. No contractor was involved.

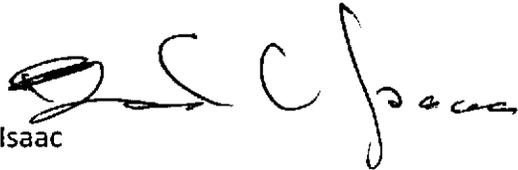
The structure was originally located near the rear fence. The owner moved it to the current location while thinking he was complying with the zoning regulations.

The structure has not been permanently anchored to the block foundation. It is possible but difficult to move the structure. (See attached drawing.)

921.01 See attached letter from homeowner regarding the pigeons.

921.03 Regarding the screening see attached specifications. The location and 256 sq. ft. size of the structure does not create an adverse impact on adjacent properties. The low volume sound of these birds cannot be heard on adjacent properties. Their housing is kept clean and does not emit any odor. They are trained to return to their perch after flying. They do not attack or make a nuisance to other animals or properties. Their show of flying and returning has brought enjoyment to other neighbors.

Sincerely,

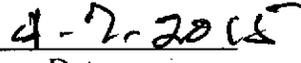
A handwritten signature in black ink, appearing to read "Dave Isaac". The signature is written in a cursive style with a large, stylized "D" and "I".

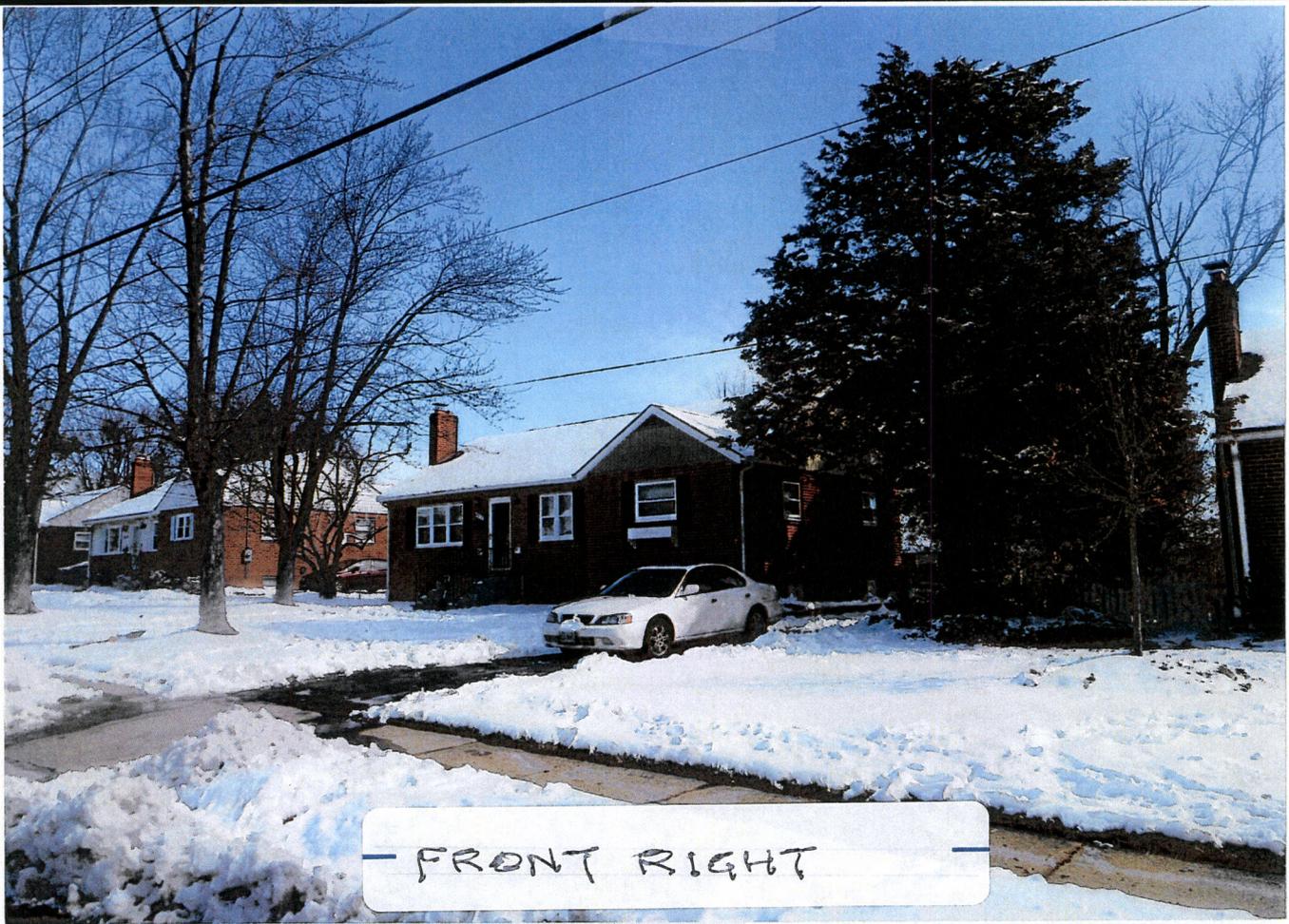
Dave Isaac

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

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

  
Applicant's Signature

  
Date



5917 EWING STREET



5917 EWING STREET





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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MARCH 9, 2015  
 (enter date affidavit is notarized)

128673

I, ATA-UR R. AKHTAR, do hereby state that I am an  
 (enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
<u>ATA-UR R. AKHTAR</u>	<u>5917 ERYING STREET</u>	<b>APPLICANT</b>
	<u>SPRINGFIELD VA 22150</u>	<b>TITLE OWNER</b>
<u>TEREZA I. AKHTAR</u>	<u>5917 ERYING STREET</u>	<b>APPLICANT</b>
	<u>SPRINGFIELD VA 22150</u>	<b>TITLE OWNER</b>
<u>D.I. SERVICES L.L.C.</u>	<u>3033 SILENT VALLEY DR.</u>	
<u>AGENT: DAVID ISAAC</u>	<u>FAIRFAX VA. 22031</u>	<b>AGENT FOR 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): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MARCH 9, 2015 120873  
(enter date affidavit is notarized)

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)

O.I. SERVICES L.L.C.  
3033 SILENT VALLEY DRIVE FAIRFAX VA 22031

**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 A. ISAAC

(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)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MARCH 9, 2015  
(enter date affidavit is notarized)

128873

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: MARCH 9, 2015  
(enter date affidavit is notarized)

128813

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: MARCH 9, 2015  
(enter date affidavit is notarized)

120873

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:

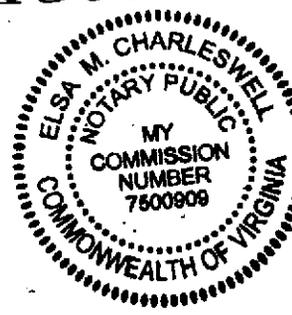
(check one)  Applicant  Applicant's Authorized Agent

ATA-UR R. AKHTAR  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9 day of March, 2015, in the State/Comm. of Virginia, County/City of Arlington.

Elsa Charleswell  
Notary Public

My commission expires: 10/30/15



TO BE SIGNED BY ALL TITLE OWNERS

OWNER CONSENT/AGENT AUTHORIZATION

To Whom It May Concern:

ATA-UR R. AKHTAR  
I/We, TEREZA I. AKHTAR, the undersigned title owners of the property identified below, do hereby authorize DAVID A. ISAAC to act as our Agent in the furtherance of an application for a SPECIAL PERMIT ON OUR property located at: 5917 IRVING STREET  
SPRINGFIELD VA. 22150

Tax Map No. \_\_\_\_\_

Thank you in advance for your cooperation.

Date: 3/10/15 By: [Signature]

COMMONWEALTH/STATE OF: Virginia  
CITY/COUNTY OF: Arlington, TO WIT:

The foregoing instrument was acknowledged before me this March day of 10, 2013, by Ataur Rauf Akhtar.  
(Enter name of person signing document)

Elsa Charleswell  
Notary Public (Signature)  
Notary Registration No. 7500909  
My Commission Expires: 10/30/15



AFFIX SEAL/STAMP

SIGNATURES CONTINUED ON NEXT PAGE, IF MORE THAN ONE TITLE OWNER

Date: 3/10/15

By: [Signature]

COMMONWEALTH/STATE OF: Virginia  
CITY/COUNTY OF: Arlington, TO WIT:

The foregoing instrument was acknowledged before me this March day of 10,  
2013, by Tereza Akhtar  
(Enter name of person signing document)



Elsa Charleswell  
Notary Public (Signature)  
Notary Registration No. 7500909  
My Commission Expires: 10/30/15

AFFIX SEAL/STAMP



# County of Fairfax, Virginia

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

**DCC RETURN COPY**

## NOTICE OF VIOLATION Fairfax County Zoning Ordinance

**DATE OF ISSUANCE:** November 25, 2014

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Ata-Ur Rauf Akhtar  
Tereza Isabel Akhtar

**ADDRESS:** 5917 Erving St.  
Springfield, VA 22150

**LOCATION OF VIOLATION:** 5917 Erving St.  
Springfield, VA 22150-3735

**TAX MAP REF:** 0803 02160016

**ZONING DISTRICT:** R- 4

**CASE #:** 201407536 **SR #:** 111301

**ISSUING INVESTIGATOR:** Peggy Delean, (703)324-1330

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§2.512.5	\$ 200.00	\$ 500.00
	§10.104.12	\$ 200.00	\$ 500.00
	<b>TOTAL:</b>	<b>\$ 400.00</b>	<b>\$ 1000.00</b>

Dear Responsible Party:

An inspection of the above referenced property on November 10, 2014, revealed the following violations of the Fairfax County Zoning Ordinance:

#### § 2-512 (5) Animals - Pigeons

The inspection revealed that you are keeping pigeons in the rear yard of the property. Par. 5 of Sect. 2-512 of the Zoning Ordinance states:

**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 Fax 703-653-9459 TTY 711  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

Ata-Ur Rauf Akhtar  
Tereza Isabel Akhtar  
November 25, 2014  
SR 111301  
Page 2

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.

Therefore, the keeping of pigeons on this lot, which is 8,447 square feet, is a violation of Par. 5 of Sect. 2-512 of the Fairfax County Zoning Ordinance.

You are hereby directed to clear this violation within **thirty (30) days** of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all pigeons from this lot.
- Ceasing to keep pigeons on this lot.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit to allow the keeping of pigeons on the property. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

---

**§ 10-104 (12E) Accessory Structure Location**  
**§ 2-302 (6) Accessory Use must comply with Article 10:**

The presence of an accessory structure (pigeon coop) which measured approximately 9 feet in height, and is located approximately 5 feet from the rear lot line.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12E of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R- 4 District is 10 feet as detailed in Par. 2A of Section 3-407 of the Zoning Ordinance.

Therefore, as this accessory structure (pigeon coop) exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12E of Sect. 10-104 above, it is in violation of Par. 12E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

Ata-Ur Rauf Akhtar  
Tereza Isabel Akhtar  
November 25, 2014  
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No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

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

- Removing the accessory structure (pigeon coop) from the property in its entirety; or
- Reducing the height of the structure (pigeon coop) to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure (pigeon coop) to a distance from the rear and side lot lines in accordance with Par. 12E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

---

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 or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

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, any other information

Ata-Ur. Rauf Akhtar  
Tereza Isabel Akhtar  
November 25, 2014  
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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:

Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035  
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1330. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

  
\_\_\_\_\_  
Signature

Peggy Delean  
Code Compliance Investigator  
(703)324-1330  
Margaret.Delean@fairfaxcounty.gov

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- 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 its purport. List name, age of recipient, and relation of recipient to party named above.

---

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).

Served on a Secretary of the Commonwealth.  
 Not found.

J. SILVER / C21  
SERVING OFFICER

11-25-14      Stacey A. Kincaid, Sheriff  
DATE                      for      Fairfax County, VA

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
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J. SILVER / C21  
SERVING OFFICER

11-25-14      Stacey A. Kincaid, Sheriff  
DATE                      for      Fairfax County, VA

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---

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).

Served on a Secretary of the Commonwealth.  
 Not found.

SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

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---

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).

Served on a Secretary of the Commonwealth.  
 Not found.

SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_

**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.

**8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
2. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
3. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
4. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

### **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.