

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PETER D. MULCAHY, TRUSTEE, SP 2014-SP-161 Appl. under Sect(s). 8-917 of the Zoning Ordinance to permit modification to the limitation on the keeping of animals. Located at 9613 Candish Ct., Fairfax Station, 22039, on approx. 41,702 sq. ft. of land zoned R-1. Springfield District. Tax Map 97-3 ((17)) 10. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 8, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-1. The area of the lot is 41,702 square feet.
3. On property greater than two acres, 64 chickens are allowable by right. The applicant has approximately an acre. He is requesting to maintain approximately up to one bird unit, but as discussed here today, the Board would be limiting that up to 20 hens. The proposal would not include roosters.
4. The applicant will use a mobile coop which resembles a shed. There would be mitigating conditions that would address placement of the coop within limitations that meet zoning requirements and also ensure that it addresses easement maintenance requirements.
5. There are other conditions that address odor and waste management issues based on neighbor concerns that have been raised. The applicant in his statement of justification has indicated that he has talked with neighbors, as well as notified them of plans for having the chickens.
6. Staff has recommended approval, and the Board adopts the rationale.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Peter D. Mulcahy, Trustee only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9613 Candish Ct., and is not transferable to other land.

2. This special permit is granted only for the keeping of animals (fowl) and location of the proposed chicken coop area located on the plat titled "House Location Survey, Lot 10, Glenmore," prepared by Tami A. Lenox, L.S., of Paciulli Simmons and Associated, dated November 11, 1999, as revised by Peter D. Mulcahy through July 25, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This approval shall be for a maximum of twenty (20) 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 applicant shall be responsible for the relocation of all accessory structures outside of utility easements upon demand from the owners of said easements.
9. The chicken coop and run shall be located no closer than fifty (50) feet to any lot line at any given time.
10. The coop shall be inspected, including any kind of heating devices that would be utilized, and pass all required inspections prior to being used.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use is established. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in black ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals