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MINUTES OF THE BOARD OF ZONING APPEALS- March 10, 1941. The Board met in room of Supervisors with Messrs. Dawson, Mackall and Stockton, and Mrs. Staub present. Mr. Stockton was elected Chairman and Mr. Dawson Vice Chairman. Mr. White, the Zoning Administrator, was elected Clerk. There was an informal discussion of the Zoning Ordinance, and Mr. White indicated certain types of cases with which the Board would probably have to deal at first.

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The Board instructed the Clerk to prepare any appeals that might be made and advertise them according to law. The Board also authorized the Clerk to fix the date for a formal Hearing after conferring with the Members. The Clerk is also to notify interested parties of formal Hearings. It was also decided to hold a joint meeting of the Board and the Planning Commission, or a Representative of that body, the date to be fixed by Mr. Stockton after conferring with the Planning Commission.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Court Room at 10:00 A. M., April 16, 1941. All of the Members- Mrs. Annie T. Staub, Messrs. T. J. Stockton, William C. Walker, Douglas S. Mackall, Jr., and S. Cooper Dawson were present. Mr. T. J. Stockton, the Chairman, presided.

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Mr. Porter, representing Mr. G. C. Reddick, presented his appeal to be allowed to build a Dwelling on his Lot No. 27, in Mount Zephyr Subdivision, with less than the set-backs required under the Zoning Ordinance. It having been shown that the Subdivision was approved prior to March 1, 1941, Mr. Dawson moved that the appeal be granted. The motion was seconded and carried by unanimous vote. Mr. Reddick's further request that the same permission be granted for all the other Lots in the Subdivision was, however, denied by unanimous vote upon the Chairman's statement that it was doubtful if the Board could legally give such blanket permission.

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Mr. B. H. McCrary, representing Mr. R. L. Kane, made a like request for Lot No. 9 in Plymouth Haven Subdivision, which was likewise

granted unanimously for the same reason upon motion by Mr. Dawson. His request for a decision covering the entire Subdivision was also denied by unanimous vote.

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Mr. W. Alvord Sherman was permitted to erect a Dwelling on a Lot 80x400 feet in area in a Rural Residence District because it had been left in that size and shape prior to March 1, 1941. Mr. Mackall made the motion which was carried without dissent.

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Mr. James P. Farmer asked permission to erect a Dwelling on each of Lots Nos. 8-28-31 in Cleveland Heights Subdivision, with set-backs of less than 40 feet, in a Suburban Residence District, in order to obtain a more uniform building line. Upon Mr. Mackall's motion the consent was unanimous. The Lots were of record prior to March 1, 1941.

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Mr. Cullen, appearing for Mr. David P. Kelch, asked permission to erect a Dwelling on Lots No. 27 and 28, Block 28 of New Alexandria Subdivision, in line with existing buildings on the Block with less set-back than required by the Ordinance. Upon Mrs. Staub's motion permission was unanimously granted, because Lots were of record prior to March 1, 1941.

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Mr. Jack Eakin appeared for the Eakin Properties, Inc. to request approval of a 40 foot set-back and a 14 foot side yard on Lot No. 24, Section 2 of Hillwood Subdivision. It was granted by unanimous vote on motion of Mr. Mackall, because of a recording prior to March 1, 1941.

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Mr. Gardner Boothe, Attorney for Wellington Estates, Inc. asked permission for use of three Lots in that Subdivision with set-backs of less than 50 feet and with side and rear yards of less than 25 feet. Upon motion of Mr. Dawson the consent was unanimous because the Subdivision was of record prior to March 1, 1941.

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Mr. Arthur D. Thompson, representing Mr. Clarence Case, was permitted to build on Corner Lot No. 54, Block 2 of Greenway Downs Subdivision, with less set-backs than required under the Ordinance. The motion made by Mr. Mackall was carried unanimously on the ground of undue hardship upon applicant.

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Mr. C. L. Mohler applied for permission to build a Store in the

APRIL 16, 1941

Rural Residence District just outside the Rural Business District at Centerville. No action was taken there being doubt as to the authority of the Board to pass on the question.

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Mr. Robert Zieger applied for permit on Lot No. 8 in B. M. Smith's Subdivision, at Groveton, to erect a Dwelling with a 28 foot set-back. He was granted a 30 foot set-back on grounds that such requirement would impose no hardship, and would be in line with an existing house on the same Block. Mr. Dawson made the motion which was carried without dissent.

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Mr. B. B. Ezrine asked permission to erect a Dwelling with less than required set-backs on Lots No. 1-2-3, in Groveton Heights Subdivision. Upon Mr. Dawson's motion request was granted unanimously on ground of undue hardship if full set-backs were required on this Corner Lot.

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Mr. R. K. Pitts on motion of Mr. Mackall was unanimously granted permission to erect a Dwelling on a 60 foot Lot, in Fairhill Subdivision, located near Merrifield in a Suburban Residence District, because Lot was of record prior to March 1, 1941.

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Mr. Hardee Chambliss, Jr., Attorney for Fairfax Hills Subdivision (Bristow) on Little River Turnpike near Annandale, requested permission to erect a Sign 42x12 feet to advertise Lots in the Subdivision. After considerable discussion permission was granted on motion of Mrs.Staub, by unanimous vote, to erect a non-commercial Sign of the size indicated above not less than 200 feet from the side line of the abutting Highway (No. 236) on condition that the company remove all but three of the small signs now along such Highway.

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Mr. E. R. White submitted his resignation as Clerk to the Board. The resignation was accepted and Mrs. Louise Dickie was appointed to the vacancy, effective May 1, 1941.

J. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 1:00 P. M., May 12, 1941. All of the Members- Mrs. Annie T. Staub, Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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Mr. Richard Farr, an Attorney representing Mr. Norman N. Shepherd, presented his appeal to be allowed to erect Tourist Cabins and a Gasoline Filling Station in an Agricultural District. After considerable discussion permission was granted on motion of Mr. Dawson to erect a Gasoline Filling Station with a set-back of 40 feet from the side line of the abutting Highway, and a 15 foot side yard clearance for Cabins, on grounds of exceptional topographic conditions, the Lot having high banks on either side. The vote was four to one, Mrs. Staub voting against the motion.

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Mr. Hardee Chambliss, Jr., an Attorney representing Mr. Henry C. Goodnow, asked for a temporary withdrawal of his appeal to erect a Dwelling on Lot No. 14 and south 30 feet of Lot No. 13 with less than 25 foot side yards, in Mount Vernon Hills Subdivision, pending future rezoning of the entire Subdivision by the Board of Supervisors. Withdrawal was granted without objection.

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Mr. John T. Moutoux asked permission to erect a Dwelling on Lot No. 25 in Buffalo Hill Subdivision, with less than set-back and side yard requirements of the Zoning Ordinance. Upon Mrs. Staub's motion the consent was unanimous, to avoid undue hardship because of exceptional topographic conditions and shape of Lot, which slopes sharply in the rear.

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Mr. George E. Walker asked permission to erect a Neon Sign, 4x11 feet, in a Rural Residence District. After much discussion the appeal was granted on motion of Mrs. Staub, on grounds of unfinished business due to Tourist Home being built and plans being drawn for Sign prior to March 1, 1941. The Sign was allowed to be placed 102 feet from the center of the Highway. The vote was four for and none against the motion, Mr. Dawson declining to vote.

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Mr. Ashelman and Mr. C. H. Welch presented the case for Mr. Welch, asking permission to erect Tourist Cabins on a Corner Lot in an

Agricultural District. Mr. Ashelman asked permission to build two additional Cabins under the same appeal. After considerable discussion the appeal was unanimously granted for the erection of two Cabins shown on the application, but permission was denied by unanimous vote to build two additional Cabins not shown on the application. Mr. Mackall made the motion.

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Mr. James S. Thompson asked permission to erect Tourist Cabins in a Rural Residence District. After much discussion the Board denied the appeal, on the grounds that this was a case for rezoning for the Board of Supervisors. Mr. Stockton suggested that the case be sent directly to the Planning Commission for consideration, to avoid further delay and expense. The suggestion was unanimously approved.

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Mr. Hardee Chambliss, Jr., an Attorney representing Mr. Julian W. Bruce, asked permission to erect Tourist Cabins and a Restaurant in an Agricultural District. After considerable discussion Mr. Mackall made the motion that the appeal be granted for a 50 foot set-back for the Restaurant with a 40 foot drive in the rear, and for the erection of Tourist Cabins, on grounds of future business development along U. S. Highway No. 1. The motion was carried four for and one against, Mr. Walker dissenting.

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The Board was in some doubt about its authority in the Norman N. Shepherd and Julian W. Bruce cases, to take action pending reference to the Planning Commission under Section XII, Subsection F-1, on Page 21 of the Ordinance. There was considerable discussion between the Members of the Board and the Attorneys for the appellants. Mr. Chambliss, Attorney for Julian W. Bruce, contended that under the above stated Section, the Board having made the reference to the Planning Commission could go ahead and make its decision on the facts, as otherwise there would be no point in giving the Board of Zoning Appeals jurisdiction and the requirement that the matter first be submitted to them would be useless and dilatory. The Board decided to ask the opinion of the Attorney for the Commonwealth on the point, and invited Judge Paul E. Brown to advise them. Judge Brown came in and after hearing the argument gave as his opinion that the contention of Mr. Chambliss was a proper one, and the Board acted accordingly.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M., June 16, 1941. All of the Members- Mrs. Annie T. Staub, Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

// The first case was the appeal of John W. Taylor for permission to erect a Dwelling on a Corner Lot, No. 4, in Mount Zephyr Park Subdivision, in a Rural Residence District, with set-backs less than required in the Zoning Ordinance. The Lot was shown to be of record prior to March 1, 1941, and Mr. Mackall moved that in order to avoid undue and exceptional hardship upon the owner the appeal should be granted to the extent of a 65 foot set-back from Park Ave. and a 50 foot set-back from Short Ave. The motion was seconded and carried by unanimous vote.

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The second case was that of Mrs. Helen Rubin, represented by Attorney J. Randolph Davis, for a permit to build a Grocery Store on a Corner Lot in a Rural Business District with a 15 foot set-back on each abutting street, the same being U. S. Highway No. 1 and East Side Drive, in Groveton. Mr. Henry C. Moore of the County Planning Commission was present and produced a map which he had recently made, indicating that the Rubin Lot is located in the Rural Residence District and not in the Rural Business District at Groveton, which, if true, would remove the case from the jurisdiction of the Board of Zoning Appeals. Mr. Mackall moved that a more accurate measurement should be made and if it should be found that the Lot is actually in the Rural Business District permission should be granted for a 50 foot set-back from U. S. Highway No. 1 and a 25 foot set-back from East Side Drive, in order to prevent traffic hazards at the intersection and not work too great hardship upon the owner. His motion was seconded and passed unanimously.

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The third case was an application by George T. Bennett to erect a Gasoline Filling Station at the south east corner of Little River Turnpike (No. 236) and Guinea Road (No. 651), in an Agricultural District. No one appeared for Mr. Bennett and the Clerk of the Board explained that a letter sent to the address he had given to remind him of the Hearing had been returned by the Post Office with the notation, "Moved-left no address." The case was then deferred until the next Board meeting.

// In the fourth case Marion Oliver Perry, Jr. applied for permission to build a Dwelling on a Corner Lot at Engleside, with less than the set-backs required in the Ordinance. The Lot has a frontage of 50 feet on U. S. Highway No. 1 and 150 feet on Engleside Street. It was shown to have been of record prior to March 1, 1941. Mrs. Staub moved that in order to avoid undue and exceptional hardship upon the owner he be allowed to set back 50 feet from U. S. Highway No. 1 and 10 feet from Engleside Street. The motion was seconded and unanimously carried.

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In the fifth case, Charles N. Cookrell applied for permission to build an Addition to the storage room of his Feed Store on Little River Turnpike just west of the Alexandria City Line in a District zoned as Urban Residence. After an informal discussion it was decided that to refuse to grant the request for an extension of the non-conforming use in this case would work an exceptional and undue hardship upon the owner. Mrs. Staub moved that the request be granted on that ground. The motion was seconded and unanimously adopted.

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In the sixth case, John C. Neibert, represented by his wife, requested permission to erect a Restaurant and 6 Tourist Cabins with set-backs less than required by the Zoning Ordinance, on the north side of Road No. 211, about 1½ miles east of Centerville, in an Agricultural District. Mrs. Neibert explained that some years ago she and her husband bought this property consisting of 94 Acres with the intention of building a Residence on a knoll near the Highway, but when the Highway was widened the knoll was leveled and a large fill was made behind it, and they decided that it would be a better place for a nice Restaurant with Tourist Cabins behind it on the edge of the woods. She stated that it was their purpose to build the Restaurant and the Cabins all of stone, which was already stored on the property and that it would be a first class development in every respect. Upon Mr. Dawson's suggestion that the matter be deferred for further investigation, Mrs. Neibert urged the Board to go down to the property at once as she had had difficulty in getting excused from her work in a Government Department in Washington, D. C. to come out to the Hearing; that they had been at great expense in getting ready to build and that further delay would increase her difficulties. Upon Mr. Mackall's suggestion the Board agreed to suspend consideration of the case until after lunch and then reassemble on the Neibert property. They then took up the seventh case.

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In the seventh case, Jack H. Bryan asked permission to erect a Dwelling on Lot No. 23 in Buffalo Hill Subdivision with less than the set-back and side yard requirements of the Zoning Ordinance. After some discussion Mr. Mackall made the motion for a 30 foot set-back, which was seconded and unanimously carried to avoid undue hardship upon the owner because of exceptional topographic conditions, the Lot sloping sharply in the rear.

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In the eighth case, Mr. A. W. Sinclair, an Attorney representing Mr. J. A. Vetter, asked permission to operate a Telephone Exchange in an existing building, at Engleside, on the east side of U. S. Highway No. 1, in a Rural Residence District. Upon investigation there became some doubt as to the correct zoning district, whether the property is located in a Rural Residence District or a Rural Business District. The motion was made by Mrs. Staub to permit the use of a Telephone Exchange as a public service, in either District. The motion was seconded and permission was unanimously granted.

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In the ninth case, Mr. A. L. Colbert asked permission to erect an Addition to a Store, about 3 miles south of Centerville on Road No. 28, between Road No. 658 and Bull Run, in an Agricultural District. The motion was made by Mr. Dawson, seconded, and unanimously carried, granting permission to build this Addition as an improvement to an existing and necessary business.

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The Board then adjourned for lunch, afterwards meeting at the John Neibert property as agreed upon and continued their consideration of the appeal. Mrs. Neibert asked that she be allowed to build the Restaurant not more than 60 feet from the side of the right-of-way with the Cabins behind it; she gave as her reasons that the soft dirt of the fill would prevent her going farther back without an expensive retaining wall and that she would not have room for Cabins behind the Restaurant. Mrs. Staub moved and Mr. Mackall seconded that the appeal be granted with a set-back of 75 feet. The vote was two for (Mrs. Staub and Mr. Mackall) and two against (Mr. Dawson and Mr. Walker.) The Chairman cast the deciding vote against the motion, which was lost. Mr. Dawson then moved, and Mr. Walker seconded, that the appeal be granted with a 90 foot set-back, which motion was carried without dissent. Mrs. Neibert then stated that the 90 foot set-back would ruin her plans.

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Upon leaving the meeting at the Neibert property three Members of the Board- Messrs. T. J. Stockton, S. Cooper Dawson and William C. Walker- returned to the Supervisor's Room in the Court House for the reading of the minutes for the three previous Board meetings. Mrs. Annie T. Staub and Mr. Douglas S. Mackall, Jr. were absent due to a misunderstanding of the exact time of the meeting. The minutes were read and approved, Mr. Dawson having made the motion, which was seconded and adopted without objection.

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Mr. T. J. Stockton suggested the necessity for land use maps showing the important highways in Fairfax County, indicating the various residence and business sections, to assist the Board at its Hearings in accurately locating the building sites for future cases. It was decided that the Members of the Board of Zoning Appeals should request the Board of Supervisors to authorize the Planning Commission to make such maps. It was further suggested, and decided, that the Board request of the Highway Commission a map showing the width of the primary and secondary roads in the County, for use in the Zoning Administrator's Office.

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The meeting then adjourned.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the County Court House at 11:00 A. M. on July 21, 1941. All of the members- Mrs. Annie T. Staub, and Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr. and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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The case of George T. Bennett was laid aside temporarily as no one appeared to represent him.

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The next case was that of John R. Lane for permission to erect 3 Tourist Cabins in an Agricultural District, 2 miles east of Centerville on Road

No. 211. After an informal discussion Mrs. staub made the motion, which was seconded by Mr. Mackall, and unanimously carried, granting permission to build these 3 Tourist Cabins as an improvement to an existing business, which was established prior to March 1, 1941.

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The third case was the appeal of French Ball for permission to erect a Dwelling with less than the 50 foot set-back required under the Ordinance, on Road No. 9, about 5 miles north of Lorton, in an Agricultural District. Mr. Ball claimed that this was necessary in order to avoid being pushed too close to a 25 foot right-of-way of the Virginia Public Service Co. across his Lot, and to enable him to benefit from a grove of trees which form the only wooded section on the Lot, making a very desirable location for a Dwelling. Mrs. Staub moved that in order to avoid undue hardship upon the applicant he be permitted to set back 30 feet from the side of the road. The motion was seconded by Mr. Mackall, and carried unanimously.

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The fourth case was an application by Hartvick K. Hasle to erect a Dwelling on Corner Lot No. 20, in Mount Zephyr Subdivision, in a Rural Residence District, with a 35 foot set-back from each street, (Agnew Street and Park Avenue). The Lot was of record prior to March 1, 1941, and is 100' x 200' in area. Mr. White, the Zoning Administrator, stated that he had no objection to waiving the requirements of the Corner Lot set-backs but suggested that the requirement on ordinary (non-corner) Lots in this District is a 50 foot set-back, and that such a requirement would not seem to work a hardship upon the owner in this case. Mr. Hasle contended that he had bought the Lot with the intention of subdividing it and erecting another Dwelling, and also stated that he should have at most a 40 foot set-back, in order to be in line with another building. Mr. White suggested that one building did not establish a building line and that to permit a 40 foot set-back in this case would establish a 40 foot set-back line for the whole row, and pointed out that the area of the Lot does not permit a second Dwelling to be erected on it. Mr. Hasle rejoined that he was looking to the future when the property might be rezoned to permit another Dwelling. Mrs. Staub favored granting a 35 foot set-back on the grounds that the streets are not through streets at the present time. Mr. Dawson moved that the Corner Lot requirements be waived and that a 50 foot set-back be required on both streets. Mr. Mackall seconded and the motion was carried four for and one against; Mrs. Staub voting against the motion.

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In the fifth case Jefferson L. Ford, represented by Attorney J. Randall Caton, asked to be permitted to operate temporarily, as a non-conforming use, a Trailer Camp near Belle Haven, between Mount Vernon Boulevard and the Potomac River, in a Rural Residence District. Mr. Caton explained about the location of the land, which though zoned as Residential, cannot be used as such, due to its lack of elevation and to the fact that the only outlet or right-of-way is through an adjoining Trailer Camp, and that the tract is bounded on the north by this Trailer Camp and on the south by U. S. Government property. He asked for the use of this Trailer Camp for the same duration of time as the one adjoining, which was established prior to the enactment of the Zoning Ordinance; when it ceases operation he will cease. Mr. Caton further explained the need of such a Camp for government employees. In reply to a question whether Mr. Ford had been denied a permit for an Apartment House on this location, Mr. Ronald Adams, Manager for Mr. Ford's Trailer Camp, stated that Mr. Ford's request for an Apartment House was denied, due to a lack of proper sanitary measures, and that less sanitary requirements are necessary for a Trailer Camp, that the establishment of two septic tanks has been approved by the Health Department of Fairfax County, and that Sanitary Engineer White could see no reason for not operating this Trailer Camp from the health and sanitary standpoint. He also stated that the employees of the Torpedo Plant have asked that this Trailer Camp be retained to solve their difficult housing problems during the Defense emergency period. Opposition was voiced by Dr. George S. Rice, based on historical facts and the scenic beauty along Mount Vernon Boulevard, stating that the government should buy or lease its own land for such a purpose. He added that the lack of a school tax in the County from Trailer Camps should be given serious consideration, that its schools were crowded with children whose parents pay no school tax. Mr. Adams again took the stand, explaining that Mr. Ford's Trailer Camp would not be there permanently but only as a Defense measure, to alleviate the troubles of government workers trying to find temporary homes, and that he himself would probably remain only until such time as his Country might call him into service. Mrs. Staub asked from what source the County would receive its taxes. The question remained unanswered.

Much discussion arose between Dr. Rice and Mr. Caton, concerning the meaning of a non-conforming use as it applied to the existing Trailer Camp to the north of Mr. Ford's property. In reply to a question from Mr. Mackall, Mr. Adams stated that there are about 100 trailers on the adjoining camp at this time. Mr. Frank Gartside, of the National Park Service, told the Board much money had been spent to avoid commercial

establishments along Mount Vernon Boulevard, and offered this as an objection. Mr. H. E. Arnold, a resident of the Ford Trailer Camp, urged that the Camp be permitted as a temporary Defense Housing measure and cited the difficulties being experienced by many workers in the various government activities near Alexandria and Washington. He stated that the Camp would accommodate about 50 families. Much discussion followed over whether the government will take over this tract of land to be used as a Trailer Camp of its own. Mr. Arnold explained that all residents of Trailer Camps are willing to pay school taxes. Dr. Rice stated that even a temporary use of this land in such a manner will lower the value of the surrounding area as a Residential District.

The Chairman of the Board read a petition signed by 23 petitioners, sent to Mr. S. Cooper Dawson, protesting against the operation of this Camp. Mr. Dawson told the Board he had had several calls by phone from persons voicing their objections. Mrs. Staub added that the Mount Vernon Boulevard having so much natural beauty is the wrong location for a Trailer Camp. The Chairman of the Board made the statement that there was one serious drawback to this tract of land being retained as a Residential District, because of the lack of a proper outlet or right-of-way. Mr. Adams then told the Board he had recently talked with Mr. Max Wehrley, of the National Capital Park and Planning Commission, as well as other officials, getting their opinion that there is a great need for this Trailer Camp at the present time. Mr. Arnold stated that if the permit is denied many families from the Torpedo Plant will be thrown out of their homes with no other place to go.

Mr. Dawson stated that because of the historical associations connected with Mount Vernon, which is a National Shrine, and because the Federal Government has built the Highway as a National Memorial, he was of the opinion that its residential character should be preserved, and he therefore moved that the appeal be denied. Mrs. Staub seconded, and the motion was carried unanimously.

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In the sixth case Edwin Lynch, representing Vernon M. Lynch, asked permission to erect a Community Building (Boy Scout Hall) on Lot No. 104, in Annandale Acres Subdivision, in a Suburban Residence District. After Mr. Lynch explained the exact location of the Lot and the proposed Building, Mrs. Staub made the motion to grant this appeal, which was seconded by Mr. Mackall, and unanimously approved, as not tending to retard the present use or future development of the district for residence.

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In the seventh case J. H. Benoit, representing the J. H. Benoit Realty Corporation, applied for permission to build a temporary Office Building on Corner Lot No. 1, Block 1, in Wakefield Forest Subdivision, in an Agricultural District. Mr. Benoit explained to the Board that the Office Building would be used solely in connection with the sale of Lots and Houses in said Subdivision, for a period of one year only, and will be removed when such sales are completed. The motion for a 50 foot set-back from each street, Wakefield Chapel Road and Little River Turnpike, was made by Mrs. Staub, waiving the Corner Lot Clearance requirements. The motion was seconded by Mr. Mackall, and the vote was unanimous to avoid undue and unnecessary hardship upon the owner in the operation of his business. The Lot was shown to have been of record prior to March 1, 1941.

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The case of George T. Bennett for permission to erect a Gasoline Filling Station on a Corner Lot at the intersection of Guinea Road (No. 651 and Little River Turnpike (No. 236), about half-way between Annandale and Fairfax, in an Agricultural District, was again taken into consideration. As no one represented Mr. Bennett, and as the appeal had been deferred from the last Board meeting because no one then appeared for him, Mr. Dawson made the motion that the appeal be denied, on the grounds that little interest was shown in the case by Mr. Bennett, and that there is very little, if any, need for a Gasoline Filling Station on this site. This motion was seconded by Mr. Walker, and unanimously carried.

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The minutes of the previous Board meeting were read and unanimously approved, Mr. Mackall having made the motion, which was seconded by Mr. Walker. The Chairman then signed the minutes for all the previous meetings. The meeting therefore adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M. on August 25, 1941. Four of the members-Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present; Mrs. Annie T. Staub being absent. Mr. T. J. Stockton, the Chairman, presided.

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The first case was the application of W. Preston Hunt, represented by Attorney John W. Rust, asking permission to erect 3 additional Dwellings on a Lot of 2.66 Acres, situated on the north side of Little River Turnpike (No. 236), about 2½ miles east of Fairfax, zoned as Agricultural. The Lot was of record prior to March 1, 1941 and already contains 4 Dwellings on one end (in line across the rear), and 2 Dwellings, a 7 room Tourist Cabin, and a Store on the front. This leaves an unoccupied space of ½ Acre in the center. The Zoning Administrator had ruled that the central space could not be used for additional buildings as it was necessary under the Ordinance to provide the required area and set-backs for the buildings heretofore erected on the undivided Lot.

There was uncontroverted evidence to the effect that occupants of the 4 Dwellings in the rear used the space in front of their Dwellings as an outlet to a side road, and the appellant stated that he intended to make a road across the Lot at that point for their use and for the use of the occupants of the houses which might be built on the other side of the proposed road. There was evidence to show that applications had been granted, but not used, for 4 additional buildings on this Lot prior to March 1, 1941, the date on which the Zoning Ordinance became effective.

The counsel for Mr. Hunt contended that the building permits were evidence that the owner intended to develop the property as proposed in his application before the Zoning Ordinance was in effect and that he would not have committed himself with the existing houses had he known that he would not be permitted to complete his plans and thus be caused a heavy loss. He argued that each house should be considered as on a separate Lot without relation to the vacant space in the center, and treated as a non-conforming use, and that the central 1½ Acres should be treated as available building space under the Ordinance (which requires a minimum area of ½ Acre for each building in this District) although there had been no actual subdivision of the Lot, nor is any contemplated.

A member of the Board (Mr. Mackall) suggested that an allowance of 25 feet be made for the proposed road and that an additional allowance be made for front yards to the houses on the rear and for rear yards to the houses on the front part of the Lot, which would leave 1 Acre in the center free for building- enough for 2 Dwellings. After considerable discussion as to the meaning of the Amendment to Paragraph 11 of Section XI of the Ordinance, the Chairman consulted the Commonwealth's Attorney as to the Board's authority to grant, deny, or compromise the appeal, and reported that Judge Brown had advised that the case be treated as a non-conforming use in effect prior to the adoption of the Ordinance. Mr. Dawson then moved that the appeal be granted as a non-conforming use in order to avoid undue and unnecessary hardship on the applicant, which Mr.

Walker seconded, and the motion was carried three for and one against, Mr. Mackall dissenting.

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The second case was the appeal of J. Melvin Brown, represented by his wife, Elizabeth Brown, asking for permission to erect a Dwelling with less than the 50 foot set-back required in an Agricultural District, on Road No. 611, about ½ mile north west of U. S. Highway No. 1, and 3½ miles south of Lorton. Mrs. Brown claimed that this was necessary in order to prevent building over a wide ravine which ran across the rear of the only desirable building site on the property. After an informal discussion wherein Mrs. Brown explained to the Board the nearest residence, between 75 and 100 years old, was about 400 yards to the north, and was set back about 30 feet from the side of the road; that the surrounding property was all wooded, being held by the owners for timber only, and that the land was too barren for cultivation, making it unlikely that any houses would be built close to her property. Mr. White suggested that the regular set-back of 50 feet be waived, for in this case it was improbable that a lesser set-back would establish a building line. The tract was shown to have been of record prior to March 1, 1941, and Mrs. Brown asked for a 40 foot set-back from the side of the road. Mr. Mackall made the motion for this 40 foot set-back, which was seconded by Mr. Walker, and unanimously carried to prevent undue and unnecessary hardship upon the owner.

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The third case was an application by Justina M. Stevens, represented by her husband, Charles Stevens, to erect 1 two room Tourist Cabin and 1 ten room Tourist Cabin with less than the 25 foot side yard required under the Ordinance, on the west side of U. S. Highway No. 1, at Engleside, in a Rural Residence District. Mr. Stevens asked for a 2 foot side yard clearance in order to carry out his proposed plans and designs for his Tourist Camp, which was established prior to the enactment of the Ordinance, showing the Lot to be of record prior to March 1, 1941. He presented to the Board a plot plan, drawn to scale, showing the location of all existing buildings, proposed Cabins, septic tank field, and the well. In reply to a question asked him if the adjoining property owner would object to his building so close to the property line, Mr. Stevens saw no objection since this owner is using a part of the Steven's land for his drive way.

Mr. White told the Board that Mrs. Steven's property had been recently rezoned from Rural Residence to Rural Business, by the Board of Supervisors, to permit the erection of Tourist Cabins, and that ordinarily in a Rural Business zone side yards are not required, bu when adjoined by a Rural Residence District, as in the present case, a 25 foot side yard is

required under the Ordinance. Mr. White further stated that a committee had been appointed to study business conditions along U. S. Highway No. 1, and probably that part would be rezoned to Rural Business, thus eliminating side yard clearances. Mr. Dawson asked Mr. Stevens if awaiting the proposed rezoning would create a hardship; Mr. Stevens informed the Board that further delay would cause a financial loss as the tourist trade and business is at its best during the summer months. Mr. Dawson then made the motion for a 2 foot side yard clearance. The motion was seconded by Mr. Mackall, and unanimously approved to prevent undue and unnecessary hardship upon the applicant in the extension and operation of her business.

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In the fourth case I. G. Robertson asked permission to erect a Dwelling on a Lot, purchased July 1, 1941, having less area and less set-backs than required in a Rural Residence District, situated south east of Oakton, near the intersection of Roads No. 674 and No. 655. Mr. Robertson was represented by Attorney Richard C. Farr, who withdrew the case.

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The fifth case was an application of W. H. Timms to erect an Addition to a Tourist Cabin in an Agricultural District, having less than the 25 foot side yard clearance required under the Zoning Ordinance, on U. S. Highway No. 1, about 600 feet north of the R. F. & P. Railway, south of Lorton. When Mr. Timms presented the original plot plan it was found that he had sufficient side yard clearance (42'8"), instead of the 4 foot side yard shown on his application. The Lot is of record prior to March 1, 1941, and the existing Tourist Cabins were established prior to the enactment of the Ordinance. After an informal discussion of the exact location of the property, Mr. Dawson made a motion for this Addition to a Tourist Cabin to prevent undue and unnecessary hardship upon the owner in his existing business. The motion was seconded by Mr. Mackall, and unanimously carried.

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The sixth case was an appeal by Mrs. Margaret Locke, represented by Attorney Benjamin Prager, for permission to erect 2 Tourist Cabins, 4 units each, in an Agricultural District, on the south side of Road No. 211, about 2 miles east of Centerville. Mr. Prager presented a plot plan showing existing buildings and an approximate location of the proposed Cabins. Mr. White stated that he had no objections to offer. Mr. Lawrence I. Peak then asked to make a statement, explaining to the Board that he was not voicing an objection to Mrs. Locke's plans, but being a property owner in the same vicinity he wanted to be assured, if the Board granted this appeal, it would also grant his appeal for similar business

activities when he came before them in the near future. He remarked that if this zone were kept residential he would be willing to keep his property the same, but if turned to commercial purposes he wanted the same privilege granted him. He asked that a permit not be granted for any business which might become a public nuisance, that the community was already disturbed by such a nuisance in the form of a Dance Hall.

Mr. Stockton requested that a plan be submitted, showing definitely where the proposed Cabins would be located, showing the necessary set-backs, roads, and method of ingress and egress. Mr. Calvin O. Yowell, present owner of the property, made an objection as being too costly to employ an architect for such plans, but the Board agreed it could not act without more definite plans, and that an architect would not be necessary so long as the plans were drawn to scale, showing the exact location of all buildings, both existing and proposed. The Clerk for the Board then presented a written description concerning the cost and type of building, which had been submitted to her by Mr. Yowell. Mr. Prager, in answer to a question by Mr. Mackall, said no Tourist Cabins were now on the property, but that a Restaurant and a Gasoline Filling Station are now in operation, being built prior to March 1, 1941. He described in detail how the Cabins are to be built either of cinder or stone blocks, painted, and how they are to be furnished when completed. Mr. Stockton still requested that plans be submitted to the Board when Mr. Locke stated 4 more Cabins were to be erected later on, although only 2 are to be built at the present time; also explaining the existing method of ingress and egress on his property in relation to the dual Highway.

In reply to Mr. Mackall's question if any one present objected to these Cabins, Mr. Peak again desired to be assured by the Board that he would be granted the same consideration extended Mrs. Locke. Much discussion followed among members of the Board as to what should be done in this case to prevent commercial uses from becoming a public nuisance. Mr. Mackall asked for an extension of time to obtain the viewpoint of Mrs. Locke's neighbors. Mr. White then asked Mr. Peak his viewpoint on Tourist Camps; Mr. Peak replying he felt they greatly depreciated surrounding and adjoining property, based on his experience in owning property in another state which adjoined a Tourist Camp. Mr. Mackall asked Mr. Locke if a deferment would interfere too much with his present plans, and Attorney Prager assured the Board it would not. Mr. Mackall then made the motion to defer the case, to give the Board more time in which to study and consider it, and to give Mrs. Locke time in which to submit plans, drawn to scale and in detail, of all existing and proposed buildings, and showing the method of ingress and egress. Mr. Dawson seconded the motion, which was unanimously adopted.

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In the seventh case Hardee Chambliss, Jr. represented Kathryn Williams and the General Outdoor Advertising Co., Inc. requesting permission to remove and to relocate a Sign (12'x 42') advertising the Penn Daw Hotel, in a Rural Business District, on U. S. Highway No. 1, at the Dixie Tavern. The Sign was moved about 200 feet from its former location, where it had been since 1925, to the proposed site, and was removed because the lease had expired and the owner intended erecting a Dwelling on the property, Mr. Chambliss explained to the Board; at the same time asking that a non-conforming use be extended in connection with the removal of the Sign. He then submitted a sketch and a picture of the Sign at its present location on the Kathryn Williams' property, claiming that the high character of business of the Penn Daw Hotel in itself was sufficient reason to allow this Sign to be removed and relocated.

Mr. Stockton called Mr. Chambliss' attention to the fact that the Sign was not 500 feet from the Highway as required under the Ordinance, but the Attorney referred to Section XII, Subsection G, giving the Board the power to grant this appeal, stating that it would be unreasonable to ask that the Sign be placed back such a distance from the road, where it had been moved but 200 feet from its old location. Mr. Stockton, however, stated a removal constituted a good reason for discontinuing Signs within 500 feet of any road or Highway. Mr. Chambliss voiced his opinion that the new site is an advantage over the old one due to the area involved, and that other Signs remain unmolested along the Highway. In answer to the question asked by Mr. Mackall as to whether the Board had the authority to give permission to allow such a removal Mr. Chambliss gave as his interpretation of the Ordinance that they did have, pointing out unfair discrimination in the Ordinance allowing Signs in an Agricultural District and not in a Business District, especially along U. S. Highway No. 1, where it is practically all business. He claimed that it would be an unfair discrimination against the General Outdoor Advertising Co., Inc., a most dependable and reliable concern, having very little, if any, difficulty with their leases or the construction of their Signs throughout their many years in the advertising business, to take advantage of the expiration of this lease, forcing the removal of the Sign.

Mr. White's opinion, when asked by Mr. Stockton, was that Mr. Chambliss might possibly ask for a non-conforming use since the lease had expired, and also feeling there is inconsistency in the Ordinance about Signs, and that the set-back had been lessened to 200 feet for the Bristow case. Mr. Stockton gave as his opinion that the Ordinance should be rewritten without indirection on Signs, giving a full chapter to the proper usage and location of them in any and all Districts. Much discussion continued about Signs being erected and unmolested since

March 1, 1941, and Mr. White informed the Board he had recently written to the State Highway Department asking for a list of all Signs erected since March 1, 1941.

Mr. Chambliss explained that there is a termination of the old lease but that there should be no termination to the use of the Sign. Mr. Mackall and Mr. Dawson both voiced their opinions that advertising of a high type must be carried on, but Mr. Stockton still felt that Signs should be eliminated under the regulations of the Ordinance. Again, Mr. Chambliss pointed out the power the Board had under Section XII, Subsection G. Mr. Mackall then suggested that more time was needed to think over the matter. Mr. Chambliss asked Mr. McCall, of the General Outdoor Advertising Co., Inc., if there were any objectors to the Sign and he stated there were none. When asked how far from the side of the road the Sign had been placed Mr. McCall said 22 feet.

Mr. Mackall made the motion to allow the Sign to be left at its new site to prevent undue hardship upon the applicants. Mr. White asked that a resolution, stating the reasons why this appeal should be granted, be given to the Board by Mr. Chambliss, which was as follows: "Be it resolved that in view of the fact presented by the appellant, General Outdoor Advertising Co., Inc., to wit, that an advertising Sign or Billboard, size 12'x 42', previously erected and maintained on property for a period of 16 years, and in further view of the fact that a denial of the relief asked would work undue hardship upon the appellant, now therefore be it resolved that the appellant be permitted to change its location and be erected and maintained on property of Kathryn Williams, said Sign to be maintained at its existing location on said property, and the said application is hereby granted."

Mr. Stockton was not satisfied with these reasons for granting this appeal, but Mr. Mackall made the motion for the second time. Mr. Walker asked at what distance from the road would be proper for Signs, expressing his viewpoint that 22 feet was too close, creating a traffic hazard. When Mr. White inquired of Mr. McCall whether the Sign could be placed farther back from the side of the Highway he explained that it could not, as there remained but 1 foot between the Sign and the house to the side of the Sign, which would put a part of this Sign behind the house, cutting down visibility, bringing about traffic hazards by causing motorists to take their eyes from the road while driving in order to read what was being advertised. Mr. Walker further objected because the Sign is placed on a curve, making a dangerous condition for traffic, but Mr. McCall informed the Board that this curve is a perpetual curve, with a 3 foot drop, thereby not creating a traffic hazard.

No one seemed inclined to second Mr. Mackall's motion, Mr. Stockton stating that being a member of the Planning Commission he felt he lacked the power to do so. Much discussion then arose between Mr. Stockton and Mr. Chambliss over the power of the Board to grant this appeal, Mr. Chambliss claiming a denial would hurt the Penn Daw Hotel and deprive the County of a certain amount of taxes. Mr. White felt differently on the matter in that a denial would not hurt either, and that the public should be considered and protected first, and Mr. Chambliss then made it known that if the Board refused to grant this appeal it would be taken to court to protect the interests of the General Outdoor Advertising Co., Inc. Mr. Stockton explained to the other members that the only justification in allowing the Sign to remain is due to the splendid business record of the Penn Daw Hotel and the General Outdoor Advertising Co., Inc., and not the distance the Sign is placed from the Highway. Mr. Walker continued to hold out for a greater set-back to prevent accidents.

Mr. Chambliss contended that this particular case should be tried and judged on its own merits, being justifiable in every respect. Mr. Walker suggested that the Sign be placed on the side of a building as a storm might blow it down across the Highway, causing a wreck. Mr. McCall then made it known that in all of the years of their advertising business there had never been any trouble with their Signs blowing down, because the standards were well anchored in the ground. Mr. Stockton again asked for a second to the motion, made by Mr. Mackall, which was done by Mr. Dawson, resulting in a tie vote- two for and two against, Mr. Dawson and Mr. Mackall voting for the motion, and Mr. Stockton and Mr. Walker voting against it.

Further discussion then arose between Mr. Chambliss and Mr. Walker over the Sign being on a curve and being placed too close to the side of the Highway. Mr. McCall pointed out that the Sign was now 2 feet farther back than it was at the former location, where it had stood for several years without causing trouble of any kind. After further informal discussion Mr. Walker finally changed his vote to the affirmative, thereby granting the appeal, making three for and one against, Mr. Stockton still voting against the motion. This appeal was granted to prevent undue and unnecessary hardship upon the applicants, because of an exceptional and extraordinary situation and condition.

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The meeting then adjourned one half hour for lunch.

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When the Board convened after lunch it opened with a rehearing of the John W. Taylor case, asking for relief from a 65 foot set-back from Park Avenue, on Corner Lot No. 4, in Mount Zephyr Park Subdivision, on the east

side of U. S. Highway No. 1, near Mount Vernon High School, which was granted by the Board at the meeting on June 16, 1941. No one represented Mr. Taylor, but Mr. Stockton felt the Board being aware of the facts in the case could act thereon. The new evidence produced was that Hartvick K. Hasle, owner of a Corner Lot in the same Subdivision was granted a 50 foot set-back from Park Avenue, at the meeting of July 21, 1941, and that owing to the peculiar shape of the Lot a 65 foot set-back would work a hardship upon the owner. Mr. White, who had previously viewed the Lot, told the Board he was in sympathy with Mr. Taylor's request, that in this case a 50 foot set-back would be desirable. Mr. Dawson made the motion to change the set-back from 65 feet to 50 feet on Park Avenue, to avoid undue and unnecessary hardship upon the owner, which was seconded by Mr. Mackall, and unanimously approved.

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The second case for a rehearing was by Hartvick K. Hasle, presenting new evidence to obtain relief from a 50 foot set-back from both Park Avenue and Agnew Street, granted him at the meeting on July 21, 1941, for a Dwelling on Corner Lot No. 20, in Mount Zephyr Park Subdivision, on the east side of U. S. Highway No. 1, near the Mount Vernon High School. Mr. Hasle presented a plot plan, drawn to scale, showing the layout of the Subdivision, contending the peculiar location and shape of the entire corner, comprising Lots No. 20, 21 and 22, warranted relief from a 50 foot set-back to be in line with existing houses, as well as to allow him to build 2 houses on Lot No. 20 in the future if this Subdivision were rezoned to Suburban Residence. Mr. Stockton pointed out that it was unfair to the other property owners who would even then, in a case of rezoning, be unable to build 2 houses on their respective Lots due to the lack of an outlet or roadway to serve an additional house, to grant him a lesser set-back for the reasons given above. Much discussion arose over whether the set-back would be fair not only to Mr. Hasle but to the owners of the 2 adjoining Lots. After a thorough study of the plot plan of the entire Subdivision, Mr. Mackall made the motion for a 35 foot set-back on Agnew Street and a 50 foot set-back on Park Avenue, to avoid undue and unnecessary hardship upon the owner, and that the motion should also apply to Lots No. 21 and 22 of the same Subdivision, to avoid undue hardship upon their respective owners. The motion was seconded by Mr. Dawson and unanimously approved.

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The minutes of the previous Board meeting were read and unanimously approved, Mr. Mackall having made the motion, which was seconded by Mr. Walker. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

J. J. Stockton
Chairman

September 29, 1941

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M. on September 29, 1941. All of the members- Mrs. Annie T. Staub, and Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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The first case was the application of G. Wallace Carper, asking permission to erect a Dwelling with less than the 60 foot set-back required under the Ordinance (the right-of-way being 30 feet), on the west side of Road No. 684, about 3 miles west of McLean, in Providence District, zoned as Rural Residence. Mr. Carper claimed that this was necessary in order to prevent building over a wide ravine at the rear of the building site. The Zoning Administrator offered no objections. After an informal discussion over the location and the topographical description of the property, Mr. Carper requested a 50 foot set-back from the side of the road. Mrs. Staub made the motion for this 50 foot set-back, which was seconded by Mr. Dawson, and unanimously approved to avoid undue and unnecessary hardship upon the applicant.

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The second case was an appeal by Sheldon D. Werner, represented by Attorney Glenn Richard, to permit erection of a Dwelling on Corner Lot No. 86, in Valley View Subdivision, on the west side of U. S. Highway No. 1, at Groveton, in Mount Vernon District, zoned as Rural Residence, with a 25 foot set-back from Hillcrest Drive and a 37 foot set-back from Ridge Road. The Lot was shown to have been of record prior to March 1, 1941, and contains less than the ½ Acre now required by the Ordinance. Mr. Richard submitted a plot plan, and stated that Mr. Werner owns 8 Lots in this Subdivision, and asked for these set-backs to conform to an existing building line. Discussion arose over the 29 foot rear yard clearance, which if reduced to the minimum requirements of the Ordinance of 25 feet would give an additional 4 foot set-back from Hillcrest Drive. After further discussion Mr. Dawson made a motion that a 25 foot rear yard clearance, a 29 foot set-back from Hillcrest Drive, and a 37 foot set-back from Ridge Road be observed. Mr. Werner made no objection to the motion, which was seconded by Mrs. Staub, and unanimously approved, thereby waiving the Corner Lot Clearance and lessening the set-backs to avoid undue and unnecessary hardship upon the owner.

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The third case was an application by James E. Gray, asking for permission to erect a Lunch Room, on Lots No. 26 and 27, Block 4, in Hybla Valley Farms Subdivision, on the east side of U. S. Highway No. 1, at Hybla

Valley, in Mount Vernon District, zoned as Rural Residence. Mr. Gray presented a plot plan, drawn to scale, and stated that he had owned this land for two years, and desired to operate a Lunch Room to augment his retired pay. Mrs. Jellison, a neighbor accompanied by three other neighbors, protested this appeal on the grounds that a Lunch Room would depreciate the value of their property as well as of the entire Subdivision. Mr. Mackall brought up the question of future rezoning along U. S. Highway No. 1 for business uses, which would then give Mr. Gray the right to build a Lunch Room, and that there would be little purpose in obstructing his building plans until then. Mrs. Jellison told the Board that no business existed in this area for a distance of six blocks; Mr. Gray objected, claiming a business, the Belle Haven Tourist Camp, is located only ½ block away. Mr. Stockton felt the Board could not act until a Map was studied showing the proposed rezoning of U. S. Highway No. 1, which was borrowed from the Planning Commission's office. Much discussion then arose among members of the Board over future business districts along the Highway. Mr. Mackall asked Mrs. Jellison if their deeds carried restrictions against commercial uses; it was found that they did not. When questioned Mrs. Jellison stated that only one of the neighbors owned a Lot facing on U. S. Highway No. 1, that the others owned Lots facing on a Subdivision street. Mrs. Staub made the motion that the permit be granted to avoid undue and unnecessary hardship upon the owner. Mr. Mackall seconded the motion, which was carried three for and two against- Mr. Stockton and Mr. Dawson voting in the negative.

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In the fourth case John C. Webb asked permission to erect a Sign (4'x 8'), on Lots No. 32 and 33, in Annandale Subdivision, on the north side of Road No. 244, at its junction with Road No. 236, at Annandale, in Falls Church District, zoned as General Business. The Lot was shown to be 50'x 125' in area, and a Dwelling already exists on the Lot, with less set-back than is required under the Ordinance, having been erected prior to March 1, 1941. Mr. Stockton explained that part of the Ordinance on Signs and Billboards, but Mr. Webb claimed a Sign located 500 feet from the center of the road would prove worthless, and that it could not be placed farther back than the Dwelling is now located, as the Sign is to be placed on the side of this building. He pointed out that the Sign would be in a Business District, and that many existing Signs do not comply with the Ordinance. Mr. Mackall made the motion to grant this appeal to avoid undue and unnecessary hardship upon the applicant in the extension of his business. The motion was seconded by Mrs. Staub and carried three for and two against- Mr. Stockton and Mr. Walker voting in the negative.

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The fifth case was an application of Mount Vernon Enterprise Lodge 3488, Grand United Order of Odd Fellows, represented by Charles Holland, asking permission to erect a Community Building (Odd Fellows Hall) on a Lot having less area than required in a Rural Residence District, on the east side of Road No. 626, at Gum Springs, in Mount Vernon District. The Lot was shown to have been purchased in its present size and shape since March 1, 1941. After an informal discussion of the location of the property and a study of the proposed building site as shown on the plot plan submitted by Mr. Holland, Mr. Dawson made the motion to grant this appeal to avoid exceptional practical difficulties and unnecessary hardship upon the applicant. Mr. Walker seconded the motion, which was unanimously approved.

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The sixth case was an application of L. I. Peak asking permission to erect 10 Tourist Cabins, a Restaurant, and a Wayside Stand, on Corner Lots No. 1 and 2, in the Katherine T. Moore Subdivision, on the south side of Road No. 211, about 2 miles east of Centerville, in Centerville District, zoned as Agricultural. Mr. Peak presented a plot plan, drawn to scale, and explained the exact location of his property in relation to existing business activities already established along this Highway, asking for a 75 foot set-back, waiving the Corner Lot Clearance. When asked if an additional 15 foot set-back, to conform to the regulations of the Ordinance in this zone, would hurt his plans, he stated that it would not. Mr. Dawson made the motion to grant this appeal with a 90 foot set-back from the side of Road No. 211, waiving the Corner Lot Clearance, which was seconded by Mrs. Staub. The appeal was unanimously approved to avoid undue and unnecessary hardship upon the owner.

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In the seventh case Mildred F. Linster asked to be permitted to operate a Tea Room, on Mount Vernon Boulevard, about 1½ miles north of Mount Vernon, in Mount Vernon District, zoned as Rural Residence. Miss Linster explained that the existing Dwelling had been formerly used as an Antique Shop but when she took over possession she desired to convert the Antique Shop into a Tea Room. After an informal discussion over the location of the property, with inquiries as to the owners of adjoining property, Mrs. Staub made the motion to grant this appeal, to avoid undue and unnecessary hardship upon the applicant in the operation of her business. The motion was seconded by Mr. Walker, and unanimously approved.

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In the eighth case Gilbert F. Pergande asked permission to erect a Double Dwelling, on the south side of Road No. 708, about 1½ miles south of Falls Church, in Falls Church District, zoned as Rural Residence. Mr. Pergande and Mr. H. W. Jennrich, the builder, presented plans and photos of the existing buildings, swimming pool, and the recreation grounds, from

which the Board expressed its opinion as being a beautiful and valuable layout, involving much expense, time, labor, and interest on the part of the owner. The tract of land contains about 5 Acres and was purchased two years ago. Mr. Pergande stated there is a 35 foot drop to the land, making a beautiful valley for a building site and recreation grounds, and that much of the land is still in woods and orchard. When asked his reasons for not building a single family Dwelling, Mr. Pergande claimed it would prove a financial loss as he needs to rent to couples without children, due to a lack of schools, bus service, and method of transportation, and that couples who are both employed and without children are desirous of small homes, and to build individual small homes for this rental accommodation would involve greater expense, and would mar the beauty of his land, which had been laid out and built according to landscaping and architectural plans and designs.

Mr. Stockton stated that a Federal Housing project is in view in this section, but Mr. Pergande claimed his case is purely a rental one and not a speculative one. Mr. Dawson suggested that if the Board had the power to do so it should grant this appeal, and Mr. Pergande quoted the Commonwealth's Attorney, Paul E. Brown, as saying the Board did have the power under Section XII, Subsection G. Mr. Mackall also felt the Board should grant this application and made the motion to this effect, which was seconded by Mrs. Staub, and unanimously approved, to avoid undue and unnecessary hardship upon the owner, and because of an extraordinary and exceptional situation and condition.

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The ninth case was an application by Lawrence Conners to permit the erection of a Garage, having less set-backs than required in a Rural Residence District, and the operation of a Turkey Shoot, on Road No. 743, about 200 feet east of U. S. Highway No. 1, near Groveton, in Mount Vernon District. Mr. Conners presented a plot plan, and explained the purpose of this Shoot, having purchased the Lot on March 4, 1941, but was then unaware of the Zoning Ordinance. He claimed he has operated, for the past several years, a Turkey Shoot on a Lot across the Highway, but recently had purchased and removed a Garage onto the new Lot for the purpose of having a shelter for men during rainy weather, and that the Shoot would be in operation only about three months of the year. After a study of the plans it was found a Catholic Church owned property across the road from Mr. Conner's proposed Turkey Shoot, but Mr. Conners informed the Board that the caretaker of the Church knew of his plans, and that no objections had arisen from any of the Church members. Mr. Stockton felt the Board lacked the authority to grant this appeal for this business use, which calls for a rezoning of his property from a Residence District to a Business District. Mr. Conners objected to this statement, claiming business was established

all along U. S. Highway No. 1, that there was only one residence close by, and if the appeal was denied for the Turkey Shoot he would drop his plans for locating the Garage with less set-backs than required by the Ordinance. Mr. Mackall made the motion denying the appeal, which was seconded by Mrs. Staub, and unanimously carried.

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The tenth case was an application by William A. Rector to permit the operation of a Private Nursery School, on Lots No. 22, 23 and the east half of No. 24, Block 2, in Franklin Park Subdivision, on the west side of Road No. 1103, about ½ mile west of the Fairfax-Arlington County Line, north east of Falls Church, in Providence District, zoned as Suburban Residence. Mr. Rector asked that his appeal be deferred until a later meeting, and this permission was unanimously granted to him.

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The next case was a rehearing by Mrs. Margaret Locke, which had been deferred from the Board meeting on August 25, 1941, asking permission to erect 2 Tourist Cabins, 4 units each, on the south side of Road No. 211, about 2 miles east of Centerville, in Centerville District, zoned as Agricultural. Mrs. Locke was represented by Attorney Benjamin Prager, who presented a plot plan, drawn to scale, of all existing and proposed buildings. Mr. Calvin O. Yowell, the present owner of the property, told the Board that this tract of land is located about one mile east of the property of L. I. Peak, who had just been granted a permit for Tourist Cabins. Mr. Prager explained the type building to be erected, containing 4 units and 2 double garages each, copied after the "Motel" system which is extensively and successfully used throughout the western and southern states. In reply to a question asked by Mr. Stockton concerning the advantage of this type building, Mr. Prager further explained that by consolidating into one building it would cost less, provide more warmth in winter, more coolness in summer, and would make a better appearance, rather than to build smaller and separate Cabins, having either a detached garage or only a parking space for cars. After an informal discussion over the type and style of the proposed Cabins, Mrs. Staub made the motion to grant this appeal, which was seconded by Mr. Walker, and unanimously approved, to avoid undue and unnecessary hardship upon the applicant in the extension and operation of her business.

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The Board unanimously adopted a resolution making the first Tuesday in each month the dead line for advertising the appeals to come before the Board. The Hearings are to be held on the first Monday after the required ten day period following the advertisements has lapsed.

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The minutes of the previous Board meeting were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M. on October 27, 1941. All of the Members- Mrs. Annie T. Staub, and Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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The first case was an application by Roland Payne, represented by Attorney F. D. Richardson, for permission to erect an Addition to a Dance Hall, on the north side of Road No. 211, at its junction with Road No. 608, about 2½ miles east of Centerville, in Centerville District, zoned as Agricultural. Mr. Richardson explained the location of the property, adding that this Dance Hall has been in existence for three years. He claimed that this Addition is nearly completed, and it will be used only for a heating plant and not for the purpose of dancing, although it will allow greater seating capacity for the Restaurant. Mr. Richardson felt there should be no objection to this Addition since it would increase the value of the property. In answer to Mr. Stockton's question, Mr. Payne told the Board that this Addition would increase the size of the building but not for any use in connection with the Dance Hall, but only to provide space for the heating plant. The Chairman expressed as his opinion that the wording of Mr. Payne's application was incorrect, that it should ask permission to erect an Addition to a Restaurant, the Dance Hall being incidental to the Restaurant, and Mr. Stockton suggested, in view of the evidence brought out in the Hearing, that the wording of the application be changed, and the application granted. Mr. Dawson made the motion to grant this appeal when it should be amended as indicated, which was seconded by Mr. Mackall, and unanimously carried, as authorized under Section XII, Subsection F-1 of the Ordinance.

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In the second case W. M. Simmons asked permission to erect an Addition to a Restaurant, near Hybla Valley Airport, between U. S. Highway No. 1 and Road No. 628, in Mount Vernon District, zoned as Rural Residence. Mr. Simmons presented a plot plan, and described the location of his property

in relation to other business activities along the Highway, being situated across from the Nightingale and the Log Tavern. After finding that the set-backs conformed to the regulations of the Ordinance, and that no objections were voiced, Mr. Dawson suggested that this application be granted due to the fact that business exists practically all along this part of U. S. Highway No. 1. Mrs. Staub made the motion, which was seconded by Mr. Mackall, and unanimously approved, as authorized under Section XII, Subsection F-2 of the Ordinance.

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In the third case Sangster Stone requested permission to operate a Restaurant, to construct an Annex thereto, and to erect a Sign (30'x 2½'), on the north side of Lee Boulevard, about .3 mile west of Gallows Road, 2 miles east of Fairfax Circle, in Falls Church District, zoned as Suburban Residence. Mr. Stone presented a plot plan of his property only, and told the Board that the existing building is 20'x 30', and the Annex will be 30'x 70', and that his Restaurant is located about 175 yards from Lee Boulevard and about 68 yards from the Saeone property line, allowing sufficient space for parking cars. Mr. Dawson made the motion that the case be deferred until further information could be obtained by the Zoning Administrator, which was seconded by Mr. Walker, and carried four for, and one against, Mrs. Staub voting in the negative. After further investigation by the Zoning Administrator, who reported favorably on the application, the Board unanimously granted the appeal for the Restaurant and for the Annex thereto under Section XII, Subsection F-2 of the Ordinance, but decided that it lacked authority to permit the erection of a Sign over 10 sq.ft. in area at this location.

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The fourth case was an application by R. B. Winfield, represented by Gladys G. Winfield, asking permission to operate a Restaurant, and for the erection of a Wayside Stand, having a 75 foot set-back from the side of the right-of-way, on the south side of Road No. 211, about 2½ miles west of Fairfax, in Centerville District, zoned as Agricultural. Miss Winfield presented a plot plan and explained the location of the property, being situated across the road from Hunter's lodge, and adjoined on one side by the Robey property, and on the other by the Sisson property. In reply to a question by Mr. Stockton, Miss Winfield claimed there were no objections from the neighbors, at the same time explaining the various previous uses of this property, which was at one time operated as a Market, but when the owner failed it was converted into a Dwelling, and that the only changes now contemplated for its use as a Restaurant are repairs to one room and interior decorations; she further claimed that the Wayside Stand is to be used in connection with the Defense Food program. Much discussion then

arose over the proper set-back for this business. Mr. Dawson made the motion to deny the appeal on the grounds that the existing building for the proposed Restaurant is not in accordance with the requirements of the Ordinance, under Section XII, Subsection F-1, which requires a 90 foot set-back from the side of the road in an Agricultural zone. After an informal discussion over the power to grant this appeal, the Chairman pointed out that the Board lacked the power to do so. The motion was then seconded by Mr. Walker, and was carried three for to deny the application, Mrs. Staub and Mr. Mackall declining to vote.

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The fifth case was an appeal by the Fraternal Improvement Club, represented by William A. West, asking permission to operate a Football Playing Field, on the east side of Road No. 703, near the Old Dominion Railway, west of Falls Church, in Providence District, zoned as Suburban Residence. Mr. West stated that a group of people had purchsed this tract of 15 Acres many years ago, and had used the land for a colored Fair Grounds successfully for a period of 20 years, until such time as the depression closed them out; then a few of the original members bought the property to be used as a place for amusements, such as picnics, fraternal meetings, Boy Scout meetings, and by schools for Field Day activities. Recently they had decided to allow the Fraternal Improvement Club to use the grounds for both football and baseball games. Although this property is zoned Suburban Residence, Mr. West claimed the owners could not otherwise make use of this land, asking consideration of the Board to grant this appeal as no fees were charged over and above that which was necessary to defray overhead expenses for both teams, and that the members had no intention of renting the property to the Fraternal Improvement Club. He stated that the Chief of Police of Fairfax County had shown, by letter, his approval of their conduct. Captain McIntosh then informed the Board that through his observations the order and conduct had been good, but that this property is located in a residential zone on a narrow road, and that the games are played on Sundays, and that a similar case in Providence District had turned out to be a public nuisance, expressing as his opinion that this affair would eventually create general confusion, as reports had already come to him that the neighbors, both white and colored, were objecting to strangers passing over their private property; also, that there is a lack of sanitation to accommodate so large a gathering. Captain McIntosh further stated that there had been no disorder so far, still he felt it was a case for additional police supervision, which the County did not have at the present time.

An objection was voiced by Webster P. True, a resident of this community on the grounds that a Football Playing Field would constitute a public

nuisance in a residential area, and that the roads are too narrow and too dusty for the use of so many cars. Mr. J. S. Smith substantiated Mr. True's statement. Mr. V. S. Rollins raised a similar objection, saying that several of the colored residents of the community had voiced their disapproval of the noise, dust, and traffic congestion. He claimed that the license plates showed most of the patrons were from Maryland and the District of Columbia, rather than a local group, making this a traffic nuisance for the taxpayers of the vicinity. Mr. Rollins acted as spokesman for the following persons, who were all present at the Hearing: Mrs. Lena Dobson, Mrs. J. W. Mack, Mrs. Anna Sholl, Mrs. C. T. Herron, Mr. James Herrell, Mr. William F. Gordon, Mrs. Ruth L. Gordon, Mrs. Celeste H. Cronenberg, Mrs. Ralph Turner, Mrs. J. F. Smith, Mrs. Webster True, Mrs. L. F. Thompson, and Mr. C. H. Ballen. An objection was voiced by Mr. C. T. Herron concerning the use of Shreve Road which at one time was only a mud road, that the property owners had spent much money on gravel, and now do not want the road impaired by unnecessary traffic. After an informal discussion over the merits of this appeal, Mr. Walker made the motion for a denial, which was seconded by Mr. Mackall, and unanimously carried on the grounds as stated under Section XII, Subsection F-2 of the Ordinance.

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The sixth case was an appeal by Clara N. Cockrell, represented by Attorney Hardee Chambliss, Jr., asking permission to erect 6 Tourist Cabins, near Pohick, on the east side of U. S. Highway No. 1, adjoining the Pohick Rectory property, in Lee District, zoned as Agricultural. Mr. Chambliss presented a plot plan, explaining the location of the property, and asked to amend the wording of the application to read from Tourist Cabins to an Apartment House, which would be applicable to the type building needed at this particular location, as Mrs. Cockrell is desirous of renting these Apartments by the month to Army officers and their families, who are now awaiting such a development. Mrs. Cockrell's application for a rezoning from Agricultural to General Business had been previously taken before the Board of Supervisors, but had been withdrawn pending a proposed amendment to the Ordinance, permitting Apartments in an Agricultural zone, subject to the approval of the Board of Zoning Appeals. As this delay would interfere with Mrs. Cockrell's plans, Mr. Chambliss was of the opinion that the Board of Zoning Appeals could approve this appeal, subject to the adoption of the amendment by the Board of Supervisors. Mr. Stockton, following a further study of the plans for the proposed building, stated no changes had been made to bring the building under the classification of a Tourist Cabin, that since they contained a kitchen unit they remained an Apartment House, but Mr. Chambliss claimed it mattered little what they were termed as long as Mrs. Cockrell was

granted the appeal. Much discussion arose among Board members over what constituted a Tourist Cabin, to differentiate it from an Apartment House. Mr. Mackall was of the opinion it could be classified as a Tourist Cabin, but the other members felt differently, Mr. Walker giving as his viewpoint that the Board could not approve this appeal as the proposed building is of the structure of an Apartment House, which is not permitted at the present time in an Agricultural District. Mr. Walker then made the motion to deny this appeal until the Ordinance is amended, which was seconded by Mr. Dawson, and unanimously carried.

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The seventh case was an application by F. L. Lambert and the General Outdoor Advertising Co., Inc., represented by Hardee Chambliss, Jr., an Attorney, requesting permission to erect a Sign (12'x 50'), on Lee Boulevard, near the Howard Johnson property, in Providence District, zoned as Rural Business. Mr. Chambliss presented a plot plan, showing the present and the proposed location of the Sign, informing the Board that this Sign was erected in 1938 under a lease with a Mr. Fifer, then owner of the property, but recently the Department of Highways served notice that the Sign is projecting 15 feet onto State property, thereby forcing a removal before the present lease has expired. Mr. Chambliss claimed that an error had been made by the surveyor for the State, employed to locate the proper distance from the right-of-way for the erection of this Sign. The Attorney further claimed the present location constitutes a traffic hazard, but the proposed location, about 450 feet east on Lee Boulevard, would not be, as the Sign would set back 100 feet from the center of the Boulevard, expressing his opinion that since the State is forcing this removal on an unexpired lease the Board should not deny the application for a relocation. The Board, however, felt it had no authority to grant the erection of this Sign within 500 feet of the center of the Highway, or in a Rural Business District, and Mr. Mackall made the motion to deny the appeal, which was seconded by Mrs. Staub, and unanimously carried.

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In the eighth case, the Virginia Department of Highways, represented by W. F. Smith, Resident Engineer, asked permission for the erection of a temporary State Construction Camp, on the north side of Road No. 211, about 1 mile west of Fairfax, in Providence District, zoned as Agricultural. Mr. Smith submitted a plot plan, drawn to scale, showing the location of the property and all proposed buildings. Replying to a question asked by the Chairman, Mr. Smith stated there were no objections to this Camp, but a friendly attitude had been shown by the neighbors, and that the State intended improving two private lanes. The Zoning Administrator offered no objections since the set-backs conformed to the regulations of the Ordinance, stating that he felt this to be a worth while project, a utility necessary

to the State. After an informal discussion Mrs. Staub made the motion to grant this appeal under the provisions of the Ordinance in Section XII, Subsection F-1, which was seconded by Mr. Mackall, and unanimously approved.

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In the ninth case, the Virginia Department of Highways, represented by W. F. Smith, Resident Engineer, requested permission to reopen a Quarry, about 800 feet west of Fairfax, and about 1800 feet south of Road No. 211, in Providence District, zoned as Rural Residence. Mr. Smith submitted a plot plan, drawn to scale, showing the location of the property and the Quarry. After an informal discussion relative to the necessity of reopening this Quarry for State benefits, Mr. Mackall made the motion to grant this appeal to operate a State facility for the public welfare. The motion was seconded by Mr. Walker, and unanimously approved.

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In the tenth case, Terry B. Simms asked permission to erect a Real Estate Sign (2¼'x 3½'), having less set-back than required under the Ordinance, on the Wilson N. Farr Lots, on the north side of Road No. 236, at Annandale, in Falls Church District, zoned as General Business. Mr. Simms presented a plot plan showing the location of the Sign, which is placed on a bank 2 feet high and 10 feet from the edge of the right-of-way. He claimed it would create a hardship to deny this permit on the grounds that by moving the Sign back the required distance would lessen the visibility, as the surrounding property is overgrown with high weeds, which he was unable to cut down as the property is owned by Mr. Bristow. Mr. Stockton explained that part of the Ordinance relating to Signs, but Mr. Simms voiced his opinion that other Signs had been permitted to remain with less set-backs, and that denying this appeal would interfere with the sale of his real estate. After much discussion Mrs. Staub made the motion to grant this appeal, which was seconded by Mr. Mackall, but was denied by a majority vote, Messrs. Stockton, Dawson and Walker voting in the negative. This appeal was denied on the grounds that the Board lacked the power to permit a Sign not over 10 sq.ft. in area to be erected a lesser distance than 50 feet from the center of the road.

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The eleventh case was an application by the Ham Tree Restaurant, a sking permission to erect 2 or more Signs, over 10 sq.ft. in area, advertising the food of the Ham Tree Restaurant, on the south side of Road No. 211, at its junction with Road No. 645, about 1 mile east of Centerville, in Centerville District, zoned as Agricultural. No one was present to represent the Ham Tree Restaurant but the Chairman stated that the Board could act thereon. After an informal discussion over the set-backs required

in an Agricultural District, and after Mr. White stated that these Signs should be taken down as they are located less than 500 feet from the center of the Highway, Mr. Dawson made the motion to deny this appeal due to failure of the appellant to furnish adequate information about his intentions, which was seconded by Mr. Walker, and unanimously carried.

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The next case was an appeal by William A. Rector, which had been deferred from the Hearing on September 29, 1941, for permission to erect a Private Nursery School, on Lots No. 22, 23 and the east half of No. 24, in Franklin Park Subdivision, in Providence District, zoned as Suburban Residence. Mr. Rector presented a plot plan, showing the existing Dwelling, having the capacity to accommodate about ten children for each teacher, and showing sufficient playground on the Lot 125'x 250'. Mr. Stockton inquired if any neighbors objected, but Mr. Rector claimed, on the contrary, residents of the community highly favored a school of this type as being a necessity and an asset to the vicinity. The Chairman suggested to the Board that they had the power to grant this appeal, and that it would be desirous to do so, as no objections had been raised. Mr. Mackall made the motion, which was seconded by Mrs. Staub, and unanimously approved, thereby granting the appeal under provisions of Section XII, Subsection F-2.

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The minutes of the previous Board meeting were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M. on November 24, 1941. Four of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr., and William C. Walker were present, Mrs. Annie T. Staub being absent. Mr. T. J. Stockton, the Chairman, presided.

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In the first case M. J. Waple, represented by Mr. B. H. McCreary, requested permission to erect a Restaurant, on the south side of Road No. 236, about 500 feet east of its junction with Road No. 648, 3 miles west of Alexandria, in Falls Church District, zoned as Suburban Residence. The evidence showed that the proposed Restaurant would be located on a 90 Acre tract of land adjoining a government project (Quartermaster's Department) employing a large number of people who need restaurant facilities. Mr. McCreary stated that the building would be 20'x 40' with a

200 foot set-back from the side of Road No. 236, with a side yard clearance of 90 feet from the government property line, 50 feet of which will be dedicated as a roadway along with another 50 foot strip on the government side to make a 100 foot road. In view of the demonstrated need for a Restaurant in this locality, and no objections having been received, Mr. Mackall made the motion to approve this appeal, which was seconded by Mr. Walker, and unanimously granted as authorized under Section XII, Subsection F-2.

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The second application was by Mrs. Alice E. Hatch, asking permission to erect 1 Tourist Cabin, of 16 units, on the east side of Road No. 235, about 500 feet north of Mount Vernon, in Mount Vernon District, zoned as Rural Residence. Mrs. Hatch presented a plot plan, showing the existing Tourist Camp and the location of the proposed Tourist Cabin of 16 units. She stated that the present Camp is not modern and is badly in need of repairs, and she asked the Board to grant her permission to modernize the Camp along Colonial architectural lines, and to erect 1 new Cabin of the Colonial type. Mr. Stockton stated that under the Ordinance, until the proposed Amendment which will permit Tourist Camps in a Residential District is passed, the Board has no authority to permit either Additions to a Tourist Camp or to permit new buildings of this type. Mrs. Hatch voiced an objection on the grounds that the Camp is now in operation and was established prior to March 1, 1941, but the Chairman further explained that the Board lacked the power to grant this appeal. Mr. Mackall made the motion that the case be deferred until the proposed Amendment is passed, which was seconded by Mr. Dawson, and unanimously approved.

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The third case was an application by Fairfax Airport, Inc., represented by Attorney Charles Henry Smith and by Mr. W. H. Offley, Secretary-Treasurer of the corporation, requesting permission to operate an Airport, on the south side of Road No. 50, about ¼ mile east of the Loudoun County Line, in Centerville District, zoned as Agricultural. Attorney Smith presented a plot plan, and explained the location of the tract of land, known as the Hutchinson property, which he felt to be the most adaptable of any tract in the County for an Airport. The Attorney stated that this corporation is duly chartered by the State of Virginia, that all arrangements have been made and approved by the Civil Aeronautics Association, and that the safety features have been approved by the State Corporation Commission. When asked what the proposed buildings were to be, Mr. Smith told the Board that they were to be hangars, low buildings, subject to the approval of the State Corporation Commission, and that all tentative plans for sites and locations are subject to the approval of the

Civil Aeronautics Association. He further stated that the set-backs for all hangars and buildings would conform to the 90 foot set-back requirements of the Ordinance. In reply to a question by the Chairman, Mr. Offley claimed that there were no objections to the Airport, and that Mr. Hutchinson, previous owner of the property, conveyed his sympathies for this project. After an informal discussion over the necessity for this Airport in the County, Mr. Mackall made the motion to grant the appeal, which was seconded by Mr. Dawson, and unanimously approved as authorized under Section XII, Subsection F-1.

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In the fourth application, Eakin Properties, Inc., represented by Mr. J. R. Eakin, asked permission to erect Dwellings on Lots No. 314, 324, and 342 to 350 both inclusive, and 366 to 395 both inclusive, and 398 to 459 both inclusive, in Mason Terrace Subdivision, on the north side of Lee Highway, south west of Falls Church, with less set-backs than required by the Ordinance, zoned as Suburban Residence. Mr. Eakin presented a plot plan, asking for a 25 foot set-back from the side of the street, stating that he would stagger the building line from 25 feet on the shallow Lots to 40 feet on those Lots having a greater depth; he further stated that to conform to the regulations of the Ordinance would create a hardship, requiring Suburban Residence set-backs on Urban Residence size Lots. Mr. Eakin also told the Board that he is doing all that is possible as a developer of this property to keep up values, to improve the Subdivision itself which would in turn increase the value of surrounding property, and that he believes this to be a question of good County and Subdivision planning. Mr. Eakin claims that he is cooperating with the Federal Housing Administration, who have made a soil test necessitating a 250 foot drain field; and that he had put in water, fire plugs, curbing, and improved streets in this Subdivision, expressing as his opinion that the Board should be interested in this higher type of development, and should exercise its powers under Section XII, Subsection G, to grant the appeal, thus avoiding hardships on a developer of a Subdivision on record prior to the enactment of the Ordinance.

Mr. Harry A. Shockey voiced an objection to erecting a Dwelling on Lot No. 324, claiming that this particular Lot adjoins his property known as the Falls Church Quarry property, where a Quarry has been operated for the past 40 years, making this a dangerous site for residential purposes because of blasting at the Quarry, and because of a precipice of 30 feet to 40 feet deep on the property line directly to the rear of Lot No. 324. Mr. Shockey suggested that the Board force Mr. Eakin to provide larger Lots in this Subdivision, but Mr. Eakin voiced an objection to this statement, claiming that the Federal Housing Administration had thoroughly investigated his Subdivision, giving its approval, regardless of the size, shape and location

of the Lots. In answer to a question by Mr. Dawson why he had not asked for a rezoning of his Subdivision, Mr. Eakin stated that it might set a precedent for other Subdivision developers, who might want the same privileges granted to them, and which could prove impracticable. Mr. Stockton told the Board members that they should give careful consideration to the merits of this case as well as to whether they had the authority to approve the appeal, expressing as his opinion that Section XII, Subsection G of the Ordinance would apply to individual Lots rather than as a blanket waiver for all the Lots in question.

Mr. C. C. Wall, Chairman of the Planning Commission, felt the Board did have the authority to grant this appeal, but Mr. Stockton disagreed on the grounds that the Board lacked legislative power to do so. Mr. Mackall and Mr. Dawson both expressed their opinions that this appeal should be granted to avoid depreciating the value of the property. Further discussion then arose over the merits of the case from the viewpoint of the Planning Commission's office, Mr. Wall claiming a denial of the appeal would prove a hardship for the developer, and that it was not the intention of the Ordinance to deter the development of a Subdivision on record prior to March 1, 1941. Mr. Mackall suggested that the case be deferred for further consideration, the Board to render its decision later in the day. Mr. Shockey felt it to be his duty as a taxpayer and a resident of the County to object to the erection of a Dwelling on Lot No. 324, voicing a warning that it would be dangerous to build a residence adjoining Quarry property. In answer to the Chairman's question, Mr. White stated that he had no objections to offer.

Mr. Dawson moved that the case be deferred until later in the day for a further discussion of the appeal from an executive standpoint, which was seconded by Mr. Mackall, and unanimously approved. After a detailed study of the plat of the Subdivision concerning the layout of the Lots and the topographical conditions of the land, and after an informal discussion over the merits of the appeal, and whether the Board had the power to approve a blanket waiver or to approve lesser set-backs only on individual Lots, Mr. Mackall made the motion to approve a 25 foot set-back from the side of the street on the following specified Lots: Nos. 414, 415, 413, 416, 351, 366, 397, 385, 443, 444, 324, 314, 458, and 459, all being under a single ownership. This motion was seconded by Mr. Walker, and unanimously approved to establish a building set-back line throughout the Subdivision, as authorized under Section XII, Subsection G.

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Mr. White, the Zoning Administrator, asked the Board to construe the meaning of Subsection G of Section XII of the Ordinance, defining the powers of the Board relative to variances. He submitted copies of

correspondence between the Chairman of the Planning Commission and the Commonwealth's Attorney, and between the Chairman of the Planning Commission and himself, each giving his views. The Commonwealth's Attorney gave as his opinion that the Board of Appeals was not limited in its jurisdiction to property of record or under contract of sale prior to March 1, 1941, when the Ordinance became effective. Mr. Wall's letter indicated that he thought it was. Mr. White supported Judge Brown's view and his argument seemed to convince the Board of Appeals because on motion of Mr. Dawson, seconded by Mr. Mackall, the Board voted unanimously to adopt the broader construction which gives it appellate jurisdiction under the conditions prescribed by Subsection G of Section XII, regardless of whether the specific property was of record or under contract of sale prior to the date of the enactment of the Ordinance.

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The minutes of the previous Board meeting were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

S. Cooper Dawson
Vice-Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M. on December 22, 1941. Three of the members-Messrs. S. Cooper Dawson, Douglas S. Mackall, Jr. and William C. Walker were present; Mrs. Annie T. Staub and Mr. T. J. Stockton, the Chairman, being absent. Mr. S. Cooper Dawson, the Vice-Chairman, presided.

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In the first application, H. M. Powell asked permission to erect 4 Signs, advertising the White Front Riding School; one about 1½ miles south of Merrifield, on the south side of Road No. 709, near its junction with Road No. 649; one on Road No. 649, about 1 mile south of Falls Church on the Wescott Nursery property; one on Road No. 649, 3 miles south of Falls Church on the Reiter property; one on Road No. 649, 4 miles south of Falls Church on the Garrison property, in Falls Church District, zoned as Rural Residence. Mr. Powell presented a plot plan, and explained the location of the Riding School, the Bridal Paths, and of the Signs. He claimed he has been located on the Strathmead property for about 8 years, and up until June 1941 his stables had been situated near the road in full view of the public, but since building had developed so rapidly he was forced to move his stables back from the road into a wooded area out of view of the public creating the need for these Signs, that people who are interested in riding especially those from the District of Columbia, could find his property;

and that to be denied permission to erect these Signs would create a hardship, eventually forcing him out of business. Mr. Powell claimed that he has permission from respective property owners for the erection of these Signs, which are used solely to point out the direction to the White Front Riding School.

The Zoning Administrator, though sympathetic with Mr. Powell's case, stated that he lacked authority to grant the appeal, as his interpretation of the Ordinance is that Section IV-A-14 permits Signs to be erected only on the premises on which the business is conducted, expressing his opinion that these 4 Signs would be placed on property other than whereon the School is located and conducted. But, Mr. Powell contended that his premises include all property wherever the bridal paths are in use; that wherever people ride would constitute his premises, including the Wescott and Strathmead properties, comprising about 3500 Acres. Mr. Walker was of the opinion that these Signs are markers rather than commercial advertising Signs, therefore necessary; Mr. Mackall was of the same opinion. After an informal discussion over what constitutes premises in this type of business, Mr. Mackall made the motion to grant the appeal on the grounds that Mr. Powell's premises include all property wherever the bridal paths extend, with permission of the owner, which was seconded by Mr. Walker, and unanimously approved.

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The second appeal was by Robert E. Young, requesting permission for the erection of a Garage, on Lot No. 5, in Lincolnia Subdivision, on the south side of Road No. 713, at Lincolnia, having less side yard than required by the Ordinance, in Falls Church District, zoned as Suburban Residence. Mr. Young submitted a plot plan and explained to the Board that he had recently moved from Pittsburg, where he had been a builder for several years, and since there were no building or zoning regulations in that city he presumed there were none in this County, and that he had no intention of violating an Ordinance. He claimed that he had the foundation laid 3 feet from the side line and the lumber already on the Lot to complete the Garage, before he had been informed of a Zoning Ordinance requiring a 15 foot side yard clearance. In answer to a question, Mr. Young stated that he is adjoined on each side by a vacant Lot and that he intends in the near future to buy the one adjoining him on the west. Mr. Young further stated that other Garages in the vicinity, having been built prior to March 1, 1941, are situated according to this same plan, and he asked the Board to grant this appeal to relieve a hardship, and stated that continuance of the building plan as it is would make a more desirable looking community. The Zoning Administrator had no objections to offer, feeling that Mr. Young was sincere in his statements to the Board, but Mr. Walker was of

the opinion that granting this appeal would attract similar difficulties in the future with other property owners. After an informal discussion over the merits of the application, Mr. Mackall made the motion to grant the appeal on the grounds that Mr. Young started this building in good faith, that no objections had been offered by neighbors, and that the building plans would conform to those already established in the community, which was seconded by Mr. Walker, and carried 2 for and 1 against; Mr. Dawson voting in the negative.

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The third case was an application by Jefferson L. Ford, Jr., represented by Attorneys Albert Bryan and Howard Smith, Jr., for permission to operate an Airport (Seaplane Base), on Mount Vernon Boulevard, near Belle Haven, in Mount Vernon District, zoned as Rural Residence. Attorney Bryan described the size, location and boundaries of the Ford tract, comprising 3.893 Acres, situated between the Potomac River and Mount Vernon Boulevard, and bounded on the north by a Tourist Camp and on the south by Government property. As the ground is low and marshy, he claimed it to be unsuitable for residential purposes but that it could be utilized for a Seaplane Base. In view of objections to this Airport, the Attorney further claimed that there would be no runways on land as the ships would be anchored on Hunting Creek and the Potomac River; that the only buildings to be erected on land would be fireproof hangars, and that part of these buildings would extend out over the water. Mr. L. E. Batchelor, representing the Mount Vernon Citizens Association of New Alexandria and the Riverview Citizens Association, voiced an objection on the grounds that any commercial use of this property would depreciate the value of surrounding property; that at least 300 families had built their homes in good faith that no commercial interests would be allowed along the Boulevard in this area, and that when existing business becomes inactive no other commercial use shall be allowed; that this area would always be classified as residential, which is one reason why he had earnestly worked to put into effect a County Zoning Ordinance, the purpose of which is to protect the community as a whole, rather than to serve an individual whose plans might destroy property values. He further contended that the residents object to an existing Tourist Camp, a Store, and a Gasoline Filling Station, and since they are a non-conforming use these same residents are awaiting the time when they will close out, as they intend to strenuously oppose any other business being established in this area.

Mr. John Martin Phillips, representing the Belle Haven Realty Corporation and the Belle Haven Citizens Association, also objected to the operation of this Seaplane Base, substantiating Mr. Batchelor's claims, and added that it would become a dangerous situation to allow such a large number of planes to fly over a residential district, especially in foggy weather which would

necessitate low flying, and that the noise from the overhauling and testing of engines would prove unbearable. Mr. Dawson suggested that there might be no more noise from the planes than from the cars traveling on the Boulevard, but Mr. Batchelor contended that there would be, giving as an example when a few years ago the Bureau of Standards was forced to move similar equipment to Beltsville, Maryland, due to excessive noise disturbing the residents. He also felt that Mr. Ford's property could be used for residential purposes, particularly after the Tourist Camp had vacated, and that it is unfair to the property owners to be forced to endure this commercial interest, more so because it will be largely patronized by amateurs, mostly from the District of Columbia. He asked that the Board protect these same property owners by denying this appeal. Mr. Phillips again substantiated Mr. Batchelor's claims, adding that it is his personal opinion that Mr. Ford has only a promotional and speculative interest in this development, and that he should not be allowed to jeopardize the value of surrounding property.

Mr. Howard Smith made a statement in correction of Mr. Batchelor's claim that only residents of the District of Columbia are interested in this project, by pointing out that Messrs. John Ford of Alexandria, Thomas E. Boyle of Arlington and Herbert G. Atwater of Belle Haven are the lessees. Mr. Phillips contended that a community as a whole should be protected, asking the Board to exercise its judgment along the line that it is sometimes necessary for an individual to suffer a hardship, which in the long run will be greatly outweighed by the advantages of a social and community life. He was of the opinion that if the Board granted this appeal it would then feel justified in admitting other business developments in the future. Mr. Phillips asked the Board to deeply consider the objections raised by the property owners of this community. Attorney Bryan then explained that though this project may be patronized by amateurs, they would be allowed only 35 horsepower engines in their planes, thereby greatly lessening the noise, that no pilot is allowed to solo until he has had 8 hours of flying (20 minute period for each lesson), and that all rules and regulations must first be approved by the Civil Aeronautics Association, which is very strict in its supervision, requiring that all machines be checked after every 5 hours of use; thus, he felt this appeal should be granted since provisions for an Airport are made in the Zoning Ordinance. After much discussion Mr. Walker made the motion to defer decision until the January meeting of the Board, to enable members to examine the location and the topography of the property. The motion was seconded by Mr. Mackall, and unanimously carried.

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In the fourth application, Frank A. Wedderburn, Jr. asked permission to operate an Airport, east of Vienna, on the east side of Road No. 698, about ½ mile south of the Old Dominion Railway, in Providence District, zoned as

Rural Residence. The Secretary reported that this appeal had been withdrawn by telephone on December 20, 1941 by Frank A. Wedderburn, Jr., and the Board ordered that it be struck from the calendar.

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The fifth case was an appeal by Tauxemont Home Builders, Inc., requesting permission to erect a Dwelling, on Lot No. 16, Section 2, in Tauxemont Subdivision, south of Alexandria, on Road No. 626, between Mount Vernon Boulevard and Road No. 629, having 1 side yard less than required by the Ordinance, in Mount Vernon District, zoned as Rural Residence. No one appeared to represent this case, but the Board felt it could act thereon in view of the evidence presented by the Zoning Administrator. As the Lot in its present size and shape is of record since March 1, 1941, Mr. White told the Board he lacked authority to grant this appeal for a side yard of less than 25 feet, as required by the Ordinance. He explained that due to an error made by the surveyor this Dwelling was erected 19 feet from the side line, which error was not noticed by the owner until the building had been completed. The Zoning Administrator was of the opinion that as the appellant had always acted in a sincere, cooperative manner he had no objections to offer, but was inclined to believe that in granting the appeal an undue and unnecessary hardship would be avoided. He further stated that the owner had called him by telephone the day before the Hearing and explained that he was ill and hadasked him, the Zoning Administrator, to make the necessary explanations to the Board. After an informal discussion Mr. Mackall made the motion to grant the appeal, which was seconded by Mr. Walker, and unanimously approved as authorized under Section XII, Subsection G of the Ordinance.

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The minutes of the previous Board meeting were read and unanimously approved. The Vice-Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the Court House at 11:00 A. M., on January 26, 1942. All of the members- Mrs. Annie T. Staub and Messrs. T. J. Stockton, S. Cooper Dawson, Douglas S. Mackall, Jr. and William C. Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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In the first application, Paul Johnson, represented by C. E. Reid, requested permission to erect a Garage, on Lot No. 125, Section 2, in Hillwood Subdivision, south of Falls Church, between Lee Boulevard and Hillwood Street, having less side yard and rear yard than required by the Ordinance, in Falls Church District, zoned as Suburban Residence. A plot plan, drawn to scale, was submitted, showing the Lot, which is of record prior to March 1, 1941, to be 70'x 125', and showing the Dwelling, which is already built, to be 47'x 48'5", leaving 1 side yard of 8' and the other side yard of 14'6", and the rear yard clearance to be 32'7". As the Lot is sloping with a drop of 3' to 4' in level, a retaining wall was necessary, thereby lessening the 1 side yard to 11'6", which comprises the driveway to the proposed Garage. Therefore, Mr. Reid asked the Board to grant a rear yard clearance of 5' and a side yard clearance of 1' for the Garage, due to the exceptional topographical condition of the Lot, thus relieving a hardship on the applicant. He claimed the Garage, like the Dwelling, is to be constructed of fireproof materials. After an informal discussion, Mrs. Staub made the motion to grant the appeal, which was seconded by Mr. Mackall, and unanimously approved as authorized under Section XII, Subsection G of the Ordinance.

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The second case was an appeal by B. Kemp, represented by Attorney John A. K. Donovan, asking permission to erect a Garage, on Lots No. 42, 43 and 44, Block 11, in West McLean Subdivision, about ½ mile west of McLean, and ½ mile south of Road No. 738, having 1 side yard less than required by the Ordinance, in Providence District, zoned as Suburban Residence. Attorney Donovan asked Mr. Kemp to explain the situation to the Board, which he did, stating that the Garage was completed, that he was unaware of an Ordinance requiring a zoning permit, and that he had no intention of violating the law when he built his Garage; he further stated that the builder had informed him a permit was not necessary since the Garage was to be attached to the Dwelling, and he had relied on the builder's word as authority. Attorney Donovan then submitted a plot plan, drawn to scale, and photographs of the Dwelling with the attached Garage. Mr. Kemp explained that due to the slope of the land it was necessary to build a retaining wall, and necessary to erect the Garage on the low side of the Lot within 2' of the side line. In answer to a question by the Chairman, Mr. Kemp said it was impractical to build the Garage on the opposite side of the house, where there was space of 29'8", due to the peculiar topography of the Lot, this being the high side, and to build there would require additional and expensive tunneling.

The Attorney, in answer to a question, claimed there were no objections voiced by the neighbors; he presented a signed petition, bearing the sig-

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natures of ten residents of the community, consenting to the erection of the Garage at its present location. The Lot was shown to be of record prior to March 1, 1941. When asked what materials were used in constructing the Garage, Mr. Kemp replied that they were all fireproof, mostly cinder block. The Zoning Administrator offered no objection, expressing his opinion that Mr. Kemp had not wilfully violated the law, and feeling he was sincere in his statements to the Board. Attorney Donovan asked the Board to grant this appeal to avoid a hardship on the appellant, due to exceptional topographic conditions of the Lot. After an informal discussion over the merits of the case, Mr. Mackall made the motion to grant the appeal on the grounds as authorized under Section XII, Subsection G of the Ordinance. The motion was seconded by Mrs. Staub and unanimously granted.

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The next case was a rehearing for Jefferson L. Ford, Jr., which had been deferred from the Board meeting held on December 22, 1941, asking permission to operate an Airport (Seaplane Base), near Belle Haven, between Mount Vernon Boulevard and the Potomac River, in Mount Vernon District, zoned as Rural Residence. No one was present to represent Mr. Ford, but the Board felt it could act thereon in view of the evidence gathered by the Board members in their recent investigation of the location and the topographical conditions of the land. After an informal discussion, and considering the many objections voiced against the operation of this Seaplane Base by residents of the community, Mr. Dawson moved to deny the appeal, in order to maintain conditions from the residential viewpoint as they now are along this portion of the Mount Vernon Boulevard. This motion was seconded by Mr. Walker and carried four for; Mr. Mackall declining to vote.

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Mr. White, the Zoning Administrator, asked for a definition of the word "premises" as used in Section IV, Subsection 14 of the Ordinance, relative to the location of Signs. He wanted to know whether it permitted more than 1 Sign on a Lot. After discussion the Board decided unanimously that the word "premises" as used in the Ordinance means any Lot, structure or building on, or in which a business or use is conducted, and that there may be as many "premises" on a Lot as there are separate businesses or uses.

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The business of electing officers and appointing a clerk for the year 1942 was then considered. Mr. Mackall made the motion that the same Officers- Mr. T. J. Stockton, Chairman and Mr. S. Cooper Dawson, Sr., Vice-Chairman, be reelected, and that the same Clerk, Louise Dickie, be reappointed for the current year, which motion was seconded by Mrs. Staub, and unanimously carried.

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The minutes of the previous Board meeting were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Old Court House at 11:00 A. M. on February 23, 1942. Four of the Members- Messrs. T. J. Stockton, William C. Walker, Douglas S. Mackall, Jr. and S. Cooper Dawson, Sr. were present; Mrs. Annie T. Staub being absent. Mr. T. J. Stockton, the Chairman, presided.

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In the first case Edith C. Porter asked permission to operate a Private School, about 4 miles west of Fairfax, on the north side of Route No. 211, in Centerville District, zoned as Agricultural. A plot plan was submitted, showing the tract to contain 22 Acres, having a frontage of approximately 1125 feet, and showing the existing Dwelling, which would be converted into the Private School, having a set-back of 234 feet from the side of the right-of-way, and a side yard clearance on the east of about 450 feet, and on the west side a clearance of about 675 feet. In answer to a question, Mrs. Porter claimed there were no objections from the neighbors; that there is a definite need for a School of this type; and that she is licensed to care for 12 children who are considered retarded in their studies and in learning. She further claimed that these children should not be confused with mentally deficient or insanity cases. The Zoning Administrator had no objections to offer. After an informal discussion, Mr. Mackall made the motion to grant the appeal, which was seconded by Mr. Walker, and unanimously approved as authorized under Section XII, Subsection F-1 of the Ordinance.

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The second case was an appeal by E. G. Germain, requesting a permit for the operation of an Airport, about ½ mile south east of Bailey's Cross Roads, between Roads No. 7 and No. 716, in Falls Church District, zoned as Suburban Residence. A plot plan was submitted, showing the tract to contain about 80 Acres. Mr. Germain stated that he is one of the owners of the proposed Airport, and that he had been one of the owners of the old Alexandria Airport, which is now known as the Navy Airport. He further stated that since the Navy Department took over the Alexandria Airport it left him with a number of private planes and other equipment for storage, or for use and service; thus it would become necessary for him to immediately find a location to prevent high storage rates, or to permit the use of his equipment. Mr. Germain asked the Board to grant his appeal for this

particular location as the Civil Aeronautics Control and the Navy Department have taken over all the principal fields. In describing his activities, Mr. Germain explained that he would now use smaller planes and equipment for other than military purposes, yet he would aid National Defense in any possible way, and in so doing he would be licensed both by the State and the Civil Aeronautics Association, making it compulsory to have a watchman on 24 hour duty, and to install line service. In answer to a question, he claimed there would be very little student flying as most students are now in military training and service, although the Government might ask him to train about 10 students in the near future.

Mr. Henry C. Moore, Technician for the Planning Commission, told the Board that the Planning Commission is now making a detailed study of this area in connection with Multiple Housing Projects and a Master Plan for the County, but that no conclusions had been reached. The Chairman stated that more time should be allowed for further study along these lines. Mr. Germain objected to this delay, and explained that it was necessary to have the appeal granted at this time to prevent a fine being imposed on him for not either dismantling his equipment and storing it in a warehouse, or acquiring a suitable location for putting his planes into service and use. He claimed he could see no reason for this suggested delay since no objections had been raised, and that there would be a limited amount of actual or commercial flying, that there would be no buildings or hangars on the tract, other than the building occupied by the watchman. When asked how he would protect his planes against weather conditions in not using hangars, Mr. Germain replied that the engines were the only part of the planes needing protection, and they would be covered with canvas when not in use.

After much discussion the Board decided that more time would be needed to study the situation, as the proposed Airport lies in the path of a proposed intensive residential development, which due to war conditions, should take place within a year. The case was then deferred by unanimous consent, in order to give the Board time in which to check details in connection with the development of the proposed Master Plan for this area, and in consideration of a number of proposed Multiple Housing Projects.

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In the third, fourth, fifth, sixth and seventh cases, Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, represented by Attorney J. Randall Caton, Jr., requested permission to erect Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with the Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. Plot plans, drawn to scale, were submitted, showing these tracts under separate ownership, as well as

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in connection with the adjoining tracts as a whole project, comprising 114.9869 Acres. A letter of approval from the Health Department was also submitted. Attorney Caton said he had made a complete study of the Multiple Housing Project Amendment and desired to cooperate with the Planning Commission in their study of the Master Plan, which plan is to provide in the near future certain locations in the County designated as most desirable, from the standpoint of water and sewer, for Multiple Housing Projects. In view of a combined meeting of the Planning Commission and the Board of Zoning Appeals to be held on March 13, 1942, Attorney Caton asked for a deferment of these five appeals, in order to allow further study of this area, and stated that he wished to cooperate fully with both the Planning Commission and the Board of Zoning Appeals. The Chairman then informed the Attorney that a decision would be given as soon as possible after the meeting on the 13th of March.

// The eighth case was an appeal by M. J. Waple, asking permission to erect a Restaurant, 3 miles west of Alexandria, on the south side of Road No. 236, near its junction with Road No. 648, in Falls Church District, zoned as Suburban Residence. A plot plan was submitted, and Mr. Waple explained to the Board whereas he had been granted a permit for a Restaurant, at the meeting held on November 24, 1941, having a set-back of 200 feet from the side of the road, and a side yard clearance of 90 feet from the Government property line to the east, such location had proven impractical from a trade and financial standpoint. He expressed his opinion that it would be necessary to establish a Restaurant closer to the Highway to attract business from the tourist trade as well as from government employees; besides, the Government was in the process of erecting a seven foot fence on their property line, which seemed to block the road to such an extent as to prohibit customers from patronizing the Restaurant already established.

When asked what he intended doing with the existing Restaurant, Mr. Waple stated that it would be converted into a Dwelling. He asked the Board to grant this appeal for a Restaurant with a set-back of 60 feet from the side of the right-of-way, but the Chairman was of the opinion that when Road No. 236 was widened there would not be left sufficient space for parking; but, Mr. Waple claimed there would be ample parking facilities, as well as space for a flower garden which would improve the appearance of his property; that he was in line with the Government buildings, yet he desired to cooperate with the Board and would not object to a greater set-back. Mr. Stockton suggested that the case be deferred for further study in connection with the proposed Master Plan of this area. Mr. Waple offered no objection to this deferment. Mr. Dawson then made a motion for a deferment, which was seconded by Mr. Walker, and unanimously carried. After further study of the case in the afternoon, and taking into

consideration the future widening of Little River Turnpike, Mr. Mackall made the motion to grant the appeal for a Restaurant with a set-back of 75 feet from the side of Road No. 236, which was seconded by Mr. Dawson, and unanimously approved, as authorized under Section XII, Subsection F-2 of the Ordinance.

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In the ninth case M. J. Waple asked permission for the erection of a Pet Hospital, 3 miles west of Alexandria, on the south side of Road No. 236, near its junction with Road No. 648, in Falls Church District, zoned as Suburban Residence. A plot plan was submitted, and Mr. Waple stated that the building would be constructed of brick and tile, with full basement. He claimed he intends deeding this property to his son who will soon graduate from the University of Pennsylvania as a veterinary surgeon; that there were no objections from the neighbors, but rather that many of the property owners had expressed their opinion of the need of such a Hospital in the community. After much discussion, Mr. Stockton suggested that the case be deferred for further study in connection with the proposed Master Plan for this area. Mr. Waple offered no objection, stating that he wished to cooperate with the Board in every possible way. Mr. Dawson made the motion for a deferment, which was seconded by Mr. Walker, and unanimously passed. After further study of the case in the afternoon in connection with the proposed widening of Little River Turnpike, Mr. Mackall made the motion to grant the appeal for this Pet Hospital, having a set-back of 115 feet from the side of Road No. 236, which was seconded by Mr. Dawson, and unanimously granted, as authorized under Section XII, Subsection F-2 of the Ordinance.

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The tenth case was an application by Clifton D. Kelley, Larry Steele and Claude Branner, represented by Attorneys Hardee Chambliss, Jr. and Mark P. Friedlander, asking permission for the erection of a Multiple Housing Project, on the south side of Road No. 236, near Lee Jackson High School, in Falls Church District, zoned as Urban Residence. A plot plan, drawn to scale, was submitted, showing the design of the Multiple Housing Project, 49 houses of 4 units each, which would apply only to a part of the 16 Acre tract, and showing that portion, which would be the proposed development, to be subdivided. When asked the purpose for subdividing this property, Mr. Kelley stated that it was from the mortgage standpoint only, and at the present time the Lots could not be sold separately as they are laid out according to the plans of the Federal Housing Administration under Title 6; that at the present time the title of the property must remain under one ownership, but that later when the mortgage was lifted, these Lots could be sold and financed independently. Much objection was raised

by members of the Board, the Chairman pointing out that the Ordinance does not allow subdividing nor separate ownership; that a Multiple Housing Project must remain under one ownership. Mr. Kelley claimed the architect had drawn plans to meet the requirements of the Federal Housing Administration, which would apply only during the life of the mortgage.

Further discussion then arose, and Attorney Chambliss felt that the Ordinance could prohibit such a future procedure. The Zoning Administrator asked for a clarification whether these Lots could eventually be sold separately, or whether the Ordinance had the power to prevent this change. Much discussion again arose, butthe matter remained unsettled. Mr. White then asked for a clarification of the meaning of the word "ratio" as used in Section XII-F-5, paragraph c, whether the whole tract of land should be used or whether the density could be on a portion of the land only, provided the entire required acreage were put to use in connection with the project and would the Board have the power to refuse greater density on part of the required tract, and would the appellant be bound by this decision later on. Attorney Chambliss expressed his opinion that the homes could be built on a part of the tract only, but if a later discussion arose it could be reviewed in the Circuit Court. He stated that it would be from the standpoint of common sense to have greater space away from the homes, better fulfilling the purpose, rather than to scatter the houses, that an unoccupied area could then be devoted to playgrounds and similar uses; that the Federal Housing Administration does not approve of scattering houses, claiming a density of houses, under Title 6 development, is more practical, especially when water and sewer are taken into consideration.

In reply to a question, Mr. Kelley stated that the buildings would be of brick, having party walls, but was unable to state whether or not they would be fireproof. In view of former discussion, Mr. Kelley suggested that it would be practical, if the Amendment were changed in the future, to build more units on the unoccupied land. Much discussion again arose concerning what should be done about that part of the tract not shown by the architect to be of use in the proposed development. Mr. Dawson moved for a deferment, on the grounds that the case needed more study, which was seconded by Mr. Mackall, and unanimously agreed upon. Attorney Friedlander asked the Board if it were using another influence for this decision, referring to the Master Plan, which is now being considered by the Planning Commission. Mr. Stockton explained that when this Master Plan is adopted it may repeal the Multiple Housing Project Amendment.

Attorneys Chambliss and Friedlander were both of the opinion that the appellants had technically complied with the Amendment; that this delay would interfere with the development by the Federal Housing Administration; and that Mr. Brumback, of the Federal Housing Administration, is

anxious to have this project under way as there is a necessity for immediate building of this type in Fairfax County. Attorney Chambliss claimed that since they had complied with the regulations of the Ordinance this appeal should be granted, inasmuch as it would not interfere with nor damage the looks and the appearance of this particular community, and that the government is in immediate need of low cost housing projects. The Chairman, however, was of the opinion that more time was needed to consider the case. But, Attorney Chambliss again objected to such a delay, claiming they had qualified under the Ordinance, having no desire to hold up the proceedings by the Federal Housing Administration.

Mr. Kelley informed the Board that if this delay were caused by a part of the land in question to be shown as undeveloped, he would be willing to dedicate this open space for a park, that they were willing to cooperate in order to avoid delay. He claimed that there might be two reasons for this delay- the first being the matter of water and sewer, which had been taken care of since the Health Department had presented a letter of approval; the second reason- taking into consideration the welfare and beauty of the community, which would be met by their plans for a permanent and attractive development; that the houses would have basements and separate heating units, either using oil or furnace stoker; and that trees would be planted to close out the view of the Fruit Growers Express premises. Mr. Mackall then made the motion to reconsider the Board's decision, which was seconded by Mr. Dawson, and unanimously carried. Mr. Stockton again asked for a deferment for further study of the submitted plans. The question of the proposed Highway (cut off from U. S. Highway No. 1) was then considered, creating much discussion. After discussing and considering the evidence which had already been presented, Mr. Dawson made the motion to defer the case, in order to give the Board sufficient time to carefully consider every aspect of this application, in view of cooperating with the Planning Commission, concerning their proposed Master Plan, which motion was seconded by Mr. Mackall, and carried 3 for; Mr. Walker declining to vote.

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The eleventh case was an appeal by Defense Homes Corporation, represented by Allen B. Mills, Architect, asking permission to erect a Multiple Housing Project, beginning at the intersection of the Old Braddock Road and Route No. 7, extending 8218. 91 feet along the north east side of Route No. 7, thence across to the Arlington County Line, in Falls Church District, zoned as Suburban Residence. A plot plan, drawn to scale, was submitted, showing the larger portion of this tract to be situated in Arlington County, leaving a small strip of land between the Arlington County Line and Route No. 7, in Fairfax County. Mr. Mills informed the Board that this project would conform to the requirements of the Ordinance as to density, set-backs, parking space, roads, water, sewer, and garbage

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disposal; and that there would be a clover leaf type corner to comply with the proposed Highway development, to avoid traffic congestion.

The Architect submitted a plan of the architectural development, stating the project would be a rental one only; that it would be a dignified development, built for permanent homes within the limitations of priority housing development; that the houses would be of high character, thereby conserving the sale value; and that they would cooperate with the Planning Commission in developing this project in the same manner as they are now doing in Arlington County. Mr. Henry C. Moore, Technician for the Planning Commission, voiced his opinion that this would be a highly commendable development, conforming to the regulations of the Amendment, and would be a desirable project for the County.

A discussion then arose over what would constitute the proper distance between houses on major and interior roads, after which a clarification was reached by Mr. Mills and Mr. Moore, that all buildings should be 110 feet apart on all interior roads, except service roads, having a dedication minimum width of 50 feet, and a building set-back line of not less than 30 feet behind the dedication line. After this clarification, Mr. Dawson made the motion to grant the appeal, in view of the fact that the project is to be erected according to the plot plan submitted, which was seconded by Mr. Mackall, and unanimously approved, as authorized under Section XII-F-5 of the Ordinance.

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In the twelfth application, W. P. Ames and B. M. Smith, represented by Mr. Ames, requested permission to erect a Multiple Housing Project, beginning at Carter's Store in Lincolnia, and extending east along the north side of Road No. 236 for 1500 feet or more, in Falls Church District, zoned as Rural Business and Suburban Residence. A plot plan of the land only was submitted, which did not meet the requirements of the Ordinance, and the Board felt it could not act thereon without having more evidence of the nature of this project. The Chairman quoted the regulations of the Amendment, suggesting to Mr. Ames that he should submit complete plans of the project itself, as well as to present a letter of approval from the Health Department. Mr. Ames objected to a delay and asked the Board to grant the appeal so that he would be in a position to start building as soon as plans for the new Highway (cut off from U. S. Highway No. 1), and water and sewer were completed; that in the meantime he would have a plot plan, drawn to scale, submitted which would meet with the full requirements of the Ordinance.

Mr. Ames claimed that he intended erecting buildings which would be a credit to the County; that Mr. Ferguson of the Federal Housing Administration, had sent competent men to look over the situation, and they had decided that a Multiple Housing Project is needed in this area; and that

his project will cost about one and a half million dollars. On these grounds Mr. Ames again asked the Board to grant his appeal, promising in the meantime to bring in a plot plan which would comply with the Amendment and that would meet with the approval of the Health Department, which would allow him to commence building operations at the earliest possible time, but at the present his plans are contingent upon the proposed road, water and sewer system. The Board, however, felt it could not act without the proper plans and evidence being submitted. In view of this fact, Mr. Mackall made the motion to defer the appeal until the plot plans were properly filed in accordance with the regulations of the Ordinance, which was seconded by Mr. Walker, and unanimously carried.

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The meeting thereupon adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of a Special meeting of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at 11:00 A. M. on Monday, March 16, 1942. All of the members- Mrs. Annie T. Staub, and Messrs. T. J. Stockton, S. Cooper Dawson, Sr., William C. Walker and Douglas S. Mackall, Jr. were present. Mr. T. J. Stockton, the Chairman, presided.

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The first case was an appeal by E. G. Germain, which had been deferred from the meeting on February 23, 1942, represented by Attorney John A. K. Donovan, requesting permission for the operation of an Airport, about ½ mile south east of Bailey's Cross Roads, between Roads No. 7 and No. 716, in Falls Church District, zoned asSuburban Residence. In view of the evidence presented at the February meeting, the Zoning Administrator inquired for objections to the Airport, and Attorney Donovan reported that there were none. The Chairman then asked for a motion to render a decision on the appeal. But Mr. Mackall asked for information on the use and purpose of this field, whether it would be used for storage purposes or for actual flying; the matter remained unsettled. Mr. Dawson made a motion, that in view of the fact that this particular area is strictly residential, and close to where the proposed new Highway (cut off from U. S. Highway No. 1) would be built, this appeal should be denied, which was seconded by Mr. Walker. The Attorney, however, asked permission to present new evidence, but the Chairman stated that this would not be permissible because there was nothing to show that new evidence had been obtained.

Mr. Dawson stated that the Planning Commission is now working on a Master Plan in connection with Multiple Housing Projects to protect this area for an intensive residential area. Attorney Donovan claimed that Mr. Germain had not been allowed to make a reply to certain objections which

had developed subsequent to his application, and that he would like to have the case come up again in the future, after he had been given sufficient time to study all the evidence. The Chairman informed the Attorney that decision had been deferred to allow the Board the opportunity to investigate and to consider the evidence already presented, as to the present and future regulations for residential areas for the County, and that he felt a further continuance would not be in order. The Zoning Administrator stated that in his opinion the applicant should be allowed an opportunity to reply to any new evidence that might have been presented.

Mr. Dawson told the Board that he was willing to withdraw his motion, and Mr. Walker agreed to withdraw the second to this motion. Mrs. Staub then moved that the case be continued to March 23, 1942 to enable Mr. Germain to submit his rebuttal, which Mr. Mackall seconded. Before voting, an informal discussion arose, after which Mrs. Staub called for the minutes for this particular case of the previous Board meeting, which were presented by the Clerk and read by the Chairman, who also called attention to the important points for the deferment. The motion was then passed unanimously.

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The second, third, fourth, fifth and sixth cases were applications, which had been deferred from the meeting on February 23, 1942, by Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, represented by Attorney J. Randall Caton, Jr., requesting permission to erect Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. A plot plan showing these adjoining tracts as a whole project, comprising 114.9869 Acres, was submitted, and a letter of approval from the Health Department was also submitted. Attorney Caton stated that this tract is not suitable for either farming or for timber land, as it is overgrown with scrub timber and bush, but that the site would be a suitable one for Multiple Housing Projects; he further stated that there are no buildings on this land at the present time. Attorney Caton informed the Board that the City of Alexandria is about to initiate another annexation project which may extend from Annandale to Groveton, and thento the Potomac River, and that if land is left vacant and unoccupied in Fairfax County it would then give the Government the opportunity to take over such land for their own developments; that we of the County should occupy our vacant land, thereby creating a deterrent to such annexations; and that what the applicants propose to build would meet with every requirement of the Ordinance.

Mr. Dawson made an inquiry concerning the water supply to which Mr. Irving Newcomb, Realtor, replied that at first plans and drawings had been

submitted to the Alexandria Water Company, but that no action had yet been taken, and now they had engaged engineers from Richmond to make a study and report on the project whether it would be advisable to use 1, 2 or 3 large central wells, or whether smaller tanks would serve. The question of ownership was brought up, and Mr. Newcomb claimed that this project would remain under one ownership to comply with the regulations of the Federal Housing Administration under Title 207, and not under Title 6; that Title 207 would keep the project all under one ownership, which could not be dissolved in the future; that their plans are shown as one entity for the duration of the 25 year mortgage; and that the project could not then be subdivided unless subdivision lines were shown on the original and final plot plan submitted to the Board. Attorney Caton explained that the requirements under Title 207 for one ownership would always be binding, and would be so stated in the deed; and that by stating these restrictions in the deed would make one ownership binding on all successors.

Mr. Newcomb was asked to explain the architectural drawings which had been submitted, which he did, and then pointed out that after a conference with Mr. Moore and Mr. James J. Corbalis, Jr., Sanitation Officer of the Health Department, he would say that these drawings were not permanent land records, but proposed ones, and that more time would be needed to make a study of the general scheme of things in order to work out plans with County Officials and Engineers which would be for the best interest of all parties concerned. He also pointed out the proposed location of the stores, school, underpass and clover leaf type corner. When questioned about the proposed new Highway (cut off from U. S. Highway No. 1), Mr. Newcomb replied that since these maps would not be the final ones he could not definitely state where the proposed new road would be built, but that it would not shift more than 200 feet either way from the location as shown on the present plan.

Attorney Caton asked for approval from the Board for this project, but he stated that certain details would still be subject to the approval of the County Engineers, and that the location of the school would be taken up with the County Superintendent of Schools. General Major, a resident and property owner of this community, voiced an objection to the erection of the project, unless the buildings erected were in keeping with the cost, type and appearance of the existing Dwellings in this area; he stated that he owns a beautiful and valuable home close by and that the plans already submitted for this project, in his opinion, would not be a very presentable or desirable outlay; that he understands that the water and sewer systems and the garbage disposal would be furnished by the owners, and that the drilling of wells could affect and drain his own water supply which comes from a drilled well having a depth of 160 feet; and he asked the

Board to grant him more time for further study of this project.

Mr. Newcomb claimed that under Title 207 they would be allowed $4000.00 per unit, or $1000.00 per room which would be sufficiently flexible to construct a desirable project, one not adversely affecting the value and appearance of surrounding property. General Major contended that he was not opposing the Multiple Housing Project itself but that he was objecting to the plan and type of building now proposed, that such buildings as now contemplated could debase surrounding property, especially his own property and that of the Episcopal Seminary; and that if this type project were allowed, similar projects could also be allowed in the future. Mrs. Major voiced similar objections as those of her husband's, and she contended that she disapproved of the type building now planned by the architect, and suggested that the Williamsburg type would be more desirable. Attorney Caton asked the Board members if they felt the applicants would be justified in going ahead with final plans, and the Board decided informally that they were. General and Mrs. Major again voiced objections. Mr. Mark Winkler, in cooperation with Mr. Newcomb, explained that considerable time and money had already been spent on plans for this development, and that much more would be spent before final plans would be completed; that Mr. Allen B. Mills, an Architect for theDefense Housing Administration, was also the architect for this project, and that Mr. Mills is considered the best architect in the Defense program; that the appellants have great confidence in his ability and experience to design their development; but Mrs. Major felt he could plan an outlay inferior to other projects which he had designed, such as the one for Defense Homes Corporation in Arlington County.

Mr. Robert F. Fleming, another property owner of the community, voiced an objection to stores and other commercial uses being established in this area, and that he further objected to rezoning of any part of this land for business purposes, as any commercial use would tend to devaluate surrounding property for residential purposes. Mr. Stockton explained that the development might become sufficient in size and population to warrant a shopping center, which would then require rezoning by the Board of Supervisors, which procedure is not the function of the Board of Zoning Appeals. Mr. Fleming still objected to the placement of the stores as shown on the plan, and the Chairman advised him to make his suggestions and recommendations to the Planning Commission in relation to the development of the Master Plan for Multiple Housing Projects. Attorney Caton and Mr. Winkler both explained that this appeal was a request for residential purposes only, and that Mr. Fleming's objections should go before the Planning Commission.

Mrs. Major raised an objection to a school being established in this area, and the Board advised her to state her objections to Mr. Woodson, Superintendent of the County Schools. Mr. Fleming requested that the Board deny the appeal until the final plans were drawn and submitted, which would

show only a residential development. The Chairman stated that the Board had no authority to pass on the appeal at the present meeting, as their only justification in granting this appeal would rest on the adoption of the Master Plan, which would allow Multiple Housing Projects in this area, and that final plans must first be submitted by the applicants, showing that the project would not be a Title 6 development, in order to prevent subdividing. In view of this statement Mrs. Staub made the motion to defer the case until such time as final plans would be submitted, which was seconded by Mr. Mackall, and unanimously carried.

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In the seventh case, which was deferred from the meeting on February 23, 1942, Clifton D. Kelley, Larry Steele and Claude Branner, represented by Attorney Mark P. Friedlander, asked permission to erect a Multiple Housing Project, on the south side of Road No. 236, near Lee Jackson High School, in Falls Church District, zoned as Urban Residence. Attorney Friedlander stated that as all the evidence had been persented at the previous meeting he would not go into these details again. The Board, however, had asked at the meeting on February 23rd, for a revised and final plot plan of this development to meet the requirements of the Ordinance. The Attorney submitted this revised plot plan, minus the subdivision lines, which would comply with the regulations of the Amendment; and he stated that the project would remain under one ownership. When questioned about the method of financing for this project, the Attorney replied that he was not informed on the subject; therefore, he was unable to say whether the project would be financed by the Federal Housing Administration or would be privately financed. Mr. Kelley claimed that the development would be financed either under Title 6 or Title 207 of the Federal Housing Administration, whichever they would grant, but if financing were granted under Title 207 they would be given a larger loan.

Mr. Dawson requested an elevation map and the Attorney presented a plan of the contour drawings. Mr. Dawson also requested plans of the floor layout, which had been presented at the previous meeting. The Board of Health had previously submitted a letter of approval for this development. Mr. Kelley claimed that they would take into consideration the welfare of the community, building as permanent and attractive homes as the financing would permit; that the houses would be of 4 units each; and that each unit would have a separate heating system. Attorney Friedlander asked the Board to grant the appeal since no objections had been raised. The Chairman explained that the main fact to consider would be that construction of this project would be in accordance with the regulations of the Ordinance; that the project would be retained under one ownership; and Mr. Stockton suggested that this provision should be so stated in the deed. After an informal discus-

sion, Mr. Dawson moved that the appeal be granted, on the grounds that there would be a distinct understanding that all yards and courts shall remain in a common (1) ownership, as provided for in the Ordinance; this motion was seconded by Mr. Mackall, and unanimously approved as authorized under Section XII-F-5 of the Ordinance.

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The eighth case was an appeal, which had been deferred from the meeting on February 23, 1942, by W. P. Ames and B. M. Smith, asking permission to erect a Multiple Housing Project, beginning at Carter's Store in Lincolnia, and extending east along the north side of Road No. 236 for 1500 feet or more, in Falls Church District, zoned as Rural Business and Suburban Residence. No one appeared to represent the case and the Chairman was of the opinion that it could be continued. Mr. Mackall moved for a continuance of this application, which was seconded by Mr. Walker, and unanimously approved.

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Due to the fact that business has increased during the past few weeks and can no longer be cleared at the regular meetings, the Board decided that some method should be adopted to meet these additional business matters. After an informal discussion, Mrs. Staub made the motion that the second Monday in each month be set aside for Business Meetings, which was seconded by Mr. Mackall, and carried 4 for; Mr. Walker being absent at the time this resolution was voted on.

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The meeting then adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at 11:00 A. M. on Monday, March 23, 1942. All of the members- Mrs. Annie T. Staub, and Messrs. T. J. Stockton, William C. Walker, Douglas S. Mackall, Jr. and S. Cooper Dawson, Sr. were present. Mr. T. J. Stockton, the Chairman, presided.

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In the first application, H. F. Lane and Company, represented by H. F. Lane, asked permission to operate a Gravel Crusher, Bins, Elevator and Screens, south of Lincolnia, at the intersection of Road No. 613 and the Southern Railroad, in Falls Church District, zoned as Suburban Residence. Mr. Lane presented a free hand sketch of his property, which was not left with the Board as a permanent record, showing the tract to contain about 13½ Acres, and having a depth of 1200 feet, 1000 feet along the Highway being zoned as Suburban Residence, and the remaining 200 feet on the west

being zoned as Agricultural. As Gravel Pits and customary uses are permitted in an Agricultural District, the Zoning Administrator asked why his equipment could not be erected on the 200 foot strip which is zoned for such activity. Mr. Lane replied that this location would prove too small for a working area; that it would be necessary to remain close to the road to avoid long hauls and to be able to store the gravel along the side of the road for convenient delivery service; and that this 200 foot strip was mostly hill, making free use of water unavailable for washing purposes; that it would be necessary to set up his equipment along the stream, which stream flows through that part of his land zoned as residential. The Chairman stated that this use was not permitted in a residential area, and that Mr. Lane should apply for rezoning. Mr. Lane explained that the tract of land is owned by Vernon M. Lynch, and that Mr. Lynch had at one time suggested that he might apply for rezoning of this tract to an Industrial District.

The Zoning Administrator was of the opinion that if Mr. Lane could show an exceptional hardship the Board would have the authority to grant the appeal, and he read that part of the Ordinance, Section XII, Subsection G, which applies to variances. But Mr. Stockton contended that the Board had no authority to grant the appeal unless the evidence produced would show unusual topographical conditions, thereby creating a hardship, and he was of the opinion that no evidence of such unusual conditions had yet been submitted. Mr. Lane claimed that as most of the land is swampy it would be of benefit to Mr. Lynch's property to fill in parts of the swamp with wash from the gravel. After an informal discussion, Mr. White suggested to Mr. Lane that his proper redress would be rezoning, which should be requested by the owner, Mr. Lynch. Mr. Lane offered no further objections. Mr. Mackall made the motion for a denial, on the grounds that the Board lacked authority to grant the appeal as the evidence presented failed to show any peculiar or exceptional practical difficulties or any undue hardship; the motion was seconded by Mr. Dawson, and unanimously carried.

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The second case was an application by Max Stein, represented by Attorney Andrew W. Clarke, requesting permission to erect an Addition to a Store, on Lots No. 21 and 22, in Cameron Park Subdivision, on the south side of Road No. 236, about 400 feet east of the Lee Jackson High School, in Falls Church District, zoned as Urban Residence. Attorney Clarke asked the Board to continue the case for 60 days. Mr. Mackall made a motion for a continuance of 60 days, which was seconded by Mrs. Staub, and unanimously carried.

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The third case was an appeal by John W. Burgess, represented by Attorney Robert J. McCandlish, Jr., asking permission for the erection of a Private Stable, on Lot No. 13, Block 3, in Fairview Subdivision, south of Alexandria,

on the east side of Road No. 633, south of its junction with U. S. Highway No. 1, having less rear yard than required by the Ordinance, in Mount Vernon District, zoned as Suburban Residence. A plot plan, drawn to scale, was submitted, showing the Lot to be of peculiar shape, with the west side line of 198 feet and the east side line of 261 feet, and showing the frontage to be 108 feet and the rear line to be 78'6". The plan also showed an existing Dwelling and Printing Shop; the Dwelling having a set-back from the side of the road approximately 100 feet at the nearest point and about 125 feet at the fartherest point; and the Printing Shop having a rear yard clearance of about 1 foot, and a side yard clearance of 4'6". Attorney McCandlish stated that both the Dwelling and the Printing Shop had been built prior to the enactment of the Ordinance, and that the plan and layout of his buildings were established prior to March 1, 1941. The Attorney further stated that if the Ordinance had been in effect when Mr. Burgess started building he would then have planned a different layout by placing his Dwelling closer to the road, thereby creating a larger rear yard space, and also allowing for the 25 foot rear yard clearance now required by the Ordinance. Attorney McCandlish claimed that under the present layout to move the Stable 25 feet from the rear Lot line would place it about 39 feet from the back of the house.

In answer to a question, Attorney McCandlish replied that the adjoining Lot on the rear and the one on the west are vacant and owned by Mrs. Johnson, a neighbor, and that Mrs. Johnson had built her Dwelling on a third Lot, adjacent to Mr. Burgess' property. Mrs. Johnson, however, claimed that this information was incorrect, that though she owns these 3 Lots she is paying taxes on one tract of land only. It was pointed out by the Zoning Administrator that Mr. Burgess had violated the law on two counts- one, by erecting the Stable without a permit; and the second, by placing the building too close to the rear Lot line; and that Mr. Burgess had previously explained to him his reason for so doing; that friends had assisted in the building, helping to defray the cost; that this work ~~work~~ was accomplished over a week end comprising February 22nd and 23rd; that Mr. Burgess felt assured that the 22nd being Sunday and George Washington's birthday the County Office Building would be closed on February 23rd, observing that date as a legal holiday; and that he intended getting the permit on February 24th, which was applied for on that date, but could not be granted since the rear yard clearance was less than required by the Ordinance. Attorney McCandlish asked the Board to grant the appeal on the grounds that moving the Stable would work a hardship on the applicant; that the building is not a shack but one of good appearance, being painted white and having a green shingle A-roof, and is shielded by a fence 7 feet high across the rear Lot line; and that the Stable is situated about 175 feet from Mrs. Johnson's Dwelling.

Mr. White explained to the Board that based on his personal investigation he had found the Stable too close to the rear Lot line, and that Mr. Burgess had stated that he could move the building without much cost, but would rather ask the Board of Appeals for a variance, in view of the fact that a 25 foot rear yard clearance would bring the Stable too close to his house. Attorney McCandlish asked the Zoning Administrator if he had received other complaints, and were they all from the same person- Mrs. Johnson. Mr. White replied that Mrs. Johnson had reported certain of Mr. Burgess' activities. Mrs. Johnson objected to this statement, contending that she had complained only of the fence and the stable; she further contended that her residence is not over 125 feet from the Stable. She stated that it was her opinion that the Zoning Ordinance had been adopted in good faith to protect property owners; that the Stable should be moved; that there is sufficient property elsewhere in the County for the erection of a Stable other than in a residential district; that flies and odor would adversely affect those living in the community; and that their community is a thickly settled one of well kept homes. Attorney McCandlish stated that Mrs. Johnson would not be benefitted by having the Stable moved as Mr. Burgess is surrounded by vacant property, and that the community is not as densely settled as Mrs. Johnson had claimed it to be. Again, the Attorney asked the Board to grant the appeal, since the applicant was hampered in his building plans due to a difficult layout of previously erected buildings; and that at the time he had built his Dwelling and Printing Shop he could not foresee what a Zoning Ordinance would require.

The Chairman explained that if Mr. Burgess were allowed to build less than 25 feet from the rear line it would impair Mrs. Johnson's property, who could if she so desired, under the zoning regulations, erect a Dwelling 25 feet from her adjoining rear Lot line. The Zoning Administrator was of the opinion that if the Board granted a lesser rear yard clearance to the applicant Mrs. Johnson would then have the moral right, if not the legal right, to have the same set-back granted to her. But Mr. Mackall was of the opinion that a side yard clearance of 15 feet and a rear yard clearance of 25 feet would place the Stable as close to Mrs. Johnson's property as a 25 foot side yard clearance and a 4 foot rear yard clearance would do. Mr. Stockton, however, felt there was no topographical condition to permit the granting of the appeal, that there was no justification for allowing this variance. After further discussion, Mr. Mackall made the motion to deny the application, on the grounds that the Board lacked authority to permit the request, which was seconded by Mr. Walker, and carried 4 for; Mrs. Staub voting in the negative.

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In the fourth case, S. A. Wilkerson, represented by Attorney Andrew W. Clarke, asked permission for the erection of 1 Sign, not over 10 sq.ft. in

area, having less set-back than required by the Ordinance; 1 Sign, over 10 sq.ft. in area, having less set-back than required by the Ordinance; and lettering- "Old Dominion Diner" on the front of the Restaurant, on Lot No. 1, in Wilson Manor Subdivision, on the west side of U. S. Highway No. 1, at its junction with Pole Road, ½ mile south of Engleside, in Mount Vernon District, zoned as Rural Business. Attorney Clarke informed the Board that Mr. Wilkerson's property had been rezoned for business purposes, and that in the past he had fully cooperated with the regulations of the Ordinance; that when Mr. Wilkerson moved his Diner onto his property he had placed it too close to the Highway, but had immediately moved it back to conform to the requirements of the Ordinance upon advice from the Zoning Administrator. The Attorney claimed that the Diner is now situated farther back from the Highway than surrounding businesses, which had been erected prior to the adoption of the Ordinance; and that now the applicant is asking permission to erect these Signs on the grounds that they are essential for the continuance of his business. Mr. Wilkerson explained that these Signs would advertise his business activities conducted on his own property; that the required set-back for the smaller Sign, not over 10 sq.ft. in area, would create a definite hardship, for a 50 foot set-back from the center of the Highway would place the Sign in the middle of his driveway; therefore, he asked the Board to grant him a 40 foot set-back for that Sign.

The matter of lettering on the front of the Diner was then taken into consideration, but Mr. White objected on the grounds that the appellant was asking for 2 Signs on 1 Lot advertising the same business, which would be prohibited under the Ordinance. In answer to a question, Attorney Clarke replied that the Lettering on the Diner would have to be classified as a Sign. Further discussion arose, and Mr. Wilkerson asked the Board to grant him permission to erect 1 Sign, advertising the Restaurant, now pending consideration of his request for additional Signs. In order to avoid the hardship and practical difficulty involved, Mr. Mackall made the motion to permit the request for 1 Sign, not over 10 sq.ft. in area, to be erected with a set-back of 40 feet from the center of the Highway, which was seconded by Mr. Dawson, and unanimously granted as authorized under Section XII, Subsection G of the Ordinance.

Mr. Dawson was of the opinion that the regulations in the Ordinance on Signs are too restrictive; that a Sign not over 10 sq.ft. in area is too small for most business purposes. The Zoning Administrator asked Mr. Wilkerson why the 3 Signs could not be combined into 1 Sign, and he replied that such a combination would require too large a space, cutting down the view to his premises. The Chairman expressed his viewpoint that the treatment of Signs in the Ordinance is inadequate and needs to be changed. Attorney Clarke contended that as the Board had previously made exceptions to Signs over 10 sq.ft. in area, it could now do so for Mr. Wilkerson. The

Chairman stated that the Board is spending more time in studying the Ordinance, but that they are now limited in their powers; and that they have no authority to alleviate hardships and difficulties unless the Ordinance gives them such authority. Mr. White asked Mr. Wilkerson if he could wait for the other 2 Signs requested until an Amendment on Signs was adopted, but Attorney Clarke objected to this delay, and after further discussion he asked for a continuance of 30 days in the matter of additional Signs requested. After an informal discussion over the time required for the adoption of the Amendment, Mr. Mackall moved for a continuance of 60 days, which was seconded by Mrs. Staub, and unanimously passed.

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In the fifth application, L. G. Kennamer asked permission to erect a Restaurant, at Engleside, on the west side of U. S. Highway No. 1, just south of Pole Road, in Mount Vernon District, zoned as Rural Residence. Mr. Kennamer had previously informed the Zoning Administrator by telephone that he would be unable to attend the Hearing because of a death in his family. As no one was present to represent the case, the Board felt it could not act thereon without proper evidence being submitted. In view of this fact, Mr. Mackall moved for a deferment, which was seconded by Mrs.Staub, and unanimously carried.

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The next case was a continuation of the E. G. Germain appeal, which had been deferred from the meeting on March 16, 1942, represented by Attorney John A. K. Donovan, requesting permission for the operation of an Airport, about ½ mile south east of Bailey's Cross Roads, between Roads No. 7 and No. 716, in Falls Church District, zoned as Suburban Residence. The Attorney asked permission to present additional evidence in support of his contention that the operation of an Airport would not interfere with the development of this section as a residential area. He offered as Exhibit "A" a plot plan of Fairknoll Subdivision, the purpose being to show that many people living nearby offer no objections to an Airport; and Exhibit "B" which is a copy of the agreement between the appellant and the owners of the Airport site, showing that the lease of the property is on a monthly rental basis of $50.00 per month, and that the owners reserve the right to rent or sell their land for residential purposes upon a 30 day notice to the lessee to vacate.

At the request of Attorney Donovan the Chairman then administered the oath to Mr. Germain, the appellant, who testified that his lease from the owners for the operation of an Airport is subject to cancellation on 30 days notice, and that this fact does not permit him to make permanent plans, but that if the appeal were granted he could make an agreement with the Federal Government for training war pilots, and that he did not know what could be done about commercial flying. In reply to a question from the Chairman,

the witness stated that there were no objections from residents of the community for an Airport, but on the contrary they favored it as an additional and valuable facility for their use. He further stated that the Government is in immediate need for 20,000 trained pilots and urged that the appeal be granted as a Defense measure. Mr. Henry C. Moore, Technician for the County Planning Commission, opposed the appeal on the grounds that this section would soon be a dense residential area, and he stated that the Virginia State Planning Commission concurred in his views.

Major George K. Perkins, President of Mount Vernon Airways, urged that the permit be granted, stating that the Civil Aeronautics Association is desperate for suitable student training fields, which must be located conveniently to bus transportation. In the course of a general discussion the question was raised as to whether the Board had the power to grant a temporary permit. The Chairman stated that the Board does have that authority. Mr. Mackall thereupon made the motion to grant the appeal for a period of 6 months, to take effect on the first day of April 1942, in view of the fact that it would require about that length of time to complete the proposed sewer and housing projects; the motion was seconded by Mrs. Staub, and carried 3 for; Mr. Stockton voting in the negative; and Mr. Walker being absent at the time of voting. This application was granted as authorized under Section XII, Subsection F-2 of the Ordinance.

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The next cases were Rehearings by Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, which had been deferred from the meeting on March 16, 1942, requesting permission to erect Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with the Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. As no one appeared to represent the case, Mr. Mackall moved for a continuance, which was seconded by Mrs. Staub, and carried 4 for; Mr. Walker being absent at the time of voting.

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The meeting then adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of a Business Meeting of the Board of Zoning Appeals held in the Old Court House at the County Office Building at 10:00 A. M. on Monday, April 13, 1942. Three of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr. and William C. Walker were present; Mrs. Annie T. Staub and Mr. Douglas S. Mackall, Jr. being absent. Mr. T. J. Stockton, the Chairman, presided.

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April 13, 1942

The first business matter to be considered was a recommendation for a revision in the Ordinance involving the word "aggrieved" as used in Section XII, Subsection C. Its use was considered as unnecessary and not pertinent to the meaning of the Paragraph. After an informal discussion, it was suggested that the word "aggrieved" ought to be omitted from this Section, on the grounds that its use is excessive and needless.

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The second discussion arose over the 6 months time limit as provided for in Section XII, Subsection D, Paragraph 2, which is allowed for the erection, alteration or use of a building after an appeal has been granted by the Board. After considering the matter in detail the Board reached the conclusion that since the applicants were not informed of this limited or valid period, it should be so stated on the application forms. It was unanimously agreed upon that a statement- "No order of the Board approving the erection, alteration or use of a building shall be valid for a period longer than 6 months; unless the necessary permit for such erection, alteration or use is obtained within said period and such alteration, erection or use is started within such period and proceeds to completion in accordance with such permit. If a use be granted, such use must be established within a 6 months period from the date of the decision; provided, however, that where such use is dependent upon the erection or alteration of a building the order of the Board granting the appeal shall continue in force if a building permit for said erection or alteration is obtained and such erection or alteration is started and proceeds to completion as provided above"- shall be printed on all application forms.

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The third matter considered was a suggestion that a recommendation be made to the Zoning Administrator that any issuance of permits for Multiple Housing Projects should be maintained as one permit for each Project, based on the fact that the Project should be shown to remain under one ownership as previously granted by the Board of Zoning Appeals; that breaking down the Project into separate zoning permits for each Dwelling, to correspond with the building permits issued by the Office of the Commissioner of the Revenue, might tend to dissolve the Project into more than one ownership.

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The fourth discussion brought forth the necessity for a filing system for complete records of work accomplished by the Board. This system would comprise such data as the dates for the 6 months time limit on all appeals granted by the Board; a suspense file, showing unfinished business and buildings or operations not completed within the time limit; a separate file each for Exceptions and Variances; a cross filing system, one under the name of the applicant, and the other under the type or use of appeal granted; and any other data pertinent to the Board's activities. After an informal dis-

cussion, the Clerk for the Board was instructed to put into operation such a filing system, bringing it up to date on past activities, and using it for future activities of the Board.

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The fifth business matter was a reply to a request by letter from Mr. Henry C. Moore, Technician for the County Planning Commission, asking for a clarification on the point as to whether a Trailer could be considered as a "residence" or a "building containing a residential unit." The Board felt there was justification for this request and an informal discussion arose over an interpretation as to whether a Trailer could go in an Industrial District without observing or conforming to the area regulations required for a Dwelling in such District; the point at issue being whether a Trailer could be construed as a Dwelling or as a Building. After further discussion a conclusion was reached, and Mr. Dawson made a motion that the Board of Zoning Appeals interprets that the statement under Section IX, Subsection C Paragraph 3- "All buildings containing residential units shall conform to the area regulations in the Urban Residence District" shall apply to Trailers, based upon the fact that the Board interprets them to be either a Building as defined under Section I, Paragraph 4, or a Dwelling as defined under Section I, Paragraph 8. This motion was seconded by Mr. Walker, and unanimously approved.

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The minutes for the meeting on January 26, 1942 were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Old Court House at the County Office Building at 11:00 A. M. on Monday, April 27, 1942. Four of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr. and William C. Walker were present; Mrs. Annie T. Staub being absent. Mr. T. J. Stockton, the Chairman, presided.

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In the first application, Ella L. Barron and Lois Gorton, represented by Mrs. Barron, asked permission to operate a Private School, on the east side of Road No. 649, about 1 mile south of Annandale, in Falls Church District, zoned as Agricultural. A plot plan, drawn to scale, was submitted. Mrs. Barron stated that this property is known as the Major Sewall place and was purchased from Senator Bristow, and that it contains 8.81 Acres. Mrs. Barron further stated that she and Miss Gorton plan to operate the School in an existing building that has a set-back of 65 feet from the side of Ravensworth Road; and she presented a letter from Senator Bristow recommending

the School. No one voiced objections to this appeal. After an informal discussion, Mr. Mackall moved that the application be granted, which was seconded by Mr. Walker, and unanimously approved, as authorized under Section XII, Subsection F-2 of the Ordinance.

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The second case was an appeal by George Essa Hadeed ,requesting permission to erect a Restaurant and 5 Tourist Cabins, on Lots No. 15 and 16, in the Katherine T. Moore Subdivision, about 1 mile east of Centerville, on the south side of Route No. 211, at its junction with Road No. 645, in Centerville District, zoned as Agricultural. A plot plan, drawn to scale, was submitted. Mr. Hadeed asked that an exception be made to allow him a 60 foot set-back from the side of Road No. 211, instead of the 90 foot set-back as required by the Ordinance; and he explained that the adjoining property is highly elevated land; that it is necessary to build the Restaurant where it can be seen by the traveling public; and that to locate the Restaurant the required 90 feet from the side of the road would cut down visibility to such a degree that it could interfere with business. The Chairman, however, felt that this lesser set-back could not be allowed on Route No. 211 as it is an important Highway, and that it would be necessary to continue to require a 90 foot set-back. The Zoning Administrator pointed out that the Board had heretofore held to the required set-backs, and he was of the opinion that the additional 30 feet would not tend to obscure vision to the extent of detracting from business.

Attention was called to the fact that Mr. Hadeed's property is a corner tract; therefore, the required set-back of 60 feet should be observed from the side of Road No. 645; and that a 25 foot side yard clearance is required in an Agricultural District, rather than a 16 foot clearance as shown on the plot plan. Mr. Hadeed explained that the submitted plan was a tentative one only; that he intends to build more Cabins in the future; that he has arranged to have the Cabins placed in a row and not in a semi-circle as displayed on the plan; and that a greater side yard clearance would not be objectionable. Mr. Hadeed asked if a Sign could be erected 30 feet from the road, and the Chairman advised him to consult the Zoning Administrator on this matter. After an informal discussion, an agreement was reached in regard to the proper set-backs. Mr. Mackall then made the motion to grant the appeal with a set-back of 90 feet from the side of Route No. 211; a 50 foot set-back from the side of Road No. 645; and a 25 foot side yard clearance from the Sherwood property line. This motion was seconded by Mr. Dawson, and unanimously approved as authorized under Section XII, Subsection F-1 of the Ordinance.

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In the third case, Claude L. Jackson, represented by Lewis W. Leigh, asked permission to erect an Addition to a Dwelling, having less sideyard clearance than required by the Ordinance, on Lots No. 6 and 7, in King's

Subdivision, on the south side of Road No. 737, about 600 yards from Great Falls, inDranesville District, zoned as Agricultural. A plot plan was submitted, showing the existing Dwelling to be 3 feet from the side line on the south, and showing each Lot to have a frontage of 25 feet. Mr. Leigh explained to the Board that the Dwelling had been built many years prior to the enactment of the Zoning Ordinance, at a time when there were no zoning restrictions; that there had been a shed and kitchen on the rear of the house which had recently rotted and fallen down; that the old porch had served as a shelter over the well, which had been in existence many years; and that the appellant desired to build a new Addition instead of repairing the old structure. Mr. Leigh asked the Board to grant the appeal since the owner is beautifying his residence; that if he left the dilapidated walls it would not be an improvement to surrounding homes nor to his own home; that the owner would build the new Addition on the old foundation which would retain the same side yard clearance of 3 feet; and that this Addition would be merely a replacement of the old structure which had been there many years before.

Mr. Walker stated that he had viewed the property and had no objections to offer. The Zoning Administrator also stated that he held no objections to the erection of this Addition, since there was no question of adequate setback from the road, but only that a side yard clearance was involved; and that the adjoining owner did not object. He was of the opinion that under the circumstances denial of the appeal would work an unnecessary hardship upon the applicant. Mr. Leigh again asked the Board to grant the appeal in order to avoid a hardship on the owner. He stated that it was his viewpoint that the function of the Board was to alleviate just such hardships, especially when this type of building would improve rather than devaluate property. In answer to a question by the Chairman, Mr. Leigh claimed that there were no objections from the neighbors. After an informal discussion, Mr. Walker moved that the appeal be granted, which was seconded by Mr. Mackall, and unanimously approved. This appeal was granted in order to provide relief to the appellant, and to avoid an exceptional practical difficulty and an undue hardship, as authorized under Section XII, Subsection G of the Ordinance.

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The fourth application was an appeal by Max Stein, represented by Attorney Andrew W. Clarke, for permission to erect an Extension to a Store, on Lots No. 21 and 22, in Cameron Park Subdivision, on the south side of Road No. 236, about 400 feet east of the Lee Jackson High School, having less set-back than required by the Ordinance, in Falls Church District, zoned as Urban Residence. Attorney Clarke explained to the Board that Mr. Stein had purchased the property in 1941, at which time he, Attorney Clarke, had represented the trust holder and was present at the closing of the sale; and at

that time Mr. Stein had stated that he would use the building as a delicatessen and grocery store. The Attorney claimed that he had explained to Mr. Stein the necessity for a building permit; that the appellant had obtained a permit from Mr. James of the Office of the Commissioner of the Revenue to enclose a sun porch; that when he applied for a zoning permit, Mr. White was of the opinion that the enclosure of a sun porch would be in connection with a residence, and therefore issued the zoning permit; and that Mr. White later brought Mr. Stein into court on the grounds that he had violated the Ordinance by enclosing a porch to a Store and not to a Residence. But the Zoning Administrator stated that he had brought Mr. Stein into court because he had built an Addition having less set-back than required by the Ordinance, which placed his Store too close to the road. Attorney Clarke presented photographs of the building, taken from different angles, as it is at the present time; and he explained that the interior of the room had not been materially changed; and that Mr. Stein had enclosed the Porch using the same brick pillars that had supported the roof of a filling station driveway; and that a well-drilling establishment and surrounding buildings are located about the same distance from the road as Mr. Stein's property. Mr. Dawson pointed out that all of these buildings are in bad condition, and that some of them are situated too close to the Highway.

The Zoning Administrator submitted a plat of existing buildings in this area, all of which set back at least 25 feet from the side of the road, except Mr. Stein's building which is set back 15 feet, and one other building (a shack) which is set back 10 feet from the side of Little River Turnpike. The Chairman called attention to the fact that the case in question is one pertaining to use instead of to set-backs; that it constitutes a non-conforming use and it had been previously used as a grocery store and gasoline filling station. But Mr. White stated that there had been no filling station in use for several months prior to the time that Mr. Stein had purchased the property. Following a discussion over permitted uses in this zone, the Chairman read that part of the Ordinance, Section XII, Subsection F-3, pertaining to structural alterations of a non-conforming use; and he pointed out that the Board had no authority to permit an Extension to a non-conforming use where structural alterations had been made. Attorney Clarke claimed that the appellant had obtained his permit in good faith; that the alteration was made with a permit for this purpose; and that the Extension to the Store is essential to serve the Cameron Valley Homes section, which comprises about 200 homes. The Zoning Administrator, however, voiced an objection to the Attorney's claim. He explained that he had approved either a sun porch or a front porch for a Dwelling and not for a Store; but that owing to the possibility that Mr. Stein had been misunderstood, he had not charged him with the violation of a non-conforming use but with a violation of the set-back provision of the Ordinance, which set-

back had been clearly explained to Mr. Stein, and which was also shown on the application form, a copy of which had been given to him.

Mr. Dawson asked the other members of the Board if they felt they had the authority to grant the appeal with the provision that if the road were widened the owner would move the building back 25 feet from the side of the road as required by the Ordinance in this zone. This inquiry brought forth much discussion, but no conclusion was reached. Attorney Clarke, however, promised the Board that if the appeal were granted, and the road were widened, the owner would be requested to move the entire building to conform to the required set-backs under the Ordinance. The Zoning Administrator stated that Mr. Stein is now 10 feet too close to the Highway, and he was of the opinion that Mr. Stein could be required to remove the Extension, the pillars and the roof back to 25 feet from the road; and that as this business is a non-conforming use to allow the Extension to remain would be shutting out competition. Attorney Clarke stated that there had been no change in the pillars or in the roof; therefore, Mr. Stein could not be required to move them; and that if the Board denied the appeal, thereby forcing the appellant to remove the Extension itself, the remaining pillars and roof would be most unattractive to the community; and that the present structure is a decided improvement over the old structure. The Attorney was of the opinion that by allowing this Extension it would not close out competition, for the owner of the adjoining Lot could also operate a Store if he so desired. Mr. White explained to the Attorney that it would be necessary in this residential area to have a Lot or parcel of land rezoned for business before a store or similar use could be permitted; therefore, no one could build a store on the property adjoining Mr. Stein's property without first being rezoned for business.

Much discussion again arose over a non-conforming use in this area. Mr. Stockton was of the opinion that since a non-conforming use constitutes the grounds for this appeal, the Board would have no right to grant an Extension to this Store; and that the Board had no jurisdiction over what building or part of a building should be torn down. Attorney Clarke voiced an objection to the discussion, and he asked the Board to grant the appeal due to the fact that through an error either in the Office of the Zoning Administrator or in the Office of the Commissioner of the Revenue, the permit granted to the appellant did not state whether the Addition would be to a Dwelling or to a Store; and that Mr. Stein had purchased this property for the purpose of continuing its use as a Store. The Zoning Administrator again pointed out that had there been no error in requiring a set-back of 25 feet from the side of the road, but that if an Extension were granted to a non-conforming use a monopoly would be given to the applicant; that if it were allowed it would tend to keep other people out of similar business; and that the proper procedure would be rezoning. In answer to a question by

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Mr. Dawson, Mr. White explained that the set-back for a Rural Business zone would be 50 feet from the side of Road No. 236.

The Chairman read Paragraph F-1 of Section XII of the Ordinance; and he stated that before allowing any business in any residential or agricultural zone the Board of Appeals should refer the matter to the Planning Commission so that a detailed study could be made of the area to determine whether the extension or the creation of a new business district would be desirable. In reply to a question by Mr. Dawson, Attorney Clarke stated that Mr. Stein lives in the rear of the building, and that he does not have quite as much space for living quarters as he has for the Store. Further discussion arose after the Chairman pointed out that two things had definitely entered into the case for the administration and enforcement of the Ordinance- that of the set-back requirements and that of the non-conforming use; and that it was his opinion that the Board should adhere to its regulations; and that if the Ordinance were in error it should be amended to correspond to the needs of the people. Attorney Clarke, however, gave as his viewpoint that the set-back is all that enters into the case. Mr. White felt that the Board should not authorize the Extension of a business that is located only 15 feet from the right-of-way when there is a possibility that the road would be widened in the future; and he stated that the courts had previously upheld the required set-back.

Mr. Mackall was of the opinion that as the non-conforming use is already located in this area it should be allowed to continue and to expand as business develops. Mr. Stockton again referred to the non-conforming use as he felt it applied to this case; and he stated that if the Board allowed structural alterations to be made to extend a non-conforming use it would then be perpetuating such use, and the Board lacked authority to do so. Attorney Clarke again asked the Board to grant the appeal based on the fact that to deny the appeal would work a hardship on the owner in that he could not build any other addition to accommodate his needs at the present time due to a scarcity of building materials and supplies; and that he believed the function of the Board is to allow exceptions in cases of this kind. After further discussion, Mr. Stockton suggested that the case be deferred to give the Board time in which to make a detailed study of that section of the Ordinance which refers to the advisability of extending a new Rural Business District upon recommendation of the Planning Commission. Mr. Dawson made the motion to defer the case until a decision could be reached after the proposed study referred to above had been made. This motion was seconded by Mr. Walker, and carried 3 for; Mr. Mackall voting in the negative. Before the case Was dismissed, Attorney Clarke asked to be allowed to appear when the case would come up again for consideration. The Chairman advised him that he would be duly notified of the next meeting when Mr. Stein's appeal would be heard.

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The fifth case was an appeal by Alice E. Hatch, for permission to convert a plainly lighted Sign, 4'x 8', to a Neon Sign, on the east side of Road No. 235, about 500 feet north of Mount Vernon, in Mount Vernon District, zoned as Rural Residence. A plot plan was submitted, showing the property to be situated on the road leading from Mount Vernon on the south to Gum Springs on the north; and Mrs. Hatch stated that her property was bordered on one side by a wooded tract. She claimed that the Sign would be located about 500 feet from the Mount Vernon property, which distance would keep it from becoming an objectionable display to those interested in the attractive and historic qualities of Mount Vernon; that it would be located about 25 feet from the road; and that she is using the same posts for the Neon Sign as had been used for the plainly lighted Sign; and that the converted Sign would be smaller in size. The Chairman was of the opinion that this change of Sign was not a structural alteration, but would come under the same classification as changing the wording on a Sign; therefore, a permit would not be required. An informal discussion arose between the Chairman and the Zoning Administrator over the proper interpretation and classification of this appeal; but no conclusion was reached. There were no objections to this case. After further discussion, Mr. Mackall made the motion to grant the appeal on the grounds that the conversion of a plainly lighted Sign to a Neon Sign would not be a structural alteration; which was seconded by Mr. Walker, and unanimously approved.

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In the sixth application, Joseph M. Browne, requested permission to erect Additions to 4 Tourist Cabins, south of Lorton, on the west side of U. S. Highway No. 1, between Road No. 611 and the R. F. & P. Railroad, in Lee District, zoned as Agricultural. No one was present to represent the case, and the Board felt it could not act thereon without proper evidence being submitted. Mr. Mackall moved that the case be deferred until the next meeting, which was seconded by Mr. Walker, and unanimously approved.

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In the seventh case, K. H. and Emma H. Stilling, represented by Attorney Roswell P. Waldo, asked permission for the maintenance of a 3 housekeeping unit Dwelling, on the east side of Old Dominion Drive, about 300 yards west of the Arlington County Line, in Providence District, zoned as Suburban Residence. A plot plan, drawn to scale, was submitted. Attorney Waldo stated that the Dwelling is located just a few feet west of the Arlington-Fairfax County Line; that it is located 70 feet from Old Dominion Drive; and that there is sufficient land to meet all zoning regulations. He further stated that the owner would like to enlarge the Dwelling to contain 3 housekeeping units; that it has an outside appearance of a single family house; and that no structural alterations would be necessary. The Zoning Administrator explained that a Dwelling having 3 housekeeping units would not be permitted

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under the regulations of the Ordinance. Attorney Waldo asked the Board to grant the appeal, with the proviso that the appellant would not be allowed to use the house as a 3 family Dwelling permanently, but only for the duration of the war.

Mr. F. S. Black, a resident of the community and representing other residents of the community, submitted a petition signed by 30 petitioners, protesting the case. He stated that some of these petitioners were residents of Arlington County whose land was adjacent to the Stilling property in Fairfax County. Mr. Black further stated that this Dwelling was built after the Ordinance was adopted; that the owner had applied for and received a permit for a single family Dwelling; that later it was found that Mr. Stilling had violated the Ordinance by erecting a building containing 3 housekeeping units; that Mr. Stilling was allowed until the first day of February, 1942 to convert the building back to a single family Dwelling; but since that date the house has been occupied as a 2 housekeeping unit Dwelling. Mr. Black asked the Board to deny the application, and he pointed out that if the Dwelling were occupied by 3 families there would be the possibility of inadequate sanitary facilities.

Attorney Waldo again stressed the point involving essential housing needs during the present Defense emergency period. But the Chairman was of the opinion that the Board lacked authority to grant either a temporary or permanent permit for a Dwelling containing more than 1 housekeeping unit; and he explained that the Planning Commission is now working on a Master Plan for the County to provide adequate apartment districts, as well as to maintain districts for single family Dwellings. After further discussion, Mr. Dawson moved that the appeal be denied on the grounds that the Dwelling is located in a single family residence district; and that the Board of Appeals has no authority to grant it. This motion was seconded by Mr. Walker, and unanimously carried.

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The eighth case was an application by the Torpedo Club, represented by Attorney Charles Pickett, requesting permission to operate a Club House, not primarily for gain, on Lots No. 63 and 64, Section 2, in Wellington Subdivision, on the west side of Mount Vernon Boulevard, near Wellington Villa, in Mount Vernon District, zoned as Rural Residence. A plot plan, drawn to scale, was submitted. Attorney Pickett explained that the property is situated approximately 3 miles from the Alexandria City Line; that the building on the property was originally built for the purpose of a Night Club and was operated for some time as one but without success; that the Torpedo Club now desires space for a recreation center for its employees who are engaged in war work at the Torpedo Plant in Alexandria; that they desire to use the building and the grounds for club activities, outdoor games and similar gatherings; that the Club will be operated not necessar-

ily for profit; and that the use of this land for a recreation center would be a contribution to the community.

Mr. Gus Welch, Director of the Torpedo Club, claimed that the Torpedo Plant would employ an additional 600 men within the next 2 or 3 months; that all of these employees are in need of a recreational center not only for themselves but for their families; that many of the existing clubs are unsuitable for family gatherings due to the sale of beer or liquor on the premises. Mr. Welch further claimed that these employees want a desirable place for a dining room, for a place to dance, and to hold afternoon gatherings; that the proposed site would adequately serve this purpose for the building on the Lot is 67'x 83' in size. He requested that the Board grant the appeal as it would be almost impossible to find another Club House as conveniently situated as this particular one is for the Torpedo Plant employees and their families. In reply to a question, Mr. Welch informed the Board that the Club would be operated primarily on a membership basis, with a membership fee of $1.50 per year, and that the dues would be expected to cover the rent.

Mr. Harry White, a resident of the community, objected to the use of this property by the Torpedo Club; and he gave as his reasons that the neighborhood is a purely residential one; that the previous Night Club was very noisy; that while no liquor was sold on the premises the patrons brought it with them; and that he preferred that the community be maintained for residential purposes only. Mr. White presented a petition signed by 79 residents of the community, all opposing the operation of this Club. He claimed that another petition bearing 25 signatures had been mailed to Washington, D. C. through error, but could at a later period be mailed to the Board of Zoning Appeals. Mr. Douglas, another resident of the community, voiced similar objections; and he also mentioned that both the cars and orchestra were very noisy; that it would become an undesirable place in which to raise children if such use were permitted on this property; that people attending the Club would lack interest in the welfare of the community; and that the petition presented contained signatures of residents from Wellington Villa, Arcturus and Tauxemont.

Mrs. Davis, another resident of the community, whose property adjoins the Club property, represented Major Onley and Mrs. Moore, whose properties also adjoin the Club property, voiced similar objections as Mr. White and Mr. Douglas. Mrs. Davis also objected to the fact that liquor could be brought on the property even though not sold there, because it had occurred on previous occasions; that the former Club had proven a nuisance from the standpoint of health; that no one had ever attempted to keep the premises clean; that cans and rubbish had been thrown into a hole 30 feet or 40 feet from the well; that the last owners had left remaining in the open 3 or 4 cans of garbage; and that this garbage had attracted both flies and buzzards. Mrs.

Davis claimed that she had reported this condition to the Health Department but was informed that they were without authority to enforce such sanitary regulations and requirements upon the owner. She was of the opinion that the property in question lacked the proper facilities to accommodate such a large gathering of people as Mr. Welch claimed would comprise their membership. Mrs. Davis described the building as being similar to a huge barn, as having a leaky roof, and which had been built over onto the County Road, known as Virginia Avenue, and about 6 inches over onto the property owned by Mrs. Moore. She exhibited a map showing the Club property and adjoining property, and she explained that the building extended about 20 feet over into the road, and that outlet roads had been opened around the Club property in the hopes that some day the building would be moved; that it is a very unattractive place; and that to her knowledge 15 people have operated this Club House at different times.

Mr. Holman, representing the employees of the Torpedo Plant, presented a letter of approval for this Club from R. W. Haylor, Captain, U. S. Navy and Inspector of Ordnance in Charge. He explained that the Club is an outgrowth of the recreational association; that the employees feel very fortunate in having Mr. Welch as their Director; that they will eventually have the use of a wharf along the Potomac River; and he realized that though the Club would be somewhat noisy it is badly needed at this particular time. In answer to a question, Mr. Holman replied that it is estimated that there would be 1200 members. Mr. Harry White again protested. He claimed that the only available space for such activities would be the building formerly used as a Night Club and the land space comprising about ½ Acre; and that the frontage along the River is either Boulevard property or privately owned. Mrs. Davis again raised an objection on the grounds of insufficient water supply for so large a membership; that the one family now occupying the building is having difficulty in getting the proper water supply; that there is not adequate room to accommodate 400 people let alone 2000 people; and that there is lack of outside space for recreational activities.

Mr. Welch contended that the Torpedo Club was organized at the request of the Commander of the U. S. Navy to cover any and all recreation; and he admitted that the property is in a deplorable condition but that sanitary conditions would be immediately improved and in cooperation with the Health Department. Mr. Welch claimed that the Sun Lumber Company would give them the use of their property south of Alexandria to further their recreational activities; and that the wharf that is now being used by the C. C. C. Camp would be available to them later in the season. He further claimed that this property is situated close to a bus line for convenient transportation facilities; that the members wish to make this Club House their headquarters while other available outdoor space would serve for field activities; that the request comes from the Navy; that about 3000 people would be benefitted

and that it would become necessary to schedule groups for attendance for certain periods; and that the service rendered by such a Club would boost morale for those aiding in the Defense work. Mr. Douglas objected on the grounds that much opposition would come from the Veteran's Association.

After much discussion, Mr. Dawson made the motion to defer the case until the property could be viewed, and that a decision be given at the next Board meeting. Mr. Mackall seconded the motion, and it was unanimously carried. In view of this motion, Mr. Douglas asked that Mr. Lawrence Kiefer, President of Wellington Villa, be notified of the date of the next meeting. But Mr. Welch objected to this delay. He claimed that the use of the property would be necessary before a month's time; and that the employees of the Torpedo Plant work 7 days a week and are becoming very tired and discouraged without a proper recreational center offered to them, which is so essential to their social welfare. He asked the Board to view the property and to give a decision as early as possible. Following further discussion, the Board reconsidered the case and unanimously agreed upon a deferment and to reach a decision later in the day. After the Board viewed the property, Mr. Mackall made the motion to grant the appeal, with the proviso that the Club be allowed to operate for a period not to exceed 5 months, effective the first day of May 1942, subject to proper conduct by the members while on the premises, and taking into consideration that this type of Club would constitute an aid to the Defense program. This motion was seconded by Mr.Walker, and carried 3 for; Mr. Dawson voting in the negative. This appeal was granted as authorized under Section XII, Subsection F-2 of the Ordinance.

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The ninth case was an application by Martin A. Rust for permission to use an existing building as a Commercial Poultry Plant, about ½ mile north of Lincolnia, on the east side of Road No. 613, having less side yard and rear yard clearance than required by the Ordinance, in Falls Church District, zoned as Suburban Residence. A plot plan,drawn to scale, was submitted, showing the tract to contain .570 Acres; and showing the frontage to be 158.9 feet; the rear Lot line to be 212.43 feet; the north side line to be 141.2 feet; and the south side line to be 157 feet. Mr. Rust claimed that he had purchased the property about 3 years ago and that the Chicken House, 14'x 38', was then existing, although it has not been in use since he owned it; that it is located about 1 foot from the rear Lot line; about 100 feet from the road; approximately 50 feet from the north side line; and approximately 100 feet from the south side line. He asked the Board to grant the appeal for a Commercial Poultry Plant, and he explained that he intended raising chickens under the battery system, which would eliminate runways, yards and outside pens; that all chickens would be raised in batteries inside of the building; that the building would accommodate about 2000 chickens in batteries 3 feet apart; that the chickens would be ready for market in 8 weeks;

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and that there would be no odor or unsanitary conditions to create a health menace. In answer to a question, Mr. Rust replied that there were no objections to this Commercial Poultry Plant, but that Mr. Wesley Carter, a resident of the community who is engaged in a similar business, looked favorably upon this project; that Mr. Foster and Mrs.Ward, adjoining property owners, had raised no objections; and he explained that the building is now situated 500 feet from the nearest building on adjoining property.

A discussion arose among members of the Board, after which Mr. Rust was asked if he could move his building to comply with the regulations of the Ordinance to observe set-backs of 100 feet from every street, Lot or property line. But Mr. Rust pointed out that the tract lacked sufficient area to observe such set-backs; that it would be an expensive proposition to move the building any distance as the floor is of cement and the foundation is built on cement blocks from 3 inches to 6 inches off the ground; that he was requesting the Board to grant him relief from this hardship because the Chicken House was on the Lot and on this foundation at the time it was purchased by him; and that he had bought the property for the sole purpose of raising chickens as he had previously been successful in the same business in the State of New York. The Zoning Administrator offered no objections, and he was of the opinion that the Board could exercise its discretion where a practical difficulty or undue hardship would be created or involved.

The Chairman stated, however, that since the application was for a Commercial Poultry Plant having less set-backs than required by the Ordinance, the Board would have no authority to grant it. He was of the opinion that the evidence produced did not show a definite hardship on the owner; and that the land and building could be used for some other purpose which would conform to the regulations of the Ordinance. Mr. Rust contended that his business would not exactly constitute a commercial proposition but could give no reason to support his claim. The Chairman suggested to the Board that it could prove particularly dangerous to relax the set-backs in this area; that it could set a precedent for others located in a residential area who might want similar business activities granted to them. After much discussion, Mr. Dawson made the motion that the appeal be granted on the grounds that there had been no opposition; that the Chicken House was already built when Mr. Rust purchased the property; that the tract is too narrow and too shallow to observe 100 foot set-backs; and that to grant this use would relieve an exceptional practical difficulty and an undue hardship on the owner as authorized under Section XII, Subsection G of the Ordinance. The motion was seconded by Mr. Mackall, and carried 3 for; Mr. Stockton voting in the negative.

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In the tenth application, Albert L. Rubin, represented by Attorney An-

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drew W. Clarke, requested permission to operate an Automobile Repair Shop, having temporary storage facilities while working on wrecked cars, at Engleside, on the east side of U. S. Highway No. 1, and east of Road No. 624, in Mount Vernon District, zoned as Rural Business. A plot plan, drawn to scale, was submitted. Attorney Clarke explained that the purpose of the appeal was not for the operation of the Automobile Repair Shop, which as the Zoning Administrator had pointed out is a permitted use in a Business District, but to ask the Board to give an interpretation of what constitutes "minor repairs" as used in Section VII, Subsection A, Paragraph 6 of the Ordinance, which interpretation would determine the amount of work that could be done in a limited time in an Automobile Repair Shop. Attorney Clarke further explained that cars would be stored on the premises but that they would not be visible from the Highway. Mr. White pointed out that in this area the business zone extended to a depth of 200 feet only, and beyond that depth the district becomes Rural Residential, which does not permit this use. In this case the Attorney stated that he would request the owner to erect a fence across the rear line to divide the business zone from the residential zone.

Mr. Stockton read that part of the Ordinance in regard to the storage of wrecked cars on the premises in connection with a repair shop, and he suggested that a time limit should be placed on the storage of cars. The Attorney was of the same opinion. The Chairman stated that if there were no objections the Board would proceed to make its interpretation. But objections were voiced by Mr. and Mrs. A. W. Von Struve and by Mrs. M. C. Allgood, on the grounds that they were property owners in the community and that the erection of an Automobile Repair Shop would devaluate surrounding residential property. It was pointed out, however, that the Rubin property was situated in another area than that occupied by the objectors; that the Von Struve and Allgood properties are located at the intersection of U. S. Highway No. 1 and Road No. 624; and that the Rubin property is situated on U. S. Highway No. 1 across from Pole Road at Engleside. After this error as to location was considered, Mr. and Mrs. Von Struve and Mrs. Allgood withdrew their objections. An informal discussion followed. Mr. Dawson then made the motion for the interpretation of the words "minor repairs" as used in Section VII, Subsection A, Paragraph 6 of the Ordinance, to be construed as "that no car shall be under repair for a period of more than 90 days, and that no car shall be stored on the premises for a period of more than 90 days, and that not more than 15 cars shall be under repair or storage at any one time". This motion was seconded by Mr. Mackall, and carried 3 for; Mr. Stockton voting in the negative. This interpretation was made as authorized under Section XII, Subsection D, Paragraph 4 of the Ordinance.

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In the eleventh case, S. C. Myers asked permission for the enclosure of a

Porch to a Store, having less set-backs than required by the Ordinance, at Tyson's Corner, at the intersection of Roads No. 7 and No. 123, in Providence District, zoned as Rural Business. No plot plan was submitted. Mr. Myers asked the Board to grant his appeal due to the fact that when the State Highway Department recently widened the Leesburg Pike they had moved his Store back 22 feet from Route No. 7 and 25 feet from Route No. 123, which did not conform to the set-backs now required by the Ordinance; that they had built the concrete foundation for the Porch but would not build the enclosure; and that he proposed to build the enclosure of stone. An objection was raised by members of the Board on the grounds that the Store is now located too close to the roads which could create a traffic hazard at the intersection, especially if the roads were to be widened in the future. The Chairman stated that the Master Plan, which is now being considered by the Planning Commission, shows that the Leesburg Pike had already been widened to 80 feet and that the Chain Bridge Road had been widened to 50 feet.

Further objections arose from the Board members due to the fact that the appellant owned sufficient land to build this Porch on another part of the building not facing on either road. But Mr. Myers contended that though the tract contains 41.5 Acres, it was not his fault that the Store is now too close to the roads, but that it was the fault of the State Highway Department in that they failed to move the building back the proper distance to conform to the regulations of the zoning laws. The Chairman was of the opinion that the matter of observing proper set-backs when moving buildings in connection with the widening of roads should be taken up in the near future with the State Highway Department either by the Zoning Administrator or by the Planning Commission; and he felt confident that full cooperation would be the result of such a conference. After an informal discussion, Mr. Mackall made the motion to grant the appeal on the grounds that the State Highway Department should have moved the Store back the proper distance from the roads to conform to the regulations of the Ordinance, which was seconded by Mr. Walker, and carried 3 for; Mr. Stockton voting in the negative. This appeal was granted to avoid a peculiar and exceptional practical difficulty and an undue hardship upon the appellant as authorized under Section XII, Subsection G of the Ordinance.

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The next case was an appeal by L. G. Kennamer, which had been deferred from the meeting on March 23, 1942, for permission to erect a Restaurant, at Engleside, on the west side of U. S. Highway No. 1, just south of Pole Road, in Mount Vernon District, zoned as Rural Residence. A plot plan was submitted. Mr. Kennamer explained that he had started the building too close to the road, but at the suggestion of the Zoning Administrator had moved back to conform to the zoning regulations, and that the building is now located 50 feet from the side of U. S. Highway No. 1, and 72 feet from the side of

a dedicated right-of-way. No objections were voiced against the erection of this Restaurant. After an informal discussion, Mr. Mackall moved that the appeal be granted, which was seconded by Mr. Dawson, and unanimously approved as authorized under Section XII, Subsection F-2 of the Ordinance.

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The next cases were appeals by Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, which had been deferred from the meeting on March 23, 1942, for permission to erect Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with the Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. Mr. Allen B. Mills, the Architect, was present and stated that he was still working on final plans for the project and hoped to have them completed in time for the May meeting. Attorney J. Randall Caton, Jr. had previously written a letter requesting that the Board continue the case until the next meeting. After an informal discussion, Mr. Dawson made the motion to defer the case for 30 days, which was seconded by Mr. Mackall, and unanimously approved.

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The next case was an application by W. P. Ames and B. M. Smith, which had been deferred from the meeting on March 23, 1942, requesting permission to erect a Multiple Housing Project, beginning at Carter's Store in Lincolnia, and extending east along the north side of Road No. 236 for 1500 feet or more, in Falls Church District, zoned as Rural Business and Suburban Residence. As no one appeared to represent the case, which had been carried on the calendar since the February meeting without any appearance by, or communication from the appellants, Mr. Mackall moved that the case be removed from the calendar, which was seconded by Mr. Walker, and unanimously approved.

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The minutes for the meeting of February 23, 1942 were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of a Business Meeting of the Board of Zoning Appeals held in the Old Court House at the County Office Building at 10:00 A. M. on Monday, May 11, 1942. Four of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr. and William C. Walker; were present; Mrs. Annie T. Staub being absent. Mr. T. J.Stockton, the Chairman, presided.

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The session was opened with the reading of the minutes for the Business Meeting of April 13, 1942. It was unanimously agreed upon that a correction should be made on Page 63, Line 17; said correction to read "in accordance with such permit", instead of as formerly written to read "within one year thereafter". After the correction had been made the minutes were unanimously approved, and signed by the Chairman.

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Ageneral discussion then followed in regard to the proper interpretation of Subsection G of Section XII, which discussion consisted mainly of what had been termed the broader construction of this particular Section, whether this broader construction would grant the Board the power to relieve hardships related to buildings on a tract of land, or whether it related only to the land itself. Some of the members of the Board favored this broader interpretation of Subsection G, especially relating to that phrase "a specific piece of property", being of the opinion that the word "property" could include buildings as well as land.

The Zoning Administrator expressed as his viewpoint that the Zoning Ordinance was drawn so as to apply uniformly to everyone in the same district, but it was realzed that exceptional and unusual cases were bound to occur where a strict application of its provisions would cause unnecessary and undue hardship; that to relieve such hardships the Board of Zoning Appeals was established; and that it was clothed with the power to interpret the Ordinance where there is a dispute as to its meaning, and it has been entirely within its authority in placing a liberal construction on Subsection G of Section XII to relieve hardships when it might reasonably believe that they came within the meaning and purpose of the language used.

After further discussion and after considering this Section in detail, no conclusion was reached as to whether the interpretation would involve the relief of a hardship upon the owner in connection with buildings on a piece of property, or whether it would relieve a hardship as applied to the land only. Reference was then made by the Chairman to a letter dated October 25, 1941 from the Commonwealth's Attorney, Paul E. Brown, to Mr. C. C. Wall, Chairman of the County Planning Commission. But after considering the contents of this letter no decision was reached relative to the proper interpretation of Subsection G of Section XII of the Ordinance; and it was unanimously agreed upon that the matter should be taken up at the next Business Meeting.

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The next matter to be considered was in relation to a telephone call by Mrs. Annie T. Staub to the Clerk of the Board. Mrs. Staub suggested that her resignation from the Board of Zoning Appeals be considered, due to the fact that her health could cause a continued absence, thereby throwing too much work and too much responsibility on the other members of the Board.

The Board members, however, were of the opinion that Mrs. Staub's resignation need not be accepted; that they were willing to continue until such time as her health wouldpermit her return for future meetings. The Clerk was instructed to inform Mrs. Staub of the Board's decision.

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The minutes for the meeting of March 16th and March 23rd of 1942 were read and unanimously approved. The Chairman then signed them, and the meeting thereupon adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at 11:00 A. M. on Monday, May 25, 1942. Three of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr. and William C. Walker were present; Mrs. Annie T. Staub and Mr. Douglas S. Mackall, Jr. being absent. Mr. T. J. Stockton, the Chairman, presided.

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The first appeal was an application by D. L. Blanchard, asking permission for the erection of an Addition to a Dwelling, having less set-back than required by the Ordinance, about 3 miles north west of Forestville, at the south east junction of Roads No. 674 and No. 603, in Dranesville District, zoned as Agricultural. A plot plan was submitted. Mr. Blanchard stated that he would like to enclose a part of a proposed new Addition on the front of his house to be used as a bed room and bath; that the other part of the Addition would be an open porch; and that the new Addition would take the place of an existing open porch and would not be as wide as the present structure, thereby increasing the set-back by 3 feet. In answer to a question, Mr. Blanchard replied that the Dwelling with the proposed Addition would have a set-back of 40 feet from the side of Road No. 603, and a set-back of 35 feet from the side of Road No. 674. He stated that there is very little traffic on either road; and that Road No. 603 would eventually be straightened in front of his property, thereby creating a greater set-back. The Chairman stated that the required set-back would be 60 feet in this Agricultural Zone and on this particular road; and he asked the applicant his reason for not putting the Addition either on the rear or on the side of the house. Mr. Blanchard contended that he has a driveway to the side of the house; that he intends to build another Addition on the rear of the house to be used as a kitchen; and that it would be an improvement in the appearance of his property to build according to his present plans.

The Chairman asked the Zoning Administrator for his opinion on the matter. Mr. White stated that he felt that the Ordinance was not a straight-

jacket; that the Board could grant cases of this nature when they considered it would not cause substantial detriment to surrounding or adjoining property, or to the purpose of the Ordinance; and that a variance could be allowed where an exceptional difficulty would be involved. But Mr. Stockton explained that the Board had gone on record as stating that a hardship involved would relate to a specific piece of property. In view of this statement, Mr. Dawson moved that the appeal be denied on the grounds that the Board lacked authority to grant it. Mr. Walker, however, stated that knowing the property as well as he does he could not second the motion. He further stated that although the property is bordered by two roads, these roads are not heavily traveled in this Agricultural Zone; that there is little liklihood of a house or houses being built in the near future close to Mr. Blanchard's house; that the house is small and has never been improved; and that this Addition would be 3 feet narrower than the old existing structure.

The Chairman asked the appellant if a deferment would interfere with his plans, and he explained that the Board desired to look into the situation a little further. Mr. Blanchard replied that he could wait a little longer. After hearing this evidence, Mr. Dawson withdrew his motion, and made a new motion that the appeal be deferred until the June meeting, in order to give the Board time in which to consider a proposed amendment to cover just such cases as that of the applicant. This motion was seconded by Mr. Walker, and unanimously carried. Before the case was dismissed, Mr. Blanchard asked if it would be necessary for him to appear at the next meeting, and the Chairman advised him that it would not be necessary, but suggested that he write a letter stating that he desired to have the appeal granted after the Clerk for the Board informed him of the date of the next meeting.

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The second case was an appeal by R. T. Trent, requesting permission to erect a Garage and Utility Room, combined, having less side yard and rear yard clearance than required by the Ordinance, about ¼ mile west of Merrifield, on the north side of Route No. 211, and south of Road No. 699, in Falls Church District, zoned as Suburban Residence. A plot plan was submitted. Mr. Trent displayed plans for the Dwelling which he proposed to build when conditions would permit him to obtain materials. He stated that the foundation had been started for the house 30 feet from the rear yard; that the land has a 10 foot drop towards the Highway; that the property is in a Residential District near Merrifield; and that he is bordered on the east by the Salisbury tract; on the north by the Moran tract; and on the west by the Snyder tract. Mr. Trent had previously explained to the Clerk of the Board that he had recently purchased ½ Acre of land adjoining his

property on the east, which would relieve the side yard restrictions when combining the two tracts into one piece of property. The appellant asked the Board to grant his appeal for less rear yard clearance than required by the Ordinance, om the grounds that the well, which had been dug approximately one year ago, was situated too close to the rear Lot line; that he would like to build a shed over the well; that he planned to build the well roof to be a part of the Garage roof; and that the Garage would be of brick construction. The Chairman asked Mr. Trent why two buildings could not be erected instead of one building; the one to cover the existing well, and the other to be the Garage and Utility Room, combined, which could then be so situated as to meet the rear yard clearance required by the Ordinance. Mr. Trent replied that he wanted to reserve as much land in the rear yard as would be permitted, due to the fact that some time in the near future he might want to utilize the land in some manner to augment his living. In answer to another question, the appellant replied that the basement of the house had been dug and that the Garage had been started without obtaining a building permit and a zoning permit; and he gave as his reason for not getting these permits that he had been too busy.

The Zoning Administrator was of the opinion that Mr. Trent's troubles could be due to the fact that he failed to obtain permits before starting construction of the building; and Mr. White stated that if the case did not come within the variance clause then the Board should not grant it. Mr. Stockton asked Mr. Trent if a deferment would interfere with his plans. Mr. Trent objected to any delay, and stated that there were $500.00 to $600.00 worth of materials stored on his property which would deteriorate if left exposed to the weather; that he expected to be drafted into the Army within 2 or 3 weeks; and that it is his desire to get the matter cleared up before he leaves. The applicant asked the Board to grant his appeal to relieve him of this hardship, and he claimed that a house had been allowed to remain after having been built within 13 feet of his line. After an informal discussion, Mr. Dawson made the motion to deny the case on the grounds that the Board lacked authority to grant it, which was seconded by Mr. Walker. Mr. Trent seriously objected to this motion, and after further discussion over the evidence presented Mr. Dawson withdrew his motion, and Mr. Walker the second to the motion. Mr. Dawson then made a motion to defer the case for one week for further study and consideration, which was seconded by Mr. Walker, and unanimously carried. Due to circumstances, however, brought about by tire and gas rationing a quorum of the Board could not be assembled within the week, and the Chairman instructed the Clerk to notify Mr. Trent that the case would be continued until the next regular meeting in June.

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The third application was by N. P. Fairfax, asking permission for the erection of an Addition to a Dwelling, having less set-back than required

by the Ordinance, about 3 miles east of Centerville, on the north side of Route No. 211, about ¼ mile east of Road No. 645, in Centerville District, zoned as Agricultural. A plot plan was submitted. Mr. Fairfax stated that he desired to build a 6 foot extension to the front of the house, which would not extend into the set-back area beyond that of an existing open porch; that it would be of frame construction; and that the house is situated 40 feet from the side of the Highway. He asked the Board to grant his appeal due to the fact that the State Highway Department had taken approximately a 30 foot strip of land from the front of his property which comprised about 1.34 Acres; that they refused to move his house back farther from the road when he asked them to do so; and that before this strip of land was annexed by the State Highway Department he had sufficient set-back to conform to the zoning regulations. The Chairman asked if any topographical condition would keep him from building the Addition on to the rear of the Dwelling. Mr. Fairfax replied that there is a spring located not over 75 feet from the rear of the Dwelling; and that there is a ditch running from the spring across the back of the Lot which caused a slope of the land back from the road. He explained that it would create a hardship if he were forced to build the Addition on the rear of the house, due to the fact that the lumber had already been sawed the correct size and length for use on the end of the house; that to build on the back would extend the Addition out of proportion by 6 feet; and that he desired to improve the appearance of his property by carrying out his present plans.

The Zoning Administrator was of the opinion that as Route No. 211 is an important Highway the 50 foot set-back should be observed. The Chairman stated that he was under the impression that the Master Plan now being developed by the County Planning Commission showed a future rewidening of Route No. 211. But Mr. Fairfax contended that the road would not be widened on that side on which his property fronted. He again requested the Board to grant his appeal on the grounds that the State Highway Department was at fault in lessening the set-back to 40 feet; that at one time he had intended to build a new house but that recent hospital expenses had curtailed his finances to such an extent that it would now be possible to build only an Addition to the old structure; and that his sister-in-law who lives on the hill near his property has the same set-back of 40 feet. Mr. Dawson inquired how long it had been since the State had taken part of his land. Mr. Fairfax replied that negotiations had started 3 years ago but that the State did not complete the road until some time during the year of 1941. After an informal discussion, Mr. Dawson moved that the Board defer the appeal until the June meeting to allow time in which to further consider the evidence presented. This motion was seconded by Mr. Walker, and unanimously carried. Before the case was dismissed, Mr. Fairfax asked if it would be necessary for him to be present at the next meeting. The Chairman advised

him that it would not be necessary but requested him to reply in writing and express his continued interest in the case when the Clerk of the Board would notify him of the date of the next Hearing.

// In the fourth case, the Alley Dwelling Authority, represented by Messrs. Bernard Loshbough and Herbert Schmitt, asked permission for the erection of a Multiple Housing Project, about 1 mile south of Alexandria, on the west side of Road No. 241, north of its junction with Road No. 611, in Mount Vernon District, zoned as Suburban Residence. The Alley Dwelling Authority is a Federal Government Project but they desired to cooperate with officials of Fairfax County in order to reach an agreement satisfactory to all interested parties; that after the war is over the land now to be occupied by demountable houses as a Defense measure could be subdivided to conform to the regulations of the Zoning Ordinance, and could then be sold for private Dwellings. Mr. Loshbough stated that the name for this Project would be "Burgundy Village" and that it would contain approximately 1000 units; that the houses would be demountable; that it is the intention of the Alley Dwelling Authority to remove these houses one year after the end of the war; that space would be left for sewage disposal; that a 36 inch sewer line would continue down to the sewage disposal plant; and that the Alley Dwelling Authority would tap in by gravity. Mr. Loshbough asked that a waiver be extended on group housing density for the duration of the war.

Supervisor Andrew W. Clarke asked how much assurance could be given that these houses would be removed after the war. Mr. Loshbough replied that there could be no formal assurance at the present time, but that they were trying to get legislation passed which would insure their removal. He stated that schools, stores and similar essential buildings would be planned for the Project; and that negotiations are being made with F. W. A. in regard to schools and other municipal buildings and services. Supervisor Clarke wanted to know from where all these people would come, and what type they would be. Mr. Loshbough replied that they would come from various sections of the country; and that this would be a Defense Project and not a slum clearance project. The Zoning Administrator was of the opinion that this would not be a desirable Project to have in the County but that the County could not place itself in opposition to the Federal Government in its prosecution of the war. Supervisor Clarke thought that this type Project should be kept out of the County if it were possible to do so; and he asked if the units would be rentals. Mr. Loshbough answered that they would be and he stated that the Government holds the title to the Project. Much discussion then arose between Supervisor Clarke and Mr. Loshbough, and up to this point the Supervisor was of the opinion that Messrs. Loshbough and Schmitt were independent contractors working for the Alley Dwelling Authority. Mr. Loshbough stated that perhaps he had failed to make clear his position as he thought

it was implied that he represented the Government.

The question of schools was brought up, and Mr. Loshbough explained that he was not familiar with the exact negotiations for the provision of teachers, but that this item would be included in the program. He further explained that the houses were to be completed by July 1, 1942, and that construction should be started immediately. Supervisor Clarke contended that this Project should not be allowed in the County unless some payment would be received for sewerage facilities; and that the Board should not act upon the case until complete plans were submitted. Mr. Loshbough claimed that there would be a payment in lieu of taxes; that he could have the A. D. A. legal authorities write a letter confirming this fact; and that since they have been in attendance at so many meetings and Zoning Appeal Board sessions they have not had time to get the Project under construction. After this explanation Supervisor Clarke was of the opinion that the Board could grant the appeal based on the fact that the Alley Dwelling Authority would assure the County of payment in lieu of taxes for municipal services. In reply to a question, Mr. Schmitt stated that the tract for this Project contains approximately 173 Acres. After an informal discussion, Mr. Dawson moved that the application be granted, with the proviso that proper remuneration be made to the County in lieu of taxes; and that it is the intention of the Alley Dwelling Authority to remove these houses one year after the end of the war. The motion was seconded by Mr. Walker, and unanimously carried.

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The next cases were applications by Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, which had been deferred from the meeting on April 27, 1942, asking for permission for the erection of Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with the Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. J. Randall Caton, Jr. the Attorney representing the case, explained that since further evidence would not require legal authority he would turn the discussion over to Mr. Alan B. Mills, the Architect. Mr. Mills then stated that at an earlier meeting he had submitted tentative plans for the Project, but at this meeting he would present final plans which had been approved by the Government. He explained that the main thoroughfare would be known as Shirley Drive; that it would be a 300 foot right-of-way, with two 24 foot lanes and a grass plot in the center; that this road had been approved and would be a free-way, open to commercial traffic as well as to private cars; that there would be no crossings at grade level; that the clover leaf system and other systems would be so worked out that no direct grade crossings would be possible; that the Federal Government had allocated the money for Shirley Drive; tha the State had appropriated money to be used for parks; and that the prop-

erty owners in the vicinity had not been formally contacted for the dedication, but that they had been approached informally. Mr. Mills further explained that at the present time it was their desire to limit the development of the Project to the north of Seminary Road; that all of the suggestions by Mr. Henry C. Moore, Technician for the County Planning Commission, at the first meeting in regard to the distance to be allowed between buildings, had been accepted and followed; and that a better use of the land could be arranged by using units with a central heating plant.

In answer to a question, Mr. Mills replied that the Project would have an adequate shopping center and a 100 percent parking area; and that an arterial road to adjoining property would be provided. He claimed that he could not personally approve of a 100 percent parking area on the grounds that the land could be used to a better purpose and advantage; and he stated in response to a question by the Zoning Administrator, that parking for 75 percent of the Dwelling units would be considered normal and adequate, as there is never a 100 percent ownership of cars and never a time when all who have cars are parking on the premises at the same time; and that 25 percent of the owners who might entertain visitors over the week end would be offset by 25 percent of the occupants who would be spending the week end away from home; therefore, 25 percent of a 100 percent parking space would be wasted. The Chairman requested that the plans of the building be explained. Mr. Mills pointed out that the buildings would be of brick construction, two stories high, and having a sloping slate roof; that wood gutters would be used, not only because metal gutters could not be obtained during the Defense emergency period, but because there would be less maintenance; and that F. H. A. had given their approval; and that W. P. B. had granted priorities. Mr. Stockton stated that the approval of both the Health Department and the School Department would be needed. Mr. Winkler, an associate of Mr. Mills, explained that the Health Department had already given its approval, whereupon the Clerk for the Board presented the Chairman with a letter to this effect. Mr. Winkler claimed that there would be adequate space available for an elementary school. Discussion arose over the proposed school and its location. Mr. Mills stated that the best they could do would be to dedicate the site for the school building; that the property in question is taxable property; and that a Project of this type would be eligible for a school from F. W. A. The Architect pointed out that this Project is within the apartment area as shown on the Master Plan for the County, which is now being developed by the Planning Commission; that the Project averages 11.5 apartments per Acre; and that he would be willing to stand behind the plans if approved by the Board of Zoning Appeals. Further discussion arose, and the Chairman asked if a two weeks deferment would cause too much delay. Mr. Winkler objected to this delay, due to the fact that in his opinion construction should be started as soon as possible since the government is

considering the curbing of private building.

Mr. Dawson enquired whether the applicants owned land all the way back to the stream, which would have important bearing on the method of sewage disposal. Mr. Winkler replied that they own a large part of it but that it would be necessary to acquire some right-of-way for connection to the proposed trunk sewer line. Mr. Mills asked the Board to grant the appeal as final plot plans had been submitted, but with the proviso that any future essential changes would be subject to the approval of the Board of Zoning Appeals and the Planning Technician. The Board, however, objected to this proviso and called for a clarification of its meaning. Mr. Mills contended, in view of this objection, that the Ordinance is too restrictive in its powers given to the Board of Appeals; that it does not permit sufficient elasticity; that the powers of the Board should be flexible enough to make modifications after construction was started, based on the fact that unforseen topographical conditions could occur after construction was begun which could necessitate important changes in plans, but which would not increase the density nor materially affect the set-back regulations. He was of the opinion that the buildings should be constructed first, backed up with enough flexibility in the Ordinance to allow for changes in the location of cellars, basements and foundations, and that the landscaping should follow later; and as this Project would contribute something of value to the County the applicants should have the right to modify the plans subject to the approval of the Board of Appeals. After an informal discussion, Mr. Dawson made the motion to defer the case for 30 days in order to give a representative of the Planning Commission time in which to consult with a representative of the Seminary Ridge Multiple Housing Project in regard to the proposed location of a school and a road. This motion was seconded by Mr. Walker, and unanimously carried.

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The next cases were appeals by Max Stein, which had been deferred from the meeting on April 27, 1942, represented by Attorney Andrew W. Clarke, requesting permission for the erection of an Addition to a Store; and for an Extension to a Store having less set-back than required by the Ordinance, on Lots No. 21 and No. 22, in Cameron Park Subdivision, on the south side of Road No. 236, about 400 feet east of the Lee Jackson High School, in Falls Church District, zoned as Urban Residence. Attorney Clarke claimed that if it were possible to get the necessary building materials at the present time Mr. Stein would be willing to remove the present structure and to build an Addition elsewhere which would meet his needs and which would conform to the zoning regulations; but since these materials could not now be obtained under the present Federal Government ruling, Mr. Stein would like to continue with the structure as now located until such time as the entire building could be moved back to conform to the set-back require-

ments of the Ordinance. The Attorney stated that one of Mr. Stein's applications could cover the situation, but that there might be some necessity to bring in both applications to show evidence on behalf of the appellant. He requested that the Board make a decision which would allow Mr. Stein to continue the use of his Store with the present Addition for the duration of the war, or until such time as building materials could be obtained.

The Zoning Administrator was of the opinion that this is a most unusual and peculiar case, and he stated that some adjustment of the matter should be made within a reasonable time. After an informal discussion, the Chairman pointed out that if the Board deferred the applications without a definite time limit attached thereto, they could then be brought up for consideration at some future Public Hearing. Mr. Dawson made the motion that the appeals be deferred indefinitely, which was seconded by Mr. Walker, and unanimously agreed upon. The Clerk of the Board was informed that it would not be necessary to notify Mr. Stein of future meetings until instructed by the Board to do so.

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The next case was an application by S. A. Wilkerson, represented by Attorney Andrew W. Clarke, which had been deferred from the Meeting on April 27, 1942, requesting permission to erect 1 Sign, over 10 sq.ft. in area, having less set-back than required by the Ordinance; and Lettering- "Old Dominion Diner"- on the front of the Restaurant, on Lot No. 1, in Wilson Manor Subdivision, on the west side of U. S. Highway No. 1, at its junction with Pole Road, ½ mile north of Engleside, in Mount Vernon District, zoned as Rural Business. Attorney Clarke asked that the case be deferred until the next regular meeting in June, and with the understanding that no action would be taken until all interested parties were notified. After an informal discussion over the proposed amendment to permit an increase in the area of Signs, Attorney Clarke stated that he would like to have the case deferred until a proper amendment would be adopted to cover this situation. Mr. Dawson then made the motion to defer the application until such time when an amendment on Signs would be passed, which was seconded by Mr. Walker, and unanimously carried. The Clerk of the Board was informed that it would not be necessary to notify Mr. Wilkerson of future meetings until instructed by the Board to do so.

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The next case was an application by Joseph M. Browne, which had been deferred from the meeting on April 27, 1942, asking permission to erect Additions to 4 Tourist Cabins, south of Lorton, on the west side of U. S. Highway No. 1, between Road No. 600 and the R. F. & P. Railroad, in Lee District, zoned as Agricultural. No one appeared to represent the case, but the Zoning Administrator stated that he had previously called on Mr. Browne who claimed that he was unable to purchase building materials at the present

time, and that as soon as materials were available he would be ready to commence building. In the meantime Mr. Browne asked that his case not be dropped from the calendar, and he stated that he would send notice to the Board of Appeals when he would be ready to erect these Additions. After an informal discussion, Mr. Dawson moved that the case be deferred indefinitely, which was seconded by Mr. Walker, and unanimously carried. The Clerk for the Board was instructed that it would not be necessary to notify the appellant of future meetings until Mr. Browne gave notice to the Board when he would be in a position to build.

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The meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of a Business meeting of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at 10:00 A. M. on Monday, June 8, 1942. Four members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr. and William C.Walker were present. Mr. T. J. Stockton, the Chairman, presided.

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The session opened with the reading of the minutes for the meeting on April 27, 1942. Mr. Walker called attention to the fact that an error had been made in the Jackson case on Page 66, Line 2 of the Minute Book; said correction now reads- "Dranesville District" instead of "Providence District" as formerly written. Mr. Mackall likewise pointed out that an error had been made in the Stilling case on Page 70, Line 33 of the Minute Book; said correction now reads- "Providence District" instead of Falls Church District as previously written. After these corrections were made, the minutes were unanimously approved,and signed by the Chairman.

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The next matter to be considered was that of the correct interpretation of Subsection G of Section XII of the Ordinance, which involved some discussion, as some of the members were of the opinion that a broader construction of the meaning of this Subsection should be adopted. The Chairman stated that a revision of Subsection G would be recommended at the meeting of the Planning Commission on June 12th.

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Many complaints had been made in the Office of the Zoning Administrator over structures and premises devoted to livestock and poultry raising as having proven a nuisance, especially when located on Lots or small parcels of land in a residential district. These complaints were mostly given on the grounds that the odor from such buildings was a disturbing element. The

Zoning Administrator asked for suggestions which could help solve this problem, and he was of the opinion that perhaps if the set-backs were increased to be 100 feet from every street, Lot or property line in any and all districts it would prove a protective measure where buildings would be used for the purpose of raising livestock and poultry. This suggestion met with the approval of some of the members of the Board. The Chairman stated that an amendment which would cover this situation should be taken up with the Planning Commission.

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Mr. Stockton stated that some measure should be taken in order to obtain the cooperation of the State Highway Department, in the matter of moving houses and other buildings back sufficient distance to conform to the set-back regulations of the Ordinance, when it would be necessary to move such buildings in order to widen roads. The Zoning Administrator told the Board that he had already contacted Mr. W. F. Smith, Resident Engineer for the State Highway Department; and after his talk with Mr.Smith he felt assured that steps would be taken in the near future which would correct this situation.

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The next business matter to be considered was in regard to the appointment by the Board of Supervisors on June 3, 1942 of Mr. Kenneth L. Dove to be a member of the Board of Zoning Appeals to take the place of Mrs. Annie Staub, deceased. Mr. John M. Whalen, Clerk for the Board of Supervisors, presented the Clerk for the Board of Zoning Appeals with a photostatic copy of a letter dated June 4, 1942 to Mr. Dove, which informed him of this appointment. Mr. Whalen also presented the Clerk with a photostatic copy of a letter dated June 5, 1942 from Mr. Dove to Supervisor J. T. Blincoe, which stated that he could not qualify to accept the appointment due to a ruling by the District of Columbia Board of Public Welfare, which would make him ineligible for such service.

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The meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at 11:00 A. M. on Monday, June 22, 1942. Four of the members- Messrs. T. J. Stockton, S. Cooper Dawson, Sr., William C. Walker and Thomas I.Biggott were present; Mr. Douglas S. Mackall, Jr. being absent. Mr. T. J. Stockton, the Chairman, presided.

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The first appeal was by John A. Schmidtlein, requesting permission for the erection of an Addition to a Dwelling to be used as a Garage, having less side yard clearance than required by the Ordinance, at Groveton, about 1000 feet east of U. S. Highway No. 1, on the north side of East Side Drive, in Mount Vernon District, zoned as Suburban Residence. A plot plan, drawn to scale, was submitted. Mr. Schmidtlein described his property by stating that his home is situated 8 feet from the west side line; that his neighbor had constructed a retaining wall on that side line; that there is a side yard clearance on the east of 7 feet 6 inches; and that he had tried to buy 10 feet of additional land from his neighbor whose property adjoins him on the east, but that this neighbor would not sell. He further stated that his Lot is 50 feet wide and 135 feet deep; that he has been parking his car on the west side of the house but would like to discontinue doing so because the driveway there is only 8 feet wide, making it too narrow for safe driving and parking, especially during icy weather; and that he would not like to make a permanent drive on that side of the Lot, due to the fact that his neighbor's porch extended within 4 feet of the line. Mr. Schmidtlein asked the Board to grant him permission to erect the Addition on the east with a side yard clearance of 2 feet. He explained that it would create a hardship to build a Garage in the rear yard, because the porch, which is the only exit from the house on the east side, extends within 7 feet 6 inches of the Lot line, and that to build a driveway along this side of the house to a Garage in the rear yard would make it necessary to tear down the existing porch, thereby leaving the house without a proper exit on this side.

In reply to a question by Mr. Dawson, the appellant stated that the Dwelling was built approximately 3 years before he bought it; that the house is of brick; and that he would construct the Addition of brick. He explained that this Addition to be used as a Garage would be partially underground and would have a flat roof. Mr. Walker pointed out that the brick construction would relieve a possible fire hazard where there would be a lesser side yard clearance. The Chairman asked if the adjoining property owner on the east had any objections. Mr. Schmidtlein answered that this neighbor offered no objections, and he claimed that this property owner was of the opinion that the present plan for the Garage would be the only practicable one. The applicant explained that the house to the east had been built on the rear of the Lot and about 70 feet from the side line. The Chairman inquired for comments from the Zoning Administrator. Mr. White was of the opinion that should the Board find that an exceptional situation or condition existed, which under strict application of the Ordinance would result in a peculiar and exceptional hardship upon the owner, it might give relief, if it thought it could do so without substantially impairing the purpose of the Zoning Ordinance. In view of the evidence presented, Mr. Dawson made a motion to grant the appeal in order to avoid a peculiar and

exceptional practical difficulty and an undue hardship upon the owner. This motion was seconded by Mr. Walker, and unanimously approved as authorized under Section XII, Subsection G of the Ordinance.

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The next cases were appeals by Samuel B. Moore, Martha E. Best, Waple and James, Inc., Mrs. W. F. Thyson and Henry S. Huidekoper, which had been deferred from the meeting on May 25, 1942, represented by Attorney J. Randall Caton, Jr., and by Architect Alan B. Mills, requesting permission for the erection of Multiple Housing Projects on their respective tracts of land, on the north side of Seminary Road, near its junction with the Old Braddock Road, about .75 mile from the Alexandria City Line, in Falls Church District, zoned as Suburban Residence. The Attorney stated that they were very anxious to obtain final approval of the plan as the case had been continued for some time, and it would be necessary to place their name on the list for allocations for building materials and that any further delay could make it impossible to obtain such materials. Mr. Mills explained that they had developed plans with the cooperation of Henry C. Moore, Technician for the County Planning Commission; that they had observed all regulations to conform to the Zoning Ordinance; that the school site had been dedicated; and that it was located where Mr. Moore suggested would make an ideal site for a school building. In reply to a question by Mr. Dawson, the Architect claimed that the Superintendant of Schools had approved the site. Mr. Piggott inquired if the owners were building the school. Mr. Mills explained that they had dedicated the site only, and that the school would not be built by them. He further explained that their plan is open and free with 100 percent parking space; that he still personally objects to a 100 percent parking space; and that in his opinion there should be parks and playgrounds in the place of a lot of paving laid for the purpose of parking cars only.

Mr. Stockton felt that according to the requirements of the Ordinance the Board's function would be to approve a definite plan; that the Board is more or less relying on the approval from the Planning Commission as to what would constitute a definite plan to meet the regulations of the Ordinance; and that the only difficulty would be that of getting an absolute final plat for approval. The Zoning Administrator suggested that some leeway for minor adjustments of the submitted plan should be left. Mr. Mills claimed that there are certain general things in the Ordinance to be observed- that of density, width of streets, and of set-backs; and that a certain amount of flexibility should be left to provide for such changes as might be caused by topographical conditions of the land. In answer to a question by the Chairman, Mr. Moore replied that he felt that the plan could be approved with certain notations on it; that it had been carefully worked out; that minor details could be easily adjusted; and that when the plan had been completely worked out it could then be approved. The Architect stated that

eventually a plat, scaled 20 feet to the inch, would be made; that there are certain things which would have to be determined on a large scale plan; and that pinning down the plat without sufficient elasticity would be like putting the cart before the horse. The Zoning Administrator was of the opinion that these adjustments could be made in his office; and that these changes could also include parking areaadjustments. The Chairman, in view of the evidence presented, felt that the submitted plan could be adopted as a minimum, and that any other changes found desirable could be adjusted later. In answer to a question by Mr. Stockton, Mr. Moore stated that he had discussed the school site with Mr. Woodson, and that Mr. Woodson seemed well pleased with the location. He then located on the map the location of this Multiple Housing Project for the benefit of Mr. Piggott. The Chairman was of the opinion that a proper motion should carry a provision which would allow minor adjustments. Mr. Dawson then made a motion to approve the plan dated June 20, 1942, prepared by Alan B. Mills, with the understanding that minor adjustments could be made by mutual agreement between the builder and the Zoning Administrator. This motion was seconded by Mr. Walker, and unanimously approved. This appeal was granted as authorized under Section XII, Subsection F-5 of the Ordinance.

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The next case was an application by D. L. Blanchard, which had been deferred from the meeting on May 25, 1942, asking permission for the erection of an Addition to a Dwelling, having less set-back than required by the Ordinance, about 3 miles north west of Forestville, at the south east junction of Roads No. 674 and No. 603, in Dranesville District, zoned as Agricultural. No one appeared to represent the case, but the Clerk submitted a letter from Mr. Blanchard, which showed that he was still interested in wanting his appeal to be further considered. The Chairman explained that the applicant requested permission to erect an Addition to a Dwelling, which Addition would be 3 feet narrower than the existing porch; and he was of the opinion that this case could be considered an exceptional one; due to the fact that the Addition would not be any closer to the road that the present structure; and that the Planning Commission is considering an amendment to the Ordinance which would cover this situation.

The Clerk pointed out that when the road would be widened it would be straightened in front of Mr. Blanchard's property, thereby creating a greater set-back. Mr. Walker felt that there would be no reason to refuse the applicant permission to build the Addition as he is located in a strictly Agricultural District, where there is very little building being done. After considering the above evidence, Mr. Piggott moved that the appeal be granted, which was seconded by Mr. Walker, and unanimously approved. This appeal was granted as authorized under Section XII, Subsection G of the Ordinance, in order to avoid a peculiar and exceptional practical difficulty and an undue hardship upon the owner.

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The next case was an appeal by R. T. Trent, which had been deferred from the meeting on May 25, 1942, represented by Mrs. Trent, asking permission for the erection of a Garage and Utility Room, combined, having less rear yard clearance than required by the Ordinance, about ¼ mile west of Merrifield, on the north side of Route No. 211, and south of Road No. 699, in Falls Church District, zoned as Suburban Residence. The Chairman explained that the case was to have been acted upon one week after the last Public Hearing, but that due to tire and gas rationing a quorum was not assembled; therefore, the Clerk was instructed to notify Mr. Trent that his appeal would be given further consideration at the next regular meeting. Mrs. Trent presented a note from Mr. B. F. Salsbury, which certified that Mr. Trent had bought about ¼ Acre of additional land, which would relieve the lesser side yard clearance to the east. She also presented a letter from Mr. Charles R. Moran, who owns the adjoining property on the north, which stated that he does not object to the well and Garage being situated near his Lot line; and that he had no intention of selling off or of subdividing his land. Mr. Stockton made the statement that it was unfortunate that Mr. Trent had already started the foundation. Mrs. Trent stated that the well was already dug near the rear Lot line in error; that her husband claimed that the building would be so erected that there would be no drip on adjoining property; and that the adjoining property owner on the north, Mr. Moran, had promised to give them first choice in buying his land if it should be sold.

The Zoning Administrator was of the opinion that this case constituted a peculiar situation; that the Trents were newcomers in the County; that they had no knowledge of a Zoning Ordinance; that while working on the building some one had informed Mr. Trent that he was required to have a zoning permit; that when Mr. Trent applied for this permit he could not grant it, due to the fact that the applicant objected to the required side yard and rear yard clearance as provided for in the Ordinance; and that Mr. Trent then took an appeal to the Board to obtain relief from these requirements. Mr. White stated that he assumed that Mr. Trent would stop construction entirely until some decision could be made; but, however, after the second deferment Mr. Trent resumed construction sometime between June 1st and June 8th of 1942; that when he asked for an explanation, the applicant had said that he had expected a decision to be made at the May meeting, and that when his case was deferred a second time he was under the impression that the Board would decide in his favor. After this explanation was given, Mr. Trent discontinued building until some agreement could be reached, the Zoning Administrator stated. He further stated that it would be up to the Board to decide whether or not the facts created an undue hardship for Mr. Trent. After this evidence had been submitted, Mr. Dawson made a motion to decide on the case later in the day, in order to give the Board an opportunity to consider carefully all the evidence presented; this motion was seconded by Mr. Walker, and unanimously approved.

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The Chairman then asked Mrs. Trent to withdraw from the room, that the Board could consider the case without interruption. Mr. Stockton mentioned, based on evidence secured when the Board visited the property in question, that Mr. Trent had defied the Board by continuing his building before a decision had been rendered. He also mentioned that the Planning Commission had been discussing the idea of suggesting to the Board of Supervisors a lesser set-back for utility buildings. Mr. Dawson was of the opinion that accessory buildings should be allowed on the back line, provided that water would be prevented from dripping on adjoining property, as the space left between the Lot line and the building itself could be a waste of land. The Chairman again brought to the Board's attention that the foundation for the house had been started without a permit, which constituted a violation of the Zoning Ordinance. Mr. Dawson inquired if Subsection G or any other Section in the Ordinance would give the Board power to grant this appeal. The Board felt that there was no way in which the appeal could be granted, based on the fact that had the appellant applied for a permit before he started his building the side yard and rear yard clearance could have been worked out to conform to the requirements of the Ordinance, as Mr. Trent owns sufficient land to comply with the zoning regulations. The Chairman felt that the only exceptional condition would be one which Mr. Trent had brought on himself. In view of this evidence, Mr. Dawson made the motion that the application be denied, on the grounds that the evidence submitted did not show a hardship or difficulty which should be shown to give the Board the authority under Subsection G of Section XII of the Ordinance to grant the appeal. This motion was seconded by Mr. Walker, and was unanimously carried.

The Clerk called Mrs. Trent back into the room to hear the decision rendered by the Board. Mrs. Trent asked why the variance clause could not apply to this case as it had been applied to the preceding cases. The Chairman explained to Mrs. Trent that the preceding cases had submitted evidence showing an existing hardship but that Mr. Trent's case did not show an existing hardship, but one that had been created by himself; and that there was no way in which the variance clause could apply to this case. Mrs. Trent objected to the denial, and she stated that it would prove a definite hardship to dig another well; that she could see no way to move the present well which had been placed 18 inches from the rear Lot line through error. Mrs. Trent was under the impression that the appeal was taken before the Board because the well had been placed too close to the line. Mr. Dawson clarified this issue for her, and he explained that the appeal was brought before the Board due to the fact that the buildings were erected too close to the Lot line; that the Board had no jurisdiction over the well which had been dug and was capped with a concrete cover for protection; and that a pump could be installed for convenience; and that the Garage and Utility Room, combined could have been built with a rear yard clearance of 10 feet. In reply to

Mrs. Trent's question, the Chairman stated that the vote was unanimous, and that all were present but one member. The Clerk informed Mrs. Trent that the absent member had been present when the Board previously viewed the property. When asked by the Board why Mr. Trent had not stopped construction until a decision had been reached, Mrs. Trent replied that her husband had ceased construction after he was notified and before the last hearing of the case. The Chairman was of the opinion that there was still no exceptional difficulty shown that could apply under the variance clause. Mrs. Trent then asked the members of the Board if they realized the financial loss that would be brought about if they had to move the buildings, and the financial loss brought about through the purchase of additional land. The Board still felt that it had no authority to grant the appeal. Mrs. Trent again objected and asked that the appeal be granted, in view of the fact that after talking with the Zoning Administrator she was under the impression that the Board would grant the appeal. The case was then dismissed.

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The next case was an appeal by N. P. Fairfax, which had been deferred from the meeting on May 25, 1942, requesting permission for the erection of an Addition to a Dwelling, having less set-back than required by the Ordinance, about 3 miles east of Centerville, on the north side of Route No. 211, about ¼ mile east of Road No. 645, in Centerville District, zoned as Agricultural. Mr. Fairfax claimed that the State Highway Department had annexed a portion of his land for a right-of-way when Route No. 211 was widened; and that before the highway was widened he had sufficient frontage to meet the set-back requirements of the Ordinance. The Chairman asked for comments from the Zoning Administrator. Mr. White stated that he was in sympathy with the case; that the difficulty was brought about by circumstances beyond the control of the applicant; and that to deny the appeal would bring an undue hardship upon the owner. Mr. Fairfax explained that he had owned the property for 20 years; that there is a ditch close by the house; and that to build the Addition any other place than where it is now planned would make it necessary to fill in the ditch. He further explained that he had repeatedly requested the State Highway Department to move the house back farther from the road; that they had refused to comply with the request; and that they had assured him that he had sufficient frontage so that he would not have any trouble in the future. In view of the evidence presented, Mr. Dawson moved that the application be granted, which was seconded by Mr. Walker, and unanimously approved. This appeal was granted as authorized under Section XII, Subsection G of the Ordinance, in order to avoid a peculiar and exceptional practical difficulty and an undue hardship upon the owner.

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Cases which had been previously deferred and which were still pending were next considered. Mr. Dawson moved that the Clerk be instructed to not-

ify Max Stein that his appeal would be further considered at the next regular meeting, which was seconded by Mr. Walker, and unanimously carried.

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The minutes for the Business meeting of May 11, 1942 were read and unanimously approved. The Chairman then signed them. The meeting thereupon adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of a Business meeting of the Board of Zoning Appeals held in the Old Court House in the County Office Building at 10:00 A. M. on Monday, July 13, 1942. All of the members- Mrs. T. J. Stockton, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr., William C. Walker and Thomas I.Piggott were present. Mr. T. J. Stockton, the Chairman, presided.

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The session opened with consideration of the appeals by Max Stein, which had been deferred indefinitely, requesting permission to erect an Addition to a Store; and for an Extension to a Store, having less set-back than required by the Ordinance, on Lots No. 21 and 22, in Cameron Park Subdivision on the south side of Route No. 236, about 400 feet east of the Lee Jackson High School, in Falls Church District, zoned as Urban Residence. The Chairman stated that he had been given to understand that the State Highway Department is cooperating with Max Stein and County Zoning Officials by moving the Store back from the right-of-way. Mr. Dawson was of the opinion that it would not be necessary to notify Mr. Stein that his appeals would be further considered at the next regular meeting, provided that some assurance would be given to the Board that the State is moving the building back He stated that this area is too congested with traffic to allow the building to remain where it is. The Chairman told the Board that the Zoning Administrator had started negotiations with the State Highway Department, and that the State Highway Department would cooperate with the Office of the Zoning Administrator in individual cases.

Mr. Dawson then made the following motion- In view of the fact that Route No. 236 in front of Max Stein's Store is becoming more congested every day; and also due to the fact that complaints have been made to the Board from citizens about this congestion, the Board moves that Mr. White be instructed to communicate with the State Highway Department and ascertain from them how soon this Store will be moved back, and to try to arrange with them that the building be placed at least 50 feet from the right-of-way; and that Mr. White is requested to report back to the Board at the next regular meeting. This motion was seconded by Mr. Mackall, and unanimously approved.

The Clerk was instructed to write a letter to the Zoning Administrator and to quote this motion which was unanimously adopted; and to send a copy of the letter to Mr. Andrew W. Clarke, the Attorney representing the interests of Max Stein. The Clerk called attention to the fact that at the meeting on June 22, 1942, she had been instructed to notify Max Stein that his appeals would be further considered at the regular meeting in July. In view of the above motion having been made and adopted on June 22nd, Mr. Dawson moved that it would not be necessary to notify Mr. Stein of the next regular meeting, which would cancel the motion made and adopted on June 22, 1942. This motion was seconded by Mr. Mackall, and unanimously approved.

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The second matter to be considered was that of the appeal by R. T. Trent, which had been denied at the meeting on June 22, 1942. Mr. Trent had requested permission to erect a Garage and Utility Building, combined, having less rear yard clearance than required by the Ordinance, about ¼ mile west of Merrifield, on the north side of Road No. 211, and south of Road No. 699, in Falls Church District, zoned as Suburban Residence. After considering the evidence which Mr. Trent had submitted to the Board at previous meetings, four of the members were of the opinion that their decision for a denial was all that could have been rendered; but Mr. Mackall felt that the Board could have been more lenient. The proposed recommendation by the Planning Commission which would allow buildings to be erected on the rear Lot line was given much consideration. Some of the members favored the proposal which would allow buildings to go on the rear line; while others felt that there should be a clearance of from 2 feet to 5 feet.

Mr. Henry C. Moore, Technician for the County Planning Commission, suggested that it would be advisable to require a 5 foot rear yard clearance which would give an easement of 10 feet between buildings, and that this easement could be used by the Public Utilities, for the collection of garbage, and for similar useful public activities. Mr. Dawson was of the opinion that a 5 foot rear yard clearance would allow for a 10 foot alley, and Mr. Walker stated that a 5 foot clearance would prevent a fire hazard, particularly when the buildings would be constructed of fire resistant materials.

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New cases for the Hearing on July 27, 1942 were next considered. The minutes for the meeting on May 25th and on June 8th of 1942 were read and unanimously approved. The Chairman then signed them.

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The Chairman suggested that Mr. Henry C. Moore, Technician for the County Planning Commission, be invited in to submit the proposed amendments to the Ordinance, which had been recommended by the Zoning Administrator. Mr. Moore explained the purpose of these amendments, which met with the general approval of the Board. The question of whether a building line should include all parts of a building or whether it should include only the main part of the

building was given much thought. Most of the members were of the opinion that the building line should include all parts of a building, such as an open or enclosed porch. The matter of Signs in relation to their size and location was brought up, but no conclusion was reached. Mr. Moore asked the Board for its opinion on the color of lights which should be used on Neon Signs, and of the placement of Neon Signs, so that they would not be a distraction from signal or traffic lights. After talking over the matter it was agreed upon that more time and study should be given the subject before any decision could be reached.

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The meeting thereupon adjourned by unanimous consent.

T. J. Stockton.
Chairman

Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at 11:a.m. Monday, July 27, 1942. The full membership was present--T. J. Stockton, Chairman, T. Cooper Dawson, Sr., D. S. Mackall, Jr., William S. Walker and Thomas I. Piggott.

The first case was an application by Bailey's Auxiliary Fire Department for permission to erect a fire engine house (community building) at Bailey's Cross Roads, in Falls Church District, zoned as General Business. No plot plans had been furnished, and no representative of the applicant was present. The Chairman stated that Mr. G. M. Powell, the County Supervisor for the District, had brought to his attention that some opposition might be expected because of the location, adjoining the public school property. Thereupon Mr. Mackall moved and Mr. Piggott seconded that the case be deferred until the August meeting. The motion was carried unanimously.

In the second case Mrs. Lee Vasquez applied for permit to operate a private nursery School in an existing Dwelling in Franklin Park on the west side of Road #1103 about ½ mile west of the Arlington line, zoned as Suburban Residence. Mrs. Vasquez stated that the school would be for children from 2 to 5 years old whose parents are mostly in the Army and Navy; that she is a graduate nurse, and that her assistants would be graduate nurses; that ~~that~~ the school would be conducted in the best possible manner, that there is a pressing need for it in the community, that she would be next door to the Rectors, who have a similar school, and that Mr. and Mrs. Rector have asked her to take some of their overflow. Mrs. Vasquez filed letters of recommendation-one from the Welfare Board at Rockville, Maryland. The Zoning Administrator when asked for his opinion voiced no objection, but stated that inasmuch as there was opposition, it might be well to continue the case until the next meeting in order that the sentiment of the community might be further ascertained.

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Mr. Billups presented a protest with 20 signatures opposing the school on the ground that residents of the community desire to preserve its residential character and object to the intrusion of business of any kind, and that the school might be an opening wedge for other types of business such as filling stations, restaurants and dance halls.

Mrs. Vasquez added that her lot contains 3 acres which would all be fenced in, and that the adjoining land on one side is vacant. The Zoning Administrator stated that a school of the same kind is being operated near Annandale with apparent satisfaction to the community.

In view of the evidence, Mr. Dawson moved, seconded by Mr. Walker, that the case be considered in executive session later. The motion was carried by a vote of 4 votes for and none against-Mr. Mackall being out of the room. After further discussion and consideration in executive session Mrs. Vasquez was called back into the room, and Mr/ Walker moved, seconded by Mr. Dawson, that the Board is of the opinion that the school will not impair the present use or the future development of the district for residential use, and that the appeal be granted. The vote was 4 for, none against. Mr. Mackall was not present.

The Third case was an appeal by George F. Keyton, represented also by Attorney John W. Rust, to permit the erection of an addition to an existing store (Operated as a non-conforming use) having less setback than required by the Zoning Ordinance, about 1 mile east of Lincolnia at the southeast Junction of Roads #236 and #648, zoned as Suburban Residence. Plot plans showing the existing building and the proposed addition were submitted. Mr. Keyton explained that he wished to enclose 12 feet of what he called a 15 foot porch between the front of his store and Road #236 (Little River Pike) and remove the columns which support the extended roof at a distance of 15 feet from the building. He claimed that this would increase the present setback of his building by 3 feet, and that the building with the 12 foot addition would be then 9 feet from the side of the road whereas it is now only 6 feet. The Chairman pointed out that a new building or an enclosed extension of an existing building, under the Zoning Ordinance, would be required to setback at least 40 feet from the side of the highway, and that the extension of a non-conforming use is not permitted in any case involving structural alterations. Mr. Rust argued for his client that the proposed addition to the building did not involve any structural alteration, and made a plea that the applicant has been doing business at that location a great many years, and that he now needs the extension to meet the wishes and needs of the people he serves. The Attorney asked the Zoning Administrator whether he had made the statement that there would be nothing under zoning to prohibit the addition to the store. Mr. White replied that he had made no such statement and that he was doubtful whether the Board of Zoning Appeals had the power to permit an enclosure that close to the road which would soon have to be

July 27, 1942.

widened. Attorney Rust amplified his contention that the change involved no structural alterations by stating that the word "structure" comprises all parts of a building under one roof, and that since the proposed addition would not extend beyond the original 15 foot extension of the roof it could not be considered an extension of the building or a structural alteration within the meaning of the Zoning Ordinance. The Chairman did not agree with this view and suggested that an interpretation of the phrase"structural alterations" should be made by the Board. The attorney insisted upon his opinion that the addition would not be an extension of the building, but an enclosure of a part of the building under the original roof, and expressed his opinion that the Board had full authority to adopt that interpretation. Mr. Mackall stated that a structure is the outside form of a building and that in his opinion no structural alteration was involved in the proposed change. After a further appeal from Attorney Rust that the Board accept his definition of "structural alteration", the Chairman called for the Board's decision. Mr. Mackall moved that the appeal be granted. The Chairman asked the Board if it desired to make an interpretation of the phrase, "structural alteration", but no opinion was expressed. He then asked if there were a second to Mr. Mackall's motion, but there was none. When the motion had been declared lost for want of a second, Mr. Dawson moved and Mr. Piggott seconded that the Appeal be denied on the ground that the Ordinance gives the Board no authority to grant it. The motion was carried 4 for and 1 against- Mr. Mackall voting in the negative.

The Zoning Administrator reported that he had received a letter from Mr. T. W. Ross, the State Senior Highway Engineer, to the effect that his Department had no intention of moving the Max Stein building back from its present location on the Little River Pike near Alexandria. The Zoning Administrator , in this connection, read a letter he had received from County Supervisor Andrew W. Clarke, representing Stein and expressing his views in the case. The Chairman stated that he thought some action should be taken in the Stein matter, and Mr. Walker moved and Mr. Dawson seconded that the case be taken up again at the next regular meeting. The affirmative vote was unanimous and the Clerk was instructed to notify Mr. Stein that his appeal would be further considered at the August meeting of the Board.

Minutes of the meeting on June 22, 1942, were read, unanimously approved, and signed by the Chairman.

The Clerk presented a letter from the Clerk to the Board of Supervisors stating that Mr. Thomas T. Piggott of Lee District was appointed a member of the Board of Zoning Appeals by the Board of Supervisors at its meeting held on June 17, 1942, to fill the vacancy left by Mrs. Annie T. Staub, deceased. Thereupon, the meeting adjourned by unanimous consent.

J. J. Stoneton
Chairman.

August 10, 1942.

Minutes of a Business Meeting of the Board of Zoning Appeals in the Supervisors Room of the County Office Building at 10:00 a. m. Monday, August 10, 1942, the following members being present, T. J. Stokton, Chairman, S. Cooper Dawson, William C. Walker and Thomas I. Piggott. Douglas S. Mackall was absent.

The Max Stein case was discussed, altho at the last meeting it had been postponed to the regular public Meeting in August, and it was unanimously agreed that it should be taken up and disposed of if possible at the next Public Meeting. The Clerk informed the Board that she had already notified the interested parties.

The Bailey's Auxiliary Fire Department case was next taken up, and the Chairman stated that he had made some investigation and found that the Fire Department had purchased land adjoining the school property, and would not now use a part of the school property itself, which use had been approved previously by the School Board and had given rise to some opposition. The Clerk stated that Plot plans had been filed and that the applicants would have a representative at the regular August meeting.

The Board then discussed appeals that would come before it on the regular Hearing on August 24th, and unanimously approved the minutes of the July 13, 1942, meeting, which were signed by the Chairman.

As accumulated business had now been disposed of the Board felt that it would no longer be necessary to continue the Business Meetings on the Second Monday of each month, and upon motion of Mr. Walker, seconded by Mr. Piggott, they were discontinued by unanimous vote, and the meeting adjourned.

T. J. Stockton
Chairman.

Minutes of meeting of Board of Zoning Appeals held in the Supervisors' Room at Fairfax August 24, 1942. Present, T. J. Stockton, Chairman, S. Cooper Dawson, Sr., Thomas I. Piggott and W. C. Walker. D. S. Mackall, Jr. was absent.

The first case taken up was the deferred case of Max Stein, to permit the erection of additions to his store, having less setbacks than required by the Ordinance, on Lots #21 and #22 in Cameron Park Subdivision on the south side of Road #236 about 400 feet east of Lee-Jackson High School, zoned as Urban Residence. Mr. Andrew W. Clarke made the following statement on behalf of his client:

"After receiving the letter that the matter would be again heard today, it of course places me in somewhat of an embarrassing position. When I was here before, it was my understanding that the Board of Zoning Appeals would just continue this matter until such time as Mr. Stein could obtain building materials to either put a new building up or to put an extension on the side or until the State Highway Department widened that road and in all probability the building would be moved back. Neither has been done. The Highway Department is in process of widening the road, and I am informed that they are not going to move the building back; they are going to erect a curb there, which in my opinion will prevent cars from pulling off and on the road. Of course the problem is going to arise as to whether cars are going to be able to park parallel to that curb. I can't answer that, but I have thought about this proposition. There are two housing projects there, Cameron Valley, which Mr. Dawson knows about, and the other one which will open up some time in the near future. There is a necessity for a business section there, and if you gentlemen have no objection, I thought I would let Judge Duncan, who at one time filed his application to re-zone his

two lots west of Mr. Stein's property, along with Mr. Stein, create a business district there for business for these two housing developments, and I am advised that if that is done then an exception can be granted for this extension. If you will continue this matter, I will file within the next ten days or two weeks an additional application to re-zone a certain portion of the land lying south of Duke Street from residence to business."

There followed a discussion of the proposed curbing and of a private parking building lot. The Chairman explained that the question before the Board was whether they desired to defer the case until an application could be made for re-zoning, or act now. Mr. Clarke said that he did not believe there would be sufficient time to file the application before the September meeting and asked that the case be continued to the October meeting. Mr. Dawson made, and Mr. Piggott seconded, the motion that the Stein case be deferred to the October meeting. The motion was carried 3 for, Mr. Walker not voting and Mr. Mackall being absent.

The next application was that of the Mount Vernon Volunteer Fire Department to erect a fire engine garage(community building) on Lot #12 in Plymouth Haven Subdivision, on the east side of Road #629, about ½ mile north of Fort Hunt, zoned as Rural Residence. Mr. Andrew J. Clarke stated that he did not wish to appear as counsel for the applicants, but that they hadasked him to represent them. He stated that it is intended to erect a building to house 2 pieces of fire equipment and, at a later time to add a community hall. He stated that the foundation was started too close to the line, and that Mr. White (the Zoning Administrator) had been down and straightened them out, and he understood that there was no one in the neighborhood who was opposed to the building. The Chairman stated that this was a permitted use, subject to the approval of the Board, under the Zoning Ordinance; that the setback should be 60 feet, unless there is an established setback line of less, and that the Zoning Administrator has authority to lessen the side yard clearances in this instance because the lot was of record prior to the adoption of the Ordinance and is of smaller size than has been required since; that it is merely a question of whether the Board thinks it is a desirable thing in that neighborhood. Mr. Dawson said that Mrs. Scott, a near neighbor, had told him that she had no objection to it. There being no opposition, it was moved by Mr. Dawson, seconded by Mr. Walker, that the application be granted. The 4 members present voted for the motion. Mr. Mackall absent.

The next case was that of Ervin J. Butler, who asks permission to enclose an existing porch to the front of dwelling, having less setback than required by the Ordinance on part of Lot #18 in Dunn Loring Subdivision, zoned as Suburban Residence. Mr. Butler stated that he was not building on a room but screening a porch and putting in windows; that it was to be used not as a bedroom, but as a recreation porch with no heat in it. The Chairman explained that the house is on the building line and that the unenclosed porch is permitted to extend beyond the building line, but if the porch is enclosed and becomes a room the Zoning Administrator has no authority under the Ordinance to permit the extension. Mr. Dawson made and Mr. Piggott

seconded the following motion: "As he is not going to use this porch as a room, we do not consider it an extension of the house, and I move that we grant the permit." All members present voted for the motion. Mr. Mackall was absent.

Next was the appeal of Segreti Brothers, represented by Attorney John W. Rust, to permit the re-opening of a stone quarry near the District of Columbia Penal Institution at the Fairfax-Prince William County line, about 1000 ft. west of Road #123, zoned as Agricultural. Mr. Rust stated that the quarry was being opened as a war measure to obtain stone for the use of the government. Mr. Stockton read a letter from Major Phelan of the Corps of District Engineers, to the Zoning Administrator, in reference to the use to be made of the rock taken from the quarry, and also a copy of a letter from Mr. W.F. Smith, Resident Engineer, State Highway Department, to Segreti Brothers, requiring the firm to conduct operations so as not to jeopardize the safety of the bridge and roads in the vicinity. Mr. Piggott moved and Mr. Walker seconded that the permit be granted. The motion was carried unanimously. Mr. Mackall was absent.

The Fourth case was that of Richard M. Smith for permission to use a Parish Hall for regularly scheduled entertainment, on the east side of Road #123 about 500 feet north of Road #738, in a district zoned as Suburban Residence, at McLean.

No one was present to oppose the application, and the Chairman read a letter from Mr. O. V. Carper, of McLean, favoring the application as he thought the proposed use of the hall would fill an urgent need in the community. Mr. Smith read excerpts from his minute book showing that the hall had been rented and used for public entertainment since 1926. The board considered whether it might not be better to apply for a variance and limit the length of time when the use should be permitted, but it was finally agreed that the Board of Zoning Appeals should interpret whether the use requested is a permitted use of a Parish Hall under the Ordinance. At the Chairman's suggestion, Mr. Dawson moved, and Mr. Walker seconded, "That the proposed use is a reasonable permitted use for a parish hall, provided it is not used exclusively for that purpose, or used over four days a week under one sponsorship." The vote for the motion was unanimous. Mr. Mackall absent.

The 5th case was the request of the Forestville Fire Company to permit the erection of a fire engine house (community building) at Forestville, on the south of Road #604 about 300 east of its junction with Road #681, in Dranesville District, zoned as Agricultural. Mr. David Tucker, for the Fire Company, explained the need for a fire engine building, and asked that an exception be allowed from the requirements of the Ordinance because this is a community undertaking in the public interest. Mrs. Dickie, the Clerk had a notation on the papers that Mr. Henry Adams objected to the location of the engine house because it would be too near his dwelling and because

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there are other sites more suitable with proper parking spaceand further away from residences, permitting the required setbacks. The Chairman made the following statement: " I think you gentlemen have to decide whether or not you can allow this exception. Personally, from a legal standpoint, aside from what you would like to doI don't see that you have any justification for allowing it. It doesn't have the proper setbacks. You have no legal authority to release them. We are given certain powers and certain rules by the Board of Supervisors." Mr. Dawson said he thought there was nothing to do but turn it down, as the Zoning Ordinance gives the Board no authority to permit the construction of a building in the Agriculture Zone on less than one-half acre with 100 ft. front and 25 ft. side yard clearance. He moved, and Mr. Piggott seconded, the the Board decline to grant the permit on the grounds stated. The motion was carried 3 for- Messrs. Dawson, Piggott and Stockton, with Mr. Walker not voting and Mr. Mackall absent.

The deferred case of Bailey's Fire Department was then taken up. The Chairman stated that this case had been explained to the Board previously; that there seems to be no objection from anybody in the community or elsewhere; that the zoning, area and setbacks are all right and that there is a need. Mr. Dawson thereupon moved that the permit be granted on these grounds, Mr. Walker seconded, and the vote in favor was unanimous. The meeting then adjourned.

T. J. Stockton.
Chairman.

Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at Fairfax, Virginia, September 28, 1942. Present: T. J. Stockton, Chairman, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr., William C. Walker. Thomas I. Piggott was absent.

The first case considered was an application by Martin A. Rust to erect a commercial poultry house on the east side of Road #613 about one-half mile north of Lincolnia, in Falls Church District, with less setbacks than required. Mr. Rust stated that the present poultry house was there when he bought the property, and that he had since built an extension for a feed room after securing a permit therefor from the Zoning Board; that the present poultry house was 100 feet from his dwelling and that he would leave to the discretion of the Board the location of the new building. The Zoning Administrator explained that Mr. Rust had a non-conforming use permit to continue his poultry business and had, in addition, been given permission to build a feedroom on the back of the poultry house; that now he was asking for a new building to extend his operations somewhat. He stated it was his opinion that since Mr. Rust has been permitted to continue his non-conforming use and there had been no objection on the part of the neighbors to his operations, he could see no objection to allowing him to go ahead at this particular time when the need of his products was great.

Mr. Rust stated that the nearest house to the poultry house was 500 feet; that it was all open field owned by a neighbor who did not object to his business. The Chairman reported that he had investigated the conditions on the ground and made his report to the Planning Commission as it might have a bearing on the future. He stated that as regards the existing conditions, Mr. Rust has an L-shaped lot which is approximately one-half acre; that there were five residences in addition to Mr. Rust's own residence within 500 feet, and that there was a church property immediately in front of the existing chicken house. Mr. Rust then stated he had an option to buy from the Trustees of the church the piece of land which would make the land owned by him a square-shaped piece instead of an L; that the land he proposed to purchase was given to the church, but there was no church any more and the Trustees desired to sell and that Mr. Bryan at Burke & Herbert Bank & Trust Company, Alexandria, Virginia, was handling the matter.

Mr. Stockton continued his report, stating that the existing chickenhouse is two feet from the rear property line and within 75 feet of the residence adjacent on the north side; that the proposed new chickenhouse should be ten feet from the rear property line; that according to Mr. Rust's plan the new building would be 14 x 32 feet and south of the present chicken house. That since the original appeal was granted, the Zoning Administrator had issued a permit for an extension to the existing house to be used as a feed room and that Mr. Rust now uses that as a chicken pen. The existing house now contains five hundred chicks and there is no offensive odor or objectionable noise, by reason of its use in that capacity, discernible; that it seemed to be clean and well taken care of. He stated that Mr. Rust proposed, if the new house was granted, to put in 500 chicks a week and sell them at eight weeks of age, which would mean 2,000 chicks of varying ages on hand at all times; that he proposed to follow the complete confinement plan of rearing -- starting chicks in batteries and placing them on the floor in pens until they were eight weeks old, and not to raise them in batteries altogether as the Chairman first thought. He stated that the existing building was frame construction, the side walls and roof being covered with black, roll roofing paper; that there was considerable residential construction in the neighborhood and a new school which had just been built. That while Mr. Rust said the neighbors did not object, the Board had no documentary evidence to that effect. After thus summarizing present conditions, the Chairman then took up the matter of future development of the community and stated that the area in question was subject to the following forces which would unquestionably hasten residential development:

1. Shirley Drive, to be constructed, will intersect the Little River Turnpike less than one mile southeast of this property and there will only be a few points of access to this road, which will greatly affect the property surrounding these intersections. With the new road, time of travel will be

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cut from Washington to this area, so it will be greatly favored.

2. It is within the proposed sanitary district, and sewage and water will be possible within the near future.

3. Route #613 is one of the few roads selected as a major highway by the Planning Commission in the Master Plan for Highways. It is a 100-foot right-of-way, with 40-foot paralleling roads if developers desire access from abutting roads toward the highway.

4. There is a new school within a quarter of a mile.

As to granting the permit for variance as to setbacks as required by the Ordinance under Section 4-a-13, as amended July 21, 1941, which provides that any structure on premises devoted to such use on a commercial scale shall be located not less than 100 feet from any street, road or property line, the Chairman stated that as he saw it, justification for granting a variance would have to be based on the method under which Mr. Rust proposes to keep his chickens; that Mr. Rust contended that by adopting this confinement plan of rearing, the use of the property for such a purpose would be less objectionable than if the chicks were allowed to run at large. In that connection, the Chairman said, in view of the possibility of rapid future development in that section his personal idea would be that if the members of the Board thought this variance should be granted, it should be on a temporary basis and for a specific length of time, which had been the procedure in a former case involving an airport.

Mr. Mackall asked what the proposed cost would be, and was told it would be $125.00.

Mr. Dawson suggested that the question be studied and discussed in private before a vote was taken, and it was agreed to dispose of other appeals before the Board, and render a decision later in the day after an opportunity was had for further study of the situation. Mr. Rust was so notified and asked to remain.

Mr. Mills, a representative of Defense Homes Project, then appeared before the Board in connection with the case approved February 23, 1942, subject to a certain plan, at which time it had been stated that any change in plans should be approved by the Planning Commission technician. Mr. Mills stated that there had been a change in the plans, which was a very minor change, and did not affect the basic plan. The Chairman advised the Board that Mr. Moore of the Planning Commission had approved the plan. Upon motion of Mr. Mackall, seconded by Mr. Walker, the blueprint offered by Mr. Mills was unanimously approved. Mr. Mills requested that formal notification of the approval be sent to him.

The Board then proceeded with the consideration of the second application, being that of J. W. Moore to erect additions to existing dwelling on the west side of Road #655 about one mile north of its junction with Route

#50, and presented a plot plan to the Board. He further stated that his house, already located on the property, was 42 feet setback from his property line and that it was his desire to build a twelve-foot addition at the side of the existing house, with a six-foot porch in front. The Zoning Administrator stated that it was his opinion that this was one of those cases where a man had lived in his home some years and finally reached a point where he needed additional room and in the meantime the Zoning Ordinance had come along and caught him a little too close to the side of the road; that he could not make an extension in front of the house because he did not have room, but had ample room on the side, there being 600 feet between the house and the side line; that in bringing the side addition up to the level of the existing house it did encroach a little on the front setback, but only to the extent of bringing it to the line of the front of the house, and that he did not feel any good object would be served by denying a man that privilege if no traffic hazard was involved. Mr. Dawson expressed the opinion that the traffic hazard was not increased from what it already might be. Mr. White stated that while the setback was ordinarily required to be 60 feet, the ordinance did not specifically state that no additions could be made to an existing dwelling which does not meet the required setback, and he thought the Board should use common sense and give a decision when it felt the facts warranted. Upon motion of Mr. Mackall, seconded by Mr. Walker, permission was unanimously granted Mr. Moore to build the 12-foot addition and erect a 6-foot porch in front of his residence.

In private session, the Board again reviewed the application of Martin A. Rust to erect a poultry house. Mr. Dawson stated that the neighborhood in question had been a farming neighborhood, but that in view of the new sanitary district and the proposed highway, for which contracts were now being let, it was going to turn suburban in the very near future. Mr. Mackall made the motion, after further discussion, that the permit be granted for a period of one year from this date upon the condition that application for a use permit be applied for at the end of that time, and that the proposed building be constructed not less than ten feet from the rear property line. This motion was seconded by Mr. Dawson and unanimously carried. Mr. Rust was then recalled to the Board room and advised of the Board's decision, and the Chairman advised him that according to the ordinance his business was not a permitted business and the Board was permitting such use because it felt he was going to conduct his business in such a manner it would not be objectionable that although the neighborhood is fairly well built up, it is not as thickly populated as it will be, so that within the period of one year the situation might change to such an extent that even though the business was conducted properly it might be objectionable to the community and that by making another application necessary at the end of one year, the Board would be giving those affected by the continued use of

the property for a poultry business a chance for a public hearing.

The meeting thereupon adjourned by unanimous consent.

T. J. Stockton
Chairman.

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Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at Fairfax, Virginia, October 26, 1942. Present: T. J. Stockton, Chairman, S. Cooper Dawson, Sr., William C. Walker and Thomas I. Piggott. Douglas S. Mackall, Jr., was absent.

The first case considered was an application by the Pennsylvania-Central Airlines Corporation for a variance to permit the erection of barracks and a mess hall in a rural residential district. Mr. R. M. Averill, Assistant to the President of the Pennsylvania-Central Airlines Corporation, outlined the plan of his corporation as follows: That they had leased the property known as Collingwood Tea House, located about four miles south of Wellington Manor on the Mount Vernon Boulevard, for the purpose of fulfilling a contract which the corporation has with the United States Army to train certain types of personnel -- pilots, co-pilots, mechanics, etc. That the housing situation in Washington being what it is, it is necessary for his corporation to provide housing facilities for these trainees, and they proposed to build on this property a temporary structure for use as barracks to house approximately 240 men. That it is intended to use the Collingwood Tea House itself, with minor alterations, as a recreation center and mess hall, it being equipped with all facilities for feeding a large number of people, it being estimated that after the changes proposed are made it will be possible to feed 300 men at a sitting, there being two large dining rooms now and a large front porch which will be enclosed with glass and given over to additional dining space. That the tea house was intended for reading rooms, dining, etc., and that all sleeping quarters would be in the barracks. In answer to a question by Mr. Dawson as to the number of men it was expected to house, Mr. Averill replied the number would vary from 250 with a maximum of 500; that the barracks was designed for 240 men and if that filled up they would build another.

Mr. L. J. Bregenzer of the Pennsylvania-Central Airlines Corporation, exhibited blueprints of the proposed construction and alterations and explained the general set-up to the Board. He stated that the land had an elevation of 25 feet, with an abrupt drop to a flat area where it was proposed to locate the barracks so that it would be hidden from the road and would disturb the present property less than any other location; that only a few small trees would be cut down and the heavily wooded section surrounding the flat would be left undisturbed except for a little grubbing which would improve the property. In answer to a question by Mr. White as to whether the proposed barracks crossed the lot line, Mr. Bregenzer stated

that all construction was being kept within the parcel on which the tea house was located so that it would not encroach on the Little Collingwood property, and that the proposed construction would not be visible from the highway. Mr. Dawson asked if there was any complaint from the owners of the Worthington property, and Mr. Bregenzer replied that they had heard of no complaint and that the dwelling on that property was located in relation to the tea house and about on the same line.

The Zoning Administrator stated that the project seems to be a necessary one in our situation for emergency defense and that he thought it should be permitted on a temporary basis for the duration and for a reasonable time thereafter. Mr. Averill said he would like to read, in that connection, the lease which his company has with the owner of the property. The Zoning Administrator asked if that lease would be sufficient to guarantee the county since it was a lease between private parties and subject to change by the parties themselves. Mr. Averill replied that that was true, but that in so far as this particular lease was concerned he thought the county could always come in and enforce the provisions of the lease for the benefit of Fairfax County as the wording of the lease is: "The parties agree it will be mandatory upon the lessee to remove all buildings and facilities, not existing buildings, at the expiration of this lease, unless the Zoning Administrator of Fairfax County shall state to the lessee in writing it will not be necessary for the lessee to remove same." The Zoning Administrator stated that the Board of Zoning Appeals might not be willing to accept that lease as sufficient guarantee and might want to require a bond. The Chairman asked if that was all that the lease provided in that respect, and Mr. Averill replied that it was.

The Chairman said that in making an analysis of the case, he had made rather a complete summary for the benefit of those members of the Board who might not be familiar with the entire history of the property and its proposed use. The Chairman then made the following statement:

1. The Existing Conditions. The property in question, consisting of some 25 acres of land, is owned by Natelia B. Montgomery. It is located between the Mount Vernon Memorial Highway and the Potomac River, about a half mile south of the settlement known as "Wellington" in Mount Vernon District. At the present time there is a tea room, complete with all necessary kitchen facilities, which has been operating as a non-conforming commercial use. The neighborhood surrounding this particular tract is devoted almost entirely to high class residences and small country estates. It is zoned for rural residence. The major access to all of this property is upon the Mount Vernon Highway, a road built and maintained by the Federal Government primarily as a dignified approach to Mount Vernon.

II. The Proposed Use of This Land. This tract has been leased by Pennsylvania-Central Airlines, a private corporation, which has been instructed by the Federal Government to train men for use in the armed service. There will be approximately 500 men receiving through them basic training at the National Airport, and it is a vital necessity to provide adequate housing. The Pennsylvania-Central Airlines propose to build barracks large enough to meet the housing need and to alter the existing tea room into a mess hall with recreational facilities. They have made arrangements with the Health Department to provide adequate sewerage facilities and there is an adequate supply of water on the premises. Due to the topography of the land, which falls away from the Memorial Highway towards the River quite sharply, the barracks will be virtually unnoticeable from the highway. It is the intention of the Pennsylvania-Central Airlines to transport these boys to and from the National Airport with their own trucks. A clause in the lease states that all improvements built by the Pennsylvania-Central Airlines will be removed from the premises upon the termination of the War.

III. Justification For Granting. Section XII - G in the Zoning Ordinance states that, "Where, by reason of ..... extraordinary .... condition of such piece of property, the strict application of any regulations in this ordinance would result in .... exceptional practical difficulties to or exceptional and undue hardship upon the owner of such piece of property, the Board shall have the power, in passing on appeals, to grant a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance and Map."

(A) There are extraordinary conditions which affect this specific piece of property. The war and the scarcity of materials and equipment affect all of us and all property, but on this particular tract there are certain conditions which suit it for its proposed use. There is the existing tea room with its kitchen facilities; the topography of the land and the proximity to the River of the proposed improvements make sanitation of a temporary nature possible, keeping expenses to a minimum; there is the existing supply of water; the temporary nature of the lease and the agreement with the owner that the property will be restored to its present condition.

(B) While there are no exceptional difficulties or hardships upon the owner of this piece of property, it would seem plausible that the Board of Zoning Appeals in cases like this could interpret this phrase to include not merely the actual owner but all of the people of the country. Our problem, basically, is to provide housing for men engaged in the war effort and the practical difficulties and the hardships will result to all of us if everything is not done to assist in that war effort.

(C) The public good will be most aptly served by the Zoning Ordinance implementing in every way possible, the winning of the war. As a policy, we might determine that the conservation of strategic materials and the most efficient use of existing facilities is our most important consideration during this emergency for the public good.

(D) It is important to remember, however, that the Board of Zoning Appeals may grant such relief only when the intent and purpose of the Zoning Ordinance is not being substantially abridged. The neighborhood surrounding this tract is already developing as a high class residential neighborhood. It is zoned for rural residence with the idea in mind of maintaining that character of land use and protecting the existing development from the intrusion of high density residential projects or commercial enterprises. The fact that private development will not be allowed for the duration of the War, and that the lease states that the property will be restored to its present condition upon the termination of the War, would indicate that no substantial impairment of the Zoning Ordinance would result if this variance were granted. Leases, however, may be changed upon the agreement of the parties involved, so to safeguard the public good and the intent and purpose of the Zoning Ordinance, it is necessary to set a time limit coincident with the duration of the War and six months thereafter, to insure against this variance being continued indefinitely. The owner should record an agreement with the Board of Appeals and should be asked to post bond to guarantee the actual removal of all improvements, and the restoration of the property to its present conformity to the Zoning Ordinance.

The representatives of the Pennsylvania-Central Airline stated that their corporation would be willing to enter into such an agreement and furnish such a bond, and it was then decided by the Board that the Commonwealth Attorney be requested to draw up the agreement and fix the amount of the bond, it being the opinion of the Airline representatives that the cost of removing the proposed construction would be in the neighborhood of $10,000.00.

The Chairman then read the following letter from the County Health Department: "

> "Please be advised that the Pennsylvania-Central Airlines Corporation, through its Operations Engineer, Mr. L. J. Bregenzer, has consulted this office regarding a proposed water supply and sewage disposal system for a temporary housing project which they are interested in, and which is proposed for construction on the Collingwood property in Mount Vernon District, and has satisfactorily presented evidence that these will be designed and constructed in accordance with the rules and regulations of this Department. It has been further understood that this project will be temporary in nature, lasting only for the duration of the War, and upon this basis our approval will be predicated.
>
> Very truly yours,
> James J. Corbalis, Jr.,
> Sanitation Officer."

The following motion made by Mr. Dawson, and seconded by Mr. Walker, was unanimously carried:

The testimony given in this case indicates that:

1. This project is being undertaken by a private corporation, at the request of the Federal Government, and is being financed with Federal Funds.
2. The applicants have stated that the project is a temporary one, and that the property will be restored to its present condition upon the termination of the emergency.
3. This tract is well located for this proposed use.
4. It has certain utilities which should be put to work in the present emergency.
5. The project has the approval of the Health Department as far as water and sanitation are concerned.

In view of this testimony, we feel that a variance from the strict application of the Zoning Ordinance may be granted, to allow this proposed use.

There are special conditions affecting this piece of property.

While there is no question of hardship upon or practical difficulties to the actual owner, we feel that the interests of the public at large are involved, and that we may, in this case, interpret the word "owner" to include the public which is actually involved.

Due to the war significance of the proposed variance, we feel that the application may be granted without detriment to the public good, and considering the temporary nature of the project, no substantial impairment of the intent and purpose of the Zoning Ordinance is involved.

Under ordinary circumstances, we would have no justification for granting this application. The land has developed and is zoned for high class, low density residential purposes. The sewage disposal facilities are designed and approved as a temporary war expedient. In view of these facts, we do not feel that we would be acting within our legal powers if we did not insure the restoration of the property to its present condition upon the termination of the emergency. I move, then, that the application be granted upon the condition that the lessee will record with the County Clerk an agreement with the County of Fairfax, particularly the Board of Zoning Appeals, to the effect that within six months after the termination of the use for which this variance is being granted, the property will be restored to its present condition, and that the owner will post bond sufficient to insure such action.

The Board then considered the Max Stein case, and the Chairman made the following report:

"The case of Max Stein, which has been before the Board since February 27, 1942, is coming before the Board for further action at their meeting on October 26. At the meeting of August 24, the attorney for Mr. Stein protested the action of the Board in bringing this case up. He told the Board that this action had placed him in a very embarrassing position with his client as it was his understanding that the Board, on May 25, had agreed to continue the case until such time as building materials could be obtained. He pointed out the necessity for a business zone in this locality and asked deferment of the pending appeals until the October 26 meeting to allow time for him to file an application for rezoning. The Board agreed to this and deferred the case until that date.

Some time after the Board met, I had occasion to see Mr. Stein's attorney, at which time he asked me to suggest that the Planning Commission make a study of this section with a view to changing, extending, or relocating our present business zones in this area. This is something that very definitely has to be done in connection with revising our Zoning Map, but I think is being suggested at this time in the hope that we would feel justified in establishing a business zone so that it would include his client's property. However, if his contention is true that it is impossible to get materials to extend his store, the rezoning would not be of any immediate advantage to his client. Therefore, there is no need or particular advantage in completing this study at this time. Some action on this case should be taken by the Board of Appeals, and with that in mind I have prepared a possible solution -- granting a <u>temporary</u> variance on account of conditions brought about by the war emergency.

Section XII - G of the Zoning Ordinance states that the Board of Zoning Appeals may vary the strict application of the Zoning Ordinance if such variation may be granted without detriment to the public good, and without substantially impairing the intent and purpose of the Zoning Ordinance and Maps. This variation may only be granted, however, if the applicant can prove to the satisfaction of the Board:

1. That these are unusual and extraordinary circumstances affecting his particular piece of property, and
2. That without such relief he will suffer substantial hardship or will be put to unnecessary practical difficulties.

This case, and there will be others similar to it, is peculiarly difficult.

These are extraordinary circumstances affecting this property. The war, with the necessity of conserving strategic building materials; the sudden influx of over three hundred families with no provision having been made for adequate shopping facilities; the rubber and gas shortage which make what were normal shopping habits impossible; all of these things are very unusual conditions which might be said to affect this property -- with

an existing non-conforming store, and an illegal extension of that store located on the property.

For the owner to prove that he will suffer substantial hardship if this application is not granted would be impossible to do. For years he has operated a store, and did not feel abused or that his property rights were being infringed. Now his business is so much better than it was, how can he say that he will suffer hardship if he is not allowed to make it better still? No, in this pecular circumstance, the hardship, if the store activities are curtailed, will be born by the families living across the street. The Board in this case, might construe hardship to the "owner" to include the public at large affected by your decision in this matter.

If the Board decides that the applicant has proven the unusual conditions affecting his property, and the hardships, there remains only the determination that to authorize the variance will be in the interests of the public good, and will not be contrary to the intent of the Zoning Ordinance. It would certainly seem that the public good will best be served by allowing existing structures, whether legal or not, to be used during this present emergency, thus conserving not only the strategic materials necessary to erect conforming structures, but releasing additional labor required for such construction for other work. The traffic conditions along that highway, however, must be carefully taken into account. The cars of both patrons of the store and trucks delivering goods to be sold should not be allowed to park either on the highway or on the narrow strip immediately in front of the store building. Parking facilities with safe means of ingress and egress should be provided. If that can be done, the public good will suffer no damage.

To preserve the intent and purpose of the Zoning Ordinance, the Board should remember that they are dealing with an existing extension which has already been declared illegal by the Court. While under the provisions of the ordinance, they are authorized to permit the extension of a non-conforming use throughout an existing building if no structural alterations are made, by the very grant of that limited authority they are prevented from authorizing an extension to a non-conforming use which involves the erection of an addition for such use. It is only the strictures of war that made a variance possible. Upon the termination of the war, the special conditions affecting the property cease to exist. It would seem then that only the granting of a temporary variance could safe-guard the intents and purposes of the Zoning Ordinance, to be effective for the duration of the war and a reasonable period thereafter, to give the owner time to remove the illegal porch on the front, and make such other disposition of his building as meets with the provisions of the Zoning Ordinance. The owner should be asked to post bond and record with the County Clerk an agreement with the Board of Zoning Appeals that he will remove the porch

upon the termination of the emergency, and provide such parking facilities as will safe-guard the traveling public.

Mr. Walker moved that the Appeal of Mr. Max Stein for "The erection of an addition to a store", dated February 27, 1942, be denied because this Board has no authority under Section XII of the Ordinance to allow an addition to a store, necessitating structural alterations, when the use of said store is non-conforming to the district in which it is located. This motion was seconded by Mr. Dawson, and the vote was unanimous.

The following motion was then made by Mr. Dawson, seconded by Mr. Walker, and unanimously carried:

"The following evidence has been brought out in this case, namely:

1. There is urgent need of additional commercial facilities, over and above that which would exist if Mr. Stein removed the enclosed porte-cochere now being illegally used as an extension of his non-conforming store.
2. Due to the war and the scarcity of labor and materials, it is impossible to erect new shopping facilities, to take care of this imperative consumer demand.
3. Due to transportation difficulties, the shopping habits of the residents of the area have been changed, in that they can no longer drive to other shopping facilities.
4. The Little River Turnpike, while it is now being widened in this vicinity to a 40' pavement, with curb and gutter, is becoming an increasingly important major highway, with trucking, cross-country and local busses. These conditions make it imperative that off-street parking, with safe means of ingress and egress be provided. Cars should not be allowed to park either on the state right-of-way or on the strip of land between the curb and Mr. Stein's store.

In view of this evidence, I move that the Appeal "For the erection of an extension to a store, having less set-back than required by the Ordinance, which erection amounts to the enclosing of a front covered driveway", dated March 27, 1942, be denied, but a temporary variance be granted, subject to the following conditions:

I. That off-street parking, with safe means of ingress and egress, be provided, to the satisfaction of this Board.

II. As the conditions for this variance depend on a temporary war emergency, and this Board would have no legal authority to grant this variance except for the emergency, the granting of this variance shall in no way be construed as giving legal sanction to the enclosure of the porte-cochere.

III. That the porte-cochere be removed upon the termination of the emergency, when building materials again become available.

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IV. That the Board of Zoning Appeals shall determine when the emergency is over.

V. That Mr. Stein record with the County Clerk an agreement with the County of Fairfax, particularly the Board of Zoning Appeals to the effect that within six months after the termination of the emergency, the porte-cochere will be removed, and that adequate off-street parking will be provided, within a reasonable time, not to exceed thirty days.

VI. That Mr. Stein will post bond satisfactory to this Board, insuring the performance of the above mentioned conditions.

The Clerk was instructed to advise appellant's attorney of the finding of the Board.

Thereupon, the meeting adjourned by unanimous consent.

T. J. Stockton.
Chairman.

Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at Fairfax, Virginia, at 11:00 A. M. on Monday, November 23, 1942. Present: Messrs. T. J. Stockton, S. Cooper Dawson, Sr., Douglas S. Mackall, Jr., William C. Walker, Thomas I. Piggott. Mr. T. J. Stockton, the Chairman, presided.

The first case considered was an application by August H. Hanson for permit to erect a garage with less side line clearance than required on Lot #47, Section 1, of Greenway Downs Subdivision. Mr. White, the Zoning Administrator, stated the dwelling house was built before March 1, 1941, and that it was on a 50 ft. lot. The owner could not find out who owns the lot on the north which is vacant. The person on the other side has no objections. The property is low and the owner is setting out shrubbery.

Mr. Dawson asked if the Board was going to allow the garages to be put closer to the side line, and Mr. Stockton replied that there seemed to be quite a difference of opinion as to how close it should be. Mr. Dawson then asked if it would come as close as twelve inches. The Chairman then stated that Arlington allows this, but still did not know about this County. Mr. White said there was twelve feet from the side of the house for the road. The Chairman stated that under the conditions there was no reason why the Board couldn't allow the permit to be given. Mr. Walker asked the type of material to be used and was told by Mr. White that it would be cinder block and concrete, the house being frame. Mr. Piggott noted that there was a time when the garage had to be built so many feet from the house and was told by Mr. Mackall that this was on account of insurance, but did not apply anymore.

Mr. Mackall then made the motion that Mr. Hanson's appeal to be permitted to build the garage within 2 feet of the sideline be allowed because the narrowness and topography of the lot are such as to cause exceptional practical difficulties to the owner and impose exceptional and undue hardship upon him if a strict application of the regulations be required. Mr. Dawson seconded and the motion was unanimously carried.

The second case considered was an application by Mr. George R. Herring for permit to erect either a dwelling or tourist cabin with less than required setbacks, on his Lot (G) east of U. S. Highway #1, near Penn Daw. Mr. Dawson stated the lot was 43 feet deep, and asked if the adjoining street had been dedicated. He was told that it had been. The Chairman then asked Mr. Herring if he were allowed to build one cabin would he contemplate building more. He replied that it was a small space and he was only putting a small building on it, and that the ditch was the dividing line. The owner also stated that he would not want to build anything else there at a later date as it was too rough and was on a large bank. Mr. Stockton asked if there was a place to turn around and the owner replied that there was nothing down there for that at all. Mr. Herring then stated the branch was the line and that he had spent $1000. for the ditch for dirt, etc. He mentioned that he owns land bordering the street, and that nobody joins the street but himself. Mr. Stockton said he didn't see any particular harm in the one building, but thought there should be some space to turn around in. The owner stated there is a fifty ft. street there, and the area of the lot is thirty-eight thousand square feet, the other lot has 10,742 square feet. The Chairman then stated the procedure was a little bit wrong as the building is already half built, but the owner replied that he figured if he couldn't build a house he could build a utility shed and wanted to get a permit for that. He said it was going to be brick veneer and built nicely, size 22 x 22. He added that the house across the street belonged to him. Mr. Dawson asked how long he had owned this piece of land and was told two years. Mr. White then asked when the strip was cut up into its present shape. Mr. Herring replied that this was done in 1938.

Mr. Dawson then stated he thought this was about the only thing that could be done with this land on account of its shape, and made a motion that the application for a dwelling be granted under the Variance Clause of the Ordinance. Mr. Mackall seconded and the motion was carried unanimously.

There being no further business, the meeting was adjourned by unanimous consent of the Board.

T. J. Stockton
Chairman.

December 28, 1942

Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at Fairfax, Virginia, at 11:00 A. M. on Monday, December 28, 1942. The full membership was present -- T. J. Stockton, Chairman; S. Cooper Dawson, Sr.; Douglas S. Mackall, Jr.; William C. Walker; and Thomas I. Piggott.

The first case considered was an application by Lewis A. Hill for permission to convert the attic of his garage into a three-room apartment, on Lot 4 of Powell's Subdivision, Bailey's Crossroads, Falls Church District. Mr. Hill was not present at the meeting, but was represented by Mr. Charles Pickett, Attorney at Law. Mr. Stockton stated he understood Mr. Hill applied for a permit December 5, 1940, to construct his garage; that there was very little information on the building permit and it said nothing at all about anything other than the garage. The building is of frame construction and there was no commitment as to when he had to finish it. Attached to the permit was a letter written by Mr. James, Deputy Commissionerof Revenue, to Mr. Hill as follows: "Please advise this office if you have completed your building that was partially built on January 1, 1942. If so, please enumerate what you have done and what it has cost you, and does this cost price have in it an allowance for your labor and how much other labor did you perform." It was signed G. M. James, and the answer was written on the bottom of the letter, "No additional work since January 1, 1942, except siding at a cost of $85.00." Mr. Stockton read the above letter to the members of the Board.

Mr. Pickett stated that Mr. Hill planned in 1940 to put some living quarters above the garage and that he planned to rent it. Mr. Stockton said under the Zoning Ordinance that would not be permitted as a separate housekeeping unit, but that if he started building before the Ordinance became effective he felt that it would not apply in this case. Mr. Pickett noted that the building was in an area accessible to Washington and that there was a housing shortage at the present time. Mr. Mackall asked if the building was close to any other building and was told by Mr. White, the Zoning Administrator, that it was about ten or fifteen feet from the house and that it has to have a separate heating unit. Mr. Pickett stated that Mr. Hill would have the septic tank question settled with the Health Department. Mr. Mackall asked if there was any difference in putting living quarters to rent above the garage than in putting servants' quarters there. Mr. Dawson answered by saying if the provision was made for allowing servants' quarters to be built, no one would ever know whether it was being rented or not. Mr. Pickett asked if the fire hazard was the main problem and was told by Mr. Stockton that it was, also the density problem entered into the situation because of two families

being on one lot. He stated it would be all right if they had twice the area required for a single house. At the time Mr. Hill applied for the permit the estimated cost for erecting the building was $400.00. Mr. White stated that the cost was usually underestimated and that it was for the Board to decide whether Mr. Hill's intentions were at the time to build an apartment above his garage, and if so, whether or not that brings him within the provisions of the Zoning Law. Mr. White further stated that he had no doubt that Mr. Hill intended to use the upper part of his garage for an apartment or something; however, he had not proceeded very rapidly. The Administrator said he felt that Mr. Hill couldn't convert this space into housekeeping apartments under the Zoning Ordinance and he had told him this would have to be settled by the Board. Mr. Stockton asked if Mr. Hill intended to put plumbing facilities in the building and was told yes. Mr. Pickett said he was going to heat the apartment by stoves as he couldn't put a furnace in. Mr. Stockton then asked the Board if they would like more information or did they wish to act. Mr. Mackall made the motion to grant Mr. Hill permission to complete his plans to convert the top of his garage into an apartment because he felt that Mr. Hill had started it with that purpose in view before the Zoning Ordinance became effective, and that he should be allowed to complete it. Mr. Piggott seconded the motion and it was unanimously carried. Permission was granted Mr. Hill on the ground that he had started the construction before the Zoning law was passed.

The second case considered was an application by Mr. Frank R. Turner for permission to erect a garage with less setback than required by the Zoning Ordinance on Lot 5, of Fairland Subdivision, Falls Church District.

Mr. Turner was asked by Mr. Stockton if he had any plans other than the one submitted to the Board, and he replied that he had not. Mr. Turner told the Board the place he selected for his garage was the most desirable location, and he already had the foundation up and the driveway was built. He stated that he did not know he had to be a certain distance from the line, but it was going to look all right. Mr. White asked if the garage was going to be frame and was told that it was, and the foundation was to be of cinder block.

Mr. Stockton asked Mr. White if he would like to make some comments on the case. Mr. White said if there was any logic in the ordinance it seemed to him it would apply there in prohibiting the erection of a frame building only seven feet from the lot line; however, if the Board is considering regulations to lower the distance to five feet, then he thought there was no reason why it should not be permitted in this case. He stated

he was not sufficiently informed as to whether seven or five feet was enough space to lower fire hazard. Mr. Turner stated these are 100 foot lots. Mr. Dawson said, in consideration of the fact that the Planning Commission will probably recommend changing the side lines to five feet, he moved that the permit be granted to Mr. Turner to erect the garage. Mr. Piggott seconded, and the motion was unanimously carried.

The third case considered was an application by Mr. John J. O'Marr for permission to erect a Multiple Housing Project, under Section XII, subsection F. 5, of the Zoning Ordinance, to consist of twenty-four buildings of eight apartments each, on the south side of Little River Turnpike, just west of Lee-Jackson High School, in Falls Church District.

Mr. Mark Frielander accompanied Mr. O'Marr at the Board Meeting. Mr. Frielander explained that Mr. O'Marr has undertaken to put up this Multiple Housing and that he has taken action for priority so that he can erect these houses. Mr. White asked him if the original plan didn't call for a number of small houses. Mr. Frielander replied that it did, but they were combining them into four buildings so they could use the same heat. Mr. O'Marr stated that under the new regulations the F. H. A. wanted the garden effect and also one heating plant that would take care of each group. He said they would have a recreation room and every apartment would have an outside room that would look on the garden. Mr. Frielander then showed the Board a plan which he stated was drawn by an architect. Mr. O'Marr said he would have to have $6,000.00 worth of work done by an architecht before he could even submit plans to the F. H. A for approval. He stated that there would be plenty of parking space and storage space. Mr. White explained to the Board that the original owner who got a permit to build this project had not done so and had passed out of the picture, and Mr. O'Marr took over and had revised the plans which called for small buildings and now he wanted four larger ones. Mr. O'Marr stated there are fifty apartments in each group, or 196, to be excact, in the whole lot.

Mr. Dawson asked what would be the approximate rental price of the apartments and Mr. O'Marr replied that he expected those to be $49.00, including water, lights, etc., and he added that 96 of them were three-room apartments and 96 were four-room apartments.

Mr. Stockton told the Board that as far as the Planning Commission was concerned, the picture had changed since the granting of the former permit because since that time they have tentatively adopted a master plan of density for that portion of the county, and have designated another area for high density development and some permits have already been granted and construction has already begun. The question was brought up as to whether

dwellings could be built on this property, and Mr. Frielander said it was doubtful as the railroad ran on one side. Mr. O'Marr stated there are sixteen acres just for the grounds, and that he would have no trouble getting bathroom equipment. He further stated that he had to have all the equipment on the job before he could get the construction permit. He told the Board that the buildings were to be of brick construction and some were to have flat type roof and the others would have the Johns-Manville built-up roof of asphalt shingle. Mr. O'Marr did not have his plans as to the thickness of the walls, but he said he understood the architecht has arranged for them to be twelve inches above the first floor and nine inches above that. They are to be two-story buildings and some will have three stories if the basement is counted. Mr. O'Marr stated that this project is an exact duplicate of the project in Washington, D.C. known as Livingston Manor.

Mr. Stockton then asked the Board if they were all familiar with the section where the project was to be built, and if there were any further comments. Mr. Dawson made the move that the Board talk over the case in executive session before a decision was reached. Mr. Frielander and Mr. O'Marr then left the room.

Mr. Dawson then told the Board he thought the main problem was the density proposition, and he stated that he thought it was a bad investment because it would be so hard to keep clean as there are approximately 150 trains passing by each day only fifteen hundred feet away, so that they will still get the smoke. He also expressed his opinion that he thought the project would become a slum when the present emergency was over. Mr. Mackall then asked how much land was in the project, and was told by Mr. White that there were 16.4 acres. Mr. White told the Board that Mr. O'Marr was borrowing the money from the Government to put up the houses.

Mr. White then introduced the subject of residential development in that section. Mr. Dawson said that Mr. Cockrell had a beautiful home near there, but this particular tract was very low and he thought this project might be the best thing that could be put there. He also said he thought this would pay the county more than a lot of individual homes built cheaply. Mr. Stockton then suggested that this case be referred to the Planning Commission for more extensive study. Mr. Mackall inquired if it would harm the Board to grant the permit, and was told by Mr. Stockton that it is a question of whether there is any validity as to the long-time angle about the emergency. Mr. Mackall told the Board that they all knew that an emergency existed and that stringing

the case along may result in killing it, and it was possible that individual homes of cheaper construction will be put there. Mr. Walker suggested that it might encourage other people to build something worth while nearby. Mr. Stockton said he did not believe the emergency was so acute at the present time. Mr. White said he thought the plans were very attractive.

Mr. Stockton told the Board that the setbacks shown on the plan submitted by Mr. O'Marr were not in order. Mr. Mackall suggested they leave the decision up to the Planning Commission. Mr. Stockton said the Planning Commission should give the Board a report, and then they could decide. At this time, Mr. Dawson moved they refer this case to the Planning Commission for report to the Board of Zoning Appeals. Mr. White asked whether the Planning Commission is free to take this matter up at the present time, and Mr. Dawson added that the Board would want the report back by the next meeting on January 25, 1943. Mr. Dawson remarked that a lot of the builders start a project, run into financial difficulties, and so forth, and finally decide to drop the whole business. Mr. Walker seconded the motion made by Mr. Dawson to refer the case to the Planning Commission for report, and the motion was unanimously carried.

Mr. White asked the Board what they wanted from the Planning Commission and was told by Mr. Dawson that they should study the roads and the setback. Mr. White replied that Mr. O'Marr would have to change those in any case to comply with the law. Mr. Stockton stated they would like a report as to how this project would affect the massed plan for density for the county, and he added that it was their aim to relieve traffic through Alexandria. Mr. O'Marr and Mr. Frielander entered the Board of Supervisors' Room at this time. Mr. Stockton told them the Board had studied the case and they felt they should have more information and were referring it to the Planning Commission for study and their report should be ready by the next meeting of the Board. The Chairman also told Mr. O'Marr that he thought there would still have to be changes in the setbacks, to which Mr. O'Marr replied that the reason they were moved was because of the contour of the land. Mr. O'Marr stated there is to be 640 square feet in each apartment and that gas would be installed; he added that there would be four and a half square feet of lumber to one square foot of floor space.

The next case considered was one that has been brought before the Board previously. It was an application by Max Stein, represented by Andrew W. Clarke, requesting permission to erect an addition to a store

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on Lots 21 and 22, in Cameron Park Subdivision, on the south side of Road No. 236, about 400 feet east of Lee-Jackson High School, in Falls Church District, zoned as Urban Residential.

Mr. Stockton told the members of the Board that in a previous meeting they had granted the permit on certain conditions, and had directed the Clerk to write Mr. Clarke a letter on the 28th stating that the Board had granted the permit subject to those conditions. Mr. Stockton also stated that to his knowledge he had never gotten an answer to the letter, and he wrote again to Mr. Clarke on December 11, 1942. However, continued Mr. Stockton, Mr. Clarke did answer the first letter on November 31st and it was misplaced somehow, so that he did not notice it. The letter written to Mr. Clarke on December 11th seemed to have annoyed him considerably and he wrote Mr. Stockton stating the fact. Mr. Stockton then read a letter of apology to the Board for approval before sending it to Mr. Clarke. Mr. Stockton told Mr. Clarke the Board had not decided on any amount for the bond, but he contemplated Five Hundred Dollars, and further stated that this is simply for providing parking facilities. The Board agreed that bond of $500.00 would be all right. The Chairman then stated that Mr. Paul E. Brown, Commonwealth Attorney, had expressed the opinion it would be better if Mr. Clarke wrote the bond himself, and he, Mr. Brown, had no time to write it.

There being no further business, the meeting adjourned by unanimous consent of the Board.

J. J. Stockton
Chairman.

January 25, 1943

Minutes of the Board of Zoning Appeals held in the Supervisors' Room in the County Office Building at Fairfax, Virginia, at 11:00 A. M. on Monday, January 25, 1943. The full membership was present -- T. J. Stockton, Chairman; S. Cooper Dawson, Sr.; Douglass S. Mackall, Jr.; William C. Walker; and Thomas I. Piggott.

The first case considered was an application by Willis Roberson for permission to erect a front porch, with less than the required setback, on his dwelling on (Old) Road No. 28, about one-half mile south of Centreville, in Centreville District.

The Zoning Administrator, Mr. White, stated that this was one of those cases which he ought to have authority to approve; that the house was now closer than the required setback to the old road; that it did not have a front porch and that the addition of a front porch would bring it within more than twelve feet of the forbidden line; that it was not a question of enclosing an existing porch. In answer to an inquiry by the Chairman as to the future width of the road, Mr. White replied that since the road had been straightened, the new road came down in an ellipse behind Mr. Roberson's house and that the road on which the house was situated was now a by-pass and not a main road. The Chairman asked if the old road was still under State maintenance, and Mr. Roberson replied that the State still kept it up, but that it was just a dirt road with a few people living on it, and that it crossed over the new road again beyond his house. The Chairman stated that there was an existing thirty foot right-of-way on the road in question, and he saw no reason why it would be increased and asked Mr. Smith, Resident Engineer for the Highway Department, for his opinion. Mr. Smith replied that he did not see why it would be increased. The Zoning Administrator expressed the opinion that the purpose behind that requirement was to protect traffic and prevent fire hazard, and that those questions did not arise in this case, and that in a case of this kind he felt the Zoning Administrator should have authority to grant such a request instead of requiring a man who has an existing house and wants the convenience of a front porch to appear before the Board; that he felt the Zoning Appeals Board was appointed to take care of exceptions where a new house was being built. Motion was made by Mr. Piggott, and seconded by Mr. Dawson, that permission be granted because the road could not be called a main road, that practically all the traffic would be on the new road and there would be no future traffic hazard in the normal course of events. The approval of the Board was unanimous.

The second case considered was the application by Laura Hootman for permission to conduct a kindergarten in the basement of her dwelling on the south side of Road No. 636 about one and three-quarter miles south and

west of Alexandria, Virginia. The Chairman read a letter addressed by the applicant to Mr. White stating that because of the gasoline and tire shortage it was not practical for her to come to Fairfax to attend the meeting, that she did not contemplate any objection being raised to the use of her basement for the benefit of the children in her neighborhood whose parents were prevented by the said shortage from taking their children to commercial kindergartens in Alexandria, and requesting that if any objection was raised that her application be tabled until the following meeting of the Board in order that applicant might be present with a petition signed by her neighbors and the parents who had asked her to start this kindergarten in order that their children might have advantages not otherwise available. The Chairman said that in discussing the matter with the Zoning Administrator, they had thought there should be some investigation made as to the sanitary facilities available, and whether there was proper light and air. Mr. Mackall inquired if there had been any objection, to which Mr. White replied that there was apparently none at all. Mr. Dawson expressed an opinion that there ought to be an investigation as to possible fire hazard. Mr. Walker stated that school regulations as to light and space would have to be complied with. Mr. White stated that he thought it was up to the Health Department, as she could not conduct the school even if given a permit by the Board unless she complied with the health regulations. Mr. Mackall moved that permission be granted subject to the approval of the Health Department, which motion was seconded by Mr. Piggott and unanimously carried by the Board.

The third case to be considered was the application of the Virginia Department of Highways for permission to locate and operate temporarily a State Road Construction Camp on about twenty acres of land on the south side of Road No. 50, just west of Chantilly, in Centreville District. The Chairman asked Mr. W. F. Smith, Resident Engineer of the Highway Department if they had any other camp available, to which Mr. Smith replied that they did not and that the facts were stated in the application. Mr. Travis and Mr. Smith who stated they were the owners of a property in the neighborhood of the proposed camp and which was known as the "Wagstaff Place", requested exact information as to the location of the camp, which was given them by the Highway Engineer with the aid of a map. Mr. Travis stated that they were worried about the proximity of the camp because of the remoteness of their own position in the event of any trouble or break, as they were only about one mile from the road in a very isolated and secluded position, and that the three women in their family were alone while the men were at work. That he and all those present would regret

it if there should be any unfortunate occurrence there; that in rural areas the police protection was not as good as in urban areas, as it was hard to reach the police and also hard for the police to reach the spot where trouble might occur. The Chairman asked if he had a phone, to which Mr. Travis replied that they had, but that it did not work so well. He stated that he knew the probabilities were that any escaped inmates of the camp would not linger in the neighborhood, but that they might possibly linger long enough to break in his home and secure clothing and other things necessary to make a successful escape, and that he was wondering if they could feel safe about the proximity of such a camp. The Resident Engineer replied that there had been no breaks for a number of years in the camps, and in answer to a query by Mr. Travis as to whether the real felons or murderers were sent to these camps, he stated that he would not say they did not have some right tough ones, but that they were under a special guard and were separated from what they called "jail birds"; that is, the short-term men who were in for six months or ninety days; that it might seem odd, but that there were some very nice fellows in those camps -- good citizens from all over the State, in for minor offenses; that the most extreme cases were of course kept in the penitentiaries and that the long-term men in the camps were usually there after they had established a reputation in prison for good behaviour; that the desperate characters would be too much of a hazard to the community and to the men in the camps themselves, and they were usually kept in the penitentiaries. That such men as they felt were a little tough were particularly guarded and would be used in the quarry to be located by the Highway Department and not used on the open highway. He further stated that in view of the fact that it was his opinion the persons living in the vicinity of the camp would have better protection because of the ten or twelve police officers in charge of the camp who would be available in an emergency, and that they would find there would not be much trouble in the community or from the outside where trouble makers knew the camp was located. He also stated that the men in the camps were counted and accounted for a number of times a day, and there was little chance of an escape without immediate detection -- in fact far less danger than from some ruffian coming in from the outside with no record at all.

Mr. Travis then asked if the Board thought the location of the camp would favorably affect the value of property in the vicinity in case of a sale. The Resident Engineer replied that he was bound to say it would not be considered favorable, but that on the other hand he did say they had had other camps in communities where there had been some objection when the the camp first moved in and they had had no objection from anybody after the camp was settled and the people knew how well it was conducted and

that there was always objection raised to moving the camp away, as had been the case when the camp was located near Miss Madeira's School. Mr. Walker and Mr. Stockton both stated they understood there had been more objection to removing the camp than there had been to its establishment. Mr. Mackall also stated he had lived near the camp and had bought property near the camp and that it had not affected values. Mr. Travis asked the Resident Engineer if it was necessary to locate the camp right at the side of Route 50, and was told that the camp had to be adjacent to the road particularly because of the need for electricity and convenient location to the project, and that it was desirable to be near a community such as Chantilly; that the location was ideal from the point of view of the Highway Department. Mr. Travis stated that he did not know just what to say; that they were progressive people and believed that such things should be done, but was only wondering whether any of the Board felt it would be helpful to property values; that Mr. Smith had been very frank and very fair, and that they certainly wanted to be but did not want their property values harmed and wanted to know if the State would give them a bond to protect them against decrease in property value. The Resident Engineer replied that they could not do that. Mr. Mackall stated it was the experience in his community that property had sold higher after the camp was there than ever before, that he did not believe the camp hurt it at all, but had in fact helped the neighborhood, in which Mr. Walker concurred. The Chairman stated that the general comment had been very favorable and it was his opinion, in view of past experience in the localities where these camps had been constructed, that there was little, if any, possibility of detriment to Mr. Travis' property. After some further discussion of the matter, Mr. Travis stated that it was his understanding that the Zoning Ordinance is supposed to protect property values, to which the Chairman replied that its purpose was not to protect property values directly. Mr. Travis replied that he understood the Board could prevent the erection of a hot-dog stand being erected across from a $25,000.00 residence. The Chairman replied that they might stop the hot-dog stand, but they could not stop the erection of a $200.00 shack, because the Zoning Ordinance had nothing to do with building codes, but only regulated the type of use. Mr. Travis stated that as he remembered the discussion of that ordinance when it was before the Board of Supervisors for adoption, those were the points stressed carefully and accurately by the proponents of that ordinance; that they were all told as to the protection they would get so that their property would not depreciate by virtue of various types of things brought into the community. The Chairman

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replied that that was true in a sense, but that the Board could dictate the type of building, they could only dictate use. Mr. Mackall expressed the opinion that widening the road would increase the value of property and that it could not be widened unless the camp was located where the men could stay and do the work; that it was a temporary thing and that the widening of the road would increase the value of the land more than the proximity of the camp would decrease it, and that he had bought property close to the other camp while the camp was there. Mr. Walker stated that he personally felt he would much prefer having the camp near his own property if it meant having the road widened. The Zoning Administrator said he had a great deal of sympathy for Mr. Travis' position, that he thought they all understood it perfectly, but in view of the statement of the Resident Engineer and his description of the manner in which the men in the camps are guarded and the conditions under which they work, and the experience of others who have had these camps located near them, he did not think the risk was appreciably increased by having the camp there and was more than overbalanced by the public function, that he was, in fact, inclined to agree with the Resident Engineer that it was an additional protection. He further stated that his own case, while not identical, was somewhat similar as he lived down at Springfield and not very far from Lorton Reformatory, and that occasionally those men escaped and came through Springfield heading for the railroad, which was right through his place; that he had never had any trouble, that as soon as the escape was made officers were immediately dispatched to Springfield and all those roads around there were guarded; that he and his family had never been troubled in the least, but because of his own situation he had ground for sympathy with Mr. Travis' apprehensions, although he did not believe they were well-founded. Mr. Travis asked if all of the gentlemen present voting on this matter would be perfectly willing for the camp to be located at about the same distance from their property. Mr. White stated that he was not voting, but he had to administer the law and that he would not have any apprehension, but would feel rather secure. Mr. Travis said he asked the question in good faith as he wanted to feel as if each and every one of those present if he were in the same position would be willing to have a similar situation confronting him. After some further discussion and reiteration of the views already expressed, permission to locate and operate the camp was unanimously granted upon motion by Mr. Mackall, seconded by Mr. Walker.

The Board next considered the case of Mr. John J. O'Marr which was deferred at the last meeting, in order that the Board might have the benefit of a report from the Planning Commission, and pending the approval of the Health Department as to the sanitation, water, etc. The Chairman stated

that unfortunately the Planning Commission had not acted or furnished the report, but that he as a member of that Commission could make this comment:

"At present the land abutting the Pike on either side is zoned for urban residence, recognizing the desirability for an area of high density, single family residences adjacent to the land zoned for industrial purposes. At the time the Zoning Map was originally drafted, the Planning Commission felt that this would be the logical development of this area and that as the county was fortunate enough to attract industry, this would become the most favorable location for low cost housing to serve such industry.

"Since the War, however, the picture of the whole area west of Quaker Lane has changed. In Alexandria, just a little east of this proposed development, some 3200 dwelling units have recently been completed in addition to those that have already been completed since 1941. This enormous building program is a war necessity, but as soon as the emergency is over, these dwellings will come into direct competition with housing in the more outlying sections. Unless it can be shown that the permenent housing to be built in Fairfax County is so located, and is of such quality that it can compete with similar housing much closer to the source of employment in Arlington or Washington, the county may find that it is actually encouraging a development which may well become a slum."

Mr. Dawson asked if that were the report of the Planning Commission to which the Chairman replied that it was not, but was just his individual view, and that he felt that although the Commission has not formally acted, from the reports it had made on other projects of similar nature that the thought he, himself, had expressed would more or less be the thought behind the report of the Commission. He stated that in the preparation of the Master Plan, the Commission had located a high density area -- in fact two of them -- for this type of development, and that that location had been chosen with regard to the roads, the distance from Washington and the probable location of the places of employment of the people who will occupy these areas, and that some considerable development has already been started in these areas. That of course the other angle in mind, from the point of view of the County, with those considerations in mind, is to more or less concentrate this type of development and not scatter it. The Zoning Administrator then said, "I am not opposing the views of the Planning Commission or Mr. Stockton, but it would seem to me that that territory there immediately adjacent to Alexandria would be peculiarly suited to a high density development, and if we don't allow a proposition of this sort, under proper controls we can exercise, to go in there, I am afraid since it can't be used for anything else there are people who will put in just shack

houses, or very cheap individual houses, and the revenue to the county would certainly be far less with that type of building than it would be with such a development as is proposed here." Mr. Stockton replied, "That reasoning may be all right; certainly that could be applied to the whole county. In other words, we definitely know we can't control the type of structure put up, so we can more or less say then we recommend apartments everywhere in the County as opposed to single-family residences." Mr. Mackall inquired how far the proposed development was from Alexandria and was told it was about a mile from the Alexandria City limits, or less, and across from the high school. Mr. Mackall expressed the opinion that that area would soon become a part of the city. Mr. Travis then stated that while he was attending the meeting because of his interest in the question of the road camp, he and his family were also property owners along Quaker Lane and were interested in this case also. He asked if the project was to be built by private development, and Mr. O'Marr replied that it was financed under Section 208, and would be owned by a private corporation. Mr. Travis then said it was probably being financed by the Federal Government and cited the history of Cameron Valley development and stated it had not glorified the landscape particularly. Mr. Frielander , who accompanied Mr. O'Marr, stated that this development was nothing like that. Mr. Travis inquired how much these units were going to cost and Mr. O'Marr stated that the plan they were presenting was almost identical with one of the outstanding plans in Washington, to-wit, Livingston Manor being constructed in southeast Washington, and went fully into the details which were given to the Board at its meeting on December 28, 1942. He stated that they were using the Livingston Manor blueprints in presenting the information to the Board, as the final detail drawings of their own project would cost about $6500.00 and they did not want to incur that expense until after permission had been granted to proceed. Mr. Travis wanted to know how many children would be living in these buildings, and Mr. O'Marr replied that he endeavored not to rent to families with children and that apartments of this type were designed to appeal principally to families without children. Mr. Travis then inquired if the project was going to pay its way in taxes, and cited the cost of educating each child in the county and his apprehension that the taxes paid to the County on the entire unit would not be sufficient to educate the children occupying it. There was considerable discussion of this point, and Mr. Mackall expressed the opinion it was not a matter for the Board to decide, and that same land if subdivided and developed in single-family residences might attract families with many children. Mr. O'Marr called attention

to the fact that in the Federal Housing Subsistence Homesteads such as Cameron Valley about which Mr. Travis was complaining the houses were not supposed to be paid for in rentals and were for those whose incomes were less than $1400.00 a year; that his project was not in the same class and each unit was expected to rent for $52.50 to $64.00 a month, that it was a high-class project and that sewer, water, gas, electricity and everything was included in the rent; that the rental was the same as in the District of Columbia. After further discussion of the tax question, Mr. Kelley, who also accompanied Mr. O'Marr, went over the blueprints with the Board and stressed the fact that the project was designed with an idea to improving the general landscape and preventing a cheap housing development on the land, which he considered not good agriculturally or for high class residential development, and expressed the opinion that the development would unquestionably be permanently occupied by the type of persons employed in the Navy Yard, the Torpedo Plant and the War Department, all of which are within a convenient commuting distance, in addition to the short distance to Alexandria. Mr. Mackall then asked Mr. Dawson for his opinion as to any other purpose for which the land might be used and if it would be good property for large residences. Mr. Dawson replied, "Not large residences, no." Mr. O'Marr stated that the builder who built the development was taking a tremendous gamble by going into competition with apartments across the way renting at $26.00 to $23.00 , whereas he was trying to rent for $52.50 and $64.00, that the builder takes all the gamble and that it was not a cheap proposition because the Government set-up was to loan $1,000.00 a room; that it was a taxpaying, privately owned corporation operating a development comparable with high class developments in the District of Columbia. The Chairman replied, "What you said is very true. The developer takes the gamble as you pointed out, and that gamble is still more increased after the War. That is what I tried to point out in my expression of my views at first, and I feel that after the War you are not going to be able to compete, and then what is going to happen?" Mr. Mackall observed that everyone said the same thing after the last War and it had not seemed to make any difference. Mr. Kelley cited a recent article in a real estate journal which had said it had never been shown in history that the people re-migrated who had come to the cities in times like this. The Chairman replied, "I don't say they re-migrate. I say nobody will pay that price for an apartment when they can get a better apartment for less and more ideally located as related to public services and utilities." Mr. O'Marr said, "I think you are making a mistake under the present circumstances of selling the Metropolitan District of Washington short. I personally think, to be conservative about it, that the Metropolitan District in five years will have at least two million people" --

and continued with a discussion of the crowded conditions in Washington and the need for development of the outlying areas. He stated he did not anticipate that after the war the rentals would drop because he felt this section was growing very rapidly and we would find in the next two or three years that such developments as his would not be a drop in the bucket and there would be need for many more. Mr. Travis then objected to the fact that the project would be started after the first of the year and so not taxable until 1944. Mr. Frielander stated it was not contemplated to evade taxes, but that these things take time. Mr. Travis then asked if the area was zoned as an industrial area and if it was not the sole industrial area and the only place where industry can go. The Chairman replied that the proposed development was not in the industrial area, but was zoned as urban residential, and adjacent to the industrial area.

The Chairman then asked Mr. Corbalis, the Sanitation Engineer, for his opinion about water and sanitation. Mr. Corbalis replied, "As yet there have been no plans and specifications presented, but I feel that a satisfactory project could be developed there if they can get the water from the City of Alexandria. As I have told Mr. O'Marr, the County at the present time has no means of providing sewage facilities for them and it would have to be up to them to supply their own project and outfall line across to the trunk line. Mr. Dawson stated the Board did not have the right to pass this unless the water and sewage were provided for. The Chairman stated if it was passed, it would have to be passed subject to that and to another condition which he would explain. Mr. Mackall then asked if the only objection was the tax situation, and Mr. Travis replied that it was, and gave his further views on the subject. Mr. Piggott asked if the property would depreciate after the war, and Mr. O'Marr explained that under the F.H.A. set-up there was a certain amount set up for obsolescence, depreciation, replacement, etc. as a reserve fund and explained briefly. Mr. Mackall made a motion to grant subject to approval of the Health Department. The Chairman stated the permit must also be subject to Zoning Ordinance Section XII, F - 5 (g), as to the presentation of final plot plan, and read the section in question to the Board, and recalled to the Board that the action in other cases was to grant permission subject to approval by the Health Department and by the Planning Commission after an approved plan had been worked out by the Planning Technician. Mr. O'Marr stated he had the same plans with him on which he secured the commitments from F. H. A. The Chairman stated that the procedure in Mr. Mills place, instead of tying him down to the preliminary plot plan was to allow him to work out a plan with the Planning

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Technician in order to give them an opportunity to work out changes before final approval. Mr. O'Marr stated that what they wanted was simply the "go-signal" so that all this work would not be futile and unnecessarily expensive; that they were going to comply with all working conditions of the Health Department, the Zoning Board and that sort of thing. The Chairman replied that that was what he meant, and that all this would be ~~would be~~ the "go-signal". Mr. O'Marr replied that he realized they would have to comply with all the regulations. The motion made by Mr. Mackall was then seconded by Mr. Walker, and the Board by a vote of three to one (Mr. Dawson dissenting) granted permission to build subject to meeting the requirements of the Health Department and also subject to the final plan being worked out and approved by the Planning Technician of Fairfax County ~~and~~ the Planning Commission.

Thereupon, the meeting adjourned at 12:50 P. M. by unanimous consent.

T. J. Stockton
Chairman.

February 22, 1943

A meeting of the Board of Zoning Appeals was held in the Subervisor's Room in the County Office Building at Fairfax, Virginia, Monday, February 22, 1943. Those present were Mr. T. J. Stockton, Chairman, Mr. William C. Walker and Mr. Thomas I. Piggott. Chairman Stockton presided.

There were no appeals to be considered and the meeting was devoted to the reading of minutes of prior meetings. The minutes for meetings up to and including the meeting of October 26, 1942, were read and approved. Thereupon the meeting adjourned by unanimous consent of the three members present.

T. J. Stockton
Chairman

March 22, 1943

A meeting of the Zoning Appeals Board was held in the Board of Supervisor's Room in the Court House at Fairfax, Virginia, on March 22, 1943, at 11:00 A. M. Those present were Mr. T. J. Stockton, Chairman, Mr. W. C. Walker, Mr. Thomas I. Piggott, and the Zoning Administrator, Mr. E. R. White.

The first case was that of Mrs. Ann L. Ogilvie who wanted permission

to locate a garage in side yard, eight feet from lot line on Lot 111 and the North half of Lot 112, Greenway Downs Subdivision, Falls Church District. The plat of these lots was discussed. There would be a distance of forty-three feet between the completed garage and her neighbor's house. There is only a distance of eight feet between the proposed building site of Mrs. Ogilvie's garage and the property of her neighbor, Mrs. Grace Terwilliger. The garage could not be located any closer to the house because of a shade tree and the slope of the yard.

Mrs. Terwilliger wrote a letter to the Zoning Administrator, which was read by Mr. Stockton, stating that it was perfectly agreeable to her for Mrs. Ogilvie to build her garage on the proposed site. Mr. Walker asked Mr. Ogilvie how the garage was to be built and he said that there would be a runway between the house and garage and that the garage would be made of wood.

Mr. Stockton asked Mr. White for his comment. Mr. White stated that since Mrs. Terwilliger, the party most interested, was satisfied that he would raise no objections. Mr. Stockton, upon being asked by Mr. Walker if he had any remarks, said that under the circumstances he had no objections. Mr. Walker moved that the permit be granted because failure to do so would work a peculiar and unusual hardship upon the owner by causing him to remove a shade tree, and because of the topography of the lot which slopes to the rear. This was seconded by Mr. Piggott and all members voted in favor of it.

The second case was that of Mr. James S. Thompson who wanted to construct an addition to his restaurant, on the East side of U. S. #1 about six miles South of Alexandria, with less set back than required by the Zoning Ordinance.

The restaurant is twenty-six feet from the right of way and is built in an "L" shape. The proposed addition would make the restaurant a "T" shape. Mr. Thompson said that most of his trade was with service men from Fort Belvoir and that he didn't have enough room to accomodate them. He said that the officials at Fort Belvoir were in favor of his restaurant.

Mr. Stockton asked Mr. White for his opinion. Mr. White said that since it is a well conducted restaurant convenient to Fort Belvoir and a service to the men, it is evidently needed in an all out effort to win the war and that he was in favor of the permit being granted.

Mr. Walker asked Mr. Thompson if the permit were refused would there be any other way that he could make his addition. Mr. Thompson stated that it would be impossible to build the addition elsewhere. Mr. Walker then moved that the permit be granted because there seemed to be no other way that Mr. Thompson could build an addition without undue and unusual

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hardship. Mr. Piggott seconded the motion. All members voted in favor of it.

After approving the minutes of previous meetings up to and including January 25, 1943, the Board adjourned.

T. J. Stockton.
Chairman

April 26, 1943

At a meeting of the Board of Zoning Appeals, held in the Supervisors' Room in the County Office Building on April 26, 1943, the following members were present: T. J. Stockton, Chairman, Cooper Dawson, Sr., Thomas I. Piggott and William C. Walker.

The only case on the calendar was the appeal of L. B. Morris to convert a garage on Lots #33-34-35 (used as one Lot) in West McLean Subdivision, to a temporary dwelling, pending termination of the war.

The evidence submitted showed that the Lot has an area of 11,250 square feet, being 75 by 150 feet (three 25 ft. Lots used as one Lot for building purposes); that there is a 24 x 28 ft. dwelling already on the front part, and an 18 x 26 ft. garage on the back part of the Lot.

Mr. Morris, the applicant, stated that he wishes to convert the garage into a dwelling to take care of a very deserving woman who is unable to find other accommodations because of the housing shortage; he insisted that it is an emergency situation, and that he would terminate its use as a dwelling as soon as the war is over.

The Chairman asked Mr. White, the Zoning Administrator, for his opinion, and Mr. White stated that if the permit could be given on a temporary, emergency basis only, he would have no objection, as he knew how difficult it is to obtain adequate housing in that section at this time.

The Chairman recalled instances in which the applicant had been required to file a bond, in similar cases, to insure compliance with the terms of the permit, and suggested that a bond would also be appropriate in this case. The Zoning Administrator stated that he thought it would be less cumbersome to authorize a temporary use permit for a definite period, at the end of which the Zoning Administrator could proceed as under any other violation of the Ordinance.

The Chairman replied that the matter had been discussed with the Commonwealth Attorney, who doubted that there is authority under the Ordinance to enforce compliance with a temporary permit, and thought the

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safest way would be to require a bond. Mr. White, thereupon, suggested that a $500.00 bond would be adequate, and Mr. Dawson offered the following motion, which was seconded by Mr. Walker and adopted unanimously:

"That in the case before us, because of the urgent need for housing, it would be in the public interest to grant the appeal, and would work an unusual and peculiar hardship upon the applicant to refuse the permission sought; therefore, the appeal is granted as a temporary emergency measure on condition that L. B. Morris execute an agreement with the Board of Zoning Appeals to vacate and discontinue the use of said garage as a dwelling upon the termination of the present war emergency as proclaimed by the President of the United States; and that such agreement include, as a part thereof, a bond in the sum of $500.00 executed by the said L. B. Morris, and conditioned upon the faithful performance of said agreement."

After approving minutes of previous meetings the Board adjourned.

T. J. Stockton
Chairman

May 24, 1943

Minutes of the Board of Zoning Appeals held in the Supervisor's Room in the County Office Building at Fairfax, Virginia, at 11:00 A. M. on Monday, May 24, 1943. Present: Mr. T. J. Stockton, the Chairman; Mr. Thomas I. Piggott; Mr. Douglas S. Mackall, Jr.; Mr. S. Cooper Dawson, Sr.; Mr. Wm. C. Walker. Mr. Stockton presided.

The first case considered was an application by the Virginia Department of Highways to operate a rock quarry with necessary incidental and temporary structures to be used in connection with state highway construction camp No. 14 at Chantilly. This is to be located on two acres of land of the H. M. Thomas farm on the west side of the road #609 about one-half mile south of road #620.

The Chairman stated that a good sketch of this property was presented which showed the property to be up near the Loudoun County line. Mr. White, the Zoning Administrator, said there were very few people living in this neighborhood, and further stated that the rock from this quarry was to be used for building roads.

Mr. Mackall motioned that a permit be granted the Virginia Department of Highways to operate a rock quarry, with incidental temporary structures. Mr. Piggott seconded the motion and it was unanimously carried by the Board.

The second case considered was an application by William Thomas to

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continue a dwelling at its present location on Lot #1 of Moncures Subdivision in Falls Church District. Mr. John W. Rust, Attorney of Fairfax, Va., represented William Thomas. Mr. Rust told the Board there was a misunderstanding when the matter first came up, also Wm. Thomas purchased the land before the ordinance was in effect. Mr. White then told the Board that Wm. Thomas came in and asked for permission to build a brick house on Lot #1. This is an old subdivision recorded in the Clerk's Office. Mr. White said he accepted Thomas' statement that the lot was 300 feet south of Columbia Pike and gave him a permit to build on Lot #1. At a later time, Mr. White continued, someone lodged a complaint and he went down and found that Thomas had completed the building. Under the circumstances Mr. White summoned Wm. Thomas to Court where he was fined $10.00 and costs. This is a continuing fine as long as the house stays in that spot, Mr. White said, and so under threat of further Court action, Wm. Thomas finally agreed to come to the Board of Zoning Appeals. Mr. White told the Board that Thomas says he does not know why he told him the property was 300 feet off the Pike, and that it was a misunderstanding all around. Mr. Dawson stated the lot is 26 feet from the Pike and 60 feet from the cross street on which it fronts. Mr. White then told him it would be necessary to have the house 60 feet from the road, 45 feet would be all right and the building does not create a traffic hazard. Mr. Rust told the Board this subdivision is located west of Bailey Crossroads and on the south side of Columbia Pike about 500 feet west of the tennis court.

Mr. Stockton said the first error was the assumption that the lot was 300 feet from the Columbia Pike. He stated if the plat had been available the case would have gone immediately to the Board of Appeals because it is a corner lot. Another point brought up by the Board was what could be done in case the Columbia Pike is widened? Mr. Stockton stated if that were done, the house would be on the right-of-way and that the State would have to purchase the house or move it. Mr. Rust told the Board that Thomas could not move his dwelling because it is a brick house and that this lot is not wide enough to provide the full side clearance required. Mr. Dawson said he would like to study the case a bit before the Board passed on it.

At this time the Board considered case #3, and then returned to case #2 and Mr. Stockton showed the sketch, the original permit and a plat of the subdivision. The Board decided that the house was not a traffic danger and that Thomas would have to be allowed to build on the lot, so the only thing the Board could do would be make him move back a few feet. Mr. White stated he thought the dwelling was in as good a spot as it could be put on the lot.

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Mr. Mackall made a motion a variance be granted Wm. Thomas to leave his dwelling where it is now erected, under Subsection G of Section XII of the Zoning Ordinance. The motion was seconded by Mr. Walker and unanimously carried by the Board.

The third case brought before the Board was an application by Harris Levy to continue dwelling and garage at present locations on each of Lots #55 and #56 of Annandale Subdivision. Mr. Charles Pickett, Attorney, represented Mr. Levy. Mr. Pickett told the Board this property is located at Annandale in Senator Bristow's Subdivision. He stated the set back line was established in the Deed of Dedication and the ordinance set back line is greater than the one in the deed. Mr. Levy thought the deed of dedication controlled the setback line. There was no objection from the community and Mr. Levy has had a petition signed by quite a few people, also he asked the Board of Supervisors that this be rezoned.

Mr. White told the Board the permits were granted to build the two dwellings one on each of lots #55 and #56, with a front setback of forty feet as required by the Zoning Ordinance, and no permits at that time were taken out for garages. He further stated that someone reported to him when the walls of the first story had been completed that they were set back only 30 feet. Mr. White investigated and found that the walls had been completed to the first story and with only 30 feet setback. He spoke to the builder about the matter and the builder told him that when he saw the permit he talked to Mr. Levy and pointed out to him that the buildings were not located where the permit required. Mr. White then summoned Mr. Levy to the Trial Justice Court and Mr. Landon, from Mr. Chas. Pickett's office, represented him. Mr. Landon talked to Mr. White and then notified Mr. Levy he had no case and Mr. Levy agreed he would move the houses if the summons were withdrawn. Mr. White withdrew the summons. At this time Mr. White took a week's leave and when he returned to the office he found a memo there stating that Mr. Levy had been in and said that the houses couldn't be moved for at least thirty days because the movers claimed it was necessary to have the roofs completed before the buildings could be moved. This was on October 25, 1942. Mr. White went down again and asked Mr. Levy if he intended to move the houses and he said yes. Mr. White then told him he would grant him thirty days if he would agree to move the houses. This went on for quite a while and the builder told Mr. White that Mr. Levy had arranged it so that he would not have to move the houses. Mr. White got another summons and sent it to Arlington and it wasn't served on Mr. Levy for some reason. It was finally returned to Fairfax and Mr. White took it up with Judge Ritchie, who called Mr. Pickett's office and was told that an appeal was being taken to the Board of Zoning Appeals. These are

the only two houses on that street.

The Chairman asked Mr. White if Mr. Levy owned other lots around these two and was told that he did and that he has also secured building permits for two others. Mr. Pickett told the Board that Mr. Levy is of Russian nationality and has some difficulty understanding English, but he has a very good reputation for fair play and has lived in this community for fifty years. Mr. Pickett stated his client had had some conversation with Mr. Powell who gave him assurance in this case. Mr. White said that Mr. Powell disclaims having taken any action at all in the matter. Mr. Piggott observed that Mr. Levy would want all his houses in line, and that leaving these two would necessitate building the others with the same setback. Mr. Stockton and Mr. White agreed that they did not like to penalize a person unnecessarily, but there was no excuse for Mr. Levy not abiding by the permit in this case which very clearly indicated the setbacks, also he definitely agreed to move the houses which he did not do. Mr. White told the Board that no building had been done when Mr. Levy first applied for the permits and that he got no permits before building garages. Two garages were built and they were too close to the line. Mr. Dawson then explained that the object of the ordinance was to build the county in an orderly manner and there was no excuse for Mr. Levy building the houses where he did since it was clearly indicated on the permit where he was to build and taking this into consideration Mr. Dawson made a motion that the Board require Mr. Levy to move his houses back as required by the Ordinance. The motion was seconded by Mr. Piggott and unanimously carried.

This concluded the cases brought before the Board and at this time Mr. Harry Moore told the Board that a man was coming in to get permission to build a multiple housing project in the Tudor English style which would be over the height limitations. This style building has a steep roof and in addition thereto the buildings would have three full stories of living units. The height of the building would be around 45 feet, the ground sloping off in the rear which would be about 55 feet on that side. Mr. Moore wanted to know if it would be permissible to erect these buildings in this manner so that the builder could change his plans now if necessary and avoid delay later on. After some discussion Mr. Mackall made a motion that if the applicant could show a very good reason for an exception in his case, the Board would consider allowing him more height to his buildings. Mr. Dawson seconded the motion and it was unanimously carried.

There being no further business the meeting was adjourned.

T. J. Stockton
Chairman.

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Board of Zoning Appeals minutes of June 28, 1943. The full membership of the Board was present.

No. 1. Application of Second Baptist Church, and the Fraternal Improvement Club, by Ollie W. Tinner, for permission to operate a colored cemetery on the S. E. side of Shreve Road (No. 703), on 15 acres of land just west of Falls Church.

Attorney Robert McCandlish represented the applicants, and stated that the property would be used by the Baptist and Methodist Churches (colored) of Falls Church, whose cemeteries are now filled, and who have nowhere to bury their dead. He further stated that the proposed use is a permitted one, with the approval of the Board of Zoning Appeals; that the applicants are not asking any waiver or reduction of the setback or area requirements, and that the power given the Board in the Zoning Ordinance to reject the application was not intended to be used arbitrarily, but only in case there should be features connected with the use which would impose unnecessary and exceptional hardship and damage upon adjacent property holders. He cited a case in a Virginia court which held that there must be something more than depreciation to the value of neighboring property, or the inconvenience and distaste of the owners, to prevent the location of a cemetery in a community.

Ollie W. Tinner, for the applicant, stated that it is intended to use name plates, in lieu of tombstones, and to keep the property in first class condition. He further stated that the applicants had made extensive search to find a tract of land which would meet their needs, one of which is convenience and accessibility to large settlements of colored people, and that this tract was the only one they had been able to find. Mr. Tinner said there is only one dwelling within 150yards of the property, and that the owner does not object to the proposed location of the cemetery.

Rev. W. E. Costner, of the Falls Church Baptist Church, stated that the cemetery facilities of his church are now exhausted and they have no place to go. He also stated that there is a colored settlement near the site selected.

Rev. Harrison Tinner testified that the Baptist and Methodist cemeteries are all filled up; that the National Memorial Park Cemetery is about 1 mile distant, and that the residence of Mr. Rollins, one of those opposing the project, is not less than 1000 feet from the proposed location of the cemetery.

The Zoning Administrator presented to the Board a list of the following names of people who had telephoned his office on the morning of June 28, 1943, to protest against granting the permit on the ground that the neighborhood would be made undesirable for residence and that property

values would be depreciated: V. S. Rollins, Falls Church, S. A. Herrell, Falls Church, Route 1, Mildred and Leo S. Thompson, Falls Church, W. P. True, Falls Church, Mrs. W. C. Cronenburg, Merrifield and Mrs. R. M. Turner, Merrifield. All of them stated that they had just heard of the proposal, and were either unable to get gas or to leave their work on such short notice to attend the Board meeting.

The Chairman asked the Zoning Administrator if he wished to be heard, and Mr. White replied that a cemetery seems to be a necessary evil, and would probably bring forth objections no matter where it should be proposed to locate it. He suggested that the opposition be given an opportunity to state their objections more definitely and in detail, and if they should fail to do so, that the application be granted.

The Chairman said he thought the decision should be made on whether the proposed location is a suitable and logical one, and that he was not quite sure that the site is the required legal distance from all dwellings. Thereupon it was moved by Mr. Dawson and seconded by Mr. Mackall that further consideration of the matter be deferred until a scaled plat be submitted by the applicants, showing the exact placement of the cemetery on the property and the distance to dwellings on adjoining properties. The motion carried unanimously.

No. 2. Application of Penn-Daw Volunteer Fire Dept. for erection of fire engine house on Lot 1, Section 2 of Fairview Subdivision, on U. S. Highway No. 1 at Penn-Daw, with less setbacks than required by the Zoning Ordinance, in a Suburban Residence District.

Atty. McCandlish, for applicant, pointed out that fire protection service is a public utility and necessity and adequate housing is also essential. He said that the noise made would not be frequent - only in cases of emergency - and not greater than what is almost continuous on Route 1. He thought the public need for the facility should outweigh the slight inconvenience it might cause those who protested against it.

Col. Leonard, Defense Zone Warden, said he had made a careful search of the neighborhood and could find no place equally as suitable. It is the only place in the vicinity where they can be sure of getting people to man the engine quickly, and he said further that they are practically tied to that location because the Federal Government has made erection of the building possible by a material contribution to be disbursed by P. W. A. in the immediate vicinity of Penn-Daw.

The Chairman brought out that the engine house would be on a corner lot between U. S. Highway No. 1 and Franklin Street, with an entrance on each, and would be 27 feet from each of those streets, and 15 feet from the nearest back line.

There was a petition of 8 names favoring the application and one of

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5 names opposing it.

Atty. Frederick Flynn, representing Mr. Casey, who lives next door to the engine lot, and who headed the opposition, stated that a more suitable location might have been obtained elsewhere, as the one proposed is on a dangerous hill, about half way up it, and that the siren and other noises would be objectionable to residents close by, and an extreme hardship on Mr. Casey, whose property would be greatly depreciated.

The Zoning Administrator had no suggestion to offer, and motion by Mr. Piggott, seconded by Mr. Mackall, to grant the application was adopted unanimously.

Mr. Flynn, on behalf of Mr. Casey, gave notice that he would appeal the case to the Board of Supervisors.

Case #3 - An application for a special exception to permit the erection of a multiple housing project filed by Mr. Henry S. Marshall, President of the John Deaver Properties, Inc.

Mr. Marshall presented to the Board for their inspection, the plans of the project, which is to be located on the Brookings tract between the Leesburg Pike and the Braddock Road. Mr. Stockton read a report from Mr. Corbalis, engineer for the Sanitary District, and acting engineer for the Health Dept., in regard to sanitation water supply, and garbage disposal. The Board heard a report from Mr. Moore, Planning Engineer for the Fairfax County Planning Commission, stating that the project complied with all of the provisions of the Zoning Ordinance, except for the regulations of building height. Mr. Moore explained that the ordinance required that no buildings be erected higher than "three stories, or forty feet;" that this limitation would involve the entire re-design of all the buildings, and would not allow the use of the Tudor style of architecture with its steeply pitched roof. Mr. Marshall stated that the central open area designated for recreation on the plans would be maintained for that purpose only, and that the school site shown on the plans would be dedicated to the County.

Mr. Mackall made the following motion, seconded by Mr. Dawson.

Whereas Mr. Marshall has appeared before this board and presented plans for a multiple housing project which comply fully with the spirit and intent of the Zoning Ordinance, and is in harmony with the character of the neighborhood; and whereas Mr. Corbalis, engineer for the Sanitary District, has filed a report with this board approving the water supply, the garbage disposal, and conditionally approving the plans for sewerage disposal; and whereas we feel that this property is well suited for an apartment project considering the development of the adjacent areas; I move that this application for a special exception as permitted in Section XII - F - 5 be granted, with the following conditions and exceptions.

1. That the developer agree that no sewerage originating in this project will be disposed of except through a system maintained and operated and owned by the Fairfax County Sanitary District.

2. That the open spaces provided in compliance with the density requirements of this ordinance be maintained for the purposes shown on the approved plat, and that the school site offered to the county be so dedicated.

3. That the height limitation of 40' be varied as much as necessary to be in keeping with the Tudor style of architecture, provided that no living quarters be erected in excess of the allowable three stories.

4. That detailed plans for the various blocks be examined in detail by Mr. Stockton, Chairman of the Board, and if found to be in conformity with the overall plan numbered SP-1, hereby approved by this board, to sign the drawings of such indivual blocks for this board.

Mr. Stockton presented to the Board a letter from Mr. Franzheim, architect for the Defense Housing Project, now named , the plans for which were approved by this board permission to relocate a portion of 31st. Street, in order to save several fine trees. The Board examined the sketch submitted with the letter, and on the motion of Mr. Mackall seconded by Mr. Piggott formally moved that the request be granted, as shown on the drawing numbered ____, dated _____ providing a solution of the problem could not be worked out which would provide an intersection with the Leesburg Pike.

Mr. Stockton suggested to the Board that the position of Mr. Moore, technician for the Planning Commission, in acting as technical advisor for the Board of Zoning Appeals in connection with the approval of multiple Housing Projects, be clarified.

He explained that Mr. Moore spends considerable time meeting with various developers in connection with multiple housing projects, working out the details to the best interests of the county, and that if the Board wished him to continue to act in a technical capacity for them, a formal request should be made by the Board to the Planning Commission for such service.

Mr. Dawson moved that Mr. Stockton be instructed to tender to the Fairfax County Planning Commission the Board's appreciation of the technical assistance which the staff of the Commission has rendered in the past in connection with multiple housing projects, and to formally request the Commission to permit its staff to continue to act in a research and advisor capacity to the Board in matters involving planning or other technical considerations.

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The motion was seconded by Mr. Mackall and unanimously passed. Thereupon the Board adjourned.

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T. J. Stockton
Chairman.

July 26, 1943

At a meeting of the Board of Zoning Appeals held in the Board Room in the County Office Building at Fairfax, Virginia, on July 26, 1943, the following members were present: T. J. Stockton, Chairman, presiding; S. Cooper Dawson, Sr.; Thomas I. Piggott; William C. Walker; and D. S. Mackall.

The first application to be heard by the Board was that of C. A. Clore for permission to erect a garage for service and repair of his trucks and cars, the trucks being used in his hauling business, on Lots No. 49, 51, 53, 53A, 55, 55A and 57, in Southern Villa Subdivision, Falls Church District. The Chairman asked Mr. Clore if he had a plot plan, to which Mr. Clore replied that he did not. Mr. Clore stated that the lot is situated on the south side of the Little River Turnpike; that he owns seven lots at this site but plans to change these and make three lots out of the whole tract, and that the garage will be his private garage. The Chairman stated that he did not think that the Zoning Ordinance would allow the garage to house commercial vehicles. Mr. Clore stated that he would guarantee that it would be kept clean and neat and that he did not want it for anything but private business. Mr. Clore also stated that he owns ten trucks but does not keep them at his house and that when they need repair he has to have a place to repair them. He further advised the Board that these lots are situated in Southern Villa Subdivision and that there are no restrictions in his deed against such a building and that no one in the surrounding territory objects to the erection of the garage except one man, a Mr. Tony. He stated that he now has two trucks on the lot awaiting repair.

The Chairman asked Mr. E. Russell White, Zoning Administrator, if he had any statement to make. Mr. White stated that there was some doubt in his mind as to whether Mr. Clore was entitled to permission to erect this garage because of the language of the Zoning Ordinance regarding private garages and that he wanted to let the Board decide whether it came within the meaning of the private garage described in the Ordinance. He further stated that it is true that these are his own lots and his own trucks but that it seemed to him that private garage did not apply to trucks used in business but that it was true that only one man objected to the erection of the building.

Mr. Clore further advised the Board that he wanted to build three bungalows on these lots and that the garage would go with one of the houses.

The Chairman stated that he thought that what they should interpret was the use, and asked the members of the Board if they desired to consider the case without any plot plan or further information. Mr. Dawson moved that the case be deferred until more information was submitted, which motion was seconded by Mr. Walker, and unanimously carried. Mr. Clore was directed to bring in the additional information and the matter was deferred until the next regular meeting of the Board. No one was present who spoke either in favor of or in opposition to the granting of such permission.

The second application to be considered was that of Tauxemont Cooperative House for permission to construct and operate a temporary community house or shelter on a lot in Tauxemont Subdivision, Mount Vernon District.

There was a delegation of five persons present in the board room in regard to this application. Mr. William S. Morris, one of the home-owners and interested parties, was spokesman for the delegation, together with Mrs. Jessie Schwartz, Chairman of the School Association.

Mr. Morris submitted a transcript of the minutes of a meeting of the Association, showing that the majority of the home-owners wanted the erection of the building, and also presented a general petition in connection with the same, signed by the home-owners.

The Chairman inquired what size and type of building they proposed to erect, and was told they planned to build a wood building, 17 x 18 x 36, containing one big room enclosed and a vestibule, and that it will be used only about two hours a day when it rains, etc. The Association maintains a playground and this building will be used during rainy seasons, winter and bad weather. Mr. Morris further explained that the site of the present playground does not belong to the Association and they are using it only as an outside playground; that the proposed site is owned by the Association and the majority of the residents voted for the use of the land as a community house. He stated that they only own one lot and that the financial condition of the Association does not permit the purchase of any other lot. Mrs. Hammer, Secretary of the Association, stated that the present playground is on a future road site. Mr. Morris stated that the community house will be in the center of the development and that it would not be an eyesore. He stated that its primary use is for children; that there are between 25 and 30 children attending the school, and if they did not have a shelter they would have to disband.

Mr. Mackall asked if the only objection would be on account of looks, to which Mr. Morris replied that the only objections would be looks and noise. Mr. Morris further stated that only one man objects because of the noise. He stated that there are two teachers taking charge of the children

and the children will benefit by the training.

Mr. White stated that it was a use that was permitted subject to the Board's approval. He stated that it was a worthwhile cause and the objection was slight and that he had no objections to it.

The Chairman asked if anyone wanted to be heard on the matter, but no one appeared in opposition to the granting of such permit. The Chairman then stated that the Board should consider the area requirement; the use and conduct of the house and if it were possible to obtain additional land on which to build the house. Mr. Mackall then moved that they be granted permission to erect the building, which motion was seconded by Mr. Walker, and unanimously carried.

The third application to be heard was that of the Dunn Loring Auxiliary Fire Department for permission to erect a fire engine house on Lot 8 of the George A. Merry Subdivision, in Providence District. Mr. M. Clifford, President of the Association, and Mr. John J. Meyer, Vice-President of the Association, appeared on behalf of the Department. They stated that it was a corner lot and that it was just a question of erecting the fire house. They stated that there was no objection to the erection of the same and that Mr. Merry donated the land; that it will be a masonry building, as near fire-proof as possible, the area of the lot being 32,000 square feet. They further stated that the set-backs were all right and that everything seemed to be all right except the question of the use.

Mr. White stated that he would have no objection to granting such permit.

Mr. Mackall moved that permission be granted for the same, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. Vernon M. Lynch appeared before the Board and stated he was interested in the application of Mr. C. A. Clore, for the garage, and he was advised by the Chairman that the case had been deferred.

The fourth application to be heard was that of J. B. Wathen, for permission to erect eight additional tourist cabins on 1-3/4 acres, on the east side of U. S. Highway No. 1, at its junction with Road #628, zoned Rural Residence District.

Mr. Wathen stated that he would like to get an exception to build eight additional cabins; that he already has eight cabins built prior to the enactment of the Zoning Ordinance. He stated that it is zoned residential, but he has been doing business since 1937 and that he has room to add the additional cabins. He stated that the place was called Belle Haven Lodge and was located on the north side of the Mt. Vernon Highway.

Mr. Stockton advised Mr. Wathen that it was a non-conforming use and the Board has no authority to extend a non-conforming use.

Mr. White stated that the Chairman was correct in his view. The

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Chairman further stated that the Board could not grant him such exception. He was advised to appear before the Board of Supervisors and get it rezoned.

Mr. Wathen stated that there are cabins just across the road zoned business and he wanted to save time by coming before this Board. The Chairman repeated that they had no authority to grant him permission to erect the cabins.

There being no further business before the Board, the meeting was adjourned until the next regular meeting of the Board to be held on Monday, August 23, 1943.

T. J. Stockton
CHAIRMAN.

AUGUST 16, 1943

At a special meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building at Fairfax, Virginia, on Monday, August 16, 1943, the following members were present: T. J. Stockton, Chairman, presiding; S. Cooper Dawson; William C. Walker; D. S. Mackall; and Thomas I. Piggott.

The Chairman stated that there was an application before the Board for a rehearing of a case acted upon at the last meeting; that before a rehearing can be granted there must be the affirmative vote of at least three members of the Board; and that the applicants should present such evidence as they have for the Board to consider and take a vote as to whether such rehearing should be granted.

Mr. W. D. Potter stated that he thought that the petition for the erection of a temporary community house in Tauxemont Subdivision was going to be sent in and that the matter would be set for hearing; that he asked to be notified by the Board, but the first thing he knew was that the matter had been decided. He stated that they were not opposed to a nursery school but that they were opposed to constructing one at this time and in the little park lot; that the type of building proposed does not enhance the value of the property in the community; that the mothers are not war workers, but that most of them have maids at least part time; that it is not an emergency matter and it is not a good time to build; that the lot was dedicated for park purposes and their deeds restricted building on anything less than a half acre; that the structure would not fit in with the other houses; that it would constitute a fire hazard because of the heating system; that no maintenance has been provided and they feel that it would soon run into disrepair and be a detriment to the community, and that they feel that after the war the various communities could finance a

building that would be a credit to the community and act as a community building for meetings, etc. He further stated that the Board of Education has been trying to construct a primary school, part of which could be used for a nursery school and that the Board should be in charge of that, and if they pick out a lot that the Board would buy it.

Mr. James Stone, of the Health Department, stated that he wasn't particularly concerned with the rehearing. He told the Board that he went down and looked at the lot and that an additional septic tank is undesirable in that particular area. He said he wrote to Mr. explaining the circumstances and that he could not grant them a permit to erect an additional septic tank system. He said there was one alternative and that was to put outside privies there, that the Health Department could not deny the permit for the construction of such. He stated that the area of the lot was 65 x 175, but they have a semi-public water supply on that lot. He said that the well there at the present time is almost surrounded by septic tank systems and would be almost completely surrounded if this system were added. He said the system would have to be almost 100 feet from the well, which is in a wooded section, and if the system were put there it would require the destruction of at least half of the trees. He was asked whether if half the trees were destroyed and if the community did not object to the same, if it could be placed there, to which he replied it could probably. He was also asked what distance the outdoor privies had to be from the well and he said 100 feet, which would place them practically in the street.

Mr. William Morris replied that the building would be taken care of; that the School Association is successfully maintaining the present playground; that anyone knows that it is very difficult to find maids at the present time and that the mothers are probably washing floors and not playing bridge; that in a town the lot would be a valuable park area, but that they had all the park area they needed on their own lots. He further stated that the opposition never took the trouble to look at the plans for the building; that their homes cost $4900.00 for construction and septic tank system; and that the building they propose to erect will cost $1800.00, which is close to half of what they pay for their own homes. He continued that their deeds do not restrict the construction of garages, and that this building would not be a shack. In reference to the sanitation problem he stated that they don't intend to build without the permission of the Health Department, that they will not violate any laws in building it. He further stated that he had called Mr. Frost and told him about the meeting, and asked if he could not come to the same, but that Mr. Frost had not and now they have had to come back again and waste time, etc.

Mr. Stone stated that he would like to straighten out the attitude of the Health Department on this question. He said that Mr. Morris had been

requested to notify the Health Department but that they received no such notification, and that the first knowledge they had was when Mr. Potter called on Sunday and asked if he could come down. He further said that the Health Department is not concerned with the erection of such a building, the only thing with which they are concerned being the sanitation problem. Mrs. Schwartz stated that she had called and asked him to come.

The Chairman asked Mr. Morris why it was impossible for them to procure a lot of the proper size for this, to which Mr. Morris replied that they were financially unable to buy a lot and build the proposed building too.

Mr. John W. Iliff stated that it is not their intention to endanger their water supply, that that problem will have to be worked out between them and the Health Department.

Mr. W. C. Frost, another interested party, stated that he did not understand that there was going to be a meeting before, but that he understood they were sending in a petition. He stated that he did not believe that you could draw a parallel between a garage and a nursery school. He stated that he had no confidence in the building being maintained as it should be, and that he would like to see evidence as to the price of land elsewhere.

Mr. Morris replied that the present playground has been maintained for about a year. Mrs. Schwartz stated that they had only asked for a temporary structure, and that the nursery school is not for the mothers but for the children.

The Chairman stated that the Board was interested at this time in whether there is any evidence worthy of being considered or could not have been presented at the last meeting. He asked if the Board was ready for a vote. Thereupon Mr. Walker moved that they have a rehearing, which motion was seconded by Mr. Piggott. The recorded vote on such motion being Mr. Stockton, Mr. Dawson, Mr. Walker and Mr. Piggott, "Aye;" Mr. Mackall, "Nay."

The Chairman advised the applicants that there would be a rehearing, and that the additional costs would be taxed against those requesting the rehearing, and that the Board would properly notify everyone interested.

The next matter to be considered by the Board was an application of City Park Homes, Inc., to continue construction of 403 single family dwellings with front setback of 25 feet instead of 30 feet.

The Chairman stated that this particular project came up over a year or more ago and at that time a plot plan was prepared in conformity with F. H. A. for their approval in connection with financing this project.

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He stated that it is the policy of F. H. A. not to approve any of these plats unless they have had the final approval of the Fairfax County Planning Commission. He stated that this particular plat was presented for their approval and approved. The Chairman stated that his first knowledge of the case, so far as designation of lot size and setback was concerned, was that when it was first contemplated the zoning in that area was for residence and required 10,000 square feet per lot, but that they felt that this was too large an area for this type of emergency project and that the first proposition was to rezone it to Urban Residence, with a lot size of 5,000 square feet, with 25 foot setback. The Planning Commission thought that it was too small a lot size in this County, so 7200 square feet was agreed upon as an acceptable minimum. An agreement was made between Mr. Rose and the Board of Supervisors that if he were granted the rezoning he would not build on less than 7200 square feet, so the matter dropped, but the building did not proceed. At a later date, about the first of April, the Planning Commission recommended an amendment to the Zoning Ordinance to the Board of Supervisors which they adopted, after advertisement and public hearing. That amendment established 7200 square feet as the minimum buildable area in Urban Residence District, and also established the setback line at 30 feet. So far as area was concerned, it was a reduction for Suburban Residence District from 10,000 square feet to 7200 square feet, and the setback from 40 feet to 30 feet. Recently the developers proceeded on the assumption that the plat approved for F. H. A. was still valid and that they would be correct in building according to that plat. They did not apply for building permits before they started construction, and they contend that they had no notification of the change in the Zoning Ordinance. The Chairman further stated that if the permits had been applied for the developers would have been notified that the setback was 30 feet now instead of 25 feet. He further stated that he would like to make this statement in regard to the critical materials necessary for this extra setback, of an additional five feet of pipe, that he had received a letter from Mr. L. A. Anderson, Housing District Manager, War Production Board, concerning the rezoning on the balance of the unconstructed units of the project. The letter stated that the case was referred to the Office of War Utilities for their determination and that they will not grant a waiver from the war standards for the additional main to serve these units and that therefore, if the units are to be constructed the 25 foot setback must be adhered to. The letter was delivered and the Chairman stated that he felt that there was some misunderstanding as to the exact status of the case, so he called on Mr. Wallace Saturday afternoon and went into the matter with him. He stated that before the amendment to the

Ordinance was sent to the Board of Supervisors they conferred with Mr. Wallace, to get his approval or reaction as to the limitation of 25 feet on these pipe materials, and that Mr. Wallace had said at that time that he thought that the Ordinance was reasonable in the 30 feet, and that he would review each case, if and when it was presented, as to the possibility of relinquishing their standards and allowing the extra five feet of pipe. He further explained that when he talked with Mr. Wallace Saturday and explained that this was not a new rezoning but simply a rezoning that took place last April, he said he felt sure that the Office of War Utilities would consider allowing that extra five feet of pipe. The Chairman then asked if anyone would like to say anything.

Mr. G. Hubard Massey stated that Massey & Johnson were hired to design the water and sewer systems at the subdivision located on the Westcott Nursery property; that the firm does not make any subdivision layouts, but design water and sewer systems according to all the County requirements and the approval of the Sanitary Officer and Health Officer; that they were given a map by Mr. Joseph E. Berry, of Section I, which contained 50 lots and also given a copy of a map which had originally been made to a scale of 200 feet, of Sections I, 2 and 3 of this property. He further stated that he understands that City Park Homes put the plat on record and began construction on the houses and that the necessary building permits and zoning permits were obtained for Section I, and that they have made application for permits for Section II, but that the set back is 25 feet instead of 30 feet and that they had been ignorant of the change in the Zoning Ordinance as to the setback. Section I was started last September or October, and that he would like for the Board to consider the 25 foot setback and allow Mr. White to issue zoning permits for the houses they have under construction, and would like for the Board to consider the remainder as 25 feet as the plat shows.

The building constructors stated to the Board that it was impractical to move the buildings because they have deep basements; that materials are critical and it is hard to comply with all the requirements. They further stated that the War Production Board has expressed a negative desire to grant the additional five feet of pipe, and that within ten days they are going to cancel their commitments unless all the information is in as required.

The Chairman stated that so far as delay is concerned he thinks the question of the feet can be settled in one day; that the project was started over a year ago and nobody had applied for building permits on this section until a few days ago; that if the permits had been applied for the contractors would have been notified by the Zoning Administrator that the setback

was 30 feet and all questions could have been gone into at that time.

Mr. E. Russell White stated that he would like to know about the approval date on the plat and was advised that it was June 30, 1942. Mr. White then stated that there are extenuating circumstances in that the houses have already been started, as the contractors proceeded with construction while making out zoning permits on Section II, and that Section I with a 25 foot setback, was accepted.

The Chairman stated that the Commonwealth's Attorney ruled that even if the plat had been recorded that it would still apply, that is, that the 30 foot setback would still apply.

The Chairman further stated that in considering this application he felt that the Board did want to keep in mind that they have an Ordinance and if it is utterly disregarded when cases are brought before the Board of Appeals, that the Board members are just wasting their time. He further stated that if there were any reasonable justification, this Board does not want to stand in the way of progress or work any hardship on anyone, but that there are rules and regulations that have to be followed and they have to use their discretion and stay within the bounds and act legally. He stated that the subdivision act is for the purpose of obtaining uniformity of streets and uniformity throughout the County.

Mr. Mackall moved that the Board allow the 25 foot setback on the whole plat, but there was no second to this motion. The Chairman asked if there was any other motion but none was made.

Mr. Atlas stated that if they did not have all the information in within ten days they would lose their priorities; that it would take more than two months if there is a possibility of getting a change in the length of the pipe; and that uniformity would be maintained if the setback asked for was granted.

The Chairman stated that it seems it is very unfortunate from the builders' aspect, but unfortunate from the Board's too, as it puts them in an embarrassing situation, because the County makes laws for the betterment of the County and that when it comes time to interpret something in conformity with them, we are practically told that if we don't relinquish what we have enacted into law and allow what is asked for, we are very bad people and inflicting unnecessary hardship.

Mr. Atlas stated that it took 60 days to make application and then 3½ weeks to get the approval of F. H. A., and that if their application was not approved by this Board it would mean that they would have to stop work and lose priorities.

The Chairman stated that they could not be responsible for the delay of the different agencies.

At 1:00 p.m. the Board adjourned for lunch, and following the lunch hour resumed their session in the board room at 2:10 p.m., with all the members present and with the Chairman presiding.

Mr. Stockton stated that he had called F. H. A. up during the lunch period and had been advised by them that City Park Homes had had some difficulty with specifications with their buildings and if they did not straighten that out and proceed with the building they would cancel their priorities, but as far as extension of utilities was concerned, it cannot be put in until their houses are built, and that he had been further advised that this particular material, pipe, has loosened up and is not as critical as it was, and that he felt sure that the Office of War Utilities would allow the additional five feet of pipe.

Mr. Dawson moved that inasmuch as City Park Homes, Inc. were not advised when they asked for the zoning permit that the setback had been changed from 25 to 30 feet, that the Board allow them to finish the houses they have started and to build additional houses on the same block where houses have been started, at the setback of 25 feet, but that the balance of the subdivision must be built at a setback of 30 feet, the lots on which the 25 feet is granted to be designated on the map and be made a part of the plat, which motion was seconded by Mr. Walker, and carried. The recorded vote on said motion was Mr. Dawson, Mr. Walker, Mr. Piggott and Mr. Stockton "Aye;" Mr. Mackall, "Nay."

The next application to be considered was that of Leonard A. Bisz, to use and erect on part of Woodland Hills tract a lunch stand approximately two miles southeast of Baileys Crossroads, for the purpose of serving ready-made lunches to the workers of the Defense Homes Corporation project on the Leesburg Pike, and for the duration of approximately six months. Mr. Bisz stated that the stand would be located in the parking lot of Thompson Starrett Co., Inc., which is already cleared off.

The Chairman stated that it came under their permit use under the Board of Appeals in Rural Residence District, which also applied to Suburban Residence District, that a restaurant is granted subject to the approval of the Board of Appeals. He stated that he did not feel that it would be a desirable place for a permanent restaurant but that there is need for this temporary use and would be a great help to the people, and that the work there would probably be through in six or eight months.

Mr. Mackall moved that the Board grant the applicant's request, but that inasmuch as it was not a desirable place for a permanent restaurant, but is desirable as a temporary use, that the same be granted for a period not to exceed one year, which motion was seconded by Mr. Piggott, and unanimously carried.

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Thereupon the Board adjourned at 2:55 p.m. until its next regular meeting, to be held August 23, 1943.

T. J. Stockton
CHAIRMAN.

AUGUST 23, 1943

At a regular meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the Board Room in the County Office Building at Fairfax, Virginia, on Monday, August 23, 1943, the following members were present: T. J. Stockton, Chairman, presiding; Thomas I. Piggott and William C. Walker. Absent: D. S. Mackall and S. Cooper Dawson.

The first application to be considered was that of Timberlake S. McCue to erect a dwelling on each of Lots 398 and 399 of Mason Terrace Subdivision in Falls Church District, with less front setbacks than required under the Zoning Ordinance.

The second application to be considered was that of Virginia Homes Corporation for permission to erect dwellings on Lots 400 to 407, inc., of Mason Terrace Subdivision, with 30 feet instead of 40 feet front setbacks.

Since these two applications dealt with the same problem, they were considered together. Mr. McCue was present for his application and Miss Anne Grogan, from Virginia Homes Corporation, was present in behalf of their application.

The Chairman stated that he did not think the Board could pass on the whole section of the Subdivision, and asked if the Board members cared to view the property, that the questions of topography are difficult to produce evidence for.

Mr. Walker stated that he felt that they should not grant the variance without looking at the property to see what was ahead of them. The Chairman asked when they wanted to view the property, and on motion of Mr. Piggott, seconded by Mr. Walker, the Board adjourned at 11:40 a.m. to view the property in question. At 12:50 p.m. the meeting was resumed.

Mr. Walker thereupon moved that they grant the variance asked for by Mr. McCue, on Lots Nos. 398 and 399, of setback of 30 feet rather than 40 feet, because of the topographical condition and the formation of the lots, which motion was seconded by Mr. Piggott and unanimously carried.

Thereupon Mr. Walker also moved that they grant the variance asked for by Virginia Homes Corporation, on Lots 400 to 407, inc., because of the

steeply sloping topography of the lots, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. Piggott asked what had been done concerning the application for the colored cemetery in Falls Church, and the Chairman advised him that they had not prepared their map.

Mr. Walker moved that the Board adjourn, which motion was seconded by Mr. Piggott, and unanimously carried, and the Board thereupon adjourned at 1:00 p.m., until its next regular meeting to be held Monday, September 27, 1943.

T. J. Stockton
CHAIRMAN

At a regular meeting of the Board of Zoning Appeals, held in the board room in the County Office Building at Fairfax, Virginia, on Monday, September 27, 1943, the following members were present: T. J. Stockton, Chairman, presiding; William C. Walker, D. S. Mackall, Thomas I. Piggott and S. Cooper Dawson.

The Chairman called the meeting to order at 11:25 a.m.

The first application to be heard was that of O. C. Downs, for permission to make necessary repairs, involving rebuilding, to the rear part of his store, located on the south side of Highway #50, about one-half mile east of Chantilly.

The Chairman asked Mr. Downs if it was a repair or a new building, and Mr. Downs replied that it was to take the place of a room on the back of the store that is beyond repair and that will have to be torn down and rebuilt. He presented a sketch of the proposed change.

The Zoning Administrator stated that it was a non-conforming use, zoned for residential purposes, but the store had been there for thirty years or more. He did not see any objection, but that it was not in strict conformity with the Ordinance. He stated that the business has increased in the last year or so, and that they were necessary repairs. Mr. Mackall thereupon moved that the Board grant Mr. Downs such permission, which motion was seconded by Mr. Walker, and unanimously carried.

The second application to be heard was that of Mrs. W. A. Rothery, for permission to conduct a kindergarten in her dwelling on Lot 18, Overbrook Road, Pine Ridge Subdivision, in Providence District. Mrs. Rothery stated that there is a need for the school and it is wanted by the people in the neighborhood and the adjoining community, and there is no objection to it. She further stated that there is no structural change in the property or the house, as she is using her own home for the school until a building can be erected. The Zoning Administrator stated he saw no objection to it.

Mr. Mackall thereupon moved that the Board grant such permission, which motion was seconded by Mr. Piggott, and unanimously carried.

The third application to be considered was that of G. C. Cox for permission to permit construction of addition on back of existing garage, which is less than the distance required from the west sideline of the lot, on Marshall Street, Groveton, in Mt. Vernon District. Mr. Cox was not present, nor anyone on behalf of him.

Mr. Stockton moved that the Board defer the case for need of further information, which motion was seconded by Mr. Piggott, and unanimously carried.

The fourth application to be taken under consideration was a rehearing of the case involving the construction and operation of a temporary community house on Shenandoah Road, in Tauxemont Subdivision, in Mt. Vernon District.

In connection with the application it was stated that the Health Department will grant a permit for the septic tank under certain circumstances, but stated that approximately 50% of the trees will have to be cut down.

Mr. Potter, who requested the rehearing, stated that the most important thing to consider is the fact that they feel that this will create an unsanitary condition in their community; that he is a sanitary engineer and has had a great deal of experience in the matter and has inspected seven septic systems in that community and found that it is a non-porous grade of soil and bad for a filler field. He stated that another point was that the school board had indicated that they would construct a primary school there, but that nothing has been done from that point, and instead of continuing efforts to get such help, they have diverted their attention to building this structure on the park area. He stated that land is available.

Mr. Bell, one of the land-owners whose land adjoins the place, stated that if the building and septic field are built, that they would have no recourse - no one to call on to take care of the septic field if it runs over.

Lt. Com. Gallahue, another owner of property adjoining the proposed location, stated that he wanted to support the statements made and would also like to add that he feels that such a temporary structure would be detrimental to his holdings. He stated he was not opposed to the nursery school, only to its location.

Mr. Hammer, speaking on behalf of the nursery school, stated that he felt the school was for the best interest of the community. He also stated that in connection with the residential aspect of the community and restrictions on the property, that the building proposed to be constructed meets with all the asthetic aspects of the community; that it is a well-designed building, and to say that the members are incapable of maintaining the same was insulting. As to the fire hazard, he stated that any house can be a

fire hazard. He stated that this community definitely needs a nursery school and have voted in favor of it, with only three votes against the same at a meeting of the Association. He stated that the building will be used for other things, such as meetings of the O.C.D., etc.

Mr. E. Russell White, Zoning Administrator, stated he understood that the objections are based on three grounds. One, the health of the community; two, the type of building which it is proposed to erect, and three, it is not necessary because the School Board had agreed to put up the building which would take care of some of the children. He stated that the health question is primarily an obligation of the Health Department and he is perfectly willing to accept their views on it; the type of building to be erected he feels is not for the Board to consider, and as to the School Board doing anything about the school, that the primary school would not take care of the proposed group of kindergarten children. He further stated that this is a residential section and that this seems to be a use which can be permitted by the Ordinance, as the Ordinance gives the Board the right to determine whether it is a proper use, and that he does not see any reason for changing the decision rendered at a previous meeting.

Mr. Frost stated that the lot was marked "park" and he bought his lot under that impression, and that he believes that F.H.A. would hesitate to refinance any more structures because of the trouble with the septic systems.

The Chairman stated that their problem was whether they could grant a variance according to the Ordinance, as it is zoned Rural Residence District.

The Zoning Administrator stated that it was not a variance to be granted, but it was a permitted use subject to the Board of Zoning Appeals so far as the use is concerned.

The Chairman thereupon stated that the problem for the Board to decide was whether the majority of the people wanted the community house, and the granting of a variance and allowing the use.

Mr. Mackall moved that inasmuch as no new evidence has been brought forth that the original motion granting permission for the building stand. This motion was seconded by Mr. Piggott, and the recorded vote thereon was Mr. Walker, Mr. Mackall, Mr. Piggott and Mr. Dawson, "Aye;" Mr. Stockton "Nay." The Chairman declared the motion carried.

The fifth application to be heard was that of Defense Homes Corporation. Mr. Moore, technician of the County Planning Commission, stated that the main thing was to have the final plans approved. He stated that in Section 3 the only change was the cutting out of a building altogether. Mr. Mackall moved that they approve the plans, which motion was seconded by Mr. Piggott, and unanimously carried. Mr. Moore thereupon stated that in Section 2 the only change was that they added an extra street. Mr. Mackall

thereupon moved that the Board disapprove the extra street in Block 2 (interior roads), which motion was seconded by Mr. Walker, and unanimously carried.

Mr. Mackall thereupon moved that the Board adjourn, which motion was seconded by Mr. Walker, and unanimously carried, and the Board adjourned at 1:15 p.m. until its next regular meeting to be held Monday, October 25, 1943.

T. J. Stockton
CHAIRMAN.

At a regular meeting of the Board of Zoning Appeals, held in the board room in the county office building at Fairfax, Virginia, on Monday, October 25, 1943, the following members were present: T. J. Stockton, Chairman, presiding; William C. Walker, D. S. Mackall, Thomas I. Piggott and S. Cooper Dawson.

The first application to be heard was that of Jesse D. Moore, for retention of a garage erected in ignorance of the law, at its present location on lot, with less setback than required under the Zoning Ordinance, the garage being located in Tremont Gardens Subdivision, on Lot No. 25, in Falls Church District.

The applicant stated that the garage is not finished yet, but that he started on it several months ago. He stated that they have septic tanks and drain fields, and in order to keep off the septic tank, the garage was put on the only place available. He stated that he called about the permit for the garage and waited a week or ten days and did not hear, so he started work on it, and after a while he got a form and filled it out and sent it in, and did not hear for another week or ten days and did not know until then that he was in the wrong. He further stated that the garage is made out of cinder block and is not a fire hazard.

The Zoning Administrator stated that 10 feet is the required setback and 7 feet for a fire-proof structure, and this garage is only 3 feet from the line.

Mr. Dawson moved that the Board talk over the cases to be considered today which are similar, after executive session, which motion was seconded by Mr. Walker, and unanimously carried.

Mr. F. D. Richardson, Attorney, stated to the Board that he represented Roland Payne in connection with an application for permission to add an extension to his restaurant, located on Highway No. 211, about ½ mile between Fairfax and Centreville. Mr. Richardson stated that this is an addition to the lunch room and that Mr. Kirby and Mr. McIntosh had said they would be glad to speak on behalf of the applicant, and that there was no objection from anyone.

The Chairman asked if there was any plat showing the location of the

proposed addition, but there was not. He stated then that there was supposed to be a plat showing the location of the building as it is important to see that there is proper provision for parking, etc.

Mr. Dawson moved that the Board grant the permit, provided the building is 90 feet or more from the highway, which motion was seconded by Mr. Piggott, and unanimously carried. The Chairman stated that it would be satisfactory for Mr. Payne to measure the place and write a letter to the Board.

The third application was that of S. Whitesell for permission to construct an addition 20 x 30 to an existing store located at the intersection of Roads #123 and #663, in the business district of Oakton. He stated that the addition is badly needed and because of the size and shape of the lot it is almost impossible to place it anywhere and the road is used very little.

Mr. Walker stated that in his opinion the addition would not create a traffic hazard.

The Zoning Administrator stated that he would not express any opinion on this case.

Mr. Mackall moved that the Board give him permission to make the addition, which motion was seconded by Mr. Walker, and unanimously carried.

The fourth application to be heard was that of Mary Hunt Dean. Mrs. Dean stated that they were in somewhat the same way as Mr. Moore, but that she was not entirely ignorant of the law, but that they have a utility shed, as the houses have no basements and they do not have space to put things, and that she had measured the setback and they are only 17 inches off, and they also have a great deal of trouble with the drainage field.

The fifth application to be heard was that of John Morgan, who stated he has already finished his garage, and that under the circumstances it is the only place he can put it.

Mr. White said he thought Mr. Morgan described the situation accurately.

The sixth application to be heard was that of Joseph P. Smith, who stated that in connection with his garage, that he got in touch with Mr. Thompson, at Annandale, and left it up to him about the permit, etc., and explained about the setback, but that he could find no other place to put the same without ruining his garden.

Mr. White stated that Mr. Smith has his garage in really the only proper place on the lot for it.

The seventh application was that of William A. Ronning, who stated that he has not built the garage yet, but that he has talked it over with the neighbors and they are agreeable, and that he cannot locate it anywhere else.

The eighth application to be heard was that of John W. Perry, who

stated that he was also too close to the line with his garage. He presented a sketch of the lot, showing the drain field and septic tank in back and on the other side the well. He stated that between the road and the well there is not enough space so the only place he could put the driveway was the other side, which is too close to the line.

Mr. Graham M. James, of the Commissioner of Revenue's office, stated that in regard to this application that he had talked to the woman about the permit and looked at the situation, and it looked to him like it seemed foolish for them to move it, as it seemed like the logical place for the garage to be put.

Mr. White stated he did not have anything to say about it.

The applicants thereupon left the board room while the Board discussed the different cases.

Mr. White stated that most of them were ignorant of having to obtain the permit, and had acted in good faith.

The members of the Board stated they felt that the lots were small, and lost a lot of space if the setback requirement was adhered to.

The Chairman stated that in these specific cases there had been reason shown why they could not be located elsewhere.

Thereupon Mr. Dawson moved that the application of Jesse B. Moore be granted, because the Board does not want to work a hardship on anyone, in spite of neglect about finding out about the zoning laws of this County, and are not making a precedent of this by granting this permit, but under the circumstances they feel that they will grant this, on this special case, which motion was seconded by Mr. Mackall and unanimously carried.

Mr. Mackall moved that the application of Mary Hunt Dean be granted, because the Board does not want to work a hardship on anyone, in spite of neglect about finding out about the zoning laws of this County, and are not making a precedent of this by granting this permit, but under the circumstances they feel that they will grant this, on this special case, which motion was seconded by Mr. Mackall and unanimously carried.

Mr. Walker moved that the application of John Morgan be granted, for the same reason as set out above, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. Piggott moved that the application of Joseph P. Smith be granted, for the same reason as set forth above, which motion was seconded by Mr. Mackall, and unanimously carried.

Mr. Mackall moved that the application of William A. Ronning be granted, for the same reason as set forth above, which motion was seconded by Mr. Dawson, and unanimously carried.

Mr. Piggott moved that the application of John W. Perry be granted, for the same reason as set forth above, which motion was seconded by Mr.

Walker, and unanimously carried.

The applicants then reentered the board room and the Chairman advised them that the Board had voted unanimously to allow all of these applications, but that in so doing they did not consider it as a precedent, but considered each case separately, and they felt that in all instances there was some justification or reason due to the small area or topography of the lots on which the buildings were constructed, that the variance should be allowed.

Mr. White advised the Board that Mr. G. C. Cox, who had applied for a permit to build an addition to a garage, had now applied for a permit to build the garage at 10 feet from the line, so that he was apparently abandoning his appeal. Mr. Walker moved that the case be deferred until the next meeting, which motion was seconded by Mr. Piggott, and unanimously carried.

Thereupon the Board adjourned until its next regular meeting to be held Monday, November 22, 1943.

T. J. Stockton
CHAIRMAN.

At a regular meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the board room in the County Office Building at Fairfax, Virginia, on Monday, November 22, 1943, the following members were present: T. J. Stockton, Chairman, presiding; S. Cooper Dawson, Thomas I. Piggott, and William C. Walker. Absent: D. S. Mackall.

The first application to be considered was that of Alfred K. Ulmer, for permission to erect a dwelling on Lot 25, of Leewood Subdivision, in Falls Church District, with less side and rear yard setbacks than is required under the Zoning Ordinance.

Mr. Ulmer stated that he erected the dwelling in ignorance of the Zoning Ordinance; that it is a five room bungalow, that sets back about 175 feet from the road, but only five feet from the back and one side line; that it is located on the most practical location because of the topography of the land, and to move it now would serve no good or useful purpose. He stated that the location he chose is the highest point on the lot, as the house is going to be 96 feet long, and he is building the house himself. He further stated that he has about two-thirds of the house completed. Mr. Ulmer further advised the Board that he first knew that he had to have a building permit when Mr. Graham M. James came by.

Mr. E. R. White, Zoning Administrator, advised the Board that he went down and saw the lot, and that while he did not undertake to defend Mr. Ulmer's not knowing the law, that the house was built on the back of the lot because it was the highest place on the lot, so he could not have a

The eighth application to be heard was that of John W. Perry, who

very healthful situation if he built nearer the center or elsewhere, and that undoubtedly he has taken the best place on the lot for the house.

Mr. Ulmer then advised the Board that he had taken the matter up with Mr. W. Burrow, his neighbor, and that Mr. Burrow had asked that the Board waive their obligation and let Mr. Ulmer proceed with his home.

The Chairman asked Mr. White if, in his opinion, it was the only place to put the house because of the topography of the land, and Mr. White replied that he thought it was the best place for the house. The Chairman then stated that he thought that entirely too many people do not know about the Zoning Ordinance, and that he felt this was a very unfortunate case because he had no doubt that what Mr. White and Mr. Ulmer said about the topography of the land was true and that the Board would have probably granted a variance if he had come to them in the first place, but that they are continually excusing ignorance of the law.

Mr. Walker stated he felt it would cause a great hardship on the applicant if he was required to stop the building or to move it.

Mr. Dawson moved that because of the topography of the lot, the Board allow Mr. Ulmer to continue building his house, with five feet from the east line and five feet from the south line, which motion was seconded by Mr. Piggott. The recorded vote thereon was Mr. Dawson, Mr. Piggott and Mr. Walker, "Aye;" Mr. Stockton, "Nay;" Mr. Mackall absent. The Chairman declared the motion carried.

The second application to be considered was that of Lt. Christian M. Borden, for permission to erect a garage on Lot 20, in B. M. Smith Subdivision, Groveton, in Mt. Vernon District, with less side yard setback than is required. The application stated that the foundation had been started by the former owner and that there was also a driveway graveled to this site, and if he was not granted this permission it would necessitate ruining his yard. The application further stated that the applicant proposed to build a fireproof double garage, 21 x 23, within 1 to 1½ feet of the sideline.

There was a letter from Lt. Borden stating that he had recently purchased the property and that before he bought it, the former owner had started excavation for a garage and that he would not be able to attend the meeting because he was on duty and he knew of no opposition to the granting of his permit.

After a discussion of the matter, Mr. Walker moved that the Board deny the application, because it had not been shown that compliance with the Ordinance would work an exceptional or undue hardship upon the owner, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. Dawson moved that due to the fact that more and more people seem to be erecting buildings in Fairfax County without procuring permits from the

Zoning Administrator, and coming before the Board of Zoning Appeals and asking that the Board grant a variance and claiming ignorance of the Ordinance, that the members of the Board request their Chairman to take the matter up with the Board of Supervisors, with a view to some plan to better advertise the Zoning Ordinance in the County, which motion was seconded by Mr. Walker, and unanimously carried.

There being no further business before the Board, the Board adjourned at 12:33 p.m., until its next regular meeting to be held Monday, December 27, 1943.

T. J. Stockton
CHAIRMAN.

At a regular meeting of the Board of Zoning Appeals held in the board room in the county office building at Fairfax, Virginia, on Tuesday, December 28, 1943, there were present: T. J. Stockton, Chairman, presiding; S. Cooper Dawson and Thomas I. Piggott. Absent: W. C. Walker and D. S. Mackall, Jr.

The first case to be considered by the Board was that of Walter Ford for permission to establish, operate and maintain a public cemetery for the burial of white persons only, on highway known as Blunt's Lane, in Mt. Vernon District.

Mr. F. L. Ball, representing the applicants, presented a picture of the proposed cemetery and also a plat of the same. He stated that the application covers three pieces of ground as shown on the plat. Mr. Ball further advised the Board that Mr. Lewis Smoot was the only person opposed to the establishment of the cemetery and that he has voiced his opposition to the same. He stated he felt that the matter had never been explained to Mr. Smoot, and if it were, he thought Mr. Smoot would be willing to have it. Mr. Ball further advised the Board that there would be ample financial support for the cemetery, and that the applicants have already made adequate provision for its perpetual endowment, as it was necessary under the law, and that a certain percentage of the price of each lot was set aside for the upkeep.

Mr. Dawson stated that he had often wondered what this tract of land could be used for and he thought the cemetery would be a good idea. He inquired of Mr. Ball where the trunk line sewer would run, and was shown on the plat, and further advised that the cemetery would not affect the sewer line.

Mr. Ball stated to the Board that there was about 50 acres in the tract, but they would have to set back about 750 feet from Mr. Smoot's

line because of his opposition to the same, which leaves them approximately 26.4 acres to operate. He then presented a petition in favor of the establishment of such cemetery, which was signed by all of the owners of adjoining land, except Mr. Smoot. He further stated he would like the Board to grant a permit up to the line which is 750 feet from the Smoot line, which contains approximately 26.4 acres. He further advised the Board that along the water front there might be mausoleums, but that other than that they had no intention to erect monuments.

Mr. Dawson moved that the Board allow the application of Walter Ford, representing Sunset Sanctuary, Inc., to develop Parcel 1A and Parcel 2, as shown on plat of June 10, 1943, consisting of 7.487 acres in Parcel 1A, and 18.8162 acres in parcel 2, more or less, but on condition that sufficient funds are set aside for perpetual care and that no individual monuments more than three inches high above the ground are to be permitted, which motion was seconded by Mr. Piggott, and carried. He further moved that the Board grant, under the same condition as above set forth, the right for the applicant to develop the balance of the land in the original description, provided they can make arrangements with Mr. Lewis Smoot, who owns the land to the west, to secure his agreement to the same, and that the applicant advise this Board that these arrangements have been made before they proceed with the development of this part of the property. This motion was also seconded by Mr. Piggott and carried.

The following is a description of the parcels as set forth in said application:

PARCEL 1

BEGINNING at a point where the original line dividing the Johnson and Pullman tracts intersects the north line of Blunt's Lane and running thence with said north line of the road n. 57° 52' 27" W. 0.14 of a foot to a point; thence N. 62° 24' 20" W. 456.11 feet; thence N. 57° 34' 10" W. 436.48 feet to a point on the north side of Blunt's Lane at its intersection with the line of Grayson and Moss, said line being also the west line of the original Oliver Pullman tract; thence leaving the road and running with said line N. 30° 26' 50" E. 1105.57 feet to a point on Hunting Creek; thence with the creek the following courses: S. 65° 35' 35" E. 404.58 feet and S. 44° 51' 00" E. 500.27 feet to the line between Pullman and Johnson tracts; thence with said line S. 30° 07' 33" W. 1013.58 feet to the point of beginning, containing 22.6389 acres.

PARCEL 2

BEGINNING at a point where the original line dividing the Johnson and Pullman tracts intersects the north line of Blunt's Lane; thence with said line N. 30° 07' 33" E. 1013.58 feet to a point on Hunting Creek; thence

with said creek the following courses and distances - S. 68° 04' E. 206.61 feet, S. 45° 34' 27" E. 326.41 feet, S. 73° 19' 27" E. 280.33 feet, S. 66° 08' 16" E. 167.01 feet to a point on said creek in the original east line of the Johnson tract; thence with the said line S. 34° 42' 54" W. 830.45 feet to the northeast corner of Rinck; thence with the north line of Rinck N. 42° 17' 06" W. 105.00 feet to the corner of Rinck and Aiken; thence with the north line of Aiken N. 50° 17' 06" W. 99.85 feet to the northwest corner of Aiken; and West as acquired in Liber K No. 12, page 361; thence with the west line of Aiken S. 40° 14' 24" W. 406.82 feet to a point on the north side of Blunt's Lane; thence with the north side of Blunt's Lane N. 43° 33' 35" W. 210.98 feet to a point; thence leaving said road and running with the line of Morrison N. 44° 34' 11" E. 420.70 feet to the corner of Morrison; thence with the north line of Morrison N. 45° 07' 27" W. 74.85 feet, N. 57° 52' 27" W. 145.63 feet to the point of beginning, containing 18.8162 acres.

PARCEL 3

BEGINNING at a point on the north line of Blunt's Lane at the southwest corner of the property formerly owned by Fred A. Moss and running thence with the north line of said road N. 57° 37' 46" W. 169.47 feet to an iron pipe set in the southwest corner of the land of L. Smoot; thence with the east line of said land of Smoot N. 30° 26' 50" E. 1727.14 feet to a point on Hunting Creek; thence with the line of Hunting Creek S. 15° 20' 20" W. 649.73 feet to a point on Hunting Creek being also the northwest corner of the land formerly owned by Fred A. Moss; thence with the west line of said Moss land S. 30° 26' 50" W. 1105.57 feet to the point of beginning, containg 5.5064 acres.

The second application to be considered was that of Jesse P. Harlow for permission to erect a garage of concrete foundation, about two feet from the west side of Lot B, in Lincolnia, Falls Church District. Mr. Harlow stated that this lot was situated on Secondary Road No. 613, north of Lincolnia. He further stated that he had started building before he knew the law required them to be 15 feet from the line, and that he was only about two feet from the line. He said he had spent about $100.00 on the garage so far and that it was the logical place for the same.

Mr. Dawson moved that under all the circumstances of this case, the permit be granted to build his garage two feet from the west line, as shown on plat filed with his application, which motion was seconded by Mr. Piggott and carried.

The third application to be heard was that of Andrew F. Melvin for permission to operate kennels for boarding dogs, on 15 acres of land in Mt. Vernon District. This land is situated on Secondary Road No. 644.

Mr. Melvin stated that he intended to raise dogs and board them, and to use his poultry house as an overflow for a dog hospital, and to just take in dogs that are well. He stated that he intends to board dogs mostly as he

knows dogs well. The Board was advised that the land was zoned Agricultural now.

Mr. Dawson moved that the Board grant permission to operate kennels for boarding dogs on the premises of Mr. Melvin, on the south side of Secondary Road No. 644, in Mt. Vernon District, provided all buildings and runs are 150 feet from the sidelines, which motion was seconded by Mr. Piggott and carried.

The fourth application to be presented to the Board was that of the Second Baptist Church at Falls Church, for permission to establish and operate a graveyard, for colored people on three acres of land reached by an outlet road running east from Secondary Road No. 650, at a point about 600 feet south of Lee Highway, at Merrifield.

The Board was advised that the present cemetery at Falls Church was filled up, and that they proposed to use the three acres as shown on a plat presented to the Board. The applicant advised the Board that they had secured the signatures of all the owners having houses within 750 feet of the proposed tract, and thereupon presented a petition showing the signatures of said landowners.

The applicant further advised the Board that they proposed to support it by a Church Graveyard Club.

Mr. Dawson moved that the Board grant the Second Baptist Church of Falls Church permission to establish and operate a cemetery for colored people on three acres, reached by an outlet road running east from Secondary Road No. 650, at a point about 600 feet south of Lee Highway, at Merrifield, in Falls Church District, provided that they grant as much funds as possible for the maintenance of this cemetery, and that no stones are used that will be higher than three inches above the ground level. This motion was seconded by Mr. Piggott and carried.

There being no further business before the Board, on motion duly made, seconded and carried the Board adjourned at 1:40 p.m. until its next meeting to be held Monday, January 24, 1944, at 11:00 a.m.

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T. J. Stockton
CHAIRMAN.

At a regular meeting of the Board of Zoning Appeals, held in the county office building at Fairfax, Virginia, on Monday, January 24, 1944, there were present: T. J. Stockton, Chairman, presiding; W. C. Walker, Thomas I. Piggott, D. S. Mackall, Jr., and S. Cooper Dawson.

The first case to be heard was that of W. G. Plaugher, for permission to convert a garage into a moving picture theatre, one mile east of Franconia, on Road No. 636. Mr. Plaugher presented a sketch of the plans for

the theatre. Mr. Dawson asked if it was made of stone and Mr. Plaugher replied that it was.

The Chairman stated that Mr. Plaugher had consulted with the Planning Commission several times and they had tried to advise him, and stated that it seemed to him that it was a non-conforming use and the ordinance states that a non-conforming use may be extended throughout a building and it seemed that it was within the discretion of the Board to grant the change of use and felt that a theatre would be less objectionable than a garage.

The applicant stated they could seat 350 persons in it and have proper exits and parking space. He further stated that at present there is a car junk yard in the back and they propose to clear that out.

Mr. E. R. White, Zoning Administrator, stated that the only thing he had in mind was to see whether adequate safety provision has been made; that it accommodates 300 or more people and to see if the applicant can arrange for adequate safety exits and entrances to the building, and to consider the question of whether a moving picture theatre is a suitable use for that locality with an A.B.C. license on the property. He asked Mr. Plaugher how it was conducted and Mr. Plaugher replied that there was drinking inside but none on the outside. Mr. White stated that he did not offer any objection to it and that it is certainly something the neighborhood would appreciate and patronize if properly conducted.

The Chairman asked if there were any regulations that had to be complied with in regard to the A.B.C. license, and Mr. Plaugher replied that there were none.

Mr. Dawson moved that the Board grant the permit, on condition that the automobile graveyard be cleared away completely and ample parking space made at the rear, and proper fire exits constructed and that no exterior structural changes be made.

Mr. Walker asked if there had been any objection to the same in connection with the bar and the applicant stated there had been no objection. Mr. Walker stated that he was thinking in particular about the children and the effect on them.

The Board then went on record as being of the opinion that the changing of the window and the door for an exit was not a structural change.

Mr. Mackall seconded the motion of Mr. Dawson and it was unanimously carried.

The second case to be heard was that of Bayard D. Evans, for permission to build a non-commercial hog pen at Lewinsville.

Mr. Evans stated that he wanted to build a sanitary type of feeding floor - a concrete slab - so that they could clean it up. Mr. Evans further stated that there were 8 acres in the tract and that no one had any objection to it. He advised the Board that he intended to keep about 9 or 10

The Chairman stated that their main decision was whether this was commercial or non-commercial.

The applicant stated that the reason he appealed was so that he could put it nearer the road and that he was not interested in the hog business and did not intend to use it commercially.

There followed a general discussion during which it was brought out that the Board of Supervisors has set 20 hogs over six months of age as being commercial. There was also brought out the fact that the applicant used the meat in his lunch room.

Mr. Mackall thereupon moved that the Board consider it non-commercial because it is used for the applicant's own use, provided he will not keep over 20 hogs at one time over six months of age. This motion was seconded by Mr. Dawson and unanimously carried.

The third application to be heard was that of City Park Homes Corporation for a variance. Mr. White stated that five houses built in this subdivision were built on a layout made by Mr. Joseph Berry and are set back 30 feet and that Mr. Berry made a mistake and on one of the five houses he put it back only 21 feet and the builder went ahead with that, and the Corporation asks an exception for that reason. He stated that it is a $6500.00 house and that the foundation and plumbing are already up. He further stated that since the builder relied on the plans drawn by Mr. Berry he did not feel that they could be accused of negligence and that no harm was done and the looks of the circle is not damaged. It was stated that this was on Lot 119, Section 2, City Park Homes Subdivision, in Falls Church District, on Lee Boulevard.

After a discussion of the matter, Mr. Dawson moved that, due to the mistake by Mr. Berry, the most reputable surveyor in the County, and also due to the fact that it is on the cul-de-sac, the Board allow this building to go on as the foundation has been made with a 21 foot setback instead of 30 feet as required. This motion was seconded by Mr. Mackall and unanimously carried.

Mr. Mackall moved that all the minutes up to the present date be approved and that the Chairman be authorized to sign the same, which motion was seconded by Mr. Dawson and carried.

On motion duly made, seconded and carried the Board adjourned at 12:30 p.m. until its next meeting to be held on Monday, February 28, 1944.

R. C. Dawson

Vice CHAIRMAN.

FEBRUARY 28, 1944

All members were present - Messrs. Stockton, Dawson, Mackall, Piggott and Walker. The Zoning Administrator acted as Clerk.

The only case on the calendar was that of Harris Levy, asking permission to retain a garage on each of lots 55 and 56 of Annandale Subdivision at their present location, being about 3 feet from the east side line of each lot.

Attorney Charles Pickett, representing the applicant, stated that the garages had been built at the same time as the dwellings on the same two lots under a misapprehension of the setback requirements of the Zoning Ordinance; that in order to correct his error in the matter of the setbacks for the dwellings, the owner had been compelled to buy all of the lots on the opposite, or north, side of Maple Street, re-subdivide them and relocate the street, so as to get the required clearance for the dwellings on the south side; that the cost of these measures had been more than $4000., in addition to the loss of the use of the dwellings for more than a year.

Mr. Pickett stated further that if his client were required to pull down the garages and rebuild them on the back of the lots they would be almost inaccessible from the front because of the narrowness of the lots, there not being sufficient room to make the turn into the garages.

The Zoning Administrator stated that the garages are built of brick, are fireproof and, therefore, do not constitute a fire hazard in their present location, and that he did not consider that any public good would be served by requiring their removal. He said that the measures which it had been necessary to take had already resulted - and properly so - in heavy penalties on the owner for his negligence in failing to observe the provisions of the Zoning Ordinance, and that he thought the Board might well grant a variance in this case on the ground that to require a strict compliance with the Ordinance would work an exceptional and unnecessary hardship upon the owner.

Motion was made by Mr. Mackall and seconded by Mr. Walker that by reason of the narrowness of the lots (50 feet), and the penalties already suffered by the owner, it would be an exceptional and undue hardship to require the applicant to move the garages from their present location. The motion was carried unanimously.

There being no further business before it the meeting adjourned.

S. C. Dawson

Vice CHAIRMAN.

MARCH 27, 1944

At a regular meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building on Monday, the 27th day of March, 1944, there were present: S. Cooper Dawson, presiding, William C. Walker, Thomas I. Piggott, D. S. Mackall, Jr., and John W. Brookfield.

The first case to be heard was that of Harry A. Shockey for an interpretation of Section XI, Subsection 7, of the Zoning Ordinance, the second paragraph of which reads, "A building may be permitted to set back from the street less than the required setback to conform to the setback established by adjacent existing buildings located on that side of the street within the same block, or if not subdivided into blocks then by existing buildings located within 600 feet of either side of said proposed building on the same side of the street."

Mr. Charles Pickett, representing Mr. Shockey, presented a plat prepared by Mr. Joseph Berry, showing buildings with less than the required setbacks from the Lee Highway on the lot adjoining the Shockey lot on the east, and stated that the Zoning Ordinance of the Town of Falls Church has a setback of only 15 feet. He said that the applicant wanted to put his building in line with the other buildings there. He stated that the setback is 19 feet and the Zoning Ordinance calls for 30 feet. Mr. Pickett stated that it seemed to him that the Board in the exercise of its judgment could allow Mr. Shockey to have the building in line with the other buildings, one of which is a restaurant and the other a dwelling, both owned by Sauvier.

Mr. White, Zoning Administrator, stated that he and Mr. Stockton had measured the distances very carefully, and that the restaurant was 37½ feet from the center of the Highway and 17½ feet from the side line of the Highway; while the dwelling was 40 feet from the center and 20 feet from the side of the Highway. He said that he couldn't account for the discrepancy between his measurement and that of Mr. Berry regarding the setback of the restaurant unless it might be due to the slight curvature of the road - he having measured from the road to the nearest side of the building. Mr. White contended that even if the two houses had identical setbacks they would not fix the building line for the Shockey lot, because they are both on the same side of that lot, and not on each side of that lot as required by the Zoning Ordinance, and that the 2nd paragraph is permissive only.

Mr. Shockey insisted that he was relying on Subsection 7, which says, "existing buildings located within 600 feet on <u>either</u> side", etc. and that he is asking to be allowed to conform with existing buildings. He advised the Board that his building is about 30 feet from the restaurant.

It was brought to the attention of the Board that the appeal is for an interpretation of Subsection 7 of Section XI of the Ordinance, the question being whether the word "either" as used in the Subsection means one side

only or both sides. Mr. White said that in his opinion the meaning of the second paragraph of Subsection 7 could not be determined without consideration of the first paragraph which clearly uses the word "either" in the sense of "each", and that "either" is used in the same sense in the second paragraph. Mr. Brookfield said that he thought "either," as used, includes both sides, and there was general discussion as to what was meant and what action should be taken.

Mr. Mackall moved that it be interpreted that "either side" means "one side." If there is a setback on one side less than the distance required by the Zoning Ordinance, it will serve as an established building line. This motion was seconded by Mr. Walker, but was lost by a 3 to 2 vote. Those voting for it being Mr. Mackall and Mr. Walker. The Board then adopted a Resolution by Mr. Brookfield, seconded by Mr. Piggott, that "The word 'either' in the second paragraph of Subsection 7 is used to mean "each" in the same way that it is so used in the first paragraph, and there must be a building on each of the two sides of the proposed building, with the same setbacks, to establish a permitted variance from the required setback." The Chair announced the vote as 3 in favor of the Resolution - Messrs. Brookfield, Piggott and Dawson - and 2 against it, Messrs. Mackall and Walker.

The appellant noted an appeal to the Board of Supervisors.

The next case was that of Samuel N. Lightfoot, asking permission to build a six foot addition to his dwelling which would bring it within less than the 25 foot required side yard setback.

The appellant stated that he built his house in 1941 on his 5 acre lot and that he now needs an extension of his dining room by 6 feet,which would bring him to within 19 feet of the adjoining 5 acre lot owned by his son-in-law who has no objection.

Mr. White said he saw no reason why the 6 foot addition to the house should not be made.

Mr. Mackall, seconded by Mr. Piggott, moved that the application be granted in order not to impose unnecessary hardship on Mr. Lightfoot. The motion was carried by unanimous vote.

The third case was the request of the Pennsylvania Central Airlines Corp. for release of its bond given in connection with its lease and use of the Collingswood property on Mount Vernon Boulevard as air pilot training quarters. Mr. White read a resolution releasing the bond, and, on motion of Mr. Mackall, seconded by Mr. Walker, said Resolution was adopted unanimously, the same being in the words and figures following, to-wit:

Whereas, the Board of Zoning Appeals, by Resolution dated October 26, 1942, required a bond in the sum of Ten Thousand Dollars to be executed by the Pennsylvania Central Airlines Corporation to insure removal from the

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property of Mrs. Natalie B. Montgomery (known as Collingwood) on the east side of the Mount Vernon Memorial Highway, in Mount Vernon Magisterial District, under lease to the said Pennsylvania Central Airlines Corporation, of such buildings or facilities as might be erected on such property under said lease, and required further that the said property should be restored to its then present condition within six months after the termination of its use for the purposes described in said lease which is recorded in Liber 425, Page 13 of the Land Records of Fairfax County; and

Whereas, the Zoning Administrator of Fairfax County is in receipt of joint written notice from the owner and lessee of the aforesaid property that the lease was terminated, under the terms thereof, effective January 4, 1944, and has stated that he, the Zoning Administrator, has found, after inspection, that no buildings or facilities had been erected under the lease, and no changes in the existing buildings had been made which would violate the County Zoning Ordinance, and that the property was at the time of his inspection, March 17, 1944, restored to its condition existing prior to the execution of the lease, or better; Now,

Be it resolved by the Board of Zoning Appeals that the said bond of Ten Thousand Dollars is terminated, and the Zoning Administrator is authorized to return said bond to the said Pennsylvania Airlines, as being no longer in effect.

The Board then proceeded to the election of officers for the current year. On motion of Mr. Piggott, seconded by Mr. Mackall, Mr. Dawson was unanimously elected Chairman. On motion of Mr. Mackall, seconded by Mr. Brookfield, Mr. Walker was unanimously elected Vice-Chairman.

The Board then adjourned until its next meeting, to be held on Monday, April 24, 1944, at 11:00 a.m.

S. C. Dawson

CHAIRMAN

APRIL 24, 1944

At a regular meeting of the Board of Zoning Appeals held Monday, April 24, 1944, at 11:00 a.m., there were present: S. Cooper Dawson, Chairman, presiding; John W. Brookfield, Thomas I. Piggott and William C. Walker.

The first case to be considered was that of Max Stein, who has a general store on U. S. Route #1, near Cameron Valley and he had a stand with gas pumps about ten feet from the building and put a porch closer to the highway than allowed under the Ordinance. The Board ruled that Stein had to move back and Mr. Andrew W. Clarke, his attorney, said he could not move the

building back because of lack of building material and so Mr. Stein is still there. The Government is building a shopping center so it may be that this will settle the question as Mr. Stein's isn't such a desirable place.

Mr. E. Russell White stated he could do nothing until the Board acted on the question. Mr. Stein has appealed to be allowed to leave the extension and has been fined in Court for having the extension there and is liable for a fine each subsequent day. From a review of the case it appeared that the Board recognized an emergency at the time and gave him a temporary permit under certain conditions (see page 114 of this Minute Book) and required him to give a bond, which he never gave.

Mr. Brookfield moved that Mr. Stein be notified to comply with the conditions required in the letter of Mr. Stockton dated December 14, within sixty (60) days and to notify him that sixty days is the absolute limit of time given him in this matter, and that the Chairman write Mr. Clarke a letter telling him this, which motion was seconded by Mr. Walker and unanimously carried.

The minutes for the months of January, February and March were read and approved and signed by the Chairman.

The Chairman appointed Mr. T. J. Stockton to represent this Board at the meeting of the Board of Supervisors in regard to the appeal of Harry A. Shockey.

Mr. Brookfield moved that the appeal of C. A. Clore dated July 7, 1943, for erection of a garage to service and repair his own cars and trucks on his lot be stricken from the calendar, which motion was seconded by Mr. Piggott and carried.

Mr. Brookfield moved that the application of Joseph M. Browne for the erection of tourist cabins on the west side of U. S. Highway No. 1 be stricken from the calendar, which motion was seconded by Mr. Piggott and carried.

On motion duly made, seconded and carried, the Board adjourned at 12:45 p.m. until its next meeting to be held Monday, May 22, 1944, at 11:00 a.m.

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S. C. Dawson

CHAIRMAN.

NOTE: See Page 176 for meeting of May 17, 1944.

MAY 22, 1944

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At a regular meeting of the Board of Zoning Appeals held Monday, May 22, 1944, there were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, John W. Brookfield and William C. Walker.

The first application to be heard was that of Marcus J. Bles for permission to continue his garage with less than the required setback, on his lot located near Odrick's Corner, in Providence District. The applicant presented a sketch of his lot and stated that he put the garage up last month and his driveway is graveled and the garage has been finished. He stated that it is 12 inches from one line; 16 inches from another line, and 4 feet from the other corner.

The Chairman asked the Zoning Administrator how this was called to his attention and Mr. White said somebody had made a complaint concerning it.

Mr. Brookfield said that it may work a hardship in this case not to grant the application, but that in some cases it might create a fire hazard.

It was stated that the applicant did not get a permit to build. The applicant stated that the driveway was planned and made before the Zoning Ordinance and that was his only plea.

Mr. Brookfield moved that the applicant be instructed to place his building ten feet from the line on both sides and the back, which motion was seconded by Mr. Piggott and unanimously carried.

The next application to be considered was that of James G. Bennett for the restoration of a non-conforming building and use. Mr. Bennett stated that he wanted to rebuild Chimney Villa which had been destroyed by fire and that the adjoining owners have signed a petition agreeing to it and that he has a business which includes a dance hall, grocery store and post office.

The Zoning Administrator said that the Zoning Ordinance provides that any non-conforming building damaged exceeding 50% of its reproduction value may not be restored or used for any purpose other than allowed under the Ordinance, so that where the damage is more than 50% it does not permit restoration.

It was brought out that approximately 130 families are served by this business establishment. After a discussion of the case it was decided that the only alternative would be to have it rezoned.

Mr. Brookfield moved that this Board turn down this application because it does not have authority under the Ordinance to grant Mr. Bennett's application to rebuild. This motion was seconded by Mr. Piggott and unanimously carried, and the Clerk was instructed to send the petitions filed with his application to the Board of Supervisors.

The Board considered again the application of Max Stein and Mr. White read a letter from Mr. Andrew W. Clarke dated April 29 in regard to the same and after a discussion regarding the application Mr. Walker moved that action be deferred until the next regular meeting of the Board and that

Senator Clarke be notified in response to his letter, which motion was seconded by Mr. Piggott and unanimously carried.

On motion duly made, seconded and unanimously carried the Board adjourned at 12:15 p.m. until its next regular meeting to be held Monday, June 19, 1944, at 11:00 a.m.

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S. C. Dawson
CHAIRMAN.

MAY 17, 1944

At a Special Meeting of the Board of Zoning Appeals held Wednesday, May 17, 1944, at 10:00 a.m., there were present: S. Cooper Dawson, Chairman, presiding; D. S. Mackall, Jr., John W. Brookfield and Thomas I. Piggott. Absent: William C. Walker.

The Chairman announced that this meeting had been called to hear an application from the Board of Supervisors for the construction, maintenance and operation of a Dog Pound and Potter's Field.

Mr. Charles Pickett, Attorney, called the attention of the Board to the provisions of the Zoning Ordinance as set forth in Section XII, and stated that this property is zoned Rural Residence and among the uses allowed are buildings and facilities which are used exclusively by the State, County or Federal Governments, provided the location of such will not tend to retard the further use of the property for residential purposes.

Mr. Hugh Marsh, Attorney for the Commonwealth, stated that the application also included an incinerator but that the Board of Supervisors didn't have the right to ask that an incinerator be allowed so they are eliminating this from the application.

Mr. G. Wallace Carper, Chairman of theBoard of Supervisors, stated that due to the epidemic of rabies in the County he had appointed a committee to locate a piece of property for a dog pound. This committee consisted of Supervisors Fox and Buckley and they investigated over a period of 5 or 6 months but could not locate anything at a reasonable figure that would be desirable. The first thing the Board did to stop the epidemic was to put a quarantine on dogs and this proved ineffective, so they then passed an ordinance prohibiting dogs running at large and thought the next thing was to buy a piece of property and erect a dog pound. They found a lot of land that seemed to be satisfactory on the Jermantown Road in Providence District and bought it without any desire of doing any property owner an injustice, and started the dog pound. The Board considered it the responsibility of the Board to meet the rabies epidemic and this was the best measure as far as they could tell as there have been a number of persons bitten by mad dogs. He stated that it remains to be seen that the dog

pound is going to be a nuisance in the County and he does not believe it will be a nuisance. Mr. Carper further stated that the Board intends to take good care of the property and will have water, lights and be as free from odor as possible.

Mr. Carper further advised the Board that as to the Potter's Field the Board of Supervisors does not have any place in which to bury indigent persons and have had a difficult time securing lots in cemeteries and that they do not have more than three or four cases a year so that this is a small part of the question.

Mr. Arthur Schuerman stated that he would go to any expense to have the rabies epidemic eliminated but that he felt the dog pound would depreciate the value of the surrounding property.

Mrs. Ainsley stated that we want the County to be a County to be proud of but that this dog pound would depreciate the value of her property at least half and the Potter's Field would also depreciate her property. It was brought out that Mrs. Ainsley paid approximately $110.00 per acre for her property and bought it last fall.

Mr. Norman Cobb presented a plat of the property and stated that the proposed lot will back up to his property but it was discovered that this was not true because the Board of Supervisors did not purchase the 7 lots back of this property and this application does not apply to those lots. Mr. Reed Thomas also presented an aerial view of the property.

Upon an investigation it was shown that Mrs. Ainsley's property is about 500 feet from the Potter's Field at the closest point.

Supervisor Buckley advised the Board that the Supervisors are allowed $50.00 to bury a person and that this is not enough under present conditions.

The Chairman asked what difficulty they had had in obtaining the lot and Supervisor Buckley stated that it had taken them more than six months to find this lot and Supervisor Carper said that there was also an advantage in having the dog pound this close to the County seat because under the present law a person can come to the Treasurer's Office and pay the fee required and get his dog but with transportation as it is, distance is an important factor.

Mr. Reed Thomas asked the Supervisors whether they felt justified in spending this money and he then offered the Board a piece of property for $1500.00.

Mr. Robert Walker, representing the Town of Fairfax, stated that he was interested in zoning of the Town and the development thereof and that this land in question might some day be a part or a suburb of the Town and it does not seem proper to have a dog pound and Potter's Field in land where the Town may later be developed.

Supervisor Carper stated that on several occasions the Board has paid out between $700.00 and $800.00 for the treatment of rabies and it has proven very expensive. He also stated that it was his idea to fix the Potter's Field like the Memorial Cemetery and it holds 600 lots.

Mr. Pickett stated that real estate is increasing in value in that section. Supervisor Carper stated that he had no apology to make for the work of the Board of Supervisors.

Mr. Walker said he felt confident future development was going to take place and that this Board must consider the possibility of development of the land in making its decision.

Mrs. Ainsley said that her land was undeveloped and unimproved and the new road built there has increased the value of her property.

Mr. Charles Pickett, Attorney, stated that the only way he could see was to have the land rezoned and that he considered it true that the value of surrounding land will decrease. He also stated that he did not feel that it was necessary to establish this pound at this point and that under the circumstances it seemed as though the Board of Supervisors ought to purchase land where the least number of people will be called upon to sacrifice their property. He stated that the Town Council of Fairfax had passed a resolution protesting this.

Supervisor Carper inquired where all the development was in this area and that he did not believe the dog pound and Potter's Field would depreciate the values.

Mr. E. Russell White, Zoning Administrator, stated that in his opinion the responsibility for the location and operation of these public facilities was with the Board of Supervisors and that they had appointed a committee and that committee has spent a good while finding a suitable place for these public facilities and that he felt he should not say that the judgment of the Board was wrong.

Mr. George Robey stated that he felt that when a dog had rabies it should be killed immediately and not put in a dog pound and that it was up to the owner of the dog to get his dog and at his inconvenience. He further stated that he felt that the demand for the Potter's Field was not sufficient for the Board of Supervisors to spend a large sum of money for a tract of land which depreciates other land.

After a general discussion as to this application, Mr. Piggott moved that it is the sense of this Board that the Zoning Ordinance of Fairfax County permits the location of a Dog Pound and Potter's Field (Cemetery), as an exclusive county government facility, in a District zoned as Rural Residence, subject to the finding of this Board, that such location shall

be in harmony with the general purpose and intent of the zoning regulations and map, and further, that such location will not tend to retard or impair the present use or future development of the district for residence:

Now, therefore, be it Resolved, after full consideration of the law and the facts as brought out in evidence, that this Board finds that the proposed location of a County Dog Pound and Potter's Field on the 15 acre tract of land, owned by the County, on the east side of the Jermantown Road (No. 655) in Providence District, about three-quarters of a mile north of Route No. 50, meets the requirements of the law as above stated and found in Sections IV (Sub-Sec. A-15-g) and XII (Sub-Sec. F-1-3 and 2) of the county zoning ordinance; and finds further, that the application of the County Board of Supervisors for a zoning permit on said tract of land for the said purpose of locating, maintaining and operating a County Dog Pound and Potter's Field thereon, should be granted.

There was no second to this motion and the Chairman declared the same lost for lack of a second.

Mr. Brookfield then moved that the Board finds that the use and operation of an incinerator is not authorized under the Zoning Ordinance in a Rural Residence District, and that the application for the incinerator be denied and that it is the sense of this Board that the construction, operation and maintenance of a Dog Pound and Potter's Field on the location described in the application of the Board of Supervisors, in a District zoned for Rural Residence, would not be in harmony with the general purpose and intent of the zoning regulations, and that such location will tend to retard or impair the present use or future development of the district for residence:

Therefore, Be it Resolved, by this Board, that the pending application of the Board of Supervisors for building and zoning permits for the purpose and location stated above should be denied, as unauthorized by law.

This motion was seconded by Mr. Mackall. The recorded vote on said motion was Messrs. Brookfield and Mackall, "Aye;" Messrs. Piggott and Dawson, "Nay;" Mr. Walker absent.

After a discussion as to whether the Chairman should vote it was read from the Ordinance that the vote shall be the vote of the majority of the members present. The Chairman declared it a tie vote.

Mr. Mackall moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield and unanimously carried.

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S. C. Dawson
CHAIRMAN.

JUNE 8, 1944

At a special meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the board room in the county office building at Fairfax, Virginia, on Thursday, the 8th day of June, 1944, at 10:00 o'clock, a.m. at which meeting all of the members of said Board were present and voting:

The Chairman announced that this was a postponed meeting rrom the last special meeting, for hearing on the application of the Board of Supervisors to establish, operate and maintain a dog pound and Potter's Field.

Mr. Charles Pickett, Attorney, noted an exception to this rehearing because the Board had already acted on this application and he objected to another consideration of it.

Mr. Hugh B. Marsh, Attorney for the Commonwealth, stated he did not consider the case decided and in his opinion the Board has done nothing and has a right to consider it.

The Chairman stated he was going to take the ruling of the Attorney for the Commonwealth and proceed with the hearing.

Supervisor Carper said the Board of Supervisors purchased this property for the purpose of constructing the dog pound and Potter's Field. The tract of land contains about 15 acres. He stated that the rabies situation has been bad and the Board has paid between $700.00 and $800.00 a month for the treatment of rabies and it has endangered the lives of a great many people. He stated the Board felt the dog pound seemed to be the answer to the problem. He advised the Board that a committee had been appointed to find a location for the pound and after an investigation of around nine months decided on this location and the Supervisors feel that it is a good location because it isn't far from the County Seat. He stated that the Board of Supervisors expects to keep it clean and in a sanitary condition. He further advised the Board that there is no electricity there and very little development taking place there now.

Mr. Mackall asked if putting a dog pound up there is going to keep a dog from biting a person after a dog has been placed in the pound and been redeemed, and Mr. Carper replied that they thought it would because they are gassing many dogs, and although it would not keep a dog from biting, if a dog runs at large it can be taken up again.

Mr. Pickett asked how many Game Wardens they have and was told they have one man. Mr. Carper further advised the Board that there is a dog pound truck running now with two men and it is picking up dogs.

Mrs. Ansley asked if Mr. Carper knew that the caretaker had been shooting dogs and not killing them. Mr. Moore stated that one night he heard the rifle fired and the dog yelled and came out and ran into the woods and they tracked him but the caretaker did not take the trouble to see where

the dog went and he considered this a nuisance. Mrs. Ansley stated that there are five new houses built along that road. She further stated that on Sunday before this happened this dog evidently got away from the pound and she called the dog pound but no one was home and she then called the Police Department and they said they would try to get in touch with the caretaker but no one came for the dog and it is a very grave nuisance to her especially.

Mr. Carper said there is already a gas chamber in operation and Chief McIntosh's report showed that they had gassed 67 dogs already. He stated they wanted a use permit so they could put it in operation to get rid of no-count dogs.

Mr. Mackall stated he thought the main thing was whether this would hurt the value of property.

Mr. Marsh stated that the Board of Supervisors had reached the conclusion that a dog pound is the answer to trying to combat the rabies situation and that they must locate this pound somewhere in the County and they have selected this particular place and they are asking this Board for a use permit under the Ordinance to allow this pound to be operated where they have located it. He stated he thought the dog pound was for the benefit of every citizen in the County and the location seemed adequate and is not being conducted for profit but is being conducted for the health of all the people of Fairfax County and should occupy a little higher status than an individual asking for a permit for the same purpose.

Mr. Stockton stated that the district boundary had to come somewhere and the Planning Commission thought this was the proper place but across the road it is agricultural.

Mr. Carper also advised the Board that about two or three people a year were buried in a Potter's Field. He said he did not believe this would depreciate the value of the property.

Mrs. Ansley stated that someone told her she could get $1,000.00 less than she paid for the property.

Supervisor Fox stated that he considered the lives of children and people more important than the depreciation of property. He further stated that this tract of land is surrounded on three sides by woods and Mr. Boger and Mr. Hailman are not objecting to it because they do not think it is going to hurt the value of their property. He further stated that Mrs. Ansley's house is the first house built on that side of the road and the house has been built since the Board of Supervisors bought the property. He stated that on the other side of the road there are only two houses and his property is about two miles from that property and he does not object to it.

Captain McIntosh reported that he had not heard any report of the dog that had gotten away. He stated that the Police Department is open 24 hours a day and there was no complaint registered.

Dr. Podolnick said he wanted to give some observations on the rabies situation. In 1943 they had 71 cases of rabid animals; so far this year from January to date, they have had 65. In 1943 120 people were treated for rabies; so far this year 110 have been treated. He stated that any authority on rabies will say that to prevent the spread of such, dogs must be quarantined.

Mr. Williams, representing the County Pomona Grange, read a resolution approving the use of the property for the dog pound. He further stated he lived within a mile of the pound and did not object to it.

Mrs. Ansley said she did not see why she should be penalized and have her property depreciated because of other people letting dogs run at large. She said she had no objection to a dog pound but she objected to having it next to her property.

Mr. Moore stated that Mr. Fox told the owner that it was going to be used for farm purposes and that the owner did not know he was selling it to the County and would not have sold it if he had known what was going to be put there.

Supervisor Fox replied that he tried to buy the Christeller Place but it was tied up in Court and Mrs. Reynolds said their place was for sale at $6500.00 and Loughborough went up there to see if it was still for sale and it was and told Mr. Reynolds it was being bought for a dog pound, etc. and they made the motion right in the yard to buy the property and explained it to Mr. Reynolds what was being done.

Mr. Walker asked if there was any number of dogs that could be placed in a residential district and asked what was the total of the number in a pound and Mr. Carper said that after a dog is kept for five days and not collected that it is gassed and that part of the time there will be 12 or 15 dogs there and some of the time there will not be any. He also stated that they planned to bury the dogs.

Mr. Walker stated that he felt that if people knew that dogs were going to be taken up that people would be more careful and that it would help the rabies situation.

Mr. Pickett said that in order to justify this use it had to be shown that the dog pound and Potter's Field would not tend to retard and repair the use of the property for future residence. He further stated that he had been directed to file an injunction suit if the dog pound is established there.

JUNE 8, 1944

A committee from Belle Haven, consisting of five women, appeared and expressed their approval of the dog pound and Potter's Field.

Mr. John M. Whalen stated that as a resident of the Town of Fairfax he had no objection to the dog pound.

Mr. Walker thereupon moved that after full consideration of the law and the facts as brought out in evidence, that this Board finds that the proposed location of a County Dog Pound and Potter's Field on the 15 acre tract of land, owned by the County, on the east side of the Jermantown Road (No.655) in Providence District, about three-quarters of a mile north of Route No. 50, meets the requirements of the law as above stated and found in Sections IV (Sub-Sec. A-15-g) and XII (Sub-Sec. F-1-3 and 2) of the county zoning ordinance; and finds further, that the application of the County Board of Supervisors for a zoning permit on said tract of land for the said purpose of locating, maintaining and operating a County Dog Pound and Potter's Field thereon, should be granted, which motion was seconded by Mr. Piggott, the recorded vote on said motion being: Messrs. Walker, Piggott and Dawson, "Aye;" Messrs. Mackall and Brookfield, "Nay." The Chairman declared the application granted.

Mr. Mackall thereupon moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield, and unanimously carried.

S. C. Dawson
CHAIRMAN.

JUNE 26, 1944

At a regular meeting of the Board of Zoning Appeals held in the board room in the County Office Building at Fairfax, Virginia, on Monday, June 26, 1944, at 11:00 a.m., there were present: S. Cooper Dawson, Chairman, presiding; W. C. Walker, Thomas I. Piggott, John W. Brookfield and D. S. Mackall, Jr.

The first application to be heard was that of William M. Simmons, for erection of a garage with less setback and side yard than required by the Zoning Ordinance, on a tract of 2.7 acres, in Mt. Vernon District, between U. S. Route No. 1 and Secondary Road No. 628, about one mile south of Groveton. Mrs. Simmons was present on behalf of the applicant and stated they wanted to add a bedroom and garage and it would put it about 17 feet from the line. It is a one-story building and is about 100 feet from the line on the other side, and will be approximately 12 or 15 feet high. After a discussion of the matter, Mr. Brookfield moved the application be granted, because of undue hardship, which motion was seconded by Mr. Mackall, and unanimously carried.

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The second application was that of E. W. Martin, for addition to the west side of a dwelling, with less than the required side yard, near Centreville, two miles east of Centreville. It was stated that the addition would bring the building 22 feet from the line, which is only 3 feet short of the required distance. Mrs. Martin stated there was no objection to the same and after a consideration of the appeal, Mr. Brookfield moved that the same be granted due to unnecessary hardship on the applicant, which motion was seconded by Mr. Mackall and unanimously carried.

The next case to be considered was that of the Methodist Church of Centreville, to add a vestibule, 8 x 10, on the front of the existing church and Sunday School room, with less setback than required.

The Zoning Administrator stated he thought in a case of this sort that since it was a church and an asset to the neighborhood and was so situated that nothing could be done about it because the building is a necessity, he recommended allowing it. The required setback required is 60 feet, and the vestibule would have a setback of 32 feet. After a discussion of the matter, Mr. Mackall moved that the application be granted because of the size of the lot it is impossible to add on the present church and would cause an unnecessary hardship, which motion was seconded by Mr. Brookfield, and unanimously carried.

The next matter to be discussed was that of Max Stein. Senator Clarke, attorney for Mr. Stein, was present on behalf of the applicant. It was noted that this case had been pending before this Board for almost two years. Senator Clarke stated that in connection with the $500.00 bond which Mr. Stein was supposed to have executed and which he hadn't, that Mr. Stein was not at fault because the Commonwealth's Attorney and Mr. Clarke were to have prepared the bond and they hadn't. Senator Clarke read a letter he had written to the War Production Board and an application to the said Board, which had been denied. Mr. Clarke stated that Mr. Stein realized that his building was not a desirable place and he wants to improve it and will as soon as possible. Mr. Stein stated that he was going to tear down the front of the existing building and put a brick front on it, but that he couldn't get anyone to do the work now and couldn't get the material. He said he has parking space for approximately 100 cars and has had no trouble during the three years he has been there, no accidents of any kind. Mr. Lud Popkin stated he had not heard of any accidents occurring there. The Zoning Administrator stated that the situation was that Mr. Stein has been found guilty in two courts in extending the building he has there and after the

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last decision was rendered against him, he took an appeal to the Board of Zoning Appeals and the Board then, in considering it, required a bond for certain conditions and gave him additional time to remove the extension which was illegally put up there, but they did give him a temporary permit to continue there until conditions allowed him to build. The question now is what is to be done about the bond.

There followed a general discussion as to the conditions of the bond. Thereupon Mr. Brookfield moved that this case be continued, subject to the filing of the bond, since the Board finds that at this time the emergency is just as acute as it was in October, 1942, in accordance with the conditions set forth heretofore, provided he files the bond, which motion was seconded by Mr. Piggott and unanimously carried.

Thereupon, on motion duly made, seconded and unanimously carried, the Board adjourned until its next regular meeting.

S. C. Dawson
CHAIRMAN.

JULY 6, 1944

At a special meeting of the Board of Zoning Appeals, held in the board room in the county office building at Fairfax, Virginia, on Thursday, July 6, 1944, there were present: S. Cooper Dawson, Chairman, presiding; W. C. Walker, Thomas I. Piggott, and John W. Brookfield. Absent: D. S. Mackall, Jr.

The Chairman announced that this was a special meeting called to hear the application by the Blue Network, Inc., by F. D. Richardson, its Attorney, for permission to construct and operate a radio tower. The Chairman rend a letter dated July 6th, signed by D. S. Mackall, Jr., advising the Board that he disqualified himself from sitting on the application of the Blue Network because of the fact that he had a financial interest in the outcome of the case. The Chairman stated that it had been asked that the hearing be postponed until July 24th.

Mr. Richardson stated that the petition shows what their desires are and it is simply the radio tower and the station is in Washington. He stated that there has been some objection and the Company does not wish to antagonize the people and want to make other arrangements, which is the reason they want to postpone the hearing. He stated that it was proposed to locate the tower on the back of Mr. Mackall's place.

Ralph T. Powell, who represented the citizens, stated that they were opposed to the granting of this permit and they have done considerable work

in preparing for the hearing; the people are busy and thought the Blue Network should either go ahead with the hearing or withdraw its application.

Mr. Richardson replied that his request was brought about by this very antagonism and they want to make other plans and he isn't an expert on the subject.

Mr. Powell said that the objections to the erection of the tower were that they have some information that it will interfere with radio reception; that it will depreciate the value of residential property in that area and that it is in violation of the spirit of the zoning ordinance.

Mr. Newman, from Langley, stated that he was President of the Columbia Broadcasting System and that he could state that this was strictly a commercial enterprize and it is operated for profit and nothing else and this applies directly to the ordinance.

Mr. Slavick asked the Board if the hearing were held and a decision made against the broadcasting company whether the company had the right to appeal and he was advised that they had the right to appeal.

Mr. Powell said he had talked with the ones who had most of the work done with the opposition and they feel that this hearing should be held this morning or the petition dismissed and he moved that the petition be dismissed.

The Zoning Administrator stated that this was a permitted use under certain conditions and the apprehension of these residents was perhaps overdrawn and they will not find the land will be depreciated by this tower but at the same time the sentiment is so nearly unanimous and he would not be in favor of overriding it.

Mr. Bradford presented a letter from Mr. Chester T. Lane expressing his opposition to the granting of the application. He also presented a resolution adopted by the McLean School and Civic League, stating its opposition to the operation of the radio tower and asking that the Board deny the application.

Mr. Richardson stated that he has made a motion that this case be postponed and he has had no hearing or witnesses, and no harm can be done to grant this postponement until the next meeting.

After a discussion of the matter, Mr. Walker stated that he had been listening to the discussion and it seemed that the Blue Network was thoroughly informed of this meeting today and he saw no reason why they should grant a request for postponement of this case and that he felt from the representative number here from Langley and McLean that everybody there does not want it and further that he felt that this Board wants to treat the people of Fairfax County honestly and justly and that the odds are

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entirely against the Blue Network for erection of this tower since it seems like everybody from that section was present. He further stated that it seemed like this was the biggest delegation the Board has had and under that view he moved that the request for postponement be denied because the Blue Network had the same information and same opportunity to meet at this meeting as did the opposing members. Mr. Piggott seconded the motion. The recorded vote on said motion was as follows, Messrs. Walker, Piggott, Brookfield and Dawson, "Aye."

Mr. Brookfield moved that the application for the erection of the tower be denied on the grounds that it is the consensus of opinion in the Langley neighborhood that it would be detrimental and reduce the value of the property and will interfere with the radio operation in that section, which motion was seconded by Mr. Piggott and unanimously carried.

The Blue Network was not heard on its application except by Mr. Richardson, its attorney, and their technicians were not present.

Thereupon Mr. Piggott moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield and unanimously carried.

S. C. Dawson
CHAIRMAN.

JULY 24, 1944

At a regular meeting of the Board of Zoning Appeals, held in the board room in the county office building at Fairfax, Virginia, on Monday, July 24, 1944, there were present: S. Cooper Dawson, Chairman, presiding; John W. Brookfield, Thomas I. Piggott, W. C. Walker and D. S. Mackall, Jr.

The first case to be heard was that of W. T. Ralston to erect a ten foot extension on existing store, which is made necessary to take care of the demands of increased business. The store is located on Lot 3, Block 3, Maple Terrace Subdivision in Providence District, on Chain Bridge Road.

Mr. Ralston stated that his store needed more counter space and he was asking for a ten foot extension to correct this. He also stated that he had bought ten feet of additional land and adding the addition would still leave the same setback as now.

Mr. Walker moved that the permit be granted because the purchase of the ten feet was made prior to the Ordinance and since the addition of the ten feet would give him the same clearance that he now has, provided the additional ten feet is added into the lot as signed by an agreement with Mr. White. This motion was seconded by Mr. Mackall and unanimously carried.

The next case to be taken under consideration was that of Churches Fraternal Cemetery Association, for an exception from Section IV, Subsection 15a. The location of the proposed cemetery being located in Mt. Vernon District, on State Road No. 628, opposite its southerly intersection with State Road No. 627, about one mile west of the Mt. Vernon Boulevard.

Rev. Strong, representing the Association, said the piece of property they have selected is near another cemetery and contains three acres. He advised the Board that he had the signatures of all the residents near there and there was no complaint to it.

The Zoning Administrator stated he had no objection to it.

Mr. Brookfield moved that the permit be granted on the grounds of the need of the cemetery and the fact that the location would be least objectionable because of its adjoining an already existing cemetery, which motion was seconded by Mr. Mackall and unanimously carried.

The third application to be heard was that of Nancy T. Brewer to permit an addition 9 x 25 to an existing dwelling, on a lot with less frontage than is required under the Zoning Ordinance. The dwelling is located in Falls Church District on the east side of Road #613, at Lincolnia.

The applicant bought this house which was on a lot that was too small. Mrs. Browhill, representing the applicant, stated that she and her two brothers built this three room cottage for her mother to live in and she has been living there for 7 or 8 years. The cottage was located on her brother's property and she bought this house with 55 foot of ground which was all they needed. She purchased this land in January and when she applied for a permit to make the addition she found she could not do so. The depth of the lot is 350 feet and the house is about 26 feet wide. They want to build a bathroom, kitchenette and bedding closet and it is to be 9 feet in depth. The former lot was 119 feet wide and they purchased 55 feet from that.

After a discussion as to the circumstances of the case, Mr. Brookfield moved that this application be granted on the grounds that the existing condition is creating an undue hardship on the applicant and while the Board recognizes that it is an illegal situation the Board cannot see that the building of the addition will make it any worse in any way. This motion was seconded by Mr. Piggott and unanimously carried.

The Chairman read a letter from Mr. M. G. Long, on behalf of the residents of Langley, expressing their appreciation of the courteous treatment accorded their committee at the hearing of the Blue Network, Inc., for the erection of a radio tower.

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The Zoning Administrator advised the Board that there was an application made for a permit for a show in which stars performed in person, located on Mr. Poag's property in Mt. Vernon District, and as far as he could understand there is no objection to it and it is to be held only one night. He stated he could not issue the permit but the application could not be heard by this Board in time because of the advertising thereof and he had advised the applicant that if the Board would give an informal expression of its approval that he would give him a temporary permit. The members of the Board stated they had no objection to it.

There being no further business before the Board, on motion duly made, seconded and unanimously carried, the Board adjourned at 12:15 p.m. until its next regular meeting.

S. C. Dawson
CHAIRMAN.

AUGUST 28, 1944

At a regular meeting of the Board of Zoning Appeals held August 28, 1944, at which meeting all of the members of said Board were present and voting, and with the Chairman, S. Cooper Dawson, presiding.

The first case to be heard was that of Ben J. White, for permission to operate and construct a barbecue lunchroom in Section 1, Woodlawn Heights Subdivision, in Mt. Vernon District, at the corner of Routes No. 1 and No. 235.

Mr. White presented a sketch showing the proposed lunchroom and surrounding buildings and stated that the building would be 50 feet from the front line and 100 feet from the other line. He stated that the tourist cabins across the road ruined all residential value of his property and he felt he ought to be able to operate a business of his own on that corner. It is the entrance from U. S. Route No. 1 into Mt. Vernon and he would like to see it zoned business.

The Chairman stated that Woodlawn and Mt. Vernon are historically connected and also the old Mill and of historic value.

Mr. White, Zoning Administrator, stated that there are many things closer to Mt. Vernon that are detrimental and there are 52 tourist cabins across the road and asked what protection this was to Mt. Vernon when the Board of Supervisors has rezoned the land just across from that location for business, and wanted to know what the property could be used for if business is not permitted on this lot.

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After a discussion of the matter, Mr. Brookfield moved that the application be denied on the grounds that the historic association connected with that road and with Mt. Vernon and Woodlawn demand that the road be kept free from commercial activities, which motion was seconded by Mr. Mackall and unanimously carried.

Mr. Ben White then inquired if he could place his lunchroom at the opposite corner of his lot and was told he would have to make another application and that the Zoning Administrator and Chairman could look the place over.

The second application to be considered was that of Henry P. Thomas to erect a combined stable shed and smokehouse with a sideline setback less than is required by the Ordinance, at the west side of Quaker Lane, near the City of Alexandria, in Falls Church District.

Mr. Strauss appeared on behalf of Mr. Thomas and stated that it is a shed at the present time and in a bad state of disrepair and he wants to tear the structure down and erect a brick building which will have a smokehouse, tool house and stable. He presented a letter from Mrs. Edna J. Strong, stating she had no objection to the erection of the stable, etc. Mr. Dawson said he had no objection to the same and Mr. Brookfield moved that the application be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The third application was that of Ashburn Flying Service, to permit the erection and operation of a building for the purpose of training air pilots, on the west side of U. S. Route No. 1, at the old Navy airport, in Mt. Vernon District.

There was presented a sketch of the property, showing the building they proposed to replace. It is on the old road and there has been an airport there for 20 years or more. It was stated that work had been started on replacing the building and stopped until this matter was straightened out.

Mr. Mackall moved that theBoard allow them to construct the building because it is a replacement of an old building, which motion was seconded by Mr. Brookfield and unanimously carried.

The next application to be heard was that of E. W. Van Patton for the erection of a porch with less sideyard than is required under the Ordinance, on Lot 3, West McLean Subdivision in Providence District, on Oak Street in said Subdivision.

The applicant stated that his porch would end up at 6.8 feet from the line instead of 10 feet as required. The house is about 4 years old.

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Mr. Mackall said he did not see any objection to the same.

Mr. Piggott moved that the permit be granted, which motion was seconded by Mr. Mackall and unanimously carried.

The fifth application to be considered was that of W. Harry Johnson, Lot 26, Block I, Section A, Gunston Manor Subdivision, in Mt. Vernon District, on River Road and Potomac River, for permission to erect a summer cottage on above lot with less than area and setback requirements of the Zoning Ordinance.

Mr. Johnson said he had a 25 foot frontage and there is a 5 foot alley that goes down to the river where there is a wharf. He further stated that the adjoining cottage is about 10 feet from his line. He advised the Board that another man wants to build the cottage but since he is the owner he has to make the application. He stated that the lot was 100 feet long.

The Administrator stated he saw no objection to the same.

Mr. Mackall moved that they allow him to build on the lot, which motion was seconded by Mr. Walker, and unanimously carried, on the grounds that the lot is smaller than is required under the Ordinance and the Subdivision was of record prior to March 1, 1941.

The last application to be heard was that of O. G. Moser, to permit the building and operation of a chicken house on lot with less than 100 foot setback as required by the Zoning Ordinance, located on the north side of Road No. 673, between Oakton and Vienna, in Providence District.

Mr. Moser stated he wanted to put up the chicken house for winter use as they handle about 500 chicks every two months but in the wintertime they have had to handle less because of housing facilities and he proposes to build a shed 20 x 30, of cinderblock.

After a discussion of the matter, Mr. Walker moved that the application be granted because the old building will be replaced by a more sanitary building and sanitary conditions, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. Brookfield thereupon moved that the meeting be adjourned, which motion was seconded by Mr. Mackall and unanimously carried, and the Board adjourned at 12:25 o'clock, p.m.

S. C. Dawson
CHAIRMAN.

SEPTEMBER 25, 1944

At a regular meeting of the Board of Zoning Appeals, held in the board room in the county office building at Fairfax, Virginia, on Monday, September 25, 1944, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, and John W. Brookfield. Absent: Messrs. Walker and Mackall.

The first case to be considered was that of Edward P. Monroe, to erect a garage with less setback than required, located on the north side of Road #600, about ¼ mile east of U. S. Highway No. 1, in Lee District.

Mr. Monroe stated that he had approximately four acres of land and did not know of any other place to build except the one selected because of the topography of the land. He advised the Board that the nearest neighbor's house is 700 to 900 yards from the garage and the land is under cultivation.

The Chairman stated that he had investigated the property and that the site selected was the only reasonable site because of the contour of the land.

Mr. Monroe stated that the garage will be ten feet from the line and presented a letter from Mr. Stewart B. Tellus stating that he had no objection to the construction thereof.

Mr. Piggott moved that the permit be granted because it is the only suitable place for the garage due to the contour of the land, which motion was seconded by Mr. Brookfield and unanimously carried.

The next application was that of J. F. Chichester, for permission to erect a garage on Lot 11, Block 3, in Fairview Subdivision, in Mt. Vernon District, with less setback than required.

Mr. Chichester stated that the garage he would like to build will bring it seven feet from the line, but that if it is brought closer to the house he will have to change all the walks and shrubbery and the original driveway is on the east side of the lot and he wanted to erect the garage in the driveway. He also presented a letter from Mr. D. S. Johnson stating that he had no objection to building the garage at the location requested. Mr. Chichester also advised the Board that it will be constructed of either brick or cinder block.

Mr. Brookfield moved that the application be granted because of undue hardship to the applicant, which motion was seconded by Mr. Piggott, and unanimously carried.

At this point in the meeting Mr. William C. Walker entered the board room and was present for the remainder of the meeting.

The third case to be heard was that of Glenna A. Wilcox, for permission to conduct a kindergarten for young children on Lot 58, on the north side

of Woodland Drive, Leewood Subdivision, in Falls Church District.

Mrs. Wilcox stated that they were erecting a building next to the house and wanted to conduct the kindergarten and it is the request of the mothers for such a school. She stated that she would have about 12 registered and the limit of number registered would be 20 or 25.

Mr. Brookfield moved that the request be granted in order to render a service to the community, which motion was seconded by Mr. Walker, and unanimously carried.

The fourth application to be considered was that of W. F. P. Reid, for the erection of a building for servicing airplanes incidental to the operation of an airfield on 115 acres of land in Mt. Vernon District, on the west side of U. S. Highway No. 1, at Groveton.

Mr. Reid advised the Board that it is simply a replacement of an old building that was there and that had been removed and that the place has been used for about twenty years for the same purpose. He further stated that the building will be built out of metal or cinder block and will be back from the road about 400 feet.

After a consideration of the matter Mr. Brookfield moved that the permit be granted for the reason that it will cause undue hardship on the applicant to deny the same, which motion was seconded by Mr. Piggott, and unanimously carried.

The next application heard was that of Franklin C. Bray, for permission to erect a garage with less than the required setback on Lot 3, of Goodwin's Addition to Beverly Manor Subdivision, in Providence District.

The applicant stated that if he placed the garage 15 feet from the line he would have to put it right back of his house, as his house is 8 feet from the line. He stated that his lot is 75 x 150. He also presented letters from Mr. Vincent and Mr. Lee, stating that they had no objection to the building of the garage on or as near as desired to their adjoining property lines.

After a consideration of the matter Mr. Brookfield moved that the application be granted because it would cause undue hardship on the applicant to deny the application, which motion was seconded by Mr. Walker and unanimously carried.

The sixth application to be considered was that of Horace D. Payne for permission to erect a garage and meat house on Lot 20, Old Court House Subdivision, in Providence District, with less setback than required by the Zoning Ordinance.

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Mr. Payne said that his lot is 100 x 480 and his house is 100 feet from the road. He stated that the garage will be 11 feet from the property line and 28 feet from the house. He advised the Board that the building would be of frame construction as he has a lot of material on hand and also has a priority for lumber.

Mr. White, Zoning Administrator, said he saw no objection to allowing the same, since it was 11 feet from the line.

Mr. Piggott moved that the application be granted because of undue hardship, which motion was seconded by Mr. Walker and unanimously carried.

The next application to be heard was that of Thomas A. McCloskey, for the erection of a garage on the south side of Lot 87, Section 3, Groveton Heights Subdivision, in Mt. Vernon District, with less setback from the line than is required.

The applicant stated that his house is 27 feet from the property line and he wants to build a 12 foot garage and is going to change the driveway so that he can get 10 feet from the line, and that it will be even with the house. He stated that it would be constructed of brick backed up with concrete block.

Mr. Walker moved that the application be granted because of the size of the lot and the location of the well, which motion was seconded by Mr. Piggott, and unanimously carried.

The application of S. & S. Homes Corporation, by Frank Sudell, Secretary, for retention of dwelling in present location, with a setback of 6 feet from west line of lot was then considered. The mistake in location of the building was due to an error in running the lot lines by the surveyor which was not discovered by the company.

The application further read that there is a space of about 50 feet between this building, which is of fireproof construction, and the one on the adjoining lot, which is much greater than the average for the Subdivision, which is usually only about 24 feet. The dwelling is located on Lot 93, Section 2, of City Park Subdivision, in Falls Church District, on Lee Boulevard.

No one appeared on behalf of the applicant, but after a discussion of the application Mr. Brookfield moved that the same be allowed to retain the building because it would be an undue hardship to make him move the building, which motion was seconded by Mr. Piggott and unanimously carried.

Mr. J. U. Kincheloe then introduced to the Board Messrs. Cannon and Luck, from Manassas, who had made application for the erection of a building

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to take the place of one destroyed by fire, but which application had not been made in time for hearing at this meeting, and the Board informally discussed the same with the applicants and expressed themselves as being favorable toward it.

Mr. E. Russell White, Zoning Administrator, advised the Board that he had not received a bond from Max Stein, and after a discussion of the matter Mr. Brookfield moved that the Chairman be instructed to write a letter to Senator Clarke and inform him that the bond had not been filed as agreed, which motion was seconded by Mr. Piggott and unanimously carried.

Mr. Fitzgerald appeared before the Board and stated that he has a store near Colvin Run and wants to out an addition on the back and a shed on the side, and it is zoned Agricultural. After a discussion of the same the members of the Board expressed themselves as not seeing how there could be any objection, and Mr. Fitzgerald was advised to make application for such if he desired to do so.

Mr. Brookfield thereupon moved that the meeting be adjourned, which motion was seconded by Mr. Piggott and unanimously carried, and the Board adjourned at 12:15 p.m. until its next regular meeting to be held Monday, October 23, 1944, at 11:00 a.m.

S. C. Dawson

CHAIRMAN.

OCTOBER 23, 1944

At a regular meeting of the Board of Zoning Appeals of the County of Fairfax held in the board room in the county office building at Fairfax, Virginia, on Monday, October 23, 1944, at 11:00 o'clock, A. M., the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, D. S. Mackall, Jr., and John W. Brookfield.

The first case to be heard was that of the Lorton Telephone Company, by D. E. Cannon, for permission to rebuild telephone exchange in place of original building which had burned, on the southeast side of Route No. 1, at Engleside, in Mt. Vernon District. No one appeared on behalf of the applicant as they had appeared at the last meeting of the Board and discussed the same.

Mr. Mackall said he thought that if there was no objection to rebuilding the same that it was all right.

Mr. Brookfield moved that the application be granted because it is for the service of the people in that neighborhood and is a permitted use with approval of the Board, which motion was seconded by Mr. Piggott and unanimously carried.

The second application considered was that of LLOYD E. SMITH, for permission to construct an addition to his present store, on Lot 22, Section 1 in Annandale Subdivision, Falls Church District.

Mr. Smith stated that he owned Lots 22, 23 and 24 and the building is on Lot 22, and has been there since about 1932 or 1933. He stated that it is made of brick and he is going to build the addition of brick the same size and as near identical as possible.

Mr. Brookfield stated that there was some traffic hazard there but that the addition would not add any more hazard to it, and saw no objection to the erection of the building and felt it would be an improvement.

There was some discussion as to the possibility of new Columbia Pike coming in there or not and it was brought out that it would be simpler to move the building, with the addition as requested, than to move a building that was of an odd shape. It was also stated that in case he had an ice house there that it would be in the back of the building towards the Falls Church Road, where it would be accessible to the Falls Church Road instead of Columbia Pike.

Mr. Mackall moved that the permit be granted in order to make the new building conform to the old one in front setback and on condition that if it should be necessary to move the buildings back in widening Columbia Pike that Mr. Smith will consent to move back on Lot 24, so as to give the required distance on Road #649, which motion was seconded by Mr. Brookfield, and unanimously carried.

The third application to be heard was that of W. J. HARDY for permission to erect a garage within five feet of the north line of Lot 29, on Lots 29 and 70, Section 2, Ravenwood Subdivision, in Falls Church District.

Mr. Hardy advised the Board that there would not by any objection by adjoining property owners to erecting the garage on the site shown and that due to the contour of the land and the old trees nearby it seemed the desirable place for the same. He stated that it is to be fireproof building and will have a second story with an apartment in the top.

Mr. White stated that he saw no objection to it and felt it was an asset to the community.

Mr. Mackall moved that the permit be granted to erect the building to conform with the topography of the ground, which motion was seconded by Mr. Brookfield, and unanimously carried, as being authorized by Section XII-G of the Ordinance.

Mr. White, Zoning Administrator, introduced Lt. Rucker, from Ft. Belvoir,

to the members of the Board and stated that there is a clubhouse in Wellington Subdivision, which has been used by the soldiers at Ft. Belvoir for parties, etc., it being known as the Stone Villa on Lots 63 and 64, in said Subdivision, and that the permit for operation of the club expired a good while ago and since then the owner through Mr. Sholl, in Alexandria, has rented it out to parties from Fort Hunt and Ft. Belvoir. He further stated that some complaints had been received regarding the conduct of the soldiers when there and the appearance of the place, and the Health Department had investigated and found that the complaint was justified and recommended that it be closed. He further stated that the use is one which can be permitted by this Board in their discretion.

Lt. Rucker stated that it was the thought of the officials that a responsible commissioned officer be at all parties to supervise the same and that he would be responsible for the same for a period of three months, provided he remained there that long, and then come before the Board again and ask for a renewal of the permit.

After a discussion of the matter, Lt. Rucker was advised to inform Mr. Sholl that he would have to make an application before this Board for such use permit so that a public hearing can be held thereon and the Board may act officially on the same, and that in the meantime Mr. White could temporarily take charge of such permission until the application could be heard.

Mr. White advised the Board that he had received the bond from Max Stein a few days before, covering removal of the addition to his store on Little River Pike, west of Alexandria.

Mr. Mackall moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield and unanimously carried, and the Board adjourned at 12:00 M. until its next regular meeting to be held Monday, November 27, 1944.

S. A. Dawson
CHAIRMAN.

NOVEMBER 27, 1944

At a regular meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the board room in the county office building on Monday, the 27th day of November, 1944, the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, D. S. Mackall, Jr., and John W. Brookfield.

The first application to be heard was that of Irving Scholl, for the temporary use of Lots 63 and 64, Stone Villa, Wellington Subdivision, in Mt. Vernon District, for going away parties, etc., from Ft. Belvoir, etc.

Mr. E. Russell White, Zoning Administrator, advised the Board that this application had been discussed at the last meeting when Lt. Rucker appeared before theBoard, and that the Health Department has since stated that they are satisfied with the present condition of Stone Villa, and that the parties have been conducted properly.

Mr. Scholl stated that Lt. Rucker supervised every party before, during and afterwards and that he promised the Board that the place would be carefully supervised at all times.

Mr. Walker said he saw no reason why it should not be continued if the conditions prove satisfactory, since there have been no more complaints recently.

Mr. Brookfield moved that the application be granted for a temporary use to hold going away parties, etc., for a period of six months, subject to the inspection and discretion of the Zoning Administrator, which motion was seconded by Mr. Piggott and unanimously carried.

The second case to be considered was that of W. H. Beistal, for permissial to erect a garage with less than the required setback on 1.3 acres, in Providence District, on Road #123, just north of the Fairfax corporation line.

Mr. Beistal appeared in person and stated he had two houses on one tract of land and that he wanted to erect a garage with one of the houses; that he owns the entire tract and it is not divided into two separate lots but that he explained there is an imaginary line between them. He explained that it is to be made of cinder block and will be fire proof.

After a discussion of the matter, it was decided that Mr. Beistal had sufficient land and could get a building permit without any need of obtaining permission from this Board, because the tract was not divided into two lots and he was advised to tender to Mr. White a sketch of the property showing the whole lot and all the buildings and the measurements, and this application was deferred until the next meeting of the Board.

The third application to be considered was that of S. G. Thompson,

NOVEMBER 27, 1944

for permission to erect an additional dwelling on Lot 42, in Annandale Acres, Falls Church District, northeast of State Road No. 617, between Annadale and Springfield.

Mr. Thompson stated that he has160 sq. ft. less than an acre and has a house on one side of the lot but that the lot is so large that one man cannot keep it up. He stated that his lot is 154 x 280, and he proposed to allow each dwelling a 77 foot front.

After a discussion of the matter Mr. White stated that he did not think the Board had authority to grant this appeal, and Mr. Mackall moved that the Board defer action on this application until they can consult with the Attorney for the Commonwealth as to their authority in this matter, which motion was seconded by Mr. Piggott, and unanimously carried.

The last application to be considered was that of Bertha M. Kight, for permission to erect a garage on Lot 10, in Tremont Gardens, in Falls Church District, being located on Fairmont Street.

No one appeared on behalf of the applicant, and Mr. White advised the Board that Mrs. Kight had called him on the telephone and advised him that she was sick and had no one to appear on her behalf and asked that the Board consider her application favorably.

Mr. White stated that she wants to place the garage within about 5 or 6 feet of the line and it would be a cinder block building.

After a discussion of the matter, Mr. Brookfield moved that permission be granted her to erect the garage within five (5) feet of the line, because of undue hardship on her if the application were refused, which motion was seconded by Mr. Mackall, and unanimously carried.

There following a general discussion as to the proposed new zoning ordinance on which a public hearing is to be held December 4, 1944.

It was agreed that the next regular meeting of the Board would be held Wednesday, December 27, 1944, instead of Monday, December 25, 1944, if any appeals were received, otherwise the same was to be omitted, since the Board will meet on Monday, December 4, 1944.

Thereupon, on motion duly made, seconded and unanimously carried, the Board adjourned at 12:15 p.m., until Monday, December 4, 1944, when a special meeting of the Board will be held.

S. C. Dawson
CHAIRMAN.

DECEMBER 4, 1944

At an adjourned meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the Board room in the county office building on Monday, December 4, 1944, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; John W. Brookfield, Thomas I. Piggott and D. S. Mackall, Jr. Absent: W. C. Walker.

The Chairman announced that there was one application to be heard, that of the Annandale Volunteer Fire Department, by W. T. Carrico, for permission to erect a fire engine house on a lot of about four acres, on the north side of Columbia Pike, at Annandale, in Falls Church District.

Mr. John W. Crown, Chief of the Fire Department, stated that they wanted to erect a house large enough to use three engines with room for a kitchen, toilet facilities, cloak room and boiler room. He advised the Board that the building would set back 120 feet from the road and be in line with the Baptist Church. He stated that they need the building badly.

Mr. Carrico advised the Board that there was no objection from the School Board and that none of the church people object. He further advised the Board that there is a residence in between the church property and their site and they have allowed a setback from the building line to allow for a street.

After a discussion of the matter Mr. Mackall moved that the Board grant the Fire Department the permit since it is a permitted use and there is no objection to the same, which motion was seconded by Mr. Brookfield and unanimously carried.

Mr. White, Zoning Administrator, reported that he had had a conference with the Attorney for the Commonwealth about the Thompson case heard at the previous meeting, and that because Mr. Thompson did not have a full half-acre size lot to build on the Board did not have authority to grant his appeal.

Thereupon Mr. Mackall moved that the meeting be adjourned, which motion was seconded by Mr. Piggott and unanimously carried, and the Board thereupon adjourned at 10:15 P. M. until its next regular meeting to be held on Wednesday, December 27, 1944.

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S. C. Dawson

CHAIRMAN.

DECEMBER 27, 1944

At a regular meeting of the Board of Zoning Appeals of Fairfax County, Virginia, on December 27, 1944, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; W. C. Walker, D. S. Mackall, Jr., Thomas I. Piggott and John W. Brookfield.

The first application to be heard was that of Paul A. Jones to open an airport for the purpose of private flying, storage of light planes, servicing of light planes and limited flying instruction.

Mr. Jones presented a drawing of the site and said that it was the Wynkoop place and they bought it sometime ago from Reed Thomas. He said there are 61 acres in the tract and it is surrounded by Lee on the north; Roller, Mateer, Day, Preece and Leigh, and is on the west side of Difficult Run, and about one-half mile from Road #7.

No one appeared in opposition to the permit. Mr. Jones further stated that there will be one main runway running the length of the field and will be 2500 feet.

Mr. Walker stated that it was all right as far as he could see and it wasn't thickly built up.

The Zoning Administrator stated that it was a permitted use and so made no objection to it.

Mr. Mackall moved that the permit be granted to put the airport there with the necessary buildings and runways, which motion was seconded by Mr. Walker and unanimously carried.

The second application considered was that of Max Stein, for permission to remove a ten foot addition to store to east side of permanent building, with a front setback of 25 feet from the right of way of Road #236 on Lots 21, 22 and 23 of Cameron Park Subdivision in Falls Church District.

Mr. Andrew W. Clarke, representing Mr. Stein, stated that they would be able to obtain the material to do the work. The restriction is 30 feet and Mr. Stein would like to have a 25 foot setback; the setback is on the line with Beatty, located near his place. He further stated that it is 25 feet from the inside edge of the sidewalk. He presented pictures of the building and the surrounding territory.

Mr. Brookfield moved that the Board grant Mr. Stein permission to remove a ten foot addition from the front of the north side to the east side of his store, with a front setback from the sidewalk of both the new store and the old store of not less than 25 feet from the southerly edge of the widewalk on State Road No. 236, on Lots 21 and 22 of Cameron Park Subdivision in Falls Church District, which motion was seconded by Mr. Mackall

and unanimously carried.

The Board also instructed the Zoning Administrator to return Mr. Stein's bond upon completion of the work.

The third application was that of Harry B. Howard to permit the use and occupation of a dwelling on Lot 22, River View Heights Subdivision, erected in ignorance of the requirements of the Zoning Ordinance, in Falls Church District.

Mr. Howard said he built it for a chicken house and did not know he had to get a permit to build a chicken house. He stated that it contained two rooms and is being used for a dwelling, and the lot is about 50 x 150 feet, and the house is 10 feet from the side and 10 feet from the back lines.

The building is cinder block but the other surrounding buildings are wood.

Mr. White, Zoning Administrator, suggested that the Board would have to turn down the application for a dwelling because they could not allow it.

Mr. Mackall stated that he did not think the Board had the authority to grant the permit.

Mr. Brookfield said it was the Board's function to relieve the situation as much as possible if a hardship could be shown.

Mr. White suggested that they turn down the request for a dwelling but permit the building to remain there for conversion to a permitted use.

Mr. Howard stated that the occupant has one child about five years old.

Mr. Brookfield moved that the Board refuse to grant permission to operate a second dwelling on Lot 22, River View Heights Subdivision, Falls Church District, but due to the fact that the lot is narrower than is required by the present zoning ordinance, the Board waives the setbacks on the building which can be used for an outbuilding on the property for the present and suggest that the Zoning Administrator see that the house is vacated as a dwelling within six (6) months, which motion was seconded by Mr. Mackall and unanimously carried.

Thereupon, on motion duly made, seconded and unanimously carried, the Board adjourned at 12:00 m. until its next meeting to be held Monday, January 22, 1945.

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S. C. Dawson

CHAIRMAN.

JANUARY 22, 1945

At a regular meeting of the Board of Zoning Appeals held Monday, January 22, 1945, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, John W. Brookfield and D. S. Mackall, Jr.

The first case to be heard was that of Potomac Broadcasting Company for permission to erect a 300 foot transmission tower with 15 x 30 foot transmission building, on the Mt. Eagle tract of 15.6798 acres, on the east side of Road No. 241, about ½ mile north of Penn Daw, in Mt. Vernon District.

John A. K. Donovan, Attorney, introduced the engineers to the Board and explained that the station has been granted a license by the F. C. C. for the benefit of the people and businessmen of Arlington, Alexandria and Fairfax. He stated that it would have a 250 watt transmitter, with excellent set of transmitting equipment, including the antenna system, and the station and business will be done as far as possible exclusively for the benefit of Northern Virginia. He advised the Board that the requirements of the F.C.C. have been met and are meeting every particular.

The engineer, Mr. Howard B. Hayes, and Mr. C. Linball appeared before the Board and stated that this Station WPIK will be for the sole benefit of the people of this area and they had secured a construction permit from the F.C.C. subject to this Board's approval. They further stated that the principal studios of the station will be in Alexandria, but the transmitting facilities will be situated on this property, which they now have under a two year lease.

The Zoning Administrator asked if it would affect the radio reception around there and they said they did not think it would because any interference they would cause would be limited in scope, but they didn't anticipate any interference at all.

After a discussion of the matter Mr. Mackall moved that the Board grant them the permit for two years, 45 feet from the road right-of-way, and 15 feet from the sideline, which motion was seconded by Mr. Piggott and unanimously carried.

The next application heard was that of William S. Elliott, for erection of a garage within 5 feet of the south line of Lot No. 22, of Fairhill Subdivision, about ½ mile west of Lee Highway in Falls Church District.

Mr. Elliott appeared before the Board and stated that the lot is 60 feet wide and the setback is 15 feet. He stated that the garage will be a brick

JANUARY 22, 1945

and cinder block building and that his septic tank and drainage field extend over in the back and that with a setback of 5 feet he is building on some of the field tile but over further it will be over more of the field tile. He stated that he has 18 feet on the same side of the garage and 6 feet on the other side of the house, and that there were no buildings on either adjoining lots.

After a discussion of the application, Mr. Brookfield moved that the Board grant the permit because the site is the only practical situation for the garage and if he went further inside his lot it would be over his drainage field, which motion was seconded by Mr. Mackall, and unanimously carried.

The Chairman announced that the officers of the Board were to be nominated at this meeting and thereupon Mr. Piggott nominated Mr. Dawson for Chairman, which motion was seconded by Mr. Mackall and unanimously carried (Mr. Dawson not voting).

Mr. Walker nominated Mr. Brookfield as Vice-Chairman, which motion was seconded by Mr. Mackall and unanimously carried (Mr. Brookfield not voting).

Thereupon, on motion duly made, seconded and unanimously carried, the Board adjourned until its next regular meeting to be held Monday, February 26, 1945.

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S. C. Dawson
CHAIRMAN

FEBRUARY 26, 1945

At a regular meeting of the Board of Zoning Appeals held on Monday, February 26, 1945, at which meeting the following members were present: Mr. S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, John W. Brookfield and W. C. Walker. Absent: D. S. Mackall, Jr.

The first case to be heard was that of Mr. Lloyd M. Newland, for permission to erect a fireproof garage on west side of Lot 63, Tremont Gardens Subdivision, Falls Church District, on the east side of Streathemeade Street.

The applicant stated that he had a house down at Tremont Gardens, and his driveway is along side the house and is only 4 feet from the line and he wanted to build a garage in a straight line with the driveway. He

explained that the septic tank is right in back of the house and if the garage is built over any farther it will be built on top of the septic tank and drainage field. He stated that the garage will be 16 feet wide and about 12 feet high.

After a discussion of the matter Mr. Brookfield moved that the Board grant the permit asked for, which motion was seconded by Mr. Piggott and unanimously carried.

The second case heard was that of Mr. James M. Payne, for permission to reopen a gas station closed because of war conditions and gas shortage, now needed to meet the needs of the community, on Lots 2 and 3, Moore's Subdivision, about one mile west of the Fairfax Corporate line.

Mr. Payne stated that he closed the place up due to a gas shortage but that he has since sold the property and the purchasers want to open it as a gas station. He advised the Board that the station had been closed two years.

The Zoning Administrator stated that it is located in an Agricultural District and is a permitted use in such district, subject to the approval of the Board of Zoning Appeals.

After a discussion of the same, Mr. Walker moved that the permit be granted because it was open before and a permitted use, which motion was seconded by Mr. Brookfield and unanimously carried.

The third application considered was of B. Alton Poole, for the operation of a retail and wholesale poultry processing plant on Lots 21 and 22, Fairfax Heights Subdivision, in Providence District, located on Road No. 236 just west of the Fairfax Corporate line.

Mr. Poole stated that he wanted to put a two-story building on said lots, for the purpose of processing poultry, mainly wholesale. He explained that the building would be built of 8 in. cinder block and painted white and be about 40 x 80 feet and the lot is 100 x 163 feet.

The Zoning Administrator stated that it is zoned Rural Business and the required setback is 50 feet and the applicant wanted a setback of 25 feet from the front.

Mr. Poole stated that he would operate about 8 hours every day and the place had to be cleaned up every day. He advised the Board that he will have a steam boiler and also sewerage, and stated that there has been no objection to the same.

The Zoning Administrator said if it were just a matter of wholesale and retail selling he would be in favor of granting it, but if it were a question of slaughtering chickens he would like to look more into the matter. He said he thought if it were kept in a clean condition it would not be objectionable.

After a lengthy discussion of the matter, Mr. Brookfield moved that the permit be granted, on the condition that the building is always kept clean and in a sanitary condition and meets the approval of the Health Department, which motion was seconded by Mr. Piggott and unanimously carried.

The next application was that of W. R. Gray, for conversion of a storage building on Lot 9, Section 3, Gray's Subdivision, in Providence District, to an apartment dwelling.

Mr. Gray advised the Board that the storage building is 60 x 25 feet and that it is a frame building and has a slate roof and is in too good condition to tear down and he felt it could be made into two apartments.

The Zoning Administrator said he did not think the Board had any authority to grant this permit which could be granted only if the property were re-zoned for that purpose by the Board of Supervisors.

After a discussion of the same, the Chairman advised the applicant that he should get the Board of Supervisors to rezone these lots to General Business and take the matter before said Board, as this Board did not have any authority to grant the same.

The next application to be heard was that of Bernard J. Roach, for permission to erect a front and back porch on his house, with less than the required setbacks on the east line of Lot 2, Glen Alden Subdivision, in Centreville District.

Mr. Roach explained that his house is four feet from the sideline and 200 feet from the road and he wanted to put a porch on the front and back of it. He advised the Board that he had spoken to Mr. Johnson, the adjoining neighbor, and he had no objection.

Mr. Brookfield moved that the Board allow the application for the reason that it would be an undue hardship to refuse to allow the man to put porches on his house because it is too close to the line, which motion was seconded by Mr. Piggott, and unanimously carried.

The last application considered was that of M. A. Rust, for renewal of a permit to operate a poultry house on Lot on east side of Road No. 613, about ½ mile north of Road No. 236, at Lincolnia.

The Zoning Administrator stated that the permit was up for a renewal and that it had been renewed once and there has been no objection to it.

He stated that it is a non-conforming use and the condition was that it would be renewed for six months and he would have to apply for a new permit.

No one appeared on behalf of the applicant, and the Chairman said he thought the Board should hear some evidence from the applicant.

After a discussion of the matter Mr. Brookfield moved that the Zoning Administrator write Mr. Rust and ask him to appear before the Board as to the granting of said permit, which motion was seconded by Mr. Piggott and unanimously carried.

Mr. T. J. Stockton, Technician of the County Planning Commission, appeared before the Board in regard to a case which came up for rezoning. He explained that at present it is zoned Agricultural and certain types of business may be conducted there with the approval of the Board of Zoning Appeals, which can exert a measure of control over such business. If it is rezoned for general business they will lose all control of what is done on the property within the definition of general business, and that some of this might be objectionable in that locality. He said he was wondering if this Board would, in their authority, grant one exception for this whole area, subject to a plot plan. He explained that the new Shirley Driveway would take up most of the property except on the west side of it.

Mr. White said he thought it could be done and the proposed structures restricted to 90 feet from the existing right of ways, but suggested that the opinion of the Commonwealth's Attorney be obtained.

Mr. Stockton stated that he had called Mr. Ross, Right of Way Engineer, and told him the situation and Mr. Ross had phoned Richmond and called him back and said they would require 150 feet probably on the west side and all of the property in between the railroads. He further stated that he advised Mr. Ross that he would like that to come officially from the Department of Highways so Mr. Ross called Mr. Smith, Resident Engineer, and Mr. Smith appeared before the Board of Supervisors and told them those facts.

After a lengthy discussion of the matter the Chairman stated that the Board would do anything the Planning Commission wished them to do.

Thereupon on motion duly made, seconded and unanimously carried, the Board adjourned at 12:45 o'clock, P. M., until its next regular meeting to be held Monday, March 26, 1945.

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S. C. Dawson

CHAIRMAN.

MARCH 26, 1945

At a regular meeting of the Board of Zoning Appeals held in the Board Room in the County Office Building at Fairfax, Virginia, on Monday, March 26, 1945, at 11:00 o'clock, a.m., there were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, John W. Brookfield and W. C. Walker. Absent: D. S. Mackall, Jr.

The first case to be heard was that of Tauxemont Corporated Houses in Mt. Vernon District, for operation and construction of a community building to be used as a kindergarten, playground, etc., for children in Section 2 of said subdivision.

Mrs. Hammer, Mrs. Swartz and Mrs. Vaugh appeared before the Board and explained that they obtained permission to build a community house about a year ago and were not able to get priorities and were forced to drop the project. Mrs. Hammer explained that they were now able to obtain prefabricated units and will be able to get four houses which will make a building in a T shape about 48 x 32. She stated that the matter was brought up in the Association meeting and has been approved by both the Associations and the money has begun to be raised.

The Chairman asked if the Board would grant the permit for a five year period and at that time tell them to tear the buildings down for a more permanent building if they would be satisfied, but she said she would prefer a little longer because the length of the war was indefinite and the Chairman stated they could come back and obtain a renewal of the permit, and they said that would be satisfactory.

Mr. Brookfield moved that a permit be granted for a period of five years, buildings to be torn down at the end of that period unless the permit is renewed, subject to the approval of the Health Department, which motion was seconded by Mr. Piggott and unanimously carried.

The second application considered was that of Claude S. Jones, for permission to erect a building and operate a general store on Lot B of Warner's Re-subdivision of Lot 8 of the Oakland Tract near Bailey's Cross-Roads.

The applicant stated that he wanted to erect a store on the premises near the school, which will be made of cinder block and about 22 x 30.

After a discussion of the matter Mr. Brookfield moved that the permit be granted for the right to erect a store out of cinder block, with proper setbacks, on Lot #8 of Oakland Tract, Falls Church District, on the condition that after two years from this date the applicant will report back to this Board, advising of the use he is making of this building, and that

this variance is granted in view of the local need and shortage of gasoline, which motion was seconded by Mr. Walker, and unanimously carried.

The third application heard was that of John Briar, for erection of a poultry house on Lot 16, Wellington Villa Subdivision, in Mt. Vernon District, on Keith Road, with less than the required setbacks on the south and east sides.

The applicant explained that the chicken house is 7 feet from the wasteland and he proposes to erect the same of cinder block and finished off with white lime. He presented a drawing of the lot with the boundary lines and how the sanitation problem would be faced. He said the building would be approximately 100 feet long and about 40 to 50 feet deep with a center aisle down the middle.

Mr. Stockton said that under the present Ordinance it is a permitted use in the Residential District, but on a commercial scale it must be a 100 feet from every lot and property line and it was a revision of the ordinance to try and take care of someone having some chickens but to exclude a larger operation and as far as granting a variance it would have to be shown that there is some reason particular to that one specific lot that would not apply to any similar lot around which would allow the Board to grant a variance from that stipulation. If it was possible to build on adjacent lots he said he did not see how there was any specific thing in connection with that lot to allow the relinquishing of the requirements.

Mr. Miller appeared in opposition to the granting of the permit, stating that a large part of his living comes from four houses on the same side of the road as Mr. Briar's and all the houses are within 100 yards and some are closer and the people in those houses have already registered their dislike for that sort of a project and he thinks it would do them considerable harm.

Mrs. Richter also appeared in opposition to the granting of said permit, stating that the community is not set up for any business enterprise and that from a standpoint of sanitation it was objectionable. She presented a petition signed by Mr. Miller and 11 other citizens, objecting to the same.

After a discussion of the same, Mr. Brookfield moved that the application be denied because there was no justification for relaxing the ordinance in order to put a building of that size on less than an acre in a Residential District, which motion was seconded by Mr. Piggott, and unanimously carried.

MARCH 26, 1945

The last application heard was that of W. M. Orr, for permission to operate a cemetery on a tract of 34 acres on the west side of King's Highway (Road No. 633), near Penn Daw, in Mt. Vernon District.

Mr. Orr explained the matter to the Board and stated that he had bought a tract of 134 acres from Wilson M. Farr, and leased for a 10 year period the Butler tract of 140 acres, making a total of 270 acres of land, on which were to be a golf course and cemetery. He stated that the old Butler home would become a club house, and that in the center of the 100 acre tract he wished to put a memorial park, the hundred acres being his own personal property. He advised the Board that the previous day he had been advised that a petition was being circulated requesting that the Board deny the request that this 34 acres be zoned for a memorial park and he went to the area and went to see several people regarding their reaction to the same. He said that one party said that it was the first time that she had heard of it being a golf course with the cemetery; another party said he did not know the whole history but that because he had signed this petition he would not take his name off, and another neighbor whom they hadn't seen said he was in favor of the project. He stated that the contract with the Memorial Park calls for them to spend within the next few months $10,000.00 on the first nine acres in improvements and that a trust fund be established. He stated that he felt it would increase the value of adjoining property and cited several instances where such a cemetery enhanced the value of the adjoining property. Mr. Orr presented a sketch of the proposed golf course and park. He stated that it is about 300 feet above Penn Daw, on the old King's Highway and goes across to Telegraph Road. He stated that the law requires that it be 250 feet from any house and that it is 750 feet from the nearest house. He stated that he had found a way to put it safely over and if allowed to use it for a golf course and a cemetery and a border around the edge of homes facing the golf course, which surrounds the cemetery, he knows the project will be a success and be a tremendous advantage to Fairfax County and particularly that area. He stated that the Butler tract of 140 acres is under a 10 year lease and option for another 10 years and option to buy after 10 years. He then read a ruling of the Supreme Court regarding the depreciation of property caused by a cemetery.

Mr. Crane stated he thought there was a lot more to it. He stated that Mr. Orr has not made a metes and bounds map of the Farr tract or the Butler tract. He presented a petition to the Board opposing the construction of a cemetery of any kind in this general area and in this particular tract, for

the reason that this location is too close in for use as a cemetery; the area is a residential tract and will reach full development within five years; a cemetery would not be in the public interest and only benefit the operators; it would be a non-tax paying liability to the County, whereas residences in this area would give money to the County.

Mr. Walter C. Crain then read to the Board a statement prepared by himself, submitting "a few pertinent facts concerning the adverse effects of this project if permitted to proceed." He stated that it would seal off any hope of locating several much-needed roads in this area; there would be a problem of drainage; the cemetery would have an adverse effect on property values; and opposition to the installation of a cemetery in the very midst of a fast growing residential and business district. (For a more complete copy of this statement see Exhibit A on file with this application.)

Mr. Pettit said he was the man who circulated the petition and stated that everyone of the people are opposed to a cemetery being put there, and that he had spent $15,000.00 on land there, and asked the Board not to grant the permit.

The Chairman asked what the financial setup was and Mr. Orr explained that the Farr tract has been bought outright; the Butler tract is under lease for 10 years, with the privilege of buying it then or leasing it for another 10 years, and the two tracts will be treated as a whole. He stated that the development of the golf course is something that the golf promoters will attend to; the park is entirely out of their hands, except that they have in their contract with the developer that they are to spend the first 12 months on a 9 acre tract of the 34, a minimum of $10,000.00, and a trust fund is to be set up in a bank. He stated the golf development would be named the Alexandria Golf and Country Club, Inc., and that the cemetery has drawn up a charter but the golf course has not. He stated he had a metes and bounds description of the Farr tract but not of the Butler tract.

The Chairman said that it was an important question and it was necessary to have a metes and bounds map and the cemetery has to be shown and the Board cannot pass upon it until the map has been shown.

After a further discussion of the matter Mr. Brookfield moved that this application be continued to the next meeting in order to give Mr. Orr a chance to present a metes and bounds map which they will need before they can pass on the application, and the opposition will have an opportunity to bring in anything they wish to, which motion was seconded by Mr. Piggott and unanimously carried.

MARCH 26, 1945

Thereupon Mr. Piggott moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield and unanimously carried, and the Board adjourned until its next regular meeting to be held April 23, 1945.
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S. C. Dawson

CHAIRMAN.

APRIL 23, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board room in the County Office Building on Monday, April 23, 1945, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; John W. Brookfield, W. C. Walker, D. S. Mackall, Jr. and Thomas T. Piggott.

The first matter considered was the continuation from last meeting of the application of W. M. Orr for the establishment and operation of a cemetery on the west side of Road #633, near Penn Daw, in Mt. Vernon District.

Mr. Orr presented a metes and bounds map of the property and deed to the Farr tract of 134 acres. He stated that the cemetery will be more than 500 feet to the nearest property line, and that Wilson Farr is to draw the charter for the cemetery after this meeting. He stated that they are to develop the first nine acres and the contract provides that they shall immediately set aside 80% of all their corporation stock sales to be put in the hands of a trustee in an Alexandria bank. He stated that he was applying for the charter in his own name and that funds would be set aside for maintenance and perpetual improvement and that later when they were selling lots the percentage of that goes into it for the perpetual endowment, and further stated that he would file a copy of this contract with the Board.

Mr. Mackall asked if it was the same as other memorial cemeteries and would not have tombstones and Mr. Orr replied that it would have bronze markers but no tombstones.

Mr. Butler, who owns the tract leased by Mr. Orr for the golf course, stated he had no opposition to it and said he had land in Maryland and sold it to a memorial park and it increased the value of the land about twice what it was, and he could not see why anyone would have any objection to it.

The Chairman stated that Mr. W. F. P. Reid, who owns a large tract of land adjoining the Farr and Butler tracts, had stated to him that he had no

objection to the proposition.

Mr. Hall, another adjoining landowner, appeared before the Board and showed the location of his property and advised the Board that his outlet road is on Telegraph Road, and that he had no objection to the cemetery and did not see how it could do any harm and was really an improvement in his opinion.

Mr. Walter Crain stated that 35 acres of his land touches this property and he has a 500 foot frontage on this tract. He stated that he is trying to enhance property values in this area but that this project would depreciate values in said area. He further stated that he did not feel that the promoters of this project had the right to do anything at the expense of the other citizens, and that this cemetery was not needed or wanted in the community, and he objected to the establishment and operation of the cemetery.

Mr. Petitt appeared before the Board and stated that the water runs down off the hill on which the cemetery will be located, to his garage on his property and he felt there would be a sanitation problem. He further stated that he felt the cemetery would increase in years to come and that he was opposed to it.

Mr. Harry Florance, another adjoining landowner, appeared before the Board and stated that he has 1418 feet on the north side of the property and that all the water drains on his property. He stated that he does not have a house on the property but that there will be a house there some day. He stated he felt it would do him a lot of harm having the cemetery there because his land is low and all the water will run right down on it.

Mr. B. Cohan said he was across from the Butler property and he objected to the cemetery but not the golf course. He stated that he owned 110 acres there and the cemetery would not improve but hurt his property.

Mr. A. C. Uhl stated that he lived right across from the entrance and that he owned two lots and gets his water there and he did not think he would like to stay there if the cemetery were allowed. It was stated that someone had offered lots for sale off of the Farr tract across from Mr. Uhl's, but Mr. Orr said that no one had been authorized to sell the property.

Mr. C. D. Bennett stated that he lives across from the entrance; that he had bought 3/4 of an acre about two weeks ago but he did not think he would go through with the sale if the cemetery were allowed.

The Chairman asked Mr. Butler what proposition Mr. Orr had with him regarding the tract of land, and Mr. Butler stated that Mr. Orr had a 10 year lease on his property, with an option to buy it at the end of that time or to renew it for another 10 years. He further stated that there is a ravine of about 100 feet which would prevent water from draining onto Mr. Petitt's land

or the other adjacent owners.

Mr. Stockton said the matter had been brought to the attention of the Planning Commission at their last meeting and discussed as to the advisability of developing the cemetery and the Commission thought it would be a suitable place for a cemetery and saw no reason why it should not be allowed.

The Zoning Administrator said the Zoning Ordinance permits a cemetery in any residential district with the approval of the Board of Zoning Appeals, and he felt the apprehension of the opposition about the drainage was entirely unnecessary and unwarranted and felt if they would consult the Health Department they would be advised that these waters would not be a health menace to their property.

Mr. Martin Gordeon, Executive Secretary of the Memorial Association, appeared before the Board and stated he was not interested in the project at all, but only speaking on behalf of memorial parks. He stated that memorial cemeteries increase the values of adjoining property and will certainly not injure the value thereof.

Mr. Brookfield said he did not see where the Board could be in a position to deny the application because it was over 500 feet from the edge of the cemetery to the nearest adjoining property and that although they should consider the value of adjoining lands, a person should also have the right to use his own property.

Mr. Brookfield then made the following motion:

Whereas a cemetery is an essential use in any residential community, and whereas it is classified by the Zoning Ordinance as a permitted use in any Residence District subject to a finding by the Board of Zoning Appeals that its location will not tend to retard or impair the present use, or future development of the District for residence, and, whereas the weight of evidence before this Board supports such a finding, I move that the application of W. M. Orr for permission to establish and operate a cemetery on a tract of 34 acres, known as the Shull farm (or property), on the west side of State Highway No. 633 (Old King's Highway) about one-quarter of a mile southwest of Penn Daw, in Mount Vernon District, be granted, provided that satisfactory evidence be submitted to this Board of his ability and obligation to maintain such cemetery in an adequate and creditable manner, provided further that the contract of the applicant with the cemetery corporation together with its charter be filed with the Board and that the distance from the outside lines of the property to the cemetery itself are not less than 500 feet and that bronze markers are used flat with the grass in place of tombstones; which motion was seconded by Mr. Mackall, and unanimously carried.

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The second application heard was that of John A. Logan for permission to erect a 24 x 28 foot addition to an existing club house with less setback than is required by the Zoning Ordinance, on Blunt's Lane and Little Hunting Creek channel, in Mt. Vernon District.

Mr. Logan said that he was located on the back of Hunting Creek channel, and that he wanted to put an extension on to his present building, to within four feet of the sideline.

The Zoning Administrator said it was a non-conforming use which can be allowed by the Zoning Appeals Board and he saw no objection to the same.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Brookfield, and unanimously carried.

The next application was that of M. G. Kennedy, for erection of a garage within less than 3 feet of sideline of Lot 15, in Tremont Gardens Subdivision, in Falls Church District, located on the Lee Highway.

Mr. Kennedy advised the Board that there is a double driveway which supplies two houses and he wants to build 3 or 4 feet within his line because if the garage had to be set back farther it would be over his drainage field and cause an awkward turn. He stated that the wall of the garage is 7.6 feet.

After a discussion of the matter Mr. Brookfield moved that the permit be granted for four feet from the line, because of undue hardship, which motion was seconded by Mr. Piggott, and unanimously carried.

Mr. E. Russell White, Zoning Administrator, then read to the Board a letter from Kelly E. Griffith, of Annandale, requesting an interpretation of the Board's decision of December 4, 1944, in the matter of granting a fire engine house to the Annandale Volunteer Fire Department at Annandale. The letter stated that the Department was holding a carnival at the fire house and other such entertainments, and that the engine house was located 200 feet from the church and the minister said the carnival was creating a nuisance. Mr. White advised the Board that he had obtained an opinion from the Commonwealth's Attorney to the effect that it was permitted as a community building and they could hold the carnivals there.

Mr. Brookfield said that when he voted for the fire house that he felt it would carry with it the usual things, like carnivals, etc., which fire companies have to raise money.

The Zoning Administrator said the question was whether the zoning permit was properly issued; should it have been issued for a community building without further restriction, or a fire engine house. He advised the Board

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that there was objection to the practice of bringing beer there, drinking it and scattering the bottles around.

Mr. Mackall stated he felt it was up to the police and not this Board.

Mr. Piggott moved that the interpretation of the Board as to its decision of December 4, 1944, allowing the Annandale Volunteer Fire Department to erect a fire engine house at Annandale, was that the Board understood it to carry with it the usual and ordinary activities of a fire department, which includes carnivals, dances, etc.; as a community building to serve the community, and subject to any temporary use, such as carnivals, suppers, dances, etc., or any neighborhood use of that type which was solely for the purpose of supporting this community use, which motion was seconded by Mr. Mackall, and unanimously carried.

Thereupon Mr. Mackall moved that the meeting be adjourned, which motion was seconded by Mr. Piggott, and unanimously carried.

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S. C. Dawson

CHAIRMAN.

MAY 14, 1945

At a special meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held Monday, May 14th, 1945, there were present: S. Cooper Dawson, Chairman, presiding; T. I. Piggott, W. C. Walker, C. S. Mackall, Jr. and John W. Brookfield.

The first case to be heard was that of Ethel M. Dennis, et al, protesting the decision of the Zoning Administrator made on March 26, 1945, when he issued a permit to the Fairfax Agricultural Cooperative Association to operate a Prisoner of War Camp on the premises of the old State Convict Road Camp, on the north side of the Lee Highway (Road No. 211), about one mile west of the Town of Fairfax, for the purpose of supplying labor to farmers, and asking that said permit be revoked.

Ethel M. Dennis submitted her reasons for appealing this case in regard to the camp located across from her home. She stated she felt they should have had a public hearing on this case before the permit was issued; that she had obtained 60 or more signatures of surrounding neighbors who opposed the same; that she and her 13 year old daughter live alone and that her daughter has to be alone at home at times due to the fact that she (Mrs. Dennis) works; that there is always danger of prisoners escaping and it is

a dangerous situation; and that the demand for these prisoners is mainly in the agricultural section and not in this area. Mrs Dennis then introduced Mr. Karl O. Spiess, another landowner.

Mr. Spiess advised the Board that this permit was granted to the Fairfax Agricultural Cooperative Association, a private corporation, and that any attempt to find out the names of the farmers had been unsuccessful; that he was unable to reconcile the Zoning Administrator's judgment in issuing this permit, with the Zoning Ordinance, and then asked if any member of the Board was a member of the corporation.

Each member of the Board stated that he was not a member of said corporation.

Mr. Spiess then stated that he owns the land adjacent to the proposed camp and that he has three minor children; that the prisoners are not being well guarded and found by personal observation; that it was felt there was ample space to locate such a camp some other place closer to the center of the farming activities; that the corporation is not a Federal, State or County Government business and therefore not proper to be issued such a permit; that efforts had been made to stop construction on the camp until after this hearing, without success; that the corporation had leased the property for the duration of the war and six months thereafter; that the School Board has offered the use of the school buses to transport such prisoners, even though buses are scarce for transportation of school children; and that it was unfair to place such a camp there without notifying the people.

Mr. Charles Pickett stated he represented the Estate of the late Mary O. Ambler, whose property also adjoins this tract, and that the use of this tract for a prisoner of war camp would depreciate the value of his client's land; that as a citizen of the Town of Fairfax he thinks the location improper; that he felt the lives of people in the adjacent area are endangered and that he concurred in what the others had said regarding the same.

Mr. John Rust stated that he also owned land within a half mile of the camp, but that he did not feel it would effect the value of his land, but that he was opposed to having German prisoners in this area, or even in Fairfax County.

Mrs. Anslie stated that she objected to the camp because of her personal safety, and that she also opposed the proposed airport which application was to be heard today.

Mrs. R. F. Riley, another adjacent landowner, appeared in opposition to the proposed camp.

Mr. Lawrence Greene, County Agent, appeared before the Board on behalf of the Association and said that it has been agreed that 200 prisoners will be used in this area from June 1 until December 1; that the Army is

responsible for guarding the prisoners and that proper provision has been made at the camp for such guarding; that the farmers are having a serious problem to secure help and have turned the job over to him and that formerly convicts were used but that they were unable to obtain them this year and that plans had been in progress to secure the prisoners for some time and public notice had been given regarding the same; that the prisoners would be used for cutting pulp wood and timber, in addition to helping on farms; that it was considered a central location and that there were several prisoner of war camps over Virginia, without, to his knowledge, any trouble to its citizens.

Mr. Amos Chilcott, President of the Association, appeared before the Board and stated that as far as he knew, everything in connection with the same had been reliable and above-board.

Mr. Elmo, a farmer in the County, stated that a large percentage of the farmers are banking on this help, because the food situation is becoming very serious.

Mr. Williams stated that he lived a half-mile from the proposed camp and that he was at the camp this morning and saw a prisoner, in plain view of the highway and of Mr. Spiess's house, partially disrobe for normal reasons and it was very objectionable.

Mr. Spiess asked that the Zoning Administrator give his reasons for granting said permit, so they could discuss the same.

Mr. White stated that Mr. Spiess was in error in stating that he based his decision upon the same provision of the Zoning Ordinance under which the State Convict Road Camp was allowed; that the decision for granting said permit was based upon the need for supplying labor for farmers, which is appurtenant to an agricultural use; that the farmers stated that the only hope of getting the work done was in getting the prisoners, for which purpose it was necessary to establish a camp in the County and that they had applied for such a camp on the site of the former Convict Camp, a tract of 20 acres on the north side of Road 211, about one mile west of the Town of Fairfax; that the location is in an Agricultural District, and under the circumstances he had no hesitation in deciding that supplying farm labor is a use customarily appurtinent to agriculture, and he had issued the permit accordingly. He stated that the question before the Board is whether the Administrator was in error in issuing the permit or whether his interpretation of the ordinance was a reasonable and proper one at the time and under the existing circumstances.

In explanation of the decision of the Zoning Administrator on March 26, 1945, when he issued a permit for the operation of a Prisoner of War Camp for the purpose of supplying labor to farmers, it seems pertinent to recall

that, when the Zoning Ordinance was under consideration before its adoption, many farmers were not favorable to it because they feared it might, in some degree, hamper their operations. In a conference their fears were allayed by a statement from the, then, Chairman of the County Planning Commission that, in an Agricultural District, not only would any use commonly classed as agriculture or forestry be permitted, but any use that might be considered appurtenant thereto, and, thereupon, their opposition was withdrawn.

When representatives of the farmers association came to me on March 26th and said that an emergency existed on the farms, due to lack of help because the younger men had been drawn into the armed forces and many of the older men had left to take higher paid jobs in other industries, they stated what I knew to be a fact, and I also knew that the National Government was in fear of a food shortage and was urging the farmers to increase their production this year in order that there might be no suffering among our people at home and no lack of adequate supply for our armies overseas.

These farmers stated that their only hope of obtaining the labor of which they were in urgent need lay in getting prisoners of war from the Army for which purpose it was necessary to establish a camp in the county, and they applied for such a camp on the site of the former State Convict Road Labor Camp, a tract of 20 acres on the north side of Road No. 211 about 1 mile west of Fairfax.

The location is in a District zoned as Agricultural, and, under the circumstances as related, I had no hesitation in deciding that supplying farm labor is a use customarily appurtenant to agriculture, and issued the permit accordingly. It is possible that the fact that during the year or more in which the site was occupied as a convict labor camp, without protest from any of the residents in the neighborhood, led me to believe that there would be no objection in this case. The decision is being appealed, however, by Mrs. Ethel Dennis and others, who of course have a perfect right to do so.

I have a great deal of sympathy for Mrs. Dennis whose anxieties and apprehensions are no doubt causing her real suffering, even though there seems to me to be little if any basis for them, and I have done what I could to facilitate her appeal.

The question before the Board of Zoning Appeals is whether the Zoning Administrator was in error in his decision and issuance of a permit, or whether his interpretation of the Ordinance was a reasonable and proper one at the time, and in the circumstances, of his action.

Mr. Spiess said that according to Section 3 of the Ordinance, under which authority this permit was issued, it had to be a pertinent use to an agricultural district and in harmony and in character with the neighborhood; that this was certainly not in harmony with the neighborhood and that the

agricultural needs were elsewhere in the County.

Mr. Greene read the list of farmers which were asking for this prisoner help, which included Alvord Sherman and others. On being asked how well they would be guarded, Mr. Greene replied that the Army told him that these men will be sent out under guard and he did not know how well they would be guarded.

After a lengthy discussion of the matter the Chairman asked if the members of the Board wanted any more information, and they replied in negative. The Chairman then stated that the question to decide is whether the Zoning Administrator was right or wrong in the issuance of this permit. Mr. Mackall moved that the Board go on record that Mr. White erred in his interpretation.

Mr. Walker stated that he happened to be a farmer and knew that there was a serious need for help on the farms and the Government was calling on them for additional food.

There was no second to Mr. Mackall's motion, and the Chairman declared the motion lost for lack of a second. Mr. Walker then moved that the Board uphold Mr. White's decision on this question, which motion was seconded by Mr. Brookfield. The recorded vote on said motion was Messrs. Walker, Brookfield and Dawson, "Aye;" Messrs. Mackall and Piggott, "Nay." The Chairman declared Mr. White's decision upheld by a vote of 3-2. (See transcript of record attached to this application for a more particular description of this case.)

Mr. Spiess and Mrs. Dennis asked the procedure for appealing this decision and indicated their desire to do so.

Mr. Mackall then moved that the meeting be adjourned one hour for lunch, and the Board thereupon adjourned until 2:00 p. m. for lunch.

The Meeting was called to order at 2:00 p. m., with all members present except Mr. Mackall, who entered the Board room later in the meeting.

The second application heard was that of Willoughby N. Offley, for the operation of a small airport and landing field, with sales service and displays, on the corner of Roads 211 and 655, west of Fairfax.

Captain Offley said he did not contemplate any student instruction, and a very limited operation. He stated that the flying will be very minimum, a matter of bringing the planes in on display and flying them out. He stated that all the flying would be by expert pilots.

Mrs. Ethel M. Dennis appeared in opposition to this permit, stating that her home was right near this proposed airport and that her property and life were endangered by these planes and that it constituted a nuisance to the surrounding people.

Mr. Williams, another nearby landowner, stated that he represented the

Providence Grange, and that they wished to go on record on opposing this permit on the question of safety. He stated that the airplanes would attract a large number of cars and people and would create quite a traffic hazard, as there is no parking space provided.

It was stated that this tract was zoned Rural Residence, and that in this area a business was not permitted. After a discussion of the matter it was suggested that a salesroom could be considered as appurtenant to an airfield and the Board would have the right to act on the same.

Captain Offley stated that he had secured a permit for the operation of the airport from the State officials and that he would take care of the parking facilities.

Mrs. Dennis then introduced Henry Magarity, a member of the Police Department, who stated that the airplanes caused quite a traffic hazard in taking off and landing and in the stopping of automobiles to watch the same.

Mr. Mackall entered the board room at this time, and the Chairman reviewed the case for him.

Mrs. Riley, said that she lives right next to the proposed airport and that she has chickens, a horse and cows, and it would cause a hardship on her.

Mr. White said that the use of an airport is a permitted use under the Zoning Ordinance, with the approval of the Board of Zoning Appeals, and that under the circumstances he hesitated to say whether or not it should go there.

Mr. Karl O. Spiess said he was establishing a chicken farm and the constant noise would cut down the egg production, and that he did not feel the lot had a sufficient runway and would endanger the lives of surrounding neighbors and also their property.

Mr. Mackall stated he felt the Board did not have a right to act on the question. After a discussion of the matter Mr. Mackall moved that the Board deny the application, which motion was seconded by Mr. Brookfield and unanimously carried.

The third application heard was that the Major Carl V. Allen, for operation of airport, including aircraft sales and service, related activities and student instruction, also including the temporary use of a wooden building, which is now less than the required distance from the adjoining roadway on the old Atkins farm, just northeast of the inter-section of the Franconia and Springfield Roads.

Major Allen stated that they have a tract of over 100 acres, and one runway is 2400 feet and the second one is about 2000 feet long. He stated that the Civil Aeronautics Authority had some strict rules which they have to live up to, and also including safety rules. He stated that large airplanes would not use this airfield.

The Zoning Administrator stated that this was zoned Agricultural and

that this district was more liberal in regard to businesses. He stated that the building is 30 feet from the fence line, and the required distance is 50 feet.

Mr. Vernon M. Lynch stated that he owned the land and all adjoining land and would not allow anything to be put there that was objectionable.

Mr. Brookfield moved that the application be granted, on the provision that the building be moved back to 50 feet within a year, at which time the applicant can appear before the Board again in regard to the same, which motion was seconded by Mr. Mackall and unanimously carried.

The next application heard was that of C. A. Hockett, for erection of filling station and restaurant on the southwest side of State Highway No. 7, about 1/4 mile west of Difficult Run, in Dranesville District, for the accomodation of the traveling public.

The applicant appeared and said as far as he knew there was no objection to the same. It is zoned Agricultural and is a permitted use with this Board's approval. He stated that he has parking facilities, and that a filling station and restaurant is needed in this area.

After a discussion of the matter Mr. Mackall moved that the application be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The last application heard was that of Jesse T. Jones, for erection of a store, with apartment above, on Lot 8, Block 3, Ingleside Subdivision in Providence District, with less than the required setbacks.

Dr. Jones stated that he bought a frontage of 30 feet, with a 225 foot depth and wanted to set the store back about 4 or 5 feet from the highway and build a two-story building with an apartment upstairs, in which he can live. He stated that he was a druggist and it seemed desirable to have the druggist in such a convenient place.

The Zoning Administrator said that the location is in a Gerneral Business District, and that it would seem almost necessary for a druggist to have someone always available on the premises. He offered no objection to the 5' setback because it was shown to be on the established building line.

After a discussion of the same, Mr. Mackall moved that the application be granted, with the apartment above the drug store, which motion was seconded by Mr. Piggott and unanimously carried.

Thereupon it was moved and carried that the meeting be adjourned, and the meeting was adjourned at 3:15 p.m., until its regular meeting to be held on Monday, May 28th, 1945.

S. C. Dawson

CHAIRMAN.

MAY 28, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board room in the County Office Building on Monday, May 28, 1945, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, Douglas S. Mackall, Jr., and John W. Brookfield.

The first case to be heard was that of the Alexandria Water Tower, to replace a smaller one on the same lot, on Edgewood Terrace, Belle Haven, Mount Vernon District, represented by Mr. Boone.

Mr. Boone stated that there seemed to be no opposition to the new tower, which would be of steel and of the best material.

Mr. White offered his opinion that everyone in Belle Haven approved of the new tower.

Mr. Brookfield moved that the permit be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The second application heard was that of Bertha M. Kight, for the erection of chicken house on Lot 10, Tremont Gardens, with less than the required setback.

Mrs. Kight was unable to be present, and was represented by Mr. Stewart. He stated that due to the fact that the house on this lot sets back further than the rest of the houses, and a garage is close to the other side lot line, the new 8' x 11' chicken house, 5' in height in the rear and 6' in the front can only be 10 feet from the rear lot line and 4 feet from the side lot line.

Mr. Keen, neighbor on that side, who also raises chickens, has no objection to this building being placed within 4 feet of the line. It was also shown that a 4 foot setback was necessary to avoid a septic tank field.

Mr. Piggott moved that the permit be granted, which motion was seconded by Mr. Mackall and unanimously carried.

The third application heard was that of H. A. Melton for the operation of a small part-time saw-mill on a certain tract of 4.87 acres, on the south side of road No. 631 about 1000 feet west of road No. 630, Mount Vernon District.

Mr. Melton stated that his land is between the white and colored settlements in this district. He wishes to set the saw-mill up on the property, and build a permanent garage and work shop of wood and painted, in which to keep his trucks, equipment, etc. He will have a planer. Later on he may wish to build a home on the front part of the property.

Mr. White asked what part-time meant. Mr. Melton stated perhaps two or three days each week, or more.

It was recalled by Mr. Dawson that Mr. Melton used to have such a saw mill on #1 Highway but this one would be in a much better loaction.

Mr. White said this was Suburban Residence District and Mr. Melton said there were small farms on either side.

Mrs. Melton asked to be allowed to explain that on one side, the neighbor raises turkeys, and has no objection to the saw-mill being placed on this property. On the other side, a colored woman by the name of Mary Washington has about 25 acres, and has no objection.

Mr. White asked Mr. Melton if he would object to the permit being granted for one year. Mr. Melton said it would be going to a great deal of expense, if the permit was not renewed after the one year period. Mr. Brookfield then suggested the permit be granted for two years. Mr. White stated he had no objection to the permit being granted for two years, and renewable at that time. Mr. Dawson explained to Mr. Melton that at the end of the two year period the permit could be renewed, providing some unforseen development had not taken place in that locality. At that time, should this development take place, the value of the land would increase to such an extent that Mr. Melton could afford to sell and move his mill to another location.

Mr. Brookfield moved that the permit be granted, which motion was seconded by Mr. Mackall and unanimously passed.

The fourth application heard was that of Eakin Properties, Inc., represented by Mr. Eakin and Mr. Anderson, for the operation of a commercial airport on a certain tract of 60 acres of land on the south side of Lee Boulevard (State Road No. 50) about 2 miles west of State road No. 7 at Fort Buffalo. Mr. Eakin stated that the proposed site was 2800 feet east and west and 1200 feet across. He introduced Mr. Anderson, a flier, and owner of planes, who will be interested with him, in this airport. Mr. Anderson stated that there would be three run-ways, one lengthwise of the field and two corner-wise across.

Mr. Dawson asked if the airport had the approval of the C. A. A. and Mr. Anderson stated this could not be done until the land was obtained for the field. Mr. Dawson also asked if "green" pilots were to use the field, and Mr. Anderson stated that there would be training done there. He stated that the Government was selling 2700 planes almost immediately and someone would be buying them that would have to learn to operate them.

Mr. Brookfield objected to the establishment of a field at this location, because of its width. He believed that more land should be obtained for width. Mr. Anderson stated that he was now operating at Baileys Cross-Roads with a run-way of 1500 feet and had never had any

difficulty, where here there would be one of 2500 feet. Mr. Eskin stated that the land was for sale on each side, and he was even now trying to make terms with the owners, to purchase same so that the field could later on be enlarged. Mr. Anderson said Beacon Field was no larger that this proposed field.

Mr. Dawson suggested that perhaps a motion could be made in which the application was granted, subject to the approval of the Civil Aeronautics Association, but upon consulting the Zoning Ordinance, Mr. White explained that the Board of Appeals could only decide as to whether this was a suitable spot for an airport or not. The C. A. A. and the State authorities would have to grant their approval before an airport was built anyway. He explained to Mr. Brookfield that if the C. A. A. did not consider the width sufficient, they would not approve the building of the airport. Mr. Brookfield then said he would go along with the rest of the Board in approving same.

Mr. White asked Mr. Anderson to interpret the words "commercial airport" for them. Mr. Anderson said his interpretation was, "anything pertaining to flying, for hire." Mr. White stated he believed it was the best location for an airport in the County, as it was centrally located.

Mr. Mackall then made a motion that this permit be granted, since the Board did not feel it would retard or impair the present use or future development of the district for residences. The motion was seconded by Mr. Walker and unanimously passed.

The question was brought up, of Mr. Anderson's use of the field at Baileys Cross Roads without a permit. Before leaving Mr. Anderson asked Mr. White if he wishes him to discontinue using the field and Mr. White stated that since he was using merely his own plane, himself, on land he had leased he could continue to use same for the present.

The fifth application was of the Potomac Broadcasting Corporation, to erect a Radio Transmission Building and 300 foot steel tower for Radio Station WPIK, on a tract of 65 acres of land on the east side of Telegraph Road, about 600 feet south of the Alexandria City line, represented by Mr. John A. K. Donovan. Mr. Donovan explained that they had previously made application for this Transmission Building and tower and same was granted for a period of two years. However the C. A. A. would not approve same, because the southerly radio beam at Gravely Point, due to traffic etc., has been off. The cause is multiplication in beam, as it is a little closer to the east beam. The C. A. A. will have to straighten same and the change will come on the particular land on which the radio tower was to be built. The Potomac Broadcasting Corporation had a meeting with the Chief Engineer of the C.A.A., Federal Communications Commission, the National

Airport, the Army, Navy, and Airlines. Two suggestions were made. The first was, that the height of the tower be reduced. This would not meet the approval of the Federal Communications Commission. The second suggestion was, that the radio tower be located nearer the railroad, and the Masonic Memorial, which is already an air hazard. The suggested location was the old Roberts Park, and the tower is to be built 1400 feet from Telegraph Road, in a swamp, which could not be used for much else. There will be a 50 x 50 Transmission Building and a tower.

Mr. Lindberg, who accompanied Mr. Donovan, showed a map of the property, and exact location of buildings to be built. He told Mr. White he would have a photostatic copy of same made for the records.

Mr. Mackall asked if the project was permanent and Mr. Donovan answered that it was. While they have a studio in Alexandria at the present time, later on they expect to have one at Falls Church and in Arlington. Mr. White stated that 200 feet of the property in question was zoned commercial, but due to the location and swamp condition of this land, he could see no objection to the application being granted.

Mr. Brookfield moved that the application be approved which was seconded by Mr. Mackall and unanimously passed.

The sixth application was that of Richard W. Huntt for erection of a chicken house on the West side of Oak Street, Idylwood, Providence District with less set-back than required.

Mr. Huntt stated that he already had 3 chicken coops on the property. The lot is 212 feet on front on Oak Street and 200 feet on the side. The chicken house will be 100 feet from Oak Street. He then presented a letter from Mr. and Mrs. Carroll, neighbors on the other side, in which they state they have no objection to this chicken house being built with less set-back than required. The following is a copy of their letter:

Idylwood
Falls Church, Va.
May 26, 1945

The Fairfax County Board of Zoning Appeals
Fairfax, Virginia

Dear Sirs:

We, the owners of the property next to that of Richard W. Huntt, hereby let it be known that we have no objections to the erection by Mr. Huntt, of a poultry house on his land with less than the required setback.

Very truly yours,

(SIGNED) Katharine E. Carroll
John E. Carroll

Mr. White said that he saw no objection to this application being granted, if no one in the neighborhood objected.

Mr. Mackall moved the permit be granted, which motion was seconded by Mr. Walker and unanimously passed.

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Mr. White read the Minutes of the meeting of May 14th. Mr. Mackall moved that the minutes be approved as read, which motion was seconded by Mr. Brookfield and unanimously passed.

Because some of these cases will come up at the meeting of the Board of Supervisors on June 6th, the secretary was instructed to make a copy of the minutes for them.

Mr. Mackall moved that the meeting be adjourned, which motion was seconded by Mr. Brookfield and unanimously passed.

S. C. Dawson

Chairman.

JUNE 25, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board room in the County Office Building on Monday, June 25, 1945, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, and D. S. Mackall, Jr. Absent: John W. Brookfield.

The first application considered was that of W. L. Gooding for permission to erect a garage with less than the required setback on the east side of road No. 665 in Providence District about seven miles north of road No. 50.

Mr. Gooding said that he would have to build his garage five feet from the north line on account of the location of the cess pool and drainage field.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Walker and unanimously carried.

The second application was that of Clarence M. Yeatman for permission to erect a garage with less setback than required by the Zoning Ordinance, located on lot 11, Sleepy Hollow Subdivision in Falls Church District near Twin Oaks Place.

Mr. Yeatman said that he could not build his garage elsewhere on account of the location of his well.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The third application was that of W. F. Streving for permission to erect a garage with less than side and rear yard setbacks required by the Zoning Ordinance, located on lot 392, Mason Terrace Subdivision in Falls Church District, 127 Winchester Way.

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Mr. Streving was unable to be present at the meeting and Mr. White read the following letter from him:

Falls Church, Virginia
June 22, 1945.

The Chairman of the Board of Zoning Appeals,
County of Fairfax
Fairfax, Virginia.

Re: Application for Exception or Variance under Section IV to the Zoning Ordinance of Fairfax County, pertaining to the erection of a garage upon premises known as Lot # 392 Mason Terrace Subdivision, Falls Church, Va. Owner: W. F. Streving, 127 Winchester Way, F.C.

Dear Sir:

Due to working conditions prevailing at my place of work, the War Department, Pentagon Building, Arlington, Va., it will be impossible for me to appear in person before your esteemed Board at the meeting and hearing set for Monday, June 25, 1945, 11:00 A. M., and I beg to be excused from said hearing for the reason given.

However, I petition the Board to give my appeal due consideration, as it is impossible to erect a garage upon the premises within the now existing ordinance limits.

The plot is about 50 x 110 feet, with the house setting back from the curb approximately 50 feet, the foundation being about 25 x 30, leaving a 10 foot space on either side and about 35 feet in the rear, be the same a little more or less.

This situation leaves no alternative, except setting the contemplated garage as far as possible back on the right hand side of the house, where the driveway is located, in practically a straight line, so as to comply with the insurance code, and not being subjected to excessive insurance premiums, and staying away from the next neighbors lot #394 about 2 feet to prevent unlawful evedropping of water on his property, and leaving about 4 feet in rear of said contemplated garage, but being at least 35 feet or more from the next building or structure.

Doubtless the allotment of the subdivision was approved long before your Board was in being or an organized planning was in vogue, and consequently the inequities of the Zoning Ordinance regarding this particular piece of property and the section in general was not the fault of your Board, but on the other hand the present owner, had neither the chance of a voice in it, and can by right and in equity not be blamed for the existing condition.

A denial of the petitioned exception filed with your office on June 2, 1945, would undoubtedly result in a hardship to me a present owner, create a nuisance by encouraging street parking to the General Public, instead of the desired and much needed "OFF STREET PARKING" in this area, I Therefore, MOVE AND BEG YOU TO GRANT THE EXCEPTION AS ABOVE SET FORTH, and notify me of your decision at your earliest convience.

Respectfully yours

(SIGNED) W. F. Streving
W. F. Streving

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Walker and unanimously carried.

Mr. Walker said that he hoped people would not think that the Zoning Appeals Board was just generous because they were granting so many permits for garages. He said that due to the war people are unable

to obtain new automobiles and they should take the best possible care of the ones they have and that it is better to have them in garages than to have them left on the streets or roads.

Mr. White said that he thought it a mistake to have made such rigid rules regarding setbacks on garages and in the new Zoning Ordinance this is being corrected.

The fourth application was that of G. F. Pergande in Falls Church District on Kerns Road, for less than the required side set back on subdivision of land between existing dwellings.

Mr. Pergande was not present but Mr. Charles Pickett was representing a client whose lot would be effected if the permit were granted. He said that Mr. Pergande wanted to establish a line eighteen and three-tenths feet from his client's house. He said there were fifty-one feet on the other side of the proposed line. There is no fence between the lots but quite a few trees.

The Zoning Board decided to hold the application up until later in case Mr. Pergande should come.

The fifth application was that of Thomas R. Sawyers for the operation of a clubhouse for employes of Transcontinental and Western Air, Inc., National Airport, on the southwest corner of Mount Vernon Boulevard and Collingwood Road, about one mile south of the underpass near Wellington.

Mr. Sawyers said that they have not planned to change the outside of the building, which is of logs. They intend to improve the inside and grounds, making a baseball diamond and picnic grounds. He said that this will not be a public dance hall although dances are to be held there occasionally, they are only for the members. There is one dwelling on the property lived in by a tenant. As soon as this house is vacated, Mr. Sawyers said that they would like to put a caretaker there. The nearest residence other than the one on the property, is about one-half mile away. Mr. Sawyers said that the water and sewage systems are adequate. He said that the recreational facilities of the surrounding communities are over taxed and that T. W. A. employies many young people who do not have proper recreation. He said that at the proposed club house these young people would have supervised play and recreation.

Mr. Dawson suggested that a permit be issued for a year and then that the permit be renewed if conditions of operation were satisfactory at the end of that period. There were no objections from the Board or Mr. Sawyers.

Mr. Mackall moved that the permit be granted, with the reservation stated, which motion was seconded by Mr. Piggott and unanimously carried.

The sixth application was that of B. H. Runyon to erect an addition to an existing store in order to meet the requirements of his business.

This store is located in Falls Church District on the northwest side of Columbia Pike eight-tenths mile west of Baileys Cross Roads.

Mr. White said that Mr. Runyon's business was expanding and that he thought Mr. Runyon needed the addition.

Mr. Runyon said that at present he has three small buildings, which he uses for pack rooms and the proposed addition to his store would help him clean up his grounds and he could get rid of the small buildings.

Mr. Mackall moved that the permit be granted upon condition that Mr. Runyon make an effort to clean up his grounds, which motion was seconded by Mr. Piggott and unanimously carried.

The seventh application was that of H. M. Biondi for permission to erect a garage with less than required side line setback on lots 114, 115, and 116, block 2 Fairhill Subdivision in Falls Church District.

Mr. Biondi was not present but his application stated that he wanted to build this garage on the proposed location in order not to deface his property by destroying trees.

Mr. White stated that he had inspected the property and that in his opinion Mr. Biondi's request was a proper one.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The last application was that of Richard M. Smith for the erection of a twenty-five foot concrete based steel water tower on lot 41 and part of lot 42 in West McLean Subdivision, Providence District, for the purpose of providing additional water supply for McLean and vicinity.

Mr. Smith was not present but the members of the Board felt that this tower was very necessary.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The Board then discussed the Pergande application further. They felt that it should not be granted.

Mr. White said that inasmuch as the Zoning Ordinance requires a side and rear yard set back of not less than twenty-five feet on every building lot in rural residential districts it is his opinion that the board is without authority to authorize the sale of a lot which violates the twenty-five foot setback required and when from the evidence before the Board it is not apparent that any hardship to Mr. Pergande would result from this requirement and that the application of G. F. Pergande should be denied.

Mr. Mackall moved the adoption of Mr. White's opinion as that of the Board, which motion was seconded by Mr. Walker and unanimously carried.

Thereupon Mr. Piggott moved that the meeting be adjourned, which

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motion was seconded by Mr. Walker, and unanimously carried.

S. C. Dawson

Chairman.

JULY 23, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building on Monday, July 23, 1945, the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott, W. C. Walker, John W. Brookfield. Absent: D. S. Mackall, Jr.

The first application considered was that of Vernon F. Bradford for erection of utility shed with less than required setback on a ten acre lot at the northeast corner of Roads #604 and #681.

The property on which Mr. Bradford proposes to build this shed is in a business district. He said that this building would be one hundred fifty feet from road #681 and twenty-five feet from the property line. He said that several buildings now existing are only six or eight feet from the property line. He also said that due to the value of the property and the now existing buildings that he would like to build with even less setback. He stated that this shed will be used to protect turkeys from storms.

Mr. Brookfield moved that the permit be granted with ten feet setback from the property line and one hundred fifty feet from road #681. The motion was seconded by Mr. Piggott and unanimously carried.

The second application was that of Col. L. T. Reichers for erection of garage with less than required setback on the lot on the north side of road #123 about one-half mile west of Chain Bridge.

Col. Reichers said that due to the topography of the land he could not build this garage with more setback than fifteen feet from the side line. He said that he wanted to build a story and one-half building and use the half story for a childrens playroom. He stated that this will improve the appearance of his yard and that his land drains to the back and not to the side property line. This building would be one hundred fifty feet from the highway and fifteen feet from the existing house.

Mr. Walker moved that the permit be granted with the provision that the building be fifteen feet from the side line. The motion was seconded by Mr. Brookfield and unanimously passed.

The third application was that of George E. Hadeed for erection of restaurant sign at the southwest corner of roads #211 and #655 in Centreville District.

Mr. Hadeed stated that this sign was a Coca Cola sign advertising his restaurant and that it had been placed on his property by the Coca Cola Company about two months ago before he found out that he had to have a permit for its erection. This sign is approximately twenty-five feet from each road and sets at a forty five degree angle as it is a double sign and can be seen by approaching from either way. Mr. Stockton said that the new ordinance would, no doubt, permit such a sign as this. Mr. Dawson stated that he was in favor of this permit being granted due to the fact that the Zoning Ordinance is being revised and the new ordinance would provide for this. Mr. Brookfield suggested that the permit be granted for one year, pending revision of the ordinance.

Mr. Brookfield moved that the permit be granted with the above provisions. The motion was seconded by Mr. Walker and unanimously passed.

The fourth application was that of George E. Hadeed for renewal of expired permit to open restaurant on Lots 15 and 16 of Katherine T. Moores Subdivision, southwest corner of roads #211 and #645 and for two signs (day and night) on the Lot.

Mr. Hadeed stated that he moved a diner from Fairfax to near Centreville some time ago and now he wanted permission to open this diner. He said that the day and night sign would be on an island of twenty-five feet surrounded by a hedge and would face on roads #211 and #645. He said that there would also be a Coca Cola sign in front of the diner. He had obtained a permit to open the diner some time ago but as he had not opened within six months after applying, the permit had expired.

Mr. Brookfield moved that the permit for the opening of the diner be granted, and that the signs be granted for one year. The motion was seconded by Mr. Walker and unanimously passed.

The fifth application was that of A. J. White for erection of garage with less than required setback from the side line of Lot 8, Fairhaven Subdivision, Mount Vernon District.

Mr. White said that his house faces on Rixey Drive and due to the size of his lot that this is the only place that he can build his garage. He stated that if he built his garage to conform with the ordinance he would have to go around the corner of the house to get to it and that this would be impossible. He said that he had already built a driveway that is about eight feet from the property line and due to the fact that the adjoining lot is much much higher than his land the driveway was used to drain water running on his property from that next door. He said the garage is to be of cinder blocks with cement floor. He said he could build his outside wall two feet from the property line and with an overhang of twelve inches and the water would still drain out his drive.

Mr. Brookfield moved that the application be granted to build the

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garage two feet from the line due to the contour and size of the lot. The motion was seconded by Mr. Walker and unanimously carried.

The sixth application was that of Mrs. Bernard J. Nolan for erection of a chicken house (commercial) with less than required setbacks on her lot on the north side of old road #7 about four hundred yards west of Difficult Run.

Mrs. Nolan said that she now has two old buildings for chickens and that they are not sufficient to house chickens properly. She said Mrs. Money whose property is separated from hers by a driveway belonging to Mr. Cockerill objects to this building for personal reasons. She said the chickens would be housed all the time. She said she wanted to build a house large enough to house eight hundred broilers of different ages at all times, but she did not know how large the building would be. She also did not know the exact size of her property.

Mr. Brookfield moved that they delay making their decision until they looked further into the matter. This motion was seconded by Mr. Piggott and unanimously passed.

The seventh application was that of Boyd Hartman for erection of a Gas Filling Station with less than required setbacks on lot of 3.835 acres on east side of highway #1 about one-half mile south of the Open Air Theater.

Mr. Hartman said that he wanted to build this station with the proper setbacks. In front of it he plans to put a drinking fountain with ice water that will look like a well. Above this fountain he wanted to place a small sign advertising the water. He said that he wanted to build the gasoline tanks about twenty feet in front of this fountain and five feet from the right of way. The twenty feet between would be necessary for a drive. Mr. Dawson said that he saw no objection to this.

Mr. Brookfield moved that the permit be granted for one year due to the location of buildings on each side and the existing setback. The motion was seconded by Mr. Walker and unanimously carried.

A discussion followed about the proposed chicken house of Mrs. Nolan. Mr. Walker went to the Clerk's office to look on the records for the size of Mrs. Nolan's lot. He said the frontage was 177.52 feet and the side line was 163.8. Mr. Stockton did not believe that her business would be termed commercial due to the number of chickens she sells. The existing house is about ten feet from Old road #7. Mrs. Nolan had said that she was inexperienced at raising chickens and was doing it for a hobby. Mr. Dawson stated that the lot was not large enough to operate a chicken business on. Mr. Stockton said that this was not the main objection but that the number of chickens she markets would not put her business on a commercial scale.

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Mr. Brookfield moved that the application as it stood be denied and that Mrs. Nolen be notified that she could make a new application to Mr. White for a non-commercial chicken house, the opinion of the Board being that her operation should be so classified. The motion was seconded by Mr. Walker and unanimously carried.

Mr. Brookfield moved that the meeting be adjourned, which motion was seconded by Mr. Walker and unanimously carried.

S Cooper Dawson
CHAIRMAN.

AUGUST 27, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building on Monday, August 27, 1945, the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott; W. C. Walker; John W. Brookfield; D. S. Mackall, Jr.

The first application considered was that of Helen Mar Stevens to remodel building and operate kindergarten on 1.224 acres on the southwest side of State Road #7, opposite the Subdivision of Fairlington.

Mrs. Stevens stated that she had applied for water and sewage disposal. There is now an old building and a dwelling house on the property and she intends to remodel the old building for a kindergarten to use for several years and then she wanted to build a new school. She stated that the building is about twenty-five feet from the side line and that there are no houses on that side for about one hundred yards.

Mr. Mackall moved that the permit be granted. The motion was seconded by Mr. Brookfield and unanimously passed.

The second application considered was that of H. B. Howard for further extension of permit granted on December 11, 1944, for the occupation of a second dwelling on Lot No. 22, River View Heights Subdivision.

The permit which Mr. Howard was granted was for six months in which time the tenant living in a small house on his property was to find another dwelling. The house occupied by the tenant was a remodeled chicken house. The tenant has been unable to find anywhere else to live due to the crowded living conditions in that vicinity.

Mr. Brookfield moved that the permit be granted until December 11, 1945. The motion was seconded by Mr. Piggott and unanimously passed.

The third application considered was that of Helen R. Richardson for permission to operate a Tea Room and Restaurant on Lot of 3.38 acres on the south side of an outlet road running west from State Road #624 about

one-half mile south of Mt. Vernon Junction.

Mr. E. C. Gibbs was representing Mrs. Richardson. He stated that as yet Mrs. Richardson has not applied for a permit to build her house but would do so when she received permission for her tea room. This tea room is not to be open to the general public but only to her friends. Mr. Dawson stated that he saw no objection to this.

Mr. Mackall moved that the permit be granted. This motion was seconded by Mr. Brookfield and unanimously passed.

The fourth application considered was that of W. C. Wills for setbacks of less than the required distance from the front lines of Lots 148 and 157, inclusive, and on 126, Section 3, of Annandale Subdivision.

Mr. Wills wanted permission to build a service station on the corner of Columbia Pike and Little River Pike. To the front of this station he intends to have two islands, twenty-two feet long and three feet wide for gasoline pumps. These islands will be twelve feet from the inside line. Unless Mr. Wills is granted this variance he will be unable to have his station here due to the fact that there would not be room enough between these islands for automobiles to drive. In front of these islands he intends to have a pump for air. On the property there is a house which has been build for several years and which does not conform with the present Zoning Ordinance as to setbacks. Mr. Wills will have this house moved back to conform with the Ordinance. This district is zoned as general business and the required setback is thirty feet and Mr. Wills wants a permit for a ten foot setback. As yet the plans for the station are not complete but any building will be at least one hundred thirty-seven feet from the point of the intersection of Columbia Pike and Little River Pike. Mr. White worded a motion stating that the application be approved for setbacks of not less than ten feet from the front lines of the lots involved provided that all buildings on the lots shall be not less than one hundred thirty-seven feet from the front of the property at the point of intersection of the Columbia Pike and Little River Pike and that final plans be submitted to the Zoning Administrator for approval in accordance with the resolution.

Mr. Mackall moved that the permit be granted with the above provisions. The motion was seconded by Mr. Walker and unanimously passed.

Mr. Brookfield moved that the meeting be adjourned, which motion was seconded by Mr. Piggott and unanimously passed.

S. Cooper Dawson

CHAIRMAN.

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SEPTEMBER 24, 1945

At a regular meeting of the Board of Zoning Appeals held in the Board Room in the County Office Building on Monday, September 24, 1945, at which meeting the following members were present: S. Cooper Dawson, Chairman, presiding; D. S. Mackall, Jr., T. I. Piggott and W. C. Walker.

The first case to be heard was that of Carl Truell, to build two additional cabins on Lee Highway, one mile beyond Camp Washington, intersection Route 655, on Lots 4 and 5, Alice Moore Subdivision, in Providence District, in an Agricultural District.

Mr. George Robey, Attorney, appeared in behalf of Mr. Truell, and said this was an application for additional cabins and was operated as Silver Moon, on #211. He stated the applicant had been in business for a number of years and has five cabins and needs two more. On the preceding Saturday the Health Inspector was there and found some unsanitary conditions; the applicant had no knowledge of it, but is willing and will immediately see that it is taken care of to the satisfaction of the Health Department in the event the Board grants the request.

The Chairman advised Mr. Robey that the applicant would have to furnish a plat drawn to scale and correct the sewerage situation before they could grant such a permit. He read a letter from the Health Department, advising that the septic tank was in very bad condition; the drainage field indicated signs of overflow at several points, and a recommendation that the system be repaired under the supervision of the Health Department and the addition of two additional cabins might be considered after a period of three months during which time the system may be taken under observation.

Mr. Baker, Sanitary Engineer, made a report to the Board as to the condition of the septic tank and drainage field and that he felt three months was a reasonable period for such observation and correction of the condition.

Mr. Walker stated he thought the main thing was the County's protection against the health conditions that might develop from such a situation.

Mr. Mackall moved that the application be deferred until the next meeting when a plat is to be furnished, which motion was seconded by Mr. Piggott and unanimously carried.

The second application was that of Clyde J. Verkerke for less than the required setbacks on Lots 11 and 12, of Clearfield Subdivision, on Edsall Road, at the corner of Monroe Street, in Falls Church District.

The applicant stated that the man who formerly owned it built a little too close to the front and got the walls up and he wants to complete the same; farm land is on one side and unimproved lots on the other side.

Mr. White, Zoning Administrator, said he thought the application should be granted because Mr. Verkerke is a victim of unfortunate circumstances.

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After a discussion of the matter Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Walker and unanimously carried, because of undue hardship and the peculiar circumstances.

The third application heard was that of Walter L. Mozingo, to reopen restaurant and filling station at Willow Springs, on the south side of Route 211, about three miles east of Centreville.

Mr. George A. Locke appeared on behalf of the applicant and stated that the establishment has been closed for approximately two years, due to the gasoline shortage and the war.

Mr. White said he did not see any objection to allowing him to reopen because of the circumstances and it is zoned agricultural.

Mr. White stated it would be just a filling station and the restaurant will be stricken out.

Mr. Mackall moved that they be allowed to reopen the filling station, which motion was seconded by Mr. Piggott and unanimously carried, and issued to Mr. George A. Locke.

The fifth application was that of Martin T. Webb, to erect real estate sign less than fifty feet from center of Columbia Pike, in front of his dwelling, about ¼ of a mile east of Annandale.

Mr. Webb said he had had a real estate sign 2½ x 4½ feet in front of his house and because of his son's entry into the Service several years ago, he had closed up his business for the duration and removed the sign, and he wanted to put the same sign back up and at approximately the same place. He stated it is 12 feet from the edge of the right of way and the road bed is 15 feet below the level of the ground; if it were put back 20 feet it could not be seen; it will not obstruct the vision of any motorist.

Mr. Piggott moved that the permit be granted, because of the topography of the land, which motion was seconded by Mr. Mackall and unanimously carried.

The sixth application to be heard was that of W. C. Shields, for addition to his main building (restaurant), and also three additional tourist cabins on his lot on the south side of Road No. 211, about one mile west of Fairfax, in Providence District, (on the Lee Highway, at Braddock Road).

Mr. Shields stated he came over in Virginia about a month ago and looked for tourist cabins that were clean and went everywhere to find out if these were all right and everyone he spoke to concerning these said they were favorable, and he purchased the same, and wants to enlarge them. He stated he wanted to put in toilets and cabins but Mr. Baker came up there and found the sanitation condition terrible and he plans to fix it and doesn't want to build anything on there until it is fixed.

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Mr. Baker, Sanitary Engineer, stated that the situation was approximately the same as that of Mr. Truell, and that the Health Department could not recommend the addition of the toilets or any additions to the restaurant at this time, but that the drainage field can be repaired and the addition of two cabins might be considered after a period of three months, after an observation and inspection of the result.

Mrs. Ethel Dennis appeared in opposition to the granting of the permit. She stated that it is an all-night business and a nuisance, and that her adjoining property is low but she is very careful and her well is close to the back door and all the water drains over to her land.

After a discussion of the matter Mr. Mackall moved that the matter be held open until the Health Department approves it and a plat drawn to scale furnished the Board, which motion was seconded by Mr. Walker, and unanimously carried.

The next application heard was that of J. W. Foster, for erection (rebuilding) of a public garage at the intersection of Roads Nos. 63 and 713, at Lincolnia.

Mr. Foster said he built the garage in 1913 and wants to rebuild as the place is not large enough and he wants a better place, as it is only about 10 feet from the road. He stated that there is three acres or more in that land.

Mr. Stockton stated that the new Shirley Highway will go through that area and that there will need to be a reestablishment of a business district in that neighborhood.

The Chairman stated that this Board does not have authority to grant the permit and it has to be rezoned and he will have to go before the Board of Supervisors.

The last application was that of Alexander J. Bridges to erect a dwelling with 30 foot instead of 50 foot setback, on Lot 2, Block A, of Collingwood Manor Subdivision, in Mt. Vernon District.

Mr. Bridges said he was going to be the first house in the subdivision; that his lot is four feet below the road and that he has a lot of filling in to do, and his lot was 60.6 x 161 and that he wants to be sure that all the houses in that section are on a line. The question of his sewer system was also discussed and Mr. Stockton stated that it should be referred to the Health Department.

After a discussion of the matter, Mr. Mackall moved that the Board did not have the authority to grant the permit, which motion was seconded by

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Mr. Piggott and unanimously carried.

Mr. Mackall thereupon moved that the meeting be adjourned, which motion was seconded by Mr. Walker and unanimously carried, and the Board adjourned at 1:45 p.m., until its next regular meeting to be held Monday, October 22, 1945, at 11:00 a.m.

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S. Cooper Dawson

CHAIRMAN.

OCTOBER 22, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building on Monday, October 22, 1945, the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott; W. C. Walker; John W. Brookfield; D. S. Mackall, Jr.

A part of the Zoning Ordinance had been changed on account of a written ruling handed down by Judge Bazile of the Fairfax County Circuit Court, said ruling being in the words and figures following, to-wit:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH V. L. W. PARKER

HUGH B. MARSH for the Commonwealth

CHARLES PICKETT for the accused

OPINION OF THE COURT

This is a criminal proceeding against the accused who is charged with violating the Zoning Ordinance of Fairfax County.

Shortly prior to 1 March 1941 the Board of Supervisors of the County of Fairfax, acting under authority of Chapter 427 of the Acts of 1936 and Chapter 415 of the Acts of 1938 adopted a voluminous zoning ordinance by which the County was zoned into districts classified as Agricultural, Rural Residence, Suburban Residence, Urban Residence, Rural Residence, General Business and Industrial Districts.

This ordinance has been amended from time to time none of which amendments appear to be applicable to this case.

The accused owns a lot in a Suburban Residence District as zoned by the ordinance. This lot was acquired by him in 1945 and long after the adoption of the ordinance. The accused is engaged in business at another location zoned for business, his business being that of repairing and dealing in motor vehicles. Not having sufficient room for the storage of motor vehicles owned by him or held by him as a bailee for hire, he began to park or store such vehicles on the lot in the suburban residence district. Some of these vehicles have been stripped for parts and are mere junk. Other vehicles stored on the lot can be moved under their own motive power and according to the accused are moved from time to time as the occasion arises. It appears from the Commonwealth's evidence that the cars stored on this lot have been increasing rather than diminishing in number, several of the witnesses testified that the accused is using the lot for an automobile grave-yard.

Section V. of the Zoning Ordinance which relates to a Suburban Residence District, so far as is applicable to the issue before the Court, reads as follows:

"Use-Regulation: In a suburban residence district, no building or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this ordinance except for one or more of the following uses:" (Italics supplied)

The uses permitted are fourteen in number with ten additional uses permitted when specifically authorized by the Board of Zoning Appeals.

It is contended by the accused that the above quoted section of the Ordinance is arbitrary and capricous in that it deprives him of many lawful and harmless uses of his lot which uses are not inconsistent with its use as a suburban residence lot and is therefore unconstitutional as depriving him of his property without due process of law.

A careful examination of the authorities on the subject fails to show where this identical question has been before any Court, until it arose in the case at bar. The question is one of the first impression, not only in Virginia, but, in the United States.

Zoning ordinances have been recognized by our highest Court as being a legitimate exercise of the police power. Gorieb v. Fox et al, 145 Va. 554, 134 S. E. 914 (1926) affirmed 274 U.S. 603, 47 S. Ct. 675, 71 L. ed. 1228, 53 A. L. R. 1210 (1927); Nusbaum v. Norfolk 151 Va. 801, 145 S.E. 257 (1928); West Bros. Brick Co. V. Alexandria, 169 Va. 271, 192 S. E. 881 (1937); Cherrydale Cement Block Co. v. County Board, 180 Va. 443, 23 S.E. 2nd 158 (1942) and Eubank v The City of Richmond, 110 Va. 749, 67 S.E. 376, 19 Ann. Cas. 186 (1910), reversed 226 U.S. 137, 33 S. Ct. 76, 57 L.Ed. 156, 42 L.R.A. (U.S.) 1123, Ann. Cas. 1914-B 192 (1912).

It does not follow, however, that because the principle of zoning is within the limits of the police power that every provision incorporated in such ordinances or every formula of draughtmanship is necessarily valid. Euclid v. Ambler Realty Company, 272 U.S. 395, 71 L. ed. 314 (1926).

Zoning Ordinances which infringe upon the rights incident to the ownership of property can be justified and upheld solely on the theory that they are a legitimate exercise of the police power.

This is clearly seen from the language of Chapter 415 of the Acts of 1938 authorizing boards of supervisors to adopt Zoning Ordinances for their respective counties. Section one of that act provides: "For the purpose of promoting health, safety, order, prosperity, the conservation of natural resources and the general welfare, the board of supervisors xx of any county is hereby empowered to regulate, by ordinance, in the unincorporated portion of the county, the locations of those areas which may be used as places of residence or in which agriculture, foresty, trade, industry, or other specific uses may be conducted, the height, bulk and size of buildings or other structures, the percentage of land area which may be occupied, and the minimum sises of yards, courts or open spaces." (Italics supplied.)

This is the authority, and, the only authority, under which the Board of Supervisors acted in adopting the zoning ordinance in question, since chapter 427 of the Acts of 1936, which provides for a county planning commission, conveys no such authority.

A board of supervisors has no inherent right to exercise the police power. Such board can exercise such power only when delegated to it by the General Assembly and strictly in accordance with the terms and limitations of such grant. Danville v Hatcher, 101 Va. 523, 530, 44 S.E. 723 (1903); Richmond etc. R. Co. v. Richmond, 145 Va. 225, 133 S.E. 800 (1926); Richmond etc. R. Co. v. Richmond, 26 Gratt. 83, 99 (1875); Virginia-Western Power Co. v Clifton Forge, 125 Va. 469, 99 S.E. 723 (1919) certiori denied in 251 U.S. 557, 40 S. Ct. 179, 64 L. ed. 413 (1919); Kirkpatrick v. Board, 146 Va. 113, 136 S.E. 186 (1926) and Gorieb v. Fox, 145 Va. 554, 134 S.E. 914 (1926).

The General Assembly having the authority to delegate the police power to a political sub-division which has no such inherent power, such political sub-division must, of necessity, exercise the police power granted in strict accordance with the terms of the grant made to it. If this were not true, the creature would be greater than its creator, which can never be the case.

While Chapter 415 of the Acts of 1938 unquestionably delegates to the boards of supervisors the police power of the Commonwealth to adopt zoning ordinances, it is to be observed that the General Assembly did not grant to such boards the unlimited exercise of the police power, but the limited power to adopt such ordinances in conformity to the

terms of the grant.

Now, when the Act is examined, it will be seen that the terms of the grant are that the board of supervisors may exercise the police power granted to regulate by ordinance the locations of those areas which may be used as places of residence or in which agriculture, foresty, trade, industry or other specific uses may be conducted, and the heighth, bulk and size of buildings, or other structures and the percentage of land area which may be occupied, and the minimum sizes of yards, courts or other open spaces. The dominant purpose of the grant is the right to regulate in the particulars enumerated, not to totally prohibit the use of one's land and then grant back certain specific uses less than all of the uses which may be compatible with its use as residence property.

In construing the words " regulate and Restrict" the Supreme Judicial Court of Massachusetts in Opinion of the Justices 232 Mass. 605, 610, 124 N. E. 319, 321 (1919) said: "The words regulate and restricted do not confer power to prohibit utterly and without bound, but only to establish reasonable limitations."

Speaking of the foregoing opinion, the Court said in West Bros. Brick Company v Alexandria, 169 Va. 271, 285: "These principles are well recognized in Virginia."

Instead of undertaking to regulate in its Zoning Ordinance the use of sub-urban residence property, the board of supervisors has totally prohibited the use of such property for all purposes and then attempted to grant back to the owner certain enumerated uses which are something less than all of the uses to which the owner is entitled to use his property without endangering the public health, safety, order or general welfare.

For example, no one could properly contend that the use of such lot for a tennis court, or a croquet green would be inconsistent with its use as residence property. Nor would such use in any manner conflict with any recognized prohibition of the police power. Nevertheless, under the terms of the zoning ordinance in question, such use would constitute a criminal violation of the ordinance.

Under the terms of the ordinance, a suburban residence lot may be used for a private stable in which may be housed "not more than two horses in excess of those used by the residents of the premises on which the stable is located", Permitted Use No. 8; or it may be used for riding stables, Permitted Use No. 9. Again such lot may be used for raising poultry even on a commercial scale, Permitted Use No. 13.

But under the terms of the general prohibition, it would be unlawful for one to raise rabbits, guinea pigs or patridges on such lot, none of which uses would create the odor or flies that would result from a stable or chicken house.

These examples only serve to show the vice in the draughtmanship of the ordinance in question. It not only ignores the basic theories as to the rights resulting from the ownership of real estate, but it also disregards the terms under which the General Assembly delegated the right to exercise the police power for the purpose of establishing zoning districts.

The proper way to draw laws creating crimes is to prohibit specific acts; not to make all acts except certain enumerated acts criminal.

Moreover, there is a grave question as to the Constitutional validity of such legislation. It is contrary to our ideas of government and in conflict with the fundamentals of the American system of government. The means of acquiring and possessing property is classed, in Section 2 of the Bill of Rights, with life, liberty and the pursuit of happiness and safety. The acquisition and possession of property would be of slight value if under the guise of the police power a political subdivision could confiscate the use of property for all purposes and then grant back its use for certain purposes less than all uses which did not conflict with the recognized exercise of the police power. This system of draughtmanship is repugnant to our system of government and not to be tolerated when challenged in the Courts. Young v. Commonwealth, 101 Va. 853, 45 S.E. 327 (1903).

For the foregoing reasons, the Court is of the opinion that the zoning ordinance in question is invalid so far as it attempts to prohibit the use of the accused's land for all purposes except the enumerated uses permitted, thereby depriving him of many lawful uses of his lot as residence property which are not prohibited by any recognized extension of the police power. The ordinance in the forgoing particular being invalid, the verdict of the jury will be set aside and the prosecution dismissed.

OCTOBER 22, 1945

SIGNED: Leon M. Bazile

Judge

October 12, 1945

A Copy - Teste:

THOMAS P. CHAPMAN, JR., CLERK,

By Katherine K. Ashwell

Deputy Clerk.

Mr. Dawson said that due to the above ruling eight of the cases scheduled for the meeting were invalid. A list of these cases is shown below:

Sam Boyles for erection of gas station on Lot 16 of Swart Farm Subdivision, south side of #211, 2 miles west of Centreville.

Roland Payne for 20 x 80 feet addition to existing restaurant at corner of Roads #211 and 608, Centreville District.

Edgar W. Vaden for operation of airport on Grassy Mead Farm between Fort Hunt Road and Mt. Vernon Boulevard.

Phillip W. Smith for erection of store for sale (retail) of building material, on N. side of #211, opposite Tremont Gardens.

Harry Morton for erection of Lunch Room and Service Station on Lots 26 and 27, Block 4 of Hybla Valley Farms on the east side of U. S. #1.

Mrs. Mamie I. Smith for operation of Tea House and Restaurant in the house known as Stone Villa at Corner of Virginia Avenue and Mount Vernon Boulevard, Mount Vernon District.

Emmett and Helen Brewer for store and filling station on Lot 1 of Bennett's Subdivision, south side of Columbia Pike, one mile east of Annandale.

Elijah F. Tino for erection and operation of gasoline filling station on Lot 3 of John R. Beach Subdivision, east side of U. S. No. 1 about one quarter mile north of Woodbridge, Lee District.

Mr. Andrew W. Clarke represented a group of citizens of Mount Vernon District who were opposed to the building of an airport in their area. Mr. Clarke said this was a residential district with many nice homes in it and the people would not want to be disturbed by airplanes flying over at all hours. He said the airport had nothing to do with the war and was strictly for commercial purposes.

Mr. Dawson asked Mr. Clarke if he thought anything could be done at that meeting. He said that he did not.

The first application considered was that of Austin Petitt for a garage with less than the required setback on Lot 18 of Agnew Farms Subdivision, Mount Vernon District.

Mr. Dawson asked Mr. Petitt why he couldn't build his garage with the proper setbacks. Mr. Petitt said his driveway was about two feet from the property line and if he built his garage to conform with the zoning ordinance he would have to build it behind his house and extend his drive quite a bit further. He said the proposed garage would be six feet from the property line, and the nearest building on the adjoining property was a dwelling about 400 yards distant. He said he intended to build a fire proof garage. Mr. White stated that he saw no objections.

Mr. Brookfield moved that the permit be granted which motion was seconded by Mr. Piggott and unanimously carried.

The second application considered was that of H. M. Ingalls for a garage with less than required setbacks on Lots 321 and 322 of Mason Terrace Subdivision, Falls Church District.

Mr. Ingalls said his house was twenty-five feet from the property line and he wanted to build a garage ten feet wide attached to the existing frame house. This would leave a distance of about 13½ or 14 feet from the property line.

Mr. Brookfield moved that the permit be granted, which motion was seconded by Mr. Mackall and unanimously passed.

The third application considered was that of Howard Lowery for erection of buildings for business pusposes with less than required setbacks from Road 236 at Annandale.

The usual setback for a general business district is thirty feet. Mr. Lowery said he could not build his building with the required setbacks because it would then be behind the existing Annandale Market. Mr. Brookfield thought there should be at least a thirty foot setback in this location. Mr. Lowery said the owner of the Annandale Market was planning to have his building moved back to conform with the Zoning Ordinance and if it were moved he would be glad to have a least a thirty foot setback.

Mr. Dawson said the Board could not pass on his application until he presented a plat with the proposed buildings drawn on it. Mr. Lowery said he would get a plat and present it to the Board at a future date.

The fourth application considered was that of S. G. Penn for a garage with less than recuired setback from side line of Lot 25, Mount Zephyr Park Subdivision, Mount Vernon District.

Mr. Penn said his house and porch were fifteen feet from the property line and he wanted to build a garage ten feet wide, which would leave a five foot setback. He said he intended to build a fire proof building.

Mr. Mackall moved the permit be granted, which motion was seconded by Mr. Piggott and unanimously passed.

The fifth application considered was that of B. L. Elder for a garage with less than required setbacks on Lots 27-28-29, Block 28, of New Alexandria Subdivision.

Mr. Elder said he wanted to build his garage one foot from the property line. He said he did not know about the Zoning Board until he had already put in a concrete driveway and the forms for the new building. He said the water from the garage would drain into the street and not on the adjoining property and also that it would be fireproof.

Mr. Mackall moved the permit be granted, which motion was seconded by Mr. Brookfield and unanimously passed.

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Mr. Dawson then read a letter from Mr. Andrew W. Clarke, requesting that the bond of Max Stein be returned.

Mr. Piggott moved that the bond be returned, which motion was seconded by Mr. Brookfield and unanimously passed.

Mr. Brookfield moved the meeting be adjourned, which motion was seconded by Mr. Piggott and unanimously passed.

S. Cooper Dawson
CHAIRMAN.

NOVEMBER 26, 1945

At a regular meeting of the Board of Zoning Appeals, held in the Board Room in the County Office Building on Monday, November 26, 1945, the following members were present: S. Cooper Dawson, Chairman, presiding; Thomas I. Piggott; John W. Brookfield; D. S. Mackall, Jr. Absent: W. C. Walker.

The first application considered was that of G. G. Persun for erection of garage with less than required setback on south side of Road #708.

Mr. Persun stated that his house was built before the present Zoning Ordinance was in effect. He said he wanted to build a porch on his house and a garage onto that. This will leave about five feet from the corner of his garage to the property line. He stated he could not build these additions closer to the front of his house due to a picture window being there and he did not want to spoil the view from this window. He said the land next to him is grown up in bushes and there was not a house for quite a distance. Mr. White said he saw no objection to Mr. Persun's proposed additions.

Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Brookfield and unanimously carried.

The second application considered was that of Benjamin Caricoffe for erection of gas station on Lot 23 of Swart Farm Subdivision.

Mr. Dawson said Mr. Caricoffe's application would have to be deferred because Mr. Caricoffe was not present.

The third application considered was that of Fischer S. Black for addition to dwelling with less than required setback on Road 3738 about three hundred feet from Arlington.

Mr. Black stated the addition would have to be where he had planned due to a sharp drop on the opposite side of the house. He said that to overcome architectural difficulties the setback would have to be thirty-one feet. Mr. White stated that the Zoning Ordinance called for a forty foot setback but he saw no objections to Mr. Black's addition.

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Mr. Mackall moved that the permit be granted, which motion was seconded by Mr. Piggott and unanimously passed.

The fourth application considered was that of R. L. Morrison for erection of garage with less than required setback on Lot 10 of Powell's Subdivision.

This application was also deferred due to the absence of Mr. Morrison.

The fifth application was that of D. L. Page for erection of addition to existing dwelling with less than required setback on U. S. No. 1, Engleside.

Mr. Page stated that he wanted to build an additional bedroom for a child and this would make his dwelling eleven and one-half feet from the property line. His dwelling was twenty-three feet from the property line and the addition was to be ten feet wide. Mr. White said he saw no objection to this as the nearest house on the adjoining property was over a hundred feet back of Mr. Page's dwelling.

Mr. Brookfield moved the permit be granted, which motion was seconded by Mr. Piggott and unanimously carried.

The sixth application was that of W. N. Rogerson for erections on north and east sides of existing store at northwest corner of U. S. No. 1 and No. 611.

The additions were to be to the back of the store and between the store and No. 611. The side addition would be in line with the existing store, twenty-five feet from the property line. No one in the vicinity of the store objected.

After some discussion, Mr. Brookfield moved that the permit be granted which motion was seconded by Mr. Mackall and unanimously passed.

The seventh application considered was that of Mrs. Floyd Dalton for erection and operation of tourist cabins on north side U. S. No. 1 opposite Pohick Church.

Mrs. Dalton stated that at present there were no buildings on the property. She said that she had 600 feet of frontage on No. 1 highway and that it was 400 feet deep. She said that the first cabin would be ninety feet from the highway and the dwelling at least one hundred fifty feet. She said all the buildings would be at least ninety feet from the highway. Mr. White stated that Mrs. Dalton was planning to build a very nice tourist court.

Mr. Brookfield moved that the permit be granted which motion was seconded by Mr. Piggott and unanimously carried.

The eighth application considered was that of Dorsey Colbert for erection and operation of restaurant at northeast corner of Roads #211 and 655 just west of Fairfax.

Mr. Pickett represented Mr. Colbert. He stated that this restaurant would be for the colored people in that area who had no restaurant facilities at present. He said that there was no question of setback only of use. His restaurant would join the business section. Mr. White stated that he saw no objections.

Mr. Mackall moved the permit be granted which motion was seconded by Mr. Brookfield and unanimously passed.

The ninth application considered was that of S. A. Tucker, Jr. for erection of dwelling on each of two lots of less than required size, on the north side of a private road between U. S. No. 1 and No. 628 at Gum Springs.

Mr. White said that the lots were too small for each of them to have a house on it. He then read a letter from Mr. Baker of the Fairfax County Health Department in which he stated that sanitary and health conditions could not permit the building of dwellings and installing of septic tanks on such small plots. Mr. Baker urged the Board to deny this application as it would be a menace to the health of those living in that area.

Mr. Brookfield moved the application be denied because the lots have recently been subdivided with area less than is required by the Zoning Ordinance and due to the unhealthful conditions, which motion was seconded by Mr. Piggott and unanimously carried.

The tenth application considered was that of Lizzie Pearson for operation of restaurant on east side of Liberty Avenue, just south of Falls Church.

Lizzie Pearson stated that a bus had been moved on her property and she wanted to convert it into a diner. This was in a colored neighborhood and was now thirty-five feet from the street. Mr. White informed her that the Zoning Ordinance required a forty foot setback and she said that she would have the bus moved further back as it was only on cement blocks. Mr. White said that if she had the diner moved back to conform with the Zoning Ordinance he saw no objections.

Mr. Mackall moved the permit be granted which motion was seconded by Mr. Brookfield and unanimously passed.

The eleventh application to come before the Board was that of Pauline Quick for erection of additions to dwelling with less than required setbacks on south side of Road #644, .7 mile west of Road #617, Springfield.

This application had to be deferred due to the absence of Mrs. Quick.

Mr. Mackall moved the meeting be adjourned, which motion was seconded by Mr. Piggott and unanimously passed.

After a few minutes informal discussion the Chairman re-convened the Board, and informed Mr. White, the Zoning Administrator, (who was acting as clerk) that the Board was not satisfied with the information furnished

regarding the applications, particularly with the lack of plats necessary to inform the Board accurately about the locations of existing and proposed buildings and additions. Mr. White agreed that there should be a personal investigation and report in each case, but stated that the press of work in his office makes it impossible. He called attention to the fact that his work has more than doubled in the last few months, and that there are many indications that the present volume will continue or increase indefinitely.

Mr. Brookfield, thereupon, moved that the Chairman request the Board of Supervisors to provide additional clerical assistance to the Zoning Administrator, and, also, to consider an increase in his salary which would be in keeping with his duties and responsibilities, and more in line with present living costs. This motion was seconded by Mr. Mackall and adopted unanimously. The Board then adjourned again.

S. Cooper Dawson
CHAIRMAN.

DECEMBER 27th, 1945

At a regular meeting of the Board of Appeals held in the County Board Room on Thursday, December 27th, 1945, the following members were present: S. Cooper Dawson, Chairman; Douglas S. Mackall, Jr; William J. Walker and John W. Brookfield.

Meeting called to order by Chairman at 11:20 A.M.

The first case to be considered was that of Mamie I. Smith to operate a Tea House and Restaurant at the corner of Mount Vernon Boulevard and Virginia Avenue. This case was continued from October. The Chairman presented a letter from Mr. Baker of the Health Department in which he stated that he had checked the water supply and made a complete new septic system plan. After requirements were met with, everything would be satisfactory to them. Mr. White offered no objections to the application being granted. Motion was made by Mr. Mackall, seconded by Mr. Brookfield and unanimously carried, that the application be allowed.

#1 Arnold L. Franseen, to operate a private residence primary school, at the corner of Chain Bridge Road and Maple Avenue. Mr. Franseen said it was a large glazed brick house, about 3/4 mi. past the Oakton school. He stated there was four acres of land with orchards, vacant land, and roads bordering same. So far as he knew, there was no objection from anyone. He had talked with both the Superintendant of Schools and with Dr. Podolnick of the Health Department, and all their requirements would be met. He expected to have 15 to 20 children in school. Mr. Mackall asked if the children would be day pupils, and Mr. Franseen said that they were also boarded. He explained that classes would be held in what is now a guest

house, while the children would be boarded in the main house. Mr. Mackall moved that the application be granted, seconded by Mr. Walker and unanimously passed.

#2 John Wagner, to erect a 25 x 40 foot addition to existing Filling Station on Road #123 about 1 mile West of Chain Bridge. Mr. Mackall explained that he didn't think the Board of Appeals had anything to do with this matter because the set-backs were all right. Mr. White stated that since this was a non-conforming use, the Board did have to act on the matter Mr. Mackall then moved that the application be granted, Mr. Walker seconded the motion, and it was unanimously carried, that the application be granted.

#3 Ashburn Flying Service. The representative from the Service stated that they had 180 acres on the old cut-off on Highway #1. That they found people driving out, and coming on buses from Washington were having a hard time to find their place. They wished to erect two large signs, and a series of small ones similar to the Burma-Shave signs, at either end of this cut-off, on Highway # 1, as per diagram attached to application. Sign marked A on the diagram was allowed, because it was an old established sign. But Mr. White explained that the Board only had the right to grant new signs of 10 square feet or less, unless they were placed 500 ft. or more from the highway. He asked the respresentative of the Flying Service, if this would be agreeable to them-- to allow the one large sign which was erected some years ago and two smaller ones measuring 2 x 5', or not larger than 10 square feet in area, and he agreed this would be satisfactory. Mr. Brookfield moved that the one established sign and two of not more than 10 square feet be allowed, seconded by Mr. Mackall, and unanimously carried.

#4 Weaver and Gordons. To erect and operate a Filling Station on east triangle of Jct. between #7 and #694. This location was established as being at the intersection of Leesburg Pike and Old Lewinsville Road. It was explained by Weaver and Gordon that they were going to lease this land, about 3/4 acre, on a 20 year lease, since the two owners did not wish to sell. Mr. White explained the required set-backs as being 90 ft. on Leesburg Pike and 50 ft. on Lewinsville Road. Mr. Walker stated that 3/4 of an acre would not be enough, in his estimation to have the necessary set-backs. Mr. Mackall stated that the minimum should be an acre, and more if possible. Mr. Brookfield suggested that the case be held over until next meeting, at which time the applicants would present a plat of the property. Mr. Mackall asked them if it would inconvenience them too much to wait, and suggested that in the mean-time they try to buy the property instead of renting same. And to bring in the plat to the next meeting.

#5 Mr. Wm. H. Hartley. To repair watches in his own home. Mrs. Hartley explained that there would be no signs on outside of house, that this was merely a home occupation to supplement a returned veterans' earnings. Mr. Brookfield said that the Board did not intend to tell anyone what to do, inside their own home, and made a motion that the application be granted; seconded

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Mr. Mackall, and unanimously carried.

Upon completion of the above cases, Weaver and Gordons asked to be again heard. This time represented by a third member interested in the case. He stated that this land which they wished to rent or buy was no good for anything except business, and, should be application not be granted, they did not wish to buy or rent same. Mr. Mackall stated that perhaps, in order not to hold this project up, the Board might pass same, providing Weaver and Gordons agree to secure enough land so as to hold to the proper set-back. Mr. Brookfield still wished to have a plat. Mr. White stated that a plat was not actually required by the Board of Appeals, but that he always made a drawing of one on the building permit. Mr. Mackall made a motion that the application be granted, provided there was a 90 foot set-back from #7 (Leesburg Pike) and 50 ft. from 694 (old Lewinsville Road.) Mr. Brookfield seconded the motion, and same was unanimously carried.

Mr. Mackall moved that the meeting be adjourned. Same was adjourned at 12:20 P.M.

S. Cooper Dawson
Chairman

JANUARY 1946

At a regular meeting of the Board of Zoning Appeals, held in the Board room of the Fairfax County Court House, on Monday January 28th, 1946, the following members were present: William C. Walker, John W. Brookfield, Thomas I. Piggott, and Chairman S. Cooper Dawson; Douglas Mackall being absent. Also in attendance were E. R. White, Zoning Administrator, and T. J. Stockton, Planning Engineer.

The following cases were heard:

1. Application of Elvey A. Ball to operate a Filling Station and Store on a lot of 6800 square feet, on the NE side of old #7 Highway, about 1/4 mile S.E. of road # 681, in Dranesville District.

   Mr. Ball explained that he has purchased the lot (80' X 85') on which the store is located, from Mrs. Money, within the last year, it being a part of a tract of some 18 acres owned by her. Mr. Ball stated further that the store and filling station had been operated by Mr. Cockerill for a number of years prior to his death about a year ago. There was some question as to whether they have been operated since that time.

   Mr. White, the Zoning Administrator, stated that because of the apparent need for such facilities at that point, he was willing to resolve the doubt in favor of the applicant, and treat it as a non-conforming use that had not lapsed, but that cutting off a lot of

6800 square feet with a frontage of only 80 feet, is a violation of the Zoning Ordinance, which requires a lot of not less than 1/2 acre, with a minimum width of 100 feet in that District.

Mrs. Money was also present, and stated that this store had belonged to her Father, and had been in operation for 56 years, except the past year since he died, and she could see no reason for it being discontinued.

Mr. White answered by stating that he was very much in favor of a store being located there, but that the Board of Appeals had no authority to allow anything on a lot of that size. He asked Mrs. Money if she could not sell Mr. Ball enough land to make a half acre. She stated she owned the land on both sides and back of this peice, but that the land was too valuable to sell, and Mr. Ball did not need it, and she did not wish to sell it.

Mr. Dawson called on Mr. Stockton, who stated that the Board of Appeals could rule on a non-conforming use in this section, but would have to obey the zoning ordinance as to the size of the lot. He stated that if there had been an established building lot recorded before 1941, of a smaller size, it could be allowed, subject to the rules of the Health Department, but since this was recently divided, it could not.

Mrs. Money asked if she could lease enough land to Mr. Ball to make up the half-acre, and both Mr. Stockton and Mr. White said that she could not. Mr. White stated she could own the whole property, including the store and lease it to him. She immediately said she could not do this, since Mr. Ball had already bought the store and paid for it.

Mr. Brookfield moved, that because the Board of Appeals had no right to approve an Appeal on a lot this size, the application be denied. Seconded by Mr. Piggott and unanimously carried.

2. F. S. Dietrick, desiring to build a garage, with less than the required set-backs in the Mt. Vernon District. Mr. Dietrick was not present, but Mr. White read a letter accompanying the application. Mr. Dietrick stated that to build his garage 10 ft. from the line would ruin his strawberry patch and garden. Also that the lot next door is so small it cannot be built on, and a swamp is on the lot in the rear, so his set-backs would not conflict with either rear or sides.

Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

3. Emery Samson for an addition to dwelling, with less than the required set-backs. Mr. Samson explained that his house was on the side of a hill, and it would be very hard to build an addition and a garage on the side-hill, and it would also detract from the appearance of the dwelling. He showed the sketch, where the garage would be 6.9' from the line, and the addition to the house 18'. Mr. White and Mr. Stockton and the members of the Board examined the plans of the proposed addition and garage and approved of same. Mr. Brookfield made a motion, that because of the

topography of the land, the application be granted. Mr. Piggott seconded the motion, and it was unanimously carried.

4. W. H. Benson to operate a sign and automobile painting service on his property near Pender, also a 6' X 10' sign, to be erected 80' from the road. Mr. Benson explained that his present garage building that he would use and add to, for his business, was 300 ft. from the road. He had 12 acres of land, and would not be close to anyone. He stated that since he was so far from the road, he needed a sign near the road, so that people could locate his place. He believed a 6' X 10' sign would be sufficient. Since he had already sold the State additional highway space. the sign would be erected 80' from the road.

Mr. Brookfield moved that the application be granted, with a sign 6' X 10' set back from the road to comply with the law, which will be back 80' from the center of the road. Mr. Walker seconded the motion, which was unanimously passed.

5. John D. Benn to operate a permanent airport on two parcels of land containing 75 acres, and 21.8422 acres, Falls Church District, near Bailey's Cross Roads.

Mr. Benn was present, and also his Attorney Mr. John K. Donovan, and several others who were interested with him in the airport. Mr. Donovan explained where the land was, and how they proposed to use it, making two run-ways at present, with customary air-port buildings in the center. Later on they desired to make a sort of subdivision around the edge, facing the roads, where air-minded people could own a home, with their private hanger in their own back yard, and the air-field behind them. He said it was the same air-port that a permit was granted to Mr. Germain for, before the war.

Mr. Dawson asked him about the length of the run-ways, and he stated there would be two, one running south and north, of 2700 feet, and one east and west, of 3000 ft.

Mr. Stockton asked the size of the airport, and Mr. Benn stated that it would be a Class 2 Airport, for light twin-engine equipment. No 4 motor planes. He called on Mr. Garrett, an engineer who accompanied him. Mr. Garrett explained the runways were for Light Commercial and Private Planes, but were such that they could be extended, should the Government wish to force an extension, as they had in some places.

Mr. White could see no objection, if the persons nearby made no objection and Mr. Benn answered that everyone near seemed in favor of it.

Mr. Brookfield moved that the airport, and necessary buildings for an airport be granted. Seconded by Mr. Piggott and unanimously carried.

6. R. L. Morrison, to erect a garage on his property in Falls Church District, with less set-backs than required. This case was carried over from October because Mr. Morrison did not appear then.

Mr. Morrison designated where he wished to build his garage, being 1' of his line next to Mr. Shreve. He presented a letter written and signed by Mr. Shreve, explaining why, because of topography etc. it was much better for the garage to be built close to the line. He also stated that there was at one-time a garage on this location, the foundation and driveway still being there.

Mr. White read the letter from Mr. Shreve to the Board. Mr. Dawson asked about gutters and downspouts, to take care of the water running onto the neighbors lot, and Mr. Morrison stated it was being taken care of.

Mr. Brookfield moved that because of the topography of the land and other facts given, the application be granted. Seconded by Mr. Walker, and unanimously carried.

This completed all cases. Mr. Stockton announced that he had made an error, in presenting some Amendments to the Zoning Ordinance, to the Board of Supervisors, without presenting copies to the Board of Appeals, since they effected the Section relating to the Board of Appeals. He explained the amendments to them, and stated he would see that copies were made available to them.

Mr. Dawson stated that since this was the first meeting in the year, it was necessary to elect a Chairman. Mr. Piggott nominated Mr. Dawson to be Chairman for the ensuing year, Mr. Walker seconded the motion, and it was carried. A Vice-Chairman condidate was then asked for by Mr. Dawson. Mr. Brookfield nominated Mr. Piggott, Mr. Piggott nominated Mr. Brookfield and Mr. Walker moved that nominations be closed. A vote was taken and Mr. Brookfield was elected by a vote of 2-1.

Mr. Dawson mentioned electing a Secretary, and Mr. Stockton did not believe it necessary to elect one, that Mr. White would be acting as Secretary, however Mr. Brookfield suggested that one be voted on, and nominated Mr. White to be Clerk of the Board of Appeals for the coming year. Mr. Walker seconded the nomination and it was unanimously carried.

Mr. Dawson mentioned that he had been contacted by a returned veteran very much in need of a house, who could not move into the apartment in the Stegall home, because of the zoning ordinance not allowing a two family house in that location. Mr. White stated that this Board had no power to do anything in this case, and that it was one that had been turned over to the Commonwealth Attorney.

Mr. Walker mentioned the Bradford chicken-house in his locality- that he had heard it was to be turned into apartments. Mr. Dawson stated that six trailers had been parked at an intersection on U.S. 1 near Penn-Daw. Mr. White said he would look into these cases.

Mr. Walker moved that the meeting adjourn, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 1:15 P.M.

S. Cooper Dawson Chairman

February 25th, 1946

A reguar meeting of the Board of Appeals of Fairfax County, Va. was held in the Board room of the Fairfax County Court House, on Monday, February 25th, 1946, with the following members being present: John W. Brookfield, Thomas Piggott, and Chairman S. Cooper Dawson Sr. Absent, William C. Walker and Douglas S. Mackall, Jr. Also present, E. R. White, Zoning Administrator and T. J. Stockton, Planning Engineer.

The following cases were heard:

1. Raymond F. Thompson, to convert a chicken house, on private road off Leesburg Pike, about 3/4 mile southeast from Tyson's Corner, in Providence Magisterial District, into a temporary dwelling with less set-back than required. Mr. Thompson stated that this building was on a separate lot from the dwelling owned by his Mother next door. That this chicken house was 6' from the back line and 8' from the side line, and he wished to convert it into a temporary dwelling. Mr. Dawson called on Mr. White who stated he could see no objection but suggested a time limit of 2 years be set on the period of occupancy. Mr. Brookfield made a motion that this application be granted, for a period of two years, seconded by Mr. Piggott, and unanimously passed.

2. W. G. Dodson, to re-establish the separate identity of two lots, near Calvert Street, in Falls Church Magisterial District, allowing less than the required set-back, for a garage on Lot 74. Mr. Dodson explained that he wished to now sell Lot 74, but this would leave a set-back of 5' only on one side of the garage. Mr. Dawson asked Mr. White to explain what was mean't be "establishing the separate identity" and Mr. White explained that at the time this garage was built, these two lots had been combined as one building lot. Mr. Brookfield stated that he had looked over the property and believed it would be all right to grant the application. Mr. White said it was also true that the new proposed ordinance permits less set-backs for garages and he could see no objection. Mr. Piggott moved that the application be granted, seconded by Mr. Brookfield and unanimously passed.

3. Vernon E. and Virginia W. Shepherd, to make a 20' X 40' addition to existing building, located on the South side of Columbia Pike, just East of Road 617, at Annandale, in Falls Church Magisterial District, for non-conforming use (dry-cleaning). Mr. White stated that this building had been there for a period of 20 years or more, and that it was in a Suburban Residence District, the Business District only coming to the Springfield Road. Mr. Dawson stated that he did not believe this Board had the authority to act on this application, since it was extending a non-conforming use. He believed the property should be re-zoned, or the business zone extended. Mr. White said there was a great deal of talk

talk at the present time of having the business zone at Annandale extended for a mile up Columbia Pike, however it will take some time to have this rezoned, and since the Board has been doing this sort of thing for years, he could see no reason for them to stop at this particular time, as this case was surely a legitimate one. Mr. Brookfield made a motion that because it is probable this land will be zoned for business within the next six months, the application be granted, seconded by Mr. Piggott, and passed by a vote of 2 to 1, Mr. Dawson voting against same.

4. Sidney L. and Ruth A. Parker, to convert two private garages, located on South side of Route 211 about one mile East of Centerville, in Centerville Magisterial District, into an automobile repair shop. Mr. White asked for Mr. or Mrs. Parker but neither seemed to be present. Mr. Dawson stated that there was no plot-plan attached to application. Mr. Brookfield moved that action be deferred on this case, until a plot-plan could be submitted, seconded by Mr. Piggott and unanimously passed.

5. James R. Wilson, to erect a private garage, with less than the required side yard set-back on Lot 131, Franklin Forest Subdivision in Providence Magisterial District. Mr. Wilson explained that his present garage in the rear of the basement in his house, has a drive-way coming out, and down a hill onto the road, with a very sharp left turn and immediate steep climb to get onto the hill again. He showed drawings and pictures to explain his case. At the present time, he slides into the ditch on the opposite side of the road, whenever the road is slippery. The proposed garage will be 1'4" from the line, allowing 13'8" between the house and garage. If it was placed closer to the house, it would shut light off from the windows on that side. Mr. Brookfield made a motion that because of the topography of the land, and the fact that the existing conditions made a hardship for Mr. Wilson, that the application be granted, seconded by Mr. Piggott, and unanimously passed.

6. Perry L. Cecil and Virginia Frozen Food, Inc. for interpretation of "uses customarily appurtenant thereto" as used in Section III, Paragraph A-1 of the Zoning Ordinance (quoted as follows:)

A. Use Regulations: In any Agricultural District no building or structure shall be erected, altered, or used, and no land shall be used, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising, lumbing and sawmilling, and all uses commonly classed as agriculture and forestry, and uses which are customarily appurtenant thereto, and which are in harmony with the character of the neighborhood with no restrictions as to the operation of such vehicles or machinery as are incident to such uses and with no restrictions as to the sale or marketing of

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products raised on the premises, provided that no building or structure for the raising, housing or sale of poultry, livestock or other animals on a commercial scale, or sawmill, shall be located less than one hundred (100) feet from any street, lot or property line.

Mr. Chamblis, Attorney for the applicant, explained that there is 15 acres in this proposition, just this side of the Loudon line, on the North side of Highway # 7, They wish to establish a Processing Plant and Frozen Food Lockers. The plan embraces the establishment of the above, with no objectional characteristics. Mr. Dawson asked the difference between this kind of a plant and an Abattoir. Mr. Chambliss explained that this sort of a proposition does away with any objectionable odors. Mr. Dawson asked about sewer connections, stating that he remembers when Mr. Poole was asking for a permit for his Poultry Processing plant, he mentioned being connected with Town of Fairfax sewer system, helping to carry off refuse, ordors, etc. Mr. Chambliss replied that they expected to have their own septic system, chemically treated to carry away all refuse in more or less liquid form, the balance to be carried away and buried. Mr. Dawson called on Mr. White, who stated that he believed it would be of value in the County, and he would be of favor of it if conclusive evidence could be furnished that it would not impose anything "smelly" on the neighborhood. He said so far as he knew, the nearest neighbor was not against it.

Mr. Chambliss asked the Chairman if it was not true, that in the case of the Prisoner of War camp, it was decided that such use was appurtenant to Agriculture. Mr. Brookfield said, in the decision in this case, it was decided that at this particular time the Prisoner of War Camp was necessary to the Agricultural use, not Appurtenant to. Mr. Chambliss said he had misunderstood. He stated that this organization was founded by Fairfax County men, Albert Sherman, Edwin Lynch and Wilson Farr being interested. He believed that the establishment of a Processing plant in this County is inevitable. He stated that no one in the neighborhood, he believed, had any objection to the plant, and presented to the Chairman, a brief, which he wished to be included in these minutes.

(copy)

BEFORE THE ZONING BOARD OF APPEALS FOR FAIRFAX COUNTY, VIRGINIA

IN RE: APPEAL OF PERRY L. CECIL AND VIRGINIA FROZEN FOODS, INC.

Your petitioners, acting in accordance with the provisions of the Zoning Ordinance of Fairfax County, Virginia, as amended, present this, their petition, to the Zoning Appeals Board of said County and represent to the said Board as follows:

That petitioner, Perry L. Cecil, is the owner of a tract of land situated partly in Loudown County and partly in Fairfax County, Virginia,

the part in Fairfax County being in Dranesville Magisterial District, and located on the North side of Route No. 7; that the said Perry L. Cecil has contracted, subject to conditions that are not relevant to this petition, to sell a parcel of the said property, containing fifteen acres to your petitioner, Virginia Frozen Food, Incorporated;

That the petitioner, Virginia Frozen Foods, Incorporated, purposes and plans to erect on the said parcel of land containing fifteen acres, and which lies wholly within the confines of Dranesville Magisterial District, Fairfax County, Virginia, a modern well-equipped plant for the slaughtering, dressing, processing, freezing and frozen storage, as well as marketing of livestock and other agricultural products; and that it is the belief and conviction of your petitioners that the establishment of such a plant in Fairfax County would fulfill a pressing need of farmers and producers of livestock and agricultural products in this County, by providing modern facilities for the processing and frozen storage of livestock and agricultural products;

That Sub-section A (1) of Section III of the said Zoning Ordinance of Fairfax County, Virginia, provides, in part, as follows:

"A. Use Regulations. In any Agricultural District no building or structure shall be erected, altered, or used, and no land shallbe used unless otherwise provided in this Ordinance, except for (one) or more of the following uses:

'1. Farming, dairy farming, livestock and poultry raising, lumber and sawmilling, and all uses commonly classed as agriculture and forestry, and uses which are customarily appurtenant thereto, *** *** *** ' " ;

Your petitioners respectfully represent to the Board that it was the intent of said Ordinance to permit such uses in the Agricultural District which are ordinarily associated and appurtenant with the conduct of agricultural activities; and that this construction of the Ordinance is given added weight by the fact that sawmills are expressly permitted in such district in connection with lumbering operations, plainly showing the intent of the draughtsman that uses, other than purely agricultural ones, were to be allowed where they were incident to the production and marketing of livestock and poultry, farm produce and lumber;

Webster's New International Dictionary defines "appurtenant" as follows: "Annexed or pertaining to some more important thing; accessory,; incident;"

The New Century Dictionary defines "appurtenant" as: "1. appertaining or belonging; pertaining; incident; *** *** ***";

In the case of Lawrence v. Hennessy, 65 S.W. 717, the interpretation of the word, "appurtenant" was presented to the Missouri appellate court. In that case a franchise had been granted to construct and operate a plant for furnishing gas to the people of a city. Later the owner of the

franchise contracted to sell such plant and the question arose whether this contract was complied with inasmuch as the deed given pursuant to it did not mention the pipes and appliances, but did use the term, "appurtenances". The court held that the word was broad enough to include such equipment, stating:

> "The word 'appurtenant' has no inflexible meaning but must be construed in connection with the nature and subject of the thing granted. A thing is appurtenant to something else when it stands in relation of an incident to a principal, and is necessarily connected in the use and enjoyment of the latter."

Your petitioners submit that it will be readily admitted that a processing plant for agricultural products can be profitably maintained only in an agricultural district; and that it would seem clearly to follow that it is accessory, incident and appurtenant, only to the uses prevailing in an agricultural district;

Petitioners respectfully call attention to a prior ruling of this Board when it had occasion to construe the above quoted language of this Ordinance. On that occasion the question was presented whether the establishment and maintenance of a Prisoner of War Camp for the housing of prisoners (who would be privately employed on farms in this area) was "customerily appurtenant" to agricultural uses. This Board decided the question in favor of the establishment of such a camp, thus giving to the quoted language of the Ordinance an even broader interpretation than is contended for by your petitioners.

Your petitioners, therefore, respectfully submit thet the language of Sub-section A (1) of Section III of the said Zoning Ordinance, where it is provided that uses which are customarily appurtenant to agriculture are to be permitted in the Agricultural District, necessarily allows the establishment of a processing plant which will be solely devoted to the slaughtering, dressing, processing, freezing, frozen storage and marketing of livestock and other agricultural products.

Respectfully submitted
PERCY L. CECIL
VIRGINIA FROZEN FOODS, INCORPORATED
by (signed) Wilson M. Farr
" Hardee Chambliss, Jr.

John Alexander

Major Shane, present in the room, objected to the statement regarding no one in the vicinity being opposed to this project, saying that he and Mr. Jacobs, also present, were there to object to it. He stated that he lived immediately across the road, his land being in both Loudoun and Fairfax Counties, approximately 800' from the Herndon Road. He said "You can call it a Processing Plant or anything you want, but it still has odors and noise, and should not be in a residential neighborhood." He stated that where-ever cattle are kept before slaughtering and the process

of slaughter, with steam etc. and there is bound to be odors and noise. He stated that Mr. Jacobs owned 30 acres adjoining his 27 acres. He believed this to be a good project, but it should not be permitted on a main highway, the highways should be beautified. Mr. Brookfield asked the Major if he believed the frozen food lockers were appurtenant to a farm. He stated that they were, but did not have to be located in such a place. Mr. Chambliss asked the Major and Mr. Jacobs if they had ever been through a locker plant. Mr. Jacobs said he had not been through one, the Major having been through one in another State, however no slaughtering was done on the premises. The Major asked to see an Architect's conception of the proposed plant, and Mr. Chambliss presented proposed plans to the Board and the Major.

Mr. White asked Mr. Chambliss if this building could be put back off the road, where it would be out of sight. Mr. Chambliss said he could not commit the people he was representing, because he did not know if it could be done. Mr. Jacobs said he didn't think it could be done.

The Chairman called on Mr. Stockton for his opinion. Mr. Stockton explained that this Board is only to decide the meaning of the words "appurtenant thereto". Mr. Chambliss read the meaning of the wood from his brief and quoted the decision of the Missouri Court.

Mr. Dawson stated that he was in sympathy with the use but did not like to see the Highways so cluttered up, citing Highway # 1 as an example. Mr. Brookfield said Mr. Stockton had made a good point, and he believed if it was a project organized by Cooperative Farmers, it would be considered appurtenant. Mr. Chambliss answered, that regardless of whether it was formed by a Farmers' Cooperative, or by this organization, it was for the use of the farmer. Mr. Brookfield said he believed that this use is customarily appurtenant to Agriculture, but on the other hand, if it is a Manufacturing Plant, it is not considered to be appurtenant, and asked if there would be slaughtering there. Mr. Chambliss replied, that there would be slaughtering done on the premises. He asked that an answer be given as to this meaning, either one way or another.

Mr. White explained the consequences if the Board decided that this use was appurtenant to the agricultural district, it would mean that he would issue a zoning permit for the use.

After an informal discussion between Mr. Brookfield, the Chairman, Mr. White, Mr. Chambliss and Mr. Stockton, Mr. Brookfield made the following motion: That it is the sense of the Board that the meaning of the words "appurtenant thereto" as stated in Section III, Paragraph A-1 of the Zoning Ordinance includes the slaughtering, processing, and frozen locker storage of animals, on the premises in question.

The Chairman asked for a second to this motion, and when no second was

made, declared the motion lost. Mr. Chambliss stated that he understood a motion had been made, which all members had agreed to. Mr. Dawson, Chairman, said that the motion had been made, but had not been seconded, so therefore the motion had been lost. Mr. Chambliss stated that under the ordinance, he would ask for a decision. Mr. Stockton said that some decision should be made, He explained that should it not be allowed in an Agricultural District, the probable next move of Mr. Chambliss would be to ask for a rezoning to Industrial, and he believed that would be a worse condition for the residents nearby, should it be granted by the Board of Supervisors. Mr. Brookfield then made a motion that this question be deferred until next meeting at which time a probable full Board would be present. Mr. Piggott seconded the motion and it was unanimously carried.

7. Malcolm E. Devers, to operate a private school on all of Block 3, Section 1, Fort Ward Heights Subdivision, except parts of Lots 8,9 and 10 on Leesburg Pike near Fairlington, in Falls Church Magisterial District. Mrs. Devers was represented by Mr. Chambliss. He explained that this school would be located on approximately 6½ acres of land, would handle from 200 to 400 pupils, from Kindergarten, up. Mrs. Devers already operates one in Arlington and one in Alexandria, called Congressional Schools. Mr. White said this was a Suburban Residence area, and private schools were allowed, subject to the Board of Appeals, and that he did not know of a better location for a school. He asked Mrs. Devers about the distance from the road, and she stated it was to be some distance from the road as they wished to have a circular drive coming into the front of the building. The playground would be in back. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously passed.

8. Paul Bartlett and M. D. Osborne to erect a sign incident to the operation of a filling station on Lot No. 3100 Duke Street extended lying on the South side of Route No. 236 in Falls Church Magisterial District. No one being present to represent these parties, the application was deferred.

9. Martha Lewis to establish a restaurant on 1/2 acre of land on Quander Road No. 630, 1,2 mile from No. 1 Highway, in Mount Vernon District. Albert Lewis appeared for his Mother, Martha Lewis. Explained that he had started this building before he went in service, and wished to finish same and use it for a restaurant. The building is 24' X 30' and they would use the entire building for a restaurant, living at another place. Mr. Dawson asked him about water and sewer, and he stated the fixtures were in and he was waiting for Mr. Baker to come down and O.K. it. The Chairman asked if there was any opposition. A representative of Bucknell University which owns the land adjoining, and also builders of Bellhaven stated that they intended to put in a very high-class subdivision on this property,

similar to Bellhaven, but with building restrictions of $25,000. He didn't believe there should be a business property allowed in this location, as it would detract from the value of the land there. He stated that should business be allowed there, it might prove to be a nucleus for a business district, and would mean that their homes in that vicinity would have to be of a cheaper type, more in the $5,000 class. They have 600 acres there. A prospective builder in the subdivision also asked to be heard. He stated that he intended to build in the subdivision; that he believed anyone, white or colored should be allowed to have a business and make his living that way if he wished, but he believed a strictly residential district should be kept strictly for residences, whether they be white or colored. Mr. Brookfield stated that Quander Road is a colored development and it will logically be extended, but at the same time it was a residential district. Mr. Stockton explained about business areas from a planning angle. Mr. Brookfield moved that the application be denied, seconded by Mr. Piggot and unanimously passed.

10. Hartwick K. Hasle to build a garage on lot 20, Mt. Zephr Park, Mt. Vernon Magisterial District, with less set-backs than required in a Rural Residence District. Mr. Hasle showed plans and diagrams of where he wanted the garage and why. Due to trees, shrubbery, and location of house, he could not put the garage in, with the correct set-backs. Mr. Brookfield stated that from evidence given, he didn't believe it would harm anyone for the application to be allowed, and moved that same be granted, seconded by Mr. Piggot and unanimously carried.

11. Lee M. Watkins (Mrs. Brown) to locate a school (Kindergarten) on 12 acres 1.3 miles from Duke Street on the East side of Telegraph Road, in Mount Vernon Magisterial District. The Attorney representing Mrs. Brown, who is buying the Watkins property if she can start the school there, explained that there is approximately 10 acres of land to be used. The closest neighbor to the school would be a Mrs. Cheney, and Mrs. Brown had called on her, and there would be no objection from her. He stated that Mrs. Brown also operated the Brownie School in Arlington, and some of the Mothers of pupils from the Arlington School were here, to recommend the school should the Board wish them to do so. Mr. Brookfield stated that he did not believe there was any opposition in the neighborhood, and moved that the application be granted, seconded by Mr. Piggot and unanimoulsy passed.

12. Irvin Payne to erect an addition to existing store on SW corner of Route No. 7 and Route No. 244 (Bailey's Cross Roads) in Falls Church Magisterial District, with less than required back line set-back. Mr. Payne explained that the addition to the existing store would be used as a warehouse , but due to the size and shape of the lot and location of present building, the addition would be located with 1½' to 2½' set-backs.

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Mr. Stockton explained about the proposed road winening changes, and Mr. Payne said that should this go through, it would do away with his store entirely and he would have to move. The Chairman questioned the right of the Board to act on a problem of this kind, but Mr. Stockton stated that the Board could grant the application because of the peculiar condition applying to the lot. Mr. Brookfield moved, that because of the peculiar condition applying to this particular lot, the application be granted for the period of time until the area is needed for the windening of the highway, seconded by Mr. Piggot and unanimously passed.

13. A. C. Mulvey to erect a sign larger than permitted by the Zoning Ordinance on 10½ acres located on U. S. Route No. 1 at Groveton, adjoining Meagan property in Mt. Vernon Magisterial District. Mr. Mulvey stated the sign would be 2' x 25' and would be on the building already located there. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously passed.

14. Joseph S. Geraci to erect a sign larger than permitted under the Zoning Ordinance on 1 acre on the W. side of U. S. Highway # 1 156 feet north of Route No. 631 (Beacon Hill Road) on Mount Vernon Magisterial District. Mr. Geraci explain that the letters of the sign would be approvimately 12" high, the words "FUEL OIL" on the top line, and "VIRGINIA OIL BURNER & SERV. CO." on second line, on the 40' front of his building. After discussion, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

15. J. O. Sponeybarger to erect a frame garage with less than the required side yard set-back on lot smaller than required by Zoning Ordinance, subdivided prior to 1941, at No. 39 Collard Street, Valley View Subdivision in Mount Vernon Magisterial District. Mr. Sponeybarger explained that the lot was of such width that the garage would have to have less set-back than required, and showed a drawing of same. Mr. Brookfield moved that the application be granted, seconded by Mr. Pigott and unanimously carried.

This completed all cases.

Mr. Parker, who had not been present when his case # 4 was called was now present, but because he had no plat, his case was deferred as stated above, and will appear as # 1, next month.

Mr. Brookfield moved that the meeting be adjourned, seconded by Mr. Piggot and unanimously passed.

Meeting was adjourned at 2:15 P.M.

S. Cooper Dawson

Chairman

MARCH 25th, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House on Monday, March 25th, 1946, with the following members present: John W. Brookfield, Vice-Chairman, Douglas S. Mackall Jr., Wm. C. Walker and Thomas I. Piggott. Also present, E.R. White, Zoning Administrator, and T. J. Stockton, Planning Engineer. Absent; S. Cooper Dawson, Sr., Chairman.

The meeting was called to order by the Vice-Chairman, and the following cases were heard:

Continued from February-

a. Sidney L. and Ruth A. Parker, to convert two private garages into an automobile repair shop, and to operate same in connection with their filling station, on South side of # 211, about 2½ miles E. of Centerville. Mr. Parker presented a drawing and explained what he wished to do. At present there are two cottages, with two private garages under one roof. Mr. Parker wishes to join the two garages and use same as a temporary automobile repair shop, until such time as he might build a garage and repair shop. Mr. Walker suggested it would take a hazard away from the highway, to have small repair work done back in the garage, and made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

b. Bartlett and Osborne to erect a sign incident to the operation of a filling station on the South side of # 236 (No. 3100 Duke St.) Mr. Osborne explained his drawing, and what the situation was. Said it was a standard size Texaco sign. Mr. White said the Ordinance stated that a sign should not be less than 50' from the center of the road, so he felt although Mr. Osborne would like it closer, that 10' from the side of the road was a reasonable grant. Mr. Piggott moved that they be allowed to erect a standard Texaco sign, with a set-back of not less than 10' from the side of the road, seconded by Mr. Mackall, and unanimously carried.

c. Perry Cecil and Virginia Frozen Foods, Inc. for interpretation of Zoning Ordinance. The Vice-Chairman announced that this case had been withdrawn.

New Cases-

1. W. P. Beard, Lessee from Hilman Bayliss Estate, for permission to erect a 6' X 12' sign on a lot containing 12,000 square feet more or less, on the northern triangle between U. S. #1 and State Road #241 at Penn Daw, Mt. Vernon District. Mr. Williams, Sales Manager for Mr. Beard was present and explained the drawing, and situation. Said the size of the sign was asked for, because of the speed at which cars passed this particular vicinity, if smaller

sized sign was used, it could not be read. Mr. Williams also said that in placing this sign, it should also be remembered that the two large signs or billboards on the property, would soon be removed, as their lease was about up, and Mr. Beard now was lessee of the property. Mr. White suggested that a sign 5' X 8' was large enough. After much discussion between members of the Board and Mr. Williams, Mr. Walker made the following motion: Because the other large signs on the property are to be removed, in order to bring this sign down to a more regulation size, that the application be granted for 40 square feet of sign space, located as per drawing (35' from edge of pavement). Seconded by Mr. Piggott. Upon being called on by Mr. Brookfield, Mr. Stockton expressed his approval, and the motion was unanimously carried.

#2. Mabel J. Honesty for operation of restaurant, on 10.2 acres on Road # 654 about 1.25 miles East of Fairfax Station Road, near Sideburn, Lee District. Mrs. Honesty explained that she wished to remodel a chicken house building, into a part-time restaurant in which she could serve meals for people, on order. She said that she did intend to apply for a beer license. Mr. White explained the location of this place, and the condition there when he called. Mr. Brookfield called on Mr. Baker, health officer, who asked Mrs. Honesty if she had applied for a Restaurant permit, health card, Sanitary facilities etc. Mrs. Honesty replied that she had not. Mr. Baker explained that it was necessary to do all these things, before even considering the operation of a restaurant. Captain McIntosh expressed his views on this situation, as compared to a Jackson case, in which a zoning permit was granted for a similar establishment, and when he investigated the case, the owner was operating a beer joint without a permit, health inspection, sanitary facilities or any of the necessary requirements, and it made a bad situation. Mr. Mackall stated that in view of what Mr. Baker had said, he did not believe this Board could pass on this case, except subject to the Health Department rules. Mr. Walker moved that under the circumstances, the case be dismissed, seconded by Mr. Piggott and unanimously carried.

#3 Mrs. Lula Schmitt for permission to erect a 32' X 50' addition to existing building on 1.48 acres on west side of Road # 123 about 1/4 mi. north of McLean, now used as Store and Filling Station; Providence District. Mr. White explained that Mrs. Schmitt wished to build an extension on a store building, which was a non-conforming use in a residential district. However, since she had the proper set-backs, he could see no objection to granting the application. Mr. Walker moved that the application

be granted, seconded by Mr. Mackall and unanimously passed.

No.4 - Ralph B. Cooper for erection of garage with less than required setback on Southeast side of Lot #25 of Apple Grove Subdivision, near Tyson's Corners, Providence District. Mr. Cooper explained that a 5' setback was necessary , because of the location of the house, in order to have a driveway in from the road to the garage. His house will be 40' back from the road and 70' wide. Mr. White stated he could see no objection. Mr. Walker moved that the request be granted, seconded by Mr. Mackall, and unanimously passed.

5 - Jacob Steinman for less than required setbacks on each of Lots numbered 1 to 21 inclusive, in Block 4, of Hybla Valley Farms Subdivision, east side of U. S. Highway #1, Mt. Vernon District. Mr. White said lots were 75 X 375. Mr. Steinman explained the setbacks he wished to have and Mr. White said apparently the ordinance already provides for the setbacks Mr. Steinman wishes to have. Mr. Walker moved that the application be dismissed, seconded by Mr. Piggott and unanimously passed.

#6 - Mrs. Lee G. Adcock for permission to operate an antique business in her dwelling on Lot of 3.30 acres on North side of Road #236 where it crosses Accotink Creek, Falls Church District. Mrs. Adcock explained that she merely wished to sell antiques in her house and that there would be no change in the building. She also wished to have a sign 4 ft. X 22 inches, set 10' back from the Road. Mr. Piggott moved that the application be granted, seconded by Mr. Mackall and unanimously passed.

7 - Wallace Hamilton for erection and operation of a restaurant on a lot of one acre at the Southwest Corner (Henderson's Corner) of Roads # 123 and #643, Lee District. Wallace Hamilton explained what he wished to do, in building a restaurant. Mr. Brookfield presented a petition of 30 residents in the vicinity objecting to this application being granted. Mr. Mackall stated that apparently this is about the same kind of case as the Honesty case. Mr. White stated that he had been down and investigated the case- that Wallace Hamilton very frankly stated that he intended to apply for a beer liaense. Mr. White also stated that he was in sympathy with the purpose Wallace Hamilton had in mind, of providing a place of recreation for the colored folks, who have too few places to go, but at the same time he did not think this is just the sort of recreation they should have in that locality. And also that he did not think the population of that particular community warranted a restaurant being built there. That Wallace Hamilton's mother has a nice little store on the land, for which she is going to make an appeal at an early date, to enlarge the store, and he would be in

favor of granting that. Mr. Brookfield called on the opposition, and Mr. Benj. F. Nevitt explained that he wanted it to be understood and on record that they were against this proposition, not because it was colored, but that they are against any man, no matter what color or creed, who wants to have a beer parlor in that locality. At present the colored community there is a quiet good community, and they want the whole community to remain that way. Mrs. Paul Brown also said that she was opposed to the granting of this application. She stated she knows Alice, the mother of Wallace Hamilton and knows she runs a good little store, but she knows there would not be enough people in the community to eat in a restaurant, and it would only bring in Washington people, and they do not desire this sort of thing in the community. Mr. Brookfield asked Wallace Hamilton if he had complied with the health requirements, and he stated that he had done nothing so far. Mr. Piggot moved that the application be denied, seconded by Mr. Mackall, and unanimously passed.

8 - Eakin Properties, Inc. for erection of buildings with less than the required setbacks on each of Lots 301-309 inclusive of Mason Terrace Subdivision on Lee Highway between Cavalier Trail and Westmoreland Road, Falls Church District. Mr. Jack Eakin explained that these lots were zoned for Rural Business before the zoning ordinance went into effect, and that the lots in the rear are restricted for a period of 25 years, to be nothing but residential; so they cannot buy more land in the rear and extend that way. With the land allowed for windening of Lee Highway in front, and present set-backs, they would have no place to build. Mr. Stockton stated that the land next to this subdivision was zoned General Business and also across the road, which is in the town of Falls Church. Mr. Eakin stated they had already voluntarily allowed 15' to the State for highway windening, that he desired a 15' set-back from that line. Mr. Mackall moved that the application be granted, with a 15' front set-back and 10' rear set-back, seconded by Mr. Piggott and unanimously passed.

9 - Frank Dietel for permission to erect a wing adjoining and in line with the existing structure on Lot 30 of Evergreen Farms Subdivision, on the west side of U. S. # 1 Highway near Gum Springs, in Mt. Vernon District; he also asks to be permitted to glass in an extension of the front of the building, which will bring it 2'7" closer to Highway # 1. Mr. and Mrs. Dietel were present, and also Mr. Picket, their attorney. Mr. Dietel

explained and showed pictures of what he wished to do at the property, which was extending the building with an addition, and enclosing the front. Mr. White said Mr. Dietel's place of business, the Barrel was 16 feet from the highway, that he had measured it, and found it to be 36' from the center of the road or 16' from the side. That there was a place for parking cars approximately 70' X 35' which would accomodate 16 or 17 cars. That the application and permit Mr. Dietel received was for a setback 65' from the road, which was disregarded. Mr. Smith, a contractor, who recently built a garage in the immediatete neighborhood for a client, stated he objected to this application being granted, because other buildings such as the garage which he had completed, had to be set-back 50' and he didn't think it fair to grant Mr. Dietel less setback. Mr. White answered a question asked by Mr. Mackall, regarding the location of the Barrel, by saing it was just south of the Open Air Theater, and the addition is 14' along U. S. # 1. Mr. Picket said that Mr. Dietel's business had increased so that it was necessary for him to expand his facilities, and it would work a hardship on him not to be allowed to do so. That he couldn't build the extension, if setbacks could not be changed. Mr. Dietel stated that he had already purchased a frozen custard machine to put in the extension. Mr. Brookfield called on Mr. Stockton, who said that the original building, not being of very permanent construction, should have been moved back, but since Mr. Dietel's home has been built directly behind it, it could not not be moved. That the questinn before the Board here, seems to be, that the extension to the building has been started without authorization, and application is for completing building, as outlined. Mr. Mackall asked Mr. Stockton what the majority of setbacks were on Ul S. #1 and Mr. Stockton said most of them were 50'. Mr. Mackall stated he believed some of them to be much less, about 15'. Mr. White said one of these cases was at the present time in circuit court, where someone built too close to Highway. Mr. Walker stated that he did not believe, under the circumstances given the application could be granted by the Board, and moved that the application be denied, seconded by Mr. Piggott. Motion was carried 2-1, Mr. Mackall and Mr. Brookfield not voting. The Vice-Chairman stated that had he voted, it would have been to deny the application.

10 - W. T. Ralston for permission to extend his non-conforming use by the erection of an addition on the West side of his present store building, located on the West side of Highway 123, 1/2 mi. north of intersection of # 123 and #211. Providence District. Mr. Ralston

explained that he wishes to make an addition on the rear of his store, which would not effect any set-backs, merely extending a non-conforming use. Mr. Mackall made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

11 - Charlie Mack for permission to erect a 6' X 14' neon sign to replace present sign on his property on the west side of Highway #1 at Junction with Road # 628, Mt. Vernon District. A representative of the Regal Neon Sign Co. showed a drawing of the proposed sign. Said the old "Totem Pole" sign would be taken down and this attractive one put in its place. Mr. Mackall asked Mr. Stockton as to what the new ordinance proposed, and Mr. Stockton said that in the proposed revision of the zoning ordinance, this sign would be allowed. Mr. White said in his opinion the sign was too large. After discussion between members and representative of sign company, Mr. Walker made a motion that a sign of 40 square feet of sign space, with a 10' set-back from the right-of-way, be allowed, seconded by Mr. Piggott, granted by a 2-1 vote, Mr. Walker and Mr. Piggott voting for same and Mr. Mackall opposed. This completed the cases scheduled.

(9) re-open) Mr. and Mrs. Dietel and their sttorney Mr. Pickett asked to have their case re-opened. Mr. Walker made a motion that the Dietel case, # 9, be re-considered, seconded by Mr. Piggott and unanimously carried. They asked that the part of their request regarding the glassing-in of the front of the building be granted. Showing pictures and explaining the situation, they showed what they wished to do. Mr. White explained that should the Board grant this request, they would be doing just opposite of what they had done with the first part of his application. They had denied building an extension to the present building, and should they grant this request, they would be allowing the original part of the building to extend closer to the Highway than it now is. After consideration Mr. Walker moved that the first decision of denial be upheld, seconded by Mr. Piggott and passed by a vote of 2, Mr. Mackall not voting.

Mr. Stockton stated that he would present some proposed changes in the ordinance regarding signs, at the next meeting.

Mr. Mackall moved that the meeting be adjourned, seconded by Mr. Piggott, and unanimously carried. Meeting was adjourned at 2 P.M.

J. W. Brookfield
Chairman

APRIL 22nd, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board room of the Court House, on Monday, April 22nd, 1946, with the following members present: S. Cooper Dawson, Sr.,Chairman, Douglas S. Mackall, Jr. William C. Walker and John W. Brookfield, Thomas I. Piggott. Also present T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard:

#1 - R. D. Hooe, Jr. for permission to erect a temporary shelter and foundation for a removable refrigerator box, on the rear of the present store building, located on 1 acre, on the Northwest corner of intersection of Columbia Pike, Seminary Rd. and Leesburg Pike, at Baileys Cross Roads, with less than required set-back from Leesburg Pike, Falls Church District. Mr. Hooe explained where he wished to place this shelter, in relation to his building and Leesburg Pike. Mr. White said it was a temporary structure and he could see no objection to it. Mr. Brookfield moved the application be granted, seconded by Mr. Piggott, and unanimously passed.

#2 - W. H. Holland, to operate 5 tourist cabins located on 2.55 acres of land on the East side of #1 Highway, about 3/10 mi. north of Highway #600, Mt. Vernon District. These cabins are a non-conforming use, and have been closed for over 6 mo. period. Mr. Holland not being present, this case was deferred until next meeting.

#3 - Alice Hamilton, to remodel and make an addition to her present store building, located on the Southwest intersection of Roads #123 and #643, Lee District. Alice Hamilton with her son, Wallace Hamilton had an application up for a restaurant on the property, at the last meeting, Mr. White explained, but the application was denied. At that time mention was made of Alice Hamilton's application for enlarging her store, and at that time sentiment was favorable to this addition. Wallace Hamilton explained that the new building would be in the rear of the old one, about 100 feet from the road, and after completion of the new building, the old one would be removed. Mr. Brookfield moved the application be granted, with 100' set-back, seconded by Mr. Piggott and unanimously passed.

4 - A. G. Anderson, to build and operate a Filling Station, Restaurant and Tourist Cabins on Lots 23, 24, and 25 Swart's Farm Subdivision on the South side of Lee Highway, # 211, about 2½ miles west of Centerville, Centerville District. Mr. Anderson explained and showed drawings of how much land he had, and what he wished to do with it. After his explanation, the Chairman asked if there was any opposition to this case. Mr. Scat Henderson, Mr. Ritzenberg and Mr. Wolford were opposing same. Mr. Henderson had 8 acres adjoining Mr. Ritzenberg 18, and Mr. Wolford was representing the owners of the

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remodeled Swart's home, and 27½ acres. Mr. Anderson stated it was 200 feet to the Ritzen berg property, from his proposed buildings, which Mr. Ritzenberg admitted, but said there would be nothing to stop Mr. Anderson from securing and building on the one lot in between. He said that he and Mr. Henderson and others there had purchased this property and built nice homes, with the understanding and belief that this was strictly residential property. The Chairman asked Mr. White for his opinion. Mr. White said he would hesitate to put any business of this sort in this district made up of such nice residences. He had seen Mr. Ritzenberg's property and said it was very beautiful and unique. Mr. Brookfield stated that he believed we should protect these residential sections, and was opposed to granting this request. Mr. Walker also believed the people who built nice houses should be protected. Mr. Mackall was in agreement. Mr. Brookfield made a motion that this application be denied, seconded by Mr. Piggott, and unanimously carried.

5 - Carroll F. Carter, for permission to erect gasoline pumps, with less than the required setbacks, on his property containing 23,750 square feet, on the West side of U. S. # 1, and extending back to # 628, at Hybla Valley, Mt. Vernon District. Mr. Carter not being present, this case was deferred until next meeting.

6 - Lawrence Westcott Nursery, to erect a directional sign of a maximum of 32 square feet, on the property on the Northeast corner of Lee Boulevard and Road # 649, Falls Church District. Mr. Westcott and Foster Hagen, his representative was present. He stated that the State Highway Dept had said that 100 ft. from the center of the road would be satisfactory for the sign. Mr. White stated that the right-of-way being 200' this would put the sign on the line, which is not satisfactory. Mr. Westcott explained what size sign he wished to have, and what he wished to have on it, being merely a directional sign. The Chairman called on Mr. Stockton, who quoted the Zoning Ordinance and stated that was all this Board could allow. Mr. Mackall asked what size signs were allowed at the previous meeting, and it was stated that signs of 40 square feet had been allowed. The Chairman asked if there was any opposition to this sign, and there was none. Mr. Brookfield felt we should put off the granting of any signs until some rule or policy is made. Mr. Mackall felt we had no authority for these signs. Mr. Brookfield made a motion that all sign applications be deferred for 30 days until this Board can meet with the Planning Commission, and arrive at some agreement about the proper size and location of signs before granting an application. Mr. Mackall suggested that Mr. Stockton mail copies of the proposed amendments for signs to members of the Board before the next meeting

so that they may be studied. The motion was seconded by Mr. Piggott and unanimously passed.

7 - Mr. Clarence E. Baker, to operate a school for student flyers, in seaplanes, on the waters of Gunston Cove, in the Potomac River, using Lot 27, Block 1, of Gunston Manor Subdivision in Mt. Vernon District, as a base. Mr. Baker was accompanied by his Attorney Mr. Harth, of Washington, D. C. Mr. Baker explained that he wished to have a school to teach students to fly, over the waters of Gunston Cove, that the planes would be moored at the beach, and this lot being used merely as access to them. The Chairman stated that he understood there were deed restrictions in this subdivision, and asked Mr. White to read these restrictions, from a copy of same which had been given to him, by the opposition. (copy of same below)

RESTRICTIONS SET OUT IN DEED OF DEDICATION OF GUNSTON MANOR, INC.,

Dated August 31, 1929, recorded among Fairfax County land records in Liber No. 10, page 501, which restrictions are therein recited to be covenants and restrictions which shall be deemed to run with the land.

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1. No part of said premises shall be used for a hospital, asylum, cemetary, a place of burial, nor for any factory, manufacturing, or for any business or trade whatsoever, except the such lots as are designated on said plats as Business Zone.

2. No building shall be erected on said premises except a private dwelling house and a suitable garage, except on those lots designated on said plats as Business Zone. No garage shall be erected nearer the road or trail line than thirty feet from the abutting road or trail on the side of said lots.

3. No building, tent, or other place of habitation shall be erected on said premises, nor shall said premises be otherwise occupied without a properly covered cesspool or a privy, containing a concrete or otherwise watertight receptable to contain sewerage or human evacuations approved by the health department of Virginia. No garbage or other refuse shall be allowed or permitted in or on said premises except in proper covered receptacles. No privy, cesspool or other means for disposal or reception of offal or sewerage shall be constructed, permitted or allowed within 100 feet of any spring, waterway or public well.

4. No building or structure shall be erected on the premises herein described until the plans have been approved by the vendor or by the Gunston Manor Property Owners Association.

5. No sewerage or refuse shall be emptied into the Potomac River on the shores thereof, or into any cove, inlet, stream or waterway connected therewith.

6. No building or structure whatever, other than a proper tent shall be erected on said premises without a gable roof, nor for use other than a private dwelling, except on such lots designated as Business Zone on said plats. No barn or stable or hennery shall be erected on said premises without the consent in writing of the Vendor or the Gunston Manor Property Owners Association.

7. No trees shall be cut and no excavation shall be made on the premises except for the purpose of building thereon, and at the time when the building operations are commenced, and no earth or sand shall be removed from said premises except as a part of such excavation.

8. No fence, signs, billboards, or advertising matter of any kind be placed upon said premises without the written consent of the vendor or Gunston Manor Property Owners Association.

April 22nd, 1946

It is therefore the earnest desire of the members of the Gunston Manor Property Association as listed in Exhibit A, attached hereto that request for permission to establish a seaplane base by the aforementioned Clarence E. Baker be disapproved.

Yours very truly

(signed)
M. P. English
President
Gunston Manor Property Owners Assn.

(signed)
John W. Higgason, Jr.
Secretary.

(original letter attached to Baker Application #342)

EXHIBIT A

Minutes - GUNSTON MANOR PROPERTY ASSOCIATION
March 20, 1946
Fairfax Hotel, Washington, D. C.

Thos attending:

Major and Mrs. A. A. O. Gilmour
Mr. and Mrs. C. E. White
Mr. C. E. Payne
Mr. and Mrs. M. P. English
Mrs. E. G. Dexter
Mr. and Mrs. Alex. Britton
Dr. and Mrs. Baggs
Mrs. Eva Ruff
Judge and Mrs. Bland
Mrs. Emma Joy
Mrs. Minnie Heaton
Mrs. N. M. Wiggins
Mrs. Emma Divine
Mr. Ralph Barger
Mrs. Nora Wood
Mr. W. A. Dayton
Mr. and Mrs. Webb Cox
Mrs. Edna Simmons
Mr. and Mrs Claude Hoover
Mr. and Mrs. John Higginson
Mr. Fred Knopp
Mr. and Mrs. J. H. Curry
Mr. and Mrs. V. E. Barley
Mr. and Mrs. Gordon Evans
Miss Gladys Chaney
Mrs. Lucile Calmes
Mr. J. T. White
Mrs. Tice
Mr. Kno. Whitmer
Mrs. Edna Finney
Mr. Clayton R. Ellis
Mr. and Mrs. Carl Rich
Mr. and Mrs. A. B. Landis
Mr. and Mrs. Guy Bates.

A dinner meeting was held March 20th, 1946 at the Fairfax Hotel Studio. Meeting called to order by President English. Minutes of last business meeting and that of the Board meeting were read and approved. Treasurer reported Balance on Hand $239.74. Auditing Committee, Mr. Barger and Mr. Hoover reported books had been audited and found correct to date. Mrs. Wiggins made a motion to have restrictions for Gunston Manor renewed. Seconded by Mr. Cox.

Motion made by Mr. Cox, seconded by Mr. Higginson that a lawyer be engaged to have seaplane base and commercial fisherman stop operating at the Manor. Vote by members present that seaplane base be prohibited from operating to assure safe bathing and sport fishing from beach at foot of public walk. Discussion as to what authority Mr. Baker, owner of only twenty five feet on the water front had to interfere with the prerogatives of other property owners. According to the original charter no commercial enterprise could be carried on within the Manor - such less a personal and property damage hazard be established against the property owners' wishes.

Mr. English was asked to contact lawyer - who might be suggested by Judge Bland.

Motion made by Mr. Britton, seconded by Mr. Cox that Mrs. Wiggins and Major Gilmour be appointed to represent the Association at the Manor for the purpose of selling Association owned lots to desirable persons.

All current business having been completed motion was made by Mr. Cox, seconded by Mr. C. E. White, to adjourn. Bingo game followed

meeting. - Cash realized $10.75.

Submitted

E. L. Finney
Secretary.

Mrs. E. L. Finney having sold her property at Gunston Manor, resigned in favor of Mr. Higginson, recently discharged from the service. Mr. Higginson agreed to take over the office of Secretary and Treasurer.

(the original of the above minutes and Deed Restrictions were returned to Mr. J. W. Higgason, 1004 - 19th St. So. Arlington, Va. at his request.)

Two other petitions in opposition to Mr. Baker's application, were presented, signed by many of the above property owners, and others who also own property in Gunston Manor Subdivision. The originals of these petitions are attached to the Baker Application # 342. Dr. Gladys Lavell, a property owner stated that there were approximately 500 property owners of Gunston Manor, and at least 100 dwellings, the owners of which came there because this was residential property only, and she did not believe it should be changed. Mr. Piggott made a motion that the application be denied, seconded by Mr. Mackall. The Lawyer, Mr. Harth asked if he could say a few words more before the matter was voted on. He stated that these are sea-planes only, and would rise from and come down on the waters of Gunston Cove, which is not prohibited. As far as noise is concerned, he stated that Gunston Manor is in direct line of the lane of Southern planes, and there would be no more noise or danger from these seaplanes than there would be from these other planes. He stated that the residents of Gunston Manor could not stop Mr. Baker from flying his plane there either day or night.

Mr. Clark, co-pilot and pilot instructor for Mr. Baker asked to be heard. He stated he was a licensed instructor with a great many hours of flying. That he would be in charge of the school, and no one would be operating a plane without his consent. There fore he felt that it would be a lot safer to have this application granted than to allow Mr. Baker, who has not as many hours of flying to his credit, or is not a licensed instructor, fly the plane, as he will do, or his friends do so. He stated that Mr. Baker IS going to fly these planes on Gunston Cove, either personally or for business, and he believed it would be safer if allowed for business

Mr. Brookfield stated that we are not here to say if anyone can fly a plane or cannot fly a plane, but are here to decide if a school can be located here on Lot 27. He suggested that Mr. Piggott's motion, seconded by Mr. Mackall, denying the application, be voted on. The motion was unanimously passed.

18 - (this case was heard at this time, as it was necessary for Mr. Clarke, the Attorney, to leave)
A. L. Rubin, for the installation of gasoline pumps with less than required front set-back on his 4.2347 acres on the SE side of U. S. #1 near Engleside, Mt. Vernon District. Also permission to erect a standard Texaco Sign, with the same set-backs as pumps. Senator Andrew Clarke represented Mr. Rubin. He stated that the building conforms to the proper set-backs but the pumps do not. The Texaco Oil Co. put in the pumps, thinking the owner complied with set-backs, but through error the owner had not done so. Mr. Clarke stated the pumps were a considerable way back, and that the nearest station, Perrys, the pumps were only 15' or 20' setback. Mr. White stated that the required set-back is 50 feet. The building has been built for two or 2½ years, and if the pumps are to be placed in front of it, they will not conform. Mr. White stated that there seems to be considerable demand recently, for pumps to be placed closer to the right-of-way than required by the Zoning Ordinance. That if he were building a filling station, and all the rest of

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the filling stations had pumps sitting closer to the highway than required, no doubt he too would want his closer, but from the view point of the traveling public, he would think they would want to get back as far, or further than required. That these pumps aren't more than 15' or 20' at most, from the side of the Highway. After discussion between the Board members, Mr. Stockton and Mr. Clarke, Mr. Mackall asked if this could not be considered a hardship case, because the garage has been there two years or more, and if they cannot locate the pumps in front of it, it will create a hardship, and Mr. Clarke agreed that it certainly was a hardship on Mr. Rubin. Mr. Mackall made a motion that because it has been approved by the Planning Commission that setbacks in business districts should be less than under our present Zoning Ordinance, that we allow that these pumps be closer to the road. There was no second to Mr. Mackall's motion, so motion was lost. Mr. Piggott made a motion that the case be deferred for 30 days in order to secure more information as to setbacks, and also recommded that Sections of the Zoning Ordinance, on Business Districts and Accessory Buildings be revised by the Planning Commission. There was no second to this motion, and Mr. Piggott recalled the motion. Mr. Mackall made a motion that this application be allowed, that because of the location of the present store on this specific lot, it made a hardship on the owner, if same was not granted; seconded by Mr. Piggott, and carried by a vote of 3.

8 - Arthur K. Peverill to erect a private garage with less than the required set-back on his lot of .25 acre on the north side of Road # 631, about 1/4 mile East of U. S. #1, Mt. Vernon District. Mr. Peverill explained that his lot was small and in order to get his driveway and garage in, he would have to go within 4 ft. of the line. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously passed.

9 - Arthur L. Gore, to erect an addition of 3 rooms to the present dwelling, with less than required front set-back, on Lot 35, Oakwood Subdivision, Mt. Vernon District. Mr. Gore not being present, action on this case was deferred until next meeting.

17 - (on account of illness at home, this case was heard at this time so that Mr. Iden could leave.)
James Iden for permission to erect a private garage with less than the required rear yard set-back, on his 6½ acres on the South side of Leigh and Vail Road, about 200 feet West of #676, Providence District. Mr. Iden explained that his driveway would come on the side of his house in such a way that the garage would have to be

placed closer to the back ine than required. Mr. Brookfield made motion that the application be granted, with a 5' rear set-back, seconded by Mr. Mackall, and unanimously passed.

10 - Lillie E. Godfrey, to repair and re-open a Filling Station on Lots 5 and 6, Briarwood Subdivision on north side of Lee Highway, about 3/4 mile East of Fairfax Circle. Mr. Godfrey explained that this building was a filling station until the operator of same went into service, at which time the place was remodled into a dwelling and used as same until now. He explained that he had a contract with an Oil Company who would place 3 new pumps. Mr. White stated that this building was in a rural residence area, and the concrete block where the pumps formerly were, was about 15 feet from the side of the highway. Mr. Mackall said this seemed to be the same proposition as the other case, but Mr. White said it was not the same because this property was not in a business district, and he doubted if the Board had authority to grant it. Mr. Brookfield made a motion that since the owner of the Filling Station was taken into the armed forces, and therefore the present non-conforming use was not considered abandoned, so it was to be considered a present non-conforming use, and tanks be placed in line with the present building. Mr. Godfrey said he believed this would be impossible for the Company would not allow them to be placed there, so Mr. Brookfield withdrew his motion. Mr. White suggested that Mr. Godfrey be allowed to install the tanks as a continuance of the non-conforming use. Mr. Brookfield made a motion the use be considered an existing non-conforming use, and that the application be granted, seconded by Mr. Mackall, and unanimously passedl

11 - George A. Ford, for permission to erect a Multiple Housing Project on the South side of Road # 629 (Blunt's Lane) in South Huntington Subdivision, Mt. Vernon District, as provided in Sec. #XII, sub-section F-5 of the Zoning ordinance and

12 - George A. Ford, for permission to erect a Multiple Housing Project on the North side of Road #629 (Blunt's lane) in Huntington Subdivision, Mt. Vernon District, as provided in Section XII, sub-section F-5 of the Zoning Ordinance, and

13 - George A. Ford, and Jefferson Village Inc. for permission to erect a Multiple Housing Project on the Northwest Corner of the intersection of Lee Boulevard and Road # 649, Falls Church district, as provided in Section XII, sub-section F-5 of the Zoning Ordinance. (These three cases were considered as one, and decision includes all three cases.)

Mr. White explained what the above applications include, and that it is necessary for the Board of Zoning Appeals to consider the

matter. Mr. Brookfield made a motion that the applications be granted, seconded by Mr. Piggott and unanimously passed.

14 - R. L. Epps for permission to erect two signs larger than allowed by the zoning ordinance, and certain lettering on his store building located on the Southeast side of U. S. # 1, opposite Penn Daw Hotel. Since the Board had already voted to defer all applications for signs, action on this case was deferred until next meeting.

15 - L. J. Wilcox for permission to erect two addition tourist cabins, also to build an addition on the building now used as lunch room, gas station and dwelling, on his property known as Ace Cabins, located on Highway # 1, across from Hybla Valley Airport, Mt. Vernon District. Mr. Wilcox explained where he wished to build the cabins and addition. Mr. Brookfield moved that the application be granted, seconded by Mr. Mackall, and unanimously passed.

16 - Southern States Cooperative, Inc. for permission to erect a building with less set-back in front, than required by the Zoning Ordinance, on their property located on the West side of # 123 Highway, about 75' north of # 211 Highway, Providence District. The manager for the Southern States explained the plat of where the proposed building is to be built, for an electrical supply sales store. Mr. White asked Mr. Stockton if this was in accordance with his proposed changes for business, and he stated it was. Because the road is wide at this point, he could see no objection. Mr. Mackall moved that the application be granted with less set-backs than required, providing the property is rezoned, application for which is before the Board of Supervisors at an early meeting. Seconded by Mr. Brookfield and unanimously passed.

19 - Frank J. Dietel, for permission to construct a glass front on the existing barrel structure, which will not be closer than the present center line of the barrel, to the front of the Lot, known as Lot #30, Evergreen Farms Subdivision, in Mt. Vernon District. Also to erect a neon sign 16' X 17" on top of the building. Mr. White explained from the pictures Mr. Dietel presented just what was wanted. Mr. Brookfield stated that it would not bring the building any closer to the Highway than what it was now, and made a motion that the application be granted, seconded by Mr. Piggott and unanimously approved. The second part of the application regarding the sign was deferred until next meeting.

20 - Mr. G. F. Pergande, for permission to erect a two family dwelling on each two acre tract contained in 144.8 acres, located on the Northeast corner of State Road # 620 (Braddock Road) and # 649 Ravensworth Road) in Falls Church District. Mr. Pergande showed a

plat of the property and explained what he wished to do. Explained that he had purchased the property some time ago and there was a deed restriction that he could not build a house that sold for less than $10,000. but that this Ceiling, and priority had stopped his even doing this. If he were allowed to build a two family house, the Ceiling would be $17,000 and he felt he could build one that would sell for this; that from the outside it could not be told from a one family house, and when the housing need became less acute the house could easily be converted to a nice one family dwelling by merely taking out a few partitions. Says he has built one near Falls Church, and it has lately been converted into a one family home. Mr. White stated that Mr. Pergande had met the requirements of the Health Department and the Planning Commission as to number of families per acre. Mr. Stockton said that this Board has no authority to change the Zoning Ordinance, which they would be doing should they grant this request. Mr. White stated he believed this Board did have the authority to interpret the authority they had, and that they had granted Mr. Pergande permission to do this exact thing in 1941. That in the minutes of that meeting it was stated that Mr. Pergande had consulted with Commonwealth Attorney Brown, and that he had stated this Board did have the right to grant the application. Mr. White stated further that this is a period of emergency when our returning soldiers are in urgent need of housing and many are living in converted chicken houses and outbuildings, and that the Board should use its wise discretion to help relieve the situation. Mr. Brookfield said that he did believe a state of emergency existed, that these homes of the better class were needed, and he made a motion that the application be granted, seconded by Mr. Mackall and unanimously passed.

21- Clyde L. Heishman, for permission to erect one additional tourist cabin on his property of 2.199 acres on the north side of Highway # 211, about 1 mile west of Fairfax, Providence District. Mr. White exp;ained set-backs etc. from the plat shown, and said there was no objection so far as he could see. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously passed.

Mr. Mackall made a motion that the Board of Supervisors be asked to increase the fee for the members of the Board from $5.00 to $10.00 for each meeting. Mr. Brookfield seconded the motion, passed by a vote of 3-1, Mr. Mackall, Mr. Walker and Mr. Brookfield voting for same, Mr. Piggott not voting and Mr. Dawson against. The Clerk was instructed to notify the Board of Supervisors of this motion.

April 22nd, 1946

Mr. Mackall made a motion that a special meeting be held on May 6th at 11 A. M. to discuss Signs and other changes in the Ordinance. Also that Mr. Stockton mail his proposed changes to the members of the Board before that time. Also that any cases that could be advertised in time, be heard on this day. Seconded by Mr. Walker and unanimously passed.

Mr. Piggott moved that the meeting be adjourned, seconded by Mr. Mackall and unanimously passed. Meeting was adjourned at 2:15 P.M.

S. C. Dawson
Chairman

May 6th, 1946

A special meeting of the Board of Zoning Appeals was held in the Board Room in the Fairfax County Court House on Monday, May 6th, 1946, at 11 o'clock A. M. with the following members present: S. Cooper Dawson, Sr. Chairman, Douglas S. Mackall, Jr., William C. Walker, John W. Brookfield, Thomas L. Piggott; also present, T. J. Stockton, Planning Engineer and E. R. White, Zoning Administrator. Also Mr. Baker of the Health Department.

The following cases were heard-

Cases deferred from previous meeting:

A. - W. H. Holland, to operate 5 tourist cabins, located on 2.55 acres of land on the East side of # 1 Highway, about 3/10 mi. north of Highway # 600, Mt. Vernon District. These cabins are a non-conforming use, and have been closed for over 6 month period. Mr. Holland explained that he was 1 mile north of Woodbridge on the U. S. # 1 Highway, and that he only desires to operate the cabins which are there. The Chairman asked Mr. White for his opinion, and Mr. White said he could see no objection to granting the request. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously passed.

B. - Caroll F. Carter, for permission to erect gasoline pumps, with less than the required setbacks, on his property containing 23,750 square feet, on the West side of U. S. # 1 Highway, and extending back to #628 at Hybla Valley, Mt. Vernon District. Mr. Carter explained that his station is about in the middle of a triangular peice of land across from the Hybla Valley airport between 2 roads, with pumps on U. S. #1. That he would want to put his pumps within 15 feet of the U. S. # 1 right-of-way. That the building was put up 50' from the right-of-way, so there is no room for the pumps. Mr. White stated that provision should have been made for pumps when the building

was put up. Mr. Carter said a large sign covers one side so that no one can see his property approaching from that side. Sign about 10' X 40'. Mr. White stated that if it is decided that pumps are a structure, then the Board cannot act upon it, but should they decide that pumps are not structures, they could. He said that the Board allowed a permit to put Rubin's pumps within 10' of the right-of-way. Mr. Dawson, Chairman, asked Mr. White to read a letter from the State stating that 12 ft. was far enough for pumps to be set from the right-of-way, which letter was addressed to Mr. Carter. Mr. Dawson, Chairman, said he believe 15' of the right-of-way would be all right. Mr. Reid, whose opinion was asked, said he thought all of the pumps along Highway # 1 were less than 35' from the right-of-way. Mr. Carter believed he should be allowed to put his pumps as close as Mr. Rubin was allowed, at Engleside. Mr. Brookfield made a motion that in order to avoid undue hardship on Mr. Carter, the Board would grant the application with a 20' set-back from the right-of-way, and for the reason that other gas stations in the neighborhood are also less than required. Mr. Dawson said the person who might build next door will be required to use the same set-back, as allowed Mr. Carter. The motion was seconded by Mr. Mackall and unanimously carried. Mr. Dawson suggested to Mr. Carter that should someone ask for a permit to build a filling station next to this one, that Mr. Carter come to the Board and remind them of the 20' set-back requirement.

C - Arthur L. Gore, to erect an addition of 3 rooms to the present dwelling with less than required front set-back, on Lot 35, Oakwood Subdivision, Mt. Vernon District. Mr. Gore not being present, the case was deferred until next meeting.

New Cases:

1. - Jefferson Ford, for permission to erect three houses on four lots, with less than front-back required, in Mt. Vernon District. Lots 19-20-21-22, Groveton Heights. Mr. Baker appeared to present the situation for Mr. Ford. By a drawing on the blackboard, he showed that because of the topography of the land, houses could only be built on three of the lots, and in order to get a well and a septic field, the three houses would have to be placed closer to the road, than permitted. The wells would be placed in the front yards, because of slope of land, and septic fields in back yards. Mr. Stockton was asked for his opinion, by Mr. Dawson, and he said he believed this was a justifiable case, because of topography of lots. Mr. Brookfield moved that the application be granted, for topographical reasons, seconded by Mr. Mackall and unanimously carried.

2. - Francis P. Callahan, to erect a private garage with less than required rear set-back on Lots 17, 19, 21 and 23, Beverly Manor Subdivision, Providence District. Because of smallness of lots, and location of house, would like to come within 6' of rear and side lines, with his garage. Mr. Mackall made a motion that side lines, with set-back of 6' be allowed in this application, seconded by Mr. Brookfield, and unanimously carried.

3. - J. K. Davis, to build and operate a service station, restaurant, tourist cabins and dwelling located on 7.5 acres on the north side of # 211 Highway, 1.3 miles west of Centerville, Centerville District. Mr. Davis not being present, the application was deferred until next meeting.

4. - Immediator of Relief Hall, Anderson Wright, Trustee, for permission to remodel and extend building, located on south side of # 654 about 1¼ mile East of Highway # 123, near Fairfax Station. (Formerly Little Bethel Baptist Church) to be used as Library and Recreation Hall. Lee District. Mr. White explained that they had plenty of room to extend this building, but that it would be extending a non-conforming use. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously passed.

5. - Future Farmers of America, A. W. Tenney, Executive Secretary, for permission to operate a souvenir shop in the old George Washington grist mill located on Dogue Run adjacent to Mt. Vernon Highway, #235, Mt. Vernon District. Mr. White stated that on account of setting the date of this hearing ahead to the Special meeting, Mr. Tenney had written that he had to be out of town. However that this building is owned by the State and the permit only grants the sale of souvenirs in it. Mr. Mackall made a motion that the application be granted, seconded by Mr. Piggott and unanimously passed.

6. - C. C. Cockerill, for continuance and slight extension of non-conforming use in the repairing and sale of farm machinery, on 42 acres at the Southeast intersection of Roads # 608 and # 666, Dranesville Dist. Mr. Cockerill explained that he had a barn for this purpose previous to 1941 but the worms ate it up. Also before 1941 he poured concrete for a foundation for a barn, which foundation is 2½ ft. closer to the road than the present zoning permits, and he wishes to use this foundation for the new building. Measures 73 feet from the center of the road. In the barn he wishes to store hay, feed and farm machinery, his own or some he is selling, with occasional repairs to farm machinery. Mr. White stated that the building would not interfere with vision on the right-of-way and he believed it would be all right. Mr. Stockton could see no objection to it. Mr. Walker made a motion to grant the application, seconded by Mr. Piggott and

unanimously passed.

7. - H. A. Starnes, to locate and use as a dwelling, a trailer, on Lot 2 Fairfax Heights, Providence District. Mr. Starnes and his attorney were present and explained that Mr. Starnes wished to put the trailer behind the filling station which he operates, at the junction of #236 and #211. That he has a grown son going to school and wife working, and they wished to use the trailer for sleeping purposes. Mr. White explained that the lot is in a business district, and a little smaller than what is required to locate a dwelling on. Mr. Stockton said that the surrounding rural residence zone requires 1/2 acre. Mr. Starnes explained that he intended to put in no sanitary facilities for the trailer, that he would use the sanitary facilities in the filling station. Mr. Mackall moved that a temporary permit for a period of two years be granted to Mr. Starnes, seconded by Mr. Walker and unanimously passed.

8. - Carolyn H. Forrest, Executrix of H. L. Hiett Estate, for permission to erect gasoline pumps with less than required set-backs, at Northwest corner of junction of Wilson Boulevard with Lee Boulevard, Falls Church District. Mr. Forrest, and Mr. Gibson, Attorney for Carolyn Forrest were present and explained by plat and drawings where they wished to have tanks placed, at their Esso Station at Fort Buffalo intersection. On account of width of road and location particular to this case, Mr. White stated he believed it required an exception. Mr. Brookfield moved that the application be granted, for the pumps to be placed just inside the property line, of this property, seconded by Mr. Mackall, and unanimously passed.

Mr. Mackall moved that the meeting be adjourned, to reopen at 2.30 to take up further business, seconded by Mr. Walker, and unanimously carried. Meeting was adjourned at 1:30 P. M.

Meeting was re-opened at 2:30 P. M. all members present, also Mr. Stockton and Mr. White. The question of signs was discussed at length, and Mr. Stockton was authorized to write up the suggested plan which the Board of Zoning Appeals would follow regarding signs, before the next Board of Appeals meeting.

The Board adopted a resolution that hereafter each regular meeting of the Board of Zoning Appeals shall be held on the 4th Tuesday of each month, at 10 A. M.

Meeting was adjourned at 4:30 P. M.

S. C. Dawson
Chairman

May 28th, 1946

A regular meeting of the Board of Zoning Appeals of Fairfax County, was held in the Board Room in the Fairfax County Court House, on Tuesday, May 28th, at 10 A.M. with the following members present: S. Cooper Dawson, Sr. Chairman, John W. Brookfield, Douglas Mackall, Jr., William C. Walker, and Thomas L. Piggott. Also present T.J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard:

Cases deferred from previous meetings:

A - Arthur L. Gore, to erect an addition of 3 rooms to his present dwelling on Lot 35 of Oakwood Subdivision, about 3/8 mi. East of #613 with less than required front set-back. Mr. Gore not being present, and this being the third time this case has come up for hearing, a motion was made by Mr. Mackall and second by Mr. Walker, that the case be dismissed. Unanimously carried.

B - J. R. Davis- to build and operate a service station, restaurant, tourist cabins and dwelling, on 7.5 acres located on the north side of # 211 Highway, 1.3 miles West of Centerville. Mr. Davis not being present, the case was deferred until next meeting, at which time it will be dismissed if no one is present to represent Mr. Davis.

C - Emmett W. and Helen W. Brewer to construct a filling station and general neighborhood store on Lot 1, Bennett's Subdivision, 1 mile east of Annandale, on Columbia Pike. Mr. Brewer asked that the case be heard a little later so his Attorney, Mr. Pickett could be present.

New Cases:

1 - Jacob Steinman, for permission to repair and use as a Sandwich Shop, a building with less than required front set-back on Lot 19, Block 3, of Hybla Valley Farms Subdivision, Mt. Vernon Dist. on east side of U. S. Highway # 1 at Woodland Trail. Mr. Steinman explained that the building had been there since before the zoning ordinance, and it was not set back as far as it should be. He thought it was back about 15 or 16 feet from the right-of-way line. Mr. Dawson stated that the Board had given Mr. Carter a 20 ft. set-back at a previous meeting, down on Highway # 1. Mr. White asked Mr. Steinman if a temporary permit for 2 years to allow him to use this building for business, would be satisfactory, and Mr. Steinman said it would because when building materials got plentiful, he would tear it down and build a business building there anyway. Mr. Walker moved that a temporary permit for a period of 2 years be granted, seconded by Mr. Piggott, and passed by a vote of 4-1, Mr. Brookfield opposing same.

2 - John S. Hogg, for permission to erect a private garage, with less

than required side-yard setback, on Lot 26, Section 3 of Grays Subduvision near Oakton, in Providence District. Mr. Hogg explained that because of the size and shape of his lot, in order so that the garage would not be directly behind the house, he would have to come to within 5 ft. of his side line. Mr. Brookfield made a motion that the application be granted, allowing garage to be built within 5 ft. of line, seconded by Mr. Piggott and unanimously carried.

3 - The Tyler Corporation, Harry W. Gaber Sec'y for permission to erect a Multiple Housing Project as per Sec. XII, sub-sec. F-5 of the County Zoning Ordinance, in Tyler Park, on Graham Road (#706). Mr. White read a letter asking that this case be deferred. Mr. Mackall suggested that the case be up for hearing at the next two regular meetings, and if not then heard, same should be dismissed.

4 - Collingwood Inc. Jacob Reck, Sec'y, for permission to operate a Tea Room and Specialty Shop in dwelling on East side of Mt. Vernon Boulevard, at intersection with Snowden's Lane #628, Mt. Vernon District. Mr. Reck and Mrs. Wood were present. Mrs. Wood explained her purposes in regard to her shop and how it would be run, by invitation etc. Mr. Mackall asked if anyone objected, and there seemed to be no objection. Mr. Mackall moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

5 - Frederick A. Tutt, for permission to erect a dwelling with less than required set-back from old Franklin Park Road, on Lot 21, Section 2 Country Acres Subdivision, 1/2 mile east of Old Dominion Drive, on the old Franklin Park Road, Providence District. Mr. Tutt explained from drawings the size and shape of his lot would allow only a 15' set back from the old Franklin Park Road. Mr. Stockton asked if he had the Health Department's approval, and Mr. Tutt stated he had talked with Mr. Trout, and he could get a septic tank in. Mr. White stated that it would cause no traffic hazard. Mr. Mackall made a motion that because of the peculiar shape of lot that a 15' set-back from Franklin Park Road be approved, subject to the approval of the Health Department. Seconded by Mr. Walker and passed 4-1, Mr. Brookfield opposing same.

6 - E. V. Perry Jr. for permission to erect a dwelling on Lot 9, Block 4, Section 1, Belle Haven Subdivision, Mt. Vernon District, with less than required front and side set-back. Mr. Perry showed a drawing and by cut-out design, where the only building-site on his land, for the type of house he desired, would not allow for proper set-backs. After dtudying drawing, Mr. Mackall moved that on account of peculiar shape and contour of lot, that the application be granted with 13 ft. front set-back and 5 ft. side set-back. Seconded by Mr. Walker. and passed 4-1, Mr. Brookfield opposing same.

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7 - R. G. Barton, by S. Gail Landon, Jr. his attorney, for permission to use a building, now located on property located on Southwest side of Georgetown Pike, 7 miles west of Langley, for dog-kennel purposes, without the required 100' side set-back on east side of property. Providence District. Mr. White explained that while the building on the Edlar property next to the property was approximately 1000 ft. from this building, the line is only about 13½ ft. from the building, that Mr. Barton wishes to use as dog-kennel. But with bushes in between etc. he did not believe it would trouble anyone on the Edlar property. Mr. Barton stated that he did not believe Mrs. Edlar had any objection. Mr. Mackall moved that he application be granted, Mr. Brookfield seconded the motion and same was unanimously passed.

8 - W. H. Craven for permission to re-open a filling station on 17 acres on the north side of Highway No. 211, at Bull Run, Centerville District. Mr. Craven explained that he wished to re-open the station already there. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Mackall, and unanimously carried.

The following cases on Signs, which had been deferred at previous meetings were now heard.

1. Frank Dietel- West side of #1 Highway, Lot 30, Evergreen Farms Subdivision, to establish a neon sign 16' X 17" on top of his building. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Mackall, and unanimously carried.

2. R. L. Epps, erection of 2 signs on 10.25 acres in Mt. Vernon District. Mr. Mackall made a motion that he be permitted to have a sign 8' X 44" not to extend in any part beyond the property line, and also 2 signs to be painted on the windows. Seconded by Mr. Piggott and unanimously passed.

3. Lawrence Westcott Nursery- Erection of directional sign. Mr. Chambliss, reperesenting Mr. Westcott said the State Landscape Engineer gave approval for this sign to be 200 ft. from the intersection. Mr. Mackall moved that the application be granted for a 32 sq. ft. sign, for a period of 1 year only, seconded by Mr. Brookfield and unanimously carried.

4. At this time Mr. Bartlett of Bartlett and Osborne, who were granted a permit for a sign by the Board of Zoning Appeals under application # 307 to be placed not less than 10' from the right-of way, asked for permission to have their case re-opened. Mr. Mackall made a motion to re-open case, seconded by Mr. Piggott and unanimously carried. Mr. Morgan, of the Texaco Co. explained how their sign was built, and why it had to be placed closer to the Highway. Mr.

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Mackall made a motion that the application be granted, so that no part of the sign would extend beyond the property line, seconded by Mr. Brookfield and unanimously carried.

C - The Brewer case deferred earlier in the meeting, was now heard. Mr. Brewer explained what he wished to do. Stated that he was 1 mile from the Annandale intersection, at the corner with Bennett Drive, on Columbia Pike. He showed a petition signed by people in the vicinity, who desired the store. Mr. Stockton and Mr. White stated that the Board of Zoning Appeals had no jurisdiction over this case, and Mr. White stated further that he had explained that to Mr. Brewer but the latter insisted on making the appeal. Mr. Brookfield explained to Mr. Brewer that the Board of Zoning Appeals had no power to allow the re-zoning of a residential lot for business. Mr. Brookfield moved, that because of lack of jurisdiction, the case be dismissed, seconded by Mr. Mackall, and unanimously carried.

Mr. Mackall moved that the meeting adjourn, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 12:30 P. M.

G. C. Dawson
Chairman

June 25th, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board room in the Fairfax County Court House, on Tuesday, June 25th, 1946, at 10 A. M. with the following members present: G. Cooper Dawson, Sr. Chairman, Douglas S. Mackall Jr., William C. Walker, John W. Brookfield, and Thomas I. Piggott. Also present, T.J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator.

The following cases were heard:

Cases deferred from previous meetings:

A - J. R. Davis- to build and operate a service station, restaurant, tourist cabins and dwelling on 7.5 acres located on the north side of # 211, 1.3 miles west of Centerville (Mr. Davis notified the Zoning Administrator that the purchase of this land did not go through, and he wished to have the case dismissed. The Chairman announced that the case had been withdrawn.

B - Tyler Corporation - To wrect a multiple housing development in accordance with Section 12 of the Zoning Ordinance of Fairfax

June 25th, 1946

County, on their property in Tyler Park on State Highway # 706. No one being present to represent the Tyler Corporation, the case was deferred until next meeting.

New Cases:

1 - W. Preston Hunt, for permission to erect an addition to his existing store building, on the south side of Highway # 236, about 3 miles east of the town of Fairfax, being Lots 1 and 2 of Baughman's Subdivision, Providence District, with less than the required set-back. Mr. Hunt explained that the inside stairway was narrow and it was hard for tenants upstairs to get furniture up, so he wishes to build an outside stairway, enclosing same. Mr. White stated that the building had been there for six years or more. He also stated that Mr. Hunt had already built the stairway without a permit, and should be cautioned about building without a permit, but that at the same time he was not coming any closer to the highway than the original building was, so he could see no objection to it. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

2 - W. Preston Hunt, for permission to re-locate his gasoline pumps, with less than required set-back, on his property, being Lots 1 and 2 of Baughman's Subdivision, Providence District. Mr. Hunt explained that the pumps were now in front of the store, and at present closer than required. He wishes to move them to the side of the store, and 13 ft. further back than what they are now, which would make them approximately 25' of the right-of-way. The Chairman asked Mr. White what the requirements were in this location, and Mr. White stated that 50 ft. was required. However, in view of the fact that Mr. Hunt was bettering a bad situation, he would withdraw any objection he had to the pumps being placed in the site mentioned by Mr. Hunt. Mr. Mackall made a motion to allow Mr. Hunt to place the pumps within 50 ft. of the center of the highway, which would make them approximately 25 ft. of the right-of-way line. Mr. Brookfield seconded the motion and same was unanimously passed.

3 - Walter O. Harrison, for permission to change the location and operation of Filling Station on his property, being 10 acres located on the north side of Highway # 7, about 1/4 mi. west of Dranesville, Dranesville District. Mr. Harrison stated he was about 1 mile east of road coming from Herndon, and explained the situation, as shown on plat. The Chairman asked Mr. White what he thought of allowing 35 ft. setback. Mr. White stated that he thought it was reasonable. Mr. Brookfield moved that the application be granted, building to be located in line with old dwelling now on premises, and in conformity with present conditions. Same will be 25' of the new right-of-way line.

An Island located there for pumps, will also contain a standard Texaco sign. The above motion was seconded by Mr. Mackall, and unanimously granted.

4 - Dr. Albert Fenton, for permission to operate a Veterinary Hospital on approximately 2 acres of land on the south side of # 236, at Lincolnia, Falls Church District. Dr. Fenton explained that this land was just East of Veeches. Mr. White was asked for his opinion and stated that he thought it was all right, although the Zoning Ordinance made no provision for animal hospitals. Mr. Mackall moved that the application be granted, seconded by Mr. Brookfield, and unanimously carried.

5 - Mr. James H. Lyles - not present, and heard later.

6 - Henry C. Brown for permission to erect a Gasoline Pump Island on Lot 1, Bennett Subdivision (Tremont Inn property) with less than required set-back, Falls Church District. Mr. Brown stated that he wished to place the pumps 35 feet from the right-of-way line. Mr. Brookfield moved that the application be granted, island to be built 35 feet from right-of-way line, seconded by Mr. Piggott and unanimously carried.

7 - Henry C. Brown, for permission to erect an addition to his present building (Tremont Inn) on Lot 1, Bennett Subdivision, Falls Church District, with less than required sideyard set-back. Mr. Brown stated the present building is 48 feet from the outlet road. After discussion as to status of this "outlet road" Mr. White stated that he believed 15 ft. side set-backs would be all right. Mr. Mackall moved that in order to avoid an undue hardship on the applicant a 15' side-yard setback be allowed, seconded by Mr. Walker and unanimously carried.

8 - Ideway Furniture Co. Inc. Philip H. Arpine, Proprietor, for permission to erect a sign larger than allowed by Zoning Ordinance, on building located on Lot 26, Block D, Annandale Subdivision, Falls Church Dist. Mr. Bowers, one of the partners, explained the sign contained 16½ sq. ft. and was hung from the building on a pole, 12 ft; above the sidewalk. Mr. White said he saw no objection to the sign. Mr. Mackall made a motion to grant the application, seconded by Mr. Brookfield and unanimously carried.

9 - Edgar William Vaden (for Atlantic Aero-Parks, Inc.) for a permit to operate an airport for personal aircraft, area to contain improvements to offer airport facilities of utility, on property known as Hayfield Farm, located on Telegraph Road, about 6 miles southwest of Alexandria., Mt. Vernon District. By drawings, Mr. Vaden and his attorney, Mr. Jackson, explained where and how they wished to build this airport. Said they had contacted other three airports,

and they had no objection. When he asked Civil Areonautics, Mr. Vaden stated that he had been informed they no longer had anything to do with private fields. The Chairman asked for the objection to state their case. M. D. Berg, Lt. Commander of the Coast Guard, Washington, D. C. appeared with several other officers, and read a letter (original of which is attached to the application # 378.) (Exhibit # 1)

After much discussion between the Board, Mr. White, Coast Guard representatives, Mr. Vaden and his lawyer, and others, Mr. Stockton was asked for his opinion. He stated that the Park and Planning Commission had been making a study of airport locations, and he believed a report should be had from them. Mr. Mackall objected, stating that he did not believe the National Park and Planning Commission had anything to do with the Board's decision, but he did believe that the Board should have expert advice on this case, since the members of the Board are not familiar with either air-fields or coast guard work. Mr. Brookfield, as the member of the Board, fro the Planning Commission made a motion that the application be deferred until a report can be received from the Planning Commission's study of the situation, report to be given at the next regular meeting of the Board if possible. Mr. Vaden and the Coast Guard to be notified of the definite date for the decision. Motion seconded by Mr. Piggott, and unanimously carried.

Mr. Norman, owner of the land on which Mr. Vaden wishes to build his airport, and former owner of the land owned by the Coast Guard, asked the Chairman if he might be heard at this time, even though the case had been deferred. He said he wasn't very well, and might not get to the next meeting, so would like to have his testimony regarding the matter, in the minutes at this time. He stated that in 1939 or 1940 he was approached by a representative of the Coast Guard to purchase from him about 200 acres of the 500 that he owned, at a low figure, which was their limit. He considered the matter, and decided that if he could get the Government interested in that section, it might help the community which was quite dead at the time, so he gave them an option for 2 or 3 months, on which they made good, and bought the property. About a year later he sold 58½ acres for double the price. Prior to that he was approached by a private individual to sell the rest of the acreage at a good price, but as the Coast Guard would not agree to having a radio station near, he dropped the deal. He now has made a deal with Mr. Vaden, whereby he could lease the property for 10 years, and during the second five years he could purchase the property at $300 per acre. Mr. Norman stated "I do not believe- or in fact I know there was nothing in my

deal with the Coast Guard, limiting the property to any use/what-so-ever. If they had wanted to put a restriction on the use of the balance of the land, then I would not have sold it to them." Mr. Norman stated that he had lived in the vicinity until very lately, and would like to see the airport established. Also that Mr. Jos. Hammer who lives about 1 mi. down the road, had just built a $16,000 home, and he also would like to have the airport established-- in fact he knows of no objection except the Coast Guard.

The Chairman assured Mr. Norman that his information would be placed in the minutes. A letter was also read from Mr. Talbot, in favor of establishing the airport.

#10 - Mr. Floyd W. Smith, for permission to operate a Restaurant on .7 acre of land on West side of # 605, at Loudoun County Line, Dranesville District. Mr. White explained the location of the desired restaurant. The Chairman called on Mr. Baker asking him if sanitation for this restaurant had been taken up with him, and Mr. Baker stated that so far, he had no application. Mr. Brookfield made a motion that this application be deferred until next meeting, to give the Health Department time to inspect the property and submit a report. Mr. Piggott seconded the motion and same was unanimously carried.

11 - Timberlake S. McCue, for permission to erect an addition to his present dwelling, with less than the required sideyard setback, on Lot 342, Mason Terrace Subdivision, Falls Church District. The Chairman asked Mr. White for his opinion and Mr. White said he could see no objection to the application being granted. Mr. Mackall moved that the application be granted, with a 7' setback from the sidewalk easement, seconded by Mr. Brookfield, and unanimously carried.

12 - G. W. Truell, for permission to erect three additional cabins on his property (Silver Moon) being lots 6 and 7 of Alice Moore Subdivision, Providence District. The Chairman asked Mr. Truell to explain his situation, but Mr. White asked the Chairman to be heard first. He stated that in September 1945 Mr. Truell came before the Board to ask to build two additional cabins on his property. Action was deferred on the case until a plot plan could be furnished, and until the Health department were satisfied with sanitary conditions and would approve the application. Mr. Truell has never furnished a plot plan, nor met with the Health Department requirements, but at the same time went ahead and built the cabins. Mr. White stated he is about to bring Mr. Truell into court and suggested that action on this case be deferred until a court decision is obtained. Mr. Mackall moved that action be deferred on this application until report is received on court action, seconded by Mr. Brookfield and unanimously carried.

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13 - Clarence W. Gosnell, for permission to erect a Multiple Housing Project, on his property known as Old Glendon Land Company tract, located on west side of road # 241, opposite Fairhaven Subdivision, Mt. Vernon District. Mr. Stockton stated that since this project has been approved by the Planning Commission he had not asked Mr. Gosnell to be present. The Chairman asked if their was any objection to the project, and there seemed to be none. Mr. Piggott made a motion that the application be granted, seconded by Mr. Brookfield, and passed by a vote of 4-1, Mr. Mackall voting against same.

14 - W. W. Herring, for permission to erect a sign, larger than allowed by the Zoning Ordinance, on his property on the south side of Lee Highway, 2 mi. east of Centerville, Centerville District. Representative of sign company which were placing a Quaker State Motor Oil sign on property, next to Willow Springs Garage, explained where sign was located. Mr. Stockton stated the Planning Commission was still trying to revise the section of the Ordinance regarding signs, but that they were being held up by waiting for information from the State regarding their requirements. Mr. Brookfield made a motion that the sign be allowed for a period of one year, and by that time the Ordinance should be revised to take care of this case. Seconded by Mr. Mackall, and unanimously passed.

15 - Fernando Javier, for permission to erect and operate a restaurant on his property located on the north side of Highway # 50, about 1.2 mi. west of Merrifield, Falls Church District. Mr. White explained that it was near the intersection with Gallows Road, and that there was a house 100 ft. back from the highway, and this restaurant would be in the rear of that. Mr. Javier said that the restaurant was to be for the colored. The Chairman asked if there was any opposition, and Mr. A. J. McCreary, who owns 16 acres, Mr. O. C. Hadson, with 12 acres, and Mrs. Hanger, with 3½ acres, all located practically 1 mi. away, were opposing. They stated that they bought their land and built in this particular location, because they understood that the Lee Boulevard at this point, would always be residential. After discussion among the Board members, Mr. Brookfield made a motion that the application be denied for the reason that property along here has been justified and sold as residential, and should not be changed. Seconded by Mr. Piggott and carried by vote of 4-1, Mr. Mackall opposing same.

16 - R. H. Cleam, for permission to divide his lot into two lots,

each containing 21,780 square ft. in area, with a frontage of 72.6 ft. which is less than required by Zoning Ordinance, description of lot being Lot 10, Baughman's Subdivision, Providence District. Mr. Stockton stated that he had made a study of the case, and believed it was all right for the application to be granted. That Mr. Clem had plenty of land for two lots, but not enough frontage. Mr. White stated, when asked by the Chairman, that even with the narrower lots, there would still be enough room for the proper setbacks. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

17 - S. Whitsell for permission to build an addition to present building with less than required setback, on west side of road # 123, at intersection with # 663, Oakton, Providence District. A study of the drawing showing where the proposed building was to be placed was made by Board members and since the proposed building was in back of existing buildings, only would be closer to side line than allowed. Mr. White thought it was all right. Mr. Mackall made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

18 - Justin G. Downs, for permission to erect a garage with less than required side and rear yard setbacks, on Lots 1, Block 3, FairHaven Subdivision, Mt. Vernon District. The Board studied the drawings showing the size and shape of lot, and Mr. White explained that because of the size and shape of the lot, it would be difficult to build in any other place. Mr. Brookfield made a motion that the application be granted, Mr. Piggott seconded the motion, allowing the garage to be placed 2' and 5' from the side and rear lines. Same was unanimously carried.

19 - D. B. Looney, for permission to erect and operate tourist cabins on approximately 30 acres, located on north side of Lee Highway 1.9 miles west of Kamp Washington, Centerville District. The Chairman asked Mr. White for his opinion and Mr. White could see no objection. There being no objection by anyone present, Mr. Mackall moved the application be granted, subject to approval of Health Department, seconded by Mr. Brookfield and unanimously carried.

(# 5) - (Mr. Lyles now being present, his case was heard at this time.) James H. Lyles, for permission to erect an addition to existing Filling Station, on the west side of U. S. # 1, just south of Penn Daw, Mt. Vernon District. The Chairman asked Mr. White what zone this was in, and Mr. White stated in a Rural Business

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zone. Mr. Lyles showed, by drawings, that the addition would make a great improvement. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

20 - S. Cooper Dawson, for the erection of a garbage burner to be placed closer to road # 633 than required setback, on his property known as lot 1, block 1, Fairview Subdivision. Mt. Vernon District. Mr. Brookfield acted as Chairman in place of Mr. Dawson in this case. Mr. Dawson explained that he now has a trash box in this location, which isn't very satisfactory, and they will build a burner 6' X 8', to be placed 18" from # 633. Mr. White saw no objection to same. There being no opposition, Mr. Mackall moved that the application be granted. seconded by Mr. Piggott and unanimously carried.

Mr. Mackall suggested that the Planning Commission send to each member of the Board of Zoning Appeals, 3 copies of the Ordinance, and map, so that they might familiarize themselves with the zones and Ordinance. Mr. Stockton explained that new copies of the Ordinance were being printed, and he was sure Mr. Loughborough would see the Board received copies, but at present copies of the map were not available.

Mr. Mackall moved that the meeting adjourn, seconded by Mr. Walkder, and unanimously carried. Meeting was adjourned at 1:15 P.M.

S. C. Dawson
J. W. Brookfield Vice. Chairman
Chairman

July 23rd, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House, on Tuesday, July 23rd, 1946, with the following members present: S. Cooper Dawson Sr. Chairman, Douglas S. Mackall, Jr., William S. Walker, John W. Brookfield, and Thomas I. Piggott. Also present, Mr. T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard:

Cases deferred from previous meetings:

A - Floyd W. Smith, for permission to operate a restaurant on his property on the west side of # 605, at Loudoun County line, Dranesville District. This case was deferred from previous meeting pending a report from Mr. Baker of the Health Department. Mr. Baker was not present, and Mr. White reported that Mr. Baker had not

contacted him regarding the case. Mr. Brookfield made a motion that the case be deferred until next meeting, and Mr. Baker be asked for his report for that meeting, seconded by Mr. Piggott and unanimously carried.

B - Edgar William Vaden (for Atlantic Aero-Parks Inc.) for a permit to operate an airport for personal aircraft, area to contain improvements to offer airport facilities of utility, on property known as Hayfield Farm, located on Telegrah Road, about 6 miles southwest of Alexandria, Mt. Vernon District. This case has been deferred from the previous meeting, for a report from the Planning Commission. Mr. Jackson, attorney for Mr. Vaden responded to the Coast Guard's statement given at the last meeting, stating that they did not have a copy of the statement before the previous meeting (Exhibit A, attached to application # 378) He stated that they have a statement from the CAS stating that the Hybla Valley Airport has been in continuous operation since 1932. That Mr. Norman sold the property to the Coast Guard for $100 per acre, and that these people are paying $200 per acre. Mr. Mackall asked Mr. Norman how long he had owned the land, and he stated since 1933. A certified copy of the deed was submitted as exhibit C, relating to the price of his property. Captain McKee, representing the Coast Guard said that he was the one who picked the site, and that it was his impression that Mr. Norman seemed happy to sell for $100 per acre, and they were happy to buy for that price. He stated they had made tests to determine the best sites, and that they bought more than they originally intended- 30 acres, due to the possible disturbance from homes. The Coast Guard representative also said they do not object to the Hubla Valley Airport as they do not fly too near their antennas. That accidents may occur, the radio station only has minimum fire protection. Mr. Jackson explained that the runways can be designed not to take off near the antennas. Photos were passed around, showing the property in question. Mr. Dawson called for Mr. Stockton's report. Mr. Stockton said that he did not have a very extensive report, but that he had been referred to Colonel Perkinson at Richmond. That airports are in their infancy, and there is no adequate control as yet. That we need zoning control regarding structures above certain angles, but unless we defer it until we have some aeronautical authority to advise us, we can only consider it from the proximity to other airports, and existing structures. Mr. Mackall asked if there was anyone present from any of the other airports, who were

objecting. There was no one, and Mr. Mackall stated he felt we had granted other airports, why not this one. Mr. Vaden filed a revised plan of runways, as exhibit D. The Coast Guard towers are between 200 and 300 feet from the runways, Mr. Vaden explained and also explained regards to prevailing winds. Mr. White asked if there might be any confliction from existing airports, and Mr. Vaden said that Mr. Ashburn, Hybla Valley and the small airport at Springfield have been contacted and have not protested. Mr. Mackall made a motion to grant the application, subject to the Approval of the State Corporation Commission in Richmond, and subject to the runways not taking off toward the towers, and upon the ground that no danger from existing airways had been shown, and that location of the airway would not tend to retard or impair the present use or future development of the district for residences. Mr. Stockton asked if Mr. Jackson had received approval from the State Corporation Commission, and Mr. Jackson replied that he had not, and that they could only take one step at a time. The Captain stated that they of course would not ask them to move the runways when they shift antennas. Mr. Jackson suggested that perhaps he and Captain McKee could get together and work out the runways in relation to the radio towers. Mr. Walker seconded Mr. Mackall's previous motion. A vote was taken with Mr. Brookfield and Mr. Piggott voting No, and Mr. Mackall and Mr. Walker voting Yes. It being necessary for Mr. Dawson, the Chairman to vote to break the tie, he voted Yes, which granted the application by a vote of 3-2. Mr. Jackson and Capt. McKee asked for copies of the minutes. The Board requested a copy of the permanent plan for runways, showing also the location of the radio towers.

New Cases.

1 - John C. Bonnett for permission to operate a private Nursery School on 5.8 acres located at #921 South Carlin Springs Road, Falls Church District. Mr. White explained that this permit is for permission to operate a private nursery school for approximately 20 children. Mr. Mackall asked Mr. Bonnett's profession, and Mr. Bonnett explained that he was employed by the Department of Justice. The nursery will be operated by Mrs. Bonnett and her sister, who is an approved substitute teacher. Mr. Brookfield asked the size of the house- which is 3 bedrooms, living room, dining room, and full basement. Will be using one of the bedrooms for the nursery. Mr. Bonnett said that the Health Department had already granted approval. Mr. Mackall moved that the application be granted, seconded by Mr. Brookfield and unanimously granted.

2 - Employees Union of Shell Oil Company, for permission to erect and operate a Recreation and Club House, and Union Headquarters on the north side of road # 629, about 400 yards went of U. S. # 1, Mt. Vernon District. The representative of the Company stated that they would be using a temporary building at present, but are going to build a new building. Mr. Brookfield moved, that since there seemed to be no opposition, the application be granted, seconded by Mr. Piggott, and unanimously carried.

3 - L. A. Gilliam, for permission to erect two additional gasoline pumps, with less than required set-back, also a sign larger than allowed by the Zoning Ordinance, on his property at the intersection of Fort Hunt Road and U. S. # 1, Mt. Vernon District. Mr. Gilliam wants the pumps close to the Fort Hunt Road, as there is a bad gully which he wants to cover, the building containing the rest rooms moved. Mr. Gilliam felt he has made considerable improvement in the property, and proposes to put the pumps 20' from the r ght-of-way. Mr; Dawson suggested that since he is filling the ditch, he fill it back to the curb. Mr. Brookfield also brought up the fact that Mr. Gilliam wants a swinging sign on U. S. # 1. Mr. White said we have been putting them back 10' from the right-of-way. The sign can't be placed on the right-of-way. The original sign was taken down when the highway was widened. Mr. Stockton said this would be in accordance with the proposed revision. Mr. Mackall made a motion that the application be granted, provided the pumps set back 20' and the sign comply with the State requirements. Seconded by Mr. Walker, and unanimously carried.

4 - M. A. Haywood, for permission to erect two signs larger than allowed by the Zoning Ordinance, on Lot 25, Annandale Subdivision, Falls Church District. This case was deferred until later as no one was present to represent Mr. Haywood.

5 - D. S. Boger, for permission to erect a Multiple Housing Project, as per section XII sub-section F-5 of the County Zoning Ordinance, on the south side of Lee Highway, 1½ miles west of Falls Church, Falls Church District. As Mr. Boger was not present, the case was deferred until later.

6 - Harold A. Stone, for permission to operate a private school in a converted farm house on Burgundy Road, about 1 mile southwest of the City of Alexandria, Mt. Vernon District. Rev. Vasin represented Mr. Stone. Stated that Burgundy Farm is west of Telegraph Road, contains 25 acres, being the southwest corner of a larger tract. Rev. Basin said he believed the reason the road hadn't been paved is because it isn't 50' wide at the intersection with Blunt's Lane. The school will be situated back from everything. Mr. Dawson

stated he believed it was a very safe place for a school. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously passed.

7 - Josephine Z. Dellinger to erect a garage with less than required side and rear yard setbacks on Lot 52, Section 2 of Hillwood Subdivision, Falls Church District. In 1940 a building permit was obtained to erect a dwelling and separate garage. Work on the dwelling was started and reached several feet above the ground. No work however was done on the garage. Mr. Dellinger asked that his north sideline and backline setbacks for the garage be reduced to less than 10 ft. which is the minimum required by the Zoning Ordinance. Mr. and Mrs. Shulaa, owners of the adjoining lot protested against lowering the setback requirement in this case. An exerpt from the Covenants and restrictions contained in the Deed of dedication of the Hillwood Subdivision was filed as follows: "No Outbuilding <u>except a garage</u> shall be erected on any residential building plot more than 100 ft. to the front lot line nor nearer than 15 ft. to any side lot line." Mr. White explained that the Zoning Ordinance specifically states that where greater restrictions are imposed by the Ordinance upon the use of buildings or premises than are required by other laws and regulations, the provisions of the Zoning Ordinance shall control. Mr. Stockton, the Planning Engineer corroborated Mr. White's statement about the supremacy of the Zoning Ordinance, and said that he felt that the Board of Appeals should establish a policy on accessory buildings. Mr. Shulaa insisted that the covenants said no building shall be built less than 20 ft. from the front line or 10 ft. from the side line. Mrs. Shulaa said it would make their lot look too narrow and reduce its resale possibilities. Mr. George T. Reeves, an Arlington Real Estate man stated that he was interested in preserving the officacy of the deed covenants which are a great protection to property and therefore opposed Mr. Dellinger's application, which would set a bad precedent if granted. There was a difference of opinion as to whether the covenants in the deed excepted garages. Mr. Mackall said it did, Mr. Stockton said it allowed 10 Ft. Mr. Brookfield said he thought 10 ft. proper under the circumstances, and moved that 10 ft. setback be permitted. Mr. Piggott seconded the motion which was carried 3-1, Mr. Mackall voting No, and Mr. Brookfield, Mr. Walker and Mr. Piggott in the affirmative.

(# 5) (this case had been deferred, but so as to not hold several complainants (opposition) needlessly, the case was again called) D. S. Boger for permission to erect a Multiple Housing Project, as per section XII sub-section B-5 of the County Zoning Ordinance

located on the south side of Lee Highway, 1½ miles west of Falls Church, Falls Church District. Since Mr. Boger did not appear, Mr. Brookfield made a motion that this case be deferred until the next regular meeting, seconded by Mr. Mackall and unanimously passed.

8 - Minna Heath for permission to erect a dwelling with less than required front and sideyard setbacks on Lots 101-102-103-104, Block G, Memorial Heights Subdivision, Mount Vernon District. The property is 100' X 130'. They merely wish to keep in line with existing setbacks. Mr. Baker gave his approval as to sanitation. Mr. White said he could not grant the application because there is only one house in that square, which is not enough to establish a setback line, but there are enough houses in the adjoining block. The Heath Property is located one block from U. S. # 1, Mr. White felt that it was all right to grant the application. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott, carried 3-1, Mr. Mackall voting against same.

9 - J. K. Davis for permission to erect a dwelling and garage with less than required front and side yard setbacks on Lots 101-102-103-104 Block G, Memorial Heights Subdivision, Mount Vernon District. This property is located near the Groveton School on Oak Street. Has a 100 ft. frontage. If the required setbacks were complied with, the house would be over the creek. Mr. Davis would like to have a setback of 25' as in the adjoining blocks of houses. He said this stream would also effect the setbacks in about 6 other lots. On account of the unusual topographic conditions, Mr. Brookfield moved that the application be granted, with a front setback of 25' Mr. Piggott seconded the motion and same was unanimously carried.

10 - J. S. Cantrell for permission to erect a pumphouse within 10 ft. of the rear line, on parts of Lots H and I, used as 1 bldg. lot, in Annadale Subdivision, Falls Church District. Mr. Cantrell did not appear, and the case was deferred until later.

11 - Thomas A. Moskey for permission to erect a neon sign on a 4 acre lot, on the northeast corner of Fairfax Circle, Providence District. Mr. Moskey presented his plot plan. He desired to have a sign 28 inches X 11 inches, to be placed 18" from the side line. Mr. Stockton said it was all right, but he had noticed flashing lights, Mr. Moskey said it was the fault of the transformer. Mr. Mackall moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

12 - Edwin S. Houck for permission to erect an oversize sign on his hardware store on the east side of U. S. # 1 Highway, about .4

mile south of Penn-Daw Hotel. Mr. Houck presented his plat and said the sign was to be 3' X 24'. Stated that adjoining business properties have larger signs (Oil Burner and Groveton General Repairs). Wants to attach sign to front of building. Mr. Stockton said that we agreed on 60 square feet providing it is not attached to the building. Mr. Mackall moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

13 - Frank U. Fletcher for permission to operate a radio station and erect an antenna tower on part of Dowden farm off Seminary Road, about three-quarters mile SE of Baileys Cross Roads, Falls Church District. Mr. Fletcher proposed the site on the Dowden Tract to CAA for a radio station. It is .8 mile from the airport or the side of the airport runway. This will be a radio broadcasting station for Arlington and Fairfax. They will occupy between 8 and 9 acres on either this site ~~of~~ or Munson Hill. Mr. Stockton said that he had not heard of any objection to the Dowden Tract site, but he had heard of objection to the Munson Hill site. This Dowden tract faces on Seminary Road, 1¼ miles from Shirley Highway. The height of the tower will be 265 ft. There will only be one tower. It will be lighted and painted according to ECA regulations, and will be ½ mile from Seminary Road. Mr. Brookfield moved that the application be granted, seconded by Mr. Mackall and unanimously carried.

14 - Frank U. Fletcher for permission to erect a radio tower and operate a broadcasting station on the Payne tract near Munson Hill, about one mile SW of Highway # 7, Falls Church District, near Bailey's X Roads. Mr. Donald Mailay (Mr. Stewart) began objecting right away to the Munson Hill site as an alternative. Mr. Brookfield moved that application # 14 be deferred until August 27th, seconded by Mr. Piggott and carried by a vote of 3-1. Mr. Mackall voting No. (Both applications # 13 and 14 would be subject to approval of FCA.)

15 - L. A. Dewey for permission to erect a sign larger than allowed by the Zoning Ordinance, on his property (Dixie Tea Gardens) on the south side of Lee Highway, 1¼ mile west of Merrifield, Providence District. Mr. Dewey wanted to put a 3' X 7' sign against the building, having a 45' setback. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott, and unanimously carried.

16 - W. E. Griffin for permission to operate as a registered plumber from his dwelling on the east side of Belmont Road, about

300 yards southwest of State Highway # 600, Mt. Vernon District. Mr. White stated that we are having quite a few of these types of requests, and Mr. Stockton said he felt it was O.K. to grant same. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Mackall and unanimously carried.

17 - Mrs. Mary C. Cockrell, for permission to operate an antique shop in her home, located on the south side of road # 236, 1.2 mile west of Quaker Lane, Falls Church District. Senator Clarke represented Mrs. Cockrell. He stated her property was known as Strawberry Hill Farm. That Mr. Cockrell has been in the grocery business for many years. This is more ~~than~~ a hobby than anything else, in order to get rid of accumulation and to possibly pick-up desirable antiques. Mr. Mackall made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

Mr. Mackall moved that all application carried over to the end of the meeting because applicants were not present when their case was called, be deferred until August 27th. Mr. Piggott seconded the motion and same was unanimously carried.

There was discussion regarding airports, and the Board felt that there should be some kind of comprehensive system for airports obtained from CAA. If we allow them helter-skelter, the first thing we will know, planes will be running together. Mr. Stockton said that perhaps someone should go to the State Corporation at Richmond for information to guide us in this matter. After discussion, Mr. Dawson called for a motion. Mr. Brookfield made a motion that Mr. Stockton be instructed to contact the State Corporation Commission, or CAA or both, asking them to give us some comprehensive advice in regard to granting permits for commercial airports in Fairfax County. Seconded by Mr. Walker and unanimously carried.

Mr. Stockton pointed out that we need a revision of the ordinance in this connection, so that restaurants, hangars etc. connected therewith may be permitted. Mr. Brookfield suggested that the Board set up a book of rules and regulations of its own. Mr. Stockton thought this would be very helpful.

Mr. Stockton presented the proposed amendment on signs for the Board's consideration and approval.

Mr. Mackall moved that a special meeting be called on August 13th to study this amendment, seconded by Mr. Brookfield and unanimously carried.

Mr. Mackall moved that the meeting be adjourned, seconded

July 23rd, 1946

by Mr. Brookfield and unanimously carried. Meeting was adjourned at 1 P.M.

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S. Cooper Dawson Sr
S. Cooper Dawson, Sr., Chairman

August 27th, 1946

A regular meeting of the Board of Zoning Appeals, was held in the Board Room of the Fairfax County Court House, on Tuesday August 27th, 1946, at 10 A.M. with the following members present: S. Cooper Dawson, Sr., Chairman, Douglas S. Mackall Jr, William C. Walker, John W. Brookfield, and Thomas L. Piggott. Also present, Mr. T. J. Stockton, Planning Engineer of the Fairfax County Planning Commission, and Mr. E. R. White, Zoning Administrator. The following cases were heard:

Deferred from previous meeting-

A - Floyd W. Smith, for permission to operate a restaurant on his property on the west side of # 605, at Loudoun County line, Dranesville District. Mr. White stated that this application was deferred at previous meeting, awaiting a report from the Health Department. Mr. Dawson stated that since this was apparently the only reason the application was deferred, and since he now had a favorable report from the Health Department, the application could be voted on. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

B - M. R. Haywood, for permission to erect two signs, larger than allowed by the Zoning Ordinance, on Lot 25, Annandale Subdivision, Falls Church District. Mr. White explained that the business was a Frozen Custard establishment, and Mr. Haywood wanted one sign on front of building, and one on side. Mr. Brookfield asked Mr. Stockton if these signs would conform with the revision of Signs, in the Ordinance, and Mr. Stockton said they would. Mr. Mackall made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

C.- D. S. Boger, for permission to erect a Multiple Housing Project, as per section XII sub-section F-5, of the County Zoning Ordinance, on the south side of Lee Highway, 1½ miles west of Falls Church, Falls Church District. Mr. Boger explained, with drawings, what he wished to build on the property. Mr. Dawson asked Mr. Stockton if the Planning Commission had checked this project, Mr. Stockton answering that they had, and it was all right. Mr. Brookfield made a motion that the application be

granted, seconded by Mr. Piggott, and unanimously passed.

D - J. C. Cantrell for permission to erect a pump house within 10 feet of the rear line, on parts of Lots H and I, used a s one building lot, in Annandale Subdivision, Falls Church District. Mr. Cantrell explained that he wished to build this well-house in connection with his garage. That the well had already been drilled, and would take care of a central supply of water for three houses. That he would occupy the center house, the one on which the well is situated. Mr. White stated that the Health Department had approved the application. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

E - Frank U. Fletcher - At Mr. Fletcher's request, this case was deferred until September 24th meeting.

New Cases:

1 - Hattie A. Middleton for permission to erect and operate ~~on~~ an Old People's Home, on 2.285 Acres, located on the East side of an outlet road which leaves the South side of Columbia Pike at a point about 1/4 mile west of Bailey's Cross Roads, Falls Church District. Mrs. Middleton explained that she wished to start an Old People's Home, for the colored, which was badly needed in the County. Mr. White read a letter from the State Welfare Board, which recommended the project very highly. Mr. Mackall made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

2 O. F. Traut, for permission to operate a temporary saw-mill on the East side of road # 650 about 400 yards south of Old Court House Road # 677, Providence District. Mr. Traut explained that the saw mill was on his own land, was for the purpose of taking care of his own timber, and that the project would only be temporary. Mr. White thought it would be all right if a time limit was set on it. Mr. Brookfield made a motion that the application be granted for a period of one year, seconded by Mr. Piggott and unanimously carried.

3 - Doris J. Karlstromer, for permission to erect a dwelling with less than the required setback, on Lot 22, Section 1, Chesterbrook Subdivision, Providence District. No one being present to represent Mrs. Karlstromer, the case was deferred until next meeting.

4 - Gibson G. Turner, for a permit to erect a garage with less than required set-back, on Lot 49, Section 3, Hillwood Subdivision. Mr. White explained from drawing, where Mr. Turner wished to put his garage and the setbacks. Mr. Gibson Turner asked for a 2 ft. setback.

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Mr. Brookfield made a motion that the application be granted for a 2 ft. setback, seconded by Mr. Piggott and unanimously carried.

#5 - Arthur Koert, for permission to erect a garage with less than required setback on Lot 5, Fairland Subdivision, Falls Church District. Mr. Koert explained why he wished to have his garage closer to the line on the south side of the lot (3 ft.) than required. After discussion, Mr. Walker made a motion that the application be granted, seconded by Mr. Brookfield, and unanimously carried.

6 - William H. Wood Jr. for permission to operate a golf driving range on the South side of Lee Boulevard, at the west Boundary of Arlington County. Mr. White explained that according to Section IV, sub-section A-10, golf courses are allowed, but since this differed slightly from a golf-course, he felt he should bring it before the Board for their opinion as to whether it should be a case for the Board, or whether he had permission to issue the permit under the above Section. Mr. Brookfield asked the difference between a Golf course and a golf driving range. Mr. Eakin Jr. who accompanied Mr. Wood, and who is owner of the land on which Mr. Wood wishes to establish the range, explained that it would only be a driving range, to teach people to play golf. Mr. Eakin contended that this was a recreation and ~~came no other place in~~ is not otherwise provided for in the ordinance, as allowed. He stated there was sufficient space for parking area, etc. The opposition was called for. Maj. General J. S. Hatcher, who stated he represented the President of Lee Boulevard Heights Citizens' Association. He objected to the driving range, because it was a commercial enterprise. That it was there primarily for gain. Mr. Eakin said he has played golf, but no matter wherever he played, he had always had to pay. Petitions were presented with 36 names for the opposition and 11 in favor. The 36 were from Lee Boulevard Heights. Mrs. Mage appeard for the opposition and stated she was sure that at least 90 per cent of the Lee Boulevard Heights Subdivision residents were in opposition. Mr. Dawson asked Mr. Eakin how a permit for one year, if granted, would suit him, and Mr. Wood. Mr. Eakin stated that 2 years would be more acceptable, because by the end of 2 years, they could possibly obtain building material to make a nice development out of this land, but he didn't believe this would be true in one year. Mr. Brookfield stated that he didn't believe this case should have come before the Board, and asked Mr. Stockton for his opinion. Mr. Stockton explained that it is the function of the Board to interpret the Ordinance. That some uses are permissable, while others are permissable only with the approval of the Board of

Appeals, and it was first the function of the Board to decide whether this was a case for the Board, or whether Mr. White should issue the permit under Section IV A-10. Mrs. Mage again objected, because the project is for gain, and did not believe the application should be approved at all. Mr. Brookfield made a motion that the Board go on record as deciding Mr. White had authority to grant this application under Section IV A-10, seconded by Mr. Mackall. A vote was taken, Mr. Brookfield, Mr. Mackall, Mr. Piggott and Mr. Dawson voting yes, Mr. Walker voting No, carried 4-1.

7 - Ross D. Williams Jr. for permission to install gasoline pumps and erect a sign, with less than the required setback, on Lots 1 and 2, Franconia Subdivision, Mt. Vernon District. Mr. Williams stated his building is 53 feet back, and he wants to put his pumps with a 25' setback. Mr. Dawson asked about leaving 12 ft. between building and pumps, making approximately a 35 ft. setback from right-of-way. Mr. Alexander, owner of the building which Mr. Williams will operate explained that Mr. Williams wished to have a display of articles for sale in filling station, on outside of front of building, and needed more than 12 ft. Mr. Ross Williams Sr., father of applicant also explained the situation. Mr. White said that what he has applied for is consistant with what had been previously allowed by the Board. Mr. Brookfield said he knew the property and believed the 25' setback would be all right, unless they make the road wider. Mr. Alexander said in the last survey made, it showed the road to be widened 7 ft. to be taken from the other side of the road. Mr. Brookfield made a motion that the application be granted, with a 25' setback from the property line. Seconded by Mr. Piggott and unanimously carried. Mr. Brookfield also moved that a standard size Texaco sign be allowed, providing no part of sign extended over right-of-way. Seconded by Mr. Piggott and unanimously carried.

8 - George F. Dodd, for permission to install gasoline tanks and pumps, and a sign, with less than required setback, on the West side of U. S. # 1, extending back to Road # 628, Mt. Vernon District. Mr. White explained Mr. Dodd was at Gum Springs, between # 1 and # 628 (old # 1) Mr. White said this was next to Carter, and Mr. Carter was allowed a 20' setback,. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried. This motion included a standard Sinclair sign, providing same was not placed to extend over the right-of-way.

Seconded by Mr. Mackall, and unanimously carried.

9 - Mr. William A. Anderson, for permission to erect a sign larger than allowed by the Zoning Ordinance, on 10.5 acres on the north side of # 211, about 1 mile west of Fairfax. Mr. Anderson not being present, this sign application was deferred until later in the meeting.

10 - George J. McDonough, for permission to re-open his restaurant, which has been closed for a period of more than 6 months, located on 1½ acres, about 300 yards southwest of interestion of # 611 and # 633, on Telegraph Rd., Mt. Vernon District. Mr. McDonough said the restaurant had been closed since about 1938, and it has been occupied as a dwelling since that time. Mr. McDonough stated his sister needed a home at that time and he changed the store into a dwelling. Since that time he has been in service. Mr. White read a petition signed by four neighbors of Mr. McDonough (Exhibit A attached to application) objecting to the granting of this application. Mr. Brookfield made a motion that the application be deferred for further investigation, seconded by Mr. Walker and passed by a vote of 4, Mr. Mackall not voting. The Chairman asked Mr. White to make the investigation and stated he would also try to drive down to the premises.

11 - Mrs. Ashby Graham for permission to operate an Antique Shop, with sign, in connection therewith, on her building located with less than required set-back, on the South side of # 236 at intersection with # 649, Annandale, Falls Church District. Mrs. Graham stated just what she wished to do. Mr. White said the building was there, and had been for perhaps 140 years. That it is about 20 ft. from the right-of-way. The Chairman asked for Mr. Brookfield's opinion. Mr. Brookfield felt it was not a traffic hazzard at the present time, but might be, later on. Mr. Brookfield made a motion granting the application for a period of one year, to operate as an antique shop, and have the sign asked for. Seconded by Mr. Piggott and unanimously passed.

12 - I. A. Harvey, for permission to erect and operate one main building to be used as restaurant and light grocery, and 16 cabins on his property on the southeast side of # 1 Highway about 2½ miles north of Woodbridge, Mt. Vernon District. The Board studied the drawing showing Mr. Harvey's property and the Chairman asked for a report from the Health Department. Because no one from the Health Department was present, and no report had been received from them, the Chairman deferred the application until the next regular meeting.

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13 - S. and S. Auto Sales Co. G.O. Strawser, Proprietor, for permission to erect gasoline pumps with less than required setback, on the northeast corner of intersection of # 123 and # 7, Tyson's Corner. Providence District. Mr. White explained that the pumps and tanks had been replaced without a permit, and that he had a hard time to get Mr. Strawser to even come in, in fact had to summon him into court. Mr. Strawser and the oil company representative explained that it was a misunderstanding. That they had merely replaced worn out pumps and tanks that were beyond repair. Mr. White stated this could not be done without a permit, since they were already too close to the right-of-way. That the pumps were now 50 ft. from the center of # 7 and 20 Ft. from # 123. Mr. Stockton said the State wants 110 ft. right-of-way, and should they widen the road this much, the pumps would be on the right-of-way. The present right-of-way is 80 ft. wide. Mr. Brookfield made a motion that the application be granted temporarily, until such time as the State should widen # 7 right-of-way. Seconded by Mr. Piggott and unanimously carried.

14 - W. Lewis Leigh, for permission to erect an addition to his house, with less side-yard setback than required by the Zoning Ordinance, on west side of # 236, near Oakton, Providence Dist. Mr. Leigh not being present, the case was deferred until later in the meeting.

15 - John Wagner, for permission to erect an addition to his existing filling station, on the south side of road # 123, about 1 mile west of Chain Bridge, Providence District, Mr. Wagner not being present, this case was deferred.

16 - Helen Watts Martin, for permission to operate a private boarding and day school on 4½ acres on the north side of # 604, at Langley, Providence District. This being the Douglas S. Mackall Jr. property, Mr. Mackall excused himself from the Board, during the hearing of this application. Mr. Chamblis, Mrs. Martin's attorney explained what Mrs. Martin wished to do. About 30 students would attend, some boarding and some day students. Competant teachers, housemother, nurse, dietician etc. would be in charge, and students would have supervised play. A little booklet entitled "Felicity" made in anticipation of establishing the school was presented to the Board, explaining the school (Exhibit A attached to application). It would be located at Langley, on 4½ acres. The school would be for children from 6 to 8 years of age, from kindergarter to 3rd grade. There would be about 10 boarding pupils. The school would have no commercial characterlistics. Mr. Pickett

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representing Mr. Mackall as owner of the property, stated they would lease the property to Mrs. Martin for 1 year. He pointed out that according to the Zoning Ordinance, a school could be placed in this location. Mr. Fred D. Vincent Jr. represented the opposition. He stated that he believed the establishment of a school here would tend to retard and impair the present or future use or development of the property for residential purposes. That in his deed received 5 months ago, for property next to this property, sold to him by Mr. Mackall, the deed stated " for residential purposes only." He stated that a school of this kind would be for gain only, and not a co-operative school such as Langley Co-Operative School; said he would not have purchased the property, had he known there would ever be a school next to it. Mr. Pickett said he always understood that a school was an assett to a community, in fact a necessity. That in buying property, the first question people ask, is how near it is to a school. Mr. Vincent replaied that this was not a public school, and was being operated for profit only. That he and the people he represented felt this would be an important decision of the Board, in granting or not granting this application, for they felt it was an opening wedge to permit other business in the locality. Mr. Stockton, the County Planning Commission Engineer, when asked for his opinion, stated that so far as deed restrictions were concerned, that was a matter for the Court, and not for this Board to decide. Mr. Pickett asked Mr. Vincent how much land separates him from the Mackall property, and he answered 10 acres, or about 300 yards, of undeveloped land. Mr. Pickett asked him who called his attention to this application, and he stated that he had seen the sign on the property, Mrs.Loyd Henbest also opposing asked if there are Health Standards that had to be met, by a private school of this kind. Mr. Baker of the Health Department stated there were, and that the State Board of Public Welfare made the investigation and sometimes called the County Health Department in on the case. Mrs. Henbest stated she believed a private school could be a great nuisance, that at least a public school was quiet in the evenings and week-ends. She stated she lived on 2½ acres, on a circular drive, in the rear of the Mackall property. Mr. Walter Slavik of Turkey Run road in back of the Mackall property, also opposing, asked the Board to reject this application as the neighborhood did not want a school. That when he purchased his property, it was in the belief that it would always be residential, and that he does not want it commercialized. Mr. Armin Uhler, also opposing stated that he bought on the belief that it would always be residential, and stated that he was located half a mile away. Mr. Theodore Hubers, opposing, stated he bought his

rpoperty about three months ago, with a distinct understanding that it was in a residential area. He objects to this school as a commercial enterprise, and subscribes to all the objections mentioned, Stated he lives on Turkey Run Road, perhaps 300 to 400 yards away. Morris Long, opposing, who stated he lives approximately .4 of a mile in the rear of the Mackall property stated that the only ingress and egress to all their property, is beside this Mackall property, and he believes it would be a hazard, and there could be no safe driving with a school there. J. G. Kendrick, opposing, living .3 mile west of this property, stated he bought the property 6 or 7 years ago, objects to this property being commercialized. Stated the Methodist Church next door wanted to buy more land, and were refused, but Mackall's are willing to allow a school here. William R. Compton, opposing, who lives 1.4 mile on the road to Great Falls, also stated he objected, to the school. W. H. Loving, who stated he lived 1000' the other side of Mackall's property , believes,he stated, that this is to be an opening wedge for a shopping center and gasoline station, so objects to same. This completed the opposition, except letters filed as Exhibits B. C. and D. Mr. Thomas C. Barringer, who lives 3/4 mile away, and has lived there since 1941, now spoke in favor of the school. Stated this school did not set a precedent. That for 1 year there was a school in the Methodist Church next door, which was thought to be of great benefit to the community. That these teachers and people who ran this school were paid- they certainly did not work for their health. And also, there was the Calvert School. Mrs. Freda Lee, wife of Lt. Col. Randolf Lee also spoke in favor of the school. Stated that she lived on the Downs property, and understood that a Mr. Charles Bradley ran a school, for profit, at Windy Knoll, which was not objected to at the time. She also represented Mrs. Arthur Snyder, the Colemans, and Shams, and also read a letter (Exhibit E) from Mr. Donald Downs, in favor of the school. Mrs. Irwin spoke in favor. Mrs. Gerald Living, who wpoke in favor of the school from a transportation angle was the next speaker. Mr. Critz, who lives across the street from the property, stated that he and Mrs. Critz had no objection to the school. A letter from Mr. Gerald E. Luebben (Exhibit F) was read, favoring the school. Mr. White, the Zoning Administrator, when called upon for his opinion, stated that the use is one so closely assimilated to a residential use that the Zoning Ordinance permits it in a Rural or Suburban Residence District, on condition that the

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Board of Zoning Appeals shall find that such location will not tend to retard or impair the present use or future development of the District for residence. He stated also, that the only question the Board had to decide was whether the use proposed by the applicant would have such a tendency, and that he was of the opinion that it would not. The Chairman asked Mr. Brookfield one of the members of the Board, for his opinion, and he stated that he did not think a school, conducted as this one was to be conducted, would detract from the value of any property, nor prevent the future development of the property. Mr. Brookfield made a motion that the application be granted, for a period of one year. Mr. Piggott stated he would second the motion, but would not vote for it. Vote was taken, Mr. Walker and Mr. Piggott voting against, Mr. Brookfield and Mr. Dawson voting for same. Mr. Dawson explained that because Mr. Mackall had excused himself from the Board (which he did not have to do, according to the Ordinance) the vote was a tie vote, and there being no tie-breaker, the case would have to be deferred. Mr. Vincent insisted that the case be decided today, because so many of those objecting, had taken time off from work to come to the meeting. At this time, Mr. White returned from the corridor, where Mr. Douglas S. Mackall Jr. had just had a heart attack, to announce that Mr. Mackall was dead. Mr. Brookfield made a motion that the application be deferred indefinitely, seconded by Mr. Piggott, and unanimously carried. Mr. Brookfield made a motion that on account of the death of Mr. Douglas Mackall Jr. at 1:40 P.M. the meeting would recess until 2:30 P.M. at which time it would again meet to consider the balance of the applications, since so many people were waiting to have their applications heard. Seconded by Mr. Piggott and unanimously carried.

Meeting re-opened at 2:30 P.M.

17 - Curtis Money, for permission to erect and operate a filling station and repair shop with gasoline pumps and sign, to be placed closer to # 7 Highway than allowed by the Zoning Ordinance, on 1 acre, on the southwest side of # 7, at intersection with # 676, Providence District. Mr. Brookfield made a motion that because the opposition's Attorney Mr. Pickett had asked for the case to be deferred until the next meeting as it was necessary for him to be absent, because of the death of Mr. Mackall, that the application be deferred until the next regular meeting. Mr. Money stated that he did not want the case deferred, but Mr. Dawson explained that in the event of a situation such

as this, even in Court, the opposition have the right to ask to have the case deferred. Mr. Piggott seconded Mr. Brookfield's motion, and same was unanimously carried.

18 - Gordon C. Edwards, for permission to erect an addition to his dwelling, with less than required sideyard setback, on Lot 14, Leewood Sub. Falls Church District. Mr. Edwards presented drawings explaining where he wished to build the addition. Mr. Brookfield made a motion that in order to avoid unnecessary hardship on the applicant, that the request be granted, seconded by Mr. Piggott, and unanimously carried.

19 - J. L. Shugard for permission to build and operate a tourist court or hotel, 24 rooms under one roof, and restaurant, with appropriate signs, located on a 60,000 sq. ft. lot known as Lot 1, Murray Farms, Subdivision, on the north side of route # 50, 1 mile west of Pender, Dranesville District. Mr. Dawson asked Mr. White, Zoning Administrator for his opinion, and Mr. White said he felt a report should be received from the Health Department, before deciding this case. Mr. Brookfield made a motion that the application be deferred, seconded by Mr. Piggott, and unanimously passed.

20 -Bo-Mar Corporation for permission to erect a Multiple Housing Project on the northwest side of Highway # 1, opposite Mt. Vernon High School, Mt. Vernon District, a s per Section XIX, sub-section F-5, of the County Zoning Ordinance. The Chairman asked Mr. Stockton, of the Planning Commission if they had approved the project, and Mr. Stockton said they had, subject to the approval of the Health Department. Mr. Bombard, representing the Bo-Mar Corporation stated they will put in the sanitation facilities as soon as construction is done. Mr. Brookfield made a motion that the application be approved, subject to the approval of the Health Department, seconded by Mr. Piggott, and unanimously carried.

21 -Robert P. Taylor, for permission to complete a garage, started prior to adoption of Zoning Ordinance, with less side-yard setback than required by the Zoning Ordinance, on lots 28 and 29, Block 39, New Alexnadria Subdivision, Mt. Vernon District. Mr. Taylor explained from a drawing, where he wished to place the garage. Mr. Burrelson next door, who was opposing same stated that if the addition or garage was permitted, it would ruin his living room. Mr. Taylor stated that Mr. Burrelson's porch is within 3 ft. of his line. Mr. Stockton explained that Mr. Burrelson's house was built before the Zoning Ordinance went into effect. Mr. Taylor said his garage was started before the Ordinance. But Mr. White said the foundation apparently was not above the ground in 1941. Mr. R. L. Berry wanted to know how a man could put in forms, and then let it go for

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two years without finishing same. Mr. Walker stated the Zoning Ordinance must protect the people who have already built in the County, and made a motion that the application be denied, seconded by Mr. Piggott. Mr. Brookfield and Mr. Dawson voted against the motion, Mr. Piggott and Mr. Walker Yes. There being a tie vote, Mr. Brookfield made a motion that the application be deferred until next meeting, seconded by Mr. Piggott, and unanimously carried.

9 - Mr. Anderson now being present, his case was heard. He explained that he had asked for a 3' X 6' real estate broker's sign. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

14 - Mr. Leigh, now present was heard. Explained that his house was built near one lot line, and he wished to make an addition on same. Not practical any other place on lot. Mr. Brookfield moved that due to avoiding an unnecessary hardship on Mr. Leigh, the application be granted, seconded by Mr. Piggott, and unanimously carried.

19 - The Shugard case was reopened by the Chairman. Mr. White said he had just had a conversation with Dr. Scarlett on the telephone, and that Dr. Scarlett said it was all right to approve this application for 8 cabins and a restaurant. Mr. Brookfield made a motion that the application be granted, for the above 8 cabins and restaurant, seconded by Mr. Piggott and unanimously carried.

Mr. Brookfield made a motion that the Board write a letter of sympathy to Mrs. Mackall, seconded by Mr. Piggott and unanimously carried.

Mr. Brookfield made a motion that the Board notify the Board of Supervisors of Mr. Mackall's death and suggest an appointment of a successor as soon as possible, seconded by Mr. Walker and unanimously carried.

Mr. Brookfield made a motion that the meeting be adjourned, seconded by Mr. Walker, and unanimously carried. Meeting was adjourned at 3:20 P.M.

L. Carlisle Dawson Sr.

Chairman

September 12th, 1946

A Special meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House, on Thursday, September 12th, 1946, with the following members present: S. Cooper Dawson, Sr., Chairman, W.C. Walker, John W. Brookfield, and Thomas I. Piggott. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. (Helen Watts Martin)

Mr. Dawson, the Chairman, announced that the special meeting of the Board was not for the purpose of hearing additional evidence, but to reach a decision on the evidence which appeared to have been fully submitted at the last regular meeting. Mr. Slavick and Mr. Vincent noted exceptions to that statement and said they wished to submit further evidence, but the Chairman ruled that they had had full opportunity to present their evidence and apparently had nothing new. Mr. Vincent objected to two instances in the minutes of the Board on August 27th, one to the effect that Mr. Henbest had testified when it was really Mrs. Henbest, and the other relating to the distance of Mr. Loving's residence from the Mackall property. Mr. White stated that the minutes would be corrected in accordinance with Mr. Vincent's suggestion. Mr. White then suggested that since the Board was not holding a re-hearing, but was merely holding a session for the purpose of rendering a decision which they had been unable to reach at the previous session on August 27th, the Board should proceed with its efforts to decide the motion. Mr. Brookfield made a motion that the Board proceed with the case, which was seconded by Mr. Walker and unanimously adopted. Mr. Brookfield then made a motion that the Board finds that the granting of the application of Mrs. Helen Watts Martin, to operate a private boarding and day school on the 4½ acres on the north side of Road # 604 at Langley, owned by the late Douglas S. Mackall Jr. would not tend to retard or impair the present use or future development of the district for residence, therefore that the application should be granted. Mr. Walker stated that since the last meeting he had been greatly concerned over this application and had very thoroughly looked over the situation, and withdrawn his objections, Therefore he would second the motion to grant the application. A vote was then taken on granting the application. Mr. Brookfield, Mr. Walker and Mr. Dawson voting Yes, Mr. Piggott, No. Application granted by a vote of 3-1.

Mr. Brookfield made a motion that the Board adjourn until after lunch at which time the members would meet to sign the minutes,

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seconded by Mr. Piggott, and unanimously carried.

Meeting was adjourned at 11:30 A.M.

S. Cooper Dawson, Sr.
Chairman

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Tuesday, September 24th, 1946, with the following members present: S. Cooper Dawson, Sr., Chairman, William C. Walker, John W. Brookfield, Thomas I. Piggott, and Robert R. Dye, the new appointee succeeding Douglas S. Mackall, deceased. Also present, E.R.White, Zoning Administrator, and Mr. Baker of the County Health Department.

Mr. White asked Mr. Dye if he had qualified as a member of the Board by taking the oath of office, and Mr. Dye answered that he had.

The following cases were heard:

Cases deferred from previous meeting-

A - Frank W. Fletcher- for permission to erect a radio antenna tower; a transmitter house, and the operation of a radio broadcast station therefrom, on the Payne Tract, about one mile southwest of Highway # 7, Munson Hill Area, Falls Church District. The Chairman, at Mr. Fletcher's request, ordered this case dismissed.

B - Doris J. Karlstromer- for permission to erect a dwelling with less than required set-back on Lot 22, Chesterbrook Section One, on Kirby Road, Providence District. No one being present to represent Mrs. Karlstromer, the case was deferred until next meeting.

C - George McDonough - for permission to reopen a restaurant on 1½ acres about 300 yards southwest of intersection of # 611 and # 633, on Telegraph Road, Mt. Vernon District. Mr. McDonough was not present, but Mr. L. O'Brien, who lives .7 of a mile away on Telegraph Road, at Hayfield Farms, appeared in opposition, and asked that the case be heard. Explained that he was against allowing this application for two reasons, the first being because it was a nuisance in the neighborhood, when it was operated before and probably would be again, the second, because he was against spot-zoning in the County, and that there were two or three planned shopping centers in that part of the County that would probably be built when conditions for building was better. Mr. White explained to Mr. O'Brien that this was not a re-zoning, that Mr. McDonough was merely asking for an exception, to allow him to reopen his restaurant. Mr. Walker moved that the application be denied, seconded by Mr. Piggott and unanimously carried.

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D - I. A. Harvey - for permission to erect one main building to be used as restaurant and light grocery store, and 16 cabins, on the SE side of # 1 Highway, 2½ miles north of Woodbridge, Mt. Vernon District. Mr.Harvey was not present, but Mr. Baker made a report from the Health Department, regarding this case. He stated that they had made an investigation, and found that they could not allow 16 cabins on this site, however, they could allow 6 cabins and the restaurant. He stated that if the 16 cabins were built, it would cover the septic field, which they could not approve. They believed they could be of assistance to Mr. Harvey in locating his cabins, in relation to where they have located the septic field. Mr. Piggott made a motion that the permit be granted, for a restaurant and 6 cabins, seconded by Mr. Dye, and unanimously carried.

E - John Wagner- not being present, the case was deferred until later in the meeting.

F - Curtis Money - for permission to erect and operate a filling station and repair shop on 1 acre at the intersection of roads # 7 and # 675, Providence District. Mr. Dawson stated that because Mr. Money was not present the case would probably have to be deferred, but Mr. Pickett, attorney for the opposition objected to the case being deferred on the grounds that so many present could not attend another meeting. Mr. Dawson called on the opposition. Mr. Lynch asked to be heard. Stated that he lived across the road, and that he and the others living in the immediate vicinity had invested about a quarter of a million dollars in nice properties here. That they are residential estates, and should a permit be given for a filling station across the road, it would ruin the properties nearby. Mrs. Pease also spoke, said that a filling station wasn't necessary in this vicinity, that there were 10 filling stations within a 5 mile radius, and it would probably turn into an automobile graveyard. Mr. Wiseman also spoke. Said he was directly across from the property and it would be up to him to look at it, across Leesburg Pike. That it was on a hill and could not be seen at all from one direction, and was over the crest of the hill, from the other direction. Mrs. Pease spoke again, and stated that at the place Mr. Money had previously lived and done repair work, it had been a job to clean the place up and take away trash after he left. Mr. Davis adjoining the property, said he believed it was detrimental to nearby property, and endorses everything the opposition has said. Those in opposition gave their names and addresses as follows: Mr. Neal Lynch, Route 1 Vienna, Mr. Joe F. Davis, Rt 1, Vienna, Mr. E. A. Wiseman, Rt. 1 Vienna, and Mrs.

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J. O. Pease, Route 1, Vienna. Mr. Brookfield moved that the application be denied because it is in a residential neighborhood, and it is not necessary to have a filling station and repair shop located here, and that it might become an automobile graveyard. Also because of its topographical location. Seconded by Mr. Piggott, and unanimously carried.

G - Robert P. Taylor - for permission to complete a garage, with less side-yard setback than required by Zoning Ordinance, on Lots 28 and 29, Block 39, New Alexandria Subdivision, Mt. Vernon District. Mr. Taylor repeated information given at previous meeting- that while actual concrete was not poured, that this garage was started prior to the zoning ordinance. That it was 43½ inches from the line, that it hadn't been completed because he couldn't get the brick. That Mr. Burleson had helped him lay the garage off, and no one had complained until after the brick was delivered. That it would not be blocking the Burleson's window, which is 7 ft. from the ground and about 18 inches wide. Mr. Burleson, who appeared in opposition stated it was a Mr. Thomas H. Andrews who helped Mr. Taylor to lay off the garage, and it was 5 ft. from the line at that time, which was according to the deed restrictions. He stated that Mr. Taylor already had a garage and he could see no reason for building another. He presented pictures to show Mr. Taylor's property, which pictures were attached to original application, as Exhibit A. That his porch was 3 ft. from the line, and this garage would be about 43 inches from the line. Presented a petition from nearby residents who were opposing the granting of this application, which Mr. White read, and attached to application as Exhibit B. Mr. Dye asked if the Deed covenants were not binding, and Mr. White explained that he understood that the ordinance superseded the deed covenants where they were conflicting. Mrs. Burleson asked to be heard, and stated that the Taylor garage was not started until 1943. Mr. Dawson asked Mr. Burleson if Mr. Taylor's garage would interfere with his Porch anymore than his porch was interfering with Mr. Taylor's property. Also asked about setbacks, and Mrs Burleson said there was a five foot setback line as a deed restriction. In rebuttal Mr. Taylor said Mr. Andrews did not lay the garage off nor help him, that he had consulted Mr. Andrews about a deck over the garage, and that he had not moved any stake since it was laid off. That his Son had come back in 1942 and dug the runways, etc. Mr. Taylor stated he was just asking for justice. He stated that the deed requires a 35 ft. front set-back, and that the garage would be setting back more than that. Mrs. Burleson stated that they own the lot on the other side of Mr. Taylor, that the lot is 75 ft. wide, but that the house they wish to put there would require small setback, and if

this application was allowed, they would certainly ask for a 3 ft. set-back on the house they would build on the other side of Mr. Taylor, and they would expect it to be granted. Mr. Dawson asked for Mr. White's opinion as to when this building was started. Mr. White replied that the evidence was conflicting on that point, that Mr. Taylor had first said that he began construction in December 1940, but had later qualified his statement by saying that no concrete was actually poured until sometime later. It was because of this uncertainty, he said, that he had sent the matter to the Board of Appeals. He stated that it was his practice to grant permits for less than required setbacks in cases where construction had actually begun before the Zoning Ordinance became effective on March 1st, 1941, that is where a substantial beginning had been made, such as pouring concrete and raising the foundation to 15 or 18 inches above the ground. He didn't consider that what Mr. Taylor had done before March 1st, 1941 met the requirement, or would greatly prejudice or damage Mr. Taylor if he were not allowed to complete it. Mr. White further stated that he didn't think the Board should take into consideration the fact that Mr. Burleson had erected his house within about 3½ ft. or 4 ft. of the Taylor line prior to the date on which the Ordinance became effective, as he had a legal right to do so at the time. He said that the Ordinance, however now required greater setbacks, and the thing for the Board to decide was whether the strict application of the regulations of the ordinance would result in exceptional and undue hardship upon the owner, or that substantial construction was begun before March 1st, 1941. If they so found, they could give relief, but not otherwise. Mr. Taylor stated Mr. White was misleading the Board, that the garage extended at least 9 inches above the ground. That when Mr. White inspected the property he had been shown around by Mrs. Burleson, and fell for what she had to say. That he had actually started the building in 1941. Mr. Brookfield asked Mr. Dawson's opinion. Mr. Dawson stated that the Board had granted applications for many garages this close or closer to the line. Mr. Brookfield moved, that because these lots are smaller than now required, and because he didn't feel the garage would interfere with the Burleson porch anymore than the Burleson porch interferes with Mr. Taylor's house, the application be granted. Seconded by Mr. Piggott. Mr. Walker said he was confused by the conflicting statements and asked Mr. Dawson if he considered the garage to be started before 1941. Mr. Dawson said that according to Mr. White's ruling, he did not believe it was. Mr. Dye stated that according to the covenants in the Title he believed the

opposition would still have recourse by taking the case to court under deed covenants, which this Board did not take into consideration. A vote was taken on the above motion, Mr. Walker voting No, Mr. Dawson, Mr. Piggott, Mr. Dye and Mr. Brookfield Yes, motion being carried by a 4-1 vote. Mr. Burleson said he was serving notice on the Board that he would carry this case to the Board of Supervisors, and on to Court, if necessary.

1 - State Department of Highways- this case was heard later, as a representative from the Highway Department was not yet present.

2 - Jerry C. Hall, for permission to erect a garage with less than the required set-back, on the west side of #640 about 1/4 mile south of #636, near Sydenstricker, Lee District. Mr. Hall explained from a drawing,, that on account of the topography of the land, he could not put a garage back more than 47 ft. from Road # 640, which would be in line with the house. Mr. Dye made a motion that the application be granted, because of the topography of the land, seconded by Mr. Walker, and unanimously carried.

3 - Mrs. V. P. Samuels, for permission to operate an Antique Shop in her home, on the SE side of # 636, 1½ miles south of Alexandria, Mt. Vernon District. Mrs. Samuels explained that she merely wished to sell a few antiques in her home and to have a small sign in front, showing that she had them for sale. Mr. Brookfield made a motion that the application be granted, with a sign of not more than 10 sq. ft. in area, seconded by Mr. Walker, and unanimously carried.

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E - John Wagner- for permission to erect an addition to an existing filling station, on south side of # 123, about 1 mile west of Chain Bridge, Providence District. This case had been previously called, but no one representing the applicant being present, was deferred. Mr. Hansborough, representing Mr. Wagner, now being present, the case was called, at this time. Mr. Hansborough showed by drawings and plans, where the addition was to be placed on the building. That the Board had allowed an addition on the other end of the building some time ago, and this addition would balance the one already put on. Mr. Brookfield said he believed this addition would be a great improvement to the building. Mr. Hansborough explained that the addition would come 19 ft. from the sideline, that there was at least one acre of land with the filling station, and that they would put in a grease trap and meet the Health Department requirements. Mr. White said he could see no objection to the granting of this application, since it was only an extension of a non-conforming use. There was no opposition present. Mr. Dye moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

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4 - Joseph R. Wolfrey for permission to erect and operate a gasoline filling station on the SE side of U. S. # 1, about 2 miles north of Woodbridge, Lee District. Mr. Wolfrey stated that he had purchased this property, including unfinished filling station, believing it to be zoned for business. That the building is 90 ft. from the lot line in front, but the pumps are only 25 ft. Mr. White stated the Board had been allowing 25' setbacks on pumps, Mr. Piggott moved that since these pumps were already in, with a 25' set-back, and the Board had been allowing 25 ft. setbacks on pumps, that the application be granted. Mr. Baker stated that the Health Department would approve the application for sanitary facilities for a filling station, but not for any tourist cottages at this time, until further study was made. Mr. White explained that Mr. Wolfrey would have to make further application for tourist cottages, at which time the Health Department could make further investigation. Mr. Brookfield seconded Mr. Piggot's motion that the application be granted, and same was voted on, Mr. Walker not voting. Carried by a vote of 4-0.

1 - State Department of Highways, for permission to operate a State Labor Camp on 17 acres on the north side of # 211, about 1 mile west of Fairfax, Providence District. Mr. Phillips of the State Department now being present, this case was called at this time. Mr. Phillips explained that the County needed this camp very badly, because of the scarcity of labor. They were needed not only for the improvement of roads which needed it so badly, but also a critical need for removal of snow and ice during the winter. That the camp used to be there, but was moved away a few years ago. That it would not be a permanent thing, since in 3 or 4 years when the labor situation improves, they will have to remove it. That he didn't believe there was any danger of prisoners, even should they escape, bothering anyone in the neighborhood, because he had found, in all his experience with prisoners, that they tried to get as far away from the camp, as soon as possible. That they had been getting a little help from the camp at Sterling, but he understood that camp was to be removed soon. Mr. Anderson spoke for opposition. Stated that he lived next door to the property adjoining this camp, or on the east side of Mr. Fuller's property. That he objected to this camp being placed here for two reasons, one the hazard of having dangerous prisoners nearby who might escape and break into nearby homes for weapons, money, etc. to help their escape. That there were several elderly couples living alone near the camp, a widow

alone with a daughter, and several families with children. That he considered it very dangerous to have these prisoners so close. The other reason, because it retarded the growth of that section of the County, which is due to build up at this time. That even though the camp might not be permanent, if it was there for three or four years, it would just retard the growth for three or four years. Mr. Dye asked Mr. Anderson if this camp would hurt his property anymore than the tourist camps across the street, But Mr. Anderson stated he was not directly across from the tourist camps! Stated he believed there was a need for a camp, but he believed there were many other locations in the County where it could be located without any objections, and not be on a main highway, in the middle of a good residential development. Mr. Anderson stated that he also represented Mr. Truell, Mr. McLaren, Mr. Weisner, Mr. Robinson, Mr. Dawson, Mr. Ellis and the Fairfax Enterprises Inc. who all objected to the application being granted, and who were all close enough to be affected. Mr. Fuller, next door to the camp also spoke in opposition. Stated that Mr. Phillips and Mr. Edwards called on him one evening to find out if he objected to the camp, and not having thought it over very much, he did not raise too much objection. Since thinking it over, and after reading in the Washington paper about 2 criminals escaping last week from Camp # 30 near Fairfax, and after hearing about a strike in the dining hall, and knowing that these were very hardened criminals in this camp, he did object to it being there. Said he had chicken houses within a few feet of the fence separating the camp from his property, this fence being 3½ or 4 ft. woven wire fence with a couple of strands of barbed wire on top, very easy to get over, and that he felt prisoners escaping, could very easily hide in his chicken houses. Mr. Phillips stated they had perhaps hurried Mr. Fuller too much in his decision, and agreed that prisoners were like dynamite, dangerous when not handled properly. But that he had not heard of any prisoners escaping and he believed he would have heard of it, had it been from this camp. In answer to Mr. Dawson's question, said there were approximately 80 prisoners, most of whom were serving 16 years or less. Mr. Dawson stated there would be opposition wherever this camp was placed. Mr. Anderson stated he felt the danger element to be incidental to the economic and development factor. His biggest objection being that it would retard or divert the growth of that area, which he felt to be next in line to development into something fine. Mr. Dye moved that because he felt the need of this camp was greater than any objection to it, the application be granted, seconded by Mr.

Piggott, and voted on. Mr. Brookfield not voting, the application was granted by a vote of 4-o.

5 - Dennis J. Smithers, for permission to erect and operate a gasoline filling station, with less than required setbacks, on corner of # 7, # 602 and 604, Dranesville District. Mr. Smithers explained that this is the junction of Leesburg and Georgetown Pikes. Mr. Baker of the Fairfax County Health Department suggested that this case be deferred until next meeting until the Health Department could make investigation. Mr. Brookfield made a motion that the case be deferred, because of the request of the Health Department. Mr. White said he had several letters objecting to this application and would read them. Mr. Brookfield withdrew his motion, and Mr. White read the letters (Exhibits attached to original application). Mr. Johnson of Goff-Moore Co. spoke for Mr. Smithers. Said Mr. Smithers had a business there previously, with a filling station at one time and he thought he should be allowed to reopen. Mr. Brookfield again made a motion that the application be deferred until next meeting, so that further study could be made, Mr. Walker seconded the motion and same was unanimously carried.

6 - J. L. Shugard, for permission to erect gasoline pumps and tank, with less than the required set-back, on Lot 1, Murray Farms Subdivision, on the north side of # 50, 1 mile west of Pender, Dranesville District. Mr. Shugard explained that he wanted a 25' set-back for pumps. Mr. White said there was a re-zoning on this above property before the Board of Supervisors, at the present time, and he believed this case should be deferred until after the re-zoning hearing. Mr. Walker made a motion that the case be deferred until after the re-zoning hearing, seconded by Mr. Brookfield and unanimously carried.

7 - Blas G. Garcia, for permission to make an addition to his existing restaurant building, on the west side of U. S. # 1, opposite Mt. Vernon High School, Mt. Vernon District. Mr. Dawson explained that this was merely an expansion of a non-conforming use, that the set-backs are all right. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

8 - V. H. Shepherd, for permission to erect signs larger than allowed by the Zoning Ordinance, on his property on the south side of Columbia Pike, at Annandale, Falls Church District. Mr. Shepherd explained that his building was approximately 14 ft. high and was about 2½ ft. below road level. That he wished to place a double-faced neon sign length-ways of building, on top of same, to extend about 3 ft. over front of building, so that it could be seen from both ways. That he would not

ask for a sign in front of building, because it could not be seen and might create a hazard. That is why he wished to place it on top. Mr. Brookfield said he would not approve a sign in front of buioding, but he did approve of a sign on top, and made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

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9 - W. M. Whiteside for permission to reopen a general store and restaurant on Lot 10, Moncure Subdivision, near Baileys Cross Roads, Falls Church District. Mr. Baker of the Fairfax County Health Department explained that the Whiteside lot was not large enough for a septic tank, as required for a restaurant. W. M. Whiteside said that he would omit the request for a restaurant, and just ask for a store. Mr. White located it as being Southeast of Columbia Pike, on the southwest side of Moncure Ave. near Baileys. Mr. Brookfield moved that the application be granted for the reopeneing of a general store, seconded by Mr. Piggott and unanimously carried.

10 - Anthony Vogel Jr. for permission to temporarily operate a Planer and Cinder Block machine, on Lots 16 and 17, Block 4, Maple Terrace Subdivision, west of # 123, 1 mile north of Fairfax, Providence District. Mr. Vogel stated that he had moved this Planer and equipment until they were now 500 ft. from any house. That he only was asking for a temporary permit, perhaps for 6 months, until he got a place he could move the equipment permanently. Mr. Walter F. Place, adjoining this property appeared in opposition. Stated he worked from 11:30 P.M. until 7:30 A.M. and had to sleep days. That he could not get over 1 hours sleep a day, the way this machinery had been running. That it was surely not improving Mr. Vogel's property nor any of the adjoining property, by allowing this application. That lumber came in, is planed and goes out again, and cement blocks are being made and sold by the Fairfax Fuel Co, here in Fairfax. Mr. Cory, located in the rear of Mr. Place's lot, states that he is approximately 400 ft. from this property. Stated that he had a real estate man out to look at his house perhaps to sell, the man told him that the situation at Vogels would tend to decrease the value of his property, and he would be lucky to get all he had invested out of the property, without making any money on a deal. That there was a Subdivision on the left of this property that would soon start to build up with nice houses, if this condition was not there. That the saw-mill operated at all hours and on Sundays, nights and holidays. Another bad feature is the access road to these lots. Leaves the highway on a curve, and trucks driving in and out cause a great hazard. Mr. Vogel stated he did not work his Planing Mill after 5 at night nor on Sundays as his insurance did not permit it, but the opposition insisted that

the mill was operated during those times. Mr. Dye moved that the application be denied, seconded by Mr. Brookfield and unanimously carried.

11 - Joseph Starry, for permission to erect and operate a gasoline filling station and repair shop on the NE corner of # 123 and # 654, Lee District. Mr. Starry explained that he was buying 1 acre on the corner, and that he wanted to put up a nice little filling station and repair shop. Said he had a repair shop at Fairfax Station, but sold it at the beginning of the war to go into service. That he has returned and been looking for another place of business for about six months, and finally found this one at a cross roads, where there are no filling stations nor repair shops close by. Mr. Hamill appeard in opposition. Stated that he lives across the road and perhaps 500 feet away. That he was a railroad man, and sometimes had to sleep days. That he considered a filling station and repair shop would be a nuisance as to the noise etc. and would also tend to decrease the value of surrounding property. Mr. Nealand, son of Mrs. Margaret Nealand, who could not be present but owned property directly across the road, also appeared in opposition. Said that his mother would divide the land and he would own part of it, and would probably want to build a dwelling at some time on it, and he would object to a filling station and garage being right across the road. That he also believed a garage and filling station were unnecessary. Mrs. Haight spoke for herself and Mr. Haight who could not be present. Stated she adjoined the Hammill property and believed a garage and filling station would tend to decrease the value of neighboring property, and while the noise might not bother her so much, they would object for themselves, and in sympathy to the Hammill's. Mr. Jones and Mr. Lark Blunk spoke in favor of the project. Mr. Jones stated that a repair shop and filling station were needed. That there was none, except at Fairfax, for miles in every direction. That he felt this young man should be encouraged, and when he had at last found a good location he could buy, he could see no reason for anyone objecting. Mr. Piggott made a motion that the application be granted, seconded by Mr. Walker. Mr. Dye voted No, Mr. Walker, Mr. Piggott, Mr. Brookfield and Mr. Dawson voting Yes. Application was granted on a 4-1 vote.

12 - Potomac Manufacturing Co. Inc., Frederick M. Brister, Pres. for permission to reopen a factory building formerly used as a box factory, located 1/4 mile in on a private road leaving the NW.side of # 634, 1/3 mile south of intersection with # 611, Mt. Vernon District, and to operate same as a house trailer manufacturing plant. Mr. White stated he had inspected the premises, and according to its location etc. he could see no objection to it. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and

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unanimously carried.

Mr. Piggott made a motion that the meeting be adjourned until after lunch at which time the members would meet to read and approve the minutes in the minute-book. Seconded by Mr. Brookfield and unaimously carried.

Meeting was adjourned at 1:30 P.M.

S. Cooper Dawson
Chairman

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OCTOBER 22nd, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Tuesday, October 22nd, 1946, with the following members present: S. Cooper Dawson, Chairman, John Brookfield, Wm. C. Walker, Thos. I. Piggott, and Robert Dye. Also present, Mr. T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard:

Cases deferred from previous meetings:

A - Doris J. Karlstromer, for permission to erect a dwelling with less than required set-back, on Lot 22, Section 1, Chesterbrook Subdiv. Providence District. Mrs. Karlstromer was represented by Mr. Clay her Attorney. He stated that while the lot conformed to the zoning ordinance, in order to build a 24 X 20 house that they wished to place on lot, they would have to have a 10 ft. side setback. A plat of the lot was studied by the Board. Mr. Walker made a motion that the application be granted, in order to provide adequate setbacks from corner, and not create a hardship on the owner. Seconded by Mr. Piggott and unanimously carried.

B - Dennis J. Smithers, for permission to erect and operate a filling station and pumps, with less than required setback, on intersection of Roads # 7, 602 and 604, Dranesville District. Mr. Smithers explained from drawing, the size and shape of his land, and where he wished to place the buildings. Mr. Smithers stated that the most he could set back from Leesburg Pike, would be 47 ft, with his building, on account of the topography of the land Mr. White siad that would make it very close to old Georgetown Pike. Mr. Richardson, Mr. Smither's Attorney stated that the Old Georgetown Pike has been Abandoned. A copy of a letter from the State Highway Department was read, showing this road to be abandoned, according to a plat enclosed with the letter. The pumps would be 22 ft. in front of the building, or 15 ft. from # 7 right-of-way. Mr. White read letters in

opposition (attached to original application as Exhibit A.). Mr. Dye made a motion that the application be granted, the building to conform with the setback of building already there, but after discussion, withdrew his motion. Mr. Brookfield made a motion that the application be deferred until the Highway Department gave more evidence of abandoning the road. Seconded by Mr. Piggott. After discussion with Mr. Stockton, and Board members, Mr. Dawson stated he did not believe the Highway Department would ever give any more evidence than they had, that they had abandoned the right-of-way. Mr. Brookfield and Mr. Piggott withdrew their motion. Mr. Smithers said he could go 55 ft. from Leesburg Pike with building, and 27 ft. with pumps. Mr. Walker made a motion that this application be granted with the following set-backs: Building to be 50 ft. from Road # 602 and 55 ft. from # 7 right-of-way. Pumps to be 30 ft. from # 7 right-of-way and 60 ft. from # 602 right-of-way. Seconded by Mr. Brookfield and unanimously carried.

New Cases:

No. 1 - Bernard B. Bailey for permission to reopen and operate an old Mill located on the NW side of Route # 7, at Colvin Run, Dranesville District. Mr. Bailey explained that he merely wished to operate the old mill. Mr. Piggott stated he believed it was needed in the community. Mr. Brookfield made a motion that this part of the application be granted, seconded by Mr. Dye and unanimously carried. The second part of the application regarding signs was considered. Mr. Bailey explained that he wanted the signs, two 6' X 10' and one 7' X 2' to direct people into the mill from the old road, since there was no outlet to the new road. Mr. Brookfield moved that the three signs be granted, but in accordance with the new proposed ordinance amendment on signs. Seconded by Mr. Piggott and unanimously carried.

2 - Harry Kahn for permission to erect and operate tourist cabins on 1.887 acres on the NW side of U. S. # 1, just north of Pohick Manor, Mt. Vernon District. Mr. Kahn stated that he had 165' of frontage. Mr. White stated that the Health Department had approved the application for 4 cabins this year and 4 later on, with additional septic facilities. Mr. Brookfield made a motion that the application be granted for 4 cabins this year and 4 additional cabins next year, subject to the approval of the Health Department. Seconded by Mr. Piggott and unanimously carried.

3 - Milton R. and Dorothy C. Wescott, John W. and Jessie Kearns, for permission to erect a Multiple Housing Project as per Section XII sub-section F-5 of the County Zoning Ordinance, on their property on the South side of Lee Boulevard, near intersection with Road # 649, Falls Church Distract. Mr. Stockton explained that the

Planning Commission had not completed their work in connection with this case. Mr. Brookfield moved that the application be deferred until next meeting, seconded by Mr. Piggott, and unanimously carried.

No. 4 -H. E. Chevanney, for permission to erect an addition to his dwelling with less than required sideyard setback, located on the SE side of Road # 716 about 1 mi. southeast of Baileys Cross-Roads, Falls Church District. After a study of a plat of the property, Mr. Walker made a motion that because of the narrowness of the lot, being only 45', to extend the old building, with a new addition, that 5'6" set back be allowed. Seconded by Mr. Dye and unanimously carried.

5 - Nina B. Albritton, for permission to erect and operate a Filling Station, Tourist Cabins and Art Studio, on Lot 7, Glen Alden Subdivision, on the So. side of Highway # 211, about 2½ miles west of Fairfax, Centerville District. Mrs. Albritton could not be present, but was represented by Mr. Gail Landon Attorney, and Mrs. Albritton's son. Mr. Albritton explained that in this studio they would make their own gifts, reproductions of antiques, etc. which they would sell to tourists. When asked by Mr. Dye about material cottages were to be built of, he stated waterproofed plyboard. Mr. White said this was allowed in an agricultural zone, with the Board's approval. In opposition was H. B. Mead, who stated his house was about 20 ft. from this property. Mrs. W. H. Carbin, E.R. Jenkinson, Mary L. More. Mr. Mead also presented a petition (filed with original application as exhibit A) signed by 19 in opposition. Mrs. Mead said there were 8 tourist cabin sites between there and Kamp Washington, and she did not believe more were necessary. Since there was no exact plot plan drawn to scale, Mr. Brookfield made a motion that the application be deferred. Mr. Albritton explained that he wished to be present at the meeting since it was his money that would build this proposition for a present to his parents. That he had come up for this meeting, from Florida, but it was necessary to leave immediately, and he could not get back again until May. Mr. Brookfield made his motion to defer the application until the May 1947 meeting of the Board. Seconded by Mr. Piggott, and unanimously carried.

6 - Millard G. Wyant, for permission to erect a building to be used as a United States Post Office, on Lots 18 and 19, Block 2, Grays Subdivision, located on the SE side of Road # 123, near Oakton, Providence District. Mr. Wyant explained that the building would be owned by him and rented to the Government. That it would be a modern building, with sanitary facilities. Mr. Brookfield moved that the application be granted, subject to the approval of the

Health Department. Seconded by Mr. Piggott, and unanimously carried.

7 - Kings Kitchen, Inc., M. S. Horne, Pres. for permission to erect a Multiple Housing Project, as per Section XII, Sub-section F-5 of the County Zoning Ordinance, on property located at Seven Corners, on Lee Boulevard, Wilson Boulevard and Route # 7, being 107 acres known as the Greer Estate, Falls Church District. Mr. Stockton also stated in this case that the Planning Commission had not completed their work. Mr. Brookfield made a motion that the application be deferred, seconded by Mr. Dye and unanimously carried. A Mr. John King asked to be heard, because he wanted to go on record as being opposed, and might not be able to return when this case came up. Stated he was opposed to any of these large housing projects until such a time when something could be done to take care of the water and sewer and school situation.. Said that Falls Church could not supply any of these for a new subdivision. That he believed much thought should be given regarding schools for projects as large as these. Mrs. Donald Wilkins, also present, stated that figured on the basis used by the school-board, it would take four grade schools at least, to take care of the school situation for this housing project. Asked if she had anything further to say in regard to this application, Mrs. Wilkins said she would be back to the meeting at which the applications were heard.

8 - Malcolm E. Reid, for permission to erect dwellings on lots 1-5 inclusive of Reid's Subdivision, Mt. Vernon District, the said lots containing more than 20,000 square feet, but less than the 1/2 acre lot area required by the zoning ordinance. Mr. Smith, engineer on platting this property explained the situation. The original plat, the survey was for 1/2 acre lots, but due to an error in stakes already there, the line had to be moved. In the meantime some property had been sold. Mr. White stated that the survey plat had been, through an oversight, approved for this size lots, and since it was through an error in the survey that the lots were slightly smaller, he recommended an exception in this case. Mr. Brookfield moved, that because of an error in survey and signing of the plat, and because it would work a great hardship on Mr. Reid to have to change same, that the application be granted, but that it be understood that this is not a desire to change the zoning laws, but strictly an exception, seconded by Mr. Dye and unanimously carried.

9 - Alfred A. Hilton, Attorney, for Winfield T. Athey, for continuation of encroachment of a dwelling located on Lot 12, Block 5, Section 1, Fairhaven Subdivision, erected with less setback than required by the zoning ordinance, Mt. Vernon District. An Attorney in Mr. Hilton's office stated that this house was built in 1942, had been sold

three times and no one noticed that an error had been made in setbacks. A plat showing the present setbacks and the original zoning permit showing the setbacks granted, were studied by the Board. Mr. Brookfield moved that because of the shape and size of Lot 12 Block 5, Section 1 of Fairhaven Subdivision, and the curvature of the highway on which it fronts, the builder erected a dwelling by mistake, which is 26.5 feet from the right-of-way of HillCrest Drive at one corner, and is 22.5 feet from the right-of-way of Fairhaven Avenue at the other front corner, and whereas the said lot and building have been sold and are now in the hands of innocent purchasers, it is found by this Board that an exceptional and extraordinary condition, with respect to said Lot and building exists, and which it would cause exceptional and undue hardship on the owner to correct. It is therefore the opinion of this Board that a variance may be granted under Section XII Paragraph G of the Zoning Ordinance to authorize the now existing front setbacks as above stated. Seconded by Mr. Piggott and unanimously carried.

No. 10 - James A. Windsor, for permission to erect a private garage on Lot 10, Block 3, Fairhaven Subdivision with less than required sideyard setbacks, Mt. Vernon District. Mr. White explained from a drawing, the size and shape of the lot. Stated that Mr. Windsor wished to build 3½ ft. from the line. Mr. Windsor stated that his neighbor on that side had no objection, in fact would make the same application to build a garage on his lot later on. When asked by Mr. Brookfield, he stated the water from the roof would drop on his own land. Mr. Piggott moved that the application be granted, seconded by Mr. Walker and unanimously carried.

11- Willie D. Breeden, for permission to erect an addition to his dwelling, with less than the required sideyard setbacks, located on the north side of road # 604, about 400' east of Forestville, Dranesville District. Mr. David L. Tucker represented Mr. Breeden. Stated that next door neighbor has no objection. Stated that Mr. Breeden wanted a 9 ft. setback. Mr. Walker made a motion that since there was no lbjection, and since it would create a hardship on the owner if the addition could not be erected with this setback, that the application be granted. Seconded by Mr. Piggott and unanimously carried.

This ended all application.

Mr. White brought up the subject of plats. Stated that under the conditions that the county was working under, so much

building, and so hard to get surveyors, etc. that he did not feel he should require a regular plat each time, if one could be made up in the office, that would do. Mr. Stockton explained that he believed the County should have a draftsman available in the building, who could make up plats for people, at a minimum expense . Also that a building code should be adopted, and building inspectors hired, that because of the rapid growth of the county, they were needed. ~~Seconded by Mr. Brookfield and unanimously carried~~.

Mr. Brookfield made a motion that we adjourn for lunch, after which we will come back for further discussion of the ordinance. Meeting to reopen at 1:45. Seconded by Mr. Dye and unanimously carried. Meeting was adjourned at 1 P. M.

When the Board reconvened at 1:45 P.M. the following resolution was proposed by Mr. Dye, seconded by Mr. Brookfield and unanimously adopted:

1. That inasmuch as the county zoning ordinance required that every application for a building or zoning permit "shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the shapes, sizes and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or house-keeping units the building is designed to accomodate, and such information with regard to the lot and adjoining lots as may be necessary to determine and provide for the enforcement of this ordinance," and whereas under present conditions, it is almost impossible for many applicants with reasonable convenience, to comply with this requirement, it is recommended by this Board that some provision be made in one of the County offices for a draftsman who can furnish applicants the necessary plat promptly and for a small fee.

2. Inasmuch as the work of the office of the Zoning Administrator and that of the Board of Zoning Appeals for whom he is clerk, have clearly outgrown the present facilities and quarters, it is further recommended that additional space and help be provided for the combined offices.

3. It is recommended that a building code for the County be adopted and that provisions be made for inspection of each home erected.

Mr. White was instructed to send a copy of above resolution to the Board of Supervisors, through their Executive Secretary, Mr. Loughborough.

Meeting adjourned. ********* S Cooke Dawson
Chairman

November 26, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board room in the Fairfax County Court House on Tuesday, November 26th, 1946, with the following members present: S. Cooper Dawson, Chairman, John M. Brookfield, Robt. M. Rye, Wm. C. Walker, and Thos. I. Piggott. Also present, T. J. Stockton, Planning Engineer and E. A. White, Zoning Administrator.

The following cases were heard:

Cases deferred from previous meetings:

A - J. L. Shugard, for permission to erect gasoline tank and pumps in front of restaurant bldg. on Lot 1, Murray Farms Subdivision, with less than required set-backs, Dranesville District. Mr. Brookfield stated that he understood Mr. Shugard had sold his property, and left the County, since making out this application, so he would make a motion that the application be dismissed. Seconded by Mr. Piggott, and unanimously carried.

B - Wilton R. and Dorothy G. Wescott, and John W. and Jessie P. Kerns for permission to erect a Multiple Housing Project as per Section XII, sub-section F-5 of the Fairfax County Zoning Ordinance, at the intersection of Lee Boulevard and road # 649, Falls Church District. Mr. Stockton stated that he wished to read a report from the Planning Commission on this project (copy of report attached to application as Exhibit A). Mr. John H. King, Falls Church District read a letter from the Town of Falls Church, and also from the Falls Church Planning Commission, opposing this project, as well as the other project known as Kings Kitchen Inc. Mr. Don Wilkins, representing the Federation of Citizens Associations spoke in opposition. Mentioned the water system, wells etc. Also sewers, fire protection, roads and highways, and schools. He believed until the County could provide these things, they should maintain the present character of the entire County. If these applications for Multiple Housing are acceptable to the County, then it is apparent that the area from Washington out, will be turned over for that type of development. The County will then be an urban municipality instead of an agricultural area. He doubted if this County is-- or will be within the next decade, ready to furnish facilities for this type of development. He believed that this County should be developed by citizens of this County, with slow and steady growth. Don't want this County developed by people who only have an interest in rent receipts. Mr. Wescott stated that Arlington County used to be as Fairfax is now, but they had built up this type of growth without trouble. He stated that his development would provide space for its own schools. Mrs. Park wanted to know who would build the schools. Mr. Wescott said he would furnish land for schools. Said that such space must be

provided before approved by Planning Commission and FHA. Mr. Stockton asked if we are to provide schools before the children come in? Are we going to stop all progress until we can provide for such growth as it is needed. He stated that at the last meeting of the Board of Supervisors, $750,000 loan from the Literary Fund was approved by the Board, for school purposes, and at that time Mr. Woodson stated this was only a beginning of what would be needed. Mr. Stockton said that he believed some of the large developments of single family dwellings in the County, provide a a greater problem than this question. Mr. King said he is opposed to large Multiple housing developments of any kind. Mr. Stockton said that other communities have met this problem, why can't we? Mrs. Dill spoke of large cost to all tax payers, for curbs and gutters that would have to be put into a project of this kind. Also that schools cannot be provided. Mrs. Lee Park asked if the schools built in a development such as this, would not be built from funds levied against the whole County. Mr. Piggott stated that this was true. Mr. Stockton was asked by the Board if the Planning Commission had made a complete study of this question. He stated the Planning Commission had made a study, but not entirely complete. He state though, that curbs and gutters would be required by the Planning Commission, at the developers expense.

Mr. Tolbert spoke now, of the Kings Kitchen Inc. project, since it was being brought into the meeting with the other project. He stated that he wished to keep it entirely separate from the other project, since perhaps this location was better situated to develope at this time than the other one. He stated that they proposed to develope this into a 12 million dollar project, with approximately 2000 units. He described approximately what they wished to build.

Mrs. Park asked if the Board has the views of the County Treasurer on the tax question of a Multiple Housing Project such as this. As to whether it brings in as much taxes as a single family dwelling project on the same amount of land. Mr. White stated he would see if the Treasurer would come in and give his views, but found the Treasurer was busy, in Falls Church.

Mr. Brookfield stated that it is apparent that we cannot reach a decision on these cases today. There is too much of it. He believed we should hear everyone here, and then defer it to an executive meeting later on, in which the Treasurer, School Superintendant and others could be heard.

Mrs. Crew spoke of an application before the Board of Supervisors for rezoning some of the property of Kings Kitchen

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Kitchen Inc. to business. Mr. Volbert stated that this was not a matter for this Board to bring up, that it was an entirely different matter. Mrs. Crewe quoted figures of Multiple Housing Projects in Arlington County, some 13,121 units, Alexandria 5959 units, with what is in Fairfax County now, makes a total of approximately 21,776 units in existance, enough to house approximately one-half the entire population of those counties.

Mr. Horne spoke for Kings Kitchen Inc. Stated that he and Mr. Nesbitt had purchased the property 100%, but to develope it into the sort of project they desire would require a lot of capital and they had been joined by Mr. Mace, who is represented here by Mr. Milton Talbot. He stated that this is a life-time proposition for them. Mr. Talbot explained the general plan and type of buildings they wished to place on the property. Mr. Wilkins asked Mr. Talbot if the Mace Properties Inc. built Westover. Mr. Talbot said they did, but all ownership was not at this time in their name. Mr. Talbot stated that they proposed to bring water into this project through Arlington County from the District. Mr. Nesbitt spoke of school situation. Stated there were less children per unit in a development such as this, than there was in a single family dwelling proposition. He quoted an aritcle from a paper about a speach given by Mr. Woodson at the Board of Supervisor's meeting. Mr. King stated he wrote the article, but perhaps a little differ nt meaning was given to Mr. Woodson's speach than he intended. He spoke of the effect that a Multiple Housing Project situated here would have on Falls Church itself, and surrounding territory. Mr. Hadowell spoke of an example, the Barcroft development- the effect it had on Arlington Village, Annandale etc. And of Westover in Washington, how it helped the community. He stated that all of the large Insurance and Loan Companies approved of this type of developemant-- Continental Co Columbia Life, Federal, Prudential, etc. Mr. Straus asked Mr. Horne if the developer of the project would build the schools. Mr. Horne stated the land would be given for the schools, but the developer would not provide the school buildings. Mr. King stated he did not have any doubt that Arlington County favored these projects, because it wouldn't be long before Arlington County would want to annex it anyway. Mr. Crew stated that Arlington County does not favor apartment buildings on Lee Boulevard, and that they had not allowed any, except at Fort Myer. Mrs. Lee Park stated they owned 15 acres next to the proposition, and they did not want the development located there. Stated that the Federal government had contributed to the building of Lee Boulevard, and they had built it as a fast-moving traffic road, and that a development of this

kind would slow traffic at this point. Mr. Wilkins stated that until Leesburg Pike and Wilson Blvd. are widened, traffic would surely be slowed up here.

The following gave their names as being in opposition to the project:

Floyd S. Hobbs	Lee Boulevard Hts.
Mrs. Delgado-Arris	Ravenwood
Mrs. Katherine Ballou	Lee Boulevard Hts.
Mr. L. B. Zerkel	" " "
Mrs. E. H. Chamberlain	" " "
Mr. & Mrs. Morris Denman	" " "
Mrs. Floyd Hobbs	" " "
Mr. M.F. Banks Young	" " "
Col. and Mrs. Jack A. Mage	" " "
Gen. J. S. Hatcher	" " "
Mr. and Mrs. F. Carlin Gray	" " "
W. A. Wagener	" " "
Mr. & Mrs. Lee Parks	Leesburg Pike
Capt. and Mrs. White	" "
Maj. and Mrs. O. J. Jenson	Lee Blvd. Heights
Haynes Dennis	" " "
Mr. and Mrs. Mason Barr	Ravenwood
Mr. and Mrs. B.W. Straus	Sleepy Hollow Rd.
Mr. and Mrs. A. W. Cantwell	Ravenwood
Col. and Mrs. J. K. Brown Jr.	Lee Blvd. Hts.
Raymond J. Poppelman	Ravenwood
Mr. and Mrs. Percy Crewe	Leesburg Pike
Mrs. Spencer Akin & Gen. Akin	" "
Mr. & Mrs. Donald Wilkins	" "
Mr. Johns Kind	Falls Church

Mr. Brookfield made a motion that decision on this case be deferred until the next regular meeting, and that a special executive meeting be held on December 11th, at 10 A.M. for further discussion of both Kings Kitchen Inc. application, and the Wescott application, at which time Mr. Woodson, on school situation, Mr. Coyner and Mr. Kinchelo on taxes, and others, would be heard, before a decision was reached. Seconded by Mr. Piggott and unanimously carried.

C - Kings Kitchen, Inc. M. S. Horne Pres. for permission to erect a Multiple Housing Project as per Section XII, sub-section F-5 of the County Zoning Ordinance, at Seven Corner on Lee Boulevard, Wilson Blvd. and # 7 (107 acres known as the Greer Estate) Falls Church District. This case was considered with the one previously heard, and therefore was deferred until after the

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executive meeting of December 11th.

New cases:

1 - Providence Construction Corp. Fred B. Lawless, Vice-Pres. for permission to erect a dwelling on Lot 22 Providence Forest Subdivision, Providence District, with less than the required set-back. Mr. Lawless was present and explained that through an error in planning the subdivision, the house they wished to build on this lot would extend 8" over the set-back line in front, and 2" in the rear. There being no objection, after studying a plat of the property, Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

2 - Ernest C. Lunsford, for permission to erect gasoline pumps with less than the required set-back, and permission to erect a sign on the north side of road # 211, 1/4 mi. west of Kamp Washington Providence District. The applicant not being present, or represented, the case was deferred until the next regular meeting.

3 - M. J. Waple, for permission to erect a dog-kennel with less side-yard setback than required by the zoning ordinance, on the south side of # 236, adjoining and west of the Quartermaster Depot, Falls Church District. Mr. Waple stated that the dog-kennel would be 300' from the Highway (#236). That they were asking for less set-back than 100 ft. from the Quartermaster Depot fence. After discussion the Board decided that placing the kennel 50 ft. from the fence would not injuriously affect the adjoining property, and since there was no objection, Mr. Piggott moved that the application be granted, seconded by Mr. Dye, and unanimously carried.

4 - Howard S. Williams, for permission to erect a Real Estate Office on 1.46 acres on the south side of Lee Boulevard, extending back to South Street, about 600 ft. west of the junction of the two roads, Falls Church District. Mr. Williams explained where he wished the small building to be built. As there was no objection, Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

5 - Mr. H. K. Hasle, for permission to erect a chicken house with less than the required side and rear set-back, on Lot 20, Mt. Zephr Park Subdivision, Mt. Vernon District. Mr. White was asked for his opinion, and he stated that he did not believe Mr. Hasle should be allowed to come too close to the line with a chicken house. He had already been allowed to build his house and garage closer to the line than required. While he does own all three

of the lots , he wishes to keep the identity separate. He thought 10 ft. side setback and 15 ft. rear would be all right. Mr. Dye moved that a 10 ft. side setback and 15 ft. rear setback be allowed, seconded by Mr. Brookfield and unanimously carried.

6 - Randall C. Bird, by Alfred A. Hilton, Attorney, for continuation or encroachment of a dwelling located on Lot 20, Mt. Zephr Park Subdivision, Mt. Vernon District, with less set-back than required by the Zoning Ordinance. An Attorney from Mr. Hilton's office explained that this was the same as the Athey case, which Mr. Hilton presented at the last meeting. The house had been built with the corners extending slightly over the set-back line, had been sold several times, and the present owner was an innocent party, and because of the encroachment, could not get a loan on the house. Mr. Brookfield moved that the application be granted for the same reason as the Athey case, seconded by Mr. Dye and unanimously carried.

7 - Wash Fuller, for permission to operate a restaurant in his dwelling located on Lot 7, Walter Powell Subdivision, Falls Church District. Mr. White explained this was in a colored section, and the Health Department had approved same. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

At this time Mr. Eakin brought up the question of Howard A. Williams application (#4) which had been granted. He explained that this was for an office building, which this Board did not have authority to grant. Mr. White explained that when the application was made he understood it was to be in Mr. William's home. Mr. Brookfield made a motion, that because of a misunderstanding in the application, he moved the application be dismissed on the ground that the Board had no authority to act on it, and that Mr. White notify the applicant of the new decision. Seconded by Mr. Piggott, and unanimously carried.

13 - (These applications were heard out of turn, at this time because some of the applicants were out of the Board room for lunch, so those present were heard) Lloyd B. Hudson, Sr. agent for Albert C. McKenney, for permission to erect an addition to his dwelling located on Lots 22 and 23, Block 1, Franklin Park Subdivision, Falls Church District, with less than the set-back required by the Zoning Ordinance. Mr. Hudson explained that due to the contour of the land, the addition to this dwelling would have to come 34 feet from the front line, instead of the required 40 ft. After discussion and viewing of the plat and plans for the property, Mr. Brookfield moved that the

application be granted, seconded by Mr. Piggott and unanimously carried.

12- Frank N. Williams, for permission to erect an addition to his garage, with less than the required side and rear set-backs on Lot 15, Block 20, Belle Haven Subdivision, Mt. Vernon District. Mr. Williams had to be in Washington, but asked for the application to be considered. There were three gentlemen present opposing the application, being Mr. Joe Hyatt, Mr. Randall Caton, and Mr. Earl Gammons. They stated the deed of dedication would keep Mr. Williams from building the addition to the garage where he wanted it. That it had to be approved by their architect, and they suggested Mr. Williams see him. His address was Mr. Kluge, % B. H. Howell, Union Trust Bldg., Washington, D.C. Perhaps he could figure out a better plan for Mr. Williams. Mr. Brookfield made a motion that the application be deferred until the January meeting of the Board at which time both the opposing persons and Mr. Williams could be present, and that it be suggested to Mr. Williams that he see Mr. Klug in the meantime. Seconded by Mr. Mr. Piggott and unanimously carried.

15 - Fairhaven Citizens Association, Inc., J. F. Kovats, Pres. for permission to use Parcel C Block 4 Fairhaven Subdivision, Mt. Vernon District, for the erection of a Community Club House. Mr. Stockton brought up the question of deed restrictions-- stated that one parcel, not this particular one, and one lot, were the only lots designated in the restrictions, for anything but residential use. A representative of the Citizens Association explained how badly they were in need of a building to use as a community building in that location. Mr. White stated that he believed the lot wasn't good for residential use, and this use would certainly be better than allowed to grow up as it is now. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

16 - William Ade, for permission to erect a neon sign under Section IV of the Zoning Ordinance, at Camp Comfort, on route # 211, near Fairfax Circle, Providence District. The sign, Mr. Ade explained was to 8' X 34" and would be on a pole at the front corner of the building, the pole being there at the present time, with an old sign on it, which would be removed. Since the plat was not clear on distances from the highway, Mr. Brookfield made a motion that the application be deferred until next regular meeting, at which time Mr. Ade could present a better plat of the property, seconded by Mr. Piggott, and unanimously carried. (Note: later in meeting case was re-opened, and granted.

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At this time Mr. Dye made a motion that the Board adjourn until 2 P.M. for lunch, seconded by Mr. Piggott, and unanimously carried. Meeting reconvened at 2 P.M. Following cases heard:

11 - Virginia Electric and Power Co. to permit the erection, maintenance and operation of an electric power transformer sub-station on approximately 4.2 acres of land on the south side of Shreve Road (#703) about 6000 ft. northerly of its intersection with Lee Highway (#211) in Providence District. Also erection, operation and maintenance of 115 K. V. power transmission lines through Providence, Falls Church and Lee Magisterial Districts. Mr. Anderson represented the Company. Explained that it would be a sub-station similar to the one down on Little River Pike toward Alexandria, only larger. That there might be a small building, but the most of it would be transformers enclosed by a high fence. After discussion, Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

8 - Joseph H. Shugars, for permission to complete a dwelling on Lot 1, of the Cecil D. Hylton unrecorded Subdivision on road # 645 Centerville District, which lot is smaller than required by the Zoning Ordinance; Also

9 - A. S. Hall, for permission to complete a dwelling on Lot 2 of the Cecil D. Hylton unrecorded Subdivision on road # 645, Centerville District, which lot has less than the width required by the Zoning Ordinance; Also

1- - Charles A. Thorton, for permission to complete a dwelling on Lot 3 of the Cecil D. Hylton unrecorded Subdivision, on road # 645, Centerville District, which lot has less than the width required by the Zoning Ordinance. Mr. White and Mr. Stockton explained that this man started a subdivision before making a plat or having the property surveyed. That the zoning permits were issued for lots of 1/2 acre in area with a width of 100 ft. for each lot, but through an error, two of the lots were slightly less than the required width, but contained the required area. The third lot had the correct width, but the area was slightly less than required. The houses were almost completed and sold to innocent parties, so it would work a great hardship on these buyers, if the application was not allowed. Mr. Dye made a motion, that under the circumstances above, the application be allowed, seconded by Mr. Brookfield and unanimously approved.

— An application for the erection of a filling station, #270 dated September 14th 1945 was brought up by Mr. White, who

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stated that on account of the Judge Bazile decision, no action had been taken on the application at that time or since. At this time Mr. Boyles is asking for some decision. In the meantime Mr. Boyles has asked for a rezoning of the property for filling station, store and cabins, and has been refused, by the Board of Supervisors. Now he wishes to return to his original application for a filling station only, which there does not seem to be so much objection to. Mr. White said on account of the opposition to the rezoning, he believed the property should be posted, and re-advertised for next regular meeting, but because Mr. Boyles has already paid a fee, this should be done without cost to him. Mr. Brookfield made a motion that this application be re-advertised for next meeting without cost to Mr. Boyles, seconded by Mr. Dye and unanimously carried.

14 - Mrs. Florence Kincheloe, for permission to operate a Convalescent and Rest Home on property known as "Lacmur Farm" being 12 acres on the north side of Leesburg Pike (#7) at Dranesville, Dranesville District. Mrs. Kincheloe explained the kind of a place she wishes to operate. Mr. Walker stated he believed this would be an ideal place for such a project. There was no opposition to it. Mr. Piggott moved that the application be granted, seconded by Mr. Dye and unanimously carried.

— Mr. Richardson, attorney for Mr. Smithers asked that this application Mr. Smithers had presented at a previous meeting be reconsidered at this time. After discussion by the Board members and Mr. Richardson and Mr. Smithers, Mr. Walker made a motion that the Board not re-consider the application at this time, seconded by Mr. Brookfield and unanimously carried.

At this time a representative from the Neon Sign Co. asked that the ade application which had been heard as # 16 on the calendar be re-opened as he had further information to offer. Given permission by the Chairman, he stated that this sign was merely to replace a painted sign now there. It would be a neon sign, of slightly less area than present sign, to be placed on the same post. That it was at the corner of the building, and would extend to within 6' of the right-of-way, the post being approximately 14 ft. from the right-of-way. The sign would be 8' X 34". After consideration of the new evidence, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

Mr. Dye made a motion that the meeting be adjourn, seconded by Mr. Piggott and unanimously carried.

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Meeting was adjourned until Executive meeting of December 11th, 1946.

S. Cooper Dawson
Chairman

Dec. 11th, 1946

A Special meeting of the Board of Zoning Appeals was held in the Board room on Wednesday, December 11th, 1946 at 10 A.M. with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott, Wm. S. Walker and Robert Dye. Also present, Mr. White, Zoning Administrator.

The Chairman announced that this was really an executive meeting at which the various County Officials were to give their views for or against the value of Multiple Housing Projects as a whole, and particularly the two now in question, But that, because this meeting was not advertised as a public meeting, no decision could be given, until the next regular meeting, on December 30th, 1946. Those who had been contected and asked to appear at this meeting were: Superintendant of Schools, Mr. Woodson, regarding the school situation in relation to Multiple Housing. Mr. Kincheloe Commissioner of Revenue, regarding taxes on such projects, Mr. Coyner, Treasurer regarding same (who was not present at the meeting) Health Department, regarding sewer and water facilities, and Mr. Massey regarding same. Capt. McIntosh of the Police Department regarding traffic conditions at a project of this kind, and Highway Dept. regarding same (neither of which were present). Also Mr. Stockton of the Planning Commission.

The Chairman called on the Health Department first. Mr. Baker stated that he and Mr. Trout would represent the Health Department in the absence of Dr. Bradford. He stated that so far as water is concerned in either project, the water system devised, would have to be approved by the State Department of Health, whom they would co-operate with. (for any project over 20 units) He said with regard to the Wescott property, the trunk sewer is available. With regard to the Greer tract, he believed that Mr. Massey could answer the question better, but he could assure everyone that a satisfactory system for both Water and Sewer would have to be assured, before it would be approved by the Planning Commission and Health Department.

Dec. 11th, 1946

Mr. Massey was then called on by the Chairman, who asked him about a sewer available for the Greer property, since he knew it was available for the Wescott tract. Mr. Massey stated that they had built a trunk sewerage system from the Potomac River to take care of the natural water shed of Cameron, Holmes and Tripps Run, approximately 32 square miles, or 20,000 acres. That the section from Fort Buffalo to the Arlington Line lies in the water-shed of Four-Mile Run, which drains into Arlington County. Four or five years ago we designed a pumping station to be placed on the natural run or drainage basin which follows in the rear of Lee Boulevard Heights, and designed it be placed where the stream is crossed by Glen Carlin Road. But because of government regulations on funds, it had to be placed on the South side of Lee Boulevard Heights. This will cover all the area from the Arlington line to Lee Boulevard Heights. Will carry half million gallons per day and take care of approximately 5000 people. But to do this would mean the two pumps working 24 hours per day, which cannot be done. However, it can be increased to care for not over 10,000 people by the installation of 10" size main and at a cost of approximately $11,000 install another pumping station around Fort Buffalo. He would say, with new motors at a cost of approximately $11,000 the present system would take care of about 10,000 people. Regarding water, Mr. Massey thought that under the proposed act of the 80th Congress to allow Falls Church and Fairfax County to take District water, that the water can be had through the District plant at Dalecarlia or could be tapped at Chain Bridge or at Fort Buffalo at the Wilson Blvd. main. If Arlington County realizes that anything built in Fairfax County will be a help to Arlington County and if the report to the Board of Supervisors from the Chicago firm is favorable and the Board sees fit to establish a water system, it would probably have water in that area within two years. In the meantime, if Arlington County could see fit to let us have a little water until that time, it would certainly help us. The water in Jefferson Village comes from Falls Church, which has wells, and an emergency valve connecting with Arlington County system. Mr. Massey said that there is a sufficient supply where Falls Church is getting it, now, to furnish water for this kind of a development, but the mains are not large enough to deliver it. If Fairfax County would run a 16" line down Lee Boulevard, they could supply it. Falls Church is building a reservoir which will be finished next year. Mr. Massey said it would be impossible at the present time for the Town of Falls Church to supply water for the Wescott tract because of the size of the water mains. Most mains west of the traffic light at Falls Church are 6" dead-end mains. Mr. Massey said he thinks if Arlington County could help us out temporarily, we could get water down there to take care of 20,000 people from Tremont to

Fort Buffalo. Our water system will eventually be put in, whether from the Dalecarlia reservoir or from our own Difficult Run, within three years. The trunk sewer could handle up to 120,000 people. In a single housing development 14 people to an acre, 120 to an acre in Multiple dwelling, in the area between Columbia Pike and Lee Boulevard, can be taken care of. In answer to a question asked, Mr. Massey said that Falls Church now has six wells, three of which pump from 11 to 12 gal. per minute, or approximately 90,000 gal. per day. Falls Church pumps out approximately 600,000 gal. per day. Mr. Massey explained that of course there is nothing definite about the water situation as yet. Like an incubator, you cannot tell how many of the eggs will hatch chickens, and at present the water plan is just being "incubated." Mr. Massey asked if there were any further question anyone wished to ask him, and there being none, he excused himself.

The next County Official the Chairman called on was Mr. Kincheloe. He stated that he had checked the records and so far as he could tell, the average assessment per unit of Multiple Dwellings would be similar to those assessed against small single dwellings. As an example, City Park Homes or Jefferson Village was cited. He stated that the average family in a multiple dwelling unit would probably have about the same personal property tax as a small family in a single family dwelling. On the 1st of January of each year the owners of a Multiple Housing Development must furnish his office a list of the occupants of the units. Then they are assessed for personal property. Of course he said, there might be some loss from people having moved away, but that could not be estimated. Mr. Wilkins quoted tax schedules and comparisons on taxes collected, but Mr. Kincheloe said he sees very little difference in taxes paid by a unit of Multiple Housing or a single family home such as in Jefferson Village. Mr. Woodson was asked by the Chairman if he could tell the estimated figure of school children per family. He stated that he could not, but there were about 11,000 school children in the County, probably about two families to 1 child. Mr. Horne stated that in Multiple Housing Developments checked, such as Westover and others, the figures arrived at were about 5 families per child.

When asked by the Chairman, Mr. Woodson said there was no school near City Park Homes (Jefferson Village). The children were carried to the Madison School in Falls Church. Since they do not like to have a school located so children have to cross an Arterial Highway such as Lee Boulevard, he believed there would have to be another school built along the Falls Church-Annandale Road. If the Greer tract is developed, there may have to be another one built near it. The High School at Falls Church would probably have to be enlarged. He said the difference in the cost of grade school pupils and High School was that the grade school cost

per child was approximately $65 to $75, and High School was from $105 to $120. This will go higher as the salaries of teachers are raised which will have to be done to keep schools in Virginia. He said that he believed these developers should be required to set aside a site large enough to accomodate the schools. That he required 7 acres for a grade school, in a good location. Should be 15 acres for a High School. On the Wescott tract there would be need for one and possibly two buildings. Playground would be provided for the schools, which would provide summer playgrounds for children in the community also, provided proper care and supervision were furnished. Mr. Woodson said he was speaking neither for nor against Multiple Housing, but he believed that the smaller the home, the more children, of the type being built now. People without children, or with one child seem to want to live more in apartments, while people with several children want to get out in homes. Mr. Brookfield asked Mr. Horne how long it would take them to complete their project, should the application be granted. Mr. Horne said 15 months for the 1st unit, 2½ years for the complete development. Mr. Woodson said he hoped that schools could be built by that time, but as everyone knows, there could be delays of two-- three years, caused by shortages. Mr. Wilkins asked Mr. Woodson if he mean't these schools would be built before the present needs were taken care of, and Mr. Woodson answered No, the present needs would be taken care of first. Mr. Horne asked Mr. Woodson if these Multiple Housing projects would cause any greater cost in the building of schools than individual dwellings would. Mr. Woodson said no, there would be the same need for schools and the same lag in building them, as there would be for individual dwellings.

Mr. Kincheloe said the cost of each unit being approximately $6000, the assessed value would be about $2000. At 20 units per acre, assessed value would be $40,000 per acre, with taxes of approximately $49.60 per Unit.

Representative plan from Wescott tract stated they plan to get water along the same plan as Mr. Massey suggested. And that they would be glad to set-aside any amount of land Mr. Woodson suggested for school purposes.

Mr. Woodson also stated that the idea should not ve overlooked, that there would also be a cost for maintaining these schools besides the original cost of building same.

Mr. Dawson, Chairman, asked Mr. Stockton about the units per acre. Mr. Stockton explained that the original Multiple Housing section was for 12 units per acre, but the amendment was for from 12 to 20 units per acre, using the same density control as Arlington County

and the Town of Falls Church use. Arlington has three densities. This is the lower of the taree. Density in Fairlington is 12 to the acre, Parkfairfax(1-½ to the acre. The original density was 12 to the acre gross, including roads, which took off 25 to 30 percent of the acre. New density is net, with roads out.

Mr. Wilkins presented a letter (exhibit A attached to original application) which he read and explained the figures therein. There were also various other letters in opposition, a petition, a letter from the applicants for the Multiple Housing, with figures explaining same, and letters in favor of the project, all attached to original application.

Mr. Dye asked Mr. Horne about the school ground for the Greer tract. Mr. Horne stated they would cooperate with Mr. Woodson.

Representative of the Wescott tract stated there was no comparison between Virginia Village and what they wished to build on the Wescott tract, referring to letter read by Mr. Wilkins. Mr. Wilkins stated that his letter was not in opposition to the Wescott application, but was in opposition to Kings Kitchen, Inc.

Mrs. Crewe said that Mr. Horne had stated previously that the property was not suited for higher type of development, but she knew it could be sold for nice homes. Mrs. Crewe, Mrs. Mage and Mrs. Lee Park spoke regarding the sale of this Greer tract, or parts of it for higher type of homes. Mr. Horne said if they wanted to buy the whole tract, at a price he would sell it for, they could do it. He stated that he believed it would be more favorable them to accept this type of nice Multiple building, then cheap G. I. houses on this tract. Mr. Wilkins wanted to know if this was a threat to them. Mr. Brookfield wanted to know if this was a threat directed to the Board of Zoning Appeals. Mr. Horne stated that it absolutely was not. That they weren't interested in this type of building, even though their application was turned down for Multiple Dwellings, but there was a chance that they would sell the property, and the new owner would probably wish to build that type of homes, which is practically the only thing that can be built now, except Multiple dwellings.

Mr. Dawson explained again that the Commonwealth Attorney had ruled that no decision could be reached at this time, and that the Board would give a decision on December 30th, their next regular meeting.

Mr. Brookfield made a motion that the meeting adjourn for lunch, after after which the Board will return to read and approve minutes in the minute book. Seconded by Mr. Dye and unanimously carried. Meeting adjourned at 12:20 P.M. until next regular meeting on December 30th 1946.

S Cooper Dawson
Chairman

December 30th, 1946

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Monday, December 30th, 1946, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Wm. Walker, Robert Dye and Thos. I. Piggott. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator.

The following applications were heard:

Cases deferred from previous meetings:

A - Applications of Kings Kitchen Inc. and of Wescott and Kerns, for Multiple dwelling projects on their properties. The Chairman explained that an extended hearing at a previous meeting had been held on the Kings Kitchen, Inc. and the Wescott and Kerns cases, and no further hearing would be held on those cases unless someone had new evidence which could not have been presented at the earlier meeting. Col. Leanard, Veteran's Assistance Office, also on Housing Committee for veterans, asked to be heard- he had not been able to attend the prior meetings. Said he wished to give his views as an individual. Said this type of housing was needed greatly in the metropolitan area. That McLean Gardens, and Naylor Gardens had a waiting list of over a year. That on the Veteran's Housing list, there are 19,000 "must" cases, with the authorities. That 87 per cent of these can pay not more than $6000 to $10,000 for a house, or pay about $80 per month rent. That he believed this place in Virginia was the logical place for a housing project, and he hoped the builders of such a project would allow them to rent some of the places to the veterans on their lists. Col. Person of the Falls Church Planning Commission was heard next. He asked permission from the Chairman to read a letter in opposition, from the Planning Commission, (Copy of letter attached to original application.) The Chairman stated that the remarks of both of the gentlemen applied to the two cases in question, or Multiple Housing as a policy but votes would be taken seperately on them. He suggested that the first motion be made on the application for the Wescott-Kerns tract. Mr. Dye made the following motion: After carefully weighing the evidence submitted, which includes the report of the County Planning Commission favoring the project, this Board finds that the best interest of the County will be served by acceptance of the proposal of Wescott and Kerns for erection of a Multiple Housing Project on their tract of land at the intersection of Falls Church-Annandale Road and Lee Boulevard, Falls Church District, in accordance with the provisions of Section XII and XIV of the County Zoning Ordinance; provided that the applicants (Wescott and Kerns) shall execute a deed of gift conveying not less than seven (7) acres of said tract (acceptable to the County Planning

Commission) to the School Board of Fairfax County, for the erection of a Public School building thereon; it is provided further that no building or zoning permits shall be approved by the Zoning Administrator unless building plans, elevations and specifications have been approved by the Planning Commission and filed in the office of the Zoning Administrator; and it is so ordered. Motion was seconded by Mr. Piggott, and Unanimously passed.

The Chairman now said the Kings Kitchen Inc. application would be considered. Mr. Andrew Clarke, representing Kings Kitchen, Inc. asked to be heard. Stated that in granting the motion on the other application, Wescott-Kerns, he believed the wording of the motion to be very good. He stated that he did not believe such a project was detrimental to adjacent property. Among other things, Mr. Clarke mentioned that property along Mt. Vernon Boulevard had been enhanced by this type of building. Stated that he was not fortunate enough to be here at the previous meeting, but he knows of the Falls Church Planning Commission's attitude, and can sympathize with it-- for they are afraid of annexation. That he would like to see them become a city of the first class, so they couldn't be annexed. He mentioned Mrs. Woodson's statement to the Board of Supervisors regarding the number of children in Multiple and Single family projects. Stated that Capt. McIntosh says that the police are far less concerned with Multiple Housing projects than with single family dwellings. He stated that according to a law passed in 1944, the Manager of Apartments has to furnish the Treasurer with a list of tenants in a housing project, so that taxes can be collected from them, but no one furnishes lists of occupants in single family dwellings. He also stated that apparently the Highway Department did not object to the project, or they would have been represented at the hearing. Mr. Clarke said that in a Multiple Housing Project, every cent of the expense of roads, curbs, gutters etc. is carried by the developer. That the Health Department controls the water and sewer facilities. That he believes every department head in the County will say it is the finest thing that could come into the County at the present time.

Mr. Dawson asked Mr. Clarke if it wasn't true that at the time Parkfairfax was established, if the main objector to it, who had a large home next to it, didn't rent his home and move into it? Mr. Clarke said it was true his late partner, Mr. Harlowe, did own a home in Beverly Hills, and did object to Parkfairfax; and that he did rent his house and move into the project after it was built and became a strong supporter of it.

Mr. Clarke stated that the loaning company is loaning 10 million to

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build up the Greer tract project, and he did not believe they would do so unless they were assured that it was a sound investment. A Mr. Manley from Falls Church asked to be heard. Mentioned projects such as this, in New York. Said that because loaning companies loaned large sums of money to build them, did not always prove they would be well kept up, and that many city slums are profitable to their owners. Mr. Wilkins asked to be heard. Stated that the Metropolitan Life's project, Parkfairfax could not be compared to Kings Kitchen Inc. project. That Parkfairfax was put there for a particular purpose. Among other things, Mr. Wilkins mentioned the petition signed by 165 interested persons. He stated that at the last meeting they were asked to get the names of all those interested in opposing this project, and that they had got the names and given them to the Chairman of the Zoning Appeals Board the next day. That they hadn't intended it for a petition, but as a list he asked for. That the Board must consider the feelings of the people adjacent to this property. The Chairman called on Mr. White regarding the figures on school children in projects mentioned in previous meeting. Mr. White stated that he had checked with Colonial Village, Buckingham, Fillmore Gardens and Westover, and found the figures as presented by Mr. Horne of Kings Kitchen Inc. to be substantially correct. That he had also talked to the Manager of Baroroft apartments on Columbia Pike, who gave the ratio of 1 child of school age to 4 families. (Mr. White's report attached to original application). Mr. White, when called upon, stated that he had gone into the matter carefully, and that he believed that it would be to the interest of the County to grant this request, with the safeguards, as stated in the motion Mr. Dye made on the other application.

The chairman stated that he believed the Board was ready for a motion.

Mr. Brookfield made a motion that the application be denied, and stated that he was President of the Chamber of Commerce in 1933, and helped get zoning for Fairfax County. That one of the reasons for zoning, was protection of its citizens and their property, and therefore he believed the Board could do nothing but deny this application. Mr. Walker seconded the motion, and a vote was taken. Mr. Brookfield and Mr. Walker voting in favor of the motion, Mr. Dawson, Mr. Dye and Mr. Piggott against it, therefore the motion was lost by a vote of 3-2. The Chairman asked if anyone else cared to make a motion, and Mr. Dye made the following motion: After carefully weighing the evidence submitted, which includes the report of the County

Planning Commission favoring the project, this Board finds that the best interest of the County will be served by acceptance of the proposal of Kings Kitchen, Inc. for erection of a Multiple Housing Project on the Greer tract of land between Lee and Wilson Boulevards and Leesburg Pike, east of Seven Corners, in Falls Church District, in accordance with the provisions of Section XII and XIV of the County Zoning Ordinance; provided that the applicant (Kings Kitchen Inc.) shall execute a deed of gift conveying not less than seven (7) acres of said tract (acceptable to the County Planning Commission) to the School Board of Fairfax County, for the erection of a Public School building thereon; it is provided further that no building or zoning permits shall be approved by the Zoning Administrator unless building plans, elevations and specifications have been approved by the Planning Commission and filed in the office of the Zoning Administrator; and it is so ordered. This motion was seconded by Mr. Piggott and a vote taken, Mr. Dye, Mr. Piggott and Mr. Dawson voting in favor of the motion, Mr. Brookfield and Mr. Walker against same, granting the application, by a vote of 3-2.

B - Ernest O. Lunsford for permission to erect gasoline pumps and sign with less than the required setback, on the north side of # 211, 1/4 mi. west of Kamp Washington, Providence District. Mr. Lunsford explained that he wished to have his pumps with a setback of approximately 25' instead of required setback. Said there were two stores, one on either side of his lot, which set out close to the right-of-way, and that he would be behind them, should he set back the required distance. Mr. White stated that he had never checked the setbacks on adjoining buildings, and suggested the application be deferred until he could do so. Mr. Brookfield moved that the application be deferred until next meeting, seconded by Mr. Dye and unanimously carried.

New Cases:

1 - Ryers Drugs, Inc. for permission to erect two signs larger than allowed by the Zoning Ordinance, on route # 211, one at Centerville, and the other 1/4 mi. west of Centerville, Centerville District. No one being present to represent the applicant, the Chairman said the case would be deferred until the next regular meeting.

2 - Tauxemont Development Corp. for permission to erect a dwelling with less set-back at one corner, than required by the Zoning Ordinance, on Lot 3, Section 3, Tauxemont Subdivision, Mt. Vernon District. Mr. Fred Croft was present and objects to the development as a whole. Mr. White explained that nothing could be done about the development as their was no building code, and Mr. Dawson explained that this application was only for a slight exception at the building

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set-back line. Mr. Piggott moved that, because no one was present to represent the applicant, the application be deferred until the next regular meeting, seconded by Mr. Brookfield, and unanimously carried.

3 - Lloyd Cushman, for permission to establish a dog-kennel, with less than the required 100 ft. set-back on the west side of a 2 acre tract on the south side of State road # 644, about 1 mile west of road # 617 (Springfield Rd.) Mt. Vernon District. Mr. Cushman was not present, but several in opposition were present. Mr. J. A. Ripley across the road from this property stated that he was opposed to it because of the noise. Said one kennel across was bad enough, but two would be worse. Mr. Carl Friethaler, next door, stated that he also was in opposition of a dog-kennel being placed on the property. Mr. Melvin on the other side, who had sold the land to Cushman, also spoke in opposition. He stated that he had sold the land, and gone to the expense of modernizing a house further back, moving there himself, because he did not have room for a kennel on this peice of land. He said the land was high, and would drain toward his land, and he believed would create a health menace. Mr. Brookfield moved, that because the land was not wide enough for a dog-kennel, and because neighboring property owners objected to an exception, that the application be denied, seconded by Mr. Dye, and unanimously carried.

4 - James G. Estep, for permission to erect a dwelling on a lot containing a half-acre in area, but only 80 ft. in width, being less than required by the Zoning Ordinance, on the north side of Blake Lane, about 1/4 mile southeast of road # 123, Providence District. Mr. White explained that Mr. Estep had over an acre of land, and wished to divide it so that he would build a home for his Son. But that there was only a frontage of approximately 173 ft. That the dwelling already on the premises was 20 ft. from the other line, and had been there approximately 40 years. That Mr. Estep wished to leave 30 ft. setback on the other side of this house, making a total of approximately 73 ft. frontage for the old house, but 1/2 acre in area. This would leave the lot for the new house to conform with regulations. The owner of Bannockburn farm across road stated that he objected, as did a Mr. Kelley next door, who was not present. Mr. White said that this gentleman's home was at least 1000 ft. from this house, though his entrance did come out near the house. The reason for his objection being that he was afraid a small cheap house would be built, which lowered the value of adjoining property. Mr. Estep said he was going to build a 7 room house and it would not be very cheap. The Chairman asked Mr.

for his opinion, and Mr. White stated he had seen Mr. Estep's house and it was a nice small bungalow, and he could see no reason why it would effect anyone else's property by the building of another house. Anyway, since there was no building code, we had no way of controling the cost of houses, and he believed the exception should be made. Otherwise Mr. Estep had a lot of land, of not much use to him. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye, and unanimously carried, that the land be divided as shown, with a 73' frontage for lot on which old house is located, 100 ft. for new house, with not less than 1/2 acre in area for each.

5 - Paul and George Anders for permission to erect a gasoline filling station, and island containing pumps and sign, with less than the required set-back, located on 22,000 sq. ft. tract approximately 300 ft. north of intersection of Route # 241 and # 1 highway, Mt. Vernon District, and fronting on both roads. Mr. Anders showed on the drawing, that a store was located next to this property, and was located close to the right-of-way, so that if he set back the required distance, he would be hidden from the traffic going south After discussion, Mr. Dye made a motion that the building and pumps set-back conform to the ordinance requirements, but that a sign, as allowed by the new sign (proposed) amendment, be allowed on Mr. Ander's lot, but so no part of it would extend over the right-of-way. Motion seconded by Mr. Piggott, and unanimously carried. (note: this case was later re-opened and partially granted.)

6 - Sam Boyles, for permission to erect a gasoline filling station on Lot 16, Swart Farm Subdivision, being on the south side of route # 211 about 2 miles west of Centerville, Centerville District. In opposition were Mrs. Dan Dyer, who also represented the Ritzenbergs, and Mr. Hanson who was present, also in opposition, who were on adjoining property. They stated it was a nice residential neighborhood now, and they felt it should remain so. Mr. Stockton explained to the Board that Mr. Boyles had asked for a rezoning on this same property very recently, which had been denied by the Board of Supervisors, and that the Planning Commission had reported against the rezoning at that time. Mr. Dye made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

7 -Phillip C. DeLong, for continuation of encroachment of a dwelling located on the above described lot (Lot 12, Block 3, Sec. 1 Fairhaven Subdivision) with less setback than required by the Zoning Ordinance. Mr. Dawson explained that this property had been sold and that a loan could not be made on property because the house was a little over the building set-back line. This case is the same as the Athey case, presented at a previous meeting. Mr. Brookfield moved that the

application be granted for the same reasons as given in the Athey case, seconded by Mr. Piggott and unanimously carried.

Chairman Dawson brought up the case of Paul and George Anders which had been previously denied. Stated that in thinking the case over, he believed an exception should be made for the pumps. Mr. Dye moved that the Anders case be reopened, seconded by Mr. Piggott and unanimously carried. Mr. Dye then made a motion that a set-back of 50 ft. for the building, and 35' for the pumps be allowed, with sign as previously granted. Seconded by Mr. Piggott and unanimously carried.

Chairman Dawson suggested that the meeting be adjourned until 1:15, at which time members would return to read and sign minutes in minute book. Mr. Brookfield stated that he could not be present because of illness at home. Mr. Piggott made a motion that the meeting adjourn until 1:15, seconded by Mr. Brookfield who again said he could not be present. After discussion, Mr. Dye stated he would rather not come back either, Mr. Piggott and Mr. Brookfield withdrew their motion. Mr. Dye made a motion that the meeting be adjourned until the next regular meeting on January 28th, 1947, seconded by Mr. Piggott, and unanimously carried.

Meeting was adjourned at 12:15 P.M until January 28th, 1947, at 10 A.M.

S. Cooper Dawson
Chairman

A regular meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House on Tuesday, January 28th, 1947, with the following members present: S. Cooper Dawson, Chairman, Wm. Walker, John Brookfield, Thos. I. Piggott, and Robert Dye. Also present E. R. White, Zoning Administrator and T. J. Stockton, Planning Engineer. The following cases were heard:

Applications deferred from previous meetings:

A - Ernest C. Lunsford, for permission to erect gasoline pumps and sign, with less than the required setback on the north side of route # 211, 1/4 mi. west of Kamp Washington, Providence District. Mr. Lunsford not being present, the application was deferred until the next regular meeting.

B - Florence S. Ryer, for permission to erect two signs on Lee Highway, one at Centerville and the other 1/4 mi. west of Centerville, larger than allowed by the zoning ordinance, Centerville District. Mrs. Ryers explained that she already had a State permit for these signs, and didn't know what a County permit was necessary. Stated that one

of the signs was perhaps 100 ft. from the Triple X, and on the opposite side of the road, the other being about 1000 ft. the other (west) side of the diner, on the south side of # 211. Mr. White stated that while the size of the signs was all right, he did not think that the Board had authority to grant permits for signs not on the applicants own property. Mr. Stockton stated that he did not believe this Board had authority to grant a permit for these signs. Mrs. Ryer stated that at the present time the signs were down, a bull having knocked one down and the wind the other, and was advised by the Board to leave them down, and withdraw her application, which she agreed to do.

C - Frank M. Williams, for permission to erect an addition to a private garage, with less than the required setback, on Lot 15, Block 20, Belle Haven Subdivision, Mt. Vernon District. Mr. Williams was not present, Mr. Caton appearing in opposition. Mr. Caton repeated information given at previous meeting, that Belle Haven lot owners were required to have the approval of the Belle Haven architect before building on their lots, and this garage was too close to line to have that approval. Mr. White stated that Mr. Williams had called him, asking that the case be dismissed. Mr. Piggott moved that the application be dismissed, at Mr. William's request, seconded by Mr. Dye and unanimously carried.

D - Tauxemont Development Corp. for permission to erect a dwelling with less than the required setback, on Lot 3, Tauxemont Subdivision, Section 3. Mt. Vernon District. This case was deferred until later in the meeting.

New Cases:

1 - Julia M. Higgins for permission to erect a sign larger than allowed by the Zoning Ordinance, on her property on the south side of route # 211, 1/4 mi. east of Centerville, Centerville District. Mrs. Higgins was not present at this time, so the application was deferred until later in the meeting.

2 - Bernard P. Howes for permission to operate a dog-kennel on 2.25 acres on the east side of road # 613, about 2.2 mi. south of road # 636 at Franconia, with less set-backs than required by the Zoning Ordinance, Mt. Vernon District. Capt. Howes explained that he would be out of service next year, and had purchased this property with view of raising small Scottie dogs, when he was separated from service. The seller had told him that there would be no difficulty in establishing a kennel there. However when he had come up to check on building a kennel, after he had purchased the property, he found that he did not have the required width to his lot, to setback 100 ft. from each side. He explained by a large scale drawing, the size and shape of his lot, and

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approximate distance to all neighboring houses. That his kennel would be at least 125 ft. from any adjoining dwelling. He explained that this lot was cut off before the zoning ordinance was in effect and was narrower than required by the ordinance, therefore he believed the Board had the right to grant him an exception. He explained that his kennels and runs would be in the center of the lot, and well behind his house. That the dogs would not be allowed to run loose. Mr. Shapherd appeared opposiing Mr. How's application. Stated that he lived next door. That he objected to the kennel being placed there, because of the noise from barking dogs, and odor. Mr. Pettit, living some distance away, also objected, because of noise. Mr. Simpkins, who does not live near this place, asked if he could be heard. He spoke in favor of dog-kennels, and stated that he lived a short distance from two, and that he found there was far less trouble from the kennels, than there was from the few dogs running loose. Mr. Dye asked Mr. Shepherd if he had a dog, and also Mr. Pettit, and found they both had dogs. Capt. Howes spoke in rebuttal. Stated that he was sure that if he had even 40 dogs and puppies, they would make less noise than two hounds. That he would build a fence 5 ft. in height and the dogs would be kept in that. He stated that he was going to have dogs valued from $100 to $500, and at that price, he certainly would have to keep a clean kennel to protect his investment. Also that in showing dogs for sale, the kennels have to be clean and attractive to be able to sell the dogs at good prices. He also stated that Mr. Shepherd had an outside latrine between where his dog kennel would be, and Mr. Shepherd's house, and that a wind blowing any odor from the kennel, would first pass the latrine in his own yard, before reaching Mr. Shepherd's house. Mr. Dye moved that the application be granted seconded by Mr. Walker, and unanimously carried.

3 - Walter A. Lipscomb Jr. for a permit for the erection of sign larger than allowed by the Zoning Ordinance, on the west side of road # 123 in McLean, Va. Providence District. Mr. Lipscomb stated he wanted the sign to be 8 or 9 ft. from the front of the building, otherwise it could not be seen by traffic from one direction, because of the buildings which set out so close to the highway. Mr. Brookfield moved that the application be granted, providing the sign would not come out further toward the highway, than the line of the buildings adjoining. Mr. Piggott seconded the motion, and same was unanimously carried.

4 - Gordon O. Corbett, for permission for the continuation of the location of a garage on Lot 18, Block 3, Section 1, Fairhaven Subdivision, which garage was built with less than the required side

and rear yard setbacks. Mt. Vernon District. Mr. White explained that many of these houses in Fairhaven had slight errors in set-backs that had not been discovered until recently when loan companies were checking on set-backs for prospective purchasers. That we have several of the cases similar, Athey, Bird etc. which we had previously granted. After discussion, Mr. Brookfield moved that this application be granted for the same reasons as given in the above mentioned cases, seconded by Mr. Piggott, and unanimously granted.

5. - A. E. Simpkins for permission to extend the operation of his home-occupation (repair of automobiles) to sell repair parts for cars, to the public, located on the NE side of road # 613 about 1-3/4 mi. east of road # 244, Falls Church District. Mr. Brookfield asked that the application be deferred until later in the meeting

6. - Virginia Electric and Power Co. for a permit for the erection maintenance and operation of an electric power transformer sub-station on approximately .5 acre of land, located on the north side of route # 635, about 3 mi. east of road # 613 intersection, Mt. Vernon Magisterial District. Mr. Anderson of the Virginia Electric and Power Co. explained where they wished to place this station, and that it would be similar to the one granted in Falls Church District a short time ago. There being no opposition to it, Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

7 -Abraham Aljan, for permission to erect and operate a Restaurant and Motel on the north side of route # 211, about 2½ mi. west of Centerville, Centerville District. The Chairman announced that this application had been withdrawn by Mr. Aljan.

8. - Mrs. C. A. Harrover, for permission to erect a third dwelling on her lot of 1.1 acres, with less than the required frontage, on the north side of road # 600, about 2 miles east of road # 123 Lee District. Mr. White explained that there was an original house, then later they had converted a wash-house into another residence. (Mrs. Harrover said they had done this during the war for their daughter, but were renting it out at the present time.) These two dwellings are located on a half acre, leaving the other half acre vacant. They now wished to place another dwelling on the other half acre. Mr. Brookfield said the area was too small for three houses, and we cannot change the law. Mr. Patermaster, a surveyor was present with Mrs. Harrover, and stated that the land had been divided into two half acre lots, and there was no building on the second half acre lot. Upon questioning, he admitted it had been done since the question in this application had come up.

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Mr. White stated that they had no right to divide the lot, leaving two dwellings on a half acre, since the other half acre would have to be considered to be yard space for one of the two dwellings, already on the lot. Mr. Brookfield said "we cannot put them out of their second house on the acre, but neither can we grant a permit for a third dwelling." Mr. Peglow appeard in opposition to the application. Said that if this house was built, it would ruin his view from his house, located in the rear of the Harrover property, and that the Harrovers already had so many unsightly buildings, sheds etc. in the rear, that it spoiled his property. The Board explained to Mr. Peglow that they could do nothing about the sheds and buildings already there before the ordinance, and they could not prevent Mrs. Harrover from building on the other lot, if she could comply with the ordinance. After discussion, Mr. Dye made a motion that the application be denied, seconded by Mr. Brookfield and passed by a vote of 4 to 1, Mr. Dawson voting in favor of the application. After the case was closed, Mr. White explained to Mrs. Harrover that if she would discontinue the use of the second dwelling located in the wash-house building, he could issue her a permit for the new dwelling, without coming before the Board. Mrs. Harrover agreed that she would do this. Mr. White stated after a discussion with the Board, that he would accept a bond for $500 for a period of 180 days, guaranteeing that this building was not being used for a dwelling. After the 180 days, the building automatically goes back to its former use as a wash-house, and cannot again be used as a dwelling. If she conformed to this agreement, he could immediately issue a zoning permit for this new dwelling.

5 - A. E. Simpkins application, deferred earlier in the meeting was heard at this time. Mr. Simpkins stated that the land had been in his family for 100 years, has been operated as a garage for 30 years. That the Board of Supervisors had denied rezoning to business, but that he now merely wants to extend his non-conforming use, in order to sell spare parts for cars. That now, when a man came in and wanted to buy a part for his car, which he had on hand, he could not sell it to him. He presented a petition signed by 61 residents of the vicinity favoring his application. There being no opposition, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

9- Burgundy Valley Corporation for permission to erect a Multiple Housing Project with small shopping center in connection with same, on a tract of 104 acres near Telegraph Road and Duke Street, Mt. Vernon District. Mr. Stockton stated that this

application had been referred to the Planning Commission for a report, but that sufficient plats and map had not as yet been presented to the Planning Commission by the Burgundy Valley Corporation so that they could make a study and report. Mr. Brookfield made a motion that the application be deferred until the Planning Commission could make a report, seconded by Mr. Dye and unanimously carried.

10 - F. H. Gardner, for permission to erect a garage with less than the required sideyard setback, on Lot 9, Cleveland Heights Subdivision, Falls Church District. Mrs. Gardiner explained from the plat, where the garage was to be placed. Because of a bank and drop in the lot the driveway could not be placed on the other side of the house. Mr. White said he had seen the property, and believed this was the only place on the lot, the garage could be placed, without hardship to the owner. Mr. Brookfield made a motion that the application be granted, with a 2 ft. setback from the side lot line, seconded by Mr. Piggott, and unanimously carried.

11 -Because all of the witnesses were not present, this case was deferred for a few minutes.

12- H. W. Merriman, for permission to install gasoline pumps and sign in front of his building, with less than the required setback, on the East side of road # 617, about 3/4 mi. south of Annandale, Falls Church District. Mr. Merriman explained that he wanted a 40' setback for his pumps and two signs, one facing the road and the other one facing up and down the highway. The signs would be standard size gasoline signs. Mr. White stated he believed this would conform to the policy of the Board for granting signs and set-backs for pumps. Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

11- Eliza Towell, for permission to operate a restaurant in her home, on 2 acres on the East side of a 30 ft. road leaving the south side of Lee Boulevard about 1745 ft. west of Gallows Road, Falls Church District. Mrs. Towell said he had built a big home, and wanted a small restaurant or a place to serve lunches, in her basement. Mr. Brookfield asked if it met the Health Department regulations. Mr. White stated that the Health Department notified him that as yet it did not meet the requirements, as they had recommended a few changes in the system, but if these changes were made, it would meet their requirements. The Chairman asked for the opposition to give their names. Millard Newman and Mrs. Newman, and Mr. and Mrs. Seth Williams appeared in opposition, being neighbors in the community. They stated they had homes and wanted it quiet, and not people coming and going all night long, such as Mrs. Towell had.

Chief McIntosh also appeared in opposition. The Chief of Police stated that this place was raided a short time ago, and 50 or 60 people taken from it. That they were selling beer, wiskey etc. without any license at that time, and so far as he knew might still be doing it. That there was no doubt in his mind that it was a Disorderly House. Mr. Brookfield made a motion that the application be denied, as not meeting the requirements of the Ordinance for an exception, seconded by Mr. Dye and unanimously carried.

13 - H. A. Arbogast, for permission to erect gasoline pumps and neon sign with less than the required setback, on the NW corner of Road #50 and # 665, Providence District. A representative from the Shell Oil Co. was present. Stated that they wanted to put up a sign 48" in diameter, pumps with a 38' setback from route 50 and 50 ft. from Stated Rd. # 665, instead of required 60 ft. Mr. Stockton said that he had been to the property, and believed these setbacks would conform to the ordinance requirements. Mr. White said he believed it to be all right. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

14 - Floyd Robertson for the continuation of an encroachment of a dwelling built with less than the required setbacks, on Lot 46, Block 5, Section 3, Fairhaven Subdivision, Mt. Vernon District. Mr. White explained that this was the same sort of a case as #4, the Corbett application above. That innocent purchasers now owned the property. Mr. Brookfield moved that the application be granted for the same reasons as the Corbett application, seconded by Mr. Piggott, and unanimously carried.

15 - John R. Dunn for a permit for the erection of gasoline pumps and sign, with less than the required setback, on Lot 1, of Luther A. Gilliam Subdivision, on the So. Jct. of U. S. # 1, and #628, Mt. Vernon District. Mr. Dunn stated he wished to place his gasoline pumps with a 20 ft. set-back from the right-of-way of # 1 Highway, to set in line with Carter and Dodd, who were allowed this set-back at previous meetings. Mr. Dawson stated this would be similar to previous cases, and he believed it to be all right. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

16 - A. H. Graves for permission to operate a repair garage service on the north side of road # 636, about 1000 ft. west of Jct. with # 611, Mt. Vernon District. Also for a neon sign larger than allowed by the Zoning Ordinance. Mr. Graves stated that he sells nothing, that he merely wished to repair cars. Mr. White read a letter from the Franconia Citizens Association

opposing same (letter attached as Exhibit A to original application). Mr. P. J. Wise spoke favoring the project, stating that he was next to it. Mr. Faccina spoke in opposition. Mr. Stanley Dryfus spoke. Said that he would not oppose the man having a temporary location there, but he should not spend much on it, for it was a very poor location, and a traffic hazzard, and should not be permanently located there. That the road would probably be changed within a short time anyway. Mr. McCloskey said that he did not object to a temporary permit. Mr. Crain spoke in opposition, said that such small eye-sore business locations should be kept out of residential communities. Objects to even a one year permit. The Chairman called on Mr. Stockton for his opinion. He stated that he did not believe the Board has the right to act on this application, that it was really a rezoning case. Mr. Piggott moved that the application be denied, seconded by Mr. Dye and unanimously carried.

17 - James D. Clark and Thelma W. Clark, for continuation of encroachment of a dwelling located on Lot 8, Section 2 of Tauxemont Subdivision which was built with less than the required setback. Mt. Vernon District. Mr. White explained that the property had been sold and was held by innocent parties, and that it was necessary for the people to have this variance, in order to clear the title for refinancing. That it was the same kind of case as # 4, the Corbett application. Mr. Brookfield moved that the application be granted for the same reason as # 4, the Corbett application, seconded by Mr. Piggott and unanimously carried. Mr. Clark's attorney asked the Chairman to sign a letter he had prepared in duplicate, showing that this application was granted. Mr. Dye moved that the Chairman be instructed to sign the letter, seconded by Mr. Piggott and unanimously carried (Copy of letter attached to original application as Exhibit A."

18 - Jefferson Village Inc. by Charles Rose Pres. for permission to erect a shopping center buildings, with less than the required setback from the Falls Church-Annandale Road, which shopping center is to be located at the intersection of Lee Boulevard and Falls Church-Annandale Road, Falls Church District. Mr. Stockton explained that at the time of the original dedication of this subdivision, the subdividers were required by the Planning Commission to dedicate a much wider right-of-way than is now required, on road # 649. If the now-correct width of right-of-way had been required, at that time, there would be no necessity to come before the Board. The buildings would have plenty of set-back. Mr. Brookfield moved that the application

application be granted, for a building-line of 60 ft. from the center line of road # 649, seconded by Mr. Piggott and unanimously carried.

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19 - Bennett A. Rock, for permission to erect a neon sign larger than allowed by the Zoning Ordinance, on the front of his building on the north side of Columbia Pike, about 700 ft. east of Baileys Cross Roads, Falls Church District. Mr. Rock explained that he wanted a sign 12 ft. long and 40" high to be placed on the front of his Quanset hut building. The building has more than the proper setback, Mr. White stated. Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

D - (application deferred previously in meeting). Tauxemont Development Corp. for permission to erect a dwelling with less than the required setback on Lot 3, Tauxemont Subdivision, Section 3, Mt. Vernon District. A representative from the Corporation stated that they had given more land for a right-of-way than what the plat called for, in order to correct a bad corner and for this reason, they do not have quite enough room for the house they wish to build. The Board studied the plat showing the change in road. Mr. Brookfield moved, that because of the change in right-of-way line, the application be granted, seconded by Mr. Piggott and unanimously carried.

1 - The Julia M. Higgins application, deferred previously in the meeting, was at this time deferred untilthe next regular meeting on February 25th, 1947, no one being present to represent Mrs. Higgins.

Mr. W. H. Armstrong, President of the M. H. Armstrong & Co. Contractors and Engineers, Washington D. C. Asked the Board whether his business should be classified as Commercial or Industrial. He stated that his Company built roads and similar projects under contract; that it used trucks, cement mixers, and sometimes lumber; that his headquarters would be an office and that the equipment incident to his general contracting business would be stored or parked on the lot at his office. After some discussion, Mr. Stockton, who was present gave his opinion that such a business could be permitted in a General Business District and the Board so decided. Mr. Armstrong then said he would look for a site in a General Business District.

Mr. Brookfield moved that the Board adjourn for lunch, seconded by Mr. Dye and unanimously carried. The Chairman asked that as many as possible of the Board return this afternoon to read and approve minutes in the minute book. Meeting was adjourned at 1:30 P.M. until the next regular meeting on February 25th, 1947.

S. Cooper Dawson
Chairman.

January 30th, 1947

Notation:

In reference to the application heard as # 8, Mrs. C. A. Harrover, considered at previous meeting (January 28th, 1947) Mrs. Harrover agreed to abandon one dwelling on her property, leaving only one dwelling on the acre, and signed the following agreement:

January 30th, 1947

This Certified Check for Five Hundred and 00/100 Dollars ($500.00) on the Bank of Occoquan (Inc.) Va. is made payable to and deposited with the Board of Zoning Appeals of Fairfax County, in lieu of bond, to assure performance of the following agreement:

That one of the two single family dwellings on the east lot containing one half acre or more) of Charles A. Harrover and Addie M. Harrover, on the north side of State road No. 600, near the Lorton public school, known as the Silverbrook Road, shall be immediately discontinued in use as a dwelling, and shall continue in such disuse as a dwelling for a period of not less than 180 days from the date of this agreement.

At the end of saud period of 180 days, if this agreement has been fully complied with, the said certified check for Five hundred and 00/100 Dollars ($500.00) shall be returned to the said Charles A. Harrover and Addie M. Harrover, otherwise it shall be forfeited to said Board of Zoning Appeals of Fairfax County, Va.

Witness: (signed)

H. T. Curtis
Josephine Nutter

C. A. Harrover
Addie M. Harrover

E. R. White,
Clerk of the Board of
Zoning Appeals

The above mentioned certified check and agreement are on file with the Clerk of the Board of Zoning Appeals. When this was completed, the Zoning Administrator issued a permit to Mrs. Harrover for the new house, and reminded her, that when the 180 days had elapsed and the check was returned to her, the second dwelling would have become a discontinued non-conforming use, and that she would never again be able to use it for a dwelling. Mrs. Harrover assured him that it would be returned to its former use of wash house and storage for her own dwelling.

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House on Tuesday, February 25th, 1947, with the following members present: S. Cooper Dawson Sr. Chairman, John W. Brookfield, Thomas I. Piggott, and Robert R. Dye. (William S. Walker, the 5th member of the Board passed away since the January meeting, and a new appointee has not as yet qualified)

The following cases were heard:

Applications deferred from previous meetings:

A - Burgundy Valley Corporation for permission under Section XII Sub-Section F-5 and Section XIV of the Fairfax County Zoning Ordinance, for a Multiple Housing Project on approximately 104 acres, on Duke Street, near Telegraph Road, Mt. Vernon District. There being no one present to represent the Burgundy Valley Corporation, Mr. Brookfield made a motion to defer the application until the next regular meeting, seconded by Mr. Piggott, and unanimously carried.

B - Ernest C. Lunsford, for erection of gasoline pumps and sign, with less than the required set-back, on the north side of route # 211, about 1/4 mile west of Kamp Washington, Providence District. This case had been deferred from a previous meeting to give Mr. White a chance to measure the setbacks of the stores on either side of this property. Mr. White stated that one of these stores had a setback of 15 feet and the other 25 ft. Mr. Lunsford said that he could put his building back the required 50 ft. but would like to have his pumps and regulation gasoline sign at a 25 ft. setback. On account of the setbacks of the stores on either side, Mr. White stated he felt this to be a reasonable request. Mr. Lunsford had also put in another ap lication, which was considered at this time, before a vote was taken, it being as follows:

18 - E. C. Lunsford, for permission to erect a store and filling station building with apartment on second floor, with less than the required front and side-yard setback, located on north side of road # 211, 1/4 mi. west of Kamp Washington, Providence District. Mr. White explained that this property in the above two cases, is in a Rural Business zone. That ordinarily a store could be built to the lot line on the sides, but because Mr. Lunsford wished to build living quarters over the store building, a 25 ft. set-back was required from each side. The lot is 112 ft. wide, and with a building 88 ft. wide, would only leave a 10 ft. set-back on one side. The lot would have a 14 ft. setback on the other side. After discussion, Mr. Dye made the following motion, that the pumps be allowed at a set-back of 25 ft. from the right-of-way line, that the Zoning Administrator could issue a permit for the small sign (gasoline) without permission from the Board, so that the sign asked for in the application would be considered as a long sign advertising each of the stores in same, and would be allowed, and that the side set-backs would not be allowed to be changed. Mr. Piggott seconded the motion, and same was unanimously carried. The Board suggested to Mr. Lunsford that the apartment be omitted from the building, thus allowing him to build to the line on each side, should he so desire.

C - Julia M. Higgins, for the erection of a sign larger than allowed by the Zoning Ordinance, on the south side of route # 211, about 1/4 Mile east of Centerville, Centerville District. Mr. White explained this was the Triple X restaurant. Mrs. Higgins not being present, the application was deferred until the next regular meeting.

New Cases:

1 - K. H. Stilling, to permit a special exception under the zoning amendment effective August 5th, 1946, for the utilization of a duplex dwelling erected on the northeast side of Old Dominion Drive, 107.35 feet northwest of the Arlington County Line. Mr. White explained that this dwelling had been originally built to contain two or three units, contrary to the Zoning Ordinance. That it had been brought to his attention, and Mr. Stilling had been required to use it for a one family dwelling. How ever, at this time a new amendment allowing Duplex houses had been adopted and Mr. Stilling was asking, under this amendment, to be allowed to use his dwelling for two families. That there was enough area for the two dwellings but not quite enough frontage. The Chairman asked Mr. Stockton for the report from the Planning Commission which was read by Mr. Stockton, as follows: The Planning Commission direct that the following report and recommendation be made at the meeting of the Board of Zoning Appeals to be held February 25, 1947: "The Planning Commission recommend that the application of K. H. Stilling for an Exception to Section V, Subsections A- B- C, of the Zoning Ordinance of Fairfax County to permit the

utilization of an existing duplex dwelling subject to the provisions of Section XII, Subsection F-6, be deferred because the incomplete data submitted with the application does not permit the approval of plans required by the ordinance." (Report attached to original application). Mr. P. L. Sweeney spoke in opposition, and said he was representing all of the nearby property owners. He presented a petition (attached to original application as exhibit A.) signed by 18 persons in opposition. He stated that they all felt by allowing this application, it would be an opening wedge for Multiple dwellings. That they had all built in the vicinity under the impression that it would remain a one family dwelling district. Mr. Rust stated that allowing Mr. Stilling to use the house as a two family dwelling, was not changing the outside appearance of the dwelling, and since it was already built there, it could not hurt adjoining property anymore than it does now. Mr. Sweeney said two family dwellings were not wanted in the community. Mr. Brookfield moved that the application was not in harmony with the general purpose of the Zoning Ordinance, and that it might adversely affect the use of the neighboring property, and therefore, that the application be denied. Seconded by Mr. Piggott and unanimously carried.

2 - W. H. Craven for permission to erect 2 signs, one within 1/2 mi. and the other within 1/8 mi. of his Bull Run Service Station, on the north side of Road # 211, about 400 yards east of Bull Run, Centerville District. No one being present to represent Mr. Craven, the application was deferred until the next regular meeting.

3 - James Bryan, for permission to erect an addition to his dwelling located on Lots 19 and 20, Block B, Weyanoke Subdivision (at the corner of Chowan Ave. and route # 236) with less setback than allowed by the Zoning Ordinance, Falls Church District. Mr. White explained that Mr. Bryan had obtained a building permit and zoning permit in 1941, for a dwelling, consolidating lots 16-17-18- 19- and 20 as one building lot. That in his application, he did not show that lot 20 was a corner lot. That his house should have had a set-back from Chowan Street of 60 ft. instead of 27 ft. shown on the permit (because of the omission of Chowan Street). And that the house was not over 20 feet now, from the right-of-way. That Mr. Bryan had started an addition without a permit, bringing it still closer to Chowan Street. Mr. Bryan said that even with the addition, it would still be 22 ft. from Chowan Street, The Chairman stated that even though this application was denied, there would still be the question of the original house being built without a proper setback. Mr. Lynch appeared in opposition. Said his firm owned many of the lots in this subdivision and especially on Chowan St. That even with no addition on this house, it would still spoil the setback line of the houses to be built in back of it on Chowan Street. That he did not wish to cause any trouble for Mr. Bryan, and he felt they could get together on moving the dwelling back to a proper setback line. Mr. Bryan made a request that the action on this case be deferred so that he and Mr. Lynch could get together on same. Mr. Brookfield moved that the application be deferred until the next regular meeting, seconded by Mr. Piggott and unanimously carried.

4 - Monroe Development Corp. Charles J. Harnett, Vice-Pres. to permit a variance under the Zoning Ordinance, to reduce the front set-backs of all building sites in Jefferson Manor Subdivision, which face on the west side of road # 241, Mt. Vernon District. A plat of the subdivision was shownm showing that if the houses were placed at the set-back line required for a boundary street in a Multiple Housing project, they would be on the rear of the lots. Mr. Dye moved that the application be granted under Sec. III, subsection G , because he felt the set-back now asked for was sufficient, and more favorable than the one required, seconded by Mr. Piggott and unanimously carried.

5 - Luther A. Beahm, by James W. Seibert, Agent, for permission to erect a service station with a 5 room apartment on second floor. Also for permission to place gasoline pumps and sign with less than the required set-back, on the west side of U. S. # 1, south of Pohick Manor, Lee District. Mr. White stated that this was in an Agricultural district although there was a Rural Business district not far away. Mr. Brookfield made a motion that the application be granted, with a front set-back for the building of 60 ft. and for the pumps and sign, of 30 ft. from the right-of-way line. The side set-back from the side line of the County road, 60 ft. from the right-of-way line for building and tanks. 60 ft. side set-back on other side and 50 ft. rear setback. Mr. Piggott seconded the motion and same was unanimously carried.

6 - A. A. Collis, for permission to erect a private garage, with less than the required sideyard setback, on Lot 10, Section 2

February 25th, 1947

City Park Homes Subdivision, Falls Church District. No one being present to represent Mr. Collis, the application was deferred until the next regular meeting.

7 - Russell D. Mikel, for permission for the continuation of an encroachment of the existing dwelling on Lot 6, Block 6 Section 2, Fairhaven Subdivision, which dwelling was erected with less than the required setback. Mt. Vernon District. Mr. White stated that Mr. Waldo, Arlington Attorney was representing Mr. Mikel, but had a case in court so that he couldn't be present. Asked if the case would be heard even if he wasn't present. Mr. White explained that this was the same case as the previous cases (Athey- Bird etc.) at Fairhaven. House was built, and innocent parties now owned same, and only found the house violated the zoning ordinance, when they tried to get a loan on same. Mr. Brookfield made a motion that the application be granted, for the same reasons as stated in the Athey and Bird cases, seconded by Mr. Dye and unanimously carried.

8 - W. R. Lipscomb, for a permit to erect 3 signs on his store building located on the west side of road # 650 where it crosses Arlington and Fairfax Railroad bed at Dunn Loring Providence District. Mr. Lipscomb explained that he wished to place one sign on each side of his building, so that traffic coming from either direction could see the signs. The size of the signs would be 4" X 6' each. On the front of the building he wished to have a 3' X 6' sign. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

9 - Hoge & Weaver for permission to re-open the old Wheeler Mill and to permit the sale of feed and grains at same, located at the Southwest intersection of Road # 606 and # 7, Dranesville District. Mr. Andrew Clarke appeared for Hoge & Weaver. He stated that the mill property had never really been completely out of use, as grains had been stored there. However, now they wished to sell from the mill. The Chairman asked if there was any opposition to this application, and there was none. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

10 - Estelle C. Moltz and J. Bernard Wyckoff for permission to erect a Multiple Housing development under Section XII sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, on a part of Lot 2 of the property known as Strawberry Hill, located on the north side of road # 236, about 1/2 mi. west of road # 716, Falls Church District. Mr. F. A. Ballard, Attorney represented the applicants. He explained that the location of this proposition was 1 mile west of Quaker Lane, or 1/2 mi. East of the Quartermaster Depot, on the north side of Little River Pike (road # 236). There is approximately 32 acres. They would hope to put up approximately 300 dwelling units, to be rented by a limited dividend corporation, to veterans of world war # II. That they would maintain the project in a way so that the County could be proud of it. He presented a petition signed by 8 nearby property owners approving the project. Also a statement from the Fruit-Growers Express approving the project. He stated that Mr. Falkner was the Architect, and the organizing committee was Maj. Gen. U. S. Grant III, Chas. T. Penn, Mr. J. B. Wyckoff, and Mr. Vermillia. The Chairman asked for the Planning Commission report, which was read by Mr. Stockton (attached to original application) as follows: "The Planning Commission recommend that the application of J. Bernard Wyckoff and Estelle C. Moltz for an Exception to Section VI, Subsections A - B - C of the Zoning Ordinance of Fairfax County to permit the erection of a Multiple Housing Project subject to the provisions of Section XII, Subsection F-5, be granted. In view of the present zoning classification of the property upon which the proposed project is to be located, the construction of low cost single family homes on the adjoining property, the availability of utility services and the proximity to a major highway, it is felt that this project will be in harmony with the general purpose and intent of the zoning regulations and map and will not adversely affect the use of neighboring property. Mr. Ballard said that use of the mains to the Ordinance Depot was being negotiated for, and whether it comes from there or not, water and sewer will be provided. That they wish to have buildings built, the units of which can rent for approximately $50.00 per month. This would be for a two bedroom unit. They plan on quite a number of four bedroom apartments that will rent for slightly higher rental. Utilities will not be furnished at this rental, but gas will be available to the tenants, being brought in from Quaker Lane. Col. Leanard (of Veterans Housing Authority) spoke in favor of the project.

He said he was there in purely a personal capacity. That he believed the project as described by the applicants, would be of great benefit, especially the four bedroom apartments, which are so greatly needed by the people who have a larger family, and a medium income. A Mr. Leanard, adjacent property owner spoke in opposition, said he and a Mr. Allen owned property adjacent to the west boundary line of this property, and they had not known of this, nor had Dr. Moss, an adjoining property owner, until the last few days. Mr. Dye asked Mr. White if the property had been posted, and Mr. White said that it had been, and also advertised in the paper. The main objection was that they thought this project would result in sort of barracks type buildings which would depreciate the value of their adjoining land. Mr. Stockton stated that they could be required to build according to information submitted here. Dr. Moss spoke in opposition, Said that most of the signers of the petition offered by the applicants, were related to the people selling the land. Also that most of them lived across the road. He stated that he owned approximately 800 acres in the County, and he did object to the cleaning up of the slums of Washington and moving them out into Fairfax County, and he felt that was what was being done, and it surely wouldn't help the county. That he realized the project being built next to this was objectionable, but because we had one lousy thing, was no reason for letting another in. That he knew the men who were proposing this project to be fine upright men, but anyone can be wrong. That he notices that Maj. Gen. Grant is interested in the development- but he may be wrong- he had an ancestor that was wrong. Dr. Moss stated that should the County allow such a project next to his property, he felt that he would be forced to sell, and move up to Loudoun County. He said that his understanding was, that the units would only cost $4000 per unit, possibly $5000 including cost of ground, and he felt this could not be done, at any advantage to his property. The applicants confirmed the cost as stated. Dr. Moss asked the architect about the construction of the buildings. He answered that they would be of wood construction, possibly with asbestos shingle siding, and they were hoping to have some fronts brick veneered. That the plans would meet the requirements of Federal Housing, and also as to room size. There would be no basements. The buildings would be combinations of 1 and 2 unit dwellings, all with pitched roofs. Colonial architecture would be carried out. That there would be no barracks type of buildings, and each tenant would maintain his own, probably gas fired, heat. The Mr. Leanard who spoke in opposition said that he believed the buildings would be similar to those being built coming out of Alexandria, and he thought they should be studied. Col. Leanard asked to be heard again, said that when a Trailer Camp was put in next to him, he did not object. When Fairhaven was built on the other side, he did not object, that he knows how badly these houses are needed by beterans who fought to save this country, and when the time comes when he feels he doesn't want these beterans to have houses near him, then he will sell his house, and move out to Loudoun County, where he will have plenty of room and not be bothered. Mr. Brookfield said that he felt Dr. Moss had a good argument, except that he did not feel it would spoil the highway coming out of Alexandria any, for he felt it was already spoiled. Mr. Dye made a motion that if they could be held to the plans and specifications presented, that the application be granted. This motion was lost for lack of a second. Dr. Moss asked if this case could be deferred until the next meeting, so that they could look up further data to present in opposition. The applicants objected to the case being deferred as their option expires on Mar. 24th, and the next meeting isn't until March 25th. Mr. Dawson stated that the fact brought out that these buildings would only cost approximately $4000 per unit was a surprise to him, and that he would like further time to study the matter, for he did not see how they could be built at that price. Mr. Brookfield moved that the application be deferred until the next regular meeting, seconded by Mr. Piggott and passed by a vote of 3-1, Mr. Dye opposing.

11 - Eugene J. Olmi and George C. Landrith for permission to erect a Multiple Housing development under Section XII sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, on approximately 110 acres extending from the south side of Eye Street in New Alexandria Subdivision to the Bucknell tract, and from the west side of Mt. Vernon Memorial Highway to Road # 629, Mt. Vernon District. Mr. Andrew Clarke stated that he was representing the applicants. That he had the architect, Mr. Mills present to explain the proposition. That Mr. Mills was also the architect for Fairlington. Mr. Mills explained that the type of building was substantially semi-fireproof and will be better than Fairlington, because that property was built just when the proper material became hard to get. Public utilities are available, and Mr. Massey had been engaged to work out a plan

for them.There will be approximately 1208 units. A careful study of the level of the land has been made, and height for floor level been established 1 ft. above the water line. There will be a heating plant in every building, to get away from the expensive crossing under streets. That at the time the first plans were worked out, there was to be land set aside for a school, but they had later found that there was to be a school less than a mile away, so they had set their land aside for a playground, but it could later be used for a school, if necessary. The Chairman asked for the report of the Planning Commission, which was read by Mr. Stockton, Planning Engineer, as follows: "The Planning Commission recommend that the application of George C. Landrith and Eugene J. Olmi for an Exception to Section V and VI, Subsections A - B - C, of the Zoning Ordinance of Fairfax County to permit the erection of a Multiple Housing Project subject to the provisions of Section XII, subsection F-5, be granted. It is felt that the location of the proposed project lends itself to being in harmony with the general purpose and intent of the zoning regulations and maps and affords good means for traffic flow and distribution. The construction of this type of project will afford the proper drainage and reclaiming of land which would be too expensive and impracticable to accomplish, if, as now zoned, single family houses were constructed thereon. For this reason the development of the proposed project should improve the undesirable environmental sanitation conditions now existing and not adversely affect the use of neighboring property. The Planning Commission also recommend that the exception be granted subject to the construction of the project in comformance with the type of architectural design indicated by the perspective rendering submitted with the application." The Chairman called for the opposition, but there was no opposition present to the project, except a letter signed by Lamarr V. Knapp of 809 - 13th Street New Alexandria, which was read by Mr. White, and filed with the original application. Mr. Piggott moved, because he felt the application was in harmony with the general purpose of the Zoning Ordinance and Map, and would not adversely affect the use of the neighboring property, that the application be granted, providing the builders conformed to the recommendation of the Planning Commission, seconded by Mr. Brookfield and unanimously carried.

17 - Federal Public Housing Authority, NHA by Harry S. Peikin, Chief of Sales, for an exception under the County Zoning Ordinance, so as to regularize and authorize the Multiple Housing Project (known as Hillwood Square Project, containing 20.09 acres) erected on Cherry Street off Hillwood Avenue near the Town of Falls Church, by the Federal Public Housing Authority, as an emergency war-time measure, without regard to the requirements of the Fairfax County Zoning Ordinance, then in effect. Falls Church District. Mr. Ben Ivan Melnicoff, 415 Brooks Drive, Falls Church asked if this application would be brought up at this time, as he wished to ask for a deferrment, so that the opposition could go into the matter further. The representatives of the Federal Housing Authority said that they were present, and did not care for the case to be deferred, however, if that was the wish of the Board, they would not oppose it. Mr. Melnicoff stated that the Hillwood Citizens Association wished to oppose it, and since they were not organized, would have to individually work on it. Mr. Dawson Chairman of the Board thought they should have further time to work on the opposition. Mr. Brookfield made a motion that action be deferred on this case until the next regular meeting seconded by Mr. Dye and unanimously carried.

12 - Furman Motor Co. for permission to erect two signs, one on the front of the garage building, and one near the right of way line on the north side of road # 236, across from the Quartermaster Depot, Falls Church District. Mr. White explained that this property is directly across from the Quartermaster Depot, is in a business district, and the garage on which the sign is placed, is in the rear of a store near the highway, and cannot very well be noticed from the Highway. The applicant stated that he wished to place one 4' x 10' sign on the front of the garage, and the other 4' X 10' sign as directional marker, near the right-of-way line. There being no opposition to these signs, Mr. Brookfield moved that the application be granted for two 4' X 10' signs, one of which is to be placed on the front of the garage building and the other inside the lot lines, so that no part of it overhands the right-of-way. Seconded by Mr. Piggott, and unanimously carried.

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Mr. Brookfield moved that the Board adjourn for one hour for lunch, seconded by Mr. Piggott and unanimously carried.

The Board reconvened at 2 P.M. with all members present and heard the following cases:

13 - Walter F. Kidwell, for permission to erect a private garage, with less than the required set-back, on the west side of road # 666, about ½ mi. south of Herndon, Dranesville District. Mr. White explained that he had been to the Kidwell place, and investigated the application. Said that the garage had to be closer to the line, because of the septic tank and field, and said he could see no reason for not granting the application, allowing the garage 3' from the side line. There being no opposition, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott, and unanimously carried.

14 - Thomas E. Dean, for permission to allow the sale of automobile parts and accessories in an automobile repair service garage established in a residential district prior to the adoption of the Zoning Ordinance. Also to allow a sign on the front of the building. Located on the west side of an outlet road about one block north of route # 7, which outlet road leaves road # 7 about 1¼ mi. east of Baileys Cross Roads, Falls Church District. Mr. White explained that this garage has been here more than six years, and he can see no objection to its selling parts to the cars it repairs. Mrs. Dean said that the property belongs to her Mother-in-law, and she had no objection to the extended use. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously granted.

15 - Mrs. Mark T. Duvall, for permission to operate a kindergarten school (6 to 12 pupils) on 6 acres on the north side of Silverbrook Road #600, about 1/4 mi. east of road # 636, Lee District. Mr. White stated that Mrs. Duvall had called earlier, and was on her way up, but must have had trouble on the way. The Chairman asked Mr. White's opinion on this application, and Mr. White stated it was an accepted use in a residential district, with the approval of the Board, and if there was no opposition, he could see no reason for denying it. That it would still have to meet any requirements the State and County might have for sanitation. There being no opposition, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

16 - Kings Kitchen Inc., M. S. Horne Pres. for permission to erect a Multiple Housing development as per Section XII sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, on approximately 100 acres known as the Greer tract, extending from Wilson Boulevard across Lee Boulevard, to Leesburg Pike; 71.66 acres (less approximately 6 acres in Arlington County) between Wilson Boulevard and Lee Boulevard. 35.89 acres between Lee Boulevard and Leesburg Pike, near Seven Corners, Falls Church District. Plat of same attached to application. Mr. Andrew Clarke representing the applicants, and Mr. Barbour attorney for the opposition were present. Mr. Clarke explained that the opposition had raised some question as to the amendment the original application had been filed under, and granted under, and he had advised his clients to submit a new application to the Board, so that the question could not be raised again. Mr. Barbour said this was an unprecedented action, and showed that the applicant's were not sure of themselves, and it should prove to this Board that they should proceed with caution in granting this new application. That in the first place, the application should be thrown out as being illegal as same had not been accompanied by the proper fee. Mr. Clarke replied that when he had filed the application, he had a check to pay the fee, and was told that the Board of Supervisors felt the fault might be in some County official, that caused the new application to be filed and that no fee was to be collected. That he felt the Board of Supervisors had the right to decide what they should collect for and what they should not. Among other things, Mr. Barbour questioned the delegation of powers to the Planning Commission, a body that was established to act in an advisory capacity only, and not to have administrative powers. He stated further that the Board of Zoning Appeals has been set up under authority of the State Law to pass upon such applications as this, and to give the Planning Commission a veto power over their decision was illegal and void and a usurpation of their functions. He declared that

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the Zoning Ordinance provides for an appeal from the Board of Zoning Appeals to the Board of Supervisors, but that there is nothing in the Ordinance that permits an appeal from the administrative decisions of the Planning Commission. Mr. Stockton, Planning Engineer, represented the Planning Commission and stated that he thought Mr. Barbour misunderstood the powers of the Planning Commission, which are merely to check the plats and plans, something that almost any office boy could do. Mrs. Wilkins, opposing the project, said that nothing had been heard of the Planning Commission report and wanted to know where it was. Mr. Stockton stated that he had not yet been asked for it, and then at the Chairman's request read it as follows: "The Planning Commission recommend that the application of M. S. Horne, President, King's Kitchen Inc. for an Exception to Section V, Subsections A - B - C of the Zoning Ordinance of Fairfax County to permit the erection of a Multiple Housing Project subject to the provisions of Section XII, Subsection F-5, be granted. The Planning Commission also recommends that the exception be granted subject to the construction of the project in comformance with the type of architectural design indicated by the perspective renderings submitted with the application, and prior to the issuance of the permits under such exception, approval of the layout of the project by the Planning Commission. In making these recommendations the Planning Commission has given due consideration to all factors involved in the establishment of such a project and a brief of our findings are as follows: This project is proposed to be located a short distance from the Arlington County line on the Lee Boulevard which at present is one of our few 4 lane highways. From this standpoint there is adequate provision at present for both individual and mass transportation. Necessary utilities and county services can be made available to the project. Two-thirds of this property is in a triangle between Lee Boulevard and Wilson Boulevard. The other third is in a like triangle between Lee Boulevard and Leesburg Pike. In both instances the property starts 1000 to 1500 feet from the General Business District already established at the apexes of these triangles. In view of the convergence of the roads and the proximity of the business district, which will probably be changed and extended when the dangerous intersection is properly planned as proposed in the near future, we feel that the development of a well designed apartment project with only 25 per cent ground coverage will be a desirable use in harmony with the general purpose and intent of the zoning regulations and maps by providing the logical insulation between the business district and the adjoining property zoned for single family dwellings and , therefore, if properly designed will not tend to affect adversely the use of the neighboring property in accordance with the zoning regulations and map." Mr. Barbour brought up, among other things, that the Planning Commission was recommending the application be granted subject to the construction of the project in conformance with the type of architectural design indicated by the perspective renderings submitted with the application. He said that he did not believe there were any renderings filed with the application, that he had never seen any. Mr. White said there was a plat with the original application. Mr. Stockton said the renderings were in the office of the Planning Commission with their copy of the application. Mr. Barbour said this proved it was just something else being turned over entirely to the Planning Commission. Mrs. Wilkins asked to be heard. Said she felt as most of them did, that this was more or less of a routine matter today, and that the Board of Zoning Appeals would again allow the application, but there was one thing that affected her more than the fact that the Board would allow this application, and that was, that they would not consider the wishes of practically all of the property owners in the vicinity. The Chairman asked if there was any further opposition present, and there being none, Mr. Dye made the following motion: WHEREAS, after carefully considering the factors relating to the erection of a multiple housing project on the land described in this application, including the favorable recommendation of the Planning Commission, it is the judgement of this Board that the granting of the exception so requested will be in harmony with the general purpose and intent of the zoning regulations and map and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and map. Now, therefore, be it RESOLVED, that the application of King's Kitchen Inc. for an Exception to Section V, Subsections A, B, and C of the Zoning Ordinance of Fairfax County, Virginia, to permit the erection of a Multiple Housing Project subject to the provisions of Section XII, Subsection F-5, and Section XIV of said

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ordinance be granted subject to the construction of the project in conformance with the type of architectural design indicated by the perspective renderings submitted with the application." The motion was seconded by Mr. Piggott, and carried by a vote of 3 to 1, Mr. Brookfield voting against same. Mr. Brookfield made a motion to adjourn, seconded by Mr. Dye and unanimously carried. Meeting was adjourned until the next regular meeting of March 25th, 1947.

S. Cooper Dawson
Chairman.

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A meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House, on March 25th, 1947, with the following members present: S. Cooper Dawson, Chairman, John Brookfield, Thos. I. Piggott, and Robert Dye. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard:

Applications deferred from previous meetings:

A - Burgundy Valley Corporation for permission under Section XII sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, for a Multiple Housing Project, on approximately 104 acres, off Duke Street near Telegraph, Mt. Vernon District. Mr. Thos. Broyhill, Secretary and Treasurer of the Burgundy Valley Corporation was present, and explained from the plat, that they have a 60 ft. right-of-way from Telegraph Road, but do not intend to make this their main entrance, since that section of the acreage will be used for parks and a school if one is needed. That the main entrance will be from Quaker Lane with an underpass under the railroad. That there is 104 acres, and they would build approximately 800 units. That Alexandria would provide water, the houses would be of brick, and some would have basements. Mr. Ernest B. Roth, the Architect was present, and displayed drawings showing type of buildings. There would be four or five central heating plants. Upon being asked by Mr. Dawson, the architect stated the buildings would cost about $6000 per unit. Mr. Brookfield brought up the question of a plot for a school and Mr. Broyhill stated that the Burgundy Valley Corporation would be willing to deed seven acres of land to the School Board for school purposes, should they decide a school was necessary in this

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location, the land to be a gift, and site approved by Planning Commission. As there seemed to be no opposition to this development, after discussion, Mr. Brookfield made a motion, because the Board felt such a project would be in harmony with the general purpose and intent of the zoning regulations and map, and would not tend to affect adversely the use of neighboring property in accordance with the Zoning regulations and map; that the application be granted, subject to provisions made by the Planning Commission, as follows: That Plans and Elevations of all buildings to be constructed shall be submitted to and approved by the Planning Commission as being in conformance with the architectural design indicated by the perspective rendering submitted with the application. Seconded by Mr. Piggott and unanimously carried.

B - Julia M. Higgins, for the erection of a sign larger than allowed by the Zoning Ordinance, on the south side of route # 211 about 1/4 mile east of Centerville, Centerville District. This case having been carried forward for several months because Mrs. Higgins was not present, Mr. Brookfield made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

C - W. H. Craven for permission to erect 2 signs, one within 1/2 mi. and the other within 1/8 mi. of his Bull-Run Service Station, on the north side of Road # 211, about 400 yards east of Bull Run, Centerville District. Mr. Craven explained that he was lessee of the property, with option to buy. That there was approximately 900 ft. of frontage, but that he wished to place the sign about 1/4 mi. east of the property, so that people driving down the highway would know that his was the last station at cheaper gasoline prices. Felt that they would not have enough advance notice if the sign was placed close to the property. Mr. White explained that the Board had no authority to grant a sign within 500' of the road except on the property itself. Mr. Dye made a motion that a sign ((same sign as now used) approximately 3' X 5' in size be allowed, to be placed on the east corner of this property, and that a sign of the same size be permitted on the west end of the property, so that no part of either sign would extend over the right-of-way line. Seconded by Mr. Piggott and unanimously carried.

D - James Bryan, for permission to erect an addition to his dwelling located on Lots 19 and 20, Block B, Weyanoke Subdivision (at

the corner of Chowan Avenue and route # 236) with less setback than required by the Zoning Ordinance- Falls Church District. Mr. Dawson asked what the condition was, that caused this case to be deferred at the last meeting, and Mr. White explained that Mr. Bryan and Mr. Lynch were supposed to get together and try to agree on moving the building back. Mr. Lynch stated that he and Mr. Bryan had not been able to make any arrangements. Mr. Bryan stated that he was willing to tear down the addition that he had started, in error, without a building permit, and would like to fix the house up that is there. But although he was willing to have the house moved back to its proper setbacks, he could not afford to have it done himself. That if anyone else cared to have it moved back, he would be willing to have it done. Mr. White stated that the only question before the Board, was the addition to the house. Mr. Brookfield moved, that because of incorrect set-backs, the application would not be allowed, seconded by Mr. Dye, and unanimously carried.

E - A. A. Collis, for permission to erect a private garage, with less than the required sideyard set-back, on Lot 10, Section 2, City Park Homes Subdivision, Falls Church District. Mr. White explained that this was the same as other application in City Park Homes, that there wasn't enough room to have a private garage, with the proper set-backs. There being no opposition to the application, Mr. Brookfield moved, that because of the exceptional shape and area of this lot, the application be granted, seconded by Mr. Piggott and unanimously carried.

F - Estelle C. Moltz and J. Bernard Wyckoff for permission to erect a Multiple Housing Development under Section XII sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, on a part of Lot 2 of the property known as Strawberry Hill, located on the north side of road # 236, about 1/2 mi. west of road # 716 Falls Church District. Mr. Falkner, the Architect stated that sewer and water would be brought in to this property from Duke Street, and that curbs and gutters would be put in, That they expected to put a gas heater for each unit. That there was room for 300 units, but there was no definite figure of how many would actually be built. When asked by Mr. Brookfield, the Architect explained that there would be a permanent superintendant for the property. He explained that the approximate rent of the project would be $50 for the one bedroom apartment, $60.00 for two bedroom. The tenant to furnish all utilities, including heat. That the approximate cost of the units, according to a contractor who had built some of the same type recently in Richmond, would be $6150 for the one bedroom apartment, $6500 for the two bedroom apartment and $7500 for the three bedroom aprtment. That the

buildings would be of frame construction, the exterior to be asbestos shingle, and/or brick veneer. Mr. Faulkner explained that, as stated in a previous meeting, these buildings would be built by a group of public spirited citizens, who wished to build them for the purpose of renting to G. I. 's. He then called on Mr. Holden, an Engineer, who is a consultant engineer in New York State, and a representative of American Houses, a company making prefabricated houses. That he has specialized in building of this type from Maine to Florida. Mr. Holden spoke of the type of buildings this project was to contain, and grouping of the buildings. Showed pictures of projects in Rye,New York, and other places. Also showed type's of English Village architecture. When asked about heating plants, he stated that forced hot-water heat required wrapped pipes, and in connection with a Central heating system, would have to go under streets, etc. Said that this type of (individual gas heaters) is much more satisfactory as to cost and use in a project of this kind. That according to figures arrived at, from other projects, etc. $79 per season should heat a 1st floor unit and $49 per season for a second floor unit. With regard to type of covering for buildings, stated they would be varied, some asbestos shingle and some brick veneer, but all of them would be either one or the other of these two coverings. Mr. Wyckoffe also presented a letter from the Roslyn Gas Co. showing their figures for seasonal heating of a four room apartment to be $95 and three rooms, $85.00. Mr. Walter Young, attorney for the opposition now spoke, and asked what income bracket group could afford to pay this rent, with heat and utilities in addition. Mr. Wyckoffe stated that they figurethe groups from $2000 to $2500 per year. Mr. Holden stated that he believed this type of heat was a saving, because in a central heating plant system, the heat had to be enough to carry to the furthest unit, whereas the closer units might be over-heated. In these individual heating systems, the tenant can adjust his own heat. In answer to a question regarding fire hazard, he stated that he didn't believe there was as much hazard with gas as with coal. That he did believe insurance rates might be higher in Multiple development than in individual dwellings. In answer to a question asked by Mr. Young, Mr. Wyckoffe stated that there was no plan for a fire department in the project, but there would be fire hydrants. That there are no plans for a school on the property, but they believe the present school nearby will take care of the situation. No plot designated on the premises

for Church purposes. That they were not planning a community Shopping Center. That the cost of this land was approximately $200 per unit, that there was 31 acres, which would or could contain 300 units, if 25% of the area was covered. Mr. Young presented petitions in opposition, which were read by Mr. White, and attached to original application. Dr. Moss spoke in opposition. Stated that he owned 115½ acres back of this property. Mr. Leanard had 17 A. west of it, and also spoke in opposition. Col. Lenard of the Federal Housing spoke in favor of the project. Stated that there were 39,000 vets looking for houses. Mrs. Pasckal spoke in opposition, stated that she knew there were many veterans looking for homes, but she did not believe this type of building was the answer. That a veteran was looking for a little white cottage, that is pictured as a dream of what he was thinking about, when in the fighting lines. She also mentioned that no busses could be put out on route # 236, because the Greyhound Bus line controled it. Mr. Kempton Daniels spoke in opposition. Dr. Moss Spoke of actual cost of living in these houses. That the rent and heat would come to $75 per month, transportation at least $25.00, which makes $100, and then unfortunately, we have to eat. Mr. Gordon Lewis questioned Mr. Holden regarding the pitch of roof, and Mr. Holden stated there would be no flat roofs, and nothing would be built that wasn't harmonious. Mr. White read the report from the Fairfax County Planning Commission, as follows: "The Planning Commission recommend that the application of J. Bernard Wyckoff and Estelle C. Moltz for an Exception to Section VI, Subsections A - B - C, of the Zoning Ordinance of Fairfax County to permit the erection of a Multiple Housing Project subject to the provisions of Section XII, Subsection F-5 be granted. In view of the present zoning classification of the property upon which the proposed project is to be located, the construction of low cost single family homes on the adjoining property, the availability of utility services and the proximity to a major highway it is felt that this project will be in harmony with the general purpose and intent of the zoning regulations and map and will not adversely affect the use of neighboring property." (original filed with application). After discussion among the Board members, Mr. Brookfield made a motion, because the Board felt that the granting of this exception would not be in harmony with the general purpose and intent of the zoning regulations and map and would tend to adversely affect the use of neighboring property, that the application be denied. Seconded by Mr. Piggot, and carried by a vote of 3-1, Mr. Dye voting the negative vote.

G - Federal Public Housing Authority, NHA by Harry S. Peikin,

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Chief of Sales, for an exception under the county zoning ordinance, so as to regularize and authorize the Multiple Housing Project (known as Hillwood Square Project) containing 20.09 acres), erected on Cherry Street off Hillwood Avenue near the Town of Falls Church, by the Federal Public Housing Authority, as an emergency war-time measure, without regard to the requirements of the Fairfax County Zoning Ordinance than in effect, Falls Church District. Mr. Arthur Taylor and Mr. Robinson of the Federal Public Housing Authority were present, and explained that they were not trying to force anything, but would like to make this project as legal as possible, since they wished to sell it to an individual purchaser. A representative of the Hillwood Citizens Association was present, and explained how the people of the vicinity felt about this project. Stated that they had all bought and built in the vicinity, believing that the development would be taken down when the need was over. That they knew of the housing need at the present time, and were willing to see it there until that need was over. And if it had to remain there, they would rather see it in Government ownership. Mr. Hacker spoke in opposition. Mr. Knouse spoke in opposition and stated that there were 172 families in the project, but he believed as soon as individual housing was available, the 172 families would move. Mr. White explained to the Board that he did not believe they had authority in this matter, to grant the application, which opinion was confirmed by Mr. Stockton. Mr. Dye made a motion, because the Board had no authority to grant this application, that the application be dismissed, seconded by Mr. Piggott and unanimously carried.

5 -(This application was heard at this time, because the attorney for the applicant, Mr. Andrew Clarke, had to be in Washington at 2 P.M. for another appointment. John N. Campbell, Inc. for permission to erect a Multiple Housing Project, as allowed by Section XII, sub-section F-5, and Section XIV of the Fairfax County Zoning Ordinance, approximately 118 acres facing Leesburg Pike, west of Bailey's Cross Roads, on a Portion of the Old Alexandria Water Company tract, Falls Church District. Mr. Clarke presented a petition signed by all of the property owners between this project and Baileys Cross Roads. Mr. Luders, architect was present, and stated that all of these buildings would be of brick and masonry construction, as fireproof as they could be built, and would be of the Williamsburg Colonial type, which seems to be the established Virginia type of building. There would be a Central heating system, all curbs, gutters and streets would be put in. Mr. Stockton of the Planning Commission was asked for his report, which he read as follows: "That the

exception be granted subject to the condition that plans and elevations of all buildings to be constructed shall be submitted to and approved by the Planning Commission as being in conformance with the architectural design indicated by the perspective rendering submitted with the application. In making this recommendation we are of the opinion that a Multiple Housing project of this size, safe-guarded by the required setbacks and ground coverage as established in the Ordinance, and attractive architectural design, would not adversely affect the neighboring property. We feel that this type of development should be permitted provided it is confined to a pre-determined percentage of the total expected population within the area of Fairfax County which is included as a portion of the metropolitan area. We do not have the necessary studies at first hand to determine the exact amount justifiable at this time but are relying on the determinations of the Federal Housing Authorities and other mortgage guarantors to govern the amount of multiple housing development that will be economically profitable for the area." (original filed with application). Mr. Wilkins appeared in opposition, but in reading his remarks, stated that he was more in opposition to Multiple Housing as a whole, than to this particular project. That there was an agreement between Mr. Campbell and the owners of the land adjoining this tract on the West, that he would reserve a 200 ft. strip there, for single family dwellings, as a buffer between this project and their homes. If this was done he did not believe there would be much opposition to Multiple Housing, Mrs.Park was also present, in opposition, to Multiple Housing as a whole. After discussion among the members of the Board, Mr. Dye made a motion - The Board felt the granting of the application was in harmony with the general purpose and intent of the zoning regulations and map and will not adversely affect the use of neighboring property, and that the application be granted, except for the 200 ft. strip on the west side of the property (in accordance with agreement between applicant and objectors) and in accordance with the approval of the Planning Commission, seconded by Mr. Brookfield and unanimously carried.

New Cases:

1 - The Tyler Realty Corporation for permission to erect a directional sign at the Northeast corner of Lee Boulevard and Graham Road, Falls Church District. Mr. Abraham was present and by plat and drawing, explained that they wished to have this temporary sign on the Lee Boulevard, because the project could not be seen from the road. That they wished to have it far enough back, so

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drivers of cars could see it enough in advance to turn in at their road. That they owned the land along the right-of-way along where they wanted the sign. Mr. Brookfield made a motion that a six months temporary permit, for a sign not more than 60 sq. ft. in area be allowed, the sign to be placed so that no part of it extends over the right-of-way. Mr. Piggott seconded the motion and same was unanimously carried.

2 - Richard M. Smith, for permission to erect an underground water storage and pumping station, on a part of Lot 22, Providence Forest Subdivision, West of McLean, Va. Providence District. Mr. Ormston represented Mr. Smith, who had to leave. Explained that the water system was to furnish water for the subdivision and would be underground. Mr. Brookfield stated that because the Board felt this use was in harmony with the intent of the zoning regulations and map, that the application be granted, seconded by Mr. Piggott and unanimously carried.

3 - Harry E. Ormston, for permission to erect a dwelling on Lot B, as re-subdivided, Langley Farms Subdivision, with less than the required front set-back. Providence District. Mr. Ormston explained with plat and drawings, that he already has a dwelling on this street, next to where he wishes to build this one. That there is a house on the other side of this lot, with less set back than required. He wishes to line this house up with the other one, which would look better than if he observes the correct setback. Mr. Stockton stated that he believed this was a justifiable request and that the Board had the power to grant it. Mr. Brookfield moved, because the application was in harmony and general purpose of the zoning regulations and map, that the application be granted, seconded by Mr. Dye and unanimously carried.

4 - Robert W. Gaines, for permission to erect a Multiple Housing Project, as allowed by Section XII, sub-section F-5 and Section XIV of the Fairfax County Zoning Ordinance, on Lots 36-37-38-39-40-41 and 42 of Birch's Subdivision, being on the north side of Lee Boulevard, about 200 ft. east of Cherry Street, Falls Church District. Mr. Hilton, Attorney was present with Mr. Gaines. Mr.Hilton explained, with a picture of the proposed project, just what Mr. Gaines wished to build. Mr. Gaines explained that the one lot not included in the description, was sold by him to Mr. Milton Smith who had tried to have it rezoned for business. He had paid $6000 for it. If this application was granted, he would try and buy the lot back from Mr. Smith, and use it for parking purposes.

That the type of building would be Creole Architecture that there would be two buildings, of 7 apartments each, at a cost of approximately $6200 for a two bedroom unit. Each unit will have a heating system. In opposition, were the Hillwood Citizens Association, Mr. Briggs, Mr. Knous and others, who stated that this district was built up of dwellings costing from $8000 to $40,000 and they did not want to see a Multiple dwelling built here. Mr. Stockton was asked for the report of the Planning Commission, which he read as follows: "The Planning Commission recommend that the exception be denied, in view of the shape, extent, and location of the property in question." (report attached to original application). Mr. Stockton further explained, that he did not believe the ordinance allowing Multiple Housing was mean't to be a small project of this kind, and that the Planning Commission had felt they would have to recommend that it be denied. Mr. Gaines spoke of the value of the land, and that it must be used for some such purpose as this, in order to secure from it, the value according to price paid for it. After discussion, Mr. Brookfield moved that the Board felt such a project would not be in harmony with the general purpose and intent of the zoning regulations and map, and would, because of the size and location of the plot, affect adversely the use of the neighboring property, that the application be denied, seconded by Mr. Piggott and carried by a vote of 3-1, Mr. Dye voting in negative.

8 - Louise Welton for permission to erect a sign on Lot 5, Block 1, Fairhaven Subdivision, being a temporary directional sign to Veterans Housing, Mt. Vernon District. Mr. Harnett of the Monroe Development Company stated that he was representing Mrs. Welton, since he had leased this ground mentioned, for a sign. He stated that the veterans housing development that he represented had houses completed at this time, but they were having difficulty bringing them to the veterans attention and also for prospective buyers to locate, because they were off the highway. By having this temporary sign on # 1 Highway, he thought it would avoid this difficulty. Mr. Stockton felt this was a reasonable request. Mr. Brookfield made a motion that 1 sign, 60 sq. ft. in area be allowed for a period of 1 year, seconded by Mr. Piggott and unanimously carried.

9 - Monroe Development Corporation, for permission to erect two signs on Road # 241, one at each end of Jefferson Manor Subdivision, Mt. Vernon District. Mr. Harnett explained that these were signs advertising property for sale. Mr. Brookfield

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moved that two signs, each 60 sq. ft. in area be allowed, for a period of one year. Seconded by Mr. Piggott and unanimously carried.

6 - The Tyler Corporation for a permit to continue the encroachment of a dwelling, located by error with less than the required front-yard setback, on Lot 41, Section 2 of Tyler Park Subdivision, ~~Mt. Vernon~~ Falls Church District. Mr. Abram explained, from plat, that the road was curved in such a way, that although the house seemed to be lined up with houses on either side, and with proper setgacks, it was actually closer to the right-of-way than allowed, and that the error was not discovered until the house was completed. Mr. Brookfield moved, that the Board believed the present set-back was still in harmony with the Zoning Regulations and map, and that the application be granted, seconded by Mr. Dye and unanimously carried.

7 - George A. Ford for permission to erect a sign on the NW side of # 1 Highway at the entrance of the right-of-way to Huntington Subdivision, Mt. Vernon District. No one was present to represent Mr. Ford, therefore Mr. Brookfield made a motion that the application be deferred until the next regular meeting, seconded by Mr. Piggott and unanimously carried.

Mr. Dye made a motion that the meeting be adjourned, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 3:40 P.M. until the next regular meeting on April 22nd, 1947.

S. Cooper Dawson
Chairman.

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A Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House and in the Circuit Court Room, on April 22nd, 1947, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott, Robert R. Dye, and the new member who was properly qualified, Wm. T. Mooreland. Also present, T. J. Stockton, Planning Engineer, and E.R. White, Zoning Administrator.

The following cases were heard: Deferred from previously held meetings:

A - Request for re-consideration of an Application of the Virginia Electric and Power Company, by Stone and Webster Engineering Corporation, Franklin R. Murray, Agent, heard on November 26th, 1946, as follows:

1. The erection, maintenance and operation of an electric power transformer sub-station on approximately 4.2 acres of land located on the south side of Shreve Road (#703) approximately

6000 ft. northerly of its intersection with Lee Highway (#211) in Providence Magisterial District, as indicated on plat attached.

2. The erection, operation and maintenance of 115 K.V. power transmission lines through Providence, Falls Church, and Lee Magisterial Districts, located as indicated in red lines on County Map attached. Mr. Dawson, Chairman, read the above case, and stated same was being re-considered, after being brought to the Board's attention, by Mr. Chambliss, attorney for the group of opposing persons. Mr. Dawson called on Mr. Chamblis to explain his case, but Mr. Boothe asked if he could be heard first, and was given permission. Mr. Boothe stated that the Virginia Electric and Power Company believed that under Section H-6 of the Zoning Ordinance (page 20) the Board could not re-hear this case at this time, since more than 45 days had elapsed since the granting of the application, and that the Company feels it has been granted this privilege of the power line, by the Board, no matter how little it may be, and they wish to hold that privilege. Mr. Chamblis explained that this re-consideration was asked for, to regularize and clarify the original application, because the original application was indefinite, incomplete and not properly advertised, and therefore the Board had no authority to act upon it, at the time of its decision. He called attention to several sections of the Zoning Ordinance- and presented a map, which he said showed that the power line would extend through some of the best future residential land in the County, some in an Agricultural zone, some in Rural Residence, and some in Suburban Residential District. Mr. Chamblis quoted Section XII F, of the Ordinance relative to Powers Relative to Special Exceptions or Other Special Questions, and Section XII - D, relative to General Power and Duties of the Board. Stated that one of the requirements is that the application must be in harmony and general purpose and intent of zoning regulations and map, and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and map. He stated that some of his clients were Mr. Bristow, with 1775 acres of land affected by this decision, and Mr. Hirst, with not quite as much land. He said that this transmission line would go right through the heart of this residential area. Mr. Chamblis read the advertisment in the Fairfax Herald, for the original application, and stated because very few people would understand what a 115 K.V. Power Line mean't he felt the application was not properly advertised, that the advertisment was inadequate. Felt that the Board did not realize the magnitude of the plan. That since the property was not posted, notice given was utterly inadequate. The erection

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of such a project is against the very intent and purpose of zoning in a residential district, such as the transmission line might run through. He stated that Mr. Bristow said he had been offered $620,000 for this tract, $1000 per acre for some of it. This is the sort of land they are going to put this monstrosity through. The Chairman now called on Mr. Boothe to re-state his contention that the Board could not re-hear the case at this time, so that the Commonwealth Attorney, Mr. Marsh, who had been asked to come in, could give his opinion. Mr. Boothe stated that this request for re-hearing has come too late, and referred to sub-section 6, page 20 of the Zoning Ordinance. He stated that the people affected did know about this line prior to the hearing, because surveyors had been through and surveyed the site of the proposed line. Mr. Marsh stated that the Zoning Ordinance said an application for rehearing must be filed not later than 45 days after the decision was rendered in the original hearing. If it was not a rehearing, and was a request for recinding and annuling the action of the Board on the original hearing, on the ground that the original decision was improper and illegal, and he thought that was a matter for the Court to determine. He stated that the Virginia Electric and Power Company, as a public utility was given the right by the State Statutes to condemn by court action, such land as might be necessary for their use, and that right extended to all the Counties in the State as well as Fairfax, and if there should be any conflict between the Fairfax County Zoning Ordinance and the State law, that would also be a question for the Courts to decide. Mr. Powell spoke in opposition. Mr. Boothe said the right of eminent domain is for the whole State. But the question here is, does this County want electricity, and can the Virginia Electric and Power Company sell it to them. So far as the damages to their land is concerned, they will be compensated at the highest market prices. Mr. Chamblis stated that the question is- Will this Transmission line adversely affect the land for re-sale purposes, and has this Board the Right to act on an application such as this. Mr. Dawson asked the opinion of the Board. Mr. Brookfield stated that at the time this original application came up, his idea was that it was a simple step-up station like the one on route # 236 toward Alexandria. Mr. Dye said that he did not see where this Board could help the land owners any, that he felt it was a matter for the Courts. Mr. Chamblis said the Board should consider that this power line is being put on property which is enormously valuable as residential property. Mr. Hirst asked to be heard in opposition. Stated that he had to match his

6th grade education against these college graduates, but that in his opinion this power line would wipe out three future cities in this County. "If this Board does not re-consider this case, we are deprived of our constitutional rights," he stated. He also stated that no signs were posted on the property. That the surveyers invaded the land like an attacking army, and this is the first time Fairfax County has been invaded since 1860. Mr. White was asked for his opinion. He stated that the first section of the application relating to the establishing of a sub-station had been properly advertised and posted and at the time of the hearing had no opposition, so there were no adequate grounds for a re-consideration of the decision on this section of the application, and that the Board should re-affirm their original decision, however, he thought that Section 2 of the application was deficient in that it did not definitely describe and locate the property to be used, so that it could be posted as the law required, although it was advertised in the County paper. He said that much of this line was through woods and unused fields, and the notices could not have been seen in any case. He said that he thought the Board had erred in acting on Section 2 of the application at all, and could therefore rescind its decision on that Section. Mr. Brookfield made a motion that on account of the reasons, as stated by Mr. White, that the decision on the first part of the Original application of the Virginia Electric and Power Company, as rendered on November 26th, 1946, be reaffirmed, but that the decision on the second section of the application be rescinded in entirety. Mr. Piggott seconded Mr. Brookfield's motion and a vote was taken as follows- Mr. Brookfield, Mr. Piggott and Mr. Dawson voting Aye, Mr. Dye and Mr. Mooreland voting Nay. The motion was carried by a vote of 3-2.

B - George A. Ford- for permission to erect a sign on the NW side of # 1 Highway at the entrance of the right-of-way to Huntington Subdivision, Mt. Vernon District. The Chairman stated that this case had been deferred at a previous meeting because this sign was on the right-of-way of the road leaving # 1, going into Huntington, and if this road was to be dedicated, same could not be located there. However, since the previous hearing, Mr. Ford has stated that this road is owned by him, a private road, and will not be dedicated to the County or State. Pictures were shown of the sign. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

At this time Mr. Norman L. Flippen, also an Attorney for the Virginia Electric and Power Company asked to be heard. Believed the case should be further considered. Mr. Boothe stated that the Virginia Electric and Power Company wished to go on record as stating that they

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and therefore they did not consider the full intent and purpose of the Ordinance had been carried out. Mr. Chamblis stated that he wished to go on record that the opposition was also present with full testimony and witnesses and had not been fully heard. Mr. Brookfield, a member of the Board answered by saying, "Gentlemen, you have both stated in your case, that this matter will go to Court, so, since this Board has rendered its decision, why don't you go there?"

New Cases:

1 - Charles L. Thompson for permission to erect an Automobile Filling Station and Repair Shop on the north side of Leesburg Pike, about 2/10 miles southeast of Difficult Run, building, pumps and standard size gasoline sign to be placed with less than the required front set-back. Providence District. Mr. Thompson stated that he wants the building 35 ft. setback and the pumps 20 ft. Mr. Stockton brought to the attention of the Board that the Ordinance requires that the Board of Zoning Appeals refer a case such as this one, to the Planning Commission for a report as to whether the zoning should be extended by the Board of Supervisors to cover this property in a business zone, before this Board acts on the application. Mr. Dye made a motion that the application be referred to the Planning Commission, and then brought before this Board again at their next regular meeting on May 27th, 1947, seconded by Mr. Brookfield and unanimously granted.

2 - M. A. Moore for permission to erect a Multiple Housing development under Section XII sub-section F-5, and Section XIV of the Fairfax County Zoning Ordinance, on approximately 120 acres of land on both sides of Fort Hunt Road, just south of Belle Haven Mt. Vernon District. Mr. White stated that this application had been withdrawn, by letter from the applicant.

3 - W. H. Holland for permission to erect an Automobile Filling station on approximately 2½ acres on the Southeast side of # 1 Highway, about 2 miles south of Pohick Church (at Holland's Cabins) with building, pumps and sign with less than the required front setback. Mt. Vernon District. Mr. Brookfield stated that this being one of the cases that must be referred to the Planning Commission, that he made a motion to refer same, and bring it up again at the next regular meeting of the Board of Zoning Appeals, on May 27th, 1947. Mr. Dye seconded the motion and same was unanimously carried.

4 - Carroll Carter for permission to erect two signs, one on top of his garage building and one in front of same, also for two white flood lights and lights for signs, on the West side of # 1 Highway, extending back to road # 628, at Hybla Valley,

Mt. Vernon District. Mr. Carter explained from a drawing, where he wished to place the signs, and that the flood lights were to be placed so as to shine on the signs. The sign on top of the building is to be 4 ft. X 7 ft. and the one in front of the building 4 ft. X 5 ft. Mr. White stated these would conform to what the Board has been granting. Mr. Brookfield moved that the sign 4' X 7' on top of the building be allowed, and the sign 4' X 7' be allowed, if placed on a 12 ft. pole, the sign to be about the same height from the ground as a standard Texaco sign, so as to avoid traffic hazzard. Seconded by Mr. Piggott and unanimously carried.

5 - George Hadeed, by Jack Spitler, Lessee, for permission to erect two signs larger than allowed by the Zoning Ordinance, on his restaurant pro erty on the south side of route # 211, about 1¼ miles East of Centerville. Centerville District. Mr. Leigh stated that Mr. Spitler had been present but had to leave, and had asked him to tell the Board that when the property was posted it was all right for one sign that he wished to put in front of the building, but the property further on, and not owned by him was not posted, therefore he presumed the application would have to be deferred. Mr. White stated that his understanding was that both signs were to be on the Hadeed property, which he had posted, and that the Board would have no authority to grant a sign not on that particular property. Mr. Brookfield made a motion that the application be deferred until next regular meeting so that Mr. White could clarify matters with Mr. Spitler, seconded by Mr. Piggott, and unanimously carried.

6 - Tauxemont Development Corp., for permission to erect a community well and pump house, and a community refrigerator locker building on a lot reserved for that purpose, being in the rear of lots 20 and 21 Section 3 Tauxemont Subdivision. Also for a Community Swimming Pool, on Lot 12, Section 3 of Tauxemont Subdivision, (pool to be approximately 50' X 75') Mt. Vernon District. Mr. Daventport of the Tauxemont company explained that they did not wish to operate a business at this location. That the wells and pump house are a necessity in the community, and the frozen food locker plant and the swimming pool are for the use of the tenants only. That it was cheaper to install the locker plant, than a locker unit in each house. There was no opposition to these projects, and Mr. Stockton stated he believed they are uses appurtenant to the subdivision. Mr. Brookfield made a motion to grant the application, seconded by Mr. Dye and unanimously carried.

20 -D. and R. Corporation, Roland Davenport Secretary, for permission to use an existing residence on Fort Hunt Road, in Hollin Hall

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Subdivision for a temporary field office, for a period not to exceed 5 years. Mt. Vernon District. (This case was heard at this time because it was for the same applicant as the previous case) Mr. Davenport explained that there was an old farm house on the property at the present time, but that the OPA rent ceiling was $10 per month on it, so the Board could imagine the class of tenants they could get in it. That it was an eye-sore at the present time, and they proposed to put in about $2000 to remodel it and repair it, and use it for a field office during the time they were building in the subdivision. They figured it would take five years to complete their project, so were therefore asking for a temporary permit for a period of five years. Some of the Board members objected to a five year period, saying it might as well be permanent if they allowed it for five years, but Mr. Davenport explained that they didn't wish to spend $2000 on it, if they couldn't use it during their construction period. Mr.White said it was disreputable looking now, and it could remain there, and it surely would be a great improvement if it were fixed up and used for a period of not more than five years, as a construction office. Mr. Brookfield made a motion that the application be allowed for the construction period, not to exceed five years. Seconded by Mr. Piggott and unanimously carried.

7 - J. L. Bradford, for permission to erect a Filling Station, with building, pumps, and regulation size gasoline sign at less set back than required by the Zoning Ordinance, on the north side of route # 7, 3 miles east of Dranesville, Dranesville District. Mr. White explained that this land had already been rezoned previously, to Industrial, and explained to the two persons opposing the application, that there was no way for this Board to keep the filling station from being built there, that all they could consider was the setbacks andsigns. After discussion, the Board decided that the setback for Industrial district being 30 ft. this Board should not allow a lesser setback. Mr. Dye moved that the application be denied as to setbacks, but that one regulation size gasoline sign be allowed. Seconded by Mr. Piggott, and unanimously carried.

8 - Martin W. Bulin, for permission to erect gasoline pumps and sign with less than the front required set-back, on the East side of Telegraph Road (# 241) about 1/4 mi. south of Duke Street, Mt. Vernon District. Mr. Dawson explained that this road was so dangerous at this point and so much traffic on it, that he believed it would be widened at an early date. After discussion, the Board decided that they could not vary the setbacks under

these conditions, and Mr. Dye made a motion that the 30 ft. setgack be required, but that one regulation size gasoline sign be granted. Seconded by Mr. Brookfield, and unanimously carried.

9 - I. K. Gruver, for permission to erect a duplex dwelling, as allowed in Section XII, sub-section F-6 of the Fairfax County Zoning Ordinance, on a lot with less than the required width, being Lot #28, Devonshire Gardens Subdivision, Falls Church District. Mr. Gruver stated that the house was the same as a single family, 1½ story dwelling, and he merely wished to finish the rooms upstairs, and have an extra kitchen there. The Planning Commission's report was read by Mr. T. J. Stockton as follows: This lot is a lot of record having been subdivided prior to the adoption of the Zoning Ordinance. With the adoption of the Zoning Ordinance this area was zoned as a Suburban Residence District, allowing a minimum lot size of 10,000 sq. ft. with 65 ft. frontage. The area of the lot is 22,500 sq. ft. which according to the Duplex Housing Amendment is more than the minimum area required. The minimum frontage for a duplex dwelling in this area should be 130 ft. whereas the lot in question only has 100 ft. frontage, therefore the Planning Commission cannot approve the plans submitted. Mr. Pierpont, of Rosemary Lane presented a petition signed by 27 nearby residents to this property, opposing same. He stated that he and owners of nearby property objected to anything coming into the community that wasn't a one family dwelling. That the Subdivisions there had been planned for this purpose, and he did not think it should be changed. That according to the covenants of the subdivision, it could not be changed. Mr. Dye moved that because he did not believe this application, if granted, would be in harmony with the general purpose and intent of zoning regulations, and because he did not feel that we could change the subdivision covenants, and because of so much opposition to the project, that the application be denied, seconded by Mr. Piggott and unanimously carried.

10 - Marie G. and Eugene E. Meahl, for permission to erect gasoline pumps and two regulation size gasoline signs with less than the required front set-back, on Lot 8, Woodlawn Heights Subdivision Mt. Vernon District. Mr. White explained that this was in a Business District, but that the question before this Board was of set-backs. After a study of the plat by the Board, Mr. Brookfield moved that the pumps be allowed to be placed 15 ft. in front of of the building, or 35 ft. set-back from the right-of-way line. And that two standard size Sinclair Gasoline signs be allowed. Seconded by Mr. Dye and unanimousl carried.

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11 - Emmett L. Turner, for permission to erect a private garage with less than the required side-yard setback, on Lot 4, Fairland Subdivision, Falls Church District. Mr. Turner stated he he wanted to place his garage with a 3 ft. setback on the side. His septic tank and field is so located, that he cannot put a driveway and garage further over on his lot. After studying the plot of the lot, the Board decided that it would work an unusual hardship on the owner if this application could not be granted, and Mr. Brookfield moved that the application be granted, with a 3 ft. side setback, seconded by Mr. Dye and unanimously carried.

12 - Ander D. and Corbit Little, by Lewis Leigh, Attorney, for permission to complete a dwelling, erected by error, with less than the required front set-back, on Lot 64, Braddock Hills Subdivision, Falls Church District. Mr. Leigh, Attorney for Mr. Little explained that this building was partially completed before it was discovered that when a bull-dozer was used prior to the building being started, the stake set by the surveyor was by error, moved. The house was located by the stake, and therefore located incorrectly. Because it would cause undue hardship on the owner to move, Mr. Brookfield made a motion that the application be approved, and notation made on the plat that these set-backs are approved, seconded by Mr. Piggott and unanimously carried.

13 - Harvey Quander, for permission to erect gasoline pumps and standard size gasoline sign, with less than the required set-back from Highway # 1, and the installation of a grease pit, with less than the required set-back from Quander Road, located at the Southwest corner of # 1 Highway and Quander Road, Mt. Vernon District. Mr. White stated that Mr. Quander's building is 50 ft. back at one corner and 60 ft. at the other, and he would like his pumps 35 ft. from the right-of-way of # 1 Highway and 46 ft. from Quander Road. That the grease pit would be about the same distance from Quander Road. Mr. Dawson stated that he felt the Board should do everything they could for Mr. Quander, since his original building was almost completed, and then through an error in location, he had been required to take it down and move it back. Mr. Brookfield moved that the application be granted, with 35 ft. setback from # 1 right-of-way, and 46 ft. from Quander Road, for pumps, that the grease pit be allowed, and two regulation size gasoline signs. Seconded by Mr. Piggott and unanimously carried.

14 - Henry Schultheis, for permission to erect an open porch to

his dwelling, to extend into the side yard, with less than the required setback from the side lot line, on Lot 15, Block 3 Fairhaven Subdivision, Mt. Vernon District. Mr. White said that he believed this application should be granted, the porch being an open porch, as shown on drawings submitted with the application. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

15 - C. B. Fitzgerald for permission to erect an addition to his existing Store building, with less than the required setback from front line of property. Located on the north side of route # 636, at Franconia, opposite Road # 718, Mt. Vernon District. Mr. Brookfield stated that he had taken the matter into consideration and found that the plans of the Highway Department for this road, call for it to move away from the store, which will later on leave the applicant with sufficient set-back. Because it would work a hardship upon the owner not to be allowed this addition to his store, Mr. Dye moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

16 - John L. Roberts for permission to erect a restaurant and lunch room building, on a 20 acre tract on the north side of route # 211, about 1/4 miles east of Hunters Lodge, Centerville District. Mr. Dawson stated that this was another case that should be referred to the Planning Commission. Mr. Dye made a motion that the application be referred to the Planning Commission, and the case deferred until the next regular meeting of the Board, on May 27th, 1947.

17 - Pettitt and Stevens, for permission to erect houses at the intersection of Park Street and proposed Kingsley Road, into a proposed subdivision to be known as Vienna Acres, located on the West side of Park Street about 1.2 mi. Southeast of Vienna, Providence District. Mr. Stockton of the Planning Commission stated that this was not a Subdivision, and was not recorded nor approved, and he did not see how anyone could ask to have setbacks changed on lots, which are not in existance. Mr. Leigh, attorney for Pettitt and Stevens stated that they only had a limited number of feet along Park Street, which was their most valuable land, and that they wished to make four lots out of it, extending them back far enough to make up the area correctly. But they could not conform to the required setbacks, or corner clearance. Mr. White stated that the Ordinance gave him the right to vary set-backs on lots recorded previous to the Zoning Ordinance, but this lot definitely was not in that class and he did not see how the Board had the right to act on it.

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Mr. Brookfield moved, that because this application was not in harmony with the intent and purpose of the zoning ordinance and map, that the application be denied, seconded by Mr. Piggott and passed by a vote of 4-1, Mr. Mooreland not voting.

Meeting was adjourned for lunch, motion being made by Mr. Piggott, and seconded by Mr. Mooreland, and unanimously carried. Meeting reopened at 1:15 with all members present.

18 - Frank Dietel for permission to erect an addition to his present store building, with less than the required front setback, on Lot 30, Evergreen Farms Subdivision, Mt. Vernon District. Mr. Dietel explained from pictures and drawing that he wished to fill in a small corner, to have more entrance room to his restaurant. And that it was just squaring up the building, on the same setback as what is already there. Mr. Brookfield stated he believed this to be in conformance with the purpose of the ordinance, and moved that the application be granted, seconded by Mr. Dye and unanimously carried.

19 - Thomas A. Gilmartin Jr. for permission to establish a Boarding and Day School for boys, on 12 acres of land on the north side of Old Dominion Drive, about 1/4 mile East of route # 123, Providence District. Mr. Gilmartin was accompanied by Daniel O'Connor, attorney. Stated that this would be a private school, housing about 15 boarding pupils, and 35 day students, about 50, maximum. That it will meet all the health requirements and fire inspection. That it is located about 700 ft. from the road, and about in the center of the 12 acres. Mrs. Hannah Keith Howes and Mrs. Ralph B. Segar spoke in favor of the school, and how much it was needed in the community. Mr. Brookfield moved, that because the Board found the use would not affect adversely the use of the adjoining land, the application be approved, Seconded by Mr. Dye and unanimously carried.

20 - D and R Corporation (heard previously after case # 6.)

21 - Joseph T. Jackson for permission to erect an addition on the rear of his Filling Station and Lunch Room Building, which building is now located with less setback than required. Located on the South side of # 211, about 400 yards East of Bull Run, Centerville District. Mr. White explained that this was the extension of a non-conforming use, and that addition was on the rear of the building. That Mr. Jackson knew his building was practically located on the right-of-way, and should be Highway ever be widened, it would have to be moved. Mr. Jackson stated that he had a mixed trade, and it was necessary to enlarge his business, so as to have a room for each. Mr. Dye moved that the application be granted, extending the non-

conforming use, seconded by Mr. Brookfield and unanimously carried.

22 - Louis H. Lucks, for permission to erect a private garage with less than the required front and side setback, located on the south side of Road # 644, 1/2 mile west of Sims Corners, Mt. Vernon District. Mr. White explained that the reason for this garage having to be placed with less than the required setbacks, was because of the topography of the lot. Mr. Brookfield moved that for this reason, the application be granted, to be erected 3 ft. from the line, seconded by Mr. Piggott and unanimously carried.

23 - G. W. Huntt, for permission to erect a dwelling on a lot with less than the required width and area, located on the Northeast side of Road # 665, about 3/4 mi. north of road # 669, in Vale. Dranesville District. Mr. Huntt explained that he had purchased this lot several years ago, and that while it was only 75 ft. wide, it was about 500 ft. in length. That he had fenced it off into two lots, telling his daughter that when she needed it, she could have the front lot, on the road, and then he built his house on the rear of it, with an outlet road to the main road. After discussion, Mr. White stated that width of the lot did not enter into the case, since it was made that width before the Zoning Ordinance and to all intents, Mr. Huntt divided the lot previous to the Ordinance but failed to record it. That he had slightly under the required area for two lots. Mr. Brookfield moved, that because this application conformed with the intent and purpose of the Zoning Ordinance in his opinion, that the application be granted, seconded by Mr. Mooreland and unanimously carried.

24 - Sydnor Pump and Well Company Inc. for permission to erect and maintain drilled well, pumping plant and storage facilities on Well Lot B, Hollin Hall Village Subdivision, Mt. Vernon District. Mr. Richards, of Clarke and Richards was present to represent the owners of the subdivisions, and Mr. Sydnor to represent the Pump and Well Company. Mr. Richards explained that the owners of the subdivions believed it to be a necessity to have these wells put in. And that lots had been designated on the original plats for this purpose. Mr. Sydnor explained how his Company installed and maintained the wells and pumps. Stated that in other Counties, permits had not been necessary and that was the reason they were late in applying for their permits here. Mr. Dye moved that because the Board considered this project a public necessity, that the application be granted, seconded by Mr. Piggott and unanimously carried.

25 - Sydnor Pump and Well Company, Inc. for permission to erect and maintain drilled well, and pumping plant and storage facilities

on Well Lot # 1 Hollindale Subdivision, Mt. Vernon District. Since this application was considered with the one above, the Board decided to vote on same without further discussion, Mr. Dye making a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

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26 - Oakton Methodist Church, by Harry Craig, Trustee, for permission to erect a building in the rear of the present Church building, to be used as Sunday School Rooms and Community Center, on the Southeast side of route # 123 at Oakton. Building to be erected with less than the required side and rear setbacks. Providence District. Mrs. Whitesell was present to represent the applicant. From the plat, she expleined where they wished to build the building, which will be separated from the original building by a few feet. Mr. Brookfield asked why it wasn't placed up against the original Church building, and Mrs. Whitesell explained that the new building was cinder-block and the old one frame, and they wanted to leave room, should they ever wish to brick the outside of the old Church bldg. There being no opposition, and the application being in harmony with the zoning ordinance, Mr. Brookfield moved that the application be granted with a 10 ft. setback allowed on the south line, and a 6 ft. setback from the rear line (Williams). Seconded by Mr. Dye and unanimously carried.

27 - Tony Terrizzi, for permission to use a three family dwelling, erected in ignorance of the law, located on Oakridge Avenue on Lot 23 , Addition to Ingleside Subdivision, near McLean, Providence District. Mr. Terrizzi said he did not know he had to get a permit, and that when the children married, he just kept on adding to his own home to make them each an apartment. Mr. White said that while the outside of the house is completed, the inside is not, and same could be converted to other than a three family dwelling. Mr. Stockton was asked for the report of the Planning Commission, which Mr. White read as follows: The Planning Commission has approved the plans submitted for a duplex dwelling, but the Planning Commission cannot approve these plans for three family units as the application does not comply or qualify for multiple housing and three-family dwellings are not permitted under the Ordinance. The plans could qualify for a duplex house, provided only two kitchens were installed. Mr. Mooreland moved that the application be granted for a two family dwelling, with two kitchens, only, seconded by Mr. Dye and unanimously carried.

28 - J. L. Claibourne for permission to use a dwelling now on the property, for a Tea Room, located on a private road, which leaves the north side of road # 715 about 1.1 mi. east of Road # 716. Falls Church District. Mr.Claibourne stated that

his lot was 100' X 102 ft. That he had plenty of room to entertain 50 guests. That he did not wish to run an open or public restaurant but wished to serve lunches on order and dinners. That he would not serve nor ask for a beer license. Mr. Shite stated that the lane leading to Mr. Claibourne's house was only 12 ft. wide, and he felt this was one of the great draw-backs to allowing this application. A Mr. Walker appeared in opposition and presented a petition signed by 40 persons living in the neighborhood, and including the High School. Maj. and Mrs. Brookings spoke in opposition, and stated they felt Zoning should protect a residence district such as this against business. Mrs. Mary Livingstom also also spoke in opposition. Mr. Stockton stated that he believed the question is, whether this use would jeoperdize the use of neighboring property for residential use. The Chairman stated that he felt it was a bad precedent to put business right in the center of a group of dwellings. Mr; Dye disqualified himself from the case, because he stated he owned part interest in adjoining land and he felt it would be lowering the value of his property. Mr. Brookfield moved, that because he felt the granting of this application would not be in harmony with the purpose of the Zoning Ordinance and Map, that the application be denied, seconded by Mr. Piggott and carried by a vote of 4, Mr. Dye not voting.

29 - J. D. Benn, for permission to erect a small shopping center for the patrons of the airport previously granted under application # 306, and located on approximately 96 acres bounded on the north by Leesburg Pike and on the west by Seminary Road, near Baileys Cross Roads, Falls Church District. Mr. Benn, Mr. S. W. Levitan, his associate, and Mr. Watervall were present. Mr. White stated that at the time this original application was granted for an airport, necessary buildings for an airport were also granted. That he might feel that a repair shop, or even a restaurant were necessary, but he did not believe a whole shopping center was, although many large airports might have them. After discussion, Mr. Brookfield moved that the Board deny the application on the grounds that this Board did not have the right to grant it, and that the property would have to be rezoned for this purpose, seconded by Mr. Piggott and unanimously carried.

30 - W. N. Rogerson, for permission to erect an addition to his present store building, located at the Northwest corner of # 1 Highway and Telegraph Road, Lee District. Mr.White stated this business was non-conforming at the present time, that other permits had been granted to Mr. Rogerson, provided he cleaned the premises up, which he had not done. After discussion, the Board

[illegible] and because of location

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etc. they did not feel same could be extended, Mr. Brookfield moved that the ap lication be denied, seconded by Mr. Dye and unanimously carried.

Mr. Brookfield moved that the meeting be adjourned until the next regular meeting on May 27th, 1947, seconded by Mr. Piggott and unanimously carried.

Meeting was adjourned at 3 P.M.

S. Cooper Dawson Chairman

A Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Tuesday, May 27th, 1947, with the following members present: S. Cooper Dawson, Chairman; John W. Brookfield, Thos. I. Piggott, Robert R. Dye and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following applications were heard:

Applications deferred from previous meetings:

A - Charles L. Thompson for permission to erect an Automobile Filling Station and Repair Shop on the north side of Leesburg Pike about 2/10 miles southeast of Difficult Run, building, pumps and standard size gasoline sign to be placed with less than the required front setback. Providence District. Mr. Stockton reported that the Planning Commission did not recommend a new business district at this location. After a study of the plat, and there being no opposition, Mr. Mooreland moved that the application be granted, with the pumps at a 30 ft. setback, building 50 ft. setback, with a 15 ft. or more rear setback. Also for a Standard size gasoline sign. Mr. Brookfield seconded the motion. Same was granted by a vote of 4-1, Mr. Dye voting against the motion.

B - W. H. Holland for permission to erect an Automobile Filling Station on approximately 2½ acres on the Southeast side of # 1 Highway, about 2 miles south of Polhick Church (at Holland's Cabins) with building, pumps and sign with less than the required front setback. Mt. Vernon District. Mr. White said that this is located in an Agricultural District. That 9/10 of the buildings on Highway # 1 were closer to the Highway than now allowed. Report of the Planning Commission was read, and attached to original application. After study of the plat, Mr. Brookfield made a motion that Mr. Holland be allowed to erect his pumps 30 ft. from the

right-of-way, and he allowed a regulation size gasoline sign. Seconded by Mr. Piggott and unanimously carried.

C - George Hadeed, by Jack Spitler, Lessee, for permission to erect two signs larger than allowed by the Zoning Ordinance, on his restaurant property on the south side of route # 211, about 1¼ miles East of Centerville, Centerville District. No one being present to represent Mr. Hadeed, the application was deferred until the next regular meeting.

D - John L. Roberts, for permission to erect a restaurant and lunch room building, on a 20 acre tract on the north side of route # 211, about 1/4 miles east of Hunter's Lodge. Centerville District. Mr. Stockton stated that the Planning Commission did not recommend a new business district at this location. Mr. Roberts explained from a drawing where he wished to place his building. Mr. Dye made a motion that the application be granted with a setback of 90 ft. from the right-of-way, 25 ft. from rear line and 25 ft. from each side line. Seconded by Mr. Brookfield and unanimously carried.

E - Nine B. Albritton, for permission to erect and operate a Filling Station, Tourist Cabins and Art Studio, on Lot 7, Glen Alden Subdivision, being on the South side of # 211, about 2½ miles West of Fairfax. (This application was deferred at the meeting on October 22nd, 1946, to the meeting of May 27th, 1947) Mrs. Albritton, her son, and Attorney Gail Landon were present. The Planning Commission's report was that a new business district was not necessary at this location. Mr. Landon explained from a drawing what they wished to build. A few cabins, a filling station, and an art studio. They have made reproductions of antiques for years, and would like to move their art shop out here, and to be able to sell these articules at this location. Mr. Albritton, Sr. is retiring, and years ago bought this property because he wished to have a place to have a small business, when he retired. The property was sold to them by Mr. head, who stated to them that it was a business location. When asked, Mr. Albritton said the cabins would be made of concrete blocks, or Marine Board, and would be attractive. Mr. White read a petition signed by a group of neighbors to this prooperty, objecting to same, many of the signers being present. Mr. Mead, who lives next door objected to any business that might be put there. A letter was read, that was sent to the Albrittons last year when they finished paying on the lots and got their deed, showing that he expected a business to be located on the lots. Mr. White read a letter, also from Mr. Head, that was presented by the

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opposition, stating that he would object too, to a filling station, but would not object to anything like an art studio at which Mr. Albritton could earn a living. Mr. Jenkinson, an objector to the application stated that he felt a proposition such as this would devalue the residential property nearby. Mr. White asked Mr. Mead if he would object to just the art studio, and Mr. Mead siad he didn't know, he would have to think it over. Mr. White said he did not feel this art studio would hurt the neighboring property. and that from evidence given, it would allow Mr. Albritton Sr. to use the property for what he originally purchased it 10 years ago, Mr. Dye moved that the Art Studio and Antizue Shop be allowed, which includes the studio where the reproductions were made, and the shop in which they were sold, buildings to conform to the legal set-backs. Filling Station and Cabins to be denied. Seconded by Mr. Piggott, and unanimously carried.

New Cases:

1 - D. F. Gooley, for permission to erect a private garage, with less than the required front and side setbacks, on Lot # 326 Mason Terrqce Subdivision (112 Winchester Way) Falls Church District. Mr. Gooley was present, and showed from the plat, where he wished to place his garage. Same would be in back of the front line of the house, but not far enough to conform with the proper setbacks, Would only be 5 ft. from the side line. Attorney Edward Chozick representing the Nielson's, who live next door to the Gooley property, were objecting. He stated that a garage put in this location would ruin the view from the Nielson's home. That he felt it would ruin the whole street to have it located there. That Mr. Gooley had asked the Nielson's some months ago for their permission to put the garage at this location, and they would not agree to it. Mr. Dye moved that the application be denied, seconded by Mr. Mooreland and Unanimously carried.

2 - Albert W. Loughrie, for permission to erect three houses on two lots; each house to be built on a plot with a 94 ft. frontage and area of 21,620 square feet, frontage and area being less than required by the Zoning Ordinance, located on Lots 4 and 5, Annandale Acres Subdivision, Falls Church District. Mr. White explained that, if divided, the lots would be 6 ft. less than the required frontage, and 160 ft. less than required area. Mr. White stated that he did not believe this Board had the authority to reduce these lots, and he felt that a rezoning to Suburban Residence would be the only answer to Mr. Loughrie's problem. Mr. Stockton agreed that this Board did

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not have the authority to grant this application. Mr. Mooreland moved, that because this Board had no authority to grant the application, that the application be denied, seconded by Mr. Dye and unanimously carried.

3 - Carl W. Porter, for permission to erect two additions to his dwelling, one to be used as an attached garage, with less than the required setback from each side of the lot line, Located on a private land, which turns south from route # 235 about 1 mile East of # 1 Highway, being part of the Forest Haven Gun Club property, Mt. Vernon District. Mr. White stated that he believed Mr. Porter had enough room on the garage side of his dwel ing, and Mr. Porter agreed that it was more than 25 ft, and would not have to be considered in the application. But on account of the topography of his land, would have to go within 3 ft. of the other side of the lot. Mr. Brookfield moved that the application be granted, seconded by Mr. Mooreland and unanimously carried.

4 - Boyd Fisher, for permission to use a dwelling now on the property, for restaurant purposes, the dwelling being located approximately 250 feet from the North side of # 1 Highway, and about 680 feet West of route # 611, Lee District. Mr. White explained that this land faces # 1 Highway, and the first 200 ft. was rezoned to business. This house is located just in the rear of the business zone, but rather than rezone it further back, he was asking for this variance. There being no opposition to this use, Mr. Brookfield moved that the application be granted, seconded by Mr. Mooreland and unanimously carried.

5 - James W. Taylor, for permission to re-open a restaurant and filling station on the north side of route # 50 at Pender, same being a non-conforming use, closed for a period longer than allowed by the Zoning Ordinance. Also for standard size gasoline sign. Dranesville District. Mr. White explained that this building was located at Pender, and had been a business building previously, but had been closed for a longer period than allowed by the Zoning Ordinance. There being no objection to the re-opening of this restaurant and filling station, Mr. Piggott moved that the application be granted, and the pumps to be replaced at their former location until such a time when the State Highway Department would widen the highway, and would move the building and pumps to the proper set-back, seconded by Mr. Dye and unanimously carried.

6 - Wayne G. Garman, for permission to erect two signs larger than allowed by the Zoning Ordinance, at his subdivision to be known as Millcreek Park, located on the north side of route # 236

about 1 mile West of Annandale, Falls Church District. Mr. White explained that these signs were to be placed at either end of this new subdivision, to advertise lots for sale, and that they would be temporary, for as long as the lots were for sale. Mr. Garman stated that the sign s would be 48 sq. ft. in area, and would be placed in a sort of V shape. That there would be a temporary field office located on the property. Mr. White explained to Mr. Garman that some of the residents of Fairfax Hills across the road were inquiring about the subdivision, as to restrictions etc. Mr. Garman said they had called him the night before, and he believed he had satisfied them. Said that the Subdivision would be very restricted, of single family homes selling from $15,000 to $20,000 each. The Preliminy plat is at the Planning Commission at the present time and has been varbally approved. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

7 - William Furr for permission to erect a Duplex dwelling as allowed under Section XII sub-section F-5 of the Fairfax County Zoning Ordinance, on the West side of Shirley Gate Road, about 3/4 mile south of route # 211, Providence District. Mr. Stockton read the report of the Planning Commission, approving the plans and plot plan of this duplex dwelling. There was no opposition to the application. Mr. White stated that the frontage and area of the lot was sufficient for a duplex dwelling. Mr. Brookfield made a motion that the application be granted, provided that the lot never be reduced less than a 200 ft. frontage on the road, and an area of 1 acres, with this dwelling. Seconded by Mr. Mooreland and unanimously carried.

8 - Baptist Convention of Washington, D. C. by George E. Rector caretaker, for permission to erect a temporary, and permanent Baptist Convention Headquarters on 43.7 acres about 1½ mi. from the South side of route # 682, between # 682 and the Potomac River, Dranesville District. Mr. Mooreland stated that he had looked into this application, and that the land was located back from anyone, in the center of the Frazier tract. That the nearby buildings, belong to Col. Spaulding and are 3/4 of a mi. away. That all Baptists would use this for a recreational center, with tents this year, for any group that wished to come and camp, and later on perhaps permanent buildings. That they also will allow other groups to use it, under proper supervision. Mr. White stated that he could not think of a better location for a project such as this one. Mr. Dye moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

9 - James A. Overton, for permission to establish a golf driving

range, and to erect a small building for housing of equipment, for the sale of golf equipment, and lunch counter, and for signs. On approximately 11 acres on the south side of route # 236 extending south to the railroad, West of Old Mill Road. Falls Church District. Mr. Overton stated that the land belongs to the Cockerals, and that he has leased it for a period of five years; There being no opposition, Mr. Brookfield made a motion that the application be granted, with a 75 ft. setback on the building and that two signs be granted, 4' X 6', one facing Duke Street, west of the big Oak tree, and the other one at the other end of the property, both to be 50' from the center line of the right-of-way of route # 236, or more. Seconded by Mr. Piggott and unanimously carried.

10 - Goerbe F. Harrison, for permission to erect a filling station repair shop, gasoline pumps and standard size gasoline sign, all with less than the required setbacks, on a part of Lot A Chantilly Estates Subdivision, being the NW corner of route #50 and Downs Drive, Dranesville District. Mr. White explained that this lot had been rezoned for Rural Business, and then divided, and this peice sold to Mr. Harrison, who found , if corner clearance was observed, that he could build only a small building on the rear inside corner of his land. Mr. White siad that he did not feel that less setbacks would be a traffic hazard. Mr. Brookfield moved that the pumps be allowed 50' from the right-of-way of route #50 and building 75 ft. of Route # 50. That both pumps and building be allowed at 30 ft. from Downs Drive. Regulation size gasoline sign allowed. Seconded by Mr. Piggott and unanimously carried.

11 - John R. Bowers, for permission to remodel and re-arrange present store building, to install gasoline pumps and regulation size gasoline sign with less than the required setback on Lot 4 Glen Alden Subdivision, Centerville District. Also to re-open store, restaurant and filling station. Mr. Dye said he had seen the place, and felt no part of the application should be allowed. Mr. Stockton read a report, stated that the Planning Commission did not feel the business zone should be extended at this location. Mr. White spoke in favor of the application, stating that this was a none-conforming use, and was situated too close to the right-of-way of both # 211 and the Subdivision Road, but that by making the changes he was asking for, Mr. Bowers was greatly improving the situation. Mr. Dye said he did not believe any part of it should be approved, and made a motion that the application be denied, seconded by Mr. Brookfield, and carried by a vote of 3-2, Mr. Dye, Mr. Brookfield and Mr. Moreland voting Yes, Mr. Dawson and Mr. Piggott, No.

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12 - Mrs. Ethel E. Pitts, for permission to erect a small building to be used for restaurant purposes, on the east side of route # 123, just South of Fairfview School, Fairfax Station, Lee District. Mrs. Pitts explained that the building would only be 14 X 22 and what she expected to sell mostely, was homemade ice-cream and home-made cake. Also some of her own fancywork. Mr. Stockton stated that the Planning Commission did not feel a business zone should be located at this place. There was no opposition to the application. Mr. Brookfield made a motion that the application be allowed, the building to be located 50 feet from the new right-of-way. Seconded by Mr. Dye and unanimously carried.

13 - Wellington Park Estate, Inc. for permission to erect dwellings on Lots 58 and 59 Wellington Estates Subdivision, with less than the required set-back. Mt. Vernon District. A study of the plat was made, and it was found that because of the peculiar shape of these lots, that it would be almost impossible to build on them, if the set-back could not be relieved. Mr. Stockton was asked for his opinion and stated that he believed relief could be given from the Corner Clearance rule. Mr. Brookfield made a motion that on lots 58 and 59, building set-back be allowed at 30 ft. from Washington St. and 35' from Westmoreland Road. and on lots 41 and 42, setbacks be allowed at 30 feet from Westmoreland Road, and 35 feet from Cameron St. Seconded by Mr. Mooreland and unanimously carried.

14 - Al Rubin (Andrew Clarke) for permission to erect a store building, with less than required set-back from East Oak Street, located on Lots 1-2-3-4, Memorial Heights Subdivision. Mr. Clarke explained the situation and where Mr. Rubin wished to build his store. There was no opposition to this application. Mr. Brookfield moved that the building be allowed, with a 30 ft. or established setback on Highway # 1, and building be allowed to come to the sidewalk, which is approximately 5 ft. from the right-of-way on East Oak Street. Seconded by Mr. Piggott and unanimously carried.

15 - Amos H. Rusk, for permission to erect a private garage with less than the required setback, on Lot 20, Grove's Subdivision, Providence District. Mr. Rusk showed, by plat and drawings where he wished to place his garage. There was no opposition to this garage being placed closer to the line. Mr. Piggott made a motion that the application be granted, with a 2 ft. setback from the side-line, seconded by Mr. Mooreland and unanimously carried.

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At this time, Mr. White read the following request to the Board- This is an application from the Zoning Administrator to the Board of Zoning Appeals, under Section XII-D-4 of the Zoning Ordinance to interpret and determine the words and meaning of the Ordinance in the following respect:

Section IX C-3 Area Regulations, provides that in an Industrial District, all buildings containing residential units shall conform to the area regulations in the Urban Residence District. An apartment house is a permitted use in an Industrial District.

Section VI (Urban Residence) under "Area Regulation" requires the "minimum size of yards and other open spaces, including the minimum lot area per DWELLING shall be 7200 square feet, with a width of not less than 60 feet, etc."

The point to be determined is-- does the word dwelling as used in Section VI mean each family unit, or dwelling, in the apartment or does it refer to the one building as a whole.

If the latter be true, half a dozen or more families could be crowded in an Industrial District on less area than would be required for one family in other districts.

In the Business and Industrial Districts, the language and purposes of the Ordinance seems to differentiate the residential or dwelling units entirely from the business and industrial area requirements.

After discussion, Mr. Brookfield made a motion that the word dwelling as used in Section VI, means each separate dwelling unit in an Industrial District, and therefore each dwelling unit would require the width and area of a dwelling unit in the Urban Residence District, being 7200 sq. ft. in area, and width of 60 ft. for each unit. Seconded by Mr. Piggott and unanimously carried.

Mr. Mooreland made a motion that during the summer months, while Washington is on Daylight Savings time, and Fairfax County on Eastern Standard Time, that we hold our meetings at 9 A.M. Eastern Standard Time, and 10 A.M. Daylight Savings Time. Seconded by Mr. Dye and unanimously carried.

Mr. Mooreland made a motion that we adjourn, until the next regular meeting, on June 24th, 1947, Seconded by Mr. Dye and unanimously carried. Meeting was adjourned at 1:10 P.M. E.S.T.

S. Cooper Dawson
Chairman

June 24th, 1947

A Regular Meeting of the Board of Zoning Appeals was held in the Board Room in the Fairfax County Court House, on Tuesday, June 24th, 1947, with the following members present: S. Cooper Dawson, Chairman, John M. Brookfield, Thos. I. Piggott, Robert Dye, and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer and E. R. White, Zoning Administrator. The following cases were heard-

Applications Deferred from Previous Meetings:

A - George Hadeed, by Jack Spitler, Lessee, for permission to erect two signs larger than allowed by the Zoning Ordinance, on the South side of # 211, about 1½ mi. East of Centerville, Centerville District. No one was present to represent Mr. Hadeed. Mr. White explained that this was the third month this application had been presented, with no one present. Also that Mr. Hadeed had obtained a permit for a sign of 10 sq. ft. or less, which did not require a hearing before this Board, and suggested that this case be dismissed. Mr. Mooreland made a motion that the application be dismissed, seconded by Mr. Dye and unanimously carried.

New Applications:

1 - Monroe Development Corporation for permission to erect dwellings on all lots facing Mt. Vernon Road, in Block 5, Jefferson Manor Subdivision, with less than the required setback. Also to erect a community building (bus waiting station) on a community lot in same subdivision, with less than the required front setback. All in Mt. Vernon District. Mr. Harnett of the Monroe Development Corporation explained that the first part of the application had been taken care of in a previous application, and this part was repeated, by error. That the building referred to in the second part of the application was a community waiting room. That the building would be approximately 10 X 14', and frame construction. That they could not comply with the setbacks required, and have much use of the building, for it would be so far back, that people could not see the bus coming, and in bad weather would have too far to walk to get to the bus from the waiting room. Mr. Stockton explained that the right-of-way was very wide at this point since Jefferson Manor dedicated an extra width. Therefore even if the application was granted almost to the property line, it would still be approximately 30 ft. from where the bus would stop. Mr. Harnett said if the road was ever widened to the width of the right-of-way, and extended to the next property, the title of which is now in question, this building could be moved back, but he did not think this could happen for several years. Mr. White stated that in this particular case, he believed the Board had the right to grant it. Mr. Dye made a motion that the application be granted, with a 3 ft. setback from the front lot line, seconded by Mr. Brookfield, and unanimously carried.

2 - Charles H. Bolen, for permission to erect an addition to his dwelling, located on Lot 12, in Gordon's Addition to West Falls Church, with less than the required side-yard setback. Providence District. Mr. Bolen explained from the plat and drawing that the addition was to be a private garage, attached to his house, with rooms finished on second floor. Because of the topographic conditions of the lot, he could not place a garage on any other part of the lot, and have a driveway so he could get into it. There being no objection to this application, and same being in conformance with the purpose of the Ordinance, Mr. Brookfield moved that because of the topography of the lot, the application be granted, seconded by Mr. Piggott and unanimously granted.

#3 - Theodore F. Kulp, for permission to erect and operate a Filling Station and Repair Shop on 3.2 acres on the NW corner of Junction of Roads # 657 and #608, Dranesville District. Building, pumps and regulation size sign, with less than the required setbacks. Mr. White stated that the application had been withdrawn.

4 - Fred Bailey for permission to erect a private garage, with less than the required side-yard setback, on Lot 31, Section 2, Sleepy Hollow Subdivision, Falls Church District. Mr. White explained that because of the topography and way the house was situated on the lot, Mr. Bailey wished to come within 4 to 5 ft. of his side line, with his private garage, and he could see no objection to it. There was no one present objecting to this application. Mr. Brookfield made a motion that this application be granted, with garage to be located not less than 4 ft. from the side line, seconded by Mr. Dye and unanimously carried.

5 - Percy M. Petitt for permission to erect and operate a Service Station and Repair Shop on Lots 9 and 10 New Haven Subdivision, (West side of # 1 Highway, at foot of Pohick Hill.) Pumps, building and regulation size gasoline sign with less than the required setback. Lee District. Mr. Petitt explained that he could put his building back 50 ft. but that that Mr. White felt he should go before this Board for his pumps to be placed 20 ft. in front of building, or 30 ft. setback from right-of-way line. Mr. White stated he felt this was all right, since 30 ft. was more than what the Board had been allowing on Highway # 1. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

7 - C. C. Floyd for permission to erect a dwelling on lot 122, Wellington Estates, with less than the required setback. Mt. Vernon District. Mr. Baker of the Health Department said the water was from a central supply, and therefore Mr. Floyd was O. K. so far as they were concerned. After a thorough study by the Board, of the plat

of this lot, and the plat of the subdivision, Mr. Floyd explained that his dwelling was 57' X 25' and that the only way he could get the house on the lot, the size he wished to build it, was to have it about 30 ft. from the streets lines, and 10 ft. from rear. However the Board felt that Mr. Floyd should build a smaller house on the lot, to get better setbacks, and Mr. Brookfield made a motion that the application be deferred until the next regular meeting, at which time Mr. Floyd can bring in plans of a smaller house. Seconded by Mr. Dye and unanimously carried.

8 - The Tyler Corporation, for permission to complete a dwelling located by error, with less than the required front setback, on Lot 117, Section III, Tyler Park Subdivision, Falls Church District. The Chairman stated that this application would be dismissed since it was found that the setbacks of the dwelling met the zoning ordinance requirements.

9 - The Tyler Corporation, for permission to complete a dwelling located by error, with less than the required front setback, on lot # 116, Section III, Tyler Park Subdivision, Falls Church District. Mr. Mooreland, a member of the Board brought up the question of so many errors being made in the location of houses, for corporations building houses in Fairfax County. Some of them may be legitimate errors, but he felt there would have to be a stop put to it somewhere. A representative of Tyler Corporation stated that they were building 249 homes, and he did not feel there had been many errors. The few they have had, were mostly made on curves in streets. In this particular case the setback is only a few inches less than required. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

#27 - (This case was heard at this time because it was filed by the same applicant as above two cases.) The dwelling located on Lot 259 Sec. 4 of Tyler Park was in question. The representative of the Tyler Corporation explained that this house was almost 10 ft. closer to the line of Tyler Ave. than it should have been. That it was staked out by the surveyor before the street was in, and somehow, through an error of the builder, built in the wrong place. After much discussion by the Board, Mr. Dye made a motion that because this was a corner lot, and so much in error, it did not conform to the general purpose and intent of the Zoning Ordinance, and the application should be denied. Seconded by Mr. Mooreland, and unanimously carried.

10 - Harry J. Hall, for permission to re-open a restaurant located at the Mt. Vernon Tourist Court, on the East side of road # 624, about 1/2 mi. N. W. of Mt. Vernon. Also for two signs larger than allowed

by the Zoning Ordinance. Mt. Vernon District. Mr. Hall explained that he was on the road from Gum Springs to Mt. Vernon, 1/4 mi. from the West Gate of Mt. Vernon. That this respaurant was open at this location even part of the war years, but had been closed for sometime now. That he would reopen the restaurant, and serve mostly, the occupants of the tourist cabins. He also wished to have two signs, each 1 ft. X 10 Ft. in area. Mr. Dye made a motion that the application be granted, with two signs, 1 ft. X 10 ft. each, to be place in front of and rear of building. Seconded by Mr. Piggott and unanimously carried.

11 - George A. Ford, for permission to erect houses on Lots 1 and 2, Section 1, Huntington Subdivision, and Lots 20 through 26 inclusive, Section 2, Huntington Subdivision, which lots all face on Huntington Avenue, with less than the required setback, Mt. Vernon District. There being no one present to represent Mr. Ford, the application was deferred until the next regular meeting of the Board.

12 - Wade H. Bennett, for permission to erect a dwelling on approximately .56 of an acre located on the East side of Miller Road, about 2 blocks north of Lee Highway, Providence District, with less than the required setback, Mr. Bennett explained from drawings and plat, that the topography of the land would allow him to place the dwelling not more than 48 ft. from the right-of-way. Mr. Brookfield made a motion that because of the topography, the application be granted, seconded by Mr. Piggott and unanimously carried.

13 - Mrs. Pearl Jones, for permission to operate a Restaurant in a dwelling on the West side of road # 704 about 500' north of # 211, Providence District. Mrs. Jones said that she really didn't expect to run much of a restaurant, that there was no place in that section that colored people could get meals, and she was going to serve meals, more like table board. Upon question, by Mr. Dye, she said she was not going to apply for ABC license, Mr. Baker of the Health Department, stated that this application was all right so far as they were concerned. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

14 - Virginia Electric and Power Company for permission to erect a Steel Substation structure, complete with transformers and regulators at the McLean Substation, with less than the required setback, to supersede existing structures. Providence District. The Chairman announced that the Virginia Electric and Power Company had asked for this application to be deferred

until the next regular meeting, Mr. Brookfield made a motion that the application be deferred until the next meeting, seconded by Mr. Piggott and unanimously carried.

15-16-17-18 and 19 O'Henry Construction Corporation. Representative of the Corporation asked that these applications be deferred a few minutes, until Mr. Leigh could be present. Mr. Brookfield made a motion that the application be deferred until Attorney Leigh arrived, later in the meeting, seconded by Mr. Piggott and unanimously carried.

20 - Potomac Broadcasting Co-Operative Inc. WCFM for permission to construct and operate a radio tower and transmitter building on a tract of land located South of Shreve Road, and west of West Street. Falls Church District. Mr. Andrew Clarke, Attorney for the applicants was present, and stated that the station required a tower 339 ft. high. That it would be placed in the center of the SE end of the property. That same would be placed 200' from any adjoining land, which Mr. Andrew Ring, the consulting engineer said was far enough to avoid any danger, should the tower ever fall. He also stated that same had been approved by the Federal Communications Commission, and that the name would be changed within a short time, to avoid confusion with the Potomac Bradcasting Corporation, at Alexandria. Mr. White stated that the location was very secluded, and he did not know of a better place to put it. Mr. Piggott made a motion that the application be granted, seconded by Mr. Brookfield, and unanimously carried.

21 - Mrs. Elsie Dalton, for permission to operate a restaurant and gasoline service station on approximately 1½ acres on the north side of U. S. # 1, opposite Pohick Church. Pumps and regulation size gasoline sign with less than the required setback. Lee District. Mr. White explained that Mrs. Dalton had built her buildings on a permit he had issued in error, believing it to already to be zoned for business. That he had asked Mrs. Dalton to come before this Board to regularize the permit. That the setbacks were correct. Mr. Baker of the Health Department said the application cleared with them. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

22 - A and G Construction Co. for permission to pomplete a dwelling located by error, with less than the required setback, on Lot 10, Fenwick Park Subdivision, Falls Church District. The Chairman stated that since making this application, it was found that the house met the requirements of the zoning ordinance as to set-backs, and that the application was dismissed.

23 - A and G. Construction Co. for permission to complete a dwelling

located by error, with less than the required setback, on Lot 11, Fenwick Park Subdivision, Falls Church District. The Board studied the above case at length. Stated that it was a case paralel with the one of Tyler Corporation that they had denied. That they believed a stop would have to be made somewhere, allowing Builders to put up houses without regard to the location indicated on their permits. It was agreed that if the County would appoint building inspectors, these errors could be avoided. A representative of the Company stated that this was a cinder block house and would cost a great deal to move. That the error was entirely unintentional, and he would like the Board to go along with him on it. The Board, after much discussion, did not feel they could keep on granting these application, and Mr. Dye made a motion that the application be denied, seconded by Mr. Mooreland and passed by a vote of 4-1, Mr. Piggott casting the negative vote.

(#28) - At this time, Mr. D'Andelet asked if he might inquire about application # 28, Albritton. Said that he understood it was going to be postponed for 30 days, at Mr. Albritton's request, and stated that he could not be present when it was heard, but he would like to have his disapproval of the application on record. Mr. Brookfield made a motion that Mr. D'Andelet and Mrs. Ferguson be heard at this time, seconded by Mr. Piggott and unanimously carried. Mr. D'Andelet stated that he was thoroughly objecting to any tourist camp being put in a good residential district, where lots have been sold as residential, and people had built homes, thinking they were protected from business. He presented a petition signed by a great number of nearby residents, objecting to this application. He said that he had watched the tourist camps, while diriving in and out of Washington, early and late, and by watching license tags, etc. he had come to the conclusion that most of the camps were not for tourists but for immoral purposes by visitors from Washington. Mrs.Ferguson who also adjoined Crystal Springs, was also present and agreed with everything Mr. D'Andelet had said, and voiced her objection. The Chairman told Mr. D'Andelet that a note of his and Mrs. Ferguson's objection would be made at the next meeting of the Board, and the petition would be heard at that time, which is on July 22nd, 1947.

15 - (Mr. Leigh, Attorney, now being present, the O'Henry cases were heard at this time.) O'Henry Construction Corp. for permission to complete a dwelling located by error with less than the required setback, on Lot 501 Block 2, Temple View Subdivision, Mt. Vernon District.

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16 - same, for Lot 502, Block 2, Temple View Subdivision.

17 - same for Lot 13, Block 1, Temple View Subdivision.

18 - same for Lot # 503 Block 2, Temple View Subdivision

19 - same for Lot # 502 Block 1, Temple View Subdivision.

Mr. Leigh explained that the error in locating these houses, was a little different from previous cases. That this was an old Subdivision, recorded prior to 1941, when the Zoning Ordinance came into effect. That the foreman on the job, who has since been fired, located the houses from the set-back line marked on the old Subdivision Plat, instead of the setback allowed on the Zoning Permits. Mr. White stated that the question in this case seems to be whether it is legal to use the old set-back allowed in the subdivision plat, or if the new subdivision laws have been made appliable. If the old plat held, then his permits should have been made to conform, but the case had never been taken through the courts. Mr. Leigh stated that there were 19 houses built here, three of them previous to the Zoning Ordinance, and these houses built previous to the O'Henry Construction Co. locating here. All of the rest of the houses built by the O'Henry Construction Co. here, have been sold except these five, and loans cannot be completed on these five until the error is regularized. Mr. White stated that in his opinion these 19 houses setting approximately 4 ft. closer to the right-of-way, did not create a traffic hazzard. Mr. Stockton stated that he believed, since there was a question of whether these set-backs were really in error, being located from the old plat, that this Board did have the authority to grant the applications. Mr. Dye moved that, because of the particular situation in this case, and because the purpose of the zoning ordinance in these setbacks was for light, air and safety of travel on the highways, none of which would be impaired by these houses, that the applications be granted for all of the houses (19) now built or under construction. Seconded by Mr. Piggott and passed by a vote of 4-1. Mr. Mooreland stated that he did not care to vote unless the motion was made to include the words "providing this Board has the authority to grant the application."

It now being 1 P.M. EST Mr. Dye made a motion that we adjourn 1 hr. for lunch, seconded by Mr. Piggott and unanimously carried.

Meeting reopened at 2 P.M.

25 - Millard L. Hayes, for permission to install gasoline pumps and regulation size gasoline sign, with less than the required setback, on the West side of # 613, about 2 mi. south of Franconia, Mt. Vernon District. Mr. Hayes stated that his building was 61.5 feet from the right-of-way of Beulah Rd. and

he would like to place his pumps 20 ft. in front of his building which would make the set-back on pumps to be 41 ft. approximately. That he would like a regulation size sign, to be placed as close to the right-of-way as possible. Mr. Brookfield made a motion that the application be granted, with a 41 ft. setback for the pumps, and a 5 ft. set-back on the sign, to be erected so that no part of it extends over the right-of-way. Seconded by Mr. Piggott and unanimously carried.

26 - Mr. A. B. Culler, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the East side of U. S. # 1, about 300 ft. north of Penn Daw Hotel, Mt. Vernon District. Mr. Culler not being present, case was deferred to next regular meeting.

27 - (Tyler Corporation, previously heard)

28 - Mr. and Mrs. Harry Z. Albright, for permission to erect a tourist court on approximately 3½ acres on Lots 9, 10, 11 and 12, Crystal Springs Subdivision, on the South side of Lee Highway, about 2 mi. East of Centerville, Centerville District. The Attorney for the Albrights was present, and because Mr. Albright was out of town and couldn't get back to this hearing, he asked that the application be deferred until the next regular meeting. The Chairman mentioned that several of the people opposing this application had been present earlier and some of their testimony in objection had been heard, as well as a petition presented, and in deferring the application, this testimony and petition will be brought up at the next meeting. Mr. Brookfield made a motion that the application be heard at the next regular meeting, seconded by Mr. Piggott and unanimously carried.

29 - Mr. H. C. Fedderson, for permission to erect an addition on the rear of his dwelling on Lot 10, Tauxemont Subdivision, with less than the required rear-yard setback, Mt. Vernon District. The Board studied the plat and drawings of the above applicant, and Mr. Brookfield made a motion, that because of the shape and size of the lot, the addition could not be placed in any other place, and that the applicant be allowed to build within four ft. of his line as shown in drawing, seconded by Mr. Piggott and unanimously carried.

24 - Richard Gianpa, for permission to erect a Multiple Housing Project as allowed in Section XII sub-section F-5 of the Fairfax County Zoning Ordinance, on Lots numbered 45-46-25-26-27-28-30-31 and 32 and 33, Birch Subdivision, Falls Church District. The Chairman asked the Planning Commission for their report, which

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Mr. Stockton read as follows: "The Planning Commission recommend that the exception be denied in view of the shape, extent and location of the property in question." Mr. Stockton went on to explain from the plat and a drawing his office had made, that Mr. Gianpa's lots were not large enough to get a Multiple Housing Project on. Mr. White asked Mr. Stockton about a previous case in the same Subdivision, which was denied by this Board but passed by the Board of Supervisors, and Mr. Stockton explained that the architect for the previous development had come into the office and had the set-backs explained to him, and to date had not been able to work out anything on it. In view of the report of the Planning Commission and the size and shape of the lots, setbacks etc. Mr. Brookfield moved that the application be denied, seconded by Mr. Piggott and unanimously carried.

30 - Allan B. Mills for permission to erect a Multiple Housing Project, as allowed under Section XII, sub-section F-5 of the Fairfax County Zoning Ordinance, on approximately 80 acres being Lots 9 and 10 Block F; Lots 2-3-4-5-6-7-8-9, Block 5; Lots 2-4-5, Block 4, Lots 1-2-3-4-5-6-7-8-10-11-12 and 13 Block 3; Parcel 5, and Parcel A, Woodland Hills Subdivision, on Leesburg Pike opposite Fairlington, Falls Church District. Mr. Mills explained that he is usually just the architect for projects of this kind, but in this instance he is both owner and architect, his partners being Mr. Shelland of West Va. and Mr. Lewis Bean, formerly of RFC. Mr. Ferguson was also present, representing the loan companies on this project. Mr. Mills explained the character of this project, that the sewer and water were taken care of. Explained it would be similar to Fairlington, across the street, though in many ways better. Mr. Berkey spoke in opposition. Said he was representing many of the residents in the subdivision which is a part of this project, and that they wished to adhere to the Deed of Dedication, which says that only two houses may be built on one lot, and the restriction is appliable for a period of 50 years. Mrs. Cole also spoke in opposition, stating that she would appose anything that was not single family dwellings. Major Brookings was asked for his opinion, and said he was not in opposition. Said that he has known people in a neighborhood to oppose such development as this and after same was built, to be in favor ot it. Mr. Mills stated that with Fairlington across the way, he had no idea there would be as much opposition to his project. That if he could not convince them that it would not injure their property, in any way, he wouldn't want a thing to do with it. After

discussion, the Board asked Mr. Stockton for the report of the Planning Commission, which was read as follows: "This property is across the Leesburg Pike (#7) directly opposite Fairlington and adjacent to the Shirley Highway. It is a logical location for this type of development and we recommend that the application be granted." In view of so much opposition, Mr. Mills asked that the application be deferred until the next regular meeting, to give him time to try to get together with the opposition. Mr. Brookfield made a motion that the application be deferred until the next regular meeting, seconded by Mr. Piggott and unanimously carried.

Mr. White asked the Board for an interpretation or advice on the following: The Question of Trailer Parks is coming up frequently. One question at the present time, is whether an employee working for the State on a Bridge on the New Shirley Memorial Highway, could park a trailer temporarily, while he was working on the bridge. He stated that when this ordinance was written, the County Officials were very much against trailers. But conditions have changed since then, and many people would be homeless, without trailers. He stated that Mr. Stockton thought that the renting of trailers in a trailer park, could be classed as a retail trade or service, and could be in a rural business district. Mr. Stockton said that Mr. Marsh agrees with him. Mr. White stated that he believed the Ordinance should be changed to allow these Trailer Parks in a business zone, instead of reading into the ordinance, things that were not intended to be there. After rather thorough discussion of the proposition, with Mr. Stockton, the Board came to the following conclusion, "that any retail trade or service as used in the Rural Business section could properly be construed to include the rental of trailer sites in Business zones." Mr. Stockton agreed that it would probably be more appropriate if same were specifically authorized in the business section but the proposed interpretation would be warranted under present conditions. Mr. Brookfield made a motion that the definiation as above stated, be adopted, as the meaning of the ordinance, seconded by Mr. Dye and unanimously carried.

Mr. Brookfield made a motion that the meeting be adjourned, seconded by Mr. Piggott and unanimously carried.

Meeting was adjourned at 3:45 P.M. until Tuesday, July 22nd, 1947, at 10 A.M. DST.

S. Cooper Dawson
Chairman

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A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Tuesday, July 22nd, 1947, with the following members present: S. Cooper Dawson, Sr. Chairman, John Brookfield, Thos. I. Piggott, Robert R. Dye and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator. The following cases were heard-

Applications deferred from previous meeting:

A - Andrew Clarke, Attorney, appeared in behalf of Richard Gianpa, whose petition for Multiple Housing was denied in the June meeting. He asked that the case be re-heard at the meeting of August 26th, 1947, under Section XII, H-6, a case may be reheard providing a motion for re-hearing is made not later than 45 days following the date of the resolution, providing there is new evidence to be given. Mr. White asked Mr. Clarke if the new evidence was such that it could not have been, reasonably, given at the previous meeting, and Mr. Clarke said it was. Mr. Mooreland made a motion that the application be reheard in August regular meeting, seconded by Mr. Piggott and carried by a vote of 4-0, Mr. Brookfield having arrived late, did not vote.

B - C. C. Floyd, for permission to erect a dwelling on Lot # 122 Wellington Estates Subdivision, with less than the required setbacks from Wellington Road and Greenway Road, Mt. Vernon District. This application was deferred until later in the meeting because no one was present to represent Mr. Floyd.

C - George A. Ford, for permission to erect houses on Lots 1 and 2 Section 1, Huntington Subdivision, and Lots 20 through 26 inclusive, Section 2, Huntington Subdivision, which lots all face on Huntington Avenue, with less than the required setback, Mt. Vernon District. No one being present to represent Mr. Ford, the application was deferred until later in the meeting.

D- Virginia Electric and Power Company for permission to erect a Steel Substation structure, complete with transformers and regulators at the McLean Substation, with less than the required setback, to supersede existing structures, Providence District. No one being present to represent the applicant, the application was deferred until later in the meeting.

E - A. B. Culler, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the East side of U. S. # 1, about 300 ft. north of Penn Daw Hotel, Mt. Vernon District. No one being present to represent Mr. Culler, the application was deferred to later in the meeting.

F - Mr. and Mrs. Harry Z. Albright, for permission to erect a tourist Court, on approximately 3½ acres on Lots 9, 10, 11 and 12, Crystal Springs Subdivision, on the South side of Lee Highway, about 2 mi. East of Centerville, Centerville District. Mr. John Webb, Attorney for the Albrights explained from plat and drawings the lay-out

and type of cottages that were to be built. That it would be a tourist court, and very modern. He stated that they have run a tourist home in Washington on Bladensburg Road for several years, and liking that type of work, wished to build three cabins at this time, perhaps more later. That they had plenty of room. He stated that he understood that there was objection from the neighbors but he felt that, knowing the type of people the Albrights were, and the sort of business they would run, that it would not lower the value of the surrounding property. Mr. Webb called on Capt. McIntosh of the Fairfax County Police, who stated that the tourist business in Fairfax County was run in a very satisfactory way. That if other businesses were run as well, the Police Dept. would be well satisfied. Said that there was very little crime at tourist camps, and there were not many of them selling liquor. Mr. White said that he did not believe there was any objection to the project, except from the neighbors, so he felt they should be called on to voice their objection. Mr. Dawson called on someone to represent the objection, and Mrs. Ferguson, who owns the next property, spoke. She stated that she lived there for several years, and intended to live there again, and she felt she did not want a tourist camp so close. That she objected to the noise of cars coming and going all hours of the day and night, and to the flood lights, etc. She stated that she had already presented, at the previous meeting, a petition in opposition, signed by 27 or 29 of the nearby residents. Mr. Stagmire, owner of Lot 14 spoke. His place is behind the lots in question. Said he purchased the lots for a home, which he intends to build within a short time, and he didn't feel he wanted to build and raise a family, with a tourist camp in the front yard. Mr. Coppelle, the subdivider stated that he only wished to give his view from a value angle. And he did not feel his remaining lots would be of less value , should the tourist camp be allowed here. Mr. Dyess, also owning land in Crystal Springs, objected, stating that no doubt it would be nice now, but in five to ten years, what will it be? After a few years, a tourist camp can deteriorate fast. Also there was the chance that the place might be sold, and the new owners not run as good a place as the Albrights. Mrs. Truell, owner of Lot 15, also spoke and stated they purchased this lot because they felt it was restricted to dwellings, and she hoped it would remain residential. Mr. Mooreland said he felt the Board could not grant such an application, in face of all the objection, and made a motion that the application be denied. Seconded by Mr. Dye, and carried by a vote of 3-2, Mr. Mooreland and Mr. Dye and Mr. Brookfield voting in favor of the deniel and Mr. Piggott and Mr. Dawson against same.

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G - Allan B. Mills for permission to erect a Multiple Housing Project, as allowed under Section XII, sub-section F-5 of the Fairfax County Zoning Ordinance, on approximately 80 acres being Lots 9 and 10, Block F; Lots 2-3-4-5-6-7-8-9, Block 5, Lots 2-4-5, Block 4, and Lots 1-2-3-4-5-6-7-8-10-11-12- and 13, Block 3, Parcel 5, and Parcel A, Woodland Hills Subdivision, on Leesburg Pike opposite Fairlington, Falls Church District. Mr. Mills explained that there had been a lot of opposition from residents of Fort Ward Heights, in which a portion of the above property was located. And also there was a question of deed restrictions in that subdivision, therefore they would apply for Multiple Dwellings on the property OUTSIDE of Fort Ward Heights, eliminating any lots in that Subdivision. That they still intended to purchase these lots, but would use them for single family dwellings, in Character with present dwellings in the subdivision. That they had obtained sewer and water. Mr. Stockton said that he believed this strip of single family dwellings would be a good buffer between the apartments and the dwellings now located there. Mr. Mills stated that they expected to have about 600 apartments in this Multiple Dwelling project. And that, by leaving out the lots in Fort Ward Heights, he believed all objection had been satisfied. Mr. Dye made a motion that the application be granted according to the plans and specifications presented. Seconded by Mr. Piggott and unanimously carried.

New Applications:

1 - Future Farmers of America, E. D. Tyler, Mgr. for permission to erect a Directional Sign larger than allowed by the Zoning Ordinance, on the North side of road # 235, about 425 ft. from the East side of # 1 Highway, Mt. Vernon District. Mr. Tyler explained that this sign was at Woodlawn, about 500 ft. from the old Grist Mill. He said that the organization was made up of boys from all over the country, and that they came there on sight-seeing trips, usually arriving in the evening, after seeing places of interest on the way. That at the present time, he has 250 boys there. The cost of staying is about 50 cents per night. That he wanted a 4' X 8' sign, stating this was the FUTURE FARMERS OF AMERICA CAMP, so that it could be located after dark. Mr. A. J. Kramer appeared as objecting to the sign, and particularly to the size of it. Said he owned the property next to it, and would probably build there, and he felt the sign is too large and an eye-sore. Mr. Stockton asked about the organization, and Mr. Tyler said it was under the directorship of the State and U. S. office of Education. Mr. White asked if a 2 X 5 or 3' X 5' sign would

~~would~~ do as well. Mr. Tyler explained that they wished to have it seen from U. S. Highway # 1. Mr. Tyler said the sign was located on a strip of land not claimed by the State or County, so far as he could find out, though the State Highway Department representative had approved the location and size of the sign. Mr. White asked the ownership of the land on which the sign was located, and Mr. Tyler did not know. Mr. Brookfield made a motion that the application be deferred until Mr. Tyler could find out the ownership of this land, seconded by Mr. Piggott and unanimously carried.

2 - Herman Boswell, for permission to operate a restaurant in his home, at the NE corner of Shreve Road and Lee Highway, near Merrifield, Falls Church District. Mrs. Boswell had been present, in the hall earlier, but could not be found at this time, so the case was deferred until later in the meeting.

3 - G. H. Osborne, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the South side of Route # 211, about 1/4 mi. East of # 123, Providence District. Mr. Osborne stated that this sign was 4' X 10' was 55 ft. from the center of the road, and was 8' off the ground. Mr. White was of the opinion that this sign was all right in size, but too close to the right-of-way. Mr. Dawson stated that the Board had granted many signs this close or closer to the right-of-way but Mr. White stated they had, on Highway # 1, etc. But this was on Lee Highway, and near this location, no signs had been granted. He felt a sign of this size should be placed at least 25' from the right-of-way line. After discussion, Mr. Brookfield made a motion that the application be granted, with a 4' X 10' sign, located 25' from the right-of-way line, or closer, if Mr. White should approve of same, after a survey. Seconded by Mr. Piggott and unanimously carried. Mr. Osborne mentioned that because of the topography of his land and the tourist court being between two hills, that the sign could not be seen if located so far from the right-of-way, and he would be glad for Mr. White to come down and inspect the location.

2 - The Herman Boswell application was again called at this time. There was still no one present to represent Mr. Boswell. Because of so much opposition to the application, Mr. Dye made a motion that the application be denied, seconded by Mr. Mooreland , but this motion was withdrawn, when Mr. Brookfield stated that he believed, since so many people had taken time to appear against the application, they should be heard. Capt. McIntosh was heard first. He said these people had not only applied for a restaurant permit, but were also applying for beer license and dance hall license. That it was off Lee Highway, on the narrow Shreve

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Road, and he felt parking would create a traffic hazard. Also that it was a residential neighborhood, and the noise would be a nuisance to the neighbors. He stated further, that Boswells had rather got the cart before the horse and were already operating there, and it would be up to the police to stop that. Mr. Graham spoke in opposition, stating that it was a residential area, with a narrow road leading to Lee Highway, and the neighbors did not want a business located there. He presented a petition signed by nine, to be put with the larger petition, already presented to the Chairman, signed by nearby residents opposing the application. Mr. Mooreland made a motion that the application be denied, seconded by Mr. Dye and unanimously carried.

4 - Mrs. Louemma Riley, for permission to convert an outbuilding into a dwelling, with less than the required sideyard setback, located on the north side of route # 211, across from Shirley Gate Road entrance, Providence District. Mr. White explained from a drawing that Mrs. Riley had plenty of frontage and area for two dwellings, but that the outbuilding she wished to convert into the second dwelling, was closer to the original house, so that the proper side setbacks could not be allowed for both houses. The second house would be back much further than the first house, and it would not interfere with same in any way. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

5 - Ralph A. Ferguson, for permission to erect a private garage on Lot 17, Block 3, Section 1, Fairhaven Subdivision, with less than the required rear yard setback, Mt. Vernon District. Mr. Ferguson stated that unless he put his garage directly behind the house, where it was almost impossible to get into, he would have to put it 2 ft. from the side line and 12 ft. from the rear. That it would not drain on the next land. After discussion and study of the plat, Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

6- Paris M. Brickey, for permission to use a dwelling located on Lot 30A and part of 31, Madrillon Farms Subdivision, (South side of Old Court House Road, 1/2 mi. East of # 123) for a Nursery School. Providence District. There was no one present to represent Mr. Brickey, so the application was deferred until the next regular meeting.

7- Frederick Kielsgard, for permission to erect a temporary directional sign, at the entrance to Kiels-gardens Subdivision on the South side of route # 211, 200 yards East of Difficult Run, larger than allowed by the Zoning Ordinance, Providence District. No one being present

to represent Mr. Kielsbard, but since he had been present earlier and would probably be back, the case was deferred until later in the meeting.

8 - J. A. Blankenship, to operate a temporary lunch room (for period of construction) on Wellington Estates Subdivision, Mt. Vernon District. No one being present to represent Mr. Blankenship, the application was deferred until later in the meeting.

9 - Stanley Peterson, to operate gasoline pumps with less than the required setbacks on south side of Old Dominion Drive about 200 feet west of intersection with Road # 684, Providence District. Mr. Peterson explained that he had an automobile repair shop located about 135 ft. from the right-of-way. That he had sold gasoline from barrels for years, but that he now wanted to put pumps in and they could be located 50 ft. from the right-of-way. After discussion, Mr. Brookfield, moved that the application be granted for pumps to be located 50 ft. from the right-of-way line, seconded by Mr. Piggott and unanimously carried.

7 - Mr. Kielsgard now being present, application # 7 was considered at this time. Mr. Kielsgard explained from a plat of Kielsgardens and a picture of the sign which had been temporarily erected, what he wanted. He stated that there is a 30 ft. outlet road to his subdivision, coming out on # 211. The only place he could put his sign, is a sort of banner, over the road, as shown by the picture. Mr. Brookfield said this sort of sign had not been granted before, but since it is plainly shown that this is about the only kind of a sign that could be placed there, and since the Board does not want to prevent Mr. Kielsgard from showing the location of his subdivision, the application should be granted as a temporary sign for a period of one year from date. Mr. Brookfield made a motion that this sign be allowed, for a period of one year from date, seconded by Mr. Piggott and unanimously carried.

15 - Mr. Kielgard had another application, which was considered at this time. Frederick Kielsgard, to place a directional sign on north side of Road # 211, opposite Kielsgardens Subdivision, Providence District. Mr. White explained that this sign was a directional sign and arrow, across the highway from the one just granted, but that it was not on land owned by Mr. Kielsgard, and the Board had no authority to grant such a sign. Mr. Brookfield moved, that for the above reason, the application be denied, seconded by Mr. Dye and the sign on the north side of route # 211 was unanimously denied.

10 - Clarence R. Goode, to operate repair shop, filling station, and have a sign, on west side of Road # 681, about one-half mile north

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of Forestville, with less than required setbacks, Dranesville District.The applicant said that he wished to build a building for the repair shop, but could keep back 50 ft. from the property line in front. Mr. White said this setback was satisfactory for the building. Mr. Goode said he wished to have gasoline pumps but they could be placed at the East end of the building, which would give them a satisfactory setback of 50 ft. same as building. Mr. Mooreland made a motion that the application be approved with a 50 ft. setback for building and 50 ft. setback for pumps, at east end of building, with regulation size gasoline sign, and directional sign at corner, placed that no part of it extends over the right-of-way. Seconded by Mr. Piggott and unanimously carried.

11 - Edgar D. Turner, to erect buildings, in Industrial District, with less than required setback on lots fronting on Mill Road in Cameron Farm Subdivision, Mt. Vernon District. Mr. White explained that Mr. Turner is asking for relief from all setbacks on roads put into his land, which lies in the Industrial District. That the road above, shown on the plat now being studied by the Board, was put there after lots had been sold and a building put on the land, and that the road was placed so as to leave no setbacks for the two buildings already there. That Mr. Turner wished this to establish a precedent for other lots and buildings on his land, on roads to be built. Mr. Turner showed, from the plat that by having proper setbacks, it would reduce his valuable land so much that buildings of any size at all could not be placed on them. Mr. Stockton stated that if Mr. Turner had made a Subdivision and platted his land, putting proper roads in, this situation might have been avoided. After thorough study and discussion, Mr. Brookfield made a motion that the application be denied, seconded by Mr. Dye and carried by a vote of 4-1, Mr. Dawson voting negative.

12 - Leon Stanton, to erect a private garage with less than required side-yard setback, on Lot # 5 Braddock Acres Subdivision, Falls Church District. Mr. Stanton stated that because of the topography of his land and location of house, he would have to place his garage 4 ft. from line. After study of the plat, Mr. Brookfield moved that the application be granted, with a setback of 4 ft. from the line, seconded by Mr. Dye and unanimously carried.

13 - H. H. Hewitt and H. A. Ward, to erect joint garage on line between Lots 25 and 27, Tremont Gardens Subdivision, Falls Church District. Mr. Hewitt explained that they have a common driveway, and if they should each build a single garage, at proper setbacks, it would be almost impossible to drive a car into same. That they have an ideal location for a joint garage, with a party wall between. Mr. Dawson stated that this was the first time a question such as this had been considered but he couldn't see why there would be objection to it. He asked Mr. Stockton for his opinion, and he could see no particular objection to same. Mr. White stated that the only question might be if one of the parties should sell their property, the new owner might not like the

arrangement, but since he would be purchasing the property with his eyes open to the situation, he felt that would be worked out. Mr. Piggott moved that the application be granted, seconded by Mr. Brookfield, and unanimously carried.

14 - Laura Duke, to operate Tea Room in dwelling on the west side of Road # 613 about 500 ft. south of road # 236, Falls Church District. Mrs. Duke explained that this location was near Lincolnia. There was no opposition to the granting of the application. After discussion with Mrs. Duke as to type of tea rooms etc. she wished to run, Mr. Piggott made a motion that the application be granted, subject to the approval of the Health Department, seconded by Mr. Dye and unanimously granted.

16 - Mrs. Rosie L. Arrington, to re-open a formerly operated store, on east side of Road # 613, one and one-half miles south of Franconia, Mt. Vernon District. Mrs. Scott was present for Mrs. Arrington. She stated that her Father had operated the store for years, but same had been closed for some time now. Mr. White explained that this building would have been a non-conforming use had it not been closed, and that it was located too close to the road, but this old couple wished to re-open it and help make a living from it, and he could see no particular objection to it, as there was no opposition from the neighbors. Mr. Piggott made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

17 - C. M. Murphy, to erect sign larger than permitted, in front of his store, on south side of Road # 50, at Chantilly, Centerville District. No one was present to represent Mr. Murphy, and Mr. Dye made a motion that the application be denied, seconded by Mr. Brookfield, and unanimously carried.

18 - Mrs. Joe A. Robinson, to operate a Kindergarten, including First Grade pupils, in her dwelling on Lot 9, Section 7 Hillwood Subdivision, Falls Church District. Mr. White stated that he had a letter from Mrs. Robinson, withdrawing her application, stating that she understood there was a great deal of opposition, and she considered the good-will of her neighbors more than the operation of the kindergarten, so she would withdraw.

19 - E. W. Robertson, to erect a 6 X 8 ft. sign announcing construction of a "Business Center" on his property on the south side of Road # 244, at Annandale, Falls Church District. Mr. Robertson stated that his land was rezoned to business, and he just wished to announce the business center which he will build there. The sign would be 6' X 8'. Mr. Brookfield made a motion that the application be allowed, granting a temporary sign for the period of construction, seconded by Mr. Piggott and

unanimously carried.

20 - A. and G. Construction Company, Inc. to drill well and erect a pump house on Lot 176 of Fenwick Park Subdivision, Falls Church District. Also-

21 - A. and G. Construction Company, Inc. to erect a 25,000 gal. water storage tank and a 60 ft. tower, with well and pump house, on Lot 53 of Fenwick Park Subdivision, Falls Church District. Mr. White stated that the Health Department had asked that this case be deferred until afternoon as they wished to make further inspection, and perhaps contact Richmond. The application was deferred until afternoon.

Mr. Brookfield made a motion that the Board adjourn one hour for lunch, to return at 2 P.M. daylight time. Seconded by Mr. Piggott and unanimously carried.

Meeting called to order at 2:15 P.M. All Members present.

#20 & 21- A. and G. Construction Company were considered at this time. The only objection to them had been voiced by a representative of the Health Dept. and at this time Dr. Bradford of the Health Department was present, and stated there was no objection from the Health Department, and in fact they had nothing to do with it. Mr. Stockton said he believed it was a necessary project. The applicant stated that they could obtain the tank and tower at once, if they would accept a 30,000 gal. tank and 65 ft. tower instead of the slightly smaller one asked for. Mr. Dye made a motion that the application be granted, for the slightly larger tank and tower, seconded by Mr. Piggott and unanimously carried.

Mr. Dawson excused himself from the following case, being personally interested.

22 - Fairfax Hydraulicks, Inc., by G. Hubbard Massey, to construct a brick pumping Station and concrete water reservoir, forty ft. in diameter, 12 to 15 ft. high, with 12 in. supply mains on a lot of 8000 sq, ft. being the eastern part of the Branich Estate in the Subdivisions of South Huntington and Jefferson Manor, Mt. Vernon District. Mr. George Ford, President of the company was present. He explained that this tank was to supply water to Jefferson Manor, Fairhaven and Huntington. That the site was chosen because of the elevation. That it could service five or six thousand homes. That he believed it is a community necessity. Mr. Auman, who owns the property directly in front of this project appeared in opposition. He said his property was about 600 ft. west of Huntington and that the tank would be at the rear of his land, perhaps five ft. from the line. About 110 ft. from his house. That it is true it wouldn't be visible in the

summer, on account of the leaves etc. but that it would be visible in the winter. Mr. Stockton said that he had made a topographical survey and did not see much of any other way to construct the tank. Mr. Ford said that he had suggested to Mr. Auman, that he trade them the use of about 15 ft. in front of the tank, at the back of his land, for the use of a right-of-way out from his property, since he does not have a very good outlet now, but he had not definitely settled. Mr. Auman said if they could have got together on the road proposition, he would not have appeard to object, but since he had no definite agreement with Mr. Ford, he had desired to appear and put in an objection. Mr. Mooreland asked if he understood correctly, that Mr. Auman objected only, if he did not get the right-ofOway he wanted. He said he did not believe the Board of Zoning Appeals should be used to threaten anyone into a settlement. Mr. Auman said Mr. Ford had not been in town, and if he had not objected at this hearing, he would have had the tank to look at, close to his line, without having the right-of-way, and it would have been too late to do anything about it. Mr. Brookfield suggested that the Board allow Mr. Ford and Mr. Auman a few moments to get together on their propositions, and defer the case until later in the afternoon. The Chairman deferred the application until later in the afternoon.

23 - Carl B. Barnes, to erect a garage and breezeway, with less than the required setbacks on Lot No. 18, Block 6, of Fairhaven Subdivision, Mt. Vernon District. Mr. Barnes explained from plat and drawing the only place a garage could be placed. Mr. Dawson made a motion that on account of the shape and size of the lot, the application be allowed, one ft. from the line, seconded by Mr. Mooreland and unanimously carried.

Cases deferred previously in meeting, were now heard.

B - A. C. Floyd- There being no one present to represent Mr. Floyd, Mr. Dye made a motion to deny the application, seconded by Mr. Piggott and unanimously carried.

C - Virginia Electric and Power Company. Mr. Stockton stated he had gone down to Circuit court where the Virginia Electric and Power Company have a case today, and from conversation with Mr. McDonough, they have decided to drop the application, at this time. Mr. Piggott moved that the application be dropped without prejudice, seconded by Mr. Dawson, and unanimously carried.

D A. B. Culler. No one being present to represent Mr. Culler, Mr. Dye made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

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8 - J. A. Blankenship, to operate a temporary lunch room. Mr. Dawson said he believed this temporary lunch room was necessary for the use of the men in this large development. Mr. Piggott made a motion that a temporary permit for the period of construction be granted, after Mr. White had explained that he had issued a 30 day temporary permit, and felt Mr. Blankenship had not appeared because of a misunderstanding. Mr. Mooreland seconded the motion, and same was unanimously carried.

1 - Future Farms of America. Mr. Tyler returned to the Board room and stated that he had found out that the strip of land on which his sign was placed, belonged to the State, as part of right-of-way. Since the State Highway Dept. had signified their willingness for the sign to be there, subject to the approval of the Board of Appeals, the location was approved, but there having been opposition to the size of the sign, Mr. White suggested that a 2' X 5 ft. sign be allowed. Mr. Mooreland suggested that Mr. Tyler look into the matter of having reflector buttons on sign, believed it would be more effective in the evening than a larger type, unlighted sign. Mr. Piggott made a motion that a 2' X 5' sign be allowed, being a directional sign as approved by the State Highway Dept.'s Mr. Thomas. Seconded by Mr. Dye and unanimously carried.

22 - Fairfax Hydraulicks, Inc. This case had been previously deferred so that Mr. Auman and Mr. George Ford could agree. Mr. Auman now appeared and stated that he would withdraw his objection, since he and Mr. Ford had reached an agreement. Mr. Mooreland made a motion that the application be approved, seconded by Mr. Piggott and unanimously carried.

C - George Ford - Mr. Ford explained that the setback required for this particular street is 100 ft. and they wish relief on 15 ft. leaving a set-back of 85 ft. That otherwise the houses would set so far back on lots, that they would be too close together in the rear. Mr. Stockton felt this was a reasonable request, and Mr. White stated it had been done in other cases. Mr. Dye made a motion that the application be granted, seconded by Mr. Dawson and unanimously carried.

Mr. White read a letter (now attached to original application) from Mr. Aubinoe, asking for a six month's extension on the Board's decision allowing Multiple Dwellings on the Wescott-Kerns tract. Because of the difficulty in obtaining water and sewer and building materials, Mr. Aubinoe states he has not been able to begin building, but expects to have everything settled and begin operation within next six months. Mr. White stated he thought this was a reasonable request, because everyone

knows the difficulty in obtaining these things. Mr. Stockton said he could see no reason why the Board should not grant the request. Mr. Dye made a motion that the application be granted for a period of six months from date. Seconded by Mr. Piggott and unanimously carried.

Mr. Mooreland Brought up the question of so many cases being deferred each time, and having to be carried from meeting to meeting. He suggested that when an application is read during the meeting, and no one is present to represent the applicant, that the case be deferred until the latter part of the meeting. If there is still no one present, the case be denied for lack of applicant being present. The Board agreed that they would follow this procedure from now on.

Mr. Piggott made a motion that the meeting be adjourned, seconded by Mr. Dawson and unanimously carried. Meeting was adjourned at 3:30 P. M. daylight time, until the next regular meeting on August 26th, 1947.

S. Cooper Dawson
Chairman

August 26th, 1947

A Regular Meeting of the Board of Zoning Appeals was held in the Board Room in the Fairfax County Court House on Tuesday, August 26th, 1947 with the following members present: S. Cooper Dawson, Chairman, John M. Brookfield, Thos. I. Piggott, Robert Dye, and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer and E. R. White, Zoning Administrator.

The following applications were heard:

Cases deferred from previous meetings:

A - Richard Gianpa, re-hearing on application for Multiple Dwellings (new and additional evidence to be presented by Mr. Andrew Clarke.) Mr. Gianpa and Mr. Clarke not being present, the application was deferred until later in the meeting.

B - Paris M. Brickey, for permission to use a dwelling located on Lot 30A and part of 31, Madrillon Farms Subdivision (South side of Old Court House Road, 1/2 mi. East of # 123.) for a nursery school, Providence District.(There was no one present to represent Mr. Brickey at previous meeting.) Mr. Corbalis of the Planning Commission stated that Mrs. Brickey had called just as he left the office, and stated that Mr. Brickey was ill and could not be present, but that he desired the case to be heard at this time

if possible. The Chairman asked Mr. White if there was any reason why the application shouldn't be heard, and Mr. White stated that he didn't believe there was, and there seemed to be no opposition. Mr. Mooreland made a motion that the application be approved, seconded by Mr. Dye, and unanimously carried.

C - Mr. White read a letter from Arthur C. Stickley II, Attorney for D. S. Boger, asking for an extension of time on his approval for Multiple Dwellings, on the Lee Highway. Mr. Stickley was present, and explained that while actual building had not been started, much money had been spent in grading and putting in of streets, and he felt this should constitute beginning the project. Mr. White said he felt this was true. Mr. Corbalis of the Planning Commission said he believed Mr. Marsh, Commonwealth Attorney felt the application should be re-advertised, but Mr. White said in view of the work that had already been done, within the six month's period, he did not feel this necessary. There was no opposition present. Mr. Brookfield made a motion that the six months from this date extension be allowed Mr. Boger, seconded by Mr. Piggott and unanimously carried.

New cases:

1 - Howard Stipe, for permission to erect a sign, larger than allowed by the Zoning Ordinance, on the South side of # 211 Highway, opposite National Memorial Park, Falls Church District. Mr. Corbalis, of the Planning Commission brought up the question of the State rules concerning signs this close to a cemetary, stating that they had to be 500 ft. from a cemetary. After discussion, the Commonwealth Attorney was called, for an opinion on the meaning of the State law, as to whether it meant the regular sign, or a Bill board placed by the big advertising companies, or whether it mean't any sign at all. Mr. Marsh ruled that it mean't any sign at all. Mr. Brookfield moved that the application be denied for lack of jurisdiction, because of the State law, seconded by Mr. Piggott and unanimously carried.

A - The Gianpa application above, was heard at this time, Mr. Gianpa and his Attorney Andrew Clarke both being present. Mr. Clarke explained from plot, where Mr. Gianpa wished to place the two buildings and from architectural drawings, the type of buildings he was going to build, etc. Mr. Corbalis of the Planning Commission stated that the Planning Commission objected to the approval of this project because of the size and location of the lots. Mr. Clarke stated that this Board had turned down

another project in the same location, brought up by Mr. Gaines, but that he had appealed it to the Board of Supervisors, and they had approved same. Stated that there was no objection to this project, and he felt the question for this Board to decide was whether a project in this location would affect adversely, neighboring property. That the question of size of lots etc. was another issue to be met later. Mr. Mooreland stated, that since this was the only question to decide, he would make a motion that the application be granted, providing that it can meet the requirements of the Zoning Ordinance, and have the approval of the Planning Commission. Seconded by Mr. Dye, and carried by a vote of 4-0, Mr. Brookfield not voting.

2 - Lloyd C. Cushman, for permission to erect dog-kennels on the west side of U. S. # 1 about 1000' South of northern intersection with road # 628, with less than the required setbacks. Mt. Vernon District. Mr. Cushman explained, when questioned by Mr. White that he had an option on 300 ft. frontage. That 140 ft. of this had been rezoned to business. That the reason he wished to place his kennels only 50 ft. from the rear line, was to get away from the noise of traffic on # 1 Highway, and 50 ft. from the East line to get away from tourist cabins on the right line. Mr. White read the Ordinance, and stated there was a question in his mind as to whether the Board had the right to grant the application in the section that had not be rezoned to business. Mr. M. S. Phillips was present in opposition, and presented a petition (now attached to original application) signed with 17 names, in opposition. Mr. Jefferson Ford, also present, objected. Said he owned 50 acres across the road, and felt a kennel would lower the value of the land for future development of the kind he wished to put there. Mr. Phillips said that their greatest objection was to noise. That there were many tourist cabins there, where people came to sleep, and he felt the noise of a kennel close by would be objectionable. Mr. Cushman stated that the dogs would be placed in sound-proof kennel at night. Mrs. Neil B. Miller, also objecting, said she did not believe dogs could be kept quiet. Mr. Mooreland, a board member, stated that he believed since part of these lots are not in a business district, and as Mr. White stated, according to the Ordinance he didn't think a dog kennel could be allowed, he did not feel this Board had jurisdiction to grant same. Mr. W. M. Simmons also spoke in opposition. Mr. Dye moved that because of lack of jurisdiction and amount of objection, that the application be denied, seconded by Mr. Mooreland and unanimously carried.

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3 - Gilbert Carrickhoff, for permission to erect a private garage, with less than the required setback, on Lot 157, Section 1, Greenway Downs Subdivision, Falls Church District. Mr. Chamblis, attorney for Mr. Carrickhoff was present to represent Mr. Carrickhoff. Mr. Leigh, attorney for Mr. Dodd, who was objecting, asked to be heard first, since he was going to object to the application being heard, since it was not properly posted. Stated that the sign was placed on the next lot. Called on Mr. Dodd, who affirmed this information. Mr. White said that he did not believe it was necessary to re-advertise, since the advertising was properly done, but the property would have to be properly posted, and the application deferred until same was done. Mr. Leigh and Mr. Dodd agreed that this was all that was necessary. Mr. Brookfield made a motion that the application be deferred until the next regular meeting, so that Mr. White could properly post the property, seconded by Mr. Piggott and unanimously carried.

4 - O. L. Perry, for permission to erect a private garage, with less than the required setback, on Lot 42 and one half of 41, Valley View Subdivision, Mt. Vernon District. Mr. Perry stated that he would like to build same 3 ft. from line. Stated that he wished to build a double garage, and one side would be almost useless if he built it in the proper place, but in order to use it, he would have to place it in the very rear of the lot, and the cost of a driveway to same would be almost prohibitive. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and carried by a vote of 4-1, Mr. Dye voting No. Mr. Dye stated that he did not feel such an application should be granted when the only question seems to be one of saving of money.

5 - Kenneth A. Pearson and Beatrice A. Pearson, his wife, for permission to erect and operate additional tourist cottages on the north side of route # 211, about 1 mile west of Town of Fairfax, Providence District. Mr. Chamblis represented Mr. Pearson. Stated that this was an established tourist camp or court, and that Mr. Pearson merely wished to build additional cabins, and that it was a non-conforming use. He stated that Mr. Trout of the Health Department had been up to make an investigation, and had approved additional system to take care of this project. Mr. White asked about set-back from side lines, and he stated the new cabins would be 25 ft. or more from side line. Mr. Chamblis stated that the additional cabins would be built, and meet the Zoning Ordinance requirement, as to amount

of lot coverage. Mr. Dye moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

6 - Edward L. Leathem, for permission to erect a private garage, with less than the required setbacks, on Lot 37, City Park Homes, Falls Church District. The Chairman asked if there was any objection to this request, and there seemed to be none. Mr. White stated that this was just another case, the same as so many in City Park Homes Subdivision, of people having a small lot, and not being able to build a garage, unless it is put near the line. Mr. Leathem stated he wished to build within 2 ft. of the line. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

7 - Mary E. Hite, for permission to erect a Multiple Housing Project under Section XII sub-section F-5 of the Fairfax County Zoning Ordinance, on a tract of land located on south side of the old Arlington-Fairfax Railroad, and West side of road # 701, Providence District. The Chairman stated that there was no one present to represent Miss Hite, and he presumed the case should be deferred until later in the meeting. There were several objectors present, who asked to be heard at this time, so the Chairman stated the case would be heard. Mr. Corbalis was asked for the Planning Commission's report, which he read, stating that they would not approve the project. (report attached to original application) The objectors presented a petition (also attached to original application) signed by neighboring property owners who objected. Mr. White also mentioned the fact that sewer and water were not available at this location. Mr. Brookfield made a motion that in view ~~of the made a motion that in view of the~~ unfavorable report of the Planning Commission, and the amount of opposition, that the application be denied, seconded by Mr. Dye and unanimously carried.

8 - M. W. Rinker, for permission to operate a garage and Filling Station, with less than the required setbacks, on the South side of road # 697, at the Arlington-Fairfax Railroad, Providence District. Mr. White stated that this property had already been rezoned for Business, and that the only question before this Board was the setbacks. Mr. Rinker stated that he wanted the building 43' from the right-of-way being 7 ft. less than required, and the pumps 11 ft. in front of the building. Mr. White stated he felt this was a reasonable request. Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

9 - Hillwood Motors, by George Cohen, for permission to erect a sign larger than allowed by the Zoning Ordinance, at the SW corner of Lee Boulevard and Sleepy Hollow Road, Seven Corners, Falls Church

District. After inspection by the Board, of the drawing showing size of sign, the Board found the sign to be larger than they would approve. After discussion, Mr. Brookfield moved that three signs be allowed, two of 36 sq. ft. each and one of 48 sq. ft. subject to the approval of Mr. White on their erection, seconded by Mr. Piggott. Mr. White stated that he felt this was allowing too much area for signs. That the practice had been one sign of not more than 60 sq. ft. in area, but if an application such as this was allowed, anyone could make application for an acre of signs, each one being less than 60 sq. ft. in area. Mr. Brookfield and Mr. Piggott withdrew their motion. Mr. White suggested that only one sign be erected, the one reading "Studebaker" in a vertical lettering, being 16 ft. high and 3 ft. wide. Mr. Dye made a motion that the application be granted for a sign as suggested by Mr. White, 16 ft. high and 3 ft. wide, seconded by Mr. Piggott and unanimously carried. Mr. White explained this could be a double sign. Mr. Dye asked Mr. White if he would measure to be sure this sign was not closer to the Oakwood cemetary than 500 ft. (Mr. Cohen of Hillwood Motors believed it to be about 2000 ft.) Mr. White stated he would step it off.

10 - Southern States Co-operative, for permission to erect an office and storage building on the West side of # 123, just north of its intersection with # 211, Providence District, with less than the required setback. The Representative from the Southern States stated that they had a permit to build a building at this location about a year ago, but materials being scarse they count't get their plans approved, so did not build the building. At that time the Board approved same. Upon questioning, he stated that the right-of-way had been widened, but was not developed as yet, in front of the location of this proposed building. The members of the Board expressed their views that route # 123 being so narrow now, and even with the wider width at this point, they did not feel a building should be 12½ ft. from the right-of-way line. Mr. Dye a member of the Board expressed his view, that the building was being done in this location to cut down cost, and he did not feel an exception should be made for such a reason. Mr. White stated that this property had been rezoned, and that it was only a question of setbacks for this Board to decide. The representative from the Southern States made mention of a Town of Fairfax sewer line to be built through the southern boundary of their land as being one of the reasons he could not place this building there, but this question was not discussed by the Board. Mr. Dye made a motion that the application be denied, seconded by Mr. Brookfield and unanimously carried.

11 - Olmi and Landrith, for permission to complete a dwelling erected by error, with less than the required setback, on Lot 6, Block 1 Belle-View Apartments Subdivision, Mt. Vernon District. The

Architect for Olmi and Landrith appeared to explain the error. He stated that on a preliminary plat, the house had been located incorrectly, which error was corrected when final plat was made. However, when plat was given to surveyor, to locate dwelling, a preliminary plat was given to him by mistake, and dwelling was incorrectly located, being 2 ft. 11 inches over the setback line. Mr. Brookfield made a motion that the application be granted for the same reasons as set forth in similar cases previously granted (see Bird case), seconded by Mr. Piggott and unanimously carried.

12 - Donald F. Shelton, for permission to erect a private garage, with less than the required setbacks, on Lot # 148 , Section 2, City Park Homes Subdivision, Falls Church District. Mr. Shelton stated that his garage would have to be placed 2 ft. from the side line and 6 ft. from the rear line, in order to be able to get in and out of it. Mr. White stated this was a small lot again, such as previously granted in same Subdivision. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

13 - Clarence S. Wright, for permisssion to: 1. Operate a wayside stand at his property on the South side of route # 50, about .4 mi. West of Pender, Centerville District. 2. erect and operate a filling station on above property, with less than the required setback for building and pumps. 3. to erect a regulation size gasoline sign. 4. For permission to operate a restaurant in his home, (serving of breakfast to occupants of tourist rooms only) and 5. Sign advertising tourist rooms. The Board decided to consider each item separately. Mr. Wright explained that the first request was temporary, being seasonal, and would be for the sale of produce and eggs from his place. Mr. Brookfield made a motion that the application be granted, with a 25' setback from new property line, seconded by Mr. Dye and unanimously carried. 2. Mr. Wright explained that the Highway was being widened, and a new 50 ft. strip was being taken over from his land, by the highway, and when they developed same, they would move his dwelling back, but it might not be for a year or two. Mr. White stated that anything done about the filling station would have to be permanent so it would not have to be moved back. Mr. Dye made a motion that the permanent location of the building and pumps would be 50' setback for the pumps and 65 for the building, from the right-of-way line of Lee Highway, but the pumps be allowed temporarily located just inside the new right-of-way line, until such a time that the State widens the highway at this point, at which time the applicant has agreed to move them back to the permanent set-back, as designated. Seconded by Mr. Piggott and unanimously carried. Mr. White explained that he would allow 50' setback for building and 37 ft. setback for pumps from

the small outlet road on the East side of proposed filling station, since this was a private road. 3. Mr. Dye moved that a regulation size gasoline sign be allowed, placed on pump island, seconded by Mr. Piggott and unanimously carried. 4. Mrs. Wright explained that they kept tourists in their home and so many times were asked to serve breakfast, therefore she was asking for a restaurant license merely for this purpose. Mr. Dye moved that the application be granted, seconded by Mr. Brookfield and unanimously carried. 5. Mr. Wright explained that he wished to have a sign with the word "Tourists" to be placed close to his home. Mr. White asked him if he could get along with a 2' X 5' sign, and Mr. Wright stated he could make a 2' X 5' double sign do, therefore Mr. White said he had the right to issue a permit for this size sign. Mr. Piggott made a motion to allow one double sign 2' X 5' in size, seconded by Mr. Brookfield and unanimously carried.

14 - Fairfax Hydraulics, Inc., by Geo. A. Ford, Pres. for permission to construct a water works pumping station on lot # 140, Block C, Section 3, Huntington Subdivision, Mt. Vernon District. also-

15 - Fairfax Hydraulics, Inc. by Geo. A. Ford, Pres. for permission to construct a brick control house and two steel horizontal hydropneumatic storage tanks, on Parcel of land 24' wide X 125' long, in rear of Lots 13-14-24-25, Block C, Section 2, Fairhaven Subdivision, Mt. Vernon District. also-

16 - Fairfax Hydraulics, Inc. by Geo. A. Ford, Pres. for permission to construct a brick water works pumping station, on Lot 116, Block C Sec. 3, Huntington Subdivision, Mt. Vernon District. also-

17 - Fairfax Hydraulics, Inc. by Geo. A. Ford, Pres. for permission to construct a brick water works pumping station and Concrete water storage Reservoir on Lots 158-159-160-177-178-179 Block C Section 3, Huntington Subdivision, Mt. Vernon District.

18 - Fairfax Hudraulics, Inc. by Geo. A. Ford, Pres. for permission to construct a brick water works pumping station, on Lot 153, Block C Section 3, Huntington Subdivision, Mt. Vernon District.

All the above applications 14 through 18 inclusive were considered at one time. Mr. White agreed with the Chairman that all cases were for the said applicant and could be considered together, and stated that they were for a worthy cause, for the different properties did need a water system. Mr. Dawson excused himself from the Board, since he had an interest in Fairfax Hydraulics Inc. Mr. Brookfield, Vice-Chairman took charge. Mr. Dye made a motion that since there seemed to be no opposition to any of the projects, that all five applications be granted, seconded by Mr. Mooreland and carried by a vote of 4, Mr. Dawson not voting.

19 - Fairfax County Board of Supervisors for permission to erect a police

station and office building on Lot 2, Section 1, Poag Heights Subdivision (northwest corner of Poag Street and Old Mt. Vernon Road, Mt. Vernon District. The Chairman stated that he believed a county building in this locality was becoming necessary. There being no opposition, Mr. Brookfield moved that the application be granted, seconded by Mr. Mooreland and unanimously carried.

20 - Robert H. Heflin for permission to erect a private garage, with less than the required setback on East side of a private road, west of # 613, about 1/4 mi. north of # 236, at Lincolnia. Falls Church District. Mr. Heflin explained by plat, that he would have to place his garage within 3½ ft. from the side line, in order to be able to get in and out of it. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

Mr. Brookfield made a motion that the meeting adjourn, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 1 P.M. until September 23rd, 1947.

Mr. Mooreland suggested that the Board meet at 9:30 next month in order to read the minutes of the previous meetings and approve same.

S. Cooper Dawson Sr
Chairman

September 23rd, 1947

A Regular Meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House on September 23rd 1947, with the following members present: S. Cooper Dawson, Chairman, John Brookfield, Thos. I.Piggott, Robert Dye, and Wm. Mooreland. Also present, E.R. White, Zoning Administrator.

The following cases were heard-

Applications deferred from previous meetings:

A - Gilbert Carrickhoff, for permission to erect a private garage with less than the required setback, on Lot 157, Section 1, Greenway Downs Subdivision, Falls Church District. Mr. White stated that this application had been withdrawn, by letter from Mr. Chambliss, Mr. Carrickhoff's Attorney.

New Applications:

1 - Roy Wood, for permission to erect two dwellings on a lot having sufficient area, but not enough width, located on the north side of road # 695, about 600 ft. East of # 123, Providence

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District. Mr. Wood explained that he had sufficient area for two houses. Mr. White stated that this was true, but there was not sufficient frontage for two houses. Mr. Wood said that there was really two dwellings now, one on the road, and one back from the road, and that he would discontinue use of the house in the rear, if he could build this one. He stated that he would have two lots, each with a 91 ft. frontage. Mr. White stated that this would be ample, for the proper setbacks, and stated that he felt if this was not allowed, it would work an unnecessary hardship on Mr. Wood. Mr. Brookfield moved that the application be granted, the second house to be located on the 91 ft. lot, with the proper setbacks, providing the house now located in the rear be taken down, as Mr. Wood had stated he would do. Seconded by Mr. Piggott and unanimously carried.

2 - Charles H. and Nancy W. Violette to erect a summer cottage on Lot 3, Block 19, Section A, Gunston Manor Subdivision, Mt. Vernon District, with less than the required setback. Mr. Violette stated that they wished to build a summer home on this lot, which is very small, so they could not conform to the setbacks required. That the most he could allow, was a 4½ ft. setback from each side line. After studying the plat, the Board agreed this was true, and that the plat was made and recorded prior to a Zoning Ordinance being adopted. Mr. Dye moved that the application be granted, with the 4½ ft. side setbacks, seconded by Mr. Piggott, and passed by a vote of 4-1, Mr. Brookfield voting No.

3 - E. S. and H. H. Hartman for permission to be relieved of setbacks on lot having area of 11,097 sq. ft. just east of Telegraph Road, south of and adjoining trailer camp, Mt. Vernon District. Also--

5 - Edgar D. Turner, for permission to be relived of setbacks on all property owned by Turner and Baird, E. D. Turner, Trustee, on the East side of Taylor Road, just east of Telegraph Road, south of trailer camp, Mt. Vernon District. These two cases were considered together, as they were adjoining properties, and the applicants were asking for the same variance. Mr. White explained that Mr. Hartman had already made application for a portion of this property, to be relieved of setbacks, and while our Board turned him down, and he appealed to the Board of Supervisors, they granted it. Mr. White stated that he believed the granting of this application would be working toward doing away with setbacks in the Industrial Districts. Mr.

Brookfield said upon appeal, the Board of Supervisors seemed to be in agreement with this, and made a motion that the setbacks on all lots facing on Taylor Road, from Telegraph Road to the Virginia Electric and Power Co. property, be removed, seconded by Mr. Mooreland and unanimously carried.

4 -B. G. Garcia, for permission to establish a restaurant in the Administration building of Hubla Valley Airport, on the West side of road # 628, about 3 mi. South of Alexandria, Mt. Vernon District. Mr. White stated that the building was already established, and this would just be a restaurant in one corner of the building. Mr. Garcia stated that it would be used for employees of the airport, and students taking lessons there, and that it was very much needed. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

5 - previously heard.

6 - Wm. E. Combs, for permission to erect a private garage, with less than the required setbacks, on Lot 39, Block 6A, City Park Homes Subdivision, Falls Church District. Mr. Combs stated that because of the size of his lot, the only place he could locate the garage, and have an entrance to it, would be 2 ft. from the side line and 1 ft. from the rear line. There was no one present, objecting to these setbacks. Mr. Combs explained that his line bordered on Tripps Run in the rear, where there would probably never be dwellings built. Mr. Brookfield moved that the application be granted, 2 ft. from side line and 1 ft. from rear line, seconded by Mr. Mooreland and unanimously carried.

7 - Mark W. Alger, for permission to erect a private garage, with less than the required setbacks, on Lot 122, Section 2, City Park Homes. Mr. Alger stated that he wished to go within 2 ft. of the side and rear line. Mr. White stated that this was practically the same as the previous case, that the lot is small and a garage would have to be close to the line, in order to be able to have a driveway to it. Mr. Brookfield moved that the application be granted, with 2 ft. setbacks on side and rear, seconded by Mr. Dye and unanimously carried.

8 - Louis Bizzaro, for permission to re-locate his gasoline pumps with less than the required setback, also for a sign larger than allowed by the Zoning Ordinance, on the west side of road # 211, just South of Blakes Lane, at Fairfax Circle. Providence District. Mr. Bizzaro explained that when he purchased the property, it was divided from the tourist camp,

and while the repair shop was on his property, the gasoline pumps were on the other man's lot. That he wanted to move them to the other side of his building, with as much or a little more setback than before. Upon being asked what the setback was now, there was a discussion, and a question of the width of the right-of-way, and how far the pumps really were from the right-of-way, and not the actual roadway. Mr. Mooreland made a motion that the application be deferred until the next regular meeting, to give Mr. White a chance to personally investigate the case, and make a report. Seconded by Mr. Dye and unanimously carried.

9 - Virginia Electric and Power Co. for permission for the erection and use of an Electrical Transformer Station on Lot # 4, Section 1, Springbank Subdivision, Mt. Vernon District. Mr. Anderson, of the Virginia Electric and Power Co. stated that this would only be a small transformer station like the one on # 236 near Annandale. The Chairman asked for opposition, and there seemed to be none present. Mr. White stated that as the population increased he believed these stations are a necessity. Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

#10 - Gilbert Dye, for permission to erect a private garage, with less than the required setback, on Lots 16 and 17, Block A, Kings Manor Subdivision, Providence District. Mr. Dye explained that this was an old subdivision, and the lots were small. That he could not place a garage in the rear yard because of the location of the septic tank and field. That he would like to have it attached to his dwelling, and place it 1 ft. 4 inches from the side line. After discussion, Mr. Brookfield moved that the application be granted, with the 1 ft. 4 inch setback, seconded by Mr. Mooreland and unanimously carried.

11 - John W. Taylor, for permission to erect a Service Station and Repair Shop, with less than the required setbacks, from the right-of-way line, also gasoline pumps and regulation gasoline sign, with less than the required setback, on Lots 1 and 2, Mt. Zephr Park Subdivision, Mt. Vernon District. Mr. Taylor explained that he wanted 40 ft. setbacks. Mr. White stated that he could see no reason for granting an exception in this case, that he believed the 50 ft. setbacks from each of the right-of-ways was all right. Mr. Brookfield made a motion that the application be denied, seconded by Mr. Piggott. Mr. Taylor's brother explained that he believed if the Board could see the property, that they

would agree that lessor setbacks should be given. Mr. Brookfield and Mr. Piggott withdrew their motion, after the discussion, and Mr. Mooreland made a motion that Mr. White and the Chairman, Mr. Dawson, visit the property and make a report at the next regular meeting, seconded by Mr. Dye, that the application be deferred until the next regular meeting, and unanimously carried.

12 - R. E. Stegall and Oscar L. Perry, for permission to erect a joint double garage on Lot 41, Valley View Subdivision, with less than the required setback, Mt. Vernon District. Mr. Stegall explained that both he and Mr. Perry wanted to build a garage, with less than the required side setback. That they felt it would look better, and be better to build a joint double garage. Mr. White stated that this had been done in previous cases. Mr. Dye made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

13 - Amos S. Feltner and Henry B. Lillard, for permission to erect a joint double garage on Lots 11 and 13, Tremont Gardens Subdivision, with less than the required setback, Falls Church District. Mr. White stated that this was the same as the previous case. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

14 - Mount Comfort Cemetery, Inc. by W. M. Orr, President, for permission to enlarge the cemetery to include the entire tract of approximately 157 acres, located on the NW side of Old Kings Highway, across from Penn-Daw Hotel, Mt. Vernon District. Mr. Orr not being present in the room at this time, this application was deferred until the end of the meeting.

15 - Eakin Properties Inc. for permission to reduce the setbacks on Lots 37 and 38 and 39, Section 1, Greenway Downs Subdivision. also Lots 2 and 3 and 1/2 of 4, Section 1, Greenway Downs Subdivision, Falls Church District- And--

16 - G. A. Babrozzi, for permission to reduce the setback on Lot 40 and Lot 41, Section 1, Greenway Downs Subdivision Falls Church District. Mr. Eakin stated that he was representing both of these cases, which were alike, so they were considered together. He stated that these lots were not deep enough, and they could not extend the business zone in the rear, because of deed restrictions. Mr. White stated that this was a plat recorded prior to the adoption of the Zoning Ordinance, and that the subdivision requirements were for a 30 ft. setback, and he believed it was all right to grant the same. Mr. Stockton who had come in to the meeting

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late, also agreed the 30 ft. setback would be allright. Mr. Dye moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

17 - Charles A. and Helen B. Lyman for permission to convert their single family dwelling into a duplex, as provided in Section XII, sub-section F-6 of the Zoning Ordinance, located on 1½ acres between Lee Street and Jackson Street, at Burke, Va. Lee District. Mr. Stockton presented the report from the Planning Commission (attached to original application). Mr. White asked Mr. Stockton if he understood correctly, that they could not approve the plans of the duplex, since it did not meet the requirements (technical), but that they would not oppose it. Mr. Stockton agreed. Mr. Dawson stated that there would be no change in the dwelling, that the Lyman's were just going to allow someone to live in a portion of their house, that they did not use, and he thought because of the housing shortage, it was all right. Mr. Mooreland moved that the application be granted, seconded by Mr. Dye and unanimously carried.

18 - Oscar Griesmer, for permission to erect a sign larger than allowed by the Zoning Ordinance, at Lord Fairfax Inn, located on south side of route # 211, about 150 yards east of its intersection with route # 50, near Fairfax, Providence District. A representative from the sign company explained that the present sign at the Lord Fairfax Cabins would be removed, and a new 5' X 12' sign erected, back of the hedge that is there, perhaps about 30 ft. from the right-of-way line. After discussion, Mr. Brookfield moved that the application be granted as shown on the sketch attached to the application, seconded by Mr. Piggott and unanimously carried.

19 - Hilltop Shopping Center, for permission to erect a sign larger than allowed by the Zoning Ordinance, on their property located on the north side of road # 211, about 1/4 mi. west of its intersection with route # 50, near Fairfax, Providence District. This sign , the representative of the sign company explained this sign was to take the place of one originally granted for a gasoline sign. There is to be no gasoline now, so they want a restaurant sign. Mr. Brookfield made a motion that an 18 sq. ft. sign be allowed, seconded by Mr. Mooreland and unanimously carried.

20 - Donald McNary for permission to operate a store, with less than the required setbacks, on the north side of # 211, adjoining Falls Church town line. Falls Church District. Mr. McNary explained that he wanted a 15 ft. setback from the right-of-way line, to conform to the Town of Falls Church setback, on the rest of the property. Mr. Stockton stated that he thought, this small peice

of property being the only part of the lot in Fairfax County, the rest being in the Town of Falls Church, that it was a reasonable request. Mr. White agreed with Mr. Stockton. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

14 - Mt. Comfort Cemetery- this case was heard at this time, Mr. Orr now being present. Mr. Orr presented a petition signed by all of the adjoining property owners, with one exception, being Mr. Crain. He stated there was approximately 157 acres of land in the whole peice, and that while they did not intend to develope the entire tract at one time, they wished to definitely know they were going to use it later on, so that they could start planting trees and shrubbery on it. He stated that where they were planting shrubbery on parts that were to be used soon, they had to buy large trees and bushes, which were expensive, but where they were planning long in advance, they could plant small, inexpensive shrubbery and let it grow. He stated like in a county, a Planning Commission was formed, to make plans long in the future, and it was the same way with a cemetery. Mr. Crain now spoke in opposition. Wanted to know if he could ask some questions. Wanted to know how many acres Mr. and Mrs. Orr deeded to the Cemetery Association. Mentioned the application Mr. Orr had at one time, for a golf course and the wonderful promises he made at that time. Said the facts given, by Mr. Orr at this time, in his estimation are "pure hocum," the same as the facts given at the hearing of the golf-course application. Mr. Piggott, A Board member asked Mr. Crain if he remembered all the opposition there was to the National Memorial Cemetery on Lee Highway, and whether the property near that cemetery had increased or decreased in value. Mr. Crain said this could not be compared to Mr. Orr's cemetery, for the National Memorial Cemetery is on a large Highway, and business always follows a large Highway, and therefore values increase. Mr. Crain also brought up the fact that when the original application was heard, he believed the Board had made up their minds to pass same before the meeting, for Mr. White came to the meeting with a prepared resolution for the Board to use in granting the application. Mr. White objected to this statement. Said that he often prepared motions for the Board, but when he did, he always had two motions prepared, one for granting the application and one for denying same, and the Board could use either one. Mr. Brookfield also stated that Mr. White was asked by the Board, on on resolutions where there might be a legal question involved, to word the resolutions for the Board. Mr. Crain stated that if this were true, he would withdraw his statement. Mr. Crain mentioned, among other things, that the Cemetery was dead-ending all the

streets near there, thus making adjoining property of lower value. Mr. Crain again brought up the question of Mr. and Mrs. Orr deeding property to the Cemetery Association, in addition to what the Board had previously granted for cemetery use. Mr. Dye, a member of the Board asked Mr. Orr if a Cemetery Association couldn't own land, without using same for cemetery purposes, and Mr. Orr stated they could. Mr. Crain stated that there was no record of any stock having been issued. Stated that he owns a large tract next to this property, and he felt if the cemetery was extended, it would greatly decrease the value of his land. Mr. Orr was asked if there was anything further he wanted to say, and he stated that this was a case where "a little knowledge was a dangerous thing." He stated he did not feel they would have to explain how a cemetery was formed, or how the officers were appointed, stock issued etc. to outsiders, but anyone who has an interest in the Association or cemetery, may come to the office at any time, and they would be glad to explain things to them. Mr. Brookfield made a motion, that in view of the controversy, and the fact of taking so much land from the County tax records, that the application be deferred, and referred to the Planning Commission, until the next regular meeting of the Board, so that the Planning Commission could give a comprehensive report at that time. Mr. Piggott seconded the motion and same was unanimously carried.

Mr. Dye made a motion that the meeting be adjourned, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned until the next regular meeting on October 28th, 1947, at 1 P.M. DST.

S. Cooper Dawson
Chairman

October 28th, 1947

A regular meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House on Tuesday, October 28th, 1947, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott, and Robert Dye. Also present, T.J. Stockton, Planning Engineer and E. R. White, Zoning Administrator.

The following applications were heard:

Deferred from previous meetings:

A - Louis Bizzaro, for permission to re-locate his gasoline pumps with less than the required setback, also for a sign larger than allowed by the Zoning Ordinance, on the west side of road # 211, just south of Blakes Lane, at Fairfax Circle, Providence District

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This application had been deferred from the previous meeting, to give Mr. White time to investigate the case. Mr. White stated that the set-backs as asked for were all right. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

B - John W. Taylor, for permission to erect a Service Station and Repair Shop, with less than the required setbacks, from the right-of-way lines, also gasoline pumps and regulation size gasoline sign with less than required setback, on Lots 1 and 2, Mt. Zephr Park Subdivision, Mt. Vernon District. Mr. White stated that he and Mr. Dawson had visited the property, but could see no reason for making an exception on the building setbacks. After discussion by the Board, Mr. Brookfield made a motion that the application for less setbacks on building be denied, seconded by Mr. Piggott, and unanimously carried. The question of setbacks on pumps was next discussed. Mr. Taylor stated that he would like to have them placed 15 ft. in front of his building, or 45 ft. from the right-of-way line. Also a regulation size gasoline sign at the same setback. Mr. Brookfield made a motion that the application be granted for the pumps and regulation size gasoline sign to be located with a setback of 45 ft. from the right-of-way line, seconded by Mr. Piggott and unanimously carried.

C - Mount Comfort Cemetery, Inc. by W.M. Orr, President, for permission to enlarge the cemetery to include the entire tract of approximately 157 acres located on the NW side of Old Kings Highway, across from Penn-Daw Hotel, Mt. Vernon District. The Chairman asked Mr. Stockton for the report from the Planning Commission, which Mr. Stockton read, and which now is attached to the original application. The Chairman asked Mr. Orr if he had anything to add, and Mr. Orr said that he had not. The opposition was then called, and Mr. Crain asked to be heard. He asked Mr. Stockton if, in connection with his report, he had examined all of the records of burial permits. He quoted figures on rate of burials, in relationship to acreage in all of the Fairfax County Cemeteries. He than brought up the question of the signatures on the petition in favor of this project, as submitted by Mr. Orr. Said Mr. Wilde signed under a misapprehension that it was another entrance to the cemetery, and for a chapel. Mr. Milett also knew nothing about the cemetery going to be enlarged, but thought he signed so that the cemetery could have a chapel and another entrance. He said that Mr. Orr got Mr. Pettit to sign by telling him he would build a home for himself, on the knoll across from Mr. Petitt's home. Mr. Petitt asked to be heard. Said that it was true that Mr. Orr had stated he would

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probably build himself a home on the knoll opposite Mr. Petitt's home, and he would not use it for cemetery purposes. Mr. Petitt stated that if the Board decided to grant this application of Mr. Orr's, he hoped they would exclude this 3 acre knoll across the road, because it would be detrimental to his property, because of drainage etc. to use the knoll for cemetery purposes. Mr. Dye, a member of the Board stated that he believed the application should be deferred until next meeting to give Mr. Orr a chance to submit a plat drawn by a surveyor, showing the exact portions of land that go to make up the 157 acres. Also the 60 ft. strip to be left along the run, as suggested by Mr. Stockton, and omitting the 3 acre knoll as suggested by Mr. Petitt. Also to file names of the officers and directors of the cemetery association. Mr. Alden Jenkins, who owns a small peice of property across Telegraph Road asked to be heard, and wants to raise the question of such a large amount of land being asked for. Mr. Andrew Clarke mentioned the 60 ft. strip suggested by Mr. Stockton and wondered if that is all that is necessary for drainage and sewer purposes, and Mr. Stockton said that he believed it was. He also mentioned the Bird Sanctuary that was supposed to be there, and the Lake, but said there was no Bird Sanctuary nor lake. Also stated that Mr. Orr was dynamiting for graves, which is certainly not approved. Mr. Orr stated that he wished Mr. Clarke could visit the grounds and see the improvement they had made in them. And that, when they run into almost solid rock, it is necessary to dynamite, and each grave becomes almost like a rock vault. He stated that while the rate of burial isn't so great here today, but when the Washington cemeteries are exhausted, and that won't take so many years, the rate of burial here will greatly change. Mr. Dye stated that he was interested in Columbia Gardens Cemetery, and that he it had been in use for a number of years, but of the 57 acres, only about 1/3 was sold out now. Mr. Dye made his previous statement in the form of a motion, that the application be deferred until Mr. Orr could bring in a plat drawn by a surveyor, showing the exact boundaries of the 157 acres he wishes to include in his cemetery, also the 60 ft. strip as suggested by Mr. Stockton, and the 3 acre knoll as suggested by Mr. Petitt. Also to file the names of the officers and directors of the cemetery Association. Motion was seconded by Mr. Brookfield, and unanimously carried.

New Applications-

1 - Tyler Realty Corporation, for permission to erect a Multiple Housing Project, as allowed under Section XII, sub-section F-5 of the Fairfax County Zoning Ordinance, on the north side of

Lee Boulevard, next to and west of Jefferson Village, Falls Church District. Mr. Leigh, Attorney for the applicant was present. The Chairman asked Mr. Stockton for his report, which he read, and which now is attached to original application. There was no one present opposing this project. Mr. White stated that he believed it was a good location for such a project. Mr. Dye made a motion that the application be granted as per the Planning Commission report (similar to plans submitted) Seconded by Mr. Brookfield and unanimously carried.

2 - Hugh and Josephine Jackson, for permission to operate a restaurant in their home on the northeast side of Malcolm Road, about 1/2 mi. northwest of Vienna Town line, Providence District. Mr. Stockton read the report of the Planning Commission regarding the need of a business district at this location, and said they did not recommend one. Mrs. Jackson stated that there was no colored restaurant in Vienna, and they had tried to buy land in the town but could not get any at the price they felt they could afford to pay. That they felt they could run a nice restaurant and serve the colored people of this neighborhood. That they would run a nice place and expected to be open from 10 A.M. until 10 P.M. That later on they may apply for a beer license. Mr. White stated that it was not built up much around this location, and he could see no need of a restaurant here. The Chairman called for opposition, and Mr. H. J. Jerkins and Mrs. Barnes appeared in opposition. Mr. Gerkins stated that he lived across the road and that he did not want a restaurant in the neighborhood. He also stated that Mrs. Jerman who lived next door, while not actively opposing it, was not in favor of it. Mrs. Barnes stated that she had lived there several years, and it was a quiet place for a home and she wanted it to stay that way, without a business close by. Mrs. Jackson stated that it was on the edge of a colored settlement and she felt they needed a restaurant. After discussion by the Board, Mr. Dye made a motion that the application be denied, seconded by Mr. Dawson (Mr. Brookfield now acting Chairman) and unanimously carried.

3 - Cannon Club, Inc. of Veterans of Foreign Wars, for a permit for the erection and use of a Club House on lots 52 to 55 inclusive, Section 1, East Fairfax Park Subdivision (being near the north side of # 211, at Fairfax Circle),Providence District. Mr. Karl Spiess was present to represent the applicant. He stated that these lots were on Spring St. That the lots at the side of them, facing Lee Highway, were already rezoned to business. That they wanted to get as near business as possible, without having to pay a business price for the lots. He stated that there would be

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a bar in the building they would erect, when and if they could finance it. That it would be open to the membership or by card. He stated that the Certificate of Incorporation of the Cannon Club had been signed by Judge Brown yesterday. Mr. White was asked for his opinion and stated he could see no objection to it, almost surrounded by business as it was, if the owners of the adjoining lots didn't object. There was no opposition present. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

4 - George G. Newton, for permission to complete a dwelling on Lots 10-11 and 12, Block G, Weyanoke Subdivision, with less than the required setbacks, Falls Church District. Mr. White stated that he had reviewed this case, and felt the mistake in the location of the dwelling was an honest mistake. That Mr. Newton had set his main part of the dwelling back more than the required distance, but there was a small part of the dwelling projecting out into the yard, with less than required setback. That the street it was on would probably never become a through street, and this would create no traffic hazard. That this projected portion is 45' 8" from the right of way line instead of required 50 ft. There was no opposition . Mr. Dye made a motion the application be granted, seconded by Mr. Dawson, and unanimously carried.

5- Charles M. Day, for permission to establish a golf-driving range on approximately 40 acres on northeast corner of Blunts Lane and # 1 Highway, Mt. Vernon District. An Attorney, Mr. Henry was present for Mr. Day. He stated that he understood that there would be opposition, because people thought it was going to be a hazard. He stated that they would start driving about 25 yds. from Blunts Lane and drive toward Hunting Creek, therefore there would be no hazard. Mr. Dawson made a motion that the application be deferred until Mr. White and himself could look the situation over. Seconded by Mr. Dye and unanimously carried.

6- Fred L. Bridges, for permission to erect a private garage, with less than the required setback, on Lot 7, Section 4, Block 1, City Park Homes Subdivision (804 Westmoreland Rd.) Falls Church District. Mr. Bridges explained that due to the topography of his lot, he would have to place the garage even with his house in front, and within 2 ft. of the lot on the side. There seemed to be no opposition to this project. Mr. Dawson made a motion, that due to the topography of the lot the application be granted with a front setback to correspond with that of the house, and a side setback of 2 ft. Seconded by Mr. Piggott and unanimously carried.

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7 - Lloyd R. Millegan, for permission to use dwelling located on the west side of #655, about 1½ miles north of # 236 (Lot 5 of unrecorded subdivision known as East-West Acres) Providence District, as duplex dwelling. Mr. Stockton read the report of the Planning Commission (now attached to the orginal application) Mr. White stated that the dwelling and the garage were attached by a breezeway, and the rooms over the garage would convert it into a duplex dwelling. He thought it was all right. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

8 - Colonial Investment Co. for permission to erect a temporary sign larger than allowed by the Zoning Ordinance, at the corner of Rolling Road and Wellington Road, Wellington Estates Subdivision, Mt. Vernon District. Mr. Piggott made a motion that a 5' X 7' sign be allowed for a period of 6 mo. Seconded by Mr. Dawson and unanimously carried.

9 - Joseph F. Baker, for permission to operate a Cemetery, at the Northwest side of road # 626, about 3 miles Southwest of Groveton, Mt. Vernon District (on approximately 50 acres). Mr. Baker was represented by Attorney Andrew Clarke. Mr. Clarke stated that the rear 50 acres of the 100 acre tract, is what is being considered. There would be an entrance on the north of the main highway. There seemed to be no opposition present. Mr. White stated he could see no reason why the application shouldn't be granted. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

10 - Jether Dove for a permit for the erection and operation of a Filling Station and public garage, with less than the required setback, on the East side of Road # 608, about 2½ mi. north of Pender, Dranesville District. Mr. Stockton read the report of the Planning Commission (now attached to the original application). Mr. Dove stated he could build 65' from the side line of the right-of-way. Mr. White thought this setback would be all right. There was no one present objecting to this project. Mr. Dye made a motion that the application be granted, seconded by Mr. Dawson, and unanimously carried.

11 - J. B. Wathen, for an exception on setbacks, less than provided by the Zoning Ordinance, for a building located at the intersection of Old Pole Road, and # 1 Highway, Mt. Vernon District. Attorney Andrew Clarke representing Mr. Wathen, explained that the building was probably built on the advice of Mr. Wathen's council, at Lovingston, based on Judge Bazile's decision. He said he didn't doubt that Mr. Wathen had defied all county officers and county restrictions, but [illegible] the building could not be left there

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at the present time. It is not near an intersection and causes no traffic hazard. If # 1 is ever widened anymore, Mr. Wathen would agree to move the building at his own expense. Mr. Clarke explained that this case is in Circuit Court now, and the Judges' sentence was deferred until the outcome of this decision. Mr. Brookfield stated that the Ordinance was written in good faith and that he could see no reason for the Board to grant the application. Mr. Clarke had mentioned that "if the Board could forget prejudice and grant the request." Mr. White stated that there was no prejudice, but that this was a flagrant disregard of the ordinance, and he could not see where this Board could allow it. Mr. Dye made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

12- Norman M. Ridgeway, for permission to erect an addition to his present store and filling station building, with less than the required setbacks on the West side of # 611 adjoining Burgundy Road, Mt. Vernon District. Mr. Ridgeway explained his situation and where he wished to place the addition. Since it was in Mr. Crane's neighborhood, the Board asked his opinion, and Mr. Crane suggested that since this was a very strategic location, he would suggest that an engineer from the Planning Commission go down and help Mr. Ridgeway locate the addition. After discussion, Mr. Dawson made a motion that the application be granted subject to the approval of the Planning Commission, and with the approval of the resident engineer of the Highway Department. Seconded by Mr.Piggott, and carried by a vote of 2-1, Mr. Dye voting No, and Mr. Brookfield not voting.

13 - Don B. Looney, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the north side of # 211 opposite Glen Alden Subdivision, Centerville District. Mr. Hogeland was present, representing Mr. Looney. He stated they wished a 3½' X 7¼' sign, to be placed just off the right-of-way. Mr. Piggott moved that the application be granted, seconded by Mr. Dye and unanimously carried.

14 - Mildred W. Cookman for permission to use a part of a 10 acre plot, for dog-kennels, located on the west side of road # 685, 2½ mi. northwest of McLean, Providence District. Mrs. Cookman explained that her land was between Old Dominion Drive and Georgetown Pike, on Swinks Mill Road. Said that Dr. Carbone, a veterinarian, who was also present, would operate the place for her. Mr. Brookfield asked the zone the property was in, and Mr. White stated that it was in a Rural Residence District. There was no opposition present. Mr. Dawson made a motion that the application be granted, seconded by Mr. Dye and unanimously

carried.

15 -Etta S. Donaldson, for permission to erect a dwelling with less than the required front and side setback, on Lots 5 and 6, Block 1, Gunston Manor Subdivision, Mt. Vernon District. Mr. White explained that the size of the lot and the topography, made it almost impossible for the Donaldsons to build, if they were not granted relief from the setbacks. However, he explained to Mrs. Donaldson, that there are deed restrictions in the subdivision which might control the location or type of building she was going to put up, and that it would be to her advantage to go to the Record Room and read these restrictions. After discussion Mr. Dawson made a motion to grant the application, subject to the Deed of Dedication Restrictions of Gunston Manor Subdivision, seconded by Mr. Dye and unanimously carried.

16 - Baraca-Philathea Union, R. Edwin Fussell, Executive Secretary for permission to use dwelling as a Bible Club, located on the north side of Mount Vernon Boulevard, about 1½ mile East of Mt. Vernon. Mt. Vernon District. Mr. Fussell explained that the building is used for Board Meetings, there being about 22 Board members. That their visitors this year had been from 37 states and 3 foreign countries. He stated that they can accomodate 10 or 12 couples at one time, or 30 people at the most. The Chairman stated that there was no opposition present. Mr. Dawson made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

17 - Monroe Development Company for permission to erect a dwelling with less than the required setback, on the northwest corner of road # 241 and Fort Drive. Jefferson Manor Subdivision Mount Vernon District. Mr. Stockton stated that the Monroe Co. had donated additional right-of-way on Kings Highway, and he felt the request for this dwelling was reasonable. Mr. Harnett of the Monroe Company explained from the plat, how the dwelling would be situated. Mr. Dawson made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

18 - Otho E. McCrackin, for permission to erect a private garage with less than the required setback, on the west side of Holloman Road, about 800 ft. south of road # 649, Falls Church District. Mr. McCrackin, showed from plat, where he wished to build his garage, and that he could not get farther than 3 ft. from the line, and still have a driveway in. Mr. Dawson made a motion that the application be granted, seconded

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by Mr. Piggott and unanimously carried.

19 - Herman B. Miller, for the erection of gasoline pumps with less than the required setback, located on the South side of road # 677, 3/4 mi. East of # 123, on Lot 57A and 58A Madrillon Farms Subdivision, Providence District. Also for a standard size gasoline sign. Mr. Miller explained that the building was located with a setback of about 35 feet from the right-of-way line. That they wished to put the pumps and sign close to the front of the building. Mr. White stated he felt this was all right. Mr. Dawson made a motion that a 30 ft. setback from the right-of-way line for the pumps and a standard size gasoline sign be granted, seconded by Mr. Dye and unanimously carried.

20 - Boyd Fisher, for permission to erect a sign larger than allowed by the Zoning Ordinance, at Colchester Inn, on the West side of # 1 Highway, 1/2 mi. north of Woodbridge, Lee District. Mr. Fisher explained that this sign would be placed 225 feet back from the center of the present right-of-way, and that it had to be large to be seen. Mr. Dawson stated he thought being that far away, the sign could not create a traffic hazard, and would be all right. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

21 - Robert W. Bauer, for permission to erect and operate a public recreational resort under Section IV-A-10 of the County Zoning Ordinance, on the South side of Highway # 211, about 1/4 mi. West of Prosperity Avenue, adjoining Accotink Run, Falls Church District. The Attorney for Mr. Bauer stated that this group of young men, some of them returned veterans, had a 10 acre plot near Merrifield, and that they wished to have a Roller Skating Rink; That the balance of the 10 acres they would turn into a private and public picnic grounds, all which can be allowed as stated in Paragraph 1, Section 5A, under Suburban Residence, of the Zoning Ordinance. He stated that two of these young men, Mr. Wirtz and Mr. Gosnell were present. Mr. Gosnell explained that they wished to build a skating rink 210' X 190'. That the center of it would be the large rink, and around the edge some smaller rooms. That these smaller rooms, and the large one after skating hours, could be used for large meetings, such as boy-scouts etc. He stated that the building would be fire-proof, of cinder block and steel. Mr. White stated that so far as the use, he was highly in favor of it, and it was very much needed in the community, but the Board would have to determine if this was the correct location for it. Mr. Gosnell stated also, that there would never be intoxicating beverages sold here, since

there was a provision in their deed to that effect. Mr. Bauserman from the public school spoke, and mentioned the need for this type of recreation for the children growing up in the community. And while we would prefer a Public recreation, a private one is the next best solution. Several others, interested in Boy Scouts and other organizations, spoke in favor of the project. Mr. Stockton stated that he thought the aim was good, but he felt the location was not so good. That the same question had been up when they asked to have the land rezoned, and it had been turned down. Mr. Wirtz mention that later on they hoped to put in a swimming pool here. Mr. Stuart, executive director for the Community Chest spoke in favor of the project. Stated that he was speaking as a private citizen. Said that he was startled when he found out there was only a six month's supervised recreational program here. That if we can't have it as a public recreation for the balance of the year, then the private recreational area such as this is badly needed, and he felt that this was a good location for it. There was a sworn statement by Mrs. Iler Osborne, also in favor of this application. In opposition were Mr. Milton Murray who stated that he lived near this location, and it was approximately a half mile from the bus stop, and he felt that in walking to and from the bus, would create a traffic hazard. He also mentioned that there were Trents, with three children, Smith's with one, and himself with one, and that he had expected to raise his family as they had been doing, in a quiet neighborhood, which certainly would not be so, if this use was established. He stated that it had been mentioned that it would be run under supervision, but what guarantee are we really given that there will be any supervision. Mrs. Trent stated that they were in favor of recreation, but didn't want 24 hours of it, each day. Mr. Wirtz stated that should they be able to locate here, the bus company would run busses up there for them. After discussion, Mr. Dye made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

22 -Hawkins-Reeves Post of Veterans of Foreign Wars, by G. T. Williamson, for permission to erect and use a Club House a tract located one-half mile West of # 1 Highway, Lee District. Mr. Williamson explained that they would have a building there to use for their meetings, as well as one that other meetings could be held in, such as Boy Scouts, and it was very much needed in the community. There was no opposition to be application. Mr. Dye made a motion that the application be granted, seconded by Mr. Dawson, and unanimously carried.

Mr. Piggott made a motion that the meeting adjourn, seconded by Mr. Dawson and unanimously carried. John W. Brookfield

Vice Chairman

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Nov. 6th, 1947

A Special meeting of the Board of Zoning Appeals was held in the Board room of the Fairfax County Court House, on Thursday, November 6th, 1947, with the following members present; S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott, Robert Dye and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer, and E. R. White, Zoning Administrator.

The Chairman stated that there was only one case to be heard at this meeting, which was as follows:

A - Mount Comfort Cemetery, Inc. by W. H. Orr, President, for permission to enlarge the cemetery to include the entire tract of approximately 157 acres located on the NW side of Old Kings Highway, across from Penn-Daw Hotel, Mt. Vernon District. Mr. Orr explained from the plat, the exact boundaries of the land he wished to use, where the proposed sewer would come, part of which had been put on the map by Mr. Massey's office, and the exception of the 5.52 acre peice across from Mr. Petitt. Mr. Orr stated that the other proposed sewer line had not been placed on this map, as Mr. Massey had not had time to put it on, but that he would agree to allow the county to put any necessary sewer line through the property. The Chairman asked Mr. Petitt to look at the map and see if he was satisfied with this 5.52 acre tract being accepted, to take care of any drainage on his place, and Mr. Petitt explained from a drawing what he desired, and stated the tract excepted on the plat would satisfy him. The other thing that Mr. Orr was to present, was a list of officers and directors of the corporation. Mr. Orr had presented a pencil notation of the officers and directors, and as he explained, had noted the ones not now on same. Mrs. Orr presented a typed correct list, which was substituted for the pencil list, the names on which were read at this time, by Mr. White, as follows: Directors: Burns N. Gibson, W. M. Orr, and Viola M. Orr. Officers- Wm. Orr, President, Viola M. Orr, Secretary, George Morgan, General Manager and Treasurer. At this time Mr. Crain presented a telegram, exact copy of which is attached to original application, from the State Corporation Commission, giving as Officers, in a non-stock corporation, W.M. Orr, President, Viola M. Orr Secretary, and Thomas N. Hendricks, Treasurer. As directors- W.M. Orr, Viola M. Orr, Thomas N. Hendricks, S. C. Dawson and Burns N. Gibson. Mr. Dawson

asked why, since he resigned at least ten months ago, his name was still listed by the State Corporation Commission as being one of the Directors. Mr. Orr stated that their regular meeting was supposed to have been held in September, but because the auditors had not given their report as yet, the meeting had been deferred until the report was received, which should be any day now. He stated that somehow his Attorney, Mr. Simmons may have slipped up on sending in notice of Mr. Dawson's resignation to the State Corporation Commission, and he would check with him immediately. Mr. Mooreland brought up the question of only three directors, and was of the opinion that there had to be five. Mr. Orr stated that the Attorney, Mr. Simmons had drawn all their papers up, and they had been approved by the State Corporation Commission, as a non-stock corporation, so he believed they were all right, but Mr. Mooreland stated that at that time there were five directors, and there aren't now. Since no one could answer the question on how many directors were necessary, Mr. Mooreland suggested that Mr. Marsh, Commonwealth Attorney, be called. The case was explained to Mr. Marsh, and the plat exhibited. Mr. Marsh stated that it was his opinion that the Board had no right to consider the question of future sewers, nor to base their decision on it. That they should consider the land as it is now. When asked about the directors, he stated that he did not know how many directors were required in this case, but he did know that as long as Mr. Dawson's name had not been taken from the list on file with the State Corporation Commission, as a director, then Mr.Dawson should not act on the Board, for this case. Mr. Dawson excused himself from the Board, and Mr. Brookfield became acting Chairman. Mr. Stockton stated that since Mr. Marsh had decided that the question of the sewers, of directors, etc. was not a question for this Board, that the only question really before the Board, was whether this particular tract was the proper place for this use, and would not adversely affect neighboring property. Mr. Crain stated that he had brought up several points before, such as "how" the signatures were obtained on the petition, by Mr. Orr, but these facts had not been questioned by the Board. Mr. Piggott a member of the Board stated that we were not questioning the signatures, that if a man signed a note, he was responsible for that note, whether he read it, and understood what it was, or not, and that the people who signed this petition were responsible for their signatures being on there. Mr. Crain stated that this special meeting was held without his being notified in proper time, that he had only received his letter of notification

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yesterday afternoon. Mr. White stated the letter had been mailed last Saturday, and he should have had it. Mr. G. E. Butler, who was present with Mr. Orr, asked Mr. Crain if it was not true that three or four weeks before this application had ever been made, that he and Mr. Orr had called on him and told him that they were going to put in the application, and, while they hoped he would not oppose same, at least they were notifying him of their intention. Also that he had stated, while talking to them, that he would rather see a cemetery there, than a cheap housing development. Mr. Crain denied the statement. Mr. Crain said that he would have other evidence to present, that he could not get ready for this meeting. Mr. Mooreland made a motion that because of the question of a list of names of Directors being inaccurate, and because there was a question of whether sufficient notice had been given the opposition of this Special meeting, that the application be deferred until the next regular meeting on November 25th, 1947. However this was a notice to Mr. Crain that he must have all evidence here on that date, for a decision would be made at that time. Seconded by Mr. Dye and unanimously carried by a vote of 4, Mr. Dawson having been excused.

The business being over, the rest of the morning was spent in the reading of minutes. Mr. Piggott made a motion to adjourn, seconded by Mr. Dye and meeting was adjourned at 1 P.M. until the next regular meeting of November 25th, 1947.

S. C. Dawson
Chairman

November 25th, 1947

A regular meeting of the Fairfax County Board of Zoning Appeals was held in the Board Room in the Fairfax County Court House on Tuesday, November 25th, 1947, with the following members present: S. Cooper Dawson, Chairman, John Brookfield, Thos. I. Piggott, Wm. Mooreland and Robert Dye. Also present E. R. White, Zoning Administrator. The following applications were heard:

Applications deferred from previous meetings:

A - Mount Comfort Cemetery, Inc. by W. M. Orr, President, for use of entire tract of approximately 157 acres, for cemetery purposes, located on the NW side of Old Kings Highway, across from Penn-Daw Hotel. Mr. Andrew Clarke, Attorney, represented the opposition. He stated that there was certain information regarding the corporate setup of the Board of the Cemetery, that he would like to inquire about. The first

was, regarding Mr. Dawson being on the Board or not. Mr. Dawson had excused himself at the beginning of this case, and was not acting on the Board at any time during the hearing of this case. He answered this question by stating that he had only been a member of the Board for a few months, that he had resigned, but since he had not received a telegram from the State Corporation Commission to the effect that they had received his resignation, he would not act onthe Board during this case. He stated that he understood there was a telegram sent to him but addressed to Fairfax. The phone company had called him from Alexandria, and had the telegram but would not charge it to the Penn-Daw hotel. The last he heard it had been transferred to Arlington, but he still had not received the message. Mr. Brookfield, acting Chairman stated that he believed these questions were beside the point, that he believed all this Board could decide was regarding the use of this land for this purpose. Mr. Orr mentioned that this was the Commonwealth Attorney's decision also. Mr. Clarke stated that these facts were of vital importance to the adjoining and neighboring land owners. That it was their business to find out how this cemetery was to be operated, for they wanted to know about the supposed perpetual care, etc. Mr. Clarke stated that they had no objection to this 34 acre cemetery being increased to about 60 acres, but they did have objection to so much land being set aside for that purpose. Mr. Tripp, an outside Planning official, was called by Mr. Clarke. By a map, he showed the area of this land in question,-- the location of proposed sewer lines, where parkways could be placed running through the land at two points, and stated that at this present time there are no roads running through this land, but these two suggested parkways through it, providing it was a residential area, would be outlets for all the land around it. If it was set aside for cemetery purposes, the roads could not be placed through it. Mr. Brookfield was of the opinion that this Board could not grant a less number of acres than was asked for, but Mr. White was of opinion that it could be done provided the use was the same. Mr. Clarke stated that he did not believe there would be any objection if the 34 acres was increased to 70 or even 80 acres. S. S. Fraley also spoke in opposition. Stated that when the cemetery was started, he believed or understood it was to only take in 30 acres. Stated that he was opposed to expansion of any kind. Stated that his property was across the street, but does not actually join it. Mr. Paris spoke in opposition. He stated that he did not believe we should be looking out for the dead for four hundred years hence (the opposition had previously brought out that at the present rate of burial it would take 400

years to fill this cemetery if it were enlarged) but he thought we should be looking out for the living in the immediate future, and he believed this land could better be utilized for dwelling purposes. His land, he stated, was across Telegraph Road, near Wilton Woods, which is built up with $20,000 homes. Mr. Elden Jenkins, also spoke in opposition. Stated that he lived in the community, and that he had recently read a very complimentary editorial, about the Arlington, Alexandria, Fairfax sections going to unite in municipal plans for the area. Said that business is now all going in to Alexandria, but if good roads could be opened to these new shopping centers that are located out in the county, and those to be built, we could divert some of that business and keep it at home. Mr. Mooreland brought up the question of taxes at this time, it having been stated by Mrs. Orr that the Cemetery Association was paying taxes on the unused acreage, and asked if it was not possible for this land to be held for cemetery purposes for a long time, either without any taxes, or very small taxes, and then allowed to revert to other uses, when it has become a lot more valuable. Mr. White, the Zoning Administrator answered this question by stating it could certainly revert to its original use for single family dwellings, at any time, however for any other use, it would have to again come before this Board for approval, or before the Board of Supervisors for rezoning. The fact was brought out by Mr. Crain (in opposition) that the land was taxed on a value of $70 per acre at the present time, but that if it was divided into cemetery lots, it would sell for approximately $75,000 per acre. The Chairman asked Mr. Crain if it was not a fact that he was paying taxes on his land at the assessed value, and not the actual amount he could sell land for, and Mr. Crain stated that this was true. The Chairman said it was the same for the cemetery, they were paying taxes on assessed value. Mr. Dye, who has an interest in Columbia Gardens Cemetery stated that the land was taxed as long as it was unoccupied, and taxed as acreage but as soon as it was occupied, the taxes stop entirely. Mr. Orr spoke, and stated that he did not know whether this Board, our Planning Commission, or someone from Boston (referring to Mr. Tripp the outside Planning official) was making the plans for this County, but that this case had been referred to the Fairfax County Planning Commission, and they had given a favorable report on the granting of the application. Mr. Mooreland again brought up the question of this land being kept out of taxation for five or ten years, and then the owners deciding on something else, and asked what is to keep them from developing it for something else? He stated "In view of the fact, Mr. Chairman, that you feel we cannot grant less than what is asked, and in view of the fact of taking so

much land out of taxation for the County, I move you at this time we deny the application." Mr. Dye seconded the motion and same was unanimously carried. Mr. Dawson asked that the minutes show that he took no part in this case, having been excused from the Board during the hearing.

11 - R. L. Epps, ~~for permission~~, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the East side of #1 Highway, about 1½ mi. south of Alexandria, at Groveton, Mt. Vernon District. Mr. Andrew Clarke stated that he was Attorney for Mr. May of the Cocoacola Co. whose sign Mr. Epps had placed on the front of his building, before they knew the Zoning Ordinance requirements regarding signs. The sign was larger than the Zoning Administrator could allow, Mr. White stated, but was no traffic hazard, and he saw no reason why it could not be granted. Mr. Dawson made a motion that the application be granted, seconded by Mr. Dye and unanimously carried. Mr. Clarke made mention that there would be more of these signs placed on stores in the County, stating the name of the store and advertising CocoaCola, and asked if this one hearing could cover all of these signs. The Chairman and Mr. White explained that each case would have to be heard separately, under the present Zoning Ordinance.

B - Charles E. Day, for permission to establish and use a golf driving range on approximately 40 acre tract, on the NE corner of Blunts Lane and # 1 Highway, Mt. Vernon District. This case was continued from the previous meeting, giving Mr. White, Zoning Administrator and Mr. Dawson, Chairman of the Board, time to go down and inspect the property to see if this driving range would be a traffic hazard. They both agreed that it would not cause a hazard. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

New Applications:

1 - O. E. Burke, for permission to erect and operate an Electric Kitchen with less than the required setbacks, on the north side of route # 211, at Centerville, Centerville District. Mr. Dye excused himself from the Board during this case, since he owns adjoining property. Mr. Burke stated that he had placed his building about 30 ft. from the road, but only about 20 ft. from the right-of-way, which is approximately the same setback as the adjoining store, and of other buildings at Centerville built prior to the Zoning Ordinance. He stated that if he was required to move the kitchen back to the 30 ft. from the right-of-way line setback, he would be hidden from view, by the store on one side, and by a knoll on the other. Mr. Dye, now present as

an onlooker, mentioned that he owned the land adjoining, on which this knoll was situated, and that he soon was going to build on it, so the knoll would be removed. Mr. Burke stated this would still leave him behind the front of the adjoining store. Mr. Brookfield stated that all correspondance and conversations with representatives of the Highway Dept. stressed the point of keeping business back from the right-of-way. Mr. Dawson asked Mr. Burke if he could not place the building back, and place a sign out close to the right-of-way line. Mr. Burke did not believe a sign would be noticed, whereas if the kitchen set out so it could be seen, it would be noticed. Mr. Mooreland stated that some time soon we would have to stop this encroachment on the right-of-ways, and he believed this was one case where the correct setbacks should be observed, for Centerville was growing, and this would be a precedent for future building, therefore he moved that the application be denied, seconded by Mr. Dawson and unanimously carried.

2 - James F. Shivar, for permission to erect additions to his dwelling located on Lots 16-17-18-19 and 20, Block B, Weyanoke Subdivision, with less than the required setback, Falls Church District. The case was explained by Mr. Shivar, who stated that he had purchased this home in good faith from Mr. Bryant. That the title had been examined and found to be all right. That there were additions started on the dwelling, and that when he tried to obtain a permit to complete the additions he found that the Board had denied Mr. Bryant the right to complete them, and had ordered him to take them down. Mr. White stated that in the first place the dwelling had been built since the Zoning Ordinance went into effect, or rather, it had been moved onto this property. That there was nothing said about the side street, nor that it was a corner property, the street not being in. Later when Mr. Bryant tried to get a permit for the addition-- he had already started, the Board found that the lot was a corner lot and the whole dwelling was too close to the right-of-way. Therefore the Board refused the permit. Mr. Bryant then sold the property. Mr. Shivar stated that he had tried to get Mr. Berry, County Surveyor to survey the property to find out actually where the correct line was, but as yet Mr. Berry had been unable to do the work. Mr. Mooreland expressed his view that the Board should be consistent with their former decision. Mr. Dawson moved that the application be denied, seconded by Mr. Dye and unanimously carried.

3- Wm. B. Tillinghast, for permission to erect an addition to his store building with less than the required setbacks, on the South side of

road # 642 about 500 yards west of railroad at Lorton, Lee District. Mr. White explained that he and Mr. Dawson had personally investigated this case, and found that the situation had changed since the application had been put in. They had talked to a highway employee and found the road in the front of Mr. Tillinghast's store had been abandoned, and that the setbacks would now be sufficient. That Mr. Tillinghast's outlet would be at the side of his store, on a road leading to a Shirley Memorial outlet. However, since this is a non-conforming use, this Board would still have to give approval of the additions . Mr. Dawson moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

4 - Lillie M. Godfrey, for permission to re-open a restaurant on Lots 5 and 6 Briarwood Subdivision, on Route 211, north of Fairfax Circle, Providence District. Mr. White explained to the Board that this building was occupied and used for a Filling Station and restaurant before the war, but had been closed and used as a dwelling during the war. Afterward, when Mrs. Godfrey went before this Board to ask to reopen, she only asked for the Filling Station use. She now wishes to reopen the restaurant, so is coming before the Board for that purpose. Mr. Dye stated that since the Board had granted the first use, he saw no reason for not granting this one, and made a motion that the application be granted, seconded by Mr. Mooreland and unanimously carried.

5 - F. S. Cumbie, for permission to erect a coal and wood shed, and well house, with less than the required setbacks, on the East side of road # 608, about 1/4 mi. north of Pender, Dranesville District. Mr. Cumbie stated that he wished to build a well house for his well, which is too close to the side line, and then build a coal and wood shed under the same roof. Mr. White stated he could see no reason for refusing the request, if the next door neighbor did not object. Mr. Cumbie said the neighbor did not object. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

6 - Mrs. Robert Sweitzer, for permission to operate a Convalescent Home on the West side of road # 627 about 1 mile south of #628, Mt. Vernon District. Mr. and Mrs. Sweitzer were present with their Attorney, Mr. McCandlish, who stated that they had previously had one neighbor objecting. This neighbor only objected for two reasons, one that he did not want more than one acre of the land that went with this dwelling to be used for this purpose, and the other, that he felt the septic tank or field from this property was draining on his land. Mr. White explained that

so far as using the one acre, this Board was only granting the use of this dwelling, as it now stood, for this purpose. And should Mrs. Sweitzer wish to enlarge her business by addition tothe dwelling, she should have to again come before this Board, at which time the neighbor could object to the enlarging of the project Mr. McCandlish stated that the Sweitzers had consulted with the Health Department, and found that when the septic tank and field had been put in this property, it was large enough to accomodate the purpose it was now to be used for. And that it was probably not this septic tank, but another neighbors, that was overflowing. There seemed to be no other opposition. Mr. Dawson moved that the application be granted, subject to a check by the Health Department. Mr. White stated that this condition, was not necessary, since all permits issued was subject to the approval of the Health Department. Mr. Piggott seconded the motion and same was unanimously carried.

7 - Ralph Jackson, as Lessee, to rebuild a refreshment stand which has burned, at Great Falls Park, on route #738, Dranesville District. Mr. Jackson stated that this concession was next to the merry-go-round, and sometime ago burned. He wished merely to rebuild it as it was. There was no opposition. Mr. White said there was no question of setbacks, but that this was merely a non-conforming use. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

8 - Mrs. Rose M. Stevens, to operate a Beauty Parlor in room adjoining restaurant, on the north side of # 1 highway, opposite Pohick Church, Mt. Vernon District. Mrs. Stevens stated that she was not building anything, but would merely utilize the use of an empty room in the building. Mr. White stated that this was not a home occupation, therefore he could not grant the permit, it being a non-conforming use. There was no objection. Mr. Dawson made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

9 - John A. Edwards, for permission to erect a dwelling with less than the required setbacks, on Lots 1-2-37 and 38, Block S, Beverly Manor Subdivision, Providence District. Mr. Edwards explained that he had four lots, two facing each street, with the backs together. That he wished to combine them, building the house facing a side street. In this way he could stay at least 50 ft. from St. Albans Drive, 50 ft. from route # 236, 20' from the side street which is Summitt Drive, and 5 ft. from the rear line. After a study of the plat, location of lots etc. Mr. Dawson made a motion that the application be granted, with the above mentioned setbacks, seconded by Mr. Mooreland and unanimously carried.

10 - Groff and Anderson, for erection of an accessory building with less than the required setback, at the southwest corner of Duke Street and Roberts Lane. Falls Church District. Mr. Anderson explained that they wished to build this accessory building

right up to the line of Roberts Lane, without setbacks. That Roberts Lane wasn't claimed by either Alexandria or Fairfax County and was dead-ended at the Electric Company project. The building would create no traffic hazard. Mr. Crain mentioned that a $150,000 cinder block plant was being put in back of this location, in Alexandria. Said he believed the entire area would be developed as Industrial within a short time. After discussion with Mr. Anderson, he said Mr. Dawson made a motion that the application be granted, allowing the building to be placed with no setback from Roberts Lane. Seconded by Mr. Dye and unanimously carried.

11 - This case was previously heard, after "A".

12 - Future Farmers of America, A. W. Tenney, Executive Secretary, for use of a building on their property on S.E. side of #1 Highway, about 600 ft. North of # 235, to store clothing to be bought, and sold by mail order to the Future Farmers of America organization, Mount Vernon District. Mr. Tenney explained that they would purchase this clothing, store it in one of their buildings, and then at later dates sell it by mail order to the Future Farmers of America organizations through out the United States. That there be no actual business carried on at the premises, it being done by mail. Mr. Dawson stated that he had visited this place lately, and was surprised to see how many buildings were there, it all being hidden from the road. ~~He could see no reason for anyone objecting to such a project.~~ He could see no reason for anyone objecting to such a project, and Mr. White agreed with him. There was no opposition present. Mr. Dawson made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

13 - Mrs. Roger Peters, for permission to erect a private garage with less than the required setback, on Lot 7 Block 5, Section 1, FairHaven Subdivision, Mt. Vernon District. Mr. White stated that this was the same old question, that a garage could not be built unless it was close to the line. Mrs. Peters said they wished to build the garage 3 ft. from the side line. There was no one present objecting. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

14 -Cassius Carter, Jr. for permission to erect and use a Restaurant building, with less than the required setbacks, on Southeast corner of the intersection of road # 611 and #241, Mt. Vernon District. Mr. Brookfield read the report from the Planning Commission (now attached to original application) recommending against the granting of this application, because they felt any building put on this small parcel of land, would be a traffic hazard. The Board made a thorough study of the plat showing the

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lot. After the roads were widened and new one cut through, there was very little lot left, and when the roads are widened again, which they will be within the next few years, there will be nothing left of this land. Mr. Carter stated that he had inherited this land, and had been paying taxes on it for some time, and he felt as long as he was paying taxes on it, he should be allowed to build on it. The Board however felt that they could not grant the erection of any building on this lot without causing a traffic hazard, and Mr. Piggott made a motion that the application be denied, seconded by Mr. Dye and unanimously carried.

15 - D. E. Doss, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the West side of # 1 Highway, 1½ miles South of Alexandria, at Groveton, Mt. Vernon District. Mr. White explained that this was a CocoaCola sign, the same as granted to Mr. Epps, who Andrew Clarke had been representing. That Mr. Clarke had to leave, so had asked that this case be heard without him being present. This sign is the same as Epps' sign, but is located at the top of the building instead of in front of it. He could see no reason for denying it. Mr. Piggott made a motion that the application be granted, seconded by Mr. Dawson and unanimously carried.

16 - Thomas E.Corner and John D. Rector, for permission to erect and operate a Motel, on a portion of a 27 acre tract known as Lot 20, Schwartz Farm Subdivision, on the south side of highway # 211, just West of Cub Run, Centerville District. Mr. Corner explained that they wished to build a Motel, or "glorified tourist court" on the property. He presented a sketch of what they wished to build. Stated that they would be frame construction, covered with asbestos siding. The Chairman asked if there was opposition, and in opposition were present the following: Mr. and Mrs. Dyer, Mr. Hanson, Mr. Rosemund. B. C. Jones. Mr. Dyer stated that they also represented J. P. Steddings, Mr. Whetherholz, Mr. Ritzenberg, and Mr. Johnson, who could not be present. Mr. White stated that Mr. Mutersbaugh had been present to represent Mr. Ritzenberg's objections, but it had been necessary for him to leave earlier. Mr. Dyer explained that this property had been zoned residential, and they had all built homes, many of them were raising families here, and they wanted it to remain residential. That in placing a tourist camp here no matter how nice it might be, it would ruin the property for residential purposes. That he did not feel a tourist camp was necessary at this location, there being so many others from Centerville to Fairfax. He stated that he owned the property adjacent to the one proposed for the Motel. Mr. Steddings stated that he

wrote for a living, and had purchased his home here for quiet, and a good place to raise his children. That he wanted it to remain residential. Mr. Hanson stated that he was about 300 ft. this side of the property. That he has a nice home, and his wife was ill so he could not live there, but he did wish to have it residential. Mr. Rosemund stated that he was in the Marine Corps yet, had 12 years before he could retire. That there was one lot between his and the one they wished to build the Motel on. That he has one child, and that he certainly does not want a business located there. Mr. Dyer stated that he felt if a Motel was allowed here, it would just be an opening for business, that then a restaurant would be needed, and a gas station. Mr. Dye stated that in view of so much opposition he did not feel the Board could grant this application, and made a motion that the application be denied, seconded by Mr. Mooreland and unanimously carried.

17 - Robert Bauer, for permission to erect a building, with less than the required rear setback, on Lots 14-15-16 and 17 of the Bradford property on the south side of # 211, just west of road # 699, Falls Church District. Mr. Bauer explained to the Board that this land was already zoned business, and he wished to build his skating rink building closer to the side and rear line, because of the odd shape of the peice of property. The Board studied the plat of the lots, and Mr. Bauer showed them where he wished to place his building, 10 ft. from the side and rear line. There was no one present objecting to the application being granted. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

Mr. Piggott made a motion that the meeting adjourn, seconded by Mr. Dawson and unanimously carried. Meeting was adjourned at 12:45 P.M.

S. C. Dawson
Chairman

Dec. 23rd, 1947

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House on Tuesday, December 23rd, 1947, with the following members present: S. Cooper Dawson Chairman, John Brookfield, Thos. I. Piggott, Robert Dye and Wm. Mooreland. Also present, T.J. Stockton, Planning Engineer and Zoning Administrator. The following applications were heard:

1 - S. M. VanHorn for permission to erect an addition to his Filling Station building, and use same as a restaurant, located on the south side of route # 211, about 1 mile East of Centerville, Centerville District. Mr. Stockton explained the situation- that the building was already there, but that Mr. Van Horn wishes to build an addition, even with the main structure of the filling station, to be used as a restaurant. Mr. Stockton though the setbacks on the addition would be practically as required. The Chairman asked if there was any opposition, and there was no one present opposing same. Mr. Dye made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

2 - Bakin Properties, for permission to install gasoline pumps and regulation size gasoline sign, with less than the required setback, at the Southeast corner of Lee Boulevard and route # 649, Falls Church District. Mr. Bakin stated that they had given additional right-of-way for the highway than what was required, and if they now stayed back the required distance, it would almost be impossible to make a driveway in. Mr. Stockton suggested that if the application was granted, it be subject to the plans being approved by the Zoning Administrator and Planning Commission before the building and zoning permits were issued. Also to have the approval of the Highway Department, as to ingress and egress. After study of the plat and discussion, Mr. Brookfield made a motion that the application be approved, subject to the plans of the building, pumps, ingress, egress and parking area being approved by the Zoning Administrator, Planning Commission and Highway Department before the actual permits were issued. Seconded by Mr. Dye and unanimously carried.

3 - Stuart B. Abraham, John H. Abraham, Charles L. Shackelford, John B. Abraham, and Annie H. Abraham, as co-partners, for permission to use approximately 12 acres for Multiple Housing Project, as allowed under Section XII sub-section f-5 of the Fairfax County Zoning Ordinance, located on the Northwest side of U. S. # 1, about 200 yards south of Blunts Lane, Mt. Vernon District. Mr. Stockton read the report of the Planning Commission

(now attached to original application) approving the location for this use. Mr. Abraham explained, upon being questioned as to the type of building etc. to be erected, that they did not wish to build the project, but had already had the front zoned business, and now wished to have the balance approved for Multiple Housing so that it would sell better. Mr. Stockton explained that he did not see how the Board could grant an application such as this, without submitted plans etc. for they could not make any restrictions nor hold them down on type of building and other conditions. After discussion, Mr. Brookfield moved, that the application be denied on account of lack of proper plans, etc. for building. Seconded by Mr. Piggott and unanimously carried.

4 - Arnold W. Harris, for permission to erect a private garage with less than the required setbacks, located on lot 42, Tremont Gardens Subdivision, Falls Church District. The Chairman stated that this was just the same condition as so many other cases the Board has granted, small lot, and not sufficient room for the garage. Mr. Dye made a motion that the application be granted, seconded by Mr. Mooreland and unanimously carried.

5 - Waldron L. Adams for permission to operate a Trash Dump on approximately 4½ acres on the East side of U. S. # 1 at Gum Springs, Mt. Vernon District. This application had been withdrawn at the suggestion of the Zoning Administrator, because the Board had no right to act on it.

6 - Charles S. Carter, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the Northwest side of # 1 at Engleside, Mt. Vernon District. Mr. Carter stated that he was renting a part of a building on Perry's property for a real estate office. Same was in the rear of the building so he would have to put a sign out in front so that the public would know his office was there. He stated that he would like a 4' X 8' sign, and would place it about 25 ft. in front of the building, and about 45 ft. from the center of the Road. Mr. Brookfield moved that the application be granted, for a 4' X 8' sign, to be placed as suggested, and so that no part of it overhangs the right-of-way, the sign to be temporary, for as long as a portion of the property is occupied by Mr. Carter for office purposes. Seconded by Mr. Piggott and carried by a vote of 3, Mr. Dye and Mr. Mooreland not voting.

7 - Charles S. Carter for permission to erect a sign larger than allowed by the Zoning Ordinance at the corner of Pole Road and Engleside Drive, 4/10 mi. West of # 1 Highway, Mt. Vernon District. Mr. Carter stated that he wished to place a 6' X 10' sign on Section

One of the Subdivision which has just been opened leaving same there during the time that the lots in the whole Subdivision are being sold. That he will place the sign back 60 ft. from the roads. The Chairman stated that we have granted similar signs in most of the Subdivisions. Mr. Brookfield moved that the application be granted, seconded by Mr. Dye and unanimously carried.

8 - Charles Rose, for permission to erect a Multiple Housing Project, on approximately 43 acres as allowed under Section XII, sub-section f-5 of the Fairfax County Zoning Ordinance, located on the north side of Lee Boulevard, approximately 1 mile West of # 649, Falls Church District. Mr. Andrew Clarke was present as attorney for Charles Rose. Mr. Stockton read the report of the Planning Commission attached to the original application). Mr. Clarke stated that Mr. Rose was the present developer of Jefferson Village, and that he had almost completed that project, so he now wishes to develope this tract for Multiple dwellings, that there would be about 500 apartments. There was no one present in opposition to this project. Mr. Brookfield moved that the application be granted subject to the final plans being similar to the plans and picture submitted at this meeting, as to architecture etc., and final requirements being approved by the Planning Commission before actual permits are issued, seconded by Mr. Dye and unanimously carried.

9 - John E. White, for permission to complete a dwelling, located by error with less than the required setbacks on Lot # 226, and part of Lot # 227, Section IV Tyler Park Subdivision, Falls Church District. Attorney Lewis Leigh was representing Mr. White and explained that the error was caused by an incorrect survey and when the location survey was made for a loan after the house was sold to Mr. White, it was found that the house was 10 feet over on the other lot. The Surveyor has purchased enough land so that the lot was now large enough for the house, but it would leave it closer to the line than allowed. Mr. Brookfield said that at the price the surveyor had to pay for the strip of land, he believed it would be a lesson to him to be more careful. Mr. Brookfield made a motion that because of the unusual situation, no fault of the innocent purchaser, and which would be a great hardship on him if the application was not granted, that same be granted, seconded by Mr. Piggott and unanimously carried.

10 - H. K. Smith, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the East side of King's Highway, next to the Penn-Daw Hotel, Mount Vernon District. Mr. Smith said that he would like a sign 9 feet 6 inches by 2½ feet, in shape of an arrow, advertising Cottages- Private Bath. He stated that the sign would

be about 10 ft. from Poag's line and about 10 ft. from the right-of-way line, and that at his own expense he would move same if the highway was widened. Mr. Brookfield made a motion that the application be granted, subject to Mr. Smith agreeing to move the sign at his own expense; should the highway be widened, seconded by Mr. Piggott and unanimously carried.

11 - Claremont Development Corp. for permission to erect a Multiple Housing Project, on approximately 4.745 acres as allowed under Section XII, sub-section f-5 of the Fairfax County Zoning Ordinance, located on the Northeast side of Leesburg Pike (route # 7) adjacent to and West of Fairlington, Falls Church District. Mr. Stockton read the report of the Planning Commission (now attached to original application) recommending in favor of the application. The Board felt that this was a logical place for further Multiple development, and Mr. Brookfield moved that the application be granted, subject to the approval of plans and other required information by the Fairfax County Planning Commission, seconded by Mr. Dye and unanimously carried.

12 - Fred W. Murray, for permission to erect an addition to his existing dwelling, part of which is to be used as an attached garage, with less than the required setback, on a part of Lot # 1, Sleepy Hollow Subdivision, Falls Church District. Mr. Murray was not present, and because there was some question as to just how close the addition was to the line (on the plat) Mr. Stockton suggested the application be deferred. He also suggested that Deed restrictions be looked into, before the next meeting. Mr. Brookfield made a motion that the application be deferred until the next regular meeting, seconded by Mr. Piggott and unanimously carried.

13 - Mr. B. L. Taylor, for permission to erect tourist cabins and restaurant, also signs larger than allowed by the Zoning Ordinance, on the North side of route # 211, approximately 1200 ft. East of # 656, Centerville District. Mr. Stockton said that since there was already a tourist place next door, he believed the location was all right for such a use, and that should this be granted, before any permits are issued, a location survey will have to be submitted to the Planning Commission showing location of buildings, parking area, ingress, egress, etc. and approved by them. Mr. Dye made a motion that the application be granted, subject to the approval of the Planning Commission as suggested by Mr. Stockton. Also that one double sign, 4' X 10' be allowed, 10 ft. from the right-of-way line. Seconded by Mr. Piggott and unanimously carried.

14 - Fred W. Reeder for permission to divide approximately 1 acre tract into two lots with less than the required area and width, so as

to separate two dwellings built prior to the Zoning Ordinance, located on the South side of road # 642 about 300 ft. West of # 600, Lee District. Mr. Stockton explained the situation from the plat, that the houses were built before the Zoning Ordinance was adopted and that, while there is enough acreage for two houses, the land will have to be divided with less frontage and less area than required, for one house, because of the topography of the land. Mr Keeder said that there was another tract of land that was acquired through taxes, and for which he did not yet have a clear title, but he would let it go with the other tract, to help on septic tank requirements, and acreage. Mr. Mooreland made a motion that the application be granted, subject to the whole tract being divided (including the tax land) as per plat submitted, seconded by Mr. Dye and unanimously carried.

15 - J. W. Poore, for permission to erect and operate a Filling Station, also for standard size gasoline sign, on Lot 5, Hugo Maters Subdivision, and adjoining 10 acre tract, located on the South side of road # 636, about 1/4 mi. East of Shirley Highway, Mt. Vernon District. Mr. Stockton read the report from the Planning Commission (now attached to the original application) recommending against the application. Also present in opposition was Morris E. Ervin, who presented a petition in opposition (also attached to original application). Mr. Stockton stated that because there is more than 10 acres in this plot, it would make the granting of this application in the nature of a rezoning, which he did not feel should be done at this time. He felt that because of the Shirley Highway, and a business district which would be later established near the connection with the Shirley Highway, that this application should not be granted. Mr. Mooreland made a motion that the application be denied because of the report from the Planning Commission and other facts brought out, seconded by Mr. Dye and unanimously carried.

16 - Parkwood Inc. for permission to erect Multiple Dwellings on Section 6 and 13 of Parkwood Subdivision, with less than the required setbacks, located on the South side of route # 7, a part of the former Reservoir property. Falls Church District. Mr. Stockton explained the situation, from the plat, and showed that because of the shape and size of the lots, contour of land etc. that it would be hard to put a house on these lots, if the setbacks were not varied a little. There was no one present in opposition. Mr. Dye made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

17 - Delta Housing Corporation, for permission to complete four dwellings

on Lots 19, 20 and 21, Block 3, Section 1, and Lot 8, Block 4, Section 1, Delta Subdivision, with less than required setback. Falls Church District. Mr. Kastner was present, and explained that the error was made by the surveyor in laying the houses off, and there was only a slight error in each of the four houses, the side lines of each being from 9 ft. 6 inches to 9 ft. 4 inches from the side lines instead of require 10 feet. Mr. Stockton said the error was not very great, and there seemed no opposition to the application being granted. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

18 - Langley School, Elizabeth T. Whitmore, Vice-Pres. for permission to establish a private (cooperative) school in a dwelling located on the South side of route # 123 approximately 135 ft. East of Tennyson Drive, at McLean, Providence District. Mrs. Whitehead President of the proposed school was present, and explained what they wished to have. She presented a letter from Mr. Laughlin, whose land practically surrounds this house and tract with it, approving of the use of same for a school. There was no one present objecting to the application being granted. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

19 - Mr. Ross B. Sherman, for permission to legalize the setbacks of a dwelling built in 1941 with less than the required sideyard setbacks, on Lot 2, Applegrove Subdivision, Providence District. Mr. Leigh, Attorney represented Mr. Sherman. He explained that this dwelling was built in 1941 after the Zoning Ordinance was adopted, but the dwelling was located incorrectly only 10 feet from the line. That the dwelling had been sold three times and the error was just found when a loan survey had been made. Mr. Stockton said that he did not feel we could penalize the new owner as he was an innocent party to the error. Mr. Brookfield made a motion that the application be approved, seconded by Mr. Dye and unanimously carried.

All applications having been completed, the Board, with Mr. Stockton and Mr. Marsh, had an informal discussion with the representatives of the Virginia Electric and Power Company with regard to an application which they would submit to the Board of Zoning Appeals at their next regular meeting.

Mr. Brookfield made a motion that the Board adjourn for lunch to re-convene at 1 P.M. seconded by Mr. Piggott and unanimously carried.

Board re-opened meeting at 1 P.M. with further discussion with Virginia Electric and Power Company officials regarding posting

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of property, in the case to be presented.

Mr. Stockton brought up the subject of a different date for the meetings being held now on the 4th Tuesday of each month, which makes it inconvenient for cases being appealed to the Board of Supervisors. After discussion, it was decided that the 3rd Tuesday would be better, and Mr. Brookfield made a motion that the meeting date of the regular monthly meetings from now on would be on the 3rd Tuesday of each month, the January meeting to be held on the 20th. Seconded by Mr. Piggott and unanimously carried.

Mr. Stockton also reminded the Board that the January meeting would be the one at which new officers were to be elected, for the coming year.

Mr. Mooreland made a motion that the meeting be adjourned, seconded by Mr. Brookfield and unanimously carried.

Meeting was adjourned at 1:30 P.M. until the next regular meeting on January 20th, 1948.

S. C. Dawson
Chairman

January 20th, 1948

A Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House on Tuesday January 20th, 1948 with the following members present: S. Cooper Dawson Chairman, John W. Brookfield, Thos. I. Piggott and Robert Dye. (Mr. Wm. Mooreland was absent) Also present, T. J. Stockton Planning Engineer and Zoning Administrator. The following cases were heard:

Applications deferred from previous meetings and re-hearings:

A - Stuart B. Abraham, John R. Abraham, Charles L. Shackelford, John B. Abraham and Annie R. Abraham, as co-partners, for permission to use approximately 12 acres for a Multiple Housing project, as allowed under Section XII sub-section f-5, of the Fairfax County Zoning Ordinance, located on the Northwest side of U. S. # 1 200 yards south of Blunt's Lane. Mt. Vernon District. Mr. Stockton explained that there was a misunderstanding at the previous hearing, that Mr. Abraham presented no definite plan or plat, and the Board, intending to defer the case, made a motion to deny same. Mr. Brookfield made a motion at this time, to re-open the case, seconded by Mr. Piggott and unanimously carried. Mr. Abraham now presented specifications and pictures showing the type of

dwelling that would be put up. The Board agreed that the use was all right for this location and the drawings and plans seemed satisfactory. Mr. Brookfield made a motion that the application be granted, subject to the final plans, and specifications being like the ones presented at the meeting, and subject to the final plans, plats, specifications etc. being approved by the Planning Commission before building permits could be issued. Seconded by Mr Piggott and unanimously carried.

B- Fred W. Murray, for permission to erect an additon to existing dwelling, part of which is to be used as an attached garage with less than the required sideyard setbacks. Located on Northwest corner of Holmes Run Road and Sleepy Hollow Road, Falls Church District. No one being present to represent Mr. Murray the application was deferred until later in the meeting.

C- H. K. Smith for permission to erect a sign larger than allowed by the Zoning Ordinanceon the East side of King's Highway next to Penn Daw Hotel, Mount Vernon District. The Chairman announced that this application was approved at the last meeting, but shortly afterward it was found that the property had been incorrectly posted, therefore Mr. Smith was notified that the decision was void and that the case would be reheard at this meeting. Mr Stockton stated that Mr. White, Zoning Investigator had gone to the property to correctly post same and that he was of the opinion that this property and the one next door both had sufficient signs to advertise their business. Later on Mr. Stockton stated he also viewed the property and was of the same opinion. Mr. Brookfield moved that on evidence presented, that the property was sufficiently advertised, that the application be denied. Seconded by Mr. Dye and unanimously carried.

New applications:

1 -Jack Fradin, for permission to erect a sign larger than allowed by the Zoning Ordinance, on a store in the Jefferson Village Shopping Center, at the Northwest corner of Lee Boulevard and Falls Church-Annandale Road, Falls Church District. Mr. Stockton explained that this store in a part of the Jefferson Village Shopping Center, was a Hardware Store. Mr. Fradin stated that the sign was on the front of the store, and would be 10 ft. long and 20 inches high. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

2 - David D. Squires, for permission to erect gasoline pumps, and regulation size gasoline sign, with less than the required setbacks, at the Southeast corner of U. S. # 1 and Belle Field Road, (near Blunt's Lane) Mt. Vernon District. Mr. Squires explained

that because of a drainage ditch behind him, that overflowed during heavy rains, he wanted to stay only 40 ft. from the highway, leaving about 10 ft. behind him and the ditch. This would place his pumps 20 ft. from the right-of-way. Mr. Stockton explained that the State had all the right-of-way they required at this point, and that he believed these setbacks would be all right. Mr. Brookfield moved that the application be granted, subject to the project being carried out as shown on the plans and specifications submitted at this meeting to be checked by the Planning Commission. Seconded by Mr. Piggott and unanimously carried.

3 - Virginia Electric and Power Co. for permission to erect, operate and maintain one or more pole and/or tower lines for the purpose of transmitting power by electricity, including all electric power and other wire, poles, towers, attachments, ground connections, equipment and accessories desirable in connection therewith, over, upon and across properties located in Providence, Falls Church and Lee Magisterial Districts, in the County of Fairfax, (as shown on plats attached to original application) being a certain easement and right-of-way, 225 feet in width, across, over and upon lands and properties now or heretofore owned by the following persons, firms or corporations in Fairfax County, Virginia, to-wit: Toney L. and Margaret G. Hinnant; Fannie G. Shockey; Earl N. Chiles; Abram J. Baker; Herman Schmidt; Ruth E. Hinkins; Herbert M. and Nellie C. Powell; N. W. Kelly; A. Chacones; Charles F. Scheider; Margaret E. Fenton; Omar L. and Ann P. Hirst; Southern Railway Co; Joseph Q. Bristow and Frank Bristow, Executors of Joseph L. Bristow, Deceased; Richard Earle and Helen Powers deButts; Joseph S. G. Genovese et ux; Benjamin H. and Cecil D. Talley; George Bolling Lee and Mary M. Lee; The Glatfelter Pulpwood Co; Carr, Incorporated; Omer L., Mason and Edna B. Hirst, Carlyle V. D. Cochran, Fred W. McLaughlin; H. H. Rice, William T. Geier; G. A. and Iva Jane Deardorff; Margaret G. and Max John Mathews; Eva J. Zell et al; Marian H. Macomber; Martin T. Webb; Hillis Lorry; William F. Halley, Jr., et ux; W. F. Halley; W. F. Halley, et al; Fred A. and Catharine S. Moss; L. A. Clarke and Son, Inc. now Martin T. Webb; Occoquan Company, L. N. Shifflett, et al, and Francis Petrola, et ux. Mr. Anderson, Attorney for the Virginia Electric and Power Company was present. He stated that as the Board knew, the previous time the case was presented, the properties had not bee posted, however this time they had helped the Zoning Investigator cover the territory and post the signs, and that he believed all requirements had been met with. That the Company had settled with all land-owners on this right-of-way except Mr. Genovese,

and they had a right-of-way by law over his land, although they were still trying to settle with him. Mr. Genovese was present, and at this time asked to be heard. He stated that he was not satisfield with the settlement offered him by the Electric Company. He stated that he had purchased this land for a nursery, since it had been operated as a nursery since 1898. That this right-of-way makes changes in all his plans for a nursery. He stated that he purchased 7.09 acres and the Electric Company was going to take 2.27 acres, which will split the land. Mr. Dawson asked Mr. Genovese if it wasn't true he could still use the land, under the electric company's wires, and he said he could to a certain extent, but he counldn't plant trees nor box-wood bushes. Mr. Brookfield stated he could see why they wouldn't want trees, but he couldn't understand why box-woods couldn't be planted for they don't grow high. Mr. Genovese said this was because the Electric Company wouldn't guarantee they wouldn't have to be moved within a certain number of years. Mr. Anderson asked to be again heard. He stated that Mr. Genovese had purchased this land after the company had filed their case in court, and he bought it knowing this thing would probably go through. Upon questioning by Mr. Dawson, Mr. Genovese said this was true, he did know about it when he bought it, and that the Electric Company had the right of eminent domain over the property. But he believed that he would be taken care of by the laws of the Commonwealth. Mr. Stockton stated that he felt this meeting is merely to correct the error of improper posting at the first meeting, being an error in County proceedure in this case. That the Virginia Electric and Power Company did make application to the Board of Zoning Appeals to erect this line, but due to an error by the County, the property was not posted properly at this time. Two meetings were held at that time and practically everyone in the County was notified by advertising etc. The case proceeded, and eventually the Power Company used that right of Eminent Domain and this has been all settled except one case. That the Electric Company has gone to great expense to help the County to correctly post the property, and he felt it would not help matters any to delay or deny the application. Mr. Dye moved, that because the Board felt the granting of this application would not tend to affect adversely the use of neighboring property in accordinance with the zoning regulations, and would be in harmony with the general purpose and intent of the zoning regulations and map, that the application be granted, seconded by Mr. Piggott, and same was unanimously carried.

4 - Elizabeth Meinert, by G. G. Reddick, for permission to erect gasoline pumps and regulation size gasoline sign, with less than

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the required setback, on the Southeast side of # 1 highway, just north of Mount Vernon High School. Mt. Vernon District. Mr. Reddick explained that he was building the station 50 ft. from the right-of-way, but that he wished to place the pumps 32 ft. from the right-of-way of # 1. There was no one present objecting to this application. Mr. Reddick explained that his sign would be on the gasoline island, and that no part of it would extend over the right-of-way. Mr. Brookfield moved that the application be granted, according to plans and specifications as presented at this meeting, and subject to check by the Planning Commission and State Highway Department. Seconded by Mr. Piggott and unanimously carried.

5 - Arthur H. Allen for permission to use approximately 118 acres (as per plat attached to application) for a Multiple Housing Project, as allowed under Section XII su b-section f-5 of the Fairfax County Zoning Ordinance, located on the North side of route # 236 just East of Holmes Run, Falls Church District. Mr. Stockton read the report of the Planning Commission (now attached to original application) and explained where the property was located. Mr. Calvin O. Black was present, representing the Builders. He gave the name of the Company as Century Housing Corp. but was not quite sure of this name being correct. Mr. Luders, Architect was also present. He stated, upon being questioned by the Board, and by opposition present, that this project would house approximately 1600 families, the cost probably being about $7500 per apartment. That as the law is set up now, so much is allowed for each room, to be built. There wereseveral persons present objecting to this project, among them Mrs. Moss, representing Dr. Moss, who could not be present. While the opposition did not seem to object to the use, they did question the type and cost of the project. Mr. Stockton explained that even though the Board does approve this Use on this property, before building permits are issued, definite plans, specifications, plats, etc. must be submitted to the Planning Commission for their approval, and that the Planning Commission would not approve anything that was not like the plans and pictures submitted today. The objectors brought up the question of density, and Mr. Luders explained that there was only 13 to 16 to an acre here, while at Fairlington and Parkfairfax there was 25 to an acre. He stated that they would obtain water from Alexandria, and would connect with the sewer. That the A. B. and W. Transportation Company would furnish transportation. He stated that Mr. J. C. Robinson and Associates were the Company doing the building. At this time the opposition asked if the case could be

deferred until the next regular meeting, to have others who could not be present today a chance to be present. Also to give them a chance to look into the financial standing of the firm that was going to build the project. Mr. Stockton explained that no matter who built the project, the same rule held good about the Planning Commission having to approve everything. Mr. Black said that he did not wish to have the application deferred because while the F. H. A. money was obtainable now, so many applications were coming in that the appropriation might be spent, before their application was considered. That even 30 days might mean enough delay so the project could not be built. He stated that they had complied with all requirements, that the applications were in, property posted, and advertised, and he did not see why the case should be delayed for people who weren't interested enough to come to this meeting. The opposition asked for a ten minute intermission, to go outside and talk the matter over. The Chairman granted their request and stated that the next case, Coggins, would be heard while they were gone.

6 - Max W. Coggins for permission to complete a dwelling, one corner of which has less setback than required by the Zoning Ordinance, located at the Northwest corner of Davis Avenue and Wainwright Avenue (portion of former Dowden land) south of Seminary Road, Falls Church District. Mr. Coggins explained that he had bought additional land so that he could build his house cornerwise to the corners of Davis and Wainwright Avenue, but after getting the foundation in, he found he was a little closer to Wainwright Avenue than allowed by the Ordinance. Mr. Stockton explained that this permit was issued before Mr. Dowden had submitted a plat of his subdivision, in which he had been selling lots for sometime, and actually this Wainwright Avenue was not on record when this permit was issued. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

5 - --this former case was now continued. Those in opposition to the Allen application returned to the Board room and stated that they still felt the case should be deferred until the next regular meeting. That complete plans had not been available until this meeting, and then only preliminary plat had been presented, so no one had been able to study it before the meeting. Mr. Stockton said that a final plat or plans was not required at this time, for until the use was granted, we could not require anyone to go to the great expense of getting them. After discussion, the Board was of the opinion that sufficient notice by posting and advertising had been given for anyone who was interested to be

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present, and that no one actually seems to be objecting to the Use as a Multiple Housing Project, of this land, but merely question the financial ability to carry out the project, of the firm interested, and the type of buildings to be put up. Mr. Piggott made the following motion- That the application be granted, provided the final Architecture, Plans and Specifications are as those presented at this meeting-- that all preliminary and final plans and specifications are approved by the Planning Commission and the FHA-- all construction will conform to the Architectural renderings and specifications approved by the FHA and that all sewer and water plans be approved by the Sanitary Department of the County. Seconded by Mr. Dye and unanimously carried.

7 - Delta Housing Corporation, for permission to complete a dwelling on Lot 18, Block 3, Section 1 Delta Subdivision with less than the required setback, Falls Church District. Mr. Stockton explained this was really just one lot from the group that was heard at the last meeting and through an error Lot 18 had been left out. That the same condition existed at this dwelling as the others granted at the previous meeting. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

Mr. Stockton stated that this was the meeting at which the officers for the coming year should be elected. Mr Brookfield nominated Mr. Dawson as Chairman, seconded by Mr. Dye, and a unanimous vote taken. Mr. Dawson was declard Charimen for the coming year. Mr. Dye nominated Mr. Brookfield as vice-chairman, seconded by Mr. Piggott and a unanimous vote taken. Mr. Brookfield was declared Vice-Chairman for the coming year. The Chairman and the Board unanimously appointed Mr. Stockton Clerk for the coming year.

Mr. Brookfield moved that the meeting be adjourned, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 12:45 P.M. until the next regular meeting on February 17th, 1948.

S. C. Dawson
Chairman

February 17th, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House on Tuesday, February 17th, 1948, with the following members present: S. Cooper Dawson Chairman, Thos. I. Piggott, Wm. Mooreland and Robert Dye; John Brookfield being absent. Also present,

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T. J. Stockton, Planning Engineer and Zoning Administrator. The following cases were heard:

Applications deferred from previous meetings:

A - Fred W. Murray, for permission to erect an addition to his existing dwelling, with less than the required sideyard setback, located on a part of Lot # 1, Sleepy Hollow Subdivision, Falls Church District. No one was present, and the Chairman announced that this was the third time this application had been brought up with no one to represent Mr. Murray. Mr. Piggott made a motion that the application be dropped, seconded by Mr. Dye and unanimously carried.

New Applications

1 -Wellington Development Company, Incorporated, for permission to complete three dwellings, located by error with less than the required setbacks, on lots 516, 523 and 526, Resubdivision of part of Sections One and Two, Hollin Hall Village Subdivision, Mt. Vernon District. Mr. Richard, attorney for Wellington Company was present. Mr. Richard stated that the error was made by the contractor in locating the dwellings, because he was using the subdivision plat restrictions. A copy of Hollin Hall Village Subdivision was brought into the Board room, and the Board members were shown the set-back restrictions marked on same. Mr. Stockton explained that this plat was apparently made in about 1943, before the Planning Commission had to approve plats, and same had been approved but apparently the county official approving same had not noticed the error. Mr. Dye said he thought this was an error of the County, the mistake the builder made being an honest one, and he made a motion that the application be approved. Seconded by Mr. Piggott and unanimously carried.

2 - A. T. Courtney, for permission to erect a garage with less than the required side-yard setback, on Lot 82 Section III, Groveton Heights Subdivision, Mt. Vernon District. Mr. Courtney was not present so the case was deferred until later in the meeting.

3 - Joseph W. Shaner, for permission to complete a dwelling located by error with less than the required setback, on Lot 27, Boulevard Acres Subdivision, Mt. Vernon District. Mr. M. C. Calhoun, builder, was present to represent Mr. Shaner. He explained that he staked out the dwelling, in line with the one next door, but the curve to the road was deceiving, and he made an error. Mr. Stockton agreed that it was difficult to stake out a house on a lot such as this, and he believed it was an honest mistake but he felt the only way we could get away from such a thing would be to require a certified location survey, which he hoped to be able to do within a short time. Mr. Piggott made a motion to approve the application, seconded by Mr. Mooreland and unanimously carried.

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4 - Joseph F. Barnes, for permission to establish a pump house (for a water system for a proposed subdivision) on a peice of ground reserved for that purpose, located approximatey 316 ft. north of Daniels Avenue, in the rear of the Annandale Fire Department property, Falls Church District. Mr. Barnes stated that since he put in this application the County and State Health Department officials had been at his property, and had approved his system, after he had changed same to meet their requirements, as per plat now with the application. The Chairman stated that this was a permitted use, with the approval of the Board of Zoning Appeals. Mr. Dye made a motion that since this use met the approval of the County and State Health Department, that the application be granted, seconded by Mr. Piggott and unanimously carried.

5 - L. E. Crossman, for permission to erect a sign larger than allowed by the Zoning Ordinance, at the Tremont Building Supply Co. on the north side of # 211, about 1/2 mile East of Shreve Road. Falls Church District. Mr. Crossman explained that the sign he wished to have was 12 ft. wide and 27 inches high and would be placed about 7 inches out from the front of, and attached to building. Mr. Mooreland stated that this sign seemed to meet with the requirements, and moved that the application be granted, seconded by Mr. Dye and unanimously carried.

2 - This application was heard at this time, Mr. Courtney now being present. Mr. Stockton stated that this is an old subdivision and he felt it was all right for a garage to be allowed 3 ft. from the lot line. Mr. Piggott made a motion that the application be granted, seconded by Mr. Mooreland and unanimously carried.

Minutes of former meetings were read and approved by the Board. Mr. Mooreland made a motion that the meeting adjourn, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 12 oclock (noon) until the next regular meeting on March 16th, 1948.

S. C. Dawson
Chairman

March 16th, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on March 16th 1948, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott, Robert Dye and Wm. Mooreland. Also present, T. J. Stockton, Zoning Administrator and Planning Engineer.

1 - Virginia Electric and power Co. for permission to erect a steel substation structure complete with transformers and regulators, as indicated on drawing No. 507-47-1, Lot Plan (filed with application) located on Lots 44 and 45, West McLean Subdivision to replace present substation on premises. Providence District. Mr. Anderson, Attorney for the Electric Co. was present, and stated that the area around McLean had settled up so much, that the time had come when a larger transformer station would have to be built, in order to give the customers satisfactory service. That the new station would be on the same lots as the present one, which would be taken down when the new one was completed. There was no opposition. Mr. Brookfield stated that this was a necessary utility, and made a motion that the application be approved. Seconded by Mr. Piggott and unanimously carried.

2 - Clarence Jones, for permission to use approximately 50 acres for a gravel pit, located on the west side of Telegraph Road, about 1000 ft. south of road # 635. Mt. Vernon District. Mr. Jones stated that this property was located in between two gravel pits, one used by the State and one by the Northern Construction Co. The Board could see no objection to such a use at this location, the Zoning Administrator believed the use to be all right. No one was present objecting to same. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

3 - American Trailer Co. Inc. for permission to erect a sign larger than allowed by the Zoning Ordinance, on Lots 14 and 15, Evergreen Farm Subdivision, Mt. Vernon District. Since no one was present to represent this applicant, Mr. Brookfield moved that the application be placed at the end of the calendar. Seconded by Mr. Piggott and unanimously carried.

4 - Lamar A. Newcomb, for permission to erect a radio tower on a leased tract of 3.25 acres, and a studio and equipment on 1.52 acres (owned) as per plat attached to application. Located 125 ft. south of Shreve Road, just east of new Virginia Electric and Power Co. substation. Providence District. Mr. Newcomb explained that the station he wished to erect would be primarily for the Falls Church section, and this portion of the County. That he had a 10 year lease on the 3.25 acres with a three year option to buy, and that he was buying the 1.52 acres,

subject to the approval of this use. That at present he would use the dwelling on this premises for his studio, but perhaps later on he might build a studio on some highway, or in Falls Church. In that event he would still use the tower. The tower would be 210' high, approved by the Federal authorities so there would be no danger of tower falling and doing damage. He stated that his application had already been approved by the Federal authorities, and his call letters would be WFAX, which he felt were very satisfactory for Fairfax. There was no one present objecting to this use. Mr. Mooreland made a motion that the application be granted, seconded by Mr. Dye and unanimously granted.

5 - George P. Herzog for permission to erect an attached garage, with less than the required sideyard setback, located on lot 39, Section 3, City Park Homes Subdivision (at 602 Marshall street) Falls Church District. Mr. Herzog stated this garage would be in line with the house, and would have to come 2 ft. from the line, on the side. No one was present objecting to this variance. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

6 - Tauxemont Development Corporation, for permission to erect a dwelling with less than the required rear-yard setback, location on Lot 3, Section 3, Tauxemont Subdivision, Mt. Vernon District. The Zoning Administrator explained that the Tauxemont Co. had previously applied for an exception to place the house closer to the front line than allowed, and this had been granted. However they had later found that according to their Subdivision restrictions they could not do this. Therefore they were asking for a 23 ft. rear setback instead of 25. No one was present objecting to this application, Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

7 - Alexandria Family Service and Mental Hygiene Clinic, W. E. Bason, President, for permission to use the dwelling located on Lot 28 Section 1, Wellington Subdivision, Mt. Vernon District, as a service and clinic, and to appeal from the Zoning Administrator's decision to discontinue the use. Rev. Bason explained the use they made of the premises, and said that the reason they particularly wished to use this house, was because they were given the house to use, free of rent, by Mrs. Crim, and this helped them very much financially. He called on Dr. Alexander, who stated that she was both a medical doctor and a psychiatrist. She stated that they did not take patients who were alcholics, nor epileptics. She stated that they had opened on December 15th, and that in one day they handled less than what a common Doctor's office would handle, at the maximum of 8 patients per day. That they worked by appointment

only. Mr. Stockton, Zoning Administrator explained that the first permit given, was given under the Home Occupation or Professional office section of the ordinance, but in looking into the matter further, when complaints began to come in, he found that the Doctor did not live in the house, although the Secretary did, but as a Clinic, it could not be operated under this section. Rev. Bason also spoke, and stated that they admitted they probably could not operate under this section, (of the ordinance) but that he did feel they could operate under some other section. There were 12 present in favor of the use, including Mrs. Crim, owner of the dwelling. Mrs. Crim stated that she definitely would not be in favor of anything that would change the zone of this house to business. The Chairman explained that this application does not in any way affect the zone of the property, that if granted, this would only allow this one use, in this dwelling. There were nine persons present in opposition, a petition was presented, and various letters in opposition (now attached to original application. Rev. Bason felt as though this application could be granted under another section of the ordinance, possibly IV-15-e Community Buildings. Mr. Stockton felt, upon being asked his opinion as Zoning Administrator, that it was not intended that a use such as this should be allowed under this section. The Chairman stated that he felt the duty of this Board was to interpret the ordinance, and see if there was any section under which this use could be allowed. Mr. Gibbs spoke as Attorney for Mrs. Hannah G. Reid. He stated that the nearby residents, and residents of this subdivision felt this was strictly a residental area, and they felt this use, if allowed, was an opening wedge for business. He stated that the roadway at this point was only about 20 ft. wide and by cars parking on the roadway so much, in front of this house, it blocked the road. Dr. Alexander stated that, when snow was bad on the streets, sometimes they could not get into their driveway, but she believed this was true on many streets. Mrs. Schwartz, who stated she owned all the land in the rear, and particularly on a portion of the side of this property. That she had not even known this place existed until someone came around and asked her to sign a petition against it, although she had driven past it every day. In fact, one of these cars parked in front of it was her car, left there because she could not get it home on account of the roads. At this time the Board decided they would like to recess for 15 minutes in order that they might consider the matter in executive session. After the recess the hearing reconvened, and the Chairman announced that the Board had decided that, under their interpretation of the Ordinance, this use could not be allowed at this location, and Mr. Moorland made a motion that the application

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be denied, seconded by Mr. Piggott and carried by a vote of 4, Mr. Brookfield not voting. Rev. Bason asked the proceedure for appealing the case, and stated that they would appeal it.

3 - American Trailer Co. Inc. Case deferred from earlier in the meeting because of no representation. At this time the applicant was represented, and they explained from the plat, just where the sign was to be placed, and that the size was approximately 93 sq. ft. The Chairman explained that the Board had agreed sometime ago not to allow any signs larger than 60 sq. ft. in area. Seconded by Mr. Dye and carried by a vote of 4, Mr. Brookfield not voting.

Mr. Dye made a motion that the meeting be adjourned, seconded by Mr. Piggott and carried by a vote of 4, Mr. Brookfield not voting. Meeting was adjourned at 11:55 A.M. until the next regular meeting on April 20th, 1948.

S. C. Dawson
Chairman

April 20th, 1948

A Regular Meeting of the Board of Zoning Appeals was held in the Fairfax County Court House, on Tuesday April 20th, 1948, with the following members present: S. Cooper Dawson, Chairman, John Brookfield, Thos. I. Piggott, Robert Dye and Wm. Mooreland. Also present, T. J. Stockton, Planning Engineer and Zoning Administrator. The following cases were heard:

#1 - Blanche Houtz, for permission to install and use gasoline pumps with less than the required setbacks, located at the Southeast corner of roads # 738 and #684, Providence District. Also for two signs larger than allowed, at the same location. The plat presented by Mrs. Houtz did not show the building location, so the Chairman deferred this case to later in the meeting, to give Mrs. Houtz a chance to see if the plat could be completed.

2 - Claude Sanford, for permission to install erect and use a Midget Racing (automobile) Stadium, on the Beacon Field Airport property on the West side of # 1 Highway about 1/2 mi. South if Penn Daw Hotel. Mount Vernon District. Mr. Sanford was not yet present, and the opposition asked that the case be deferred until later in the meeting until their attorney, Andrew Clarke arrived. Mr. Piggott made a motion that the application be deferred until later in the meeting, seconded by Mr. Mooreland and unanimously carried.

3 - The Alexandria Water Company for permission to erect a well-house over an artesian well to be located on the East side of

a plot being conveyed to them by the Belle Haven Realty Corporation, on December 15th, 1947, recorded in Deed Book 599, page 26, records of Fairfax County Virginia. Mt. Vernon District. The Chairman stated that this was a needed utility, and rather a necessity. After discussion, Mr. Brookfield made a motion that the application be granted, seconded by Mr. Dye and unanimously carried.

4 - Ralph Barber, for permission to use a building located on the South side of Road # 654, about 3 miles East of Fairfax Station Road, as a Restaurant. Also the use of a portion of 4½ acres at the same location, as a Baseball Field. Lee District. Mr. Stockton read the report of the Planning Commission; copy of which is attached to application. Mr. Brookfield read a letter of objection to the application being granted, letter also attached to application. Mr. Dye stated that he did not see how the Board could refuse the use of land for a baseball field, since they were operating all over the county now. Captain McIntosh mentioned that at one time there was such a place, almost in the same location, at which bootleg liquor was sold, and a knifing took place. Mr. Mooreland made a motion that the baseball field, be allowed, and that Mr. Barber be allowed to sell soft-drinks only, on the premises, but that the use of the building located on the premises, as a restaurant be denied. Seconded by Mr. Piggott and unanimously carried.

5 - W. W. Wheelock for permission to erect an open side porch, with less than the required setback, also the erection of a private garage, with less than the required setback, on Lot 18, Section 1, City Park Homes Subdivision, located at # 737 Washington Avenue, Falls Church District. Mr. Wheelock explained that he wished to build this open side porch, which really would be a sort of a breeze-way, so that it would be a cover for his side door, and that he could drive through it to get to his garage. That he could not put the garage on the other side of the house because of septic tank and field. There was no one present objecting to the application being granted. Mr. Stockton explained that the porch was really more of a porte cochere which he believed should be allowed. Mr. Mooreland made a motion that the application be granted, with a three foot setback, seconded by Mr. Dye and unanimously carried.

6 - Hannah L. Patterson, for permission to use 13.5 acres for a Multiple Housing project, as allowed under Section XII, sub-section F-5 of the Fairfax County Zoning Ordinance, located at the Northwest corner of Leesburg Pike and Glen Carlin Road, Falls Church District. Mr. Stockton read the report of the Planning Commission recommending against the granting of the application

(recommendation now attached to application). Mr. Leigh, Attorney for Mrs. Patterson stated that since so much Multiple Housing had been granted in this location, it had almost made it impossible to sell this land for single family dwellings. That he believed it was the logical place for Multiple dwellings. Mr. Stockton read a letter from a Mr. Collier (letter now attached to application) in opposition to this project. Mr. Collier was also present, and stated his objections. He was the developer of the property next to this tract. He had subdivided it into large size lots and very nice houses had been built on same. That it would lower the value of the houses already there, and would make the balance of the lots almost valueless so far as sale was concerned. Mr. Stockton explained that in the granting of the Campbell application almost across the road, they had Mr. Campbell leave a 300 ft. insulation strip between the multiple dwellings and the houses now there. He asked Mr. Leigh if Mrs. Patterson would be willing to grant such a strip on both sides of her tract, and Mr. Leigh did not believe so. Mr. Brookfield made a motion that the application be denied, seconded by Mr. Piggott, and carried by a vote of 4 - 1, Mr. Dye voting against same.

7 - Frank L. Campbell for permission to erect commercial buildings with less than the required setback from Hunters Mill Road, (#674) and from Miller Road (# 663) located at the Northwest corner of route # 123 and #674, at Oakton, Providence District. Attorney Gail Landon represented Mr. Campbell. He explained from a drawing and plat filed with Planning Commission, how close to the line Mr. Campbell wished to go with his buildings. He maintained that other buildings at Oakton were close to the line. After discussion, the Board decided that if these roads should ever be widened, a building built so near the line might create a traffic hazard. They felt that Mr. Campbell had enough land to build this shopping center, without having to place the buildings so close to the roads. Mr. Mooreland, made a motion that the application be denied, seconded by Mr. Dye and unanimously carried.

8 - Hugh B. Culp, for permission to erect an addition to the rear of his Filling Station and Restaurant building, said building being located with less setback than required on the North side of route # 211, about 400 yards East of Bull Run. Centerville District. Mr. Culp explained that this building was too close to the road, and would have to be moved when the State widened the road, but that he wished to build a small addition on the rear of the building. Since the addition was on the rear of the building, and would not bring same any closer to the right-of-way than it now was. Mr. Dye made a motion that the

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application be granted, seconded by Mr. Piggott and unanimously carried.

#9 - E. G. Utterback, for permission to erect a private garage, with less than the required setbacks, on Lot 24, Z. B. Groves Subdivision, Providence District. Mr. Uttberback explained that he wished to build the garage within one foot of the line, that this was about the only place on the lot that a garage could be placed. Mr. Brookfield asked him how the garage would be placed, whether the water from the roof would drain onto the next lot, and Mr. Utterback said the garage would have a peak roof, with the roof slanting toward the front and back of the lot, so there would be no drainage on the next lot. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott and unanimously carried.

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1 - The Houtz case was again brought up at this time. Mrs. Houtz found that she would have to get a surveyor's plat, in order to know exactly where her building was located, so Mr. Brookfield moved that this application be deferred until the next regular meeting to give Mrs. Houtz time to have the surveyor's plat, seconded by Mr. Piggott, and unanimously carried.

2 - The Claude Sanford application was heard at this time, having been deferred from previously in the meeting. Mr. Sanford explained that they had a lease on this property for a year, and that they would like to build the stadium, similar to a print in a book he offered the Board to look at. The Chairman of the Board stated that he believed there was some misunderstanding to just what had been asked for. He asked Mr. Reid, owner of the land to tell just what sort of a lease he had with Mr. Sanford. Mr. Reid stated that it was supposed to be for five motorcycle meets, each to be held on a certain date, one of which had already been held. None of these were to be held during hours of Church service so they would bother the church across the road. The Chief of the Penn Daw Fire Dept. spoke in favor of the project. He stated that the Auxiliary of the Fire Dept. would furnish the lunch for meets, and therefore could make quite a little to help the Fire Dept. That up until now they had depended on carnivals for much of their support, but now since they could not have carnivals, this would be a good means of making money. Upon questioning, a member of the Auxiliary who was present, stated they had made $229 at the one meeting held. The Chief of the Fire Dept. and the owner of the land said there was no disorder, nor drinking. That what they wanted to have was similar to a horse show, except the competitors were mounted on machines instead of horses. He stated that at the one they had held, the police

had stopped same in the middle of it, stating that the wrong license had been procured. Although this was not their fault, they had to come up and get another license costing over $200. While they were gone, the police stopped them selling tickets, and half of the people present had come in at this time without tickets. Mr. Andrew Clarke was present, representing the opposition. He stated that he was appearing for his clients against the proposition as advertised in the paper. That his clients, all residents nearby this project, felt that the noise was a nuisance. That this tract was located at the top of a hill on Highway # 1, the greatest traveled highway in the United States and that they felt it was a dangerous thing to have at this location, since traffic on U. S. # 1 was so heavy. A Petition had been presented by the Groveton Church across the road, and the Pastor was present. Mr. Clarke stated that while his clients were against the stadium, he felt that perhaps they would not be against the other four meets being held, especially since it would help the Fire Dept. However, he asked the Pastor of the church if they objected to these four meets being held on Sunday. Mr. Reid stated that it was arranged so none of the meets would be held during services. The Pastor stated that they did object to them being held on Sunday. That while the actual meet might not be held during services, almost everyone who came to it, came on motorcycles, and there was too much noise and confusion. Chief McIntosh spoke and said that they had such a thing at Langley some time ago, and that people who lived anywhere nearby even threatened to leave their homes if the thing wasn't discontinued. After discussion, Mr. Dye moved that the application be denied, seconded by Mr. Piggott and unanimously carried.

Mr. Brookfield moved that the meeting adjourn, seconded by Mr. Piggott and unanimously carried. Meeting was adjourned at 12:05 P.M. until next regular meeting on May 18th, 1948.

S. C. Dawson
Chairman

May 18th, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Court House, on Tuesday, May 18th, 1948, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thos. I. Piggott and William Mooreland. (previous to this meeting, Mr. Robt. Dye, the 5th member of the Board had resigned to become a member of the Board of Supervisors: The following applications were heard:

Deferred from previous meetings:

A - Blanche Houtz, for permission to erect and install gasoline pumps with less than the required setbacks at the southeast corner of route # 738 and # 684. Also for regulation size gasoline sign and a sign for the store. This case had been deferred at the previous meeting because the plat furnished was insufficient. Mrs. Houtz now had a surveyor's plat showing location of building. The Board studied the plat, and found the setbacks of the pumps to be all right. Mr. Mooreland made a motion that the application for the pumps be granted, also for the regulation size gasoline sign to be placed on the island, and 20 sq. ft. or less sign to be placed on the front of the store. Mr. Piggott seconded the motion and same was unanimously carried.

New Applications:

1 - John L. Roberts, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the north side of route # 211, about 1/4 mile East of Hunter's Lodge. Centerville Magisterial District. Mr. Roberts stated that this sign would be 23 ft. from the edge of the pavement, which is at least 8 ft. inside his property line. That it is a regulation size cocoacola sign, approximately 30 sq. ft. in area. The Chairman stated he believed this was in accordance with other signs granted by the Board. Mr. Brookfield made a motion that the application be granted, seconded by Mr. Piggott, and unanimously carried.

2 - Wimsatt-Jarden Inc. for permission to erect a sign larger than allowed by the Zoning Ordinance, at # 625 South Washington St. (Lee Highway) Falls Church District. This sign would be approximately 60 sq. ft. if same was squared up in a solid sign, however, as shown by drawing, the actual area would be much less. This sign is on one of the new Eakin Properties buildings, and all signs on each of the four stores will conform. Mr. Brookfield moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

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3 - W. H. Craven, for permission to erect an addition to the rear of a non-conforming building, and to use the building for a lunch counter. Also for the erection of a sign larger than allowed by the Zoning Ordinance. Located on the north side of route # 211, about 4½ miles west of Centerville, Centerville District. Mr. Craven explained that this small building used to be used for storage of Virginia Hams, but had not been used for some time except for a few souvenirs. Now he wishes to build a little addition on the rear of it, and use it as a lunch counter. Mr. Stockton stated that this was a non-conforming use, and he believed the building was far enough back from the right-of-way, Mr. Craven also wished to have an 18 sq. ft. sign at each end of his property, as close to the right-of-way as possible, without extending over same. Mr. Brookfield moved that the application be granted, seconded by Mr. Mooreland and unanimously carried.

4 - Donald W. Smith, for permission to erect a sign larger than allowed by the Zoning Ordinance, located at the northwest corner of Kings Highway and Fort Drive, Mt. Vernon Magisterial District. No one being present to represent Mr. Smith, the Chairman stated that this application would be deferred to the end of the meeting.

5 - Stephen C. Wood, for permission to erect an addition to a service station, with less than the required setbacks. Located at the Southeast corner of Lee Highway and Gallows Road, (Rt. 650) at Merrifield, Falls Church District. Mr. Stickley, Attorney for Mr. Wood was present. He explained that the hoist for the grease rack was already located there, and that Mr. Wood now wished to erect a building to enclose it. He stated that now during the winter, or rains, they could not use it. Mr. Stockton stated that this application had been referred to the Planning Commission, and he read their report (copy of which is filed with application) recommending that the application be denied. Mr. Brookfield of the Planning Commission stated that the Planning Commission had made a thorough study of the situation, and that there would be a setback of only 19 ft. from the right-of-way, if this building was allowed, and should the State widen this road to 60 ft. as they stated was intended, and if they took 15 ft. from each side to widen it, this would leave this building only 4 ft. from the right-of-way, and they felt it would create a traffic hazard. Mr. Brookfield made a motion that the application be denied, seconded by Mr. Mooreland and unanimously carried. Mr. Stockley, attorney for the applicant indicated that this application would be appealed.

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6 - Charles R. Craig for permission to erect an attached garage, with less than the required setback, on Lot 8, Gustafson's Subdivision, Mt. Vernon District. Mr. Craig explained from the drawing that his house was in the middle of the lot, that he could not build on the other side, and that he would have to go within 6 ft. of the line. There was no objection to the application being granted. Mr. Mooreland said it was in line with what the Board had been allowing and moved that the application be granted, seconded by Mr. Piggott and unanimously carried.

7 - Edward J. Urbanec for permission to erect a private garage with less than the required setbacks, on Lot 14 and W. 10 ft. of 15, City Park Homes Subdivision, at 616 Lee Boulevard, Falls Church District. Mr. Urbanec stated that, the same as all of these lots in this subdivision, if he doesn't go close to the line, he has no room for a garage. That he is next to the rear of the business buildings, and to get close to the line will hurt no one. Mr. Mooreland moved that the application be granted, for the garage to be erected within 2 ft. of the side and rear lines. Seconded by Mr. Brookfield and unanimously carried.

8 - James H. Gray, for permission to erect a private garage with less than the required setbacks on Lot 172, Section 1, Greenway Downs Subdivision (at 208 E. George Mason Road) Falls Church District. Mr. Brookfield stated that this was another case of small sized lot, and the same as we had been granting, and moved that the application be granted with a 2 ft. setback from side and rear line, seconded by Mr. Piggott, and unanimously carried.

9 - William O. Ohler, for permission to erect a commercial dog kennel with less than the required setbacks on the Southeast side of road # 675 near Wolf Trap Creek, 1-1/10 miles from Andrew Chapel, Providence Magisterial District. Mr. Chamblis was present as attorney for Mr. Ohler. He stated that so far as the kennel building was concerened, it would be 100 ft. from all lines, but the runs would be 100 ft. from the Wiley line, 100 ft. from the right-of-way, 85 ft. from the Hussey line and about 95 ft. from the other line. There was no one present objecting to this application being granted. Two of the closest neighbors were present, Mrs. Shouse and Mr. Thompson, and spoke in favor of the application. Mr. Mooreland moved that the application be granted, seconded by Mr. Brookfield and unanimously carried.

10 - Lt. G. P. Keller, for permission to erect an attached garage with less than the required setbacks, on Lots 35 and 36

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Block H, Courtland Park, Falls Church Magisterial District. There was no one present objecting to this application being granted. Mr. Brookfield felt this case was a little different than previous ones, since this garage was attached to, and become a part of the house. Mr. Stockton, Zoning Administrator stated that he believed the purpose of the ordinance was to keep "living quarters" away from each other, and in this case the garage would not actually be "living quarters," although it was a part of the house. Mr. Brookfield moved that the application be granted, with garage to be 2 ft. from the side line, seconded by Mr. Piggott and unanimously carried.

11 - Patrick Taylor, for permission to erect and use a gasoline filling station, located on East side of # 123 about 2 miles South of Fairfax Station. Also for regulation size gasoline sign, Lee Magisterial District. Mr. Taylor explained that he wished to build a small filling station, since he couldn't work anymore, he thought a filling station would make a living for him. Mr. Stockton read the report of the Planning Commission recommending the denying of this application (recommendation now attached to application). A petition was presented signed by many nearby residents against the application being granted. Mr. Graves who owns 40 acres adjoining, objects to any business being established here. He also stated that he believed it would cause a traffic hazard at this point. After discussion, Mr. Brookfield made a motion that the application be denied, seconded by Mr. Piggott and unanimously carried.

4 - Donald K. Smith- this case was deferred until the end of the meeting- Mr. Smith had written a letter stating that he was unable to attend, and asked the Board to hear the case. The application was for a sign in front of building, and met the requirements, Mr. Mooreland made a motion that the application be granted, seconded by Mr. Brookfield and unanimously carried.

Mr. Mooreland made a motion that the meeting adjourn, seconded by Mr. Piggott and meeting was adjourned at 11:15 A.M. D.S.T. until 9 A.M. EST or 10 A.M. DST on Tuesday, June 15th, 1948.

B. Cooper Dawson
Chairman

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June 15, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, June 15,1948, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thomas I. Piggott, and William Mooreland. Major Elgin, the new member was not present. Herbert Schumann, Senior planner of the PlanningCommission, was present in the absence of T. J. Stockton, Zoning Administrator.

1. Rudolph O. Gustafson, for permission to erect an attached garage, with less than the required setback, located on a part of Lot 18, Frank Hannah Subdivision (mear Annandale) Falls Church Magisterial District. Mr. Gustafson stated that since he had no basement he wished to construct a garage large enough for a car and storage space. A garage 20 feet by 12 feet wide would leave a side yard clearance of 5 feet. Mr. Dawson asked if there was any objection to a 5 foot setback on this lot. There was none. Mr. Brookfield moved that the application be granted. Mr. Mooreland seconded the motion. It was carried unanimously.

#2 - Motor Parts and Service Company, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the South side of Lee Highway near Falls Church, #619 Lee Highway, Falls Church Magisterial District. The applicant stated that the sign would be 18 feet by 30 inches and would be placed immediately on the building-set into a frame-like ridge made to hold a sign of this size. The building is 35 feet from the street right-of-way therefore meeting the setback requirements. Mr. Brookfield said he could see no reason for objection to allowing this sign and moved that the application be granted. Mr. Piggot seconded the motion. It was carried unanimously.

#3 - Monroe Development Corporation, for permission to erect and use gasoline pumps, with less than the required setback, on Parcel C, Section IV, Jefferson Manor Subdivision., Mt. Vernon Magisterial District. Mr. Harnett, representing Monroe Development Corporation stated that the gas station was 32 feet from the right- of-way. He requested that they be allowed to install pumps 20 feet from the building which would leave a 12 foot clearance between the right-of-way and the front edge of the pumps. Mr. Dawson asked if a 15 foot space between the island and the building wouldn't be sufficient - giving a 17 foot setback from the right-of-way to the front edge of the island. This was acceptable to Mr. Harnett. Mr. Brookfield moved that the Monroe Development Corporation be granted the right to place the island 15 feet from the gas station. Mr. Piggot seconded the motion. It was carried unanimously.

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#4. Irving Payne, for permission to erect a Multiple Housing Project as allowed under Section XII, Subsection F-5, of the Fairfax County Zoning Ordinance, on approximately 33 acres and located on the northeast side of Route 7, about 1 mile northwest of Baileys Cross Roads, Falls Church District. Mr. Schumann read the report of the Planning Commission recommending against the establishment of a multiple housing project on this tract (known as Munson Hill) pointing out that in April, 1948, the Board had denied the application of Hannah L. Patterson to erect a multiple housing project immediately joining the property of Irving Payne. Senator Clarke represented Mr. Payne. He stated that the case of Hannah Patterson was not comparable to that of Mr. Payne in that the Patterson tract contained only 13 acres and was not suitably located for a large development of this kind - while the Payne tract contains approximately 43 acres. Mr. Clarke stated that Mr. Payne had owned this property for over 30 years and that he wished to develop it himself - in keeping with the general trend in this neighborhood, the present plan would be a construction much like Buckingham. Mr. Clarke showed the Board pictures of the proposed buildings and landscaping. It was Mr. Clarke's contention that large scale housing was bound to come to Fairfax County regardless of any effort to stop it and that it was far better to develop beautifully a large multiple housing program rather than scattered low cost, unattractive, ill planned houses. With the Government program expanding and Fairfax County lying next to Arlington - in the line of steadily growing population, it was logical to expect Federal low cost dwellings to concentrate in Fairfax County. But with an intelligent housing program already under way it would preclude undesirable Federal housing. He asked the Board to grant Mr. Payne's application.

Mr. Wilkins spoke against the development. He stated that some of the multiple housing developments which had not been objectionable had left a 200 foot strip all around the project, which gave a satisfactory protection to the neighborhood. Mr. Payne's plan of development showed nothing to indicate that kind of protection. Also Mr. Wilkins showed on the map where a very dangerous curve in Leesburg Pike, fronting on the Payne property, would be made an even greater hazard if traffic from a large development were turned into the Pike at this point. It is planned to straighten out this particular curve but an apartment house build at this point would make it practically impossible to fix the curve. Mr. Wilkins stated that Lebanon Tract which joins Mr. Payne's property is being developed in large tracts for first class homes and that he felt sure Mr. Payne could develop his property in the same manner with

probably slightly less profit to himself, but with infinitely greater benefit to the surrounding communities. It was Mr. Wilkins' belief that one apartment project in this locality would forever ruin the lovely homes and tracts already in the process of development.

Mr. Collier, owner and architect of Lebanon Subdivision, spoke against the project. He also brought out the fact that such a development would decrease the value of property in the nighborhood, make resale of estates difficult, and take away the rural aspect of homes - the important attraction for homw owners in this section. He also explained that to allow this project would jeopardize the rights of the Zoning Ordinance - leaving no place in the County free from a possibility of apartment house construction.

Mrs. Lee Parks and Mrs. Ann Wilkins also spoke against the project. Both expressed their confidence in the Zoning Ordinance and the protection it gave home owners. Mr. White, who had come to Lebanon Subdivision to rear his family in the country, sopke against such a development, bringing out the fact that apartment dwellers were not tax payers and were not usually civic minded people - due to the fact that their homes were naturally changing. Mr. Milam, Mrs. Marge, and Mrs. Collier asked the Board to deny the application in the interests of developing Munson Hill in conformity with the already definite trend - for attractive rural home planning.

Mr. Gerald Freed, President of the Claremont Construction Company, a multiple housing project located in Arlington County - immediately joining Fairfax County, spoke in favor of such a development. Mr. Freed was of the opinion that a multiple housing project would not hurt a good neighborhood but would actually enhance values. He said that we cannot hold back progress and that multiple housing properly developed was definitely progress for Fairfax County.

Mr. Clarke summed up the discussion. In closing he likened Mr. Paynes development to a multiple housing project near his own locality - Belle Haven. His home overlooks a large well planned multiple housing section which he has not considered unattractive nor a financial detriment to himself or other home owners. He stated that multiple housing was not rezoning but simply a change in use-putting many families under one roof.

Mr. Dawson asked those in the audience who were opposed to this application to stand. Ten were opposed. One stood in favor of the project. Mr. Brookfield moved that the application be denied. Mr. Mooreland seconded the motion. It was carried unanimously.

#5 - W. K. McMillan, for permission to erect a sign larger than allowed by the Zoning Ordinance, at the southwest corner of the Old Dominion Drive and Route 123 at McLean, Providence Magisterial District. Mr. McMillan stated that the sign would be placed on the building and would be 9 feet long by 2 feet high. The building meets the proper setbacks. The Chairman said that this type of sign was in keeping with others that the Board had approved. Mr. Mooreland moved that the application be granted. Mr. Piggot seconded the motion. It was approved unanimously.

#6 - C. P. Dean, for permission to erect and use gasoline pumps, with less than the required setbacks, located on the northeast side of Route 7, about 1 1/4 mile southeast of Baileys Cross Roads, Falls Church Magisterial District. Mr. Dean stated that the pumps were already installed and in use. The present setback of the island is 26 feet from the right-of-way and 24 feet from the building. Mr. Brookfield moved that Mr. Dean be allowed to leave the pumps where they are since it would work an undue hardship to move them and the clearance between the island and street right-of-way is not unduly out of line with requirements. Mr. Piggott seconded the motion and it was carried unanimously.

#7 - V-Line Motor Sales Corporation, for permission to erect two signs larger than allowed by the Zoning Ordinance, at their building and used car lot, located on the East side of U.S.#1 about 3 miles south of Alexandria, Mt. Vernon Magisterial District. Mr. Klein, representing the V-Line Motor Sales Corporation, drew a diagram of a V shaped sign which he wished to erect on his used car lot. It would be 40 feet from the Highway right-of-way. The Board felt that the sign (2 signs in the form of a V - one side 20 feet by 2-1/2 feet and the other 25 feet by 2-1/2 feet) was too large. It was agreed that the applicant could build one sign - whatever shape he wished but not to exceed 60 square feet - to be located 40 feet from the right-of-way. Mr. Brookfield made a motion to this effect. Mr. Mooreland seconded. It was carried.

#8 - Bernard R. Bell, for permission to erect an addition to his present dwelling, with less than the required sideyard setback, located on Lot 7, Section 2, Tauxemont Subdivision, and known as #3 Accotink Road, Mt. Vernon Magisterial District. Mr. Bell explained that he has a 40 foot setback on the side of his house where he wishes to put the construction. He requested permission to erect an addition which would be 23-1/2 feet wide, thus leaving a 16-1/2 foot setback. Mr. Brookfield stated that since this would still leave a reasonable setback from this side, he moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

#9 - A. H. Tinkle, for permission to divide a tract into two lots, with sufficient area, but less than the required width, located on the north side of Snowden Lane, about .6 mi. west of Mt. Vernon Boulevard, Mt. Vernon Magisterial District. Mr. Tinkle explained that he has a tract of land 171.6 by 497 feet in a Rural Residence District which he wishes to divide into two lots with less than the required frontage of 100 feet but that in dividing the lots he will have a frontage of 85.8 feet for each lot and each lot will have an area of 0.98 of an acre which is more than the area required in this district. Mr. Piggott moved that since the lot area was sufficient to meet requirementsthe application be granted. Mr. Mooreland seconded the motion. It was carried unanimously.

#10 - Karl S. Hershey for permission to erect a closed porch on the rear of his existing dwelling with less than the required rear setback, located on Lot 4, Block 6A, Section 5, City Park Homes Subdivision, #519 Adams Drive, Falls Church Magisterial District. Mr. Hershey told the Board that the closed porch which he wished to construct in the rear of his dwelling will come within 18 feet of the rear line but that this is the only side on which he can add a closed porch of this type. Mr. Mooreland suggested that this was a reasonable request and moved that the application be granted. It was carried.

#11 - R. O. Wessinger for permission to install and use gasoline pumps with less than the required setbacks, also for signs on a building, and for regulation size gasoline sign. Located on the south side of Lee Boulevard, at Seven Corners, Falls Church Magisterial District. Mr. Wissinger requested that the gas island be placed 12 feet from the right-of-way. The Chairman stated that a 12 foot setback would create a definite hazard and suggested that the island be placed 20 feet from the right-of-way. This was agreeable to the applicant. Mr. Wissinger presented a sketch showing four different size signs he wished to attach to his building. Mr. Brookfield moved that the 20 foot setback for the pumps be granted and that Mr. Wissinger be granted permission to erect four signs in accordance with the sketch he presented. Mr. Piggott seconded the motion. It was carried.

#12 - H. D. Lorey and F. S. Eversole, for permission to erect and use a frozen food locker plant with slaughter-house in connection therewith, also for interpretation of Section III, Subsection A-1, of the Fairfax County Zoning Ordinance. Located on the west side of road #666, adjacent to Corporate limits of the Town of Herndon, Dranesville Magisterial District. This case was discussed very little - the Planning Commission recommendation was read, Mr. Leigh made a short statement opposing a commercial slaughter house and Mr. Lorey answered questions regarding the location of the proposed frozen food

locker and slaughter house. Mr. Brookfield stated that he believed that a commercial abattoir was not appurtenant to agriculture - therefore the Board would have no jurisdiction in this case - he moved that the case be dismissed. Mr. Piggott seconded the motion. It was carried unanimously.

#13 - Helen Watts Martin, for permission to operate a private school for Boarding and Day pupils, on approximately 100 acres, on the north side of Road 604, just southeast of Forestville, on property known as Box Hill Farm, Dranesville Magisterial District. Mr. Mooreland asked if there was any opposition to this application, stating that he knew the property and was confident that it was well located for the establishment of a Boarding school. There was no opposition. Mr. Mooreland moved that the application be granted, Mr. Brookfield seconded the motion and it was carried.

#14 - E. H. Light, for permission to erect a private garage with less than the required setback, on Lot 1, Block 2, Section 1, Fair Haven Subdivision, #11 Hillcrest Drive, Mt. Vernon Magisterial District. Mr. Light stated that the garage he wished to construct would leave a side yard setback of only one foot, but that he and his neighbor had planned their driveways and garages to be satisfactory to each other. He agreed to put in a gutter to carry of surplus water. Mr. Mooreland moved that the application be granted, provided the water is taken care of. Mr. Brookfield seconded the motion. It was carried.

#15 - Neil Dickinson, for permission to erect a private garage with less than the required setbacks, on Lot 58, Plymouth Haven Subdivision, Mt. Vernon Magisterial District. Mr. Dickinson stated that the garage would come within 5 feet of the side line but that it was the only possible location for a garage and that there was no objection from his neighbor on this side. Mr. Piggott moved that the application be granted since it apparently did not interfer with his neighbor. Mr. Mooreland seconded the motion - it was carried. Mr. Brookfield made a motion that the meeting be adjourned - seconded by Mr. Mooreland. It was carried unanimously. The meeting was adjourned at 11:45 a.m. E.S.T. until the next regular meeting on July 20, 1948.

S. Cooke Davison
Chairman

July 20, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, July 20, 1948, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thomas I. Piggott, William Mooreland, and Major W. S. Elgin, and T. J. Stockton, Planning Engineer of the Planning Commission and Zoning Administrator.

#2.- The case of Abraham Dosik, second on the Agenda, was handled first. The application requested permission to erect a neon sign larger than allowed by the Zoning Ordinance, located on the south side of Lee Highway near Falls Church (621 Lee Highway), Falls Church Magisterial District. Mr. Piggott moved that the applicant be allowed to erect a sign 22" x 15'. Mr. Brookfield seconded the motion. It was carried unanimously.

#1.- Frank L. Campbell, for the erection of commercial buildings with less than the required setbacks from Miller Road, located on the Northwest corner of #123 and #663, Providence Magisterial District. Mr. Gail Landon represented Mr. Campbell. He showed that the building as shown on the plat setting back 50 feet from two roads- 123 and Hunter Road - could not possibly, according to the size of the lot, set back more than approximately 5 feet from the Miller Road. If the builder observed all the setbacks it would make his property practically useless. Therefore, he asked for the right to set back from the Miller Road 5 feet. While there no objections from those present, Mr. Brookfield moved that the application be denied since the construction of a building at this point would run too close to the Miller Road. Mr. Piggott seconded the motion. It was carried unanimously.

#3.- A. E. Simpkins, for permission to erect a regulation gasoline sign with less than the required setback, located on the east side of Veach's store at Lincolnia, Falls Church Magisterial District. Mr. Brookfield moved that the applicant be granted permission to erect his gasoline sign 10 feet from the right-of-way, provided no part of it extends over highway property. Mr. Piggott seconded the motion. It was carried unanimously.

#4.- Frank L. Fanning, for permission to erect a regulation gasoline sign larger than allowed by the Zoning Ordinance, located on the northwest side of U.S. #1 Highway, adjoining Garcia's property, Mount Vernon Magisterial District. Mr. Brookfield moved that this application be granted to be placed not less than ten feet from the Highway property. Mr. Mooreland seconded the motion. It was carried.

July 20, 1948

#5 - ~~Sydor~~ Dynor Pump and Well Company, for permission to erect a well-house (for community water system) on Parcel A of Hollin Hall Village, Mt. Vernon Magisterial District. Senator Clarke represented the ~~Sydor~~ Dynor Pump and Well Company. Mr. Clarke showed the location of the well house with relation to Hollin Hall Village and stated that it was their only means of an adequate water supply. Mr. Stockton agreed that the well was necessary and the plan for it was well arranged. There was no objection from those present. Mr. Brookfield moved that the application be granted. Major Elgin seconded. It was carried.

It was voted that the Board hear the two cases handled by Senator Clarke, Applications No. 7 and 17, as soon as the applicants arrived.

#6 - Peter B. Olmstead, for permission to have less front setback than required, located on the east side of #685 between #604 and #738, Providence Magisterial District. Mr. Stockton showed how in this case the topography affected the entire planning of the property. This is a lovely piece of ground with only one spot suitable for a building site. This would put the house 18.2 feet from Swink's Mill Road #685 - the front of the property. Mr. Mooreland moved that the application be granted since the short setback was from a road that would probably never be a major thoroughfare and the sparsely settled character of the surroundings. Mr. Brookfield seconded the motion. It was carried unanimously.

#8 - William T. Pritchard, for permission to operate a gravel pit in Agricultural District, located at the intersection of #611 and #617, Mt. Vernon Magisterial District. Mr. Pritchard stated that his gravel pit would be located 400 feet from Telegraph Road and that his property was practically surrounded by Fort Belvoir - which would prevent it from becoming a nuisance to home owners. He would haul gravel to Alexandria and to Fort Belvoir - both roads are black top. Mr. Stockton had seen the proposed gravel pit site and suggested that this was not an undesirable location in that it was in no way detrimental to surrounding property. He read the conditions from the Zoning Ordinance granting the right to operate a gravel pit. Mr. Brookfield moved that the application be granted. Major Elgin seconded. It was carried unanimously.

#7 - W. C. Wills, for permission to erect a detached garage with less sideyard setbacks than required on Lot 6 or Hillbrook Subdivision, Falls Church Magisterial District. Mr. Wills asked for a one foot side setback for his garage and a ten foot rear setback. Mr. Stockton had inspected the property and stated that while the garage location was very close to adjoining property it presented no problem as the neighbor concerned has no objection. The landscaping

and plan of the house and garage layout is very good and if this variance were not granted the owner would have to shift his garage so he could get into it - because of the location of the house. The arrangement really amounts to a topographical problem. Mr.Brookfield moved that - in order not to cause the owner unnecessary inconvenience - the application be granted to allow a 1-1/2 foot side setback and a 10 foot rear setback. Major Elgin seconded the motion. It was carried.

#9 - Leonard H. Wren, for permission to erect a club house on a part of Lot 22, Section II, Fairfax Park, Lee Magisterial District. Mrs. Wren appeared in this case. She stated that the club house would be 20 x 40 feet and would observe the required setbacks. It was to be used as a club for children and also as a church - under a three year lease. Mr. Brookfield said that he knew the property and the petitioner and was very sure that the Board could properly grant the petition. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

#17 - Joseph P. Crawford, for permission to erect a gasoline filling station with less than the required setback, located on Lots 44 and 45 of Cameron View Subdivision and property formerly owner by the Episcopal Church on the Southeast corner of #236 and 241. Senator Clarke represented the opposition to this application but after a full explanation of the intentions of the owner - to set well back from a bad intersection, those present who were opposing withdrew objections. The petitioner asked permission to relocate his building site to be 50 feet back from Telegraph Road rather than the 30 foot setback requirement - thus reducing the setback from Dale Drive from 45 feet to 30 feet. Major Elgin moved that the variance be granted. Mr. Piggott seconded the motion. It was carried.

#10 - Howard H. England, for permission to erect a neon sign larger than allowed by the Zoning Ordinance, located on the south side of #738 at McLean, Providence Magisterial District. Mr. England showed a drawing of the proposed sign - three words - each of which would be 12" average height and length varying according to the word. The entire sign proposed would contain 35-1/2 square feet. Mr. Mooreland stated that since the sign created no hazard he would move that the application be granted. It was seconded by Mr. Piggott and carried.

#11 - Percy S. Crewe, for permission to operate a tea room and antique shop, located on the west side of Route 7 about 1000 feet south of Seven Corners, Falls Church Magisterial District. Mrs. Crewe appeared - to support this case. She presented a group of

photographs showing the location and landscaping of her property with relation to its suitability as an exclusive tea room. She also pointed out that the property could eventually be developed into a country club style tea room with a golf course and with the addition of a swimming pool and tennis courts it would serve as an attractive addition to the neighborhood. She agreed to choose a lessee with the greatest care - both for her own protection and for the protection of the neighborhood. Mrs. Crewe stated that she had talked with a number of people living near her property and they were very happy at the idea of having a good tea room in the locality. Mr. Poppleman of Ravenwood also agreed that a tea room would be an asset to the community in general, and that several families in Ravenwood had spoken very favorably of having a tea room at Mrs. Crewe's home. Mr. Stockton read two letters opposing the granting of this application; one from Mr. and Mrs. Lee Parks and the other from Sargent white - both expressing their opposition to the change in character which this use would place upon the neighborhood. Mr. Stockton stated that in view of the development of this district it was inevitable that multiple housing would eventually be approved near this general location. He felt that the use Mrs. Crewe was requesting was a desirable graduation between the very attractive subdivisions on the one hand and multiple housing on the other- it as least was controlled business which would give a certain degree of protection to home owners. Mr. Brookfield suggested that such a use could be an asset to the community - that this was not a rezoning but an exception to the present use. There were no objections from those present in the Board Room. Mr. Piggott moved that the application be granted. Major Elgin seconded. It was carried.

#12 - John W. Giberman, for permission to erect an addition to present dwelling with less than the required sideyard setback, located on Lot 14, Section II, Tauxemont (6 Shenandoah Road), Mt. Vernon Magisterial District. Mr. Giberman stated that the side on which he wished to reduce the setback was facing community property - a plot of ground that could never be used for a residence lot as it did not conform to the size requirements. Major Elgin moved that since there was no possibility of this addition annoying neighboring property - that the applicant be allowed a setback of 16feet 6 inches. Mr. Piggott seconded the motion. It was granted.

No. 13, the case of Chris Chrisostomidis was put over to the last as there was no one present to support the application.

#14 - Claude S. Byrne and Vernon H. Shepherd, for permission to erect a double garage with the wall on party line, located on the SE corner

of #244 at Annandale, Falls Church Magisterial District. Mr. Byrne appeared before the Board. His drawing showed the location of the proposed new construction. The double garage would be used by two families - a driveway for each garage and the dividing wall on the party line. Mr. Dawson suggested that it would be well to be very certain that the line between the lots is correctly surveyed to be sure it is in the right place. Mr. Byrne said that a recent survey has been made. Mr. Brookfield moved that the application be granted. Major Elgin seconded the motion. It was carried.

#15 - G. Raymond Gaines, for permission to erect and use gasoline pumps with less than the required setback. Also for a regulation size gasoline sign, located on the south side of U. S. #1, near Engleside, Mt. Vernon Miagisterial District. Mr. Gaines asked permission to place his pumps 39 - 1/2 feet from the state highway right-of-way and to place the regulation gasoline sign - 7 feet from the street property line. There was no objection. Mr. Piggott moved that the application be granted. Mr. Brookfield seconded. It was carried.

#16 - Raymond Poppleman, for permission to erect and the use of a community building, located in the Ravenwood Subdivision at the corner of Route #7 and Juniper Lane, Falls Church Magisterial District. Mr. Poppleman presented plans and the artists sketch of his proposed building, showing the landscaping and the location of the building. While there will be an office for Ravenwood Subdivision in the building, it will also be designed for the use of residents in the neighborhood. One large room would provide an excellent place for community meetings - this in itself, Mr. Brookfield suggested, would enable the applicant to call this a community building. The structure will cost in the neighborhood of $50,000 and will conform in every way to the good architecture surrounding it. It is well designed to take care of traffic and in time - if one wished - could be converted to a residence. Mr. Poppleman said that he did not wish a rezoning for business but would rather the Board would grant a restricted use as requested in his application. Mr. Piggott moved that the application be granted as a community house subject to the plans which Mr. Poppleman had presented and subject to use as a real estate office and for the benefit of the subdivision as a community building. Mr. Brookfield seconded the motion. It was carried.

Mr. Chris Chrisostomidis (Application No. 13) did not appear. This case was deferred until the next meeting.

Mr. Stockton was asked to explain the change in procedure regarding cases appealed from decisions of the Board of Zoning Appeals to the Board of Supervisors as enacted by the State Legislature at the last session of the state legislature.

July 20, 1948

The procedure for appeal to the Board of Supervisors had been that one may present an appeal at the first regular meeting of the Board, not earlier than ten days from the time of the verdict of the Board Zoning Appeals. The Board of Supervisors asked Mr. Stockton to draft an amendment which would cut out the appeal from the Board of Appeals to the Board of Supervisors - but rather that an appeal should be made only to the Courts. Legal advice showed that this could not be done - but that the appeal must be made back to the authority that delegated it. The Board of Supervisors objected to the time element in making an appeal. The new amendment provides that the aggrieved person appeal to the Board of Supervisors not earlier than ten days after the decision of the Board of Zoning Appeals. The Board of Supervisors then refer the case to the Planning Commission for study and to recommend to the Board of Supervisors whether or not theBoard of Appeals have properly interpreted and applied the powers delegated to them. At the next regular meeting of the Board of Supervisors the recommendation is presented. At this meeting the Board of Supervisors shall hear the report of the Planning Commission, the appellant or his attorney, and the Chairman or Vice-Chairman of the Board of Zoning Appeals - no new evidence is to be presented. The Board renders its decision as to whether or not the Board of Appeals has properly applied the authority delegated to them.

Discussion followed regarding the merits of working under this new amendment.

Mr. Stockton reported on the joint meeting of the Board of Supervisors and the Planning Commission and reviewed the amendments presented at this meeting - especially those affecting the Board of Appeals.

Mr. Piggott moved that the Board adjourn until the next regular meeting, August 17. Major Elgin seconded the motion. It was carried.

S. Coppet Dawson
Chairman

August 17, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, August 17, 1948, with the following members present: Mr. Cooper Dawson, Chairman, Mr. Brookfield, Mr. Piggott, Mr. Mooreland, Major Elgin, and Mr. Stockton, Planning Engineer and Zoning Administrator.

#1. Thomas N. Griffin, for permission to erect a garage with less than the required front and sideyard setbacks on Lot 154, Section III, Tyler Park Subdivision, Falls Church District. Colonel Griffin appeared before the Board. He asked permission to set his garage on the slope in front of his house. The house has a side setback of ten feet. The garage would be underground and would come from 3 to 5 feet from the side line and 10 feet from the front line. Mr. Brookfield suggested that it wasnt a very good idea to allow this - here we have a house with a 10 foot setback - not complying with the Zoning Ordinance and now the applicant asks for a garage with less than required setback and the garage in the front yard - all in opposition to the Ordinance. Colonel Griffin explained that there was no other possible location for a garage. Mr. Brookfield moved that the case be deferred until Mr. Stockton came. Mr. Piggott seconded the motion It was carried.

#2. George C. Gillingham, for permission to have a less sideyard setback than required on Lots 4, 5, and 6, Gillingham Subdivision, Mt.Vernon District. Mr. Kimball, owner of the property asked for a postponement until Mr. Gillingham arrived. The Board agreed.

#3. Hollin Hills Construction Corporation, for permission to have less front setback than required on Lots 11, 12, and 13, Section I, Hollin Hills Subdivision, Mt. Vernon District. No one was present in this case. It was deferred until later.

#4. A. G. Dezendorf, for permission to erect and use gasoline pumps with less than the required setback, located on the southeast side of Lee Boulevard at Seven Corners, Falls Church District. Mr. Brookfield moved that this case be put over until Mr. Stockton arrived as he had some highway maps which should be shown. Major Elgin seconded the motion, and it was carried.

#5. Ruth M. Porter, for permission to operate a kindergarten in her present dwelling on Lots 33 and 34, Daniels Subdivision, Falls Church District. There was no question of setbacks on this case. The house in which the kindergarten would be conducted is on two lots - 80' wide and is placed an equal distance from each side. The school would be conducted in the recreation-room-basement of the house. The

Chairman asked Mr. Stockton if this was a permitted use according to the Ordinance. Mr. Stockton said that it was - subject only to the determination of the Board. There was no objection from anyone present. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded - it was carried.

Since Mr. Stockton had come in - the case of Colonel Griffin was brought up again. Mr. Stockton said that due to the topography of the ground the garage could be completely under ground - the Colonel would probably leave the roof (which would be concrete) level with the ground around the house. However, the Ordinance says that accessory structures shall be in the rear only. There is the question, Mr. Stockton suggested - is the garage in the front yard if it is submerged? Since this case was a little unusual, Mr. Stockton said he would be glad to take the Board to view the property during the lunch recess and come back at 2 for a decision. Mr. Brookfield moved that the Board put this case over until after the trip to look it over - meeting again at 2 o'clock. Major Elgin seconded the motion, and it was carried.

#4. A. G. Dezendorf, for permission to erect and use gasoline pumps with less than the required setback, located on the southeast side of Lee Boulevard at 7 Corners, Falls Church District. Considerable time and deliberation was put on this case because of the importance of the intersection. The PlanningCommission had taken it up with the Highway Department. The ultimate plan of the Highway Department is to have a 30 foot service drive along Lee Boulevard bordering this property. Therefore, they would not object to the 15 foot setback for the gasoline pumps as requested by the applicant but would not grant the two entrances to the gasoline station from Lee Boulevard as shown on the plot plan. This was satisfactory to Mr. Dezendorf. Mr.Dawson asked if there was objection from anyone present. There was none. Major Elgin moved that since the service drive would act as a protection against the traffic the petitioner be granted a 15 foot setback for his pumps. Mr. Piggott seconded the motion. It was carried unanimously.

Since there was no one to appear for Applications 1, 2, and 3, Mr. Brookfield moved that they be put at the bottom of the list. Mr. Piggott seconded. It was carried.

#6. Sol Hasten, for permission to erect a neon sign larger than allowed by the Zoning Ordinance, located on the south side of U.S.#1 - 2 miles north of Colchester Inn, Lee District. The sign requested by the applicant would be 12" high and 60' long and would be placed against the building. Major Elgin moved that since the building met the proper setbacks and there were no objections from those present - that the application be granted. Mr. Brookfield seconded. It was carried.

August 17,1948

#7. Joseph P. Baker, for permission to operate a recreation center, located on the northwest side of Route #626 about 3 miles southwest of Groveton, Mt. Vernon District. Since this is a permitted use the Chairman asked if there were any objections from those present. It was asked if this was to be exclusively for whites. The petitioner said yes. The setbacks were checked and found to be satisfactory. Major Elgin moved that the application be granted. Mr. Piggott seconded. It was carried.

#8. A. D. Jerkins, for permission to have a rear yard setback less than required on Lot 10, Block 2, Section I, Addition to Plymouth Haven, Mt. Vernon District. Mr. Brookfield moved that this case be placed at the end of the list since there was no one in the Board Room to represent the petitioner. Major Elgin seconded the motion, and it was carried.

#9. Carl J. Dreifus, for permission to subdivide a lot into two lots; each to contain less than required width, area, and sideyard on Lot 64; Section II, Wellington Subdivision, Mt. Vernon District. This case was put over until later as there were objectors who wished to appear and they had not yet arrived.

#10. Charles A. Gallagher, for permission to have less than the required sideyard setback on Lot 45, Section I, Wellington Subdivision, Mt. Vernon District. This plat was of record before the Zoning Ordinance went into effect. However, the applicant can comply with all requirements of the Ordinance except on one sideyard setback. In order to meet the front setback of 50 feet, one sideyard setback of 25 feet-the other sideyard will run 18 feet from Kent Road. The lot is a little over 1/2 acre. Major Elgin moved that since this is an old plat and the applicant is meeting all requirements except the one-the application be granted. Mr. Brookfield seconded the motion.It was carried.

#11. Virginia Electric and Power Company for permission to erect an electric substation with attendant fixtures and appliances, located on the northwest side of Route #628, adjacent to A. H. Tinkle Subdivision, Mt. Vernon District. Mr. H. W. Anderson, Attorney, represented the Virginia Electric and Power Company. Mr. Anderson said that the substation was originally installed to serve Fort Hunt and Fort Washington He showed on the map how the present location of the substation, near Fort Hunt, was no longer adequately located with reference to the load. Since Fort Hunt and Fort Washington have been practically abandoned it is not practical to carry power from a sparsely populated area to a densely populated and fast growing section. Therefore, the Company is asking permission to move the present substation to the A.H.Tinkle Subdivision - a parcel of land 120' x 375' - to take care of the

change in load. Mr. Anderson pointed out that this is a necessary utility and he believed a practical request. The Chairman asked if there was opposition to this application. Mr. Stockton read a petition objecting strenuously - signed by 13 families in the neighborhood of the proposed location. These people objected on the grounds that this installation would disturb the peace and quiet of homes in that vicinity, it would interfere with radio reception, detract from the appearance of several homes, there is an abundance of open land available near the load, and it would affect home values. Mr. Russel B. Davis represented the objectors. Mr. Anderson said that the Va. Electric and Power Company resented the Board telling them where they could put their substations and lines - that they had tried to buy other property in this vicinity but had been unable to and that they must have a central location to properly take care of their users. The Company has a contract on this piece of land - pending the decision of the Board. Mr. Brookfield moved that the application be denied. There was no second. The Chairman asked for Mr. Stockton's opinion. Mr. Stockton said that without doubt the Company was reasonable in wanting a location nearer the center of population which they were serving but that he felt that the Company also had a definite responsibility and that they should make every effort to locate a substation with regard to establishing a place that was not only satisfactory from the standpoint of their load but that it should not be a detriment to the neighborhood and people nearby. In other words the location must be satisfactory to all concerned. It is obvious that the present/proposed location would create an unhappy situation in the neighborhood. Mr. Anderson said that the Company was perfectly willing to locate some place else - if their conditions could be met - but that they had been unable to buy any other piece of ground. Mr. Davis and others objecting suggested other locations which might be available - locations which would perhaps not affect already established homes as the presence of a substation would immediately decrease home values. Mr. Anderson said that the Company wished to have just one substation to take care of the present load and possible future development. Mr. Brookfield stated that he had a motion before the Board to deny the application but that there had been no second. Major Elgin seconded the motion. It was carried - Mr. Mooreland not voting. Mr. Anderson indicated that the Virginia Electric and Power Company would appeal the decision of the Board.

#12. Otey Barnhart, for permission to erect a detached garage with less than the required front setback, located on Parcel 2 of Harris property on the west side of #687 on a 16 foot outlet road, Providence District. Mrs. Barnhart explained her plot plan. It was shown that

the detached garage would be in the front yard - 10 feet in front of the building line. The Chairman stated that this is against the Ordinance as all accessory buildings should be in the rear with twice the setback required for the dwelling. Mr. Brookfield suggested a change in location for the garage but Mrs. Barnhart did not think it practical. Mr. Brookfield moved that since the requested location of the garage was against requirements of the Ordinance it be denied. Mr. Piggott seconded and it was carried.

#13. Clarence Hardbower, for permission to erect and use gasoline pumps with less than the required front setback, located on the East side of U.S.#1 between Bob's Market and Trailer Camp, Mt. Vernon District. The Board examined the plot plan. The pumps would be located 12 feet from the filling station building and 32 feet from the street right-of-way. Mr. Stockton asked if this was an intersection - Mr. Hardbower said that it was not. Mr. Piggott moved that since this would not create a hazard and the installation otherwise met zoning requirements that the application be granted. Major Elgin seconded the motion. It was carried.

#14. Juan T. Colon, for permission to operate a golf-driving range on a part of Parcel A of John B. O'Shaughnessey property, located on the northeast side of #7, about 1/2 mile south of Bailey's X Roads, Falls Church District. Mr. Colon and Mr. OShaughnessey appeared to support this application. They explained the location of the proposed driving range on the plot plan. Mr. Brookfield stated that in view of the trend in this locality (Sports Town is located near) and since there is no possibility of danger to pedestrians if this range is established - he would move that the application be granted. Major Elgin seconded the motion. It was carried.

#15. M. E. Thorp, for permission to erect an addition to present store building with less than the required sideyard setback on Lots 11, 12, 13, and part of 14 - Southern Villa Subdivision, Falls Church District. Mrs. Thorp appeared to support her application. Mr. Stockton said that he had looked into this case with considerable care, since it involved a definite violation of the Zoning Ordinance. Mrs. Thorp had asked for a permit to enlarge her store (she has run this store for 30 years) it is operating as a nonconforming use. Under the Ordinance a nonconforming business cannot be extended if there are to be structural alterations to the building. Therefore, the zoning office could not issue Mrs. Thorp a permit for these alterations. However, Mr. Stockton had two men from the Planning Office make a survey and plot plan of Mrs. Thorp's property. Since a permit could not be issued for this application, Mr. Stockton suggested that if

Mrs. Thorp would petition for rezoning she might add to the building without question but there was the possibility that the Board of Supervisors would not grant the rezoning - since it would be a case of spot zoning. The two alternatives Mr. Stockton suggested to Mrs. Thorp were to come before the Board of Appeals asking for a variance on the setback and for permission to erect the addition or to ask for a rezoning. His advice was for her to come before the Board of Appeals as the most likely to give her relief, as in case the rezoning was granted she would still have to come before the Board of Appeals for the variance regarding the side setback. Mr. Stockton said that even though the Board might be in sympathy with Mrs. Thorp's application - in compliance with the Zoning Ordinance, in his opinion they had no authority to grant this expansion of a nonconforming business. The Chairman asked if there were objections from anyone in the room. There were none. Mr. Brookfield said that he felt that any objections to the expansion could be justified - that this was an established business of long standing which would be greatly damaged by the present lack of space and he moved that the petition be granted. Mr. Piggott seconded the motion and it was carried.

#16. Ward P. Allen for permission to erect an addition to his present dwelling with less than the required sideyard setback on Lot 23, Section II, Tauxemont, Mt. Vernon District. Mrs. Allen appeared before the Board. She asked for a 23 foot sideyard setback. She showed that the addition could be placed only on one side of the building because of the topogrqphy of the ground. Mr. Brookfield said that the Board had granted many variances in Tauxemont because of the way the houses were placed on the lots and because of the general topography. Since this was a similar case and the addition was not a detriment to the neighbors he would move that the application be granted. Mr. Piggott seconded. It was carried.

Since the people interested in Case No. 2 (George Gillingham) were present the Chairman suggested that this case be taken up next. Mr. Gillingham and Mr. Kimble appeared before the Board. Mr. Gillingham said that he had originally planned 6 lots on a 50 foot street which led off of Highland Road. He found that the lots were too small to conform to zoning regulations so he grouped the lots into two lots - putting 1, 2, and 3 together and 4, 5, and 6 together. Mr. Kimble bought Lots 4, 5, and 6 as one lot facing on a dead end outlet street. Since the other lot (1,2,&3) had Highland Road as an outlet there was not longer a need for the road bordering the lots so Mr. Gillingham sold these lots including the 25 foot dedicated road. Mr. Kimble had obtained a permit from the Zoning Administrator and built his house 50 feet from the outlet road and 25 feet from the other

lines - this put his house directly on the 25 foot line which had originally been dedicated as a road. Mr. Stockton said that the Permit was valid as Mr. Kimble had shown a deed to this property including the road and he therefore could not refuse to give him a permit- as long as he complied with all setbacks - which he did. The legality of the transfer of the lots including the street was not the concern of the Zoning office - that was a case for the courts to determine - can a street be abandoned without due process of law? He had only to be sure whether or not the setbacks were conforming. The Chairman asked if there was objection to this application. There was. Several families in the neighborhood were represented. They stated that since the road had been closed it left no outlet for the children from in back of Mr.Kimble's property on their way to school. In order to get to Highland Road they would normally take the road along the Gillingham property - but since that was closed they crossed private property and had done a great deal of damage to gardens, fences, and yards. They wanted the right-of-way to be kept open to protect their yards and to give the children a proper access to Highland Road, without tresspassing on private property. It was their belief that no individual had a right to close a dedicated road. Mr. Mooreland said that since the plat shown to the Zoning Administrator had shown the dedicated road he did not think the Zoning Administrator had the right to issue a permit. Mr. Brookfield said he did not think that this was a case for the Board of Zoning Appeals but that it was a legal case. He moved that the case be dismissed because the Board did not have jurisdiction to make a decision. Mr. Mooreland seconded the motion. It was carried.

#3. Case No. 3 was taken up next - Mr. Hussey was present to represent Hollin Hills Construction Corporation. Mr. Hussey said that he was asking a front setback of not less than 35' on Lots 11, 12, and 13 because of the beautiful trees on these lots and the contour of the ground, he felt that an irregular setback line in this subdivision would not be unattractive especially if the trees were kept. Mr. Brookfield said that due to the topography of the ground and the fact that the developer was trying to save beautiful trees he would move that the application be granted. Mr. Piggott seconded the motion. It was carried.

The case of Chris Chrisostomidis - which had been deferred from the last meeting because Mr. Chrisostomidis was not present was taken up next - asking for permission to erect a neon sign larger than allowed by the Zoning Ordinance, located on the south side of Lee Highway, 607 Washington Street, Falls Church District. The petitioner asked for two signs - both to be located on the building - each sign

32" high by 14' long. It was shown that the building itself met the required setbacks and since the signs would be on the building out of the way - there was no reason to object. Mr. Brookfield moved the application be granted. Major Elgin seconded. It was carried.

Case No. 9 - application of Carl J. Dreifus was taken up. This application involves the subdivision of Lot 64, Section II, Wellington into two lots both of which do not meet the zoning requirements in width, area, and sideyard setbacks. A house has been built on each lot one with a 5' 5" sideyard setback and the other with a 5' 8" sideyard setback. Mr. Stockton asked for a ruling on the regulations from the Board. Mr. Mooreland said he thought this was a case for the Commonwealth Attorney - that the Ordinance had been flagrantly violated and therefore he would move that the Zoning Administrator be instructed to proceed to correct the violation. Major Elgin seconded the motion. It was carried.

Mr. Mooreland moved that the case of A. D. Jerkins (No. 8) be deferred until the next regular meeting as no one was present to support the application. Major Elgin seconded the motion. Carried.

Mr. Moorelandmoved that the Board adjourn until after lunch and that during the lunch hour the Board view Colonel Briffin's property in Tyler Park. Mr. Piggott seconded the motion. It was carried.

The Board reconvened at 2 o'clock and the case of Co. Griffin was discussed. In view of the fact that the Ordinance prohibits construction of accessory buildings except in side and rear yards at a distance twice the setback required for the main building and after viewing the property it was found that there was no topographic condition to justify a variance from the regulations, Mr. Brookfield moved that permission to put the garage in the front yard be denied but that the Lt. Colonel be granted the right to locate his garage in the rear of his house with a 5' rear setback. Mr. Mooreland seconded the motion. It was carried.

It was announced that a special meeting of the Board of Zoning Appeals would be held August 31, confirmation of which would be sent out at a later date. It was also recommended that beginning at the special meeting the Board should procede to read and approve minutes of past proceedings.

Mr. Mooreland moved that the meeting adjourn until the special meeting August 31. Mr. Piggott seconded. It was carried.

S. Cooper Dawson
Chairman