

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ZULEYKA A. LEMAITRE AND ERNIE LEMAITRE, SP 2014-MV-168 Appl. under Sect(s). 8-917 of the Zoning Ordinance to permit modification to the limitation on the keeping of animals. Located at 8061 Paper Birch Dr., Lorton, 22079, on approx. 9,739 sq. ft. of land zoned PDH-4. Mt. Vernon District. Tax Map 107-2 ((8)) (F) 42. Mr. Smith 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 29, 2014; and

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

1. The owner of the property is the applicant.
2. The present zoning is PDH-4.
3. The area of the lot is 9,739 square feet.
4. These are small animals, and small is probably an understatement with 13, 6.5, and 5 pounds.
5. It does not seem like this is really going to have any harm to anybody, especially given the testimony today, that they are house animals and they are monitored outside.
6. The development conditions adequately address any potential issues that neighbors would have, and it sounds like they are being complied with already.
7. The Board could not find any evidence to support some of the concerns that were noted, even concerns about passing waste and mess in huge amounts. It is hard to even fathom that could be the possibility given the size of these animals.

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 applicants only, Zuleyka A. LeMaitre and Ernie LeMaitre, and is not transferable without further action of the Board, and is for the location indicated on the application, 8061 Paper Birch Drive, and is not transferable to other land.

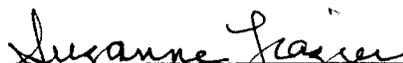
2. This Special Permit is granted only for the keeping of three dogs at the location indicated on the plat titled "House Location Survey Lot 42 Laurel Hill Landbay E, Section 2" prepared by Urban Engineering & Assoc., Inc., dated October 17, 2005, with annotations by the applicant dated August 5, 2014, and approved with this application, as qualified by these conditions.
3. This approval is for the applicants' existing three dogs. If any of these specific animals die or are given away, the dogs shall not be replaced, except that two dogs may be kept on the property in accordance with the Zoning Ordinance.
4. 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.
5. Animal debris shall be cleaned from the yard daily and properly disposed of.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice.
7. At no time shall the dogs be left outdoors unattended for continuous periods of time longer than 30 minutes.

This approval, contingent on 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 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals